

Appendix 12A. Multilateral arms embargoes

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I. Introduction

There were 27 mandatory multilateral arms embargoes in force in 2008, directed at a total of 15 targets, including governments, non-governmental forces and a transnational network. Twelve of the embargoes were imposed by the United Nations and 15 by the European Union (EU).¹

For the second year in a row, the UN Security Council did not impose any new arms embargoes. The UN arms embargo on non-governmental forces in Rwanda was lifted in 2008 and significant amendments were made to the targets and enforcement of the UN arms embargoes on the Democratic Republic of the Congo (DRC), Iran and Somalia. The UN extended its arms embargoes on al-Qaeda, the Taliban and associated individuals and entities, Côte d'Ivoire, non-governmental forces in the DRC, Iran, Liberia and Somalia.

Nine of the 15 EU embargoes are straightforward implementations of UN arms embargoes.² In addition, the EU has imposed two arms embargoes that differ from UN embargoes in their scope and coverage and four that do not have UN counterparts.³ The EU did not impose any new arms embargo in 2008 but it did repeal and replace its arms embargo on the DRC as a result of changes to the UN arms embargo. It also extended its arms embargoes on Côte d'Ivoire, Myanmar and Uzbekistan.

During 2008 UN arms embargoes were explicitly threatened against Georgia and Zimbabwe by at least one of the five permanent members of the UN Security Council (China, France, the Russian Federation, the United Kingdom and the United States; the P5). For only the second time since the end of the cold war, a P5 state vetoed a draft UN Security Council resolution proposing the imposition of an arms embargo: China and Russia both vetoed the imposition of a UN arms embargo on Zimbabwe.⁴

Sections II and III of this appendix give details of these developments in the UN and EU, respectively.⁵ Table 12A.1 provides details of all the multilateral

¹ In addition, a voluntary arms embargo on Armenia and Azerbaijan imposed in 1992 by the Organization for Security and Co-operation in Europe (OSCE) was still in force. It is not enforced by all OSCE participating states.

² These are the embargoes on al-Qaeda, the Taliban and associated individuals and entities, Côte d'Ivoire, the DRC, Iraq (non-governmental forces), North Korea, Lebanon (non-governmental forces), Liberia, Sierra Leone (non-governmental forces) and Somalia.

³ The 2 embargoes with similar UN counterparts are those on Iran (which differed in the weapons covered) and on Sudan (which differed in the parties targeted). The 4 embargoes without counterparts are those on China, Myanmar, Uzbekistan and Zimbabwe. See also section III below.

⁴ The first time was in 2004 when Russia vetoed a resolution which proposed the imposition of an arms embargo on Cyprus. United Nations, Security Council, 4947th meeting, S/PV.4947, 21 Apr. 2004. All UN documents cited here are available at <<http://www.un.org/documents/>>.

⁵ On the embargoes imposed on Iran by UN Security Council resolutions 1737, 23 Dec. 2006, 1747, 24 Mar. 2007, and 1803, 3 Mar. 2008, see chapter 9, section II, in this volume.

arms embargoes in force in 2008. This appendix does not cover the formal and informal unilateral arms embargoes that individual states impose.

II. Developments in UN arms embargoes, 2008

In July UN Security Council Resolution 1823 lifted the arms embargo on non-governmental forces in Rwanda and the prohibition on re-transfers and exports of arms and related materiel from Rwanda established in 1995 by Resolution 1011.⁶

In March Security Council Resolution 1807 exempted the Government of the DRC from the arms embargo and lifted the conditions for the authorization and receipt of shipments of arms and related materiel imposed by Resolution 1596 of 2005. However, the sanctions committee on the DRC must be notified in advance of shipments of arms and related materiel.⁷ The arms embargo on non-governmental entities and individuals operating in the DRC remained in force. Reporting after the escalation in violence in 2008, the UN's Group of Experts on the DRC suggested that non-governmental forces in the DRC continue to receive arms and military equipment from elements within the Congolese Armed Forces and noted uncorroborated allegations of ammunition passing through Rwanda and Uganda.⁸ In December Security Council Resolution 1857 extended the arms embargo and called for vigilance by the DRC and neighbouring states in the monitoring of civil aviation until 30 November 2009. The resolution did not expand the coverage of the arms embargo.⁹

In November Security Council Resolution 1844 amended the arms embargo on Somalia to target entities that have violated the arms embargo or obstructed 'the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia'.¹⁰ A November report by the UN Monitoring Group on Somalia linked the lack of enforcement of the arms embargo with the dramatic expansion in piracy and armed robbery off the Somali coast in 2008. It recommended that the maritime militia that had violated the poorly enforced arms embargo should be subject to targeted sanctions.¹¹ Security Council Resolution 1851, which noted the report's findings, permitted the seizure of vessels, arms and other equipment that have been used in piracy or

⁶ UN Security Council Resolution 1823, 10 July 2008, para. 1; and UN Security Council Resolution 1011, 16 Aug. 1995. In 2007 Security Council Resolution 1749 lifted the requirement for states to notify the Security Council sanctions committee on Rwanda of all exports of arms and related materiel to Rwanda. UN Security Council Resolution 1749, 28 Mar. 2007, para. 1.

⁷ UN Security Council Resolution 1807, 31 Mar. 2008, paras 2, 4; and UN Security Council Resolution 1596, 18 Apr. 2005. Resolution 1596 permitted transfers of arms and related materiel to Congolese Army and police units if they had completed integration processes, operated under the command of the Congolese Armed Forces or National Police, or were undergoing integration in provinces other than North and South Kivu and the Ituri district.

⁸ United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, Annex to S/2008/773, 12 Dec. 2008, pp. 7, 15–18, 25–31, 33–34.

⁹ UN Security Council Resolution 1857, 22 Dec. 2008, paras 1 and 2.

¹⁰ UN Security Council Resolution 1844, 20 Nov. 2008, paras 8(b) and (c).

¹¹ United Nations, Security Council, Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1811 (2008), Annex to S/2008/769, 10 Dec. 2008, para. 123.

for which there are 'reasonable grounds for suspecting such use'.¹² Although the resolution primarily targets piracy against commercial vessels off the coast of Somalia, it can also be viewed as a means of strengthening the enforcement of the arms embargo on Somalia.

In July the UN Security Council voted on a draft resolution that sought to impose an arms embargo on Zimbabwe and targeted financial and travel sanctions against members of the Zimbabwean ruling elite.¹³ The sanctions were proposed in response to the 'campaign of violence against the political opposition and the civilian population' as a means of coercing parties to reach a peaceful solution that reflected and respected the results of the 29 March 2008 elections. Although nine members of the Security Council voted for the draft resolution, while five voted against and one abstained, because China and Russia exercised their vetoes the resolution did not pass.

The public disagreement among the P5 states on the imposition of sanctions on Zimbabwe exhibited features similar to the disagreements on the imposition of sanctions on Myanmar, which was discussed in the UN Security Council in October and November 2007.¹⁴ First, in both cases China and Russia voiced concerns at the invocation of Chapter VII of the UN Charter for situations that they saw as internal and not threats to international or regional peace and security.¹⁵ In response, France, the UK and the USA stressed that history had shown that seemingly internal crises—such as occurred in Rwanda in the mid-1990s—lead to subregional, regional and international threats to peace and security and in such cases the international community had to act early to avert catastrophe. Second, while China and Russia expressed concerns that sanctions would undermine ongoing negotiations for a peaceful resolution of the situations, France, the UK and the USA stressed that UN sanctions were necessary to exert pressure on governments to enter into meaningful dialogue with opposition parties and groups to resolve the issue at hand. Third, Chinese and Russian representatives stressed that regional and subregional organizations had not requested UN sanctions; instead, they had asked for time to conduct mediation efforts before seeking UN Security Council pressure. This echoed the views expressed by representatives of the Association of Southeast Asian Nations (ASEAN) and the African Union (AU) during Security Council discussions. The Chinese and Russian positions were arguably undermined by their ongoing arms transfers to Myanmar and Zimbabwe. Although China and the AU agreed that there should be no arms embargo on Zimbabwe, several states and civil society organizations in southern Africa attempted to prevent the delivery of ammunition for small arms and light weapons from China to the

¹² UN Security Council Resolution 1851, 16 Dec. 2008, para. 2.

¹³ United Nations, Security Council, Draft resolution, S/2008/447, 11 July 2008.

¹⁴ United Nations, Security Council, 5753rd meeting, S/PV.5753, 5 Oct. 2007; and United Nations, Security Council, 5777th meeting, S/PV.5777, 13 Nov. 2007.

¹⁵ United Nations, Security Council, 5933rd meeting, S/PV.5933, 11 July 2008, p. 9. Chapter VII of the UN Charter concerns 'Action with respect to threats to the peace, breaches of the peace, and acts of aggression'. The Charter of the United Nations was signed on 26 June 1945 and entered into force on 24 Oct. 1945. Its text is available at <<http://www.un.org/aboutun/charter/>>.

Zimbabwean Government in April 2008, the month after the disputed elections.¹⁶

The second UN arms embargo threatened by a P5 state in 2008 related to Georgia. The Russian Foreign Ministry has been publicly calling on states to exercise restraint in their arms transfers to Georgia since 2005.¹⁷ Following the Georgia–Russia conflict over South Ossetia in August 2008, the Russian Foreign Minister, Sergei Lavrov, publicly called for an international arms embargo on Georgia.¹⁸ On 9 September 2008 Russia reportedly submitted a draft resolution to the UN Security Council for a UN arms embargo to be imposed on Georgia.¹⁹ The text reportedly called for a prohibition on the transfer to Georgia of all arms or military equipment, as well as military assistance, consultations or training. Russia’s ambassador to the UN, Vitaly Churkin, stated that the USA would oppose the resolution but noted that ‘we believe that it was absolutely necessary to make this political statement by introducing this draft’.²⁰ US officials publicly opposed and questioned the rationale for an arms embargo on Georgia.²¹

III. Developments in EU arms embargoes, 2008

Nine of the EU’s arms embargoes implement UN arms embargoes. The Council of the EU amends and extends these embargoes in line with amendments and extensions made by the UN Security Council. For example, EU Council Common Position 2008/369/CFSP repealed an earlier EU arms embargo on the DRC and replaced it with an embargo integrating measures introduced by UN Security Council Resolution 1807.²² In two other cases, EU arms embargoes differ from their UN counterparts. In the case of Iran, the EU has imposed a mandatory arms embargo, while the UN has imposed a mandatory embargo only on technology related to materials that could be used for a nuclear and ballistic missile programme and exports of conventional weapons.²³ In addition, UN Security Council Resolution 1747 of 2007 imposed a voluntary

¹⁶ ‘China may recall Zimbabwe weapons’, BBC News, 22 Apr. 2008, <<http://news.bbc.co.uk/2/7360438.stm>>.

¹⁷ E.g. Russian Ministry of Foreign Affairs, [Commentary of the department of information and press of the MFA of the RF in connection with the question of the media in relation to the decision of the Government of the Czech Republic to transfer ammunition to Georgia], 1862-13-09-2005, 13 Sep. 2005, <<http://www.mid.ru/>> (in Russian).

¹⁸ ‘Russia’s Lavrov advocates arms embargo on Georgia’, ITAR-TASS, 19 Aug. 2008, BBC Worldwide Monitoring. On the conflict see chapter 2 in this volume, section V.

¹⁹ Charbonneau, L., ‘Russia wants arms embargo on Georgia, U.S. sees ploy’, Reuters, 9 Sep. 2008, <<http://www.reuters.com/article/topNews/idUSN0930609520080909>>.

²⁰ Charbonneau (note 19).

²¹ Fried, D., US Assistant Secretary of State for European and Eurasian Affairs, ‘Georgia talks’, Press briefing, US Mission Geneva, 15 Oct. 2008, <<http://geneva.usmission.gov/Press2008/October/1016Fried.html>>.

²² Council Common Position 2008/369/CFSP of 14 May 2008 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2005/440/CFSP, *Official Journal of the European Union*, L127, 15 May 2008.

²³ Council Common Position 2007/140/CFSP of 27 February 2007 concerning restrictive measures against Iran, *Official Journal of the European Union*, L61, 28 Feb. 2007; and UN Security Council Resolution 1737 (note 5).

embargo on the direct and indirect supply, sale or transfer of major conventional weapons to Iran.²⁴ In the case of Sudan, the EU has maintained an arms embargo on the whole of the country since 1994, while the UN arms embargo imposed in 2005 applies only to belligerents in the Darfur region.²⁵

The EU arms embargoes targeting China, Myanmar, Uzbekistan and Zimbabwe have no UN counterpart. The embargoes on China, Myanmar and Zimbabwe were imposed in response to human rights violations and lack of progress on democratization. The embargo on Uzbekistan was imposed in response to the excessive, disproportionate and indiscriminate use of force by Uzbek security forces in Andijon in May 2005 and the Uzbek Government's refusal to allow an independent international inquiry into the events there.²⁶

In April 2008 the Council of the EU encouraged other states to follow its lead in imposing arms embargoes in response to violations of human rights within sovereign states, in particular by exercising restraint in the supply or sale of arms and related materials and equipment to Myanmar and Zimbabwe.²⁷

The possibility of lifting the EU arms embargo on China seemed more remote following the violent response to demonstrations in Tibet in early 2008.²⁸ In November 2008 the EU acknowledged improvements in human rights in Uzbekistan and lifted the targeted sanctions on travel by designated individuals.²⁹ The arms embargo was extended until 31 October 2009.

²⁴ UN Security Council Resolution 1747 (note 5).

²⁵ The particular non-governmental targets and conditions for transfers to the Sudanese Government are detailed in United Nations, Security Council, Report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan, Annex to S/2006/1045, 28 Dec. 2006.

²⁶ On the events in Andijon in May 2005 see Dunay, P. and Zachowski, Z., 'Euro-Atlantic security and institutions', *SIPRI Yearbook 2006: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2006), pp. 48, 61–62.

²⁷ Council of the European Union, 2864th and 2865th Council meetings, General Affairs and External Relations, Luxembourg, 29 Apr. 2008, Press Release 8619/08 (presse 105), pp. 10, 13

²⁸ The lifting of the EU arms embargo on China and the transformation of the politically binding EU Code of Conduct on Arms Exports into a legally binding common position were also de-linked in 2008. See chapter 12, section III and Bromley, M., *The Impact on Domestic Policy of the EU Code of Conduct on Arms Exports: The Czech Republic, the Netherlands and Spain*, SIPRI Policy Paper no. 21 (SIPRI: Stockholm, May 2008), p. 9.

²⁹ Council Common Position 2008/843/CFSP of 10 November 2008 amending and extending Common Position 2007/734/CFSP concerning restrictive measures against Uzbekistan, *Official Journal of the European Union*, L300, 11 Nov. 2008.

Table 12A.1. Multilateral arms embargoes in force during 2008

Target	Instrument establishing embargo	Date passed	Changes in 2008
<i>United Nations arms embargoes</i>			
Al-Qaeda, the Taliban and associated individuals and entities	Security Council Resolution 1390	16 Jan. 2002	Extended by Resolution 1822, 30 June 2008
Côte d'Ivoire	Security Council Resolution 1572	15 Nov. 2004	Extended by Resolution 1842, 29 Oct. 2008
Democratic Republic of the Congo (NGF)	Security Council Resolution 1493	28 July 2003	Extended by Resolution 1799, 15 Feb. 2008; amended by Resolution 1807, 31 Mar. 2008; extended by Resolution 1857, 22 Dec. 2008
Iran (technology related to nuclear weapon delivery systems) ^a	Security Council Resolution 1737	23 Dec. 2006	Amended by Resolution 1803, 3 Mar. 2008
Iraq (NGF) ^b	Security Council Resolution 1483	22 May 2003	
Lebanon (NGF)	Security Council Resolution 1701	11 Aug. 2006	
Liberia ^c	Security Council Resolution 1521	22 Dec. 2003	Extended by Resolution 1854, 19 Dec. 2008
North Korea	Security Council Resolution 1718	14 Oct. 2006	
Rwanda (NGF)	Security Council Resolution 1011	16 Aug. 1995	Lifted by Resolution 1823, 10 July 2008
Sierra Leone (NGF)	Security Council Resolution 1171	5 June 1998	
Somalia ^d	Security Council Resolution 733	23 Jan. 1992	Extended by Resolution 1844, 20 Nov. 2008
Sudan (Darfur) ^e	Security Council Resolution 1591	29 Mar. 2005	
<i>European Union arms embargoes</i>			
Al-Qaeda, the Taliban and associated individuals and entities	Council Common Position 2002/402/CFSP	27 May 2002	
China	European Council declaration	27 June 1989	
Côte d'Ivoire	Council Common Position 2004/852/CFSP	13 Dec. 2004	Extended by Common Position 2008/873/CFSP, 18 Nov. 2008

Target	Instrument establishing embargo	Date passed	Changes in 2008
Democratic Republic of the Congo ^f	Council Common Position 2005/440/CFSP	13 June 2005	Lifted by Common Position 2008/369/CFSP, 14 May 2008
Iran	Council Common Position 2008/369/CFSP	14 May 2008	
	Council Common Position 2007/140/CFSP	27 Feb. 2007	
Iraq (NGF) ^g	Council Common Position 2003/495/CFSP	7 July 2003	
Lebanon (NGF)	Council Common Position 2006/625/CFSP	15 Sep. 2006	
Liberia ^h	Council Common Position 2004/137/CFSP	10 Feb. 2004	Amended by Common Position 2008/109/CFSP, 12 Feb. 2008
Myanmar ⁱ	Council Common Position 2006/318/CFSP	27 Apr. 2006	Extended by Common Position 2008/349/CFSP, 29 Apr. 2008
North Korea	Council Common Position 2006/795/CFSP	20 Nov. 2006	
Sierra Leone (NGF)	Council Common Position 98/409/CFSP	29 June 1998	
Somalia	Council Common Position 2002/960/CFSP	10 Dec. 2002	
Sudan ^j	Council Common Position 2005/411/CFSP	30 May 2005	
Uzbekistan	Council Common Position 2005/792/CFSP	14 Nov. 2005	Extended by Common Position 2008/843/CFSP, 10 Nov. 2008
Zimbabwe	Council Common Position 2002/145/CFSP	18 Feb. 2002	
<i>Other multilateral arms embargoes (voluntary): Organization for Security and Co-operation in Europe</i>			
Armenia	Committee of Senior Officials decision	28 Feb. 1992	
Azerbaijan	Committee of Senior Officials decision	28 Feb. 1992	

OSCE = Organization for Security and Co-operation in Europe; NGF = non-governmental forces.

^a UN Security Council Resolution 1737 imposed an arms embargo on the export of materials that could be used for an Iranian nuclear and ballistic missile programme. The items to be embargoed were taken from lists in International Atomic Energy Agency (IAEA), Communications received from certain member states regarding guidelines for the export of nuclear material, equipment and technology, INFIRC/254/Rev.8/Part 1, 20 Mar. 2006; and United Nations, List of items, materials, equipment, goods and technology related to ballistic missile programmes, Annex to S/2006/815, 13 Oct. 2006. Exceptions were listed in para. 9 of Resolution 1737. UN Security Council Resolution 1747, 24 Mar. 2007, did not impose a mandatory embargo on transfers of conventional arms to Iran but did call on member states to exercise vigilance and restraint in the direct and indirect supply, sale or transfers to Iran of conventional arms^b and placed a mandatory embargo on exports of conventional arms from Iran.

^b UN Security Council Resolution 1546, 8 June 2004, exempted the Iraqi Government and the Multi-National Force in Iraq from the arms embargo.

^c Liberia has been the target of UN arms embargoes since 1992. The Sanctions Committee on Liberia can authorize exemptions from the arms embargo for transfers of arms and military equipment, technical training and assistance to the Liberian Government in accordance with UN Security Council Resolution 1683, 13 June 2006.

^d UN Security Council Resolution 1725, 6 Dec. 2006, exempted African Union (AU) and Intergovernmental Authority on Development (IGAD) forces present in Somalia from the embargo. UN Security Council Resolution 1744, 20 Feb. 2007, exempted the AU Mission in Somalia (AMISOM) from the arms embargo.

^e UN Security Council Resolution 1591 expanded the coverage of the arms embargo imposed on Sudan (Darfur) by Resolution 1556, 30 July 2004.

^f The EU and its member states first imposed an arms embargo on Zaïre (now the Democratic Republic of the Congo) on 7 Apr. 1993.

^g EU Council Common Position 2004/553/CFSP, 19 July 2004, authorized the sale, supply, transfer or export of arms and related materiel to the Iraqi Government and the Multi-National Force in Iraq.

^h The EU and its member states first imposed an arms embargo on Liberia on 7 May 2001.

ⁱ The EU and its member states first imposed an arms embargo on Myanmar in 1990; this was confirmed in a declaration by the General Affairs Council on 29 July 1991.

^j The EU and its member states first imposed an arms embargo on Sudan in Mar. 1994.

Sources: United Nations, 'UN Security Council Sanctions Committees', <<http://www.un.org/sc/committees/>>; and Council of the European Union, 'List of EU embargoes on arms exports, UN Security Council embargoes on arms exports and arms embargoes imposed by the OSCE', 6665/09, 19 Feb. 2009.