III. Multilateral arms embargoes

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Several substantial developments regarding multilateral arms embargoes occurred during 2011. Early in the year the United Nations Security Council imposed sanctions on Libya, including an arms embargo, but states subsequently disagreed about the scope of the embargo. The Security Council was not able to agree on imposing an arms embargo on Syria despite lengthy discussion.

During 2011, 13 UN arms embargoes, 19 European Union (EU) arms embargoes, 1 Economic Community of West African States (ECOWAS) arms embargo and 1 Arab League arms embargo were in force (see table 10.1).\(^1\) Of the EU’s 19 embargoes, 9 implemented UN decisions directly, 3 implemented UN embargoes with modified scope or coverage, and 7 had no UN counterpart.\(^2\) The ECOWAS and Arab League embargoes had no UN counterparts.

The embargo on Libya was the only new embargo imposed by the UN Security Council in 2011.\(^3\) The EU, in addition to its implementation of the new UN embargo on Libya, imposed three new arms embargoes during 2011: on Belarus, on South Sudan and on Syria. The Arab League imposed its first ever arms embargo in 2011: on Syria. ECOWAS’s arms embargo on Guinea, imposed in 2009, was lifted in 2011.

Libya

On 26 February 2011, within two weeks of the start of the Libyan uprising, the UN Security Council unanimously voted to impose an embargo on arms supplies to and from Libya in reaction to ‘gross and systematic violation of human rights, including the repression of peaceful demonstrators’ by the

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1 In addition, 1 voluntary multilateral embargo was still in force in 2011: in 1992 the Conference on Security and Co-operation in Europe (CSCE, now renamed the Organization for Security and Co-operation in Europe) requested that all participating states 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 The request has never been repealed but a number of OSCE participating states have supplied arms to Armenia and Azerbaijan since 1992.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, annex 1 to Journal no. 2 of the Seventh Meeting of the Committee, Prague, 27–28 Feb. 1992. On arms transfers to the 2 countries see chapter 6, section IV, in this volume.

2 The 3 that differed from equivalent UN embargoes were those on Iran and North Korea, 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 7 with no UN counterpart were those on Belarus, China, Guinea, Myanmar, South Sudan, Syria and Zimbabwe. The 9 that implement UN embargoes are indicated in table 10.1 below.

3 For administrative reasons, the UN embargo on al-Qaeda, the Taliban and associated individuals and entities was split into an embargo on the Taliban and an embargo on al-Qaeda and associated individuals and entities. UN Security Council resolutions 1988 and 1989, 17 June 2011.
Libyan Government. In contrast to their earlier reluctance to support UN sanctions relating to internal conflicts in Myanmar in 2007 and Zimbabwe in 2008, Russia and China did not delay in voting to support sanctions against Libya. Both countries explained their support for the sanctions as being driven by concern about the violence in Libya and consideration of the views of the Arab League and the African Union. The EU implemented the UN arms embargo by introducing its own arms embargo on 28 February.

On 17 March 2011 the Security Council adopted Resolution 1973, which, while stressing the need to enforce the arms embargo, authorized member states that notified and acted in cooperation with the UN Secretary-General to take all necessary measures to protect civilians under threat of attack in Libya, ‘notwithstanding’ the paragraph in Resolution 1970 that imposed the arms embargo. Views differed on the extent to which the combined UN Security Council resolutions prohibited arms supplies to forces fighting against the regime of Muammar Gaddafi. The formulation of Resolution 1973, in particular the use of the term ‘notwithstanding’, caused discussion within and between several countries about whether it allowed the supply of arms to groups in Libya defending themselves against the government as part of efforts to protect civilians. For example, the British Prime Minister, David Cameron, and the US Secretary of State, Hillary Rodham Clinton, argued that it did. In late March the French Foreign Minister, Alain Juppe, and the French Defence Minister, Gerard Longuet, still considered arms supplies to the rebels to be in violation of the UN sanctions.

The UN panel of experts on Libya identified three

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types of transfer: (a) transfers that were notified to the UN Secretary-General, which were therefore deemed to be in accordance with Resolution 1973; (b) transfers whose notification had been inadequate; and (c) non-notified transfers, which violated the arms embargo.12

In the end, several countries, acting unilaterally, decided to supply arms to Libyan rebels in the period after 17 March. Transfers by France, Italy, the United Kingdom and the United States fell into the panel’s first category. In June France, despite its earlier views, openly admitted to having ‘provided self-defensive weapons to the civilian populations’, arguing that this was in line with the combined text of the two UN resolutions.13 Italy, the UK and the USA reported that they had supplied non-lethal equipment such as body armour.14 Into the second category fell arms transfers from Qatar and, potentially, suspected arms transfers from the United Arab Emirates.15 It had become an open secret by April that Qatar was supplying arms, with the Qatari Prime Minister, Hamad bin Jasim bin Jabir Al Thani, stating that Resolution 1973 allowed the supply of defensive weapons.16 Reported arms supplies from Albania and Sudan fell into the third category. The latter declared that it had supplied arms to Libyan rebels in retaliation for Gaddafi’s support for Sudanese rebels.17 There were also unconfirmed reports that Egypt, Italy and Poland supplied arms to the Libyan rebels.18 Since the EU did not amend its embargo after the adoption of Resolution 1973, it seems that EU member states that supplied arms to the rebels breached the EU embargo. These apparent breaches did not lead to open discussion in the EU.

Russia condemned the supply of arms to groups fighting the Gaddafi regime as a crude violation of the UN arms embargo and, together with South Africa, in July requested a closed meeting of the UN Sanctions Committee on Libya to discuss the French arms supplies.19 The Russian Foreign Minister, Sergei Lavrov, stated that the arms supplies had damaged the UN Security Council because ‘no one had so grossly and openly violated its

decisions before’.\textsuperscript{20} China urged countries to strictly abide by the UN sanctions on Libya but did not explicitly condemn specific countries.\textsuperscript{21}

The Gaddafi regime seems to have been successfully cut off from arms supplies after 27 February 2011. Documents found by a journalist in Tripoli indicated that Chinese arms-producing companies had received Libyan officials in July 2011 and had offered to sell them arms.\textsuperscript{22} In response the Chinese Ministry of Foreign Affairs announced that the contacts had taken place without the knowledge of the Chinese Government, that no arms had been delivered and that China would strictly implement the UN sanctions on Libya.\textsuperscript{23}

On 16 September the UN Security Council amended its arms embargo on Libya to allow arms transfers to the National Transitional Council (NTC), which had been recognized by the UN General Assembly as the new Libyan Government earlier that day.\textsuperscript{24}

During 2011 it became clear that there was a major risk that large quantities of arms would leak out of unguarded arsenals in Libya into neighbouring states. Technically, this would be a violation of the embargo on export of arms from Libya, but the real issue was that such arms flows could fuel violent conflict or terrorist activities outside Libya. In October 2011 the UN Security Council adopted a resolution expressing concern about the spread of arms from Libya and calling on the international community to provide assistance in preventing it.\textsuperscript{25}

**Syria**

The swift agreement within the Security Council about a UN arms embargo on Libya was not repeated in the case of Syria, where from March 2011 government forces violently repressed peaceful protests.\textsuperscript{26} The EU imposed sanctions on Syria on 9 May 2011, including an embargo on the supply of arms and equipment that could be used for internal repression, and called


\textsuperscript{22} Smith, G., ‘China offered Gadhafi huge stockpiles of arms: Libyan memos’, Globe and Mail (Toronto), 2 Sep. 2011.


\textsuperscript{24} UN Security Council Resolution 2009, 16 Sep. 2011.


\textsuperscript{26} On developments in Syria in 2011 see also chapter 2, section I, and chapter 3, section II, in this volume. On arms supplier states’ policies on arms exports to Syria see chapter 6, section II, in this volume.
on the Syrian security forces to exercise restraint. After this first multi-
lateral arms embargo had been agreed, in the following months European
states and the USA sought support for a Security Council resolution on the
situation in Syria. A draft that had been circulated within the UN Security
Council before 24 August called for sanctions on Syria, including a full
arms embargo and specific financial sanctions. On 26 August Russia
circulated an alternative draft resolution that did not include sanctions,
which received support from Brazil, China, India and South Africa. Neither
draft was put to the vote.

A new draft UN Security Council resolution was introduced by four EU
member states in early October. It threatened, but did not impose, sanc-
tions. Instead it called on states to exercise vigilance and restraint over
arms transfers to Syria, among other things. China and Russia vetoed the
resolution, stressing the principle of non-interference in the internal affairs
of states, highlighting the fact that the resolution focused solely on exerting
pressure on the Syrian Government and not the opposition, and expressing
the concern that threatening sanctions might ultimately result in military
intervention as in the case of Libya.

Whereas in the case of Libya calls for UN action from states and multi-
lateral organizations in the region had been cited by China and Russia as a
reason to vote in favour of UN sanctions, both states continued to oppose
sanctions even when the Arab League and Turkey increased pressure on
the Syrian Government; by the beginning of December each had imposed
economic sanctions and an arms embargo. Statements by Russian Govern-
ment officials suggested that Russia’s strong disagreement with several
states’ interpretation of the UN arms embargo on Libya contributed to its
opposition to an arms embargo on Syria.

30 United Nations, Security Council, ‘France, Germany, Portugal and United Kingdom of Great
32 League of Arab States, Arab Ministerial Council, Statement on the situation in Syria, 3 Dec.
2011, <http://www.arableagueonline.org/> (in Arabic); ‘Turkey announces economic sanctions pack-
age against Syria’, Today’s Zaman, 30 Nov. 2011; and Krause-Jackson, F. and Freedman, J., ‘Russia
shows no sign of buckling to pressure to isolate Syria’, Bloomberg Businessweek, 2 Dec. 2011.
33 Yakovenko, A., ‘Bending the rules is not the way to resolve conflict’, Russia Beyond the Head-
lines, 26 Oct. 2011, <http://rbth.ru/articles/2011/10/26/bending_the_rules_is_not_the_way_to_resolve_ conflict_13646.html>; and Russian Ministry of Foreign Affairs, ‘Opening remarks and answers by
Russian Foreign Minister Sergey Lavrov at press conference following talks with Icelandic Foreign
bdomp/brp-4.nsf/910ea870582bc0f344257959001dace9>. 
Other multilateral arms embargoes

Despite the fact that an internationally recognized and UN-supported government took control of Côte d’Ivoire in April 2011, the UN Security Council in the same month voted unanimously to extend the arms embargo on the country for one year.\(^{34}\)

On 20 June 2011 the EU imposed an arms embargo on Belarus to strengthen its existing sanctions on the leadership of the country in response to the deteriorating human rights, democracy and rule-of-law situation in Belarus.\(^{35}\) On 18 July 2011, following the independence of South Sudan on 9 July, the EU amended its arms embargo on Sudan so that it continued to cover both Sudan and South Sudan.\(^{36}\) The EU did not explain the motives or objectives for imposing an arms embargo on South Sudan, but the embargo on Sudan was originally imposed in 1994 in response to the civil war in the south of the country.\(^{37}\)

Both ECOWAS and the EU imposed an arms embargo on Guinea in October 2009 in response to violence and the deteriorating political situation in the country. During 2010 the political situation improved considerably, and after presidential elections in November Guinea returned to civilian rule. In response, ECOWAS lifted its arms embargo on 25 March 2011.\(^{38}\) In contrast, in October 2011 the EU extended its embargo until 27 October 2012 without public explanation.\(^{39}\)

Embargo violations

In 2011, as in previous years, several significant violations of arms embargoes were reported, primarily by the UN panels of experts tasked with monitoring the embargoes.\(^{40}\) Assessing trends in violations of arms embargoes in 2011 was challenging due to the lack of data on all embargoes.

\(^{40}\) In 2011 panels existed for all UN arms embargoes except those on non-governmental forces in Iraq and Lebanon. Reports by panels of experts can be found on the website of the UN Security Council sanctions committees, <http://www.un.org/sc/committees/>.
goes has been hindered by efforts of UN Security Council members to prevent or delay the publication of the reports by UN panels.\textsuperscript{41} In 2011 two new panel reports—one on Iran and one on the Democratic People’s Republic of Korea (DPRK, or North Korea)—were not released to the public. In May 2011 a panel report on the UN embargo on Iran was leaked, but it was not officially released to the public, reportedly because Russia was blocking its publication.\textsuperscript{42} During 2011 the committee was not able to reach agreement on when, or whether, the report should be published. Also in May a report by the panel on North Korea was not released, reportedly after China raised objections.\textsuperscript{43} It was leaked later that month.\textsuperscript{44}

The need for proper investigation and reporting was shown by identified violations of arms embargoes in 2011. Although it did not report new embargo violations by North Korea in 2011, the leaked report by the UN panel of experts provided detailed descriptions of earlier violations and the methods deployed in those violations to stress the need for continued vigilance.\textsuperscript{45} Elsewhere it was reported that there were strong suspicions that North Korea tried to export missiles to Myanmar in 2011.\textsuperscript{46} During 2011, according to the leaked report on Iran, the panel of experts received information about at least three cases of arms exports from Iran in violation of UN sanctions. These involved a small shipment of small arms to Syria on a plane intercepted in Turkey; a shipment, including six anti-ship missiles, on board a ship en route from Syria to Egypt that was intercepted by the Israeli Navy; and a shipment of 48 122-mm rockets and small arms ammunition originating in Iran that was seized in Afghanistan. The panel also inspected a shipment, intercepted in Singapore, of aluminium powder potentially intended for use in Iranian missiles.\textsuperscript{47} The panel concluded that it was likely that other transfers took place undetected.\textsuperscript{48}

In Côte d’Ivoire there were strong indications that significant quantities of small arms were supplied from Burkina Faso to the rebel Forces Nouvelles (New Forces) and that the government of President Laurent


\textsuperscript{45} Panel of experts established pursuant to Resolution 1874 (note 44), pp. 30–32.


\textsuperscript{47} Panel of experts established pursuant to Resolution 1929 (note 42), pp. 15–17.

\textsuperscript{48} Panel of experts established pursuant to Resolution 1929 (note 42), p. 2.
Gbagbo tried to import arms before its downfall in April 2011. The acquisitions by the Forces Nouvelles are likely to have played an important role in building its capability to take control of the whole country by force (as part of the larger Republican Forces).

The UN panel on Darfur expressed concern about the Sudanese Government continuing to move military assets into Darfur. The UN monitoring group for Somalia observed that arms continued to be smuggled in by non-state groups. It is believed that Eritrea continued to supply arms to non-state groups in 2011.


Table 10.1. Multilateral arms embargoes in force during 2011

<table>
<thead>
<tr>
<th>Target</th>
<th>Date embargo first imposed</th>
<th>Principal instruments establishing or amending the embargo</th>
<th>Developments during 2011</th>
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<td>28 July 2003</td>
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<td>Iran</td>
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<td>Iraq (NGF)</td>
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<td>Lebanon (NGF)</td>
<td>11 Aug. 2006</td>
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<td>22 Dec. 2003</td>
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<td>Al-Qaeda, the Taliban and associated individuals and entities*</td>
<td>17 Dec. 1996</td>
<td>CPs 96/746/CFSP, 2001/154/CFSP, 2002/402/CFSP</td>
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<td>Belarus</td>
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<td>CD 2011/357/CFSP</td>
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<tr>
<td>Target(^a)</td>
<td>Date embargo first imposed</td>
<td>Principal instruments establishing or amending the embargo(^b)</td>
<td>Developments during 2011</td>
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<tr>
<td>Eritrea*</td>
<td>1 Mar. 2010</td>
<td>CD 2010/127/CFSP</td>
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<td>Iran</td>
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<td>Korea, North</td>
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<td>Lebanon (NGF)*</td>
<td>15 Sep. 2006</td>
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<td>Economic Community of West African States (ECOWAS) arms embargo</td>
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<td>Syria</td>
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</table>

\(^*\) = 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
The target may have changed since the first imposition of the embargo. The target stated here is as at the end of 2011.

The earlier instruments may have been amended or repealed by subsequent instruments.

In June 2011 the UN Security Council split the embargo on al-Qaeda, the Taliban and associated individuals and entities into separate arms embargoes, one on the Taliban (UNSCR 1988) and one on al-Qaeda and associated individuals and entities (UNSCR 1989).

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

To ensure strict implementation of the embargo on Libya, UNSCR 1973 called on UN member states to inspect for compliance ships and aeroplanes in their territory that are bound to or from Libya, including the searching of seaports and airports and allowing for forcible inspections. UNSCR 2009 partly lifted the embargo to allow the transfer of arms to the new Libyan authorities and in support of the United Nations Support Mission in Libya (UNSMIL).

CD 2011/423/CFSP implemented the changes of UNSCR 2009 (see note e).

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

Following the independence of South Sudan in July 2011, CD 2011/423/CFSP amended the EU arms embargo on Sudan so that it continued to cover both Sudan and South Sudan.