



**COUNCIL OF
THE EUROPEAN UNION**

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COARM 16**

TRANSMISSION NOTE

From : Council Secretariat

To : Delegations

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Subject : List of EU embargoes on arms exports, UN Security Council embargoes on arms exports and arms embargoes imposed by the OSCE

1. Delegations will find attached:

- an updated version of the list of EU embargoes on arms exports, (Annex I);
- an updated overview of Resolutions adopted by the UN Security Council imposing restrictions (both mandatory and non-mandatory) on the exports of arms and/or military equipment (Annex II);
- extract from OSCE Committee of Senior Officials statement of 1992 (arms embargo on Armenia and Azerbaijan) (Annex III).

2. The Annexes to this note will be further updated as required and transmitted to the Associated countries for information.

A. LIST OF EU EMBARGOES ON ARMS EXPORTS**(i) Miscellaneous**

- Exports to countries clearly implicated in supporting terrorism
- Direct or indirect supply, etc. to Usama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them

(ii) List of countries subject to embargoes

- BOSNIA AND HERZEGOVINA
- BURMA
- CHINA
- DEMOCRATIC REPUBLIC OF CONGO (ex Zaire)
- IRAQ
- LIBERIA
- LIBYA
- SIERRA LEONE
- SOMALIA
- SUDAN
- ZIMBABWE

B. DETAILS OF EMBARGOES

(i) Miscellaneous

Prohibition of exports of arms or other military equipment to countries which are clearly implicated in supporting terrorism.

(Declaration on international terrorism by the Ministers for Foreign Affairs, 27 January 1986)⁽¹⁾.

Prohibition of direct or indirect supply sale and transfer of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts to Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups undertakings and entities associated with them.

(Common Position 2002/402/CFSP (Article 15 Common Position) adopted by the Council on 27 May 2002, OJ No. L 139, 29.5.2002, p. 4)⁽²⁾.

(ii) Countries

BOSNIA and HERZEGOVINA

Decision to maintain the European Union embargo towards Bosnia and Herzegovina and the Federal Republic of Yugoslavia. This embargo covers arms, munitions and military equipment (weapons designed to kill and their ammunition, weapon platforms, non-weapon platforms and ancillary equipment as well as spare parts, repairs, maintenance and transfer of military technology and contracts entered into prior to the onset of the embargo). Transfers of equipment needed for demining activities are not covered by this embargo.

(Decision 96/184/CFSP (J.2 Common Position) adopted by the Council on 26 February 1996, OJ No. L 58, 7.03.1996, p.1, as last amended by Common Position 2001/719/CFSP, adopted by the Council on 8 October 2001, OJ No L 268 of 9.10.2001, p.49)⁽³⁾

Decision amending Common Position 96/184/CFSP, in order to exclude from the embargo transfers of small arms to the police forces in Bosnia and Herzegovina.

(Decision 1999/481/CFSP (Article 15 Common Position) adopted by the Council on 19 July 1999, OJ L. 188 of 21.7.99, p. 3).

⁽¹⁾ See page 6, Libya

⁽²⁾ See UN Security Council Resolution 1390 (2002), page 10

⁽³⁾ This decision also provides that export licence applications to Croatia, to the Former Yugoslav Republic of Macedonia and to the Federal Republic of Yugoslavia should be considered on a case-by-case basis.

BURMA

Decision to refuse the sale of any military equipment from Community countries to Burma.

(Declaration by the General Affairs Council, 29 July 1991).

Confirmation of the embargo on arms, munitions and military equipment (weapons designed to kill and their ammunition, weapon platforms, non-weapon platforms and ancillary equipment as well as spare parts, repairs, maintenance and transfer of military technology; contracts entered into force prior to the date of entry into force of the embargo are not affected).

(Common Position 96/635/CFSP (J.2 Common Position) adopted by the Council on 28 October 1996, OJ No. L 287 of 08.11.96, p. 1).

Extension of Common Position 96/635/CFSP of 28 October 1996 for a further renewable period of six months.

(Common Position 97/290/CFSP of 29 April 1997, OJ No. L 120 of 12.05.97, p. 4).
Extension of Common Position 96/635/CFSP of 28 October 1996 until 29 April 1998.

(Common Position 97/688/CFSP of 20 October 1997, OJ No. L 293 of 27.10.97, p. 1).

Extension of Common Position 96/635/CFSP of 28 October 1996 until 29 October 1998.

(Decision 98/303/CFSP of 27 April 1998, OJ No. L 138 of 09.05.98, p. 5).

Extension and modification of Common Position 96/635/CFSP of 28 October 1996 until 29 April 1999.

(Common Position 98/612/CFSP of 26 October 1998, OJ No. L 291 of 30.10.98, p. 1).

Extension of Common Position 96/635/CFSP of 28 October 1996 until 29 October 1999.

(Common Position 1999/289/CFSP of 26 April 1999, OJ No. L 114 of 1.5.1999, p. 1).

Extension of Common Position 96/635/CFSP of 28 October 1996 until 29 April 2000.

(Common Position 1999/670/CFSP of 11 October 1999, OJ No. L 267 of 15.10.1999, p. 1).

Extension of Common Position 96/635/CFSP of 28 October 1996 until 29 October 2000, and introduction of additional measure, prohibiting the supply to Burma/Myanmar of equipment which might be used for internal repression of terrorism.

(Common Position 2000/346/CFSP of 26 April 2000, OJ No. L 122 of 24.5.2000, p. 1).

Extension of Common Position 96/635/CFSP of 28 October 1996 until 29 April 2001.

(Common Position 2000/601/CFSP of 9 October 2000, OJ No. L 257 of 1.10.2000, p.1)

Extension of Common Position 96/635/CFSP of 28 October 1996 until 29 October 2001.

(Common Position 2001/284/CFSP of 9 April 2001, OJ No. L 99 of 10.4.2001, p.1)

Extension of Common Position 96/635/CFSP of 28 October 1996 until 29 April 2002.

(Common Position 2001/757/CFSP of 29 October 2001, OJ No. L 286 of 30.10.2001, p.1)

Extension of Common Position 96/635/CFSP of 28 October 1996 until 29 October 2002.

(Common Position 2002/310/CFSP of 22 April 2002, OJ No. L 107 of 24.4.2002, p.1)

Extension of Common Position 96/635/CFSP of 28 October 1996 until 29 April 2003.

(Common Position 2002/831/CFSP of 21 October 2002, OJ No. L 285 of 21.10.2002, p.7)

CHINA

Embargo on trade in arms with China.

(Declaration by the Madrid European Council, 27 June 1989).

DEMOCRATIC REPUBLIC OF CONGO (ex Zaire)

Embargo on arms sales.

(Declaration N° 33/93 on Zaire, 7 April 1993).

Prohibition of the supply or sale of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, and spare parts. This embargo does not apply: to supplies temporarily exported to the Democratic Republic of Congo for the personal use only of United Nations personnel; to supplies of non-lethal military equipment intended solely for humanitarian or protective use temporarily exported to the Democratic Republic of Congo for the personal use only of representatives of the media and humanitarian and development workers and associated personnel; to equipment to be used for the clearance and destruction of anti-personnel landmines. Member States shall consider deliveries of the above exempted items on a case-by-case basis, taking full account of the criteria set out in the EU Code of Conduct on Arms exports...

(Common Position 2002/829/CFSP (Article 15 Common Position) of 21 October 2002, OJ No. L 285 of 23.10.2002, p. 1).

IRAQ⁽¹⁾

Embargo on sales of arms and other military equipment to Iraq.

(Declaration N° 56/90 of 4 August 1990 on the invasion of Kuwait by Iraq).

LIBERIA⁽²⁾

Prohibition of the supply or sale of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, and spare parts. This embargo also covers technical training and assistance related to the provision, manufacture, maintenance or use of the aforesaid items; it does not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Liberia Sanctions Committee, or to protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, representative of the media and humanitarian and development workers and associated personnel for their personal use only.

(Common Position 2001/357/CFSP (Article 15 Common Position) of 7 May 2001, OJ No. L 126 of 8.5.2001, p. 1).

LIBYA

In conformity with the declaration of 27 January 1986, reaffirmation that no arms or other military equipment will be exported to Libya.

(Declaration on international terrorism and the Mediterranean crisis by the Ministers for Foreign Affairs of the twelve Member States, 14 April 1986).

Confirmation of measures decided by the Member States of 27 January and 14 April 1986, inter alia , that the embargo on the export of arms or other military equipment will remain in force.

(Common Position 1999/261/CFSP (J.2 Common Position) adopted by the Council on 16 April 1999, OJ No. L 103, 20.04.1999, p.1).

⁽¹⁾ See UN Security Council Resolution 661 (1990), page 12.

⁽²⁾ See UN Security Council Resolution 1343 (2001), page 13.

SIERRA LEONE⁽¹⁾

Embargo on the sale or supply of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, in accordance with UNSC Resolution 1171. This embargo shall not apply to the Government of Sierra Leone or to sales or supplies for the sole use of ECOMOG or the United Nations.

(Common Position 98/409/CFSP (J.2 Common Position) adopted by the Council on 29 June 1998, OJ No L 187, 01.07.98, p.1).

SOMALIA⁽²⁾

Prohibition of the supply or sale of arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for aforementioned to Somalia by nationals of Member States or from the territories of Member States, whether originating or not in their territories; prohibition of provision to Somalia of technical advice, financial and other assistance and training related to military activities, including in particular technical training and assistance related to the provision, manufacture, maintenance or use of the above items... Prohibitions do not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, or for material intended for institutional building programmes of the Union, Community or Member States, including in the field of security, carried out within the framework of the Peace and Reconciliation Process, as approved by the Committee established under UNSCR 751 (1992), nor shall they apply to protective clothing, including flack jackets and military helmets, temporarily exported to Somalia by United National personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

(Common Position 2002/960/CFSP (Article 15 Common Position) of 10 December 2002, OJ No. L 334 of 11.12.2002, p. 1).

SUDAN

Embargo on arms, munitions and military equipment (weapons designed to kill and their ammunition, weapon platforms, non-weapon platforms and ancillary equipment as well as spare parts, repairs, maintenance and transfer of military technology; contracts entered into force prior to the date of entry into force of the embargo are not affected).

(Common Position 94/165/CFSP (J.2 Common Position) adopted by the Council on 15 March 1994, OJ No. L 75, 17.03.1994, p.1).

⁽¹⁾ See UN Security Council Resolutions 1171 (1998) and 1299 (2000), pages 14 and 15.

⁽²⁾ See UN Security Council Resolutions 73 (1992), 1356 (2001) and 1425 (2002), pages 15 and 16.

ZIMBABWE

Prohibition of the supply or sale of arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for aforementioned to Zimbabwe by nationals of Member States or from the territories of Member States, whether originating or not in their territories; prohibition of provision to Zimbabwe of technical training or assistance related to the provision, manufacture, maintenance or use of the above items. Prohibitions do not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, nor shall they apply to protective clothing, including flack jackets and military helmets, temporarily exported to Zimbabwe by United National personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

(Common Position 2002/145/CFSP (Article 15 Common Position) of 18 February 2002, OJ No. L 50 of 21.2.2002, p. 1).

A. LIST OF UNITED NATIONS SECURITY COUNCIL EMBARGOES ON ARMS EXPORTS

(i) Miscellaneous

Direct or indirect supply, etc. to Usama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them

(ii) List of countries subject to embargoes

AFGHANISTAN (Taliban controlled territory only)

ANGOLA

ARMENIA⁽¹⁾

AZERBAIJAN⁽¹⁾

IRAQ

LIBERIA

RWANDA

SIERRA LEONE

SOMALIA

⁽¹⁾ Non-mandatory

B. DETAILS OF EMBARGOES

(i) Miscellaneous

Prohibition to supply arms and ammunition to Usama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them.

UN Security Council Resolution 1390 (16 January 2002)

Op. Paragraph 2:

"Decides that all States shall take the following measures with respect to Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) to be updated regularly by the Committee established pursuant to resolution 1267 (1999)...;

...

(ii) Countries

AFGHANISTAN (Taliban controlled territory only)

Prohibition to supply arms and ammunition to all parties to the conflict in Afghanistan.

UN Security Council Resolution 1076 (22 October 1996)⁽¹⁾

Op. Paragraph 4:

"calls upon all States immediately to end the supply of arms and ammunition to all parties to the conflict in Afghanistan."

Reiteration of call immediately to end the supply of arms and ammunition to all parties to the conflict.

UN Security Council Resolution 1214 (8 December 1998)⁽¹⁾

Op. Paragraph 10:

"Reiterates its call upon all States to take resolute measures to prohibit their military personnel from planning and participating in military operations in Afghanistan, and immediately to end the supply of arms and ammunition to all parties to the conflict;"

Prohibition to supply arms and ammunition to the territory of Afghanistan under Taliban control.

UN Security Council Resolution 1333 (19 December 2000)

Op. Paragraph 5:

⁽¹⁾ Non-mandatory

"Decides that all States shall:

(a) Prevent the direct or indirect supply, sale and transfer to the territory of Afghanistan under Taliban control as designated by the Committee established pursuant to resolution 1267 (1999), hereinafter known as the Committee, by their nationals or from their territories, or using their flag vessels or aircraft, or arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned;

(b) Prevent the direct or indirect sale, supply and transfer to the territory of Afghanistan under Taliban control, as designated by the Committee, by their nationals or from their territories, of technical advice, assistance, or training related to the military activities of the armed personnel under the control of the Taliban;"

Op. Paragraph 6:

"Decides that measures imposed by paragraph 5 above shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee, and affirms that the measures imposed by paragraph 5 above do not apply to protective clothing, including flak jackets and military helmets, exported to Afghanistan by United Nations personnel, representatives of the media, and humanitarian workers for their personal use only;"

(c) Prevent the direct or indirect supply, sale and transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance or training related to military activities;"

ANGOLA

Prohibition of all sale or supply to UNITA of arms and related matériel.

Prevention of sale or supply of arms and related matériel to the territory of Angola other than through named points of entry.

UN Security Council Resolution 864 (15 September 1993)

Op. Paragraph 19 :

"decides, with a view to prohibiting all sale or supply to UNITA of arms and related materiel and military assistance, as well as petroleum and petroleum products, that all States shall prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related material of all types, including weapons and ammunition, military vehicles and equipment and spare parts for the afore-mentioned, as well as of petroleum and petroleum products, whether or not originating in their territory, to the territory of Angola other than through named points of entry on a list to be supplied by the Government of Angola to the Secretary-General, who shall promptly notify the Member States of the United Nations."

ARMENIA⁽¹⁾

Urging of States to refrain from the supply of any weapons and munitions.

UN Security Council Resolution 853 (29 July 1993)

Op. Paragraph 10:

"Urges States to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory;"

AZERBAIJAN⁽¹⁾

Urging of States to refrain from the supply of any weapons and munitions.

UN Security Council Resolution 853 (29 July 1993)

Op. Paragraph 10:

"Urges States to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory;"

IRAQ

Prohibition of all sale or supply of any commodities or products, including weapons or any other military equipment.

UN Security Council Resolution 661 (6 August 1990)

Op. Paragraph 3 :

"decides that all States shall prevent :

...

(c) The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products."

⁽¹⁾ Non-mandatory

LIBERIA

Prevention of sale or supply of arms and related materiel to Liberia

UN Security Council Resolution 1343 (7 March 2001)

Op. Paragraph B 5:

"(a) Decides that all States shall take the necessary measures to prevent the sale or supply to Liberia, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel or all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating their territories;

(b) Decides that all States shall take the necessary measures to prevent any provision to Liberia by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the items in subparagraph (a) above;

(c) Decides that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee established in paragraph 14 below;

(d) Affirms that the measures imposed by subparagraph (a) above do not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;"

RWANDA

Prohibition of sale or supply of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts.

UN Security Council Resolution 918 (17 May 1994)

Op. Paragraph 13 :

"decides that all States shall prevent the sale or supply to Rwanda by their nationals or from their territories or using their flag vessels or aircraft of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts."

Op. Paragraph 16:

"decides that the provisions set forth in paragraphs 13 and 15 above do not apply to activities related to UNAMIR and UNOMUR;"

affirmation of restrictions on sales or supply of arms to persons in neighbouring States, if arms are to be used within Rwanda.

UN Security Council Resolution 997 (9 June 1995)

Op. Paragraph 4:

"affirms that the restrictions imposed under Chapter VII of the Charter of the United Nations by resolution 918 (1994) apply to the sale or supply of arms and matériel specified therein to persons in the States neighbouring Rwanda, if that sale or supply is for the purpose of the use of such arms or matériel within Rwanda;"

lifting of restrictions on sale or supply of arms to the Government of Rwanda through named points of entry

UN Security Council Resolution 1011 (16 August 1995)

Op. Paragraphs B7 and B8 :

"7. decides that, with immediate effect and until 1 September 1996, the restrictions imposed by paragraph 13 of resolution 918 (1994) shall not apply with regard to the sale or supply of arms and related matériel to the Government of Rwanda through named points of entry on a list to be supplied by that Government to the Secretary-General, who shall promptly notify all Member States of the United Nations of the list;

8. decides also that on 1 September 1996 the restrictions imposed by paragraph 13 of Resolution 918 (1994) on the sale or supply of arms and related matériel to the Government of Rwanda shall terminate, unless the Council decides otherwise after its consideration of the second report of the Secretary-General referred to in paragraph 12 below."

SIERRA LEONE

embargo on the sale or supply of arms and related matériel to non-governmental forces in Sierra Leone.

UN Security Council Resolution 1171 (5 June 1998)

Op. Paragraphs 2 and 3:

"2. Further decides, with a view to prohibiting the sale and supply of arms and related matériel to non-governmental forces in Sierra Leone, that all States shall prevent the sale or supply, by their nationals or from their territories, or using their flag vessels or aircraft, of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, to Sierra Leone other than to the Government of Sierra Leone through named points of entry on a list to be supplied by that Government to the Secretary-General, who shall promptly notify all Members of the United Nations of the list;

3. Decides also that the restrictions referred to in paragraph 2 above shall not apply to the sale or supply of arms and related matériel for the sole use in Sierra Leone of the Military Observer Group of the Economic Community of West African States (ECOMOG) or the United Nations;"

UN Security Council Resolution 1299 (19 May 2000)

Op. Paragraph 3:

"Decides, acting under Chapter VII of the Charter of the United Nations, that the restrictions set out in paragraph 2 of its resolution 1711 (1998) of 5 June 1998 do not apply to the sale or supply of arms and related matériel for the sole use in Sierra Leone of the Member States cooperating with UNASMIL and the Government of Sierra Leone;"

SOMALIA

General and complete embargo on all deliveries of weapons and military equipment.

UN Security Council Resolution 733 (23 January 1992)

Op. Paragraph 5 :

"Decides, under Chapter VII of the Charter of the United Nations, that all States shall, for the purposes of establishing peace and stability in Somalia immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia until the Security Council decides otherwise.".

Reiteration of obligation to comply with measures imposed by resolution 733 (1992) and introduction of exceptions in certain circumstances for protective clothing and non-lethal military equipment intended solely for humanitarian or protective use.

UN Security Council Resolution 1356 (19 June 2001)

Op. Paragraphs 1, 2 and 3:

"1. Reiterates to all States their obligation to comply with the measures imposed by resolution 733 (1992), and urges each States to take the necessary steps to ensure full implementation and enforcement of the arms embargo;

2. Decides that the measures imposed by paragraph 5 of resolution 733 (1992) shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only;

3. Decides also that the measures imposed by paragraph 5 of resolution 733 (1992) shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee established pursuant to resolution 751 (1992) (the Committee);"

Reiteration of call on all States to comply scrupulously with arms embargo, and decision that the arms embargo prohibits the direct or indirect supply of technical advice .. and other assistance and training related to military activities

UN Security Council Resolution 1425 (22 July 2002)

Op. Paragraph 2:

"2. Decides that the arms embargo prohibits the direct or indirect supply to Somalia of technical advice, financial and other assistance, and training relating to military activities;"

OSCE ARMS EMBARGOES

ARMENIA AND AZERBAIJAN

Imposition of an immediate embargo on all deliveries of weapons and munitions to forces engaged in combat in the Nagorno-Karabakh area;

Statement by Committee of Senior Officials of the Conference on Security and Co-operation in Europe, Annex 2 to Journal of the Eighth Meeting of the Committee, 13 March 1992 (confirming decision of CSO of 28 February 1992)

Op. paragraph 9 :

"Reiterates its request that all participating States and all States in the region impose an immediate embargo on all deliveries of weapons and munitions to forces engaged in combat in the Nagorno-Karabakh area, and that all participating States inform the Conflict Prevention Centre of steps taken in this respect;"
