

SWP Research Paper

Judith Vorrath

UN Arms Embargoes under Scrutiny

Obstacles and Options for an Effective
Contribution to Conflict Resolution



Stiftung Wissenschaft und Politik
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- There are still a number of UN arms embargoes in place to prevent the flow of arms and military material into conflict zones. Although the UN Security Council is not generally deadlocked on this issue, it has only taken relevant decisions to re-design the embargoes in a few cases over the last ten years.
- Recent amending decisions have essentially created or extended exceptions or exemptions for the security forces of the respective national government. This is intended to strengthen them against non-state armed groups.
- Accompanying control mechanisms are increasingly controversial – both with the countries concerned and among the members of the Security Council. At the same time, meaningful political guidance on the embargoes and their adaptation to the respective conflict situation have proven to be difficult.
- This study focuses primarily on the relatively active UN arms embargoes on Somalia, Libya, the Democratic Republic of the Congo and the Central African Republic. For those, it reveals overarching challenges in implementation and enforcement: a) smuggling and irregular supplies, which also reflect the increasing internationalization of conflicts, b) exceptions and exemptions for government forces where there is a high risk of weapons being diverted from official stocks, and c) increased use of technologies such as drones and improvised explosive devices, whose components would have to be controlled as dual use goods.
- This suggests a need for further reforms of arms embargoes. Above all, however, they need to be better linked to political processes, especially those in the affected region. Arms embargoes can also be useful to obtain access to more or better information or as a bargaining chip vis-à-vis the internationally recognized government.

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UN Arms Embargoes under Scrutiny: Obstacles and Options for an Effective Contribution to Conflict Resolution

No other type of UN sanctions has been imposed as frequently as the arms embargo. Virtually all current United Nations sanctions regimes aimed at resolving armed conflicts and supporting peace processes include such an embargo. It thus remains an important part of the toolbox under Chapter VII of the UN Charter. Nevertheless, there is little recent evidence of its impact and effectiveness. Many of the embargoes still in force are aimed at armed conflicts that have been going on for a long time and seem deadlocked. The fact that arms embargoes have been unable to change this overall situation is often seen as proof of their ineffectiveness.

Findings show that various reforms in the 2000s have certainly improved compliance with and implementation of arms embargoes. However, it is not only UN sanctions that have been transformed significantly in the last ten years; the (security) political environment has also changed. This may have created new or higher hurdles that stand in the way of embargoes making an effective contribution to conflict resolution. This study therefore concentrates on how UN arms embargoes as an instrument have developed, how they are used by the Security Council, and what the challenges are in their implementation. The key question is what obstacles exist to such embargoes making an effective contribution to conflict resolution, and what leverage the instrument still offers under changing conditions.

For eight of the current UN arms embargoes in conflict contexts, this study traces how they have been designed, implemented and used politically over time. In principle, UN member states are responsible for implementing them. However, the UN Security Council (UNSC) imposes and designs arms embargoes and the sanctions committees as its subsidiary organs monitor their implementation. The committees also have certain decision-making powers; for example, they can place persons or entities on sanctions lists or approve supplies in accordance with exemptions to arms embargoes.

The UNSC has been relatively active in four cases – including in the last ten years: the arms embargoes

on Somalia, the Democratic Republic of the Congo (DRC), Libya and the Central African Republic (CAR). They will be the main focus of this analysis. In these cases, the embargoes were imposed under very different circumstances, but all followed a similar pattern later. They were adapted to support an internationally recognized government in consolidating and expanding its authority in the face of only partial or unsustainable peace agreements. Their key objective is to cut the flow of weapons to non-state actors that hinder conflict resolution, while exceptions or exemptions for government security forces allow them to receive external support.

This type of adaptation is based on certain expectations as to how the respective political process will develop. Where these did not materialize in the cases examined, it was difficult to respond with further changes, partly because the governments of the countries concerned are increasingly calling for the UN arms embargoes to be lifted altogether. Divergences are also growing among Security Council members as to whether and under what conditions embargoes could be lifted. A further difficulty is that the UNSC's attention to individual armed conflicts tends to fluctuate. Depending on national interests among elected and permanent members of the body, objectives other than settling and resolving the conflict gain relevance, such as the fight against international terrorism or the expansion of spheres of influence. This may collide with the provisions of the arms embargo, especially as there are important manufacturers and suppliers of weapons and military equipment among UNSC members.

Such aspects complicate the political steering of arms embargoes as a means of conflict resolution — even more reason to focus on how their implementation and enforcement can be improved. There are various starting points for this in the UN architecture, in particular through the now common monitoring by expert groups that work with the respective sanctions committee. Their reports — those which are publicly available — reveal a number of overarching challenges in the four “active” core cases being addressed in this study. First, smuggling and irregular supplies of arms and military equipment reflect how regionally and internationally intertwined the armed conflicts are. In addition, the exceptions and exemptions from the embargoes that exist for the respective government's security forces not only make monitoring more difficult, but they can also undermine the goal of strengthening state authority, as there is a

high risk in conflict areas that weapons and ammunition will be diverted from official stocks. In the conflict contexts examined, technologies such as armed or unarmed drones and improvised explosive devices (IEDs) are also increasingly being used. This makes the already difficult question of the extent to which dual-use goods are covered by UN arms embargoes even more powerful.

Further need for reform can be derived from these challenges. For example, existing ambiguities in arms embargo regulations should be clarified, particularly regarding their exact scope and the exemptions provided for. Overall, however, the real obstacles to an effective contribution to conflict resolution lie elsewhere. As this analysis shows, decisions on embargoes are less about permanent blockades in the UNSC than about a lack of linkage between political goals and the respective conflict dynamics and changing conditions for peace efforts. Preventing the uncontrolled flow of weapons and other military equipment into conflict areas is still an obvious approach. However, the design of arms embargoes has to be continuously adapted to the conflict and to changes in access to military material. This is the only way in which embargoes can also be used as an effective bargaining chip. Where this option does not exist, information from UN monitoring can at least be used in other ways — for example, if the EU is considering imposing its own arms embargo or tightening an existing one in case a UN embargo is terminated or eased.

Introduction: UN Arms Embargoes in the Context of Armed Conflicts

Arms embargoes are the most frequently used type of UN sanctions to date. All UN sanctions regimes aimed at resolving armed conflicts and supporting peace processes (except for the one on Mali) that were in place at the end of 2022¹ also included an arms embargo. Nevertheless, this instrument has often played a subordinate role in recent academic and political debates.

Occasionally, peace efforts revolve around arms embargoes, for example, in early 2020 during the Libya conference in Berlin, which was a reaction to the escalation in the country – and above all to the strong military support that the conflict parties receive from the outside. Overall, however, the impression has solidified that such embargoes are difficult to enforce and have little effect. Nevertheless, they continue to be an obvious means of dealing with armed conflicts that are looming or have already broken out.² This also shows in debates at the United Nations, such as the possible imposition of an UN arms embargo against Myanmar following the military coup there in February 2021.³ In July 2022, China – otherwise rather critical of sanctions – called for a complete arms embargo on Haiti in the Security Council, but was initially unable to get its way. The new sanctions regime on Haiti established

in October 2022 then included a targeted arms embargo on designated individuals and entities. In October 2023 the embargo was finally extended to Haiti as a whole.⁴

If the UN Security Council issues an arms embargo, this results in an obligation for all member states to prevent the sale or supply of arms and related material to the target area or to targeted actors.⁵ In contrast to restrictive EU measures, such as the ban on the export of weapons and related material to Russia, these sanctions practically have global reach. The implementation of UN sanctions is the responsibility of all member states. In the case of arms embargoes, however, the relevant neighbouring states and important exporting countries are particularly relevant. Unlike travel bans and assets freezes (as well as targeted arms embargoes) that are valid for individuals or entities designated on a sanctions list, general arms embargoes apply to a specific territory or specific actors, often non-state armed groups.

In general, UN sanctions are intended to lead to changes in behaviour, limit certain actors' options for action or signal disapproval of a specific behaviour,

¹ The sanctions regime on Mali was not extended past August 2023.

² Margaret Doxey, "Reflections on the Sanctions Decade and Beyond", *International Journal*, (Spring 2009): 539–49 (546).

³ In June 2021, the UN General Assembly adopted a non-binding arms embargo on Myanmar, with China and Russia among the P5 abstaining. "UN Adopts Nonbinding Arms Embargo on Myanmar", *Arms Control Today*, (July and August 2021), <https://www.armscontrol.org/act/2021-07/news-briefs/un-adopts-nonbinding-arms-embargo-myanmar> (accessed 13 September 2023).

⁴ UNSC, Resolution S/RES/2699 (2023), 2 October 2023, para. 14 (access to UN Security Council Resolutions in the United Nations Electronic Document Archive at <https://documents.un.org>).

⁵ This applies to mandatory arms embargoes by the UN, which can also impose voluntary embargoes. In the case of voluntary embargoes, member states are merely called upon to cease deliveries, whereas mandatory arms embargoes must be implemented in a legally binding manner. Damien Fruchart, Paul Holtom, Siemon T. Wezeman, Daniel Strandow and Peter Wallensteen, *United Nations Arms Embargoes: Their Impact on Arms Flows and Target Behavior* (Solna: Stockholm International Peace Research Institute [SIPRI] and Uppsala: Uppsala University, November 2007), 1f.

for example the violation of international norms.⁶ The primary focus is often on behavioural change. Negative economic effects — whether of targeted financial sanctions against individual actors or trade embargoes on certain sectors — are seen as a means of achieving such a change.⁷ However, proving such an effect empirically can be difficult. In the case of arms embargoes, the primary logic is also different. They are not really about economic damage, but about impeding (further) access to arms and military equipment or military support for all or some parties to the conflict. The principle is to restrict these parties' ability to use military force. Repeated violations of an embargo are not only problematic because they run counter to this objective; if consequences are largely absent, any signalling effect that may initially have been generated by the imposition of the measure can also quickly fade. In addition, the threat of imposing arms embargoes, their adjustment or their (partial) lifting can be used as a bargaining chip in negotiations between or with the parties to the conflict.

However, it is difficult to systematically assess the extent to which arms embargoes are implemented and complied with by UN member states. This is because there is in fact no reliable reporting system; many states do not or only partly follow the request to provide information on the implementation of an embargo. As a result, a comprehensive governance structure has emerged at UN level to monitor implementation — with the Security Council and its sanctions committees as subsidiary bodies at the centre. Despite the politically difficult situation in the UNSC, 15 sanctions regimes were still in force at the end of 2022, ten of which were aimed at resolving conflicts and supporting peace processes.⁸ Of these, nine in-

cluded a binding arms embargo. This instrument therefore remains an important part of the toolbox under Chapter VII of the UN Charter.

Most relevant for the implementation of arms embargoes are the neighbouring countries concerned and important exporting countries.

Nevertheless, there is a lack of new systematic evidence on the impact and effectiveness of UN arms embargoes. Attention has increasingly turned to more targeted sanctions imposed on individuals and entities, such as assets freezes. The emphasis is more on the implementation of these types of sanctions, especially as they can have problematic side effects. Side effects are also possible with UN arms embargoes, for example if they have an unequal impact on the parties to the conflict in the target area, usually in favour of the militarily strongest.⁹ However, negative humanitarian consequences are usually limited here, whereas for other types of sanctions — particularly in the case of the regimes dealing with terrorism and the proliferation of weapons of mass destruction — these have moved to the core of the debate.

Many of the UN arms embargoes still in force are aimed at armed conflicts that have been going on for a long time and are considered deadlocked. The fact that these sanctions have not been able to produce meaningful progress towards peace is often seen as proof of their ineffectiveness. Yet the context has changed significantly in terms of the nature and course of armed conflicts, the role of external powers and the relevant flows of arms, as well as the political situation in the UNSC. It is therefore worth taking a closer look at how arms embargoes have developed in this changing environment. The following analysis focuses on the political steering, implementation and enforcement of arms embargoes. The basic assumption is that they can only make an effective contribution to ending and resolving armed conflicts if they are adequately adapted to the situation on the ground, the political framework conditions and any loopholes or weak spots that show over time. Accordingly, the following sections focus primarily on the prerequi-

⁶ Thomas J. Biersteker, Marcos Tourinho and Sue E. Eckert, "Thinking about United Nations Targeted Sanctions", in *Targeted Sanctions: The Impacts and Effectiveness of United Nations Action*, ed. idem (Cambridge: Cambridge University Press 2016), 11–37 (22).

⁷ Clara Portela and Janis Kluge, *Slow-acting Tools: Evaluating EU Sanctions against Russia*, EUISS Analysis (Paris: European Union Institute for Security Studies [EUISS], 19 October 2022).

⁸ The UN regimes on non-proliferation and counter-terrorism also contain arms embargoes. However, these are not the subject of this study as they pursue other objectives. The new UN sanctions regime for Haiti adopted in October 2022 is also not counted among the conflict-related regimes, as it is primarily aimed at ending criminal violence as well as human rights violations and overcoming the political crisis

in the country. See UNSC, Resolution S/RES/2653 (2022), 21 October 2022.

⁹ Francesco Giumelli, *How EU Sanctions Work: A New Narrative*, Chaillot Papers (Paris: EUISS, 1 May 2013), 23.

sites for arms embargoes to succeed; the question of their real effectiveness is beyond their scope.

As a starting point, the study examines eight of the current UN arms embargoes, then taking a closer look at four cases, namely the embargoes on Somalia, the DRC, Libya and the CAR. It analyses how the design and implementation of these arms embargoes have developed and identifies their challenges and weaknesses.

UN Arms Embargoes since the Sanctions Decade

In contrast to the Cold War, the UNSC often used sanctions as an instrument in the 1990s. This phase is therefore referred to as the sanctions decade. Arms embargoes actually played a central role amongst these coercive measures “not involving the use of armed force”, as stated in Chapter VII (Article 41) of the UN Charter. All regimes at that time included this type of sanction. In particular, it was common practice in the 1990s and early 2000s to impose arms embargoes first and to supplement them with other types of sanctions only later, if at all.

As can be seen in Figure 1 (p. 11), there have been significant changes here.¹⁰ Arms embargoes have also been further developed as part of reform efforts aimed primarily at using UN sanctions in a more targeted manner, making them more effective and reducing negative side effects, like those in the case of the comprehensive Iraq sanctions. The Bonn-Berlin process in 1999–2000, which aimed to improve the design and implementation of arms embargoes (as well as travel and aviation-related sanctions), provided important impetus. This process, organized by Germany, was part of a series of reform efforts in response to the crisis in UN sanctions at the end of the decade and the danger of far-reaching “sanctions fatigue”.¹¹ Part of this crisis was the weak track record of previous arms embargoes, which, according to the final document of the Bonn-Berlin process, had had little or none of the desired effects.¹² The reform initiative

was intended to contribute to better implementation of embargoes by the UN member states and greater compliance by the targeted states.¹³ For the German government, these – together with the reduction of undesirable side effects of sanctions – were also overarching goals of Germany’s membership in the UN Security Council in 2003–2004.¹⁴

Reforms after the Bonn-Berlin process

The reform process was not the first time that it had become clear that arms embargoes have little effect if they stand alone.¹⁵ Since the mid-2000s, they have therefore usually been adopted at the same time as other measures – or, in the case of more recent UN regimes (South Sudan and Yemen), only after other sanctions had already been imposed.

10 The figure does not cover all types of UN sanctions imposed, but the four most common ones.

11 Michael Brzoska, “Reviewing the UN Sanctions Decade: Reforms’ Effect on Interfaces and Remaining Challenges”, in Sascha Lohmann and Judith Vorrath, *International Sanctions: Improving Implementation through Better Interface Management*, SWP Working Paper, Research Division International Security/The Americas Division, 1/2021 (Berlin: Stiftung Wissenschaft und Politik, August 2021), 14–22 (14).

12 Michael Brzoska, ed., *Design and Implementation of Arms Embargoes and Travel and Aviation Related Sanctions: Results of the*

“Bonn-Berlin Process” (Bonn: Bonn International Center for Conversion [BICC], 2001), 10.

13 For a more detailed overview of the processes see, among others, David Cortright, George A. Lopez and Linda Gerber-Stellingwerf, “The Sanctions Era: Themes and Trends in UN Security Council Sanctions since 1990”, in *The United Nations Security Council and War*, ed. Vaughan Lowe, Adam Roberts, Jennifer Welsh and Dominik Zaum (New York: Oxford University Press 2008), 205–225 (221f.).

14 Gunter Pleuger, “Konflikte werden nicht à la carte serviert: Deutschlands neue Amtszeit im Sicherheitsrat der Vereinten Nationen”, *Vereinte Nationen* 6 (2002): 209–13 (212).

15 See, among others, Cortright et al., “The Sanctions Era” (see note 13), 211; Michael Brzoska, “Gezielte Sanktionen als Mittel der Konflikteinhegung in Afrika – Erfahrungen und Aussichten”, *Beiträge aus Sicherheitspolitik und Friedensforschung* 4, no. 23 (2005): 209–15 (213).

UN Sanction Regimes by Most Common Types of Sanction

As of December 2022

Sanctions

- Arms embargo
- Assets freeze
- Travel ban
- Commodity ban



Sudan (Darfur):

Sanctions against Sudan from 1996–2001 not included as these only comprised diplomatic/travel sanctions and an aviation ban



Lebanon:

Arms embargo under Res. 1701 (2006) on all arms transfers not authorized by the Government of Lebanon or UNIFIL is not part of the 1636 sanctions regime



Eritrea:

Secondary sanctions mainly due to support for Al-Shabaab in Somalia; lifted in 2018 while sanctions on Somalia continue



Taliban:

Regime started in October 1999, but initially only included a limited air embargo and financial sanctions against the Taliban.



Iran nuclear issue:

Arms embargo 2006: embargo on the export to and import from Iran of certain items and technology potentially related to nuclear weapons, extended further in 2007 and 2010; sanctions were lifted on 16 January 2016 (JCPOA Implementation Day) based on Res. 2231(2015). Yet restrictions have continued including an arms embargo and travel ban (both until October 2020) and a ban on the delivery of ballistic missile technology as well as an assets freeze (until 2023).



Liberia:

Sanctions committee since 1995



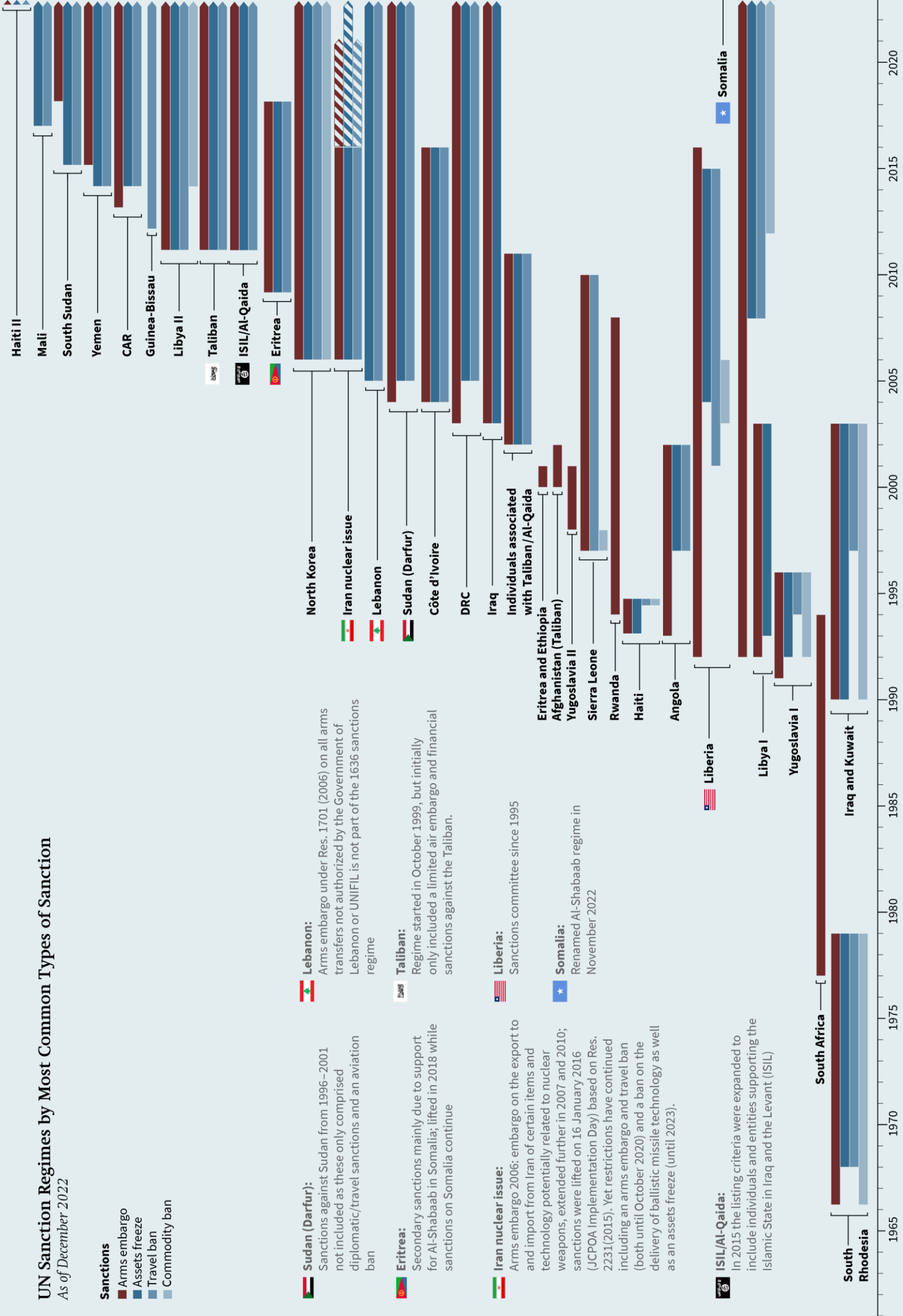
Somalia:

Renamed Al-Shabaab regime in November 2022



ISIL/AL-Qaida:

In 2015 the listing criteria were expanded to include individuals and entities supporting the Islamic State in Iraq and the Levant (ISIL)



As a result, stand-alone UN arms embargoes are no longer common. Instead, additional export bans have been imposed on certain natural resources and assets have been frozen to dry up financing sources for arms purchases.¹⁶

The wording of the embargoes in the respective UN Resolutions has also changed: first and foremost, it has been clarified to make their application and scope more explicit. This is particularly evident for the longest currently existing arms embargo — the one relating to Somalia. When it was adopted in 1992, the UNSC Resolution simply stated that “all States shall, for the purposes of establishing peace and stability in Somalia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia”.¹⁷ The text was later amended to explicitly prohibit the financing of arms supplies as well as providing technical advice, financial or other assistance and training, whether directly or indirectly, in connection with military activities.¹⁸

A comparison shows that the most recent arms embargoes — such as those against South Sudan, CAR and actors in Yemen — all use wording relating to any direct or indirect supply, sale or transfer of arms and related materiel of all types.¹⁹ The embargoes on South Sudan, CAR and Libya also contain explicit provisions prohibiting the supply of armed mercenary personnel. As in the case of Somalia, most embargoes include financial and/or technical assistance or training related to military activities. Such clarifications leave less room for interpretation and thus reduce potential loopholes. At the same time, they make it easier for UN member states, international organizations and the private sector to understand the actual meaning and intention of the respective Resolution.²⁰

However, the standard listing of prohibited goods in the corresponding UN Resolutions has not become

an established practice.²¹ It does exist in the area of non-proliferation, where the ban on the export of proliferation-relevant goods and technologies to North Korea, for example, is underpinned by such lists.²² In some of the cases analysed in this study, the Security Council has specified exemptions for deliveries to national security forces, for example by listing individual goods in annexes for which prior approval by or notification to the sanctions committee is required, as in the case of Somalia.²³ However, this is a far cry from the general lists of prohibited goods that were drawn up in the non-proliferation regimes for Iran and North Korea based on existing lists of export control forums.²⁴ Such a practice, which would mean stronger standards and thus more consistency in implementation, has not yet been generally adopted for UN arms embargoes. In the absence of a consolidated list, the common term “arms and related material” is generally understood to cover all types of weapons, components, spare parts, ammunition and weapons accessories.²⁵

Another reform proposal has only been implemented on a case-by-case basis. To ensure that the UNSC deals with an existing embargo on a regular basis, it can be limited in time, or a review can be provided for in the relevant Resolution. Such clauses have not been introduced across the board, but three of the arms embargoes currently in force in conflict contexts have time limits (DRC, CAR and South Sudan) and thus, have had to be extended regularly — usually

16 Rebecca Brubaker and Thomas Dörfler, *UN Sanctions and the Prevention of Conflict: A Thematic Paper for the United Nations-World Bank Study on Conflict Prevention*, Conflict Prevention Series no. 4 (New York: United Nations University Centre for Policy Research, August 2017), 2.

17 UNSC, Resolution S/RES/733 (1992), 23 January 1992, para. 5.

18 UNSC, Resolution S/RES/2498 (2019), 15 November 2019, para. 6.

19 For CAR see UNSC, Resolution S/RES/2127 (2013), 5 December 2013, para. 54.

20 Jane Boulden and Andrea Charron, “Evaluating UN Sanctions: New Ground, New Dilemmas, and Unintended Consequences”, *International Journal*, (Winter 2009/2010): 1–11 (9).

21 Art. 6 para. 1 of the international Arms Trade Treaty prohibits the transfer of conventional weapons and goods listed in the treaty in the case of existing UN arms embargoes, so that at least these can be considered to be covered by UN embargoes, see UN, *The Arms Trade Treaty*, 4f., <https://www.thearmstradetreaty.org/hyper-images/file/TheArmsTradeTreaty1/TheArmsTradeTreaty.pdf> (accessed 30 November 2023).

22 The list can be accessed at UNSC, *Prohibited Items*, <https://www.un.org/securitycouncil/sanctions/1718/prohibited-items> (accessed 25 January 2024).

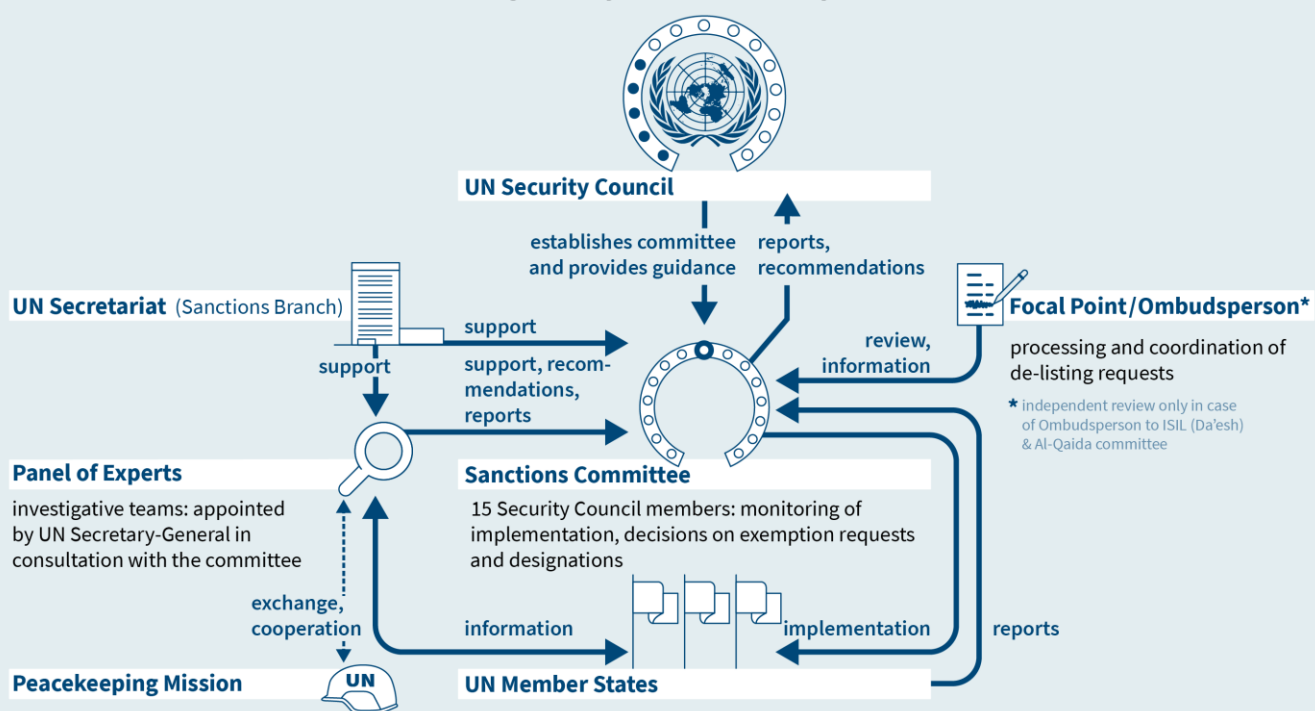
23 See UNSC, Resolution S/RES/2607 (2021), 15 November 2021, Annexes A and B.

24 See Thomas Dörfler, “Interface Challenges of UN Sanctions with Forums of Export Control: Towards Cohesion and Consistency in Non-proliferation Sanctions?” in Lohmann and Vorrath, *International Sanctions* (see note 11), 23–31.

25 Watson Institute for International and Public Affairs/Compliance and Capacity Skills International, *High-Level Review of United Nations Sanctions. Compendium*, based on United Nations Document A/69/941-S/2015/432 (New York, November 2015), 60f.

Figure 2

Governance Structure of Sanctions Regimes by the UN Security Council



Source: Thomas Dörfler, *Security Council Sanctions Governance* (London, 2019), 41

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on an annual basis.²⁶ These limits are intended to encourage the Security Council to consider possible changes in the situation on the ground and to decide whether the embargo should be extended, suspended or adjusted. It will end if no new decision is reached.

Exemptions have also become an integral part of many arms embargoes, allowing UN peacekeeping missions or other international missions to be equipped and non-lethal military equipment to be supplied for exclusively humanitarian purposes.²⁷ This is to prevent sanctions from restricting international support efforts, in particular peace operations by the UN, regional organizations such as the African Union (AU) or the EU as well as training missions or other international arrangements to improve the security situation.

The Bonn-Berlin process identified a whole range of starting points for improving the legal and admin-

istrative basis for implementation at national level. These included, for example, making violations of UN arms embargoes a punishable offense or enacting provisions in the member states to freeze and confiscate assets from the proceeds of illegal arms supplies.²⁸ The extent to which these and other proposals have changed the structures and practices in the individual states is difficult to ascertain, due to a lack of systematic overviews. The majority of sanctions regimes include a call on all UN members to report on their implementation. In fact, however, only a minority of countries do so – and not at regular intervals or according to uniform standards. As a result, meaningful information on the implementation of arms embargoes is not available across the board. This is one reason why the monitoring of implementation has been gradually expanded in the UN system.

At the heart of the governance structure outlined in Figure 2 that has emerged is the respective sanctions committee, which reports to the Security Council as a subsidiary body. The 15 member states of the Security Council are represented on each committee. However, decisions are made by consensus, meaning

²⁶ In addition, the partial lifting of the general embargo against Somalia is time-limited.

²⁷ This was part of the recommendations of the Bonn-Berlin process, see Brzoska, ed., *Design and Implementation of Arms Embargoes and Travel and Aviation Related Sanctions* (see note 12), 31.

²⁸ *Ibid.*, 100.

that non-permanent members can also prevent decisions from being made. As a rule, the committee is chaired by an elected member state. The chair can initiate consultations if there is no consensus on an issue and refer the matter to the Security Council if no decision materializes.

The main purpose of the committees is to strengthen the implementation of the sanctions by the member states and to take appropriate measures if information is available about suspected cases of non-compliance or violations of measures. The committees are supported by the UN Secretariat. UN Panels of Experts (PoEs) were also introduced in the 2000s to better monitor sanctions. Essentially, they collect, review and analyse information on the implementation of sanctions and on individuals and entities that could be listed under a specific regime. The PoEs report regularly to the committee and can also make recommendations to improve the effectiveness of sanctions.

The creation of these expert panels was a key reform, as their investigations and recommendations provide the sanctions committee with valuable information and hold member states more accountable, particularly through naming and shaming.²⁹ The PoEs also helped to improve the UN sanctions system and the understanding of sanctions, especially in states with low capacities. Current UN regimes aimed at conflict resolution include such expert groups or monitoring teams – which also include specific arms expertise if an arms embargo has been imposed.³⁰

To enforce embargoes, the Security Council frequently authorizes member states to inspect on their territory suspicious cargo towards the target area and to confiscate and dispose of prohibited weapons, ammunition or other military equipment seized in the process – instead of simply sending the shipment back, for example. In certain cases, such as Somalia and Libya, the UNSC has also authorized other member states or regional organizations to inspect suspicious ships off the coasts of these states.

Some UN peacekeeping missions also have a mandate to monitor the implementation of arms embargoes in cooperation with the PoEs. This can include –

²⁹ In principle, secondary sanctions can also be imposed on states in case of persistent violations, although this has only happened twice so far in the UN context: against Eritrea and Liberia.

³⁰ Amongst these, only the Iraq embargo is not monitored by an expert panel.

as, for example, in the DRC and CAR – the confiscation and collection of weapons and other goods that were imported in violation of the embargo. The involvement of peacekeeping missions in the implementation and enforcement of arms embargoes was also an important concern of the Bonn-Berlin process.³¹ Although the adjustments and changes outlined above did not always go as far as the original reform recommendations, UN arms embargoes have developed substantially since the 1990s. But have they also become more effective as a result?

Improved impact in the 2000s

Overall, the effectiveness of arms embargoes and other sanctions remains controversial.³² This is partly because different assessment criteria are used. Even if sanctions fail to achieve the central goal of changing the behaviour of targeted actors, they can still lead to other desired results. If implemented consistently, arms embargoes can at least limit a conflict – just as economic sanctions can limit the ability of certain actors or countries to wage war.³³

In fact, various studies suggest that the effect of arms embargoes has been improved by the reforms. UN and other multilateral embargoes have in some cases significantly reduced the arms imports of affected states and groups.³⁴ The success rate – measured by significant changes in arms import behaviour – was also significantly higher when the embargoes were

³¹ Brzoska, ed., *Design and Implementation of Arms Embargoes and Travel and Aviation Related Sanctions* (see note 12), 116f.

³² Parts of the following section were published in Judith Vorrath, “The Evolution of UN Arms Embargoes in Conflict Settings: Stumbling Blocks to Effective Implementation”, in *Multilateral Sanctions Revisited: Lessons Learned from Margaret Doxey*, ed. Andrea Charron and Clara Portela (Montreal & Kingston, London, and Chicago: McGill-Queen’s University Press, 2022), 133 – 47.

³³ Margaret Doxey, “Sanctions through the Looking Glass: The Spectrum of Goals and Achievements”, *International Journal* 2, no. 55 (2000): 207 – 23 (220).

³⁴ Michael Brzoska and George A. Lopez, “Putting Teeth in the Tiger: Policy Conclusions for Effective Arms Embargoes”, in *Putting Teeth in the Tiger: Improving the Effectiveness of Arms Embargoes*, ed. idem, Contributions to Conflict Management, Peace Economics and Development, vol. 10 (Bingley, UK: Emerald Group, 2009), 243 – 54 (243).

part of a package of sanctions.³⁵ This underlines that it was an important step to move away from stand-alone UN arms embargoes. However, as expected, the success rate proved to be much lower when target behaviour rather than actual arms imports was used as a criterion.³⁶

Of course, reducing imports does not mean stopping the flow of weapons, ammunition and military aid to conflict zones. If official arms deals are banned, non-state actors can step in to compensate for the ban with supplies via the black market. Certain UN member states may also prefer to ignore embargoes for political or economic reasons and (continue to) supply arms and military material. In other cases, they may simply not prevent deliveries and transfers. This can be due to a lack of capacity, as many countries do not have effective systems to control the export and transit of goods. However, there can of course also be political reasons for directly or indirectly undermining an embargo. Such interests have to be weighed against the costs of violations of arms embargoes or non-compliance with them. Whether the measure is effectively monitored and enforced continues to depend heavily on influential states that produce and trade in weapons themselves.³⁷ The five permanent members of the UNSC are also the states in which the companies with the highest arms revenues are based.³⁸

A study on the export behaviour of states showed that their transfers were indeed restricted by arms embargoes. In the case of multilateral embargoes, external enforcement mechanisms did not even appear to be necessary for the supplying states to comply with the ban.³⁹ This indicates a political

binding effect, although that effect appears to have weakened in the final years of the period under review.

This points to a central problem that arises when trying to assess the impact and effectiveness of arms embargoes – many of the available findings date back to the 2000s. At that time, there were indications that the embargoes were becoming more effective, even if their ultimate objectives remained unachieved.⁴⁰ However, the situation has changed in many respects since then. To assess the current challenges in the design and implementation of arms embargoes – and thus their effects – it is necessary to analyse how decision-making and practice within the UN framework have evolved more recently.

35 Michael Brzoska, *Measuring the Effectiveness of Arms Embargoes*, Paper Originally Presented at the Annual Convention of the International Studies Association 2007, Chicago, 28 February – 3 March 2007, 14.

36 Fruchart et al., *United Nations Arms Embargoes* (see note 5), 40.

37 David Cortright, George A. Lopez and Linda Gerber, *Sanctions Sans Commitment: An Assessment of UN Arms Embargoes* (Waterloo, ON: Project Ploughshares, 2002), 11.

38 SIPRI, *The SIPRI Top 100 Arms-producing and Military Services Companies, 2022*, SIPRI Fact Sheet (Solna, December 2023), 5, https://www.sipri.org/sites/default/files/2023-11/fs_2312_top_100_2022.pdf (accessed 5 December 2023).

39 Jennifer L. Erickson, “Stopping the Legal Flow of Weapons: Compliance with Arms Embargoes, 1981–2004”, *Journal of Peace Research* 50, no. 2 (2013): 159–74 (168).

40 Brzoska, “Gezielte Sanktionen als Mittel der Konflikteinhegung in Afrika” (see note 15), 214.

Design and Implementation of UN Arms Embargoes: Current Challenges

The UNSC is not only responsible for imposing arms embargoes but also for changing or lifting them. As has been shown, their design has evolved significantly. However, each individual case differs from others – if only in whether and how the UNSC adapts the embargo over time. The first part of this chapter deals with such adjustments in the context of the respective objective – i.e. the question of what the arms embargo is intended to achieve in the relevant conflict context and which overarching political goals it is intended to support. Another key point is the monitoring of the embargo by the PoEs supporting the respective sanctions committee. Their reports, as well as the use that is made of them, point to very specific obstacles to implementation and enforcement. The second part of this chapter therefore analyses key findings on arms embargoes that have emerged from expert panel reports since 2015.⁴¹

The ongoing UN arms embargoes in conflict contexts, which are listed in Figure 3, form the basis for the following analysis. The South Sudan embargo is excluded because it has only existed for a relatively short time. As the list shows, the arms embargoes actually differ significantly in their design and relevant provisions.

⁴¹ The database for these analyses and the associated figures is freely accessible at GESIS under DOI 10.7802/2673. I would like to thank Maria Dellasega and Laura Marcela Zuñiga for their active and competent support in collecting and evaluating various data sources, including the PoE reports. I would also like to thank Michael Brzoska and Sascha Lohmann for their very helpful and constructive comments on earlier drafts. As the author, I am of course responsible for all content.

Political framework: Decisions of the Security Council on current embargoes

This study assumes that the concrete implementation of sanctions and their use as a political instrument are closely linked. It is true that sanctions can also have an impact without being effectively implemented, for example if targeted persons or groups perceive their mere imposition as stigmatizing. But even then, at certain critical points in a conflict, the question will arise whether the UNSC must adapt or (partially) lift the sanctions. Many of the existing conflict-related regimes with arms embargoes have been in place for a long time. When regimes were ended – such as those for Liberia and Côte d’Ivoire in 2016 – this followed conflict settlements and political transition phases that were considered relatively successful. The current UN regimes relate primarily to protracted violent conflicts that have so far eluded a lasting solution, which is often seen as evidence of the failure of the measures adopted. As only relatively few new sanctions regimes have been adopted (six in the last ten years),⁴² the particularly complicated cases may be those remaining. However, it is also conceivable that the UNSC is less and less willing or able to use this instrument effectively and adapt it to changing conditions. This would result in “gesture sanctions”,⁴³ which continue to exist primarily for symbolic purposes, without compliance necessarily being expected.

The first step is therefore to determine how the Security Council has actually used arms embargoes as an instrument over the last ten years. The changes to

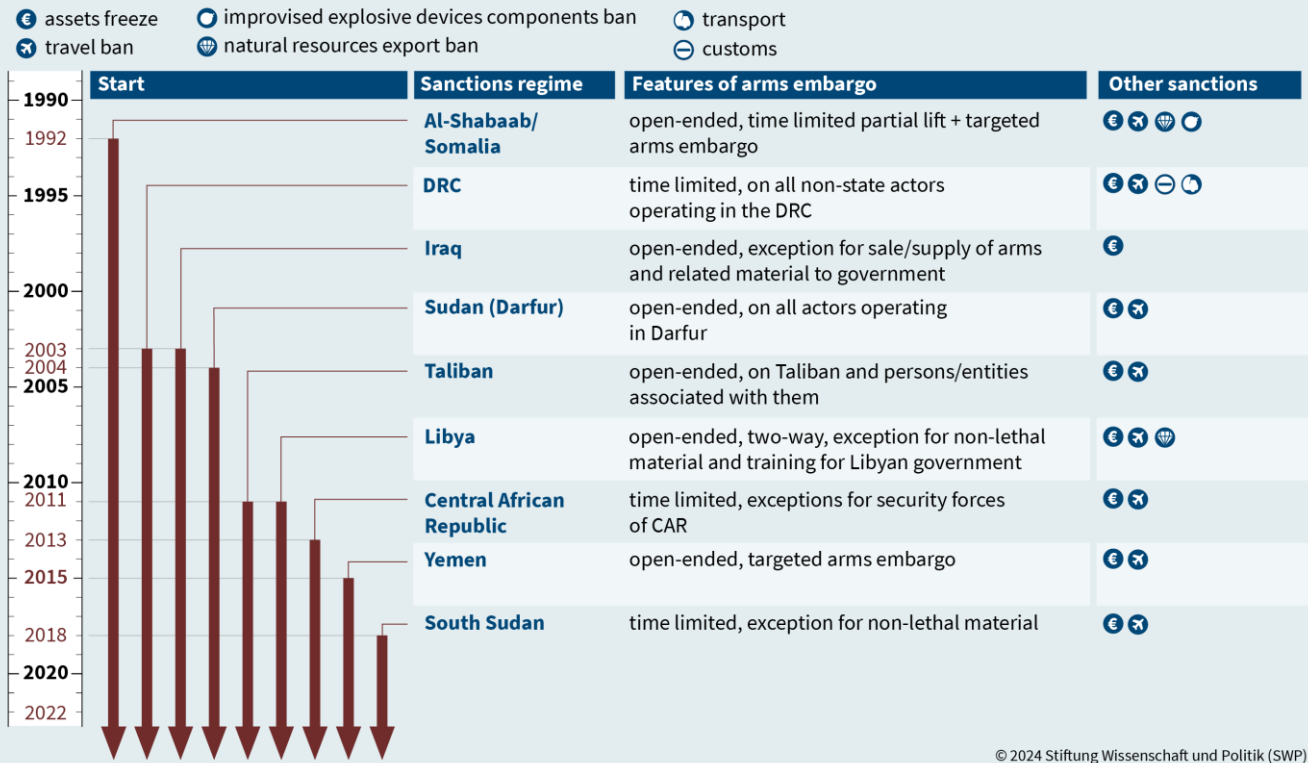
⁴² I.e. from 2013 to the end of 2022.

⁴³ Doxey, “Sanctions through the Looking Glass” (see note 33), 213.

Figure 3

Duration, Scope and Time Limits of Arms Embargoes

As of December 2022



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the embargoes (see Figure 4, p. 13)⁴⁴ will serve as a guide and will subsequently be placed in the political context and the responses to the respective violent conflicts.

Symbolic arms embargoes? When the UNSC is largely inactive

Iraq

In the case of some arms embargoes, the UNSC has been largely inactive, as Figure 4 shows. Under the Iraq regime, there has been no change since an exception was granted in 2004, allowing supplies to the government and multinational forces. This regime, which followed the UN comprehensive trade restrictions against Iraq in the wake of the Gulf crisis of 1990–91, represents the shift towards more targeted sanctions in the UN system. However, it has been

largely irrelevant for years. There have been virtually no meetings of the committee since 2007; the main decisions taken were mainly to remove individuals and entities from the sanctions list after written submission by the Focal Point for Delisting.⁴⁵ Together with the recovery of Iraqi funds abroad, the possibilities and ways of delisting also were the central concern of an Iraqi delegation that met with the committee in 2019.⁴⁶ The arms embargo, on the other hand, did not really play a role, most likely because the government has been excepted from it – without specific control requirements.

⁴⁵ See annual reports of the UN sanctions committee, <https://www.un.org/securitycouncil/sanctions/1518/annual-reports> (accessed 5 December 2023).

⁴⁶ UNSC, “Members of 1518 Sanctions committee Meet with Iraqi Delegation”, SC/13670, press release, 18 January 2019, <https://press.un.org/en/2019/sc13670.doc.htm> (accessed 10 January 2023).

⁴⁴ A distinction is made between “exemptions”, which require notification of or approval by the respective sanctions committee and “exceptions”, which do not require submission to the committee.

Sudan

There has also been little activity on the UN arms embargo on Sudan in the last ten years. This is mainly due to diverging positions among the P5. From the outset, the embargo applied exclusively to the Darfur region. Efforts to extend it to the entire territory of Sudan were unsuccessful, mainly due to the split in the Security Council. This was already evident in the voting process that led to the imposition of the arms embargo in 2004.⁴⁷ China and Russia also abstained when the embargo was extended to all warring parties in Darfur and the Sudanese government was obliged to obtain prior authorization for arms transfers to the region. Representatives of both states subsequently emphasized that arms supplies to Sudan were still possible without violating the embargo, as the government there was responsible for approvals.⁴⁸ This points to a glaring loophole in the embargo. The 2022 PoE report simply states that violations of the arms embargo continued unhindered and that the committee had not received any corresponding applications or notifications from the government regarding arms supplies.⁴⁹ According to a former member of the expert panel, the division between the members of the Security Council in the case of Sudan means that the sanctions were primarily intended to maintain the illusion that the UN was acting decisively in Darfur.⁵⁰

Recently, there have been increasingly controversial debates in the UNSC about the conditions under which the sanctions could be lifted. The criteria for their review, which were outlined in a report by the UN Secretary-General, have been rejected by the country's military government, which was installed following the coup in 2021, as impossible to fulfil. Its ambassador blamed the embargo for encouraging "rogue armed transboundary bands to disrupt peace and order in Darfur".⁵¹ In the UNSC, China and

Russia, as well as the three elected members of the African Group of States (A3) and the United Arab Emirates (UAE), spoke out in favour of considering an unconditional lifting of the embargo, as demanded by the Sudanese government.⁵² Overall, the discussions remained deadlocked, and the arms embargo ultimately had mainly symbolic significance in the tug-of-war over the future of the sanctions in a deteriorating political and security environment.

Targeted arms embargoes: Taliban/Afghanistan and Yemen

Two other arms embargoes that appear largely inactive in Figure 4 are those on the Taliban and Yemen. This is unsurprising as they are targeted embargoes, applying to persons and entities that are on the respective sanctions list. In the first case, these are persons and entities designated as Taliban or persons and groups associated with them; in Yemen, the leadership of the Houthi rebels and associated persons and, since February 2022, also the Houthi as a group. The scope of the respective arms embargo therefore changes as a result of listings or delistings made by the sanctions committee or Security Council. Accordingly, there are no exceptions or exemptions decided by the UNSC, which are common in other cases. Potentially, the Taliban embargo (with 135 individuals and five entities) has a much greater reach than the one against the Houthi (with twelve individuals and one entity, both as of January 2023). The key point, however, is that both embargoes are aimed at a specific party to the conflict.

This is not only in line with the approach of using UN sanctions in a more targeted manner, but de facto means taking sides. Leaving underlying political objectives aside, this move is also based on the assumption that asymmetric arms embargoes are more likely to lead to the desired result. Sanctioned groups usually fall behind militarily in the conflict if the other side

47 Thomas Dörfler, *Security Council Sanctions Governance: The Power and Limits of Rules* (New York, 2019), 151.

48 *Ibid.*, 155.

49 UNSC, S/2022/48, 3 (access to reports of the PoEs in the United Nations Electronic Document Archive at <https://documents.un.org>).

50 Jérôme Tubiana, "The Diary of a Former Sanctions Buster", *openDemocracy*, 2 October 2012, <https://www.opendemocracy.net/en/diary-of-former-sanctions-buster/> (accessed 11 January 2023).

51 "Sudan Demands United Nations Immediately Lift Arms Embargo", *AP News*, 4 February 2023, <https://apnews.com/article/politics-sudan-government-united-nations-793ec>

3544dd486c96bc28fe3f0014fe2 (accessed February 7, 2023).

Also see: Letter dated 27 January 2023 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council, S/2023/67, 30 January 2023: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S202367.pdf> (accessed 12 August 2024).

52 In March 2023, the UNSC instated a time-limit on the sanctions, including the arms embargo, for the first time as part of a compromise. Security Council Report (SCR), What's in Blue, *Sudan Sanctions: Vote on Draft Resolution*, 8 March 2023, <https://tinyurl.com/27zvae9w> (accessed 7 September 2023).

can continue to receive weapons and military material. External military interventions are also more promising under these conditions.⁵³

In fact, the relevance of the arms embargo differs in the two cases. The sanctions regime against the Taliban was created because they supported transnational terrorism. After the attacks of September 11, 2001, it was expanded to include targeted sanctions against Osama bin Laden and members and offshoots of Al-Qaida (and later ISIL, the Islamic State in Iraq and the Levant). The focus was therefore initially on counter-terrorism before the Taliban sanctions list was separated in 2011 to support the Afghan peace process.⁵⁴ During negotiations with the Taliban in Qatar, led by the USA, the sanctions repeatedly played a role. Their lifting remained one of the Taliban's recurring demands, as they saw the measures as a stigma and an obstacle to their political activities. As their willingness to engage in real negotiations and reconciliation remained extremely questionable⁵⁵ and the violence in Afghanistan continued to increase,⁵⁶ new listings were indeed issued – in addition to some delistings. These also applied to the targeted arms embargo, but ultimately they were primarily relevant to the travel ban and the assets freeze, which were also the focus of the Monitoring Team's⁵⁷ recommendations during this phase.⁵⁸

The arms embargo in its targeted form was particularly difficult to control, meaning that the new designations did not matter much. There were also increasing rifts between the P5 in the UNSC when it came to categorizing the key threats in Afghanistan.⁵⁹ When the Taliban took power in August 2021, the overarching objectives of the sanctions became obsolete, but

not the sanctions themselves. In the first weeks and months, the Taliban appointed numerous people to the cabinet and other high-ranking positions who were on the UN sanctions list.⁶⁰ How to deal with this and with the exceptions from the travel ban for the Taliban was the subject of controversial debate.⁶¹ Under the given circumstances, the targeted arms embargo had little concrete significance; at most, it could probably come into play again as a bargaining chip when it comes to future relations with the Taliban government.

In the case of non-state actors, the lifting of an embargo cannot be used as an incentive to negotiate.

In Yemen, the aim of the arms embargo is similar, but the situation regarding implementation and enforcement is different. The focus on the Houthi rebels is intended to support the government recognized as legitimate. This is particularly in the interests of the Security Council members USA, Great Britain and France (P3), to push back the influence of the Houthis as well as their main ally, Iran. A regional coalition led by Saudi Arabia, with logistical support from the US and the UK, has also been backing the Yemeni government militarily, including with airstrikes. Observers have thus been calling this a proxy war.⁶² The USA and Saudi Arabia were keen to maintain strict control of the air and sea routes. A blockade was imposed on Houthi-ruled areas in 2015, justified in particular with the need to enforce the arms embargo.

⁵³ Brzoska and Lopez, "Putting Teeth in the Tiger" (see note 34), 245.

⁵⁴ Dörfler, *Security Council Sanctions Governance* (see note 47), 93.

⁵⁵ See, among others, SCR, June 2021 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2021-06/afghanistan-12.php> (accessed 25 January 2024).

⁵⁶ This included attacks by the Taliban and also by Al-Qaida and Islamic State.

⁵⁷ In the case of the Taliban regime an Analytical Support and Sanctions Monitoring Team was set up, which also supports the sanctions committee on ISIL (Da'esh) and Al-Qaida.

⁵⁸ See inter alia recommendations in this report: UNSC, S/2012/971, 3.

⁵⁹ SCR, March 2017 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2017-03/afghanistan_20.php (accessed 25 January 2024).

⁶⁰ UNSC, S/2022/419, 3; SCR, November 2021 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2021-11/afghanistan-14.php> (accessed 25 January 2024).

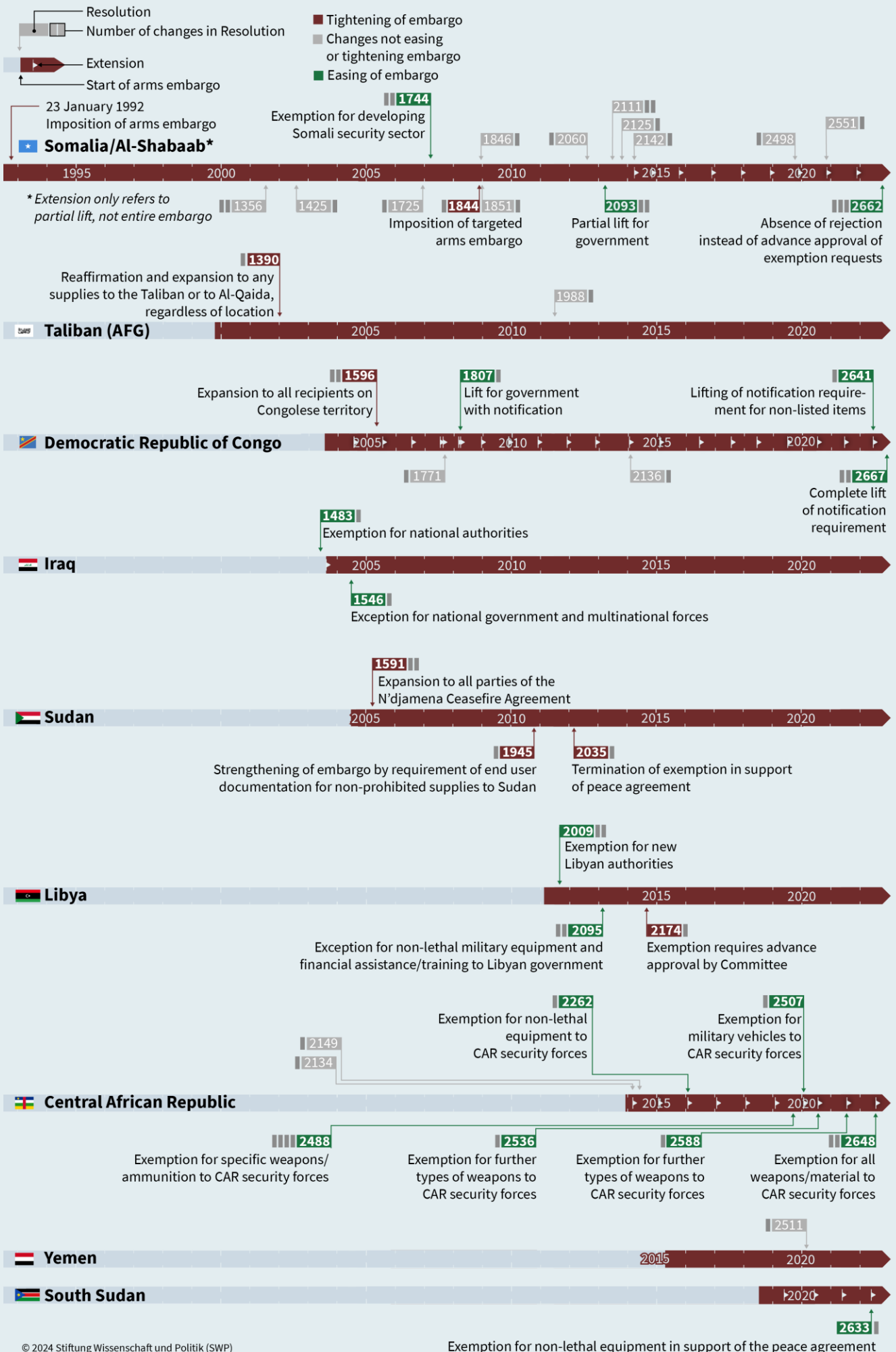
⁶¹ SCR, September 2022 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2022-09/afghanistan-18.php> (accessed 25 January 2024).

⁶² Kali Robinson, "Yemen's Tragedy: War, Stalemate, and Suffering" (New York and Washington D.C.: Council on Foreign Relations, 21 October 2022), <https://www.cfr.org/background/yemen-crisis> (accessed 16 January 2023).

Figure 4

Extensions and Changes of Ongoing UN Arms Embargoes

As of December 2022



In fact, large quantities of weapons, ammunition and other military equipment have repeatedly been seized, for example in January 2023, when the US Navy intercepted a fishing boat in the Gulf of Oman en route to Yemen that was carrying more than 2,000 assault rifles.⁶³ However, the competent PoE pointed out that the coalition and the government it supported also contributed to the spread of weapons in Yemen, which then ended up or could end up in the hands of the Houthis.⁶⁴ In 2016, the panel had already proposed that the Security Council make the delivery of weapons and military material for security forces under the control of the Yemeni government conditional on the sanctions committee being given advance information.⁶⁵ However, no such adjustment was made. For years, Resolution 2216 of 2015 remained the basis for action, a fact which was increasingly seen as an obstacle to peace efforts, not just concerning the arms embargo.⁶⁶

More recent listings also referred exclusively to the Houthi. This did not change when the parties to the conflict became fragmented – including on the government side. There was recurring dissent in the UNSC; Moscow repeatedly criticized a biased position towards the Houthi. As a rule, however, Russia abstained as a permanent member when new listings were put to the vote – and even voted in favour when the Houthi were added to the list as a “terrorist group”. In contrast to Afghanistan, there was a neighbouring country that had a vital interest in enforcing the UN arms embargo – namely Saudi Arabia, which borders directly on the areas that have been controlled by the Houthi over a longer period of time. The targeted embargo therefore was actually relevant, even if the Houthi still have access to weapons and other material. In a negotiation process, however, it can only be used to a limited extent as a means of working towards conflict resolution. This is because lifting the embargo (or delisting actors) specifically as an incentive is not an option for non-state groups. It

is possible to extend a targeted to a general arms embargo, but this has not occurred – in the case of this or other existing targeted arms embargoes.⁶⁷

Embargoes as a means of conflict resolution? When the UNSC makes adjustments

The changes to the UN arms embargoes shown in Figure 4 suggest that the Security Council has been quite active in some cases over the last ten years. In the following section, these adjustments for Somalia, DRC, Libya and CAR are placed in their respective contexts, particularly with regard to decision-making and positions in the Security Council as well as the link with other measures.

Somalia

The arms embargo on Somalia is not only the longest existing among the current ones, but it was also the only UN sanction in this context until 2008. Its ineffectiveness was attributed inter alia to the fact that it “became a substitute for an active policy on Somalia following the failure of peacekeeping missions in the early 1990s.”⁶⁸ It was also only with the authorization of AMISOM, an AU peace operation, that the UNSC made a significant change to the arms embargo in 2007. It was lifted for weapons and equipment intended for use by AMISOM or for the development of the Somali security sector; in the latter case the supplying states had to inform the sanctions committee.⁶⁹ This was intended to support the internationally recognized Transitional Federal Government (TFG), which had been in place since 2004, particularly with regard to combating the Al-Shabaab militia, which was seen as the main threat to peace and security. This line had in fact been pursued earlier already. At the end of 2006, for example, the UNSC failed to

⁶³ “US Naval Forces Seize Vessel with AK-47 Assault Rifles for Houthis in Yemen”, *Naval News*, 11 January 2023, <https://navyrecognition.com/index.php/naval-news/naval-news-archive/2023/january/12694-us-naval-forces-seize-vessel-with-ak-47-assault-rifles-for-houthis-in-yemen.html> (accessed 19 January 2023).

⁶⁴ See UNSC, S/2018/192, 26 January 2016.

⁶⁵ *Ibid.*, 49f.

⁶⁶ SCR, September 2019 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2019-09/yemen-10.php> (accessed 25 January 2024).

⁶⁷ In the case of Somalia, in addition to the general and partially lifted arms embargo, there is also a targeted one which was adopted later. The extension to a general arms embargo in the case of Haiti did not take place until 2023, see note 4.

⁶⁸ SCR, *Anatomy of a Sanctions Regime: A Case Study of Sixteen Years of Failed Efforts to Effectively Implement Sanctions in Somalia*, Special Research Report, 2008, no. 4 (16 September 2008), 2.

⁶⁹ UNSC, “Security Council Authorizes Six-month African Union Mission in Somalia, Unanimously Adopting Resolution 1744 (2007)”, SC/8960, press release, 20 February 2007, <https://press.un.org/en/2007/sc8960.doc.htm> (accessed 25 January 2024).

formally condemn a military intervention by Ethiopia alongside the TFG, even though it had to be considered as a violation of the arms embargo.⁷⁰

During this phase, the UNSC became more active, in particular by imposing targeted sanctions (travel ban, assets freeze, targeted arms embargo) by unanimous decision in 2008. In 2009, the regime was also extended to Eritrea to punish the country for supporting armed groups in Somalia, particularly Al-Shabaab.⁷¹ This secondary sanction and the treatment of Eritrea were highly controversial and subsequently a recurring bone of contention in the Security Council.

Over the last ten years, there have been a whole series of changes to the arms embargo. After Al-Shabaab had been pushed back, there was still a basic consensus in the UNSC to strengthen the central government in Somalia. However, positions on specific measures diverged, especially when it came to the arms embargo. This was evident when it was partially lifted in 2013, partly in reaction to criticism from the Somali government that, despite existing exemptions, the embargo was hindering the fight against Al-Shabaab, which was now associated with Al-Qaida. The USA strongly supported the partial lifting, while a majority of Security Council members including European states, were far more sceptical in view of the lack of control exercised by the Somali government.⁷²

Ultimately, certain conditions that applied to supplies and military support were not only retained, but partly extended.⁷³ In particular, the lifting was limited to twelve months and the Somali government was obliged to report regularly on the structure of the national security forces and on the registration, storage and distribution of weapons.⁷⁴ Shortly after this adjustment, the Obama administration decided that Somalia could receive military support from the

USA.⁷⁵ When Al-Shabaab subsequently committed massive attacks, the focus on fighting it intensified, including through AMISOM, which carried out operations together with the Somali army. In addition, Kenya and the USA launched air strikes against Al-Shabaab.⁷⁶ Washington later admitted that it had maintained a limited military presence of up to 120 soldiers in Somalia since 2007.⁷⁷

Against this backdrop, the partial lift was extended after one year, although the monitoring team found that the Somali government was clearly violating the requirements.⁷⁸ However, further reporting obligations were introduced for the government at the beginning of 2014, for example on the distribution of imported weapons.⁷⁹ In addition, the UNSC authorized a Maritime Interdiction Force the same year, which has been renewed annually since then. The Force is also meant to monitor the ban on charcoal exports, which was primarily aimed at depriving Al-Shabaab of revenue.⁸⁰ Although the installed Combined Maritime Forces have found weapons and ammunition, their operations are considered less effective than those used to combat piracy off the coast of Somalia.⁸¹ In addition, findings or reports of violations rarely had meaningful consequences. The number of listings under the Somalia regime remained at a low level with a total of 20 (as at the end of 2022);⁸² only three of these were based on a violation of the arms embargo.⁸³

⁷⁰ Pieter D. Wezeman, *Arms Flows and the Conflict in Somalia*, SIPRI Background Paper (Solna: SIPRI, October 2010), 5ff.

⁷¹ Another reason for the sanctions was Eritrea's armed confrontation with Djibouti. UNSC, "Security Council Imposes Sanctions on Eritrea over Its Role in Somalia, Refusal to Withdraw Troops Following Conflict with Djibouti", SC/9833, press release, 23 December 2009, <https://press.un.org/en/2009/sc9833.doc.htm> (accessed 25 January 2024).

⁷² SCR, March 2013 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2013-03/somalia_5.php (accessed 25 January 2024).

⁷³ SIPRI, *SIPRI Databases/Arms Embargoes, UN Arms Embargo on Somalia*, https://www.sipri.org/databases/embargoes/un_arms_embargoes/somalia (accessed 11 August 2023).

⁷⁴ UNSC, Resolution S/RES/2093 (2013), 6 March 2013.

⁷⁵ SCR, May 2013 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2013-05/somalia_7.php (accessed 25 January 2024).

⁷⁶ SCR, March 2014 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2014-03/somalia_13.php (accessed 25 January 2024).

⁷⁷ SCR, October 2014 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2014-10/somalia_15.php (accessed 25 January 2024).

⁷⁸ See comments in chapter "Monitoring embargo implementation: challenges and weaknesses", p. 41.

⁷⁹ UNSC, Resolution S/RES/2142 (2014), 5 March 2014.

⁸⁰ UNSC, Resolution S/RES/2182 (2014), 24 October 2014.

⁸¹ Magne Frostad, "United Nations Authorized Embargoes and Maritime Interdiction: A Special Focus on Somalia", in *The Future of the Law of the Sea Bridging Gaps between National, Individual and Common Interests*, ed. Gemma Andreone (Cham, 2017), 2013–37.

⁸² This includes Al-Shabaab as a group.

⁸³ See "Sanctions List Materials" on Somalia, <https://www.un.org/securitycouncil/sanctions/751/materials> (as at the end of 2022).

After the presidential election in Somalia in 2017, a new phase began, in which the focus was increasingly on preparing for the handover of security responsibility to the Somali army and the withdrawal of AMISOM. This also increased the pressure on the new government to make greater efforts to develop the security sector. Ultimately, a Security Pact was agreed between Somalia and the international community,⁸⁴ which was followed by a transition plan for the national security forces in 2018.⁸⁵

However, attacks by Al-Shabaab, which continued to control around 20 percent of Somali territory, subsequently increased.⁸⁶ After the resumption of relations between Ethiopia, Somalia and Eritrea, the sanctions against Eritrea were lifted, while the arms embargo on Somalia remained in force alongside the other sanctions. The Somali government again demanded a complete lifting and subsequently refused to cooperate with the PoE.⁸⁷ This was openly criticized in the Security Council, particularly by France, the UK, Germany and the USA.⁸⁸ At the same time, a new Resolution summarized the provisions on the arms embargo, which had previously been scattered across several texts, thus addressing Somalia's criticism of their lack of clarity.⁸⁹

When in 2020 the extension of the partial lifting of the embargo was due, the differences in the UNSC became particularly apparent. Controversy arose over the benchmarks that should apply to the complete lifting of sanctions demanded by China.⁹⁰ The Somali

government increasingly saw the arms embargo as a stigma. In a September 2022 report by the UN Secretary-General on Somalia's capabilities in managing arms and ammunition, it was therefore proposed to make it clearer that the measures served to support the country's security sector.⁹¹ The UNSC followed this in a Resolution in late 2022 by renaming the sanctions regime as the "Al-Shabaab" regime. Moreover, certain exemptions from then on were only conditional on the absence of a committee rejection, whereas prior approval had previously been necessary.⁹²

After the long-delayed election of the new president in May 2022, the Somali government repeated its demand that the arms embargo be lifted.⁹³ An offensive against Al-Shabaab was supported by the Security Council; US troops deployed by the Biden administration also contributed to this,⁹⁴ as did the AU mission, which had been transformed into a transitional mission (ATMIS), together with the national army and allied clan militias.⁹⁵ The plan was to gradually hand over security responsibility to the Somali security forces which increased the pressure to end the embargo. Finally, the UNSC unanimously lifted the arms embargo on the Somali government in December 2023.⁹⁶

Democratic Republic of the Congo

The arms embargo on the DRC was only imposed after a UN peacekeeping mission had been sent to the country. When the embargo was decided in 2003, the

84 SCR, June 2017 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2017-06/somalia_30.php (accessed 25 January 2024).

85 SCR, July 2018 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2018-07/somalia_35.php (accessed 25 January 2024).

86 SCR, August 2019 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2019-08/somalia-5.php> (accessed 25 January 2024). Added to this were ISIL activities in the Somali region of Puntland and piracy off the country's coast.

87 SCR, December 2019 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2019-12/somalia-7.php> (accessed 25 January 2024).

88 SCR, February 2020 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2020-02/somalia-8.php> (accessed 25 January 2024).

89 UNSC, Resolution S/RES/2498 (2019), 15 November 2019.

90 SCR, What's in Blue, *Somalia Sanctions Renewal*, 10 November 2020, <https://www.securitycouncilreport.org/whatsinblue/2020/11/somalia-sanctions-renewal-2.php> (accessed 25 January 2024).

91 UNSC, "Letter Dated September 15, 2022 from the Secretary-General Addressed to the President of the Security Council", S/2022/698, 15 September 2022.

92 UNSC, Resolution S/RES/2662 (2022), 17 November 2022, para. 14.

93 SCR, June 2023 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2023-06/somalia-31.php> (accessed 25 January 2024).

94 SCR, June 2022 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2022-06/somalia-26.php> (accessed 25 January 2024).

95 SCR, February 2023 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2023-02/somalia-30.php> (accessed 25 January 2024).

96 SCR, What's in Blue, *Votes to Renew the Sanctions Regime on Al-Shabaab and to Lift the Arms Embargo on the Somali Government*, 1 December 2023, <https://www.securitycouncilreport.org/whatsinblue/2023/12/votes-to-renew-the-sanctions-regime-on-al-shabaab-and-to-lift-the-arms-embargo-on-the-somali-government.php> (accessed 7 December 2023).

mission (MONUC) had already been in existence for several years. While this time gap was criticized, the mission was at least tasked with monitoring the embargo in the corresponding Resolution.⁹⁷ The latter initially referred to all foreign and Congolese armed groups in the eastern provinces of the country as well as to all those armed groups that had not signed the power-sharing agreement of December 2002. The focus was therefore on spoilers including units and militias that had been involved in the genocide in Rwanda in 1994. After their military defeat there, they had retreated to eastern Congo. After they regrouped – mainly under the name “Forces démocratiques de libération du Rwanda” (FDLR) – they repeatedly advanced into Rwanda to carry out operations there.⁹⁸

The cross-border connections between violent actors and their (often state) supporters in the Great Lakes region repeatedly undermined conflict resolution in the DRC, which was also reflected in violations of the arms embargo. Reports showed, for example, that Uganda and Rwanda as well as South African companies supplied weapons to the relevant areas in the east of the country, while parts of the Congolese government apparently provided the FDLR with military material. The UN was repeatedly obstructed on the ground from investigating suspicious incidents or inspecting shipments.⁹⁹

Cross-border links between violent actors in the DRC were also reflected in violations of the arms embargo.

Ultimately, the Security Council extended the arms embargo in April 2005. From then on, it applied to the entire Congolese territory and also included financial support in connection with military activities. There was an exemption for the national security forces, albeit under narrowly defined conditions, which included prior notification to the sanctions committee.¹⁰⁰ The Resolution in question also con-

tained provisions on transportation and customs controls in the region as well as targeted sanctions (travel ban and assets freeze). In late 2005, several individuals were placed on the sanctions list for violating the arms embargo, which was the only sanctions criterion at the time.¹⁰¹

After elections were held in the DRC in 2006 and Joseph Kabila was sworn in as president, the Security Council discussed adapting the arms embargo to recognize the new realities. The USA argued in favour of creating an exception for the government that would not be linked to conditions such as mandatory reporting. Violence continued in the east of the country, sometimes with newly formed or reinvigorated armed groups. European states, particularly Belgium, considered the danger too great that weapons could fall into the hands of “spoilers” and that diplomatic and political means of overcoming the conflict would be thwarted.¹⁰² The Congolese government was also supported in its demand by China,¹⁰³ itself an important supplier of weapons to the country.¹⁰⁴ Ultimately, the Security Council lifted the embargo on government forces in 2008, although the prior notification requirement for supplying states was retained.¹⁰⁵

In the last ten years, the neighbouring states have continued to play a key role. When Rwanda was a member of the UNSC in 2013–14, the committee’s work on the DRC came to an almost complete standstill due to the consensus principle. Both Rwanda and Uganda rejected the report of the UN Group of Experts in early 2014, which had confirmed various links between the two countries and the armed group M23 (“Mouvement Du 23 Mars”).¹⁰⁶ This was a sen-

⁹⁷ Marc von Boemcken, “UN Arms Embargoes in the Great Lakes, 1994–2004”, in *Putting Teeth in the Tiger*, ed. Brzoska and Lopez (see note 34), 163–88 (184f.).

⁹⁸ *Ibid.*, 178ff.

⁹⁹ David B. Kopel, Paul Gallant and Joanne D. Eisen, “The Arms Trade Treaty: Zimbabwe, the Democratic Republic of the Congo, and the Prospects for Arms Embargoes on Human Rights Violators”, *Penn State Law Review* 114, no. 3 (2010): 891–953 (926).

¹⁰⁰ UNSC, Resolution S/RES/1596 (2005), 18 April 2005, 2f.

¹⁰¹ Vorrath, “The Evolution of UN Arms Embargoes in Conflict Settings” (see note 32), 141.

¹⁰² SCR, Update Report, *Update Report No. 1: Democratic Republic of the Congo*, 9 August 2007, https://www.securitycouncilreport.org/update-report/lookup_c_glkwlemtisg_b_3085711.php (accessed 25 January 2024).

¹⁰³ SCR, February 2008 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2008-02/lookup_c_glkwlemtisg_b_3831931.php (accessed 25 January 2024).

¹⁰⁴ For a more detailed description see Kopel et al., “The Arms Trade Treaty” (see note 99), 927.

¹⁰⁵ UNSC, Resolution S/RES/1807 (2008), 31 March 2008.

¹⁰⁶ SCR, What’s in Blue, *Adoption of a Democratic Republic of Congo Sanctions Resolution*, 29 January 2014, <https://www.securitycouncilreport.org/whatsinblue/2014/01/adoption-of-a-democratic-republic-of-congo-sanctions-resolution.php> (accessed 25 January 2024).

sitive topic, as a framework agreement had been reached in Addis Ababa in 2013 by states in the region, including the DRC and Rwanda.¹⁰⁷ Other armed groups – such as the Uganda-backed Allied Democratic Forces (ADF),¹⁰⁸ the FDLR and Mai Mai groups – continued to operate in the east of the country. At the same time, the reforms that the Congolese government was supposed to implement in accordance with the framework agreement made little progress.¹⁰⁹

During this phase, the arms embargo – despite documented violations – played no relevant role. This was at least partly due to dissent in the Security Council. When the Kabila government repeatedly postponed the elections planned for 2016 and the following dispute was accompanied by human rights violations carried out by the security forces, the UNSC was divided on how to respond. Ultimately, in late 2016, the US imposed unilateral sanctions on two high-ranking DRC officials, and the EU sanctioned seven individuals for their role in violent clashes. Various UNSC members, including Russia and Egypt, however, emphasized that the political crisis should be resolved through dialogue.¹¹⁰ The relationship between the UN mission and the Congolese government also became increasingly difficult; moreover, two members of the UN expert group were killed in 2017 in the province of Kasai-Central under circumstances that are still not entirely clear.¹¹¹

After the 2018 elections, in which Kabila did not run again, pressure increased to withdraw MONUSCO

and lift the sanctions. Neighbouring states continued to intervene in the east of the DRC.¹¹² Initially, the sanctions were extended without much discussion, but when the security situation in the eastern provinces of Ituri and North Kivu deteriorated again, the government demanded that the pre-notification requirement under the embargo be lifted.¹¹³ Alongside China, the three African members of the UNSC supported this position. In June 2022, a resolution was passed that ended the reporting requirement for the supply of arms and related material – but not for the military goods listed in an annex (such as large-calibre weapons). Due to this restriction, the A3, China and Russia abstained.¹¹⁴

When it came to extending MONUSCO's mandate just a few months later, this controversy flared up again. The USA and Great Britain were still not prepared to support a complete lifting without conditions. However, a corresponding Resolution text was unanimously approved in the end, as it also called on the Congolese government to submit a report on its management of weapons and ammunition.¹¹⁵ This effectively lifted the arms embargo for the government. Efforts to resolve the conflict, including with the re-emerging M23, were subsequently intensified in various regional formats like the Nairobi Process with its political and military approaches.¹¹⁶

Libya

The UN arms embargo on Libya – the only one discussed here that bans both the import and export of

107 SCR, January 2014 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2014-01/democratic_republic_of_the_congo_4.php (accessed 25 January 2024).

108 The ADF were placed on the sanctions list in June 2014: SCR, August 2014 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2014-08/democratic_republic_of_the_congo_5.php (accessed 25 January 2024).

109 Ibid.

110 SCR, January 2017 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2017-01/democratic_republic_of_the_congo_13.php (accessed 25 January 2024); SCR, October 2017 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2017-10/democratic_republic_of_the_congo_20.php (accessed 25 January 2024).

111 SCR, June 2017 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2017-06/democratic_republic_of_the_congo_15.php (accessed 25 January 2024).

112 SCR, June 2021 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2021-06/democratic-republic-of-the-congo-13.php> (accessed 25 January 2024).

113 SCR, December 2021 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2021-12/democratic-republic-of-the-congo-15.php> (accessed 25 January 2024).

114 SCR, What's in Blue, *Democratic Republic of the Congo: Vote on Resolution Renewing the Sanctions Regime*, 29 June 2022, <https://www.securitycouncilreport.org/whatsinblue/2022/06/democratic-republic-of-the-congo-resolution-renewing-the-sanctions-regime.php> (accessed 25 January 2024).

115 SCR, What's in Blue, *Democratic Republic of the Congo: Vote on MONUSCO Mandate Renewal and the 1533 Sanctions Regime*, 19 December 2022, <https://www.securitycouncilreport.org/whatsinblue/2022/12/democratic-republic-of-the-congo-vote-on-monusco-mandate-renewal-and-the-1533-sanctions-regime.php> (accessed 25 January 2024).

116 SCR, October 2022 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2022-10/great-lakes-region%e2%80%afdrc.php> (accessed 25 January 2024).

arms and military equipment — has been in place since 2011.¹¹⁷ It was imposed along with other measures by a UNSC resolution aimed at stopping the Qadhafi regime’s serious human rights violations against Libyan opposition forces.¹¹⁸ At the time, there was broad support among UN member states, including those from the region, to stop the Libyan government.¹¹⁹ Another UNSC Resolution followed shortly afterwards. Citing the international Responsibility to Protect (R2P), it authorized states to take “all necessary measures” to protect the Libyan civilian population, which included a no-fly zone, but not an external intervention force.¹²⁰

This Resolution was much more controversial than the previous one, with five states abstaining — Brazil, China, India and Russia as well as Germany, which was an elected member of the Security Council at the time. In contrast, the UK and France in particular had spoken out clearly within the EU in favour of a no-fly zone.¹²¹ There were also concerns among the ten members of the UNSC who ultimately voted in favour that the Resolution could be interpreted as justifying the arming of the opposition.¹²² Unlike the targeted sanctions, which applied exclusively to the Qadhafi leadership, the arms embargo in its generalized form could have been more of an advantage for the regime as it had extensive arsenals of military equipment at its disposal.¹²³ But army units with their equipment in Benghazi had defected to the rebels.¹²⁴ Moreover,

the “necessary measures” included a no-fly zone and air strikes by the US-led multinational coalition — under NATO control from the end of March 2011 — as well as the deployment of military advisors and the supply of weapons to the rebels.¹²⁵ At the end of June, the French government informed the UN Secretary-General that it had ordered weapons to be air-dropped for the self-defence of the Libyan civilian population, as there were no other operational means of protecting the people under threat.¹²⁶ The US government at least seemed to have encouraged Qatar and the UAE to supply weapons.¹²⁷ The legality of these transfers was controversial in view of the arms embargo, especially as the National Transitional Council (NTC) in Benghazi was only recognized as the legitimate representative of Libya by the UN General Assembly in September 2011.¹²⁸

Weapons and ammunition supplied to Libya’s recognized government ended up in the hands of militias.

Due to clear tensions in the UNSC, it was already difficult to detect any common political approach to conflict resolution.¹²⁹ Nevertheless, after recognizing the NTC, the committee agreed to relax the arms embargo and to create an exemption for the new Libyan authorities with the condition to notify the committee in advance. Following the advance of the NTC troops and the death of Qadhafi, the Security Council ended the authorization of the no-fly zone and the measures to protect the civilian population in October 2011; the NTC appointed a new cabinet for a transitional government.¹³⁰ Despite the difficult security situation, the then-Prime Minister of Libya called

117 An earlier UN arms embargo had been imposed in 1992 due to Libya’s involvement in two bomb attacks on passenger planes. It was suspended in 1999 and finally lifted in 2003.

118 UNSC, Resolution S/RES/1970 (2011)*, 26 February 2011.

119 SCR, Update Report, *Update Report no. 3: Libya*, 25 February 2011, https://www.securitycouncilreport.org/update-report/lookup_c_glkwlemtisg_b_6586331.php (accessed 25 January 2024).

120 UNSC, Resolution S/RES/1973 (2011), 17 March 2011.

121 SCR, Update Report, *Update Report no. 1: Libya*, 14 March 2011, https://www.securitycouncilreport.org/update-report/lookup_c_glkwlemtisg_b_6621881.php (accessed 25 January 2024).

122 SCR, April 2011 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2011-04/lookupc_glkwlemtisg_b_6676143.php (accessed 25 January 2024).

123 Clara Portela and Jean-Louis Romanet Perroux, “UN Security Council Sanctions and Mediation in Libya: Synergy or Obstruction?” *Global Governance* 28 (2022): 228–50 (238).

124 For details, see Frederic Wehrey, “The Battle for Benghazi”, *Atlantic*, 28 February 2014, <https://carnegieendow>

[ment.org/2014/02/28/battle-for-benghazi-pub-54707](https://www.carnegieendowment.org/2014/02/28/battle-for-benghazi-pub-54707) (accessed 30 November 2023).

125 Saferworld, *Arms and the Responsibility to Protect: Western and Chinese Involvement in Libya* (London, November 2013), 5.

126 SCR, August 2011 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2011-08/lookup_c_glkwlemtisg_b_7634813.php (accessed 25 January 2024).

127 Saferworld, *Arms and the Responsibility to Protect* (see note 125), 8.

128 *Ibid.*, 13.

129 Moncef Kartas, “The UN Sanctions Regime on Libya and Sustaining Peace: Not so ‘Smart’ after all?”, in: Lohmann and Vorrath, *International Sanctions* (see note 11), 48–56 (52).

130 SCR, November 2011 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2011-11/lookup_c_glkwlemtisg_b_7886549.php (accessed 25 January 2024).

on the UNSC to lift the arms embargo.¹³¹ In fact, the Security Council relaxed it again at the beginning of 2013; non-lethal support and military training for the recognized Libyan government no longer had to be notified to the committee. This was intended to promote the process of forming a unified government for Libya and stabilizing the security situation in the country.

Although progress was made in the meantime, such as with the elections in July 2012 and the hand-over of the NTC to the elected General National Congress (GNC), it was accompanied by regional tensions, violent clashes between various militias and an increase in attacks. The recognized government remained dependent on militias to ensure its own security, so that weapons and ammunition supplied to it ended up with armed groups. As the differences in the UNSC persisted, neither was the government asked to guarantee clearer procedures for the procurement of military material,¹³² nor was the role of external actors who were in violation of the arms embargo (such as the UAE, Egypt or Jordan) addressed.¹³³

The security situation eroded further when General Khalifa Haftar undertook a military operation in Benghazi in May 2014, and militias affiliated with him attacked the GNC in Tripoli.¹³⁴ As a result, the arms embargo was tightened again in August 2014. Accordingly, prior approval from the sanctions committee was required for every delivery of weapons and military equipment.¹³⁵ Libya's two competing centres of power – the newly elected House of Representatives in Tobruk and the GNC as the former parliament in Tripoli – set up their own governments in parallel.¹³⁶ At the same time, terrorist

attacks, including by a Libyan branch of ISIL, led to more insistent calls for the embargo to be lifted. Amongst others, these came from Egypt and Jordan (which was a member of the Security Council at the time).¹³⁷ In the event that a government of national unity was established in Libya, European states and the USA also planned to support the country in the fight against terrorism.¹³⁸

Further listings with the aim of supporting the political process did not materialize at this point due to disagreement among the P5.¹³⁹ In spring 2016, the EU and the US imposed autonomous sanctions on various actors in Libya after the recognition of the Libyan Political Agreement, signed in Morocco in December 2015, was delayed. This agreement provided for the formation of a Government of National Accord (GNA).¹⁴⁰ Another activity at EU level was the expansion of the mandate of its mission in the Mediterranean. It now also included enforcing the arms embargo on the high seas and building the capacity of the Libyan coast guard.¹⁴¹ With Resolution 2292, the UNSC created the basis for member states to inspect ships off the coast of Libya suspected of violating the arms embargo and, if necessary, to destroy confiscated weapons and ammunition.¹⁴² At the same time, numerous states supported the counter-terrorism operations of various actors in Libya, including France, the UK and the USA, although the formation and recognition of the GNA was still pending.¹⁴³

131 SCR, May 2012 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2012-05/lookup_c_glkwlemtisg_b_8075199.php (accessed 25 January 2024).

132 SCR, June 2014 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2014-06/libya10.php> (accessed 25 January 2024).

133 Kartas, "The UN Sanctions Regime on Libya and Sustaining Peace" (see note 129), 55.

134 SCR, June 2014 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2014-06/libya_10.php (accessed 25 January 2024).

135 UNSC, Resolution S/RES/2174 (2014), 27 August 2014, para. 8.

136 SCR, November 2014 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2014-11/libya_14.php (accessed 25 January 2024).

137 SCR, March 2015 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2015-03/libya_16.php (accessed 25 January 2024).

138 SCR, November 2015 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2015-11/libya_21.php (accessed 25 January 2024).

139 SCR, September 2015 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2015-09/libya_20.php (accessed 25 January 2024).

140 SCR, May 2016 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2016-05/libya_23.php (accessed 25 January 2024); SCR, June 2016 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2016-06/libya_26.php (accessed 25 January 2024).

141 SCR, June 2016 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2016-06/libya_26.php (accessed 25 January 2024).

142 UNSC, Resolution S/RES/2292 (2016), 14 June 2016.

143 SCR, November 2016 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2016-11/libya_27.php (accessed 25 January 2024).

Overall, the significance of the UN sanctions for the political process remained limited.¹⁴⁴ A resolution of the conflict was made increasingly difficult by the situation in the Security Council, where Russia, France and the USA were backing General Haftar politically at the time, and by the direct military support that both sides (but above all Haftar) received from individual states.¹⁴⁵ These factors also undermined the credibility of the arms embargo.

After the Libyan National Army (LNA) under Haftar began its military offensive against Tripoli in April 2019, it took the UNSC three months to agree on a non-binding press release calling for a ceasefire.¹⁴⁶ Both sides continued to receive military support from the outside, increasingly also by mercenaries.¹⁴⁷ Amongst others, around 1,200 fighters from the Russian Wagner Group operated on the side of the LNA from 2018.¹⁴⁸ Turkey later recruited Syrian fighters to support the GNA.¹⁴⁹

Despite (or precisely because of) these ongoing violations, the arms embargo came into prominence when efforts were subsequently intensified to de-escalate the conflict and bring it closer to a solution. In January 2020, Germany organized the Berlin Conference on Libya together with the UN, at which many of the countries involved in the conflict were also represented. Among other things, they pledged to fully comply with and implement the UN arms embargo – which they were already obliged to do.¹⁵⁰ Shortly after the meeting, there were clear indications

that the violations were continuing unabated.¹⁵¹ In early April, the EU decided to follow up its naval mission in the Mediterranean with Operation Iirini, which has naval, air and satellite assets and whose primary task is to enforce the arms embargo. The Libyan government criticized this focus on the sea routes, especially as the LNA primarily obtained its support by air and land.¹⁵² Both EU missions only seized a limited volume of weapons, ammunition and other military goods destined for Libya, whose import constituted a violation of the arms embargo.¹⁵³

With Turkish support for the GNA, the conflict situation turned and General Haftar's advance was repelled.¹⁵⁴ In October 2020, the Libyan parties to the conflict signed a ceasefire, which also provided for the withdrawal of all foreign fighters and mercenaries within three months – a provision subsequently not adhered to.¹⁵⁵ A government of national unity was formed in March 2021, but the peace process remained fragile as competing claims to Libya's leadership persisted. Discrepancies in the UNSC on the situation in the country also continued, for example in the debate over Libya's oil reserves and revenues.¹⁵⁶ The UN arms embargo on Libya, therefore, will likely continue to reflect the inability of the Security Council to find a common approach to resolving violent conflict there.¹⁵⁷

144 Portela and Perroux, "UN Security Council Sanctions and Mediation in Libya" (see note 123), 246.

145 Turkey and Qatar supported the GNA, while Egypt, the UAE and Jordan provided military assistance to Haftar's Libyan National Army.

146 SCR, September 2019 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2019-09/libya-7.php> (accessed 25 January 2024).

147 SCR, July 2019 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2019-07/libya-6.php> (accessed 25 January 2024).

148 SCR, January 2020 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2020-01/libya-10.php> (accessed 25 January 2024).

149 SCR, What's in Blue, *Libya Sanctions: Discussion under "Any Other Business"*, September 24, 2020, <https://www.securitycouncilreport.org/whatsinblue/2020/09/libya-sanctions-discussion-under-any-other-business.php> (accessed 25 January 2024).

150 SCR, February 2020 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2020-02/libya-11.php> (accessed 25 January 2024).

151 SCR, May 2020 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2020-05/libya-13.php> (accessed 25 January 2024).

152 SCR, What's in Blue, *Libya: Closed VTC on the EU Operation "Iirini" in the Mediterranean*, April 7, 2020, <https://www.securitycouncilreport.org/whatsinblue/2020/04/libya-closed-vtc-on-the-eu-operation-irini-in-the-mediterranean.php> (accessed 25 January 2024).

153 Between 2016 and the beginning of 2020, for example, weapons were seized in only two cases during six searches of ships. SCR, June 2020 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2020-06/libya-14.php> (accessed 25 January 2024).

154 SCR, July 2020 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2020-07/libya-15.php> (accessed 25 January 2024).

155 SCR, November 2020 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2020-11/libya-18.php> (accessed 25 January 2024).

156 SCR, December 2022 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2022-12/libya-37.php> (accessed 25 January 2024).

157 Portela and Perroux, "UN Security Council Sanctions and Mediation in Libya" (see note 123), 246.

Central African Republic (CAR)

Unlike in the case of Libya, the UNSC's approach in the Central African Republic (CAR) was initially rather passive after conflicts broke out. The primary focus was on supporting regional mediation efforts. In March 2013, Séléka rebels – an alliance of several armed groups – seized the capital Bangui after an agreement with the government collapsed, and the incumbent President François Bozizé fled into exile. The Economic Community of Central African States (ECCAS) then initiated a transition process, which included the formation of a transitional council.¹⁵⁸

The imposition of the UN arms embargo marked the beginning of a phase of greater Security Council activity. Further targeted sanctions were also threatened.¹⁵⁹ In this phase, there were increasing warnings of a complete erosion of the situation to the point of genocide. Christian-oriented “anti-Balaka” militias formed against the Muslim-oriented Séléka forces, which had officially been dissolved but remained active (referred to below as the ex-Séléka).¹⁶⁰ In view of these circumstances, calls for a UN peacekeeping mission became more insistent. However, as there was no consensus in the Security Council, France was initially authorized to deploy additional troops to support the existing AU mission beyond the 400 forces already stationed in the country.¹⁶¹ In January 2014, the EU decided on an additional military mission of up to 1,000 soldiers, primarily to relieve the French troops. In the same Resolution that authorized the EU mission, the Security Council expanded the sanctions regime, so that individuals and entities could be targeted by the committee.¹⁶²

In April, it was finally decided to transform the AU operation into a UN mission (MINUSCA). Shortly afterwards, the sanctions committee designated the first persons – in addition to former President Bozizé, one leader of the Séléka and one leader of the anti-

Balaka.¹⁶³ During this phase, the UNSC faced the dilemma of how to hold actors accountable for their behaviour while at the same time finding channels of communication with the armed groups.¹⁶⁴ In addition to a ceasefire – which was to remain very fragile – the Brazzaville Agreement concluded in July 2014 agreed, amongst other things, on a government of national unity and the planning of parliamentary and presidential elections.¹⁶⁵ From the outset, the arms embargo allowed for the supply of weapons and lethal equipment to the CAR security forces as part of a security sector reform (SSR) and following prior approval by the committee.¹⁶⁶ This corresponded with the goal of strengthening state authority, which MINUSCA was also mandated to support. In addition, the EU established a military advisory mission in CAR as a successor to its expiring mission.¹⁶⁷

Apparently, most of the armed groups' equipment at this time came from state arsenals, so the committee sent a letter to the CAR government demanding for better management of official weapons stocks.¹⁶⁸ The government had already called for the embargo to be lifted in August 2015. However, given the gaps in securing weapons, there was no consensus in the UNSC to relax the requirements.¹⁶⁹ Despite an agreement that provided for their disarmament, demobilization and reintegration, members of some groups were still carrying out violence against the civilian population and engaging in criminal activities.¹⁷⁰ The committee subsequently decided on further listings – initiated by France, the UK and the USA, among

¹⁵⁸ SCR, July 2013 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2013-07/expected_council_action_in_july.php (accessed 25 January 2024).

¹⁵⁹ UNSC, Resolution S/RES/2127 (2013), 5 December 2013, para. 56.

¹⁶⁰ SCR, December 2013 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2013-12/central_african_republic_3.php (accessed 25 January 2024).

¹⁶¹ SCR, January 2014 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2014-01/central_african_republic_4.php (accessed 25 January 2024).

¹⁶² UNSC, Resolution S/RES/2134(2014)*, 28 January 2014.

¹⁶³ SCR, June 2014 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2014-06/central_african_republic_5.php (accessed 25 January 2024).

¹⁶⁴ SCR, July 2014 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2014-07/central_african_republic_6.php (accessed 25 January 2024).

¹⁶⁵ SCR, September 2014 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2014-09/central_african_republic_8.php (accessed 25 January 2024).

¹⁶⁶ UNSC, Resolution S/RES/2127 (2013), 5 December 2013.

¹⁶⁷ SCR, April 2015 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2015-04/central_african_republic_11.php (accessed 25 January 2024).

¹⁶⁸ SCR, What's in Blue, *Central African Republic Sanctions Committee Activities*, 26 August 2015, <https://www.securitycouncilreport.org/whatsinblue/2015/08/central-african-republic-sanctions.php> (accessed 25 January 2024).

¹⁶⁹ Ibid.

¹⁷⁰ SCR, August 2015 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2015-08/central_african_republic_13.php (accessed 25 January 2024).

others – in response to a renewed escalation of violence in Bangui ahead of a referendum and the elections, which were later postponed.¹⁷¹

According to the expert panel, the arms embargo was also used as a pretext for blaming the UN for the ongoing violence in the CAR.

The conduct of the elections was controversial, including in the UNSC. However, former Prime Minister Faustin-Archange Touadéra was ultimately confirmed as the new president by the Constitutional Court in March 2016, and the National Assembly was constituted in May after renewed parliamentary elections.¹⁷² Yet, hopes for a positive development remained unfulfilled, and the Security Council's attention to the CAR waned.¹⁷³ While efforts to establish a peace process at regional level continued, it was still primarily up to MINUSCA to ensure security. However, the mission increasingly became the target not only of attacks by armed groups, but also of protests accompanied by demands for an end to the arms embargo.¹⁷⁴

The new CAR government repeatedly declared that the embargo had to be lifted to compensate for disadvantages vis-à-vis armed groups. In fact, the PoE noted at the time that the ex-Séléka, for example, were benefiting from arms smuggling from Sudan and the DRC.¹⁷⁵ However, the panel emphasized that the existing exemption made it possible to equip the national security forces, suspecting that the arms embargo also served as a pretext for blaming the UN

for the ongoing violence.¹⁷⁶ At this point, the Security Council was still unwilling to allow the embargo to expire.¹⁷⁷ But its continued existence became increasingly controversial – as did the role of MINUSCA and other external security actors that were gaining in importance. Based on a bilateral agreement on security cooperation, Russia deployed military trainers to the CAR from 2018 onwards and notified the UN sanctions committee. However, fighters and weapons from the Russian mercenary group Wagner also entered the country.¹⁷⁸ Moscow strongly supported the lifting or at least easing of the embargo, while the P3 in particular insisted that the state of the security sector in the CAR did not allow either. During the extension of sanctions, it was agreed that clear benchmarks should be established, according to which the UNSC could review the embargo. In addition, the UN Secretary-General should assess progress according to them.¹⁷⁹

A peace agreement brokered by the AU was concluded in early 2019. However, several armed groups soon withdrew from the newly formed government, forcing the president to reshuffle the cabinet so that all groups would be represented; subsequently, violence repeatedly broke out at the hands of various signatory parties.¹⁸⁰ However, there were no further targeted sanctions while the arms embargo was eased. The progress report had stated that there was an arms imbalance between the government and the rebels,

171 SCR, January 2016 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2016-01/central_african_republic_14.php (accessed 25 January 2024).

172 SCR, April 2016 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2016-04/central_african_republic_15.php (accessed 25 January 2024).

173 SCR, June 2017 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2017-06/central_african_republic_21.php (accessed 25 January 2024).

174 SCR, January 2017 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2017-01/central_african_republic_19.php (accessed 25 January 2024).

175 SCR, October 2016 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2016-10/central_african_republic_17.php (accessed 25 January 2024).

176 SCR, October 2017 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2017-10/central_african_republic_22.php (accessed 25 January 2024).

177 SCR, July 2016 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2016-07/central_african_republic_16.php (accessed 25 January 2024); SCR, January 2017 Monthly Forecast, https://www.securitycouncilreport.org/monthly-forecast/2017-01/central_african_republic_19.php (accessed 25 January 2024).

178 Dirk Druet, *Wagner Group Poses Fundamental Challenges for the Protection of Civilians by UN Peacekeeping Operations*, IPI Global Observatory (New York: International Peace Institute, 20 March 2023), <https://theglobalobservatory.org/2023/03/wagner-group-protection-of-civilians-un-peacekeeping-operations/> (accessed 25 January 2024).

179 SCR, What's in Blue, *Central African Republic Sanctions Regime Mandate Renewal*, 30 January 2019, <https://www.securitycouncilreport.org/whatsinblue/2019/01/central-african-republic-sanctions-committee-mandate-renewal.php> (accessed 25 January 2024).

180 SCR, June 2019 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2019-06/central-african-republic-2.php> (accessed 25 January 2024).

which created the impression that the embargo put the government at a disadvantage. The exemption was adjusted to the effect that only notifications to the committee and no prior approvals were required to supply weapons of certain types to the national security forces.¹⁸¹

However, further dissent emerged in the positions of some permanent UNSC members, particularly between France and Russia. This dynamic continued with upcoming extensions. After mostly protracted negotiations, the embargo was gradually eased by granting exemptions for additional types of weapons, ammunition and equipment.¹⁸² The security situation in the CAR remained precarious, and the implementation of the 2019 peace agreement stalled time and again. In April 2020, seven of the 14 armed groups among the signatories suspended their participation in the government, and violence escalated in some parts of the country. The UNSC responded by listing two leaders of armed groups in April and August 2020.¹⁸³

A new dynamic emerged when the “Coalition of Patriots for Change” (CPC) was founded – an alliance of partly rival rebel groups whose aim was to disrupt the elections due at the end of 2020. The vote was finally prevented by violence in around 40 percent of constituencies. Despite the restrictions and opposition protests, the Constitutional Court ultimately confirmed the victory of incumbent Touadéra. However, the violence continued, including attacks on various towns, some of which were repelled by MINUSCA together with the national armed forces (FACA).¹⁸⁴

Both the government and the UN mission suspected ex-President Bozizé, who had returned from exile and was not eligible for the elections, of making common cause with the armed groups in order to take power.¹⁸⁵ In any case, CPC forces surrounded the capital Bangui in January 2021; they were pushed back mainly with the help of Russian and Rwandan troops.¹⁸⁶

From the national government’s perspective, the arms embargo was primarily a misguided effort by the UN, as weapons and fighters continued to enter the CAR via the borders with neighbouring countries. The P3 and some elected Security Council members placed conditions on the support for the government, which included a reform of the security sector. They also insisted on monitoring whether security actors were respecting human rights. The extensions of MINUSCA’s mandate and of the arms embargo regularly led to controversy on these points. In addition, the African members of the UNSC at the time also increasingly spoke out in favour of lifting the embargo.¹⁸⁷

What was particularly relevant, however, was that Russia expanded its political and economic involvement in the CAR.¹⁸⁸ After the attack on Bangui, Russian forces had become a kind of guarantee of survival for the country’s government; they increasingly influenced the operations of the national security forces or were active independently of them.¹⁸⁹ This had far-reaching consequences. According to reports by the UN Secretary-General, there were targeted threats and hostilities against MINUSCA by national security forces and bilaterally deployed security per-

181 SCR, October 2019 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2019-10/central-african-republic-3.php> (accessed 25 January 2024).

182 In July 2023, the notification requirements for supplies to government forces were lifted completely, see UNSC, Resolution S/RES/2693 (2023), 27 July 2023, paras. 1 and 2. Russia and China abstained because they demanded a complete lifting of the embargo, see UNSC, “Security Council Extends Arms Embargo on Central African Republic, Mandate of Expert Panel, Adopting Resolution 2693 (2023) by 13 Votes in Favor, 2 Abstentions”, SC/15369, press release, 27 July 2023, <https://press.un.org/en/2023/sc15369.doc.htm> (accessed 7 September 2023).

183 UNSC, *The List Established and Maintained Pursuant to Security Council Res. 2127 (2013)*, <https://lscsanctions.un.org/wq7bk-en-car.html> (accessed 8 September 2023).

184 SCR, February 2021 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2021-02/central-african-republic-10.php> (accessed 25 January 2024).

185 “Central African Republic: A Disputed Election and a Strange Rebel Alliance”, *BBC News*, 7 January 2021, <https://www.bbc.com/news/world-africa-55558642> (accessed 8 September 2023).

186 SCR, February 2021 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2021-02/central-african-republic-10.php> (accessed 25 January 2024).

187 SCR, *What’s in Blue, Central African Republic: Vote on a Draft Resolution Extending the Sanctions Regime*, 29 July 2022, <https://www.securitycouncilreport.org/whatsinblue/2022/07/central-african-republic-vote-on-a-draft-resolution-extending-the-sanctions-regime.php> (accessed 25 January 2024).

188 Julia Stanyard, Thierry Vircoulon and Julian Rademeyer, *The Grey Zone: Russia’s Military, Mercenary and Criminal Engagement in Africa* (Geneva: Global Initiative Against Transnational Organized Crime, February 2023), 58.

189 *Ibid.*, 50.

sonnel¹⁹⁰ (the latter commonly a synonym for Wagner forces), and the USA also expressed strong criticism. Russia, however, rejected the accusations.¹⁹¹ France, in turn, suspended military cooperation with the CAR and budget support for the country in 2021 – citing an obvious disinformation campaign by the CAR government.¹⁹² In addition, evidence of human rights violations by the FACA and “bilateral forces” accumulated in the course of various investigations.¹⁹³ The EU imposed sanctions against the Wagner Group in December 2021 and suspended its training mission in the CAR shortly afterwards.¹⁹⁴ The UNSC meetings were correspondingly tense, and the arms embargo remained a central point of conflict, while insecurity increased, especially in the border areas of the country.¹⁹⁵

Conclusion

In the four cases discussed – Somalia, DRC, Libya and the CAR – the respective arms embargoes were imposed under very different circumstances, but they have followed a similar pattern over the last ten years. Their emphasis is on cutting off non-state actors that hinder conflict resolution from the flow of arms and military material. At the same time, the internationally recognized government is supported in consolidating and expanding its authority in the face of only partial or unsustainable peace agreements. Therefore exemptions for governments have

been introduced to enable them to strengthen their security forces while at the same time controlling the inflow of military goods – under the supervision of the sanctions committee.

The prospect of lifting an arms embargo can be used to pressure a government into reforms in the security sector.

Attempts to support peace through the arms embargoes encountered various obstacles. First, the adjustments to the embargoes were linked to certain assumptions or expectations as to how the political process would develop. If these did not materialize, it was difficult to respond again with changes. In general, it is a challenge to effectively combine UN sanctions with mediation efforts.¹⁹⁶ The special feature of arms embargoes is that they primarily offer potential leverage over the respective recognized authorities, as certain incentives can be created through (partial) liftings or exemptions. This option does not exist for non-state armed groups that are subject to the embargo, since the aim during a conflict settlement and peace process is precisely to disarm and demobilize them. At the same time, if the embargo was to be tightened (again) for the respective government, this could be interpreted as a withdrawal of trust or as calling the respective peace process into question. This has therefore only occurred once in the last ten years in the cases examined: in 2014, with the arms embargo on Libya. The prospect of a lifting can be used to push for concrete reforms by the government in the security sector. However, there are increasingly divergent views among the P5 on whether and how conditions should be imposed. In addition, the respective national governments sometimes vehemently criticize the conditions set under embargo exemptions. Under these circumstances, the tendency to further ease or lift arms embargoes for government forces continues, as the most recent decision on the CAR arms embargo shows.¹⁹⁷

190 See e.g. UNSC, *Report by the Secretary-General on the Central African Republic*, S/2021/867, 12 October 2021, 12+16: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2021_867_E.pdf (accessed 27 August 2024).

191 SCR, July 2021 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2021-07/central-african-republic-12.php> (accessed 25 January 2024).

192 Ibid.

193 SCR, What's in Blue, *Central African Republic: Vote on Renewing the Sanctions Regime*, 28 July 2021, <https://www.securitycouncilreport.org/whatsinblue/2021/07/central-african-republic-vote-on-renewing-the-sanctions-regime.php> (accessed 25 January 2024); SCR, November 2021 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2021-11/central-african-republic-14.php> (accessed 25 January 2024).

194 SCR, February 2022 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2022-02/central-african-republic-15.php> (accessed 25 January 2024).

195 SCR, July 2023 Monthly Forecast, <https://www.securitycouncilreport.org/monthly-forecast/2023-07/central-african-republic-21.php> (accessed 25 January 2024).

196 In detail: Thomas Biersteker, Rebecca Brubaker and David Lanz, *UN Sanctions and Mediation: Establishing Evidence to Inform Practice* (New York: United Nations University Centre for Policy Research, 18 February 2019).

197 UN News, “Security Council Lifts Arms Embargo on Central African Republic Forces”, 30 July 2024, <https://news.un.org/en/story/2024/07/1152656> (accessed 27 August 2024).

The second obstacle is the fluctuation of attention that exists in the UNSC for specific armed conflicts. An often-overlooked aspect of this is that regionally influential countries are frequently elected to the Security Council, which have strong positions on the respective conflict in their neighbourhood. If there are serious interests by elected or permanent members goals other than the settlement and resolution of the conflict often become relevant, such as the fight against international terrorism or the expansion of spheres of influence. This can collide with the provisions of the UN arms embargo. Yet it is crucial for its credibility that it is supported by the P5, as they are themselves important arms producers.

If embargoes have a time limit, this actually seems to lead to more activity in the cases discussed. More recently, negotiations around regular extensions have become increasingly controversial, which at least reveals the different positions, while in the case of indefinite embargoes such as the one on Libya, there has in fact no longer been a consensus for some time. However, discussions often reflect the different points of view on sanctions among the UNSC members rather than the situation on the ground. This can be seen from the fact that the debates and decisions on various embargoes in recent years – regarding the DRC, CAR, but also South Sudan and Sudan – follow a very similar logic, although the situation in the countries themselves is very different. All these aspects make it difficult to politically direct arms embargoes as a means of conflict resolution. Yet, for as long as such embargoes are in place, the other pressing question is how to improve their implementation and enforcement.

Monitoring implementation: challenges and weaknesses

Besides the Security Council, the sanctions committees and panels of experts (PoEs) are key players within the UN governance structure on sanctions. The PoEs primarily provide the information basis for monitoring the implementation of measures and adjusting them if necessary. A number of overarching challenges can be identified from the monitoring of the four cases of UN arms embargoes analysed in more detail here.

The findings of the panels inevitably reflect the mandates and guidelines issued by the respective committees, as well as the composition of the panels

themselves. Their work is also influenced by restrictions of a financial, logistical or political nature – not necessarily in an identical manner across the four cases. The Covid-19 pandemic has been a problem for all PoEs, as it has restricted travelling in particular, which has had an impact on the content of the reports in the last two years covered. And last but not least, some of the information that flows to the committee is confidential, so the publicly available reports may not contain all findings. In principle, the panels can only provide parts of the picture on the compliance with an embargo. Their information is based on seizures by national or international forces, on the examination of weapons used or captured in combat, on information from member states or other actors and on their own reconnaissance, for example via satellite images, documents and local sources. Naturally, this can result in certain biases. Nevertheless, the reports on CAR, DRC, Libya and Somalia from 2016 to 2022¹⁹⁸ provide important insights into when and how UN arms embargoes were (possibly) breached or circumvented and what weaknesses they have.

Irregular supplies and smuggling into conflict zones

In principle, in all four cases, the parties to the conflict have continued to have access to weapons, ammunition and military equipment in recent years despite the embargo – sometimes to a considerable extent. The central questions in monitoring the embargoes are where this material comes from and by which route or through which channels it has reached the target area. This relates to providing supplies or military assistance and to a lack of adequate controls in UN member states to prevent such support. First of all, the PoEs identify (possible) violations of the embargo on the basis of the sources mentioned. Some panels also try to create baselines by compiling overviews of the types of weapons and ammunition that are available in the target area at a certain point in time – this makes it possible to identify newly emerging makes later. In many areas where armed conflicts have been ongoing for a long time, as in the

¹⁹⁸ Here the final reports of the expert panels at the end of their (usually one-year) mandate were taken into account.

cases discussed here, large numbers of weapons are already in circulation.¹⁹⁹

Weapons also enter the target areas irregularly via various routes. First, in all four cases there are regional links between different conflict areas via arms smuggling – for example between the DRC and the CAR, the CAR and Sudan, Somalia and Yemen, and Libya and the Sahel states. In particular, the large number of weapons that entered the country during the Libyan revolution not only filled the stocks of Libya’s own militias, but subsequently spread throughout the region²⁰⁰ – despite the “two-way” embargo, which also prohibits the export of weapons and military equipment from Libya.²⁰¹

In the case of Somalia, the PoE primarily reports on weapons and ammunition being smuggled into the country by sea from or through Yemen. The ships mainly landed on the coast of Puntland in north-eastern Somalia,²⁰² where the local security authorities and international naval forces of the Combined Maritime Forces repeatedly confiscated such shipments;²⁰³ others could at least be confirmed by the Monitoring Group. These are mainly small arms and ammunition that enter the country, primarily by boat from Yemen; according to the UN experts, they are intended for militias, Al-Shabaab or ISIL, but may also only be passing through Somalia as a transit country.²⁰⁴ These include weapons and other supplies that appear to come from Iran.²⁰⁵

In the CAR reports, smuggling by land is particularly emphasized. Hunting rifles and ammunition often come from the DRC, sometimes in exchange for gold and diamonds.²⁰⁶ This access was relevant for a whole spectrum of armed groups (anti-Balaka, ex-Séléka and self-defence groups).²⁰⁷ Some members of

the CAR military are also said to be involved in arms smuggling from the DRC.²⁰⁸ In addition, weapons and fighters entered the CAR from Sudan,²⁰⁹ as well as across the western borders²¹⁰ or from Chad to the north of the country, especially in 2020–21, when the newly founded CPC was in particular need of material.²¹¹

For arms smuggling into the DRC the links to neighbouring countries to the east mentioned in the last section are particularly relevant. During the reporting period, a smuggling network consisting of members of the Burundian army, various intermediaries and Congolese armed groups was investigated in detail.²¹² The Burundian, Ugandan and Rwandan armies also frequently operate directly on the territory of the DRC – to support or combat armed groups with contacts in their respective countries.²¹³

Overall, smuggling often reflects regional links between violent conflicts. Arms flows can be an indicator of shifts in conflict dynamics but can also be the subject of armed conflicts themselves in some cases – for example, when it comes to controlling smuggling routes and areas close to borders. Irregular arms shipments naturally also reach government forces, often via longer-range transports. In Somalia, the blatant cases in the reporting period mainly concerned security forces that are not assigned to the central government but are allowed to receive support and material if the sanctions committee has been informed and has not objected. These were mainly regional forces in Somaliland and Puntland.²¹⁴ For example, the UAE established a military base in the port city of Berbera in Somaliland,²¹⁵ and a state-owned company from Ethiopia supplied weapons and ammunition to various Somali regional administrations for at least a decade.²¹⁶

199 Libya: UNSC, S/2016/209, para. 107; DRC: UNSC, S/2022/479, para. 128; UNSC, S/2016/466, para. 219; CAR: UNSC, S/2017/1023, para. 102.

200 UNSC, S/2016/209, para. 107.

201 UNSC, S/2016/209, para. 187; UNSC, S/2018/812, para. 123; UNSC, S/2022/427, para. 78.

202 UNSC, S/2016/919, para. 122.

203 *Ibid.*, para. 121, 124.

204 UNSC, S/2017/924*, para. 104; UNSC, S/2019/858* para. 130; UNSC, S/2020/949, para. 113; UNSC, S/2022/754*, para. 83, 105.

205 UNSC, S/2016/919, para. 115f; UNSC, S/2017/924*, para. 104.

206 UNSC, S/2016/1032 para. 145; UNSC, S/2019/930, Annex 4.5.

207 UNSC, S/2017/1023, Summary, 3.

208 *Ibid.*, para. 22, 248.

209 UNSC, S/2017/639, Annex 5.9; UNSC, S/2017/1023, para. 173; UNSC, S/2018/1119, para. 69.

210 UNSC, S/2017/1023, para. 247.

211 UNSC, S/2021/569, paras. 30f.

212 UNSC, S/2017/672/Rev.1, para. 152; UNSC, S/2018/531, paras. 198f.

213 UNSC, S/2019/469, para. 66; UNSC, S/2022/479, para. 162; UNSC, S/2022/479, para. 21; UNSC, S/2022/479, para. 71.

214 UNSC, S/2016/919, Annex, 8.3.

215 UNSC, S/2018/1002, paras. 40f.; UNSC, S/2019/858*, para. 128f.

216 UNSC, S/2019/858*, para. 120.

In both CAR and DRC, the national armed forces also received supplies without the necessary notifications or approvals. Related flights to the CAR were apparently carried out by the Sudanese air force and Congolese airlines, amongst others, whose aircraft landed at Bangui International Airport.²¹⁷ For the DRC, the experts report that more than 2,000 tons of material for the military, including weapons and ammunition, were delivered irregularly from January 2018 to the time of the 2020 report.²¹⁸ The Congolese security forces also received training assistance and civilian air support from abroad.²¹⁹

Irregular deliveries to Libya were particularly extensive. Not surprisingly, both sides competing for power benefited from this. External support has increased, particularly in the course of the fighting since 2014 and the rise of ISIL.²²⁰ According to the PoE, the majority of transfers in favour of the forces affiliated with General Haftar came from the UAE and Jordan during the reporting period.²²¹ The military material which the GNA in turn received from Turkey, arrived by air with military aircraft, and in some cases also by sea.²²² The main air routes were between the UAE and eastern Libya or western Egypt respectively, from Russia via Syria to eastern Libya as well as from Turkey to the west of the country.²²³ A particularly extensive operation was organized for Haftar's forces by companies based in the UAE; according to the report, Erik Dean Prince, founder and long-time CEO of the private security company Blackwater, was also involved.²²⁴

In addition to the supply of military goods, the deployment of foreign fighters and mercenaries was also a relevant factor in Libya. The PoE describes in detail the activities of the Russian Wagner Group there since 2018 – from maintenance assistance to operational support in combat and the performance of specialized military tasks. Effectively it acted as a “force multiplier” for the forces on the Haftar side in 2019 and early 2020. Wagner was active in Libya with

up to 2,000 people and also deployed combat aircraft.²²⁵ The SADAT International Defence Consultancy from Turkey apparently trained forces close to the government and was also responsible for supervising and paying the approximately 5,000 Syrian fighters on the GNA side.²²⁶ In earlier reports, the panel also provided information about foreign pilots recruited by armed groups in Misrata. They had been enlisted by an intermediary company that had previously been involved in illegal arms deals.²²⁷

However, this phenomenon is not limited to Libya. As already mentioned, Russia sent military trainers to the CAR, where the boundary to Wagner operations was fluid. The instructors participated directly in combat operations and provided armed personal protection for CAR officials, although they were supposed to be unarmed and only in the country for training. According to various sources, their number was between 800 and 2,100, which was significantly higher than officially stated.²²⁸

In the case of the DRC, the panel cited evidence that at least 80 people from Georgia and Belarus had worked as pilots, trainers and technicians for the Congolese air force over a period of almost ten years. Apparently, Georgians who had previously served in the Georgian Air Force were recruited by the Congolese authorities.²²⁹

At least some of the business models behind the irregular deliveries are becoming apparent. In addition to governments, their security forces and non-state armed groups in the target area, various private actors are involved – beyond the manufacturers of weapons and military equipment.

Exemptions for government forces and risks of “diversion”

Supplies such as those described not only violate the provisions of the exemptions, they can also undermine their objective, namely to strengthen the authority of the respective internationally recognized government to improve the security situation. In almost all conflict contexts, there is a high risk that weapons and ammunition will be diverted from official stocks (“diversion”). The problem of equipping national

217 UNSC, S/2021/569, para. 73, 76.

218 UNSC, S/2020/482*, para. 156.

219 Ibid., para. 148.

220 UNSC, S/2016/209, para. 108.

221 UNSC, S/2017/466, para. 132; UNSC, S/2019/914*, para. 61.

222 UNSC, S/2019/914*, para. 62; UNSC, S/2021/229, para. 73.

223 UNSC, S/2021/229, para. 81; UNSC, S/2022/427, para. 79.

224 UNSC, S/2021/229, para. 86ff.

225 Ibid., para. 93f, 97.

226 Ibid., para. 99.

227 UNSC, S/2016/209, para. 170.

228 UNSC, S/2021/569, paras. 66, 68.

229 UNSC, S/2020/482*, paras. 188f.

security forces has been a recurring theme in cases such as Afghanistan. However, with the targeted arms embargo, the situation there was different from the exceptions and exemptions to the embargoes discussed in more detail here. Although the exemptions allow supplies to security forces, they are also intended to ensure that their type, scope and whereabouts are monitored more closely and to help improve weapons management on the ground, including registration, secure storage and end-user control.

In almost all conflict contexts, the risk of weapons and ammunition being diverted from official stocks is high.

However, the reports on CAR, DRC, Libya and Somalia up to 2022 paint a picture of recurring violations of reporting or authorization requirements. It is not always possible to distinguish between a lack of knowledge or of due diligence and deliberate disregard. In some cases, deliveries such as those discussed in the last section were clearly deliberately made without following the intended procedures. Until at least 2019, for example, payments to foreign companies for military equipment and training were recorded in official DRC documents under the purchase of agricultural goods.²³⁰

Exemptions can also serve as loopholes, for example if a notification is made but only part of the delivery or support is reported — as in the case of Russia's bilateral military support for the CAR. Military equipment authorized for import can also be upgraded later, as the panel on Libya found for patrol vessels that had been regularly delivered to the GNA by UN member states under the current exception for non-lethal equipment.²³¹

In some cases, there were regular deliveries without the sanctions committee being informed accordingly. This was the case when the Chinese armed forces, a state-owned arms and ammunition company in the People's Republic and private companies transferred military equipment to the DRC eight times between January 2015 and January 2019.²³² Sometimes reports are simply consistently incorrect or delayed — as in the case of deliveries from China, the USA, Turkey, Saudi Arabia and Djibouti to Somalia,

²³⁰ UNSC, S/2022/479, paras. 16f.

²³¹ UNSC, S/2019/914*, para. 78.

²³² UNSC, S/2020/482*, para. 158.

lia, as reported in the 2018 Monitoring Team report.²³³ Member states sometimes point to ambiguities in the exemptions as a reason for this; in the relevant Resolutions, it is essentially left to the individual states to define the exact scope of application.²³⁴ Some PoEs also note that there is confusion regarding the specific responsibilities for notifications or a lack of coordination between the supplier state and the supplied government²³⁵ or among the authorities of the recipient country.²³⁶

However, the ambiguities go beyond mere procedure. One difficulty lies in defining which units or actors are state-controlled and therefore allowed to receive military material under exceptions or exemptions. In Libya, the problem already existed between 2011 and 2014 as there were competing procurement channels within the internationally recognized government and at the same time there was a lack of oversight and clarity regarding end users.²³⁷ The panel also criticized the GNA for not providing any information on the structure of the security forces under its control.²³⁸ The government subsequently failed to provide more detailed reports.²³⁹

Similar difficulties can be found in the case of Somalia. Even after a national security architecture was adopted for the country in 2017, the government's mandatory reports contained no information on the status of regional forces or militias.²⁴⁰ In 2022, the PoE called for a list to be drawn up of Somali security sector institutions that do not belong to the central government. At the same time, it recommended the creation of mechanisms with which the government could oversee the supply of weapons, ammunition and equipment to these institutions.²⁴¹ In fact, material and military support flow largely unchecked to the regional forces in question.²⁴²

The reports on Somalia and Libya hint at another ambiguity. Here, provisions of the arms embargo collide with other Resolutions, especially those on combating terrorism. In addition to the air strikes

²³³ UNSC, S/2018/1002, para. 10.

²³⁴ UNSC, S/2019/914*, para. 79.

²³⁵ Somalia: UNSC, S/2017/924*, para. 126.

²³⁶ CAR: UNSC, S/2016/919, para. 111.

²³⁷ UNSC, S/2016/209, para. 115.

²³⁸ UNSC, S/2017/466, para. 107.

²³⁹ See recommendations under UNSC, S/2018/812, para. 243; UNSC, S/2022/427, para. 132.

²⁴⁰ UNSC, S/2018/1002, para. 38.

²⁴¹ UNSC, S/2022/754*, para. 140(g).

²⁴² UNSC, S/2020/949, paras. 111f.

that the USA claims to have carried out in 2017 – 18 in support of the GNA against ISIL and Al-Qaida,²⁴³ the panel on Libya also reports operational and technical support from Italian, British and American special forces²⁴⁴ as well as French operations²⁴⁵ and indications of French anti-tank missiles on the side of the Haftar troops.²⁴⁶ At the PoE's request, France specifically invoked paragraph 3 of Resolution 2214 (2015), in which member states are urged by the Security Council to use all means to combat threats to peace and security posed by acts of terrorism.²⁴⁷ When assessing the associated military activities carried out in agreement with the GNA, it is unclear whether the provisions of the arms embargo are trumped by those on counter-terrorism.²⁴⁸

In Somalia, Puntland's security forces are being supported by the UAE and the USA in the fight against Al-Shabaab and ISIL, although the committee's approval has not been obtained.²⁴⁹ The panel also reported on indications of a delivery of armed drones by Turkey in 2021. When questioned on this point, Turkey claimed that it would use the systems itself in the fight against terrorism in Somalia. However, there was no corresponding exception, and the panel expressed doubts about the actual use by Turkey.²⁵⁰ These cases show that member states prioritize the fight against terrorism over compliance with the arms embargo.

Even if exemption provisions are observed, the often-inadequate post-delivery management remains problematic. The panels on Libya, Somalia and the DRC point out that significant quantities of arms, ammunition and other material entered the countries through exemptions. In Somalia alone, more than 20,000 weapons and 13 million rounds of ammunition reached the central government's armed forces between 2013 and September 2016, after the embargo was partially lifted.²⁵¹ However, the PoEs repeatedly state that they are unable to determine whether weapons and ammunition have reached the intended

end users due to various deficiencies in documentation and processes.²⁵²

In Somalia, the PoE report revealed a significant discrepancy between the number of weapons officially received by the government since the partial suspension and those actually distributed to the country's national army.²⁵³ In general, the PoEs frequently identify weapons and ammunition from government forces that have either been resold by military personnel, passed on to allied armed groups or stolen by armed groups.²⁵⁴ Overall, the willingness of some UN member states to respond to the panels' inquiries about possible deliveries is limited. As a result, tracing attempts often come to nothing. In contrast, the PoEs do report efforts in arms management and selective improvements – partly thanks to the support of the UN and international partners – although many gaps remain. While the embargoes are often criticized by the respective governments as an obstacle, many of the PoE reports suggest that the conditions for supplying arms and ammunition are insufficiently fulfilled.

“New” technologies and dual use goods

As mentioned above, the term “arms and related materiel” includes not only all types of weapons and ammunition, but usually also components, spare parts and weapon accessories.²⁵⁵ Given the lack of standard lists, a further challenge is therefore to determine the scope of the arms embargoes in relation to dual-use goods. Annexes that specify the requirements for exemptions – such as in the case of Somalia, where lists of goods for approval and notification were drawn up – can indirectly indicate what is definitely covered by the embargo. However, they are not comprehensive and are not available for all regimes. It is therefore always up to the PoEs to point out ambiguities and the resulting dangers

243 UNSC, S/2018/812, para. 108.

244 UNSC, S/2017/466, para. 147.

245 Ibid., para. 133.

246 UNSC, S/2019/914*, para. 93.

247 UNSC, Resolution S/RES/2214 (2015), March 27, 2015.

248 UNSC, S/2019/914*, para. 229; UNSC, S/2021/229, para. 59.

249 UNSC, S/2016/919, para. 119.

250 UNSC, S/2022/754*, para. 96.

251 UNSC, S/2016/919, para. 115; for more detailed figures on imports to Libya, see UNSC, S/2018/812, para. 129.

252 Somalia: UNSC, S/2017/924*, para. 138; CAR: UNSC, S/2018/1119, paras. 191f; DRC: UNSC, S/2018/531, para. 204; Libya: UNSC, S/2016/209, Annexes 31, 38; UNSC, S/2018/812.

253 UNSC, S/2018/1002, para. 22.

254 For various examples, see, inter alia, in the case of CAR: UNSC, S/2021/569, para. 98; on DRC: UNSC, S/2021/560, paras. 143f.; UNSC, S/2019/469, paras. 197ff.; on Somalia: UNSC, S/2020/949, para. 98; UNSC, S/2022/754*, para. 78; UNSC, S/2018/1002, para. 24; UNSC, S/2019/858*, para. 114.

255 Watson Institute for International and Public Affairs/Compliance and Capacity Skills International, *High-Level Review of United Nations Sanctions* (see note 25), 60f.

of circumventing embargoes. In the case of Libya, the experts called for clarification as to whether certain technologies (such as patrol boats) can be used for military purposes in the country and therefore fall under the arms embargo.²⁵⁶ The same report also raises this question for electronic interdiction and jamming systems designed to disable unmanned aerial vehicles (UAVs) and unmanned combat aerial vehicles (UCAVs) or commercial UAVs.²⁵⁷

This points to an important aspect that further exacerbates the dual use problem: the emergence of “new” types of weapons that are sometimes only assembled in the conflict zones. UAVs and UCAVs play a particular role in the reports on Libya, but also appear in those on the DRC, where the expert group points out that the Allied Democratic Forces (ADF) use surveillance drones.²⁵⁸ On Libya, the PoE found that Haftar forces used UAVs supplied by the United Arab Emirates,²⁵⁹ while GNA forces used Turkish-made UCAVs (major deliveries of components of these drones were also mentioned).²⁶⁰ Both sides also used small UAVs for intelligence, surveillance and reconnaissance purposes.²⁶¹ The underlying issue, according to the PoE, is that “[t]he ever-evolving technology and relatively low cost of smart electronic fast-moving consumer goods, such as optics and unmanned aerial vehicles, [...] and the ease of modification of civilian vehicles to convert them into combat-capable vehicles [...] make such dual-use items [...] ideal for military use in low-level conflicts.”²⁶² The experts believe that the arms embargo is violated in cases where the corresponding upstream technology is primarily imported by parties to the conflict and used for military purposes.²⁶³ However, exporters as well as countries of origin and transit would have to verify this accordingly, which is difficult in many cases.

The use of such technologies is, in fact, not new but plays a growing role in almost all protracted armed conflicts. The same applies to the use of improvised explosive devices (IEDs). These are often built in

the conflict zone itself from explosive material and other components, for example in the DRC, where the ADF are using them more and more frequently.²⁶⁴ Between November 2020 and March 2021 alone, for example, 36 incidents involving 64 IEDs were registered that were suspected or confirmed as being linked to the group.²⁶⁵ These included material from Tanzania, which is often used in mining,²⁶⁶ as well as explosives, batteries and detonators from Uganda.²⁶⁷ The Security Council thus added a listing criterion in 2022 for being involved in the production or use of IEDs as well as for any planning, ordering or assistance of attacks in the DRC with IEDs.²⁶⁸

In the case of CAR, the use of IEDs has also increased significantly since mid-2020, especially in the west and north-west of the country. In 2021 alone, 44 such attacks were recorded, in which 30 people died, mostly civilians. However, the PoE does not go into detail about the design of the explosive devices and the possible origin of the components used.²⁶⁹

IEDs play a particularly important role in the reports on Somalia.²⁷⁰ In 2016 the PoE had already found that Al-Shabaab was using increasingly sophisticated technology against high-value targets, including AMISOM, a use facilitated by foreign trainers and the transfer of knowledge from other conflict zones.²⁷¹ This affected the arms embargo because the PoE found clear evidence that Al-Shabaab had been manufacturing its own explosives since at least July 2017, having previously used mainly military explosives derived from war remnants or captured by AMISOM.²⁷² The PoE repeatedly called for better information from UN member states regarding exports to Somalia of chemicals suitable for the construction of improvised explosive devices.²⁷³ When examining a specific case, the sanctions committee found that although explosives for commercial purposes are not

²⁵⁶ UNSC, S/2019/914*, para. 80.

²⁵⁷ *Ibid.*, paras. 99, 229.

²⁵⁸ UNSC, S/2021/560, para. 23.

²⁵⁹ UNSC, S/2019/914*, paras. 108, 110.

²⁶⁰ *Ibid.*, paras. 112 – 116, 121.

²⁶¹ *Ibid.*, para. 122.

²⁶² UNSC, S/2022/427, para. 61. The PoE points out here that its definition of “dual use” does not correspond to that used under the Wassenaar Arrangement or the EU export control regime (*ibid.*, note 90).

²⁶³ UNSC, S/2022/427, para. 61.

²⁶⁴ UNSC, S/2020/1283, paras 12ff.

²⁶⁵ UNSC, S/2021/560, para. 19.

²⁶⁶ UNSC, S/2016/466, para. 222.

²⁶⁷ UNSC, S/2021/560, para. 24.

²⁶⁸ UNSC, Res. 2641 (2022), para. 3.

²⁶⁹ UNSC, S/2022/527, para. 28.

²⁷⁰ The PoE on Libya mentions IEDs only in relation to boxes of detonating cords in Benghazi that originated from a Turkish-based explosives manufacturer and were seized from a vessel coming from Misrata. UNSC, S/2018/812, para. 119.

²⁷¹ UNSC, S/2016/919, para. 123.

²⁷² UNSC, S/2019/858*, para. 20.

²⁷³ UNSC, S/2017/924*, para. 224; UNSC, S/2019/858*, para. 24.

covered by the arms embargo, their import poses a threat to peace and security. As a result, the PoE recommended that deliveries of commercial explosives should at least be subject to a reporting obligation to the committee.²⁷⁴

Individuals or entities are rarely placed on the UN sanctions list for violations of an arms embargo.

Ultimately, in 2019 the Security Council banned the supply of components for improvised explosive devices to Somalia – a measure that is unique in the current UN sanctions regimes. Implementation once again showed how complicated the dual use issue is. The ban is specified by a list in the annex to the Resolution, which includes various explosive materials, explosives precursors, explosive-related equipment and related technology. As these components can also be used for completely legal purposes, the goods listed in the first part are only subject to the obligation to notify the sanctions committee in the event of delivery. Regarding other substances included in the second part of the list, member states are requested to be particularly vigilant in the event of conspicuous requests or purchases from Somalia and to share relevant information.²⁷⁵ The increased use of drones and IEDs as well as the dual use issue are also repeatedly addressed in the monitoring reports on Yemen and Afghanistan.

Conclusion

The reports on the four core cases identify numerous violations, circumvention practices and loopholes that exist in the context of UN arms embargoes. This does not mean that embargoes are completely ineffective, but the deficits point to central problems in implementation and enforcement that persist after the reforms of the 2000s. The latter have made the sanctions system more transparent overall and contributed to the further development of arms embargoes as an instrument in conflict contexts. As a result, information revealing certain practices and responsibilities is now available, particularly through the PoE reports. At the same time, this puts the experts under increasing pressure, especially when they address the

role of external actors in violent conflicts, and even more so when the sanctions committees do not follow up on reported violations of UN arms embargoes. In fact, it is rather rare for individuals or entities to be placed on a sanctions list for such violations.²⁷⁶

Monitoring efforts are also increasingly complex because arms embargoes are becoming more and more differentiated. The repeatedly amended exemptions are based on Resolution texts some of which were negotiated at length and reflect the consensus in the UNSC, but do not necessarily contain regulations that are easy to implement. This is a far cry from a single UNSC guideline on the implementation of arms embargoes, which could also summarize the different exemptions of the individual regimes, as proposed in the 2015 High-Level Review.²⁷⁷ Moreover, in many conflict areas it is difficult to clearly classify state and non-state actors.

This also makes it more difficult to identify breaches and non-compliance, especially as member states often do not pass on important information – for example on seizures – to the experts or do not respond adequately to inquiries. The fact that drones (armed and unarmed) and improvised explosive devices are increasingly being used in most conflict contexts further aggravates the lack of clarity. Overall, the current UN arms embargoes certainly need further reform, but the most important obstacles to an effective contribution to conflict resolution lie in the inadequate guidance by the Security Council and sanctions committees as well as in poor implementation.

²⁷⁴ UNSC, S/2019/858*, paras. 67ff.

²⁷⁵ UNSC, Resolution S/RES/2551 (2020), 12 November 2020, paras. 26ff., and Annex C.

²⁷⁶ Vorrath, “The Evolution of UN Arms Embargoes in Conflict Settings” (see note 32), 141.

²⁷⁷ Watson Institute for International and Public Affairs/ Compliance and Capacity Skills International, *High-Level Review of United Nations Sanctions* (see note 25), 19.

Towards a Smarter Use of UN Arms Embargoes: Starting Points and Conditions

Sanctions continue to be a means for the UNSC to respond to threats to international peace and security below the threshold of military force. UN arms embargoes were and are a central part of this toolkit in the context of armed conflicts. Despite periods of inactivity, the Security Council has continued to pass Resolutions on their design and implementation over the last ten years, even if this has increasingly been preceded by controversial negotiations within the Council.

The problem is less about permanent blockades than Council dynamics being directly or indirectly linked with conflict contexts. Here, as with the challenges of implementing and enforcing embargoes, the growing internationalization of intrastate armed conflicts is making itself felt. Overall, 22 out of 55 conflicts with state involvement in 2022 are considered internationalized armed conflicts if using the (rather narrowly defined) criterion that one or more third states support the objectives of one of the two sides with combat troops.²⁷⁸ Third countries, including major powers, are also increasingly using military aid and arms supplies to boost their influence in conflict areas — including those with ongoing UN arms embargoes such as in Libya and CAR. This also clearly shows in the reports of the expert panels. In any case, an arms embargo can only make a limited contribution to conflict resolution and certainly cannot replace a political process. If it is repeatedly and more or less openly violated by UN member states, it risks losing all credibility.

The hope that new impetus could come from other UN instruments in the same context, such as peace-

keeping missions, seems misplaced. The latter are also under increasing pressure. Larger stabilization missions in particular tend to be scaled back or withdrawn, just as existing UN sanctions tend to be eased or lifted. The criterion for this is not necessarily the situation on the ground. Rather, the fundamental criticism of sanctions has increased. Beyond individual vetoes in the UNSC, dissent is often also expressed through abstention. In recent years, abstentions have, in fact, increased when UN Resolutions on arms embargoes were passed.²⁷⁹ This can result in a difficult situation where even measures that are adopted or extended are noticeably losing support.

As a result, the focus shifted to other mechanisms for enforcing embargoes in the cases examined — such as the UN-authorized inspections at sea off the coasts of Libya and Somalia. A separate study would be needed to make a well-founded assessment of how effective they are. However, the situation shows that they cannot sustainably curb the lack of compliance with the embargoes. However, they can help to generate new information about irregular shipments, transport routes and the actors involved.

This is all the more important as flows of weapons keep changing. In African regions, for example, the supply of arms, ammunition and military equipment has changed since the conflicts of the 1990s — this is at least partly because of embargoes. Among other things, some important countries of origin, for example in Eastern Europe, have improved their arms export controls. This was effective, as weapons and ammunition often came from old stocks of states of the Warsaw Pact, which was dissolved in 1991. Various UN reports in the 2000s brought to light a busi-

278 Anna Marie Obermeier and Siri Aas Rustad, *Conflict Trends: A Global Overview, 1946 – 2022*, PRIO Paper (Oslo: Peace Research Institute [PRIO], 2023), 10.

279 See at GESIS under DOI 10.7802/2673 the table with changes in UN arms embargoes over time.

ness model that essentially consisted of selling weapons and ammunition from the former Eastern Bloc to conflict zones in Africa and Asia. Intermediaries with large transportation companies played a central role in this, such as Viktor Bout, who was recently transferred to Russia from US custody.²⁸⁰ The target countries of the arms deals included Afghanistan, Angola, DRC, Liberia, Sierra Leone and Sudan – countries where UN arms embargoes were in place.

It was already noted in the 2000s that the illegal supply of weapons to African conflict areas was increasingly “home-grown”, as existing materiel was circulating between neighbouring countries.²⁸¹ Armed groups – for example in West Africa – were also increasingly equipped from official stocks that had been either diverted or else captured during combat or attacks.²⁸² The question is, however, to what extent these analyses (still) apply to the conflict contexts examined here. In fact, the situation regarding smuggling and irregular transfers – where known – appears to be very different, especially as the respective regional conflict formation matters. In a case like Libya, business models have been traced that are very similar to those of the 1990s. Weapons continue to reach conflict areas over longer distances, but the forces behind them are sometimes different to those of the 1990s and 2000s.²⁸³

More precise information is valuable here as it can be used in various ways to enforce UN arms embargoes or for other approaches. For example, when the sanctions committee could not agree on the facts of embargo violations in the case of Libya in 2020, the EU took autonomous steps and sanctioned one transport company each from Kazakhstan, Turkey and

Jordan involved in the supply of arms.²⁸⁴ Another starting point is the imposition of EU arms embargoes where those of the UN do not (or no longer) apply. The EU can impose stricter regulations, as was the case for Sudan, for example, where the embargo was imposed on the country as a whole and not just on the Darfur region. However, the potential depends heavily on how relevant European states are for supplies of weapons, ammunition and other equipment to the conflict area. Nevertheless, EU action can be useful at least as a political signal or as a bargaining chip.

Making it more difficult for violent actors to arm themselves by depriving them of important sources of income is another starting point. All four of the sanctions regimes examined in more detail here offer opportunities for this, including through listing criteria that relate to the illicit exploitation and trade in natural resources for the benefit of violent actors or “spoilers”. For Somalia, the export ban on charcoal also remains in place. In general, the PoEs report on corresponding violations and actors that could be placed on the respective sanctions list. However, such designations by the sanctions committees are rare, especially for those engaging in illicit trade from outside the conflict zones. We can only speculate about the reasons for this. However, the information obtained on this financing aspect can also be used in alternative attempts to resolve conflict. Sometimes it can be helpful for measures taken by other actors, such as UN peacekeeping missions, when it comes to supporting the respective government in reforming certain sectors. In fact, the approaches of UN sanctions and peacekeeping missions converge at the point where illicit trade – especially in natural resources – can be brought back into the legal sphere and under state control.²⁸⁵ Ultimately, information on the illicit arms trade, the equipment of certain conflict parties and the whereabouts of legally imported weapons can

280 For reports and media articles on his activities and arrest, see Global Policy Forum Archive, “Viktor Bout”, <https://archive.globalpolicy.org/international-justice/rogues-gallery/viktor-bout.html> (accessed 15 September 2023).

281 Alex Vines, “Can UN Arms Embargoes in Africa Be Effective?” *International Affairs* 83, no. 6 (2007): 1107–21 (1117f.).

282 David Lochhead, *SANA Expert Briefing Series – Webinar 1: Weapons and Explosives in North and West Africa*, May 2021, <https://www.smallarmssurvey.org/resource/sana-expert-briefing-series-webinar-1-weapons-and-explosives-north-and-west-africa> (accessed 6 January 2023).

283 On changes in external interferences in African conflicts, see Wolfram Lacher, *African Conflicts amid Multipolarity: Implications of a Changing Actor Landscape*, Policy Brief 03 (Berlin: Megatrends Afrika, April 2022).

284 Council of the European Union, “Council Implementing Regulation (EU) 2020/1309 of 21 September 2020 implementing Article 21(2) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya”, *Official Journal of the European Union*, (21 September 2020) L 305, I/1-I/4, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R1309&qid=1694767180653> (accessed 14 September 2023).

285 Judith Vorrath, “Confronting Illicit Economies and Criminal Threats in UN Missions: Operating in the ‘Grey Zone’”, in: Mats Berdal and Jake Sherman, *The Political Economy of Civil War and UN Peace Operations* (Abingdon and New York, 2023), 152–71.

also be useful when processes of security sector reform or the disarmament and demobilization of violent actors take place.

Two fundamental conditions can be summarized for making better use of UN arms embargoes in conflict contexts. First, further reforms are needed not only to improve the implementation of the measures, but also to increase their acceptance. This would include drawing up concrete lists of weapons and other military equipment, such as exist at regional and national levels with the EU Common Military List or the United States Munitions List.²⁸⁶ In addition, existing arms embargoes can remain indirectly important, for example for information gathering or as a bargaining chip vis-à-vis the respective government. This option is effectively inexistent in the case of targeted arms embargoes, unless there is a threat to extend them to new actors.

Naming and shaming can have a deterrent effect, especially on private actors, not so much because they would have to fear direct consequences, but because they would have to reckon with reputational damage or unilateral measures.

The second condition for an effective contribution of arms embargoes is that they must be better linked to political processes — especially in the respective regions. There are clear limits to this in the UNSC. However, elected members could once again use their position as chairs of UN sanctions committees more actively and involve important states in the respective region. To prevent the flow of arms and military equipment into conflict areas, the involvement of neighbouring countries is essential. Regional organizations or cross-border mechanisms can play a role here, for example via customs cooperation or monitoring missions. Aspects of arms control in the target area have been a relevant benchmark for determining whether UN arms embargoes should be changed or lifted; this applies in particular to the improvement of national arms and ammunition management capacities.²⁸⁷ Recently, however, there has been increasing pressure in the UNSC to lift arms embargoes in general. Regional mechanisms for (small) arms con-

trol could at least help in individual cases to curb illicit trade and smuggling within the areas concerned. Ultimately, the importance of access to weapons and military material for the course of violent conflicts is demonstrated in a drastic manner by the developments in the four cases discussed.

Abbreviations

A3	the three elected members of the African Group of States in the UN Security Council
ADF	Allied Democratic Forces
AMISOM	African Union Mission in Somalia
ATMIS	African Transition Mission in Somalia
AU	African Union
CAR	Central African Republic
CPC	Coalition of Patriots for Change
DRC	Democratic Republic of the Congo
ECCAS	Economic Community of Central African States
FACA	Forces Armées Centrafricaines
FDLR	Forces démocratiques de libération du Rwanda
GNA	Government of National Accord
GNC	General National Congress (Libya)
IED	improvised explosive device
ISIL	Islamic State of Iraq and the Levant
LNA	Libyan National Army
M23	Mouvement du 23 Mars
MINUSCA	UN Multidimensional Integrated Stabilization Mission in the Central African Republic
MONUC	UN Organization Mission in the Democratic Republic of the Congo
MONUSCO	UN Organization Stabilization Mission in the Democratic Republic of the Congo
NTC	National Transitional Council of Libya
P3	France, Great Britain and the U.S. in the UN Security Council
P5	Five permanent members of the UNSC
PoE	Panel of Experts
R2P	Responsibility to Protect
SCR	Security Council Report
SIPRI	Stockholm International Peace Research Institute
SSR	Security Sector Reform
TFG	Transitional Federal Government of Somalia
UAE	United Arab Emirates
UAV	Unmanned Aerial Vehicle
UCAV	Unmanned Combat Aerial Vehicle
UN	United Nations
UNIDIR	United Nations Institute for Disarmament Research
UNSC	United Nations Security Council

²⁸⁶ Enrico Carisch, Loraine Rickard-Martin and Shawna R. Meister, *The Evolution of UN Sanctions. From a Tool of Warfare to a Tool of Peace, Security and Human Rights* (Cham, 2017), 7.

²⁸⁷ United Nations Institute for Disarmament Research (UNIDIR), *Applying Conventional Arms Control in the Context of United Nations Arms Embargoes*, UNIDIR Resources (Geneva, 2018), 1ff.

