Appendix 11A. Multilateral arms embargoes, 2010

PIETER D. WEZEMAN AND NOEL KELLY

I. Introduction

There were 29 mandatory multilateral arms embargoes in force in 2010, directed at a total of 16 targets, including governments, non-governmental forces and a transnational network. The United Nations imposed 12 of these embargoes, the European Union (EU) imposed 16 and the Economic Community of West African States (ECOWAS) imposed 1.

The UN Security Council imposed no new arms embargoes during 2010, but it did widen its arms embargo on Iran. One UN arms embargo, on Sierra Leone, was lifted.

Of the EU’s 16 embargoes, 10 were straightforward implementations of UN arms embargoes, 2 differed from UN embargoes in their scope or coverage, and 4 had no UN counterpart. During 2010, the EU imposed one new embargo, implementing the UN embargo on Eritrea imposed in December 2009, and lifted its embargo on Sierra Leone, which had been an implementation of a UN embargo. ECOWAS’s single embargo was the only other embargo imposed by a multilateral organization that was in force during 2010.

Section II of this appendix gives details of the developments in UN arms embargoes in 2010 and section III covers developments in the ECOWAS and EU embargoes. Table 11A.1 provides details of all the multilateral arms embargoes in force in 2010. This appendix does not cover formal and informal unilateral arms embargoes imposed by individual states.

II. Developments in United Nations arms embargoes

In June 2010 the UN Security Council widened the scope of its sanctions on Iran related to transfers of conventional arms. This was in reaction to Iran’s failure to comply with the demands made in earlier UN resolutions that it sus-

1 In addition, 1 voluntary multilateral embargo is still in force: in 1992 the Organization for Security and Co-operation in Europe (OSCE) requested all participating states to impose an embargo on arms deliveries to Armenian and Azerbaijani forces engaged in combat in the Nagorno-Karabakh area. The request has never been repealed but a number of OSCE participating states have supplied arms to Armenia and Azerbaijan since 1992. Conference on Security and Co-operation in Europe, Committee of Senior Officials, Statement, annex 2 to Journal of the Eighth Meeting of the Committee, 13 Mar. 1992.

2 The 2 that differed from equivalent UN embargoes were those on Iran, which covered more weapon types than the UN embargo, and on Sudan, which covered the whole country whereas the UN embargo applied only to the Darfur region. The 4 with no UN counterpart were those on China, Guinea, Myanmar and Zimbabwe. The 10 that implement UN embargoes are indicated in table 11A.1 below.

pend its activities related to nuclear reprocessing, heavy water and uranium enrichment. While UN sanctions imposed in December 2006 prohibited the supply of technology related to nuclear weapon delivery systems, the 2010 sanctions included a ban on the supply of major conventional weapons as defined by the UN Register of Conventional Arms (UNROCA): battle tanks, armoured combat vehicles, large-calibre artillery, combat aircraft, attack helicopters, warships, certain missiles and missile launchers. The sanctions also prohibit the supply of related spare parts and any assistance related to the provision, manufacture, maintenance or use of the listed items. Because the resolution used the UNROCA definition, not all arms are included in the embargo.\(^4\) In particular, deliveries of land-based surface-to-air missile (SAM) systems and of most small arms and light weapons were not prohibited. However, the resolution calls on states to exercise restraint in the supply to Iran of arms and related materiel not covered by the embargo.

The specific wording of the arms embargo led to debate about whether Russia could proceed with the delivery of S-300PMU-1 (SA-20A) SAM systems to Iran. These systems, which would make any air attack on Iran’s nuclear facilities considerably more difficult, were ordered in 2005 and delivery had been delayed several times. Officials in Russia gave confusing signals, at some times indicating that they assumed that the UN embargo prohibited the delivery of the systems, while at others indicating that Russia would allow the manufacturer to fulfil the contract.\(^5\) Finally, in September 2010 Russia adopted legislation to enforce the UN sanctions on Iran that explicitly prohibited the delivery of S-300 SAM systems.\(^6\)

In September 2010 the Security Council lifted the remaining UN sanctions on Sierra Leone, which had first been imposed in June 1998.\(^7\) While the sanctions had mainly targeted the Revolutionary United Front (RUF) rebel group, they also required the Sierra Leonean Government to mark, register and notify to a sanctions committee all imports of arms and related materiel.\(^8\) The Security Council decided to lift the embargo because the government had established full control over its territory.

In October 2010 the Security Council strengthened the UN arms embargo on the Darfur region of Sudan by requiring states to ensure that any sale or supply of arms and related materiel to other regions of Sudan are made conditional on end-user documentation stating that the arms will not be used in Darfur.\(^9\) This

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\(^7\) UN Security Council Resolution 1940, 29 Sep. 2010.


was in reaction to UN experts’ repeated observations of military equipment in Darfur, including some in the possession of Sudanese Government forces that the experts had good reason to believe was delivered to Sudan after the embargo was extended to government forces in March 2005. This equipment included ammunition of unconfirmed but possibly Chinese origin (as described below), but also more clear-cut cases. For example, in 2010 the UN Panel of Experts on Sudan observed in Darfur several Su-25 combat aircraft that Sudan had acquired from Belarus since 2008 on condition that they would not be used in violation of the UN embargo. A further recommendation by the panel that suppliers be required to notify the Sanctions Committee on Sudan of sales of military goods and services to Sudan has not been adopted.

In August 2010 the UN Operation in Côte d’Ivoire (UNOCI) released a report on its investigation into violent demonstrations in Côte d’Ivoire in February 2010. It concluded that government forces had committed serious human rights violations in their attempts to suppress the demonstrations. However, the report recommended that the UN partially lift the arms embargo on Côte d’Ivoire and allow the import of anti-riot materials ‘since the lack of these materials leads the law enforcement forces to resort to firearms’. In October 2010 the Security Council extended the arms embargo until 30 April 2011 but altered it to allow ‘supplies of non-lethal equipment intended solely to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order, as approved in advance by the Sanctions Committee’.

### United Nations panels of experts

The UN Security Council has appointed a number of panels of experts to monitor implementation of UN sanctions. With the establishment in June 2010 of a panel of experts to monitor the implementation of the sanctions on Iran, only 2 of the 12 UN arms embargoes in place during 2010 had no associated panel of experts. However, the activities of these panels are not uncontroversial within

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15 No panels of experts existed for the sanctions on non-governmental forces in Iraq and Lebanon. The new panel was established by UN Security Council Resolution 1929 (note 3). Before the panel had been established, the Sanctions Committee on Iran had issued 2 so-called implementation assistance notices containing details of 2 cases in which Iranian arms shipments had been intercepted on ships in the Mediterranean. United Nations, Security Council, Sanctions Committee on Iran, ‘Implementation assistance notice’, 24 July 2009; and ‘Implementation assistance notice #2: Hansa India’, 20 Jan. 2010, <http://www.un.org/sc/committees/1737/selecdocs.shtml>.
the UN. In 2010 there were several cases in which UN member states reacted strongly to panel reports, tried to change or block the release of reports, or found it difficult to reach agreement on the composition of a panel.

In May 2010 the Panel of Experts monitoring the UN sanctions on the Democratic People’s Republic of Korea (DPRK or North Korea) submitted its first report to the Security Council. China and one other permanent member of the Security Council are reported to have objected to parts of the report (although what the objections were is not publicly known), thus delaying its release.16 In November 2010 China finally permitted the public release of the report, although its text had been leaked in June.17

Difficulties also arose with the appointment of members of the new Panel of Experts on the sanctions on Iran due to delay in reaching agreement among the Security Council members. It took five months from the panel’s establishment before the Secretary-General could finally appoint the panel, which consisted of experts from China, France, Germany, Japan, Nigeria, Russia, the United Kingdom and the United States.18 The reason has not been made public, but in September 2010 France, the UK and the USA had expressed concern about the delay.19

In its October 2010 report, the UN Panel of Experts on Sudan reported having found small arms cartridges in Darfur—including at the sites of attacks on African Union/UN Hybrid Operation in Darfur (UNAMID) personnel—with markings consistent with those used by Chinese manufacturers.20 In careful terms, the panel did not exclude the possibility that manufacturers outside China could apply the same markings and did not suggest that China had authorized the transfers of the ammunition in the knowledge that they would be transferred to Darfur. It did, however, criticize China for not providing requested details about the ammunition samples. It also questioned China’s reliance on assurances from the Sudanese Government that it would not transfer imported military materiel to Darfur despite the panel’s previous findings that the government had done so in the past.21

China reacted strongly to the panel’s report after it was discussed by the Sanctions Committee on Sudan on 20 October 2010. A Chinese Foreign Ministry spokesman criticized the report, calling its findings inappropriate and suggesting that the panel had not conducted its work in an objective manner, without specifying which findings China considered questionable.22
14 October China abstained when the Security Council had renewed the mandate of the panel and added the requirement for end-user documentation for arms exported to Sudan.\textsuperscript{23} Public release of the panel’s report was delayed until March 2011.

China is also reported to have objected strongly to a report presented by the Panel of Experts on Côte d’Ivoire in December 2010. The report was said to include China in a list of countries that had given incomplete responses to requests for information related to arms found in Côte d’Ivoire.\textsuperscript{24}

**Embargo violations**

During 2010 significant violations of UN arms embargoes were reported by several Security Council sanctions committees and panels of experts.\textsuperscript{25}

A container of high explosives originating in Iran and destined for Syria—in violation of the embargo on exports of arms from Iran—was seized in Italy in September and 13 containers with arms and ammunition originating in Iran destined for an unidentified recipient were seized in Nigeria in October.\textsuperscript{26}

Violations of the arms embargo on non-governmental forces in Somalia have occurred regularly since its imposition in 1992.\textsuperscript{27} In February 2010 the UN Monitoring Group on Somalia reported that in the preceding year the primary sources of small arms and light weapons entering Somalia in violation of the UN embargo were Yemen and Ethiopia. Eritrea, which had been a major sponsor of armed opposition groups, appeared to have scaled down its military assistance while continuing to provide political, diplomatic and possibly financial support.\textsuperscript{28}

Investigations continued in 2010 into suspected shipments of small arms and ammunition into Côte d’Ivoire, some of which appeared to be relatively large.\textsuperscript{29} In October 2010 an Ivorian colonel and a US arms broker were arrested in the USA for trying to supply 4000 pistols to the Ivorian armed forces.\textsuperscript{30}


\textsuperscript{25} Reports by panels of experts can be found on the websites of the UN Security Council sanctions committees, <http://www.un.org/sc/committees/>.

\textsuperscript{26} United Nations, Security Council, 6442nd meeting, S/PV.6442, 10 Dec. 2010.


While previous reports on the embargo on the Democratic Republic of the Congo (DRC) had described arms flows from neighbouring countries, no such flows were reported by the Panel of Experts on the DRC in 2010. Instead, the panel reported a series of incidences in which officers of the Congolese armed forces (Forces armées de la République démocratique du Congo, FARDC) supplied arms to one of the non-government armed groups in the DRC.\(^{31}\)

The UN arms embargoes on the DRC and Somalia permit arms to be supplied to government forces. However, the relevant UN sanctions committee must be notified in advance and, in the case of Somalia, must not object to the transfer.\(^{32}\) In the case of the DRC, some suppliers of arms have notified transfers to the Sanctions Committee on the DRC while others have not. Even when notification has been made, information is often incomplete or provided late.\(^{33}\) In the case of Somalia, the majority of assistance to the Somali security sector has not been authorized by the Sanctions Committee on Somalia.\(^{34}\)

While it observed no arms supplies to North Korea, the Panel of Experts on North Korea reported on the country’s attempts to export weapons, in violation of the embargo imposed in 2006.\(^{35}\) In the year following the creation of the panel in June 2009, four cases of arms exports from North Korea were reported to the Sanctions Committee on North Korea, one of which occurred in 2010. In February 2010 a shipment of parts for tanks and other military goods from North Korea en route to the Republic of the Congo was impounded in the port of Durban, South Africa. However, the panel noted that there was no way of determining how many other illicit arms transactions may have gone undetected.\(^{36}\) In general, the panel concluded that North Korea had substituted companies identified by the UN as being involved in arms export with new companies; that due to the deteriorating state of the North Korean merchant fleet and enhanced vigilance on North Korean vessels, North Korea appeared to rely increasingly on foreign-owned ships to carry illicit cargo; and that it tried to conceal arms shipments by sending items in parts.\(^{37}\)

III. Developments in other multilateral arms embargoes

Four countries were the targets of multilateral arms embargoes in 2010 that had no UN equivalent: China, Guinea, Myanmar and Zimbabwe.

Both ECOWAS and the EU imposed an arms embargo on Guinea in October 2009 in response to the violence and deteriorating political situation in the


\(^{32}\) The embargo on Liberia also allows supplies to the government after notification in this way, but no notable violations were reported in 2010.


\(^{34}\) United Nations (note 28), p. 54.

\(^{35}\) United Nations (note 17), p. 3.


country. During 2010 the political situation improved considerably, with elections held in November. However, the arms embargoes were not lifted.

In Zimbabwe, which has been the target of an EU arms embargo since 2002, the power-sharing government was deemed to have made insufficient progress since its formation in February 2009 for the EU to lift any of its sanctions on the country.  

The EU arms embargo imposed on China in June 1989, in reaction to the violent repression of protests in Tiananmen Square, has been the subject of discussion within the EU for years and remained so in 2010. In January the Spanish Foreign Minister, Miguel Ángel Moratinos, indicated that Spain wanted to put the issue of lifting the embargo on the EU agenda during its six-month EU Presidency.  

In response, the USA urged EU member states not to agree to lift the embargo. Most EU member states are reported to have assured the USA that they wanted to maintain the embargo and, at the end of the Spanish Presidency, in June 2010, Moratinos declared that the conditions for lifting the embargo had not been met. However, the issue was again discussed in September 2010 during deliberations between EU member states about China–EU relations. The French Foreign Minister, Bernard Kouchner, stated that France had long been in favour of lifting the embargo. 

Reportedly, a document was discussed that listed conditions that, if met, would lead to the lifting of the embargo, including improved ties with Taiwan and an amnesty for those arrested after the 1989 Tiananmen protests. In December 2010 the EU High Representative for Foreign Affairs and Security Policy, Catherine Ashton, is reported to have suggested lifting the embargo, arguing in a strategy paper that ‘The current arms embargo is a major impediment for developing stronger EU–China co-operation on foreign policy and security matters.’ This proposal also failed to persuade pro-embargo EU member states to change their positions.

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40 Cué, C. E., ‘EE UU ordenó impedir que España levantara el embargo a China’ [USA ordered Spain to stop lifting the embargo on China], El País, 14 Dec. 2010.
42 ‘Europe still divided on China arms embargo’ (note 41).
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Economic Community of West African States (ECOWAS) arms embargoes

Guinea  
17 Oct. 2009  ECOWAS statement

\* = EU embargo implementing a UN embargo; CD = Council Decision; CP = Council Common Position; GAC = General Affairs Council; NGF = non-governmental forces; UNSCR = UN Security Council Resolution

\(a\) The target may have changed since the first imposition of the embargo. The target stated here is as at the end of 2010.

\(b\) The earlier instruments may have been amended or repealed by subsequent instruments.

\(c\) UNSCR 1946 permits ‘supplies of non-lethal equipment intended solely to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order, as approved in advance by the Sanctions Committee’.

\(d\) UNSCR 1929 extended the arms embargo on Iran from prohibiting supplies of technology related to nuclear weapon delivery systems to prohibiting the supply of all major conventional weapons as defined by the UN Register of Conventional Arms (UNROCA).

\(e\) Liberia has been the target of UN arms embargoes since 1992, with related but different objectives.

\(f\) UNSCR 1945 strengthened the embargo on Sudan by requiring states to ensure that any sale or supply of arms and related materiel to Sudan not prohibited by resolutions 1556 and 1591 is made conditional on the state first ascertaining, with the necessary end-user documentation, that the sale or supply is conducted in a manner consistent with the measures imposed by those resolutions (i.e. will not be used in the Darfur region).

\(g\) The EU and its member states first imposed an arms embargo on Myanmar in 1990.