



**KleMUN**  
Kleve Model United Nations



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# UNSC

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Study Guide – KleMUN 2014

## A. Council Description

The United Nations Security Council (UNSC) is the most powerful body of the United Nations (UN), having the “*primary responsibility for maintaining peace and security*”<sup>1</sup> under the UN Charter. Its specific powers are peacekeeping, enforcement measures, economic and/or other sanctions, and collective military action. It is composed of five permanent members (People’s Republic of China, French Republic, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America) and ten non-permanent members elected every two years. It is designed to be able to function continuously; meaning that representatives of each council member have to be present permanently at the UN Headquarters. It meets on a regular basis and can be convened at any time provided a crisis emerges. The Council is the sole UN body which issues binding documents in the form of Resolutions. However, it can also issue Presidential Statements which are not binding.

In case of emerging conflicts, the Council’s first reaction is to try and reach an agreement by peaceful means and might undertake investigation and mediation itself. It has the power to appoint Special Representatives or request that the Secretary-General does so or uses his good offices.

The Council can propose that a member be expelled if they were in violation of the principles set forth in the United Nations Charter. However, the expulsion is subjected to a vote in the General Assembly. Non-members can take part in the Council’s debate, having the status of observers without being able to cast their vote. The Presidency of the Council rotates monthly according to the English language in alphabetical order.

As mentioned above, the Security Council is the only UN body which is empowered to issue legally binding resolutions. The requirements for such actions are laid down in chapter VII of the UN Charter. It is stipulated that the Security Council first determines a situation to be a

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<sup>1</sup> Charter of the United Nations, Section V, Article 33, retrievable from: <http://www.un.org/en/documents/charter/chapter5.shtml>

threat to international peace and security before it can force Member States to take action. It comes from this far-ranging effect that the question of whether or not a situation constitutes a threat to international peace is usually highly debated. Once a situation is considered to be a threat to international peace and security, the Security Council may determine the measure necessary to restore peace. These measures can range from the interruption of diplomatic relations over economic sanctions to the use of force.

For further information please visit the official website: <http://www.un.org/Docs/sc/index.html>

## **B. Meaning of the Term and History of Non-State Actors**

The term „non-state actor“ by definition is very broad. It comprises all entities that do not fulfil the criteria of statehood. Non-state actors include individual persons, international organizations like the United Nations, non-governmental organizations (e.g. Greenpeace, Amnesty International), multi-national corporations, de-facto regimes and terrorist groups and criminal organizations. The most significant difference is that states possess a legal personality while most non-state actors solely possess a limited legal personality or none at all. This debate, however, does not have an effect on the practice of international relations as there can be no doubt that non-state actors exist and have heavy influence on international politics. It is for this reason that in April 2004 the United Nations Security Council in its resolution 1540 defined non-state actors as an „*individual or entity, not acting under the lawful authority of any state*“.

Even though the importance of non-state actors only emerged after World War II, their existence dates back many centuries with the Sovereign Military Hospitaller Order of Saint John of Jerusalem of Rhodes and of Malta being the most well-known example. The increase of importance gained momentum in the inter-war period which saw the foundation of several non-state actors that continue to exist to this day (e.g. International Labor Organization, Bank for International Settlements). Eventually, the involvement of non-state actors with international affairs became so close that the UN Charter specifically mentions NGOs in Art. 71 and allows them to - within certain limits - participate in negotiations.

## C. Non-State Actors and their Involvement with Arms Trade and Acquisition

### I. Important Non-State Actors in the Middle East

Whether a guerilla-, terrorist-, private security- or non-governmental organization, non-state actors have always had access to arms and ammunition. Some examples of violent non-state actors, active in the Middle East that are in possession of and using small arms:

Name	Region	Type	Interest	Common factor
Free Syrian Army	Syria	Militia	Ethnic, territorial	Religion
Syran National Coalition	Syria	Militia	Ethnic, territorial	Religion
IS/ISIL/ISIS	Iraq,Syria,Lebanon, Turkey	Militia	Religious, territorial	Religion
Academi/Black Water/ Constellis Holdings	Iraq, Afghanistan	Private Security	Economic	None

There are several ways for a non-state Actor to acquire arms. Usually, they purchase so called “small arms and Light weapons”, but there have been exceptions concerning illegal chemical weapons.<sup>2</sup> The ease of acquisition of Small arms and light weapons differs from that of chemical weapons as in most States their trade is restricted, because chemical weapons are internationally prohibited in se.

<sup>2</sup> <http://www.bbc.co.uk/news/uk-politics-23892783> , <http://rt.com/politics/official-word/syria-resolution-chemical-lavrov-508/> , <http://rt.com/news/syria-resolution-security-council-464/> , <http://www.un.org/News/Press/docs/2013/sc11135.doc.htm> , [http://www.genevacall.org/wp-content/uploads/dlm\\_uploads/2013/11/20120331\\_engaging\\_with\\_armed\\_non-state\\_actors.pdf](http://www.genevacall.org/wp-content/uploads/dlm_uploads/2013/11/20120331_engaging_with_armed_non-state_actors.pdf)

The Non-State Actor's arms' acquisition options can roughly be separated into legal or illegal and into local or international.

## **II. Acquisition on Local Market**

The most common way for Non-State Actors to acquire weapons, is through illegal black markets or, if national legislation allows it, at your local arms store. Arms from the black market tend to originate from plundered State deposits.<sup>3</sup> This common phenomenon, which can be witnessed through the decades and offers its largest example in USSR hardware, ranging from light arms to U-boats, flooding the black arms markets across the world after the collapse of the Soviet Union, is also a problem today, especially in unstable states such as e.g. Sudan or Syria.<sup>4</sup> In the same line, non-state actors have been known to acquire weapons from third States for political and strategic reasons.<sup>5</sup> On rare occasions, non-state actors have managed to acquire illegal chemical weapons either through the capture of state deposits or through the aid of a third State.<sup>6</sup> The term "local market " must also be interpreted broadly, as the mobility of the 21st century has expanded any Non-State Actor's radius, which can for example be observed in the effects of the inner Syrian conflict on the ammunition and weapons prices on the neighboring Lebanese market.

## **III. Acquisition on International Market**

Arms manufacturers have been known to successfully circumvent trade and export restrictions through middlemen and in some cases even through third states<sup>7</sup>, meaning that non-state actors have been able to acquire weapons on the international market in illegal as well as legal ways as, for many years national policies and restrictions have been the only instruments to control arms acquisition, which, considering the fragmentation of national policies, made them

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<sup>3</sup> <http://www.smallarmssurvey.org/publications/by-type/yearbook/small-arms-survey-2013.html> , <http://www.amnesty.org/en/news/big-six-arms-exporters-2012-06-11>

<sup>4</sup> <http://www.smallarmssurvey.org/publications/by-type/yearbook/small-arms-survey-2013.html>

<sup>5</sup> Additional reading or viewing material: "Charlie Wilson's War" , <http://www.imdb.com/title/tt0472062/>

<sup>6</sup> <http://www.reuters.com/article/2013/02/26/us-syria-crisis-weapons-idUSBRE91P0PQ20130226>

<sup>7</sup> <http://www.aljazeera.com/indepth/opinion/2014/08/hollowing-out-state-middle-eas-2014813113132369266.html>

relatively easy to circumvent for buyers, manufacturers and middlemen.<sup>8</sup> To adapt to the 21st century needs of States regarding arms control, international cooperation lead to several measures which will be listed under section D.

## **D. Past Attempts to Address the Issue**

### **I. International Limits to Arms Acquisition**

Contrary to the attention paid to Weapons of Mass Destruction (WMD) the use of Small Arms and Light Weapons (SALW) has not been within the focus of the international community. While the UNSC specifically addressed the issue of acquisition of WMDs by non-state actors in its Resolution 1540 (2004), SALWs have not been an agenda item notwithstanding the fact that there is no known incident of non-state actors using WMDs. The conflicts of the world are still fought with conventional weapons.

Later, in the year 2006 the UN General Assembly issued resolution GA Res 61/89 “Towards and Arms Trade Treaty” in which the Assembly recognized “*that arms control, disarmament and non-proliferation are essential for the maintenance of international peace and security*” and acknowledged “*the growing support across all regions for concluding a legally binding instrument [...] to establish common international standards for the import, export and transfer of conventional arms*”. After this initiative taken by the GA a final text of the “Arms Trade Treaty” (ATT) - which does not specifically address non-state actors - has been agreed on 2nd April 2013 by 154 votes in favor and 3 votes Against (DPRK, Iran, Syria). 23 States abstained from voting - among them the world’s leaders in weapon exports China and Russia.<sup>9</sup> The ATT has not yet entered into force but will do so on Christmas Eve 2014.

To this date the only legally binding tool to prevent illicit arms trade is the “Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime”. This protocol, however, is an annex to the UN Convention Against Transnational

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<sup>8</sup> <http://www.nytimes.com/1998/05/05/world/samuel-cummings-71-trader-in-weapons-on-a-grand-scale.html> , [http://www.foreignpolicy.com/articles/2012/08/10/so\\_you\\_want\\_to\\_be\\_a\\_sanctions\\_buster](http://www.foreignpolicy.com/articles/2012/08/10/so_you_want_to_be_a_sanctions_buster) , <http://www.aljazeera.com/indepth/features/2011/10/20111019152444131301.html>

<sup>9</sup> <http://www.aljazeera.com/news/americas/2013/04/2013425533558554.html>

Organized Crime and therefore does only apply to non-state actors who try to “*obtain, directly or indirectly, a financial or other material benefit*”. This requirement is seldomly met by non-state actors such as terrorist groups in the Middle East and one should keep in mind that illicit trade is not the only means of acquiring SALWs.

## **II. National Limits to Arms Acquisition**

National governments have tried repeatedly to regulate arms export and arms trade through national legislation. Typically, as for example in European countries such as Germany, Austria and Belgium, arms manufacturers and traders need to comply with administrative restrictions, including compulsory intent declarations , waiting periods or technical regulations like individual serial numbers and legal restrictions such as quantitative trade restrictions or parliamentary approval. There are many variations in national legislation which, lead to limited success due to the massive fragmentation, as these measures merely pose a challenge for middlemen but not an effective barrier, especially when States facilitate it either by posing as a first hand buyer, thus legalizing the transaction. Direct arms export “bazaars” such as IDEX, whether several national and international rules seem to be ignored, also circumvent national measures. Additionally, one must keep in mind that the effectiveness of any national limitation is mainly dependent on the State`s political stability.

To conclude, the effectiveness of national and international measures is intertwined, just as the willingness of States to impose them and the need to protect strategic and economic interests.

### **E. Questions a Resolution should answer**

1. Which are the most important non-state actors in the Middle East?
2. Which states are most relevant to the solution?
3. Which role do states play in the armament of NSA’s?
4. Can non-state actors be included in a solution?
5. How can the illicit trafficking in small arms and light weapons be contained?
6. How could illegal traders be sanctioned?
7. How can non-state actors be denied access to army depots?

8. Is there any technological avail to weapons falling in the wrong hands?
9. How can relevant actors be disarmed to prevent future conflicts?
10. Can arms trade or competition be effectively regulated on an international level?
11. Will current measures suffice?
12. Can current measures be improved?

## **F. Further Reading and Sources**

Max Planck Encyclopedia of Public International Law: Non-State Actor by *Markus Wagner*

United Nations Security Council Resolution 1540 (28 Apr 2004)

General Assembly Resolution GA Res 61/89 (18 Dec 2006)

The Arms Trade Treaty

<http://www.armstrade.info/database/>

<https://www.globalpolicy.org/security-council/index-of-countries-on-the-security-council-agenda/small-arms-and-light-weapons/general-analysis-on-small-arms-and-light-weapons.html>

<http://www.geopoliticalmonitor.com/the-illicit-trade-of-small-arms-4273/>

<http://www.lawschool.cornell.edu/research/ILJ/upload/Telman-final.pdf>

[http://unrec.org/index/index.php?option=com\\_content&view=article&id=183&Itemid=133%3F%3Den&lang=en](http://unrec.org/index/index.php?option=com_content&view=article&id=183&Itemid=133%3F%3Den&lang=en)