

Committee: DISEC 2

Topic: The question of the arms trade between states and non-state actors

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Summary

The uncontrolled flow of arms to particular groups of non-state actors (NSAs) such as terrorist groups, has been widely recognised as a cause of conflict and violence globally. Much of this discourse focusses on the trade of small arms and light support weapons (SALW) between states and armed rebels, criminal gangs, and terrorists. Generally, most NSA's are considered to be incapable of operating advanced weapons systems, but there are exceptions to this notion. Private military companies are known to have acquired helicopters, armoured vehicles and other major convention weapons, and the international transfer of major conventional weapons to armed groups operating in the Middle East has been ongoing since the end of the Cold War.

Though conventional weapons also feature within this discussion, civil wars and inter-communal conflicts tend to be fought almost exclusively using SALW's. Due to this, attempting to control the proliferation of small arms to non-state actors within civil conflict is key to reducing violence within these conflicts. Whilst NSAs are capable of obtaining arms from private dealers, studies show that many rely heavily on sources within their state of operation to obtain arms¹, particularly poorly protected government stockpiles. That being said, black market trading and covert government shipments continue to be a major problem, and the international involvement with arming NSA's should not be ignored.

Generally, states supply arms to groups that serve their own national interest by, for example, attacking an enemy government, or to groups that share an ethnic or ideological affinity with the supplier state. Many Member States consider the supply of arms to NSA's opposed to their government an infringement of their sovereignty, and seek to wholly eliminate arms transfers to non-state actors.

Definition of Key Terms

Non-state actor (NSA): an individual or group that has significant political influence, such as armed rebel groups, terrorist organisations, criminal gangs, or private military companies, but is not allied to any particular state.

Arms trade: Includes both the legal transfer/sale of small arms and light weapons between persons or states, as well as the illegal transfer/sale of such weapons.

¹ Jackson, T., 'From Under Their Noses: Rebel Groups' Arms Acquisition and the Importance of Leakages from State Stockpiles', *International Studies Perspectives*, 11, 2010, pp. 131-47

Small arms and light weapons (SALW): Firearms that can be carried, including rifles, handguns, and light machine guns.

Conventional weapons: Weapons which are not weapons of mass destruction, including armoured vehicles, armed helicopters, combat aircraft, artillery, and warships. This term can also include small arms, land mines and ammunition, but in this report small arms are referred to separately.

Militia: A military force that engages in rebel or terrorist activities in opposition to a state government/army.

Shi'ite: Adherents to the Shi'a branch of Islam.

Background Information

Armed NSAs are a well-known and frequently discussed entity in world politics, yet there is still little concrete legislation to prevent the transfer of arms by states to non-state actors. Article 51 of the UN Charter states that all Member States have the right to self-defence, which is interpreted to cover states legally trading in military equipment beneficial to their national security. For a state arms trade to be illegal, it would generally involve prohibited technology such as state secrets or weapons of mass destruction, or a trade to a banned recipient such as North Korea or Iran. However, transferring arms to an NSA is not illegal under international law, unless the actor is under a UN arms embargo or banned by a resolution of the UN Security Council. As aforementioned, many states consider the supply of weapons to NSA's in their nation an infringement of their sovereignty and an aggressive act, which fuels international conflict.

The diversity of arms supplies to NSAs is a relatively recent phenomenon, which came about after the Cold War. During the Cold War, almost all arms transfers came through the two rival blocs, the United States and the USSR, whereas today numerous states contribute to the supply of armaments to NSAs, making it far more difficult to keep track of. Whilst there are those states who wish to eliminate arms transfers to NSAs, other states strongly believe in their right to supply armaments and other military assistance where they choose, and oppose legislation against this.

Major Countries and Organizations Involved

The United States of America: The USA is generally considered the largest supplier of arms to NSAs, a position they have held since the invasion of Iraq in 2003. The state's decision to supply weapons to NSAs is controversial, as there have been significant mistakes in keeping track of where they are and

who is using them. The Pentagon supplied at least 1.45 million SALWs to government security services and militias in Afghanistan and Iraq, including Kalashnikov assault rifles left over from the Cold War, as well as a selection of 266,000 pistols, and roughly 112,000 machine guns. There is no way of tracking the whereabouts of all this weaponry, but it is highly suspected that much conflict throughout the Middle East and South East Asia is fuelled by the prevalence of these small arms.

Kurdish Militias in Iraq: Kurdish militias acting in Iraq are the biggest NSA recipient of military equipment supplied by the USA. Kurdish militias in Syria also received arms supplies from America to aid their fight against the so-called Islamic State. The distribution of arms to Kurdish militias strained relations between Turkey and the USA, as Turkey strongly opposes Kurdish groups who wish to take control of Turkish territory.

Russia: Russia is a smaller actor in the supply of arms to NSAs, suspected of supplying SALWs and military assistance to the Ukraine. One famous incident of Russian supplied weaponry fuelling conflict took place in 2014, as a Buk (SA-11) surface-to-air missile was used to destroy Malaysian Airlines flight 17, and kill all those on board.

Iran: Iran has grown in activity in recent years, becoming a leading supplier to NSAs, particularly in the Middle East and North Africa. Weapons supplied are generally small arms and ammunition, some of which is produced in Iran, but much of which is re-exported from China or North Korea. These armaments are primarily received by Shi'ite groups, whom Iran share a religious identity with, specifically Hezbollah (see next paragraph). The United Nations has expressed concern to the Security Council that Iran may have violated their arms embargo by supplying weapons to Hezbollah, and Israeli representatives maintain that weapons sent by Iran include missiles and rockets capable of targeting all of Israel.

Hezbollah: A political party in control of the southern region of Lebanon, and a part of the nation's coalition government. Israel and Hezbollah were at war in 2006, and Hezbollah currently fight in Syria in support of the government of Bashar al-Assad.

Timeline of Events

Date	Description
3 rd December 1989	The Cold War 'officially' ends, as Mikhail Gorbachev and George Bush shake hands aboard a ship docked in Malta.
20 th July 2001	The United Nations creates the <i>Un Programme of Action on the Illicit Trade in Small Arms</i> .

20th March 2003	US forces invade Iraq, citing Weapons of Mass Destruction as the reasoning.
12th July- 14th August 2006	War breaks out in Lebanon. Conflict ensues between Hezbollah and Israel.
15th March 2011	Civil war breaks out in Syria.
14th July 2014	Russian supplied weaponry, a Buk SA-11 surface-to-air missile is used to destroy Malaysian airlines flight 17.

Relevant UN Treaties and Events

Arms Trade Treaty (ATT) 2013: This global treaty, established in 2013, gives humanitarian standards for the transfer of arms in order to ensure that the weapons will not be used to uphold human rights violations or genocide. The treaty does not outright ban the transfer of arms to NSAs, the primary reason for this being opposition from groups such as the Arab League, who argued that defining which NSAs can and can't receive arms is impossible.

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Ammunition (The Firearms Protocol): This protocol is the only globally legally binding instrument to tackle illicit manufacturing of firearms and parts thereof. The protocol provides a framework for member nations to be able to control and regulate their legal arms flow, as well as facilitate the investigation and prosecution of offences regarding illegal arms manufacturing and trafficking.

Previous Attempts to solve the Issue

Previous attempts to solve the issue include the aforementioned treaties, as well as consistent debate within the United Nations. Prior to the creation of the Arms Trade Treaty, issues were raised by member states in the UN General assembly (GA Res 61/89 December 2006), with 7/100 of views submitted calling for an outright prohibition of on transfers of arms to NSAs.

Furthermore, issues related to arms transfers to NSAs were raised during a session of the Group of Governmental Experts in 2008, as well as the Preparatory Committee meetings of 2010-2012, but the ATT seems to be the only quantifiable result of these years of deliberation.

Possible Solutions

When considering possible solutions to this issue, it is important to consider the reasons why previous attempts to solve it have not been successful. In this case, the position of powerful states such as Iran, China, and the USA, who wish to preserve their right to trade arms with non-state actors, is a major consideration. It may be beneficial to focus on promoting transparency and limiting arms trade to non-state actors rather than outright banning it, as this is highly controversial and practically difficult.

Solutions could include a process whereby nations bring their request to trade arms with an NSA before a UN panel in order to collectively consider the possible impact. Nations with high traffic of arms trade to NSAs could also be required to produce reports for public consumption, and account for the whereabouts of all the weapons they supply. Customs officials and police can often identify the origins of weapons stockpiles they seize, and requests to the Security Council to impose sanctions on nations frequently found to supply weapons that contribute to human rights violations is another option.

Overall, solutions should focus on improving dialogue between member nations and facilitating legal arms trade, as well as diminishing conflict fuelled by unregulated arms deals with non-state actors.

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