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Addressing the Illicit Supply of weapons to Non-State Actors with special emphasis on ISIL and Boko Haram

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Topic Introduction

Illicit trafficking is the cross-border movement of firearms, their parts and components, and ammunition without authorization or without the proper marking of the firearms. One of the most contentious topics for the international community is the transfer of conventional weapons and providing weapons to non-state actors. For many states, providing weapons to any recipient other than a state is an omission that should be prevented and opposed. The illegal trade usually involves prohibited technologies (state secrets) or transfers to banned recipients.

With illegal trade of small arms and light weapons fueling conflict in the Special Committee on Disarmament and International Security as they are the most cost-effective weapons in the world. This aggravates the humanitarian situation and undermines development, and this increases the need for a political will and effective arms management to tackle the trafficking and diversion of weapons and ammunition to conflict zones where non-state actors are located.

Small arms and light weapons (SALW) refers to the use of small arms as an individual-service for carrying missions and operations by individual infantrymen projectile firearms including but not limited to handguns, muskets, shotguns, rifles, and personal defense weapons. Light weapons are infantry-portable weapons that are either crew-served kinetic firearms, incendiary devices, or shoot explosive munitions. These may include: anti-tank rifles, general-purpose machine guns, unmounted heavy machine guns, grenade launchers and, man-portable air-defense systems.

In comparison with weapons of mass destruction, including nuclear, chemical or biological weapons SALW are commonly transferred and used by illegal terrorist groups, and the reason for this is that the materials used to construct weapons of mass destruction are highly regulated by member states' authorities, whereas those used in the manufacture of small arms and light weapons have few restrictions. The proliferation of SALW is a major threat to national, international, and regional security and its widespread usage has increased violent conflicts around the world and made it more difficult to resolve disputes.

The 193 UN Member States generally agree on the right to buy and sell military equipment to other Member States however the transferring of firearms to non-state actors (NSAs) is something else altogether. Amnesty International pinpointed the US, Russia, France, Germany and China as the five largest authorized arms exporters; and Saudi Arabia, India, Egypt, Australia and Algeria as the five largest authorized arms importers.

A large proportion of weapons used by ISIS were originally sourced by the Iraqi military from the USA, Russia and former Soviet bloc states, Russia was primarily responsible for filling Syrian government stockpiles, though other countries such as Iran supported terrorism through financial or residency attractions and has facilitated and pressured primarily Shia fighters from Afghanistan and Pakistan to participate in the Assad regime's brutal crackdown in Syria. It has also supported Shia guerilla militias (considered to be non-state actors) in Iraq who have also

committed serious human rights abuses against Sunni civilians in particular. Iraq's three main suppliers of weaponry during the war were the Soviet Union followed by China and then France. It also acquired substantial arms from Portugal. The United States sold Iraq over \$200 million in helicopters, which were used by the Iraqi military in the war.

It is notable that small arms and light weapons that fall into the hands of organized crime pass through various transfer processes. The first is a purchase or sale agreement in compliance with the laws of the sovereign nation where the transaction takes place. These same weapons later enter the black market to be eventually re-purchased illegally by end-users (non-state actors). Whereas there are many reasons why SALW are transferred illegally in such a significant volume, various key recent events have influenced this phenomenon. Monetary gains are the production and illegal sale of weapons and is considered to be a highly profitable business in which all participants end with a significant margin, including the manufacturer, broker and dealer. It is estimated that the illegal arms trade, which supplies most weapons to non-state actors, roughly represents fifteen to twenty percent of total arms transfers which is approximately 6 billion USD.

Terrorist Organizations use SALW to finance their activities. A distinction between the direct and indirect use of SALW as a source of terrorist funding is made by considering SALW as trading commodities and their use in facilitating other forms of trafficking in exchange for money or other resources.

The indirect use of SALW refers to the instrumental use of such weaponry as means of allowing terrorists to carry out criminal activities to obtain funding, and the use of SALW as a source of terrorist funding seems to be indirect in both the Middle East and West Africa.

Treaties are being established to minimize the illegal trading of weapons with non-state actors. The Arms Trade Treaty (ATT) is an international treaty that regulates the international trade in conventional arms and seeks to prevent and eradicate illicit trade and diversion of conventional arms by establishing international standards governing arms transfers. It came into force on 24 December 2014 and consists of a total of 112 States Parties that have ratified the Treaty.

Keyword Definitions

- *Non state actors:*

an individual or organization that has significant political influence but is not allied to any particular country or state.

- *ISIL (Islamic State of Iraq and the Levant):*

ISIL is a terrorist organization that has exploited the conflict in Syria and sectarian tensions in Iraq to entrench itself in both countries. ISIL's stated goal is to solidify and expand its control of territory. Abu Mus'ab al-Zarqawi founded ISIL in April 2004, and he did so after swearing allegiance to Usama Bin Ladin. To force foreigners to leave Iraq and decrease public support for the US and Iraqi Government, the group specifically targeted Coalition personnel and civilians as well as Iraqi citizens. ISIL unilaterally proclaimed the establishment of an Islamic caliphate in June 2014 and urged all Muslims to ally with the organization.

ISIL's stated goal is to solidify and expand its control of territory once ruled by early Muslim caliphs and to govern through implementation of its strict interpretation of sharia. The group's influence and expansionary agenda which poses an increasing threat to regional security in the Middle East as well as in the West, caused the US, European Union, and many other member states to enlist ISIL as a foreign terrorist organization on 17 December 2004 after a series of terrorist attacks they have carried or have been associated with especially that ISIS emerged from the remnants of Al Qaeda. Taking into consideration that ISIL recruits come from the Arab world and from Western nations, including most members of the European Union, as well as the United States, Canada, Australia, and New Zealand.

- UNTOC:

The United Nations Convention against Transnational Organized Crime and the Protocols Thereto is an international convention adopted by the UN General Assembly on 15 November 2000 to promote cooperation to prevent and combat transnational organized crime more effectively.

As a part of UNTOC, The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition was adopted by the General Assembly resolution 55/255 of 31 May 2001. It entered into force on 3 July 2005. The objective of this protocol, which is the first legally binding instrument on small arms that has been adopted at the global level, is to promote, facilitate and reinforce cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms and ammunition. By ratifying the protocol, States make a commitment to adopt a series of crime-control measures and implement in their domestic legal order three sets of normative provisions:

1. The establishment of criminal offenses related to illegal manufacturing of, and trafficking in, firearms on the basis of the Protocol requirements and definitions
2. Assemble a system of government authorizations or licensing intending to ensure legitimate manufacturing of, and trafficking in, firearms
3. The marking and tracing of firearms

- Boko Haram:

A Nigeria-based group that seeks to overthrow the current Nigerian Government and replace it with a regime based on Islamic law. It is popularly known in Nigerian and Western media as “Boko Haram,” which means “Western education is forbidden” Boko Haram's former second-in-command Abubakar Shekau claimed leadership of the group in 2010. In 2011, Boko Haram conducted its first attack against a Western interest, a vehicle-bomb attack on UN headquarters in Abuja. In 2014, the group conducted near-daily attacks against Christians, security forces, the media, schools, politicians, and Muslims perceived as collaborators with the opposition.

- Free Syrian Army:

The Free Syrian Army is a loose faction in the Syrian Civil War founded on 29 July 2011 by officers of the Syrian Armed Forces with the goal of bringing down the government of Bashar Al-Assad. It is not considered to be a terrorist organization as it formed a part of the political process like other armed groups on the ground composed of the Syrians’ patriotic opposition individuals. The Free Syrian Army has also joined Turkish Soldiers in the fight against YPG/PKK Terrorist Organization proving its noble goals in maintaining regional security.

Aspects to Be Covered

1. Boundaries set for illegal arms trade on member states’ boundaries through cross-border coordination and stronger implementation of rules and regulations with regards to protecting civilians from the threats imposed by arm trafficking.
2. Law Enforcement must develop new strategies to address problems with unscrupulous gun dealers taking into consideration that reducing theft crimes transnationally, reduces arm trafficking.
3. The effect of this form of trafficking in promoting terrorism especially when supplying terrorist groups with illicit weapons. Therefore, allowing a political shift that advantaged the terrorists as the intention to spread fear by committing spectacular public acts with the desire of changing the status quo violates international conventions.
4. Addressing the terrorist attacks done by terrorist groups including but not limited to, Boko Haram, ISIL (Islamic State of Iraq and the Levant), Al Nusra, and Hezbollah. Including state sponsors of terrorism which are Sudan, Syria, and Iran.
5. State Sponsors of Terrorism can be defined as countries determined by the Secretary of State to have repeatedly provided support for acts of international terrorism. They are designated pursuant to three laws
 - a. Section 6(j) of the Export Administration Act, which mainly circulates around providing a validated license shall be required for the export of goods or technology to a country if the Secretary of State has made the following determinations:

I. The government of such country has repeatedly provided support for acts of international terrorism.

II. The export of such goods or technology could make a significant contribution to the military potential of such country, including its military logistics capability, or could enhance the ability of such country to support acts of international terrorism.

- b. Section 40 of the Arms Export Control Act, [22 U.S.C. 2780], or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.
 - c. Section 620A of the Foreign Assistance Act, is an Act making appropriations for foreign operations and export financing in trading weapons between governments and non-state actors.
6. Taken together, the four main categories of sanctions resulting from designation under these authorities imposed on member states supporting international terrorism include:
- a. Ban on arms-related exports and sales
 - b. Controls over exports of dual-use items, requiring 30-day Congressional notification for goods or services that could significantly enhance the terrorist-list country's military capability or ability to support terrorism
 - c. Prohibitions on economic assistance
 - d. Imposition of miscellaneous financial and other restriction

Proposed Solutions

Urges member states to conduct the following regarding the Firearm Protocol with the support of The United Nations Office of Drugs and Crime (UNODC) and the use of technological advancements to prevent and counter the illicit manufacturing of and trafficking in firearms;

- a. Create strategies and plans to contribute to the implementation of the UNTOC;
- b. Locate and resolve all the existing gaps in the legislative frameworks with special consideration for points including but not limited to;
 - i. Importing and exporting licenses;
 - ii. Marking illicit mediums of trafficking;
 - iii. Tracing down networks of illegal arm-trafficking;