

# Towards effective implementation of UN-imposed arms embargoes in Africa

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## Recommendations

**1** The UN Security Council Subsidiary Organs Branch and the sanctions committees should, together with the AU Peace and Security Council (PSC), explore ways of incentivising AU member states to improve the implementation of arms embargoes.

**2** The AU should put in place a regime to monitor sanctions compliance, which would act as a link between the UN Sanctions Subsidiary Organs Branch and African states under sanctions.

**3** Africa's regional economic communities should consider adopting an approach similar to that of the Mano River Union (MRU) – an intergovernmental institution comprising Sierra Leone, Liberia, Côte d'Ivoire and Guinea –<sup>1</sup> to establish measures for monitoring member states' borders for violations of sanctions; particularly arms embargoes.

## Summary

If well implemented, arms embargoes are one of the most effective ways of controlling the proliferation of weaponry. Although Africa is the main recipient of UN-imposed arms embargoes, the continent still faces a number of challenges in enforcing such regimes. These include the misperception that sanctions are punitive, the disconnect between the UN sanctions-monitoring committees and governments in target states, weak coordination between law-enforcement agencies at the national and regional levels, and the porosity of international borders. This policy brief underscores the importance of African states implementing arms embargoes and provides the African Union with possible policies to propose to member states with regard to enhancing the effectiveness of sanctions.

THE UNCONTROLLED FLOW OF ARMS, particularly in Africa, leads to their excessive accumulation and misuse, and fuels tensions and violence. This is an even greater challenge in parts of Africa where armed conflict is persistent. In addition to the difficulty of enforcing international and regional norms and standards to regulate the flow of arms, the monitoring and enforcement of UN-mandated arms embargoes also come with challenges, as this brief shows.

This policy brief provides an analysis of the implementation of arms embargoes in Côte d'Ivoire, the Democratic Republic of the Congo (DRC), Sierra Leone and Somalia. These countries were selected for analysis based on their particular characteristics and experience in relation to arms embargoes.

Data was collected from focus-group discussions with a cross section of stakeholders, including local border-authority officials; from closed-ended and open-ended questionnaires; and from structured interviews with government officials in the countries under study.

Of the arms embargoes currently in place in Africa, and in the context of the four countries visited, only in the DRC does the embargo target just a section of the country – in the eastern region; in all other cases, the embargo covers the country as a whole. Assessing how the DRC manages the implementation of the embargo is therefore essential in determining how similar embargoes could be better enforced elsewhere in Africa.

### In Somalia, armed violence continues unabated despite the country having been under an arms embargo since 1992

The embargo in Sierra Leone was lifted in 2010,<sup>2</sup> after a successful assessment by the UN sanctions committee of the progress made, followed by a recommendation by the committee to the UN Security Council. How the country is managing to keep away potential illicit arms traffickers in the post-embargo period is instructive in extracting vital lessons for other countries.

In Somalia, armed violence continues unabated despite the country having been under an arms embargo since 1992. The flagrant violation of the country's laws, as well as of the UN arms embargoes, and the wider nefarious implications that this has for neighbouring countries, makes this country an important case for review.

At the time of drafting this policy brief, Côte d'Ivoire was the latest African country to have its arms embargo lifted, in April 2016.<sup>3</sup> The question of what it did right to merit the lifting of the embargo is therefore of interest, as it may be instructive to other African countries still under embargo.

### Background to arms embargoes in Africa

Arms embargoes are a form of sanctions that the UN Security Council applies as a tool to bring pressure on member states or entities without recourse to force. They are the most popular kind of sanctions applied by the UN today.

The UN uses the Security Council Subsidiary Organs Branch in the design, implementation and evaluation of the effectiveness of the UN arms embargoes. The Subsidiary Organs Branch plays a proactive role by supporting the Security Council, sanctions committees, sanction-monitoring groups, teams and expert panels as well as the wider UN system.<sup>4</sup>

The UN Security Council has been the body that most frequently applies sanctions, and has the advantage of an established system when it comes to implementing, monitoring and technical assistance. If monitoring and

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2010

THE YEAR THE EMBARGO IN  
SOMALIA WAS LIFTED

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enforcement are adequately applied, sanctions should motivate recipient states to address the violation that sanctions target.<sup>5</sup>

Arms embargoes are one of the five main types of targeted, or so-called smart sanctions.<sup>6</sup> Others are diplomatic sanctions, travel bans, asset freezes and commodity interdiction. The main aim of smart sanctions is try to alter the strategic decisions of a state and/or non-state actors that threaten the global community or violate international norms of behaviour while reducing the unintended consequences that comprehensive sanctions (such as all-inclusive trade bans) often cause. The UN has applied arms embargoes, asset freezes and travel bans concurrently in many post-conflict environments as well as in conflict environments.

The effectiveness of these UN-imposed embargoes, however, is the subject of much debate in Africa, not least because the continent has been the recipient of the highest number of embargoes since the UN's first stand-alone arms embargo against apartheid South Africa in 1977.<sup>7</sup> Since then, several African countries have come under embargo (see Table 1).

What is not shown in the table is that several African countries have experienced a series of UN-imposed arms embargoes. Liberia is a good example: between 1992 and 2016, the country experienced a number of UN arms embargoes in varying degrees and forms (from 1992 to 2001; 2001 to 2003; 2003 to 2009; and 2009 to 2016).<sup>8</sup> Despite these multiple embargoes, however, weapons continued to proliferate in the country, as observed by the Liberian president, Ellen Johnson Sirleaf.<sup>9</sup>

## The effectiveness of these UN-imposed embargoes is the subject of much debate in Africa

The UN also continues to emphasise the need for countries to contain embargo violations. It acknowledges that there are numerous challenges to effective implementation, particularly in the context of international enforcement.<sup>10</sup> This, despite the fact that the UN Security Council has established sanctions committees, and groups and panels of experts to assist with the monitoring and reporting of violations.

In its quest to ensure the effectiveness of arms embargoes on the continent, the AU has expressed concern about the limited impact that sanctions have had on reducing the legal and illicit trade in arms. The *Report of the Chairperson of the Commission on Arms Control, Disarmament and Non-Proliferation*, which ensued from the 584th meeting of the AU Peace and Security Council (PSC) in 2016, clearly identifies this:

Currently, there are eight arms embargoes in effect in Africa imposed by the UN Security Council that ban, restrict or place controls over the transfer of weapons to certain entities. Reports of the UN

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Arms Embargoes  
Diplomatic Sanctions  
Travel Bans  
Asset Freezes  
Commodity Interdiction

THE FIVE MAIN TYPES OF TARGETED,  
OR SO-CALLED SMART SANCTIONS

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sanctions committees have highlighted limited institutional capacity of states in monitoring and enforcing embargoes, particularly with regard to border controls, as well as the problem of effective information sharing among states and sanctions committees.<sup>11</sup>

This observation could not have come at a better time, as several African countries are currently under arms embargoes. Others, such as Côte d'Ivoire<sup>12</sup> and Liberia,<sup>13</sup> had their embargoes lifted in early 2016 as a consequence of an improved security situation.

As of March 2016, when the 584<sup>th</sup> meeting of the AU PSC was held, there were eight mandatory UN embargoes in place in Africa, as shown in Table 1.<sup>14</sup>

Analysts assert that multilateral arms embargoes are more effective in their implementation than unilateral ones because of their higher degree of participation by countries. Unilateral embargoes are imposed by one country on another, whereas multilateral embargoes are imposed by one or more countries on another country or a number of other countries.<sup>17</sup>

There are various underlying issues that continue to undermine the full potential of arms embargoes on the continent. The role of the UN sanctions committees is commendable, especially because the panels and groups of experts they deploy in the field to monitor

embargo violations bring to the fore the enormous enforcement challenges that states face. However, the work of these committees appears to have limited direct bearing on improving arms-trade controls in the target states. The perception in target countries is that the panels and groups 'work for the UN', and not for the countries.<sup>18</sup> This is basically because they report directly to the sanctions committees, and not to targeted states.

In the next section, a review of the effectiveness of arms embargoes in some of the countries that are either under, or emerging from, arms embargoes points to a number of factors that may be of interest to the AU PSC in its efforts to enhance the effectiveness of embargoes.

### Country-specific experiences of arms embargoes

An analysis of the interviews collected from Côte d'Ivoire, the Democratic Republic of the Congo (DRC), Sierra Leone and Somalia on the implementation of arms embargoes, reveal a wide range of experiences, from which a number of lessons can be drawn.

#### Côte d'Ivoire

In terms of the countries reviewed, Côte d'Ivoire is the one with the shortest span of an arms embargo (November 2004 to April 2014). In addition, most of the respondents appreciated that the embargo had a major positive impact in the country's transformation

**Table 1: UN embargoes in Africa as of March 2016**

Target	Entry into force	Lifted or in force	Establishing document (UN Security Council Resolution No.)
Central African Republic	5 December 2013	Still in force	2 127
Côte d'Ivoire*	15 November 2004	Lifted on 28 April 2016	1 572
DRC (non-governmental forces)	28 July 2003	Still in force	1 493
Eritrea	23 December 2009	Still in force	1 907
Liberia (non-governmental forces since 2009)*	19 November 1992	Lifted on 26 May 2016	788
Libya	26 February 2011	Still in force	1 970
Somalia	23 January 1992	Still in force	733
Sierra Leone <sup>15</sup> (non-governmental forces since 1998)	8 October 1997	Lifted on 29 September 2010	1 132
Sudan (Darfur region)	30 July 2004	Still in force	1 556

Note: \* The data in the table reflects the position at the time the AU PSC Commission on Arms Control, Disarmament and Non-Proliferation convened its 584<sup>th</sup> meeting (March 2016).

**Source:** Information synthesised from the Stockholm International Peace Research Institute arms embargo archive.<sup>16</sup>

to peace and stability. Most government officials, while acknowledging that the embargo had indeed helped, attributed the success to its enforcement through co-operation with neighbouring countries, particularly the member states of the Mano River Union (MRU). In an interview with the author in Abidjan on 28 October 2016, a senior customs official said:

However powerful a country may be, the success of an arms embargo depends a great deal on the willingness of neighbouring countries to walk with the embargoed country. Without such a will from Côte d'Ivoire's neighbours, we could still be under the UN watch...

According to an officer from the customs department's *Enquêtes Douanières et le Groupement Professionnel de l'industrie du Pétrole* (GPP), the four countries comprising the MRU have been able to closely monitor their borders with the support of decentralised cross-border local community security teams. These teams network through constantly alternating cross-border meetings and intelligence sharing.<sup>19</sup>

From October 2012, the government instituted measures geared at adhering to UNSC resolution 1572 (2004).<sup>20</sup> It adopted three approaches to ensure a successful implementation of the embargo. First, it established a national security council (*conseil nationale de sécurité*), which was mandated to act as a focal point for the implementation of the UNSC resolutions and related recommendations. The council also acted as the link with the UN Sanctions Committee on Côte d'Ivoire and worked closely with the UN panel of experts in ensuring successful implementation of the recommendations of the panel.

Second, knowing that illicitly acquired arms were at the core of the armed conflict, the government moved quickly to centralise all government activities related to arms trade (such as import, export, trans-shipments, etc), and ensured that all these activities were reported to the UN Sanctions Committee (and permits sought where necessary) in compliance with the relevant UNSC resolutions.

Third, from October 2012 to August 2015, the government accelerated a disarmament, demobilisation and reintegration (DDR) programme aimed at collecting

all arms in civilian possession. A total of 69 506 ex-combatants were disarmed, and 39 279 assorted arms collected – including about 3 277 087 rounds of ammunition.<sup>21</sup>

Asked about the guarantees the country had in ensuring that arms traffickers do not exploit the lifting of the embargo to trade illicitly, and how they thought the AU could support its member states, a senior of government official expressed the helplessness of Côte d'Ivoire to single-handedly deter marauding traffickers, without the support of neighbouring countries. (Author interview with a former member of the Conseil Nationale de Sécurité in Abidjan, 29 October 2016.) He proposed the need for the AU to set up a continental sanctions committee, which would support the UN sanctions committees by providing countries under arms embargoes with technical advice and strategies in terms of border management and enforcing travel bans, and regional cooperation with respect to asset freeze, among other issues.

The success of an arms embargo depends a great deal on the willingness of neighbouring countries to walk with the embargoed country

### The DRC

At the time this research was conducted, the arms embargo in the DRC applied only to armed groups operating in the eastern region of the country. This is in line with UN Security Council Resolution 2293 of June 2016. This resolution also targets regional and international networks that offer support to armed groups through the supply and transfer of arms, and perpetrators of serious violations of humanitarian law.<sup>22</sup> A wide range of violations continue to take place despite the embargo.

As a Congolese government official monitoring the arms embargo in Goma, eastern DRC, put it, 'arms embargoes are a good idea'. However, he posed the question: 'How can we ensure their success in Congo when illicit brokers and militias trade openly oblivious of the sanctions? Perhaps Africa should seek ways of enforcing these embargoes at a continental level?'<sup>23</sup>

An increasing challenge in the DRC is weak coordination among law-enforcement agencies. For example, the national police service (the *Police nationale congolaise* – PNC) operates in isolation from the military (the *Forces Armées de la République Démocratique du Congo* – FARDC) and the Congolese immigration service (*Direction Générale de Migration* – DGM).<sup>24</sup> This is made worse by the fact that these law-enforcement agencies are ill-equipped with the necessary skills and technical capability to monitor and enforce targeted sanctions. The situation is, however, also undermined further by lack of adequate funding. This is a challenge that the report of the High Level Review of the UN Sanctions has also noted. The High Level Review recommends that the UN Security Council establish a trust fund to support implementation of sanctions, similar to the UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR), managed by the UN Office of Disarmament Affairs.<sup>25</sup> UNSCAR disburses funds with the agreement of contributors to the fund.

### In the DRC, communication issues between the various agencies and stakeholders pose a major challenge

The level of coordination among the agencies is further weakened by the lack of modern technology to enable information exchange between the security agencies. In most border posts, the DGM still operates manual registers and lacks the capacity and equipment to identify fraudulent travel documents and individuals who are sanctioned and subject to travel bans.<sup>26</sup> For instance, biometric capturing equipment at entry and exit points would support the enforcement of travel bans, which are easily violated by use of multiple passports with pseudonyms. The numerous unofficial crossing points along the DRC's borders also pose a major challenge to law-enforcement agencies.

In the DRC, communication issues between the various agencies and stakeholders pose a major challenge owing to a lack of trust between law-enforcement agencies such as between the police and the military. This sometimes results in serious breaches of the arms embargo. A

case in point is where one arm of the security apparatus discreetly imports arms in violation of the embargo and without disclosing such activities to other agencies.

### Sierra Leone

The case of Sierra Leone in this study is important for two reasons. First, to give an indication of how far a country whose arms embargo was lifted several years ago (in this case six years) has fared since then. Second, as a host country to MRU, it made economic sense that while documenting the MRU's operations, the researcher maximises on the opportunity to also reflect on the country.

In the case of Sierra Leone, the UN Security Council established the Sanctions Committee on Sierra Leone under Resolution 1132 of 8 October 1997 in reaction to a coup led by the Armed Forces Revolutionary Council, a breakaway rebel group of the Sierra Leonean Army, which had overthrown President Kabbah's government. As a result, the UN imposed an arms and oil embargo on Sierra Leone.<sup>27</sup>

However, hardly two years had lapsed since the sanctions were imposed when the UN panel of experts reported violations of the sanctions, including the arms embargo. A former government official at the time confirmed this, stating that as soon as the sanctions had been imposed,

...merchants of warfare sought alternative ways of smuggling arms into Sierra Leone, where the demand had risen exponentially due to the embargo ... the acute shortage of arms and ammunition was biting both to the government as well as the rebels and the porous borders rendered the smuggling easy ...<sup>28</sup>

This assertion can be corroborated by the report of the UN panel of experts, of January 2001, which stated that Liberia was actively breaking UN Security Council embargoes by importing weapons into its own territory and trafficking them into Sierra Leone.<sup>29</sup> The report also stated that other countries, such as Burkina Faso, tacitly allowed weapons to pass through or over their territory without question, while other countries provided a base for the aircraft used in such operations.<sup>30</sup>

After one year, in June 1998, the UN Security Council adopted Resolution 1171, which lifted prohibitions on the supply of oil but retained the prohibition on the sale and supply of arms and related materiel to non-governmental forces in Sierra Leone. These were mainly the forces controlled by military commanders that had played a leading role in the conflict between the government and the Revolutionary United Front. The embargo therefore no longer applied to the government of Sierra Leone, which was no longer under military rule. In 2010, after a period of about 12 years, the UN Security Council lifted the arms embargo on Sierra Leone, bringing a closure to all sanctions.<sup>31</sup>

Despite the lifting of the arms embargo, smuggling of arms continues to be reported between Sierra Leone and its three neighbours (Côte d'Ivoire, Liberia and Guinea). The most permeable border region in terms of illicit trafficking of arms between Sierra Leone and Liberia, in particular is Kenama District, where illicit traffickers exploit the dense Gola Forest, which straddles both countries. However, the challenge is not restricted to the Sierra Leone–Liberia border. The traffickers shift their activities across the borders of Sierra Leone's neighbouring countries in an effort to avoid security operations.<sup>32</sup>

Despite the lifting of the arms embargo, smuggling of arms continues to be reported between Sierra Leone and its three neighbours

Owing to the challenges in monitoring these porous borders and the realisation that a UN-imposed arms embargo alone was not sufficient to deter the cross-border illicit trade in arms and ammunition, the four countries developed a joint approach modelled around the MRU concept, and aimed at bolstering their border security. This served as a collaborative effort to support not only the enforcement of the arms embargoes, but also as a sub-regional initiative in the fight against the illicit trade in arms in general.

### **The case of the Mano River Union border-security unit**

The objective of the Mano River Union is to strengthen the capacity of member states with regard to economic integration by coordinating development programmes, including in the area of peacebuilding – which is seen as a prerequisite to development. MRU promotes trade as well as development in trade, industry, energy, agriculture, natural resources, transport and telecommunications, including monetary and financial affairs.<sup>33</sup>

Due to the cycle of conflicts occurring in the MRU region, the four member countries were unable to implement the 15<sup>th</sup> Protocol of 2000 earlier than 2012. The protocol calls for the establishment of joint border-security and confidence-building units. However, following the return of relative peace to the region, in March 2012 the MRU revisited the need to implement the protocol.

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## The MRU Initiative

AN EXAMPLE OF A VERY INNOVATIVE  
APPROACH TO ENSURING THE  
SUCCESS OF AN ARMS EMBARGO

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One of the areas of immediate concern was to secure the borders from abuse by traffickers of arms and other contraband goods.<sup>34</sup> The four countries set up joint border security and confidence-building units at border points considered most susceptible to trafficking of illicit goods, including arms.<sup>35</sup> As at the time of this research, 28 units had been set up along the borders of the four countries, and a number of cases of arms trafficking had been documented.

The MRU initiative is an example of an innovative approach to ensuring the success of an arms embargo. Given the current indications of its success, the model may be appropriate for other African countries that are under an embargo.

### Somalia

Somalia is the country with the longest-running UN Security Council sanctions imposition in Africa. At the same time, the Security Council has conceded that Somalia is the least successful example of the sanctions it has imposed anywhere in the world. The Security Council acknowledges that although all sanction regimes have presented challenges in terms of implementation, the arms embargo imposed on Somalia in 1992 faced more difficulties than most.<sup>36</sup> Shortly after the Security Council adopted the arms embargo in January 1992, it created a committee to oversee the sanctions. The group was composed of diplomats from all 15 council members.

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However, it was not until 2008 that the Security Council seriously considered enforcing measures against violators, in the form of financial and other targeted sanctions. All along, the Security Council had relied on requests to member states to honour the embargo.<sup>37</sup> Somalia has the longest coastline in the region and the biggest challenge remains securing it. According to a sheikh who was interviewed, who also doubles as a clan leader and local politician, the existence of the UN panel of experts has not deterred arms traffickers from conducting their business.<sup>38</sup>

From the focus-group discussions conducted in Wajir, Garissa and Nairobi, most of the arms that enter Kenya, Uganda, Tanzania, South Sudan, Ethiopia and Eritrea are trafficked through Somalia from Yemen, Syria and other Middle Eastern countries.<sup>39</sup>

### Findings

The broad findings collated from the interviews conducted in the four countries indicate that, firstly, there is a consensus that arms embargoes are a useful tool for preventing further arms supplies to unauthorised users. Therefore, embargoes have a direct impact, albeit in a limited manner, on reducing the accumulation of weapons in fragile post-conflict environments.

Findings also show that the positive impact of embargoes has, in many cases, only a placebo effect on the aftermath of war, and lasts for one to two years after the introduction of the embargo. This is often the moment when parties to the conflict are disengaging and the UN peacekeeping forces are being deployed, including observers and monitoring missions. When the situation settles down, and the demand for arms created by the embargo gradually takes effect, illicit proliferation sets in and embargo violations become rampant. The porosity of borders and the role of neighbouring states pose the biggest challenges, as arms traffickers and suppliers are able to exploit weak legislation, corrupt government systems and permeable borders around target states. This confirms what some analysts refer to as a structural phenomenon in a market where illegal dealers search for ways to substitute law-abiding arms suppliers.<sup>40</sup>

Secondly, except for influential political actors and entities who have bank accounts and property, many violators of arms embargoes in post-conflict African states are individuals who hardly ever travel outside their zones of command and control, and who are unbanked and do not have formal economic assets. Yet these individuals sometimes control vast areas of natural resources, commanding groups of armed militia responsible for numerous human-rights abuses, including the use of child soldiers. For such people, the UN sanctions regime (which imposes travel bans and asset freeze) has little impact, as such people have no assets – i.e.



bank accounts or property – that can be frozen, nor do they travel outside of their domain. They conduct their arms transactions through emissaries in exchange for minerals.

A case that best illustrates these strategies is that of a militia leader in Masisi territory, eastern DRC, who in an interview expressed joy on being informed that his name was mentioned in a UN group of experts' report on the recruitment and use of child soldiers. The militant leader stated: 'So even the UN now knows me? That means my group is becoming famous.'<sup>41</sup>

Thirdly, African countries are increasingly gaining the capacity to produce ammunition, while others are producing arms. Currently there is no indication of a link between arms embargoes and the quest by African states to develop a domestic arms production capacity. However, some analysts argue that such a quest is partly motivated by the desire of potential targets to protect themselves from any future sanctions,<sup>42</sup> and that over time the proliferation of domestic arms production facilities will erode the effectiveness of arms embargoes.

The above findings are indicative of the multifaceted, interconnected challenges that African countries face when implementing UN-imposed arms embargoes. Some of these challenges have also been cited in the report of the High Level Review of the UN Sanctions.

### **Weak legislation**

From interviews with policymakers and embargo monitoring groups, documentation and information collected through observation, the weakest factor in the enforcement of embargoes is actually supposed to be the strongest – legislation. There is hardly any information on how target states incorporate the bans into national laws. Similarly, whereas the UN, in designing the sanctions, often stress the important role that neighbouring states should play in ensuring full enforcement of embargoes, there are no structures or frameworks, either bilaterally or regionally, that specifically deal with this issue.

In cases where countries have passed arms-control legislation, the results have been unintended. For instance, when Sierra Leone intensified surveillance

along the most porous sections of its border with Liberia, arms traffickers resorted to using more sophisticated routes, such as rivers and dense forests, to smuggle arms and ammunition in exchange for natural resources.<sup>43</sup>

### **Limited public awareness**

In all the four countries studied, there is relatively limited knowledge and awareness among citizens and law-enforcement personnel about what sanctions are and what they serve. Sanctioned individuals are sometimes able to conduct their usual business oblivious of the sanctions. In other cases, people under a travel ban have managed to get into neighbouring countries using fake identities. This problem is compounded by the absence of suitable legislation to prosecute violators of UN-imposed arms embargoes. This is partly the reason why, when an arms embargo is lifted, the country simply relapses into a state where illicit arms traffickers exploit the situation.

Countries do not consider sanctions as a positive element in their transformation, but as a sign of punishment

The fact that there is no law to ensure enforcement means that there is no law to popularise the consequences of domestic violation of embargoes. For this reason, most, if not all, citizens are oblivious to what an arms embargo is, who the target is and what the implications are for those who violate it. This was apparent in discussions with leaders of various militia groups in the DRC. Whereas most of them knew that their activities were in some way anti-government, none of them were aware that there were international sanctions for violators of the embargo. This ignorance can be attributable to a lack of domestic legal enforcement of the embargo.

### **Countries under embargoes tend to be considered failures**

An embargo on a state is a form of imposed international isolation; it means being alienated from the community of states. Countries do not consider sanctions as a

positive element in their transformation, but as a sign of punishment. For instance, when, in June 2016 the US imposed targeted sanctions on a senior DRC police chief over the involvement of the country's security forces in human-rights abuses and restrictions on political freedoms, the Congolese government protested, describing the action as an infringement of the country's sovereignty.<sup>44</sup>

This erroneous impression is regrettably eroding the good intentions of arms embargoes. It creates a situation in which all parties – governments, non-state actors and illicit brokers – circuitously attempt to outmanoeuvre the embargo to meet their objectives.

### **Pending contracts**

Contracts negotiated by a government before an arms embargo is imposed on a state often present a legal complexity, especially where the embargoed country had signed off on major concessions and/or military aid. Potential losses or penalties related to the cancellation of such contracts can sometimes lead a government into violating an embargo. The general perception that an embargo is a 'bad' thing for a country, together with weak legislation to foster implementation, makes it difficult for the security forces to appreciate the need to enforce the embargo, not least to share specialised tasks to do so.

### **Roles, responsibilities and communication among law-enforcement agencies**

The UN has, in most cases, accompanied arms embargoes with other smart sanctions, such as travel bans and asset freezes. These three categories fall under various law-enforcement agencies, including border police (arms), immigration (travel ban) and finance (asset freeze). A major challenge therefore is on how the various security agencies can coordinate their work without friction

### **Technological handicap**

All the four countries studied lacked the technology needed to authenticate travel documents or identify whether the bearers of such documents were sanctioned individuals.

### **Porosity of borders**

One of the weakest links in the fight against illicit trafficking of arms in Africa, and more so in countries under arms embargoes, is porous borders. This presents a challenge not only to individual countries, but to regions as a whole.

The case of the MRU member states' joint arrangement for monitoring their border security, discussed above, is a model that may be applied to other countries. According to the MRU Secretariat, the cross-border illicit trafficking of arms and ammunition has drastically fallen since 2012 when the units were formed. The communities living along the common borders of Côte d'Ivoire, Guinea, Liberia and Sierra Leone have been sensitised through monthly security meetings that are held jointly by communities on either side of the borders. The meetings are convened each month, rotating among the countries in the union. In reference to the effectiveness of the border-monitoring arrangement, an interviewee said: 'Issues of common concern on security, health, trade and emerging threats are discussed and solutions sought. The lifting of the embargoes on Côte d'Ivoire and Liberia in April and May this year is largely attributable to the work of the MRU border monitoring units.'<sup>45</sup>

### **Conclusion**

Sanctions do not operate in isolation. Their failure or success is dependent on several factors. Arms embargoes remain one of the most effective measures for maintaining or restoring international peace and security when applied as part of a comprehensive strategy<sup>46</sup> that includes peacekeeping, peacebuilding and peacemaking. Sanctions are therefore not meant to be punitive, but rather a means of correcting behaviour designed to support governments and regions working towards a peaceful transition.

The AU may have to analyse the effects of arms embargoes much more broadly to map out the systemic nature of arms flows and related sanctions violations, if it is to arrive at a structured approach towards implementing the good intentions of the UN and, in particular, its sanctions regimes. Until then, the challenge remains.

## Notes

- 1 Mano River Union, <http://manoriverunion.int/History.html>
- 2 Stockholm International Peace Research Institute, EU embargo on Sierra Leone (non-governmental forces), 23 November 2012, [www.sipri.org/databases/embargoes/eu\\_arms\\_embargoes/sierra\\_leone](http://www.sipri.org/databases/embargoes/eu_arms_embargoes/sierra_leone).
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- 4 UN, Politically speaking, Sanctions: prevention, not punishment, <http://un-dpa.tumblr.com/post/114133038339/sanctions-prevention-not-punishment>.
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