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UN arms embargoes: an overview of the last ten years

Briefing from the Control Arms Campaign: Amnesty International, Oxfam International and International Action Network on Small Arms (IANSA)

This briefing provides a summary and overview of current concerns over the enforcement and monitoring of UN arms embargoes. For further detail, please refer to the report, "Strengthening compliance with UN arms embargoes, key challenges for monitoring and verification" :
<http://web.amnesty.org/library/index/engior400052006>

Introduction

Despite the fact that every one of the 13 United Nations arms embargoes imposed in the last decade has been systematically violated, only a handful of the many arms embargo breakers named in UN sanctions reports have been successfully prosecuted. According to the Stockholm International Peace Research Institute, between 1990 and 2001 there were 57 separate major armed conflicts raging around the globe, yet only eight of them were subject to UN arms embargoes.

Such embargoes are usually late and blunt instruments, and the UN Sanctions Committees, which oversee the embargoes, have to rely largely on Member States to monitor and implement them. Therefore, arms embargoes cannot be deployed effectively as an instrument by the United Nations to prevent illicit arms trafficking without better national controls on international arms transfers. These controls are woefully inadequate.

In addition, the Sanctions Committees of the Security Council have to rely on UN investigative teams and UN peacekeeping missions to investigate violations of embargoes and report compliance. However, these bodies usually have inadequate resources and time to do that work thoroughly.

There are currently UN mandatory territorial arms embargoes in force against the Ivory Coast, Liberia and Somalia. Non-state actors (rebel groups and their leaders) are also subject to arms embargoes. Currently, every state in the international community is prohibited from transferring arms to such non-state actor groups in the Democratic Republic of Congo (DRC), Liberia, Rwanda, Sierra Leone and in Sudan, as well as to Al-Qaida and associated persons.

In the last decade, there have also been embargoes imposed on Angola armed rebels (1992 to 2002), Ethiopia and Eritrea (2000 to 2001), Iraq (1990 to 2003), Libya (1992 to 2003), and the former Yugoslavia (1991 to 1996 and again from 1998 to 2001). None of these mandatory UN arms embargoes have stopped the supply of arms; sometimes the embargoes have made it logistically more difficult and expensive to

acquire the desired arms, but available evidence suggests that on the whole violations of UN arms embargoes appear persistent, widespread and systematic.

Who is involved?

Private individuals who are arms dealers, brokers, financiers and traffickers, as well as companies around the world have been involved in embargo busting, usually working in networks. A sample of UN Panel of Expert reports on embargoed destinations in Africa ¹ shows that companies and individuals based in the following wide range of countries have facilitated the supply of arms to embargoed destinations over the last decade. The list includes countries of manufacture, export, import, transit, diversion and company registration involved in the illegal deals. This is by no means an exhaustive list but shows the global nature of trafficking networks.

Albania, Belgium, the British Virgin Islands, Bulgaria, Burkina Faso, Burundi, the Cayman Islands, Cyprus, Egypt, Gibraltar, Guinea, Israel, Liberia, Libya, Moldova, Nigeria, Romania, Russia, Rwanda, Serbia, South Africa, the Ivory Coast, Togo, Uganda, Ukraine, United Arab Emirates, United Kingdom, Zimbabwe.

Additionally, weapons and munitions recovered by UN personnel in embargoed destinations have been traced back to their country of manufacture. Whilst again this is not an exhaustive list, these countries include:

Belgium, Bulgaria, China, Germany, Egypt, Romania, Russia, Serbia, Ukraine ².

The origins of these weapons have been identified from serial numbers and other relevant markings but sometimes UN personnel fail to record the relevant markings to enable the supply chain to be traced. Some of these arms may have been supplied before an embargo was imposed, or may have been diverted from third country stockpiles, so even an analysis of serial numbers doesn't always imply a breach of sanctions by the original manufacturing country. Investigators also have to look for documentary and other evidence in many countries but do not have the time and resources to do so. UN and other data also indicates that older, second hand, surplus weapons and ammunition are often transferred to embargoed destinations in large quantities, but not identified by UN field missions.³

How many weapons get through the system?

Given the clandestine nature of arms deliveries to embargoed destinations, it is impossible to quantify precise volumes of weapons deliveries to these countries. However, it is clear from the few cases that UN experts have reported, that the scale of arms deliveries is extremely significant. Analysis of documents, including copies of End User Certificates and freight documents from several case studies identified in various UN investigative reports shows that a typical delivery can contain several million rounds of ammunition, tens of thousands of assault rifles, machine guns and pistols, and thousands of grenades and rocket-propelled grenades.

For example, Serbian company, Temex, delivered nearly 210 tonnes of weapons to Liberia in mid-2002. The UN details a series of 6 flights between 1 June and 31 August 2002, with weapons equating to approximately ⁴:

- 5 million rounds of ammunition
- 5160 assault rifles, pistols and machine guns
- 4500 hand grenades
- 6500 mines
- 350 missile launchers

These shipments alone include enough bullets to kill the entire population of Liberia. A consignment of 5 million rounds of ammunition is approximately enough to keep an armed group of 10,000 fighters supplied

for a whole year.⁵

Basic flaws in the UN embargo system

UN arms embargoes are imposed as a method of last resort, usually once the humanitarian and human rights situation in a particular country has already reached crisis point. Decisions to impose, or more importantly not to impose arms embargoes, are also largely guided by political considerations. Often the commercial, political or other strategic interests of any one member of the UN Security Council means a decision to impose an arms embargo on a particular regime or armed group is not tabled or agreed.

UN arms embargoes are also routinely and systematically violated because Member States, especially powerful states, do not support the UN with proper enforcement. For example, despite UN mandatory arms embargoes being legally binding under the UN Charter, many states have not even made violating an embargo a criminal offence in domestic law. UN investigative teams tasked with monitoring the embargoes are given woefully inadequate resources and time to do their difficult job given the inherently clandestine nature of such traffic and its grave consequences.

How do sanctions busters get away with it?

Unfortunately, very rarely do embargo busters get caught red handed with illegal weapons in a country subject to a UN arms embargo. Dealers and traffickers are adept at plying the weaknesses in national control systems to find a way of getting their weapons into these destinations. Typically, the individuals behind these deals will set up a labyrinth of front companies, make frequent use of fraudulent or misleading official paperwork, utilise a myriad of shipping companies' freight forwarding and handling agents, and hide payments via offshore banking and financial services. They may also route the actual deliveries via third countries (not subject to embargo restrictions) and create such a complex supply chain that any individual element can deny knowledge of deliberate attempts to violate international arms embargoes. This deliberate obfuscation creates a web of deceit akin to "an international get out of jail free card".

Moreover, state officials often cover up arms transfers when providing information to the UN investigators because of narrow political interests, corruption or ignorance. UN peacekeepers collecting weapons and munitions belonging to embargoed entities are sometimes not trained to adequately record markings, while UN missions do not have adequate means to monitor ports of entry in embargoed zones. Charter aircraft and cargo firms that are repeatedly used to break UN arms embargoes are often not grounded or closed down – when exposed by the UN the owners can easily switch their registrations and company names, so the same trafficking networks continue to ply their deadly trade.

The role of brokers: two serial offenders

Despite the numerous companies and countries implicated in arms embargo violations, evidence suggests that many deliveries to embargoed destinations are in fact organised by established trafficking networks often orchestrated by relatively few individuals. These individuals, whilst named in numerous reports, still evade prosecution for the supply of arms to embargoed countries.

Victor Bout:

The activities of Russian businessman Victor Vassilyevich Bout and his associates sheds light on the process of arms trafficking into Central Africa and West Africa. Bout's network has been identified as supplying arms to Angola, the DRC, Liberia and Sierra Leone. Since the early 1990s, Bout has overseen the development of a complex network of over 50 aircraft, several airline companies and freight-forward companies operating in many parts of the world, and he has been under investigation by police agencies and the UN for suspected involvement in sanctions-busting activities in Sub-Saharan Africa. However, he has never been prosecuted for arms trafficking because of the inadequate laws of most states to regulate arms brokering and arms transporting activities.⁶

Leonid Minin:

Another notorious broker, Ukrainian Leonid Minin, has been named in various UN reports for selling arms to

Liberia and Sierra Leone. As documented by the UN Panel of Experts in March 1999, 68 tonnes of Ukrainian weapons were sent to Burkina Faso using false end-user certificates, operated by a British company, Air Foyle, under a contract organised by a company registered in Gibraltar. Within days of arrival in Burkina Faso the weapons were shipped on to Liberia in an aircraft owned by Minin. The aircraft was registered in the Cayman Islands and was operated by a company registered in Monaco. The weapons were then moved on from Liberia to Sierra Leone.⁷

In August 2000, Minin was arrested in Italy, and in June 2001 charged with arms trafficking and the illegal possession of diamonds. He was found with contracts, faxes documenting arms deals, weapons catalogues, and forged end-user certificates (EUCs). These documents included details of a further shipment of 113 tonnes of weapons using an Ivory Coast EUC. It is believed that these shipments were also destined for Liberia. These documents specified several million rounds of ammunition, and over 15 thousand assault rifles.⁸

Minin was later released on the grounds that the prosecution lacked jurisdiction on Minin's arms trafficking activities because the arms transfers did not pass through Italy.

Summary of key recommendations

International arms embargoes are systematically violated with impunity. In the last ten years alone there have been 13 UN arms embargoes in force, yet none has managed to stop the flow of weaponry to countries or armed groups subject to these embargoes. Despite an obligation to enforce UN arms embargoes on armed groups and forces in Africa, a sample of data from UN reports over the past decade shows that individuals and companies operating in at least 30 countries across different world regions have been implicated in embargo busting.

Only a handful of the many arms embargo breakers named in UN sanctions reports has been successfully prosecuted. Two of the world's notorious arms traffickers, Victor Bout and Leonid Minin, named in several UN reports as being responsible for supplying hundreds of tonnes of arms to embargoed countries, remain at large.

The authority of the United Nations is greatly undermined by persistent violations of UN Security Council arms embargoes. The Security Council should continue to improve the design of arms embargoes. The UN and Member States should address the issue of impunity of embargo violators. And Member States should also establish a more effective framework of controls based on a common set of criteria for international arms transfers fully consistent with international law: an international Arms Trade Treaty.

In addition, the UN Sanctions Committees, the UN Secretariat and UN investigative teams require better support to improve verification methods, techniques and procedures, especially from Member States close to the embargoed entity, UN peacekeeping missions operating in the vicinity and other relevant inter-governmental organizations.

Footnotes

1. For the purposes of this report, researchers based their finding on analysis on various UN Panel of Expert reports for Angola, the Democratic Republic of Congo, Liberia and Sierra Leone.

2. For more information on weapons tracing see for example Control Arms reports: January 2006 'The Call for Tough Arms Controls: Sierra Leone' and 'The Call for Tough Arms Controls: DRC' Available at www.controlarms.org.

3. For example, large quantities of small arms ammunition were supplied from surplus Albanian stocks to Rwanda at the time the Rwandan armed forces were supplying embargoed armed groups in the eastern DRC – see Amnesty International, "Democratic Republic of the Congo: arming the east", June 2005.

4. UN Panel of Experts Report on Liberia, S/2002/1115, October 2002.

5. Figures based on a comparison of ammunition use by US forces in Iraq. The US army estimates that its 150,000 troops in Iraq currently consume 5.5 million rounds of ammunition per month, see "Running Low on Ammo, the Washington post, 22 July 2004, available online at

"<http://www.washingtonpost.com/wp-dyn/articles/A4044-2004Jul21.html>

6. Op cit, Amnesty International, Democratic Republic of Congo: arming the east, July 2005.

7. <http://www.un.org/Docs/sc/committees/SierraLeone/sclet11952e.pdf> .

8. Op cit. UN Panel of Experts Report on Liberia, S/2002/1115, October 2002, paragraph 83 and annex VI.

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