



General Assembly First Committee Topic Background Guide

Topic 2: Controlling the Trade and other Transfers of Small Arms and Light Weapons¹

30 September 2011

Oxfam International is an international non-governmental organization based in the United Kingdom whose mission is to promote development and human rights worldwide by empowering people at the grassroots level.² As part of this work, Oxfam calls attention to the causes of poverty and human rights violations. One of those causes is war. According to Oxfam,

On 6 December 2006, the UN General Assembly first voted to work ‘towards an Arms Trade Treaty’ to protect civilians worldwide from irresponsible arms transfers. For almost three years, governments have discussed what the treaty might look like. And in that time almost 2.1 million men, women, and children have died as a result of armed violence. Millions more have been injured, displaced, or impoverished. Had there been an effective Arms Trade Treaty in place, regulating the flow of arms around the world, it could have significantly reduced this human tragedy.³

Oxfam is not alone. Many development and human rights groups call attention to the direct costs in deaths and destruction caused by international and civil wars, as well as the indirect or “opportunity costs” caused by spending on the military instead of on economic and social programs.

According to the *Small Arms Survey 2005*, “Small arms are an important feature in all of today’s conflicts: they are responsible for the majority—between 60 to 90 per cent—of all direct conflict deaths, depending on the nature of fighting.”⁴ In addition, as explained by the Stockholm International Peace Research Institute (SIPRI), small arms and light weapons (SALW) are “used to target civilians using other forms of violence, such as systemic rape and forced displacement.”⁵

At the September 2011 High-Level Meeting of the UN General Assembly, leaders of two states – Jamaica and Ghana – focused their remarks on the importance of addressing illicit (illegal) transfers of SALW. By “transfers,” they mean sales, loans, and gifts of weapons from one state or organization to another.

According to Ghanaian President John Atta Mills, ““For developing countries such as Ghana, the illicit proliferation of small arms and light weapons and other conventional weaponry continues to pose a threat our

¹ This background guide was written by Karen Ruth Adams, faculty advisor, with contributions from Samantha Schorzman (2007). Copyright 2011 by Karen Ruth Adams.

² Oxfam, “Our Work,” accessed 27 September 2011, <http://policy-practice.oxfam.org.uk/our-work>

³ Oxfam, “Dying for Action: Decision time for an urgent, effective Arms Trade Treaty,” 07 Oct 2009, available at <http://policy-practice.oxfam.org.uk/publications/dying-for-action-decision-time-for-an-urgent-effective-arms-trade-treaty-114463>

⁴ *Small Arms Survey 2005* (New York: Oxford University Press, 2005), available at <http://www.smallarmssurvey.org/files/sas/publications/yearb2005.html>

⁵ Stockholm International Peace Research Institute (SIPRI), “Small Arms and Light Weapons (SALW),” <http://www.sipri.org/research/disarmament/salw>

Montana Model UN High School Conference

national security and socio-economic and political stability.”⁶ Similarly, Jamaica’s Deputy Prime Minister, Kenneth Baugh, said, “Jamaica, like its Caribbean Community (CARICOM) partners, continues to face severe threats to our long-term socio-economic development from the illicit trafficking in narcotic drugs, small arms and light weapons and ammunition.”⁷ Both leaders agreed that, without international agreement and cooperation on this matter, national efforts would be insufficient to address the problem.

By expressing concern about SALW, Jamaica and Ghana are agreeing with Oxfam and other development and human rights organizations. Yet, by focusing only on illicit transfers, instead of “authorized transfers” from one UN member state to another, Jamaica and Ghana are also departing from those organizations, whose concern relates to both legal and illegal transfers. In this respect, the positions of Jamaica and Ghana are very similar to those of most other UN member states, which are concerned about illicit transfers (though they define those in different ways), not about authorized transfers from one UN member state to another.

Today, almost five years after the GA first called for the development of an Arms Trade Treaty (ATT), it remains unclear whether and how one could be achieved. One of the major points of contention is how to deal with SALW. Can the GA-1 draft and pass resolutions that make some progress on this issue so the 2012 conference negotiating the ATT can be successful?

History and Current Events

According to UN Secretary-General Ban Ki-moon, “The value of the global authorized trade in small arms and light weapons and their ammunition is estimated at more than \$7 billion per year. The value of undocumented trade cannot be determined with any specificity, but may run in the billions as well.”⁸

The primary actors in the arms trade are exporting and importing states. States enter into an arms deals for various reasons, including economics (profits for the exporter and cost savings for the importer) and security (whether the transfer will increase the recipient’s ability to defend itself without decreasing the seller’s security).⁹

According to SIPRI, from 2005 to 2010, four of the five permanent Security Council members -- the U.S., Russia, France, and UK – were (in descending order) among the world’s top-five arms exporters. The other country in the top five was Germany, which ranked third between Russia and France.¹⁰ According to the Small Arms Survey, in 2008, these countries were also among the primary exporters of small arms.¹¹

⁶ “Ghana backs proposed UN treaty on weapons trade,” UN News Centre, 23 September 2011, available at <http://www.un.org/apps/news/story.asp?NewsID=39737&Cr=weapons&Cr1=>

⁷ “Tighter regulation needed of small weapons, Jamaica tells General Assembly,” 26 September 2011, available at <http://www.un.org/apps/news/story.asp?NewsID=39799&Cr=organized+crime&Cr1=>

⁸ Ban, Ki-moon, “Small Arms,” Report of the Secretary-General, S/2011/255, 5 April 2011, p. 2, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/289/72/PDF/N1128972.pdf?OpenElement>

⁹ Paul Levine, Ron Smith, Lucrezia Reichlin, Patrick Rey “The Arms Trade” *Economic Policy* Vol. 12, No. 25, (October 1997).

¹⁰ SIPRI, “TIV of arms exports from the top 50 largest exporters, 2005-2010,” available at <http://armstrade.sipri.org/armstrade/page/toplist.php>

¹¹ “Annexe 1.1 Annual authorized small arms and light weapons exports for major exporters (annual sales of more than USD 10 million), 2008,” *Small Arms Survey 2011*, pages 2-9, available at <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2011/en/Small-Arms-Survey-2011-Chapter-01-Annexes-1.1-1.2-EN.pdf>

Montana Model UN High School Conference

According to SIPRI, from 2005 to 2010, the top five importers of arms of all types were (in descending order): India, China, South Korea, the United Arab Emirates, and Pakistan.¹² However, according to the Small Arms Survey, in 2008, the top five importers of SALW were the United States (\$1.2 billion), United Kingdom (\$158 million), Germany (\$157 million), Australia (\$153 million), France (\$138 million), and Pakistan (\$134 million).¹³

Small arms are generally thought to be less likely than major conventional arms such as tanks, aircraft, and missiles to backfire and reduce the security of exporting countries. However, exporters are reluctant to supply even SALW to states or non-state actors that may later use them against them or their allies or transfer them to someone else who might do so. But it is hard for exporters to be sure importers are complying with their wishes. For example, during the period of UN military sanctions on Iraq, Singapore bought naval cannons from the UK, then re-exported them to Iraq.¹⁴ Although naval cannons are not small arms, this example demonstrates the lack of control exporters have when a sale is complete. This problem is especially acute with small arms and light weapons, which are cheap and easy to move and, therefore, extremely difficult to monitor.

In the last decade, the scope of such problems has greatly expanded because of globalization. Improved transport and communications have expanded the scope and reach of individual and corporate arms traders, who can make deals with non-state actors such as guerilla groups and terrorists without states knowing about their activities.¹⁵

There are many countries around the world in which legal and illegal sales of small arms have created humanitarian problems. For example,

A study of the Rwandan archives traces the network of small arms dealers that supplied weapons to the people who carried out the Rwandan genocide. Hutu extremists killed 800,000 Tutsi and moderate Hutu in the spring of 1994. ...[T]he extremists got their arms from dealers in several countries, including Belgium, Britain, Italy, Albania and Israel.¹⁶

In 2007, according to the UN, the Darfur region of Sudan was the worst humanitarian catastrophe in the world.¹⁷ From 2003, when war broke out between government-backed Arab militia and rebel groups, and 2005, more than 200,000 people were killed. According to physician Tom Arendshorst,

The individual case of the complex, protracted intrastate war in Sudan clearly exemplifies the terrible hazards of the global small arms market. In Sudan, the genocidal campaign of the Sudanese (Muslim) government against native Muslims living in the newly-discovered oil field lands of Darfur has been actively pursued through government-assisted militias, primarily the Janjawid. The Janjawid are able to carry out their program of mass terror, murder and intentional starvation by virtue of their wealth of small arms provisions -- Kalashnikov AK47 assault rifles, rocket-propelled grenades, and jeep-mounted machine guns -- despite the UN adoption in 2001 of

¹² SIPRI, "TIV of arms imports to the top 50 largest importers, 2005-2010," available at <http://armstrade.sipri.org/armstrade/page/toplist.php>

¹³ "Annexe 1.2 Annual authorized small arms and light weapons imports for major importers (annual imports of at least USD 10 million), 2008," <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2011/en/Small-Arms-Survey-2011-Chapter-01-Annexes-1.1-1.2-EN.pdf>

¹⁴ Levine, *et al.*, "The Arms Trade," p. 347.

¹⁵ Ban, "Small Arms," p. 2.

¹⁶ Lisa Schlein, "Study: Illegal Small Arms Trade Fueling African Conflicts," Voice of America, 03 January 2007, available at <http://www.voanews.com/english/news/a-13-2007-01-03-voa27.html>

¹⁷ Schlein, "Study: Illegal Small Arms Trade Fueling African Conflicts."

Montana Model UN High School Conference

Article 16 of the UN International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts.¹⁸

Small arms are also reportedly being sold to rebel groups in South America and Asia, such as the FARC in Colombia and the Tamil Tigers in Sri Lanka. In recent years, however, trade has been mainly concentrated in sub-Saharan Africa. The United Nations estimates small arms cause more than 1,300 deaths every day, and at least 500,000 people are killed by them every year.¹⁹ In addition to these direct effects, SALW have many indirect social, economic, and environmental costs.

Previous Committee Work on this Topic

In 2001, at the request of the UN General Assembly, the UN held a Conference on the Illicit Traffic in Small Arms and Light Weapons. At the conference, participating states adopted a Programme of Action (PoA) to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons, in All Its Aspects.²⁰ By endorsing the PoA, states agreed to begin work on a treaty that would limit the illicit (illegal) trade in small arms and light weapons. In addition, states urged one another report on their work in implementing the PoA.²¹ Between 2002 and 2010, 152 of the UN's 192 member states submitted at least one report.²²

Despite the PoA, it was not until 2005 that a large number of states agreed to a definition of SALW. This definition was developed by the GA-established Open Ended Working Group to Negotiate an Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. In their June 2005 report to the GA, the Working Group defined SALW as "any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive." In particular:

"Small arms" are, broadly speaking, weapons designed for individual use. They include, *inter alia*, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns.

"Light weapons" are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, *inter alia*, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a caliber of less than 100 millimetres.²³

¹⁸ Tom Arendshorst, "Small Arms Trade," *Beyond Intractability*, eds. Guy Burgess and Heidi Burgess, Conflict Research Consortium, University of Colorado, Boulder, April 2005, available from http://www.beyondintractability.org/essay/small_arms/

¹⁹ Schlein. "Study: Illegal Small Arms Trade Fueling African Conflicts."

²⁰ United Nations, "Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects," Document A/CONF.192/15, 20 July 2001, available at <http://www.poa-iss.org/PoA/poahtml.aspx>

²¹ For individual country reports, see United Nations, "Programme of Action Implementation Support System," <http://www.poa-iss.org/PoA/PoA.aspx>

²² Sarah Parker, "National Implementation of the United Nations Small Arms Programme of Action and the International Tracing Instrument: An Analysis of Reporting in 2009–10, Interim Version," *Small Arms Survey*, June 2010, p. 18, available at <http://www.poa-iss.org/MGE/Documents/Index/SAS-AnalysisofReporting.pdf>

²³ UN General Assembly, "Report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,"

Montana Model UN High School Conference

In July 2006, UN member states participated in the United Nations Conference to Review Progress Made in the Implementation of the PoA. The conference ended without agreement on next steps. According to Belgian researcher Holger Anders, this was because the original PoA had not defined “illicit transfers,” and five years later states were still disagreeing about what that should mean. In addition,

States refused to budge on their positions for how the threat of illicit small arms should be countered at the global level. A small group of states, including China, Cuba, India, Iran, Israel, Pakistan, Russia, and the United States, opposed any further development of the UN program. They argued that states should act to implement previous commitments rather than pursuing new ones. Many states from Europe, Latin America, the Pacific, and sub-Saharan Africa disputed the claim that existing global standards on small arms control were sufficient to combat the illicit small arms trade effectively. They urged the intensification of efforts at the global level in “crucial” areas such as controls and standards on small arms transfers, on ammunition, and on civilian small arms possession.²⁴

The GA was able to agree in December 2005 on the text of a more limited agreement to cooperate on marking legally-produced SALW weapons so they can be identified and traced. But, according to Anders, the Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons “has its limits as well, as the United States and certain Middle Eastern and Asian countries prevented its adoption as a legally binding treaty as well as blocked the inclusion of ammunition in its scope.” In addition, by 2006, “only 53 states had required that all small arms be marked as an integral part of their production process.”²⁵

One of the reasons for a lack of progress on a SALW treaty was that supporters of SALW regulations decided it would be more effective to add SALW provisions to a more general Arms Trade Treaty (ATT) limiting illicit transfers of conventional weapons of all types, including major weapons such as tanks, planes, and cruise missiles. Momentum for such a treaty had been growing since 2003, when three non-governmental organizations -- Amnesty International, the International Action Network on Small Arms (IANSA), and Oxfam -- began the Control Arms Campaign. In 2006, Control Arms presented UN Secretary-General Ban Ki-moon with a petition signed by more than 1 million people worldwide who supported the development and passage of an ATT.²⁶

In October 2006, the GA voted to develop an ATT. In Resolution A/RES/61/89, GA members acknowledged “the right of all States to manufacture, import, export, transfer and retain conventional arms for self-defence and security needs, and in order to participate in peace support operations.” In addition, the resolution reminded UN members of their “obligations to fully comply with arms embargoes decided by the Security Council in accordance with the Charter, and to respect international human rights law.”²⁷ According to the UN, this resolution passed “by a vote of 153 in favour to 1 against (United States), with 24 abstentions.” Those abstaining were “Bahrain, Belarus, China, Egypt, India, Iran, Iraq, Israel, Kuwait, Lao People’s Democratic Republic, Libya,

A/60/88, 27 June 2005, p. 7, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/400/59/PDF/N0540059.pdf?OpenElement>

²⁴ Holger Anders, “The UN Process on Small Arms: All Is Not Lost,” *Arms Control Today*, March 2007, available at http://www.armscontrol.org/act/2007_03/Anders

²⁵ Anders, “The UN Process on Small Arms.”

²⁶ Control Arms, “About Control Arms,” <http://www.controlarms.org/about.php>

²⁷ UN General Assembly, “Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms,” A/RES/61/89, 6 December 2006, p. 1, available at <http://daccessdds.un.org/doc/UNDOC/GEN/N06/499/77/PDF/N0649977.pdf?OpenElement>

Montana Model UN High School Conference

Marshall Islands, Nepal, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sudan, Syria, United Arab Emirates, Venezuela, Yemen, Zimbabwe.”²⁸

According to Anders, one of the main lines of disagreement about an ATT in general and about treaties limiting SALW in particular pertain to transfers to nonstate actors:

The United States has long opposed such a restriction because it may interfere with the “the rights of the oppressed to defend themselves against tyrannical and genocidal regimes.” In contrast, a delegate from Uganda argued at the 2006 conference that “[t]ransfers to non-state actors, particularly to insurgent groups fighting governments, constitutes a major challenge...as such transfers are responsible for escalation and perpetuation of conflicts, often fuelling further proliferation.”

According to Robert Joseph, who was the US Undersecretary of State for Arms Control and International Security during the George W. Bush administration, “the United States opposes restrictions of civilian small arms possession because it may interfere with the constitutional rights of U.S. citizens to bear arms.”²⁹

In October 2009, the GA-1 passed a draft resolution calling for a series of preparatory conferences in 2010 and 2011 to draft the ATT and for a high-level diplomatic meeting in July 2012 to negotiate the final details and open it for signature. This resolution passed by 153 to 1 (Zimbabwe) with 17 abstentions. This time, the US, now led by the Obama administration, voted for the resolution.³⁰

As of September 2011, the precise language of the ATT remains up in the air. According to Control Arms (CA), which has grown to encompass 18 non-governmental organizations worldwide, the language proposed in the GA’s resolution calling for the ATT is too narrow and should “hold governments accountable” to international humanitarian law and to the UN Charter. Specifically, because “Armed violence impinges on citizens’ basic human rights to security, food, education, and medical care,” the ATT “must ensure no transfer is permitted when there is substantial risk the arms will be used to commit serious violations of international human rights law and international humanitarian law.” In addition, CA argues that the treaty should apply to “all weapons” and “all transactions and transfers.” Finally, Control Arms calls for “transparency” (regular, mandatory reporting by governments to the UN) and for “compliance and accountability.” This means that “Arms agreements must be enforceable. An Arms Trade Treaty must have a mechanism for monitoring compliance, and must include provisions for dispute settlement and sanctions.”³¹

Recently, it has come to light that China continued to sell SALW and ammunition to Sudan during the Darfur conflict, despite UN arms sanctions on Sudan. According to journalist Colum Lynch, “Since 2001, China has supplied Khartoum with 72 percent of its imports of small arms and light weapons.” In addition, a recent UN report claims that “Chinese ammunition had made its way into Darfur, and in some cases, had actually been used in skirmishes against U.N.-African Union peacekeepers.”³² This is exactly the sort of compliance problem with which the ATT would have to deal

²⁸ UN General Assembly, Press Release GA/10547, 6 December 2006, available at <http://www.un.org/News/Press/docs/2006/ga10547.doc.htm> The list of abstaining countries is contained in this document.

²⁹ Anders, “The UN Process on Small Arms.”

³⁰ UN General Assembly First Committee, Press Release GA/DIS/3396, 21 October 2009, available at <http://www.un.org/News/Press/docs/2009/gadis3396.doc.htm>

³¹ Control Arms, “About the Arms Trade Treaty,” <http://www.controlarms.org/att.php>

³² Colum Lynch, “Exclusive: Named and shamed, China turns to intimidation,” Turtle Bay blog, *Foreign Policy*, 18 January 2011, available at http://turtlebay.foreignpolicy.com/posts/2011/01/18/named_and_shamed_china_turns_to_intimidation

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Conclusion

At least 640 million firearms are licensed worldwide³³ – approximately one for every ten people alive today. It is not known how many unlicensed SALW exist. According to former UN Secretary-General Kofi Annan, “...the excessive accumulation and illicit trade of small arms is threatening international peace and security, dashing hopes for social and economic development, and jeopardizing prospects for democracy and human rights.”³⁴

What can and should the GA do to address the growing arms trade market and the dangers it creates? In particular, what provisions on SALW – the most often used weapons – should be included in the ATT?

As you research your country’s position on this issue, consider the following questions:

- Is your country primarily an importer or exporter of small arms and light weapons? To whom does it export, and/or from whom does it import?
- Is your country currently involved in military conflicts? If so, with whom? What are the issues at stake, how is the conflict being conducted, and what effects is the conflict having on the security of the people and states? If your country is not currently involved in a war, what potential military threats does it face? What is the role of small arms and light weapons in these conflicts?
- Does your country regularly report on its compliance with the PoA?
- Is your country a party to and/or in compliance with other arms control treaties, such as the Nuclear Non-Proliferation Treaty and the Landmine Treaty? What can the GA-1 learn about how the ATT should be drafted from the experience of these treaties?
- What provisions regarding SALW should the ATT contain? In particular, how should “illicit trade” be defined? For example, should it be legal for states to transfer SALW to non-state actors and/or to states that are not in compliance with international human rights norms? Should all types of weapon and transfer be included? How should the treaty be enforced?

Recommended Reading

Ban, Ki-moon. “Small Arms.” Report of the Secretary-General. S/2011/255. 5 April 2011. Available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/289/72/PDF/N1128972.pdf?OpenElement>

This recent report by the UN Secretary General provides up-to-date information on the scope and scale of the SALW challenge, as well as detailed recommendations for addressing it.

Control Arms. Website. Available at <http://www.controlarms.org/>

Control Arms (CA) is a coalition of NGOs working to promote a strong Arms Control Treaty. On this site, you can see some of the provisions that CA members are working to have included in the treaty. In addition, there is some information on individual country positions on the treaty.

³³ United Nations, “Global Issues: Disarmament,” <http://www.un.org/en/globalissues/disarmament/index.shtml>

³⁴ Control Arms, “The Solution,” available at http://www.controlarms.org/the_issues/solution.htm

Montana Model UN High School Conference

Schlein, Lisa. "Study: Illegal Small Arms Trade Fueling African Conflicts." Voice of America, 03 January 2007. Available at <http://www.voanews.com/english/archive/2007-01/2007-01-03-voa27.cfm?CFID=221775786&CFTOKEN=30475278>

This news report summarizes the situation with small arms in Africa.

These sites provide US Defense Department Data on small arms importers and exporters.

Small Arms Survey. "Weapons and Markets." Available at <http://www.smallarmssurvey.org/weapons-and-markets.html>

Small Arms Survey is Swiss research organization that an annual report with estimates of the worldwide trade in SALW and excellent, in-depth country and region reports. This page is an overview of their work. From elsewhere on the site, you can access the annual reports. An alternative is to view the tables cited in Footnotes 11 and 13.

Stockholm International Peace Research Institute (SIPRI). "SIPRI Arms Transfers Database." <http://www.sipri.org/databases/armstransfers>

SIPRI is a think tank that focuses on military and security matters. From this page, you can obtain data on your country's participation in the arms trade, as well as on arms trade in your region. The SIPRI site is worth exploring for other information on this topic.

Tom Arendshorst. "Small Arms Trade." *Beyond Intractability*. Edited by Guy Burgess and Heidi Burgess. Conflict Research Consortium, University of Colorado, Boulder, April 2005. Available from http://www.beyondintractability.org/essay/small_arms/

This article by a physician discusses the global trade in small arms, focusing on the situation in Sudan.

United Nations. Department of Disarmament Affairs. "Conventional Arms: Small Arms /Armed Violence." Website. Available at http://www.un.org/disarmament/convarms/SALW/Html/SALW-PoA-ISS_intro.shtml

This website summarizes the UN's work to date on small arms and provides access to the text of key agreements.

United Nations. "Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects." Document A/CONF.192/15. 20 July 2001. Available at <http://www.poa-iss.org/PoA/poahtml.aspx>

To date, this is the main international agreement on SALW. One of the provisions of the agreement is voluntary country reporting. For individual country reports, see United Nations, "Programme of Action Implementation Support System," <http://www.poa-iss.org/PoA/PoA.aspx>