



ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

Legitimate Concerns

Arms Supplies to Ukraine & Their Impact on International Peace and Human Rights Position Paper



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Legitimate Concerns: Arms Supplies to Ukraine & Their Impact on International

Overview

Two years have passed since the outbreak of the Russian-Ukrainian war in February 2022, and the extent of its threat to international peace and security is becoming increasingly evident. The influx of weapons to the Ukrainian government during the war, particularly small and light weapons, raises concerns about the potential threat to global peace. The illegal transfer and diversion of these weapons to conflict zones and other areas of unrest worldwide, even after the cessation of armed hostilities, contribute to their falling into the hands of armed groups and terrorist movements. This, in turn, prolongs conflicts and leads to more severe human rights violations that could amount to crimes against humanity, posing a significant threat to human rights within communities.

These concerns are compounded by compelling evidence highlighting the difficulty in tracking and monitoring all American equipment supplied to Ukraine. Some weapons remain unaccounted for and have not reached the Ukrainian army. This indicates a problem in effectively monitoring military supplies intended to support the Ukrainian government optimally. Furthermore, numerous allegations, statements, and estimates suggest that certain military aid and weapons provided to Ukraine have been diverted to armed and terrorist groups in conflict zones, particularly in the Middle East and other hotspots in Africa. This is supported by the fact that Ukrainian law enforcement agencies have foiled several attempts to smuggle weapons through the country. Naturally, it is impossible to prevent all smuggling attempts, not to mention the existence of corruption within the procurement process of weapons for the Ukrainian army involving certain military officials.

This legal paper addresses the issue of assessing the flow of weapons and military aid to the Ukrainian government in the context of the threat to international peace and security. It raises concerns about the risks associated with the illegal transfer of these weapons to other conflict zones worldwide, especially after the cessation of armed hostilities. It is noteworthy that Ukraine has become one of the largest illegal arms markets since the outbreak of the internal conflict in the east of the country in 2014. The aim of this paper is to alert the international community and countries providing military aid to Ukraine to the urgent need for proactive measures to prevent it from

becoming a global hotspot for the illegal supply of weapons to armed and terrorist groups.

Controlling the flow of weapons into Ukraine should be viewed as a preventive measure, rather than a punitive one, and it should be a crucial step towards establishing international peace and security and promoting human rights. There must be clear and enforceable guarantees to ensure that weapons are not unlawfully distributed among civilians within Ukraine or smuggled to other regions of the world, whether during the ongoing conflict or after reaching a political settlement and its eventual resolution.

Military Support Provided to Ukrainian Government since Beginning of War

On February 24, 2022, the Russian armed forces launched a comprehensive military invasion of Ukraine, prompting many European countries to provide various types of weapons to the Ukrainian government for self-defense. Over the past two years, 34 countries, along with the European Union, have offered military aid to Ukraine. The most supportive countries include the United States of America, Germany, Britain, Norway, Denmark, Poland, the Netherlands, Canada, Sweden, and Finland.

Official estimates confirm that Ukraine received approximately \$100 billion in military aid from the beginning of the war until September 2023. Statistics indicate that the United States of America provided \$46.6 billion, Germany provided \$18.9 billion, Britain provided \$7.3 billion, Norway provided \$4.1 billion, Denmark provided \$3.9 billion, Poland provided \$3.3 billion, the Netherlands provided \$2.7 billion, Canada provided \$1.8 billion, Sweden provided \$1.6 billion, and Finland provided \$1.4 billion during this period.

The provision of aid began in January 2022 when signs of a crisis between Russia and Ukraine emerged. Britain sent 2,000 short-range anti-tank missiles and Saxon armored vehicles to the Ukrainian armed forces. The United States of America also announced its intention to provide \$200 million in military aid to Ukraine after tens of thousands of Russian forces amassed on the border.

From the start of the war on February 24, 2022, until the end of the same month, 20 governments, primarily from European countries, in addition to the European Union, supplied weapons to the Ukrainian armed forces to safeguard their territories. On February 25, US President Joe Biden approved security assistance worth \$350 million to

Ukraine. This aid encompassed anti-armor weapons, small arms, various ammunition, bullet-proof armor, and related equipment to bolster the defenders on the Ukrainian front lines. The European Union has also confirmed funding for arms purchases to support the Ukrainian government.

The military aid provided by the United States of America includes heavy weapons and their ammunition. Additionally, they supplied light weapons to the infantry forces, with a provision of at least 150 million units of ammunition, 38 multiple launch systems, 270 howitzer artillery weapons, approximately 35 surface-to-air anti-aircraft missile systems, and 2,000 Stinger anti-aircraft missiles. Furthermore, they supplied over 800,000 105 mm artillery shells, 10,000 203 mm artillery shells, more than 200,000 152 mm artillery shells, and about 40,000 130 mm artillery shells, along with 40,000 122 mm artillery shells.

While Britain provided Storm Shadow cruise missiles, air defense missiles, and a number of anti-aircraft guns, Germany provided military equipment, most notably 355,000 rounds of ammunition for GEPARD self-propelled anti-aircraft guns, and 216,000 rounds of 40 mm ammunition, and many other European countries had provided ammunition, small arms and light weapons to the Ukrainian Armed Forces.

Warnings against Diverting Ukrainian Weapons to Areas of Armed Conflict

Many human rights voices have recently raised concerns about the diversion of weapons and military aid provided to the Ukrainian government. These weapons have ended up in countries where terrorist movements, armed groups, and criminal gangs operate, creating conflict-ridden hotspots. Unfortunately, the continuation of this armed aid has not succeeded in ending the conflict. On the contrary, it has exacerbated the situation. Furthermore, the monitoring of weapons flowing into Ukraine to ensure they reach their intended destination has not been optimally executed.

Various estimates indicate that only 30% to 40% of the weapons sent by European countries to the Ukrainian army have reached their intended destination. There is also a growing concern about weapons finding their way into the black market due to increasing levels of internal corruption. In June 2022, Interpol's Secretary General, Jurgen Stock, warned of the dangers posed by the proliferation of illicit weapons intended to support the Ukrainian government after the armed conflict concludes.

In November 2022, the United States Office of Defense Cooperation in Ukraine acknowledged facing challenges in tracking and monitoring all American equipment sent to Ukraine. This is due to the inability of Defense Department personnel to visit areas where the equipment is used or stored. Criminal organizations have taken advantage of this situation to steal these weapons. Additionally, in the same month, Nigerian President Muhammadu Buhari stated during the Summit of Heads of State of the Lake Chad Basin Commission that the Russian-Ukrainian war has allowed weapons diversion to West Africa. This has led to the flow of weapons and fighters into the Lake Chad region, ultimately reaching terrorist organizations in the African Sahel region. In December 2022, there were widespread allegations regarding the transfer of weapons from Ukraine and their sale in conflict areas, particularly in Syria.

In January 2023, multiple reports and estimates highlighted the establishment of a new arms market in Europe as a result of arms supplies to Ukraine. The large and continuous flow of weapons and ammunition to the conflict zone poses a risk of these weapons being diverted to other regions of the world. The Global Organized Crime Index specifically reported that Ukraine has one of the largest arms smuggling markets in Europe in 2023. This is due to the significant stockpile of weapons in Ukraine and the trade of millions of small and light weapons in both legal and black markets. The activities of Ukrainian organized crime groups have increased since the outbreak of the Russian-Ukrainian war, leading to a rise in crime rates in Ukraine and its surrounding areas.

In January 2024, official estimates from the Office of the Inspector General of the US Department of Defense revealed that over a billion dollars in US military aid provided to Ukraine had not reached its intended destination, and its whereabouts remain unknown. This is attributed to the absence of US inspectors within Ukrainian territory and the challenges they face in their movements. It is concerning that there is a risk of theft or diversion of US weapons from Ukraine to third countries, posing a significant threat.

These statements and estimates raise concerns for Maat regarding the diversion of Ukrainian weapons to conflict zones and organized crime networks worldwide. Particularly troubling is the inability of many governments, including the United States, to ascertain the fate of the military aid they provided to the Ukrainian armed forces. There is a lack of clarity regarding the mechanisms for monitoring and evaluating the

path of military aid to Ukraine and ensuring it reaches its intended destination. This situation jeopardizes international peace and security and exacerbates armed conflicts globally.

Ukrainian Law Enforcement Agencies Thwart Attempts to Smuggle Weapons Through its Territory

Since February 2022, law enforcement agencies in Ukraine have successfully prevented numerous weapons thefts and smuggling activities across its territory. From February 2022 until the end of April 2023, the Ministry of the Interior investigated 9,487 cases related to illicit arms trafficking, according to official estimates. During the year 2023, Ukrainian law enforcement authorities seized 4,840 cases involving the illegal circulation of weapons, explosives, and ammunition. These seizures included 5,168 weapons, such as 1,567 assault rifles, 997 pistols, 921 grenade launchers, and 1,683 miscellaneous firearms.

In late June 2022, the Ukrainian intelligence service foiled an attempted theft of a grenade launcher, a machine gun, and over 1,000 rounds of ammunition by a Ukrainian army volunteer battalion. Additionally, two other attempts were thwarted, one of which involved a criminal gang posing as aid workers who stole bulletproof vests worth \$17,000, along with a set of undisclosed items. Smugglers were found to be selling weapons they had stolen from the front lines in southern Ukraine. In August 2022, intelligence services discovered that a group of volunteers had stolen 60 rifles and approximately 1,000 rounds of ammunition, which they stored in a warehouse to sell them on the black market.

In August 2022, a criminal organization stole 60 rifles and 1,000 rounds of ammunition for resale. In November of the same year, the State Border Guard Service apprehended an individual attempting to sell a grenade launcher, an RPO-A Shmel thermal rocket launcher, and 20 RPO-A Shmel F-1 grenades. These items were found in territories that Ukrainian forces had regained from Russia.

In April 2023, the Ukrainian Armed Forces seized a Kalashnikov rifle, four pistols, 23 grenades, three grenade launchers, seven TNT shells, 20 grams of gunpowder, 609 rounds of various weapons, eight hand grenades, and 110 rounds of various ammunition before they could be illegally sold. On May 1, 2023, eight individuals, including five

soldiers, were arrested in possession of two Kalashnikov rifles, two birdshot pistols, four hand grenades, two containers of mortar mine powder, and 423 rounds of various ammunition. One of the Kalashnikov rifles was sold in Dnipro for \$1,600, and several soldiers were arrested in possession of bombs. Although they claimed the items were for personal souvenirs, they were found to be involved in weapons supply. During a routine inspection of a bus returning from a visit to soldiers at the front, security forces discovered three Kalashnikov assault rifles, over 3,000 cartridges, 18 hand grenades, and anti-tank grenade launchers.

In July 2023, two British individuals were arrested in France while attempting to transport two decommissioned rocket launchers that had been given to them during their humanitarian mission in Ukraine. On August 19, 2023, four employees were killed when an explosive device detonated in the forensic center of the Ministry of the Interior in Kiev. This incident resulted in the destruction of the building, which housed a significant amount of Western weapons data pertaining to their entry into Ukraine. It dealt a severe blow to efforts aimed at tracking and monitoring firearms within the country.

In December 2023, law enforcement officers arrested three people who were storing firearms, explosive devices and ammunition without obtaining the necessary licenses and selling them illegally. During the searches, pistols, automatic weapons, magazines for weapons with cartridges, grenade launchers, cartridges of various calibers, hand grenades and silencers were found. Sound, detonators, and explosives, in addition to sums of money estimated at 5,616,800 US dollars, 45,055 euros, and 268,350 hryvnia.

All of these facts show that there are ongoing arms smuggling operations within Ukrainian territory, and of course the law enforcement forces were not able to monitor some of the smuggling operations. This shows that illegal arms trade operations are a widespread phenomenon in Ukrainian territory, and countries that provide military aid to Ukraine must ensure tracking these weapons to prevent them from falling into the wrong hands, including reaching armed groups and terrorist movements.

Suspicious of Corruption Involving Weapons Purchases Within Ukrainian Army

Recent evidence has emerged indicating the presence of corruption networks within Ukrainian security services, including the army. These networks engage in the smuggling of military aid and weapons provided by countries to assist Ukraine into the illegal market. In November 2022, numerous media reports estimated the involvement of certain military leaders in the theft and illicit sale of small arms and light weapons on the black market, diverting them from reaching their intended recipients. Among the allegedly missing weapons were 54 American-made M4 carbines, as well as anti-tank weapons like RPGs, NLAW, grenades, pistols, and thousands of rounds of ammunition.

On January 28, 2024, the Ukrainian Security Service exposed corruption operations in the procurement of weapons worth approximately \$40 million. A contract for the purchase of 100,000 mortar shells was signed in August 2022, and advance payment was made. However, the weapons were not delivered to the Ukrainian army, and it was discovered that some funds had been transferred abroad. These revelations raise concerns for Maat that military support provided by countries to Ukraine may be diverted to armed groups and criminal organizations due to the involvement of certain security institution leaders in their illicit sale. This is especially troubling considering the absence of significant military equipment in several regions of Ukraine.

Conclusion & Recommendations

The flow of weapons and military aid from certain countries to Ukrainian authorities has sparked genuine fears of Ukraine becoming a global hub for the illegal arms trade. This would arm rebel groups, armed factions, and terrorist organizations in Africa and contribute to criminal activities on the streets of Europe. Thus far, a portion of the weapons and military equipment remains unaccounted for. It appears that donor countries lack precise and sustainable mechanisms to track, monitor, and control the flow of arms to Ukraine. This raises significant concerns about international peace and security, particularly after the conclusion of the armed conflict. To prevent the crisis from worsening, Maat recommends the following:

- Arms-producing and exporting countries shall pledge to respect end-use guarantees and to take all measures to prevent these weapons from reaching non-targeted parties.

- Necessity of establishing comprehensive pre-transfer risk assessments and end-user certifications to prevent further instability and insecurity in Ukraine and beyond.
- The need to establish a system to monitor weapons flowing into Ukraine that includes detailed information about weapons provided and how they finally reach the Ukrainian forces, with an increase in the number of inspectors who verify that the weapons reach their final destination.
- The necessity of cutting off arms smuggling routes, whether real or virtual, by intensifying and tightening security on Ukrainian borders, and blocking or advertising websites and applications used in arms smuggling operations.
- Strengthening penalties prescribed for this type of crime under Ukrainian law, whether facing smugglers or government officials who are complicit with them.
- Stop supplying civilians with weapons and granting them licenses to possess weapons indiscriminately, and confine weapons to the Ukrainian army alone.
- Providing training and technical support to Ukrainian law enforcement agencies so that they can optimally track arms trade operations.
- Developing a plan and a general vision to control weapons flow, especially those owned by civilians, after the end of the armed conflict.
- Providing technical and financial support to civil society organizations so that they can follow up on illegal weapons smuggling operations from Ukraine to other conflict areas.
- The need for effective measures to address illicit arms flows into conflict areas, including weapons labeling practices for easy traceability.
- The need to uncover, eliminate and fight corruption operations within the Ukrainian army.

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