

Appendix 12A. Multilateral arms embargoes, 2009

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I. Introduction

There were 29 mandatory multilateral arms embargoes in force in 2009, directed at a total of 17 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 1.¹

During 2009 the UN Security Council imposed its first new arms embargo since 2006, on Eritrea. The UN widened the arms embargo on the Democratic People's Republic of Korea (DPRK, or North Korea) and lifted the arms embargo on the Government of Liberia.

Nine of the 16 EU embargoes were straightforward implementations of UN arms embargoes.² In addition, two EU arms embargoes differed from UN embargoes in their scope or coverage and five did not have UN counterparts.³ In 2009 the EU imposed a new arms embargo on Guinea and lifted its arms embargo on Uzbekistan. ECOWAS imposed a new arms embargo on Guinea.

Section II of this appendix gives details of the developments in UN arms embargoes in 2009 and section III covers developments in the EU and ECOWAS. Table 12A.1 provides details of all the multilateral arms embargoes in force in 2009. This appendix does not cover the formal and informal unilateral arms embargoes that individual states impose.

II. Developments in United Nations arms embargoes

In December 2009 the UN Security Council imposed open-ended sanctions on Eritrea.⁴ This was a reaction to the findings by the latest UN Monitoring Group on Somalia that Eritrea had provided political, financial and logistical support

¹ In addition, voluntary embargoes on Armenia and Azerbaijan that were imposed in 1992 by the Organization for Security and Co-operation in Europe (OSCE) and in 1993 by the UN were still in force. They were not enforced by all OSCE participating states and all UN member states. 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; and UN Security Council Resolution 853, 29 July 1993. All UN documents cited here are available at <<http://documents.un.org/>>.

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

³ The 2 EU embargoes that differed from UN embargoes were those on Iran, which covered more weapon types than the UN embargo, and on Sudan, which covered the country as a whole whereas the UN embargo applied only to the Darfur region. The 5 EU embargoes with no UN counterpart were those on China, Guinea, Myanmar, Uzbekistan and Zimbabwe.

⁴ UN Security Council Resolution 1907, 23 Dec. 2009.

to armed groups in Somalia and to Eritrea's refusal to withdraw its armed forces from territory disputed by Eritrea and Djibouti and engage in diplomatic dialogue about this issue. The sanctions include an embargo on transfers of all arms and related materiel and services to and from Eritrea.

Since 2005 the UN Monitoring Group on Somalia has reported that Eritrea has supported, including with arms supplies, groups in Somalia fighting the Somali Transitional Federal Government.⁵ Although the Security Council amended the embargo on Somalia in November 2008 to specify that sanctions should be applied to all entities that violated the embargo, this did not lead to specific action against any violator.⁶ In May 2009 the Intergovernmental Authority on Development (IGAD) and the African Union (AU) accused Eritrea of supporting armed groups in Somalia and called on the UN to impose sanctions on Eritrea.⁷ The Security Council discussed possible sanctions against Eritrea several times before Uganda circulated a draft resolution in November 2009.⁸ In early December 2009 the president of the Security Council indicated that negotiations over the proposed sanctions within the Council were difficult, commenting that sanctions were a 'thorny issue'.⁹ However, on 23 December Resolution 1907 obtained broad support and passed with 13 votes in favour, with China abstaining and Libya voting against.¹⁰

In reaction to a nuclear test explosion and ballistics missile tests by North Korea, in June 2009 the UN Security Council unanimously amended existing sanctions on North Korea imposed in 2006.¹¹ It extended the embargo from supplies of most major arms to North Korea to include all arms and related materiel, except for small arms and light weapons. Furthermore, the embargo on procurement of arms from North Korea was extended to include all arms, without exception. The resolution also established a panel of experts to mon-

⁵ United Nations, Security Council, Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1639 (2005), annex to S/2006/229, 4 May 2006, pp. 10–13. This and subsequent reports of the Monitoring Group on Somalia are available at <<http://www.un.org/sc/committees/751/mongroup.shtml>>.

⁶ UN Security Council Resolution 1844, 20 Nov. 2008, para 8(b).

⁷ Intergovernmental Authority on Development (IGAD), Communiqué of the 33rd Extra-ordinary session (Extra-ord. no. 1) of the IGAD Council of Ministers on the security and political situation in the subregion in particular Somalia, Addis Ababa, 20 May 2009, <http://www.igad.org/index.php?option=com_content&task=view&id=265&Itemid=96>; and African Union, Peace and Security Council, 190th meeting, Communiqué, 22 May 2009, <http://www.africa-union.org/root/au/index/index_may09.htm>. For a brief description of IGAD see annex B in this volume. Its members are Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda.

⁸ United Nations, Security Council, 6158th meeting, S/PV.6158, 9 July 2009; United Nations, Security Council, 6197th meeting, S/PV.6197, 8 Oct. 2009; and Charbonneau, L., 'Move at UN to sanction Eritrea over Somalia links', Reuters, 19 Nov. 2009, <<http://www.reuters.com/article/idUSN19531413>>.

⁹ United Nations, 'Press conference by Security Council president', 2 Dec. 2009, <http://www.un.org/News/briefings/docs/2009/091202_SCPres.doc.htm>.

¹⁰ United Nations, Security Council, 6254th meeting, S/PV.6254, 23 Dec. 2009.

¹¹ UN Security Council Resolution 1874, 12 June 2009. The 2006 embargo on arms imports and exports was limited to battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register of Conventional Arms, or related materiel including spare parts. UN Security Council Resolution 1718, 14 Oct. 2006. On North Korea's nuclear test see appendix 8B and chapter 9, section IV, in this volume.

itor the implementation of the sanctions. Of the 12 UN arms embargoes, only 3—those on Iran, Iraq and Lebanon—now lack an associated panel of experts.

In December 2009 Security Council Resolution 1903 lifted the arms embargo on the Government of Liberia for a trial period of one year.¹² The Liberian Government had been subject to UN arms embargoes since 1992, although from 2005 the Sanctions Committee on Liberia regularly authorized exemptions that allowed the transfer of arms to Liberia for use by the government's security forces.¹³ The Sanctions Committee on Liberia must still be notified in advance of shipments of arms and related materials to the Liberian Government. Resolution 1903 also extended the arms embargo on all non-governmental entities and individuals operating in Liberia for 12 months.

Inspections and embargo violations

The resolutions imposing arms embargoes on Eritrea, Iran and North Korea include specific calls for UN member states to inspect on their territory any suspected cargo transported by air or ship to or from the embargoed countries.¹⁴ In addition, the 2009 resolution amending sanctions on North Korea calls on UN member states to inspect vessels, with the consent of the flag state, on the high seas if they have reasonable grounds to believe that prohibited items are on board. If the flag state does not consent to inspection on the high seas, the resolution requires the flag state to direct the vessel to a port for the required inspection. If the flag state does not do so, the member state requesting the inspection should submit a report to the embargo committee.¹⁵ China and Russia voted in favour of the resolution, but expressed their reservations about this unprecedented element in a UN embargo and stressed that the resolution does not allow the use of force.¹⁶

During 2009 cargo inspections led to the uncovering of several violations of the UN embargoes on arms exports from Iran and North Korea. In February Cyprus reported that it had found arms and ammunition from Iran destined for Syria on a Cypriot-flagged ship chartered by the Islamic Republic of Iran Shipping Lines (IRISL).¹⁷ In October US troops boarded a German-flagged ship chartered by IRISL in the Gulf of Suez and found eight containers of casings for small arms ammunition on their way from Iran to Syria. The ship was redirected to Malta, where the weapons were offloaded.¹⁸ In November Israel

¹² Security Council Resolution 1903, 17 Dec. 2009.

¹³ United Nations, Security Council, Final report of the Panel of Experts on Liberia submitted pursuant to paragraph 4 of Security Council Resolution 1854 (2008), annex to S/2009/640, 11 Dec. 2009, pp. 41–43.

¹⁴ UN Security Council Resolution 1907 (note 4), para. 7; UN Security Council Resolution 1803, 3 Mar. 2008, para. 11; and Security Council Resolution 1874 (note 11), para. 11.

¹⁵ Security Council Resolution 1874 (note 11), paras 12–13.

¹⁶ United Nations, Security Council, 6141st meeting, S/PV.6141, 12 June 2009, pp. 3, 8.

¹⁷ United Nations, Security Council, 6142nd meeting, S/PV.6142, 15 June 2009; and United Nations, Security Council, 'Implementation assistance notice', 24 July 2009, <<http://www.un.org/sc/committees/1737/selecdocs.shtml>>.

¹⁸ United Nations, Security Council, 6235th meeting, S/PV.6235, 10 Dec. 2009; and 'German ship transporting arms for Iran', *Der Spiegel*, 12 Oct. 2009.

reported that it had intercepted, with ‘the consent of the relevant authorities’, 36 containers with arms originating from Iran on-board an Antiguan and Barbudan-flagged IRISL-operated ship in the Mediterranean.¹⁹ In July the US Navy tracked on the high seas a North Korean ship suspected of carrying arms to Myanmar but made no attempt to inspect it. The ship turned back to North Korea without offloading cargo.²⁰ Rocket propelled grenades and parts for conventional arms destined for Iran were found in August in the United Arab Emirates (UAE) on a Bahamian-flagged ship originating from North Korea.²¹ In November South Africa seized a shipment of spare parts for tanks on a ship sailing from North Korea to the Republic of the Congo.²² Finally, in December 35 tonnes of arms originating from North Korea were found in a Georgian-registered aircraft detained in Thailand.²³

In the case of the UN arms embargoes on al-Qaeda, the Taliban and associated individuals and entities, the Democratic Republic of the Congo, Somalia and the Darfur region of Sudan, continuous violations since the imposition of the sanctions have been reported by UN panels of experts, including significant violations in 2009.²⁴ In 2009 for the first time the UN Group of Experts on Côte d’Ivoire reported significant violations of the UN arms embargo on the country. It reported that all parties in the conflict were rearming and strongly suspected that significant quantities of small arms and related ammunition had been systematically supplied in 2008 and 2009 from the territory of Burkina Faso to Ivorian rebel forces.²⁵

III. Developments in other multilateral arms embargoes

During 2009 the political situation in Guinea deteriorated, culminating on 28 September 2009 in the killing of over 150 demonstrators by Guinean soldiers.²⁶ In response to these developments, the International Contact Group on Guinea recommended that the international community impose sanctions on Guinea, including an arms embargo.²⁷ Soon afterwards ECOWAS and the EU—

¹⁹ United Nations (note 18); and Government of Antigua and Barbuda, ‘Antigua Department of Marine Services and Merchant Shipping launches investigation into ammunitions find aboard the Antigua and Barbuda flagged vessel the Motor Vessel “Francop”’, Press release, 9 Nov. 2009, <http://www.ab.gov.ag/gov_v2/government/pressreleases/pressreleases2009/prelease_2009Nov09_1.html>.

²⁰ Kirk, D., ‘Storm over North Korea–Iran arms vessel’, *Asia Times*, 1 Sep. 2009; and Choe, S., ‘South Korea says freighter from north turns back’, *New York Times*, 6 July 2009.

²¹ Kirk (note 20).

²² ‘South Africa reports seizing banned North Korea weapons’, BBC News, 26 Feb. 2010, <<http://news.bbc.co.uk/2/hi/8539408.stm>>.

²³ McCartan, B., ‘Weapons seizure hits North Korea hard’, *Asia Times*, 22 Dec. 2009.

²⁴ Reports by the panels of experts can be found on the website of the UN Security Council sanctions committees, <<http://www.un.org/sc/committees/>>.

²⁵ United Nations, Security Council, Final report of the Group of Experts on Côte d’Ivoire pursuant to paragraph 11 of Security Council Resolution 1842 (2008), annex to S/2009/521, 9 Oct. 2009.

²⁶ Aziakou, G., ‘Guinea mayhem was “crime against humanity”’, UN report’, AFP, 21 Dec. 2009, <<http://www.google.com/hostednews/afp/article/ALeqM5iAtF14yvbtr3uNtL4F0idhGoIQ>>.

²⁷ Final Communiqué, 8th Session of the International Contact group on Guinea (ICG-G), 12 Oct. 2009, <[http://www.africa-union.org/root/AU/Conferences/2009/october/Communique\[1\]_ICG-G.pdf](http://www.africa-union.org/root/AU/Conferences/2009/october/Communique[1]_ICG-G.pdf)>. The Contact Group is co-chaired by the AU and ECOWAS commissions and also involves the

two participants in the Contact Group—imposed arms embargoes on Guinea. The ECOWAS arms embargo, imposed on 17 October 2009, was only the second that it had imposed on one of its member states.²⁸ The EU imposed its sanctions on Guinea on 27 October 2009, including an arms embargo.²⁹

On 27 October 2009 the EU decided not to renew its sanctions, including an arms embargo, on Uzbekistan, in order ‘to encourage the Uzbek authorities to take further substantive steps to improve the rule of law and the human rights situation’.³⁰ The EU had concluded that sufficient change had occurred in Uzbekistan, even though a key demand in the EU sanctions had not been met, namely an independent international inquiry into the ‘excessive, disproportionate and indiscriminate use of force by the Uzbek security forces’ during demonstrations in Andijan in May 2005.³¹

Other EU arms embargoes included in sanctions related to human rights were not changed. The formation in 2009 of a power-sharing government in Zimbabwe was not enough progress for the EU to lift any of its sanctions on the country.³²

Community of Sahelo-Saharan States (CEN-SAD), the EU, the Mano River Union, the Organisation of the Islamic Conference, the International Organisation of La Francophonie and the UN, as well as the chairs of the AU Peace and Security Council and of ECOWAS, and the permanent and the African members of the UN Security Council.

²⁸ ECOWAS, Extraordinary Summit of ECOWAS heads of state and government, Final communiqué, Abuja, 17 Oct. 2009. The first ECOWAS arms embargo was imposed on Togo from 19 to 26 Feb. 2005.

²⁹ Council Common Position 2009/788/CFSP of 27 Oct. 2009 concerning restrictive measures against the Republic of Guinea, *Official Journal of the European Union*, L281, 28 Oct. 2009.

³⁰ Council of the European Union, 2971st meeting, General Affairs and External Relations, Press Release 14658/09 (Presse 299), Luxembourg, 27 Oct. 2009.

³¹ Council Common Position 2005/792/CFSP of 14 Nov. 2005 concerning restrictive measures against Uzbekistan, *Official Journal of the European Union*, L299, 16 Nov. 2005.

³² Bearak, B., ‘Europeans to keep sanctions on Zimbabwe’, *New York Times*, 13 Sep. 2009.

Table 12A.1. Multilateral arms embargoes in force during 2009

Target ^a	Date embargo first imposed	Principal instruments establishing or amending embargo ^b	Developments during 2009
<i>United Nations arms embargoes</i>			
Al-Qaeda, the Taliban and associated individuals and entities	19 Dec. 2000	UNSCRs 1333, 1390	Extended until 30 June 2011 by UNSCR 1904, 17 Dec. 2009
Democratic Republic of the Congo (NGF)	28 July 2003	UNSCRs 1493, 1596, 1807	Extended until 30 Nov. 2010 by UNSCR 1896, 30 Nov. 2009
Côte d'Ivoire	15 Nov. 2004	UNSCR 1572	Extended until 31 Oct. 2010 by UNSCR 1893, 29 Oct. 2009
Eritrea	23 Dec. 2009	UNSCR 1907	New embargo
Iran (technology related to nuclear weapon delivery systems) ^c	23 Dec. 2006	UNSCR 1737	
Iraq (NGF)	6 Aug. 1990	UNSCRs 661, 1483, 1546	
North Korea ^d	15 July 2006	UNSCRs 1695, 1718	Amended by UNSCR 1874, 12 June 2009
Lebanon (NGF)	11 Aug. 2006	UNSCR 1701	
Liberia (NGF) ^e	22 Dec. 2003	UNSCRs 1521, 1683	Amended and extended until 17 Dec. 2010 by UNSCR 1903, 17 Dec. 2009
Sierra Leone (NGF)	8 Oct. 1997	UNSCRs 1132, 1171	
Somalia ^f	23 Jan. 1992	UNSCRs 733, 1725	
Sudan (Darfur)	30 July 2004	UNSCR 1556, 1591	
<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	
China	27 June 1989	European Council declaration	
Democratic Republic of the Congo (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	
Guinea	27 Oct. 2009	CP 2009/788/CFSP	New embargo
Iran	27 Feb. 2007	CPs 2007/140/CFSP, 2007/246/CFSP	

Iraq (NGF)	4 Aug. 1990	Declaration, CPs 2003/495/CFSP, 2004/553/CFSP	Extended until 31 Dec. 2009 by CP 2009/175/CFSP, 5 Mar. 2009
North Korea	20 Nov. 2006	CP 2006/795/CFSP	Amended by CP 2009/573/CFSP, 27 July 2009
Lebanon (NGF)	15 Sep. 2006	CP 2006/625/CFSP	
Liberia	7 May 2001	CPs 2001/357/CFSP, 2004/137/CFSP, 2006/518/CFSP	
Myanmar ^g	29 July 1991	GAC declaration, CPs 96/635/CFSP 2003/297/CFSP	Extended until 30 Apr. 2010 by CP 2009/351/CFSP, 27 Apr. 2009
Sierra Leone (NGF)	29 June 1998	CP 98/409/CFSP	
Somalia	10 Dec. 2002	CP 2002/960/CFSP	Amended by CP 2009/138/CFSP, 16 Feb. 2009
Sudan	15 Mar. 1994	CPs 94/165/CFSP, 2004/31/CFSP, 2005/411/CFSP	
Uzbekistan ^h	14 Nov. 2005	CP 2005/792/CFSP	Expired on 13 Nov. 2009
Zimbabwe	18 Feb. 2002	CP 2002/145/CFSP	Extended until 20 Feb. 2010 by CP 2009/68/CFSP, 26 Jan. 2009
<i>Economic Community of West African States (ECOWAS) arms embargoes</i>			
Guinea	17 Oct. 2009	ECOWAS statement	New embargo

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 sanctions. The target stated here is as at the end of 2009.

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

^c UNSCR 1747, 24 Mar. 2007, calls on member states to exercise 'vigilance and restraint in the direct and indirect supply, sale or transfers to Iran of conventional arms' and placed a mandatory embargo on exports of conventional arms from Iran but does not impose a mandatory embargo on transfers of conventional arms to Iran.

^d UNSCR 1874 calls on UN member states to exercise vigilance over the direct or indirect supply, sale or transfer to North Korea of small arms and light weapons (SALW) and obligates them to notify the relevant UN sanctions committee at least 5 days prior to selling, supplying or transferring SALW to North Korea.

^e Liberia has been the target of UN arms embargoes since 1992, with related but different objectives. Prior to the passing of UNSCR 1903, the Sanctions Committee on Liberia could authorize exemptions from the arms embargo for transfers of arms and military equipment, technical training and assistance to the Liberian Government in accordance with UNSCR 1683, 13 June 2006.

^f UNSCR 1725 exempted African Union (AU) and Intergovernmental Authority on Development (IGAD) forces present in Somalia from the arms embargo and allows them to help facilitate the re-establishment of Somali national security forces. UNSCR 1772, 20 Aug. 2007, allows more explicitly the supply of arms by states solely for the purpose of helping develop Somali security sector institutions, in the absence of a negative decision by the Sanctions Committee.

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

^h The General Affairs and External Relations Council decided on 27 Oct. 2009 not to renew any of the sanctions against Uzbekistan.

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', 16105/09, 13 Nov. 2009.