

Irrelevant or malevolent? UN arms embargoes in civil wars

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Abstract. UN arms embargoes have been increasingly applied to civil wars, yet these embargoes have tended to be either irrelevant or malevolent in their effects. Arms embargoes are rarely enforced in a civil war; they undermine the credibility of the UN; they are unlikely to change the political positions of civil war participants; they criminalise target societies; and they benefit arms suppliers willing to break the rules. This article argues for the reform of partial arms embargoes, which target select groups in a civil war. It also argues for the restriction in use of impartial embargoes, which apply to all sides in a civil war. Enforcing impartial embargoes can actually make the situation worse, by shaping the course of the civil war in unpredictable and immoral ways.

Since the end of the Cold War, the imposition of United Nations arms embargoes has expanded rapidly, both in cases of interstate and intrastate conflicts. At the same time, the efficacy of these embargoes has been increasingly questioned, particularly in relation to civil wars, with critics highlighting either their irrelevance in altering the behaviour or capacity of local actors, or, in cases such as Yugoslavia, their malevolence in aiding aggression. According to William Durch: 'In internal conflicts, international arms embargoes have rarely been either militarily effective, or morally sustainable'.¹ David Cortright and George A. Lopez write that amongst the entire range of economic sanctions: 'Nowhere is the need for reform and a strengthening of enforcement greater than in the area of arms embargoes', which have been, 'the most visibly impotent of UN sanctions during the 1990s'.² However, in comparison with economic sanctions as a whole, there are few academic studies of arms embargoes as a tool in international affairs, especially in relation to civil wars.³

This article begins by examining the attraction of UN arms embargoes as a policy tool, and the increasing prevalence of their application in civil wars. The article then

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¹ William J. Durch, *Constructing Regional Security: The Role of Arms Transfers, Arms Control, and Reassurance* (New York: Palgrave, 2000), p. 167.

² David Cortright and George A. Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s* (Boulder, CO: Lynne Rienner, 2000), pp. 210, 242.

³ See Cortright and Lopez, *The Sanctions Decade*, ch. 10; David Cortright and George A. Lopez, *Sanctions and the Search for Security: Challenges to UN Action* (Boulder, CO: Lynne Rienner, 2002); Loretta Bondi, 'Arms Embargoes: In Name Only?', and Michael Brzoska, 'Putting More Teeth in UN Arms Embargoes', both in David Cortright and George A. Lopez, *Smart Sanctions: Targeting Economic Statecraft* (New York: Rowman and Littlefield, 2002), pp. 109–43; W. Andy Knight, 'Improving the Effectiveness of UN Arms Embargoes', in Richard M. Price and Mark W. Zacher (eds.), *The United Nations and Global Security* (New York: Macmillan, 2004), pp. 39–55; Arne Tostensen and Beate Bull, 'Are Smart Sanctions Feasible?', *World Politics*, 54 (2002); Joanna Spear, 'Arms Limitations, Confidence-Building Measures, and Internal Conflict', in Michael Brown (ed.), *The International Dimensions of Internal Conflict* (Cambridge: MIT Press, 1996). The

analyses their effectiveness according to five criteria: enforcement; the level of political compliance; their symbolic impact; whether they facilitate further interventionist measures; and unintended consequences. In all of these categories, with only a few partial exceptions, arms embargoes have failed. The international community needs to reform the use of arms embargoes that are aimed at specific actors in a civil war; and restrict the use of arms embargoes that apply to all sides.

Arms embargoes

This article focuses on multilateral arms embargoes enacted by the Security Council of the United Nations in cases of civil war. Arms embargoes generally ban the supply of weapons and weapons-related materials, and also prohibit training and technical assistance. Arms embargoes are part of a broader category of economic sanctions, which include export limitations, visa denials, and prohibitions on financial interactions. By civil war we mean situations of mass violence, primarily within the confines of a single state, between at least two politically organised groups, where a minimum of 1,000 battle deaths have occurred, on average, per annum, with no more than 95 per cent inflicted by one side.⁴

Multilateral Security Council arms embargoes are only one form of arms sale prohibition. Non-UN multilateral embargoes have historically existed, for example, the non-intervention agreement signed by 27 states in regard to the Spanish Civil War, 1936–1939. More recently, regional organisations such as the European Union and the Organization for Security and Co-operation in Europe have introduced arms embargoes in civil wars such as the Democratic Republic of the Congo in 1993, Sudan in 1994, and Afghanistan in 1996. There are also many examples of unilateral arms embargoes, especially by the US, for example, against Burma. We focus on multilateral UN embargoes for two main reasons. Firstly, regional and unilateral arms embargoes face the problem that weapons can often be readily purchased from states that are not operating an embargo. There are dozens of countries willing to sell conventional weapons. The second reason is that in recent years embargoes have increasingly been multilateral (and specifically introduced by the UN Security Council), where they were previously unilateral, or in pursuit of a general policy of refusing to sell arms to areas of active combat.⁵

discussion of arms embargoes tends to be a sub-field of either economic sanctions, or efforts to control the international arms trade. David A. Baldwin, *Economic Statecraft* (Princeton, NJ: Princeton University Press, 1985); Lisa L. Martin, *Coercive Cooperation: Explaining Multilateral Economic Sanctions* (Princeton, NJ: Princeton University Press, 1992); Robert A. Pape, 'Why Economic Sanctions Do Not Work', *International Security*, 22 (1997); Kimberly Ann Elliot, 'The Sanctions Glass: Half Full, or Completely Empty?', *International Security*, 23 (1998).

⁴ For a useful discussion, see Michael Brown, 'Introduction', in *The International Dimensions of Internal Conflict*, pp. 1–29; Harry Eckstein, 'Introduction: Towards the Theoretical Study of Internal War', in Harry Eckstein (ed.), *Internal War* (New York: Free Press, 1994), pp. 1–32.

⁵ German law, for example, forbids the sale of weapons to areas of conflict. Durch, *Constructing Regional Security*, p. 10.

The development of UN arms embargo policy

Under Article 41 of the UN Charter, all states are legally obliged to enforce any arms embargo introduced by the Security Council, representing an example of methods short of war to maintain or restore international peace and security. During the Cold War, UN arms embargoes were employed on five occasions, in relation to the Arab-Israeli war in 1948; the civil war in the Congo in 1961; Portugal and its territories in 1963; Southern Rhodesia in 1965 (the first explicit use of Chapter VII as the legal basis for a mandatory embargo); and South Africa in 1963 and 1977.

Since 1990, *impartial* arms embargoes, which are applied to all sides in the fighting, have been imposed in civil wars in the former Yugoslavia in 1991 and 1998, Somalia in 1992, Liberia in 1992 and 2001, Rwanda in 1994, and Sierra Leone in 1997.⁶ There has also been increasing use of *partial* UN arms embargoes in civil wars, which do not target all sides, including embargoes directed against UNITA rebels in Angola in 1993; remnants of the *forces armées rwandaises* and the Rwandan militia in 1995 (also applicable to states neighbouring Rwanda); the AFRC junta and the RUF in Sierra Leone in 1998 (that is, in Rwanda and Sierra Leone the original arms embargo was lifted, but only for the government); the Taliban in Afghanistan in 2000; and specific eastern provinces and non-parties to the peace agreement in the Democratic Republic of the Congo in 2003. Although not dealt with substantively in this article, UN arms embargoes have been imposed after the Cold War in situations other than civil wars: against Iraq in 1990 in response to its invasion of Kuwait; against Libya in 1992 due to its support for terrorism; against Haiti in 1993 following a military coup; and against Ethiopia and Eritrea in 2000 due to their interstate war.

The rapid expansion in the use of UN mandated arms embargoes in cases of civil war partly results from an increase in the number of internal conflicts since the end of the Cold War.⁷ It also reflects a wider UN activism and a greater willingness by the UN to employ economic sanctions, due to the end of Cold War antagonisms, which had previously incapacitated the Security Council. It was in this new international environment that former United Nations Secretary General, Boutros Boutros-Ghali, wrote *An Agenda for Peace* in 1992, which called for an expanded role for the UN in matters of internal security. Arms embargoes represented one of his seven main policy instruments.⁸ Arms embargoes have been by far the most common form of sanctions introduced under Chapter VII of the UN Charter.

Part of the attraction of arms embargoes is the perception that they enjoy many of the benefits of wider economic sanctions, but with fewer costs. Any economic sanctions mean that *something* is being done; potentially gaining political capital in a domestic environment that demands action. In theory, prohibitive policies can uphold a behavioural norm such as the respect for human rights, as well as perform a symbolic isolating role. However, wider economic sanctions are increasingly controversial, with UN Secretary General Kofi Annan recognising in 1997 the harm

⁶ There is an element of partiality in the case of the Liberian embargo. The arms embargo is impartial in relation to Liberians but allows arms sales to ECOWAS troops.

⁷ 'Internal conflict is the most pervasive form of armed conflict in the international system today'. Michael E. Brown, 'Introduction', in Brown (ed.), *The International Dimensions of Internal Conflict*, p. 3; Roy Licklider, 'How Civil Wars End: Questions and Methods', in Roy Licklider (ed.), *Stopping the Killing: How Civil Wars End* (New York: New York University Press, 1993), pp. 5–8.

⁸ Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-Keeping* (New York: United Nations, 1992).

that sanctions can inflict on vulnerable civilian groups.⁹ The average Haitian or Iraqi suffered much more than the leadership did from economic sanctions.¹⁰ Such measures can retard the development of a local middle class, thus undermining the emergence of a civil society.¹¹ Sanctions can also strengthen the targeted regime's control of the economy.¹²

As the negative consequences of broad economic sanctions became clear in the 1990s, especially in relation to Iraq, there was an evolution of policy towards targeted, 'smarter' sanctions, which cause less collateral damage. The international community has turned in particular to arms embargoes as the quintessential 'smart' sanction: seeking to disarm the violent and leave civilians unharmed.¹³ In 2000, the UN Coordinator for Afghanistan argued in favour of an arms embargo on Afghanistan, but against economic sanctions: 'UN restrictions on the transfer of weapons would avoid the humanitarian contradictions that are associated with economic measures'.¹⁴

Evaluating the effectiveness of arms embargoes in civil wars

Given the increasing centrality of arms embargoes in UN policy towards civil wars, it is important that we evaluate their impact. However, it can be problematic to disentangle their specific causal effect because arms embargoes are sometimes one strand in a wider package of sanctions. Furthermore, measuring effectiveness requires a consideration of aims, and the extent to which they are satisfied, but the precise logic and reasoning behind an embargo policy can vary in complex ways.

For example, partial and impartial embargoes tend to have different stated objectives. Partial arms embargoes aim to deny arms to specific deviant groups in civil wars, prevent them from committing wrongful acts, and produce changes in political behaviour. The embargoes directed against UNITA in Angola, and against the AFRC junta and the RUF in Sierra Leone, were aimed at pressuring these rebel groups into accepting the results of democratic elections, as well as trying to curb the violence, and facilitate humanitarian relief operations.¹⁵ The 1995 embargo against the Rwandan rebel Hutu groups aimed to stabilise the Great Lakes region by diminishing the circulation of arms, especially to actors guilty of participating in genocide.¹⁶ The 2000 arms embargo against the Taliban in Afghanistan was introduced to try and pressure the Taliban to close terrorist training camps, and to

⁹ 'Annual Report of the Secretary-General on the Work of the Organization' (1997), A/52/1; Haass, *Economic Sanctions and American Diplomacy*, p. 212; Cortright and Lopez, *The Sanctions Decade*, pp. 23–6, ch. 3.

¹⁰ David Hendrickson, 'The Democratic Crusade: Intervention, Economic Sanctions and Engagement', *World Policy Journal*, 11 (1994/1995), pp. 22–6.

¹¹ Richard N. Haass, *Economic Sanctions and American Diplomacy* (Washington, DC: Council on Foreign Relations, 1998), p. 202; Thomas Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises* (Lanham, NY: Rowman and Littlefield, 1999), p. 111.

¹² Cortright and Lopez, *The Sanctions Decade*, p. 4.

¹³ Other smart sanctions include prohibitions on financial transactions, travel, and the trading of specific commodities such as diamonds.

¹⁴ *New York Times*, 27 August 2000.

¹⁵ UN Security Council Resolutions 864 (1993), 1132 (1997) and 1171 (1998); Cortright and Lopez, *The Sanctions Decade*, chs 8 and 9.

¹⁶ UN Security Council Resolution 1011.

hand over Osama bin Laden, who was sought for alleged terrorist acts.¹⁷ The 2003 embargo against the Democratic Republic of the Congo applied only to specific eastern provinces, with the goal of ending hostilities and alleviating the humanitarian crisis.¹⁸ Typically, partial embargoes target a rebel group; although in Afghanistan the embargo targeted the *de facto* government of the country.

Impartial embargoes apply to all sides in a civil war, for example, in Somalia, Rwanda, Liberia, Yugoslavia, and Sierra Leone. Such embargoes aim to uphold international peace and security by limiting the total amount of weaponry available to combatants, thus reducing the overall level of violence; improving the humanitarian situation; hastening the moment at which the sides are militarily exhausted; and encouraging the participants to negotiate a peace settlement.¹⁹ Susan Woodward calls this the 'wildfire' approach to civil wars: spurring the end of conflict by denying it fuel.²⁰ The short-lived impartial embargo in Sierra Leone, during 1997–98, had similar aims to partial embargoes, in that it was primarily designed to pressure the military junta into leaving power.²¹

Security Council sanctions policy can also involve unstated private motives that are difficult to discern and therefore evaluate. Powerful states, especially the permanent five in the Security Council (the US, Russia, China, Britain and France) have tended to steer the development of economic sanctions to serve their particular interests. Private goals can be broader than the official stated goals; for example, one US objective in the sanctions policy on Iraq after 1990 was to change the regime in Baghdad, even though this was never an explicit aim in the respective Security Council resolutions. At other times, private goals can be narrower and more modest than the official stated goals. For example, arms embargoes can partly aim to satisfy domestic demands for action, without any genuine intention to tackle the fundamental issues at stake. However, a 'success' in assuaging domestic critics is not valid evidence of the effectiveness of arms embargoes. Also unstated can be the symbolic objectives of embargoes, including the attempt to demonstrate international resolve; to deter further wrongful actions; and to uphold certain international norms, for example, against the use of force, and in favour of democratic government.

Therefore, arms embargoes in civil wars should be judged firstly in terms of official or stated objectives, and secondly in terms of unstated objectives, for example, symbolic aims. The literature on the effectiveness of sanctions tends to use either a

¹⁷ UN Security Council Resolution 1333.

¹⁸ UN Security Council Resolution 1493.

¹⁹ UN Security Council Resolution 713 (1991) embargoing arms to Yugoslavia, was designed 'for the purposes of establishing peace and stability in Yugoslavia', and sought to encourage a peaceful and negotiated settlement. Resolution 733 (1993) had the declared purpose of establishing peace and stability in Somalia, but it did not set any specific objectives for the parties in the conflict. Resolution 788 (1992) applied an embargo to Liberia, in an effort to uphold international peace and security in West Africa, and to improve the humanitarian situation. Resolution 918 (1994) demanded that all parties to the Rwandan conflict 'immediately cease hostilities, agree to a cease-fire, and bring an end to the mindless violence and carnage engulfing Rwanda'. Resolution 1160 (1998) was aimed at 'fostering peace and stability in Kosovo', by ending excessive repression by Serb forces and terrorism by the Kosovo Liberation Army.

²⁰ Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, DC: Brookings Institution, 1995), p. 290.

²¹ See UN Security Council Resolution 841, 873, 875; Cortright and Lopez, *The Sanctions Decade*, pp. 88–9, 171–2.

statistical or a case study approach.²² This article, however, compares examples of arms embargoes in civil wars within five categories of effectiveness:

1. Do arms embargoes restrain or prevent target actors from accessing weapons?
2. Do arms embargoes change the political positions of target groups?
3. Do arms embargoes uphold symbolic values?
4. Do arms embargoes facilitate or undermine additional effective action?
5. Do arms embargoes have unintended consequences?

Demanding the full satisfaction of official aims for UN arms embargoes in civil wars can set the standard for success unfairly high, thus we will also consider whether an arms embargo had a significant favourable impact, even if this fell short of all its objectives. However, an embargo cannot be labelled a success because it led to marginally fewer arms being imported, compared to a situation without the embargo, as this sets the standard for success too low. To be a success, an embargo should significantly reduce the number of weapons possessed by target combatants, weaken their capability, and thereby at least partly achieve the embargo's political, humanitarian, or symbolic goals.

1. Do arms embargoes restrain or prevent target actors from accessing weapons?

One of the core aims of UN arms embargoes in civil wars is to restrain or prevent target groups from accessing weapons. Efforts at implementation usually involve a UN sanctions committee, created by the Security Council to monitor the embargo; the Military Staff Committee, which advises the Security Council on military matters; and especially member states, which actually carry out enforcement measures, unilaterally, cooperatively, or through regional and international organisations.

The record of UN arms embargoes in terms of restraining access to weapons is largely one of failure. The embargo in Somalia is over a decade old, yet warlords and private militias remain well equipped with Kalashnikovs and other weapons (in part because of the availability of arms resulting from the war in neighbouring Ethiopia and Eritrea). In 2002–3, the UN Security Council found that repeated and flagrant violations of the Somali embargo had occurred for over ten years.²³ The UN also recently found that Hutu rebels had access to large quantities of weapons in defiance of the embargo imposed after the Rwandan conflict.²⁴ Similarly, despite an arms embargo being introduced in 1993 against the UNITA rebels in Angola, UNITA was still able to equip an army of roughly 60,000–70,000 troops, accompanied by tanks and aircraft, in the war against the government that lasted until the 2002 peace

²² For a statistical approach, see Gary C. Hufbauer, Jeffrey J. Schott, and Kimberly Ann Elliott, *Economic Sanctions Reconsidered: History and Current Policy*, 2nd edn. (Washington, DC: Institute for International Economics, 1990). For a case study approach, see Cortright and Lopez, *The Sanctions Decade*.

²³ UN Security Council Resolutions 1425 (2002) and 1474 (2003).

²⁴ UN Security Council, *Final Report of the International Commission of Inquiry (Rwanda)* (New York: United Nations, 1998).

accords.²⁵ In a February 1999 report, the UN sanctions committee overseeing the 1998 arms embargo on Yugoslavia found that little was being done to enforce the embargo.²⁶

Much of the difficulty lies in the fact that civil wars are largely fought with small arms, which are the most difficult weapons to regulate.²⁷ In its arms control activities, the US has focused on preventing the transfer of weapons of mass destruction to 'rogue states', rather than on the small arms market, despite the fact that small arms have recently proved to be collectively far more destructive to lives and property. Over sixty states manufacture small arms and the market is highly competitive. The glut of weapons available has steadily eroded the convention that arms should only be transferred to legitimate governments.²⁸ Indeed, profits from trafficking small arms increase further with the imposition of an embargo: the tighter the embargo, the greater the rewards.²⁹ Targeted groups are often willing to pay higher prices, especially when they control valuable natural resources, evident with UNITA in Angola. Realising that UNITA rebels used diamond profits to finance their weapons purchases, the UN Security Council imposed an embargo on uncertified diamond exports from Angola. This episode suggests that, as a stand-alone policy, arms embargoes are unlikely to curtail local conflicts.³⁰

To generate the international will to introduce an arms embargo, combatants in a civil war must already be slaughtering one other. There is not a single case where an arms embargo was introduced sufficiently early to prevent the aggressor faction from actually initiating civil war. Therefore, by the time embargoes are introduced, many of the combatants are armed to the teeth. States now experiencing internal wars often developed considerable stockpiles of weaponry during the Cold War. In addition, combatants can anticipate an embargo and purchase arms supplies prior to its enactment; for example, UNITA created sufficient stockpiles for two years' fighting.³¹ If the capacity of local actors is sufficient, they can replace imports with an indigenous arms industry. The arms embargo against the South African government did not undermine its ability to wage war externally or internally. The government instead built an impressive and profitable defence industry.³² Actors in civil wars have proved to be very creative in their efforts to break arms embargoes, for example, setting up secret corporations to arrange smuggling, and allying with criminal networks in neighbouring states.³³

²⁵ UN Security Council Resolution 1295. For a detailed account of the failure to enforce the arms embargo on Angola, see 'Angola Unravels: The Rise and Fall of the Lusaka Peace Process' (New York: Human Rights Watch, 1999). See also Cortright and Lopez, *The Sanctions Decade*, ch. 8.

²⁶ UN Security Council, 'Letter dated 26 February 1999 from the Chairman of the Security Council Committee Established Pursuant to Security Council Resolution 1160 (1998) Addressed to the President of the Security Council', S/1999/216, 4 March 1999.

²⁷ Stephen D. Goose and Frank Smyth, 'Arming Genocide in Rwanda', *Foreign Affairs*, 73 (1994), pp. 86–96; Lora Lumpe (ed.), *Running Guns: The Global Black Market in Small Arms* (London: Zed Books, 2000).

²⁸ Spear, 'Arms Limitations, Confidence-Building Measures, and Internal Conflict', pp. 382–4.

²⁹ Aaron Karp, 'The Rise of the Black and Gray Markets', *Annals of the American Academy of Political and Social Science*, 535 (September 1994), pp. 174–89.

³⁰ Gary Hufbauer and Barbara Oegg, 'Targeted Sanctions: A Policy Alternative?' (Washington, DC: Institute for International Economics, 2000); Cortright and Lopez, *The Sanctions Decade*, p. 151.

³¹ Spear, 'Arms Limitations, Confidence-Building Measures, and Internal Conflict', p. 392.

³² Ibid., pp. 390–1; R.T. Naylor, *Economic Warfare: Sanctions, Embargo Busting, and their Human Cost* (Boston, MA: Northeastern University Press, 1999), pp. 156, 166.

³³ Cortright and Lopez, *The Sanctions Decade*, p. 158.

The ability of local factions to circumscribe an embargo is aided by the fact that state compliance with UN mandated arms embargoes is often limited or non-existent. In fact, arms embargoes introduced in Somalia, Rwanda and Liberia between 1992 and 1995 were barely enforced at all. In 1996, the UN International Commission of Inquiry on Rwanda reported: '[we] could not fail to note the absence of an effective, proactive mechanism to monitor or implement the arms embargo the Security Council had imposed on Rwanda'.³⁴ External states are rarely neutral in their attitude towards combatants, and for this reason, states that vote for a UN arms embargo sometimes violate it soon afterwards. The French supplied arms to the Rwandan army after the 1994 embargo, some of which ended up in the hands of *génocidaires*.³⁵ The embargo on the former Yugoslavia did not prevent large amounts of arms reaching the combatants. The US, for example, turned a blind eye to Iranian arms reaching the Bosnian government.³⁶ In 1997, UK officials in Sierra Leone apparently acquiesced in the transfer of weapons to the exiled government by a UK-based security firm, Sandline International, despite the arms embargo on the country.³⁷ If even one neighbouring state lacks the will or capacity to enforce the embargo, it can become almost meaningless. Liberia, for example, freely supplied weapons to rebel forces in Sierra Leone.³⁸

A strongly enforced arms embargo *is* possible, as indicated by the embargo against Iraq after 1990.³⁹ However, this case primarily concerned an interstate war rather than an internal conflict. The US and its allies perceived clear-cut national interests being involved in the denial of weapons to Saddam Hussein, but these interests have generally not been perceived as being involved when foreign civil war participants start killing each other with small arms. The major exception is Yugoslavia in 1991, where the enforcement of the arms embargo was substantial, although by no means total, and involved the cooperation of UN member states and European agencies in a moderately effective monitoring and enforcement regime.⁴⁰

Along with the inherent difficulties in regulating the supply of small arms, and the failure of states to comply with arms embargoes, implementation is also undermined by institutional weakness, particularly at the UN level. Sanctions regimes tend to be chaotic and ad hoc, rather than representing a coherent apparatus. For example, sanctions committees that monitor enforcement rely on member states to provide information. They are under-resourced and under-staffed, especially in regard to

³⁴ 'UN Report in response to Security Council Resolution 1013', 7 September 1995, pp. 18–19; 'Interim Report of the International Commission of Inquiry (Rwanda)', S/1998/777, 19 August 1998.

³⁵ Stephen John Stedman, 'The Former Yugoslavia', in Haass, *Economic Sanctions and American Diplomacy*, p. 185; Spear, 'Arms Limitations, Confidence-Building Measures, and Internal Conflict', p. 384; Bondi, 'Arms Embargoes: In Name Only?', p. 112.

³⁶ 'US Aware of Iranian Arms to Bosnia?', *Washington Post*, 14 April 1995; Aaron Karp, 'Arming Ethnic Conflict', *Arms Control Today*, 23 (1993), pp. 8–13.

³⁷ Bondi, 'Arms Embargoes: In Name Only?', p. 112. See also the UK Parliament's February 1999 Foreign Affairs Select Committee report into the Sandline affair.

³⁸ United Nations Security Council, *Statement by the President of the Security Council*, S/PRST/1999/1, 7 January 1999.

³⁹ Cortright and Lopez, *The Sanctions Decade*, p. 44.

⁴⁰ Julia Devin and Jaleh Dashti-Gibson, 'Sanctions in the Former Yugoslavia', in Thomas G. Weiss, David Cortright, George A. Lopez, and Larry Minear (eds.), *Political Gain and Civilian Pain: Humanitarian Impacts of Economic Sanctions* (New York: Rowman and Littlefield, 1997); Cortright and Lopez, *The Sanctions Decade*, pp. 5, 9. For Security Council concerns about violations of the Yugoslav embargo see resolutions 787 (1992) and 820 (1993).

technical and legal experts. In the Liberian case, the sanctions committee was created three years after the embargo had been imposed.⁴¹

During the late 1990s there were considerable efforts by the Security Council to make arms embargoes more effective. In 1998 the Security Council in Resolution 1196 set out a series of recommendations to strengthen enforcement, including technical reforms, and improvements in the UN Secretariat. Recent embargoes have been written with stronger and more precise language regarding state obligations. During the Kosovo crisis, for example, Security Council resolution 1160 requested that Secretary General Kofi Annan make recommendations to establish a 'comprehensive regime' to oversee enforcement of the arms embargo against Yugoslavia. Furthermore, the respective sanctions committees that oversee compliance have grown bolder. A 2000 report on violations of the embargo against UNITA guerrillas actually named governments and individuals implicated in illegal arms transfers. This report recommended extending sanctions to states that deliberately break arms embargoes.⁴²

These efforts have produced mixed results. In regard to the embargo against Yugoslavia in 1998, Kofi Annan concluded that insufficient funds existed for such a comprehensive regime. The Security Council in November 1998 expressed its concern at repeated and continued violations of the arms embargo.⁴³ There was, however, a degree of success in regard to the arms embargo on UNITA in Angola after 2000. Following the publication by an expert panel of systematic and repeated violations of sanctions, the Security Council enhanced the monitoring arrangements on the embargo. Regional governments made greater, although inconsistent, efforts to enforce the arms embargo, which, to some extent, reduced the flow of weapons to UNITA.⁴⁴

2. Do arms embargoes change the political positions of target groups?

Whether one judges political effectiveness in terms of direct compliance with the stated objectives of an embargo resolution, or if one lowers the bar to include evidence of more subtle persuasion, which convinces target actors to re-evaluate their options; in either case, the political effectiveness of arms embargoes in civil wars has generally been negligible.

Concerns about the ability of economic sanctions to alter the behaviour of local elites are particularly apparent in relation to internal conflicts. Broad economic

⁴¹ Bondi, 'Arms Embargoes: In Name Only?', pp. 114–15; Michael Brzoska, 'Putting More Teeth in UN Arms Embargoes', pp. 133–9; Cortright and Lopez, *The Sanctions Decade*, p. 190.

⁴² Figures implicated included the presidents of at least two African countries, Togo and Burkina Faso, the government of Bulgaria, the world's largest diamond exchange in Antwerp, Belgium, together with officials and individuals in Congo-Kinshasa, Congo-Brazzaville, Gabon, the Ivory Coast, Rwanda and South Africa. 'Final Report of the UN Panel of Experts on Violations of Security Council Sanctions Against Unita', S/2000/203 (10 March 2000); Lora Lumpe, 'A 'New' Approach to the Small Arms Trade', *Arms Control Today*, January/February 2001, pp. 12–15; Emanuela-Chiara Gillard, 'What's Legal? What's Illegal?', in Lumpe (ed.), *Running Guns*, pp. 34–5; Cortright and Lopez, *The Sanctions Decade*, pp. 160–2.

⁴³ Lumpe, 'A 'New' Approach to the Small Arms Trade', pp. 12–15.

⁴⁴ UN Security Council, *Supplementary Report*, S/2001/966; Cortright and Lopez, *Sanctions and the Search for Security*, pp. 61–74.

sanctions have failed repeatedly to coerce states such as Iraq, Cuba and Iran into changing policies that they deem to be important. Arms embargoes are even less likely to compel a determined set of internal combatants into abandoning the struggle and beginning serious negotiations. Richard Haas argues: 'Sanctions . . . are unlikely to be of much utility in moderating civil wars, which, by their nature, tend to be all or nothing struggles that develop quickly and are resistant to (if not impervious to) external influences.'⁴⁵ Economic sanctions have historically changed the behaviour of target actors most effectively when the target group is dependent on an external power for goods or services; when the target group is at least partly democratic; and when a political culture exists in the target group that is receptive to changes in policy.⁴⁶ These factors are generally absent in a civil war. In some cases, participants display dependence on external powers, but combatants are rarely democratic, and usually lack an internal pluralistic culture receptive to change.

There is minimal evidence that arms embargoes during the 1990s had any appreciable impact in gaining political concessions in Somalia, Rwanda, Afghanistan, or Angola.⁴⁷ In Yugoslavia, the 1991 embargo 'had no discernible effect on the political dynamics of the worsening [crisis]'.⁴⁸ The hardships induced by broad economic sanctions played a partial role in encouraging the Serbian leadership to accept a negotiated peace in the Yugoslav war in 1995. However, the arms embargo component of these sanctions was unimportant given that the Serbs had an excess of weaponry domestically available. The arms embargo against the Taliban in Afghanistan in 2000 was of dubious worth, given the largely ungoverned border with Pakistan, and the number of weapons left over after the war against the Soviet Union in the 1980s. The Taliban regime continued to refuse to hand over Osama bin Laden. With arms embargoes partially enforced at best, target actors will generally choose the additional costs and moderate inconvenience of gaining weapons in defiance of the embargo, rather than compromise their political positions.

This dismal record of effectiveness in the 1990s is qualified by one case: Angola after 2000. Although the evidence is unclear, the modest improvement in the implementation of sanctions after 2000 may have damaged UNITA's war effort. During this time, for example, UNITA's military position deteriorated, the organisation increasingly called for the removal of sanctions, and eventually agreed to a ceasefire. However, a number of other factors were probably more important than the arms embargo in causing these developments: battlefield defeats; the death of UNITA leader Jonas Savimbi; and parallel UN sanctions such as the diamond embargo.⁴⁹ Still, compared to the clear-cut failures of the 1990s, the arms embargo in Angola could point to a degree of success.

The UNITA case illustrates that, in theory at least, a partial arms embargo can sufficiently injure a targeted side in a civil war to make it rethink the cost/benefit analysis of continued warfare. However, it is difficult to see, even in theory, how impartial embargoes could lead to political settlements. Power in civil wars is relative,

⁴⁵ Haass, *Economic Sanctions and American Diplomacy*, p. 197.

⁴⁶ Kim Richard Nossal, 'Liberal Democratic Regimes, International Sanctions, and Global Governance', in Vayrynen (ed.), *Globalization and Global Governance*, pp. 127–49.

⁴⁷ Paul Wilson, 'Somali Guerrilla Scoffs at UN Arms Embargo', *Toronto Star*, 26 January 1992; Cortright and Lopez, *The Sanctions Decade*, chs 8–10.

⁴⁸ Cortright and Lopez, *The Sanctions Decade*, p. 65.

⁴⁹ Cortright and Lopez, *Sanctions and the Search for Security*, pp. 70–1.

and participants tend to think in zero-sum terms. As the impartial embargo weakens one side's ability to fight and thus increases their incentive to negotiate, it proportionately strengthens their rivals, and decreases their incentive to negotiate.

The strongest case for an impartial arms embargo proving effective in altering political positions was the 2001 impartial embargo on Liberia. The earlier 1992 arms embargo was renewed, along with the introduction of additional smart sanctions on travel and commodity trading, in an effort to end Liberia's support for the RUF in Sierra Leone. During this period, Liberia made gestures of compliance and the RUF displayed greater willingness to accept a negotiated treaty. However, establishing the causal effect of the Liberian arms embargo is difficult. The RUF signed a ceasefire in November 2000, whilst new UN sanctions were only approved against Liberia in March 2001. The shift in the RUF's political position was primarily due to battlefield conditions resulting from British intervention, as well as military raids on RUF forces by troops from Guinea.⁵⁰ In any case, Liberia was unlikely to be daunted by the renewal of an arms embargo that had already existed for nearly a decade, without ever being enforced, although the new travel restrictions and the diamond embargo may have had some effect in inconveniencing the regime. In 2003, Liberian President Charles Taylor announced that his government was importing weapons in defiance of the arms embargo. Human Rights Watch discovered multiple violations of the embargo had taken place in both Liberia and Sierra Leone.⁵¹

3. *Do arms embargoes uphold symbolic values?*

Even if arms embargoes, in general, fail to restrain the purchase of arms, and fail to change the political positions of target groups, it might still be maintained that arms embargoes succeed in symbolic terms, reinforcing international norms of behaviour in relation to civil wars. Embargoes could conceivably perform a number of functions: signalling international resolve; deterring further wrongful acts; and upholding norms of non-violence, democracy and human rights, by symbolically isolating violators of these norms.

Although it is very difficult to judge the symbolic impact of embargoes, they have been relatively successful in isolating wrongdoers, and confirming their international pariah status. Sanctions against the Taliban, for example, may have contributed to the fact that only three countries recognised this group as the legitimate rulers of Afghanistan prior to 11 September 2001. However, it could be argued that for symbolic benefit, the best scenario is an enforced embargo, the second best scenario is no embargo, and the worst scenario is an unenforced embargo. It is true that inaction at the UN level might be construed as tacit endorsement of the wrongful act. However, introducing embargoes which have no prospect of enforcement, for example in Somalia, Rwanda, or Liberia, results in repeated and predictable embargo

⁵⁰ Cortright and Lopez, *Sanctions and the Search for Security*, pp. 13–15, 86–7.

⁵¹ See the Human Rights Watch report, 'Weapons Sanctions, Military Supplies, and Human Suffering: Illegal Arms Flows to Liberia and the June-July 2003 Shelling of Monrovia', available on the Human Rights Watch website. For further details of Liberian involvement in shipments of weapons to Sierra Leone see Security Council, *Report of the Panel of Experts Appointed Pursuant to Security Council Resolution 1306 (2000)*, para. 19, in *Relation to Sierra Leone*, S/2000/1195, 15 December 2000.

violations, which severely undermines the credibility of United Nations sanctions, as well as the wider authority of the UN. Arms embargoes introduced by the Security Council in civil wars, taken in totality, have signalled, not resolve or deterrence, but weakness and incapacity. The conclusion reached in 2003 by the UN panel of experts investigating the arms embargo on Somalia could be applied to many other cases of arms embargoes in civil wars: 'As the arms embargo has been consistently violated since its imposition, it has no normative value . . .'⁵²

4. *Do arms embargoes facilitate or undermine additional effective action?*

Do embargoes lay the groundwork for potentially more effective international action, such as military intervention? The 1991 embargo against Yugoslavia was partly designed to signal that escalated international involvement might occur if the war dragged on.⁵³ Indeed, the Yugoslav arms embargo was later followed by the use of military force. The period of the arms embargo could conceivably be a phase in which support was mobilised for further action. In addition, decreasing the number of weapons locally available should in principle make a subsequent international intervention more straightforward.

However, there are two major reasons to be sceptical. The first reason is that the subsequent intervention in Yugoslavia occurred primarily because the economic sanctions had failed in their attempt to alter the behaviour of target actors. The second reason is that arms embargoes, rather than building support for intervention, may in some circumstances represent a 'fig leaf' behind which the international community can hide its failure to act more decisively. Another metaphor used is the idea of sanctions as a 'bromide', which may actually lessen the chance of decisive action.⁵⁴ Arms embargoes can partially satisfy a domestic pressure to 'do something', by giving the illusion of action. In Rwanda, for example, the utterly inadequate arms embargo in 1994 represented a substitute for more resolute and sustainable intervention. The arms embargo applied against Yugoslavia in 1991, whilst designed to signal possible escalation, was also designed to avoid immediate Western military engagement since Yugoslavia was seen as lacking strategic interest.⁵⁵

5. *Do arms embargoes have unintended consequences?*

Arms embargoes in civil wars have two major unintended negative consequences. Firstly, embargoes criminalise target groups and societies. Both partial and impartial arms embargoes force public officials to procure weapons through illegal sources, unintentionally strengthening criminal elements and bringing them into the economic

⁵² 'Letter dated 25 March 2003 from the Chairman of the 751 Sanctions Committee addressed to the President of the Security Council, transmitting the first report of the Panel of Experts on Somalia', S/2003/223.

⁵³ Cortright and Lopez, *The Sanctions Decade*, p. 65.

⁵⁴ Jim Hoagland, 'The Sanctions Bromide', *Washington Post*, 12 November 1993.

⁵⁵ Woodward, 'The Use of Sanctions in Former Yugoslavia', in Cortright and Lopez (eds.), *Economic Sanctions*, p. 144.

and political mainstream. The real beneficiaries can be black-market arms dealers and war profiteers.⁵⁶ To take one example, sanctions against Serbia (which included an arms embargo) 'corrupted public officials in neighbouring states and progressively criminalised the Serbian economy'. In 1993, a European Union study of the operation of sanctions in Yugoslavia noted the existence of 'a lucrative market in the arms and military equipment trade, with many supplies being provided by organised crime'.⁵⁷ Criminals that worked with officials to illegally ship arms and other outlawed materials, often found their position strengthened to perform additional work in the stolen car, cigarette, alcohol, or illegal alien industries. According to Tim Judah, 'the fantastic business opportunities provided by sanctions-busting meant that many Yugoslav gangsters who had hitherto operated in the richer pastures of Germany and Switzerland returned to reap the profits of war'.⁵⁸ Partly as a result of sanctions applied to Yugoslavia, in Albania, 'arms smuggling, drug trafficking and financial fraud became the backbone of the economy'.⁵⁹ By criminalising societies, and by increasing the cost of purchasing weapons abroad, arms embargoes can extract additional resources from society, and worsen still further the economic impact of the civil war.⁶⁰

Impartial arms embargoes, applied to all sides in a civil war, can have a second unintended negative effect. Enforced impartial embargoes are inherently interventionist because they are rarely, if ever, neutral in their impact on target actors. The precise effect of the embargo almost always varies between civil war participants due to a wide range of economic, geographic and political factors, and this relative impact can be difficult to predict. Therefore, the embargo can alter the battlefield fighting in ways that were never intended. The side that more easily circumvents the embargo usually benefits. Even if both sides have equal difficulty accessing weapons (due to a fully enforced embargo), this still represents a form of intervention, since one side would likely have had greater opportunity to purchase weapons without the embargo, and thus suffers more from it. In general, by preventing or constraining the purchase of additional weaponry, an embargo tends to consolidate the status quo including any military imbalances. Impartial embargoes can also be interventionist because selective enforcement by states favours one side or the other. John Stuart Mill wrote in 1859 on the dangers of 'non-intervention':

The doctrine of non-intervention, to be a legitimate principle of morality, must be accepted by all governments. The despot must consent to be bound by it as well as the free States. Unless they do, the profession of it by free countries comes to this miserable issue, that the wrong side may help the wrong, but the right must not help the right.⁶¹

⁵⁶ For details of the underground trade in weapons in the former Yugoslavia, Somalia and Rwanda, see Michael T. Klare, 'The Subterranean Arms Trade: Black Market Sales, Covert Operations and Ethnic Warfare', in Andrew J. Pierre (ed.), *Cascade of Arms: Managing Conventional Weapons Proliferation* (Washington, DC: Brookings Institution Press, 1997), pp. 45–6; Cortright and Lopez, *The Sanctions Decade*, p. 75.

⁵⁷ 'The Economic Consequences of Sanctions on the Federal Republic of Yugoslavia and its Neighbours', Informal Report to the International Conference on the Former Yugoslavia, Brussels (1993), pp. 12–13.

⁵⁸ Tim Judah, *The Serbs: History, Myth and the Destruction of Yugoslavia* (New Haven, CT: Yale University Press, 1997), pp. 255–6.

⁵⁹ Naylor, *Economic Warfare*, p. 363.

⁶⁰ Devin and Dashti-Gibson, 'Sanctions in the Former Yugoslavia', p. 158.

⁶¹ John Stuart Mill, 'A Few Words on Non-Intervention', *Fraser's Magazine*, December 1859.

Misled by the mirage of neutrality, impartial arms embargoes are often introduced with a lack of careful analysis as to how this policy will help to solve the central problems of the war.

This interventionist reality was classically illustrated in the case of the Yugoslavian arms embargo. In September 1991, as war raged in Croatia, the UN prohibited arms sales to all of the former Yugoslavia. Even after the Europeans and the US recognised Bosnia in April 1992, the UN continued to apply an embargo to all of the former Yugoslavia. Illustrating the attractiveness of arms embargoes, US Secretary of State Lawrence Eagleburger explained that they were trying 'to keep anybody from putting more weapons into the place . . . than were already there.'⁶²

The embargo in Yugoslavia was largely ineffective for two of the three republics that were primarily involved. Croatia purchased weapons readily from Eastern Europe. Serbia controlled both the domestic arms industry and the well-equipped Yugoslavian national army. Indeed the Serbs had so many weapons available that during the war Belgrade actually tried to export weapons to Somalia – a country also under a UN arms embargo – with the arms ending up in Rwanda, a third embargoed country.⁶³ Bosnian Serbs and Croats were also able to access weapons through benefactors in Serbia and Croatia. The embargo was highly effective, however, in crippling the military capacity of the Bosnian government, which, as a member state of the UN, has an explicit right under Article 51 to defend itself. The embargo may have emboldened the Serbs to widen the conflict by attacking new areas and gaining control of 70 per cent of Bosnia.⁶⁴ The international community should be suspicious of any situation where a targeted state actually *welcomes* sanctions. The Yugoslav representative at the UN (from Belgrade) supported an international arms embargo on his own country: a sure sign that its impact would be asymmetric.⁶⁵ When the beneficiaries of an embargo are committing human rights abuses, then the embargo can be seen as immoral.

Arms embargoes are both easy to introduce and difficult to lift. The Bosnian case illustrates the potential for locking-in policy despite evidence of its failure. The US Congress increasingly recognised the iniquities of the arms embargo, and periodically called for its removal. However, as the Europeans repeatedly stated, whatever the injustice of denying arms to the Bosnians, the alternative was escalation of the war. The British Foreign Minister, Douglas Hurd, claimed that lifting the embargo on the Bosnian government would 'level the killing field', not level the playing field.⁶⁶ The veneer of neutrality that accompanies an impartial embargo means that lifting it, even for all sides, becomes necessarily perceived as a partial measure designed to aid one side. The Europeans in 1992–94 were greatly concerned that this perception of partiality would endanger their troops on the ground in the former Yugoslavia, engaged in implementing humanitarian assistance. Eventually Bosnia

⁶² 'UN Bars Weapons Sales to Yugoslavia', *New York Times*, 26 September 1991.

⁶³ Reneo Lukic and Allen Lynch, *Europe from the Balkans to the Urals: The Disintegration of Yugoslavia and the Soviet Union* (New York: Stockholm International Peace Research Institute and Oxford University Press, 1996), p. 246; Naylor, *Economic Warfare*, p. 338.

⁶⁴ Richard Betts, 'The Delusion of Impartial Intervention', *Foreign Affairs*, 73 (1994), pp. 20–34.

⁶⁵ Without Belgrade's support for the arms embargo, China would have vetoed the provision. Simon Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law* (Oxford: Oxford University Press, 2001), p. 133.

⁶⁶ Wayne Bert, *The Reluctant Superpower: United States' Policy in Bosnia, 1991–95* (London: Macmillan, 1997), p. 182.

gained weapons through its loose alliance with Croatia (especially after the Croat-Muslim federation agreement in March 1994) as well as through US tacit approval of arms imports from Iran, Turkey and Saudi Arabia.⁶⁷ From 1994, the Bosnian government suspended its call for lifting the embargo.⁶⁸

It is difficult to compare the Yugoslav case because all the other instances of impartial embargoes in the 1990s were basically unenforced, and did not, therefore, substantially shape the fighting. However, the insidious effect of the Yugoslav arms embargo was not unprecedented. There are several other historical examples of impartial arms embargoes unintentionally aiding one side, and unexpectedly shaping the course of the conflict. The French and the British sponsored a European arms embargo agreement in the Spanish Civil War (1936–39) as a means of limiting the war to Spain. However, Germany and Italy, despite being signatories to the agreement, provided massive military assistance to Spanish Nationalist rebels. Meanwhile, the Soviet Union, also a signatory, provided substantially less aid to the Spanish Republican government. In this context, the tightly enforced British and French embargoes, as well as the parallel US embargo, represented an unintentional intervention against the recognised Spanish government, contributing to its defeat.⁶⁹ The Spanish arms embargo represented, in the words of Lord Strabolgi: 'Malevolent Neutrality'.⁷⁰

We can also see evidence of the unanticipated effects of impartial arms embargoes in the case of the Palestine War in 1948–49, a conflict that combined elements of both a civil war and an interstate war. On 29 May 1948 the UN Security Council introduced an arms embargo on all the Arab and Jewish parties in the conflict, which remained in force for fifteen months, and was substantially enforced. The aim of the embargo was to maintain the status quo in terms of the fighting quality of the combatants. The effect of the embargo, however, was to subvert this goal by aiding the Jewish forces. Whilst the principal Arab sources of arms, ammunition, and spare parts – Britain and France – were suddenly cut off, Jewish groups were better able to circumvent the embargo through a global clandestine network for the purchase of war materials. The British were shocked to discover that the arms embargo aided Jewish forces, and was a major factor in the Arab defeat. As the British Minister of Defence wrote:

The Chiefs of Staff point out that the circumstances are exceptional and that it was never foreseen, still less intended, that the embargo, which has lasted for months instead of weeks, would have such serious effect on the Arab forces.⁷¹

⁶⁷ Donald Daniel, Brad C. Hayes, Chantal de Jonge Oudraat, *Coercive Inducement and the Containment of International Crises* (Washington, DC: United States Institute of Peace Press, 1999), p. 205, fn. 40; Bert, *The Reluctant Superpower*, p. 273, fn. 20. In November 1994 President Clinton announced that the United States would no longer enforce the embargo with respect to Bosnia. Dorch, *Constructing Regional Security*, p. 166; Naylor, *Economic Warfare*, pp. 346–50.

⁶⁸ 'Bosnia: Only Postponing', *The Economist*, 1 October 1994, pp. 64–5.

⁶⁹ Hugh Thomas, *The Spanish Civil War* (London: Penguin, 1977); Michael Alpert, *A New International History of the Spanish Civil War* (London: Macmillan, 1994).

⁷⁰ Lord Strabolgi, 'What Spain's War Means to Britain', *Daily Herald*, 10 August 1936; Douglas Little, *Malevolent Neutrality: The United States, Great Britain, and the Origins of the Spanish Civil War* (Ithaca, NY: Cornell University Press, 1985).

⁷¹ Amitzur Ilan, *The Origin of the Arab-Israeli Arms Race: Arms, Embargo, Military Power and Decision in the 1948 Palestine War* (New York: New York University Press, 1996), p. 226; Itamar Rabinovich, 'Seven Wars and One Peace Treaty', in Alvin Z. Rubinstein (ed.), *The Arab-Israeli Conflict: Perspectives*, 2nd edn. (New York: Harper Collins, 1991), pp. 35–8; Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881–1999* (New York: Alfred A. Knopf, 1999), p. 218.

A fourth case illustrating the unanticipated and subversive impact of impartial arms embargoes is a counterfactual concerning the embargo applied against Yugoslavia in 1998. Like most of the impartial UN embargoes during the 1990s, it was unenforced; but what would have happened if it had been enforced? In 1998, as in 1991–95, Serb forces were self-sufficient militarily, and therefore an enforced arms embargo would have had little impact on their ability to wage war in Kosovo. However, the Kosovo Liberation Army was almost entirely dependent on supplies arriving from Albania. Although the intention behind the embargo was to pressure the Serbs into ending the repression in Kosovo, a well-enforced embargo would have crippled the military capability of the KLA and therefore represented a significant intervention in favour of Serbia.⁷²

A fifth example is also a counterfactual, regarding the arms embargo applied against the Taliban in Afghanistan in 2000. Human Rights Watch, amongst others, criticised this embargo because it meant taking sides in the civil war, and argued instead for an impartial embargo. However, if enforced, any impartial arms embargo applied to all sides in Afghanistan would have had unequal results, because the Northern Alliance had fewer supply lines than the Taliban, and would have had more difficulty maintaining arms imports. Such an embargo would have represented an unintended intervention in favour of the Taliban.⁷³

Damrosch argues that impartial arms embargoes favour incumbent governments and disfavour insurgents, since governments tend to have greater access to indigenous weaponry.⁷⁴ Joanna Spear also suggests that ‘the imposition of an embargo against parties engaged in an internal conflict will have the effect of favouring the side that has access to the government’s military stockpiles and industries’.⁷⁵ This is probably true in regard to the military dimension, but impartial embargoes applying to all sides favour insurgents in another dimension – by bestowing a degree of international recognition. Many governments facing internal opponents (for example Russia in Chechnya, or the Columbian government) would fiercely oppose an impartial embargo that treated them as equals with what they regard as a group of criminal rebels. That embargoes offer a degree of recognition, of course, reinforces their interventionist nature. Therefore impartial embargoes are not introduced in every civil war, but instead primarily in civil wars where no clearly recognised government exists for the whole country (Somalia, Yugoslavia), where the legitimacy of the government is under question (Sierra Leone), or where the rebels have de facto authority over much of the country (Liberia, Rwanda, Angola).

It could be argued that the tendency for impartial arms embargoes to militarily aid governments over insurgents is nevertheless consistent with principles of international law. Such principles treat insurgents as criminals, whom states are duty bound not to aid, although there is an exception made for national liberation movements.⁷⁶ However, there are two major reasons why this view is flawed. Firstly,

⁷² Cortright and Lopez, *The Sanctions Decade*, pp. 82–3; Michael Brzoska, ‘Putting More Teeth in UN Arms Embargoes’, p. 130.

⁷³ Human Rights Watch, *Afghanistan: Crisis of Impunity; The Role of Pakistan, Russia, and Iran, in Fueling the Civil War* (July 2001), available on the Human Rights Watch website.

⁷⁴ Damrosch, ‘The Collective Enforcement of International Norms through Economic Sanctions’, p. 297.

⁷⁵ Spear, ‘Arms Limitations, Confidence-Building Measures, and Internal Conflict’, p. 393.

⁷⁶ For international law and civil wars, see Antonio Cassese, *International Law* (Oxford: Oxford University Press, 2001), pp. 66–9, 75–7, 98–9, 343–8.

such military benefits to governments are not the intention of the impartial arms embargo, and it is difficult to see how inadvertent outcomes uphold international law. Secondly, the fact that impartial arms embargoes offer a degree of recognition to insurgents challenges traditional international law, because historically, international actors have been loathed to grant recognition to rebel groups.⁷⁷

Conclusion

Much of the impact of UN arms embargoes in civil wars can be summarised as irrelevance or malevolence. Virtually every case of a UN arms embargo applied to a civil war has been a failure. Much of the intuitive promise of arms embargoes in civil wars is illusory, and the increasing frequency of their adoption can be contrasted with their dubious record at ending or ameliorating conflict, and the range of unintended negative consequences that can be engendered. Although arms embargoes are often seen as a wise middle option between doing nothing and military intervention, they can be the most problematic option.

Whilst it is possible that UN arms embargoes led to a marginal reduction in the total amount of weaponry that reached the combatants in civil wars in which they were applied, such embargoes failed by any reasonable measurement. For the most part, they were unenforced; proved quite unable to change the political positions of civil war participants; criminalised target societies; benefited arms suppliers willing to break the rules; undermined the credibility of the UN; and may have served to satisfy calls for action without threatening to have any tangible positive impact. The only real evidence of progress in recent years is the modest improvement in the embargo applied against UNITA in Angola. There is an important distinction necessary between partial arms embargoes, which remain a useful tool, but which require improved enforcement; and impartial arms embargoes, which even when enforced, may serve to shape the conflict in unexpected and undesirable ways.

Reform the use of partial arms embargoes

Partial arms embargoes, such as those applied against UNITA in Angola, Rwandan Hutu rebels, the RUF fighters in Sierra Leone, and the Taliban in Afghanistan, display a number of problems common to arms embargoes in general, especially criminalisation of target groups, ineffectiveness in shaping political behaviour, and damage to UN credibility. Yet, despite this, partial arms embargoes remain a useful and appropriate tool in dealing with civil wars. They are explicitly interventionist, and seek to reduce the available weaponry of a specific set of actors to inhibit their war-making potential. When a consensus exists on which side in a civil war threatens either security or humanitarian goals, partial arms embargoes are valuable, and complement other forms of intervention. Weakening one side may make a subsequent intervention against that side easier, or it may make the target group more

⁷⁷ Cassese, *International Law*, pp. 67–8.

receptive to negotiations. Appropriately applied partial arms embargoes can also be considered just, in that they target aggressors in a conflict and violators of human rights. Partial arms embargoes are also reasonably effective in symbolically isolating violators of international norms, for example, the Taliban.

The major difficulty with partial embargoes lies in the problem of enforcement, which has made many embargoes irrelevant. A range of reforms have been suggested, and in some cases initiated, to avoid sanctions busting.⁷⁸ There have been efforts, for example, to establish greater international supply-side control in light weapons.⁷⁹ A number of governments in Eastern Europe, eager to join NATO and the EU, have strengthened export control laws to prevent violations of arms embargoes.⁸⁰ The Organization of American States in 1997 introduced a convention requiring signatories to enact and implement laws to regulate the manufacture and export of firearms. The European Union also introduced a code of conduct for arms sales in 1998. However, this code lacks any enforcement mechanism, and remains sufficiently vague to allow states to make flexible interpretations.

A number of reforms would increase the effectiveness of UN arms embargoes in civil wars. States should be strongly encouraged or even specifically obliged to enforce UN arms embargo resolutions through national legislation, which would make violation of such an embargo a criminal offence. These laws should also apply to nationals living abroad.⁸¹ A permanent arms embargo unit within the UN Secretariat would likely prove to be more effective than the current system of ad hoc investigative panels. Arms embargo resolutions should also be written in language that clarifies demands on targeted states and actors, for example, by listing proscribed dual-use items.⁸² Several commentators have argued that sanctions should be extended to states that violated an embargo. In 2001, UN sanctions were extended to Liberia due to its flagrant violation of the arms embargo on Sierra Leone. Cases where the Security Council would be willing to extend sanctions are limited, however, since antagonising third party states could prove costly to other long-term diplomatic goals.

Clearly, there are circumstances in which arms embargoes are more likely to curtail the flow of weapons. Important variables include the existence of an indigenous arms production capability, which if substantial, may make the embargo

⁷⁸ Notable in these efforts has been the 'Bonn-Berlin process'. In 1999, over 60 experts from 21 countries met for a three-day conference organised by the Bonn International Center for Conversion (BICC), to examine the problems of monitoring and implementing embargoes. This was followed by the 'Stockholm process', which looked at issues of implementation. See www.smartsanctions.se.

⁷⁹ Sverre Lodgaard, 'Small Arms and Internal Conflicts', in Dimitris Bourantonis and Marios Evriviades (eds.), *A United Nations For the Twenty-First Century* (Boston, MA: Kluwer Law International, 1996), pp. 259–70.

⁸⁰ Bulgaria was the source for many of the weapons that reached UNITA rebels in Angola. Human Rights Watch, *World Report 2001*, p. 159.

⁸¹ Making embargo violations a criminal offence would be pursuant to Article 25 of the UN Charter, which obliges states to take the necessary means to implement, apply and enforce an embargo internally so that it is operative against individuals and companies within their jurisdiction. Such acts were specifically urged by the UN Secretary-General in 1998, as well as being encouraged, but not required, by the Security Council in Resolution 1196 (September 1998). *Report of the Secretary General to the General Assembly Security Council, S/1998/318*; Bondi, 'Arms Embargoes: In Name Only?' p. 113; Michael Brzoska (ed.) *Design and Implementation of the Arms Embargoes and Travel and Aviation Related Sanctions: Results of the 'Bonn-Berlin Process'* (Bonn: Bonn International Center for Conversion, 2001).

⁸² Human Rights Watch, *World Report 2001*, p. 158; Bondi, 'Arms Embargoes: In Name Only?', pp. 117–19.

futile. Regional differences also exist, with embargoes being particularly ineffective in Africa, partly because states that neighbour the target group often lack the capability to prevent arms transfers, even if the intention is there.⁸³ However, enforcement is mostly about the will of powerful international actors. When this will exists, for example, in regard to Iraq and Yugoslavia in 1991–95, sanctions were substantially enforced. When the will to enforce is absent, arms embargoes have often been in name only. Realistically speaking, most African arms embargoes are unlikely to be substantially enforced in the near future, although small improvements are possible in the embargo regime.

Restrict the use of impartial arms embargoes

Whilst partial embargoes are sometimes appropriate despite their limitations, it is much more difficult to establish the benefits of an impartial arms embargo in a civil war situation, and there is a strong case for severely restricting their use. Impartial embargoes, for example, those applied to Yugoslavia, Somalia, Liberia, Rwanda, and Sierra Leone, aim to increase the difficulty of procuring weapons for all sides, and thereby reduce the total amount of arms in the conflict, compared to a situation without the embargo. If all other factors are held constant, then this reduction in total weapons is welcome and should make marginally easier the task of disarming the combatants after the war. However, this theoretical benefit must be weighed against the usual negative effects: the criminalisation of embargoed societies and the inability to change the behaviour of target groups. Unlike partial embargoes, impartial embargoes do not increase the total incentive to negotiate amongst combatants. Rather, they increase the incentive to negotiate for groups that suffer from the embargo and decrease the incentive to negotiate for groups that benefit from the embargo, with the net benefit being marginal. Furthermore, like partial embargoes, impartial embargoes have rarely been enforced. In fact, the single case of substantial enforcement of an impartial embargo was in Yugoslavia after 1991.

Yet the Yugoslavian embargo turned out to be a debacle. Enforcement is not a panacea for impartial embargoes, because more effectively restricting the flow of weapons to the combatants can actually make the situation worse. Whilst an enforced partial embargo, in theory, leads to predictable results, in that it denies one side arms and thereby limits their war-making potential, an enforced impartial embargo will tend to affect actors asymmetrically and thus unintentionally shape the course of the civil war. As the international community moves from minimal enforcement to substantial enforcement of an impartial embargo, we may simply move from the irrelevant Somali embargo, to the malevolent neutrality of the embargoes in Yugoslavia in 1991 and the Spanish Civil War in the 1930s. An enforced embargo in Yugoslavia in 1998 would have undermined the KLA, benefited the Serbs, and subverted the Security Council's wider policy. Meanwhile, enforcing the embargo against Rwanda in 1994 would have done little or nothing to prevent the genocide, committed largely with machetes. A watertight embargo in a civil war, however improbable, would lock in place existing military imbalances. At the very

⁸³ Michael Brzoska, 'Putting More Teeth in UN Arms Embargoes', p. 131.

least therefore, in any situation where impartial embargoes are employed, it is essential that their impact should be carefully measured, and if they backfire, the international community should protect affected minorities. Arms embargoes now generally have twelve-month terms, which is a welcome reform.

Are impartial arms embargoes better or worse than doing nothing? The answer is not clear-cut. An impartial embargo applied with no intention of enforcement, for example, in Somalia, was probably worse than doing nothing, for reasons of UN credibility and state criminalisation. Whilst it is possible that a substantially enforced embargo in Somalia might be preferable to complete inaction, the balance sheet of effects would be complex, and this scenario of enforcement is hardly imminent. Paradoxically, there would be few benefits from *lifting* the Somali embargo, because this would have little positive effect on the ground, whilst signalling a dramatic failure at the international level.

There are generally preferable alternatives to either an enforced impartial embargo, or inaction. The Security Council should often discriminate in civil wars by targeting the aggressor faction, and, if necessary, by aiding the side whose military success would produce the best chance of a peaceful and secure future for the country. The Security Council should aim to identify a preferred and realistic outcome in a civil war – usually a negotiated settlement, or the military defeat of one side – and attempt to manoeuvre the parties towards this outcome. In this process, the Security Council should be aware that the political positions of civil war combatants are altered most effectively by battlefield victories and defeats.

In Rwanda, for example, the appropriate action was not an impartial embargo, but a determined partial military intervention against Hutus guilty of genocide. In the Kosovo case, the appropriate action was not an impartial arms embargo, but a firm diplomatic or military approach directed mainly against Belgrade. Similarly, it would have been preferable for the arms embargo applied in 1997 in Sierra Leone to have been a partial embargo against the ruling junta, instead of an impartial embargo that also prohibited arms importation to the forces of Ahmed Kabbah, the recently deposed and elected leader of the country. The international community later acknowledged this distinction in 1998 when Kabbah was restored to power, because the revised embargo became partial and did not apply to the restored government. Illustrating the effectiveness of well-planned partial military interventions, the British action in Sierra Leone in 2000 was an important factor in making the RUF more amenable to negotiations.

We are all too aware of the negative consequences of wider economic sanctions, but unfortunately arms embargoes are also very problematic. When applied partially to one side in a civil war, arms embargoes are a potentially useful, if flawed, interventionist tool. When applied impartially, they serve to reduce the total amount of weapons available *to some extent* – in itself a laudable result. Yet impartial arms embargoes do not end conflicts. In fact, because their battlefield impact is variable and unpredictable, they may prolong conflict, by providing relative benefits to the side which would otherwise have negotiated or surrendered. In a worst-case scenario, embargoes can disarm the victims of aggression, thus aiding aggressors just as effectively as if the international community had provided them with weapons.