Introduction

There are no international standards and treaties governing the import, export and transfer of arms. Some states and regional bodies, such as the European Union (EU), have policies and legislation regulating the trade in arms. However, in conflict-prone zones like certain regions in Africa, such policies and legislation appear to be ineffective or non-existent. Currently, there is momentum building in with the United Nations (UN) for an Arms Trade Treaty to be established that will promote common international standards for the import, export and transfer of conventional arms (UN General Assembly Resolution 61/89 of December 2006).

The only international measures currently in place to control the arms trade are arms embargoes, but they are specific to geography and actors. An arms embargo is an instrument of coercive diplomacy, or type of sanction, that seeks to prevent the transfer of arms and military-related material to a specific state or armed group. They are typically imposed by individual states, groups of states, or international organisations like the UN against states or non-state actors posing a significant threat to domestic, regional or international peace and security. Arms embargoes are based on the assumption that the transfer of arms and military-related material into sub-regions or countries characterised by high levels of political tension, aggression and violence will have a destabilising effect.

In essence, an arms embargo is designed to be a short-term measure that signifies condemnation of the actions by a specific state or armed group. It also exerts coercive pressure on that country or armed group. An arms embargo can be adopted independently or in conjunction with broader sanctions. Arms embargoes are not a recent phenomenon. In the 8th century, for example, the French King Charlemagne banned French traders from selling weaponry to the Vikings. Death was the penalty for ‘sword-running’ (Anthony 1991:8).

The design and implementation of arms embargoes by the UN and other international bodies like the EU are windows onto their strengths and weaknesses in terms of inter-state cooperation. Such developments provide a measure of the sovereignty and territorial integrity of states that are in close proximity to those states or non-state actors targeted by the arms embargoes. The enforcement of arms embargoes also tends to be an indication of the commitment of member states of the UN and other international bodies to maintaining both regional and international peace and security. That is, the success or failure of arms embargoes depends on the ability of states to prioritise the interests of the international community over their own narrow economic and partisan interests.

Over the past 15 years, the use of arms embargoes by the international community, particularly by the UN in Africa, has gained momentum. Since the beginning of 1992, more than 15 UN arms embargoes have been imposed on African states and/or rebel groups, while in the period 1945 (the creation of the UN) to 1992, there were only five UN arms embargoes targeting African countries. This was partly owing to UN Security Council Resolution 1196 (1998), which made a series of recommendations aimed at enhancing the effectiveness of arms embargoes in Africa. These recommendations included:

- Drafting more effective national legislation
- Strengthening national legal and administrative infrastructure
- Streamlining communication and co-ordination between the UN Sanctions Committees with regional organisations
- Improving border policing and control
- Establishing investigative commissions to monitor and expose violations of arms embargoes
If an Arms Trade Treaty is to be successful, it is important to have a more informed understanding of the strengths and limitations of arms embargoes. This paper, employing a comparative case study approach, therefore seeks to analyse the monitoring and enforcement of UN arms embargoes in Africa. However, like most of the literature on arms embargoes, it is limited in its scope and analysis. This is mainly owing to the lack of reliable data, the difficulty of undertaking field research, and the challenge of determining the effectiveness of arms embargoes within a maelstrom of variables.

Types of arms embargoes and their enforcement

There are essentially four types of international arms embargoes:

- Mandatory UN arms embargoes
- Non-mandatory (or voluntary) UN arms embargoes
- Arms embargoes imposed by international organisations, such as the EU
- Arms embargoes implemented by collections of states or individual states like the USA

The UN is the only international body with the authority and power to declare and enforce mandatory arms embargoes. This is because all UN members have pledged, in Article 2.5 of the Charter, to ‘refrain from giving assistance against which the United Nations is taking preventive or enforcement action’. This creates a legal obligation for member states to establish legislative and administrative controls with respect to transfers between their borders in order to be in a position to enforce mandatory UN arms embargoes (SIPRI 1994). Article 41 of the UN Charter specifically allows for embargoes enforcing UN Security Council decisions to combat both international aggression and government action that threatens international peace (Wulf 1991:238).

Each mandatory UN arms embargo is administered and managed by a specific sanctions committee (first introduced with the enforcement of the Rhodesian arms embargo in 1966), which is created by, and is directly subordinate to, the UN Security Council. The work of all the sanctions committees is supported by a single secretariat, located in the UN Department of Political and Security Council Affairs in New York. The actual implementation of each arms embargo is not enforced by UN actions. Rather, UN member states are required, by means of a UN Security Council Resolution, to take appropriate measures to ensure implementation of the arms embargo. Following the imposition of each arms embargo, the UN secretariat requests, on an ad hoc basis, information from member states about the measures they have been taking to implement the embargo (SIPRI, 1994). In recent years, when there have been systematic violations of mandatory arms embargoes, the UN Security Council has established independent panels of experts to investigate embargo violations and make recommendations to the relevant Sanctions Committee on how to strengthen a specific embargo (Vines 2003:248).

Non-mandatory UN embargoes are usually upgraded to mandatory embargoes if there are considerable violations accompanied by pressure from certain member states and civil society organisations. For example, in February 1999, the UN Security Council established a voluntary arms embargo on arms transfers to both Eritrea and Ethiopia, the two main protagonists in a border war. Despite the embargo, several countries, including Russia, a permanent member of the UN Security Council, continued to transfer arms and military equipment to these countries. Hence, on 17 May 1999, the UN Security Council imposed a mandatory arms embargo on Eritrea and Ethiopia (SIPRI 2001).

The EU (previously the European Community) is the only continental organisation to have instituted arms embargoes against states or rebel groups. The EU has typically followed the UN lead in terms of arms embargoes. However, there have been instances when the EU has unilaterally designed and implemented arms embargoes, while the UN Security Council has failed to take any action in this regard. Examples of such action are the DRC (1993), Nigeria (1995), Sudan (1994) and Zimbabwe (2002). Over the past five years, the EU has sought to devise ‘smart’ arms embargoes that target the specific government or rebel group responsible for carrying out destabilising actions. However, EU arms embargoes are not legally binding for member states, and are hence non-mandatory (VERTIC 2005:4-5; Allebeck 1991:213).

There have been infrequent occasions when consortia of African countries have independently devised and implemented arms embargoes. In the case of Africa, for example, in August 1996, the DRC, Eritrea, Ethiopia, Kenya, Rwanda, Tanzania, Uganda and Zambia instituted an arms embargo against Burundi, which was currently engulfed in civil war. The African Union (AU) has only imposed one arms embargo against an African state, namely against Togo in 2005. However, this was in support of the Economic Community of West African States (ECOWAS) arms embargo against Togo. On occasion, the AU supports the implementation of UN arms embargoes, as in the case of Ivory Coast in 2004.

Individual hegemonic states have used arms embargoes as a tool of foreign policy. For example, the US government has instigated arms embargoes against countries like Cuba, Haiti, Indonesia, Iran, Iraq and North Korea.
Arms Embargoes in Africa: Case Studies

The majority of UN arms embargoes against African countries have been implemented in the post-Cold War era, with only three pariah governments, South Africa, Rhodesia and Libya, being subject to arms embargoes between the mid-1960s and the early 1990s. However, it is important to note that the period following the creation of the UN was not the first time the African continent had been subject to actions akin to arms embargoes. During the European colonisation of Africa, when the colonial powers depended on superior military technology to maintain both their empires and their control over the populations of Africa, the transfer of arms to much of the African continent was prohibited by the Brussels Act of 1890 (Anthony 1991:8).

It would need a weighty book to give a detailed assessment of all arms embargoes relating to Africa, as outlined in Table 1. Consequently, this section provides an analysis of nine selected arms embargoes implemented against countries and/or rebel groups in Africa since the early 1960s. The choice of these nine case studies was dependent largely on publicly available documentation, but regional and historical representation was also considered.

South Africa

In 1963, in the wake of the Sharpeville massacre (1960), the UN Security Council imposed a voluntary arms embargo against South Africa in terms of UN Security Council Resolution 181. In 1977, following the Soweto uprisings, as well as the UN realisation that the embargo had been for the most part ineffective, the arms embargo became mandatory by means of UN Security Council Resolution 421, with the UN urging member states to formulate national legislation to bring the embargo into effect. Security Council Resolutions 558 (1984) and 591 (1986) sought to further strengthen the embargo regime (UN Sanctions Secretariat 1999:8). The South African government tried to circumvent this arms embargo in three interrelated ways:

- By developing a domestic arms industry and aiming to make it self-sufficient
- Exploiting loopholes in the embargo regulations
- Covertly acquiring arms and defence equipment from international sources, often with the assistance of sympathetic governments

The South African arms industry was launched with the acquisition of foreign production licences, and by 1963 127 such licences had been acquired. Development of the defence industry depended on technology transfers and imports. Britain and the United States, even though they had agreed to abide by the 1963 arms embargo, continued to supply South Africa with spare parts, radar and electronic equipment. In addition, South Africa imported jet bombers and helicopters (Cobbett 1989:233).

With the imposition of the 1977 embargo, which called for the revocation of all production licences, the domestic arms industry was able to produce a wide range of military equipment. However, it was still highly dependent on foreign technology, either imported by the private sector or manufactured under licence by subsidiaries of foreign countries. There was a short-term and unintended advantage to the 1977 embargo. For the South African government, this move signalled the cancellation of licence agreements, which benefited South Africa, because the domestic defence industry could continue production without paying the licence fees. France, the Federal Republic of Germany, Italy and Israel were the major providers of technology for most of South Africa's weapons systems. In addition, to ensure the maintenance of technology transfers in the face of disinvestment, South Africa also invested in arms enterprises in foreign countries. An example of this was South Africa's financing of and participation in the Cactus missile project in France (Cobbett 1989:234; Landgren 1989:229-235).

When South Africa could not procure arms by legal or quasi-legal methods, the South African government resorted to covert action, which usually involved the smuggling of arms, components and weapons technology. Front or dummy companies, as well as forged documentation and third parties, were generally used in these operations. In 1981, a UN seminar held in London came to the conclusion that military equipment from 15 countries had been transferred to South Africa since the imposition of the 1977 embargo (Landgren 1989:235).

A less controversial, but more effective means of circumventing the arms embargo regulations was the import of dual-use or grey area equipment.

A less controversial, but more effective means of circumventing the arms embargo regulations was the import of dual-use or grey area equipment. The vagary of the definitions ‘weapons’ and ‘arms technology’ in the embargo regulations facilitated the easy import into South Africa of a large number of items that had could be used in both the civilian and military sectors. These included items like electronic equipment and various types of aircraft to be used for military purposes. In the aircraft industry, the Meyers-Jansen Aircraft Corporation, which changed its name to CR Jansen Aviation in 1970, assembled light planes from the United States for the South African security forces.
In the electronics industry, the British corporations Plessey, Racal Electronics, General Electric, Marconi, Decca and EMI electronics were all involved in the production of dual-use equipment in South Africa (Landgren 1989:78-135).

Over the two decades during which the mandatory arms embargo was in place, South Africa was able to build up an arms industry and continued to be the leading military power in the region. The embargo did not restrict the South African military from operating beyond South Africa's borders, nor from being deployed internally to quell social unrest in the townships. In 1984, the Chairman of the UN Committee Against Apartheid, Joseph Garba, stated:

We had hoped that the mandatory arms embargo, reinforced by the collective will and commitment of the members of the Security Council, would at least reduce the capacity of the apartheid regime to carry on its wars against the people of South Africa and Namibia, and against independent African states, and indeed persuade it to begin a process of dismantling

Table 1: Arms Embargoes by International Organisations against African States and Non-State Actors

<table>
<thead>
<tr>
<th>Country/Rebel Group</th>
<th>Entry into Force</th>
<th>Lifted</th>
<th>Legal Basis</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angola (UNITA)</td>
<td>25 Sep 1993</td>
<td>-</td>
<td>UNSCR 864 + 834</td>
<td>UN</td>
</tr>
<tr>
<td>Burundi</td>
<td>6 Aug 1996</td>
<td>23 Jan 1999</td>
<td></td>
<td>Coalition of African states</td>
</tr>
<tr>
<td>Congo</td>
<td>21 Feb 1961</td>
<td></td>
<td>UNSCR 169</td>
<td>UN</td>
</tr>
<tr>
<td>DRC (rebel groups)</td>
<td>28 Jul 2003</td>
<td>-</td>
<td>UNSCR 1493</td>
<td>UN</td>
</tr>
<tr>
<td>Egypt</td>
<td>29 May 1948</td>
<td></td>
<td>UNSCR 50</td>
<td>UN</td>
</tr>
<tr>
<td>Eritrea</td>
<td>17 May 2000</td>
<td>15 May 2001</td>
<td>UNSCR 1298</td>
<td>UN</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>17 May 2000</td>
<td>15 May 2001</td>
<td>UNSCR 1298</td>
<td>UN</td>
</tr>
<tr>
<td>Ivory Coast</td>
<td>15 Nov 2004</td>
<td>-</td>
<td>UNSCR 1572</td>
<td>UN</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>12 Dec 2004</td>
<td>-</td>
<td>CP 2004/852/CFSP</td>
<td>EU</td>
</tr>
<tr>
<td>Libya</td>
<td>19 Nov 1992</td>
<td>7 Mar 2001</td>
<td>UNSCR 788</td>
<td>UN</td>
</tr>
<tr>
<td>Liberia</td>
<td>7 Mar 2001</td>
<td>-</td>
<td>UNSCR 1343</td>
<td>UN</td>
</tr>
<tr>
<td>Liberia</td>
<td>7 May 2001</td>
<td>-</td>
<td>CP 2004/137/CFSP</td>
<td>EU</td>
</tr>
<tr>
<td>Libya</td>
<td>27 Jan 1986</td>
<td>11 Oct 2004</td>
<td>EC Declaration</td>
<td>EU</td>
</tr>
<tr>
<td>Liberalia</td>
<td>31 Mar 1999</td>
<td>5 Apr 1999</td>
<td>UNSCR 748 + 883</td>
<td>UN</td>
</tr>
<tr>
<td>Nigeria</td>
<td>20 Nov 1995</td>
<td>1 Jun 1999</td>
<td>95/515/CFSP</td>
<td>EU</td>
</tr>
<tr>
<td>Nigeria</td>
<td>24 Apr 1996</td>
<td>Nov 1999</td>
<td>-</td>
<td>Commonwealth</td>
</tr>
<tr>
<td>Rhodesia</td>
<td>1966</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rwanda</td>
<td>17 May 1994</td>
<td>16 Aug 1995</td>
<td>UNSCR 918</td>
<td>UN</td>
</tr>
<tr>
<td>Rwanda (rebel groups)</td>
<td>16 Aug 1995</td>
<td>28 Mar 2007</td>
<td>UNSCR 1011</td>
<td>UN</td>
</tr>
<tr>
<td>Somalia</td>
<td>15 Dec 2002</td>
<td>-</td>
<td>2002/960/CFSP</td>
<td>EU</td>
</tr>
<tr>
<td>South Africa</td>
<td>4 Nov 1977</td>
<td>24 May 1994</td>
<td>UNSCR 418</td>
<td>UN</td>
</tr>
<tr>
<td>Sudan</td>
<td>15 Mar 1994</td>
<td>-</td>
<td>94/165/CFSP</td>
<td>EU</td>
</tr>
<tr>
<td>Sudan (rebel groups: Darfur)</td>
<td>30 Jul 2004</td>
<td>-</td>
<td>UNSCR 1556</td>
<td>UN</td>
</tr>
<tr>
<td>Sudan (rebel groups: Darfur)</td>
<td>29 Mar 2005</td>
<td>-</td>
<td>UNSCR 1591</td>
<td>UN</td>
</tr>
<tr>
<td>Togo</td>
<td>19 Feb 2005</td>
<td>26 Feb 2005</td>
<td></td>
<td>Ecowas</td>
</tr>
<tr>
<td>Togo</td>
<td>25 Feb 2005</td>
<td>28 May 2005</td>
<td></td>
<td>AU</td>
</tr>
<tr>
<td>Zaire/DRC</td>
<td>7 Apr 1993</td>
<td>-</td>
<td>EC Declaration</td>
<td>EU</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>18 Feb 2002</td>
<td>-</td>
<td>2002/145/CSFP</td>
<td>EU</td>
</tr>
</tbody>
</table>

Source: SIPRI
apartheid. I hardly need to tell you that these hopes have not been fulfilled (Wulf 1991:244).

In May 1994, directly following South Africa’s first all-race national democratic elections, the arms embargo was scrapped by the UN Security Council in terms of resolution 919.

Rwanda

In October 1990, a Tutsi-dominated Rwandan rebel group, the Rwandese Patriotic Front (RPF), invaded Rwanda from neighbouring Uganda with the objective of overthrowing the predominantly Hutu Rwandan government. A peace agreement between the RPF and the Rwandan government was negotiated in August 1993, but was short-lived. In April 1994, the suspicious death in a plane crash of the Rwandan President, Juvenal Habyarimana, sparked a genocide, planned months before. Hutu militia aligned to Rwanda’s well-entrenched ruling party, the Movement for Democracy and Development (MRND) instigated the murder of approximately 800,000 Tutsis and moderate Hutus. The RPF brought an end to the genocide by defeating the Rwandan Armed Forces (FAR) and the associated militias. In July 1994, the defeated Hutu government forces and militias initiated a mass exodus of Hutus into eastern Zaire (now the DRC), where refugee camps were established. These camps were rapidly militarised by the former FAR senior officers and used as staging grounds for attacks on Rwanda.

Responding to the genocide in May 1994, the UN Security Council imposed an arms embargo on Rwanda by means of UN Security Council Resolution 918. However, the embargo remained a ‘paper tiger’ for 16 months, as Resolution 918 did not include any clear strategies for the implementation and monitoring of the embargo. Further, the UN and UN member states took little or no action to enforce it. In May 1995, Human Rights Watch, an international NGO, published a report claiming that France, Zaire (now the DRC), South Africa, China and the Seychelles had violated the arms embargo by either directly transferring arms and military equipment to the government of Rwanda and/or rebel forces within Rwanda or in eastern DRC, or facilitating the transfer of weapons to parties involved in the Rwandan conflict.1

Consequently, in September 1995, a UN International Commission of Inquiry (UNICOI) was created, in terms of UN Security Council Resolution 1013, to undertake investigations and report on violations of the arms embargo (mainly concerning arms transfers to rebel groups) to the UN Rwanda Sanctions Committee.

The embargo remained a ‘paper tiger’ for 16 months, as Resolution 918 did not include any clear strategies for the implementation and monitoring

This development was the turning point in the design and implementation of UN sanctions regimes, as it indicated greater political will on the part of the UN to implement and enforce arms embargoes and other sanctions. However, UNICOI was not provided with judicial powers, so was consequently compelled to limit itself to writing polite letters to governments about whom it had received pertinent information, requesting their cooperation… [and was] also hampered by its high-profile presence in the region… [in that] commission members were unable to make safe contact with some of the eyewitnesses (Hilftermann, 1998).

Despite the institutional and political limitations of the Commission of Inquiry, UNICOI was able to gather detailed information on arms smuggling into and out of Rwanda, and issued five reports between January 1996 and November 1998, in which many reported instances of sanctions-busting activities by human rights groups were confirmed. As a result, it set ‘a benchmark for more aggressive, independent monitoring of violations of UN sanctions’ (United Nations 1998; Vines 2003:248).

In August 1995, following lobbying by the Rwanda government at the UN headquarters in New York, the arms embargo was amended by means of UN Security Council Resolution 1011 to exclude the transfer of arms and military equipment to the Government of Rwanda, with the requirement that the Rwandan government inform the Sanctions Committee of its arms imports, and that arms imports could be acquired only via designated points of entry. These restrictions were lifted in September 1996.

UNITA (Angola)

The UN Security Council imposed an arms embargo against the União Nacional Para a Independência Total de Angola (UNITA) in September 1993 (UN Security Council Resolution 834), prohibiting the sale of military and petroleum products to UNITA. The arms embargo was a consequence of UNITA’s rejection of the national electoral results in September 1992, in which it had suffered defeat by the ruling party, the MPLA. This reignited the Angolan civil war, which had engulfed the diamond and oil-rich country since the 1970s. The enforcement and monitoring of the sanctions regime became the responsibility of a UN Sanctions Committee on Angola, which was established via UN Security Council Resolution 864 of 2003. Between 1993 and 1998, the committee was beset by inertia in terms of investigating and
UNITA leader, Jonas Savimbi, a peace agreement

In April 2002, following the assassination of the United Nations, 2001b:6-11; United Nations, 2001a:6-11; United Nations, 2001b:6-11 and dynamic and intricacies of arms smuggling to UNITA, able to develop a more informed understanding of the monitoring mechanism revealed that this body was ineffective, and was even violated by some of the states that had imposed it. According to this Human Rights Watch report, China, France, North Korea, the Russian Federation, Rwanda, Tanzania, Uganda, the USA and Zaire (now the DRC) facilitated the transfer of arms to Burundi.

Curiously, despite pleas for a more comprehensive arms embargo to be implemented on the part of the UN Special Rapporteur on human rights in Burundi, the European Parliament and human rights groups, neither the UN Security Council nor the EU imposed an arms embargo against Burundi (United Nations, 1997; Human Rights Watch, 1999a; Amnesty International, 2005b). It appears that the lack of action in this regard may have been motivated by the UN Security Council between government and UNITA was brokered. The various sanctions against UNITA were terminated in December 2002.

**Burundi**

In October 1993, officers of the predominantly Tutsi military assassinated Burundi’s first Hutu president, Melchior Ndadaye, along with most of the Burundian Cabinet, and seized control of the small Central African state. This coup d’état resulted in mass violence, with Hutus attacking Tutsis, and Hutus being targeted by the military. Tens of thousands of people were killed and hundreds of thousands sought refuge in neighbouring states.

A transitional government, comprised of a coalition of Hutu and Tutsi parties, was formed in January 1994 under Hutu Cyprien Ntaryamirau, who was killed in the same plane crash as the Rwandan president. Burundi did not suffer the same genocide as occurred in Rwanda, but, in July 1996, the Tutsi-dominated armed forces once again overthrew the civilian government, and Pierre Buyoya was installed as Burundi’s president. The ensuing civil war saw the Tutsi-dominated military government pitted against various Hutu rebel groups. The two main insurgent groups were the Forces for the Defence of Democracy (FDD) and the National Liberation Forces (FNL), which split into factions during the course of the war.

A coalition of Central and Eastern African states, namely the DRC, Eritrea, Ethiopia, Kenya, Rwanda, Tanzania, Uganda and Zambia, responded to the military coup and subsequent civil war by imposing economic sanctions and an arms embargo against Burundi in August 1996. This was an attempt to force the Burundian government to negotiate a political solution with Hutu insurgents. However, according to a Human Rights Watch Report (December 1997), the arms embargo was ineffective, and was even violated by some of the states that had imposed it. According to this Human Rights Watch report, China, France, North Korea, the Russian Federation, Rwanda, Tanzania, Uganda, the USA and Zaire (now the DRC) facilitated the transfer of arms to Burundi.

As a direct consequence of the panel’s report, a new body, the Monitoring Mechanism on Angola Sanctions, was initiated in April 2000 to investigate alleged sanctions violations, as well as to devise processes and structures for improving the effectiveness of the sanctions regime (Vines 2003:251). The reports of the Monitoring Mechanism revealed that this body was able to develop a more informed understanding of the dynamics and intricacies of arms smuggling to UNITA, particularly regarding the techniques and activities of arms brokers (United Nations, 2001b:6-11; United Nations 2001c:19-28).

In April 2002, following the assassination of the UNITA leader, Jonas Savimbi, a peace agreement taking action against those UN member states and individual arms brokers allegedly responsible for violating the sanctions regime (Human Rights Watch, 1999b:5; SIPRI 2001). In addition, the absence of the necessary Angolan legislation was undermining the enforcement of the arms embargo (UN Sanctions Secretariat, 1999:14).

From early January 1999, following the shooting-down of two UN aircraft by UNITA, the Sanctions Committee became more assertive in pursuing its mandate, especially under the chairmanship of Ambassador Robert Fowler, Canada’s permanent UN representative at the time. In May 1999, the Security Council established, in terms of Resolution 1237, two independent panels of experts to investigate alleged ‘sanctions-busting’ activities by member states and individuals. However, the panels were shortly combined into a single entity.

The final report by the panel experts claimed that UNITA had acquired arms from various brokers, located mainly in Eastern Europe and South Africa, but stated that the governments of Zaire, Congo (Brazzaville), Rwanda, Togo and Burkina Faso had violated the arms embargo (United Nations, 1998). The report received considerable media attention and became a major talking point within the UN Security Council, as it ‘ignored diplomatic niceties and named and shamed specific individuals, including serving presidents, such as those of Togo and Burkina Faso’ (Vines 2003:250-251). The panel was also critical of the manner in which end-user certificates were scrutinised and verified by exporting countries, the support some African governments gave to illegal shipments and the manner in which brokers in Cyprus handled shipments of weapons. The report emphasised that many African countries lacked the will and the means to enforce the arms embargo (SIPRI, 2001).

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and the EU preference for supporting the African states initiative rather than undermining it.

In August 2000, the Arusha Accord was negotiated, paving the way for multi-party government, which was installed in November 2001, but the FNL and the FDD-related factions did not sign the Accord. Instead, they continued to engage in insurgent warfare. Democratic elections were held in 2005, with the former rebel group, Conseil National pour la Défense de la Democratie-Forces pour la Défense de la Democratie (CNDPP), becoming the ruling party, with Pierre Nkurunziza elected as president. In September 2006 the FNL and the government of Burundi signed a ceasefire agreement.

Sierra Leone

Between 1991 and 2002, Sierra Leone was afflicted by intermittent civil war. In 1997, the civilian government of Sierra Leone, under President Ahmad Tejan Kabbah, was deposed in a military coup led by Major Johnny Paul Koroma, and supported by the rebel group, the Revolutionary United Front (RUF). Consequently, UN sanctions, including an arms embargo, were imposed on the military government and the RUF by means of UN Security Council Resolution 1132 (1997). In June 1998 sanctions against the Sierra Leone government were terminated when civilian rule was restored through the intervention of the military component of the Economic Community of West African States, ECOMOG. The arms embargo remained in force against the RUF and former members of the military junta, who were still actively fighting for control of Sierra Leone.

In January 1999, the RUF invaded Freetown, Sierra Leone's capital, but were prevented from taking control of the city with the intervention of ECOMOG troops. In July 1999, the conflicting parties signed a peace agreement, and the UN established a peacekeeping mission in Sierra Leone. However, despite the peace agreement, Sierra Leone was still characterised by a high degree of armed violence and violations of the arms embargo. In 2000, Human Rights Watch accused Liberia and Burkina Faso of sanctions-busting activities (Human Rights Watch, 2000b). In July 2000, the RUF captured approximately 500 UN peacekeepers, which resulted in the intervention of British military forces. Also in 2000, the UN Security Council established a panel of experts to investigate violations of the sanctions by UN member states and individuals.

The final report by the panel of experts confirmed the reports by Human Rights Watch that Liberia and Burkina Faso were responsible for violating the arms embargo against the RUF. The report specifically mentioned the direct involvement of Charles Taylor, the Liberian President at the time, and a number of his close associates in these violations. The report also noted that:

Regional air surveillance capacities are weak or totally inadequate in detecting, or in acting as a deterrent to the arms merchants supplying Liberia and the RUF. Weak airspace surveillance in the region in general and abusive practices with regard to aircraft registration create a climate in which arms traffickers operate with impunity.

The panel of experts consequently recommended that air traffic control between Sierra Leone and Liberia be more effectively monitored and controlled (United Nations, 2000b).

In November 2000, a second peace agreement was brokered between Sierra Leone's warring parties. During 2001, former combatants were disarmed and preparations were undertaken for democratic elections, which were held in early 2002. Since then, Sierra Leone's residents have experienced relative peace.

Democratic Republic of Congo (formerly Zaire)

The history of the Democratic Republic of Congo (DRC), from colonial intervention to the present day, has been characterised by state repression, civil war and genocide. In 1997, a Rwandan-supported rebellion led by Laurent Kabila toppled the kleptocratic regime of Mobuto Sese Seko. The Rwandan government backed the rebellion as it sought to neutralise the Hutu rebel forces that were operating from DRC territory and receiving military and material support from the Mobuto government. However, it was not long before the new government of the DRC incurred the wrath of its neighbours, Rwanda and Uganda. This was on account of their failure to take effective action against rebel groups in the eastern provinces of the DRC who were launching regular strikes against these two countries.

Consequently, in 1998, a loose collection of rebel groups, supported by Rwanda and Uganda, launched a military campaign to oust the government of Laurent Kabila. The demise of the Kabila government was forestalled with military assistance from Angola, Chad, Namibia, Sudan and Zimbabwe. A cease-fire agreement by all the major conflicting parties was reached in July 1999. In 2002, an agreement was
signed in South Africa for a more comprehensive arms embargo to be implemented by the major conflicting parties. However, it was only in 2003 that some semblance of peace in the DRC was secured (with the exception of some of the eastern provinces). A UN mission was deployed in November 1999 to facilitate and support disarmament, peacemaking and peace-building efforts in the DRC.

Despite the deployment of UN personnel, armed violence in most of the eastern provinces continued, exacerbated by the extensive availability of arms and arms smuggling. Consequently, in July 2003, the UN Security Council, in terms of Resolution 1493, imposed an arms embargo against all foreign and Congolese armed groups and militias operating in the provinces of North Kivu, South Kivu and Ituri. This did not include the armed forces of the DRC government. In March 2004, the formulation of UN Security Council Resolution 1533 resulted in the establishment of a Sanctions Committee and a panel of four experts to:

- gather and analyse all relevant information in the Democratic Republic of the Congo (DRC), countries of the region and, as necessary, in other countries, connected to flows of arms and related material, as well as networks operating in violation of the arms embargo.

The panel of experts was initially given until the end of end of July 2004 to fulfil its mandate and report its findings to the UN Security Council. However, owing to the enormity of its task, the life of the panel of experts has been extended on four occasions: in July 2004 (UNSCR 1552); in April 2005 (UNSCR 1596); in July 2005 (UNSCR 1616); and in July 2006 (UNSCR 1698).

In its July 2004 report (pp 13-23), the panel of experts claimed that both Uganda and Rwanda had both directly and indirectly violated the arms embargo. This report further stated that:

> [t]he porosity, permeability and permissibility of the country's borders to the east constitute the most critical factor undermining the ability of the transitional Government in Kinshasa and of the international community to monitor the flow of weapons and other illicit commodities into the Democratic Republic of the Congo, whether by commercial arms merchants or foreign government suppliers (2004:10)...

Air navigation installations were found to be rudimentary, and air transportation services were precarious (2004a:17).

Arms embargoes were circumvented through the use of arms brokers, creation of front companies in West African states and falsification of end-user certificates

In its January 2005 report (p 9), the panel of experts repeated their claims that Rwanda and Uganda had engaged in sanctions-busting activities, which the two countries vehemently denied (Agence France-Presse, 2005). The report also alleged that the government of Burundi had violated the arms embargo (p 41). In October 2006, an Amnesty International report alleged that ammunition from Greece, China, Russia, the US, Serbia and South Africa had been found in the possession of rebel groups in the DRC. The report speculated that this ammunition had been acquired from ‘neighbouring countries’. However, in its report of November 2006, the panel of experts indicated that:

> In spite of numerous allegations and rumours of arms embargo violations, no viable evidence has been found... (2006d:16).

Despite the intermittent violence in some of the eastern provinces of the DRC, Africa’s second largest country is making incremental steps towards sustainable peace. A new constitution was promulgated in early 2006 following a national referendum. General democratic elections took place in July 2006.

**Liberia**

An arms embargo was first imposed on Liberia in 1992 in terms of UN Security Council Resolution 788, owing to a civil war that had afflicted Liberia from December 1989. The civil war ended in 1996, but the arms embargo remained in place because of Liberia’s potential for destabilising West Africa. According to the UN Sanctions Secretariat (1999:17), there was no specific monitoring mechanism to ensure the effective implementation of the arms embargo. The Sanctions Committee was entirely reliant on the co-operation of member states to provide it with the relevant information. As a result, this arms embargo was largely ineffective. In fact, in a 2003 report on Liberia, Human Rights Watch referred to the embargo as ‘a spectacular failure’.

In 2001, following intensive arms smuggling between Liberia and Sierra Leone, especially between the Taylor government and the RUF, a more comprehensive arms embargo was imposed on Liberia (UN Security Council Resolution 1343). As in the cases of UNITA and Sierra Leone, a panel of experts was established to monitor and investigate violations of the arms embargo.

The reports from the panel showed in detail how arms embargoes were circumvented through the use of arms brokers, the creation of front companies...
In West African states and the falsification of end-user certificates. Three examples are briefly outlined as follows:

In November 2000, an Egyptian arms broker was contracted to transport small arms from Uganda to Slovakia. But, instead, these arms were rerouted to a company in Guinea, which was later revealed to be a front company for the Liberian government. In July 2000 spare parts for military helicopters were smuggled to Liberia from Kyrgyzstan via Ivory Coast by means of a fake airline. In 2002, 200 tons of surplus small arms and ammunition from the Federal Republic of Yugoslavia military were supplied to the Liberian government by a Belgrade-based arms dealer. The Yugoslav government had authorised the transfer on the basis of a false end-user declaration, citing Nigeria as the final destination. The reports made particular mention of the poor state of air traffic control in West Africa and the problematic and fraudulent registration of aircraft in both Liberia and the Central African Republic (United Nations, 2001c:10-12, 33-65).

In early 2003, Charles Taylor, the Liberian President at the time, openly admitted that his country was engaged in sanctions-busting activities allegedly to defend itself against Liberians United for Reconciliation and Democracy (LURD) rebels (BBC, 2003). A Dutch national, who owned major timber businesses in Liberia and was a close associate of Taylor, was arrested in 2005 by the Dutch authorities for smuggling arms to Liberia. In a report published by Human Rights Watch, it was alleged that the Guinea Ministry of Defence had illicitly supplied the LURD with arms and ammunition, which it had sourced mainly from Iran. The arms had been transported by a Ukrainian airline. This was highly problematic, because Guinea was a member of the UN Sanctions Committee on Liberia at the time (2003a:2-3, 18-25).

The civil war was brought to an end in 2003 with the signing of the Comprehensive Peace Agreement (CPA). A UN mission was established in Liberia, and the process of disarming and demobilising former combatants, as well as repatriating and reintegrating them into civilian life was initiated. This was followed by the exile of Charles Taylor to Nigeria. In 2005, following relatively peaceful presidential elections, Ellen Johnson-Sirleaf was elected President of Liberia.

Somalia

In 1992, as a result of civil war, the collapse of the fragile Somali state, and the associated humanitarian disaster, the UN Security imposed an arms embargo against the territory of Somalia by means of Resolution 733. In the same year, Security Council Resolution 752 made provision for the establishment of a committee to monitor the implementation of the arms embargo. In 1993, the UN deployed a peace enforcement mission, which, during its two-year existence, proved to be largely ineffective. Between 1992 and 2002, amid sporadic violent inter-group conflict and substantial violations of the arms embargo by states and non-state actors, it was apparent that the UN and UN member states were taking very little action to curb the embargo-busting activities.5 According to the UN Sanctions Secretariat (1999:12), the UN Sanctions Committee ‘limited its activities to appealing to Somalia’s neighbouring States and others in the region for information on reported or suspected violations’.

In September 2002, the UN Secretary-General, as a consequence of the formulation of Security Council Resolution 1425, established a panel of experts to investigate violations of the embargo against Somalia. The panel had a six-month mandate and was comprised of three individuals. The panel was re-established in April 2003 via Security Council Resolution 1474 with a further six-month mandate and the addition of new members. The tenure of the panel was extended again in Resolution 1519 in December 2003. New members were once again appointed and the panel of experts was now referred to as a Monitoring Group. The mandate of the Monitoring Group was further extended in August 2004 (Resolution 1538), April 2005 (Resolution 1587), October 2005 (Resolution 1630) and May 2006 (Resolution 1676).

The arms embargo has consistently been violated since its imposition and none of the Somali faction leaders or sponsors has been held accountable. The March 2003, November 2003 and April 2004, reports by the panel of experts/Monitoring Group stated that significant quantities of weapons and military-related equipment had been transferred to the Somali factions in violation of the UN arms embargo, particularly by neighbouring states such as Ethiopia, Djibouti and Eritrea, as well as by other states (mainly in Eastern Europe) and individual arms brokers (2003:16-32; 2004:13-21). This state of affairs was attributed to the absence of Somali state structures, the poor monitoring of the border between Somalia and Ethiopia, and a culture of impunity. According to the March 2003 report:

Since the arms embargo has consistently been violated since its imposition, it has no normative value, and none of the Somali faction leaders or their regional sponsors has been held accountable; a feeling that ‘business as usual’ will continue indefinitely prevails (2003:14).
According to the November 2003 (16-32) report, there had been a recent reduction in the use of ‘large vessels and heavy cargo aircraft’ for smuggling purposes, while sanctions-busting had become characterised by a ‘constant micro-flow of weapons and ammunition’ by means of small fishing vessels and light aircraft. It was reported that many of these shipments originated in Djibouti, Eritrea, Ethiopia, the United Arab Emirates and Yemen. According to the July 2004 report:

Violations of the arms embargo continue, but the pattern of the arms traffic and the resulting violations seems to have changed. While in the past, warlords were known to have been the main importers of arms and weapons, arms traders and other businessmen are increasingly playing a more active and bigger role in this traffic (2004:6).

In December 2004, the Intergovernmental Authority on Development (IGAD), the regional intergovernmental body operating in the Horn of Africa, facilitated reconciliation talks between the conflicting factions of Somalia’s Transitional Federal Government (TFG). Despite the reconciliation talks, many of Somalia’s factions continued to violate the arms embargo. According to the August 2005 report of the Monitoring group:

During the current mandate period [March to August 2005], arms embargo violations took a sustained and dramatic upswing... Those involved in committing the violations included both members of the Transitional Federal Government (TFG) and members of the opposition in Mogadishu, as well as certain States in the region...The dramatic upswing in the flow of arms into Somalia is a manifestation of the highly aggravated political tensions between TFG and the opposition. This has correspondingly given rise to the increasing militarization of both sides, which has resulted in a severely elevated threat of widespread violence in central and southern Somalia (United Nations, 2005:6).

In late 2005, IGAD called for the lifting of the arms embargo against the territory of Somalia so that the TFG could establish law enforcement agencies and security institutions. IGAD’s statement was criticised by the International Crisis Group, which argued that the lifting of the sanctions would be premature considering the persistent instability in Somalia, the lack of a coherent state, high levels of violence and potential for terrorist activities (IRIN, 2005). In the November 2006 report of the Monitoring Group, which was compiled just prior to the current crisis in Somalia, it is alleged that ten states were responsible for violating the arms embargo, including Egypt, Iran, Libya, Saudi Arabia, Syria, Uganda and Yemen (2006c:9-29).

Sudan

Between 1983 and 2004, Sudan was in a state of civil war. The main contenders were the government of Sudan and the Sudan People’s Liberation Movement/Army (SPLM/A), but there were also a host of other rebel movements engaging in armed violence against the government, as well as with each other. Following a major build-up of arms and military material in Sudan, in 1995 the EU imposed an arms embargo against the Government of Sudan and the various rebel groups.

In 2003, following a series of military successes by the two rebel groups, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM), against Sudanese government forces in the conflict-prone region of Darfur, the Sudanese Government responded by arming ethnic militias, popularly referred to as the ‘Janjaweed’. The result was an outbreak of mass violence and an acute humanitarian crisis in the Darfur region. In April 2004, the N’Djamena Humanitarian Ceasefire Agreement, a peace deal between the warring factions in Darfur, took place. This was followed by the deployment of an African Union (AU) observer mission in this region. However, the ceasefire has been breached on numerous occasions by all parties to the agreement (IRIN, 2006; Amnesty International, 2005b). There have been numerous attempts to broker a more sustainable peace deal, with only limited success.

In consequence of these ceasefire violations and the humanitarian crisis, the UN Security Council, in Resolution 1556 of July 2004, imposed an arms embargo on all non-governmental or rebel groups operating in Darfur. In March 2005, an additional Security Council resolution (1591) was passed in an attempt to augment the effectiveness of the sanctions regime. This resolution made provision for a panel of experts to monitor the implementation of the arms embargo and the targeted travel and financial sanctions, as well as to report on human rights violations in the Darfur region. A panel of four was established in June 2005, with a six-month mandate.

The report by the panel of experts, published in January 2006, stated that the SLM/A and JEM received arms, ammunition and equipment from Chad, Eritrea, the Libyan Arab Jamahiriya, and non-governmental...
groups after the imposition of the arms embargo. The report also claimed that the Government of Eritrea was providing military training and logistical support to JEM and SLM/A. In addition, the panel found that the arms embargo had been indirectly violated by the Sudanese government with its incorporation of ‘Janjarweed’ militia elements into the state security bodies, such as the Popular Defence Force (PDF), the border intelligence guard, the central reserve police, the popular police and the nomadic police. The SPLM/A was also implicated in embargo-busting activities through the supply of arms and ammunition and the provision of military training to the SLM/A (United Nations, 2006a:25-37). The panel of experts’ mandate was extended by the Security Council in December 2005 by means of Resolution 1651, and again in 2006 (Resolution 1665).

In January 2005, a national peace accord, the Comprehensive Peace Agreement, was signed by the Government of the Sudan SPLM/A. This made provision for a Government of National Unity (GNU), which was established in August 2005. However, the GNU appears to be an uneasy compromise, seeing that the Sudan’s system of governance remains divided, and is characterised by party political patronage and mistrust (International Crisis Group, 2006:10). In May 2006, the Darfur Peace Agreement was signed between the Government of Sudan and the various rebel groups operating in Darfur. Despite the peace deal, Darfur remains characterised by high degrees of armed violence.

Understanding the enforcement of arms embargoes in Africa

As much of the literature on sanctions and arms embargoes indicates, ascertaining the failure of an arms embargo regime is a simple enough endeavour: arms continue to be transferred (relatively unhindered) to the state or group targeted by the arms embargo in question. However, determining whether a particular arms embargo has been successful is far from straightforward, owing to the difficulty of undertaking research and the lack of reliable data in those areas where arms embargoes have been imposed.

A reduction in armed violence and small arms-related injuries and deaths may appear to be an obvious indication of the successful implementation of a particular arms embargo. On the other hand, this may be the result of numerous other factors, such as internal dynamics within the state or rebel group, military setbacks, and peacemaking efforts. According to Lopez, Cotright and Wagler (2000) and Brzoska (2002), arms embargoes could be considered to be achieving positive results when those states or rebel groups targeted by an arms embargo regime become increasingly reliant on arms-smuggling networks, which typically charge exorbitant rates for arms and military equipment. The assumption is that the relevant states or rebel groups are rational actors, and will source fewer weapons as the cost of these goods escalates. However, as the Angolan and DRC experiences indicate, where access to the arms market through legitimate channels becomes closed, governments or rebel groups under arms embargoes may violently extract or extort resources from local populations to finance arms purchases on the black market; or valuable natural resource rights may be bartered for arms and military equipment.

In the sections below, three variables based on a comparative assessment of the case studies will be discussed:

- Actions of the UN Security Council
- Actions of UN member states (particularly those in close proximity to targeted country or rebel group)
- The capacity and political will of those states bordering the targeted state or rebel group to police their borders and points of entry as well as to regulate their airspace

It is intended in this section to provide readers with a more informed understanding of the dynamics and complexities of the monitoring and enforcement of arms embargoes.

Actions by the UN Security Council

The UN Security Council has, over the past 15 years, sought to reduce the loopholes and problem areas in terms of the enforcement of arms embargoes. This situation has existed mainly due to the ambiguous wording of most of the arms embargo resolutions, the lack of clear guidance to member states on how to respect and implement embargoes, the inertia of Sanctions Committees, and the capacity of the UN Secretariat (Cotright, Lopez and Gerber, 2002:9). This has been rectified by the expansion and standardisation of the definitions of arms, military equipment and related goods, as well as by the inclusion of more detail on what constitutes a violation of a particular arms embargo.

As the more recent case studies in this paper indicate, the UN Security Council has regularised the establishment of independent panels of experts in order to more closely scrutinise the implementation of arms embargo regimes and investigate violations, as well as provide recommendations for a more coherent and effective approach to the enforcement of the embargo. Whenever the mandate of the panels of experts proved unrealistic, the Security Council extended their mandates (sometimes on more than one occasion), as in the cases of Somalia, DRC and Sudan.
However, it seems that the Security Council has found difficulty in enhancing the capacity of its Secretariat responsible for dealing with sanctions. In addition, the Security Council has been loath to take punitive action against those member states that have been consistently implicated in embargo-busting activities in reports by panels of experts.

**Activities of member states**

As stated in the introductory sections, the effectiveness of arms embargoes is primarily dependent on the member states monitoring and enforcing them, but at times the relevant states lack the necessary capacity and political will. A number of arms embargo analysts have noted that violations of embargoes are predominantly owing to the lack of national legislation and appropriate policy and/or its implementation. In many of the African arms embargo cases, this appears to be a valid observation, but often member states (or security agencies within states) intentionally violate arms embargoes. That is, there are often political and economic motivations behind the violation of arms embargoes.

In the majority of case studies detailed above, it was states bordering countries targeted by the sanctions regimes, along with some arms-producing states in Europe and Asia, that were largely responsible for embargo contraventions. In many of the cases, when the panels of experts sought to investigate allegations of arms embargo infringements, their efforts were frustrated by the governments concerned. Numerous reports by panels of experts bemoaned the lack of co-operation and even deliberate obstruction to conceal information, by state authorities and commercial enterprises that had been implicated in embargo-busting activities. In the case of the DRC, the panel of experts chastised the Rwandan government for denying the panel access to civil aviation documentation, and were highly critical of certain private air transport companies for their refusal to co-operate with panel investigations (United Nations, 2005:22-24). In the case of Liberia, the panel’s efforts to investigate the crash of aircraft chartered by the Government of Chad and suspected to be transporting arms in violation of the embargo were frustrated by Liberian government officials (United Nations, 2002:20-22).

Economic gain seems to have played a role in this regard, but considerations of solidarity and national interest seem to have been the major motivating factors. This was the case with the blatant violations of the arms embargo against the RUF by the Liberian government; the embargo-busting activities of the Rwandan and Ugandan governments in the case of the DRC embargo; and the arms-smuggling activities conducted by the governments of Ethiopia, Djibouti and Eritrea in breach of the Somalia arms embargo.

**The integrity and policing of borders and airspace**

Many of the African countries targeted with arms embargoes had inadequately-policed borders and/or points of entry. That is, there were vast border areas that were not monitored by government personnel, and/or were not fenced. In addition, in most sub-regions where arms embargoes were in place, the airspace was largely unregulated and was not monitored. Numerous reports by panels of experts stated that there was a general absence of radar coverage, and many airports (particularly in Central and West Africa) did not have rudimentary aircraft traffic control equipment or record-keeping systems. This state of affairs was typically due to a combination of geographical conditions and weak state capacity.

For example, the panel of experts’ report on the DRC noted:

> These conditions appear to have been highly conducive to embargo-busting activities, enabling arms smugglers to transfer weapons to targeted states or rebel groups without state interference, and with relative impunity.

In addition, this state of affairs allows for governments and rebel groups to conceal infringements of arms embargoes from the UN, as well as other international and regional organisations.

**Conclusion and Recommendations**

The enforcement of arms embargoes in Africa presents challenges to the UN, as well as to the international community in general. Over the past 10 years the UN has sought to advance the effectiveness of its implementation of these arms embargoes through enhancing its organisational capacity and extending its monitoring capability through the institution of panels of experts. However, the impact and durability of arms embargoes depend on the commitment of all states to enforcing arms embargoes, and a unified attitude to this.
Arms embargoes often have a limited impact on reducing the transfer of weapons to those countries targeted by the embargo, but, in reality, certain states, particularly those in close proximity to countries subject to arms embargoes, as well as arms-producing countries, tend to prioritise national economic and political interests over commitments to international peace and security. In addition, with some exceptions, many African states, sub-regional organisations and the AU often do not actively support or monitor the enforcement of arms embargoes on the African continent. As a result, the majority of African countries, regional organisations and the AU pay lip service to the enforcement of arms embargoes. The net effect is that the enforcement of arms embargoes in Africa can be likened to shadow-boxing, an exercise that has the threat of serious action, but in reality entails no more than punching thin air.

Hence, in order for arms embargoes in Africa to achieve the objectives for which they were designed, as well as for a prospective arms trade treaty to be successful, the following are required:

- The strengthening of the UN process and system of designing, monitoring and verifying arms embargoes
- The compilation and implementation of measures to regulate the arms trade at the AU and sub-regional levels (such as the Economic Community of West African States and the Southern African Development Community)
- The establishment of arms trade monitoring agencies (which have the appropriate human and financial resources) within both the AU and sub-regional organisations
- Regular reports by these agencies, and, where appropriate, the AU and sub-regional organisations taking punitive action against those states and non-state actors that violate UN arms embargoes. For example, respect for UN arms embargoes should be a component of the African Peer Review Mechanism
- Where absent or outdated, policy and legislation on the regulation of the arms trade should be established at the national level
- Establishment of appropriate government agencies so that such policy and legislation can be effected.

**Endnotes**

1 Much of the literature focuses on the mechanics, normative dimensions and deficiencies of arms embargoes and their implementation. See Stremlau (1996), Knight (1998), Crawford and Klotz (1999) Cortright and Lopez (2002), Cortright, Lopez and Gerber (2002) and VERTIC (2005). There have been some exceptions, such as Vines (2003) who, by serving on a panel of experts, was able to gain unique insights into the implementation and enforcement of arms embargo regimes.

2 This arms embargo was a result of the Arab-Israeli war and applied to Iraq, Lebanon, Palestine, Saudi Arabia, Syria, Transjordan and Yemen as well.

3 In terms of South Africa, the report alleged that officials from the former apartheid government, who had previously coordinated arms supplies to Rwanda, assisted with a major transfer of arms to the FAR via the Seychelles shortly after the imposition of the arms embargo. China was implicated in selling arms to Zaire, which was reported to be the largest supplier of arms and military equipment to the former FAR forces. It was reported that France supplied arms to the FAR via eastern Zaire directly after the imposition of the arms embargo (Human Rights Watch, 1995).

4 Laurent Kabila was assassinated in January 2001 and was subsequently replaced as head of state by his son, Joseph Kabila.

5 As a result of UNSC Resolution 1407 (2002), the UN established a team of two experts to develop an action plan and analysis for the impending creation of a panel of experts on sanctions violations in Somalia. In paragraph 27 of the report by this team of experts (2002) it was acknowledged that ‘there is a common view that the embargo has not been effectively enforced since it was established in 1992’.

6 See Wood (2006: 53-73) for detailed recommendations on how the UN arms embargo process and system should be enhanced. Wood argues specifically for: a common set of criteria for international arms transfers consistent with international law; and increased resources and support to the UN Sanctions Committees, the Secretariat and investigative panels in terms of strengthening the verification process.

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About this paper

Since 1992, more than 15 United Nations (UN) arms embargoes have been imposed against African states and/or rebel groups. The enforcement of arms embargoes in Africa presents challenges to both the UN and the international community in general. Over the past ten years, the UN has sought to advance the effectiveness of its implementation of these arms embargoes by enhancing its organisational capacity and deepening its monitoring capability. This paper, by means of a comparative case study approach, seeks to analyse the monitoring and enforcement of UN arms embargoes in Africa.

About the author

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