

## Illicit Flow and Diversion in Arms Transfers to Areas Affected by Armed Conflicts-item 5

Thank you, Mr. President, for allowing Maat for Peace, Development and Human Rights to participate in this key discussion on the illicit flow of small arms and light weapons. Kindly note that this intervention is in partnership with the Global Coalition for Limitation of Armaments (GCLA).

The adoption of the **Arms Trade Treaty (ATT)** established a global standard for responsible arms transfers. The ATT is an effective tool that aims to reduce the human cost of war. However, its promises can only be fulfilled if the states parties faithfully implement their obligations, in line with their humanitarian objective. The apparent conflict between the treaty's commitment to ensure respect for international humanitarian law (IHL) in arms transfer resolutions, on the one hand, and arms transfer practices in many countries, on the other, may call into question the credibility and effectiveness of the Treaty.

Diversion of arms, ammunition and their components, and using them in crimes against humanity or war crimes constitute a clear violation of IHL and international human rights law. Moreover, this undermines efforts to combat the illicit arms trade and thwart all attempts to regulate the international trade of these weapons for purposes consistent with relevant international law, standards and agreements.

The international community seeks to legalize the arms trade and establish controls to prevent its diversion by concluding international agreements, and adopting the landmark Arms Trade Treaty (ATT) in 2014, with the aim of regulating the international transfer and trade in conventional weapons, in accordance with the obligations stipulated in Articles 6, 7 and 11 of the Treaty. The Security Council issued resolutions banning exporting weapons illegally. In addition, various obligations were imposed on the states parties to the ATT, such as working to prevent the arrival of conventional weapons to armed groups and to ensure that weapons exported to states will not be used in violation of IHL.

**Organization in special consultative status with the Economic and Social Council since 2016**

**Headquarters:** 148 Misr Helwan El-Zyrae Road, El Matbaa Sq, Hadayek El Maadi, 4<sup>th</sup> Floor, No 41, Cairo, Egypt

**Maat Training Center:** 380 Corniche El Nil St., Gawharet El Maadi Tower, 38<sup>th</sup> Floor, Tower B, Cairo, Egypt

490 El Maadi [www.maatpeace.org](http://www.maatpeace.org)

00(20) (2) 25266026 00(20) (2) 25266019



[maat@maatpeace.org](mailto:maat@maatpeace.org)

+201226521170

Unfortunately, some countries work to undermine these efforts and violate these resolutions, putting the international peace and security at risk and violating the provisions of international human rights law and IHL. Various examples can be given in this regard.

**In violation of Article 11 on preventing the diversion of arms**, we find that **Iran** supports sectarian conflicts in a number of countries in the region by providing weapons to sectarian militias and terrorist groups. Many examples showing Iran's involvement in arms smuggling to terrorist groups can be provided, such as Iran's illegal financial and military support for the Houthi militia in Yemen. On more than one occasion, the allies and the US Navy intercepted ships loaded with weapons coming from Iran. **The United Nations revealed Iran's involvement in arms smuggling to the Houthi group**. A report issued by a group of UN experts on Yemen revealed, with hard evidence, **Iran's involvement in smuggling thousands of weapons to Yemeni territory through the Arabian Sea**. The report suggested that Jask port, on Iran's Gulf of Oman coast, was the source of thousands of weapons seized by the US Navy over the last months of 2021 in the Arabian Sea. According to the report, small wooden boats and land transportation were used in attempts to smuggle weapons into Yemen, and that the weapons are manufactured in Russia, China and Iran and are being transported through roads that lead to Yemen. However, the US Navy has tried to close these roads over the past years, as arms smuggling operations to Yemen by sea are considered one of the most important ways in which weapons flow to the Houthis. Since 2014, arms smuggling networks have been active in Yemen. It includes Yemenis, sailors and fishermen of other nationalities, who have no other work than to ensure the safe flow of wooden boats loaded with weapons from Iranian ports to the Arabian Sea and then to separate points on the coast of Yemen<sup>1,2</sup>.

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<sup>1</sup> تقرير أممي سري.. أدلة جديدة على تورط إيران في تهريب أسلحة للحوثيين، العين الاخبارية، 9 يناير 2022، الرابط، <https://al-ain.com/article/secret-un-iran-smuggling-weapons-yemen>  
<sup>2</sup> ما لا يقال عن تهريب الأسلحة لليمن، موقع العرب، 15 مايو 2021، الرابط، <https://bit.ly/3MioDU4>

Iran also supplied Hezbollah in Lebanon with weapons until it became an arm of Iran to interfere in Lebanese internal affairs, and to export its fighters as mercenaries to several countries, where they fought the Syrian people and are currently fighting the Yemeni people with their presence with the Houthi militias in Yemen. Iran also sheltered al-Qaeda leaders and supplied them with weapons to facilitate their armed operations in the countries of the region. Therefore, Maat confirms that placing Iran on the list of state sponsors of terrorism was not an arbitrarily-taken decision, but rather because of its policy and subversive approach that supports arms smuggling to countries and organizations that support terrorism.

**States also violated Articles 6 and 7** of the treaty, which prohibit allowing any transfer of conventional arms if they had knowledge at the time of authorization that the arms or materials would be used to commit genocide, crimes against humanity or grave violation of the 1949 Geneva Conventions, as they sold arms to Israel while being fully aware that it will use these weapons against Palestinian civilians.

On the other hand, both **Maat for Peace, Development and Human Rights and the Global Coalition for Limitation of Armaments** (GCLA) value the efforts made by some African countries to prevent the diversion of weapons. In Mali, the Bamako Military Court issued a ruling on January 4, 2022 imprisoning a non-commissioned officer and 16 accomplices on charges of diverting 80 piece of weapons and ammunition to the black market from the warehouses of the Kayes military base.<sup>3</sup>

**Given the above, Maat for Peace, Development and Human Rights and the GCLA affirm that the states parties to the ATT must, as part of their participation in the 8th Review Conference of the States Parties to the Convention, must address the shortcomings and gaps in the treaty, namely the**

<sup>3</sup> الاتجار بالأسلحة في إفريقيا ظاهرة مستحيل إيقافها، العين الاخبارية، يناير 2022، الرابط، <https://al-ain.com/article/arms-trafficking-africa-unstoppable-phenomenon>

failure to include strict international rules on brokering, and the criminalization of violators of these rules. In addition, effective measures must be put in place to prevent the diversion of arms to the black market, and to address the gaps that allow weapons to fall into the hands of non-governmental organizations, including terrorist and criminal organizations.

Maat also recommends the following:

- Developing legally binding provisions for all countries that clarifies the procedures and measures necessary for the transit of arms;
- Strengthening effective cooperation in implementing decisions to impose an arms embargo on countries and groups that violate human rights;
- The international community must come together to develop mechanisms to abort illegal arms transfers and to impose strict penalties on those who violate those international resolutions and treaties, even if they are not a party to them;
- States should agree on a monitoring and enforcement mechanism that provides for a prompt, impartial and transparent investigation of alleged violations of the ATT;
- Providing detailed information on the arrangements for the transportation of the arms shipment when applying for an export or transit license;
- Effective cooperation between countries to take preventive measures to protect the coasts and sea ports and comb them to prevent arms smuggling.