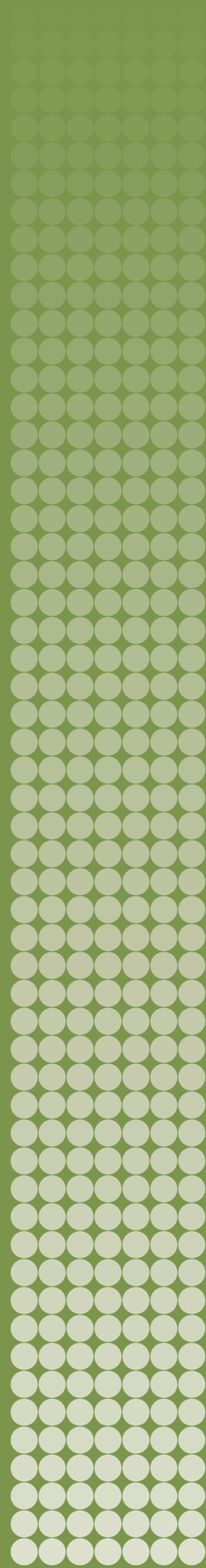


# ILLICIT SMALL ARMS AND LIGHT WEAPONS IN SUB-SAHARAN AFRICA

Using UN Reports on Arms Embargoes to Identify Sources, Challenges and Policy Measures

ANDREA EDOARDO VARISCO, PIETER D. WEZEMAN  
AND ALEXANDRA KUIMOVA



**STOCKHOLM INTERNATIONAL  
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## Executive Summary

This SIPRI Policy Report systematically synthesizes the rich, longitudinal and cross-country data on small arms and light weapons (SALW) diversion from the reports by the UN Panel of Experts (POE) on each country on the five United Nations arms embargoes in place in sub-Saharan Africa in 2022—on the Central African Republic, the Democratic Republic of the Congo, Somalia, South Sudan and Sudan (Darfur region)—and uses insights gained from interviews with former panel members. The paper provides an understanding of the sources of illicit SALW in the states and regions under embargo, the challenges of enforcing arms embargoes and possible policy solutions to address the various sources of illicit SALW to inform and support efforts to combat the proliferation of illicit arms.

The focus on arms diversion in the context of UN arms embargoes is useful as the term illicit weapons is unambiguous in the case of weapons transferred to areas or actors under UN arms embargoes. Moreover countries under arms embargo constitute a set of case studies for which comparable investigations have been conducted by panels of experts over a long period of time, and the main results of these investigations are public. In addition, the panel reports make recommendations on actions to mitigate illicit arms flows based on in-depth field research.

The POE reports provide a wealth of examples of the numerous ways in which SALW reach embargoed actors and armed groups in the five sub-Saharan states. While each case study has unique features, together they provide invaluable insights on the sources and types of diversion of illicit SALW in embargoed states and inform policy recommendations to address the issue of illicit arms. Based on the analysis of the POE reports from the five cases studies, the report presents a typology of sources of illicit weapons for countries under embargo. This provides an understanding of the main challenges linked to different diversion types and identifies the various possible policy solutions most apt for addressing each type of diversion and the related challenges that each presents.

The typology divides sources of illicit arms into internal (originating from within the countries under embargo) and external (originating from other countries). The main internal sources of illicit arms identified in the five cases studies are government stockpiles (through battlefield capture, looting, loss due to poor stockpile management, deliberate loss, defection, and internal transfers in violation of an embargo) and weapons in civilian possession. The main external sources of illicit arms are state-sponsored supplies, cross-border weapon circulation involving private actors (the ant trade), the activities of brokers and transporters, and transfers to government forces in non-compliance with embargo provisions. For each source of illicit arms, the paper identifies related policy measures. Some of these are more technical, such as improvements in weapons and ammunition management. Other measures are linked to security sector reform or to longer term political solutions. The typology provides a basic framework that could be expanded and applied to illicit trade in SALW in sub-Saharan Africa more generally.

The monitoring and investigative work of the UN POEs continues to provide important information on illicit weapon flows that fuel conflict. Improved knowledge of diversion is vital for increasing understanding and devising and adopting appropriate policy solutions. The paper makes the following recommendations to policymakers on detecting sources of illicit SALW and preventing, combating and eradicating the illicit proliferation of SALW in areas under embargo.

### **Strengthen support for the investigative work of the panels of experts**

The UN, with assistance from individual states, could strengthen and empower the investigative work of the POEs by increasing the number of experts, improving their work benefits, strengthening their archives and improving the structure of communications between them. Strong political support will also be required to protect the independence of the panels. The role of UN peacekeeping operations in supporting POEs could also be improved.

### **Make increased use of POE findings and recommendations**

Stakeholders should be made more aware of the evidence-based recommendations made by POEs on action to prevent and combat the diversion of arms in areas under embargo. There is a risk that monitoring is ineffective in curbing the illicit trade in SALW and that the same problems will persist or re-emerge without proper follow-up on recommendations. One possible measure to create better awareness of the POE recommendations and make better use of their findings would be the creation of a user-friendly, interactive public repository that compiles the key findings and main recommendations of the reports by POEs in one place.

### **Align and target policy measures to identified sources of illicit weapons and challenges**

The third recommendation is to better align and target policy measures on illicit SALW to identified sources and problems of diversion. The typology developed by this SIPRI Policy Report should help relate different challenges to different sources of diversion and suggest policy measures and responses to address each challenge. This better understanding of the various sources of illicit weapons and the challenges that need to be addressed to mitigate diversion, based on the repository of key findings and the main recommendations, would provide greater knowledge of the specific problems affecting a country or region, which in turn could lead to more targeted assistance.

### **Reinforce states' practices on marking, record-keeping and tracing**

Marking, record-keeping and cooperation on tracing are key measures for understanding the origin of illicit weapons. The case studies demonstrate the need for improvements in all three. In line with UN Security Council Resolution 2616 and regional instruments, states should fully cooperate with panel requests to trace the origins of illicit weapons, allow POEs to conduct inspections of seized military equipment transferred in contravention of a UN arms embargo and improve weapon marking, record-keeping and tracing practices. Donors should assist countries with achieving these objectives. States should share experience of responding to tracing requests and of successful tracing and investigations with other states.

## Abbreviations

AMISOM	African Union Mission in Somalia
ATT	Arms Trade Treaty
CAR	Central African Republic
COARM	European Council Working Group on Conventional Arms Exports
DIEF	Diversion Information Exchange Forum
DRC	Democratic Republic of the Congo
FARDC	Armed Forces of the Democratic Republic of the Congo
FDLR	Forces démocratiques de libération du Rwanda
ICCN	Congolese Institute for Nature Conservation
ITI	International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons
JVT	Joint Verification Team
MANPADS	Man-portable air-defence systems
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NDC-R	Nduma Défense du Congo-Rénové
P5	Five permanent members of the Security Council
POE	UN Panel of Experts
PSSM	Physical Security and Stockpile Management
RSF	Sudanese Rapid Support Force
RUF	Revolutionary United Front
SALW	Small arms and light weapons
SAM	Surface-to-air missiles
SLA/MM	Sudan Liberation Army/Minni Minnawi
SSPDF	South Sudan People's Defence Forces
SSR	Security sector reform
UAE	United Arab Emirates
UNAMID	African Union-United Nations Hybrid Operation in Darfur
UPC	Unité pour la Paix en Centrafrique



# 1. Introduction

If states are to combat the proliferation of illicit arms, they must understand their sources. The systematic United Nations mandated investigations into arms acquisitions by government and non-state actors under UN arms embargo constitute a rich source of information that can be used to improve general insights into the sources of illicit arms and arms diversion dynamics. These investigations also make recommendations on ways to combat illicit arms flows.

As part of broader efforts to end conflicts and prevent them from reigniting, the UN Security Council can use its powers under Chapter VII of the UN Charter to impose restrictions on the transfer of arms and related services to specific conflict areas, governments and non-state actors. These restrictions are part of what the UN generally refers to as ‘sanction measures’ and are also referred to as arms embargoes. They are binding on all UN member states and any weapon transfers to areas or actors under a UN arms embargo is in violation of Security Council resolutions. The Security Council has established 31 arms embargoes regimes since 1966.<sup>1</sup> Of these, 17 were targeted at entities or territories in sub-Saharan Africa.<sup>2</sup>

By restricting transfers to certain states or non-state actors, arms embargoes both define the parameters of the illicit trade in arms and provide a unique policy instrument for exposing and tackling its underlying sources and dynamics. The flow of illicit arms to states and armed groups can sustain and drive violent conflict. When properly implemented and enforced, arms embargoes are therefore ‘a crucial tool’ that the Security Council ‘holds at its disposal to curb the flow of such weapons to situations of armed conflict’.<sup>3</sup> In addition, UN embargoes are the only multilateral arms embargoes that have mechanisms in place to systematically monitor compliance and implementation. This monitoring work is carried out by panels of experts appointed by the UN secretary-general that report on a regular basis to sanctions committees set up by the Security Council.<sup>4</sup> The reports by panels of experts are also published.

The illicit trade in small arms and light weapons (SALW) has been a central aspect of many international and regional policy instruments since the late 1990s.<sup>5</sup> Among these

<sup>1</sup> The 31 sanction regimes were established in: Southern Rhodesia, South Africa, the former Yugoslavia (2), Haiti (2), Iraq (2), Angola, Rwanda, Sierra Leone, Somalia and Eritrea, Eritrea and Ethiopia, Liberia (3), Democratic Republic of the Congo, Côte d’Ivoire, Sudan, Lebanon, Democratic People’s Republic of Korea, Iran, Libya (2), Guinea-Bissau, Central African Republic, Yemen, South Sudan and Mali, as well as against ISIL (Da’esh) and Al-Qaida and the Taliban, see <<https://www.un.org/securitycouncil/sanctions/information>>.

<sup>2</sup> SIPRI maintains a public archive of all multilateral arms embargoes since 1950 at <<https://www.sipri.org/databases/embargoes>>. Every year the SIPRI Yearbook describes and analyses the political processes surrounding the imposition, amendment and lifting of embargoes. See Bromley, M. and Wezeman, P. D., ‘Multilateral arms embargoes’, in *SIPRI Yearbook 2022: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2022).

<sup>3</sup> Government of the United Kingdom, ‘Tackling the illicit spread of small arms and light weapons’, Statement by David Clay, UK Political Coordinator at the UN, at the Security Council briefing on small arms, 5 Feb. 2020; and United Nations Security Council, Report of the Secretary-General on small arms and light weapons, S/PV.8874, 6 Oct. 2021, p. 15.

<sup>4</sup> In some circumstances, the UN Security Council used different terminology to appoint monitoring mechanisms of an arms embargo, such as *Group of Experts*, *Monitoring Mechanism* or *Monitoring Group*. This paper uses Panel of Experts (POE) throughout as there are no major differences between the functions of the different monitoring mechanisms.

<sup>5</sup> United Nations, Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, A/CONF.192/15, 9–20 July 2001; International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, 8 Dec. 2005; Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Firearms Protocol), opened for signature 31 May 2001, entered into force 3 July 2005; and Arms Trade Treaty (ATT), opened for signature 2 Apr. 2013, entered into force 24 Dec. 2014. See also Parker, S. and Wilson, M., *A Guide to the UN Small*

instruments, the 2005 International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI) includes SALW ‘transferred in violation of arms embargoes decided by the Security Council in accordance with the Charter of the United Nations’ as one of the five components of its definition of ‘illicit SALW’.<sup>6</sup> Since the late 1990s, but particularly in recent years, an increasing number of investigative and research studies have focused on illicit trade in SALW and their diversion, analysing specific case studies and providing growing insights on the dynamics of diversion.<sup>7</sup> Researchers and policymakers have created frameworks and typologies to better understand the problem.<sup>8</sup> Studies have also indicated various possible policy options and measures that all actors—exporting, transit, trans-shipment and importing states, as well as the private sector—could take to help mitigate, prevent and address diversion.<sup>9</sup>

This SIPRI Policy Report uses case studies on the five arms embargoes in place in sub-Saharan Africa in 2022—on the Central African Republic (CAR), the Democratic Republic of the Congo (DRC), Somalia, South Sudan and Sudan (Darfur region)—to systematically synthesize the rich, longitudinal and cross-country data on arms diversion from the reports by the UN Panel of Experts (POE) on each country. The paper provides an understanding of the sources of illicit SALW in the areas under embargo, the challenges of enforcing arms embargoes and, by extension, the general challenges that states face in preventing, combating and eradicating the illicit trade in SALW in sub-Saharan Africa, and of the possible policy solutions to address the different sources of illicit SALW.

The research builds on SIPRI’s work on arms embargoes using the data and analysis in the POE reports on the five country case studies and insights gained from interviews with former panel members. The decision to focus on countries under arms embargo as case studies and the UN reports as the main sources of information has several methodological advantages. First, use of the term illicit weapons is unambiguous in the case of weapons transferred to areas or actors in violation of arms embargoes imposed by UN Security Council resolutions, as these are binding on all UN member states and universally agreed to be international law. Second, countries under arms embargo constitute a set of case studies for which investigations have been conducted

*Arms Process: 2016 Update* (Small Arms Survey, Graduate Institute of International and Development Studies: Geneva, 2016).

<sup>6</sup> International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (note 5), Article 6.

<sup>7</sup> A non-comprehensive list of these studies focused on sub-Saharan Africa includes: Holtom, P. and Pavesi, I., *Trade Update 2018: sub-Saharan Africa in Focus* (Small Arms Survey: Geneva, 2018); Small Arms Survey and the African Union (AU) Commission, *Weapons Compass: Mapping Illicit Small Arms Flows in Africa* (Small Arms Survey: Geneva, 2019); Sollazzo, R. and Nowak, M., *Tri-border Transit: Trafficking and Smuggling in the Burkina Faso-Côte d’Ivoire-Mali Region* (Small Arms Survey: Geneva, 2020); Conflict Armament Research, *Weapon Supplies into South Sudan’s Civil War: Regional Re-transfers and International Intermediaries* (Conflict Armament Research: London, 2019); and Conflict Armament Research, *Investigating Cross-border Weapon Transfers in the Sahel* (Conflict Armament Research: London, 2016).

<sup>8</sup> See e.g. United Nations Office on Drugs and Crime, E4J University Module Series, Firearms, Module 4, ‘The illicit market in firearms: sources of illicit firearms’; Conflict Armament Research, *Diversion Digest: Typology of Diversion* (Conflict Armament Research, London); United Nations, Group of Governmental Experts on Problems Arising from the Accumulation of Conventional Ammunition Stockpiles in Surplus, *Diversion Typology*, Paper Submitted on Behalf of the Chair, 10 Feb. 2020, GGE/PACAS/2020/3; Martínez Miralles, M. et al., ‘Diversion Analysis Framework’, *Arms Trade Treaty Issue Brief* no. 3, 31 Aug. 2021, UN Institute for Disarmament Research, Conflict Armament Research and the Stimson Center; and Kirkham, E. *Preventing and Mitigating the Risk of Arms Diversion in Africa* (Saferworld: London, 2022).

<sup>9</sup> ATT Working Group on Effective Treaty Implementation, ‘Chair’s draft report to CSP4’, 20 July 2018; Wood, B. and Holtom, P., *The Arms Trade Treaty: Measures to Prevent, Detect, Address and Eradicate the Diversion of Conventional Arms* (UN Institute for Disarmament Research: Geneva, 2020); Kirkham (note 8); and Small Arms Survey, ‘Possible measures to prevent and address diversion: Supporting effective implementation of the Arms Trade Treaty’, [n.d.].

by panels of experts over a long period of time, using similar approaches to collecting, assessing and describing how sanctioned entities have obtained illicit SALW. Third, the results of these investigations are public reports. Finally, the panel reports make recommendations on actions aimed at mitigating illicit arms flows based on in-depth field research and access to key actors in the embargoed areas and elsewhere.

The paper makes new and original contributions to the current literature on illicit weapons and diversion. First, it focuses on selected case studies of countries under embargo in sub-Saharan Africa, analysing developments and violations of arms embargoes over time, and bringing together in a single source the findings and disparate information contained in the POE reports. This enables a comparison of cases and provides a useful reference point for further analysis of this complex subject area. Second, it derives from the case studies an analysis of the main sources of illicit weapons and the dynamics of diversion that is applicable not only to embargoes, but also to illicit arms in sub-Saharan Africa and to a general understanding of diversion. Third, the paper creates a typology of sources of illicit weapons for countries under embargo and adds an understanding of the main challenges linked to different diversion types. Fourth, based on the presentation of the sources of diversion and related challenges, it identifies the various possible policy solutions that are most apt for addressing each type of diversion and the related challenges that each faces.

Chapter 2 presents the five case studies and provides an account of embargo violations and sources of illicit weapons in each embargoed area in the period 2013–22. Chapter 3 builds on this information to provide an analysis of the common sources of illicit weapons and the challenges that have affected implementation of arms embargoes. Based on the suggestions in the POE reports and in other studies, it describes possible policy solutions for mitigating the different types of SALW diversion identified and provides a typology of sources of illicit SALW, challenges and policy measures. The main findings are synthesized in table 3.1. Chapter 4 concludes by making a series of recommendations for policymakers aimed at detecting sources of illicit SALW, and preventing, combating and eradicating the illicit proliferation of SALW in areas under embargo. Some of the recommendations are also relevant to non-embargoed states.

## 2. UN arms embargoes in sub-Saharan Africa: Reported violations and sources of illicit arms

Five sub-Saharan states—CAR, the DRC, Somalia, South Sudan and Sudan (Darfur region)—were under a UN arms embargo at the beginning of 2022. Table 2.1 summarizes the types of restrictions on each state.

This chapter discusses reported sources of illicit arms and violations of arms embargoes documented in the five countries in the period 2013–22, providing evidence of the different sources of illicit SALW that fuelled and exacerbated conflict and insecurity. Each case study introduces the relevant provisions of the UN arms embargo and summarizes the reported internal (originating from within the countries themselves) and external (originating from other countries) sources of illicit arms for non-state armed groups.<sup>10</sup>

Each case study then discusses implementation of Security Council resolutions restricting arms transfers to government forces. In cases where all arms transfers or the supply of certain categories of arms must receive advance approval from the relevant UN sanctions committee, arms transferred without such approval are in violation of the UN arms embargo and considered illicit arms in line with the ITI definition. In other cases, transfers to government forces are allowed provided that the supplier or recipient notifies the relevant UN sanctions committee. In these situations, arms transferred in the absence of the proper notification are usually considered by the relevant Panel of Experts to be in ‘non-compliance’ with the respective Security Council resolutions.<sup>11</sup> The paper also includes additional cases of non-compliance where the notification procedures provide insights into arms flows to the destination of concern and thus inform efforts to control such flows.

Each case study also presents the main recommendations made by the relevant POE. Chapter 2 concludes by highlighting the common limitations that POEs face in their investigative work.

### Central African Republic

#### *Embargo provisions*

In 2013 CAR saw widespread violence and human rights abuses that involved at least 14 armed groups and government forces.<sup>12</sup> In December 2013, the UN Security Council responded to the breakdown of law and order in CAR with an embargo on the supply of arms, military equipment and related assistance to non-state actors.<sup>13</sup> It allowed the supply of arms to the CAR security forces if approved in advance by the sanctions committee established by the resolution.

<sup>10</sup>The embargo violations discussed in each case study are not exhaustive but provide examples of the main sources of illicit weapons in each country. An exhaustive list of arms embargo violations in the five case studies is beyond the scope of this paper.

<sup>11</sup>See e.g. United Nations, Security Council, ‘Final report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2536 (2020)’, S/2021/569, 25 June 2021, para. 74; United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2019/469, 7 June 2019, p. 3; and United Nations, Security Council, ‘Letter dated 16 September 2021 from the Panel of Experts on Somalia addressed to the Chair of the Security Council Committee pursuant to resolution 751 (1992) concerning Somalia’, S/2021/849, 6 Oct. 2021, para. 95.

<sup>12</sup>For background to the conflict see e.g. International Peace Information Service (IPIS) and Danish Institute for International Studies (DIIS), *Central African Republic: A Conflict Mapping* (IPIS and DIIS: Antwerp, 2018); and Baudais, V. and Hickendorff, A., ‘Armed conflict and peace processes in West Africa’, *SIPRI Yearbook 2021*, pp. 211–14.

<sup>13</sup>UN Security Council Resolution 2127, 5 Dec. 2013.

Following a February 2019 peace agreement between the CAR government and 14 non-state armed groups, the Security Council decided that weapons and ammunition with a calibre of 14.5 millimetres or less could be supplied to the CAR security forces if the UN sanctions committee had received an advance notification detailing the types and numbers of weapons and ammunition supplied, their purpose, the destination unit in the CAR security forces and the intended place of storage.<sup>14</sup> The same move from approval to notification was made in July 2020 for mortars with a calibre of 60 mm and 82 mm, in July 2021 for rocket propelled grenade launchers and their ammunition and in July 2022 for all arms.<sup>15</sup>

#### *Internal sources of illicit arms to armed groups*

The panel of experts' reports describe how some groups involved in the fighting were equipped with SALW, whereas others were primarily armed with hunting rifles and craft-produced firearms, or even bows and arrows, knives and machetes.<sup>16</sup>

The first report of the Panel of Experts on CAR (CAR POE), published in July 2014, concluded that most of the weapons and ammunition in circulation at the start of the arms embargo came from the arsenals of the CAR armed forces or stocks of weapons collected during previous disarmament, demobilization and integration processes.<sup>17</sup> Séléka, an alliance of rebel groups that took control of CAR for several months in 2013, obtained its weapons from government arsenals and from stockpiles of arms kept by the Central Africa Multinational Force during its march on Bangui in 2012 and early 2013.<sup>18</sup> In 2014, the CAR POE concluded that Séléka had collapsed and lost control over its arsenals.<sup>19</sup>

The CAR POE reported only a small number of leakages from government stockpiles after 2014. In a notable case in 2020, 'at least 127' government forces personnel defected to a coalition of rebel groups, taking weapons with them. The panel noted that senior sources in the armed forces and internal security forces confirmed losses of arms, ammunition, vehicles and equipment from government stocks resulting from desertions, defections and attacks. However, no official audit was conducted to establish the number and type of weapons, ammunition, vehicles and equipment that were transferred to the rebel groups.<sup>20</sup> The panel reported only one case of allegations of government employees stealing and selling weapons from government-controlled stocks, when it described how soldiers had sold a mortar, a rocket launcher and ammunition previously captured from one armed group to another armed group.<sup>21</sup>

The CAR POE reports indicate that craft weapons were in widespread use. Some groups produced their own hand-made firearms and modified hunting ammunition in

<sup>14</sup> UN Security Council Resolution 2488, 12 Sep. 2019.

<sup>15</sup> UN Security Council Resolution 2536, 28 July 2020; UN Security Council Resolution 2588, 29 July 2021; and UN Security Council Resolution 2648, 29 July 2022.

<sup>16</sup> United Nations, Security Council, 'Midterm report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2339 (2017)', S/2017/639, 26 July 2017, Annex 6.5; and United Nations, Security Council, 'Final report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2399 (2018)', S/2018/1119, 14 Dec. 2018, para. 73, Annex 4.4.

<sup>17</sup> United Nations, Security Council, 'Report of the Panel of Experts on the Central African Republic established pursuant to Security Council resolution 2127 (2013)', S/2014/452, 1 July 2014, para. 78–88.

<sup>18</sup> United Nations, Security Council (note 17), S/2014/452, para. 84.

<sup>19</sup> United Nations, Security Council (note 17), S/2014/452, para. 78.

<sup>20</sup> United Nations, Security Council (note 11), S/2021/569, Annex 3.1.

<sup>21</sup> United Nations, Security Council, 'Final report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2507 (2020)', S/2020/662, 8 July 2020, paras 44–46. CAR armed forces later reported that the weapons were given to an allied armed group. United Nations, Security Council, 'Midterm report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2536 (2020)' S/2021/87, 27 Jan. 2021, Annex 6.3.

**Table 2.1.** United Nations arms embargoes in force in sub-Saharan Africa in 2022

Target (entities or territory covered, 2022) <sup>a</sup>	Date embargo first imposed
Central African Republic (embargo allows transfers of arms to the government provided it has notified the relevant United Nations sanctions committee; full embargo on NGF)	5 Dec. 2013
Democratic Republic of the Congo (embargo allows transfers of arms to the government; transfers of SALW to the government are allowed, provided it has notified the relevant UN sanctions committee; full embargo on NGF)	28 July 2003
Somalia (embargo allows transfers of arms to the government provided it has notified the relevant UN sanctions committee; full embargo on NGF)	23 Jan. 1992
South Sudan (whole country; transfers of arms to the government are allowed, if approved in advance by the relevant UN sanctions committee; full embargo on NGF)	13 July 2018
Sudan (embargo covers transfers of arms to the region of Darfur; supplies of arms to government forces in Darfur are allowed if approved in advance by the relevant UN sanctions committee; full embargo on NGF)	30 July 2004

NGF = non-governmental forces; and SALW = small arms and light weapons.

<sup>a</sup> The target, entities and material stated in this table are as of the summer of 2022. More information on the history of the embargoes is provided in the case studies.

Sources: United Nations, Security Council, 'Sanctions', [n.d.]. The SIPRI Arms Embargo Archive, <<https://www.sipri.org/databases/embargoes>>, provides a detailed overview of the major multi-lateral arms embargoes that have been imposed since 1950 along with the principal instruments establishing or amending the embargoes.

illegal arms manufacturing facilities.<sup>22</sup> In some armed groups, fighters had to provide their own weapons and ammunition, often acquired from craft weapon producers.<sup>23</sup>

#### *External sources of illicit arms to armed groups*

The CAR POE reports describe several cases of armed groups procuring military SALW and hunting weapons from arms traffickers in neighbouring states, as well as recruiting armed foreign fighters.<sup>24</sup> Cases of arms smuggling described in the reports indicate that military SALW were mainly smuggled into CAR from or through Sudan. In 2018, for example, the CAR POE was informed that one armed group had received 200 assault rifles, 6 machine guns and 25 000 rounds of ammunition from a source in Sudan, followed by a further batch of small arms of which the quantities were unknown. Claims that some of the weapons bought in Sudan originated from Libya

<sup>22</sup> United Nations, Security Council, 'Midterm report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2399 (2018)', S/2018/729, 23 July 2018, Annex 2.2 and Annex 4.7; United Nations, Security Council, 'Final report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2262 (2016)', S/2016/1032, Annex 4.6; United Nations, Security Council, 'Final report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2339 (2017)', S/2017/1023, 6 Dec. 2017, Annex 4.4; and United Nations, Security Council, S/2018/1119 (note 16), annex 4.7.

<sup>23</sup> United Nations, Security Council, S/2017/1023 (note 22), para. 102.

<sup>24</sup> United Nations, Security Council, 'Final report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2196 (2015)', S/2015/936, 21 Dec. 2015, para. 45. An overview of the weapons used by the main armed groups in CAR and the immediate origin of those arms can be found in United Nations, Security Council (note 11), S/2021/569, para. 33.

could not be confirmed by the panel.<sup>25</sup> Similarly, in 2019 the CAR POE received information that an armed group had acquired weapons and ammunition from Sudan, and that elements of the Sudanese Rapid Support Force (RSF) had been complicit in the transaction. A representative of the armed group told the CAR POE of a transaction between Unité pour la Paix en Centrafrique (UPC) and the RSF in September 2019 involving 500 grenades and 500 assault rifles.<sup>26</sup> Also in 2019, another armed group used its ethnic connections to acquire military materiel from Sudanese territory, reportedly unidentified quantities of assault rifles, grenades and machine guns.<sup>27</sup> In 2020, a former leader of the Sudanese Janjaweed militia who had been integrated into the Sudanese Security Forces in 2006 left Sudan for CAR with two pick-ups, armed fighters and an unidentified quantity of ammunition that was reportedly given to one of the armed groups in CAR.<sup>28</sup>

Cross-border trading has also been an important source of the hunting ammunition used by armed groups in CAR. In 2019, the CAR POE received information that one of the main armed groups had seized 8400 rounds of hunting ammunition from traders from the Kara community. The traders informed the panel that they regularly traded in such ammunition, which originated from Sudan.<sup>29</sup>

The CAR POE reported regular trafficking from Cameroon as another main source of hunting ammunition, which was freely sold in open markets in CAR.<sup>30</sup> Use of hunting weapons was widespread among armed groups in CAR. The CAR POE reported in 2015 a seizure of 4500 12-gauge cartridges and two seizures of smaller quantities (200–250 cartridges).<sup>31</sup> Based on such seizures by CAR government authorities, the panel concluded that significant amounts of hunting ammunition were being smuggled from Congo Brazzaville, mostly produced by the MACC ammunition plant there.<sup>32</sup> In 2017, for example, CAR forces seized 48 boxes of MACC produced hunting ammunition.<sup>33</sup> In another case, the CAR POE traced a box of hunting ammunition smuggled into CAR from Cameroon in 2014 back to a large consignment that had been delivered by a Spanish company to a company in Cameroon earlier that year, for sole use in that country.<sup>34</sup>

The CAR POE also reported that the CAR Ministry of Territorial Administration sometimes issued documents allowing civilians to import pistols, hunting rifles and hunting ammunition into CAR. In 2018, for example, three merchants received separate authorizations, each for the import of 200 000 rounds of hunting ammunition.<sup>35</sup> CAR POE reports have consistently concluded that hunting weapons play a significant

<sup>25</sup> United Nations, Security Council, S/2018/1119 (note 16), paras 68–70, Annex 4.6.

<sup>26</sup> United Nations, Security Council, ‘Final report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2454 (2019)’, S/2019/930, Annex 3.17.

<sup>27</sup> United Nations, Security Council (note 26), S/2019/930, para. 75.

<sup>28</sup> United Nations, Security Council (note 21), S/2020/662, paras 40–41. Other cases involving small numbers of arms are described in United Nations, Security Council, ‘Midterm report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2262 (2016) S/2016/694, 11 Aug. 2016, para. 73; United Nations, Security Council, S/2017/1023 (note 22), para. 173; and United Nations, Security Council (note 21), S/2021/87, paras 32–26.

<sup>29</sup> United Nations, Security Council (note 26), para. 72.

<sup>30</sup> United Nations, Security Council (note 24), S/2015/936, paras 208–16; and United Nations, Security Council, ‘Final report of the Panel of Experts on the Central African Republic established pursuant to Security Council resolution 2127 (2013)’, S/2014/762, paras 166–68.

<sup>31</sup> United Nations, Security Council (note 24), S/2015/936, para. 209.

<sup>32</sup> United Nations, Security Council (note 24), S/2015/936, para. 214.

<sup>33</sup> United Nations, Security Council (note 22), S/2017/1023, para. 106.

<sup>34</sup> United Nations, Security Council (note 17), S/2014/452, Annex 18.

<sup>35</sup> United Nations, Security Council (note 16), S/2018/1119, para. 194.

role in the violence, and the panel has urged the national authorities to take measures to suspend the import of hunting ammunition and weapons.<sup>36</sup>

*Sources of illicit arms to government forces and embargo non-compliance*

The CAR POE reported only a few very minor violations of the restrictions on arms transfers to the CAR armed forces before 2020. In fact, the POE reported how the delivery of several major batches of SALW by France and Russia in 2018 followed the procedures set out in the Security Council resolutions on CAR.<sup>37</sup> Proper implementation of the delivery of such arms was illustrated by an account of the presence of the UN Mission and panel members as observers during the arrival of arms from Russia for delivery to the CAR armed forces and a description of the administrative aspects of the distribution of weapons to individual soldiers.<sup>38</sup>

However, in 2021 the CAR POE reported that it had been informed by confidential sources that aircraft operated by the Sudanese Air Force had delivered weapons and military materiel intended for the armed forces on three occasions in January 2021. The panel also received a copy of an end-user certificate signed by the CAR minister of defence, which detailed the procurement of 5000 rifles, 2150 machine guns, 2000 submachine guns and 10 million rounds of ammunition from the Sudanese Military Industry Corporation, the delivery of which would have required advance notification to the UN sanctions committee. In addition, the certificate listed items that required prior exemption, such as twenty 107 mm multiple rocket launchers. The POE received information that unidentified military equipment had been delivered in late 2020 by two aircraft leased by an airline based in the United Arab Emirates (UAE) and two aircraft registered in the DRC. Confidential sources informed the CAR POE that the latter two flights delivered SALW that would have required advance notification.<sup>39</sup>

*Main recommendations from the POE reports*

Alongside its monitoring work, the CAR Panel of Experts also made targeted policy recommendations on tackling violations of arms embargoes. The panel urged better stockpile management, through training and capacity-building on the identification, registration and tracing of arms and ammunition, and on the destruction of surplus and obsolete weapons.<sup>40</sup> It also recommended that the governments of CAR and neighbouring states cooperate at the regional level on identifying and combating groups and individuals involved in cross-border arms trafficking, and on sharing information with the panel.<sup>41</sup>

## **Democratic Republic of the Congo**

*Embargo provisions*

The Democratic Republic of the Congo has been the subject of a UN arms embargo since 2003 due to continuing violence in the country. The embargo initially covered eastern DRC but was extended to the entire state in 2005.<sup>42</sup> The initial arms embargo

<sup>36</sup> United Nations, Security Council (note 16), S/2018/1119, para. 210.

<sup>37</sup> United Nations, Security Council (note 22), S/2018/729, paras 20–21; and United Nations, Security Council (note 26), S/2019/930, para. 150.

<sup>38</sup> United Nations, Security Council (note 22), S/2018/729, Annex 2.2, pp. 33–35.

<sup>39</sup> United Nations, Security Council (note 11), S/2021/569, paras 73–76.

<sup>40</sup> United Nations, Security Council (note 24), S/2015/936, para. 247.

<sup>41</sup> United Nations, Security Council (note 21), S/2020/662; and United Nations, Security Council (note 26), S/2019/930.

<sup>42</sup> For background on the conflict in the DRC and an overview of arms transfers before the arms embargo, see Fruchart, D., 'United Nations arms embargoes: Their impact on arms flows and target behaviour, Case study, Democratic Republic of the Congo, 2003–2006' (SIPRI: Stockholm, 2007), pp. 2–9. United Nations Security



did not apply to the UN Organization Mission in the Democratic Republic of the Congo (MONUC), which was later renamed the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), the Interim Emergency Multinational Force or the integrated Congolese national army and police forces.<sup>43</sup> Subsequent Security Council resolutions amended the embargo and in 2005 the arms embargo was extended to ‘any recipient on the territory of the Democratic Republic of the Congo’, although some exemptions were made.<sup>44</sup> In addition, authorized shipments of arms and related materiel to the Government of National Unity and Transition were required to be notified in advance to the sanctions committee.<sup>45</sup> On 31 March 2008, the Security Council lifted all restrictions on arms transfers to the DRC government but the embargo remains in place for all non-governmental forces.<sup>46</sup> The requirement to notify the sanctions committee of any shipment of arms to the DRC remained in place until 2022, when the Security Council decided that notification requirements were needed only for shipments of weapons with a calibre up to 14.5 mm and associated ammunition, mortars with a calibre up to 82 mm and associated ammunition, grenade and rocket launchers with a calibre up to 107 mm and associated ammunition, MANPADS (man-portable air-defence systems) and anti-tank guided missile systems.<sup>47</sup>

#### *Internal sources of illicit arms to armed groups*

The reports of the DRC POE contain numerous examples of violations of the arms embargo linked to long-term instability in the eastern region of the country, and regular monitoring of the provisions of the UN arms embargo since 2004. The national stocks of government forces have been a major internal source of weaponry for armed groups. Battlefield capture has been common, as different armed groups have repeatedly targeted troops or the positions of the Armed Forces of the Democratic Republic of the Congo (FARDC) and other national forces, capturing SALW and related ammunition.<sup>48</sup> This source of diversion has been identified in DRC POE reports for over a decade.<sup>49</sup> In 2016, the POE described how in 2015 and 2016 the Mai Mai Charles armed group had captured SALW and related ammunition during armed conflict with the FARDC and the Congolese Institute for Nature Conservation (ICCN).<sup>50</sup> In

Council Resolution 1493, 28 July 2003, para. 20; and United Nations Security Council Resolution 1533, 12 Mar. 2004 established a sanctions committee to oversee the arms embargo and a Group of Experts.

<sup>43</sup> United Nations Security Council Resolution 1493, 28 July 2003, para. 21.

<sup>44</sup> United Nations Security Council Resolution 1596, 18 Apr. 2005, paras. 1, 2.

<sup>45</sup> United Nations Security Council Resolution 1596, 18 Apr. 2005, para. 4.

<sup>46</sup> United Nations Security Council Resolution 1807, 31 Mar. 2008, paras 1–3.

<sup>47</sup> United Nations Security Council Resolution 2641, 30 June 2022, para. 5 and Annex A. Other developments in 2022 include the deployment of a regional force to DRC, see van de Walle, N., ‘East Africa’s DR Congo Force: The case for caution’, International Crisis Group, 25 Aug. 2022.

<sup>48</sup> United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2020/482, 2 June 2020, para. 34; United Nations, Security Council, Midterm report of the Group of Experts on the Democratic Republic of the Congo, S/2018/1133, 18 Dec. 2018, paras 22–23; United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2018/531, 4 June 2018, para. 52; United Nations, Security Council, Midterm report of the Group of Experts on the Democratic Republic of the Congo, S/2017/1091, 22 Sep. 2017, paras 95–97; United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2017/672/Rev.1, 16 Aug. 2017, para. 43; and United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2015/19, 12 Jan. 2015, para. 25.

<sup>49</sup> For instance, in 2008 the POE believed that the Congres national pour la defense du peuple (CNDP) ‘captures most of its weapons and ammunition during offensives against FARDC’, United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2008/773, 12 Dec. 2008, para. 25.

<sup>50</sup> United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2016/466, 23 May 2016, Annex 36. The attacks happened despite general collaboration between Mai Mai Charles and the FARDC, as one of the strategies of Mai Mai Charles was to collaborate with the government so that it could be supplied with weapons and ammunition and eventually integrate with the FARDC. See paras 83–86 and Annex 35.

2019, the DRC POE found that armed groups were continuing to target the camps and depots of government forces, capturing a ‘significant’ amount of SALW during combat with government forces.<sup>51</sup> In 2021, the POE was still reporting how attacks on FARDC positions and soldiers were an important source of weaponry for several groups.<sup>52</sup> Armed groups also attacked ICCN guards for weapons.<sup>53</sup> The 2022 report documents this type of diversion, and attacks on FARDC and ICCN positions perpetrated by the M23/ARC group and by Twirwaneho.<sup>54</sup>

Weapons in the possession of national security and defence forces also fell into the hands of armed groups through looting facilitated by poor physical security and stockpile management practices, and insufficient control of government stockpiles. This is a long-standing challenge in the DRC that has been identified in several DRC POE reports since the beginning of the embargo, long before the period covered by this study. For instance, in 2008 the DRC POE described stockpile management as ‘almost non-existent’. In 2009 it highlighted how these poor control mechanisms within FARDC were ‘coupled with poorly disciplined and paid troops’.<sup>55</sup> In 2011, the DRC POE noted that FARDC ‘remains the principal source of arms, ammunition’ for armed groups in the eastern part of the country and, based on information from ex-combatants, indicated that the Forces démocratiques de libération du Rwanda (FDLR) had taken advantage of ‘widespread indiscipline and a near-total absence of stockpile controls’.<sup>56</sup> More recent reports indicate that armed groups continue to obtain materiel from national stocks, and in 2020 the DRC POE reiterated that ‘diversion from national stockpiles remained the main source of supply for armed groups in the DRC’.<sup>57</sup>

In some circumstances, diversion from national stockpiles was facilitated by members of the government forces. POE reports identify many cases where members of the FARDC or other government forces have sold their weapons and ammunition directly to armed groups.<sup>58</sup> Various reports by the DRC POE have highlighted a degree of col-

<sup>51</sup> United Nations, Security Council, S/2019/469 (note 11), paras 197–203. See also paras 42–43 of the same document.

<sup>52</sup> United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2021/560, 10 June 2021, paras 17, 24, 90–94, 141, Annexes 7, 71, 72, 103.

<sup>53</sup> United Nations, Security Council (note 52), S/2021/560, paras 77–79 and Annexes 56–59.

<sup>54</sup> United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2022/479, 14 June 2022, paras 60, 68, 154, and Annexes 27–29.

<sup>55</sup> United Nations, Security Council, S/2008/773 (note 49), para. 138; and United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2009/603, 23 Nov. 2009, paras 13 and 71.

<sup>56</sup> United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2011/738, 2 Dec. 2011, paras 113 and 563.

<sup>57</sup> United Nations, Security Council (note 48), S/2020/482, para. 148 and Annexes 73, 78, 81, 96 and 97. For previous years, see United Nations, Security Council (note 48), S/2018/531, paras 180–91; United Nations, Security Council (note 48), S/2017/672/Rev.1, paras 158, 178 and Annex 52; United Nations, Security Council, Midterm report of the Group of Experts on the Democratic Republic of the Congo, S/2015/797, 16 Oct. 2015, paras 47, 107; United Nations, Security Council (note 48), S/2015/19, summary, para. 154, Annex 43; United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2014/42, 23 Jan. 2014, para. 132; and United Nations, Security Council, Midterm report of the Group of Experts on the Democratic Republic of the Congo, S/2013/433, 19 July 2013, para. 17 and Annexes 4–8 and 19 for cases also involving major arms.

<sup>58</sup> United Nations, Security Council (note 54), S/2022/479, paras 104, 128; United Nations, Security Council (note 52), S/2021/560, paras 93, 143, 144, Annexes 73, 103, 106, 107; United Nations, Security Council (note 11), S/2019/469, paras 58–62; United Nations, Security Council (note 48), S/2017/1091, paras 33, 36, 98–99; United Nations, Security Council (note 48), S/2017/672/Rev.1, para. 21; United Nations, Security Council, Midterm report of the Group of Experts on the Democratic Republic of the Congo, S/2016/1102, 28 Dec. 2016, para. 22; United Nations, Security Council (note 50), S/2016/466, paras 85–86, 200–201, 229, Annexes 11 and 63; United Nations, Security Council (note 57), S/2015/797, para. 46; United Nations, Security Council (note 48), S/2015/19, paras 71, 115, Annex 24; United Nations, Security Council, Midterm report of the Group of Experts on the Democratic Republic of the Congo, S/2014/428, 25 June 2014, para. 54; United Nations, Security Council (note 57), S/2014/42, paras 53, 67, and 97, 229; and United Nations, Security Council (note 57), S/2013/433, paras 107–109. In some cases,

laboration between Nduma Défense du Congo-Rénové (NDC-R) commanders and FARDC soldiers.<sup>59</sup> Based on testimonies from different sources, the DRC POE found that FARDC not only continued to supply the NDC-R with weapons and ammunition, but also ‘contributed to the NDC-R split, its restructuring and the strengthening of the Bwira faction as a proxy to track down the Guidon faction and fight other armed groups’.<sup>60</sup> At other times, FARDC officers and soldiers defected and joined armed groups, ‘sometimes with weapons’.<sup>61</sup> In other instances, armed groups formed alliances to avoid attacking each other and shared resources, or weapons and ammunition were trafficked between FARDC and ICCN guards.<sup>62</sup>

Other internal sources of illicit weapons, such as locally manufactured weapons, are hardly mentioned in the DRC POE reports.<sup>63</sup>

#### *External sources of illicit arms to armed groups*

Armed groups’ illicit SALW and ammunition did not exclusively originate from national stockpiles. In some cases, they were smuggled across borders from Burundi, CAR, Rwanda, South Sudan or Uganda.<sup>64</sup> For instance, the 2017 DRC POE report investigated a network of ‘arms traffickers involving members of the Burundian army,

the POE also reported the alleged distribution of weapons and ammunition from the army to local poachers, see United Nations, Security Council (note 48), S/2015/19, para. 220.

<sup>59</sup> United Nations, Security Council, S/2019/469 (note 11), paras 58–62; United Nations, Security Council, Midterm report of the Group of Experts on the Democratic Republic of the Congo, S/2019/974, 20 Dec. 2019, paras 66–73; United Nations, Security Council (note 48), S/2018/531, paras 78, 84–85; and United Nations, Security Council (note 50), S/2016/466, para. 80.

<sup>60</sup> United Nations, Security Council, Midterm report of the Group of Experts on the Democratic Republic of the Congo, S/2020/1283, 23 Dec. 2020, summary, paras 32–35, Annex 16. See also United Nations, Security Council, S/2021/560 (note 52), Annex 31.

<sup>61</sup> United Nations, Security Council, S/2021/560 (note 52), para. 142 and Annex 104.

<sup>62</sup> United Nations, Security Council (note 54), S/2022/479, para. 127; United Nations, Security Council, S/2021/560 (note 52), paras 39–43, Annex 27; United Nations, Security Council (note 58), S/2016/1102, para. 46; and United Nations, Security Council (note 50), S/2016/466, Annex 3.

<sup>63</sup> United Nations, Security Council (note 48), S/2015/19, para. 221 and Annex 71. See Berghezan, G., ‘Armes artisanales en RDC: Enquête au Bandundu et au Maniema’ [Artisanal weapons in the DRC: Survey in Bandundu and Maniema], GRIP report, Brussels, 13 Feb. 2015.

<sup>64</sup> On Burundi, see United Nations, Security Council, Report of the Group of Experts on the Democratic Republic of the Congo, S/2005/30, 25 Jan. 2005, paras 171–72; United Nations, Security Council, Interim report of the Group of Experts on the Democratic Republic of the Congo, S/2009/253, 18 May 2009, para. 25; United Nations, Security Council (note 55), S/2009/603, paras 34–35, 81, 84–89; United Nations, Security Council (note 56), S/2011/738, p. 48, paras 157, 581, Annex 161; United Nations, Security Council (note 50), S/2016/466, para. 45. On desertion from the National Defence Force of Burundi, see United Nations, Security Council (note 48), S/2017/1091, paras 90–94; United Nations, Security Council (note 48), S/2018/531, paras 197–200; United Nations, Security Council (note 48) S/2018/1133, paras 46–48; United Nations, Security Council (note 11), S/2019/469, paras 66 and 193–196; United Nations, Security Council (note 59), S/2019/974, paras 74 and Annex 21. On CAR see United Nations, Security Council (note 60), S/2020/1283, para. 83 and Annex 55. On Uganda see United Nations, Security Council, S/2005/30; United Nations, Security Council, Report of the Group of Experts on the Democratic Republic of the Congo, S/2005/436, 26 July 2005, paras 135, 136, 138, 158, 210; United Nations, Security Council, Report of the Group of Experts on the Democratic Republic of the Congo, S/2008/43, 13 Feb. 2008, para. 56; United Nations, Security Council (note 49), S/2008/773, paras 29, 147, 148; United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2012/843, 15 Nov. 2012, paras 35–55 and particularly 43, Annex 27; United Nations, Security Council (note 57), S/2014/42, para. 31; and United Nations, Security Council, S/2021/560 (note 52), para. 17. On South Sudan, see the border crossing of the Sudan People’s Liberation Movement/Army in Opposition in United Nations, Security Council (note 58), S/2016/1102, paras 110–12; and United Nations, Security Council (note 52), S/2021/560, Annex 74. On Rwanda, see e.g. United Nations, Security Council, Report of the Group of Experts on the Democratic Republic of the Congo, S/2004/551, 15 July 2004, paras 33, 37; United Nations, Security Council, S/2005/30; United Nations, Security Council, Addendum to the interim report of the Group of Experts on the Democratic Republic of the Congo, S/2012/348/Add.1, 27 June 2012; United Nations, Security Council, S/2012/843, summary, paras 6, 18, 19, page 10, Annex 3; United Nations, Security Council (note 57), S/2014/42, paras 4, 28–31, 231 and Annex 100; and United Nations, Security Council (note 60), S/2020/1283, paras 36–41. On Rwandan support for Burundian armed groups in the DRC see United Nations, Security Council (note 50), S/2016/466, para. 30. On trafficking related to poaching, see United Nations, Security Council (note 50), S/2016/466, para. 177, 179–81 and Annex 54;

various middlemen and Congolese armed groups' responsible for arms trafficking across the Ruzizi River.<sup>65</sup> At least three factors facilitated the illicit traffic of SALW from countries in the region. First, porous borders and the difficulties the DRC and neighbouring countries face in properly monitoring them.<sup>66</sup> Second, the access to and control armed groups have over the vast natural resources in the country, which facilitates diversion by providing groups with the opportunity to trade different minerals in exchange for weapons.<sup>67</sup> Third, the fact that in some instances groups receive active support and weaponry from the governments of neighbouring countries. For instance, in 2012 the DRC POE gathered evidence of arms embargo and sanctions regime violations by the Rwandan government, which supported the M23 armed group by providing weapons and ammunition, among other things.<sup>68</sup> According to the DRC POE, the Ugandan government has also supported M23.<sup>69</sup> More recently, the Rwandan government has 'categorically denied either active or passive RDF support' for the resurgent M23/ARC, but in a leaked confidential update in July 2022 the POE had gathered further 'evidence' of Rwandan support.<sup>70</sup> These three factors do not always work in isolation, but at times reinforce each other.

*Sources of illicit arms to government forces and embargo non-compliance*

Since 2005, authorized shipments of arms and related materiel to DRC government forces have required advance notification to the relevant sanctions committee. The DRC POE reports identify several cases in which weapons have been transferred to government forces without such advance notification or where the information submitted was incomplete or misleading.<sup>71</sup> In 2020, the DRC POE 'collected and analysed data from multiple documents related to deliveries of arms and related materiel to the DRC by air and sea between 2015 and 2020'.<sup>72</sup> It found that since January 2018, supplier states have sent more than 2000 tonnes of materiel to the DRC intended for FARDC, including arms and ammunition, 'without the committee having been notified in advance'.<sup>73</sup> These transfers were not limited to SALW, but also included military trucks and seven helicopters. While weapons can be transferred

and United Nations, Security Council (note 48), S/2015/19, Annex 70; on the recovery of cartridges from the manufacturer MAAC, see United Nations, Security Council (note 48), S/2015/19, para. 221 and Annex 71.

<sup>65</sup> United Nations, Security Council (note 48), S/2017/672/Rev.1, paras 151–54 and Annex 51.

<sup>66</sup> See United Nations, Security Council (note 11), S/2019/469, para. 139; and United Nations, Security Council (note 50), S/2016/466, paras 37–41 and Annexes 21–23 for an example related to Burundi and to materiel known to be in circulation in the region. The problem of border porosity was also highlighted in the first POE report in 2004, see United Nations, Security Council (note 64), S/2004/551, para. 28.

<sup>67</sup> See e.g. United Nations, Security Council (note 56), S/2011/738; United Nations, Security Council (note 59), S/2019/974, paras 35, 39; United Nations, Security Council (note 50), S/2016/466, para. 131; United Nations, Security Council (note 48), S/2015/19, para. 80; and United Nations, Security Council (note 57), S/2014/42, para. 67.

<sup>68</sup> United Nations, Security Council (note 64), S/2012/348/Add.1.

<sup>69</sup> United Nations, Security Council (note 64), S/2012/843, paras 35–55.

<sup>70</sup> United Nations, Security Council (note 54), S/2022/479, paras, 67, 71, 72. See also Peyton, N. and Holland, H. 'UN experts: Rwanda has intervened militarily in eastern Congo', Reuters, 4 Aug. 2022; and Kavanagh, M. J. and Butera, S., 'Rwanda is backing rebels fighting Congo, UN Report Says', Bloomberg, 4 Aug. 2022.

<sup>71</sup> United Nations, Security Council (note 64), S/2008/43, paras 68–74; United Nations, Security Council, S/2009/603 (note 55), paras 254–71; United Nations, Security Council (note 48), S/2018/531, paras 192–196; United Nations, Security Council (note 50), S/2016/466, paras 230–31 and Annex 64; United Nations, Security Council (note 48), S/2015/19, paras 83, 155, Annex 41. In 2022, the POE found that several banking documents referred to 'the acquisition of agricultural goods' rather than to military equipment or training, see United Nations, Security Council (note 54), S/2022/479, paras 14–18 and Annex 4. See also Bromley, M. and Holtom, P., 'Arms transfers to the Democratic Republic of the Congo: Assessing the system of arms transfer notifications, 2008–10', SIPRI Background Paper, Oct. 2010.

<sup>72</sup> United Nations, Security Council (note 48), S/2020/482, para. 154.

<sup>73</sup> United Nations, Security Council (note 48), S/2020/482, para. 156. See also Annexes 79, 96 and 111 of the same document.

to government forces, transfers without notification are in non-compliance with the provisions of the embargo and risk undermining its effectiveness.

*Main recommendations from the POE reports*

The DRC POE reports make several recommendations on strengthening and improving weapon and ammunition management, and Physical Security and Stockpile Management (PSSM) practices.<sup>74</sup> In 2010, the Security Council reiterated its recommendation that the DRC government make stockpile security, accountability and management of arms and ammunition an urgent priority and ‘implement a national weapons marking programme’.<sup>75</sup> Challenges regarding weapon marking and storage remain, however, and DRC POE reports highlight numerous difficulties and some positive developments with regard to these practices.<sup>76</sup> For instance, while welcoming progress on national practices, the 2018 report underlines that ‘the stated achievements remained far below national needs’ and that ‘the conditions of storage facilities outside Kinshasa had not improved, leaving FARDC and PNC storage sites vulnerable to the attacks of armed groups’.<sup>77</sup> Limited marking and record-keeping practices, particularly for older weapons that lacked import marks, prevented the traceability of weapons to their last legal custodians.<sup>78</sup>

Among the other recommendations made by the DRC POE reports were to: take action against, including by investigation and prosecution of, FARDC personnel who support armed groups by diverting weapons and ammunition; prevent members of neighbouring security forces from entering DRC territory; increase the work of peace-keeping missions on data collection and training; and facilitate the demobilization and integration of armed groups. The reports also reiterate the provisions on notifications and encourage member states to respect them.<sup>79</sup>

<sup>74</sup> Weapon and ammunition management (WAM) is ‘the oversight, accountability and management of arms and ammunition throughout their life cycle, including the establishment of frameworks, processes and practices for safe and secure materiel acquisition, stockpiling, transfers, tracing and disposal’, United Nations. Integrated Disarmament, Demobilisation and Reintegration Standards (2020), sub-module 4.11 on Transitional Weapons and Ammunition Management. WAM is a framework developed and promoted particularly by the UN Institute for Disarmament Research (UNIDIR) to emphasize accountability for and the governance of weapons and ammunition throughout their lifecycle. WAM includes stockpile management, the marking of, record-keeping on and tracing of arms, and profiling of ammunition as some of its key functional areas. Physical Security and Stockpile Management (PSSM) has longer-standing international standards that stem from the 2001 UN Programme of Action on small arms and light weapons and are codified in the international Modular Small-arms-control Implementation Compendium (MOSAIC) and International Ammunition Technical Guidelines (IATG) standards. PSSM is the component of WAM that deals with the accountability of weapons at their sites of storage and issue. See Giezendanner, H. and Shiotani, H., *A Reference Methodology for National Weapons and Ammunition Management Baseline Assessments* (UNIDIR: Geneva, July 2021).

<sup>75</sup> United Nations, Security Council (note 57), S/2014/42, para. 249(c); United Nations, Security Council, S/2009/603 (note 55), paras 13–17; United Nations, Security Council (note 56), S/2011/738, p. 165; and United Nations Security Council Resolution 1952, 29 Nov. 2010, para. 14.

<sup>76</sup> Some of the challenges are highlighted in United Nations, Security Council, S/2009/603 (note 55), para. 378; United Nations, Security Council, Interim report of the Group of Experts on the Democratic Republic of the Congo, S/2011/345, 7 June 2011, paras 63 and 114; United Nations, Security Council (note 64), S/2012/843, para. 139; United Nations, Security Council (note 57), S/2014/42, paras 128–31; United Nations, Security Council (note 48), S/2015/19, para. 154; United Nations, Security Council (note 57), S/2015/797, summary (p. 2), paras 108, 109. Other developments are in United Nations, Security Council (note 50), S/2016/466, paras 220, 232, 233; United Nations, Security Council (note 58), S/2016/1102, paras 114–18; and United Nations, Security Council (note 48), S/2018/531, paras 201–202.

<sup>77</sup> United Nations, Security Council (note 48), S/2018/531, para. 204.

<sup>78</sup> United Nations, Security Council, Report of the Group of Experts on the Democratic Republic of the Congo, S/2006/525, paras 23–30; and United Nations, Security Council (note 48), S/2018/531, 18 July 2006, para. 182.

<sup>79</sup> United Nations, Security Council (note 54), S/2022/479, para. 203(a); United Nations, Security Council (note 48), S/2020/482, para. 193; United Nations, Security Council (note 59), S/2019/974, para. 103(b); United Nations, Security Council (note 48), S/2018/1133, para. 114; United Nations, Security Council (note 48), S/2018/531, para. 208(a); and United Nations, Security Council (note 48), S/2015/19, para. 235.

## Somalia

### *Embargo provisions*

Somalia has experienced armed conflict of varying intensity since the 1980s, involving the national government, local militias with links to government forces, armed groups with various political objectives, in particular al-Shabab, criminal gangs and pirates.<sup>80</sup>

In response to the violence, in 1992 the UN Security Council imposed a complete embargo on the provision of arms and military equipment to Somalia.<sup>81</sup> The first significant amendment to the embargo was made in 2007, when states were permitted to supply arms to the security forces of the Federal Government of Somalia if the UN sanctions committee on Somalia had been notified in advance and had not made a negative decision within five working days of the notification.<sup>82</sup> In 2013 the Security Council decided that supplies of most types of SALW intended solely to help to develop Somali security sector institutions would be allowed if the Somali government had notified the sanctions committee at least five days in advance of the deliveries.<sup>83</sup> The Somali government was also required to seek advance approval from the sanctions committee for the procurement of surface-to-air missiles (SAM), guns with a calibre greater than 12.7 mm and their ammunition, mortars with a calibre greater than 82 mm, anti-tank guided weapons, charges and devices intended for military use containing energetic, or explosive, materials and weapon sights with a night vision capability. The Security Council also reiterated that weapons or military equipment supplied for the development of the security forces must not be made available for use by anyone not in the service of the security forces.<sup>84</sup> With some minor modifications, these restrictions have remained in place throughout the period 2014–22.<sup>85</sup>

To help prevent the diversion of arms in Somalia, two Security Council resolutions aimed to improve stockpile security. There was a request that the Federal Government of Somalia report to the Security Council on the structure of its Security Forces, and on the infrastructure and procedures for securing its arms stockpiles.<sup>86</sup>

### *Internal sources of illicit arms to armed groups*

In its annual reports for the period 2013–21, the Somalia POE identifies the main sources of weapons supplied to fully embargoed entities; that is, any non-state armed group or armed individual in Somalia.<sup>87</sup> The reports show that leakages from Somali government arms holdings were a significant source of arms diversions in Somalia. The vulnerability of Somali stockpiles was also the main reason why the requirement that the Somali government provide advance notification of weapon supplies and other measures aimed at stockpile control were maintained.<sup>88</sup>

The Somalia POE reports established the regular occurrence of such leakages by collecting data, such as serial numbers and import marks, on the weapons on sale at illegal

<sup>80</sup> For an overview of armed conflict in Somalia see 'Uppsala Conflict Data Program, Somalia'.

<sup>81</sup> UN Security Council Resolution 733, 23 Jan. 1992; and UN Security Council Resolution 794, 3 Dec. 1992.

<sup>82</sup> UN Security Council Resolution 1744, 20 Feb. 2007.

<sup>83</sup> UN Security Council Resolution 2111, 24 July 2013.

<sup>84</sup> UN Security Council Resolution 2093, 6 Mar. 2013; and UN Security Council Resolution 2111, 24 July 2013.

<sup>85</sup> For an overview of the UN arms embargo on Somalia, see <[https://www.sipri.org/databases/embargoes/un\\_arms\\_embargoes/somalia](https://www.sipri.org/databases/embargoes/un_arms_embargoes/somalia)>.

<sup>86</sup> UN Security Council Resolution 2093, 6 Mar. 2013, para. 39; and UN Security Council Resolution 2142, 5 Mar. 2014, para. 9.

<sup>87</sup> On pre-2013 arms flows see Wezeman, P. D., 'Arms flows and the conflict in Somalia', SIPRI Background Paper, Oct. 2020.

<sup>88</sup> United Nations, Security Council, 'Letter dated 2 November 2017 from the Monitoring Group on Somalia and Eritrea addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea', S/2017/924, 2 Nov. 2017, pp. 6–7.

arms markets in Somalia and using this to trace their origins. For example, in the first half of 2019 local informants took photographs of 322 weapons at two illegal arms markets. The panel concluded that 38 of them—32 rifles and 6 pistols—bore markings indicating that they came from government stocks.<sup>89</sup> Informants also reported that the number of weapons with government markings sold by arms dealers had decreased ‘significantly’ between March and July 2019.<sup>90</sup> In 2014 the panel investigated the whereabouts of 2755 Type 56-2 assault rifles supplied to the Somali government by Ethiopia in September 2013. Even though the Somali government accounted for every weapon in this batch, the panel found that ‘several’ Ethiopia-supplied weapons were available in the illicit arms markets in Mogadishu in early 2014. In addition, arms dealers claimed that at least 250 rifles of the same type had been brought to the market from Somali government stocks.<sup>91</sup> In 2014 the panel was told by arms dealers that at least a further 150 rifles had leaked from government stores into illegal arms markets, although the panel could not verify the origins of the rifles as their serial numbers had been removed.<sup>92</sup> In 2014, the panel documented thousands of rounds of rifle ammunition from Sudanese production with arms dealers identical in type to the 291 000 rounds supplied to the Somali government by Djibouti in 2013.<sup>93</sup> In other years, the Somali POE documented cases of smaller batches of small arms in the possession of arms dealers with markings indicating that they came from government stocks.<sup>94</sup>

The POE was also given access to or information about weapons used by armed groups that were seized by government forces in Somalia or in neighbouring countries. In 2020, for example, the lot and serial numbers of weapons were used to trace a rifle and a grenade launcher that had been left behind after an attack by al-Shabab in Kenya in 2020 back to a consignment supplied to Somali government forces in 2017.<sup>95</sup> Similarly, a seizure of weapons from al-Shabab by Ugandan forces in Somalia in 2017 included three rifles and one grenade with markings consistent with weapons in Somali government holdings.<sup>96</sup>

The POE reports identify several ways in which weapons were diverted from government holdings to the informal market and non-state armed actors. In some cases there was evidence that weapons in the hands of non-state actors had been captured during combat. For instance, in 2018 and 2019 al-Shabab captured military vehicles, anti-aircraft guns and large quantities of ammunition in two attacks on Somali army bases.<sup>97</sup> Similarly, in 2016 and 2017 al-Shabab captured several light and heavy

<sup>89</sup> United Nations, Security Council, ‘Letter dated 27 September 2019 from the Panel of Experts on Somalia addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia’, S/2019/858, 1 Nov. 2019, Annex 2.5.

<sup>90</sup> United Nations, Security Council (note 89), S/2019/858, Annex 2.5.

<sup>91</sup> United Nations, Security Council, ‘Letter dated 19 September 2014 from the members of the Monitoring Group on Somalia and Eritrea addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea’, S/2014/726, 13 Oct. 2014, Annex 6.2.

<sup>92</sup> United Nations, Security Council (note 91), S/2014/726, para. 50, Annex. 6.2, para. 56.

<sup>93</sup> United Nations, Security Council (note 91), S/2014/726, Annex 6.3.

<sup>94</sup> United Nations, Security Council, ‘Letter dated 2 October 2018 from the Monitoring Group on Somalia and Eritrea addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea’, S/2018/1002, 9 Nov. 2018, Annex 1.4, 1.5; United Nations, Security Council (note 88), S/2017/924, Annex 8.5; and United Nations, Security Council, ‘Letter dated 22 September 2015 from the members of the Monitoring Group on Somalia and Eritrea addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea’, S/2015/801, 19 Oct 2015, Annex 7.1.

<sup>95</sup> United Nations, Security Council, Letter dated 28 September 2020 from the Panel of Experts on Somalia addressed to the Chair of the Security Council Committee pursuant to resolution 751 (1992) concerning Somalia S/2020/949, para. 96.

<sup>96</sup> United Nations, Security Council (note 94), S/2018/1002, para. 49.

<sup>97</sup> United Nations, Security Council (note 89), S/2019/858, para. 119; annex 2.6.

weapons during attacks on African Union Mission in Somalia (AMISOM) bases.<sup>98</sup> In 2018 the panel reported that a military base in Mogadishu had been looted after UAE training forces had left, and that it had observed two rifles known to be from the base's stockpiles in the hands of arms dealers. The panel also noted that 10 arms dealers had observed a drop in the price of rifles after the looting.<sup>99</sup>

In other cases, the POE collected evidence, mainly through interviews with arms dealers, that strongly suggested that members of the Somali Security forces or other government employees—ranging from low ranking security force members to senior commanders, government officials and a former Deputy Chief of the Armed Forces—had sold substantial numbers of weapons to Somali arms dealers.<sup>100</sup> In 2018, a colonel was temporarily relieved of his post after a government investigation showed he was involved in the sale of between 15 and 25 rifles and two machine guns.<sup>101</sup>

In the period 2013–21, efforts were made to improve the ability of the Somali government to manage and secure its weapon stockpiles to avoid the large-scale leakage of weapons. In 2014, for example, the Security Council called for a Joint Verification Team (JVT) to be set up as part of efforts to improve weapon and ammunition management practices. The eight member JVT of Somali government representatives and independent experts began work in 2016 to verify the whereabouts of weapons and ammunition supplied to Somali government forces, and that there were systems and structures in place for controlling this materiel. The JVT was intended to complement the efforts of the Somali POE.<sup>102</sup> By mid-2019, the JVT had verified the whereabouts of over 2030 weapons and 500 000 rounds of ammunition.<sup>103</sup>

A further internal source of weapons arises when elements of the Somali armed forces share weapons with militias engaged in joint or allied operations. The panel questioned whether such forces can be considered part of FGS security forces, and thus whether such arms sharing was in violation of the arms embargo.<sup>104</sup> Sources within the army informed the panel that certain clan-based army units had handed out large amounts of weapons from government stockpiles amid escalating clan conflict.<sup>105</sup>

#### *External sources of illicit arms to armed groups*

The POE reports indicate that the smuggling of weapons from abroad, in particular from the territories of Iran and Yemen, was a major source of illegal arms in Somalia.<sup>106</sup> The quantities of weapons involved varied significantly in the identified cases. In 2016 and 2017, the panel investigated three cases of more sizeable weapon caches seized by international naval forces in 2016 from stateless small ships known as dhows. The POE remained uncertain about the intended destination but assessed that Somalia was either a destination or a transit point for the weapons.<sup>107</sup> The caches included assault rifles, general-purpose machine guns, rocket propelled grenade launchers, 60 mm mortars, heavy machine guns, sniper rifles and guided anti-tank rockets. One seizure

<sup>98</sup> United Nations, Security Council (note 88), S/2017/924, paras 19–23, annex 1.2.

<sup>99</sup> United Nations, Security Council (note 94), S/2018/1002, para. 26.

<sup>100</sup> United Nations, Security Council (note 89), S/2019/858, Annex 2.5; and United Nations, Security Council (note 94), S/2018/1002, p.3, para. 20 Annex 1.4.

<sup>101</sup> United Nations, Security Council (note 94), S/2018/1002, para. 27.

<sup>102</sup> United Nations, Security Council, Statement by the President of the Security Council, S/PRST/2014/9, 22 May 2014; and Leff, J. and Mohammed, E., *An Innovative Approach to United Nations Arms Embargoes* (UNIDIR: Geneva, 2020).

<sup>103</sup> United Nations, Security Council, 'Letter dated 30 July 2019 from the Secretary-General addressed to the President of the Security Council', S/2019/616, 1 Aug. 2019, p. 9; and Leff and Mohammed (note 102), pp. 1, 9.

<sup>104</sup> United Nations, Security Council (note 94), S/2015/801, Annex 7.1, para. 19.

<sup>105</sup> United Nations, Security Council (note 91), S/2014/726, paras 78–79.

<sup>106</sup> United Nations, Security Council (note 88), S/2017/924, paras 108–17.

<sup>107</sup> United Nations, Security Council (note 88), S/2017/924, paras 108–17.



described in more detail consisted of 2000 assault rifles and 64 sniper rifles as well as several optical sights. The POE established that the materiel had characteristics consistent with Iranian manufactured weapons and sought more information from Iran, but the Iranian government strongly denied any involvement.<sup>108</sup>

The POE reports in 2013–21 also describe smaller caches of arms being delivered from Yemen to Somalia.<sup>109</sup> In 2017 the panel received information about arms arriving along the Puntland coast at a rate of approximately one shipment per month. However, lack of access and security conditions prevented the panel from verifying these claims.<sup>110</sup> In 2017 the Puntland police seized one machine gun and several rifles on a vessel bound from Yemen to Somalia.<sup>111</sup> In 2019 the Puntland police seized 19 assault rifles, which they believed had been delivered from Yemen shortly before.<sup>112</sup> In 2014 the panel received what it considered ‘credible information from military intelligence sources’ that vessels from Yemen had delivered weapons to al-Shabab in Somalia. In one case the consignment was described, based on eyewitness accounts, as containing grenade launchers, machine guns, pistols and ammunition but no indication was given of quantities.<sup>113</sup> None of these weapons were made in Yemen. In some cases the POE reports establish at least part of the chain of custody of the arms before their arrival in Somalia.<sup>114</sup> For example, the POE investigated an arms shipment bound for Somalia from Yemen that was seized by the Puntland police in 2017. Based on the models of and the markings on the weapons, it sought information from the manufacturing countries. Among the weapons were two machine guns that the Serbian authorities reported had been supplied to the UAE armed forces in 2016 and several boxes of ammunition that the Bulgarian authorities reported had been sold to the ministry of defence in Saudi Arabia in 2015.

The POE requested further information from the UAE and Saudi Arabia but did not receive any response. It could not therefore establish how the weapons had arrived in Yemen or who in Yemen was responsible for shipping the weapons to Somalia.<sup>115</sup> Nonetheless, it is well established that the UAE and Saudi Arabia have been providing arms to the Yemeni government and government-aligned armed groups in Yemen since at least 2015.<sup>116</sup> It is therefore plausible that Saudi Arabian and UAE weapons supplied to Yemen were later diverted by unidentified actors to Somalia.

#### *Sources of illicit arms to government forces and embargo non-compliance*

Throughout the period 2013–22 the Somali POE reports provide a mixed assessment of compliance with the requirement for advance notification of the delivery of weapons

<sup>108</sup> United Nations, Security Council (note 88), S/2017/924, para. 115; see also Bahadur, J., *An Iranian Fingerprint? Tracing Type 56-1 Assault Rifles in Somalia* (Global Initiative Against Transnational Organized Crime: Geneva, Nov. 2021); and Conflict Armament Research, *Maritime Interdictions of Weapon Supplies to Somalia and Yemen: Deciphering a Link to Iran* (Conflict Armament Research: London, Nov. 2016).

<sup>109</sup> United Nations, Security Council (note 94), S/2018/1002, paras 50–51; United Nations, Security Council (note 88), S/2017/924, paras 103–10; United Nations, Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2244 (2015): Somalia, S/2016/919, paras 122, 124; United Nations, Security Council (note 91), S/2014/726, paras 108–109; and United Nations, Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012): Somalia, S/2013/413, paras 36–38, 81.

<sup>110</sup> United Nations, Security Council (note 88), S/2017/924, annex 7.1, para. 13.

<sup>111</sup> United Nations, Security Council (note 94), S/2018/1002, para. 54.

<sup>112</sup> United Nations, Security Council (note 89), S/2019/858, para. 131.

<sup>113</sup> United Nations, Security Council (note 91), S/2014/726, paras 108–109.

<sup>114</sup> United Nations, Security Council (note 94), S/2018/1002, paras 55–61.

<sup>115</sup> United Nations, Security Council (note 94), S/2018/1002, paras 47, 55–58; and United Nations, Security Council (note 11), S/2021/849, Annex 4.1.

<sup>116</sup> See e.g. United Nations, Security Council, Final report of the Panel of Experts on Yemen, S/2018/594, 26 Jan. 2018, paras 54–58.

to Somali government forces. For example, the 2014 POE report concludes that Somali notifications had shown improvement over time. However, because there had been deliveries of weapons that exceeded what had been notified, partial notifications, non-notifications and persistent late notifications after delivery, it concluded that Somali government weapon imports had not been in full compliance with requirements.<sup>117</sup> Improvements were made and in 2021 the POE reported that a database of all weapons officially imported by the government showed that 26 000 weapons and 80 million rounds of ammunition had been delivered since 2013.<sup>118</sup> By this time, the POE was reporting only minor deficiencies in the notification process.<sup>119</sup> However, the panel also concluded that the Somali government had yet to implement an accountable weapons and ammunition tracing system.<sup>120</sup>

#### *Main recommendations from the POE reports*

The recommendations by the Somalia POE were primarily related to improving stock-pile security. This followed evidence found by the POE of significant leakage from government stockpiles. The panel stressed the need for standard procedures on weapon and ammunition management, including an issue and receipt system to track all weapons post-distribution.<sup>121</sup> In connection with the JVT activities begun in 2016, the POE stressed that the team should be given access to all armouries, all imported weapons prior to distribution, all military storage and all captured arms. The POE should also be given full reports on all military equipment seized, with proper documentation and photographs to allow it to conduct visual inspections of seized military equipment whenever and wherever possible.<sup>122</sup> By 2021, a national strategy had been developed to provide guidance on implementing efficient weapon and ammunition management at the federal government level, and by the member states of the federation. This included standard operating procedures on the importation of weapons, their registration and their distribution to units of the armed forces. In addition, tools were introduced to improve the registration and tracing of weapons in the security forces. This included a prototype weapon and ammunition management database, procurement of weapon-marking machines, and improvements in weapon storage and weapon distribution processes.<sup>123</sup>

## **South Sudan**

### *Embargo provisions*

South Sudan experienced a violent multi-sided intrastate conflict involving large-scale violence in 2013–20. A peace agreement is formally in place but internal rivalries and animosities continue to drive deadly violence and serious human rights abuses have displaced tens of thousands of civilians.

In response to the deteriorating situation, in 2015 the UN Security Council imposed a number of sanctions aimed at preventing violations of human rights and international humanitarian law. It also imposed a travel ban and asset freeze on individuals providing support for acts that threaten the peace and security of the state. The Security

<sup>117</sup> United Nations, Security Council (note 91), S/2014/726, para. 76–81, Annex 6.1.

<sup>118</sup> United Nations, Security Council (note 11), S/2021/849, para. 91.

<sup>119</sup> United Nations, Security Council (note 11), S/2021/849, paras 91, 100–102.

<sup>120</sup> United Nations, Security Council (note 11), S/2021/849, p. 4.

<sup>121</sup> United Nations, Security Council (note 88), S/2017/924, para. 224

<sup>122</sup> United Nations, Security Council (note 11), S/2021/849, para. 85; and United Nations, Security Council (note 88), S/2017/924, para. 224.

<sup>123</sup> United Nations, Security Council (note 11), S/2021/849, Annex 4.2.

Council appointed a POE to monitor implementation of the restrictions.<sup>124</sup> While there was no arms embargo, the POE was requested to gather and analyse information on the supply, sale or transfer of arms to the country.

The findings of the panel's investigations, continuing hostilities and large-scale human right abuses amid conflict between the Transitional Government of National Unity and opposition forces led the Security Council to implement a formal monitoring process aimed at efficient prevention of illicit arms trafficking. The Security Council imposed a time-limited arms embargo on South Sudan in July 2018 aimed at preventing 'the direct and indirect supply, sale or transfers' of arms and military equipment of all types to the entire territory of South Sudan.<sup>125</sup> The embargo has been renewed annually since and is currently in force until 31 May 2023.<sup>126</sup>

The resolution and subsequent resolutions called on UN member states to take measures to control arms shipments to South Sudan, including through the training of customs agencies and inspecting on their territory cargos destined for South Sudan, in accordance with their national authorities and legislation, and consistent with international law.<sup>127</sup> The resolutions also require states to report on those inspections to the sanctions committee.<sup>128</sup> The embargo, however, allows a number of exemptions.<sup>129</sup>

#### *Sources of arms before the imposition of the arms embargo*<sup>130</sup>

The reports published by the South Sudan POE since 2015 contain details of investigations of numerous cases of violence committed using SALW circulating in the country, often as a result of illicit trafficking networks.<sup>131</sup> The POE repeatedly labelled the supply of arms to state forces and non-state armed groups as among the main threats to peace and security in South Sudan and called for the establishment of an arms embargo on the state.<sup>132</sup> A long history of conflict in South Sudan has resulted in an accumulation of SALW in the hands of South Sudan government forces, opposition groups operating in the state and civilians. The security situation is compounded by the limited knowledge in the government of the number of arms owned by various forces or circulating on the ground.<sup>133</sup> Since 2015, the POE has made significant efforts to inspect, and assess the limited information available on, the country's arms stockpiles. The information collected has allowed it to identify some of the main sources of arms for both government and opposition forces. Among these are government acquisitions of SALW and major weapons from external suppliers, shipments of arms from the Sudanese government in support of opposition forces, and arms captured on the battlefield or diverted from government stockpiles by militias.<sup>134</sup> The POE has

<sup>124</sup> UN Security Council Resolution 2206, 3 Mar. 2015; and United Nations, Security Council, Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan, [n.d.].

<sup>125</sup> UN Security Council Resolution 2428, 13 July 2018.

<sup>126</sup> South Sudan has been the subject of an EU arms embargo since 2011.

<sup>127</sup> UN Security Council Resolution 2428, 13 July 2018, paras 7–10.

<sup>128</sup> UN Security Council Resolution 2428, 13 July 2018, paras 7–10.

<sup>129</sup> United Nations, Security Council, South Sudan Sanctions Committee, Exemptions to the Measures. 'Arms embargo'.

<sup>130</sup> Given the more recent imposition of the UN arms embargo on South Sudan, the structure of this case study provides an account of the sources of arms that fuelled conflict and instability in South Sudan before the imposition of the arms embargo in 2018.

<sup>131</sup> United Nations, Security Council, Final report of the Panel of Experts on South Sudan, S/2018/292, 12 Apr. 2018, paras 69–70.

<sup>132</sup> United Nations, Security Council, Interim report of the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015), S/2015/656, 21 Aug. 2015, paras 67–68, 84 (c–d).

<sup>133</sup> United Nations, Security Council, Final report of the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015), S/2016/70, 22 Jan. 2016, para. 68.

<sup>134</sup> United Nations, Security Council (note 132), S/2015/656, paras 70–73; United Nations, Security Council (note 133), S/2016/70, paras 69, 75–80, 85–87, 89; and United Nations, Security Council, Report of the Panel of Experts on South Sudan, S/2017/789, 20 Sep. 2017, paras 34–35. See also 'Weapon supplies into South Sudan's

concluded that both sides are in possession of similar types of weapons, such as assault rifles and heavy and light machine guns.<sup>135</sup>

Following the imposition of a UN arms embargo in 2018, the POE began monitoring implementation alongside its continuing assessment of South Sudan's stockpiles of arms and ammunition.

*Internal sources of illicit arms to armed groups*

The evidence provided in the POE reports indicates that the main sources of weaponry and the overall dynamics of diversion followed similar patterns in spite of the arms embargo. Internally, weapons diverted from government stockpiles remained one of the main sources of arms for non-state armed groups. For example, in 2019–20 the panel described several notable examples in which weapons had been diverted from government stockpiles and supplied to various non-state armed groups by the representatives of the South Sudan People's Defence Forces (SSPDF) or the National Security Service.<sup>136</sup> Among these, in 2020 community-based groups from the Dinka, Nuer and Murle communities received logistical support and weaponry, such as rocket-propelled grenades, AK-47 type assault rifles and general purpose machine guns, as well as ammunition from government supplies during political infighting within the Sudan People's Liberation Movement.<sup>137</sup> The POE investigated these diversions by interviewing government officials, confidential sources, SSPDF representatives and militia commanders.<sup>138</sup>

*Sources of illicit arms to government forces and embargo non-compliance*

The South Sudan POE reports do not explicitly describe any external sources of illicit arms for non-state armed groups, but they do discuss investigations of embargo non-compliance by and sources of illicit arms for government forces. The 2015–18 POE reports indicate that South Sudan's border areas were entry points for arms before the imposition of the arms embargo.<sup>139</sup> This did not change after 2018.

Since 2018, POE reports have reported illicit arms flows to South Sudan linked to weapon smuggling from or by neighbouring states. For example, interviews with senior government officials, the National Security Service and confidential sources confirmed that in 2019 the Director General of the Internal Security Bureau received three deliveries of AK-47s and related ammunition from the General Intelligence Service in Sudan.<sup>140</sup> According to the information provided to the panel, arms and ammunition were supplied to Juba and Wau in South Sudan using a Sudanese air transport services company based in Khartoum that is reportedly controlled by the Sudanese General Intelligence Service.<sup>141</sup> The Sudanese authorities refuted this, however, claiming that

civil war: Regional re-transfers and international intermediaries', Conflict Armament Research, Nov. 2018; 'Sudanese stockpiles and regional weapon diversion', Conflict Armament Research, May 2017; and 'Weapons and ammunition airdropped to SPLA-IO forces in South Sudan', Conflict Armament Research, June 2015.

<sup>135</sup> United Nations, Security Council (note 132), S/2015/656, para. 82; and United Nations, Security Council, Final report of the Panel of Experts on South Sudan submitted pursuant to resolution 2428 (2018), S/2019/301, 9 Apr. 2019, paras 106, 111.

<sup>136</sup> United Nations, Security Council, Interim report of the Panel of Experts on South Sudan submitted pursuant to resolution 2521 (2020), S/2020/1141, 25 Nov. 2020, paras 30–35; and United Nations, Security Council, Final report of the Panel of Experts on South Sudan submitted pursuant to resolution 2471 (2019), S/2020/342, para. 37, 28 Apr. 2020.

<sup>137</sup> United Nations, Security Council (note 136), S/2020/1141, paras 30–35.

<sup>138</sup> United Nations, Security Council (note 136), S/2020/1141, paras 30–35.

<sup>139</sup> United Nations, Security Council (note 134), S/2017/789, para. 34.

<sup>140</sup> United Nations, Security Council (note 136), S/2020/342, Summary, p. 2, paras 38–41.

<sup>141</sup> United Nations, Security Council (note 136), S/2020/342, paras 38–41.

the company was only transporting military uniforms ‘in the framework of the cooperation between the two countries’.<sup>142</sup>

In addition to arms embargo violations and the widespread insecurity linked to illicit trafficking of SALW, the South Sudan POE also investigated transfers of major arms to the government in violation of the arms embargo. The 2022 report describes the purchase by the South Sudanese government from an unidentified supplier of 150 new armoured vehicles that appear to match the ‘Tygra’ model of armoured personnel carriers, and no exemption requested to the sanctions committee to allow their import.<sup>143</sup> This could be a case of the transportation of illicit weapons facilitated by a broker, as South Sudan officials indicated that a ‘private company’ sourced the arms.

The POE reports also describe the unauthorized presence of foreign armed forces on the territory of South Sudan in possession of and transporting a number of weapons across the border. The 2020 reports confirmed that the Ugandan armed forces had entered South Sudan territory, often ‘through unofficial border crossings’, in violation of the arms embargo.<sup>144</sup>

#### *Main recommendations from the POE reports*

Several POE reports draw attention to the lack of proper screening procedures for cargo bound for South Sudan. There are allegations that this has allowed deliveries of weapons to the state.<sup>145</sup> To prevent such transfers, the POE has made several recommendations to UN member states on strengthening inspections of cargo destined for Juba International Airport or airports in South Sudan where, for example, there is a military presence and trucks cross the border with Uganda.<sup>146</sup> The POE has also recommended strengthening the exemption system by requesting detailed information on exemption requests, and that the exemption procedures be further clarified for all UN member states.

### **Darfur region of Sudan**

#### *Embargo provisions*

In response to human rights abuses and the deteriorating humanitarian situation, in 2004 the Security Council imposed an arms embargo on all non-governmental entities and individuals operating in the states of North Darfur, South Darfur and West Darfur which, until January 2012, formed the Darfur region in Sudan.<sup>147</sup> The original arms embargo aimed to prevent the transfer of arms and related material, including ammunition and paramilitary equipment, into the territory of Darfur. It did not apply to transfers of arms and related technical training and assistance with monitoring, verification or peace support operations, or supplies of non-lethal military equipment

<sup>142</sup> United Nations, Security Council (note 136), S/2020/342, para. 121.

<sup>143</sup> United Nations, Security Council, Final report of the Panel of Experts on South Sudan submitted pursuant to resolution 2577 (2021), S/2022/359, 28 Apr. 2022, paras 64–68.

<sup>144</sup> United Nations, Security Council (note 136), S/2020/342, paras 116–118; and United Nations, Security Council (note 136), S/2020/1141, para. 83.

<sup>145</sup> United Nations, Security Council, Interim report of the Panel of Experts on South Sudan submitted pursuant to resolution 2428 (2018), S/2018/1049, 26 Nov. 2018, para. 64.

<sup>146</sup> United Nations, Security Council (note 135), S/2019/301, para. 117; United Nations, Security Council, Interim report of the Panel of Experts on South Sudan submitted pursuant to resolution 2471 (2019), S/2019/897, 22 Nov. 2019, para. 71; United Nations, Security Council (note 136), S/2020/1141, Annex XIX: Consolidated list of recommendations of the Panel of Experts on South Sudan, paras 8–9; and United Nations, Security Council (note 136), S/2020/342, para. 132 (b).

<sup>147</sup> United Nations Security Council Resolution 1556, 30 July 2004.

for humanitarian purposes, human rights monitoring or protective use, or related technical training and assistance.<sup>148</sup>

In 2005 the arms embargo was expanded to include all non-governmental forces and Sudanese government forces in Darfur.<sup>149</sup> In addition, any movement of military equipment and military supplies by the Sudanese government into the Darfur region required prior approval from the sanctions committee.<sup>150</sup> The transfer of arms and military equipment to the Sudanese government outside the Darfur region was not prohibited by the embargo.<sup>151</sup>

In 2010, embargo enforcement was strengthened by the imposition of end-user documentation for any sale or supply of arms or related material to Sudan not prohibited by UN Security Council resolutions 1556 and 1591.<sup>152</sup>

#### *Internal sources of illicit arms to armed groups*

The Sudan POE identified weapons captured in battle from the national armed forces as one of the main internal sources of arms for non-state armed groups.<sup>153</sup> In 2014 the panel reported that the Sudan Liberation Army/Minni Minnawi (SLA/MM) had captured at least 250 SALW items, such as AK-type 7.62 mm assault rifles, DShK-type 12.7 mm medium machine guns and a smaller number of mortars and anti-tank weapons, during an attack on Labado and Muhajeria in 2013.<sup>154</sup> Such captures were not limited to SALW and ammunition. The 2014 report provided examples in which quantities of SALW and light vehicles were captured by non-state armed groups during attacks on the Sudanese national armed forces.<sup>155</sup> In 2020, the POE reported that SLA/MM had captured armoured vehicles, including a T-55 tank, in one battle.<sup>156</sup> Government weapon losses remained relatively high for some years; for instance, the panel identified from open sources that the government lost 497 weapons in the period 2013–15.<sup>157</sup>

Losses from peacekeeping forces deployed in Darfur were also a major source of illicit arms for non-state armed groups. The 2016 POE final report described losses of arms by the African Union–United Nations Hybrid Operation in Darfur (UNAMID). According to an investigation by the panel, 175 weapons were lost by UNAMID in the period 2010–15, from vehicles to R4 rifles and AK-47 variant rifles, as well as various types of machine gun.<sup>158</sup>

<sup>148</sup> United Nations Security Council Resolution 1556, 30 July 2004, para. 9.

<sup>149</sup> That is, all the parties to the N'djamena Ceasefire Agreement and any other belligerents in the states of North Darfur, South Darfur and West Darfur, Sudan. UN Security Council Resolution 1591, 29 Mar. 2005.

<sup>150</sup> United Nations Security Council Resolution 1591, 29 Mar. 2005, para. 3(a).

<sup>151</sup> The European Union has embargoed arms supplies to Sudan since 1994. In July 2011 the embargo was amended to cover arms supplies to Sudan and the newly independent state of South Sudan.

<sup>152</sup> UN Security Council Resolution 1945, 14 Oct. 2010.

<sup>153</sup> United Nations, Security Council, Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005), S/2014/87, 11 Feb. 2014, paras 33–35; United Nations, Security Council, Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005), S/2015/31, 19 Jan. 2015, para. 92; and United Nations, Security Council, Final report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005), S/2019/34, 10 Jan. 2019, para. 54.

<sup>154</sup> United Nations, Security Council (note 153), S/2014/87, paras 33–35.

<sup>155</sup> United Nations, Security Council (note 153), S/2014/87, paras 33–35.

<sup>156</sup> United Nations, Security Council, Final report of the Panel of Experts on the Sudan, S/2020/36, 14 Jan. 2020, para. 85.

<sup>157</sup> United Nations, Security Council, Final report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005), S/2016/805, 22 Sep. 2016, para. 29. The data excludes mortars and cannon, since the POE report was a comparison of government and UNAMID weapon losses and UNAMID had not lost any such weapons.

<sup>158</sup> United Nations, Security Council (note 157), S/2016/805, para. 28 and Annex 14.

*External sources of illicit arms to armed groups*

The Sudan POE reports detail the presence, activities and movements of Darfurian rebel groups, such as the SLA/MM and the Justice and Equality Movement, from Libya and South Sudan to Darfur, which often led to violations of the arms embargo. Darfurian rebels transferred weapons from neighbouring countries where they had established rear bases, often providing military support to either security forces or non-state armed groups in these states.<sup>159</sup> In January 2019 the Sudan POE, using information supplied by members of rebel groups, confirmed that Darfurian rebel groups based in South Sudan had been receiving military equipment from the South Sudanese government since at least 2011.<sup>160</sup> The panel noted that such supplies pose a further threat to stability in Darfur, as these weapons could be transferred to Darfur if the groups return there.<sup>161</sup> In 2017, a POE report noted that convoys of Darfurian rebels had entered Darfur from Libya and South Sudan with large quantities of arms, including armoured vehicles and ammunition, that the rebel groups had been able to access by participating in military activities in those states. Such weapon movements into Darfur were a violation of the embargo as the states were required to take measures to prevent the supply of arms to Darfurian rebel groups by their nationals or from their territories.<sup>162</sup>

Interviews by panel members with opposition group representatives found that local or cross-border contraband markets played a significant role in illicit arms trafficking. Local traders and businesses took advantage of the porosity of the borders to smuggle commercial goods and weapons to sell to opposition groups.<sup>163</sup> Smuggled goods, including weapons and ammunition, for sale on cross-border black markets to non-state armed groups in Darfur were found to have originated in Chad, South Sudan and Uganda.<sup>164</sup>

*Sources of illicit arms to government forces and of embargo non-compliance*

Weapons were also moved to Sudanese forces operating in Darfur from outside the region. Several panel reports examine cases in which Sudan supplied arms to the region despite the requirement that the sanctions committee should approve in advance any movement of military equipment into Darfur by the Sudanese government.<sup>165</sup> The POE reported that the Sudanese government continued to transfer military material to Darfur in support of the various security forces deployed there. All the POE reports in the period 2015–19 investigate the deployment of the Sudanese Rapid Support Forces in Darfur. Its deployment and the presence of its arms and ammunition in Darfur were found to be in violation of the arms embargo as no request to the sanctions committee for an exemption had ever been made.<sup>166</sup>

Another prominent example investigated in the POE reports involved the movement of major arms into the Darfur region by Sudan without prior approval. In this case, combat and transport aircraft (e.g. An-26) were apparently moved to Darfur to conduct offensive overflights in response to the threat posed by a ‘rebel incursion’. According

<sup>159</sup> United Nations, Security Council, Final report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005), S/2017/1125, 28 Dec. 2017, Annexes VI, VII and VIII.

<sup>160</sup> United Nations, Security Council (note 153), S/2019/34, para. 117.

<sup>161</sup> United Nations, Security Council (note 156), S/2020/36, para. 149.

<sup>162</sup> United Nations, Security Council (note 159), S/2017/1125, paras 64–68.

<sup>163</sup> United Nations, Security Council, Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005), S/2013/79, 12 Feb. 2013, paras 132–33.

<sup>164</sup> United Nations, Security Council (note 163), S/2013/79, paras 132–133.

<sup>165</sup> UN Security Council Resolution 1591 (2005), para. 3 (a).

<sup>166</sup> United Nations, Security Council (note 153), S/2015/31, para. 55; United Nations, Security Council (note 159), S/2017/1125, paras 78–81; and United Nations, Security Council (note 153), S/2019/34, paras 119–21.

to the Sudan POE, the aircraft were acquired by the state between 2005 and 2012 with end-user certificates from several UN member states.<sup>167</sup> Thus, the movement of these aircraft to the Darfur region without the prior approval of the sanctions committee constituted a violation of the arms embargo.

Despite the panel's recommendations on improving end-user certification to avoid uncertainties regarding the precise applicability of such certificates, arms continued to be re-transferred to Darfur by the Sudanese government. The 2020 and 2021 POE reports highlighted how the Sudanese government continued to transfer 'military material' to Darfur in violation of the arms embargo. In several cases, the Sudanese government did not deny violating the arms embargo as it considered it legitimate to move weapons 'to protect its territory'.<sup>168</sup>

The panel reports document numerous cases of the use of SALW ammunition manufactured after the imposition of the embargo and thus supplied to Darfur in violation of that arms embargo. Describing SALW and ammunition manufactured in Sudan, the 2014 report notes that 'it is highly likely that the strategic stockpiles claimed by the government as having been present in Darfur since 2005 are actually being regularly resupplied from Khartoum in violation of the arms embargo'.<sup>169</sup> The 2015 report adds that 'such violations are now routine and systematic as evidenced by the range of cartridge case markings and recent dates of manufacture'.<sup>170</sup> Although the panel was unable to confirm the identity of the suppliers of the ammunition, the 2014–16 reports conclude that the markings, materials and design of the ammunition could be attributed to several manufacturers, including those in China and Sudan.<sup>171</sup>

Domestically produced or imported SALW and ammunition can be illegally moved to the Darfur region through the Sudan armed forces' logistics channels.<sup>172</sup> The POE reports repeatedly assert that 'the supply chain for such ammunition, including ammunition imported into the Sudan from other Member States, remains within the national borders of the Sudan and hence under the full and effective control of the national authorities'.<sup>173</sup> The 2014 panel notes that Sudan acquires certain weapons such as aircraft bombs and grenade launchers from foreign sources because Sudanese arms producing facilities are capable of manufacturing SALW and related ammunition.<sup>174</sup>

#### *Main recommendations from the POE reports*

Following up on the multiple cases of embargo violations involving the smuggling of arms from neighbouring states and illicit movement of arms by the Sudanese government into the territory of Darfur, the main recommendations in the reports of the Sudan POE were on supporting capacity-building of border control by strengthening joint border forces with neighbouring states. The panel also recommended that neighbouring states take active measures to prevent the financing and supply of arms to Darfuri non-state armed groups from their territories.

<sup>167</sup> United Nations, Security Council (note 159), S/2017/1125, paras 74–77.

<sup>168</sup> United Nations, Security Council (note 156), S/2020/36, paras 147–48; and United Nations, Security Council, Final report of the Panel of Experts on the Sudan, 13 Jan. 2021, S/2021/40, para. 114.

<sup>169</sup> United Nations, Security Council (note 153), S/2014/87, paras 40–42.

<sup>170</sup> United Nations, Security Council (note 153), S/2015/31, paras 82–87, Annex IX.

<sup>171</sup> United Nations, Security Council (note 153), S/2014/87, paras 40–42; and United Nations, Security Council (note 157), S/2016/805, paras 25–26.

<sup>172</sup> United Nations, Security Council (note 153), S/2014/87, para. 39, figure 1; and United Nations, Security Council (note 153), S/2015/31, paras 82–87.

<sup>173</sup> United Nations, Security Council (note 157), S/2016/805, para. 27.

<sup>174</sup> United Nations, Security Council (note 153), S/2014/87, paras 38–39.



### **Limitations on the investigations by the panels of experts**

The five case studies highlight how the monitoring work of the panels of experts can shed light on embargo violations and the main sources of illicit weapons in the states and regions under embargo. A precondition for this is that the experts should be enabled to do their work even in the most challenging circumstances.

However, members of the UN panels of experts in the five case studies have experienced a wide array of limitations and constraints on and obstacles to their monitoring work. First and foremost is the growing practice of some of the five permanent members of the Security Council (P5) to delay for several months, or even block altogether, the appointment or reappointment of panel members. This is the primary constraint on the work of all the panels. In the DRC, for example, following a hold on the appointment of all proposed expert candidates to the Security Council Committee, the members of the 2021 POE were appointed by the UN secretary-general on 2 December, more than four months after the mandate under Resolution 2528 had expired. The POE therefore did not have adequate time to conduct its investigation and submit a meaningful midterm report to the Security Council.<sup>175</sup>

Lack of or limited access to certain areas or regions has also hampered the work of the POEs, as well as the lack of or limited cooperation of states and other actors when seeking to trace weapons, the amount of time needed to investigate different potential violations of the embargo, the difficulty of obtaining information from external partners and local sources, and the need for careful comparison of different sources and interviews to corroborate a possible claim or finding. There is also political pressure from actors who feel that their reputations are being threatened by the findings of the POEs, and the related threats and security risks that the experts must face.<sup>176</sup>

Widespread insecurity in the countries constitutes a major risk, as was tragically demonstrated when two POE members, Michael Sharp and Zaida Catalan, were assassinated in the DRC in March 2017.<sup>177</sup> Finally, in recent years Covid-19 has limited the work of panel members and their ability to travel.<sup>178</sup>

<sup>175</sup> United Nations, Security Council, Midterm report of the Group of Experts on the Democratic Republic of the Congo, S/2021/1104, 29 Dec. 2021.

<sup>176</sup> See also United Nations, Security Council, Report of the Informal Working Group of the Security Council on General Issues of Sanctions, S/2006/997, 22 Dec. 2006; United Nations, Security Council (note 48), S/2017/672/Rev.1, paras 155, 162, 163; United Nations, Security Council (note 48), S/2015/19, Annex 42; United Nations, Security Council (note 54), S/2022/479, paras 4–5; United Nations, Security Council (note 52), S/2021/560, p. 6 and Annex 2c; and United Nations, Security Council (note 48), S/2020/482, paras 155 and 148.

<sup>177</sup> United Nations, Security Council (note 48), S/2017/672/Rev.1, paras 165–73.

<sup>178</sup> United Nations, Security Council (note 48), S/2020/482, p. 6. The Report notes that ‘several countries and entities expressed their inability to send timely responses to the Group’s requests in the light of the pandemic’.

### **3. Sources and types of diversion of illicit SALW in embargoed states and how to address them**

Chapter 2 describes the main sources of arms and of embargo violations in the five states in sub-Saharan Africa that were under an arms embargo in 2022. Each case study has unique features in terms of actors, history, embargo provisions, and political and security developments. At the same time, however, there were similarities between many of the sources of illicit SALW and the dynamics in how they fuelled insecurity, conflict and embargo violations. Taken together, the five case studies provide a wealth of examples of the numerous ways in which SALW reach embargoed actors and armed groups in the five sub-Saharan states.

The work of the POEs thus provides vital information on illicit SALW in some of the less accessible areas of sub-Saharan Africa. Complemented by a number of studies that have investigated and analysed SALW diversion in sub-Saharan Africa, including in countries under UN embargo, the monitoring work of the POEs constitutes an important source of information on the origin and chain of custody of illicit weapons that are fuelling conflicts. This is essential for formulating appropriate evidence-based policy solutions.

Chapter 3 summarizes the main sources of illicit weapons, and the patterns and types of diversion in arms embargo violations. It identifies the main challenges that different types of diversion pose for states and other actors, and suggests targeted policy solutions—most of which are already identified in the recommendations of the POE reports—to address and mitigate the different types of diversion. The chapter does not aim to provide an indication of the magnitude or to establish the relative importance of each type of source. However, it provides a typology of sources of illicit weapons in countries under embargo (see table 3.1), linked to the common challenges of preventing the diversion of weapons, and suggests possible policy measures for mitigating each source of diversion. This analysis provides valuable insights and observations that can be applicable to illicit trade in SALW in all of conflict-affected sub-Saharan Africa. Table 3.1 recapitulates the main findings and offers a succinct overview of the sources of illicit weapons in sub-Saharan Africa, the challenges and the policy solutions.

#### **Internal sources of illicit arms**

Internal sources refers to illicit weapons that originate from sources within the country under embargo. The main internal sources of illicit arms for non-state actors in the five case studies are government stockpiles and weapons—often not of military grade—circulating in civilian possession. Weapons diverted from government stockpiles are not necessarily domestically manufactured. Weapons legally imported by a country before a UN arms embargo was imposed or in accordance with its exemptions can at some point be diverted to become illicit weapons originating from internal sources. In such cases, the point of diversion—or the location in which diversion happens—is within the country under embargo. (This is often after one or more legal transfer and/or several years after the transfer.) To be able to pinpoint the circumstances that led to a diversion and the way in which the diversion happened, it is necessary to consider the source of illicit arms as an internal source within the country. This also addresses the challenges the state faces to control its stocks and helps to devise effective policy solutions on national controls and effective management of weapons and ammunition.

*Government stockpiles: Battlefield capture*

Diversion of arms from government stocks can happen in several ways, each of which entails a different degree of involvement by the government actors that control those stocks.

A common type of diversion in the countries under embargo analysed in this study is the capture of weapons from armed forces in battle. This is a consequence of national forces actively engaging in combat with non-state actors. This source of diversion is not limited to the stockpiles of national forces. Weapons from UN peacekeeping operations can also be captured during fighting.<sup>179</sup>

The main challenges related to this source of illicit weapons are inherent to the widespread insecurity of an area of active conflict. Policy measures to mitigate this challenge and limit this source of diversion should therefore aim to promote peace and reduce such insecurity. Some of these measures would involve improvements to national weapon and ammunition management or PSSM standards. Better record-keeping of government stocks could help to understand the scale of weapons capture in battle, as well as the day and indicative location of the capture, by knowing that a soldier was deployed and weapons were used in a certain battle before diversion. This could be an important repository of information should the diverted weapons be documented elsewhere in future, either in illegal hands or recaptured from illicit actors.

However, these types of measures alone will be of limited value in preventing this type of diversion. Even if a state has excellent record-keeping that allows it to trace the captured weapons to a particular unit or soldier in possession of a weapon with a specific serial number, that weapon can always be captured if the soldier engages in battle. The existence and promotion of policy solutions that seek to address wider challenges such as widespread insecurity and conflict—the main challenges that lead to weapon diversion through battlefield capture—could mitigate this type of diversion. For instance, the training of security forces could help prevent diversion if it makes armed groups more reluctant to engage in battle with trained and effective forces. These forces can also receive support from peacekeeping operations.<sup>180</sup> Nonetheless, political solutions and political settlements that lead to peace and/or aim to reduce conflict and limit the number of military engagements would be the best and most effective long-term solution, while also indirectly mitigating diversion through battlefield capture.

*Government stockpiles: Looting*

The capture of state-owned weapons can also result from the looting of military depots or attacks on bases.<sup>181</sup> This is another common dynamic in countries under embargo, due to the high level of insecurity and volatility in such countries.

It is a challenge for the state to ensure efficient PSSM at the national level in order to reduce this source of diversion. PSSM measures can help to improve the security and safety of stockpiles. All five UN POEs have recommended on different occasions

<sup>179</sup> See e.g. United Nations, Security Council (note 48), S/2018/1133, para. 25; and United Nations, Security Council (note 48), S/2018/531, para. 170 and Annexes 34–36. On the risks of diversion of military materiel from peace operations, see Maletta G. and Berman, E. G., ‘The transfer of weapons to fragile states through the European Peace Facility: Export control challenges’, SIPRI WritePeace Blog, 10 Nov. 2021; Berman, E. G., Racovita, M. and Schroeder, M., *Making a Tough Job More Difficult: Loss of Arms and Ammunition in Peace Operations* (Small Arms Survey: Geneva, 2017); the Small Arms Survey project Making Peace Operations More Effective (MPOME); and the Safeguarding Security Sector Stockpiles (S<sup>4</sup>) Initiative.

<sup>180</sup> United Nations, Security Council (note 57), S/2014/42, para. 240.

<sup>181</sup> United Nations, Security Council (note 48), S/2018/531, para. 52; and United Nations, Security Council (note 48), S/2017/1091, paras 95–97.

improving the security of armouries in accordance with international standards.<sup>182</sup> Rehabilitation, refurbishment and construction of stores and armouries and the provision of training, capacity development and mentoring on weapon and ammunition management are useful measures for mitigating this type of diversion. Providing training for personnel on how to secure weapons when attacked would also be good practice. In one country case study, for instance, a group of soldiers with the relevant training, knowing of a possible attack on a base, managed to secure the weapons stored there to avoid them being looted.<sup>183</sup>

*Government stockpiles: Loss due to poor management of stockpiles*

Diversion of weapons from government stockpiles can also occur as a consequence of poor management and ineffective or insufficient control measures by government forces. These cases of diversion are different from looting, when an armed group actively attacks an armoury, and from cases of deliberate loss, in which a government actor deliberately facilitates diversion. They involve cases of negligence in stockpile security and of accidental loss of weapons.

Improved weapon and ammunition management practices are valid solutions for mitigating cases of loss linked to poor management of government stockpiles.<sup>184</sup> Marking, record-keeping and improved inventory and PSSM practices at the national level can help mitigate losses of military materiel. The UN POEs have on several occasions recommended the adoption and strengthening of such measures by states under an arms embargo.<sup>185</sup> There have also been recommendations that the Security Council request UN member states or UN Missions to assist with improving weapon and ammunition management.<sup>186</sup> In some circumstances, panels have also recommended that UN peacekeeping missions reinforce their own and local capacity for data collection and training.<sup>187</sup> In cases of diversion, the use of import marks on weapons, and improved record-keeping at the national level would make it possible to trace diverted weapons to the last known legal custodian.<sup>188</sup>

Finally, in fragile, conflict-affected environments, including some countries under embargo, national baselines and country insights on weapon and ammunition management practices have been created in recent years to support weapon and ammunition management practices at the national level. These have provided a roadmap for various targeted weapon and ammunition management options in the short, medium and long term. These range from the creation of national coordination mechanisms and legal

<sup>182</sup> United Nations, Security Council (note 153), S/2015/31, para. 97; United Nations, Security Council (note 48), S/2017/1091, para. 101(e); United Nations, Security Council (note 57), S/2015/797, para. 113; and United Nations, Security Council (note 58), S/2016/1102, para. 120(d). In some cases, the same recommendation was also related to stocks pertaining to peacekeeping forces, see United Nations, Security Council (note 48), S/2018/531, para. 209.

<sup>183</sup> Authors communication with PSSM specialist, June 2022.

<sup>184</sup> United Nations Office for Disarmament Affairs (UNODA), *Aide-Memoire: Options for Reflecting Weapons and Ammunition Management in Decisions of the Security Council*, second edn (UNODA: New York, 2020).

<sup>185</sup> United Nations, Security Council (note 59), S/2019/974, para. 103(b); United Nations, Security Council (note 57), S/2014/42, paras 249(c) and 250; United Nations, Security Council (note 48), S/2015/19, para. 235; United Nations, Security Council (note 57), S/2015/797, para. 111(f); United Nations, Security Council (note 58), S/2016/1102, para. 120(c); United Nations, Security Council (note 24), S/2015/936; United Nations, Security Council, Final report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2196 (2015), S/2015/936\*, 21 Dec. 2015, para. 247h; and United Nations, Security Council (note 8), S/2017/924, para. 224.

<sup>186</sup> United Nations, Security Council (note 94), S/2015/801, para. 173(b); United Nations, Security Council (note 24), S/2015/936, para. 247 (h, i); and United Nations, Security Council, S/2018/1119 (note 16), para. 210 (f).

<sup>187</sup> United Nations, Security Council (note 52), S/2021/560, para. 184(a); United Nations, Security Council (note 48), S/2020/482, para. 194; United Nations, Security Council (note 57), S/2015/797, para. 115; and United Nations, Security Council (note 57), S/2014/42, para. 250.

<sup>188</sup> The presence of import marks can also be of particular value when tracing old materiel, since manufacturers might no longer have records of the exported materiel.

frameworks to the disposal and destruction of weapons.<sup>189</sup> Such measures could help to identify actors involved in and the circumstances that led to diversion and to put in place measures that further improve weapon and ammunition management and the security of stockpiles to prevent further instances of loss of military materiel.

*Government stockpiles: Deliberate loss*

In some cases, losses and leakages from government stockpiles have been facilitated by the deliberate actions of government entities or employees with control over or access to government arsenals. The case studies have highlighted instances where individuals in national forces have taken weapons from government arsenals to sell or give to non-state groups, or to sell on the informal arms market. In some cases, the scale of such diversion was limited to small quantities of weapons and ammunition, facilitated by individual soldiers or other individuals. In others, this type of diversion and connivance was more organized and on a much larger scale.

The main challenge for a state in mitigating this type of diversion is to limit the incentives that members of government forces might have to divert weapons. In this regard, improved weapon and ammunition management practices aimed at increasing a state's capacity to manage its stockpiles can provide information on the last legal custodian of a weapon. For instance, the presence of import marks and proper record-keeping allowed the origin of illicit weapons from national stockpiles to be established in Somalia. In addition, the ability to identify the last legal custodian of a weapon can help to attribute responsibility for losses to specific personnel, which constitutes a deterrent against deliberate loss. Similarly, as part of the JVT's activities in Somalia, as a condition of receiving their stipends, members of the security forces started to 'self-verify' possession of issued weapons by periodically photographing and recording them using a smartphone application.<sup>190</sup>

These examples show how improved accountability is required to effectively mitigate this type of diversion and deter actors from deliberately diverting weapons. The UN POEs have called on national governments to investigate the loss or theft of weapons and prosecute commanders who have collaborated with armed groups.<sup>191</sup> Other measures to help reduce the incentives to divert a weapon include paying adequate salaries in a timely manner and providing training to armed forces personnel. The POE reports have highlighted how in some circumstances low salaries and irregular payment, as well as lack of training can contribute to this type of diversion. These measures need to be seen in the wider framework of security sector reform (SSR) rather than in the more technical framework of weapon and ammunition management measures.

*Government stockpiles: Defection*

The POE reports have shown how in some cases defections to armed groups by members of government forces can be a source of diversion through which weapons

<sup>189</sup> See the Country Insight Series developed by UNIDIR on supporting policies and frameworks for weapon and ammunition management, in particular Giezendanner, H. and Shiotani, H., 'Weapons and ammunition management country insight: Central African Republic', 2020; Gramizzi C., Giezendanner, H. and Golston, D., 'Weapons and ammunition management. country insight: The Democratic Republic of the Congo', 2020; and Leff, J. et al., 'Weapons and ammunition management country insight: Somalia', 2020.

<sup>190</sup> See Lewis, M. and Maletta, G., 'Post-shipment on-site inspections and stockpile management assistance: Bridging gaps', SIPRI Policy Brief, Aug. 2022, pp. 9–10.

<sup>191</sup> United Nations, Security Council (note 52), S/2021/560, para. 181(h); United Nations, Security Council (note 60), S/2020/1283, para. 85 (c, d i); United Nations, Security Council (note 59), S/2019/974, para. 102(b, e); United Nations, Security Council (note 11), S/2019/469, para. 210(c); United Nations, Security Council (note 48), S/2018/531, para. 206 (b ii); United Nations, Security Council (note 50), S/2016/466, para. 238(ii, iv); and United Nations, Security Council (note 57), S/2014/42, para. 246(b).

from government stockpiles reach unauthorized end-users.<sup>192</sup> In such cases, diversion does not happen by accident or a deliberate change of ownership, but through a change of allegiance and in the ‘status’ of the actors in control of the weapons from authorized to unauthorized. This source of diversion can happen in dynamic and fluid environments such as countries in armed conflict and under embargo.

The main challenge related to cases of diversion due to defection is to provide incentives that limit the willingness of government forces to defect. Weapon and ammunition management measures to improve control over government stockpiles might help with understanding the scale of diversion due to defection. However, these measures would have only a limited impact unless coupled with measures linked to SSR and/or finding political solutions to instability and conflict that limit incentives to defect. The POE reports regularly recommend deepening SSR.<sup>193</sup> Not all the proposed measures are preventive. POEs have also recommended facilitating the demobilization and integration of armed groups into national security forces to avoid their re-mobilization, thereby increasing incentives for members of armed groups (including defectors) to reintegrate with government forces.<sup>194</sup>

*Government stockpiles: Internal transfers in violation of an embargo*

Transfers within a country of weapons from government stockpiles to areas of the same country under an embargo constitute a particular violation. This case was specific to Darfur and involved movements of arms by the Sudanese government to Darfur.

Monitoring sub-national embargoes presents extra challenges to the already difficult monitoring work of panels. The absence of border controls between regions means easier movement of goods and an absence of customs data.<sup>195</sup> The level of willingness of the national government to abide by such an embargo and to collaborate with the POE is also crucial. The POE reports have highlighted cases of internal transfers that violate the provisions of the embargo. In such cases, constant monitoring for and reporting on these violations, such as the monitoring work undertaken by the POEs, can help to shed light on violations. Monitoring for embargo violations also provides vital information on adherence to non-retransfer clauses in end-user certificates. It can alert exporting countries about the risk or cases of retransfers to areas under embargo, and the exporting states can use this information to halt future exports to non-compliant states.<sup>196</sup>

*Circulation of civilian and craft weapons within the country*

Not all illicit weapons and ammunition diverted within countries under embargo are weapons that originate from the stockpiles of government forces. In some cases, the POE reports have documented civilian weapons, such as hunting rifles and shotguns, and related ammunition and craft weapons falling into the hands of armed groups. The military utility of these weapons for armed groups might be lower than that of military weapons. In some cases, however, these types of weapons and ammunition were

<sup>192</sup> See e.g. United Nations, Security Council (note 11), S/2021/569, Annex 3.1.

<sup>193</sup> United Nations, Security Council (note 57), S/2013/433, para. 204; and United Nations, Security Council (note 57), S/2014/42, para. 249(b).

<sup>194</sup> United Nations, Security Council, S/2019/469 (note 11), para. 210(h), 216; United Nations, Security Council (note 48), S/2017/672/Rev.1, para. 181(a); United Nations, Security Council (note 57), S/2013/433, para. 211; United Nations, Security Council (note 57), S/2014/42, para. 246(g), 249(a, d); and United Nations, Security Council, Final Report of the Panel of Experts on the Sudan, S/2022/48, 24 Jan. 2022, para. 162 (c), (d), (e).

<sup>195</sup> Gramizzi, C., Former UN panel member, Interview with the authors, 18 Aug. 2022.

<sup>196</sup> United Nations, Security Council (note 153), S/2014/87, para. 242 (a), (b); and United Nations, Security Council (note 157), S/2016/805, paras 207, 208(a).

widely available in countries under embargo, contributing to widespread insecurity and violence.

The main challenge in relation to the wide circulation of civilian and craft weapons is to find ways to regulate their manufacture and circulation, which sometimes includes cross-country transfers (see below). In certain contexts, a complete suspension of the import of hunting weapons might be appropriate.<sup>197</sup> Studies have suggested a mix of measures that also address demand and supply factors.<sup>198</sup> It is also important to ensure that imports are of a size commensurate with the number of licensed civilian users of firearms in a given country. This was for instance clear in the CAR POE's reporting of large-scale Spanish and Italian transfers of shotgun ammunition to Cameroon. The multiple shipments of hundreds of thousands of cartridges were far in excess of the needs of the relatively small number of authorized firearms users in Cameroon, and thus created a possible risk of onward transfers and diversion. The ability to monitor and document these types of weapons is an important additional measure. It is useful to be able map such possible sources of illicit weapons and the scale of this materiel, which has been also documented elsewhere in sub-Saharan Africa in states that are not under embargo.<sup>199</sup>

### **External sources of illicit arms**

'External sources of illicit arms' refers to weapons that are supplied to embargoed entities from outside the country that is the subject of an arms embargo. These can be arms transfers by states, companies or individuals. Such transfers might involve additional actors that facilitate the transaction, such as brokers and transporters. Analyses of the five case studies identified four main external sources of illicit weapons.

#### *State-sponsored supplies*

State-sponsored supply occurs when a state or state entity directly transfers or facilitates the transfer or retransfer of weapons to unauthorized users. This type of violation has been documented in embargoed countries, where embargoed states or entities have allegedly received support—including weaponry and related ammunition—from other states. The POE reports have documented cases where state forces have backed or actively participated in and facilitated these transfers. State-sponsored transfers are often highly sensitive, given the political sensitivity of the topic and the fact that they publicly expose the countries and/or actors responsible.

The panels have also documented cases where the armed forces of a foreign state did not supply weapons to embargoed entities but entered the territory of a state under embargo bringing weapons with them. This was the case, for instance, with alleged incursions into DRC territory by members of the Burundi National Defence Force and Imbonerakure, and into South Sudan by Ugandan forces.<sup>200</sup>

<sup>197</sup> United Nations, Security Council (note 16), S/2018/1119, para. 210 (h).

<sup>198</sup> Nowak, M. and Gsell, A., 'Handmade and deadly: Craft production of small arms in Nigeria', *Small Arms Survey Briefing Paper*, June 2018.

<sup>199</sup> See e.g. Small Arms Survey and the African Union Commission, *Weapons Compass: Mapping Illicit Small Arms Flows in Africa* (Small Arms Survey: Geneva, 2019), pp. 55–58; and Nowak and Gsell (note 198).

<sup>200</sup> United Nations, Security Council (note 54), S/2022/479, paras 162–68; United Nations, Security Council (note 60), S/2020/1283, paras 76–79. See also United Nations, Security Council (note 59), S/2019/974, para. 74 and Annex 21; United Nations, Security Council, S/2019/469 (note 11), paras 67–79; United Nations, Security Council (note 48), S/2017/672/Rev.1, paras 148–150 and Annex 50; United Nations, Security Council (note 48), S/2015/19, paras 83–89; United Nations, Security Council (note 136), S/2020/342, paras 116–18; and United Nations, Security Council (note 136), S/2020/1141, para. 83. For another case involving the Rwanda Defence Forces, see United Nations, Security Council (note 60), S/2020/1283, paras 36–41.

Measures to mitigate this type of diversion should aim to reduce or limit the incentives for external actors to divert weapons to illicit actors. Standard measures, such as improvements in weapon accountability practices at the national level in the country under embargo, would allow identification of the external origin of such weapons, as the weapons transferred from abroad would not be part of the baseline of national weapons already circulating in a country. However, in order to prevent such transfers from taking place, these measures would need to be coupled with solutions of a more political nature. The monitoring work of the POEs and of other studies and investigations has been able to publicly describe and provide proof of these types of violations. Based on their investigations, the reports of the POEs regularly call on states to cease such violations.<sup>201</sup>

The publication of such violations is not just to comply with the request by the Security Council to monitor arms embargoes. It puts public and political pressure on the states violating an embargo with the aim of discouraging a repeat of such violations in the future. In some cases, evidence of the involvement of states in arms embargo violations has led to the imposition of further arms embargoes. For instance, the Security Council imposed an arms embargo on Liberia in 2001 and demanded the country cease its support for the Revolutionary United Front (RUF) in Sierra Leone and other armed rebel groups in the region, which included ‘military support to the RUF, including all transfers of arms and ammunition’.<sup>202</sup> Similarly, one reason for the 2009 arms embargo on Eritrea was its alleged provision of ‘political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability’.<sup>203</sup>

Publication of such violations also provides important information—for instance, in cases of the re-export of weapons to an unauthorized end-user—that exporting states can take into consideration in future risk assessments and arms export decisions related to states involved in diversion. Cases of violation and diversion can also be communicated to other states through the appropriate channels, such as the Arms Trade Treaty (ATT) Diversion Information Exchange Forum (DIEF), the European Council Working Group on Conventional Arms Exports (COARM), the Wassenaar Arrangement and other informal bilateral and multilateral channels. Communication of such violations can inform export decisions and alert other states. At the same time, it is important that once similar cases of diversion have been detected, exposed and investigated, steps are taken to further enforce embargoes.

*The ant trade: Cross-border weapon circulation involving private actors*<sup>204</sup>

The five POEs documented several cases where weapons and ammunition reached countries and areas under embargo from neighbouring countries. Most of the time, these transfers involved non-military civilian weapons and ammunition or craft weapons. The transfers were not backed by states and their scale varied. Nonetheless, such materiel contributed to increased insecurity in some of the case studies, for instance in CAR. Furthermore, even if the quantities of weapons and ammunition transferred each time were limited, in some instances the POEs were able to document

<sup>201</sup> United Nations, Security Council, S/2019/469 (note 11), paras 211, 213; and United Nations, Security Council (note 64), S/2012/843, para. 243(a).

<sup>202</sup> United Nations Security Council Resolution 1343, 7 Mar. 2001, para. 2(b). See also Arms Control Association, ‘UN imposes arms embargo on Liberia’, [n.d.].

<sup>203</sup> United Nations Security Council Resolution 1907, 23 Dec. 2009.

<sup>204</sup> The ant trade refers to ‘numerous shipments of small numbers of weapons that, over time, result in the accumulation of large numbers of illicit weapons by unauthorized end-users’, see UN Office on Drugs and Crime ‘Module 4: The Illicit Market in Firearms’ (United Nations: Vienna, 2019), pp. 7–8.



several cases of similar transfers, suggesting that the total quantity of weapons and ammunition illicitly transferred from neighbouring countries could be significant.

One factor facilitating this type of diversion and transfer—and also other types of transfer from external sources—is border porosity, or the difficulties legitimate government forces face in fully controlling their borders due either to geography or to lack of resources and capacity. In this respect, several of the POE reports highlight how porous borders and limited controls contribute to the movement of weapons to areas under embargo.<sup>205</sup> Limited capacity to control or patrol borders is therefore a major challenge for states in mitigating this type of diversion.

The UN POEs have suggested several measures to try to mitigate cross-border circulation of illicit weapons. Monitoring illicit weapon flows in a country is already an important initial measure that can provide vital information. Investigations into and tracing of illicit weapons smuggled into a country can help to detect crossing points and common routes through which weapons are illicitly trafficked, and to allocate resources accordingly. Enhancing institutional and administrative capacity by training the forces that manage and patrol borders, such as police and border guards, customs authorities, law enforcement agencies and local authorities, can also help to address the challenges linked to this type of diversion. The POE reports have recommended strengthening border security, intelligence gathering, law enforcement and judicial cooperation, and the deployment of troops and patrols from peacekeeping forces.<sup>206</sup> Cross-country bilateral collaboration through intelligence sharing and joint patrols or joint border forces are other measures that could help to mitigate diversion linked to cross-border porosity. In some circumstances, the POEs have recommended enhanced information sharing on weapons surrendered, combatants taking refuge in neighbouring states or the cross-border movement of armed elements and poachers.<sup>207</sup> The use of monitoring technology and equipment such as scanners and surveillance drones can also improve border control.

#### *Activities of brokers and transporters*

In the decade before the period covered by this paper, private sector entities played a significant role in facilitating illicit arms flows to actors under UN embargoes in states in sub-Saharan Africa by brokering the procurement of and arranging transportation for weapons, often on behalf of states supporting one of the belligerent parties.<sup>208</sup> In the period covered by this paper, the role of private brokers and transporters in the embargo violations identified by the POEs, beyond their role in the ant trade described above, appears to have diminished or shifted to a set of more diffuse and modest diversion modalities. One example of larger volume SALW deliveries involving private actors in violation of UN arms embargoes are the private smugglers and networks that

<sup>205</sup> United Nations, Security Council (note 54), S/2022/479, para. 205; and United Nations, Security Council (note 153), para. 133. Porous borders also contributed to regional recruitment for armed groups.

<sup>206</sup> United Nations, Security Council (note 159), S/2017/1125, para. 203 (b); United Nations, Security Council (note 156), S/2020/36\*, para. 176 (c); United Nations, Security Council (note 54), S/2022/479, paras 206 (b, c) and 207; United Nations, Security Council (note 21), S/2020/662, para. 102 (f); and United Nations, Security Council (note 26), S/2019/930, para. 172(c).

<sup>207</sup> United Nations, Security Council (note 54), S/2022/479, para. 205; United Nations, Security Council (note 48), S/2020/482, para. 192 (c); United Nations, Security Council (note 48), S/2015/19, para. 230; and United Nations, Security Council (note 57), S/2014/42, paras 243, 245.

<sup>208</sup> See e.g. Fruchart, D. et al., *United Nations Arms Embargoes: Their Impact on Arms Flows and Target Behaviour* (SIPRI and Uppsala University: Stockholm and Uppsala, 2007); Wood, B. and Peleman, J., *The Arms Fixers: Controlling the Brokers and Shipping Agents* (NISAT, PRIO and BASIC: Oslo, 2000); and Cortright, D. and Lopez, G. with Gerber, L., *Sanctions Sans Commitment: An Assessment of UN Arms Embargoes*, Project Ploughshares Working Paper 02-2 (Conrad Grebel University College, Institute of Peace and Conflict Studies, Project Ploughshares: Waterloo, Ontario, May 2002).

**Table 3.1.** Typology of sources of diversion, challenges and possible measures

Source of weapons	Source of diversion	Challenges for mitigation	Policy measures
Internal: Government stockpiles	Battlefield capture	Wide insecurity and active engagement in conflict	Improvements in weapon and ammunition management (marking and record-keeping) practices; training for security forces; medium to longer term political solutions and political settlements
	Looting	High level of insecurity and vulnerability of storage facilities	Improvements in weapon and ammunition management (marking and record-keeping) and Physical Security and Stockpile Management practices; provide training for security forces; training for personnel on how to secure weapons in case of attack
	Loss due to poor stockpile management	Limited security of stockpiles and limited accountability	Weapon and ammunition management roadmaps and enhancement options in the short, medium and long term; provide training for security forces
	Deliberate loss	Limited security of stockpiles and limited accountability; willingness of and reasons for government forces to deliberately divert weapons	Improvements in weapon and ammunition management (marking and record-keeping) practices; improved accountability and prosecution/ investigation of actors responsible for diversion; timely provision of adequate salaries and training
	Defection	Willingness of and reasons for government forces to defect	Improvements in weapon and ammunition management practices; timely provision of adequate salaries and training; provide incentives for members of armed groups to reintegrate into government forces by facilitating demobilization and reintegration
	Internal transfers in violation of an embargo	State's willingness to and reason for transferring weapons to an area under embargo; limited monitoring in a region or sub-region	Constant monitoring and reporting of violations; halt exports to the state in cases of retransfer in violation of an embargo
Internal: Weapons in civilian possession	Circulation of civilian and craft weapons within the country	Unregulated manufacture and wide circulation of these weapons	Monitor and document such weapons to map the scale of this materiel; devise ways to regulate such materiel while also addressing demand and supply factors; ensure that imports are of a size commensurate with the licensed civilian users of firearms in a country
External	State-sponsored supplies	Willingness to and strong reasons for a state to divert weapons to illicit actors	Improvements in weapon and ammunition management (marking and record-keeping) practices; prosecution of individuals responsible for supporting armed group activities; monitor and investigate such violations and publicly report on them; share information with other states to enable appropriate measures to be taken

Source of weapons	Source of diversion	Challenges for mitigation	Policy measures
External	Cross-border circulation involving private actors/ the ant trade	Border porosity facilitates cross-border movement of such weapons	Monitor illicit weapon flows to detect crossing points and common routes; allocate resources to police forces, guards, customs authorities, law enforcement agencies and local authorities; enhance institutional and administrative capacity through training; increase border patrols; increase intelligence sharing, law enforcement, judicial cooperation and bilateral collaboration; provide monitoring technology and equipment to improve border controls
External	Activities of brokers and transporters	Unregulated and unmonitored activities of private actors illicitly transferring weapons	Monitor and investigate the activities of brokers and transporters; regulate them, prosecute them and enforce the law in cases of violations; share information with other states to prevent future cases; penalize embargo violators
External	Transfers to government forces in non-compliance with embargo provisions	Lack of compliance with embargo provisions when states transfer weapons to legitimate forces	Regularly monitor such transfers and notifications; create joint monitoring teams in embargoed countries; recognition for actors that abide by the notification system

traffic arms between Somalia and Yemen. Commercial air cargo companies were also mentioned in relation to suspected violations of the arms embargo on South Sudan.

The main challenge for states in mitigating this type of diversion would be to try to regulate or disrupt the activities of such actors and networks. Monitoring and investigating violations are important first steps as the information provided can be used to regulate the activities of brokers and prosecute violations. Information on companies and individuals responsible for such violations can be shared bilaterally or within multilateral export control regimes. In addition, the UN Security Council can impose secondary sanctions, including travel bans and asset freezes, on brokers and transporters involved in violations of UN arms embargoes.

#### *Transfers to government forces in non-compliance with embargo provisions*

As noted above, arms embargoes sometimes contain provisions that allow transfers of arms to government forces but require the recipient or supplier state to notify the relevant UN sanctions committee of such transfers. The case studies have shown that in some cases weapons have been transferred to legitimate forces without such notifications, or that the information in the notifications was incomplete.

The transfer of weapons to government forces without or with incomplete notification constitutes non-compliance with the arms embargo. Such transfers risk undermining the embargo. It is therefore important to ensure that all provisions are followed and respected. Monitoring transfers and notifications can ensure that states that transfer weapons to government forces in embargo areas abide by the provisions of the embargo. Possible measures include the creation of joint monitoring teams to ensure that weapons remain in the custody of government forces, and providing public recognition for actors that abide by the rules on notifications.

The CAR POE proposed the development of an inspection protocol for the stockpile management of weapons delivered under UN arms embargo exemptions.<sup>209</sup> The aim would be to clearly establish the responsibilities and tasks of government forces, the supplier state and, where relevant, the private sector companies involved, and of the UN mandated peacekeeping missions. The protocol would define standard procedures on: (a) timely information sharing on the time of arrival of the military equipment and the details of each shipment; (b) related security measures; (c) transportation and verification of the imports; (d) safe storage of the weapons; and (e) subsequent inspection and registration of the weapons.

### **Sources, challenges and measures to mitigate illicit SALW affecting arms embargoes: A typology**

This chapter has highlighted some sources of illicit weapons that were common to many of the case studies presented in chapter 2. The illicit weapons originating from these sources have fuelled conflict in countries under embargo in sub-Saharan Africa but the sources identified are not unique to embargoed countries. Some have been included in general analyses and comprehensive frameworks on diversion developed in recent years.<sup>210</sup>

The findings are summarized in table 3.1, which provides a typology of sources of diversion, challenges to be addressed to mitigate the different types of diversion and related policy measures that states and/or international actors could devise to achieve this goal. While the table is based on the five case studies of the embargoed countries in this study, it provides a basic framework that can be expanded and applied to other case studies of illicit trade in SALW in sub-Saharan Africa.

<sup>209</sup> United Nations, Security Council (note 22), S/2018/729, Annex 2.2 (4).

<sup>210</sup> United Nations Office on Drug and Crime (note 8); Conflict Armament Research (note 8); United Nations, Group of Governmental Experts on Problems Arising from the Accumulation of Conventional Ammunition Stockpiles in Surplus (note 8); Martinez Miralles et al. (note 8); and Kirkham (note 8).

## 4. Recommendations

Since the late 1990s, and particularly in recent years, the international policy and research communities have been increasing their understanding of the dynamics surrounding illicit flows of SALW. At the policy level, numerous initiatives, especially within the framework of the ATT, have provided greater opportunities to address diversion at the multilateral and regional levels. States have also established mitigation measures to prevent diversion. For instance, an increasing number of exporting states have adopted the use of post-shipment on-site inspections to monitor possible post-shipment diversion of exported materiel.<sup>211</sup> Bilateral and multilateral assistance has also been provided to prevent weapon diversion and tackle the problems identified, although requests for have not always matched the provision of assistance.<sup>212</sup>

Alongside these policy efforts, the monitoring work of the UN POEs has continued to provide evidence of arms diversion and derive recommendations on mitigating it. Arms embargoes are not just an important policy tool in attempts to maintain or restore peace and stability and curb the flow of weapons to conflict areas. Through their monitoring work, the POEs are also able to provide important information on illicit weapons that fuel conflict in such areas. This work is fundamental to increasing understanding of illicit weapon flows and diversion. As the above typology demonstrates, the monitoring work of the POEs has been able to identify a number of major sources of illicit weapons, recurrent dynamics of diversion, challenges for mitigation and possible policy measures, offering lessons and recommendations that are also applicable to more general cases of weapon diversion. Together with research focused on illicit trafficking of SALW and their diversion, which was not analysed in this paper, the monitoring and investigative work of POEs has improved knowledge of the problem, helped to enhance the monitoring, investigation and scrutiny of diversion, and provided increased evidence in support of policy.

Despite remarkable and positive developments in policy and research, however, violations of arms embargoes persist and illicit SALW continue to destabilize areas of sub-Saharan Africa and other regions. More systematic knowledge and studies are needed that can provide a more granular understanding of the ‘who, when, how and where’ of diversion. Only through continuous and painstaking monitoring of the sources and challenges related to illicit SALW and their diversion can national, regional and international policy solutions be devised.

In this respect, despite the limitations encountered and the sometimes fragmented and limited information, the monitoring work of the UN POEs—and more general work on diversion—is vital to understanding the dynamics and circumstances of diversion. It is only through this difficult, time-consuming, painstaking and at times unsafe work, and the granular monitoring, analysis and investigation of sources of diversion, that more information on diversion in embargoed areas can be revealed, understanding of diversion increased and appropriate policy solutions to problems devised and adopted.

<sup>211</sup> See e.g. Varisco, A. E., Brockmann, K. and Robin, L., ‘Post-shipment control measures: European approaches to on-site inspections of exported military materiel’, SIPRI Background Paper, Dec. 2020; Bromley, M., Brockmann, K. and Varisco, A. E., ‘Post-shipment on-site inspections of military materiel: Challenges and responses’, SIPRI Policy Brief, Dec. 2021; Varisco, A. E. and Bromley, M., ‘Good practice guide on post-shipment on-site inspections of military materiel’, SIPRI Good Practice Guide, Aug. 2022.

<sup>212</sup> Bromley, M., Maletta, G. and Nicolin, R., ‘SALW-related assistance to states in sub-Saharan Africa: Hitting the target or missing the mark?’, SIPRI Topical Background, 21 Jan. 2022; and Yeger, M. B. H., ‘You can’t always get what you want, but if you try, can you get what you need (to address the illicit small arms trade)?’, Small Arms blog, Geneva: Small Arms Survey, 9 Apr. 2019.

### **Strengthen support for the investigative work of the panels of experts**

The first recommendation is to strengthen and empower the investigative work of the POEs. The five case studies show how panel members face security risks, are often denied access to sources of information or government arsenals, and receive inadequate responses or no response to their requests.<sup>213</sup> Arms embargoes are only as good as their monitoring. Better and increased support for POEs is therefore vital to all future work on illicit transfers.

Several practical steps could be taken by the Security Council to strengthen the capacity of the POEs. POEs usually comprise five or six members, normally only one of whom is a designated arms expert. External experts lack many of the privileges of UN staff.<sup>214</sup> For instance, experts are issued with ‘travel certificates’ rather than a UN *Laissez-Passer*, which is a recognized travel document that affords international law protection. The POEs also lack medical and other benefits such as leave.<sup>215</sup> Putting experts on the UN staff on a longer-term basis, increasing staff numbers or providing more opportunities to hire consultants for specific assignments would increase the investigative capacity of POEs. Newly appointed POE members could also benefit from improved training on specific, proven methodologies before starting their investigations. Improved archiving of the materials collected by POEs over time could also help new panel members consult sources and materials from previous colleagues (see below). More structured communications and information sharing between different POEs active at the same time could increase efficiency. While it might be difficult for the UN to find the resources to fund such improvements, individual states could consider providing assistance to achieve these goals.

Certain permanent members of the Security Council have been accused of attempting to limit the independence of POEs, to delay or block the appointment of potential members and/or to influence the outcome of investigations.<sup>216</sup> Limiting the capacity to monitor embargoes, not abiding by their provisions or not enforcing them limits and undermines their value and the work of the POEs. Strong political support is required for the independence of the panels to avoid such pressures affecting their work.

The role of UN Peacekeeping operations in supporting POEs could also be improved.<sup>217</sup> For example, the Somalia POE recommended that the Security Council encourage AMISOM forces to document and register all military equipment captured as part of its offensive operations and to establish a procedure for sharing this information with the panel.<sup>218</sup> The CAR POE recommended the establishment of a specific group or cell within the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), tasked with coordinating MINUSCA efforts related to the implementation of the arms embargo.<sup>219</sup> Similarly, the Security Council has authorized MONUSCO to ‘monitor the implementation of the arms embargo’ in cooperation with the POE, and MONUSCO now has an arms embargo monitoring cell.<sup>220</sup> These examples emphasize the potential for UN missions to play a role in monitoring the implementation of arms embargoes. This issue is also

<sup>213</sup> See also Lynch, C., ‘Sunset for UN sanctions?’, *Foreign Policy*, 14 Oct. 2021; Lynch, C. ‘The worst bloody job in the world’, *Foreign Policy*, 20 Oct. 2021; and Lynch, C., ‘Russia’s sanctions problem’, *Foreign Policy*, 22 Oct. 2021.

<sup>214</sup> Gillespie, D., Former UN panel member, Interview with the authors, 7 Sep. 2022; Gramizzi (note 195); and Former UN Panel Member, Interview with the authors, 14 Sep. 2022.

<sup>215</sup> Gillespie (note 214).

<sup>216</sup> Lynch (note 213); Lynch (note 213); and Lynch (note 213).

<sup>217</sup> See also Anders, H., ‘Monitoring illicit arms flows: The role of UN Peacekeeping Operations’, *Small Arms Survey Briefing Paper*, June 2018.

<sup>218</sup> United Nations, Security Council (note 89), S/2019/858.

<sup>219</sup> United Nations, Security Council (note 22), S/2016/1032, para. 239.

<sup>220</sup> United Nations Security Council Resolution 2409, 27 Mar. 2018, para. 37(iii).

discussed in UN Security Council Resolution 2616, which outlines steps to improve compliance with UN arms embargoes, such as—where relevant and appropriate—giving peace operations a more direct role in assisting national authorities to detect and combat violations.<sup>221</sup>

As part of improving and supporting the work of POEs, it is also important to ensure that when advance notifications are required as part of an arms embargo, the states transferring weapons to government forces comply with the provisions of the embargo, as non-compliance with notifications risks undermining the effectiveness of the entire embargo instrument.

### **Make increased use of POE findings and recommendations**

Based on their in-depth investigations and interactions with a variety of relevant actors, the POEs are particularly well placed to recommend action to prevent and combat the diversion of arms in areas under embargo. A second recommendation is to create better awareness of POE findings and recommendations, and how the latter can best be implemented by the UN system and individual states. In this regard, POE reports are not always the most reader-friendly documents, given their length and the fact that important information is often scattered between the main text and numerous annexes.<sup>222</sup>

The UN POE reports analysed in this paper sometimes provide updates on implementation of recommendations from previous reports, highlighting how these have not always been successfully implemented.<sup>223</sup> If only limited action is taken on recommendations, UN panels will keep monitoring and reporting on the same problems and recurrent sources of diversion.<sup>224</sup> This can provide understanding of the scale of such problems through consistent monitoring over time. Ideally, it would also provide actors and states willing to act on the recommendations with an indication of what needs to be prioritized in order to tackle diversion. Without proper follow-up on recommendations, however, the monitoring risks being ineffective in curbing the illicit trade in SALW, and the same problems will persist or re-emerge in a similar way in a few years.

One possible measure to create better awareness of POE recommendations would be the creation of a user-friendly, interactive public repository that compiles the key findings and main recommendations of the reports of POEs in one place. Key findings and recommendations for each embargo could for instance be filtered by year and, in the case of the recommendations, by topic (recommendations on marking, recommendations on PSSM, recommendations on other measures) or by actor to which the recommendations are addressed. This would allow a quick search of findings and recommendations related to single embargoes over time. Filtering by topic could also be done across more embargoes to compare the different recommendations on similar

<sup>221</sup> United Nations Security Council Resolution 2616, 22 Dec. 2021.

<sup>222</sup> The UN Secretariat imposes a word count limit on the body of the report due to translation pressures. As a result, much of the detail is often placed in lengthy and numerous annexes, which are generally not translated. Lewis, M., Former UN panel member, Communication with authors, Oct. 2022; Bahadur, J., Former UN panel member, Interview with the authors, 11 Aug. 2022; and Former UN panel member, Interview with the authors, 14 Sep. 2022.

<sup>223</sup> See e.g. United Nations, Security Council (note 48), S/2018/531, para. 13; United Nations, Security Council (note 48), S/2017/1091, paras 9–12; United Nations, Security Council (note 48), S/2017/672/Rev.1, para. 7; and United Nations, Security Council (note 48), S/2015/19, Annex 42. See also UNODA (note 184) for examples of language used to call for weapon and ammunition management in arms embargo contexts, including examples from sub-Saharan Africa.

<sup>224</sup> This might happen in subsequent years or a few years after a source of diversion is first reported. This is due to the turnover of experts in the panels and to changes in investigative focus over time.

problems by the various panels, and cross-reference ideas for policy measures. Such a repository would be a useful source for targeting and designing assistance activities (see below).

The repository could also be a starting platform for further analysis and research. For instance, the ability to compare findings on different embargoed states might produce analysis on common embargo violation techniques (on transportation and documentary manipulation) or methods (by air, sea or land; and common methods of concealment or of clandestine transportation and delivery), and their commonalities and differences across states. This could in turn help devise targeted policy responses and enforcement measures (see below). The repository could be developed as an additional section of the UN website on sanctions or as a standalone product created outside of the UN framework.<sup>225</sup>

### **Align and target policy measures to identified sources of illicit weapons and challenges**

The third recommendation is to better align and target policy measures on illicit SALW to related sources and problems of diversion that have been identified. As noted above, the POE reports and other studies have helped to provide a better understanding of diversion. Based on this understanding, the panels make recommendations to states and international actors on appropriate policy solutions to different sources of diversion. In this regard, the typology developed above should constitute a helpful tool as it relates different challenges to different sources of diversion and suggests various policy measures and responses to these challenges. Addressing the problems related to illicit weapons and diversion in this disaggregated way when devising policy solutions and recommendations can provide a better understanding of diversion and suggest evidence-based policy responses.

Once the main problems and challenges have been identified and related possible policy solutions devised, states should request and/or be provided with appropriate assistance targeted at the identified problem. In recent years, efforts have been made to try to match assistance needs to resources.<sup>226</sup> A better understanding of the various sources of illicit weapons and the challenges that need to be addressed to mitigate diversion—based on the repository of key findings and the main recommendations on arms embargoes (see above)—would provide greater knowledge of the specific problems affecting a country or region, which in turn could lead to more targeted assistance to countries.

### **Reinforce states' practices on marking, record-keeping and tracing**

Among the different policy measures aimed at curbing the illicit trade in SALW, marking, record-keeping and cooperation in tracing are three key measures for understanding the origin of illicit weapons.<sup>227</sup> The case studies presented above demonstrate how implementation of these activities has not always been optimal in countries under embargo. States often lack a baseline inventory of the weapons present in the country or region before the imposition of the arms embargo, which could

<sup>225</sup> Various research institutes have worked on sanctions and arms embargoes. See e.g. the SIPRI Arms Embargoes database or the UN Sanctions App developed by the Graduate Institute, Geneva.

<sup>226</sup> See e.g. the recent Council of the European Union, Council Decision (CFSP) 2021/649 of 16 April 2021 on Union support for activities of the ATT Secretariat in support of the implementation of the Arms Trade Treaty, *Official Journal of the European Union*, L133, 20 Apr. 2021.

<sup>227</sup> International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, 8 Dec. 2005.



be used to understand whether illicit weapons have come from internal or external sources. UN POEs have had difficulties creating similar baselines.<sup>228</sup> Similarly, it is sometimes impossible to trace weapons with their original manufacturers because of their age, or to identify the last legal custodian because of inadequate record-keeping on the part of exporting and/or importing states. In this respect, import marks are an important aspect of national weapon and ammunition management practices. The presence of an import mark can provide information on the chain of custody of a weapon and, in cases of diversion, an indication of the last known legal custodian. In such cases, proper record-keeping is an important complement as it can help to identify the actor who possessed diverted weapons with specific serial numbers, such as a specific unit or even a specific soldier.<sup>229</sup> Furthermore, adequate record-keeping and the maintenance of consistent records on weapons legally circulating in a state can help a government understand the scale of diversion from national stockpiles. At the same time, it also provides information on external sources of illicit weapons and the scale of such external sources vis-à-vis weapons originating from internal stocks. Finally, the five case studies show how the POEs often receive only limited cooperation on tracing from states. Tracing and record-keeping, however, have been the measures for which states have expressed the highest need for international assistance in the submission of their 2022 UN Programme of Action National Reports.<sup>230</sup>

A fourth recommendation is thus to reinforce states' practices on marking, record-keeping and tracing in relation not only to embargo areas, but also the national and sub-regional levels. In December 2021 the UN Security Council adopted Resolution 2616 on methods to improve implementation of UN arms embargoes. It specifically requests the full cooperation of UN member states with POEs and stresses the importance of allowing POEs to conduct inspections of seized military equipment transferred illicitly in contravention of a UN arms embargo. The cases discussed in this paper include examples of how states can contribute relevant data on exported arms to help POEs establish the chain of custody of arms found in the possession of embargoed entities or in areas under embargo. In addition, there are several legally binding sub-regional instruments in sub-Saharan Africa that contain provisions on marking, record-keeping and tracing.<sup>231</sup> These instruments should be reinforced and better implemented. Donors should also provide assistance to countries and training to members of security and defence forces on weapon identification, which is a necessary precondition for tracing weapons with the correct manufacturer.<sup>232</sup> This would be

<sup>228</sup> Gramizzi (note 195). United Nations, Security Council (note 17), S/2014/452, paras 79–81 discusses the baseline data on arms, weapons and ammunition in circulation in CAR developed by the POE. Conducting a baseline inventory of military equipment, arms and ammunition in the possession of the security forces is part of the good practice request to member states subject to an arms embargo to implement weapon and ammunition management measures, see UNODA (note 184).

<sup>229</sup> Somalia is one case where import marks and records allowed the UN POE to identify weapons that originated from internal stockpiles.

<sup>230</sup> UN Office for Disarmament Affairs, 'Programme of Action on SALW, International Tracing Instrument: Trends, Challenges and Opportunities, Data from 2022 National Reports', Presentation at the Eighth Biennial Meeting of States on the UN PoA on Small Arms and Light Weapons, 27 June 2022, p. 15.

<sup>231</sup> Protocol on the Control of Firearms, Ammunition and other related Materials in the Southern African Development Community, opened for signature 14 Aug. 2001, entered into force 8 Nov. 2004; Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, opened for signature 21 Apr. 2004, entered into force 5 May 2006; Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their ammunition and Other Related Materials, adopted 14 June 2006, entered into force 29 Sep. 2009; and the Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition and all Parts and Components that can be used for their Manufacture, Repair and Assembly, opened for signature 30 Apr. 2010, entered into force 8 Mar. 2017.

<sup>232</sup> INTERPOL created the INTERPOL Firearms Reference Table to help police correctly identify firearms; the Illicit Arms Records and tracing Management System (IARMS), where police forces worldwide can record illicit firearms and search seized firearms to check whether they have been reported as lost, stolen, trafficked

in line with regional instruments and ITI provisions on effective marking, record-keeping, tracing and capacity building through training and mentoring. States with experience of responding to POE tracing requests could consider sharing this with other states and could contribute to a possible guide on how to do so. States—including states under embargo wherever possible—should regularly present cases of successful tracing and successful investigations of diverted weapons in regional and international policy forums, in public where possible, or through non-public forums such as the ATT Dief, to raise awareness of such practices. In this way, they would be promoting information exchange on diversion and reinforcing implementation of the regional and international policy instruments.

or smuggled; and the INTERPOL Ballistic Information Network to compare ballistic fingerprints. The Illicit Arms Records and tracing Management System (iARMS) has three components: the Firearm Records Module facilitates international communication on lost, stolen, trafficked and smuggled firearms; the Trace Requests Module enables users to create, manage and respond to international firearm trace requests on crime-related firearms; and the Statistics and Reports Module supports INTERPOL member countries to analyse national data information on firearm-related crime and tracing, and to generate tailored reports. See INTERPOL, 'Illicit Arms Records and tracing Management System (iARMS)', [n.d.].

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