Surf City XVIII

Huntington Beach High School

United Nations Office of Drugs and Crime

Topic A: Maritime Crime and Piracy

Topic B: Illicit Small Arms Trade in Eastern Europe

&

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Lauren Le

Alex Nashed

Welcome Letter

Dear Delegates,

On behalf of the Huntington Beach High School Model United Nations Program, we would like to welcome you to our Surf City XVII advanced conference!

Our annual Surf City conference upholds the principles and intended purpose of the United Nations. Delegates can expect to partake in a professional, well-run debate that simulates the very issues that those at the United Nations discuss every day. Both novel and traditional ideas will be shared, challenged, and improved.

It is our hope that all delegates will receive the opportunity to enhance their research, public speaking, and communication skills as they explore the intricacies of global concerns through various perspectives, some of which may be very different from their own. We hope their experiences here give them new insight and values that they can apply outside of the realm of Model UN for the betterment of the world community.

Although we will be entertaining a new style of a virtual conference, we hope all delegates will experience a fruitful and enhancing debate. Please do not hesitate to approach our Secretariat or Staff Members with any questions or concerns that you may have throughout the day. We wish the best to all our participants and hope that they may share a fulfilling experience with us! Enjoy the conference.

Sincerely,

Summer Balentine
Secretary-General

Jenna Ali
Secretary-General

Kayla Hayashi
Secretary-General

Hailey Holcomb
Secretary-General

Meet the Dias

Chair 1

Hello, Delegates! My name is Devin Adamson and I am a senior in Huntington Beach High School's MUN program. MUN has been one of the biggest parts of my life thus far and triggered my passion for American and International politics and law. After high school I plan on studying political science and receiving a doctorate in law in hopes of being a Supreme Court Justice one day. Outside of MUN I am a senior company dancer for the HBHS Academy for the Performing Arts and competitive dancer at Clifton Dance Project. When I am not in the studio or doing homework you can find me taking a nap with my dog Ace. I am so excited to hear your solutions and am glad we all share a passion for international crime!

Chair 2

Hello Delegates and welcome to UNODC! My name is Lauren Le and I am so excited to be one of your chairs for this year's Surf City Conference. I am currently a junior at HBHS, and this will be my third year in the MUN program. Thus far, MUN has been such an amazing experience for me to meet new friends across California and develop a larger understanding of our world's pressing issues. Other than MUN, at HBHS, I play on the Varsity Girls Tennis Team, participate on the executive board for Make-A-Wish and the California Scholarship Foundation, and volunteer with the National Honors Society. Outside of school, I enjoy sewing clothes, but I also love some good retail therapy. Additionally, I like to experiment with baking and find new artists on Spotify. As we come together in light of these topics, I look forward to seeing you in committee and hearing your solutions! Feel free to email us using surfcity.unodc@gmail.com if you have any questions.

Chair 3

Hello Delegates! My name is Alex Nashed and I am a Junior at Huntington Beach High School, and this is my third year in the MUN program. The program is definitely one of my favorite parts of school and has not only expanded my view of the world, but also created a large interest in international issues that I did not have before. Outside of MUN, I play soccer and field hockey for HBHS. I also like to go shopping, go to the beach, and watch netflix when I am not at practice or doing homework. UNODC is one of my favorite committees and I am so excited to get to be your chair for these topics and hear all of your solutions. I cannot wait to see all of you in committee and make this the best virtual conference of the year!

All Papers are due on January 2, 2020 by 11:59pm to surfcity.unodc@gmail.com

TOPIC 1: "Maritime Crime and Piracy"

BACKGROUND

The word maritime represents all actions connected to the sea, including trade, navigation, shipping, and militarization[1]. With 71% of Earth's surface covered by water, the sea is essential for most transnational operations primarily in trade and shipping[2]. However, the vast, open, and unprotected stretches of water present numerous opportunities for maritime crime.

Specifically, maritime crime is defined as crimes that happen in open water or are related to the ocean or sea[3]. The most prevalent forms of maritime crime include piracy, human and drug trafficking, smuggling of illicit and exotic goods, and discharging and exploitation of deep-sea resources[4]. Other punishable offenses vary from unauthorized entry to tax evasion[5]. While ultimately resulting in the loss of life and property, maritime crime continues to thrive due to the limited extent of international law.

Currently, the United Nations Law of the Sea, established in Article 101 of the 1982 United Nations Conventions on the Law of the Sea (UNCLOS), is accepted by over 160 countries and permits nations to implement their own laws, harbor resources, encourage or prevent passage, and build in waters up to 12 nautical miles beyond their shoreline[6]. Additionally, a maritime nation is entitled to an exclusive economic zone (EEZ) 200 miles off their coast that authorizes ownership of resources within the boundary but prohibits a nation from denying free passage through the waters[7]. However, the "12 mile limit" and EEZs only represent a third of the total waters in the world[8], therefore, in open, lawless waters, vessels can commit crimes in multiple territories and remain highly unregulated due to the lack of clarity on which nation has jurisdiction over the vessel's crime[9].

Exploiting regions with weak, corruptible governments and lack of economic opportunity, such as the Malacca Straits, Horn of Africa, and South China Sea, piracy has become the most widespread form of maritime crime[10]. The term "piracy" has been defined by the UNCLOS as "any illegal acts of violence or detention [including plundering or attacking] of a vessel committed [on international waters]."[11] From a legal perspective, it is not to be confused with "armed robbery," which is piracy-like actions committed within State waters[12]. The capabilities of 20th century piracy has transformed small robberies of fishing boats to complex crimes most often resulting in three situations: kidnapping in order to obtain ransom, hijacking for cargo theft, or robbery of equipment or goods[13]. Modern piracy, a $12 billion industry[14], can be divided between criminal piracy and terorrist piracy. Criminal piracy, peaking several years ago, involves more everyday attacks as seen in the 2000s, when Somalian pirates were responsible for the upsurge in piracy, representing 5% of total attacks. Because the war torn nation's lack of resources prevented the government from challenging the attacks and jobs pirates offered to impoverished citizens, illegal fishing operations were conducted by pirates in the Gulf of Aden, Guardafui Channel, and Red Sea, leading to the rise of armed groups to counterattack by holding crew and vessels for large ransoms. Moving further off the coast, pirates were also able to undetectably hijack commercial vessels, threatening humanitarian aid shipments to the Transitional Federal Government of Somalia[15]. Today, maritime kidnapping is most prevalent in West Africa accounting for over 200 recorded cases a year, and the International Maritime Bureau estimates that recorded cases represent only half of the attacks that occur[16]. On the other hand, developed terrorist organizations use piracy to fund other

activities. The most common terrorist methods used to attack vessels are underwater attacks which involve divers placing explosives under ships, unmanned sea-craft vehicle bombs, and suicide boat bombings to take down entire vessels[17]. Maritime terrorist plots are largely witnessed in the Middle East at strategic locations such as the Strait of Hormuz, a narrow passage regulating the only transport route of 90% of the Middle East's oil exports. In the midst of the US-Iranian conflict, the deployment of the US military into the region has sparked multiple political-based seizures and plundering of US-allied oil freights[18]. In addressing this issue, strengthening the military is often ineffective due to the overabundance of unpatrolled waters[19], and with technological improvements decreasing the size of shipping crews and the inability to arm shipments, pirates can easily overtake vessels[20].To add, cyber attacks have also become involved in today's piracy as hackers can purloin information on the vessel's location and the type of cargo aboard then relay this information in advance to on-ground pirates[21].

On average only 2% of containers shipped worldwide are inspected[22], allowing private and commercial vessels to largely facilitate the transit of illicit drugs such as cocaine, narcotics, and opium from the Central and South Americas to North America and throughout the Indian Ocean[23]. However, with highly sophisticated advancements, such as semi-submersible vessels, ships are extremely difficult to thoroughly stop and check[24]. These issues are enhanced by the absence of international cooperation, agreement, and legal infrastructure, and while laws have been implemented to allow the boarding of ships by international law enforcement in relation to other maritime crimes, drug trafficking has been discluded from the list, meaning suspected trafficking vessels can not be searched by police or have legal consequences[25]. Additionally, with a 30% global decrease in port security since 2015[26], human trafficking and the smuggling of arms, and exotic plants and animals have emerged from this lack of detection. While terrorist organizations exploit this opportunity to transit abducted persons[27], human trafficking also accounts for the 2,000 stowaways that are transported unknowingly each year, using the voyage to enter countries without payment or documentaiton[28]. Furthermore, due to arms and weapons being highly guarded, only certain ships, those regulated by nations and properly equipped, are authorized to transport them. Therefore, to transport illegal arms, groups will utilize unlicensed ships that are untraceable by governments[29].

Besides smuggling, trafficking, and piracy, maritime crime also encompasses deep sea resource exploitation, illegal fishing, and pollution of the ocean. While fish, oil, and gas have been extracted from the sea for a multitude of decades, deep sea mining has recently come to light as a source for scarce metals such as polymetallic sulphides, cobalt-rich ferromanganese crusts, and rare-earth elements to be used towards advancing technologies[30]. In addition to disrupting ocean ecosystems, it is illegal for vessels to mine outside of EEZs, in other non-permitted areas, or outside of the International Seabed Authority economic regulations[31]. Similarly, illegal fishing is derived from foreign vessels fishing in unpermitted waters or not following fishing regulations such as state-protected areas and fishing times set in place to prevent overfishing[32]. Over 2 billion pounds of seafood are illegally fished every year, but due to complications in tracing the origins of the sold seafood, illegal fishing continues to thrive[33]. Lastly, marine pollution has worsened due to the illegal discharging of sewage, garbage, and oil into the ocean from vessels. While laws prohibiting ocean dumping vary from country to country, generally, most nations ban chemical substance dumping, as a result of today's industrial society[34].

Overall, the international response has revolved around creating local joint forces to police maritime crime. For instance, the International Maritime Security Construct formed in 2019 between the United States, United Kingdom, Australia, and other Middle Eastern nations utilize the SENTINEL task force to maintain order and security throughout the Persian Gulf, Gulf of Aden, Gulf of Oman, and Southern Red Sea[35]. Other international groups include the Contact Group on Piracy off the Coast of Somalia, which protects shipping lanes, and the Combined Maritime Forces, which counteracts terrorist piracy[36]. The impact maritime crime and piracy has had on civilians affects the stability of legal enterprises, the security of transporting goods overseas, and the mental health of those subjected to piracy and trafficking.

UNITED NATIONS INVOLVEMENT

The United Nations Office on Drugs and Crime is determined to prevent maritime crime and piracy throughout the international community by tailoring their strategies and program's to specific regions; these regions include the Atlantic Ocean, Indian Ocean East, Latin America and the Caribbean, Pacific Ocean, Indian Ocean West, and Gulf of Aden and the Red Sea. In order to address the needs of the individual regions the UNODC has developed the Maritime Crime and Piracy programme (GMCP). The First phase of the programme is to map out the region in which they are operating and complete risk factor assessment. This allows the GMCP to tailor their programs to the specific region and provide accurate consultation to law enforcement and legal officials of the designated region. The next phase of the programme is to conduct legal reform support to coastal states with regard to maritime crime and piracy, this includes accurate training for officers as well as the training of judges and prosecutors on the specific legal proceedings where maritime crime and piracy is concerned. The third phase of the GMCP is to provide updated technology and resources to ensure the detection of transnational organized crime at sea. These news technologies allow member states to identify local fishing fleets, identification outreach, and anomalies at sea. The last phase of the program is to provide skills based training to those prosecuted for maritime offences, they provide an outreach program that allows individuals to obtain electrical and construction certification in order to prevent their participation in maritime crime and piracy in the future.

The United Nations Office on Drugs and Crime has focused their efforts on the creation of the Hostage Support Programme which closely monitors the status of maritime hostages and works to free them. When piracy began to gain international attention in the late 90's the human cost of the crimes being committed were often overlooked, which caused the UNODC to develop the Hostage support program. Today, many hostages are held in deplorable conditions engaging in forced labor and held for months or even years. The program is supported by general funding and now works as a subdivision of the Maritime Crime programme. The program has five main objectives which include: the monitoring and tracking of all victims and hostages, provide support while in captivity to both captives and their families, facilitate recovery in a safe location, assist with the repartition and integration into a victims home nation,and provide emotional and physical support to victims post liberation. Currently the Hostage programme is closely monitoring the status of victims aboard the MV Albedo which was hijacked by Somali pirates in 2010. The most recent contact that the pirates have allowed is medical attention which was delivered to hostages and captors in 2013 after a temporary agreement was made.

The UNODC has worked closely with the United Nations Security Council in order to provide accurate and updated information as well as resolutions on the topic of maritime crime

and piracy. The most recent resolution passed was S/RES/2500 on December 4th of 2019 which renewed the counter-piracy measures off the coast ofSomalia for 12 months. In addition they have passed S/RES/2383 on November 7th 2017 which renewed the international naval forces to fight piracy measures off the coast of Somalia. Lastly the United Nations in cooperation with INTERPOL established the International Law guidelines in regards to maritime crime and piracy. The 1982 United Nations Convention on the Law of the Sea provided a framework for the repression of piracy which has been updated over the years, most recently the December 4th 2009 update which recognized the crucial role of international cooperation and the role of technology in combating maritime crime and piracy.

CASE STUDY: Maritime Piracy in Somalia

Maritime piracy is extremely prevalent off the coast Somalia, especially within the Gulf of Aden. Somali pirates first arose during the Civil War in Somalia following the downfall of Mohammed Siad Barre, the dictator running the country for the previous twenty two years, and the takeover of the capital Mogadishu by rebel groups. The war has still not ended, meaning that there is no strong central government holding complete control and there is no order within the country.

Somalia's piracy problem is largely due to the instability within the country. The government has not maintained complete control over the capital or any of its other land since its original collapse in 1991.[1] The capital is overrun with rebel groups and military, creating unrest throughout the country. The division of the country has reached an all time high. The country has been divided into Somaliland, Puntland, and the remaining land still seen as Somalia by the rebel groups. Somaliland is located on the border with Djibouti and the military forces controlling it claim that it is its own nation, but no established nation recognizes it as a sovereign state. Puntland on the other hand, has declared itself as an autonomous state rather than an independent nation. The division of these two regions from the rest of the country has led to a large increase in the division and turmoil throughout the country.[2]

The war brought on a large devastation to the economy of Somalia, so most Somalis had no way of supporting their families. Commercial ships in the Gulf of Aden often overfished, sometimes illegally, and limited the supply of the waters previously teeming with tuna. It has also been reported that toxic waste had been dumped into the sea, hurting what was left of the population. The fisherman, which made up a significant part of the Somali population, then had no way to earn money or support their families.[3] This in combination with the civil war led many to turn to extreme measures. Consequently, the fisherman joined forces with the militia in Somalia and began hijacking ships off the coast. The first organized act of piracy in Somalia occured in 2005 in the Gulf of Aden, but the attacks have now expanded to the Suez Canal as well.

The war also led to a severe humanitarian crisis throughout Somalia. During the first year of the civil war, 350,000 Somalis died and famine became widespread.[4] With more than 3 million Somalis dependent on food aid, many turn to piracy in order to be able to provide for their families. In 2011, when acts of piracy peaked, there was also a widespread famine throughout the country, resulting in the death of 260,000 Somalis. As of 2018, 880,000 Somalis were displaced from their homes due to violence and natural disasters. While a large number fled due to the threat of violence, the majority of those displaced lost their homes due to climate change and natural disasters. In 2019, 1.5 million people required humanitarian assistance

because they did not have an adequate food supply. Furthermore one seventh of all children in Somalia will die before they are five years old.

Somali pirates primarily target humanitarian and commercial ships in the Gulf of Aden and Suez Canal. This is because they want to capture the entire crew upon the boat so they can demand a higher ransom. They can also demand a large ransom because these ships are from wealthy, developed nations. The pirates approach the vessels in small speedboats in a group of 6-10. They are armed with guns. As they approach they shoot hooks connected to rope ladders to the deck of the targeted vessel, and then use these to board the boats. Once on the vessel with the crew detained, the pirates use the radio to demand the ransom.[5]

Although there are many types of piracy, the Somali pirates almost always hijack the vessel, kidnap men, and then demand ransom. As time has gone one, the ransom demanded by Somali pirates has continued to increase, and they now often ask for millions of dollars each time. In 2009, it is estimated that the Somali Pirates received 177 million USD in ransom money and in 2010, it is estimated that they received 238 million USD. The global economic effect of the Somali pirates is said to be about 7 to 12 billion dollars each year. Somali pirates were responsible for the second most pirate attacks in the world in 2010. Although the number of attacks peaked in 2011, with 160 attacks, they are still an imminent problem.[6]

One of the most recent attacks in the Gulf of Aden occured in May of 2020. The pirates targeted a British chemical tanker called the Stolt Apal.[7] They approached the ship in two speedboats. However the pirates were extremely unsuccessful because upon firing at the boat, the pirates were met with shots by the armed guards on the Stolt Apal and the response by a coalition warship, and they were forced to abandon their mission. The British ship was left with no serious damage, showing the progress that has been made in the minimization of damage caused by pirate attacks.

However, in August of 2020, there was a successful attack on the Aegean II, a chemical tanker belonging to Panama. The ship was on its way to Mogadishu when the attack occurred. This attack was not as aggressive as the usual Somali approach, as they only robbed those on board and did not kidnap any crew members or demand ransom.[8] Conflicting reports of the incident also imply that the Somali Police force may have been involved, or performed the hijacking themselves. The attack was definitely one of opportunity rather than an organized attack because the attackers took advantage of technical issues on the boat and the fact that the armed guards were not aboard, two circumstances that could not have been foreseen. This attack displays the evolution of the Somali pirate attacks as a result of the actions taken to halt attacks in the region.[9]

Even though the United Nations has repeatedly attempted to take action to fix the situation in Somalia, they have remained unsuccessful. During the civil war, United Nations Operation in Somalia I and II were implemented, but both failed and were eventually terminated. They also established the UN Political Office for Somalia, but this has also ruled ineffective. The placement of United Nations Peacekeepers has also shown no results in taming the violence and creating order. The United States alone has provided Somalia with more than 662 million dollars in aid over the past two years. Multiple governments have also put naval forces within the waters in order to prevent and stop acts of piracy, especially members of the Combined Maritime Forces, but this has not ended the problem either. Non-governmental organizations, including the International Rescue Committee, Save the Children, and CARE, have also provided an abundance of humanitarian aid, but this fails to address the root of the problem. In order to solve

a situation similar to that of Somalia's piracy, the lack of a consistent and stable government and economy need to be addressed in addition to punishments and preventative measures against the actual acts of piracy.[10]

QUESTIONS

1. What is your country's perspective on maritime crime? Do you have any allies? If so, have you collaborated with them on solutions regarding this issue?
2. What are the causes of maritime crime occurring in your country? What do organized crime groups offer through maritime crime that your country can not?
3. Has there been any maritime crime occuring your country? Any in other countries surrounding you? If yes, did the event affect your nation? Have any of your maritime crimes affected your neighboring countries, and did this require your intervention? If so, how did your intervention affect the other nation?
4. What are some national and international actions that your country took in regards to piracy and other crimes? Is your country part of any multinational collaborations aimed at stopping the issue?
5. Are there sufficient international laws to prevent or reduce these crimesAre there enough laws to reduce or prevent these crimes? Which countries are leading in this field?
6. Are some maritime crimes more extreme than to others? Should there be various ways of dealing with the different types, or should there be no tolerance for all maritime crimes? Are there any benefits to maritime crime?

TOPIC 2: "Illicit Small Arms Trade in Eastern Europe "

BACKGROUND

Firearms trafficking as defined by the United Nations Office on Drugs And Crime Protocol against the Illicit manufacturing and trading of Firearms is the "import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition across internal and state borders." Illicit firearms production is closely connected and intertwined with the illicit small arms trade because it involves the manufacturing and assembly of firearms and their parts with malicious intent or intent to traffic[1].

As of today the value of authorized firearms traded globally amounts to around 1.58 billion US dollars, however it is estimated that another 100 million represent the illicit transactions that take place annually[2]. Small arms and light weapons are the most commonly trafficked weapons and began being mass distributed and sold by international organized crime groups beginning in the 1990's[3]. Currently the largest mass producer of illicit weapons globally is the United States with Russia and the United Kingdom following closely behind. Though European imports of illicit arms has decreased since 2014 the region of Eastern Europe still proves to be the largest distributor of illicit weapons to the Middle Eastern Nations. The level of small arms trade and the illicit weapons market has grown significantly within the Middle East in the past 20 years with the rise of militant groups and terrorist organizations such as Al Shabaab and Al Qaeda[4].

The United Nations Office on Drugs and Crime has determined that there are four major types of markets for small arms trade: white, black, grey, and covert military transactions[5]. The white market refers to the legal transaction and distribution of firearms by both governments and private manufacturers to other nations and governments. While the white market describes the legal market, a large portion of the small arms trafficked annually are a result of government surplus in the weapons department that are transferred to the illicit market[6]. The black market refers to illegal deals done through unlawful transactions as well as unregistered buyers and sellers. These transactions can be hidden through the concealment of weapons which includes the processes of mislabeling, forging of government documents, and the laundering of money in reference to the criminal proceedings[7]. Covert military and government transactions are a subdivision of the black market and refer to the unlawful transfer of firearms to another country, specifically to insurgent forces, militant, or terrorist groups where any and all transactions lack transparency[8]. Finally, the grey market references transactions that are not considered illegal but do not meet the criteria to be established as a white market transaction. For example these transactions could be a direct violation of small arms embargoes, however, the individual or organization are also conducting a sale of arms to a non-embargo nation with the knowledge that there is a possibility the firearms could be sold to another nation after the initial transaction or with the intent to bypass an embargo through the use of a proxy or insurgency group. Though grey market transactions are considered legal in terms of international law it is viewed as a loophole for buyers and sellers throughout the international market that allows transnational crime organizations to partake in the illicit arms trade without any repercussions[9].

Research done by the UNODC has indicated that there are only two primary markets for illicit arms: One, those who need weapons for political purposes, and secondly, those who need weapons for criminal endeavours. The illicit small arms trade thrives in communities where there is a well established organized crime organization, as well as in war zones with militant groups.[10] Even though roughly two-thirds of illicit weapons end up in the hands of violent non-state sponsored organizations and civilians, nations also play a crucial role in the illicit arms trade[11]. Many nations that have faced international criticism and have arms embargoes placed on them seek to circumvent these controls and obtain mass amounts of weaponry. Though embargoes are meant to deter criminal activity and decrease the amount of small arms being trafficked it often has unforeseen consequences that negatively impact the people of the nation and in some cases increase the amount of small arms trade occurring[12]. For example, Yugoslavia was the first nation to have a United Nations Arms Embargo placed on them in 1992. This ultimately led to a 46% increase in the amount of weapons being trafficked, with Iran serving as the main weapons supplier and establishing a long standing relationship between the two regions[13].

The Russian Federation and other Eastern European countries have been widely established as one of the largest actors in the illicit small arms trade. When the Soviet Union collapsed many of the former bureaucrats, government officials, and military leaders used their connections to become involved in the arms trade[14]. They have long since been involved in the trade with some of the largest transactions occurring in the eastern European region. For example in 2007 illicit actors in Russia sold over 100,000 AK-103 39 mm assault rifles to Venezuela to replace the ones bought from Belgium in the 1950's. The International community became very concerned that these weapons would then be sold to the Columbian Group, FARC, and used with a malicious intent to hurt innocent civilians and conduct a coup[15]. Government corruption is at the core of the illicit small arms trade globally with the use of bribery and hefty transactions running rampant, with many government officials partaking in this illicit trade viewing it as high-profit-low-risk[16].

Not only is Eastern Europe a major distributor of illicit firearms globally but nationally and locally as well. It is estimated that around 48 percent of all homicides within the region are committed by the mafia and that the culture of violence has allowed aggression and homicide to ensue[17]. There has been a significant increase in the level of sophistication of firearms among mafias since the 1970's; they members now rely on machine guns, revolvers, pistols, and AK-pattern assault rifles to carry out violent actions and intimidation tactics[18]. Criminal groups in the former Yugoslavia, Albania, and Eastern European region have also been established as the biggest distributor of firearms for Italian Organized crime groups who have one of the highest violence rates in the international community and have created a culture of violence in communities[19].

UNITED NATIONS INVOLVEMENT

The involvement of the United Nations began in September 1990 with the Basic Principles on the Use of Force and Firearms by Law enforcement officials under the United Nations Human Rights Council. This outlined the basic provisions for acceptable uses of firearms by law enforcement including only using firearms in self defense or defense of others under the jurisdiction of the state This relates back to the illicit arms trade in that 80% of illicit arms usage is not allowed under the Basic Principles on the Use of Force and Firearms by Law

enforcement officials and completely accepted international law is inhibited by governments controlled or profiting from the illicit arms trade disputing the wording of this document[1].

During the 55th session of the General Assembly in May of 2001, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, otherwise known as the Firearms Protocol, was established in A/RES/55/255. Currently, it is the only legally binding instrument that globally combats the illicit trafficking and manufacturing of firearms, firearm components and parts, and ammunition. In cooperation with the United Nations Convention against Transnational Organized Crime and its protocols, it establishes a framework that outlines the regulation of illicit arms and their flows, the prevention of their transfer into the illegal market, the facilitation to investigate and prosecute purely illicit arms related offenses. With the aim for international coordination and developing systems to prevent and abolish the illicit arms trade, the Protocol also officiates legislation consistent with State's legal systems to prosecute, investigate, and prevent offences related to illicit arms trade including confiscation, seizure, and destruction; licenses to transport arms; and tagging of arms with the manufacturer, manufacturing date, and originating country. A working group was also established by conjunctory resolution 5/4 to facilitate the Firearms Protocol by sharing methodology and experience between experts to recognize the weaknesses and successes of certain systems and practices. In 2020, 119 nations have adopted this Protocol[2].

The research collected by the experts formulated the Modular Small-arms-control Implementation Compendium (MOSAIC) which is a set of voluntary guidelines compiled from a decade's worth of some of the best practices, codes of conduct, and operating procedures to combat the illicit arms trade and destabilize the possession of these arms. Modules within the Compendium are used in over half of member states and a majority of Eastern European nations, but the Compendium is available for the use of any government or organization to reduce the possibility of the arms traversing into illegal markets[3].

In direct relation to the United Nations involvement in Eastern Europe, the UNODC convened in July of 2018 under its Research and Trendy Analysis Branch and its Global Firearms Programme, created to help nations build sufficient criminal justice systems that would competently address the issues of organized crime in relation to the illicit arms trade,[4] to review the EU funded project on "Supporting Global Data Collection and Analysis on Firearms Trafficking and Fostering Cooperation and Information Sharing, in particular Among Countries Along Major Trafficking Routes to/from the EU." This regional meeting stressed the importance of cross-data sharing and developed guidelines for specific European actions in regards to weak points in the continent allowing for the flow of illicit arms. Based on the research of 18 experts from various European nations, the team developed the Illicit Arms Flow Questionnaire to foster the exchange of information between member states.[5]

Lastly in hopes to increase the transparency of arms dealing, the United Nations Register of Conventional Arms (UNROCA) was created in 1991, but has had its most effective update in 2016 through A/RES/71/44 which provides an electronic system for nations to annually submit reports of official arms transfers. Utilized by over 170 nations, the UNROCA builds data on the amount of legal arms to create a conventional arsenal deemed necessary to maintain credible defense and effective peacekeeping tasks. Illicit arms used in peacekeeping tasks or the appearance of registered guns in the black market can then be alerted to the UN.[6]

CASE STUDY: Illicit Small Arms Trade in Ukraine

Ukraine has become a hotspot for the illicit arms trade in Eastern Europe. The problem traces back all the way to conflicts from the World Wars, in which the supply of left over weapons first started to build up. The stock of weapons within the country continued to increase as conflicts occured, and upon the collapse of the Soviet Union when a large supply of its weapons were left in Ukraine. The arms trade is an internal and external problem, as there are many sales of illicit arms within the country as well as smuggling of illicit weapons into and out of the country and the supply of civilians with weapons by governments. The ongoing violence and conflict only adds to the problem because it provides chaos that prevents the government from stopping the problem, contributes to corruption within the government, weakens the border security capabilities, and adds to the weapon supply available. It has been confirmed that here are 3-4 million illicit guns in circulation within the country by the Ukranian Ministry of the Interior, but the number may be much larger in reality.

Legal framework is inconsistent concerning the manufacture, transportation, purchase, and possession of firearms. The loose current state and structure of the government has caused there to be no clear body in charge of establishing a thorough framework. There have also been changes in the law, making some previously legal weapons illegal, resulting in widespread possession of illicit arms. Furthermore, The type of weapon that citizens are allowed to own is limited, but the number of legal weapons is not. The trade of weapon parts is also prominent in Ukraine, as people use these to modify weapons they already own in order to make them more effective and dangerous, and because the sale of weapon parts is not illegal and does not require a license. For instance, the Zoraki 914S starter pistol is widely available to Ukranian citizens and is often altered, making it an illicit firearm.

Ukraine does not have a method for citizens or manufacturers to register firearms, or a system for civilians to gain licensing to own weapons. This makes it extremely difficult to get accurate data and determine how many weapons are actually illicit, how many began as licit weapons or sales, and how many weapons are produced within the country. It is estimated that 3-5 million small arms are held by civilians in Ukraine, but because there is no established system for registration or licensing, there is no way to know which of these are illicit or which civilians should be allowed to own them. The fact that there are 300 producers of military equipment and weapons recognized by Ukraine as well as many more operating without reporting to the government makes the tracing of weapon production within the country difficult as well.

When Ukraine declared independence upon the collapse of the Soviet Union, it was left with a large number of weapons, extremely likely to be entered in the illicit arms trade. 30 percent of the Soviet defense industry was maintained within what are now Ukranian borders. Small arms, light weapons, and associated ammunition were all left within Ukraine when the Soviet Union left. These weapons were not registered or tacked, so there was no accurate way to know how many were left or entered circulation. The most common types of weapons purchased illicitly in Ukraine are self loading pistols, rifles, and assault rifles, specifically Makarov and Tarakow pistols, AK-pattern assault rifles, and Dragunov sniper rifles. Slightly less common are light machine guns, anti-tank weapons, and explosives.

A large number of weapons have also been lost from the Ukrainian military as the number of weapons in their possession has decreased from 7.1 million to 6.2 million. Although some of this loss can be attributed to destruction, the majority of these weapons are now probably held by those without the authority to own them or are being traded and transferred

illicitly. Between 2013 and 1025, an additional 300,000 small arms and light weapons were lost by the Ukrainian government, and only about 4,000 of those were ever recovered.

In 2014, Russia annexed the Crimean Peninsula, claiming that the land belonged to them. However, Ukraine as well as most of the world recognizes Crimea as part of Ukraine. Therefore, this launched a conflict that is still ongoing between those that want to join Russia and those who want to remain a part of Ukraine. During the same year, armouries of the SBU and the Interior and Defense ministries were looted by separatists who wanted to be armed for the conflict in the Crimean Peninsula. The groups at war within the country, including those not technically associated with the government, have also gained access to an abundance of military grade weapons. Some of these weapons came directly from the Ukranina and Russian governments, but the rest were stolen, looted, or previously owned by civilians. Those weapons used or found from the Crimean conflict are also often entered in the Black Market, and are purchased in other regions of the country where weapons are not as readily available. The area of conflict is also the region with the most weapons seizures and highest numbers of illicit arms.

The borders in Eastern Ukraine are also unregulated, which makes them very vulnerable for the penetration of illicit goods. This means that weapons also come from foreign countries. Some of the most common historically are the former Yugoslavia (today's Bosnia, Croatia, Macedonia, and Montenegro) and Moldova. Russia is also a large source of the illicit weapons in the country because they supply civilians fighting in Crimea that want to rejoin Russia. Foreign countries have brought anti-material rifles, rocket launchers, and man-portable air defense systems into Ukraine.

Ukraine has also become a large exporter of illicit arms. From 1997 to 2000 alone Ukraine exported more than 1.5 billion dollars worth of weapons. Most of the illicit Ukrainianan arms sales are believed to be from stockpiles and leftover weapons rather than those being producedThis is believed to be due to high levels of corruption within the Ukranian government. Allegations of selling millions of dollars worth of weapons to the Taliban have been placed on the Ukraninan secret service. Arms from Ukraine have been reported in conflicts in Sierra Leone, Syria, Libya, Iraq, and Afghanistan. Ukraine's involvement in the illicit arms trade is also partially accredited to its disastrous economy, resulting in a dire need to make money. Organized crime and terrorist groups contribute to the illicit arms trade out of Ukraine as well. For instance, Gregoire Moutaux was caught at the border attempting to take 5 AK-pattern assault rifles, thousands of bullets, two anti-tank launchers, explosives, and detonators out of Ukraine and into Poland in hopes of using the weapons at a soccer game in France.

Through looking at Ukraine, it is revealed that the illicit small arms trade is not a simple problem. Countries can become susceptible due to various reasons including, but not limited to turmoil within their borders, conflict with other nations, corruption, or insecure borders. In order to solve the problem of the small arms trade in Eastern Europe, the resolution of historical events, current conflicts, weak governments, and other underlying reasons must be taken into consideration along with the ending of the actual smuggling of weapons. Ukraine also depicts that the small arms trade in Eastern Europe is largely intertwined between countries, so solutions must address how the region as a whole can end the small arms trade.

QUESTIONS

1. Does the illicit small arms trade affect your country? Does your country contribute to it, receive weapons, or is it particularly susceptible? If so, what is causing this within your country and who is smuggling the weapons?
2. What has your country done about the illicit arms trade within its own borders or globally in the past? Do they have laws regulating the sale or ownership of weapons among its citizens, a registration system? Do they believe that there should be more international regulation of weapon production?
3. What actions have been taken by the international community and the countries in Eastern Europe to end the illicit arms trade and why have they not been successful? What can be done to improve their success?
4. Does your country maintain trade with countries in Eastern Europe that have a problem with the illicit small arms trade? If so, would your country be willing to lose these allies in order to end the problem?
5. What factors contribute to the vulnerability of Eastern Europe to the illicit small arms trade? Who is participating and why?
6. Should those participating in the illicit small arms trade be prosecuted by their country or on an international level? How does corruption factor into this?

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