

BIGMUN 2024

GA 6: Legal

# Research Report

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Topic 2: Building a framework for legal implications surrounding the selling/lending of arms or military equipment to countries in conflict.



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## Introduction:

In discussion of arms manufacturing and arms dealing it is important to draw a distinction between legal and illegal forms of arms trade<sup>1</sup>. Legal arms trade is a process where weapons are manufactured, sold and received in accordance with national and international law, and every step of the process is controlled by, and consented to, by the relevant governments, if the process is conducted outside the law or without the knowledge of the state it is considered illegal (or semi-legal if only parts of the exchange are conducted illegally). Both forms of arms dealing are lucrative industries bringing in billions of dollars every year from areas of conflict<sup>2</sup>, and the total value of the global arms trade was estimated to have been 95 billion dollars in 2017<sup>3</sup>. Whilst a basic international framework for arms dealing does exist, the number of binding international agreements on arms trade, both legal and illegal, and manufacturing are minimal, and many states are not parties to these treaties<sup>4</sup>. Therefore national law remains a far more important elements in the legality and legitimacy of arms dealing, seeing as there are effectively only two treaties regulating in on the international level.

## Definition of Key Terms:

- **Arms Trade Treaty (ATT):** A United Nations treaty that went into force in 2014, aiming to regulate the legal arms trade in order to ensure international peace<sup>5</sup>.
- **Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol):** The only legally binding treaty on the topic of the illegal arms trade<sup>6</sup>.

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<sup>1</sup> <https://www.unodc.org/e4j/en/firearms/module-4/key-issues/authorized-and-unauthorized-arms-transfers.html>

<sup>2</sup> <https://www.sipri.org/databases/financial-value-global-arms-trade>

<sup>3</sup> <https://www.amnesty.org/en/latest/press-release/2019/08/killer-facts-2019-the-scale-of-the-global-arms-trade/>

<sup>4</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-8&chapter=26&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=en)

<sup>5</sup> <https://disarmament.unoda.org/convarms/att/>

<sup>6</sup> <https://www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html>

- **Conference of the Parties to the United Nations Convention against Transnational Organized Crime (COP):** A Conference of states which are parties to the Convention against Transnational Organized Crime which aims to more effectively help member states in observing and implementing the Convention.
- **Working Group on Firearms (WGFA):** A working group under the COP which advises it on its role in enforcing the Firearms Protocol.

### Background Information:

Since the end of the Second World War, despite the establishment of organizations such as the United Nations, there has been armed conflict in one area of the globe or another almost uninterruptedly. As such both legal and illegal arms trade have been a constant factor of international crime and politics. During the Cold War the largest weapons exporters were the United States and the Soviet Union<sup>7</sup>, who both exported large amounts of weapons to allies, or enemies of the opposing side in conflict, as an important part of the two superpowers competition on the world stage.

The legacy of the Cold War arms trade remains important even today, as seen by the fact that 15% of all firearms currently in circulation are AK-47s<sup>8</sup>. This is illustrative of how weapons find their way to the black market. Most firearms circulating illegally are not manufactured but instead come from originally legitimate sources, such as military stockpiles. Weapons can find their way to the black market by leakages of stockpiles, theft, fraud or salvage from areas of conflict<sup>9</sup>. Unsurprisingly, the Middle East is a hotspot of illegal arms trafficking<sup>10</sup>.

Though considerably lessened since the peak of the Cold War, because of recent conflicts such as the Ukraine War and Israel– Hamas War, legal arms trade has once again become an important issue. In 2022 Ukraine was the third largest arms importer<sup>11</sup> and Israel continues to rely on United States support in arms manufacture<sup>12</sup>.

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<sup>7</sup> <https://www.unodc.org/e4j/en/firearms/module-3/key-issues/history-of-legitimate-arms-market.html>

<sup>8</sup> <https://www.unodc.org/e4j/en/firearms/module-3/key-issues/history-of-legitimate-arms-market.html>

<sup>9</sup> <https://www.unodc.org/e4j/en/firearms/module-4/key-issues/sources-of-illicit-firearms.html>

<sup>10</sup> <https://globalinitiative.net/analysis/middle-east-illicit-arms-trafficking-ocindex/>

<sup>11</sup> <https://www.forumarmstrade.org/ukrainearms.html>

<sup>12</sup> <https://www.state.gov/u-s-security-cooperation-with-israel/>

## Major Countries and Organizations Involved:

- **United States of America:** The US is by far the largest exporter of arms, totaling at 40% of all arms exported between 2018-22<sup>13</sup>. Arms manufacture is a massive industry bringing in billions every year, and in close cooperation with the American government. They are unlikely to accept any regulation which stunts this industry too much and are not party to the ATT.
- **Russian Federation:** Russia is the second largest exporter of firearms, despite their arms industry lagging behind since the 2000s. Additionally because of the War in Ukraine arms imports are becoming increasingly more significant. Russia has neither signed nor ratified the ATT but are not wholly opposed to discussions of arms dealing regulations.
- **The European Union:** Some member states, such as France and Germany, possess relatively large arms manufacturing sectors, however the EU has relatively strict regulation surrounding the export of firearms<sup>14</sup>.
- **Ukraine:** Since illegal invasion of Ukraine by the Russian Federation, the Ukrainian Army has been relying on weapons systems delivered by the West in their war effort, they will therefore oppose any motions which could cut off these deliveries.
- **Saudi Arabia:** Up until 2022 Saudi Arabia was the largest importer of arms manufactured in the United States, comprising a total of 19% of all US arms exports between 2018 and 2022. As many other Middle Eastern countries a lot of weapons out of Saudi Arabia find their way onto the black market.
- **India:** The Republic of India was the biggest arms importer between 2018 and 2022<sup>15</sup>, making of 11% of global arms imports in those years, and continues to import large quantities of weapons from both Western Powers and countries such as Russia.
- **United Nations Office for Disarmament Affairs (UNODA):** An organization established by the General Assembly which, amongst other things, promotes the reduction in arms dealing and the combatting of illegal arms trafficking<sup>16</sup>.
- **United Nations Office on Drugs and Crime:** The main United Nations body dealing with international crime, such as international arms trafficking and activities connected to it such as terrorism.

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<sup>13</sup> [https://fairbd.net/10-largest-arms-exporters-in-the-world/#List\\_of\\_the\\_10\\_largest\\_arms\\_exporters\\_in\\_the\\_world](https://fairbd.net/10-largest-arms-exporters-in-the-world/#List_of_the_10_largest_arms_exporters_in_the_world)

<sup>14</sup> [https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/628317/EPRS\\_ATA\(2018\)628317\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/628317/EPRS_ATA(2018)628317_EN.pdf)

<sup>15</sup> [https://www.sipri.org/sites/default/files/2023-03/2303\\_at\\_fact\\_sheet\\_2022\\_v2.pdf](https://www.sipri.org/sites/default/files/2023-03/2303_at_fact_sheet_2022_v2.pdf)

<sup>16</sup> <https://disarmament.unoda.org/about/>

## Relevant United Nations Resolutions

- **The Arms Trade Treaty (ATT):** Multilateral treaty aiming to regulate the international trade of conventional weapons for the reduction of human suffering and promotion of peace.
- **Protocol Against the Illicit Manufacturing of and Trafficking in Firearms:** The only legally binding instrument for the countering of illegal weapons trade and manufacture.
- **Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA):** A global framework of activities to counter the illegal arms trade, agreed upon by all UN Member States in 2001.

## Previous Attempts to Solve the Issue

Most relevant resolutions and conventions only came into being in the 21<sup>st</sup> century, with ATT, the Firearms Protocol and PoA all coming into force sometime in the 2010s. All aim to either regulate the legal arm trade, or to more effectively combat illegal arms trafficking. Additionally organizations such as the Europol<sup>17</sup>, and Interpol<sup>18</sup> both have efforts aimed at reducing arms trafficking. However as we have seen with most conflicts in recent times, most of these international Conventions have failed at properly regulating arms dealing for the purposes of peace.

## Possible Solutions

The main thing hampering a proper international framework for arms dealing are the concerns of member states over the sovereignty of their trade, as well as possible concerns of national security when disclosing exact numbers of arms exported or imported. One way would be to simply clarify existing treaties into a streamlined, loose network of regulations and guidelines which will leave member states to implement them as they believe to be best. However one could argue that such a federalized approach is ineffective in properly regulating arms trade, as there will always be states or persons whose goals do not align with achieving international peace. Hence it might be necessary to implement a more strict set of regulations, as well as international oversight over arms trade, to hold manufacturers, exporters and importers accountable for their actions. Undoubtedly in this case concessions would have to be made to member states in order to push such legislation through, a compromise between the two ways is the most realistic option for being implemented and still being somewhat effective.

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<sup>17</sup> <https://www.europol.europa.eu/crime-areas/illicit-firearms-trafficking>

<sup>18</sup> <https://www.interpol.int/en/Crimes/Firearms-trafficking>

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- **Learning Module Series on Firearms, UNODC, :**  
[https://sherloc.unodc.org/cld/en/education/tertiary/firearms.html?lf\\_id=](https://sherloc.unodc.org/cld/en/education/tertiary/firearms.html?lf_id=)
- **Global Firearms Programme, UNODC:** <https://www.unodc.org/unodc/en/firearms-protocol/index.html>
- **United Nations Office for Disarmament Affairs, UNODA:**  
<https://disarmament.unoda.org/>