

BIGMUN 2025

GA6: Legal

Research Report

Topic 2: Debating civilian rights for the possession and trade of firearms



Arshin Masihpour & Naima El Ouargui-Mayerhofer

Table of Contents

Introduction.....2
Definition of Key Terms.....2
Background Information.....3
Major Countries and Organizations Involved.....3-4
Relevant UN Resolutions.....4
Previous Attempts to Solve the Issue.....4
Possible Solutions.....5
Bibliography.....6

Introduction

Considering civilian rights in the possession and trade of firearms is a globally contentious issue. It involves rights of self-governance, public safety, societal values and government intervention. Often the right to possess firearms is enshrined in State’s foundational legal documents, in effect a constitution. For example, the United States is a significant agent in allowing widespread possession of firearms, a phenomenon enabled by the second amendment of its constitution. This debate calls into question the extent to which civilian rights should be considered relative to the possession and trade of firearms.

This research report will elaborate on this issue, as well as provide examples of previous passed resolutions aiming to ameliorate the situation. Thereby, a general framework, applicable to each nations’ internal affairs, is established.

Definition of Key Terms

Civilian rights: The guarantee of equal social opportunities and protection under law, regardless of race, gender, religion, or other characteristics. They are an essential component of democracy.¹

1 This definition refers to civil rights in an overarching sense, thereby more specific definitions are available. The above definition is provided by: Hamlin, Rebecca. “Civil rights | Definition, Types, Activists, History, & Facts.” Britannica

Firearm(s): Refers to a portable gun, such as a rifle or pistol, and is usually small in size.

Background Information

The debate on civilian rights for possession and trade of firearms centers largely on balancing public safety with individual freedoms. The United Nations (UN) plays an important role in addressing the wider implications of illicit firearms possession and trade, with specific focus on curbing illegal arms trade, reducing gun violence, ultimately promoting global peace and security. The UN's scope is limited in that it does not directly regulate civilian firearm ownership, as this practice is considered a domestic affair. Emphasis is however still placed on measures to address the negative impacts of firearms, encompassing 'small arms and light weapons' (SALW²), in order to move towards global peace and security.

Early reliance on firearms was established in the 16th century, essential to 'militia culture' and 'frontier living', which became widespread in a period marked by the American Revolutionary War. Firearm possession and usage has now, due to technological advances, moved away from old objectives and design towards potentially lethal models (such as the AK-15³). The shift from single-fire round firearms to semi-automatics heightens concerns for misuse, as risks of infringement on public safety rises. High profile tragedies from the late 20th and early 21st century, such as the Columbine shooting (1999)⁴ and the Sandy Hook massacre (2012)⁵, have spurred increasing support for measures regulating possession and trade of firearms, also referred to as gun control.

Benefits can also be found in the possession of firearms. The vast majority of gun owners cite safety/protection, rather than hunting or sports, as their main reason for ownership compared to 1999. Specific to the U.S. 79% of gun owners state that owning a gun makes them feel safer⁶. The psychology behind the majority of gun ownership can be traced to the need to protect, whether that encompasses oneself or family members. This increasing shift to gun ownership as a means of protection may point to the increasingly polarising nature of modern society.

The backlash generated by the nature of gun control proposals stems from the ideology that guns and firearms as a whole are seen as a symbol of freedom and independence, but more significantly protection. Civilian rights are called into question relative to gun possession when

² *An abbreviation coined by the UN*

³ *This also encompasses rapid-fire firearms, also known as machine guns. These firearms are classified by their ability to shoot between 1,000 and 500 rounds per minute.*

⁴ Columbine High School Shooting: Victims & Killers | [HISTORY.com](https://www.history.com)

⁵ Ray, Michael. "Sandy Hook Elementary School shooting | Facts & Timeline." [Britannica](https://www.britannica.com)

⁶ "Why Own a Gun? Protection Is Now Top Reason." [Pew Research Center](https://www.pewresearch.org) (*nonpartisan source*)

evidence has shown that unregulated access to firearms poses greater societal risk than private benefit. The controversy of this debate is established when individual freedoms, such as largely unregulated possession of firearms are allowed or denied, either to the benefit or risk of society.

Major Countries and Organizations Involved

United States of America - U.S. civilians own 393 million guns, owning more guns "than those held by civilians in the other top 25 countries of firearm possession combined."⁷ The U.S. is one of the few countries where the right to possession of a firearm is enshrined in the constitution (the Second Amendment).

Mexico - Out of the 193 countries comprising the United Nations Mexico has the fifth largest number of civilians in possession of unregistered firearms. The economic damage caused by gun violence amounts to, according to some sources, an estimated 21% of the country's GDP⁸. This has driven Mexico to taking unprecedented action; suing U.S. arms manufacturers. This comprehensive strategy aims to reduce the amount of handguns and military style rifles overwhelming the country.

Guatemala - The right to civilian possession of firearms is enshrined in Guatemala's constitution. There are 12 civilian firearms per 100 people⁹, making it the 70th most armed nation. The high influx of U.S. guns into Guatemala results in increased gun violence, decreasing the safe mobility of civilians.

Japan - Japan is a global exemplar of how strict control and regulation of civilian firearm possession leads to exponentially low rates of gun violence. Japan consistently ranks among the lowest in homicides caused by guns and its policies are often cited in debates advocating stricter gun control measures.

Brazil - In 2003 Brazil implemented the Disarmament Statute¹⁰ limiting access and banning certain firearms. However with the election of Jair Bolsonaro in 2019 these regulations were rolled back, allowing for increased presence of firearms in Brazil. With the inauguration of Lula da Silva as president in 2023, legislation has tightened regarding the amount of firearms civilians are allowed to possess.

⁷ Edith M. Lederer (June 18, 2018). "[Americans Own 46% of the World's 1 Billion Guns, Says U.N. Report](#)". [Time](#). Archived from the original on June 22, 2018. Retrieved December 17, 2024.

⁸ Mexico's Bold Move Against Gun Companies | [Arms Control Association](#)

⁹ "Estimated number of civilian guns per capita by country." [Wikipedia](#)

¹⁰ How the Change in Gun Control Policy in Brazil Intensified This Link." [Journal of Illicit Economies and Development](#)

United Nations Office on Drugs and Crime (UNODC) - While the primary focus of the UNODC is on prevention of illicit arms trade in relation to organised crime, violence and terrorism, its work is highly relevant to global efforts ensuring firearm security. Thereby. This organisation is a major player in advancing civilian rights in the possession and trade of firearms.

Convention on Certain Conventional Weapons (CCW) - The convention, held by the UN, concluded in Geneva on the 10th of October, 1980 and entered into force in 1983. It worked towards restricting the use of certain conventional weapons displaying high risk of being considered excessively injurious, or whose effects are indiscriminate.

Relevant UN Resolutions

[S/RES/2117](#) - 2013

This resolution, adopted by the Security Council, focuses on the “illicit transfer, destabilising accumulation and misuse of small arms and light weapons”.¹¹

[A/HRC/RES/29/10](#) - 2015

A resolution adopted by the Human Rights Committee on the regulation of civilian acquisition, possession and use of firearms.

[A/RES/78/46](#) - 2023

This resolution, passed by the General Assembly, applies a holistic view to the illicit trade in small arms and light weapons, and supplies measures to combat this.

Previous Attempts to Solve the Issue

[Arms Trade Treaty](#) - 2013

One significant attempt to address this issue was the Arms Trade Treaty (ATT). This treaty was the first legally-binding instrument, negotiated in the UN to establish common standards for the international transfer of firearms. The treaty promoted cooperation, transparency and importantly, responsible action by member states. This treaty was an extension of the work done in the UN office of Legal Affairs.

¹¹ Resolution 2117 (2113) / adopted by the Security Council at its 7036th meeting, on 26 September 2013

[UNODC Firearms Protocol](#) - 2001

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms is another significant attempt to address this issue with the severity it deserves. Being the first and only legally binding instrument countering the illicit manufacturing and trafficking of firearms (and their subsequent parts) it provides a framework for States to control the flow of illicit arms. This protocol works to strengthen international cooperation on a contentious issue, establishing mechanisms to combat illegal activity within the firearm sector.

[EU Directive 2021/555](#) - 2021

Officially referred to as the directive of the European parliament on control of the acquisition and possession of weapons, this directive aims to set uniform standards for the regulation of civilian firearms. Through strengthening existing provisions EU member states work towards preventing misuse, improving public safety and counter terrorism. Furthermore, the requirement of national databases to keep a record of all firearms transactions promotes transparency in an already dubious industry.

Possible Solutions

Stricter Gun Control Laws

Member states who have not done so yet should strongly consider implementing comprehensive regulations. These include mandatory and universal background checks, firearm registration and restrictions on firearms used in military combat, containing rapid-fire rounds. The aim of this approach is to ensure that only qualified and responsible individuals possess firearms. This in turn reduces risk of misuse and violence, to the benefit of public safety. Countries with strict gun control regulation like Japan and the UK provide a successful framework for this.

Increased International Cooperation and Treaties

By strengthening existing international treaties, such as the Arms Trade Treaty it becomes increasingly feasible to prevent illegal trade in small arms and light weapons (SALW). Additionally, enhancing collaboration cross-border, on arms tracing, information sharing and enforcement has potential to reduce illicit flow of weapons to unauthorised users and conflict zones. These measures help maintain the rights of civilians in areas where this situation may be precarious.

Addressing Root Causes of Gun Violence

Poverty, inequality and organised crime are all root causes of gun violence. Thereby, implementing solutions to address these causes will ultimately play a significant role in decreasing gun violence. These solutions come in the form of investments in community programs, social services and education, which helps decrease demand for illicit firearms, reducing gun violence. Furthermore, treating gun violence as an issue of public health can lead to evidence - based interventions, such as education, research, education and preventative measures. This also makes governments more likely to fund incentives and studies focusing on the impacts of firearms on society. This in turn may generate solution-oriented policies aimed at reducing firearm related injuries and death.

Bibliography

- UN Human Rights Office*, <https://www.ohchr.org>. Accessed 26 December 2024.
- “The Firearms Protocol.” *United Nations Office on Drugs and Crime*, <https://www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html>. Accessed 26 December 2024.
- Karp, Aaron. “Gun culture in the United States.” *Wikipedia*, https://en.wikipedia.org/wiki/Gun_culture_in_the_United_States. Accessed 26 December 2024.
- “Machine gun | History, Description, & Facts.” *Britannica*, 22 November 2024, <https://www.britannica.com/technology/machine-gun>. Accessed 26 December 2024.
- Woolcott, Peter. “Arms Trade Treaty.” *United Nations - Office of Legal Affairs*, https://legal.un.org/avl/ha/att/att.html?utm_source=chatgpt.com. Accessed 26 December 2024.
- Hamlin, Rebecca. “Civil rights | Definition, Types, Activists, History, & Facts.” *Britannica*, 17 December 2024, <https://www.britannica.com/topic/civil-rights>. Accessed 15 January 2025.
- Columbine High School Shooting: Victims & Killers | HISTORY*, 9 November 2009, <https://www.history.com/topics/1990s/columbine-high-school-shootings>. Accessed 15 January 2025.

Ray, Michael. "Sandy Hook Elementary School shooting | Facts & Timeline." *Britannica*, <https://www.britannica.com/event/Sandy-Hook-Elementary-School-shooting>. Accessed 15 January 2025.

"Why Own a Gun? Protection Is Now Top Reason." *Pew Research Center*, 12 March 2013, <https://www.pewresearch.org/politics/2013/03/12/why-own-a-gun-protection-is-now-top-reason/>. Accessed 15 January 2025.

"Mexico's Bold Move against Gun Companies." Mexico's Bold Move Against Gun Companies | Arms Control Association, www.armscontrol.org/act/2022-09/features/mexicos-bold-move-against-gun-companies. Accessed 15 Jan. 2025.

"Estimated number of civilian guns per capita by country." *Wikipedia*, https://en.wikipedia.org/wiki/Estimated_number_of_civilian_guns_per_capita_by_country. Accessed 15 January 2025.

Reel, Monte, et al. "US Guns in Guatemala Fuel Violent Crime, Worsen the Migrant Crisis." *Bloomberg*, 9 August 2023, <https://www.bloomberg.com/graphics/2023-us-gun-violence-border-crisis-guatemala/>. Accessed 15 January 2025.

Santos, Roberto Uchôa de Oliveira. "The Connection between Legal and Illegal Firearms Markets: How the Change in Gun Control Policy in Brazil Intensified This Link." *Journal of Illicit Economies and Development*, 27 Mar. 2024, jied.lse.ac.uk/articles/10.31389/jied.247.

"Directive - 2021/555 - EN - EUR-Lex." *EUR-Lex*, 6 April 2021, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021L0555&qid=1737056792346>. Accessed 16 January 2025.

The firearms protocol. United Nations : Office on Drugs and Crime. (n.d.). <https://www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html>