

Forum:	Disarmament Committee
Issue:	The issue of arms trades between the Member States and non-state actors
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Introduction

Although not having an official definition, the commonly preferred explanation of NSAs is “organizations and individuals that are not affiliated with, directed by, or funded through the government”. There are a myriad of examples of this issue throughout the Cold War where two blocs competed over the exertion of influences in non-aligned countries. For instance, the armament of the Mujahadeen by the US, China and Iran to combat Soviet influence in Afghanistan can be accounted as an example to this phenomena. For further clarification, the Mujahadeen are the NSA in this case as they neither were officially sponsored or bore any ties with the Afghan government of the time. However, the conclusion of the Cold War did not signal an end to the arms trade, as in countries such as Syria and Afghanistan, this issue still holds a prominent place.

NSAs such as private companies may be beneficial to a countries economy, as seen from the examples of Apple and Google. However, NSAs such as the mafia, drug cartels, terrorist organizations and opposition groups may be deemed as harmful to a countries political, territorial and economic integrity. The ongoing civil war in Yemen can be given as examples to these instances. In Yemen for example, the Shiite Houthi forces have made considerable territorial gains ever since the start of the civil war against the government in 2015. These territorial gains also include the former capital of the country, Sana'a.

The issue of arms trade between NSAs and Member States have a variety of solutions to it, with diplomacy being the preferred way by many of the Member States. Moreover, engaging in diplomatic talks between 2 or more countries will be beneficial in strengthening the cooperation between the mentioned countries. For example, the peace talks between the US, the Taliban and the Afghan government is a step in the right direction in solidifying the ties between the parties and achieving a peaceful outcome.

Definition of Key Terms

Non-State Actor: Non-state actors are entities that participate on the world stage or act in international relations to engage themselves in affairs relevant to territory possession, human rights, social justice, and global economy; et such entities do not belong to any established institution of a state. From many perspectives, non-state actors are a threat to the national sovereignty of many established states as they sometimes slowly and sometimes drastically manage to expand their territory. The establishment and rise of such non-state actors are generally stimulated with nationalistic ideologies that differentiate a certain group of people from others within a nation state. However, within the jurisdiction of the United Nations, non-state actors are not recognized entities; therefore, a government's interaction with a NSA becomes a controversial matter, especially on arms trade.

International Law: While there is no single international law, the term is basically the collective presence of international treaties between and among nations, which regulate different aspects of international relations, which range from political sanctioning to arms trade. The term is especially important to the agenda item at hand as it, if agreed by all states, manages to establish regulations for arms trade/supply to non-state actors. Currently, the Arms Trade Treaty is the most prominent document, explained in subsequent sections, regarding the issue at hand.

Multinational Corporations: While the term is quite self-explanatory, this definition will be a more contextual one. While governments possess the majority of the weapons present in the world, there are numerous corporations that sell and internationally trade weaponry. Such corporation possess the right to sell/trade arms to non-state actors as well, which is another sub-issue delegates should tackle within their resolutions.

National Sovereignty: It is the idea that independent nations, which have declared their independence, have an organized government and are self-contained, have a right to exist without other nations interfering. The term is a crucial one for the conflict at hand due to NSAs violating the national sovereignty of the states they are formed within. However, the inconclusive debate on whether people with very distant ideas should be allowed to create their own sovereign states.

General Overview

At first sight, people might think that this issue solely focuses on arms trade between terrorist organizations and Member States. Although this view shares a piece of the truth, it does not encompass the whole issue as rebel fighters such as the Free Syrian Army ,which receive aid from the bordering country Turkey, falls into the definition of this issue as well. As mentioned before, this support of rebel groups and NSAs in general have had a sudden increase during the Cold War

The main reason of the increase of these instances correlates directly with the struggle of gaining influence in non-aligned countries during the Cold War. Furthermore, proxy wars were the most commonly occurred events of this competition. For example, the reason behind the USSR's support of the MPLA against the UNITA during the Angolan Civil War was because of geopolitical and ideological interests. To further clarify, MPLA was a faction with socialist tendencies while UNITA, which was supported by the US, was on the right side of the political spectrum. The reasons for proxy wars and their relations with the issue can be divided into 4 different aspects. These aspects being related to the countries domestic policies, competition and intervention without embracing a "boots on the ground approach".

The unexpected rise of ISIS and the increasing support of the local militia groups within Syria and Iraq is a recent example of the aforementioned first aspect. The US support of the Syrian Democratic Forces ,which are located on Northern Syria, is a part of the foreign policy which was created by former US President Barack Obama during his time in the office. The main goal of this policy is to avoid a "boots on the ground" approach by supporting the local forces in their fight against minimizing the territorial gains made by ISIS. Furthermore, this approach also correlates with the domestic backlash the US has gotten over it's military interventions in countries such as Iraq and Afghanistan. One of these many backlashes came from senator Bernie Sanders who criticized the American intervention, saying that "16 years ago, the United States invaded Iraq. I opposed it at the time, warning of unintended consequences. We are still dealing with those disastrous consequences today and will be for many years. We need a foreign policy that focuses on diplomacy, not war" . Although it might be argued that the presence of US troops within Syria violates this policy, the American troops posted on the country are present there on the principle of advising the local militias.



Within the examples stated above, one might think that arms trade between Member States and rebel groups have been proved to be beneficial for the domestic and foreign policies for both sides. However, the conflict between India and Liberation Tigers of Tamil Eelam(LTTE), which is located in Sri Lanka, renders this point moot. During the first years of the Sri Lankan Civil War, India provided training and supplies of armaments to the various Tamil groups within Sri Lanka,

with LTTE being the biggest of the aforementioned groups. This support proved to be short lived however, as the LTTE started attacking the Indian Peacekeeping Force deployed in Sri Lanka, resulting in more than a 1000 deaths. Newspapers such as the Sunday Times classified the LTTE as “The Taliban of India”. What started as a bid to exert influence over various Tamil groups in Sri Lanka, ended with the formation of a terrorist organization which has been plaguing Sri Lanka since the 1990.

Another example of these instances is the terrorist group Lashkar-e-Taiba, which have been operating from Pakistan and allegedly are supported by the Pakistani army. Moreover, the LeT has claimed responsibility for many of the attacks conducted on Indian soil, the 2008 Mumbai attacks, which resulted in the deaths of 166 people, being the most infamous one. The organization has been on the Foreign Terrorist Organizations list of the United States since 2001. Furthermore, President Trump, criticized the actions of Pakistan by saying that Pakistan “have given them nothing but lies and deceit”. After this statement, the US military cut 300 million dollars of aid to Pakistan with the reason being the countries inability to tackle the problem of militant groups residing in Pakistan. However, with the Belt and Road Initiative by China, Pakistan seeks new partners in the region, therefore some may deem the decision taken by the US as a strategic mistake.

As seen from the examples of LTTE and Lashkar-e-Taiba, the term NSA has come to be widely related to terrorist organizations. The reason for this lies heavily with the surge of terrorism in the post 9/11 world. Moreover, most of the terrorist organizations have not claimed themselves to be ‘states’ such as ISIS did and therefore this makes them an actor which operates outside the boundaries of states. Furthermore, the term NSA is not solely limited groups, it also encompasses individuals such as Osama Bin Laden and Abu Bakr al-Baghdadi, two actors who used to be prolific in the world of terrorism. In addition to this, with the rise of the internet, ISIS was able to release propaganda videos which included footage of execution of prisoners and destruction of historical artifacts. These videos, which were deemed as controversial by the general crowd are one of the primary reasons why ISIS managed to make its voice heard throughout the world. Furthermore, this usage of social media by ISIS was the reason for the word NSA being widely associated with terrorist organizations. Although this issue may seem to solely focus on the issue of arms trade between Member States and terrorist organizations, the delegates must not forget that the term NSA includes mafias, drug cartels and opposition groups which have taken up armed struggle against the government. Delegates should also not forget that some opposition groups, such as al-Nusrah which stemmed from the Free Syrian Army, may turn into terrorist organizations. This is the reason why all NSAs should be taken into account while discussing this issue.

Major Parties Involved and Their Views

United States of America: Over the years, United States of America developed a reputation with its ability to prepare non-state actors for interference with internal matters of nations. Such behaviour of the United States has been much prevalent within Middle East over the past years. United States has been one of the major arms suppliers of the Free Syrian Army as well as the Kurdish forces within the region, which yielded numerous conflicts regarding Iraq's northern border with Turkey. Similar examples are present in the Latin America's coups' history as well.

The Russian Federation: While the Russian Federation doesn't exhibit much involvement within the international arena on arms supplement to non state actors. However, with the increasing political instability, many non-state actors are becoming regional decision makers within the Russian Federation, such actors are not necessarily ones that aim to establish a new state, yet are comprised of leaders aiming to exert their authority in certain regions. Furthermore, Russian Federation has a history with such leaders where they are responsible of maintaining authority within a certain region for maintaining Russian Federation over that territory. Such regions may be exemplified with the Donetsk region.

UN Involvement

UNODA (United Nations Office for Disarmament Affairs) is overseeing the Programme of Action on small arms and its International Tracing Instrument. Under the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA), governments have agreed to improve small arms laws, arms trade controls and cooperation. Also, in 2005, the International Tracing Instrument (ITI), was adopted. The ITI constructed a framework for cooperation for weapons tracing and required States to keep better records of weapons. Improving weapons tracing is now part of the 2030 Agenda for Sustainable Development.

Also, as seen by the relevant UN documents below, there has been numerous UN resolutions directly and indirectly dealing with the issue of arms trade between States and NSA's. Another important UN initiative is by the United Nations Institute for Disarmament Research which has done background research on how to link the accepted Arms Trade Treaty and how it could further be developed to prohibit the arms trade to NSA's with its "*Prohibiting Arms Transfers to Non-State Actors and the Arms Trade Treaty*" paper.

Relevant UN Documents

UNIDIR Background Paper "*Prohibiting Arms Transfers to Non-State Actors and the Arms Trade Treaty*", January 2012

The Arms Trade Treaty, 2017 (A/Res/72/44)

UN Security Council Resolution, 2004 (S/RES/1540)

“Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery” is the first operative clause of this resolution that also requires all States to adopt and enforce appropriate laws to this effect as well as “other effective measures to prevent the proliferation of these weapons and their means of delivery to non-State actors, in particular for terrorist purposes.”

Treaties and Events

Arms Trade Treaty, 2 April 2013

This treaty passed from the UN General Assembly by a vote of 154 in favour to 3 against (Democratic People’s Republic of Korea, Iran, Syria), with 23 abstentions. 100 states have signed and ratified it, and 39 states have signed it but not ratified it. The 28-article Arms Trade Treaty set out to establish the highest possible common international standards for arms trade. As stated by its objective:

“The Arms Trade Treaty obligates Member States to monitor arms exports and ensure that weapons don’t cross existing arms embargoes or end up being used for human-rights abuses, including terrorism. Member States, with the assistance of the U.N., will put into place enforceable, standardized arms import and export regulations (much like those that already exist in the U.S.) and be expected to track the destination of exports to ensure they do not end up in the wrong hands. Ideally, that means limiting the inflow of deadly weapons into places like Syria.”

Global Convention Prohibiting the International Transfer of Military Small Arms and Light Weapons to Non-State Actors

This proposed convention was an important step in prohibiting the arms trade with NSA’s, hence it’s inclusion in this section, but it was not accepted. It is still valuable to see as an attempt at a solution that did not work. This convention was proposed by Canada at a meeting of 21 governments in 1998 where it would be “illegal for states to authorising the covert or overt supply of arms to NSA located in another state that have not been granted authorization to import receive the arms shipment”. A number of states and NGOs opposed the proposal because “it would ban arms transfers to NSA in cases where armed opposition against an illegitimate or repressive government was deemed “the only option”

Evaluation of Previous Attempts to Resolve the Issue

Previous attempts to solve the issue has been focused on terrorist groups acquiring small arms and light weapons (SALW) through arms trade. It is also considered that most NSA's do not have the training to operate advanced weapons systems. It is noted by UNIDIR that "There are a number of exceptions to this rule since the end of the Cold War as there have been international transfers of major conventional weapons to armed groups operating in Afghanistan, Lebanon, Libya, Sri Lanka and Yemen, as well as private military companies that have acquired helicopters, armoured vehicles and other major conventional weapons." Thus, the approach to the issue should not solely be focused on the flow of SALW to NSA's as it is not enough to tackle the flow of conventional weapons.

Possible Solutions

The approach to the arms trade with NSAs can be dealt with in different ways. Banning all transfers is the most radical solution, but other options such as banning transfers to NSAs that has the risk of using arms to violate the international law and other standards. In order to do so, NSAs should be held accountable to international norms which is difficult to do and ensuring that the NSAs abide by those commitments should be a priority.

Sanctioning or cutting aid to the countries which have been trading weapons with terrorist organizations or NSAs in general have not been proven sufficient as seen from the example of Pakistan. The motives behind a Member State's support of an NSA should be understood fully before taking action. The most probable plan should be to encourage Member States to engage in diplomatic talks in conferences or political meetings. Moreover, resolutions threatening a Member State with sanctions should be seen as a last resort.

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