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United Nations Arms Embargoes: Their Impact

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Claire Spencer:

Ladies and gentlemen, thank you very much for coming this afternoon to what for me is a very interesting subject, about which I am largely ignorant, certainly in terms of what has been happening in the UN. But working as I do on the Middle East, I can certainly see what I perceive to be some failed results in places like Iraq and elsewhere in the region so I am very interested to know what indeed can be done about this. So it is a great pleasure to welcome our guests today. Professor Peter Wallensteen, who is the Dag Hammarskjöld Chair in Peace and Conflict Studies at Uppsala University, who together with Paul Holtom and several others – Paul Holtom is a researcher in the Arms Transfer Project at the Stockholm International Peace Research Institute (SIPRI) – have recently published a report on the impacts of UN arms embargoes. I believe it is the first time they have worked together on these issues. This is perhaps not the first time they have appeared together. Certainly the report, which is available on your respective websites, was launched in November last year and is now available. It is Peter who will be kicking off.

Peter Wallensteen:

Thank you very much. It is a great honour to be here in the house which is maybe more known for its rules than for the house – there is only one rule, okay. But I hope we will have a fruitful discussion. What you have in front of you is a report that we did on assignment from the Swedish Ministry for Foreign Affairs. It connects to a longer history where we have looked at sanctions issues and tried to evaluate sanctions. As you all know, there has been a rather dramatic shift in the way one is thinking about sanctions: moving from the very comprehensive sanctions where you isolate an entire country to targeting, or smarter sanctions, where you focus on particular commodities or particular individuals or both. In this case it is a particular commodity we are studying: the arms embargoes. But of course the other would involve sanctions on individuals in terms of their financial assets or their travel possibilities, etc.

So what you have in this report is a study of the twenty-seven UN arms embargoes that have been imposed since the end of the Cold War. Twenty-seven is a considerable number and as you will hear, the division of labour has been like this. Uppsala University has dealt with the conflict impact: do the parties change? Do the targeted actors change their behaviour when they are exposed to this kind of sanctions? The SIPRI contribution that Paul will

talk about is the arms flow: does the arms embargo affect the arms flow in the way one has expected?

Of course we are looking at the UN experiences. There are also other experiences. The EU has its own sanctions in some instances and also individual countries, like the US, has its unilateral sanctions. But we are looking at the UN record here.

What I will say today is basically summarised in a little policy brief, in two points, on the theme of 'save the arms embargo'. It is a good idea that the international community has this kind of instrument but one should save it for the right opportunities. One has to make clear that the right conditions prevail where the arms embargo is likely to succeed. There is often a tendency with this kind of sanctions, as well as with other kinds of sanctions, that they are generated more for domestic reasons, to appeal to public opinion and so on, rather than thinking whether they will be an effective tool. So I think one should save it.

Since we are looking at the post-Cold War period, there is a record of armed conflict in that period – that is another product I am dealing with, categorising and looking at armed conflicts in the world, which I also have a description of if you are interested. It is available on our website at Uppsala University. Using that you can see that since 1989 we have had 122 armed conflicts. We have then twenty-seven arms embargoes. Most of them are related to armed conflict – not all, but most. So it is not a thing that one is doing in every conflict. There is a sort of selection. It is in particular conflicts. Still, you can say the Security Council and the UN deals with about half of all these armed conflicts. So it is still a fairly popular instrument that one is dealing with. That is why I think it is important that one tries to use this when there is a good chance of succeeding. So that is one way in which one can save the arms embargo.

The other is by making it more effective. What we have tried to do and what is presented in the report in a graph on page 34 in the report – we try to evaluate the impact on the conflicting actors. We have done it this way to see if they changed their behaviour after the arms embargo was put in place. If we have a situation of a civil war, of course, the arms embargo is probably very significant for them when they are fighting or pursuing a war.

What we find is overall, looking at the behaviour, the months and half-year or year after the imposition of the arms embargo is that they change their behaviour in about 25% of the observations. One can say, well, that's good –

we did not think it had any effect. Then you are happy. But of course what you would expect is at least a little higher rate of success.

Then we have looked at various conditions. One is, what kind of sanctions? What are they dealing with? That is a thing we have developed in the whole report, talking about different types of sanctions; there are different end goals. Those that try to control wars or civil wars, there we find there is a bit higher rate of success, maybe 30-35%. If there is a reasonable way of controlling borders the rate of success increases. If there is a UN peacekeeping operation in the same scene then the rate of success goes up to about 47%. So what this says is if we are going to have these arms embargoes and if they are going to be successful, we have to look at this: is it possible really to control border traffic? Is there any monitoring going on to make sure that these embargoes are really put in place among all the concerned actors? Is the UN present in some reasonable way? Then there is more likelihood that the sanctions will really work.

So if you take these two things together, to me it would mean that it would be a preferable strategy that we use these kinds of arms embargoes on fewer occasions and better planned; so it will be basically fewer and smarter sanctions. Then we will have a higher success rate than we have at the present time. I think it is important to improve the success rate because the international community needs to have this kind of instrument. But then they should use it with care and with deep consideration.

That ends my introduction. I will hand over to Paul to explain his part of this report.

Paul Holtom:

Thank you, Claire, and thank you, Alex. We should perhaps explain that Alex reviewed the report and gave us some very constructive comments, although any errors of course we put back in after he had looked through it.

As Peter mentioned, he looked at the impact of arms embargoes on target behaviour. From the SIPRI side we looked at the impact of arms embargoes on arms flows. To do this we asked the question: do arms embargoes limit the flow of arms to embargoed targets? We asked ourselves two sets of questions: what types of arms are supplied to embargoed targets and who supplies them? We also tried to address the questions of how and why those arms were supplied.

Our key findings can be found in the report but we also have a series of background papers on a number of cases, for example, the Democratic Republic of Congo, Liberia, Sierra Leone, Rwanda. They can be accessed from the SIPRI website.

In terms of answering the question of what type of arms are supplied to embargo targets, what we found is there are obviously a number of demand and supply factors that affect the impact of arms embargoes. For example, the situation on the ground – how far along has the conflict gone? Is there arms and ammunition production capability within easy access to the embargo target? Are there existing arms and ammunition stocks and what quantities are they existing in? What are the sources of funding that the embargo targets have access to? Do they have access to the black market? And from the supply side we looked at the supplier states – state capacities and the political will to enforce arms embargoes.

In this presentation I will try and focus on the cases in Africa and perhaps touch upon a couple in the Middle East. Unsurprisingly for many of you who know of UN arms embargoes, one of the overall findings is that the arms embargoes imposed in Africa and the Middle East – small arms and light weapons represented the type of arms most in demand and most supplied in violation of arms embargoes, along with ammunition and what you could call military services. This contrasts with the case of the embargo on Yugoslavia by Resolution 713, where you had a much wider variety of arms being supplied in contravention of the arms embargo, and also potentially with the issue of the arms embargo on Darfur and Sudan but I will leave that for Alex to talk about a bit later on.

We argue in the report that the arms embargoes imposed to encourage the peaceful resolution of conflict or to assist with the extension of government authority in Africa and the Middle East generally failed to increase the cost to the embargo targets of acquiring arms and ammunition to sufficient levels to compel them to engage with a peace process. We found a number of cases in particular – the Liberian one – cases where you could see a correlation between a stopping or an increase in the number of seizures of arms or ammunition having a detrimental effect upon the war-fighting capabilities of certain embargo targets and perhaps influencing in some way – this is of course just a correlation we are guessing about – bringing parties to the table to discuss peace negotiations. We found these correlations in the early 1990s and also around 2003.

Staying with West Africa, although the overwhelming majority of recorded violations that we looked at relate to small arms and light weapons, we did note that in this case the impact of combat and transport helicopters – the acquisitions by Sierra Leone in the mid-1990s – had an impact on demand or wishing also for these to be acquired by neighbouring states. Côte d'Ivoire, before the arms embargo, acquired also a number of combat helicopters which were used in its conflict with rebel forces. The embargoed regime of Charles Taylor also sought to acquire combat helicopters – unsuccessfully, as far as we are aware.

I will move on to the available data regarding who supplied. Unsurprisingly, arms that are supplied in violation of arms embargoes seem to be manufactured in China, Europe, Russia, the former Soviet Union and the USA – the major arms producers. However, we would not want to say that these supplies were sent in accordance with the wishes of those governments. Rather, they may have reached the embargo targets via circuitous routes, either weak state capacities – meaning that in the former Soviet Union, brokers were able to take advantage of the situation; also I will discuss a number of covert supplies by governments and armed forces in the region, covert supplies by individuals within particular governments and armed forces in the region surrounding the embargo targets.

For those of you familiar with Panel of Expert reports on sanctions and arms embargoes, it will come as no surprise that in the 1990s a number of Central and East European states – Bulgaria, Slovakia, Ukraine and Yugoslavia – were all mentioned on a number of occasions as being involved in the violation of arms embargoes. This was thanks to the activities of arms brokers, forged documentation and weak export controls, law enforcement, border and customs.

Therefore one of the issues that we flag up is weak state capacities and the fact that UN arms embargoes are implemented by nation-states, by UN member states, and therefore it depends on the capacities and – we also argue – in particular the political will of these member states to implement the UN arms embargoes. A UN arms embargo does not implement itself. This is something that member states have to do.

In a number of cases we found that states neighbouring embargo targets in Africa and the Middle East are considered to have ignored their commitments to UN arms embargoes, in particular when this conflicted with regional interests. So for example, Chad, Eritrea, Liberia and Sudan are alleged to have supplied embargo targets in Darfur. Rwandan and Ugandan armed

forces' activities in the Democratic Republic of Congo. Syria and Iran with regard to Hezbollah in Lebanon. Burkina Faso, Guinea and Libya supplying rebel forces in Liberia in the 1990s. Zaire's support to Rwandan Hutu armed groups and Burkina Faso, Liberia and Libya with supplies to the RUF in Sierra Leone.

One of the most interesting ways in which embargo targets in Africa have acquired arms and ammunition from various suppliers, sponsors and brokers has been through offering rights to exploit natural resources. A substantial body of evidence has been collected in which directors of logging, mining companies and people involved in the trade have played a role in also brokering arms supplies to embargo targets. This factor was taken into account with embargoes on the import of diamonds in Angola, Sierra Leone, Liberia and Côte d'Ivoire in accompanying arms embargoes. Targeted sanctions aimed at sources of revenue appear to have had an impact on the ability of embargo targets to purchase arms and maintain armed forces, although of course this is just one means of source of revenue.

UN Panels of Experts and sanctions committees have named and shamed a number of individuals, companies and states for their roles in facilitating the transfer of arms, ammunition and military equipment. However, the extent to which this approach deters brokers has not been fully explored to my understanding. Only a limited number of these brokers have been successfully prosecuted. One of the cases that we flag up in the report, although Alex has mentioned others, is the case of Guus van Kouwenhoven, the director of the Oriental Timber Company in Liberia, who was found guilty of violating UN arms embargoes in Liberia and sentenced to eight years in prison by a Dutch court.

However, it is not a straightforward task to identify which resources should be targeted in this manner or to convince the UN Security Council to adopt such measures. For example, despite Panels of Experts reporting on the linkages between timber and arms trafficking in Liberia in 2001, it took several years before this was actually put into place. More interesting in my opinion is the difference between reports of the Panel of Experts and the Secretary General on introducing sanctions on resources in the case of the DRC last year. The Secretary General referred to the potential negative humanitarian impact of this whereas the UN Panel of Experts believed this would have a significant impact upon arms acquisitions.

I will conclude by saying that we give in the report nine recommendations which we argue are targeted specifically at the UN Security Council but which

we believe can also be employed in other cases. These are related to ensuring the clarity of coverage, scope and demands of UN arms embargo resolutions; the need to conduct regular reviews of compliance with the demands of UN resolutions; the need to increase the authority and expertise in particular of sanctions committees, Panels of Experts and monitoring teams. We also talk about assessing and strengthening the capacity of member states to implement arms embargoes. Here we draw upon the expertise of the sanctions assistance missions in the former Yugoslavia as a potential example worth exploring in more detail.

We also talk about whether it is possible to target governmental and nongovernmental actors that assist in the violation of UN arms embargoes, and related to that, promoting the adoption of national legislation criminalising UN arms embargo violations. For Brian Wood and others in the NGO community related to an arms trade treaty and brokering efforts, we highlight the need to improve the harmonisation of efforts to limit arms brokers' violations. Finally, we pick up on a topic that I am sure Alex will be able to talk about in far more coherence than I: the issue of conflict goods measures in relation to arms embargoes.

Claire Spencer:

Thank you very much, Paul. We still have time for Alex's commentary. Over to Alex Vines. My colleague is head of the Africa Programme, an arms investigator for the UN in recent years; also a diamonds investigator, I'm intrigued to see. Also author of a recent *International Affairs* article of November 2007, 'Can UN Arms Embargoes in Africa Be Effective?'

Alex Vines:

Thank you very much, Claire. Thank you for coming this afternoon. Indeed, I sit as a discussant on this as someone who has been a practitioner in the field for the United Nations trying to monitor compliance. I have a slightly different view of the forensic academic deconstruction of sanctions that we have just heard versus the realities of being a grunt on the ground, trying to make the best with a very small team. I am pleased to see one of my ex-colleagues, Damien Kellerman [phonetic], who came over from Lyon for this meeting. Damien was until very recently for five years on the Panel of Experts on Liberia, as a police investigator with Interpol experience.

What I want to do is make a few points and tie it really to pages 52 to 56, which is to look at the recommendations that these two august gentlemen

here with me on the podium have made, and try to do a reality check on them too. What is actually pragmatic and what sounds very good and aspirational but might not work within a UN context?

The main recommendation finding of the report is no surprise to any of us working on these issues. Indeed, the paper that Claire refers to – the one that I authored in November for *International Affairs* – covers this in similar ways about Africa. The main finding of the SIPRI/Uppsala report is that the effectiveness of UN arms embargoes depends primarily on the capacity and will of UN member states. This is the heart of the issue: the term ‘capacity’ but more the term ‘will’ of UN member states. These sanctions do not work without political will and it cuts through everything. Where there is political will – and this is why I am so pleased that Claire is with me on this podium – let’s take weapons of mass destruction and Iraq, where people are watching effectively and using all sorts of different measures to try and stop such weapons getting procured. Actually, history shows it works. So there are examples like Iraq and Libya that these measures can have an effect.

However, the reality is that most of the twenty-seven arms embargoes that we are dealing with today – I would call it the lion’s share because they are in Africa – and the lion’s share are token gestures. You do not have the resources and the interest and the enthusiasm. So the capacity and will does not exist for the African embargoes. They are tokenistic. They are there to make the Security Council feel it is doing something but they are not designed to actually be effective.

So we need to grade these things. It is by no coincidence that there are very few arms embargoes on the rest of the world. There are none in Latin America, for example, by the UN. But there are plenty in Africa and probably in the future there will be some, although I would argue that increasingly in terms of the Security Council, reaching consensus within the Council for a resolution imposing an arms embargo is going to be more difficult. That unipolar moment at the end of the last decade, beginning of this, is over. Russia and China – I will not mince my words – are more difficult in these regards to get some of the issues through, let alone how non-permanent members of the Security Council see UN sanctions. So it is not easy.

What I do think, and that is another area of study, is that we may see more regional and continental approaches. For example, we are going to see more and more from the regional economic centres in Africa and the African Union. That does actually tie in to Peter’s point, which is that it is better that the UN does fewer embargoes better and that these are actually gestures that are of

utmost seriousness, that there is consensus in the Council and they get pursued. The proliferation of arms embargoes has actually weakened the mechanism. They have become more and more tokenistic rather than achieving very much, certainly in terms of the arms embargo (I am not here to discuss other types of embargoes but the story is a little bit different).

A second recommendation by the authors was 'ensure clarity of coverage, scope and demands in UN arms embargo resolutions'. This is a very clear and concise recommendation and I think it is a good one. It has been made a number of times already. We need very clear-cut arms embargo definitions in the resolutions. What does not make sense is just cut-and-paste from previous resolutions. Every one should be tied to a particular situation and the scope of the mandate within that resolution needs to be considered. There tends to have been a scissors-and-paste attitude within the UN Security Council and some errors have crept in in this regard, which do make it very difficult if you are trying to investigate.

A third recommendation was 'conduct regular reviews to assess compliance with UN arms embargo demands'. In terms of tokenism, this is of course a good thing. But who is regularly conducting the reviews? Panels of Experts and maybe four or five consultants – they carry the term 'experts' but they are consultants in the UN process. They are there maybe in mandates of six months to a year. In countries the size of the Democratic Republic of Congo, five individuals are not going to necessarily make a great difference. What they do do is of course provide reports which the Security Council then discusses. Now, Panels of Experts reports are just one source of information for Council members. Permanent members of the Security Council have intelligence agencies, all sorts of other sources of information. So Panel of Expert groups' information is just one source amongst a number. Non-permanent members – let's take Peru, for example – will not have that capability on Liberia, for example. Panel of Expert reports for non-permanent members become really important.

So I think they are important; the regular reviews of the effectiveness of UN arms embargoes as part of this process are important. But the quality of the information is absolutely essential in this regard, particularly for non-permanent members who do not have any other way to calibrate it except maybe through NGOs and other groups like SIPRI who are writing on this, the International Crisis Group and others. That is where the work by civil society so that non-permanent members have something to calibrate on is quite important.

There is also an assumption that you need regular monitors on the ground for arms embargoes. I do not believe this. Sierra Leone is a good example where you do not need a sanctions panel. You have an arms embargo there on armed non-state actors that can be used as a basis if there is a crisis again to be more proactive. You do not just need to create jobs for consultants and have a permanent monitoring. That can be not a cost-effective way of doing this. We need to be broad-minded and innovative rather than just going for set models. Each situation is different.

The fourth recommendation by the authors is 'increase the authority and expertise of UN sanctions committees, Panels of Experts and monitoring'. I am not sure personally how this can be done. Security Council resolutions call all member states of the UN to provide all assistance necessary to expert groups. They are already mandated by the highest wording within a resolution. So it really goes back to my earlier point about political will. That is the key here, the political will. It is not increasing any other way. The authority is theoretically there. Member states should be assisting expert groups. They do not necessarily do it. That's an issue, I think.

The fifth recommendation is 'establish a clearinghouse for UN sanctions committees, Panels of Experts and monitoring teams'. This already exists actually. It is in the subsidiary organs branch of the Security Council Affairs Division of DPA. That is very long-winded but that is exactly where it sits. They do appoint associate political affairs officers now on a regular basis to sit with expert groups and others. Also they have secretaries to the sanctions committees. The weakness in the model is a really effective database to cross-reference all the expert groups' information and archiving from the past. That, I am happy to say, with the assistance of the government of Canada is being remedied. So I think that particular recommendation is somewhat redundant now to what is occurring.

The sixth recommendation is 'assess and strengthen the capacity of UN member states to implement arms embargoes'. Again, I return to the issue of political will. That is absolutely critical.

The seventh is 'target governmental and non-governmental actors who assist in the violation of UN embargoes'. Peter has spoken already about this, as has Paul, on the importance of neighbours. I think this is a very important point. In terms of Liberia, for example, I would argue that in the initial 2001, late 2003, early 2004 package of sanctions, they were effective as secondary sanctions imposed on Liberia because of Sierra Leone. So the success story is Sierra Leone, not Liberia. UN sanctions were not a success on Liberia in

the Charles Taylor period; the sanctions failed basically. Lots of weapons got in from everybody. Liberia is a different case which is that the sanctions are more successful now – and this is an important point I want to make – as a package of post-conflict security sector reform measures, UN arms embargoes are very useful and very important. But in a hot conflict situation I think the record is very poor indeed.

The eighth recommendation is ‘promote the adoption of national legislation criminalising UN arms embargo violations’. Issues like extraterritoriality are very important but again what this all requires is the highest evidentiary standards and political will, both by groups that are monitoring sanctions failures – like UN expert groups – but then political will in countries that are prepared to pursue this. It is not by coincidence that we have heard that one of the prosecutions was in the Netherlands. Belgium has also had a series of prosecutions, including a couple of Lebanese diamond dealers (Samir al-Salih and Aziz Nasour [phonetic]). Both were prosecuted on money laundering charges. There was clear arms evidence there but it was not sufficient to prosecute in a court of law so money laundering was used to penalise them. But to me that does not matter as long as you get a successful case. The money laundering was stronger than the arms in that particular case. There are other spillovers, such as the case of a presidential advisor of the president of Gambia that fell out of favour, Baba Jop [phonetic]. That is an example of where constant exposure to what he had done through UN and other media sources weakened his position within the Gambian presidency so that he ended up falling in jail and being neutralised that way. That is a different way of approach but it is a way.

The point is that these things take time and they take political will. We have good cases of the Russian Federation and Serbia, with all the information available to prosecution, but I’ll let you guess whether a prosecution has occurred in either of the two countries related to violations of UN sanctions.

Finally, the last two recommendations. The ninth one was ‘improve international harmonisation of efforts to limit brokers’ violation of UN arms embargoes’. I personally have always believed and recommended with colleagues that standardised end-user certificates is a good idea and this is a crucial area. There is a lot of nongovernmental and research institute work going on with this issue and it is most important and timely to occur. But again politics, certainly in the Security Council, has always blocked progress in this area. A number of countries say that the end-user certificates are a national issue, not an international one, and so each country needs its own certificate and its own style and not infringe these particular areas. This is a political

problem but it is one that I think we all need to focus on because it is a good recommendation.

The last recommendation is 'clearly define conflict goods and measures for embargoing exports in combination with UN arms embargoes'. I am afraid last year showed the difficulties of this recommendation with the Belgian initiative during the presidency of the Council to get what in technical UN terms is called a PRST – very few of you will know what that means; I certainly didn't for a long time. It is a Presidential Statement. They wanted a Presidential Statement on this particular issue but the Council was not seized with this issue. There was not consensus. What is now the debate within the Security Council, at least within UN circles, is to look at another way of approaching this. Nongovernmental organisations' work – by Chatham House inclusive – we are looking to see if we cannot maybe get a Secretary General's report that clarifies the issues and complexities and assesses what can be done. So to debate and discuss this through the Secretary General's report rather than trying to create a prescriptive definition of conflict goods that is terribly complicated.

The reality is that there is a three-letter word that is the most conflict-prone commodity in the world but the Security Council is never going to put that on a conflict definition: it is oil, petroleum. There is no way there will ever be consensus on that. So we need to think of other ways to consider this. So recommendation ten, in terms of the UN, is a good aspiration but naïve in reality. Thank you.