

II. Multilateral arms embargoes

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Of the 38 multilateral arms embargoes in force in 2014, 14 were imposed by the United Nations, 23 by the European Union (EU) and 1 by the League of Arab States (see table 15.1).¹ Of the EU's 23 embargoes, 10 implemented UN decisions directly, 3 implemented UN embargoes with modified geographical scope or coverage in terms of weapon types included and 10 had no UN counterpart.² The single Arab League arms embargo (on Syria) had no UN counterpart. In 2014 two multilateral organizations, the UN and the Intergovernmental Authority on Development (IGAD) considered whether to impose an arms embargo on South Sudan. The EU imposed a partial voluntary embargo on Ukraine until mid-2014 and a legally binding embargo on Russia. It lifted an arms embargo on Guinea.

South Sudan

Persistent widespread violence in South Sudan escalated into a full-scale civil war in December 2013 between the Government of South Sudan—formed by the Sudan People's Liberation Movement/Army (SPLM/A)—and the SPLM/A in Opposition.³ States took unilateral and multilateral action in response to the conflict in 2014. The EU continued its embargo on South Sudan and Sudan. Despite the fact that these actions indicated widespread support for a UN arms embargo on South Sudan, the UN Security Council failed to agree on one.

The EU implemented an arms embargo against Sudan in 1994 in reaction to an earlier civil war in the southern part of Sudan.⁴ When South Sudan

¹ In addition, 1 voluntary multilateral embargo was in force in which the Conference on Security and Co-operation in Europe (CSCE, now renamed the Organization for Security and Co-operation in Europe) requests that all participating states impose an embargo on arms deliveries to Armenian and Azerbaijani forces engaged in combat in the Nagorno-Karabakh area. Conference on Security and Co-operation in Europe, Committee of Senior Officials, Statement, annex 1 to Journal no. 2 of the Seventh Meeting of the Committee, Prague, 27–28 Feb. 1992.

² The 3 that differed from equivalent United Nations embargoes were those on Iran and North Korea, which covered more weapon types than the United Nations embargo, and on Sudan, which covered the whole country whereas the United Nations embargo applied only to the Darfur region. The 10 with no United Nations counterpart were those on Belarus, China, Guinea, Myanmar, Russia, South Sudan and Zimbabwe and partial embargoes on Egypt, Syria and Ukraine. The EU embargoes on China, Egypt and Ukraine are a political commitment whereas the other 7 are legally binding. The 10 that implement United Nations embargoes are listed in table 15.1.

³ For an overview of the violent conflict in South Sudan see International Crisis Group (ICG), 'South Sudan: a civil war by any other name', *Africa Report* no. 217 (ICG: Brussels, 10 Apr. 2014).

⁴ Council Decision 94/165/CFSP of 15 March 1994 on the common position defined on the basis of Article J.2 of the Treaty on European Union concerning the imposition of an embargo on arms, munitions and military equipment on Sudan, *Official Journal of the European Union*, L075, 17 Mar. 1994.

became independent in 2011 the EU maintained an arms embargo on both Sudan and South Sudan, but allowed the supply of non-lethal military equipment in support of security-sector reform activities in South Sudan.⁵ This embargo remained in place in 2014.

Also at the multilateral level, IGAD—which includes South Sudan as a member state as well as Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda—played a leading role in 2014 in international efforts to broker a peace deal between the warring parties. When these efforts were unsuccessful, it threatened on several occasions to introduce sanctions against the Government of South Sudan and the SPLM/A in Opposition. In November 2014 this threat explicitly included an arms embargo for the first time.⁶ Despite the fact that the warring parties failed to adhere to IGAD's demands to end hostilities immediately, however, the threatened embargo was not implemented.

UN Security Council permanent members China and the United States both took unilateral action in response to events in South Sudan. At the end of 2013 the USA halted its programme of providing military assistance and equipment to the country, which it began in 2012.⁷ In September 2014 the Chinese embassy in South Sudan reported that China had halted all weapon deliveries to South Sudan.⁸ This followed a controversial delivery of small arms and light weapons from China to the Government of South Sudan in June 2014, which called into question China's participation in the diplomatic efforts to resolve the conflict.⁹

In May and August 2014 the UN Security Council warned that it was ready to consider all appropriate measures, including targeted sanctions aimed at those who undermined peace, stability and security in South Sudan.¹⁰ Possible sanctions were not specified. In November and December several members of the Security Council voiced considerable interest in

⁵ Council Decision 2011/423/CFSP of 18 July 2011 concerning restrictive measures against Sudan and South Sudan and repealing Common Position 2005/411/CFSP, *Official Journal of the European Union*, L188, 19 July 2011.

⁶ Intergovernmental Authority on Development (IGAD), 'Resolutions by the 28th extraordinary summit of the IGAD heads of state and government', Addis Ababa, 7 Nov. 2014, <<http://southsudan.igad.int/index.php/270-resolutions-from-the-28th-extra-ordinary-summit-of-heads-of-state-and-government>>.

⁷ White House, *Presidential Memorandum: Presidential determination on the eligibility of South Sudan to receive defense articles and defense services* (White House: Washington, DC, 6 Jan. 2012); and Ploch Blanchard, L., 'The crisis in South Sudan', Congressional Research Service (CRS) Report for Congress R43344 (US Congress, CRS: Washington, DC, 9 Jan. 2014), p. 19.

⁸ Gridneff, I., 'China halts arms sales to South Sudan after Norinco shipment', Bloomberg, 30 Sep. 2014, <<http://www.bloomberg.com/news/articles/2014-09-29/china-halts-weapons-sales-to-south-sudan-after-norinco-shipment>>.

⁹ Gridneff (note 8); and 'Rebels slam China's conflicting roles in South Sudan', *Sudan Tribune*, 19 July 2014.

¹⁰ UN Security Council Resolution 2155, 27 May 2014; and United Nations, Security Council, Reports of the Secretary-General on the Sudan and South Sudan, Presidential Statement, S/PRST/2014/16, 8 Aug. 2014.

imposing targeted sanctions and an arms embargo on South Sudan.¹¹ However, despite its earlier decision to halt military assistance to South Sudan, the USA was reluctant to agree to an arms embargo. The USA's position was reportedly a result of disagreements within the US Government. The nature of these disagreements has not been officially revealed, but reports suggest that a section of the government was concerned that imposing an embargo would undermine the capacity of the democratically elected government of South Sudan to defend itself against rebel groups. In addition, there was a general belief that the embargo could not be properly enforced.¹²

Challenges to the implementation of UN embargoes

In 2014 the panels of experts and monitoring groups of the UN Security Council's sanctions committees again reported violations of and other issues with the implementation of UN arms embargoes.¹³ Libya was the only case where violence led to a minor change in the UN restrictions on arms transfers. These violations and implementation issues can be illustrated with several examples.

The UN Panel of Experts on Sudan reported in February 2014 that the Sudanese Government had continued to move into the Darfur region significant quantities of arms that had been legally imported into Sudan. These movements violated the UN embargo and contradicted assurances given by the Sudanese Government to the suppliers of the equipment.¹⁴

In November 2014 the commander of the Iranian Revolutionary Guard, Brigadier General Amir Ali Hajizadeh, openly confirmed the supply of missile technology to Syria and the Lebanon-based militant group Hezbollah.¹⁵ There was also significant evidence in 2014 that Iran was supplying weapons to the Iraqi armed forces to assist them in their fight against

¹¹ Charbonneau, L. and Nichols, M., 'US says to propose UN sanctions regime for South Sudan', Reuters, 4 Nov. 2014, <<http://www.reuters.com/article/2014/11/05/us-southsudan-un-usa-idUSKBN0IO2B720141105>>; and Australian Government, 'Transcript of remarks at Security Council press stakeout: South Sudan, Libya, Burkina Faso', Australia, United Nations, Security Council, 4 Nov. 2014, <<https://australia-unsc.gov.au/2014/11/transcript-of-remarks-at-security-council-press-stakeout-south-sudan-libya-burkina-faso>>.

¹² Charbonneau, L. and Nichols, M., 'UN sanctions push for South Sudan stalls on arms embargo: envoys', Reuters, 9 Dec. 2014 <<http://uk.reuters.com/article/2014/12/09/uk-southsudan-fighting-un-idUKKBN0JN2DJ20141209>>; and Lynch, C., 'Inside the White House fight over the slaughter in South Sudan', *Foreign Policy*, 26 Jan. 2015.

¹³ Reports by panels of experts can be found at the website of the United Nations Security Council Sanctions Committees, <<http://www.un.org/sc/committees>>.

¹⁴ United Nations, Security Council, Report of the Panel of Experts on the Sudan established pursuant to Resolution 1591 (2005), S/2014/87, 11 Feb. 2014, pp. 12–45.

¹⁵ 'Commander: Syrian missile-manufacturing plants built by Iran', Fars News, 11 Nov. 2014, <<http://english.farsnews.com/newstext.aspx?nn=13930820000325>>.

Islamic State.¹⁶ However, the Iranian embargo violations did not lead to any action or formal condemnation by the UN Security Council.

The UN Monitoring Group on Somalia and Eritrea concluded in September 2014 that weapons supplied to the Somali Government were still being diverted to arms markets in Mogadishu.¹⁷ By October 2014 Somalia had not succeeded in establishing effective mechanisms to manage its weapons—including safe storage, marking and registration—as required by UN Security Council resolutions.¹⁸

The UN Panel of Experts on Libya reported many problems with the implementation of the UN sanctions against Libya. Until August 2014 these sanctions only allowed arms supplies to recognized authorities after prior notification to the Sanctions Committee and in the absence of a negative decision by that committee. The panel concluded that because Libya lacks any functional national security forces, several significant arms transfers to Libya—regardless of whether they had been authorized by or notified to the Sanctions Committee—had contributed to the arming of militias.¹⁹ The panel noted that all parties to the fighting in Libya had been highly active in procuring military materiel in 2014, and that it was investigating a series of suspected arms deliveries not authorized by the Sanctions Committee.²⁰ These concerns led the Security Council in August 2014 to make a slight amendment to the arms embargo, requiring any future supplies of arms to Libya to be approved in advance by the Sanctions Committee.²¹

European Union embargoes

Ukraine and Russia

In response to the political violence in Ukraine, EU member states agreed on 20 February 2014 to: (a) suspend exports licences for equipment that might be used for internal repression; and (b) reassess export licences already granted for military equipment.²² In contrast to most other EU

¹⁶ Collard, R., 'The enemy of my enemy: Iran arms Kurds in fight against ISIS', *Time*, 27 Aug. 2014; and Ryan, M. and Morris, L., 'The US and Iran are aligned in Iraq against the Islamic State, for now', *Washington Post*, 27 Dec. 2014.

¹⁷ United Nations, Security Council, 'Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council Resolution 2111 (2013): Somalia', 19 Sep. 2014, annex to S/2014/726, 13 Oct. 2014, p. 10.

¹⁸ United Nations annex to S/2014/726 (note 17), p. 32; UN Security Council Resolution 2182, 24 Oct. 2014; and UN Security Council Resolution 2142, 5 Mar. 2014.

¹⁹ United Nations, Security Council, Letter dated 23 Feb. 2015 from the Panel of Experts established pursuant to resolution 1973 (2011) addressed to the President of the Security Council, S/2015/128, 23 Feb. 2015, pp. 28–36.

²⁰ United Nations S/2015/128 (note 19), pp. 36–45.

²¹ UN Security Council Resolution 2174, 27 Aug. 2014.

²² Council of the European Union, Council conclusions on Ukraine, Foreign Affairs Council, Brussels, 20 Feb. 2014, <http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/141110.pdf>. For more information on the situation in Ukraine see chapter 3 in this volume.

arms embargoes the partial arms embargo was not legally binding but solely a political commitment. Following the change in political leadership in Ukraine and the armed rebellion in eastern Ukraine, the EU discontinued the application of the February agreement on export licences on 16 July 2014.²³

In the first half of 2014 EU member states unilaterally started to restrict arms exports to Russia in response to the latter's involvement in the armed rebellion in eastern Ukraine.²⁴ Despite pressure from other EU member states and the USA, France was initially reluctant to restrict arms exports to Russia—in particular, because France did not want to halt a €1.2 billion (\$1.36 billion) contract for the supply of two Mistral class naval ships to Russia.²⁵ In March and May 2014 the EU threatened sanctions against Russia in response to its involvement in the Ukraine crisis.²⁶ The situation was exacerbated when a civilian airliner, Malaysia Airlines Flight 17 (MH-17), was shot down over rebel held territory on 17 July 2014.²⁷ At the end of July the EU concluded that Russia was continuing to increase its involvement in the destabilization of Ukraine, and that the flow of weapons and militants from Russia into the eastern part of Ukraine was increasing. As a result, the EU included an arms embargo in the sanctions it imposed on Russia on 31 July 2014.²⁸

These sanctions prohibit any involvement by nationals of EU member states or from their territories in the supply of arms and services related to the military in Russia or the supply of dual-use items—products that could have both military and civilian applications—for military use or military end-users in Russia, unless contracts or agreements for such supplies had been concluded before 1 August 2014. EU member states continued to implement national policies that also prohibited arms supplies agreed before 1 August 2014. By November 2014 France had suspended the planned delivery of the two Mistral class ships until further notice.²⁹ The sanctions also ban the export of arms and dual-use items that are to be sub-

²³ Council of the European Union, Special meeting of the European Council, Conclusions, EUCO 147/14, Brussels, 16 July 2014.

²⁴ Rettman A., 'Several EU states impose arms ban on Russia', EU Observer, 7 July 2014, <<https://euobserver.com/investigations/124883>>.

²⁵ 'France suspends Mistral warship delivery to Russia', France 24, 4 Sep. 2014, <<http://www.france24.com/en/20140903-france-suspends-plans-deliver-first-mistral-helicopter-carrier-russia>>.

²⁶ Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, *Official Journal of the European Union*, L229, 31 July 2014.

²⁷ Deutsch, A. and Baczyńska, G., 'Malaysia: Dutch report suggests MH-17 shot down from ground', Reuters, 9 Sep. 2014, <<http://www.reuters.com/article/2014/09/09/us-ukraine-crisis-mh17-investigation-idUSKBN0H40LM20140909>>.

²⁸ Council Decision 2014/512/CFSP (note 26); and Council Regulation 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, *Official Journal of the European Union*, L229, 31 July 2014.

²⁹ French Government, 'La livraison du premier BPC repoussée jusqu'à nouvel ordre' [Delivery of the first PCB postponed until further notice], Press release, 25 Nov. 2014.

sequently re-exported from Russia to a third country. In addition, the import, purchase or transport of arms from Russia is prohibited, unless contracts or agreements were concluded before 1 August 2014, with the exception of items and services necessary for the maintenance of equipment already in the EU.

Other embargoes

In 2013, reacting to the political violence in Egypt, EU member states agreed to: (a) suspend licences for the export to Egypt of any equipment that might be used for internal repression; (b) reassess export licences already granted for military equipment; and (c) review their security assistance to Egypt.³⁰ These measures remained in place throughout 2014, although their status was unclear. Some EU member states continued to supply or resumed supplying arms to Egypt. France and Egypt signed new deals for the supply of frigates and combat aircraft—the largest arms deals between the two countries in two decades. Spain restarted delivery of transport aircraft after a short suspension in reaction to the 2013 violence in Egypt and a deal for thousands of pistols was signed with the Czech Republic.³¹

The EU imposed sanctions on Guinea in October 2009 in response to the violent crackdown by Guinean Government forces on political demonstrators in September 2009 and concerns about the general political situation in the country. By early 2014 the political situation in Guinea had changed considerably, leading, among other things, to free elections in May 2014. In reaction, the EU lifted the arms embargo in April 2014.³²

³⁰ Council of the European Union, Council conclusions on Egypt, Foreign Affairs Council, Brussels, 21 Aug. 2013, <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/138599.pdf>.

³¹ SIPRI arms transfers database, <<http://www.sipri.org/databases/armstransfers>>; and Martin, G., 'CZ sells submachineguns, pistols to Egypt', DefenceWeb, 7 Nov. 2014, <http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=36911:cz-sells-submachineguns-pistols-to-egypt&catid=50:Land&Itemid=105>.

³² Council Regulation 380/2014 of 14 April 2014 amending Regulation 1284/2009 imposing certain specific restrictive measures in respect of the Republic of Guinea, *Official Journal of the European Union*, L111, 15 Apr. 2014.

Table 15.1. Multilateral arms embargoes in force during 2014

Target ^d	Date embargo first imposed	Principal instruments establishing or amending the embargo ^b	Key developments during 2014
<i>United Nations arms embargoes</i>			
Al-Qaeda and associated individuals and entities	16 Jan. 2002	SCRs 1390, 1989	
CAR	5 Dec. 2013	SCR 2127	
Congo, Democratic Republic of the (NGF)	28 July 2003	SCRs 1493, 1596, 1807, 2078	Extended until 1 Feb. 2015 by UNSCR 2136, 30 Jan. 2014
Côte d'Ivoire	15 Nov. 2004	SCRs 1572, 1946, 2045, 2101	
Eritrea	23 Dec. 2009	SCR 1907	Extended until 30 Apr. 2015 by UNSCR 2153, 29 Apr. 2014
Iran	23 Dec. 2006	SCRs 1737, 1747, 1929	
Iraq (NGF)	6 Aug. 1990	SCRs 661, 1483, 1546	
Korea, North	15 July 2006	SCRs 1695, 1718, 1874	
Lebanon (NGF)	11 Aug. 2006	SCR 1701	
Liberia (NGF)	22 Dec. 2003 ^c	SCRs 1521, 1683, 1903, 2128	Extended until 8 Aug. 2015 by UNSCR 2188, 9 Dec. 2014
Libya (NGF)	26 Feb. 2011	SCRs 1970, 1973, 2009, 2095	Amended by UNSCR 2174, 27 Aug. 2014 ^d
Somalia	23 Jan. 1992	SCRs 733, 1725, 2093, 2111	
Sudan (Darfur)	30 July 2004	SCRs 1556, 1591, 1945	Extended until 30 Oct. 2015 by UNSCR 2182, 24 Oct. 2014
Taliban	16 Jan. 2002	SCRs 1390, 1988	
<i>European Union arms embargoes</i>			
Al-Qaeda, the Taliban and associated individuals and entities*	17 Dec. 1996	CPs 96/746/CFSP, 2001/154/CFSP, 2002/402/CFSP	
Belarus	20 June 2011	CD 2011/857/CFSP, CD 2012/642/CFSP	Extended until 31 Oct. 2015 by CD 2014/750/CFSP, 30 Oct. 2014
China	27 June 1989	European Council declaration	

Target ^d	Date embargo first imposed	Principal instruments establishing or amending the embargo ^b	Key developments during 2014
CAR*	23 Dec. 2013	CD 2013/798/CFSP	
Congo, Democratic Republic of the (NGF)*	7 Apr. 1993	Declaration, CPs 2003/680/CFSP, 2005/440/CFSP, 2008/369/CFSP	
Côte d'Ivoire*	13 Dec. 2004	CP 2004/852/CFSP, 2010/656/CFSP CD 2012/371/CFSP	
Egypt	21 Aug. 2013	Council conclusions on Egypt	
Eritrea*	1 Mar. 2010	CD 2010/127/CFSP	
Guinea	27 Oct. 2009	CPs 2009/788/CFSP, 2009/1003/CFSP	Lifted by CD 2014/213/CFSP, 14 Apr. 2014
Iran	27 Feb. 2007	CPs 2007/140/CFSP, 2007/246/CFSP CD 2012/168/CFSP	
Iraq (NGF)*	4 Aug. 1990	Declaration, CPs 2003/495/CFSP, 2004/553/CFSP	
Korea, North	20 Nov. 2006	CPs 2006/795/CFSP, 2009/573/CFSP	
Lebanon (NGF)*	15 Sep. 2006	CP 2006/625/CFSP	
Liberia (NGF)*	7 May 2001	CPs 2001/357/CFSP, 2004/137/CFSP, 2006/518/CFSP, 2010/129/CFSP	
Libya (NGF)*	28 Feb. 2011	CD 2011/137/CFSP, 2011/625/CFSP	
Myanmar	29 July 1991 ^e	GAC declaration, CPs 96/635/CFSP, 2003/297/CFSP, 2010/232/CFSP	Extended until 30 Apr. 2015 by CD 2014/214/CFSP, 14 Apr. 2014
Russia	31 July 2014	2014/512/CFSP, CR 833/2014	
Somalia (NGF)*	10 Dec. 2002	CPs 2002/960/CFSP, 2009/138/CFSP, 2010/231/CFSP	New embargo
South Sudan	18 July 2011	CD 2011/423/CFSP	
Sudan	15 Mar. 1994	CPs 94/165/CFSP, 2004/31/CFSP, 2005/411/CFSP, CD 2011/423/CFSP	
Syria	9 May 2011	CD 2011/273/CFSP, CR 36/2012, CR 509/2012, CR 36/2012, CR 509/2012, CD 2012/420/CFSP, CD 2013/255/CFSP	
Ukraine	20 Feb. 2014	Council conclusions on Ukraine	Lifted by Council conclusions on Ukraine, 16 July 2014

Zimbabwe	18 Feb. 2002	CP 2002/145/CFSP	Extended until 20 Feb. 2015 by CD 2014/98/CFSP, 17 Feb. 2014
<i>League of Arab States arms embargo</i>			
Syria	3 Dec. 2011	Council statement Council Resolution 7446 ^f	

* = EU embargo implementing a UN embargo; CAR = Central African Republic; CD = Council Decision; CP = Council Common Position; CR = Council Regulation; GAC = General Affairs Council; NGF = non-governmental forces; SCR = 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 2014.

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

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

^d UNSCR 2174 reinforces the arms embargo for Libya and expands the criteria.

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

^f Amended by Council Resolution 7446, 12 Feb. 2012. Resolution 7446 could be interpreted as permitting the provision of arms to the Syrian opposition.

Sources: United Nations, Security Council, 'UN Security Council sanctions committees', <<http://www.un.org/sc/committees/>>; and European Union External Action, 'Sanctions or restrictive measures', 5 Dec. 2014 <http://eeas.europa.eu,m/cfsp/sanctions/index_en.htm>.