

Why Arms Embargoes Fail Seven Factors Undermining Collective Action

Caroline Klaff

SAIS Europe Journal of Global Affairs – 2023

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Notes

1 A note on terminology: This paper will use the terms “arms embargo” and “embargo” interchangeably. “Sanction” will refer to economic, diplomatic, trade, or other non-embargo restrictions. “Comprehensive sanctions” will refer to the whole suite of UN sanctions, including arms embargoes.

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5 UN, “Charter of the United Nations and Statute of the International Court of Justice,” United Nations, 1 UNTS XVI, Article 51, October 24, 1945. <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

6 Willem van Schendel and Itty Abraham, *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalization*, Bloomington: Indiana University Press, 2010, 4-20. Accessed on Internet Archive, <https://archive.org/details/illicitflowskrim0000unse/page/38/mode/2up>.

7 Nicholas Marsh and Lauren Pinson, "Arms Trafficking," in *The Routledge Handbook of Smuggling*, eds. Max Gallien and Florian Weigand, London: Routledge, 2022.

<https://library.oapen.org/bitstream/handle/20.500.12657/51392/9781000508703.pdf?sequence=1>.

8 The chain of custody, or 'transfer chain,' is the series of transfers and retransfers of a weapon, starting with the manufacturer and concluding with the current owner or operator ('end-user').:

Jenzen-Jones, N.R. and Matt Schroeder, "An Introductory Guide to the Identification of Small Arms, Light Weapons, and Associated Ammunition," Geneva: Small Arms Survey, November 2018, 38.

<https://www.smallarmssurvey.org/resource/introductory-guide-identification-small-arms-light-weapons-and-associated-ammunition>.

9 Marsh and Pinson, 2022, 217.

10 Ibid., 216.

11 SIPRI, "Financial value of the global arms trade," 2022. <https://www.sipri.org/databases/financial-value-global-arms-trade>.

12 US Department of State, "World Military Expenditures and Arms Transfers 2021 Edition," December 30, 2021. <https://www.state.gov/world-military-expenditures-and-arms-transfers-2021-edition/>.

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14 EU figures include the UK, as the study was conducted pre-Brexit.

Pieter D. Wezeman, Alexandra Kuimova, and Siemon T. Wezeman, "Trends in International Arms Transfers, 2021," Stockholm: SIPRI, March 2022. https://www.sipri.org/sites/default/files/2022-03/fs_2203_at_2021.pdf.

15 Björn Hagelin, Pieter D. Wezeman, Siemon T. Wezeman, and Nicholas Chipperfield, "International Arms Transfers," in *SIPRI Yearbook 2002: Armaments, Disarmaments, and International Security*, Stockholm: SIPRI, 2002. <https://www.sipri.org/yearbook/2002/08>.

16 European Union, "Consolidated version of the Treaty on the European Union," Article 4 (1), OJ C 326/1, adopted December 12, 2007. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M004>.

17 Wezeman et al., 2022.

18 Kevin Bonsor, "How Landmines Work," How Stuff Works,

<https://science.howstuffworks.com/landmine.htm>.; Sam Hooper, "What's The Shelf Life of Ammunition," USA Carry, March 23, 2020. <https://www.usacarry.com/shelf-life-ammunition/>.

19 William Hartung, "Afghanistan Is Just the Latest Case of US Arms Ending Up With US Adversaries," *Forbes*, August 27, 2021. <https://www.forbes.com/sites/williamhartung/2021/08/27/afghanistan-is-just-the-latest-case-of-us-arms-ending-up-with-us-adversaries/?sh=b2ade3c66851>.

20 There are an estimated 1 billion small arms and light weapons in circulation.: "Spread of 1 Billion Small Arms, Light Weapons Remains Major Threat Worldwide, High Representative for Disarmament Affairs Tells Security Council," United Nations Security Council, SC/14098, February 5, 2020, <https://www.un.org/press/en/2020/sc14098.doc.htm>.

21 Not all weapons are well suited for human rights violations. SALW are the most maneuverable, allowing users to target specific individuals. While warships and combat aircraft inflict great damage, the amount of firepower

they emit would likelier kill targets outright than violate their human rights. For larger land equipment, like tanks, potential for human rights violations comes primarily from SALW attachments to the vehicles.:

Richard Johnson and Spencer Willardson, 2018, "Human Rights and Democratic Arms Transfers: Rhetoric Versus Reality with Different Types of Major Weapons Systems," *International Studies Quarterly*, 62 (2), 453-464. <https://doi.org/10.1093/isq/sqx077>; EJ Hogendoorn, "The Humanitarian Impact of Arms Embargoes,"

Woodrow Wilson Center, YouTube, November 17, 2008 (uploaded July 29, 2013): min. 22:40-23:15,

<https://www.youtube.com/watch?v=a7zN3d2vSFo&t=2s>.

22 Max Weber, cited in Owen Greene and Nicholas Marsh, "Governance and small arms and light weapons," in *Small Arms, Crime and Conflict: Global governance and the threat of armed violence*, Owen Greene and Nicholas Marsh, eds., London: Routledge 2011, 165.

23 UNSC, "Security Council Delegates Spar over Merits of Arms Embargo in Central African Republic as Mission Head Outlines Challenges in Run-up to Local Elections," UN Security Council press release, SC/14799, February 22, 2022. <https://www.un.org/press/en/2022/sc14799.doc.htm>.

24 Hogendoorn, 2013, min. 22:50-

23:15.

25 Ibid, min. 23:18-24:20.

26 Ibid.

27 North Korea has also provided Syria with chemical weapons (like sarin), which the Assad regime has deployed in at least 50 attacks on combatants and civilians.

28 Mallory King, "North Korean Sanctions Evasion Techniques," Santa Monica, CA: RAND Corporation, 2021. https://www.rand.org/content/dam/rand/pubs/research_reports/RR1500/RR1537-1/RAND_RRA1537-1.pdf.

29 Christian Catrina, *Arms Transfers and Dependence*, New York: Taylor & Francis; United Nations Institute for Disarmament Research, 1988, 192.

30 George F. Will, "The 'moral Hula Hoop' of Sanctions," *Ottawa Citizen*, August 27, 1985.

<https://news.google.com/newspapers?nid=2194&dat=19850827&id=KdIyAAAAIBAJ&sjid=pO8FAAAAIBAJ&pg=4678%2C3096495>.

31 Catrina, 1988, 144.

32 Together with arms embargoes, these are the five main types of UN 'targeted sanctions':

"UN Sanctions," Security Council Report, November 25, 2013. <https://www.securitycouncilreport.org/research-reports/un-sanctions.php>.

33 David Cortright, George A. Lopez, and Linda Gerber, "Sanctions Sans Commitment: An Assessment of UN Arms Embargoes," Sanctions & Security Research Program, University of Notre Dame, April 2002. 9-10.

<https://sanctionsandsecurity.nd.edu/news/sanctions-sans-commitment-an-assessment-of-un-arms-embargoes/>.

34 Lucie Béraud-Sudreau, Diego Lopes da Silva, Alexandra Kuimova, and Pieter D. Wezeman, "Emerging Suppliers in the Global Arms Trade," Stockholm: SIPRI, December 2020, 1.

https://www.sipri.org/sites/default/files/2020-12/sipriinsight2013_emerging_suppliers.pdf.

- 35 Used in this way, weapons can be thought of as “meta goods,” because they are goods that can be operated in their own right—and they can be operated to regulate other goods.
- 36 Nelson Alusala, “How can arms embargoes be made more effective?” Institute for Security Studies, October 4, 2016. <https://issafrica.org/iss-today/how-can-arms-embargoes-be-made-more-effective>.
- 37 Holder Anders and Virginie Moreau, “Arms Brokering Controls and how they are implemented in the European Union,” Brussels: Groupe de Recherche et d’Information sur la Paix et la Sécurité [Group for Research and Information on Peace and Security], International Security Sector Advisory Team [ISSAT], November 2011, 5. <https://issat.dcaf.ch/Learn/Resource-Library2/Policy-and-Research-Papers/Arms-Brokering-Controls-and-how-they-are-implemented-in-the-European-Union>.
- 38 An end-user certificate is an official document used in international transfers of restricted goods (usually arms transfers) to confirm that the buyer is the final recipient of the goods and does not intend on re-transferring the goods to others.
- 39 Jeff Carter, Heather L. Ondercin, and Glenn Palmer, “Guns, Butter, and Growth: The Consequences of Military Spending Reconsidered,” *Political Research Quarterly*, 74(1), 148-165. <https://journals.sagepub.com/doi/pdf/10.1177/1065912919890417>.
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- 41 Katherine Bloomfield, “Arms for Oil: How North Korea and Iran Facilitate Each Other’s Security Strategies,” *Georgetown Security Studies Review*, December 1, 2020. <https://georgetownsecuritystudiesreview.org/2020/12/01/arms-for-oil-how-north-korea-and-iran-facilitate-each-others-security-strategies/>.
- 42 At the time, South Africa (which was also trading arms to Iraq in exchange for oil) was under mandatory UN arms embargo, while North Korea and Iran were under unilateral US sanctions.: Stohl, Grillot, 2009, 102.
- 43 Bloomfield, 2020.
- 44 UNODC, “Global Study on Firearms Trafficking 2020,” New York: UNODC, March 2020, 10. <https://www.unodc.org/unodc/en/firearms-protocol/firearms-study.html>.
- 45 Clinton Digital Library, “BTF Memorandum re: Likely Consequences of Fully Lifting the Arms Embargo on Bosnia,” March 23, 1993. <https://clinton.presidentiallibraries.us/items/show/12322>.
- 46 “Lift and Strike” called for lifting the 1991 UN arms embargo on Bosnia to support the weaker Muslim side (“lift”) and initiating airstrikes on Bosnian Serb targets (“strike”).
- 47 Richard J. Aldrich, “America used Islamists to arm the Bosnian Muslims,” *The Guardian*, April 22, 2002. <https://www.theguardian.com/world/2002/apr/22/warcrimes.comment>.
- 48 Hugh Griffiths and Mark Bromley, “Air Transport and Destabilizing Commodity Flows,” Stockholm: SIPRI, May 2009, 6. <https://www.sipri.org/publications/2009/sipri-policy-papers/air-transport-and-destabilizing-commodity-flows>.
- 49 Richard Norton-Taylor, “Cargo firms delivering aid also involved in arms trafficking, says report,” *The Guardian*, May 12, 2009. <https://www.theguardian.com/world/2009/may/12/aid-arms-trafficking-air-cargo>.
- 50 Examples of ongoing inland conflicts include the Kivu conflict in the eastern DRC, the Darfur genocide in Sudan, and the Central African Republic Civil War.: Griffiths and Bromley, 2009, 4.

51 Ibid, 7-9.

52 Lipika Majumdar Roy Choudhury, Alia Aoun, Dina Badawy, Luis Antonio de Albuquerque Bacardit, Yassine Marjane, and Adrian Wilkinson, “Final Report of the Panel of Experts on Libya Established Pursuant to Security Council Resolution 1973 (2011),” UN Security Council S/2021/229, March 8, 2021, 29. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/037/72/PDF/N2103772.pdf?OpenElement>.

53 UNODC, 2020, 10.

54 Choudhury et al., 2021, 14.

55 Matthias Schwarz, “From Legal to Illegal Transfers: Regional Implications of Weapon Flows to Libya,” Peace Research Institute Frankfurt (PRIF) Blog, December 10, 2020. <https://blog.prif.org/2020/12/10/from-legal-to-illegal-transfers-regional-implications-of-weapon-flows-to-libya/>.

56 Choudhury et al., 2021, 14.

57 Vincenzo Bove and Tobias Böhmelt, 2021, “Arms imports in the wake of embargoes.” *European Journal of International Relations*, 27(4), 1114-1135. <https://journals.sagepub.com/doi/pdf/10.1177/13540661211037394>.

58 Ibid, 1115.

59 Matthew Moore, 2010, “Arming the Embargoed: A Supply-Side Understanding of Arms Embargo Violations,” *The Journal of Conflict Resolution*, 54(4), 593-615. <https://www.jstor.org/stable/20773709>.

60 Mancur Olson (1965); Todd Sandler (2000) cited in Moore, 2010.

61 Stohl and Grillot, 2009, 20.; Johnson and Williardson, 2018.

62 Catrina, 1988.

63 Moore, 2010.

64 Cortright, Lopez and Gerber, 2002, 15.

65 Moore, 2010, 596.

66 Johnson and Willardson, 2018.

67 Moore, 2010.

68 France24, “Three things to know about Libyan oil,” June 26, 2018. <https://www.france24.com/en/20180626-three-things-know-about-libyan-oil>.

69 Arianna Poletti, “Libya: ‘It is nothing new that France is violating the arms embargo,’” *The Africa Report*, July 11, 2019. <https://www.theafricareport.com/15202/libya-it-is-nothing-new-that-france-is-violating-the-arms-embargo/>.

70 Brian Wood, “Strengthening compliance with UN arms embargoes – key challenges for monitoring and verification,” London: Amnesty International, March 2006. <https://www.amnesty.org/en/wp-content/uploads/2021/08/ior400052006en.pdf>.

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75 Wezeman et al., 2022.

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77 Bove and Böhmelt, 2021, 1115.