

# Monitoring and verification of the arms trade and arms embargoes

Michael Brzoska

Information on the arms trade remains one of the most arcane areas of international relations. There is no reliable information on the global volume of the trade in arms and despite some improvements in transparency over the last decade or so, estimates continue to vary widely.<sup>1</sup> Moreover, it is reasonable to assume that illegal arms transfers constitute a significant part of the global arms trade, and when it comes to the illegal trade in arms the general lack of information is amplified.

The lack of transparency regarding the arms trade in general, and illegal arms transfers in particular, is not only a matter of academic concern, but has practical political consequences. It makes it difficult to assess whether legal obligations regulating the arms trade are observed. The most urgent problem of the past and today is the implementation of arms embargoes. Arms embargoes have frequently been broken, but often it has not been clear who was responsible for the violation of legal obligations. If a future arms trade treaty, which is under discussion in a Preparatory Committee, includes verification procedures, it will have to address the problems of opacity and violation of obligations.<sup>2</sup>

This article will first look at objectives of arms trade monitoring and verification in connection with existing and potential future mechanisms regulating the arms trade. It then briefly considers major concerns in arms transfer monitoring and verification, and assesses instruments which have been, or could be, used to address these concerns. There is not space in this article to give justice either to the multitude of problems related to arms transfer monitoring and verification or to the efforts by various actors to overcome these (particularly efforts by non-governmental organizations to increase transparency), therefore the focus here, in line with its emphasis on legal obligation, is on governments and international organizations.

The term monitoring is used in this article for all types of information-gathering by any actor. Verification is defined more narrowly as the monitoring of obligations by actors who have a legally defined role related to checking compliance with obligations, whether based in national or international law.

## Obligations and objectives

There are two different, but related levels of legal requirement for the arms trade. On the national level, the export of arms is generally strictly controlled by national law. Governments all over the world reserve the right to decide whether to allow producers and traders to go

---

Michael Brzoska is Director of the Institute for Peace Research and Security Policy at the University of Hamburg. He has previously worked on issues related to arms at the Stockholm International Peace Research Institute (SIPRI) and the Bonn International Center for Conversion (BICC).

ahead with the sale of arms to customers in other countries. On the international level, there are currently few obligations. One international obligation, flowing from the obligation of UN Member States to carry out the decisions of the Security Council (Article 25 of the United Nations Charter), is that states need strict *national* regulations related to arms exports so that they can implement arms embargoes mandated by the UN Security Council.

Once the United Nations Security Council declares, in line with Article 39 of the UN Charter, that a situation constitutes a breach of or threat to international peace and security, it has broad powers to decide upon restrictions on arms exports under Article 41 of the Charter.<sup>3</sup> Member States are obliged to implement Security Council decisions according to Article 24 of the Charter. The UN Security Council has mandated more than 20 arms embargoes, or embargoes including arms.<sup>4</sup> Indeed, the “stand-alone” arms embargo has become the exception. Within the broader shift at the UN Security Council toward targeted sanctions, arms embargoes are increasingly embedded in sanctions packages, including financial and other sanctions.<sup>5</sup> Only two Security Council embargoes, the first being part of the broad sanctions against Southern Rhodesia (resolution 253 of 1968) and the second the stand-alone arms embargo against South Africa (resolution 421 of 1977), occurred before the end of the Cold War; all others were mandated after 1989. Targets of these sanctions have included states, state territories, regions within states, as well as named individuals and non-state groups. Arms embargoes have also varied in scope, from arms only to a broad range of military-relevant material. A few arms embargoes have been voluntary, with the UN Security Council only “calling” on states to refrain from arms sales. Such wording does not create a legal obligation for states.<sup>6</sup>

Arms embargoes have a bad image. They are often seen as ineffective because of frequent violations. A number of non-governmental organizations (NGOs), such as Control Arms, the Stockholm International Peace Research Institute (SIPRI) or Small Arms Survey have documented numerous violations of UN arms embargoes.<sup>7</sup> Academic investigations looking at changes in arms supply patterns to sanction targets have come to a somewhat more positive assessment of arms embargoes, showing on average a substantial decrease in arms supplies, attributable to the arms embargoes.<sup>8</sup> Still, weapons are often reaching sanction targets in violation of the mandatory decision of the UN Security Council. While in most cases the suppliers are black market dealers, arms traded to embargoed entities have, in all cases, initially come from the production lines or weapon arsenals of Member States. Often they are transported via the territory of third states; sometimes arms dealers and brokers operate from yet another state. Given that arms embargoes generally outlaw all activities related to arms transfers to targets, it follows that Member States, responsible for the implementation of UN Security Council decisions, have either violated their obligations under international law, or have been negligent toward or fooled by arms traders who have violated national law. Whatever causes the violation, Member States need to improve their performances in order to fulfil their obligations toward the UN Charter. Legal responsibilities are clear; however, they are in practice difficult to attribute to particular actors. Often it is not easy to establish how

a violation of an arms embargo occurred and who is responsible. And, probably even more frequently, arms embargo violations are not even detected.

In addition to UN arms embargoes, there are a small number of other specific international legal restrictions on the arms trade, all relating to specific types of arms.<sup>9</sup> These include, for states parties: the Mine Ban Treaty, outlawing the trade in anti-personnel mines; two of the Protocols to the Convention on Certain Conventional Weapons (Protocol II on mines, booby traps and other devices, which outlaws mines that cannot be detected, and Protocol IV on Blinding Laser Weapons, which bans the transfer of such weapons); the UN Firearms Protocol, which makes it mandatory to mark certain types of arms; and the Convention on Cluster Munitions, banning the trade in cluster munitions.

At the regional level, the European Union Code of Conduct on Arms Exports has made it a legal requirement for its member states to observe a set of eight criteria when deciding upon arms exports.<sup>10</sup> Agreements among importers to observe certain rules are rarer. The prime example is the Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, adopted in 2006. ECOWAS states are committed to import small arms only after receiving an exemption from the general ban on small arms transfers. Exemptions can be granted by the ECOWAS central organs.<sup>11</sup>

Beyond these few specific legal obligations, some broader legal provisions also limit states' activities with respect to arms transfers. States have an obligation, under the UN Charter and customary law, not to wilfully support acts by other states in violation of international law. Relevant obligations include the limits of the UN Charter on the use of force (Article 2(4)), conventions on counter-terrorism and general provisions of international humanitarian law.<sup>12</sup>

Partly in order to find common ground on these very general provisions, partly to promote particular political agendas, states have made a good number of *political* commitments relevant to the international trade in arms. These include the UN Disarmament Commission's Guidelines on Arms Transfers (1996),<sup>13</sup> the UN Programme of Action on small arms (2001), and, among smaller groups of states, the Organization for Security and Cooperation in Europe's (OSCE) *Handbook of Best Practices on SALW* (2003), the Missile Technology Control Regime and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

States need to have national laws on arms exports that give them a sufficient base to control arms producers, dealers and brokers. These actors are required to make truthful applications for licences prior to exporting weapons, correctly identifying the goods to be exported and the destination of the export. Because of their obligations under international law, governments must have appropriate institutions in place that can make sure that licensing processes work properly. They are also obliged to operate border control systems for the effective inspection of goods crossing borders. Governments must also have provisions against corruption and

fraud, both by officials in their own countries and in destination countries. While the latter is often difficult in practical terms, it is of utmost importance for the control of the arms trade: truthful end-user certificates are a central element for the verification of the implementation of national laws on the arms trade.

## **Difficulties in arms transfer monitoring and verification**

### *Lack of information*

With respect to the monitoring and verification of obligations, a distinction can be made between wilful activities in violation of international obligations, for example government violations of arms embargoes, and activities in violation of national legal requirements by private actors, such as arms producers, traders or brokers.

As mentioned above, the unwillingness of governments to disclose information on the arms trade is a core problem for those monitoring whether they are fulfilling their obligations and commitments. While reporting by governments has improved in the last decade or so, many governments still do not disclose any information on arms exports. Even fewer governments report imports (which would allow for comparison with exports from other countries). Non-disclosure of information does not imply that governments are violating obligations. However, the lack of information makes it difficult for external actors to monitor the arms trade and, in the case of arms embargoes and other legal requirements, verify that obligations have been met.

### *Lack of consistency*

The information problem is compounded by the lack of a universal definition of arms. There exists a core group of items used in military combat, such as battle tanks, fighter aircraft or frigates, which are universally defined as arms. However, at least some governments limit this classification to armed weapon platforms. Unarmed weapon platforms, such as frigates or jet aircraft without guns or missiles, are not defined as weapons, even when it is fairly simple to add guns or missiles. Long-barrelled semi-automatic or automatic rifles are another example. While some states consistently classify all such rifles as arms, others make exceptions for rifles sold for hunting and sport shooting. In the case of Germany, for instance, while the export of such rifles falls under the Foreign Trade Act, they are not covered by the Weapons of War Act, with its stricter provisions. In a good number of cases, economic or political interests have influenced classifications. A case in point is Switzerland, a major exporter of training aircraft. These aircraft could also be used as ground attack aircraft, but they are not classified as arms by Switzerland.<sup>14</sup>

### *Lack of capacity*

Another very important problem is the lack of capacity of many governments to implement their obligations, including their own national laws. Particularly in poorer states, governments often fail to implement existing obligations, not because of ill will but because of lack of personnel and expertise in licensing as well as in customs control.

### **Opportunities for monitoring and verification**

The enormous variety in the causes and circumstances of violations of arms trade obligations raises a number of obstacles to monitoring and verification of arms flows. It is, in many countries, difficult to be confident that obligations are met. On the other hand, the complexity of most arms transfers offers overlapping opportunities for the detection of violations:

- Prior to an arms export, negotiations generally occur between importers and exporters, often involving brokers or other types of agents. Financing needs to be arranged. All these activities can, and often do, produce paper, e-mail or telephone conversation trails. While such negotiations are by nature confidential, they sometimes become public, for instance by the activity of a whistle-blower. These sources of information are often the basis for court cases, with additional evidence gained by authorities through wiretaps or the confiscation of documents.
- Exporters need to obtain government export licences, in many cases several licences. An export licence typically has to identify the exporter, the items and the final destination of the arms. The latter is generally documented through an end-user certificate, which is a requirement for all arms sales, ensuring that actors are certain that they are fulfilling their legal obligations, for example the implementation of arms embargoes. An end-user certificate must be obtained by the exporter from the recipient of the arms sale and then provided to export licensing authorities. In many countries, only specific entities, such as procurement directorates in defence ministries, are entitled to issue end-user certificates. The inspection of end-user certificates, as well as their comparison to actual deliveries, can lead to the detection of wrong-doing.
- Arms often cross several international borders when exported. This implies that they need to pass several customs controls. Customs officials are therefore in a good position to detect illegal arms transfers when items are wrongly declared in licensing documents.
- The shipping of arms generally involves a good number of activities and persons, including brokers, financiers, shipping agents, transport personnel (at airports, at harbours, on ships) and so on. At least some types of arms are visible and could possibly be observed when transported, as well as in the places of origin and destination. This opens up opportunities for the detection of illegal arms transfers.

- Once arms have arrived at their final destination, they generally become part of the recipient's military arsenal. The armed forces of the country may then use these weapons in combat or in other ways, which enable others to detect the weapons in their possession.

## Monitoring and verification instruments and actors

Activity relating to the monitoring and verification of arms transfer obligations mainly occurs at three levels, although information tends to flow among the actors operating at each level. Here a particular focus is placed on the closely related, and in practice more important, detection of violations of arms transfer obligations

### *National instruments*

Governments are, in theory, best suited to verify compliance with arms transfer-related obligations. They can operate efficient licensing administrations, customs control and law enforcement agencies. However, as mentioned, not all governments pursue this role, most often for lack of capacity, and sometimes because they are not willing to do so.

A particularly thorny issue of national arms transfer control is that of end-use control.<sup>15</sup> Asking for end-user certificates is an international standard. Many states also maintain lists of the institutions and persons authorized to sign end-user certificates in particular countries. This information is either supplied directly by the governments of recipient countries or by the embassy of the exporting country in the recipient country. Exporting governments may also place restrictions on the use of exported weapons in end-user certificates. Germany, for instance, has staggered exports of weapons to Turkey in the past, making deliveries conditional on improvements in the human rights situation in the country.<sup>16</sup> However, very few governments actively verify end-user certificates. The United States does verify end use: the Blue Lantern programme has been investigating the end use of weapons and dual-use items controlled under US arms exports laws since 1990. In 2007, 705 checks were conducted all over the world, with 23% classified as "unfavorable" and documentation handed over to US law enforcement agencies.<sup>17</sup> Some other states have acted on information on violations received from other sources. For instance, a good number of governments have started legal proceedings against companies charged with violating the arms embargo against Iraq between 1990 and 2003, with most of the information coming from intelligence organizations.<sup>18</sup>

Not all governments require end users to certify that weapons will only be re-exported with the permission of the initial exporting authority. In many cases, once weapons are in a particular state, it is up to that state's government to decide upon re-exports. Again, the United States has the strictest rules here, always insists on licensing re-exports even for the export of components of weapon systems.<sup>19</sup> This policy has brought the United States in collision with other governments and the European Union, which objects to US control over components

that are used in the assembly of weapons in Europe. This is part of a larger, controversial debate about the appropriateness of extraterritoriality provisions.<sup>20</sup>

There have been many cases of falsified end-user certificates. Arms dealers and brokers have supplied licensing authorities with documents bearing signatures of non-authorized persons and stating destinations that they know to be incorrect. At least in the past, there existed a black market for end-user certificates.<sup>21</sup> State officials were willing to sign false end-user certificates against the payment of certain sums. A number of such false end-user certificates have been documented by experts monitoring arms embargoes.

It is likely that most falsifications of end-user certificates go by unnoticed, since the widespread lack of end-user checks—except in the case of the United States—makes the detection of false end-use declarations largely dependent on chance. For example, authorities may perhaps obtain reports by NGOs, monitoring groups or journalists.

End-user checks are difficult but not impossible to carry out, as the US example shows. They require a good legal basis, and staff with sufficient knowledge to inspect end use. Many states are unwilling to follow the United States' lead to base end-use inspection in domestic law. An alternative would be to require exporters to make the right of on-site inspection by representatives from the exporting state a part of the arms transfer contract. This also requires that governments reserve the right to licence re-exports of arms.

New technology offers potential alternatives to physical end-user inspection. It might be possible to implant active radio frequency identification (RFID) chips in weapon systems prior to export. Obviously, for international arms transfers, complex arrangements for access to information about the location of items with RFID chips would be necessary to protect the legitimate interests of the recipients.

In addition to checks related to licences, governments need to ensure the implementation of their decisions on arms transfers. Border control is crucial in this respect. Customs officials can detect, and have in the past detected, deviations between licence documents and the goods presented. Licensing authorities also have a role, for instance in keeping records on brokers and shipping agents, including blacklists of violators of legal provisions. In reality, however, the role played by border control and licensing organizations in detecting violations of arms transfer controls has been very limited. The prime reason is the lack of capacity and expertise within many border control organizations. This also extends, at least in some states, to the oversight of shipping and air traffic. Large areas in Africa, for instance, continue to remain poorly covered by air traffic control.<sup>22</sup> Moreover, arms export controls are not a priority for most states: the role of air transport in small arms transfers has only recently come to the attention of many states.<sup>23</sup>

Potentially the strongest instrument to detect and prevent violations of arms trade provisions is law enforcement. In many countries, illegal arms transfers are on the list of crimes that warrant

intrusive investigative measures, such as wire tapping and sting operations. Intelligence services are also often involved in monitoring the arms trade and detecting violations. However, the potential is borne out only selectively. Law enforcement capabilities are limited. Even in countries with ample resources, attention is focused on exports of high-technology items, and on exports seen as particularly dangerous to the national interest. The number of criminal cases regarding arms embargo violations is low.<sup>24</sup>

### *International instruments*

It has been noted above that there are few international legal obligations related to arms transfers: there are even fewer international instruments relevant for the monitoring and verification of such obligations. Voluntary national declarations to the United Nations and to its expert panels investigating arms embargo violations stand out among these few. Some regional organizations also require information (for example, the OSCE),<sup>25</sup> but this information is seldom used for the monitoring and verification of arms transfer obligations. International trade statistics, such as the United Nations' Comtrade database,<sup>26</sup> can be a useful source of information on the arms trade, although many countries do not report their arms export and import data within dedicated categories.

United Nations Member States are asked to make national declarations on arms imports and exports to the United Nations Register of Conventional Arms.<sup>27</sup> Initially designed to register the trade in seven categories of major conventional arms, the Register was later opened up for reports on other categories, including small arms and light weapons. Participation in the Register is voluntary. On average, about 100 states have participated annually since the Register began operations in 1992. The United Nations has, however, no mandate to check on the reliability of national reports. External observers are able to compare export and import data to the extent such data is reported by states, and can compare this with other, non-official data sources. A number of analyses of the Register have shown that it provides important information not contained in non-official data sources, such as SIPRI's register on conventional arms.<sup>28</sup> Often there are inconsistencies between export and import data, which can generally be explained by different designations of weapons systems or destruction during transport. There have been no reports of deliberately false declarations by participating states. The main problem of the Register is its incomplete coverage. While the majority of exporters are reporting, major importers, for example in the Middle East region, are missing.

National declarations are also regularly a requirement in the case of arms embargoes mandated by the UN Security Council. However, on average only about 60 Member States send in reports.<sup>29</sup> Many seem to find it too obvious that they can only report that exports are nil. In contrast to the Register on Conventional Arms, however, the United Nations has taken action to follow up its decisions on arms embargoes. Since 1996, more than 40 expert panels have been set up to investigate whether arms embargoes have been violated and by whom.<sup>30</sup>



Compared with other UN reports, reports by expert panels are very open and direct. The record of frankness was established by the first investigation into the sanctions against UNITA in Angola, completed in 2000.<sup>31</sup> The report named one former and one sitting president, in Côte d'Ivoire and in Burkina Faso, as violators of the sanctions. It also listed, in much detail, cases of arms embargo violations. Despite some criticism, the report was welcomed by the UN Security Council.

Expert panel reports have provided very important information on arms embargo violations in a number of cases. However, they have never been able to provide a full picture of arms deliveries. Expert panels have generally been small, encompassing on average three to four persons, with few administrative or research staff to support them. They have also generally had short mandates of six months and have been selected by the UN Security Council at the suggestion of the UN Secretariat, with little overlap in personnel among panels. This has made learning costs high and means panels have little institutional memory. The panels have also suffered from lack of cooperation by governments: governments suspected to have wilfully or negligently broken arms embargoes have often successfully avoided contact with expert panels.

A perennial question for expert panels has been that of the evidentiary standard they should use. The panels often receive initial information from many sources, sometimes without further documentary evidence, for instance from intelligence services. Without the power to issue search warrants or to subpoena anybody, panels must ask people for interviews and ask authorities to show or give them relevant documents. Often, this means that the expert panels are unable to present evidence that would stand up in court. Expert panels have therefore adopted lower evidentiary standards, more similar to those of journalists than those required by judges.

Expert panels have in general contributed greatly to the monitoring and verification of arms embargo violations. But they are neither designed for nor capable of verifying *adherence* to arms embargoes. While the information they have provided is valuable, and they have uncovered and documented a good number of violations, they have not been able to say whether their discoveries are just the tip of the iceberg or have revealed all or most of the arms embargo violations. Indeed, several expert panels have themselves made suggestions regarding the establishment of more elaborate monitoring systems that would be better able to verify adherence to an arms embargo. The original Angola–UNITA panel, for example, recommended stationing monitors in the major arms exporting countries as well as in neighbouring countries.

### *Civil society*

A small but dedicated group of NGOs is watching the arms trade, including observing whether or not obligations are met. The lack of transparency makes monitoring difficult, but

organizations such as Control Arms, SIPRI or the Small Arms Survey use a multitude of sources, including those discussed above, to provide a broad picture of what is going on in the arms trade. Additional sources used by NGO monitors include newspaper reports, information provided by producers and traders, as well as the identification of imported weapons in photographs or on the ground. NGO monitoring yields impressive results for most countries in the world. However, again it is impossible to tell whether the picture is complete.

In theory, violations reported by NGOs should lead to official national criminal investigations, but they seldom do. There are few cases where private arms traders or public officials suspected to be involved in illegal arms deals have been put before a court.

## Summary

Monitoring and verification of arms trade-related obligations continue to be sketchy, despite improvements during the last two decades. Some, but not all, governments have been more forthcoming with data. There has been an improvement in licensing procedures as well as customs controls. But in many parts of the world, information on the arms trade remains scarce, making it difficult to assess whether obligations are met.

Multilateral organizations, in particular the United Nations, have a potentially important role in monitoring and verifying arms transfer-related obligations. Some positive first steps have been taken, for instance the UN Register on Conventional Arms and the expert panels investigating the violations of sanctions. With greater willingness of governments to cooperate and more resources, the instruments already available could become more effective tools for the monitoring and verification of arms transfer-related obligations.

With respect to a potential arms trade treaty, verification would be challenging. Effective verification could build upon the Register of Conventional Arms, but it should also include some capacity for the United Nations to assess government reports. In an ideal world, the United Nations would also have an independent capacity to follow up inconsistencies and allegations of wrongdoing. The work of the expert panels demonstrates that the United Nations is capable of organizing useful investigations, if governments have the will to give the United Nations a role in the monitoring and verification of arms transfer-related obligations.

## Notes

1. For 2007, for instance, the Stockholm International Peace Research Institute (SIPRI) reports a trend indicator value of US\$ 25.4bn for the trade in major weapons, as well as an estimate of US\$ 51.1bn for the financial value of the international arms trade (see SIPRI, 2009, *SIPRI Yearbook 2009: Armaments, Disarmament and International Security*, Oxford, Oxford University Press, pp. 301, 328); United States government data give an estimate of US\$ 33.7bn for total arms deliveries to the world in 2007 (Richard Grimmett, 2009, *Conventional Arms Transfers to Developing Nations 2001–2008*, Washington, DC, Congressional Research Service, document R40796, p. 75).

2. See Elizabeth Kirkham, 2008, *Making It Work: Monitoring and Verifying Implementation of an Arms Trade Treaty*, London, Saferworld.
3. The full Charter of the United Nations is available at <[www.un.org/en/documents/charter/index.shtml](http://www.un.org/en/documents/charter/index.shtml)>.
4. For information on past and current UN arms embargoes see the web sites of the relevant sanctions committees at <[www.un.org/sc/committees](http://www.un.org/sc/committees)>. A list of current multilateral arms embargoes can also be found in the *SIPRI Yearbook*, published for SIPRI by Oxford University Press.
5. On the sanctions reform process at the United Nations see, for example, David Cortright and George A. Lopez, 2002, *Sanctions and the Search for Security: Challenges to UN Action*, Boulder, CO, Lynne Rienner; and Michael Brzoska, 2003, "From Dumb to Smart? Recent Reforms of UN Sanctions", *Global Governance*, vol. 9, no. 4, pp. 519–535.
6. Voluntary arms embargoes include UN Security Council resolution 1076 (1996), regarding Afghanistan (document S/RES/1076(1996), 22 October 1996) and UN Security Council resolution 1227 (1999), regarding Ethiopia and Eritrea (document S/RES/1227(1999), 10 February 1999).
7. See Control Arms, 2006, *UN Arms Embargoes: An Overview of the Last Ten Years*, London, Control Arms; annual editions of SIPRI, *SIPRI Yearbook*, Oxford University Press; and annual editions of Small Arms Survey, *Small Arms Survey*, Oxford University Press.
8. See, for example, Damian Fruchart et al., 2007, *United Nations Arms Embargoes: Their Impact on Arms Flows and Target Behaviour*, Stockholm, SIPRI and Uppsala, Uppsala University; Alex Vines, 2007, "Can UN Arms Embargoes in Africa Be Effective?" *International Affairs*, vol. 83, no. 6, pp. 1107–1122; Michael Brzoska and George Lopez (eds), 2009, *Putting Teeth in the Tiger: Improving the Effectiveness of Arms Embargoes*, Bingley, Emerald Press.
9. See also Emanuela Gillard, no date, "What Is Legal? What Is Illegal? Limitations on Transfers of Small Arms under International Law", Memo, Cambridge, Lauterpacht Research Centre for International Law, at <[www.armstradetreaty.org/att/what.is.legal.what.is.illegal.pdf](http://www.armstradetreaty.org/att/what.is.legal.what.is.illegal.pdf)>.
10. The EU Code of Conduct on Arms Exports, established in 1998, became compulsory in 2008. For details see <[www.consilium.europa.eu/showPage.aspx?id=1484&lang=En](http://www.consilium.europa.eu/showPage.aspx?id=1484&lang=En)>.
11. The ECOWAS Convention, signed on 14 June 2006, and which entered into force 29 September 2009, was preceded by a voluntary moratorium across the region (adopted in 1998). For more details, see <[www.ecosap.ecowas.int](http://www.ecosap.ecowas.int)>.
12. Relevant counterterrorism conventions include the 1991 Plastics Explosives Convention and the 1997 Terrorist Bombing Convention, see <[www.un.org/terrorism/instruments.shtml](http://www.un.org/terrorism/instruments.shtml)>. On humanitarian law instruments see International Committee of the Red Cross, 2007, *Arms Transfer Decisions: Applying International Humanitarian Law Criteria*, Geneva.
13. Guidelines for International Arms Transfers in the Context of General Assembly Resolution 46/36 H of 6 December 1991, produced in *Report of the Disarmament Commission Supplement No. 42*, UN document A/51/42, 22 May 1996, Annex I.
14. Thomas Zimmermann, "Jahrzehntelanger Kampf gegen den Export von Kriegsmaterial", *Tagesanzeiger* (Zurich), 26 October 2009.
15. See also Björn Hagelin, 2002, *International End-use Documents in Support of International Armament Embargoes*, Uppsala, Uppsala University Department of Peace and Conflict Research.
16. "Droht der Koalition eine neue Panzerkrise?" *Spiegel* (Berlin), 8 February 2000.
17. See US Department of State Directorate of Defense Trade Controls, no date, *End-Use Monitoring of Defense Articles and Defense Services Commercial Exports FY 2007*, at <[www.pmdtc.state.gov/reports/documents/End\\_Use\\_FY2007.pdf](http://www.pmdtc.state.gov/reports/documents/End_Use_FY2007.pdf)>, p. 3.
18. See Oldirch Bures and George Lopez, 2009, "The Unprecedented Embargo: The UN Arms Sanctions against Iraq, 1990–2004", in Brzoska and Lopez, op. cit., pp. 29–54.
19. See US Department of Commerce Bureau of Industry and Security, no date, Guidance on the Commerce Department's Reexport Controls.

20. See, for example, Austen Parish, 2009, "Reclaiming International Law from Extraterritoriality", *Minnesota Law Review*, vol. 93, no. 3, February, pp. 815–835.
21. See, for example, Michael Klare and David Andersen, 1996, *A Scourge of Guns: The Diffusion of Small Arms and Light Weapons in Latin America*, Washington, DC, Federation of American Scientists, chapter 5; and Brian Wood and Johan Peleman, 1999, *The Arms Fixers: Controlling the Brokers and Shipping Agents*, Oslo, BASIC, NISAT and PRIO.
22. Hugh Griffith, 2009, *Building Air Transport Capacity in Africa: Options for Improving Security and Governance*, SIPRI Policy Brief, Stockholm.
23. Hugh Griffith and Mark Bromley, 2009, *Air Transport and Destabilizing Commodity Flows*, SIPRI Policy Paper no. 24, Stockholm.
24. Data on prosecutions regarding arms embargo violations is hard to come by. In its arms export report for 2001, the German government reported that there had been 35 investigations into potential violations of arms export laws in 2000, 3 of which concerned states under embargo, See Bundesregierung, 2001, Bericht der Bundesregierung über ihre Exportpolitik für konventionelle Rüstungsgüter im Jahre 2001, Berlin, pp. 36–37, <[www.bits.de/public/documents/Ruestungsexport/Ruestungsexportbericht2001.pdf](http://www.bits.de/public/documents/Ruestungsexport/Ruestungsexportbericht2001.pdf)>.
25. For more on the OSCE's requirements regarding arms transfers, see the relevant page of the Forum for Security Co-operation, at <[www.osce.org/fsc/13010.html](http://www.osce.org/fsc/13010.html)>.
26. For more information, see UN Comtrade's web site at <[comtrade.un.org](http://comtrade.un.org)>.
27. The Register can be accessed via <[www.un.org/disarmament/convarms/Register/HTML/RegisterIndex.shtml](http://www.un.org/disarmament/convarms/Register/HTML/RegisterIndex.shtml)>.
28. See, for example, Malcolm Chalmers et al. (eds), 1997, *Developing Arms Transparency: The Future of the UN Register*, University of Bradford, Bradford; and Siemon T. Wezeman, 2003, *The Future of the United Nations Register of Conventional Arms*, SIPRI Policy Paper no. 4, Stockholm. Obviously, new data from the Register are fed into the SIPRI databases once they are published.
29. Member States' reports regarding UN arms embargoes can be found in the reports by Sanction Committees on their web sites under <[www.un.org/sc/committees](http://www.un.org/sc/committees)>.
30. See Cortright and Lopez, op. cit., on the early work of monitoring groups. See also Alex Vines, 2004, "Monitoring UN Sanctions in Africa: The Role of Panels of Experts", in VERTIC, *Verification Yearbook 2003*, London; Alix J. Boucher and Victoria K. Holt, 2007, *Tracking Bad Guys, Small Arms and Illicit Trade: The Role of United Nations Panels of Experts*, Washington, DC, Stimson Center. Most reports of monitoring groups can be found at the web sites of the relevant committees, <[www.un.org/sc/committees](http://www.un.org/sc/committees)>.
31. See Anders Möllander, 2009, *UN Angola Sanctions – A Committee Success Revisited*, Uppsala, University of Uppsala Department of Peace and Conflict Research, at <[www.smartsanctions.se/literature/mollander\\_090326.pdf](http://www.smartsanctions.se/literature/mollander_090326.pdf)>. The *Report of the Panel of Experts on Violations of Security Council Sanctions against UNITA* is produced in UN document S/2000/203, 10 March 2000.