

**Counter-Terrorism Committee Executive Directorate
Open Briefing on
“Preventing terrorists from acquiring weapons”**

**Session I: Addressing the evolution of the threat of terrorists acquiring weapons and
how to better prevent such illegal activities**

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PREVENTING TERRORISTS FROM ACQUIRING WEAPONS

I. INTRODUCTION

Terrorism has been increasing steadily in intensity and has spread to many more countries and regions in the past decade. According to the Australia-based Institute for Economics and Peace, 28,328 people were killed in terrorist acts in 2015 alone! It is one of the major security threats faced by the international community.

Weapons help to materialize terrorist intentions. Recent situations have proven that terrorists can use anything, any object, including aircraft, vehicles and the Internet to achieve their egregious aims. While weapons of mass destruction, including chemical weapons are not far off, conventional arms remain the weapons of choice for terrorism. From procurement of materials for use in the production of weapons of mass destruction to illicit flows of small arms and light weapons (SALW) and explosive elements for manufacture of improvised explosive devices (IEDs), there is no shortage of dangers. Terrorists will stop at nothing to exploit any gun control loophole to bring their plans to life.

Individual States, regional organizations and the United Nations have adopted policies, laws, resolutions and mechanisms for disarmament and arms control in an effort to strengthen peace and security, including through preventing the flow of weapons into terrorist networks. The United Nations Office for Disarmament Affairs (UNODA) assists Member States in the development and implementation of disarmament and arms control measures.

This paper will review the major challenges in preventing terrorists from acquiring weapons and will offer some suggestions that may contribute to strengthening existing measures.

II. POLICY AND LEGISLATIVE CHALLENGES

Policy and legislative instruments and measures relating to disarmament and arms control exist at national, regional and international levels. At each level, there are challenges that undermine their effectiveness.

a) National level

At varying degrees, the challenges to national laws on weapons are as follows:

- Laws are outdated and no longer in tune with security threats of our times;
- Laws are relatively new and therefore not yet fully in force;
- Developing an arms control culture that focuses on terrorism is lacking;
- Weak implementation capacities (security forces, parliamentary oversight);
- Counter-terrorism laws and policies: weak/lack of implementation mechanism, insufficient focus on weapons;
- Institutional attention deficit, low priority, especially in fragile/failing states.

b) Regional level

A number of regional and international organizations have adopted arms control instruments. Others have also adopted special measures for fighting terrorism. Nevertheless, their effectiveness is challenged by a number of problems which include:

- Weak focus on terrorist weapons, as most of the instruments were not adopted with the specific aim of combatting terrorism;
- Slow implementation due, in part, to the fact that the arms control instruments have only just entered into force. The 2001 UN Programme of Action on SALW and the 2014 Arms Trade Treaty have been major impetus for the development of the regional instruments. The implementation tradition is therefore relatively short.
- Key countries have not ratified the regional instruments.

c) International level

The international community, especially through the United Nations, has adopted many arms control measures. A number of them such as the UN Security Council resolutions are specifically designed to prevent terrorists from acquiring weapons. Challenges to their effectiveness include:

- **Relevant Security Council Resolutions: 1373 (2001), 1624 (2005), 2178 (2014), 2195 (2014), 2220 (2015), 2322 (2016) and 2341 (2017):** Although binding upon all States, their message is not sufficiently felt/perceived at the national levels where the desired action ought to take place. In fact, these resolutions are not well-known and do not get the attention they deserve from national authorities.
- **SC Res. 1540 (2004):** focused on weapons of mass destruction and their means of delivery and related materials, has proven to seriously impede the flow of WMD to non-state actors.
- **GA resolution “Measures to prevent terrorists from acquiring weapons of mass destruction”** (latest version contained in 71/38): Like many GA resolutions, mandate for action is provided, but no enforceability; implementation often uneven.
- **The Arms Trade Treaty:** Art. 7 (iii) on export and export assessment: Not “*to commit or facilitate an act constituting an offence under international conventions or protocols relating to terrorism to which the exporting State is a Party*”. This is a new Treaty with only 92 State Parties as to date (less than half of the membership of the UN; most major arms exporters are not State Parties (e.g. US, Russia, Saudi Arabia).
- **The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA):** The PoA only mentions “terrorism” in its preamble:
 - While it is true that the PoA is universal, its voluntary nature makes its implementation uneven. States tend to pick and choose only those aspects with which they feel comfortable.

- Another weakness of the PoA is that it does not explicitly cover ammunition, a vital component of the lethality of a firearm. There are situations where terrorists and other criminals use imported ammunition with artisan weapons that are easy to acquire. The production of artisan weapons is poorly or not at all regulated in a number of countries where the technological advancement in their production is not adequately taken into account by the national authorities. High-explosive ammunition can also be used in the manufacture of IEDs.
- **International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI):** The ITI does not explicitly mention “terrorism” in its provisions, but it functions on the premise that effective weapons tracing can reduce illicit trafficking. However, a large number of States do not conduct tracing often due to a lack of capacity and resources. In this regard, it is not yet part of the arms control “culture” of many States.
 - There are three major challenges to weapons tracing: 1) marking of weapons is a prerequisite for effective tracing and Article 9 of the ITI requires that: *“States will ensure that all illicit small arms and light weapons that are found on their territory are uniquely marked and recorded, or destroyed, as soon as possible”*. A good number of countries have not marked the weapons on their national territories; 2) Developments in new technology: e.g. 3-D printing, modular weapons, for which marking and tracing capabilities are not easily available. Policies and legal measures for dealing with these new technologies have not yet been developed; 3) Weapons tracing in conflict and post-conflict settings remains challenging. These settings, because regulatory frameworks are weak or absent in many cases, are sources of arms acquisition by terrorists and other criminals.
- **Ammunition and Improvised Explosive Devices (IEDs):** The relevant GA resolutions do not provide sufficient regulatory frameworks. The activities of the UN SaferGuard Programme and the International Ammunition Technical Guidelines (IATG) managed by UNODA assist States in the safe and secure management of ammunition, but cannot address all the challenges associated with illicit ammunition flows, including links to terrorists often because of a lack of resources. Additionally, while the IATG are important and useful guidelines, they cannot substitute for national legislative measures. The GA IEDs process is relatively new and needs to gather a momentum that is global, cohesive and coordinated.
- **The International Small Arms Control Standards (ISACS):** The effective implementation of ISACS can contribute to a better management of existing stockpiles of SALW and their transfers. However, ISACS do not yet have the universal backing they deserve and the resources needed for their full implementation.

III. OPERATIONAL CHALLENGES

Major areas of operational difficulties in effective arms control measures include the following, some of which have been noted in the national reports submitted by States within the framework of the UN PoA:

a) Resources gap- international assistance (financial and technical)

- At national, regional and international levels States and other institutions have complained about the lack of resources for implementing existing policies and measures;
- In addition to the lack of financial resources, there is the lack of modern technology and equipment for effective weapons control. Border control is a challenge particularly in developing countries.

b) Institutional weakness

- Many measures and policies, including relevant UN resolutions, national laws and regional conventions are not systematically accompanied by adequate implementation mechanisms/institutions that can ensure consistency and sustainability. Ad-hoc implementation measures are not always effective.
- A number of States still do not have a national focal point or national coordinating institution on the issues of illicit circulation of arms.

c) Lack of capacity

- There are sectors of arms control such as physical security and stockpile management (including marking, record-keeping, etc.) where modern expertise is lacking in many States.

d) Insufficient role for CSOs

- In a number States, there is still reluctance in associating non-governmental institutions in the fight against the proliferation of weapons. CSOs have a role to play, especially with regard to outreach, advocacy and awareness-raising, on illicit flows of weapons. This is especially true in rural areas that can serve as transit points of weapons.

IV. SUGGESTIONS FOR PREVENTING TERRORISTS FROM ACQUIRING WEAPONS

Remedial measures addressing the illicit flows of weapons to terrorists and other criminals could include the following:

1. The international community should agree on **a common definition of “terrorist”**. This would avoid situations where some governments transfer weapons to non-state actors or groups that are considered by other governments as “terrorist”. These situations weaken coordinated efforts in the fight against the flow of weapons to terrorists.

2. States may adopt a **whole-of-Government approach** that brings together all departments and entities with a stake not just in the field of weapons, but also those that have activities in the field of peace and security and development; for example, through establishment of a national commission constituted by all relevant stakeholders.
3. **Effective implementation of existing national, regional and international instruments**, including Security Council and GA resolutions relating to arms control and disarmament. Systematically setting up implementation arrangements and measures for each instrument can be a constructive way forward in ensuring consistency and sustainability of efforts.
4. The **universality of instruments such as the ATT and the Firearms Protocol**, both of which cover SALW, ammunition and parts and components, would enable stronger international mobilization in preventing the flow of weapons into unwanted hands.
5. Greater attention should be paid to **dual-use goods such as fertilizers** that can be used in the manufacture of improvised explosive devices, which are fast becoming a weapon of choice for terrorists.
6. An early **establishment of regulatory regimes for dealing with the issues of ammunition and IEDs** would contribute to lessening the activities of terrorists and other criminals. The ongoing processes on these issues in the UN General Assembly should be encouraged to mature in this direction.
7. With regard to the tracing of illicit weapons, States should be encouraged to nurture a **“culture” of marking and tracing**.
8. To address the growing developments in weapon technology that complicate the tracing of illicit weapons, the recommendation of the Secretary-General for States to consider adopting a **technical annex to the ITI** remains a valid proposition.
9. States may consider developing a **mechanism for addressing weapon tracing in conflict and post-conflict settings**, which are settings that constitute easy sources of weapons acquisition by terrorists.
10. The international community should step up efforts for the **implementation of SDGs Target 16.4** which calls for the reduction of illicit flows of arms by 2030, including through developing **national and regional indicators** in addition to the global ones on illicit arms. Indicators on illicit ammunition flows could also be considered.

V. CONCLUSION

Eradicating the phenomenon of terrorism requires the almost impossible task of a far-reaching review and adjustment to the national and international governance and ways of life of peoples and communities. **Preventing terrorists from acquiring firearms** – often a primary tool for violence perpetrated by terrorists—is an important measure in lessening the terrorism phenomenon which, in recent years, has demonstrated astonishing growth in strength and creativity in its means of action.

Existing national and international policies and measures have shown their limits in barring terrorists from acquiring weapons. The limits are often explained in terms of various implementation problems. The growing trend of terrorism requires a review of the effectiveness of the relevant policies and measures as well as their wide dissemination to ensure that people in every corner of the globe are sufficiently sensitized on the relationship between terrorism and illicit trafficking in arms. Sensitization is important because everyone, every community can play a role in this field.

The UN Programme of Action on SALW will hold its 3rd Review Conference in June 2018. This will be an opportunity for all Member States to make progress on issues such as comprehensively addressing the issue of SALW ammunition; finding solutions to the challenges posed by new weapons technologies; and addressing the question of deactivated weapons, which in the recent past has been raised in the context of terrorist acts in Europe and elsewhere.

