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A common formula of disarmament among illegal armed groups/non-state actors including rebels and paramilitary organizations



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INTRODUCTION

Armed groups are not considered to be a new issue in the security agenda, although during the last twenty years this phenomenon commands greater attention than before, since the security environment has been dramatically changed during the end of the Cold War. In fact, the major characteristic of contemporary violent conflicts is that they are mostly intra-state and civil wars with new combat strategies, sometimes exclusively, with small arms and light weapons.

The issue of armed groups remains highly controversial due to its complex nature and all the factors that are involved (factors such as political motivation, sovereignty, trafficking of arms etc)

The current study guide begins with a small definition and taxonomy of armed groups. It also examines the current international framework and policies trying to identify some obstacles and inadequacies that should be faced during a MUN debate.



BACKGROUND INFORMATION

A NEW SECURITY ENVIRONMENT AND THE EXPANSION OF ILLEGAL ARMED GROUPS.¹

Even before the Cold War ended, it was evident that new forces and actors would play a major role in the continuously evolving security environment. Several reports and studies in the late 1990s highlighted these changes and tried to estimate the changes and their impact in the new world order. Most of them stressed the importance of the fact that non-state armed groups are proliferating in number.

In fact, a significant number of states face difficulties in achieving domestic legitimacy, a phenomenon frequently called as “state failure”. In the late twentieth century, government legitimacy was eroding in many Third World states and was failing to take root in a number of post-communist states. The major causes for this phenomenon are considered to be, weakened capacity, deeply divided societies, devastated economies, squandered resources, traumatized populations, civil societies crippled by war, international organized crime, and black market networks.

It is well-known that lawless/ ungoverned areas within and/or across the borders of very weak and failed states provide various armed groups with a safe territory in which they can establish secure bases for training, planning, and launching operations locally, regionally, and globally.

State failure escalated as armed groups increasingly challenged the authority and ability of states to rule, using a variety of means, including terrorism, guerrilla insurgency, and other irregular and unconventional forms of organized violence. Several internal wars resulted.

The nature of armed conflicts are predominantly intra-state conflicts (internally and localized, but with an important regional and international influence and dimension). With new

¹ Source:

- Armed Groups: A Tier-One Security Priority USAF Institute for National Security Studies, USAF Academy, Colorado <http://www.usafa.af.mil/inss>
- Engaging Armed Non-State Actors in Post-Conflict Settings Caroline Holmqvist



combat strategies and a globalised war economy these internal conflicts take on a very important regional dimension.

Data on conflicts give further indication that contemporary conflicts are involving at last one non state actor.

DEFINING ILLEGAL ARMED GROUPS²

The terminology used to describe armed non-state actors is controversial and intensely political. To their supporters, armed groups can be ‘revolutionaries,’ ‘liberation movements’ or ‘freedom fighters.’ To their enemies, the same groups are labelled ‘terrorists,’ ‘rebels,’ ‘insurgents,’ or merely criminals.

A first definition can be found in the Additional Protocol II to the Geneva Conventions: It is stated that the rules only apply in internal conflicts between a government’s armed forces “[...] and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained concerted military operations and to implement this Protocol.”

A general definition oftenly used by the United Nations is the following: non-State armed groups are defined as groups that have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate.

It includes, but is not limited to, the following groups:

- Rebel opposition groups (groups with a stated incompatibility with the government, generally concerning the control of government or the control of territory)

² Source:

- Engaging Armed Non-State Actors in Post-Conflict Settings *Caroline Holmqvist*
- Humanitarian negotiation with armed groups, United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in collaboration with members of the Inter-Agency Standing Committee (IASC).
- Armed groups, weapons availability and misuse: An overview of the issues and options for action, Dr. David Capie, Armed Groups Project, University of British Columbia, Vancouver.



- Local militias (ethnically, clan or otherwise based)
- Insurgents
- Terrorists
- Guerrillas
- Civil defence forces and paramilitary groups (when such are clearly beyond state control);

These categories are fluid, and the same group may be differently classified over time according to several variables such as leadership, structure and functions, ideology beliefs and objectives strategy, connections etc. However, armed groups share some characteristics, some of them are listed below:

Have a group identity, and act in pursuit of their objectives as a *group*;

Members of an armed group will be strongly influenced by group conformity pressures such as depersonalization of victims; perceptions of impunity; moral disengagement and obedience to group authority;

Are not within the formal military structures of States, State-alliances or intergovernmental organizations.

This characteristic of non-State armed groups has important implications for enforcing accountability for the actions of members of the group. The 'extra-State' status of armed groups means that the applicable legal provisions relating to the duties and obligations of these groups under international law may differ from the duties and obligations of States, and for certain provisions there remains some legal uncertainty as to the extent that those provisions apply to armed groups;



Are not under the command or control of the State(s) in which they operate.

Armed groups may not be under the command or control of the State(s) in which they operate, but they may receive direct/indirect support of the host government or other States, or may be provided with a safe haven in certain countries;

Are subject to a chain of command (formal or informal).

This is an important attribute of armed groups, because it means (at least in theory) that there is some degree of centralized command and control, however limited, over the actions of group members. When this centralized command structure breaks down, it can no longer be considered to be one armed group, and humanitarian negotiators may have to identify interlocutors within several factions of the original group.

When a chain of command (however limited) is functioning, it increases the likelihood that lower-ranking members of the group will respect the undertakings and agreed outcomes negotiated by and with their leaders.

In implementing an outcome agreed with the leaders of an armed group, humanitarian workers should attempt to identify the local chain of command to increase the likelihood that any agreed outcome will be respected and implemented by lower-ranking members of the group.

Armed groups- key factor in the international system

There are several reasons why armed non-state actors warrant particular attention in the context of the security agenda. The existence and action of armed groups can affect in several ways the international system.

First, armed groups are important participants in the trade in small arms. Because they usually operate outside the legal framework in their own countries, it is difficult, though not impossible, for them to acquire weapons through licit channels. They create and sustain a



demand for illegal arms and provide markets for ‘sanctions busting’ arms dealers. Armed groups are also frequently involved in the unlawful redistribution of weapons, including to other armed groups and criminal organisations. Although armed groups possess only a small proportion of the world’s small arms, their holdings and transfers should be of particular concern to the international community. These are the weapons most commonly used in armed conflicts and that are associated with many deaths, injuries and violations of human rights. There are three primary sources through which armed groups acquire weapons: importation, domestic procurement and indigenous production

Second, in situations of internal conflict, armed opposition groups are important military and political actors. They often command large areas of territory and population and in some cases operate as de facto governments. How they use (or misuse) their weapons has direct effects on the security and wellbeing of people under their control. Even once fighting comes to an end, armed groups remain crucial actors in peace processes, disarmament and demobilisation programs, weapons collection and destruction initiatives.

Third, the international community now expects more from these groups. In the past, acts of violence by non-state actors were seen as a domestic problem of the state concerned, to be dealt with through legal, political, or military means. However today it is often declared that *“States are no longer the only actors responsible for ensuring the protection of civilian populations”*.

CURRENT INTERNATIONAL LEGAL FRAMEWORK³

In dealing specifically with armed groups, the relevant bodies of law are the International Human Rights law and the International Humanitarian law. It is obvious that there isn’t any solid legal framework of disarmament focusing specifically on disarmament of armed groups yet.

³ Source: Armed groups, weapons availability and misuse: An overview of the issues and options for action, Dr. David Capie, Armed Groups Project, University of British Columbia, Vancouver.



In October 1998, the Canadian government circulated a discussion paper calling for a global *Convention Against the International Transfer of Military Small Arms and Light Weapons to Non-State Actors*. The proposed Convention skirted the issue of defining non-state actors by including an annex that would list state actors and their authorised agents to whom lawful transfers could be made. Reaction to the initiative was mixed. Some governments expressed support, but it was opposed by others, as well as by a number of non-governmental organisations, who argued the proposal ignored the inherent right to self-defence for people fighting repressive regimes. The proposal also elicited strong opposition from the United States. US officials told the UN Group of Governmental Experts on Small Arms that US policy was that the possibility of transferring arms to non-state actors opposing repressive regimes needed to be kept as an instrument of foreign policy.

Efforts were more successful at the regional level. In December 1998, the European Union adopted a *Joint Action on Small Arms and Light Weapons*. Under the initiative, only states are considered legitimate end-users for transfers of military small arms. Article 3(b) includes “a commitment by exporting countries to supply small arms only to governments (either directly or through duly licensed entities authorised to procure weapons on their behalf).” In July 2002, the Joint Action was amended to include ammunition. While the initiative has been welcomed as a contribution to small arms control efforts, it has been criticised by some for only dealing with weapons built to military specifications. It does not cover pistols, shotguns and many types of rifles used in internal conflicts.

Finally, while non-state actors are not mentioned specifically in the UN Programme of Action (PoA) (except as “terrorists” and “criminals”), much of the existing UN small arms agenda, by targeting the illicit trade in small arms, is designed to prevent weapons falling into the hands of armed groups.



Disarmament, Demobilisation and Reintegration⁴

Programmes for the disarmament, demobilisation and reintegration (DDR) of former combatants have become an integral part of peacekeeping operations and post-conflict reconstruction plans. There is hardly any UN peacekeeping mission that is not confronted with aspects of DDR programmes. A number of countries have also implemented demobilisation programmes as part of a national security sector reform or force reduction. DDR programmes constitute a vital link between military and civilian aspects of peace operations. The success of such programmes is essential for sustainable peace and development.

A DDR program is generally negotiated as part of the peace accord. National governments are usually directly involved in planning and implementing DDR programmes in partnership with international organisations and donor countries. The UN, as a third-party intermediary, frequently oversees DDR processes.

In some cases, a special peacekeeping mission of the UN is responsible for disarmament and demobilisation as one of its tasks (see chapter on peace support operations). In addition, the UN Development Programme (UNDP) takes part in these initial phases, but is primarily responsible for the reintegration phase, assisting in the design of programmes and coordinating and implementing them as well.

Although the design of DDR programmes is often decided during peace negotiations and written into peace agreements, a variety of actors may provide advice during that process and can be involved with implementation. In addition to the UN, a primary actor is the World Bank, which funds and assists in the operation and evaluation of DDR programmes. Other donors and actors, including foreign governments, provide financial and technical assistance. International

⁴ Source:

- United Nations - Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS), <http://www.unDDR.org>
- Disarmament, Demobilisation and Reintegration, A Practical Field and Classroom Guide, Ian Douglas, Colin Gleichmann, Michael Odenwald, Kees Steenken, Adrian Wilkinson
- www.wikipedia.org



NGOs, including humanitarian groups, are also involved as donors and providers of relief aid, as are various arms of the UN.

A **DDR** could be understood as the process where a specific number of combatants, on a collective or individual way, and belonging to an Armed Force or an opposition armed group, agree to deliver their arms, demilitarise and reintegrate to a civilian life or to the security bodies of the country. More specifically, by phases would be:

Disarmament. Disarmament is the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population. Disarmament also includes the development of responsible arms management programmes.

Demobilization. Demobilization is the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilization may extend from the processing of individual combatants in temporary centres to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or barracks). The second stage of demobilization encompasses the support package provided to the demobilized, which is called reinsertion.

Reintegration. Reintegration is the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open time frame, primarily taking place in communities at the local level. It is part of the general development of a country and a national responsibility and often necessitates long-term external assistance.

Further, the goals of a DDR program, according to the UNDP, are:

- To contribute to improving the security and political stability of the country.
- To re-establish the conditions that allow the reintegration of the armed participants or factions that has been in dispute.
- To prevent future outbreaks of violence.



- To contribute to national reconciliation.
- To free resources, both human and financial ones, for post-war reconstruction and development.

DDR is a complex process that involves political, military, security, humanitarian and socioeconomic factors. Its setting tends to be post-conflict contexts, often associated with institutional weakness, political transition, democratic fragility, problems of security, destruction of infrastructures and economic dependence on international aid

Focusing on disarmament and demobilisation

The fundamental steps of demobilisation are:

1. planning,
2. encampment,
3. registration,
4. disarmament,
5. pre-discharge orientation and
6. final discharge of the then ex-combatants.

It is important to note that the political situation preceding demobilisation affects the chronological sequence of demobilisation and the relevance of the individual steps. The steps of disarmament are:

1. weapons survey,
2. weapons collection,
3. weapons storage,
4. weapons destruction and
5. weapons reutilisation.



As it was mentioned above several variables are involved, and the DDR process is primary political. Several principles must be preserved and in order for the programme to be successful, all the procedures must take place under special conditions.

THE ISSUE⁵

Why the issue of non-state armed groups remains so crucial on the international agenda? And why the already existing mechanisms cannot be very effective? A lot of scientific papers have taken place trying to identify the main obstacles of the legal framework and current policies.

Firstly, whereas international reality is less and less state-centred, international law remains state-centred. Not only are most of its rules still exclusively addressed to States; its implementation mechanisms are even more state-centred. Even when rules apply to non-State actors or are claimed to apply to them, in most cases no international forum exists in which the individual victim, the injured State, an international intergovernmental or non-governmental organization or a third State could invoke the responsibility of a non-State actor and obtain relief.

To the extent that disarmament, demobilisation and weapons collection programs are facilitated by cohesive and well-organised command structures, armed groups often present significant complications. First and most basically, it can be hard to identify the members of groups. Fighters are usually irregular and often do not wear uniforms or military insignia. There are rarely accurate or complete statistics about the size of a group's membership, its order of

⁵ SOURCE:

- POSSIBLE LEGAL MECHANISMS TO IMPROVE COMPLIANCE BY ARMED GROUPS WITH INTERNATIONAL HUMANITARIAN LAW AND INTERNATIONAL HUMAN RIGHTS LAW, Marco Sassòli, Professor of international law at the University of Quebec in Montreal, Canada
- Armed groups, weapons availability and misuse: An overview of the issues and options for action, Dr. David Capie, Armed Groups Project, University of British Columbia, Vancouver.
- ANALYSIS OF THE DISARMAMENT, DEMOBILISATION AND REINTEGRATION (DDR) PROGRAMS EXISTING IN THE WORLD DURING 2006 , bert Caramés, Vicenç Fisas and Eneko Sanz, researchers at the Barcelona Autonomous University's Peace Culture School



battle, or total weapons stocks. Armed groups are frequently in flux and there can be rapid changes in their numbers depending on the nature of the conflict and related political and economic conditions. A group's ranks can quickly expand if the right political or monetary incentives are on offer. These factors make it difficult to distinguish between combatants with a sustained involvement in fighting and mere private individuals who own weapons command and control structures also complicate peace processes and demobilisation efforts.

Finally, armed groups also have distinct patterns of internal weapons distribution. Unlike state militaries, non-state actors are often forced to decentralise their weapons stocks. The fluid and often chaotic nature of internal conflict makes the stockpiling of arms in armouries impossible, so comparatively large caches of arms may be held by individuals for easy distribution.

With regard to the DDR process itself, there are also a wide range of factors that may cause problems, as has been demonstrated in earlier programmes: a lack of civil and popular participation in the process, the mistrust of the Government itself with regard to the DDR process, a decentralising and federal process, or the suspicions about the participation of troops from neighbouring countries.

In the disarmament phase, in some cases little emphasis is placed on the collection of light arms or these end up being very old ones, under the perception that weapons are usually collective and not individualised, the quantity of weapons collected is very small in comparison with the number of combatants demobilised, certain doubts arise due to the process of repurchase, or the situation is one of a clan structure where weapons form a part of the culture of protection and there is an easy access to these.

In the case of the demobilisation phase, there have been cases of poor health and humanitarian conditions in the holding camps, lack of equipment, personnel and remuneration, a lack of definition about the combatant statute and a lack of consensus about the harmonisation of military ranks and poor professional training.

Several measures and mechanisms have been proposed in order to address illegal armed groups but scepticism and hesitation usually prevails.



POSSIBLE SOLUTIONS AND SUGGESTIONS⁶

How can the issue of illegal armed groups be faced effectively and what should be done to ameliorate the existing structures?

Previous experience has shown that the issue of disbandment of non-state armed groups is multi-faced and the coordination of different mechanisms and key factors in such a process is absolutely essential.

Apart from the improvement of the legal framework and the application of norms incorporating humanitarian and development policies, the issue of armed groups (a primary security issue) is highly connected with the international disarmament policies, and demands a more systematic approach from the whole disarmament mechanism of the United Nations.

New policy initiatives can be divided into two sectors: those that address the supply side and those that seek to prevent the misuse of weapons once they are in the hands of non-state actors. To date, the international community has given far more attention to the former. Many states have been unwilling to support initiatives that deal directly with armed groups, fearing they will grant them legitimacy or publicity, or be seen to reward 'terrorism'.

Securing existing stockpiles of arms and ammunition, improving import and export controls, strengthening the capacity of law enforcement, and carrying out post-conflict weapons collection all raise the costs for non-state actors seeking to acquire arms.

Given the importance of domestic supplies for many groups, questions of stockpile management and security force discipline take on particular importance.

Arms dealers play a vital facilitating role in the supply of arms to non-state actors. It is up to the States to decide whether the best policy is to apply domestic or international regulations.

Most multilateral arms embargoes currently in place are imposed against non-state armed groups. Unfortunately, the damning reports of UN panels of experts on Rwanda, Sierra Leone and Angola reveal just how easy it has been to circumvent these measures. These reports made a number of important recommendations for strengthening sanctions regimes, including profiling

⁶ Source: Armed groups, weapons availability and misuse: An overview of the issues and options for action, Dr. David Capie, Armed Groups Project, University of British Columbia, Vancouver.



brokers and transportation companies involved in illicit trafficking, improving the inspection of military cargo at airports near regions of conflict, and improving law enforcement and customs cooperation. Within the UN itself more resources should be provided to the organs charged with monitoring sanctions regimes. Consideration should be given to the creation of a more permanent sanctions monitoring effort led by independent technical experts.

Finally, the question of restricting arms transfers to non-state actors should be revisited. A total ban on transfers is both morally problematic and lacks the support of key international actors like the United States. However, efforts should be made to establish criteria for permissible transfers from states to non-state actors. It may be possible to create a norm forbidding the transfer of weapons to groups that are known to commit egregious human rights violations.

Finally, it is important that the DDR programmes, especially the Disarmament process be re-evaluated and new techniques and approaches be applied. It is obvious that disarmament measures need to be accompanied by other programmes that provide increased security and hence reduce the demand for weapons among the civilian population. A comprehensive approach is therefore needed to work towards sustainable security, peace and development.



BLOCK POSITIONS

The issue of non-state armed groups reflects the “standard” diversion among States concerning the small arms and light weapons policy, and an even more “classical” diversion among the western and the developing countries.

In general, one of the most powerful block of States is the one usually led by the United States and it includes the majority of the members of the European Union and NATO, and several States under the influence of USA. This block actually has recognized the importance of the issue, proposing a multi-faced programme of disarmament of non-state armed groups, trying to avoid though very risky movements, especially in areas of big concern. The “power” of this block stems principally from their economic growth and their military ability.

On the other side, a block could arise from States where the threat of illegal armed groups is immense. State sovereignty is their primal concern, and the threat of violent events has been usually transformed into a political tool for them. Human rights are not considered to be an obstacle for them. This block can include DR Congo, Russian Federation or Iran and some states of the third world.

Several blocks can arise from States having particular interests (for example only a specific type of armed group), or from States that are considered quite neutrals concerning the issue. As far as those States are concerned, diplomatic skills and commitments of the aforementioned blocks are crucial, in order to “attract” them.



QUESTIONS A RESOLUTION MUST ANSWER

The 1st committee of the General Assembly, focusing exclusively on the disarmament process of illegal groups, has the duty to propose a draft resolution to the plenary. Therefore, a few basic questions that the delegates are called to answer concerning the disarmament of non-state armed groups are the following:

- How should the governments act in order to face effectively and permanently the issue of illegal arm groups?
- How can such groups be addressed? Is there a danger that they gain political status?
- How can the already existing mechanisms be ameliorated?
- Is applying a common policy of disarmament among the different types of illegal armed groups a feasible idea? Will this diversity be overcome?
- How can the governments enforce the international law against armed groups?
- How can the intelligence systems of the governments be improved?

A lot of questions and proposals can be addressed to the committee according to the priorities and the general policy of each state.



CONCLUSION

Non-state armed groups are crucial actors in contemporary conflicts. They have the ability to affect the security and welfare of the whole humanity.

We still know too little about the holdings, transfers and use of small arms by non-state armed groups. In key areas, our data is incomplete, ambiguous or non-existent. Effective policies to address the threat to human security posed by armed groups need to be built on a foundation of cooperation and solid commitments. It is vital for the governments to develop a better understanding of the tools the international community has at its disposal (at a regional and global level) to influence their behaviour.

Note that the study guide is just an initial stage of your own information and cannot fully replace your personal research. During your research, please take into consideration that the internet is not the only source of information. Do not hesitate to contact the board of the 1st committee for any information or inquiry. Good luck with your scanning and we are looking forward to meeting you in person



LINKS FOR FURTHER RESEARCH

You are strongly recommended to visit the following websites during your preparation for the ThessISMUN. At these sites you should be able to find various sources and very detailed information to enrich the Study Guide.

- United Nations office for disarmament affairs <http://disarmament.un.org/>
- GA 1st committee <http://www.un.org/ga/first/index.shtml>
- Disarmament commission <http://disarmament.un.org/undiscom.htm>
- Conference on disarmament <http://www.unog.ch/>
- Centre for European Security Studies (CESS), <http://www.cess.org>
- UN Department of Peacekeeping Operations (UN-DPKO), <http://www.un.org/Depts/dpko>
- United Nations - Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS), <http://www.unddr.org>
- Small Arms Survey, <http://www.smallarmssurvey.org>
- G8 Resolution on Conflict Prevention, Disarmament, Demobilisation and Reintegration <http://www.mofa.go.jp/policy/economy/summit/2002/g8conflict2.html>
- United Nations Statement on Maintenance of Peace and Security and Post-conflict Peace-building, 2000 <http://www.un.int/usa/spst0010.htm>
- World Bank Conflict Prevention and Reconstruction Unit <http://www.worldbank.org/conflict>
- United Nations Development Programme (UNDP) Small Arms, Demobilisation & Reintegration <http://www.undp.org/erd/smallarms/index.htm>
- United Nations Institute for Disarmament Research (UNIDIR) <http://www.unidir.org>
- United Nations Department of Peacekeeping Operations (UNDPKO) <http://www.un.org/Depts/dpko/dpko/home.shtml>
- North Atlantic Treaty Organisation (NATO)- Civil-Military Cooperation branch (CIMIC), <http://www.nato.int>