

Arms embargoes

dr. Martin Chovančík

Example

● Council of the EU | Press release | 31 March 2020 | 11:35

EU launches Operation IRINI to enforce Libya arms embargo

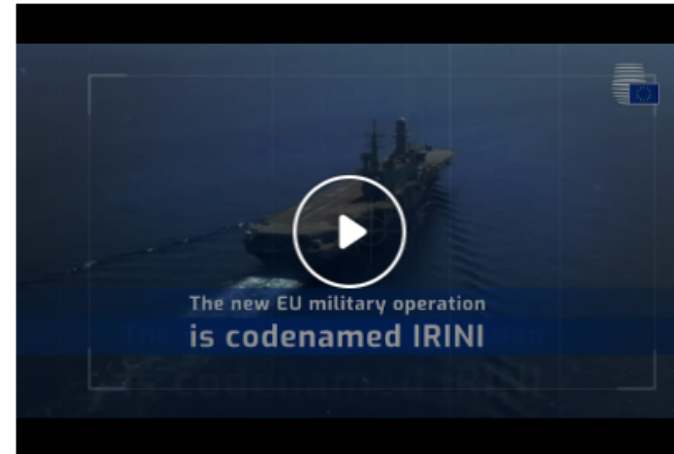
The European Union is stepping up its efforts to **enforce** the **UN arms embargo** on **Libya**, thereby contributing to the peace process in the country, through the launch of a **new CSDP** (Common Security and Defence Policy) military **operation** in the Mediterranean.

The Council today adopted a decision launching **Operation** EUNAVFOR MED **IRINI**.



Only political solutions and the full respect of the UN arms embargo will bring a solution to the Libyan crisis. But diplomacy cannot succeed unless it is backed by action. This operation will be essential and a clear contribution to promoting peace in our immediate neighbourhood through a permanent ceasefire.

— Josep Borrell, High Representative of the Union for Foreign Affairs and Security Policy and President of the Council



IRINI: New EU mission to monitor Libya's UN arms embargo

IRINI, (Greek for "peace"), will have as its core task the **implementation of the UN arms embargo** through the use of **aerial, satellite** and **maritime** assets. In particular the mission will be able to carry out inspections of vessels on the high seas off the coast of Libya suspected to be carrying arms or related material to and from Libya in accordance with United Nations Security Council Resolution 2292 (2016).

Category of their own

- **direct instruments of exercising political violence ≠ commodity**
- most applied measure in CPEs and conflict
- **goals**
 - **limit the amount of arms flowing to the target (not eliminate?)**
 - **increase the price of arms/ammunition to alter target calculation**
 - **limit the type of weapons available**
- **capable of constraining or signaling most often**
 - coercion is out of reach due to lack of produced political pressure
 - pressure may constrain to the point of exhaustion, but short of coercion
- **easier and cheaper domestic implementation**
 - versus challenging regional monitoring and enforcement

More arms, more conflict?

- **drivers:**
 - (in)security dilemma
 - defense spending
 - alliances and political influence
 - peacezone suppliers to warzones
 - correlation between rising arms transfers and long-term instability
- **more weapons – longer conflicts?**
 - flaws in the logic?
 - give war a chance?
 - more stable peace?
- **more arms – bloodier conflicts?**
 - related humanitarian costs
 - type of weapons curtailment (SALW effect)
- **political and moral barriers**

Arms embargoes – challenges

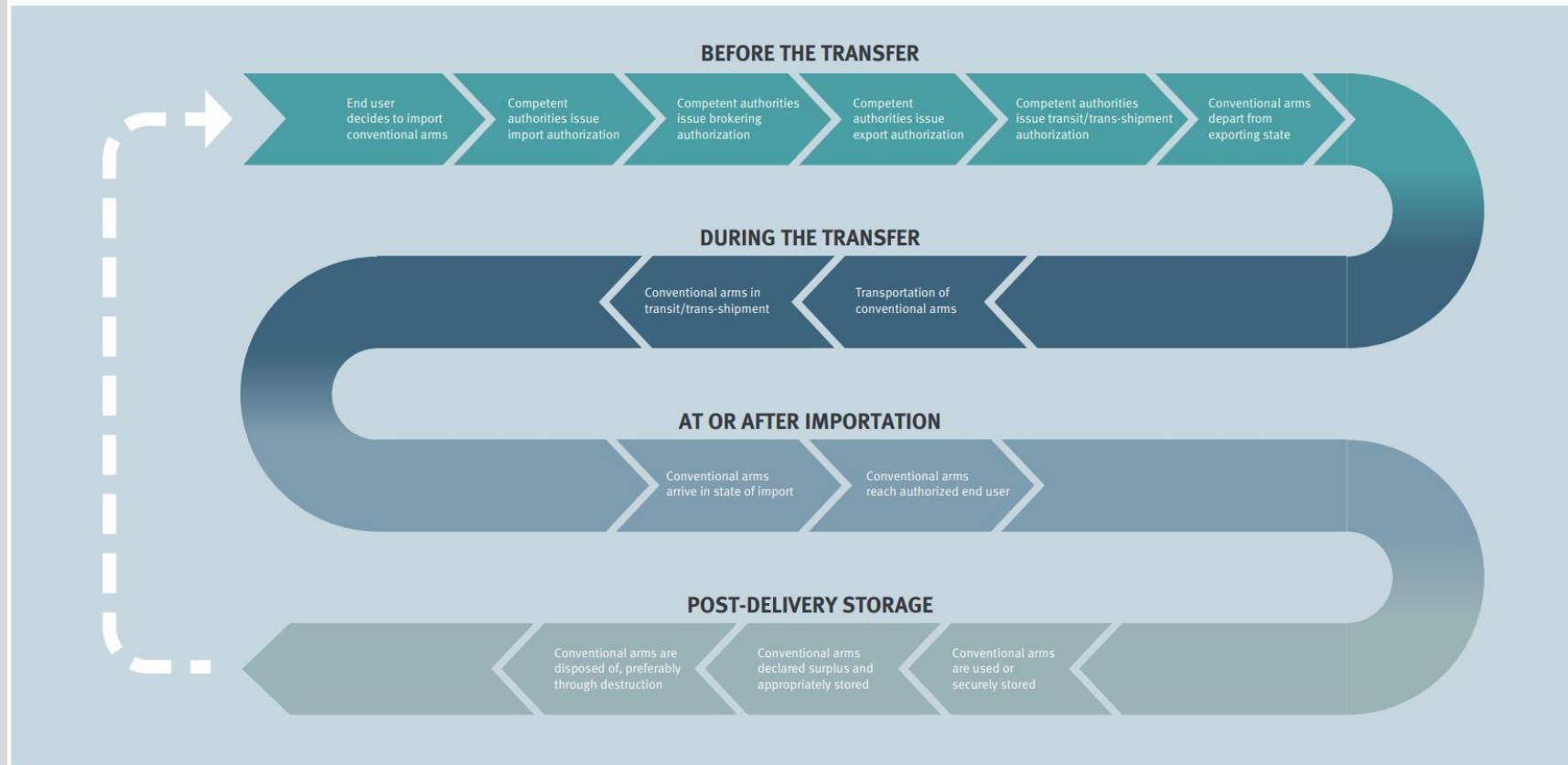
- **late, late, late...**
 - accumulation of weapons prior to crisis escalation – catching up immediately means certain initial ineffectiveness
- **impartial at the outset**
- stalemate and **tolerable stalemate promotion in initial response**
 - ability of battle outcome peace establishments curtailed
 - reoccurrence of conflict higher in no-win scenarios
- **target fragmentation and criminalization**
 - establishment of smuggling networks
 - disassembly (loss of profit) after peace is complicated at best
- do they make sense when unilaterally, or regionally imposed?

Immediate impacts on conflict

- Iraq – well monitored past Gulf I, post 2003 curtailment subverted
- FRY 1991 – well monitored, incorrectly applied, violated to correct
- Somalia 1992 – unmonitored until 2000s,
- Liberia 1992 – no effect until new millennium
- Angola (UNITA) 1993 – no effect until new millennium
- Rwanda 1994 – adverse effect initially, no effect later
- Sierra Leone 1997 – insufficient measure
- FRY Serbia and Montenegro 1998 – short, late and... Albania
- Eritrea/Ethiopia 2000 – short, late, inconsequential
- DR Congo 2004 – government disadvantaged, lifting caused violations
- Sudan (Darfur) 2004 – consistently violated by Sudanese government
- **Cote d'Ivoire 2004 – late, but effective and well monitored**
- **Libya 2011 – well monitored and effective, not stopping outflow**
- CAR 2013 – so far ineffective

- **all accompanied by later Peacekeeping forces**

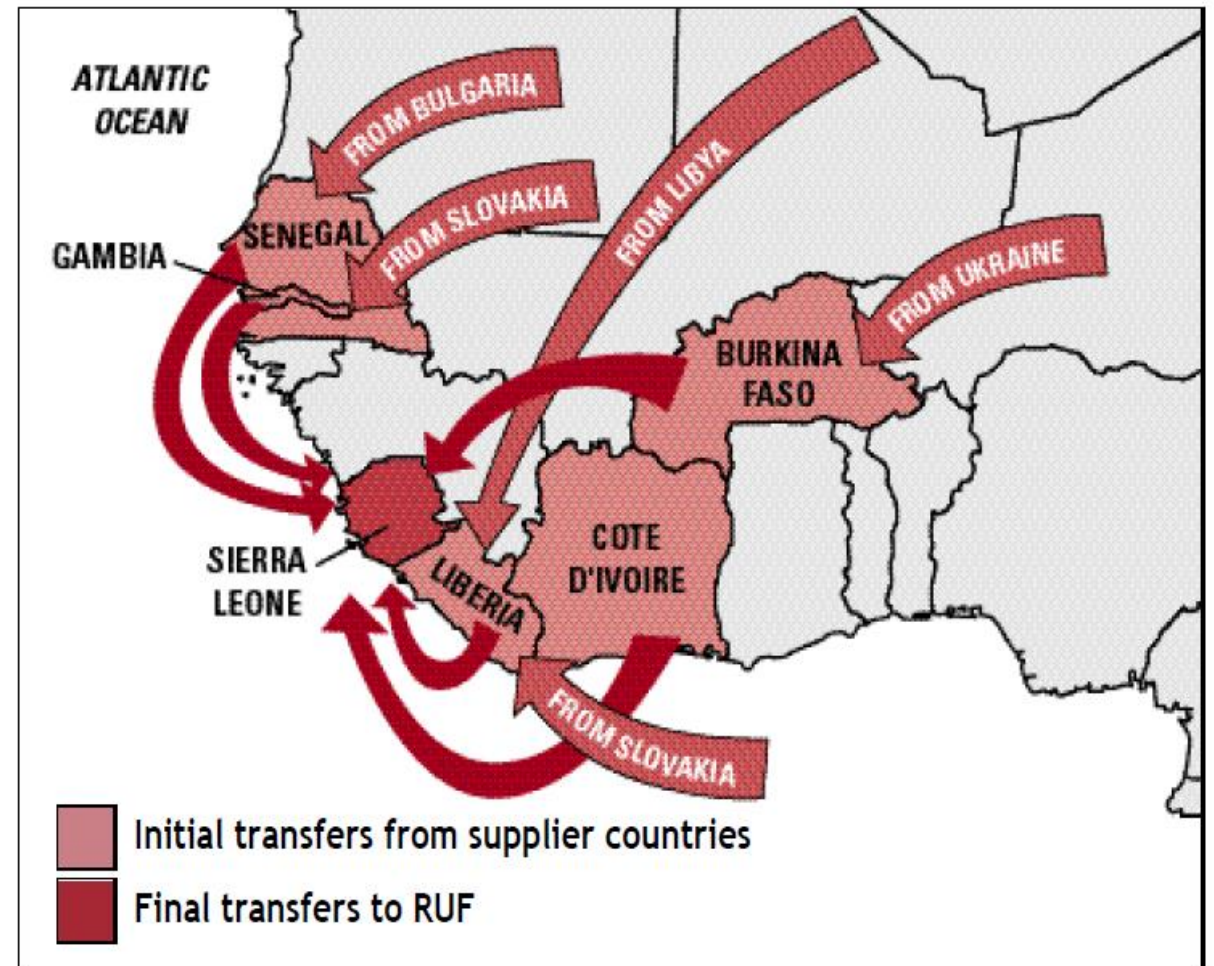
Figure 1 Arms transfer chain stages



Source: Small Arms Survey (2018)

Arms transfer diversion types

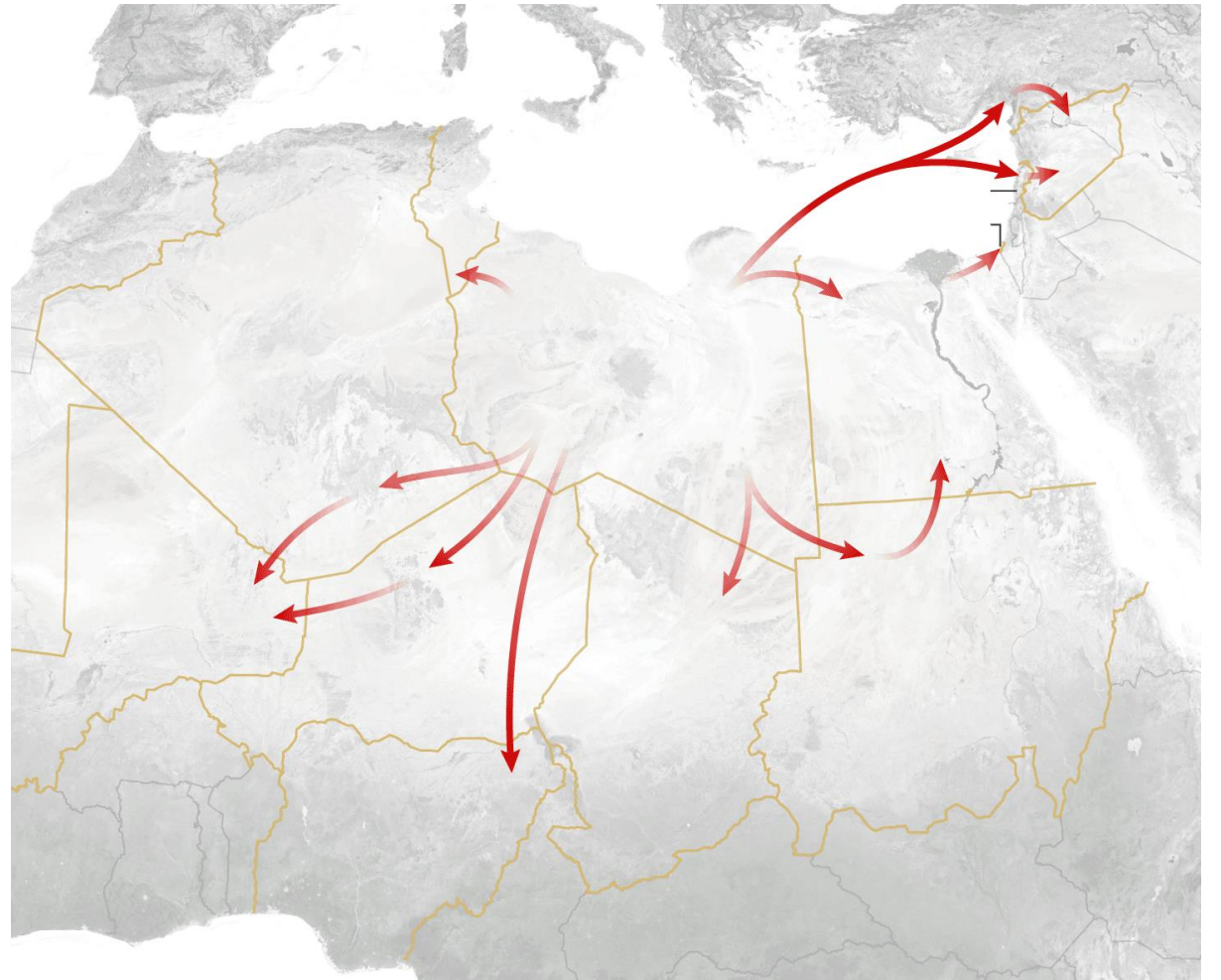
Smuggling 1997-2000



Smuggling 2011-13



Smuggling 2013+



Arguments for a new approach

- if arms embargoes lag behind, are hard to enforce, and seldom constrain the actor adequately
 - *improve the instrument?*
 - *take a new approach?*
- **improvements**
 - **monitoring – investigative competences**
 - **packaging – aviation sanctions + travel bans**
 - **first onset targeting**
 - **dedicated enforcement – clear mandate support, taskforce and border control**
 - **tracing – tracing sold weapons and ammunition**
 - **end-user certificate unification**
 - **term usage and list definitions**
 - **state reporting to UN register**
- **empirical challenges remain**
 - specifically SALW, MANPADS, and ammunitions
 - knee-jerk reaction

Arguments for a new approach - attempts

- new approach to arms trade – back to prevention?
- Wassenaar Arrangement **1996**
 - transparency in arms trade
- ECOWAS Moratorium on Transfers and Manufacture of SALW **1998**
- European Union Code Of Conduct On Arms Exports **1998**
 - **8 specific criteria** including the existence of tensions or
 - armed conflicts and respect of human rights in the country of final destination
- United Nations Programme of Action on SALW **2001**
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition **2001**
- EU Common Position on arms exports **2008**
- Arms Trade Treaty UN, December 12, 2014
 - worldwide regulation of arms trade to prevent arms being used for human-rights abuses, including terrorism
 - 67 signatories, 64 ratifiers so far
- and yet... Italy no decrease in exports to countries of Arab Spring including Libya

EU Code of conduct / Common position

1. Respect for the **international commitments** of Member States, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations
2. The **respect of human rights** in the country of final destination
3. The **internal situation** in the country of final destination, as a function of the existence of tensions or **armed conflicts**
4. Preservation of **regional peace, security and stability**
5. The national security of the Member States and of territories whose **external relations are the responsibility** of a Member State, as well as that of friendly and allied countries
6. The behaviour of the buyer country with regard to the international community, as regards in particular its **attitude to terrorism**, the nature of its alliances and respect for international law
7. The existence of a **risk that the equipment will be diverted** within the buyer country or re-exported under undesirable conditions
8. The **compatibility** of the arms exports with the technical and economic capacity of the recipient country