

Cà Foscari University of Venice

Master's Degree programme

Second Cycle (*D.M. 270/2004*) in International Relations

Academic year 2014/2015

Final Thesis

The United Nations arms embargoes on Liberia and the role of arms brokers

Supervisor

Ch. Prof. Duccio Basosi

Thesis Advisor

Ch. Prof. Matteo Legrenzi

Graduand

Nicolò Farina

Matriculation Number 844038

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ABBREVIATIONS

AOC	Air Operation Certificate
ATT	Arms Trade Treaty
CAR	Central African Republic
CIA	Central Intelligence Agency
DDR	Disarmament, Demobilization and Reintegration
DIA	Defence Intelligence Agency
DRC	Democratic Republic of Congo
ECOMOG	ECOWAS Monitoring Group
ECOWAS	Economic Community of West African States
EO	Executive Outcome
ETTE	Exotic Tropical Timber Enterprises
EUC	End User Certificate
FoC	Flag of Convenience
GRIP	Group for Research and Information on Peace
GW	Global Witness
IATA	International Air Transport Association
IBC	International Business Company
ICAO	International Civil Aviation Organization
ICJ	International Court of Justice
IDPs	Internally Displaced Person
IWIETS	International Weapons and Explosive Tracking System
LISCR	Liberian International Shipping and Corporate Registry
LURD	Liberians United for Reconciliation and Democracy
MANPADS	Man-Portable Air Defence System
MODEL	Movement for Democracy in Liberia
NATO	North Atlantic Treaty Organization
NGOs	Non-Governmental Organizations
NPFL	National Patriotic Front of Liberia
NSAs	Non-State Actors
OSCE	Organization for Security and Cooperation in Europe
OTC	Oriental Timber Company
PMC	Private Military Company
PSC	Private Security Company
RPG	Rocket Propelled Grenade
RSLMF	Republic of Sierra Leone Military Forces
RUF	Revolutionary United Front

SALW	Small Arms and Light Weapons
SAS	Small Arms Survey
SIPRI	Stockholm International Peace and Research Institute
SLSC	Sierra Leone Special Court
UAE	United Arab Emirates
UN	United Nations Organization
UNAMSIL	United Nations Mission in Sierra Leone
UNCLOS	United Nations Convention on the Law of the Sea
UNGA	United Nations General Assembly
UNGGE	United Nations Group of Governmental Experts
UNIDIR	United Nations Institute for Disarmament Research
UNMIL	United Nations Mission in Liberia
UNODA	United Nations Office for Disarmament Affairs
UNODC	United Nations Office on Drug and Crime
UNSC	United Nations Security Council
WA	Wassenaar Arrangement
WFP	World Food Programme

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Introduction

I have chosen to examine the trade of arms in a conflict area, as Liberia, because I believe that it represents a topical argument of great concern for the international community that, through the United Nations system, aims to pursue peace, the protection of human rights and the maintenance of international security.

This thesis will consider the effectiveness of United Nations (UN) arms embargoes against Liberia and the role of arms brokers, focusing on their ability in loop-holing them, and the importance of natural resources in fuelling this conflict.

The interest for this topic emerged during the opportunity, that I had in 2014, of working with the delegation of the Republic of Honduras at the 69th Session of the United Nations General Assembly (UNGA), in New York. I so joined UNGA First Committee, mandated to deal with international security and disarmament affairs. This gave me an inside view of how the activities undertaken by arms brokers represent an obstacle for the international community in implementing with efficiency the arms embargoes of the UN, while it has also increased my interest in disarmament and arms trade, both in its licit and illicit aspects, as well as in the role played by arms brokers.

The hypothesis of my thesis is that the efficiency of the UN arms embargo on Liberia was frustrated by the traffics of arms brokers and by the risk of an uncontrolled exploitation of natural resources. In particular, I intend to examine if the presence of natural resources in a country under arms embargo can encourage the business of arms brokers and analyse if other elements contribute to shape such situation.

I will then analyze the means and actions undertaken at international level to regulate arms trade and then examine the UN embargo as the instrument at disposal of the international community in order to sanction and condemn the policies of a specific state at international level.

I will then examine the features of the arms trade, in particular on the role of Ukraine as a leading country in arms-export during the period 1990-2006 and concentrate on arms transport by air and by sea, and on the role of the Flag of Convenience Countries (FoC).

After this general frame, I will focus on the specific situation in Liberia during the

period 1990-2006, when it had to face a bloody civil war, with particular attention on the presence of natural resources and on the actors who control them. Natural resources and bordering countries played a fundamental role in fuelling violence in Liberia, owing to the possibility of smuggling arms in exchange of diamonds, across the border with Sierra Leone.

At this point, I will concentrate on the arms embargoes enforced by the UN on Liberia, in the period 1992-2003 that aimed to stop violence by reducing the flow of arms.

For a better comprehension of the business and of the actors involved in circumventing the embargo, I will consider the profiles and activities of some arms brokers as well as the illicit shipments triangulated to Liberia through other countries.

From a methodological point of view, the thesis has used bibliographic sources. But considering that the Liberian conflict and the enforcement of the UN embargoes are recent history, there are not many works on the subjects. So, I have consulted sources of international organizations, mainly the United Nations, research institutes and Non Governmental Organizations (NGOs).

1. The regulation of arms: the Arms Trade Treaty

At present there is no comprehensive and internationally recognized legislation with binding provisions and strict rules, necessary to contrast illicit arms trade. The 6 December 2006, 153 UN member states (except the United States, the only country voting against) adopted a non-binding resolution demanding UN Secretary General to study the possibility of setting up common standards for weapons transfer, import and export. It was the first step in the way of pursuing the difficult establishment of a comprehensive Arms Trade Treaty (ATT)¹.

The ATT considers the present situation where modalities of conducting arms trade, in specific situations, facilitate the possibility of shipping arms to dictatorial regimes, rebel factions and countries under United Nations embargoes, without any international consequences or juridical measures and tries to solve these problems².

At present, only 52 countries have national regulation measures on arms brokers and only few of them have efficient legislation about related activities including transport, financial aspects, offshore-company role and other facilities³.

An effective ATT should include binding commitments for UN member states in order to have an efficient control on arms flows across the borders to avoid an illicit and unauthorized arms transfers. In order to achieve these aims, the ATT should include monitoring measures and tracking system data submitted by the member states to international organizations such as the United Nations, the European Union and the Organization for Security and Cooperation in Europe (OSCE)⁴.

Within the international community, the member states of the ATT have a leading role in providing the best practices in order to implement all the efforts needed to ensure a comprehensive control over illicit arms transfer⁵.

Considering the inadequate regulation and the weak control existing in the international community as well as the other existing gaps⁶, four key points are to be considered as recommendations for ATT signing states⁷:

¹ Finardi Sergio, Danssaert Peter, *Rough Seas: Maritime Transport and Arms Shipments*, (2012), page 37

² Stohl Rachel, Grillot Suzette, *The international arms trade*, (2012), page 153

³ Austin Khati Lynn, *Victor Bout's Gunrunning Successors: A Lethal Game of Catch Me if You Can*, Conflict Awareness Project Report, (2012), page 18

⁴ Amnesty International, *Deadly movements: transportation control in the arms trade treaty*, (2010), page 3

⁵ Annawitt & Finaud, *Reinforcing Disarmament: Combating Illicit Trade in Weapons and Materials*, (2011), page 19

- To include a comprehensive and commonly-shared definition of arms brokers and related activities including transporting and financial actors
- To establish compulsory criteria for national brokers registration and licensing
- To apply extra-territorial jurisdiction to national residents
- To establish arms broker-violations as criminal offence and, therefore, define the possibility of charging actors with penalties.

Other aspects to be considered in an international ATT are the impunity of arms brokers who violate UN arms embargo and the priority of efforts in contrasting illicit brokers' behaviour⁶.

The United Nations Institute for Disarmament Research (UNIDIR) based in Geneva, points out seven loopholes exploited by arms-brokers⁷:

- The absence of an efficient registering and recording arms brokers' activities and of penalties for violations
- The impossibility of obtaining authorizations on a case-by-case basis from national governments
- The absence of the inclusion of all types of SALW and military equipment
- The incapacity in controlling national residents and the activities of national companies based abroad
- The impossibility in monitoring national brokers who have deals through triangulation or diversion
- The absence of political will in tracking financial and transport aspects of a deal

⁶ Amnesty International, *Deadly movements: transportation control in the arms trade treaty*, (2010), page 4

⁷ Austin Khati Lynn, *Victor Bout's Gunrunning Successors: A Lethal Game of Catch Me if You Can*, Conflict Awareness Project Report, (2012), page 19

⁸ Control arms, Oxfam, Amnesty International, *United Nations arms embargoes: an overview of the last ten years*, (2006), page 5

⁹ Wood Brian, *International initiatives to prevent illicit brokering of arms and related materials*, Disarmament Forum vol. 3, (2009), page 6

- The dismissal of military officers involved in arms deals or corruption who fail to accomplish with legal standards

The present UN framework is too inconsistent and limited in controlling arms-supply chains. In the International Community, there is no political will to enforce effective regulation standards in an International law frame. The signing states of the ATT should efficiently and effectively fill the gaps in national and international legislation both at national and international level¹⁰.

From a national point of view, states and national governments should demand from companies and firms operating within their borders to provide them a full registration forms about export authorizations: End User Certificates (EUCs), certificated voyage plans, bill of landing, customs tariff codes and trans-shipment points.

At international level, international organizations, like the UN and the European Union should increase their efforts in order to enforce sanctions, such as embargoes, and enhance the monitoring of different phases of shipments both at the departure and the arrival ports and airports.¹¹

¹⁰ Austin Khati Lynn, *Victor Bout's Gunrunning Successors: A Lethal Game of Catch Me if You Can*, Conflict Awareness Project Report, (2012), page 1

¹¹ Finardi Sergio, Danssaert Peter, *Rough Seas: Maritime Transport and Arms Shipments*, (2012), page 75

1.1 The regulation of arms brokers

The bloodiest and most cruel side of arms transfer is the illicit arms market that contributes, through the role of illegal arms brokers, in fuelling and perpetrating armed conflicts and human rights abuses. The role of arms brokers constitutes a matter of great concern for the international community as a whole, in particular when a UN arms embargo is put into force.

The trade of Small Arms and Light Weapons (SALW) has many grey areas, where illegal and uncontrolled weapons business can be carried out with insufficient measures to monitor it¹². Arms brokers' activities take place in this grey area between legal and illegal business exploiting gaps and lacks in national and international legislations, circumventing national and international controls¹³.

As mentioned above, arms brokers are clever in arranging complex international networks involving buyers, sellers, contractors and subcontractors, shell companies and intricate shipment routes¹⁴. The regulations of arms-shipment exports are often absent and brokers, using loopholes and other ways, can easily avoid national responsibilities, while the international community is unable to charge them with a common legal framework; today, frequently, arms brokers face justice with charges unrelated with their arms smuggling activities. The different national legislations facilitate arms brokers' ability in avoiding national jurisdiction, while the intricate channels adopted for arms shipping, money laundering and resource transfers help them to avoid both national and international jurisdictions¹⁵.

The UN is unable to provide an internationally-agreed and comprehensive legal framework in order to regulate and prosecute arms agents and gunrunners carrying on their lethal business in the grey area of illegal defence trade market.

Skills and practices largely used by arms dealers to evade forms of international accountability and to benefit from regulation loopholes should be considered within an international regulation standard¹⁶.

¹² Burrows Gideon, *Il commercio delle armi*, (2003) page 41

¹³ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 124

¹⁴ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 130

¹⁵ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 154

¹⁶ Austin Khati Lynn, *Victor Bout's Gunrunning Successors: A Lethal Game of Catch Me if You Can*, Conflict Awareness Project Report, (2012), page 1

Three aspects are to be considered:

- Governments should have an updated register listing arms brokers and military firms operating on national soil
- National authorities must exact licenses and authorizations for every single deal
- Entitled authorities should have a database that includes documents, names and location of arms brokers as well as the nature of their business¹⁷

The definition and regulation of brokering activities, as recognized from many UN agencies and Non Governmental Organizations (NGOs), constitutes a key point in order to set up an efficient and comprehensive ATT.

The lack of a clear definition of arms broker as an “actor”, missing in many national legislations, enables them to act outside a legislative framework and to have no legal consequence for their activities¹⁸.

To adopt all measures, practices and instruments aimed to control arms brokering activities through a common registration and licensing scheme and through a commonly agreed, broad and shared definition of arms brokers and of their activities in all their aspects¹⁹.

When Leonid Minin, an arms broker involved in illicit supply of weapons to Liberia, was arrested in Italy, Italian authorities had no jurisdiction over his arms smuggling case because Italy is lacking jurisdiction in regulating arms brokering activities. The arms smuggled by Minin to Liberia did not arrive physically on the Italian soil and, as a consequence, Minin was soon released avoiding arms smuggling charges²⁰. His case is exemplary: Italian authorities were unable to charge Minin for his illegal arms trade as the evidences found were useless for trial purposes. Minin’ case was declared external from Italian national jurisdiction and Italian authorities had neither appropriate jurisdiction nor power on the matter.

¹⁷ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 124

¹⁸ Lagrasta Elisa, *Le armi del Bel Paese: l'Italia e il commercio internazionale di armi leggere*, (2005), page 64

¹⁹ Austin Khati Lynn, *Victor Bout's Gunrunning Successors: A Lethal Game of Catch Me if You Can*, Conflict Awareness Project Report, (2012), page 2

²⁰ Amnesty International, *Deadly movements: transportation control in the arms trade treaty*, (2010), page 7

The case of Minin is exemplary of the inadequacy of international and national enforcement measures used in front of arms brokering activities²¹.

The gaps and lacks of regulation at both international and national levels enable arms brokers to conduct their business freely and with no control. During the *UN conference on illicit trade of arms and weapons in all its aspects*, held in 2001 at the UN Headquarter in New York, 79 UN member states in their statements expressed their concerns about the arms brokers' role in fuelling armed conflicts and the fundamental necessity of facing the problem concerning the regulation of their activities at international level²².

At present, the UN have no mechanism of law enforcement and the UN Panel of Experts and international investigators have no power to detain or arrest gunrunners. Their role is to investigate and inform UN member states on arms agents' business and publicly denounce them²³.

In order to achieve efficient arms regulations, it is fundamental to have laws defining as a crime any violation of arms brokering legislation and, as a consequence, it is necessary to define a common system of penalties and sanctions²⁴.

At UN General Assembly, a large number of UN member states express in their statements a common view pointing out that ATT should include: "*imports, exports, re-exports, temporary transfers, transshipments, re-transfers and brokered arms transactions*", but should also deal with transportation, logistical, financing and technical aspects of their activities²⁵.

It should be taken into account that UN member states must include in both ATT and national legislation, all activities closely related with arms transfer, including transport, brokering and freight forwarding²⁶.

²¹ Potter Matt, *Outlaws INC.-Flying with the world's most dangerous smugglers*, (2011) pages 146-150

²² Small Arms Survey, "Targeting the middleman: controlling brokering activities" in *Small Arms Survey yearbook* (2004), page 141

²³ Bergman Lowell, *Gallery of International Arms Dealers*, Frontline, (2002), page 1

²⁴ Wood Brian, *Overview of Arms Brokering in Africa*, Amnesty International, (2004), page 15

²⁵ Wood Brian, *International initiatives to prevent illicit brokering of arms and related materials*, Disarmament Forum vol. 3, (2009), page 11

²⁶ Amnesty International, *Deadly movements: transportation control in the arms trade treaty*, (2010), page 5

In order to support successfully the ATT, it is fundamental that national, regional and international entities intensify cooperation in sharing information with the UN agencies about laws, embargoed countries and concerns for human rights abuses²⁷. Corruption at all levels increases the possibility of a free use of land/sea and air uncontrolled routes²⁸.

The difficulty of establishing and achieving concrete measures to implement the arms shipment tracking system is a real obstacle. The international community suffers lack of cooperation in dealing efficiently with monitoring actions of arms-shipments often owing to insufficient financial and human resources²⁹. Twelve elements must be taken into account in establishing an effective system of arms regulation and monitoring:

- **Arms trade legislation**, that includes all legal means (laws and decrees) that enable national authorities to register and license all entities involved in arms transfer chains
- **Licensing procedures** which are fundamental means to control import/export, transfers, brokering activities and transports on national soil and abroad
- **Export criteria and control list** meaning that weapons export must be authorized by national authorities taking into account proscribed destinations, embargoed countries, involvement in terrorist activities and human rights violations
- **Interagency coordination and cooperation**: different offices to work together and jointly approving licenses and authorizations
- **Custom controls and border authorities**: key elements to check and inspect shipments at entry and exit points
- **Verification of documents and certificates**: a necessary step to verify the authenticity of the documents and so assessing the legal nature of a cargo
- **Penalties and enforcement**: necessary to prevent arms diversion, weapons smuggling and illicit transfers.

²⁷ Finardi Sergio, Wood Brian and Danssaert Peter, *A Code of Conduct for Arms Transport by Air*, IPIA TA-R, (2012), page 4

²⁸ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 146

²⁹ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 131

- **An effective supervision and transparency** of weapons information at national and international level to efficiently reduce weapons trade
- **Weapons tracing and arms marking** to individuate diverted or misused weapons
- **Stockpiles and warehouses control** to reduce the possibilities of thefts and losses
- **Collection and destruction** of SALW, ammunition and military equipment to reduce and prevent additional violence escalation
- **Cooperation at national, regional and international level** and inter-state engagement to enforce arms regulation efforts³⁰

1.2 The United Nations Register of conventional arms

The UN Register of conventional arms was created after the adoption of the United Nations General Assembly (UNGA) resolution 46/36L, (dated 6 December 1991), demanding UN member states to submit every year to UN Register all available information about exports and imports of arms and military equipment³¹.

The Register is a key element to monitor and track arms transfers and to register military equipment produced and stockpiled by UN member states, which are to be encouraged to provide the UN Register with export and import data as well as with their national production and internal procurement³².

The creation of the UN Register intends to establish efficient registration measures for arms brokers, while licenses are primarily aimed to separate legal and official brokers from the illicit arms smugglers at international level and within an International law frame³³. The Register is a database of the import/export of armaments

³⁰ Stohl Rachel, Grillot Suzette, *The international arms trade*, (2012), pages 166-167

³¹ S. Jihon, *Le Registre des Nations Unies sur les armes conventionnelles: Limites d'un instrument de transparence*, GRIP, (2010), page 2

³² Stohl Rachel, Grillot Suzette, *The international arms trade*, (2012), page 95

³³ Austin Khati Lynn, *Victor Bout's Gunrunning Successors: A Lethal Game of Catch Me if You Can*, Conflict Awareness Project Report, (2012), page 2

and defense equipment of 150 UN member states. The UNGA resolution 46/36L requests every year member states to provide the UN Secretary General with all available data on the activities of export/import of conventional arms.

The UN Register for conventional arms includes seven categories³⁴:

- tanks
- combat armored vehicles
- large caliber artillery
- fighter planes
- attack helicopters
- warships
- missiles and launch facilities

Yet the major arms producer and exporter states such as Russian Federation and China, have not yet submitted national reports on their arms production and transfer.

These two governments, together with many other smaller states, like Liberia, do not provide international community with any kind of official account related with their production and transfer of SALW and military equipment.

35 countries, out of 40 that have important arms and defense production capability, provide their official export and production reports to the UN databases (Comtrade and UN Register), but only 25 of them provide actual and updated reports³⁵.

The majority of African countries do not send information about their weapon-production capabilities and this contributes to the inefficiency of the UN Register³⁶.

According to GRIP, a research-agency based in Belgium, UN Register of conventional arms must be adapted to new and changing international security environments: it is what it aims.

It has a double function: to work as an alerting means, by which to recognize excessive and surplus of military stockpiles, and to enforce cooperation and good-faith behavior among states, reducing misunderstandings and wrong perceptions.

³⁴ Brunelli Michele, *Produzione e commercio delle armi: industria militare e politiche per la difesa*, (2003), pages 198-200

³⁵ Finardi Sergio, Danssaert Peter, *Rough Seas: Maritime Transport and Arms Shipments*, (2012), page 76

³⁶ Africa Europe Faith and Justice Network (AEFJN), *Arms Exports and Transfers: from Sub-Saharan Africa to Sub-Saharan Africa* (2010), page 3

The UN Register for conventional arms has three limits: first, the participation and data submission to the UN Register is not compulsory (only 82 countries out of 197 submit their data); second, there are no common criteria in defining arms characteristics; third, it is not stated when a quantity of weapons can be defined as dangerous or destabilizing³⁷.

1.3 The Wassenaar Arrangement

In post Cold war period, the international community' concerns on arms-control regulation, reached a common agreement in 1996 at Wassenaar. The United States and 32 EU and former Soviet Union republics signed the Wassenaar arrangement (WA) aiming to set up an internationally recognized mechanism to control arms flows in all the world. The WA was a milestone in post-Cold war efforts to monitor arms flow and arms reduction.

However the WA lacks compulsory measures to an effective control on arms transfer as the participation of member states to WA is not compulsory and, consequently, its implementation is based on national policies.

The WA best practices include rules regarding air transport. In particular WA member states should exact data and information on³⁸:

- Agents involved in air transport and freight forwarding
- Carriers registration and flag
- Flight plans, routes and stop-points
- Records of previous similar air transports
- Compliance with national and international regulation on weapons air transport

The WA demand member states to report twice a year on national arms shipments, to submit specific documents (as EUCs) and to be transparent with internationally-

³⁷ S. Jihon, *Le Registre des Nations Unies sur les armes conventionnelles: Limites d'un instrument de transparence*, GRIP, (2010), page 9

³⁸ Small Arms Survey, "Controlling air transport: practice, options and challenges" in *Small Arms Survey yearbook 2010* (2010), page 47

mandated documents inspections³⁹. The member states will then issue their approval to arms brokers and record it in a common database for both individuals and companies involved in brokering⁴⁰.

1.4 The tracing of arms

In a framework for a comprehensive ATT, a fundamental means to guarantee an effective and efficient control of international arms shipments is the practice of marking and tracking weapons. In fact, two factors hinder an efficient and effective control over arms shipments: arms are not efficiently marked or/and not marked with universally-adopted criteria and the total absence of an efficient registration, starting from production sites⁴¹.

Marking, tracing and tracking arms from the production site to the final destination are fundamental elements in an arms-reduction prospective, but the implementation of these procedures requires strong and effective commitments from national governments⁴². National authorities should be engaged in assuring the most effective and efficient supervision while governments should be responsible for the gap in monitoring and marking arms exports⁴³. International organizations could then use all paperwork as evidence in the suspected cases of arms-shipment⁴⁴.

Law enforcement agencies, international police offices (INTERPOL and EUROPOL) and border-control agencies have a leading role in ensuring an effective implementation of the controlling measures needed to regulate illicit weapons trade. But, often, the main supplying source of transfer of illicit materials is the state itself⁴⁵. Another element that makes the control of weapons more difficult is that often deals and business of arms are arranged in different countries, with the consequence that military

³⁹ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 78

⁴⁰ Wood Brian, *Overview of Arms Brokering in Africa*, Amnesty International, (2004), page 12

⁴¹ Brunelli Michele, *Produzione e commercio delle armi: industria militare e politiche per la difesa*, (2003), page 94

⁴² Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 144

⁴³ Brunelli Michele, *Produzione e commercio delle armi: industria militare e politiche per la difesa*, (2003), page 94

⁴⁴ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 131

⁴⁵ Annawitt & Finaud, *Reinforcing Disarmament: Combating Illicit Trade in Weapons and Materials*, (2011), page 19

equipment and arms never reach the broker's home-country allowing him to avoid national jurisdiction.⁴⁶

In 1990, as a consequence to the UNGA resolutions, INTERPOL created a data base named IWETS (Interpol Weapons and Explosives Tracking System) aiming to collect, analyze and circulate data and information concerning SALW and explosives.

The IWETS database has, as many other international databases, an inconsistent flow of information submitted by member states and consequently, it is unable to pursue its aims.

An important way to ease and implement the track of weapons could be fixing an internationally shared pattern to mark arms during the production phase. A permanent mark should indicate producer, model, caliber, serial number and exporter state. Today weapons marking are still inadequate and they are often not adopted. A mark standardize code could be as the following one⁴⁷:

/sig/	/090/	/7.62/	/57384/	/sau/
<i>producer</i>	<i>model</i>	<i>caliber</i>	<i>serial n.</i>	<i>exporter state</i>

West African countries have set up a legal framework (the ECOWAS convention) in order to regulate the movements of SALW in their regions. The agreement, named: “*The ECOWAS Convention on Small Arms and Light Weapons and other related Materials*” aims to fight and eradicate illicit SALW transfer in the West African region. Also Liberia had signed the agreement, but it continued to transfer arms and light weapons during the conflict, in particular in areas close to the Liberia-Sierra Leone border.

A good practice in regulating arms transport is given by the criteria established by the Italian law. It is law 185/90, issued 9 July 1999 by the Italian Council of Ministries, which suggests that the Foreign Office and the Defense Ministry should be the

⁴⁶ Gifford Clive, *The arms trade: world issue*, (2004), page 26

⁴⁷ Brunelli Michele, *Produzione e commercio delle armi: industria militare e politiche per la difesa*, (2003), page 95

institution entitled to control and survey the transfer and trading of arms from the Italian soil.

This law, entitled *New Legislation concerning the export, import and transit control of arms and military equipment*, has many points of interest that should be adopted in arms regulation efforts at international level including⁴⁸:

- Banning the transfer/export of arms to war areas and countries involved in conflicts
- Banning the export and shipment to countries under international embargo (the ones declared by the United Nations Security Council, by the European Union or by the Organization for Security and Cooperation in Europe)
- Forbidding the trade of arms with countries with acknowledged human rights violations
- To avoid the risk of the so-called triangulation scheme, forbidding the shipment of arms to states unable to provide an appropriate guarantee about the final destination of their cargoes (such as an EUC which guarantees its effective destination)
- It excludes the possibility of trading arms with countries that assign excessive financial resources to their military budget

⁴⁸ Lagrasta Elisa, *Le armi del Bel Paese: l'Italia e il commercio internazionale di armi leggere*, (2005), pages 19 and 20

2. The United Nations embargo

The adoption of a United Nations arms embargo is strictly related with the ban of using violence or threat of aggression in conducting foreign policy.

Forbidding the use of violence in international relations is a pillar and the article 2, par. 3 of the United Nations Charter forbids the use of force and the threat of it against territorial integrity and/or political independence of a state or in any other way discordant with United Nations aims.

This fundamental principle was reasserted in many other important documents and paperwork as the ones issued by the UNGA as the “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States” (issued 24 October 1970 in UNGA resolution n. 2624) and “The definition of Aggression” established in UNGA resolution n. 3314 issued 14 December 1974. Moreover, the importance of forbidding and prohibiting the use of force in the relations among states was reasserted in 1986 from the International Court of Justice (ICJ) that declared how this non-aggression principle has become a general principle of International law, and that any aggression constitutes an act against *Ius cogens*⁴⁹.

The United Nations Security Council (UNSC) is the international authority entitled to the maintenance of peace and security and to the approval of international embargoes on behalf of United Nations member states.

The adoption of sanction measures from the UNSC is a process that follows different steps stated from article 39 to article 41 (also article 42 when military force is required). Article 39 represents a first phase: it allows the UNSC to verify the effective threat or violation of international peace and to decide what measures to adopt. The second step is article 40 that demands the parties to comply with the measures established under article 39 and deals with the so-called “interim dispositions”. The final phase of measures, not implicating the use of force, is article 41 that establishes a series of economic measures that do not imply the use of force like economic sanctions, embargoes on arms or natural resources, assets freezing and interruption of diplomatic relations.

⁴⁹ D’Orsi Angelo, *Guerre globali: capire i conflitti del XXI secolo* (2005), page 71

Articles 39, 40 and 41 of chapter VII (regarding the actions with respect to threats to peace, breaches of peace and act of aggression”) of the United Nations Charter are⁵⁰:

- **Article 39:** *The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.*
- **Article 40:** *In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.*
- **Article 41:** *The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.*

Article 41 of the UN Charter disposes that UN Member states have legal commitments and obligations in implementing UN embargo measures in all their aspects and ensuring that individuals and companies under their jurisdiction fully comply with embargo’ measures⁵¹.

The UNSC can recommend or decide measures to adopt in three specific situations:

- Threat to international peace
- Violation of international peace
- Acts of aggression

Mandatory United Nations embargoes are a perfect combination of *realpolitik*, carrot-stick diplomacy and ethical aspects of foreign policy aiming to put an end to a conflict or to stop human rights violations⁵². At the same time, a fundamental and necessary requirement in order to proceed to effective measures or sanctions is

⁵⁰ United Nations Charter, chapter VII: <http://www.un.org/en/documents/charter/chapter7.shtml>

⁵¹ Brian Wood, *Strengthening compliance with UN arms embargoes, key challenges for monitoring and verification*, Amnesty International, (2006), page 2

⁵² Small Arms Survey, “Global small arms transfer” in *Small Arms Survey yearbook 2002*, (2002), page 131

represented by the behaviour agreed among UNSC veto powers (United States of America, Russian Federation, China, France and United Kingdom)⁵³.

The scope and aim of international economic sanctions, mainly embargoes, is to induce the offender state or group of states to stop and put an end to their illicit behavior targeting weapons, commodities or banning travel possibilities. In the case of conflict areas, the embargo aims to stop the flowing of arms that contributes to fuel violence and human rights abuses⁵⁴. UN arms embargo could include the possibility of travel ban that, according to UN sanction committee reports, can be joined to a temporary revocation of passports and other travel documents by the issuing states⁵⁵.

But even when an arms embargo is in force, sometimes a major power may continue to supply arms secretly to its favorite embargoed side, with the support of arms brokers and middlemen, which is therefore fundamental⁵⁶.

2.1 The UN arms embargo

The United Nations arms embargo is a measure of coercive diplomacy aiming to stop, control and prevent the flow of arms and military equipment to a specific country or armed groups which constitutes a threat to peace and to international security. It is established to prevent all the member states of the UN from selling weapons and military equipment to the embargoed countries and when it is put into force, all UN member states are requested to control arms exports and ban arms deliveries to the embargoed country.

⁵³ Cassese Antonio, *Diritto internazionale*, (2006), page 373

⁵⁴ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 9

⁵⁵ Finardi Sergio, Wood Brian and Danssaert Peter, *A Code of Conduct for Arms Transport by Air*, IPIA TA-R, (2012), page 26

⁵⁶ Bergman Lowell, *Gallery of International Arms Dealers*, Frontline, (2002), page 1

There are four categories of arms embargoes that United Nations can put into force:

- Arms embargo having mandatory nature (it is the most effective)
- Voluntary arms embargo
- Arms embargo imposed by international organizations
- Arms embargo imposed by a single or a coalition of countries

The UN arms embargo can have three different aims or final objects, in particular:⁵⁷

1. To counter threats against global security
2. To strengthen the legacy of government authority
3. To put an end to violent conflicts through a conflict-management process aimed to reach an agreement for a sustainable peace. It is the case of the embargo to Liberia and Sierra Leone.

Arms embargo, as a form of economic sanction, represents an element of international coalition that contributes to unite the efforts of a group of states motivated to contrast the wrong or improper behavior of a state. The target of UN arms embargoes can include weapons in general or a detailed list of small arms and other military equipment as well as persons and entities involved⁵⁸.

In other words, international sanctions and embargoes contribute to unify as many countries as possible against a policy of a state considered as improper. They represent a public denounce, an international de-legitimation and condemnation of the state in question⁵⁹. Among the different causes for the imposition of an arms embargo are the violations of the International law, humanitarian aspects or political reasons.

When an UN arms embargo is put into force, all UN member states must comply with commitments of not transferring weapons to embargoed states and to control arms exports. UN Charter article 25 states that they must put into force all measures needed to make UNSC embargoes effectively operative. If a state fails to comply with the

⁵⁷ S. Daniel, P. Wallensteen, D. Fruchart, P. Holtom and S.T. Wezeman, *United Nations Arms embargoes: their impact on arms flows and target behaviour*, Stockholm International Peace and Research Institute (SIPRI) and Uppsala University (2007), page v

⁵⁸ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 34

⁵⁹ Cassese Antonio, *Diritto internazionale*, (2006), page 372

embargo obligations, the consequence is a situation of state responsibility under International law⁶⁰. Both UN member states and national shipping operators, must avoid to provide delivery services that could in any measure violate the embargo⁶¹.

2.2 The effectiveness of the UN arms embargoes

The main problem of arms embargoes, as described in the Liberian case, is about their real effectiveness; in fact, there are no enforcement measures to implement UN embargo commitments and many UN member states do not comply with them or follow up asset-freezing and travel-ban lists issued by UNSC⁶².

So far, the United Nations Security Council (UNSC) embargo resolutions do not contain any binding mechanism to enforce efficiently and effectively embargo prescriptions⁶³.

After the end of the Cold-war period the practice of putting into force arms embargo has increased; since 1992 more than 15 embargoes have been adopted against states and/or military factions, while in the Cold war period, only five UN arms embargoes targeting African states were put into force⁶⁴. In addition, mandatory UN arms embargoes can target state authorities as well as Non-State Actors (NSAs)⁶⁵.

Despite that, none of the mandatory UN arms embargoes put into force during the last two decades stopped weapons supply to embargoed countries, but has only made it more difficult and expensive for them to purchase the weapons needed to carry on military operations⁶⁶.

⁶⁰ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 33

⁶¹ Finardi Sergio, Wood Brian and Danssaert Peter, *A Code of Conduct for Arms Transport by Air*, IPIA TA-R, (2012), page 3

⁶² Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 122

⁶³ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 77

⁶⁴ Matt Schroeder and Guy Lamb, *The Illicit Arms Trade in Africa: A Global Enterprise*, (2006), page 76

⁶⁵ Small Arms Survey, "Global small arms transfer" in *Small Arms Survey yearbook 2002*, (2002), page 131

⁶⁶ Control arms, Oxfam, Amnesty International, *United Nations arms embargoes: an overview of the last ten years*, (2006), page 2

Michael Brzoska, expert in arms embargoes and international economic sanctions at the University of Hamburg, conducted in 2008 a large and detailed survey about the effectiveness of UN mandatory arms embargoes⁶⁷. In this survey, five elements are interesting in their relation to the Liberian case:

- The nexus between arms supply and the changes in national policy is weak: embargoed countries lead their policy on the base of arms availability
- Long-term embargoes are more efficient than the short-term ones
- Multilateral embargoes are more efficient than unilateral ones and their result is a change in national policy
- The higher is the number of the countries participating and the involvement level, the more efficient the arms embargo will be
- Arms embargoes are clearly more effective when accompanied with other measures

A fully compliance with a UN arms embargo could be achieved through a common set of verification criteria and valid monitoring measures internationally recognized, like:

- UN Member states must recognize the embargo' mandatory nature
- Neighboring countries must dispose of effective border control measures to avoid and contrast illicit arms flows across borders
- A unilateral and multilateral cooperation at national, regional and international level should be strengthened
- To establish an international group tasked to verify and monitor SALW-export authorizations
- An opening behaviour of member states may contribute to implement UN arms embargo and the comply with its disposals

⁶⁷ Brzoska Michael, *Measuring the effectiveness of arms embargoes*, Peace Economics, Peace Science and Public Policy, (2008), pages 23-24

- Member states are required to provide common and shared criteria in order to ensure and to verify documents' authenticity and to avoid the widely-spread practice of faking and falsifying EUCs and other transport documents
- To enforce and enlarge resources destined to training law-enforcement authorities and border authorities
- To encourage bilateral and multilateral cooperation, training and technical assistance programme to strengthen national capacity in surveillance, data collection, inspection and investigation on violations.
- To enforce the role of international police agencies (as INTERPOL and EUROPOL) in contrasting corruption
- To improve the practices of weapons-marking and enforce surveillance on military stockpiles and defense facilities⁶⁸

Unfortunately, many economic sanctions issued by the UNSC during the last decades have not been successfully implemented. One of the main reasons is the fact that there is no real endorsement from the international community and, as it happened in different cases during the Cold war period, the embargoed country was supported, aided and backed by one of the superpowers.

At present, the decision of the states and their use of practices – like an over numbered use of vetoes - (URSS, now Russian Federation, is the UNSC permanent member that has used the highest number of vetoes), have convinced the states to concentrate their efforts to ensure peace maintainment in different measures: the deployment of peacekeeping operations, based on states consensus and on voluntary possibility of intervention, has become the main way used by the states to confront regional and conflict instability.

Because of the impossibility of UNSC to have a leading role, it has been internationally accepted and recognized the possibility, from a single country or a coalition of countries, to provide efficient measures for the maintenance of peace, the so-called peacekeeping operations.

⁶⁸ Brian Wood, *Strengthening compliance with UN arms embargoes, key challenges for monitoring and verification*, Amnesty International, (2006), pages 2-8

These operations should be launched only with the authorization of the UNSC, as it happened for Liberia with the peacekeeping mission named United Nations Mission (UNMIL).

On the contrary, the UNSC did not authorized the operation in Kosovo (KFOR) that began without the endorsement of UNSC and was later put under indemnity through an *ad-hoc* UNSC resolution⁶⁹.

⁶⁹ D'Orsi Angelo, *Guerre globali: capire i conflitti del XXI secolo*, (2005), page 72

3. The trade of arms

People have always struggled using arms and a large variety of combat tools and weapons, from rocks and sticks to armed vehicles and missiles, to wound, kill and destroy men as well as social and physical infrastructures⁷⁰, but today arms trade represents an enormous part of the international global trade.

Though it is impossible to produce comprehensive data, according to Small Arms Survey (SAS), SALW are responsible for hundreds of thousands of deaths and millions of wounded every year. They are responsible for 60-90% of the total conflict deaths and contribute to increase violence and inter-community cleavages⁷¹. There is an irresponsible, unregulated, illicit and triangulated arms transfers which have a massive impact in fuelling and facilitating human rights violations, mass atrocities and war crimes perpetrations⁷².

United Nations Panel of Experts dividing small arms from light weapons provided an internationally recognized definition of SALW.

In particular:

→ Small arms: arms that are individually used and can be transported by one single man including:

- Revolvers
- Guns
- Carbines
- Machine-guns

→ Light weapons: weapons that can be transported by two men, a draught animal or a small vehicle including:

- Submachine-guns
- Grenade launchers
- Missiles launchers
- Mortars less than 100mm calibre
- Man portable air defence system (MANPADS)

⁷⁰ Small Arms Survey, "Violent exchange: the use of small arms in conflict" in *Small Arms Survey yearbook* (2005), page 179

⁷¹ Matt Schroeder and Guy Lamb, *The Illicit Arms Trade in Africa: A Global Enterprise*, (2006), page 72

⁷² Amnesty International, *Deadly movements: transportation control in the arms trade treaty*, (2010), page 8

Ammunitions, land mines, explosives and hand grenades are also included in these categories⁷³.

Arms trade business is a grey area between legal and illegal market.

According to the United Nations Office for Disarmament Affairs (UNODA), based in Geneva, today 639 millions of SALW are circulating in the world, as if one person out of ten on the planet was in possession of a weapon.

Every year, more than 200.000 people are killed because of SALW yet their use continues to fuel armed conflicts in many regions of the world. The United Nations Office for Drugs and Crime (UNODC), based in Vienna, has reported that 15-20% of the total arms trade volume has illegal origin for an approximate annual worth of 170-320 million US\$⁷⁴ and UNODA reported that the 10-20% of all arms trade activities have illegal or suspect nature. As reported by other research sources (mainly NGOs), this percentage should be more than doubled for a total annual value of more than 3 billion US\$⁷⁵.

In 2010 (which is the last period available for many countries databases) the value of international shipment of conventional arms and military equipment was about 59.2 billion US\$. In the period 2009-2010, the value of export licences is even higher, almost 72 billion US\$⁷⁶.

The arms trade and the national provision of SALW, ammunition and military equipment, can be motivated by many different factors such as: demonstration of power, concerns for national or personal security, advantages from controlling natural resources areas, political projects of separation or independence or other national and/or foreign policy motivations. Also, internal events as *coup d'état*, economic crisis, underdevelopment and violent divisions in the states justifying the efforts in procuring weapons for protection or defence⁷⁷.

Arms trade involves foreign governments and different interests often with and through external assistance, as it happens when border countries support and get involved in aiding one factions or in supporting ethnic or religious minorities or refugees.

⁷³ Lagrasta Elisa, *Le armi del Bel Paese: l'Italia e il commercio internazionale di armi leggere*, (2005), page 9

⁷⁴ United Nations Office for Drugs and Crime (UNODC), *The globalization of crime: a transnational organized crime threat assessment*, (2010), page 129

⁷⁵ Lagrasta Elisa, *Le armi del Bel Paese: l'Italia e il commercio internazionale di armi leggere*, (2005), page 63

⁷⁶ Finardi Sergio, Danssaert Peter, *Rough Seas: Maritime Transport and Arms Shipments*, (2012), page 77

⁷⁷ Stohl Rachel, Grillot Suzette, *The international arms trade*, (2012), page 97

The main reason of this involvement is related to the stipulation of various commercial contracts, often of suspect or illegal nature⁷⁸.

In this frame two factors are important:

- *Availability factors*: the elements of physical and supply availability of weapons, including their size and destructive qualities as well as the resources of the armed groups involved
- *Organization factors*: the ones that affect the individual or group use of weapons including rebel group structures, aims and command behaviour⁷⁹.

There are many and different ways to obtain and sell arms in international markets, like: sizing or stealing from defence forces, purchasing from corrupted troops, stealing from private owners and looting from national armouries. Another way is offered by peacekeepers serving under UN or ECOWAS, who going back home with their weapons, sell them to arms brokers or warlords⁸⁰ while government military forces and NSAs may procure SALW in three different ways:

- Through legal and authorized channels (from government to government and through legally brokering trade)
- Illegal and non-authorized shipments of arms involving arms smugglers who obtain second-hand weapons from weapons-manufacturing countries
- From stockpiles, warehouses and arsenals of defence forces, peacekeeping troops or Private Security Companies (PSCs)⁸¹

Absolutely negative are the consequences of SALW trade regarding development, relief effects and promotion for civil population. The diffusion of the use of arms interferes with development programme initiatives that cannot be realized with success, because

⁷⁸ Kaldor Mary, *Le nuove guerre: la violenza organizzata nell'età globale*, (2012), page 119

⁷⁹ Small Arms Survey, "Violent exchange: the use of small arms in conflict" in *Small Arms Survey yearbook* (2005), page 181

⁸⁰ Africa Europe Faith and Justice Network (AEFJN), *Arms Exports and Transfers: from Sub-Saharan Africa to Sub-Saharan Africa* (2010), page 7

⁸¹ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 79

of the unstable environment. Violence and instability in conflict areas are a great obstacle for any human development initiative and are among the main causes of mass poverty because they destroy any possibility of production⁸².

In the Sub-Saharan region, which is the poorest region of Africa, more than 300 millions of Africans live with less than 1 US\$ a day, while, between 1997 and 2003, the region had an increase, even 16-17%, of its defence budget, which has had a negative influence in poor and underdeveloped countries.

In Africa, the grey areas of arms trade continue to present many opaque and hidden aspects, while at the same time, the role that western countries have in supplying African states is well known⁸³. Also Italy plays an important role in this trade: in fact, in 2001, from January to October, Italy transferred more than 16 million US\$ SALW to the African continent⁸⁴.

SALW were largely used in the 27 intra-state conflicts between 1990 and 2005 that took place in Africa⁸⁵: in the Sub-Saharan region between 1990 and 1999, more than 2.500.000 people were killed because of armed conflicts while national armies were involved in more than 14 countries: Burundi, Central African Republic (CAR), Congo (Brazzaville), Congo (DRC), Cote d'Ivoire, Ethiopia, Gambia, Guinea Bissau, Liberia, Niger, Nigeria, Rwanda, Sierra Leone and Somalia⁸⁶.

The result was millions of deaths and casualties, human rights violations, mass killings, internally displaced persons (IDPs), rapes, torture, use of child soldiers and forced labour.

⁸² Matt Schroeder and Guy Lamb, *The Illicit Arms Trade in Africa: A Global Enterprise*, (2006), page 74

⁸³ Africa Europe Faith and Justice Network (AEFJN), *Arms Exports and Transfers: from Sub-Saharan Africa to Sub-Saharan Africa* (2010), page 2

⁸⁴ Small Arms Survey, "Global small arms transfers" in *Small Arms Survey yearbook* (2003), page 118

⁸⁵ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 78

⁸⁶ Bonaiuti Chiara, Lodovisi Achille, *Il commercio delle armi: l'Italia nel contesto internazionale*, (2004), page 303

3.1 The role of Ukraine and former Soviet Union Republics

The collapse of the Soviet Union represents an important historical moment that changed the management in arms business on a big scale.

Soon after the fall of Berlin wall, in November 1989, all stockpiles and military bases in former Soviet Union republics remained without owners or controls. This new situation represented a blessing for international arms brokers looking to former Soviet Union republics (mainly Belarus and Ukraine) to undertake their legal and illegal business. The bases and stockpiles in former URSS republics contained an enormous surplus of all kinds of weapons and military equipment⁸⁷. The deep economic crisis and chaos of Ukraine, following 1989, infected military officers who started to sell the weapons kept in the uncontrolled warehouses of the former Soviet Union to the best buyer.

The biggest arms-thefts in history were perpetrated in Ukraine. In 1992 Ukraine' military stock was estimated in about 89 billion US\$: in the period 1992-1998, 32 billion US\$ worth of defence equipment was stolen from the national stockpiles⁸⁸. 1996 represented the "peak year" for Ukraine arms exports. More than 114 military companies were involved in such exports, but only 20% officially authorized by the Ukrainian government⁸⁹. According to former Soviet Union sources, in 1989 the thefts of military equipment increased of 50% compared to the previous year⁹⁰. It is interesting to notice that Ukraine is the country with the largest firearm availability per active soldiers (the largest surplus of arms in absolute terms is China and second the Russian Federation)⁹¹.

During the Cold war, Ukraine, and Kiev in particular, were places of strategic interest for the Soviet Union that deployed there the Second Soviet Union army against the possibility of NATO' attack. Ukraine maintained a stable army of 800.000 soldiers (three times the size of today' Ukrainian army) and, after the Soviet Union' collapse in 1991, Ukraine maintained its enormous stockpiles later secretly sold or stolen for 70-

⁸⁷ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 130

⁸⁸ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), pages 118-119

⁸⁹ United Nations Office for Drugs and Crime (UNODC), *The globalization of crime: a transnational organized crime threat assessment*, (2010), page 145

⁹⁰ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 38

⁹¹ United Nations Office for Drugs and Crime (UNODC), *The globalization of crime: a transnational organized crime threat assessment*, (2010), page 131

80% of its total worth. According to Ukrainian investigation on military stockpile' thefts, about 32 billion US\$ military equipment was stolen from 1992 to 1998⁹².

After the dissolution of the Soviet Union, Ukraine has remained the base for approximately 30% of the total former Soviet Union military production with 1.810 defence companies and 2.7 million workers. Today Ukraine is estimated to held 7 million SALW; the largest global stockpile after China and the Russian Federation⁹³.

In the post-Cold War era, the Russian Federation and the East European factories produced from 40 to 50 million AK-47s, giving arms brokers the possibility to increase their supply⁹⁴, while the sale and trade of weapons to Africa provided to arms-exporting countries an important way to sell obsolete military equipment stolen from national stockpiles and military warehouses⁹⁵.

From 1989 to 1990, the largest military stockpile in the world remained uncontrolled and with no form of surveillance. This enabled former Soviet Union officials and military high ranks to carry on their hidden business with legal or illegal brokers. The large use of bribes and other forms of corruption and clientelism were elements granting a profitable business-relation among arms brokers and unemployed former URSS military officers. The collapse of Soviet Union and the subsequent possibility of taking advantage from its enormous and unmonitored stockpiles and facilities represented a "manna" from heaven and a great gain for arms brokers.

This advantageous situation allowed arms brokers and gunrunners to increase their power and success in carrying on their illegal activities in former URSS territories, where chaos, disintegrated institutions, and underdeveloped environment facilitated unregulated arms broker activities⁹⁶.

An enormous supply of every kind of small arms and military equipment was available: from Soviet tanks to nuclear submarines, from nuclear warheads to InterContinental Ballistic Missiles (ICBM), from aircraft carriers to armoured vehicles and from military trucks to MIG aircrafts.

⁹² Bergman Lowell, *Gallery of International Arms Dealers*, Frontline, (2002), page 2

⁹³ United Nations Office for Drugs and Crime (UNODC), *The globalization of crime: a transnational organized crime threat assessment*, (2010), page 142

⁹⁴ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 72

⁹⁵ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 80

⁹⁶ Potter Matt, *Outlaws INC.-Flying with the world's most dangerous smugglers*, (2011) page 147

According to former DIA officer Turbville: *“poorly paid, badly housed, and demoralized Russian military forces at home and abroad are deeply immersed in criminal activities conducted for personal and group profit. Smuggling crimes of all types (particularly drug and arms trafficking), the massive diversion of equipment and materials, illegal business ventures, coercion and criminal violence, all fall under the umbrella of military organized crime”*⁹⁷.

These transnational criminal organizations were based in the former Soviet Union republics. In particular the city of Odessa faced the emerging of the so-called Odessa-mafia: a well-connected transnational criminal organization using the temporary absence of state as a possibility to enlarge bribes to senior politicians and privatize primary resources in order to increase value of their illegal assets⁹⁸.

Sadly famous members of the Odessa mafia were the arms brokers Viktor Bout and Leonid Minin⁹⁹.

After the fall of the Berlin wall, former Soviet Union stockpiles were full of weapons ready to be shipped to remote areas as African-continent conflict regions.

Two weapons, in particular were the main arms transported from East European states to Africa: the Ak-47 and the RPG. These two weapons made in Russia (their entire names are Avtomat Kalashnikova 47 and Ruchnoy Protivotankovy Granatomyot) are today the most used weapons in perpetuating violence in African conflicts.

The well-known and infamous assault rifle Kalashnikov Ak-47 is the most used assault rifle in African conflicts and in many other parts of the world and is often associated with rebel groups and irregular militias. The Ak-47 was invented by Michael Kalashnikov in 1947. The Ak-47 is simply designed, light and anti-rust. Because of its features, this assault rifle has become the worldwide preferred one by rebel movements, terrorists and guerrilla militias. With more than a hundred million Ak-47s circulating, it is today the most used weapon in all conflict areas.

When, in December 1989, the future president of Liberia Charles Taylor, began the invasion of Liberia, his personal small militia of only 150 men could achieve important results though equipped only with Ak-47s¹⁰⁰.

⁹⁷ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 38

⁹⁸ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 108

⁹⁹ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 115

Another popular Russian-made weapon used in the African continent is Rocket Propelled Grenade or RPG that has had, since its invention in 1961, a vast presence in African conflict-areas¹⁰¹.

¹⁰⁰ Burrows Gideon, *Kalashnikov*, (2007), page 45

¹⁰¹ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 16

4. The transport of arms

Today globalized economy affects also the field of transport and the distinction between legal and illegal transport activities is more difficult than in the past¹⁰².

Arms transports do not present many difficulties as weapons can be carried, even on a large scale, by different means as using containers or hiding them under legal commodities.

In the last two decades, many factors have contributed to increase competition among arms shippers: the liberalization of civil aviation industry, the growing demand for delivery services, Flag of Convenience (FoC) regimes-registered companies have enlarged the offer of arms shipments¹⁰³.

Furthermore, transport services companies and providers have a fundamental role and ability in arranging arms deals through triangulation patterns and obscure routes and easily changing registration for vessels and aircrafts¹⁰⁴.

Many countries have been involved in UN arms embargo violations and related activities including diversion, triangulation, import/export and production like Albania, Belgium, Bulgaria, Burkina-Faso, Burundi, Cayman and Virgin islands, Cyprus, China, Egypt, Germany, Gibraltar, Guinea, Israel, Italy, Ivory Coast, Liberia, Libya, Moldova, Nigeria, Romania, Russian Federation, Serbia, Uganda, Ukraine, United Arabs Emirates (UAE), United Kingdom and Zimbabwe¹⁰⁵.

Arms brokers operating in the African continent ship their arms through a network of maritime, land and air routes to deliver their goods in any remote region¹⁰⁶. The decision about the best way depends on different factors like size, quantity, consignee country, infrastructures availability and costs. Sea transport is notably

¹⁰² S. Jihon, *Le Contrôle du Transport Aérien des armes légères, État des lieux et défis*, Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP), (2009), page 8

¹⁰³ Finardi Sergio, Wood Brian and Danssaert Peter, *A Code of Conduct for Arms Transport by Air*, IPIA TA-R, (2012) page 5

¹⁰⁴ Amnesty International, *Deadly movements: transportation control in the arms trade treaty*, (2010), page 6

¹⁰⁵ Control arms, Oxfam, Amnesty International, *United Nations arms embargoes: an overview of the last ten years*, (2006), page 2

¹⁰⁶ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 93

cheaper than air transport but to reach remote areas, conflict regions or embargoed countries, the latter is preferable,¹⁰⁷.

In any case, numerous and different paperwork, national documents and international authorizations are required for every aircraft or vessel movement and for each shipment: registration of the plane or vessel, valid insurance, landing authorization for every airport or port and official loading/unloading certificates¹⁰⁸. At least four actors are required to arrange an arms transport, procure documentation and decide on logistical matters¹⁰⁹:

- Brokers: to facilitate one or more aspects of the shipment, including the identification of sellers and buyers, the sources of weapons, transport-financial aspects and chartering modalities
- Freight forwarders: to organize the transport, to look after export-documents and to book cargo space
- Transportation agents: to transport physically the cargo by air, land or sea
- Warehouse and handling agents: to handle, stockpile and store the arms

In the African continent, the transport of arms presents particular aspects. Transport networks are different in terms of effectiveness, security, quality of infrastructures and reliability. Besides, in many African regions the large presence of unemployment, corruption and high rate of criminal activities affect transport in terms of facilitating the work of arms brokers in avoiding borders controls and law enforcement activities¹¹⁰.

The way of shipping arms changes according to the country; Liberia, in particular, experienced both transport by air and by sea¹¹¹. During the Liberian conflict, shipments of arms by air and by sea were fundamental elements in mining the effectiveness of

¹⁰⁷ Small Arms Survey, "Controlling air transport: practice, options and challenges" in *Small Arms Survey yearbook 2010* (2010), page 44

¹⁰⁸ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 131

¹⁰⁹ Small Arms Survey, "Controlling air transport: practice, options and challenges" in *Small Arms Survey yearbook 2010* (2010), pages 42-44

¹¹⁰ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 86

¹¹¹ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 123

United Nations arms embargo and in fostering the violence of Liberians United for Reconciliation and Democracy (LURD) and the National Patriotic Front of Liberia (NPFL).

4.1 The transport of arms by air

The United Nations Group of Governmental Experts (UNGGE) reports that approximately 80% of SALW delivered in conflict areas are transported by air¹¹². Air transport is the most efficient way to deliver arms in remote areas as brokers can use small air companies and old aircrafts able to take off and land almost everywhere¹¹³ and this explains the fundamental role that air transporters play in SALW deliveries¹¹⁴, especially to remote areas, benefitting from poor governance and instability in conflict regions. There is a common saying among pilots smuggling arms all over African continent: that three “c” ingredients are needed to succeed in African illegal transfers: cash, conflicts and chaos.

A key element of success for a shipment of arms (by air, sea or land) is the absence of monitoring and controlling measures and other facilities. Europe, America and Middle East are full of radar bases, monitoring facilities and other means to track shipments while the African continent is large, uninhabited and without tracking or monitoring effective measures or an efficient radar coverage. It allows movements from a place to another without problems: border controls can be easily by-passed avoiding the use main routes and corrupting custom authorities¹¹⁵.

When arms dealers, such as Leonid Minin and Victor Bout, carried out their illegal activities in Liberia, in order to avoid monitoring measures and radar controls, they used a Russian mafia-invented phone called “Vampire phone” which prevented from being identified and located by ground authorities. Its functioning was very simple: every time

¹¹² S. Jihon, *Le Contrôle du Transport Aérien des armes légères, État des lieux et défis*, Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP), (2009), page 5

¹¹³ Small Arms Survey, “*Targeting the middleman: controlling brokering activities*” in *Small Arms Survey yearbook* (2004), page 145

¹¹⁴ Griffiths Hugh and Bromley Mark, *Air Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (2009), page 4

¹¹⁵ Potter Matt, *Outlaws INC.-Flying with the world's most dangerous smugglers*, (2011) page 122

you dial a number using the “Vampire phone”, it scans all nearby phones and clones their number. In this way, every call seems to be dialed from someone else¹¹⁶.

Most African conflicts, including the ones in Liberia and Sierra Leone, take place in internal and remote areas far from the coast and, consequently, the role of an efficient air transport is fundamental to guarantee tactical and strategic support to troops deployed on the ground.

The Stockholm International Peace and Research Institute (SIPRI) counts five different categories of cargo companies’ arrangements in Africa¹¹⁷:

- 1- Commercial carriers tied to African governments
- 2- Commercial carriers part-owned or controlled by African brokers
- 3- Commercial carriers tied to arms manufacturers of central/east European states or to defence ministries
- 4- Commercial carriers linked with transnational criminal networks
- 5- Intercontinental facilitators

In Africa, the lack of infrastructures (as roads and railways) makes the transport by land impossible, thus increasing the use of air transport to deliver commodities¹¹⁸. Air transport is the easiest way to reach the interior of many African regions and to deliver arms and military equipment to remote areas and to embargoed countries¹¹⁹.

Owing to the absence of radar control or air traffic monitor-activities in West Africa, national authorities have no means to individuate and prevent illicit activities in their country. Large and uncontrolled air space facilitates arms smuggling activities in a region where aviation officers and air-traffic control staff can be easily corrupted to avoid radar recording. According a UN report, issued in 2000, the United Nations Group of Governmental Experts (UNGGE) for Sierra Leone warned that: “*authorities are frequently informed of violations of their airspace by pilots who come across illegal*

¹¹⁶ Potter Matt, *Outlaws INC.-Flying with the world’s most dangerous smugglers*, (2011) page 119

¹¹⁷ Griffiths Hugh and Bromley Mark, *Air Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (2009), pages7-11

¹¹⁸ Griffiths Hugh and Bromley Mark, *Air Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (2009), page 4

¹¹⁹ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 89

*traffic. They are also aware that aircraft operators can operate with impunity in their sphere of sovereignty without their knowledge*¹²⁰.

The uncontrolled airspace and the presence of remote and rebel-held airfields facilitate the activities of arms brokers in avoiding radar controls and in corrupting border and customs officers in order to run their deadly business¹²¹.

Arms brokers use different air companies in different countries. The air shipment is arranged using aircrafts registered in a state, but leased and chartered by companies based in a second state with a crew coming from a third country. This pattern of sub-leasing flight concessions increases the adoption of the same international sign from many different air companies, so increasing the number of flights for the transfer of arms. Reports on cargo planes transporting arms say how the registration number of the same plane (that should never change), in reality changes from the departure airport to the arrival airport facilitating uncontrolled deliveries¹²².

According to the UNSC, during the past ten years more than 186 air-cargo carriers were involved in weapons transfers in the African continent. The aircrafts used in such smuggling activities were registered in FoC regimes, former Soviet Union republics, United Arab Emirates (UAE) and Central Asia¹²³.

The main African arms-smuggling airports are: Entebbe in Uganda, Monrovia in Liberia, Freetown in Sierra Leone, N'Djili in the Democratic Republic of Congo (DRC) and Lanseria in South Africa. But Small Arms Survey (SAS) has reported that the airports involved in smuggling activities are also outside the African continent: in Osten (Belgium), Sharjah in the UAE, Miami in United States and Odessa in Ukraine.¹²⁴

As we have said, arms-smuggling networks in the African continent are facilitated by the laxity of international aircraft regulation system that helps actors to conduct their deadly business remaining untouched by international controls¹²⁵.

¹²⁰ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 77

¹²¹ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 89

¹²² Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), pages 140-141

¹²³ Griffiths Hugh and Bromley Mark, *Air Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (2009), page 7

¹²⁴ Small Arms Survey, "Crime, conflicts and corruption: global illicit small arms transfers" in *Small Arms Survey yearbook 2001*, (2001), page 121

¹²⁵ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 9

Arms shipment can easily cross the borders where aviation rules are not complied. According to US International Air Cargo Association, the rules governing air cargo are inefficient and inconsistent and many airports lack of human, financial and technical resources to discover and control suspect shipments.

A fundamental civil aviation certificate is the so-called AOC (Air Operation Certificate) that enables a plane to take off and land; without this certificate no plane can take off or land in any part of the world.

The International Air Cargo Association (IATA) based in Miami is the main air cargo association and it includes a large number of airfreight companies. But its members are only 259, based in 137 countries, and they represent less than the 3% of the total air cargo companies in the world. It means that the majority of cargo firms involved in airfreighting are outside IATA-accountability frame.

International accountability criteria established by IATA, specify what documents are required for each air transport. They can be divided into five broad categories:

- Documents related to forwarding and cargo handling
- Documents directly related to transport
- Documents for official control and border sectors
- Documents about financial and payment issues
- Documents related to the transaction

In order to organize a shipment, a demand for weapons export must be submitted to competent national authorities; if accepted, it shifts to the acquisition of the export licence and so then weapons can be shipped to the import country¹²⁶.

¹²⁶ S. Jihon, *Le Contrôle du Transport Aérien des armes légères, État des lieux et défis*, Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP), (2009), page 7

Specific documents required for air shipment include:

- *Air waybill*: certificate issued for border control purposes, containing details of shipping companies, agents, routes, value and nature of the cargo.
- *Bill of landing*: paperwork to state that cargo and shipments are regular and bound for a specific country. The skipper signs this document that is the evidence that cargo shipments had been ordered.
- *Cargo manifest*: is a detailed checklist including dimensions, weight, packaging and details of cargo
- *End User Certificate (EUC)*: is the most important document issued by the authorities of the arms-importing country, stating that the arms are destined to internal use and ensuring that their country is the final destination of the shipment (to avoid triangulation)¹²⁷.

The *air waybill* is a sort of contract between the transport and production companies issued by international airlines. It is a mandatory document describing the aircraft features, the export and intermediating companies and other information. It can be requested by the border-control authorities of the UN member states¹²⁸.

The *cargo manifest* indicates only the nature of the cargo in terms of tons contained in the vessel or plane hold; no further specifications are provided about nature of the goods contained in the shipment¹²⁹.

The fourth document, the so-called *End User Certificate (EUC)*, is the most important paper for an effective monitoring of arms flows. The EUC testifies that the cargo is legally purchased and is to be delivered only to the purchasing country, avoiding triangulation to a third one¹³⁰. The EUC have to be checked in all their aspects at

¹²⁷ Finardi Sergio, Wood Brian and Danssaert Peter, *A Code of Conduct for Arms Transport by Air*, IPIA TA-R, (2012), page 13

¹²⁸ S. Jihon, *Le Contrôle du Transport Aérien des armes légères, État des lieux et défis*, Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP), (2009), page 20

¹²⁹ Potter Matt, *Outlaws INC.-Flying with the world's most dangerous smugglers*, (2011) page 125

¹³⁰ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 78

national and international level in order to ensure that no falsification or faking-forms are used¹³¹.

The role of EUC is fundamental in solving the problem of an effective and comprehensive control over arms trade. But in Liberia, as well in many African states, paperwork as the EUCs are easily forged in order to ship arms to countries under international embargo.

In fact, there were many cases in which arms were hidden in a cargo using a false EUC and apparently containing mining or agricultural equipment, spare parts¹³², second hand clothing, tents or fresh fish boxes¹³³. In 1994 an arms-company based in Bulgaria, the “Kintex Ltd”, shipped weapons to Liberia hidden under oranges and olives¹³⁴. In another case, an aircraft landed in Guinea, coming from Iran with a false EUC apparently containing detergent material in green wood-made boxes, revealed to contain weapons to be then triangulated to Liberia on military trucks¹³⁵.

Another interesting aspect of the African cargo air-fleet is the obsolescence of the aircrafts that should need repairs, thus increasing the number of incidents in Africa. During the past two decades, Russian-made aircrafts, largely in use in African trade, often revealed poor maintenance and overloads¹³⁶.

Before the fall of communism, Soviet Union Air Force employed more than 14.000 pilots and owned 5.000 aircrafts. After the fall of Berlin wall, many skilled former Soviet Union’ pilots and crews were grounded because of the decreased number of air-charter contracts and in this situation, unemployed pilots would easily accept any kind of deliveries proposed¹³⁷: air-crews supplying arms in African continent are mainly former-Soviet Union pilots.

¹³¹ Finardi Sergio, Wood Brian and Danssaert Peter, *A Code of Conduct for Arms Transport by Air*, IPIA TA-R, (2012), page 4

¹³² Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 140

¹³³ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 208

¹³⁴ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 106

¹³⁵ Small Arms Survey, “Targeting the middleman: controlling brokering activities” in *Small Arms Survey yearbook* (2004), page 145

¹³⁶ Austin Khati Lynn, *Victor Bout's Gunrunning Successors: A Lethal Game of Catch Me if You Can*, Conflict Awareness Project Report, (2012), page 10

¹³⁷ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 39

The middlemen who arrange weapons-deals are ex-military officers and former intelligence agents with close ties with transnational criminal networks¹³⁸. The former Soviet Union arms factories, warehouses and stockpiling-sites had a landing strip close to their premises in order to load/unload cargo aircrafts in the fastest, cheapest and most efficient way. Arms dealers, as Viktor Bout and Leonid Minin, often used these premises in order to facilitate the logistical aspects of arms shipments¹³⁹.

According to the Stockholm Peace and Research Institute (SIPRI), air transport in conflict areas has mainly an intercontinental nature. This kind of transport originates from Eurasia and Arabic peninsula countries, in particular from former Soviet Union republics: Ukraine, Belarus, Bulgaria, Russian Federation, Romania, Serbia, Slovakia as well as Israel and United Arab Emirates, countries that provide cheap costs for aircrafts' reparation and refuelling.¹⁴⁰

The most common aircrafts used to transport commodities and/or to smuggle illegal goods are mainly of Russian production, notably the Antonov and Ilyushin planes, but also of American production like McDonnell Douglas DC8 and DC3, Boeing 707 and Lockheed 100-30 (Hercules).

In 2005, the Antonov model was the most used aircraft in Africa, for a total number of 108 planes (including An-12, An-24 cargo, An-26 and An-32), owing to its capability of landing and taking off in gravel and short airstrips¹⁴¹.

According to Brian Johnson-Thomas, one of the most UN expert on arms brokering activities, the air companies involved in illegal transport, register their headquarter in places having favorable aerial legislation (FoC countries), notably Liberia and Kazakhstan.

The case of Kazakhstan is also explanatory: its national registration code, deposited at ICAO (International Civil Aviation Organization), is "Unicorn November" (shortly UN). It means that all planes based in Kazakhstan fly under "UN" international code.

¹³⁸ Bergman Lowell, *Gallery of International Arms Dealers*, Frontline, (2002), page 6

¹³⁹ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 39

¹⁴⁰ Griffiths Hugh and Bromley Mark, *Air Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (2009), page 5

¹⁴¹ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), pages 90-91

Consequently, the aircrafts used by smugglers are often confused as planes of the United Nations ¹⁴².

Similarly, in Liberia and in other countries, Bout largely used his Russian-made aircrafts for his smuggling activities: his fleet consisted in more than sixty Russian-made cargo aircrafts and many other US-made aircrafts. Thanks to such large number of aircrafts, Bout became the most important supplier and charterer in hostile environments ¹⁴³.

Shipment of commodities, humanitarian aids, cash and arms in African continent involve many different actors while the companies providing logistical services are often the same. Russian pilots, working for Bout's air company "Air Cess", have witnessed they have transported commodities for both sides of the conflict as well as for humanitarian relief agencies and international organizations (as the United Nations Development Programme) ¹⁴⁴.

The UN Panel of Expert reporting the violations of UN arms embargo in Liberia, has pointed out that aircrafts of "Flying Dolphin" and "Santa Cruz Imperial" (companies owned by Bout) were used to smuggle arms from Liberia to Sierra Leone violating UN embargo ¹⁴⁵. This was the case of an Ilyushin-76 cargo aircraft owned by Bout that, in July and August 2000, flew four times from Europe to Liberia. In 1996 the same aircraft, most probably owned by Bout' air company "Air-Cess", was registered in Liberia. The next year the same plane was re-registered in Swaziland but soon owing to problems with civil aviation authorizations, it was re-registered in Central African Republic (CAR) chartering under "Centrafrican Airline" ¹⁴⁶.

As mentioned above, in Liberia the transport by air has many logistical and strategically important advantages linked to the facility of transport and to aviation opportunities. Taylor' control over the only airstrip in Liberia, together with RUF' control over Lungi Airport in Freetown (that ensured the possibility of exporting

¹⁴² Potter Matt, *Outlaws INC.-Flying with the world's most dangerous smugglers*, (2011) page 129

¹⁴³ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 16

¹⁴⁴ Potter Matt, *Outlaws INC.-Flying with the world's most dangerous smugglers*, (2011) page 123

¹⁴⁵ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 127

¹⁴⁶ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 118

smuggled-diamonds from RUF' mining areas¹⁴⁷) represents a unique strategic advantage.

Robert International Airport, about thirty miles from Monrovia, is the only airport in Liberia. During the conflict, the access to the airport, fundamental for its strategic position, was completely controlled by Taylor' NPFL militia, while it was an important base for Bout' aircrafts circulating all over the African continent.

The airport was built during the Second World War by US troops in order to enhance logistical support to north-Africa campaigns against the Italians and the Nazis. The airfield was planned for the landing of heavy military aircrafts and continued to suit perfectly Bout's Ilyushin-76 cargo planes. Taylor' control over the airport guaranteed a high-level security standard to Bout' illicit activities¹⁴⁸.

From June to August 2002 six cargoes were delivered containing more than 210 tons of weapons supplied by Bout. For this deal, Bout's "Jetline" company based in Moldova, chartered Il-76 aircrafts from another Bout-controlled company named "Aerocom". The six Il-76s carried million rounds of ammunition, thousands of assault rifles, spare parts for aircrafts, attack helicopters and anti-aircraft guns¹⁴⁹.

Another shipment of weapons arrived at Robert International airport on 7 August 2003 and, according to UNSC report, the same aircraft, registered under "Astral Aviation" company, delivered arms and military equipment to Liberia. The cargo was later discovered as stolen by ECOMOG peacekeepers¹⁵⁰.

¹⁴⁷ Griffiths Hugh and Bromley Mark, *Air Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (2009), page 16

¹⁴⁸ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 163

¹⁴⁹ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), pages 207-208

¹⁵⁰ Griffiths Hugh and Bromley Mark, *Air Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (2009), page 27

4.2 The transport of arms by sea

The transport of goods by sea represents at least 80% of total international trade and it has increased during the last 40 years thanks to the development of transport technologies as containerization. This enormous volume of goods advantages international arms brokering networks and facilitates their business, owing to the poor monitoring measures and lacking custom controls¹⁵¹. Arms shipments are difficult to recognize and national authorities as well as border customs can inspect only the 2% of total global trade shipment¹⁵². The most of time is spent in checking transport documents and certificates as EUC and vessel certifications. Consequently the volume of weapons traded by sea remains unknown and finding out the shipments carrying illicit goods or weapons is very difficult, while, according to US Coast Guard and Naval Intelligence report, the total volume of commodities transported by sea will triplicate by 2020¹⁵³.

During the embargo on Liberia, also maritime companies had a fundamental role in loopholing embargo measures and exporting Liberian timber and diamonds in the world¹⁵⁴.

A way used by arms brokers to avoid custom declarations and border controls is the practice of marking shipment of SALW as diplomatic cargo: diplomatic cargoes do not need any further descriptions or certificates and can have a preference and faster lane at custom controls. In this regard, many voyages undertaken by the Maersk-line Company carrying 2,076 tons of diplomatic cargoes, (which do not contain general merchandise or personal effects) still remain ignored and suspect¹⁵⁵.

Shipments of arms can be arranged in two ways: the one called “tramp shipment” is the most common but expensive: clients (such as government, legal or illegal arms brokers or defence companies) can charter an entire ship with its own crew for the whole voyage. The other option is cheaper and consists in renting a space in the

¹⁵¹ G.Hugh and J. Michael, *Maritime Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (SIPRI), (2012), page 1

¹⁵² Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 144

¹⁵³ Small Arms Survey, “Crime, conflicts and corruption: global illicit small arms transfers” in *Small Arms Survey yearbook 2001*, (2001), page 167

¹⁵⁴ Griffiths Hugh and Bromley Mark, *Air Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (2009), page 15

¹⁵⁵ Finardi Sergio, Danssaert Peter, *Rough Seas: Maritime Transport and Arms Shipments*, (2012), page 20

hold of a vessel sailing a global network of routes.

The choice of vessel depends on the quantity and type of arms to be delivered. The most common are general cargo ships, ro/ro vessels and container ships. Larger ships, such as ro/ro (roll on/roll off) vessels, are mainly used to transport heavy military equipment (such as tanks, armoured and tracked vehicles, attack helicopters and spare parts) because wheeled vehicles can drive straight inside the ship hold¹⁵⁶, while container vessels are six times more involved in the transfer of military equipment and SALW, as they can easily hide illicit shipments¹⁵⁷.

Most of the ports in the west-African region are linked through maritime routes with Northern Europe, the Mediterranean Sea, the Black Sea, Arabic Peninsula and South-east Asia and have a strategic role in arms supply networks: in fact Liberian and Sierra Leones ports are mainly designed for cargo vessels often carrying hidden cargoes of weapons¹⁵⁸.

Liberia is next to the Gulf of Guinea and the port of Monrovia and is a main maritime hub in the West-African region. Maritime transport in Liberia has a fundamental role because of its favourable maritime legislation and registration under FoC regime. Liberia registers the second biggest commercial fleet in the world after Panama¹⁵⁹ and it is a paradise for hazardous and unregulated vessels' registration¹⁶⁰.

The Liberian port of Buchanan, well integrated with other transportation infrastructures as railways, roads and airports, was one of the most important entrance gate for arms during the conflict. It was run by the Oriental Timber Company (OTC) and controlled by arms broker Gus Kouwenthoven.¹⁶¹

Gus Kouwenthoven was deeply involved in Buchanan port illicit activities and he easily used the OTC' ship (registered as *Antarctic Mariner*), to deliver weapons in Liberia. Deliveries arrived at Buchanan port (in July 2001, May 2002, September 2002 and May 2003), where AK-47s, ammunitions and RPGs were unloaded from the *Antarctic*

¹⁵⁶ Finardi Sergio, Danssaert Peter, *Rough Seas: Maritime Transport and Arms Shipments*, (2012), page 5

¹⁵⁷ G.Hugh and J. Michael, *Maritime Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (SIPRI), (2012), page 23

¹⁵⁸ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 87

¹⁵⁹ Di Nolfo Ennio, *Lessico di politica internazionale contemporanea*, (2012), page 182

¹⁶⁰ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 40

¹⁶¹ Finardi Sergio, Danssaert Peter, *Rough Seas: Maritime Transport and Arms Shipments*, (2012), page 16

Mariner’ hold and transported to Taylor’ presidential residence, using jeeps and trucks, and then distributed to NPFL soldiers¹⁶².

According to NGO Global Witness, in 2002, the port of Buchanan was used in five other occasions as arrival port for arms shipments destined to Taylor’ militia. These vessels (registered in Hong Kong, Liberia, Panama and Bahamas) carried weapons to OTC-controlled port: *Panormos Pride* (January 9), *Rubin* (January 15), *Sea Liberty* (January 16), *Dimitrios Nanios* (January 28) and *Arktis Fighter* (May 8)¹⁶³. Another company used by Bout and Kouwenhoven to deliver arms to Liberia, was the “Abidjan Freight Company” created by Ruprah¹⁶⁴.

4.3 The role of the Flag of Convenience countries

A Flag of Convenience country (FoC) is a country where the state control is minimal, where taxes and licenses are lax and favourable, where the legislation provides company owners a high level of discretion and coverage, so facilitating air and maritime arms delivery in conflict areas¹⁶⁵. FoC regimes do not need transparent account in registering companies: no evidence of shareholders and partners involved, no minimal capital required and this facilitates registration procedures that can be completed in one day¹⁶⁶, so increasing the risks of arms diversion, triangulation and misappropriation¹⁶⁷.

The benefits of FoC registration include lax taxation and strong tax incentives, residence easily to obtain, drop-box addresses, holding companies and offshore bank accounts¹⁶⁸. Many FoC countries are unable or unwilling to control efficiently the

¹⁶² Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), pages 166-167

¹⁶³ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 26

¹⁶⁴ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 124

¹⁶⁵ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 142

¹⁶⁶ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 40

¹⁶⁷ Finardi Sergio, Wood Brian and Danssaert Peter, *A Code of Conduct for Arms Transport by Air*, IPIA TA-R, (2012), page 8

¹⁶⁸ Austin Khati Lynn, *Victor Bout's Gunrunning Successors: A Lethal Game of Catch Me if You Can*, Conflict Awareness Project Report, (2012), page 5

compliance of companies registered on their soil with international regulations and standards and so incentive arms brokers to use their companies for illicit transports¹⁶⁹.

The lack of accountability and scrutiny involves the technical, financial and logistical aspects in the use vessels or aircrafts registered under a FoC legislation¹⁷⁰. It is well known that every vessel in the world is obliged to sail under a national flag and is considered to have the same nationality and flag of the country under which is registered. The responsibility of the flag-state includes safety on board, pollution standards, labour conditions and commitments under the national law of the flag-state¹⁷¹.

There are internationally-agreed criteria on aircrafts registrations that are included in the Chicago Convention about aircraft registration. In particular articles 17-20 of Chicago Convention establish¹⁷²:

- *Article 17*: an aircraft has the nationality of the country where it is registered
- *Article 18*: a carrier cannot be registered in more than one state at the same time
- *Article 19*: registration rules and criteria must be elaborated at national level
- *Article 20*: aircraft nationality and registration must be shown appropriately on every aircraft

Another important article of the Chicago Convention is article 35 asserting that national civil aviation authorities can refuse national airspace-flight and/or the possibility of landing to aircrafts carrying military equipment and/or SALW. National authorities' permission is required to transport military and weapons cargoes over a state territory; national civil aviation authorities can monitor and control every part of the shipment from its departure to the arrival airports¹⁷³.

¹⁶⁹ Small Arms Survey, "Targeting the middleman: controlling brokering activities" in *Small Arms Survey yearbook* (2004), page 146

¹⁷⁰ Finardi Sergio, Wood Brian and Danssaert Peter, *A Code of Conduct for Arms Transport by Air*, IPIA TA-R, (2012), page 4

¹⁷¹ G.Hugh and J. Michael, *Maritime Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (SIPRI), (2012), page 11

¹⁷² Small Arms Survey, "Controlling air transport: practice, options and challenges" in *Small Arms Survey yearbook 2010* (2010), page 60

¹⁷³ S. Jihon, *Le Contrôle du Transport Aérien des armes légères, État des lieux et défis*, Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP), (2009), page 22

The United Nations, after ascertaining that, in 2001, a large number of vessels and aircrafts, registered under FoC regime were used to smuggle arms, have demanded from FoC countries a valid control to stop the use of their vessels and aircrafts from supplying weapons to embargoed countries¹⁷⁴.

Maritime and air transports registered under FoC have the problem in terms of recognizing the complex network of ownership, management, subsidiaries and parent companies, enterprises, businessmen, firms, assets, insurance companies and national registers involving the voyage of a single vessel¹⁷⁵.

For instance, the vessel MV *Katman*, recently involved in many suspected voyages, is owned by a Maltese company, that is owned by a Cypriot firm, that is owned by a Russian company, that is a holding based in Moscow and Amsterdam.

Today, more than 90% of all vessels and aircrafts registered under a Flag of Convenience (FoC) regime present a similar owning structure.¹⁷⁶

4.3.1 Liberia as a Flag of Convenience country

Liberia is a Flag of Convenience country and during the presidency of Charles Taylor it became a paradise for businessmen demanding diplomatic passports, personal protection and registration in a FoC' regime.

Taylor' favourable and lax legislation on companies-registration matters, in 1996 encouraged actors and arms dealer to register their aircrafts, vessels and companies in such favourable-legislation regime created *ad hoc* to oil Taylor' personal business¹⁷⁷.

Taylor' lieutenant Sanjivan Ruprah, a Kenyan citizen, was entitled to oversee air transports on behalf of Liberia government. He had close ties with the arms dealer Viktor Bout, huge interests in mining fields and owned a percentage of the Branch Energy Company having diamonds mining rights in Sierra Leone¹⁷⁸.

¹⁷⁴ G.Hugh and J. Michael, *Maritime Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (SIPRI), (2012), page 14

¹⁷⁵ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 131

¹⁷⁶ Finardi Sergio, Danssaert Peter, *Rough Seas: Maritime Transport and Arms Shipments*, (2012), page 45-46

¹⁷⁷ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 9

¹⁷⁸ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 117

He was entitled by president Taylor to manage the registry of Liberian FoC, the Liberian International Shipping and Corporate Registry (LISCR). Ruprah was charged by President Taylor to reorganize the Liberian civil registry: the UNSC found out that twelve air companies present in the Liberian register were involved in the transfer of illicit or embargoed commodities¹⁷⁹.

LISCR is based in Vienna and in the Virgin Islands. It controls the FoC registration for all Liberian vessels and aircraft in the world as well as for more than 40.000 Liberian offshore companies.

During the Liberian conflict, President Taylor could benefit, through LISCR, of more than 20 million US\$ from registrations under FoC regime¹⁸⁰. According to UNSC report, issued in 2000, The registration of a company on LISCR takes only a couple of hours to close, clean up and then be registered again with a different name in the same register¹⁸¹.

Then Taylor appointed Ruprah to a high level position at the Ministry of Transport nominating him “Global Civil Aviation agent worldwide for Liberian Civil Aviation Register”. Ruprah’ new governmental position empowered relations and ties with Charles Taylor and Viktor Bout enforcing their business partnership¹⁸².

The role of Ruprah in violating UN embargo clearly appeared in many United Nations reports pointing out his role in covering and founding arms shipments on behalf of Taylor’ regime.¹⁸³

Many companies registered under LISCR were effectively based in other countries and carried on their transports abroad, in particular in the UAE and East European countries. This advantaged Bout’s aircrafts that were often registered in a country (a FoC), based in another country and delivering the cargo to a third country thus avoiding juridical actions of hostile countries¹⁸⁴.

¹⁷⁹ Griffiths Hugh and Bromley Mark, *Air Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (2009), page 16

¹⁸⁰ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 158

¹⁸¹ Small Arms Survey, “Targeting the middleman: controlling brokering activities” in *Small Arms Survey yearbook* (2004), page 146

¹⁸² Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 117

¹⁸³ Griffiths Hugh and Bromley Mark, *Air Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (2009), page 15

¹⁸⁴ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 40

Despite the large use of FoCs, their nature remains controversial. In fact, according to the United Nations Convention on the Law of the Sea (UNCLOS), dated 1982, a “genuine link” should be declared between the registering state and the ship. Concerning the jurisdiction over the vessels situated in international waters, the UNCLOS convention and the International Maritime Law stress the fact that only the flag-states have sovereignty and jurisdiction over their ships when they are in international waters¹⁸⁵.

Transport companies based in Liberia (a FoC country), according to UN Sanction Committee reports, have been documented as involved in arms and military equipment supplies, violation of UN arms embargoes, exploitation and smuggling of natural resources (namely diamonds, timber and gold) and, at the same time, arming rebel factions.

Despite the illegal nature of the transports these companies carried on, many of them were legitimately engaged in humanitarian relief operation, in UN agencies development programmes and in UN peacekeepers’ logistical support¹⁸⁶.

¹⁸⁵ G.Hugh and J. Michael, *Maritime Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (SIPRI), (2012), pages 12 and 48

¹⁸⁶ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 90

5. The civil war in Liberia

Liberia is a small country in the west sub-Saharan Africa. Its origins go back to the earliest years of the 19th century. Starting from 1816, an American philanthropic anti-slavery society called the “American Colonization Society”, has promoted the return of African freed slaves to the African continent and so Liberia started to be populated by Afro-American slaves coming back to their home in Africa, leaving America.

Liberia was therefore for decades closely linked with the United States, maintaining close diplomatic and economic relations.

Three signs point out this close relation: the flags of the two countries are very similar, as the Liberian flag was inspired by the American one; capital Monrovia was so named to celebrate the American President James Monroe; the Liberian Constitution have many elements of similarity with American one.

In 1847, the United States guaranteed Liberia the *status* of independent country¹⁸⁷.

After the achievement of independence, American-Liberian immigrants (about 20.000 settlers) started to move from the Atlantic coast to the hinterland. This transfer of population from the coast had to face confronts and fighting with the native population (about one million), adopting the same brutal modalities used by European colonists: violence, wars and repressions.

In 1911, after exhausting negotiates, the official recognition of Liberian borders, was accepted by the two main colonial powers, the United Kingdom and France¹⁸⁸.

The policy of William Tubman, president of Liberia from 1944 to 1971, focused in promoting and supporting large flows of foreign investments to Liberia to bridge the social and economic gaps between native inhabitants and the new-comers.

In April 1980 Liberia faced a *coup d'état* headed by master sergeant Samuel Doe who became the first native Liberian president. Doe' presidency was characterized by a decade of authoritarian rule during which there was a change in national and regional balances. Doe had a special relation with the United States and, in particular, with

¹⁸⁷ Di Nolfo Ennio, *Lessico di politica internazionale contemporanea*, (2012), page 181

¹⁸⁸ Gentili Anna Maria, *Il leone e il cacciatore: Storia dell'africa sub-sahariana*, (2008), page 199

president Ronald Reagan who, not only supported him, but also welcomed him as a privileged guest many times in the White House¹⁸⁹.

During his presidency, emerged the principal actor that will dominate Liberian scene for two decades: Charles Taylor.

Charles Taylor was born in 1948, the third of fifteen children of an American-Liberian family in a small village, close to the Liberian capital Monrovia. His father was a schoolteacher. His standards of living were those of a normal Liberian middle-class family. Charles Taylor started the training courses to follow his father's steps and to become a teacher but soon he changed his plan and moved, in 1972, to Bentley College in Boston to study economics.

In Boston, his university studies and high-level acquaintances guaranteed him an important seat in Liberian political and military elites¹⁹⁰.

The US lobbies supported the appointment of Taylor as a high-ranking official in Doe's government with the entitlement of overseeing and controlling public acquisitions, but soon after this appointment, he was investigated for a 900.000 US\$ embezzlement stolen from Liberian government treasury funds.

These charges forced him to leave Liberia and move to United States where he was arrested in 1984 on Liberian request. For less than one year he was held in Plymouth Country prison (Massachusetts) but in 1985, he successfully escaped from Plymouth jail in unclear circumstances. There are rumors of US intelligence's involvement in this escape: few days earlier he had been moved from Plymouth maximum-security area to the minimum-security section. Taylor confirms that he did not escape from Plymouth, but he was released with CIA support: a car was waiting for him outside the prison to take him first to Washington, then to Atlanta and finally to Mexico, using his own passport.

Few days later he reappeared in Monrovia, determined to dethrone President Doe and take the power, helped by his personal militia, the National Patriotic Front of Liberia (NPFL), composed of well-trained Liberian exiles and supported by Colonel Muammar Gaddafi¹⁹¹.

¹⁸⁹ Di Nolfo Ennio, *Lessico di politica internazionale contemporanea*, (2012), page 182

¹⁹⁰ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 98

¹⁹¹ Lablanca Nicola, *Guerre contemporanee: dal 1945 ad oggi*, (2008), page 222

Taylor' leading role was largely acknowledged¹⁹² and thanks to the help of an NPFL' special group, called Small Boys Units (SBUs), he soon reached military results. SBUs were teenagers used as human-shields and also forced to combat under drugs effect¹⁹³.

The plan of NPFL was simple: advancing progressively into the countryside, gathering popular support to overthrow president Doe and finally taking control over the Liberian capital Monrovia.

The military offensive started at Christmas 1989. Despite the fact that Taylor commanded only 150 NPFL irregular soldiers armed only with Kalashnikov AK-47, in few months he was able to take control over the most important strategic timber and diamonds extraction camps¹⁹⁴. The control over mining and extracting sites allowed Taylor to start to benefit from the mining activities of these areas and to enlarge the number and equipment of his militia¹⁹⁵.

The beginning of Taylor' personal battle concurs with the start of one of the most brutal conflicts in West Africa which lasted for 20 years and faced a large use of violent and inhuman practices as mutilations, rapes, mass killings and human rights abuses.

In the early months of 1990, Taylor' control over territories adjoining Sierra Leone borders became, because of their geostrategic position, a fundamental advantage for his long-term goals¹⁹⁶. In fact, later, from this region he will plan the invasion on a large-scale that started a war causing more than 200.000 deaths¹⁹⁷.

In June 1990, NPFL reached Monrovia and took control over many capital' suburbs. President Doe was arrested, tortured and brutally killed by NPFL militias and, soon after his death, Charles Taylor formalized the areas under his control, announcing Liberian people his project of the "Great Liberia".

This political project elaborated by Taylor, was a new economic vision where the developing of the "Great Liberia" would be assured thanks to the gains deriving from

¹⁹² Annawitt & Finaud, *Reinforcing Disarmament: Combating Illicit Trade in Weapons and Materials*, (2011), page 19

¹⁹³ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 20

¹⁹⁴ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 99

¹⁹⁵ Burrows Gideon, *Il commercio delle armi*, (2003), page 32

¹⁹⁶ Klare Michael, *Resource Wars: the new landscape of global conflict*, (2001), page 200

¹⁹⁷ Burrows Gideon, *Kalashnikov*, (2007), page 45

mineral resource extraction and timber production¹⁹⁸. This project remained a *leitmotiv* in the strategically conduction of all his combats.

In the second half of 1990 the situation was at a deadlock and Taylor's *blitzkrieg* plan was soon reshaped because of ECOMOG presence. In fact, in order to normalize the situation in Liberia, the Economic Community of West African States (ECOWAS) deployed its troops under the flag of ECOWAS Cease-Fire Monitoring Group (ECOMOG)¹⁹⁹.

The ECOMOG peace-keeping forces were deployed with a large financial and logistical sustain from the European Union, the United States and the United Kingdom (both having close relations with Liberia)²⁰⁰ though their troops were mainly coming from Nigeria. The Nigerian government shared with other countries the concerns about Taylor's aggressive manoeuvres that could affect regional balance. In fact, in carrying on his campaign, Taylor was supported by Ivory Coast and Burkina-Faso and this could weaken Nigerian role and affect regional balance²⁰¹.

The presence of ECOMOG troops in Monrovia, continued to represent an important obstacle to Taylor's long-term plans of controlling the entire country as well as Monrovia's institutions²⁰².

The ECOMOG troops maintained control over Monrovia while Taylor's NPFL militias were camped in the countryside outside the capital and hoping to starve, gradually, the capital inhabitants to submission. Soon the ECOMOG troops were engaged in combats and in the next seven years the capital Monrovia and all Liberia were a crude and violent battlefield²⁰³.

In August 1997, after seven years of brutal violence, Charles Taylor won the elections and became President of Liberia and NPFL won more than 75% seats. During the electoral campaign that followed seven years of massacres, a common saying was used among Liberians: "He killed my pa, he killed my ma, but I will vote for him"²⁰⁴.

¹⁹⁸ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), pages 100-101-106

¹⁹⁹ Lablanca Nicola, *Guerre contemporanee: dal 1945 ad oggi*, (2008), page 222

²⁰⁰ Bellucci Stefano, *Storia delle guerre africane: dalla fine del colonialismo al neoliberismo globale*, (2007), page 136

²⁰¹ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 101

²⁰² Klare Michael, *Resource Wars: the new landscape of global conflict*, (2001), page 200

²⁰³ Lablanca Nicola, *Guerre contemporanee: dal 1945 ad oggi*, (2008), page 222

²⁰⁴ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 106

The election in 1997 of Charles Taylor as Liberian President had the consequence of the increase in the level of violence and of political destabilization²⁰⁵. In 1999 Liberia entered in its second civil war. The large use of SALW in Liberia and in the neighboring Sierra Leone by rebel groups, military factions and government militias, caused more than 90% casualties among civil population²⁰⁶.

In 2000, Taylor and his NPFL' militias had to face many challenges from two emerging groups: the Liberian United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL).

Both LURD and MODEL groups were strongly supported and high-technically equipped respectively by Guinea and Ivory Coast. The support included, not only weapons and military equipment, but also vehicles and medicines.

LURD movement had its base in the north of the country²⁰⁷ and aimed to overthrow Taylor with the support of the French troops in Guinea. Its militia was mainly composed by former Taylor' commanders and ex-NPFL troops²⁰⁸.

The 8 February 2002, President Taylor declared the state of emergency caused by the resuming of LURD attacks in the suburbs of Monrovia²⁰⁹ supported by Guinea (there are clear evidences that the 81mm mortars used by LURD in such attacks were shipped from Iran to Guinea and then triangulated and smuggled to LURD²¹⁰).

LURD' attack on Monrovia, culminating in June 2003, witnessed LURD' possession of devastating weapons and a higher-level of professionalism compared with Taylor' militia due to the training, strong command and *esprit de corps* of LURD²¹¹: President Taylor lost his control over important areas while LURD and MODEL gained new strategic positions.

From the end of 2003, it became difficult for NPFL to keep the control on Monrovia and mining areas while fighting against three factions: ECOMOG, LURD and MODEL.

²⁰⁵ Lablanca Nicola, *Guerre contemporanee: dal 1945 ad oggi*, (2008), page 222

²⁰⁶ Lagrasta Elisa, *Le armi del Bel Paese: l'Italia e il commercio internazionale di armi leggere*, (2005), page 9

²⁰⁷ Small Arms Survey, "Global small arms transfers" in *Small Arms Survey yearbook* (2003), page 118

²⁰⁸ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 168

²⁰⁹ Campbell Greg, *Blood diamonds: Tracing the deadly path of the world's most precious stones*, (2002), page 206

²¹⁰ Small Arms Survey, "Violent exchange: the use of small arms in conflict" in *Small Arms Survey yearbook* (2005), pages 166-169

²¹¹ Small Arms Survey, "Violent exchange: the use of small arms in conflict" in *Small Arms Survey yearbook* (2005), page 182

In the same period, the deployment of ECOMOG peacekeeping mission turned into a different outcome owing to the creation of the United Nations Mission in Liberia (UNMIL), established by United Nations Security Council Resolution n. 1509, dated 19 September 2003²¹².

The year 2003 was the worst for Taylor' NPFL. The LURD and MODEL factions continued to invade Liberia gaining control over many NPFL ex-controlled territories.

In the same year, the United Nations' efforts were fundamental to stop weapons flows and to weaken Taylor' regime while favoring LURD-MODEL' success.²¹³

The conflict in Liberia (which lasted 13 years) caused more than 250.000 deaths, displaced a third of Liberian population in neighboring countries and witnessed human rights violations, rapes, mutilations, lootings, forced-labour, use of child soldiers, sexual slavery and mass killings²¹⁴.

At last, the international community decided to intervene and to take drastic measures against Taylor²¹⁵: in June 2003 the Sierra Leone Special Court (SLSC), a joint UN and Sierra Leone tribunal, issued a memorandum against him, listing eleven different charges regarding war crimes and crimes against humanity²¹⁶ while stressing his role in supporting RUF²¹⁷.

Following UNSC Resolution dated January 2002, on request of Sierra Leone government, the United Nations General Assembly established the SLSC.

This tribunal represents a new conception in International law framework because it brings together international and local laws and has legal priority on Sierra Leone' national courts²¹⁸.

The SLSC charged Charles Taylor of "aiding and abetting" identifying the supply of arms to RUF as a practical means by which he contributed to perpetuate a crime against International law and Humanitarian law.

²¹² Collins Alan, *Contemporary Security Studies*, (2010), page 361

²¹³ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 124

²¹⁴ Amnesty International, *Deadly movements: transportation control in the arms trade treaty*, (2010), page 7

²¹⁵ Potter Matt, *Outlaws INC.-Flying with the world's most dangerous smugglers*, (2011), page 119

²¹⁶ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 124

²¹⁷ Van der Gaag Nikki, *Diamanti*, (2007), page 51

²¹⁸ Campbell Greg, *Blood diamonds: Tracing the deadly path of the world's most precious stones*, (2002), page 198

The SCSL defined “aiding and abetting” as follow: “*The actus reus consists of practical assistance, encouragement, or moral support which have a substantial effect on the perpetration of a crime. The “mens rea” required is the knowledge that these acts assist in the commission of the offence*”²¹⁹.

In August 2003, Taylor was forced to sign a peace agreement that established a transitional government before elections, the creation of a Liberian Truth and Reconciliation Commission aiming to review Liberian past and examine all available information.

Taylor resigned peacefully and moved to exile in Nigeria (in the Calabar region) with the help of Nigerian President Olusegun Obasanjo.

Taylor' exile-status embarrassed Nigerian Government at international level. In 2006, while Taylor was driving from Calabar to the Cameroon border in a Jeep Cruiser displaying diplomatic plates, he was stopped by Nigerian authorities in the city of Gamborou and arrested²²⁰.

He reached Monrovia via helicopter and then flew to The Hague to be processed. Today he still proclaims himself innocent and extraneous to charges²²¹.

The specific value of Taylor's fortune remains unknown but some estimates can be presented: he gained 685 million US\$ during his presidency period out of which he spent 80 million US\$ every year for military purchases and about 150-200 million US\$ remained for his exile necessities²²².

After Taylor was exiled (and then arrested) in Nigeria, the United Nations deployed 15.000 United Nations blue helmets to permit fair and transparent elections in Liberia, monitored by the international community under the United Nations auspices²²³.

On 16 January 2006, Ms. Ellen Johnson-Sirleaf was elected President of Liberia and she was the first woman to become president of an African country. In 2011, she was awarded with the Nobel Prize for peace.

²¹⁹ Finardi Sergio, Wood Brian and Danssaert Peter, *A Code of Conduct for Arms Transport by Air*, IPIA TA-R, (2012), page 19

²²⁰ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), pages 125-126

²²¹ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 504

²²² Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), pages 124-125

²²³ Lablanca Nicola, *Guerre contemporanee: dal 1945 ad oggi*, (2008), page 222

During her presidential mandate, she has focused her internal policy in dealing with post-conflict political, economic and social challenges and has always been deeply involved in promoting a policy of internal reconciliation among different ex-combating factions²²⁴.

When she was elected, the country was destroyed by a decade of war and 200.000 Liberians²²⁵ were experiencing the consequences of war and human rights abuses, with a “heavy heritage” of 60.000-80.000 people killed²²⁶.

She has had to face the problem of refugees: from Sierra Leone to Liberia about 400.000 refugees while the number of refugees from Liberia to Sierra Leone and Guinea can be halved²²⁷.

She has prioritized disarm, demobilization and reintegration of a large portion of Liberian population through the United Nations Disarmament, Demobilization and Reintegration programs (DDR) deployed in the country. But Liberian people have continued to keep their own arms and light weapons, such as Ak-47, Ak-74, RPGs and Hackler & Koch G3²²⁸ smuggled, during the war, across Liberia-Sierra Leone border and this represents a real problem. Today, thanks to DDR programmes, Liberia is efficiently reducing its stockpiles and circulation of arms through the practices of destruction and confiscation²²⁹.

²²⁴ Di Nolfo Ennio, *Lessico di politica internazionale contemporanea*, (2012), page 182

²²⁵ Lablanca Nicola, *Guerre contemporanee: dal 1945 ad oggi*, (2008), page 222

²²⁶ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 126

²²⁷ Burrows Gideon, *Il commercio delle armi*, (2003), page 58

²²⁸ Dougherty J. Martin, *Small arms from 1945 to present*, (2012), page 168

²²⁹ Matt Schroeder and Guy Lamb, *The Illicit Arms Trade in Africa: A Global Enterprise*, (2006), page 75

5.1 The role of natural resources in the conflict

The control and the dependence from natural resources increase the risks of a conflict²³⁰. The nexus between weapons flows and natural resources-exploitation has always had great importance in African conflicts, in particular in Liberia.

Liberia is a country rich of timber, diamonds and gold while Sierra Leone has mainly large diamond extraction areas.

During the period 1990-2006, the exploitation of natural resources played a fundamental role in fuelling violence on both sides while the border between Liberia and Sierra Leone was largely used for smuggling activities.

It worked in this way: in Liberia, Taylor sold weapons to RUF in Sierra Leone and he was paid back with diamonds. During the years of the conflict, Taylor' NPFL and RUF were allied in exchanging natural resources and weapons to maintain control over strategic areas; their relationship was based on the principle of feeding-off each other²³¹. The smuggling activities between Taylor and RUF lasted for the entire duration of the conflict, owing to ties with transnational criminal networks, arms dealers and corrupted officials, in what is defined as a war-economy scheme²³².

The nexus between arms easy procurement and natural resources availability have an important impact on UN embargo' effectiveness. In particular two aspects should be here underlined²³³:

- The capability of embargoed party to access easily to arms smuggling routes
- The will of embargoed side to maintain control over natural resource areas in exchange of weapons procurement

²³⁰ Collier Paul, *Wars, guns and votes: democracy in dangerous places*, (2009), page 120

²³¹ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 100

²³² Wood Brian, *Overview of Arms Brokering in Africa*, Amnesty International, (2004), page 8

²³³ S. Daniel, P. Wallenstein, D. Fruchart, P. Holtom and S.T. Wezeman, *United Nations Arms embargoes: their impact on arms flows and target behaviour*, Stockholm International Peace and Research Institute (SIPRI) and Uppsala University (2007), page 21

5.1.1 The conflict diamonds

In Liberia as well as in Sierra Leone, the possibility of warlords and local political-military elites to control and exploit natural resources facilitate them to achieve a double result: first, a gain from revenues made by the sale of diamonds and, second, to consolidate their power and control by depopulating strategic mining areas²³⁴.

Diamonds extracted in war areas, so-called “conflict diamonds” or “blood diamonds”, are considered to be about 4-15% of the entire raw diamonds stock traded in the world²³⁵ and the trade of conflict diamonds is estimated 3-7 billion US\$ worth per year²³⁶.

The diamonds extracted in RUF-controlled areas were smuggled across Liberian border and paid back with weapons. The exploitation of natural resources is closely related with the figure of warlords and their deep involvement in these activities²³⁷. The exchange of arms with diamonds across Liberia-Sierra Leone’ porous border had important effects on the side of import/export trends: diamonds exports from Sierra Leone fell from two millions carats in 1960 to 9.000 carats in 1999²³⁸. On the other side Liberia, which had a diamond production capability of 100.000-150.000 carats per year, during the period 1994-1998 exported more than 31 million carats to Belgium and in particular to Anvers, which is the main European diamond center, for a yearly value of 6 million carats²³⁹.

A United Nations report, issued in December 2000, estimated RUF diamond trade in about 25 millions US\$. The value about the latest 90’s RUF diamond trade is about 125 millions US\$.

According to the report of NGO Global Witness (GW), based in London, issued in 1998, conflict diamonds arrive at international markets, in particular in Europe and America, thanks to a global-scale industry that operate without transparency or control nor investigation from the international community²⁴⁰.

²³⁴ Klare Michael, *Resource Wars: the new landscape of global conflict*, (2001), page 208

²³⁵ Van der Gaag Nikki, *Diamanti*, (2007), page 47

²³⁶ Bingley Richard, *The Arms Trade: face the facts*, (2003), page 24

²³⁷ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 14

²³⁸ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 103

²³⁹ Campbell Greg, *Blood diamonds: Tracing the deadly path of the world’s most precious stones*, (2002), page 81

²⁴⁰ Van der Gaag Nikki, *Diamanti*, (2007), pages 48-51

According to a statement made by US ambassador Richard Holbrooke, RUF diamonds smuggled to Liberia in exchange of weapons, have an estimated value of 40-50 billion US\$²⁴¹.

Local inhabitants living in regions controlled by rebel groups, as NPFL and RUF, were forced to work and support militias' efforts in trading and production activities.

Locals worked in inhuman conditions in diamonds-mining sites and from there they were obliged, under the menace of arms, to walk to Liberia-Sierra Leone border where diamonds were sold to NPFL in exchange of arms²⁴².

Diamonds has many characteristics that facilitate their transport and smuggle across international borders: easy to transfer but difficult to extract, they have an enormous intrinsic value. To avoid individual diamonds contraband, miners were obliged to live in compounds²⁴³.

The diamond district of Kono in Sierra Leone is close to the Liberian border. It is one of the most fruitful and large mining areas of the West African region and the control on it is a key element to ensure continuous financing to RUF and NPFL²⁴⁴.

Slaves working in Kono diamond fields (Sierra Leone) were forced by RUF to carry diamonds and weapons across Liberia-Sierra Leone border, walking for a distance of 80 kilometers through the forest, from Kono to Kailahun and then to Liberia.

The expeditions were so organized: a group of 24 miners carried food while RUF soldiers carried diamonds. When they reached the Liberian border, they met NPFL troops who gave them weapons in exchange for the diamonds and walked back, carrying on their backs the weapons that Liberians had transported using military and timber companies' trucks²⁴⁵.

Taylor was used to pay back his personal arms brokers (as Viktor Bout and Leonid Minin) with these diamonds. This practice was so common that Bout was always accompanied by a paid gemologist to assess the diamonds' value²⁴⁶.

²⁴¹ Small Arms Survey, "Crime, conflicts and corruption: global illicit small arms transfers" in *Small Arms Survey yearbook 2001*, (2001), page 171

²⁴² Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 102

²⁴³ Van der Gaag Nikki, *Diamanti*, (2007), page 47

²⁴⁴ Klare Michael, *Resource Wars: the new landscape of global conflict*, (2001), page 200

²⁴⁵ Campbell Greg, *Blood diamonds: Tracing the deadly path of the world's most precious stones*, (2002), page 74

²⁴⁶ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 16

Taylor received, in exchange of diamonds, the latest hi-tech military equipment (including different kind of weapons, night vision material and military uniforms) that ensured him the success of his campaigns²⁴⁷. Also the government of Burkina Faso, that triangulated an illegal arms delivery to Liberia, was paid back with diamonds²⁴⁸ to avoid any evidence of the deal. In fact, the tracing of diamonds from conflict areas is possible only if the diamonds are uncut, because, after the cutting process, their provenience is impossible to certificate²⁴⁹.

Conflict diamonds, small arms and military equipment are often shipped using the same means (mainly aircrafts and vessels) that facilitate the gains from their sale²⁵⁰. Diamonds were also sold, through transnational channels, to many international terrorist organizations as Hezbollah in Lebanon and Al Qaeda in Afghanistan²⁵¹.

²⁴⁷ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 163

²⁴⁸ Bingley Richard, *The Arms Trade: face the facts*, (2003), page 24

²⁴⁹ Bergman Lowell, *Gallery of International Arms Dealers*, Frontline, (2002), page 2

²⁵⁰ Potter Matt, *Outlaws INC.-Flying with the world's most dangerous smugglers*, (2011) page 123

²⁵¹ Stohl Rachel, Grillot Suzette, *The international arms trade*, (2012), page 136

5.1.2 The “war economy” pattern

Countries with large reserves of natural resources have experienced years of internal and regional conflicts. These intra-state wars attract a massive flow of western speculative assets with the involvement of local warlords, criminal and military factions as well as political elites. In Liberia, war economy included all activities related with the extraction, taxation and export of Liberian natural resources, in particular diamonds, timber, rubber and gold²⁵².

War economies are favoured by the absence of a central government and by undeveloped life conditions²⁵³. They have illegal and clandestine nature: activities as natural resources smuggling, concessions over mining areas, illegal weapons trade, tax avoiding, money laundering and violations of international embargoes are parts of war economies. There is a simple pattern:

Impoverishment \Rightarrow war \Rightarrow militarization \Rightarrow resources robbing \Rightarrow foreign influence²⁵⁴

Markets related with war-economy have a purchase mechanism called countertrade. It consists in paying goods and commodities, not by normal financial and banking channels, but through other goods and services (as weapons and diamonds in the Liberian case). This system is barter in its simplest way: commodities are exchanged between the actors while money may enter only in the final phase of trade exchange²⁵⁵.

The unsupervised and illegal exploitation of natural resources is, according to Mary Kaldor, a British conflict-expert, one of the main modalities to finance war and regional conflicts. Mining activities and the exploitation of natural resources guarantee large gains for actors (mainly rebel groups) able to ensure the control over the extraction sites and local population²⁵⁶. Therefore, rebel-groups’ control on territories offering glittering wealth in the form of diamonds, is fundamental to purchase arms²⁵⁷.

²⁵² Griffiths Hugh and Bromley Mark, *Air Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (2009), page 15

²⁵³ Bellucci Stefano, *Storia delle guerre africane: dalla fine del colonialismo al neoliberismo globale*, (2007), page 39

²⁵⁴ Bonaiuti Chiara, Lodovisi Achille, *Il commercio delle armi: l'Italia nel contesto internazionale*, (2004), page 303

²⁵⁵ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 233

²⁵⁶ Kaldor Mary, *Le nuove guerre: la violenza organizzata nell'età globale*, (2012), page 117

²⁵⁷ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 102

This control, as well as the political and ethnic divisions to achieve power, are important aspects to ensure the refurbishment of weapons to rebel groups²⁵⁸.

Moreover, to survive and carry on with success their military offensives, both government forces and rebel groups rely on a brutal mix of violence perpetration aiming to maintain control over natural resources²⁵⁹.

The deep involvement of state and NSAs, rebel groups, private interests and international companies fuels a violence that aims only to economic, territorial and political gains²⁶⁰.

Three reasons explain the central role that the control over natural resources has in war economies²⁶¹:

- It represents one of the fastest ways of self-financing for rebel groups
- It constitutes an important war booty
- It allows central government/rebel groups to operate without taxing citizens

To finance war operations are the so-called “taxes of war”, paid in exchange of the protection given to that part of the population able to produce essential goods (as local producers, businessmen and entrepreneurs²⁶²).

The practice of requisition, plunder and confiscation of goods (like diamonds, drugs and other commodities) is an advantage for military factions, but gains are not used to relieve population, provide education, or guarantee peace, but, only to purchase arms and fuel violence²⁶³.

Goods exchanged in war-economy markets are arms, natural resources, drugs, cigarettes, medicines and other commodities and these traffics are linked with the international trade networks that can easily smuggle and traffic any kind of goods, from arms to diamonds²⁶⁴. Rebel groups as well as other militias play a fundamental role in

²⁵⁸ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 80

²⁵⁹ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 495

²⁶⁰ Griffiths Hugh and Bromley Mark, *Air Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (2009), page 12

²⁶¹ Collier Paul, *Wars, guns and votes: democracy in dangerous places*, (2009), page 121

²⁶² Kaldor Mary, *Le nuove guerre: la violenza organizzata nell'età globale*, (2012), page 118

²⁶³ Burrows Gideon, *Il commercio delle armi*, (2003), page 32

²⁶⁴ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 168

this economy, which helps the movements of rebel groups across borders and facilitates the exchange of arms with food, diamonds, vehicles or other commodities²⁶⁵.

According to SAS, Liberia has been involved in smuggling activities across the border with Sierra Leone, Guinea and Ivory Coast. During these occasions, not only natural resources were smuggled, but also food, medicine and vehicles, mainly trucks and motorcycles²⁶⁶.

Both Liberia and Sierra Leone were countries based on war economy in which the illicit arms trade was a part of the transnational criminal network²⁶⁷. It was fundamental, for RUF and LURD, to gain and maintain a strategic control over natural resources as well as on routes across the border to continue their illicit transfers²⁶⁸.

The goods exchanged are of a great value and in large quantity: during the period 1992-2006, Liberian diamonds and timber are estimated to reach the 400 million US\$ value per year, while the annual worth of Sierra Leone diamonds in the same period was approximately 125 million US\$²⁶⁹.

Liberia and Sierra Leone have a common pattern where autonomous armed groups organized themselves on ethnic basis in order to control provinces and districts rich of natural resources. In areas where the state is absent, rebel movements can easily take control over mining sites and so develop a parallel economy (the war economy) that facilitate the recycling of profits and the increase of their weapons stocks²⁷⁰.

In Liberia and Sierra Leone, as well as in many other conflicts, the trade of war-related commodities and products (arms, natural resources, drug and dirty money) represents a prosperous criminal activity and an important gain for war operations and to finance irregular militias and rebel groups²⁷¹.

In war economies, the international multinational companies play a fundamental role. The foreign multinationals and international actors, that have exploited Liberia and

²⁶⁵Africa Europe Faith and Justice Network (AEFJN), *Arms Exports and Transfers: from Sub-Saharan Africa to Sub-Saharan Africa* (2010), page 7

²⁶⁶Matt Schroeder and Guy Lamb, *The Illicit Arms Trade in Africa: A Global Enterprise*, (2006), page 70

²⁶⁷United Nations Office for Drugs and Crime (UNODC), *The globalization of crime: a transnational organized crime threat assessment*, (2010), page 130

²⁶⁸Lablanca Nicola, *Guerre contemporanee: dal 1945 ad oggi*, (2008), page 222

²⁶⁹Small Arms Survey, "Global small arms transfer" in *Small Arms Survey yearbook 2002*, (2002), page 142

²⁷⁰Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 169

²⁷¹Kaldor Mary, *Le nuove guerre: la violenza organizzata nell'età globale*, (2012) page 118

Sierra Leone for decades, have provided no benefit to local populations that continue to live in poverty and underdeveloped environments²⁷² and to be victims of multinationals and foreign interests which control most African regions rich of resources²⁷³.

Warlords, as well as rebel groups, pay back weapons by concessions over natural resources²⁷⁴. The role played by Charles Taylor and RUF' leader Foday Sankoh in selling off, to multinational corporations, a large portion of Liberian and Sierra Leone natural resources, was certainly connected with the need of a rapid financing and equipping of their growing armies²⁷⁵.

Liberia has one of the biggest rubber-cultivated area in Africa, which is owned by the American company "Firestone"²⁷⁶. During the war, this company was the main international actor involved in financing Taylor' operations and, in 1992, it directly financed NPFL for two million US\$, motivated as "protection"²⁷⁷.

Local mining enterprises are sold to multinationals by local elites and/or armed factions. This process increases the large flow of money that represents an important opportunity for local warlords and political-military elites. The incomes and benefits allow them to increase their personal gains, to finance military operations and to contract Private military Companies (PMCs), as it happened in Sierra Leone with the "Executive Outcome" (EO) from South Africa²⁷⁸.

The use of contracts and mining concessions on natural resources is an important means to finance rebel groups that, controlling mining areas, can provide concessions to multinational extraction companies. A specific type of contracts may be stipulated among international mining companies and rebel groups: the so-called "booty futures", similar to the "repurchase agreements" contracts.

This type of contract allows the parts to sell goods with an attendant agreement to repurchase them at a higher price in a future date.

In the case of natural resources, it means that the parts of the contract agree for a sale of future exploitation rights. These "booty futures" contracts were concluded in many

²⁷² Klare Michael, *Resource Wars: the new landscape of global conflict*, (2001), page 199

²⁷³ Gentili Anna Maria, *Il leone e il cacciatore: Storia dell'africa sub-sahariana*, (2008), page 343

²⁷⁴ Africa Europe Faith and Justice Network (AEFJN), *Arms Exports and Transfers: from Sub-Saharan Africa to Sub-Saharan Africa* (2010), page 2

²⁷⁵ Klare Michael, *Resource Wars: the new landscape of global conflict*, (2001), page 200

²⁷⁶ Bellucci Stefano, *Storia delle guerre africane: dalla fine del colonialismo al neoliberismo globale*, (2007), page 142

²⁷⁷ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 102

²⁷⁸ Bonaiuti Chiara, Lodovisi Achille, *Il commercio delle armi: l'Italia nel contesto internazionale*, (2004), page 304

conflict areas, as Liberia, Sierra Leone and Angola, but, due to their unregulated and cover nature, they are illegal for International law.

There are three important resolutions of United Nations General Assembly (UNGA) on the permanent sovereignty over natural resources: UNGA resolution n. 1803 (XVII) dated 1962, UNGA resolution n. 3201 (S-VI) and UNGA resolution n. 3281 (XXIX) that proclaim the sovereignty of national governments, not only on the territory, but also on natural resources.

Based on the International law, natural resources and their exploitation rights belong to the central and recognized government, also in the areas controlled by rebels.

For that reason, commercial concessions or agreements cannot be subscribed when one of the two parts (rebel groups) is not entitled to a juridical status and in the case of a contract signature, the agreement is invalid both for Public and Private International law.

Yet these contracts have important effects in out-breaking and in fuelling regional conflicts: if they are stipulated before the war, they contribute to war out-breaking; if ratified during the war, they fuel conflicts.

The actors receiving benefits from “booty futures” agreements are Western and South Asian companies, in particular the ones related with mining and timber sectors and despite their illegal nature, the “booty futures” agreements are largely used in many regions of the African continent²⁷⁹.

²⁷⁹ Bellucci Stefano, *Storia delle guerre africane: dalla fine del colonialismo al neoliberismo globale*, (2007), page 123

5.2 The relation between Liberian president and the RUF

The friendship between President Charles Taylor (Liberia) and the leader of RUF movement Foday Sankoh (Sierra Leone) is interesting because it involves relations based on diamonds smuggling, illicit arms trade and transnational criminal networks. The relationship between Foday Sankoh and Charles Taylor became stronger when Taylor declared war to the Liberian president Samuel Doe, but it had begun in 1987 when the two leaders were trained in the same desert camp during their stay in Gaddafi's Libya²⁸⁰.

In 1980, Gaddafi had set up a training camp in the heart of the Libyan Desert, the "World Revolutionary Headquarter", intended to train factions and rebel movements fighting for their national independence and self-determination.

Training courses were provided by Libyan special forces and intelligence services that trained revolutionaries coming from Latin America, Arab peninsula, Asia and Africa, members of the National Islamic Front (NIF) from Sudan, Al Qaeda, Hamas from Palestinian occupied territories, NPFL from Liberia and RUF from Sierra Leone²⁸¹.

In 1987, Gaddafi oversaw the creation of Revolution United Front (RUF) which aimed to take control, as soon as possible, on Sierra Leone' diamonds extraction areas²⁸².

A fact clearly describes the close friendship between Taylor and Sankoh: the Liberian president gave as gift to the RUF leader, as a sign of friendship and good willingness, a large portion of land between Sierra Leone and Liberia. The area was the one extended from the Moa River westward to the Mano River. It soon became a strategic area where RUF had their bases, owing to the impossibility of access during rainy seasons and in its position that facilitated smuggling activities of weapons and diamonds across Liberia-Sierra Leone border²⁸³.

²⁸⁰ Van Heerden Roelf, *Four ball one tracer: commanding Executive Outcomes in Angola and Sierra Leone*, (2012), page 134

²⁸¹ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 75

²⁸² Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 100

²⁸³ Van Heerden Roelf, *Four ball one tracer: commanding Executive Outcomes in Angola and Sierra Leone*, (2012), page 134

5.2.1 The RUF and the control on diamonds extraction areas

The civil war that took place from 1991 to 2001 in Sierra Leone was one of the most brutal conflicts of the last decades and was closely linked with the Liberian conflict.

In fact, during the Sierra Leone conflict there was one of the largest transfers of small arms across the Liberia-Sierra Leone border²⁸⁴. The perpetration of violence and brutalities was possible because of a well-established international network, involving warlords, arms brokers, diamonds smugglers and timber-company agents. The Liberia conflict, similar to a violent domino-effect, soon spread in the neighboring Sierra Leone²⁸⁵.

The two factions involved in combats in Sierra Leone were the rebel group Revolutionary United Front (RUF) headed by Foday Sankoh (a former Sierra Leone corporal)²⁸⁶ and the central government army, also called the Republic of Sierra Leone Military Forces (RSLMF).

Armed conflict in Sierra Leone caused more than 50.000 deaths, thousands of injured and amputees: RUF militias were deeply involved in human rights violations, mutilation rapes, mass killings, use of child soldiers, forced labour and other forms of abuses against local population both in Sierra Leone and Liberia. This caused more than half million refugees who moved to neighboring countries (in particular to Liberia and Guinea)²⁸⁷.

The Liberian president Charles Taylor and the RUF leader Foday Sankoh were allied in conducting their illicit traffics that perpetrated and fuelled violence in both countries. Liberia and Sierra Leone, both embargoed countries, experienced a deep involvement in Taylor' personal and internationally well-connected interests, in particular arms transfer and natural resource exploitation.

For the entire duration of the conflict RUF militias were equipped better than government forces, thanks to Taylor' networks. Diamonds sales allowed RUF to

²⁸⁴ Burrows Gideon, *Il commercio delle armi*, (2003) page 41

²⁸⁵ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 98

²⁸⁶ Klare Michael, *Resource Wars: the new landscape of global conflict*, (2001), page 200

²⁸⁷ Van der Gaag Nikki, *Diamanti*, (2007), page 51

purchase thousands of Ak-47 assault rifles, 12,7-caliber Browning machineguns, SA-7 missiles, mortars and million round of ammunitions. In addition, RUF stole ECOMOG and RSLMF' trucks and armored vehicles²⁸⁸.

5.2.2 The role of Private Military Companies (PMCs)

The importance of Private Military Companies (PMCs) in Sierra Leone is due to their active role in obtaining mining concessions as payment for their services and also for their deep involvement in arms smuggling activities.

In Africa the presence of PMCs and Private Security Companies (PSCs) is largely documented as well as their involvement in grey-area commerce and smuggling activities. PMCs and PSCs were contracted to protect mining and diamonds fields in Sierra Leone on behalf of the national government. Their position enabled them to smuggle diamonds, violating the United Nations embargoes and purchasing weapons in exchange of the diamonds extracted from the areas they controlled.

These crimes and irregularities soon emerged and PMC directors were charged and prosecuted under the national law²⁸⁹.

PMCs are hi-tech skilled companies providing defense and training services to national police and defense forces. Their activities include: intelligence and logistic support, war-field planning, ground and aerial surveillance as well as providing skilled personnel²⁹⁰, training to security and defense services as well as international organizations and natural-resources multinationals.

For example, the PMC "Lifeguard" provides personal safety services to United Nations personnel in Sierra Leone and the PSC "ICI Oregon" is involved in UN operations for ECOMOG in Liberia (UNOMIL and then UNMIL) and in Sierra Leone (UNAMSIL)²⁹¹. In 1995, RSLMF began a series of unsuccessful counterattacks against RUF but no important result was achieved. At this point, in April 1995, the head of Sierra Leone Government, Valentine Strasser, decided to hire a PMC from South Africa in order to distance RUF factions from the capital Freetown.

²⁸⁸ Campbell Greg, *Blood diamonds: Tracing the deadly path of the world's most precious stones*, (2002), page 76

²⁸⁹ Bingley Richard, *The Arms Trade: face the facts*, (2003), page 24

²⁹⁰ Collins Alan, *Contemporary Security Studies*, (2010), page 193

²⁹¹ Bellucci Stefano, *Storia delle guerre africane: dalla fine del colonialismo al neoliberismo globale*, (2007), pages 128-129

The middleman Ruprah intermediated the contract between PMC “Executive Outcome” and Sierra Leone government. Owing to this role, Ruprah obtained concessions over diamonds extraction areas in Sierra Leone²⁹².

The Executive Outcome (EO) had its base in Johannesburg and was formed by former apartheid special forces²⁹³ recruited from South Africa and Zimbabwe. EO was a leading company in providing mercenaries and in hiring defense services deployed in many African conflict areas²⁹⁴ and owing to it, the number of the Republic of Sierra Leone Military Forces (RSLMF) increased from 3.000 to 15.000 men. But, despite this number, RSLMF continued to have problems of poor training and insufficient military equipment²⁹⁵.

In July 1995 EO successfully entered in the military campaign against RUF, which was easily driven away from the capital Freetown and regained control over diamonds extraction sites²⁹⁶.

In 1998, after the EO intervention, an ECOWAS peacekeeping coalition together with national army troops were deployed in Freetown to maintain peace in the capital.

Ahmad Kabbah, was elected the new President of Sierra Leone²⁹⁷ and in the same year, the neo-elected President hired PMC “Sandline” to aid him in enforcing his mandate and empowering his control over all the territory of Sierra Leone. Successively, the United Nations reported that EO and “Sandline” were closely tied²⁹⁸ (“Sandline” succeeded in importing to Freetown 35 tons of Bulgarian-made Ak-47s despite the UN arms embargo).²⁹⁹

As a payment for the EO services, Kabbah’s Government granted to a mining company associated with EO a large area close to Koidu that soon began to be an *Eldorado* for

²⁹² Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 157

²⁹³ Klare Michael, *Resource Wars: the new landscape of global conflict*, (2001), page 201

²⁹⁴ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 157

²⁹⁵ Van Heerden Roelf, *Four ball one tracer: commanding Executive Outcomes in Angola and Sierra Leone*, (2012) page 134

²⁹⁶ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 117

²⁹⁷ Klare Michael, *Resource Wars: the new landscape of global conflict*, (2001), page 201

²⁹⁸ Campbell Greg, *Blood diamonds: Tracing the deadly path of the world’s most precious stones*, (2002), page 74

²⁹⁹ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 407

many other western mining companies³⁰⁰ while other EO partners were deeply involved in extraction activities as a payment for EO services in Sierra Leone³⁰¹.

The close relation between interests of EO, international criminal networks, rebel groups and local warlords dealing with natural resources exploitation, produced, during the 90's, a series of scandals and charges involving accuses to EO for an excessive use of violence and for international illicit trade of arms and natural resources (in particular diamonds)³⁰². Despite the EO' control on the capital and on a large portion of national territory, many areas remained under RUF control, which reorganized and rebuilt their strength.

On 6 January 1999, owing to new arms and military equipment supplied by Taylor, RUF launched its most massive offensive against the capital called, operation "No living thing".

Using Taylor' private presidential aircraft under diplomatic immunity, the weapons were transferred from Niamey Airport in Niger to Liberia³⁰³. At the same time, two large arms cargoes were shipped by Bout, in December 1998 and January 1999,³⁰⁴ from the Balkans and East Europe and were later triangulated from Liberia to Sierra Leone³⁰⁵. The operation "No living thing" was launched from a remote RUF base in the jungle, area that had been gifted by the Liberian president Taylor to Foday Sankoh as a sign of good will and friendship³⁰⁶.

The operation "No living thing" was the most brutal offensive ever conducted by RUF. Violence and brutalities were normally used practices to subjugate and maintain control over their territories³⁰⁷ and the result was a terrible massacre where 6.000 were killed, thousands wounded and 500 buildings and facilities burnt in less than two weeks³⁰⁸.

³⁰⁰ Van Heerden Roelf, *Four ball one tracer: commanding Executive Outcomes in Angola and Sierra Leone*, (2012) page 201

³⁰¹ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 157

³⁰² Bellucci Stefano, *Storia delle guerre africane: dalla fine del colonialismo al neoliberismo globale*, (2007), page 128

³⁰³ Campbell Greg, *Blood diamonds: Tracing the deadly path of the world's most precious stones*, (2002), page 80

³⁰⁴ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), pages 72-73

³⁰⁵ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 162

³⁰⁶ Van Heerden Roelf, *Four ball one tracer: commanding Executive Outcomes in Angola and Sierra Leone*, (2012) page 134

³⁰⁷ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 2

³⁰⁸ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 110

After the violence used in this operation in Freetown and the consequent effects on the civil population, President Kabbah was obliged to convene peace talks in Lomé, Togo. Both the factions were exhausted by combats and in June 1999 RUF and Sierra Leone's Government began talks to achieve an effective cease-fire agreement. Yet very soon it was clear that violence and cease-fire violations would continue by both sides³⁰⁹.

In July 1999 the two factions, RUF delegation headed by Foday Sankoh, and Kabbah's Government, signed one of the most controversial peace agreement in the history of international relations. The main points of the peace agreement were³¹⁰:

- The possibility for RUF militants to be reintegrated in Sierra Leone army
- The appointment of RUF leader, Foday Sankoh, as vice-president of Sierra Leone
- The RUF leader was named also Chairman of Strategic Resources Commission, so giving him the control of dispositions on diamonds and mineral resource management
- In return, RUF had to disarm and demobilize its troops and hand over arms and weapons to UN peacekeeper force deployed in Sierra Leone called United Nations Mission in Sierra Leone (UNAMSIL)³¹¹

The new appointment and nomination of Foday Sankoh as chairman of the Strategic Resources Commission enabled him to expand his own personal diamonds trade and illicitly networking with the Liberian President. The control over the diamonds district of Kono allowed RUF to maintain a privilege strategic position and have an assured self-funding possibility and high-tech equipment³¹².

Selling diamonds to Taylor and thanks to his weapons, Sankoh was soon able to re-organize his militia and launched, in early 2000, a new offensive against Freetown and the rest of the country. The cease-fire, subscribed with the Lomé peace agreement, did

³⁰⁹ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 2

³¹⁰ Klare Michael, *Resource Wars: the new landscape of global conflict*, (2001), page 201

³¹¹ Campbell Greg, *Blood diamonds: Tracing the deadly path of the world's most precious stones*, (2002), page 100

³¹² Klare Michael, *Resource Wars: the new landscape of global conflict*, (2001), page 200

not last long. In May 2000 RUF launched a large and massive attack and took in hostage five hundred United Nations peacekeepers from Guinea with their equipment, so acquiring more than 550 weapons including assault rifles, RPGs, machine guns, and two tons of ammunition³¹³.

But this action had a large echo within the international community provoking a rescue mission headed by the United Kingdom. The British Prime Minister Tony Blair deployed elite-troops and paratroopers in Liberia, in order to free UN peacekeepers and restore *status-quo ante* in the region.

Taylor was between two fires and offered himself as a mediator between RUF and the United Nations denying any link between the RUF and himself. The mediation was a success and the UN troops were soon set free in small groups.

After the release, the US and British intelligence services started to monitor Liberia-Sierra Leone border and control Taylor' communication with RUF through military satellites. Very soon, the RUF-Taylor relation was revealed: British intelligence photographed Liberian military trucks crossing the Liberia-Sierra Leone border, unmasking Taylor' lies about his connection with RUF.

Photographs and information were shared with US and French intelligence (France had many interests and troops deployed in the neighboring Guinea) and, in mid-2000, Taylor's relations, his international involvements and his connections with RUF, were clear to US and British intelligence services³¹⁴.

³¹³ Matt Schroeder and Guy Lamb, *The Illicit Arms Trade in Africa: A Global Enterprise*, (2006), page 69

³¹⁴ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), pages 167-168

5.3 The UN arms embargo on Liberia

In the period 1992-2003, Liberia faced three United Nations Security Council arms embargoes and all had mandatory nature³¹⁵:

United Nations Security Council Resolution (UNSCR) number	Date passed	Date lifted	Other sanction on:	UN involvement through:
788	19 November 1992	7 March 2001	None	UN peacekeeping forces (1995)
1343	7 March 2001	22 December 2003	Aviation, travel and conflict goods	UN Sanction Committee and UN Panel of Experts (2001), UN peacekeeping force (2003)
1521	22 December 2003	NO	Finances, aviation, travel and conflict goods	UN Sanction Committee and UN Panel of Experts (2003), UN peacekeeping force (2003)

As the Stockholm International Peace Research Institute (SIPRI) reported, different forms of mandatory UN Security Council (UNSC) arms embargo have been put into force since 1992 against Liberia. The United Nations Security Council (UNSC) and the Economic Community of West African States (ECOWAS) put into force arms embargoes on Liberia. ECOWAS member states put into force a moratoria in order to control weapons flows in West-African region and to avoid arms export in conflict regions³¹⁶.

³¹⁵ S. Daniel, P. Wallenstein, D. Fruchart, P. Holtom and S.T. Wezeman, *United Nations Arms embargoes: their impact on arms flows and target behaviour*, Stockholm International Peace and Research Institute (SIPRI) and Uppsala University (2007), pages xviii and 36

³¹⁶ Campbell Greg, *Blood diamonds: Tracing the deadly path of the world's most precious stones*, (2002), page 76

The first arms embargo was mandated by UNSC resolution n. 788 dated 19 November 1992 and a Sanction Committee was established with UNSC resolution n.985 (April 1995) as a consequence of violence perpetrated in the country.

In November 1992, UNSC approved an embargo resolution banning arms-sales to all factions involved in Liberian violence. After this resolution, Taylor needed to improve his abilities in order to loophole UN arms embargo and to continue to manage his complex network linked with RUF involved in diamonds smuggling, arms trading and money laundering³¹⁷.

The first embargo ended on 7 March 2001 when UNSC approved resolution n.1343. But soon UNSC resolution n.1343 put into force a new arms embargo, from May 2001, for one year, preventing all UN member states to acquire diamonds coming from Liberia and demanding Liberia to extradite all RUF officials seeking exile in the country³¹⁸.

In March 2001, (after UNSC adopted the embargo resolution n.1343) a UN Sanction Committee was established in partnership with a UN Panel of Experts and entitled to report UN embargo violations and monitor UN member states' compliance with the embargo³¹⁹.

In the second-half of 2001, weapons deliveries to Liberia were more difficult after the publication of UN report of Experts which indicated the arms dealers Bout and Ruprah as key figures in Liberia and Sierra Leone conflicts and demanded their inclusion in UN travel-ban list³²⁰.

The UNSC resolution n. 1408 extended the duration of arms embargo until May 2002 and then again UNSC resolution n. 1478 prolonged the embargo until May 2003.

Through UNSC resolution n. 1521 and following the deployment of United Nations Mission in Liberia (UNMIL) the embargo was lifted in December 2003.

This resolution established a new form of mandatory arms embargo and it did not target the supply chain of UNMIL' weapons or police forces, but Taylor' NPFL forces. In December 2005, with UNSC resolution n. 1647, the arms embargo was prolonged for one year.

³¹⁷ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 103

³¹⁸ Campbell Greg, *Blood diamonds: Tracing the deadly path of the world's most precious stones*, (2002), page 180

³¹⁹ Torbey Claudette, *The most egregious broker: prosecuting arms embargo violators in the international criminal court*, (2007), page 339

³²⁰ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 119

The UNSC resolution n. 1683, dated June 2006, modified the embargo terms and target in a sense that it would not apply sanctions to Liberian police and UNMIL peacekeepers and imposed to UN member states, willing to export SALW to Liberia, to be prior authorized by UN Sanction Committee and to mark weapons in order to maintain a registry on behalf of the UN.

The UNSC resolution n. 1903 (approved in December 2009) lifted arms embargo for a trial period of one year while prolonging the embargo against NSAs and non-governmental entities for one additional year³²¹.

In December 2012, thanks to UNSC resolution n. 2079, the arms embargo targeting NSAs was again extended for one year and with resolution n. 2128, dated December 2013, the UNSC extended arms embargo on NSAs for additional 12 months. The UNSC resolution n. 2188, dated 9 December 2014, again prolonged the arms embargo until the 10 October 2015³²².

³²¹ SIPRI database on Liberia: http://www.sipri.org/databases/embargoes/un_arms_embargoes/liberia

³²² Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia <http://www.un.org/sc/committees/1521/resolutions.shtml>

6. The brokering of arms

Arms brokers and agents are active in legal and illegal arms trade. Their role was ignored for many years, but in the last decades, thanks to the interest of international organizations such as the UN and the EU, their role and practices have emerged as a real concern³²³.

Arms brokers play a key role in facilitating an easy procurement of SALW in conflict areas, contributing to perpetuate the chaos and violence, which are the main supporters of their interests. Even in the case of embargo, fundamental is their skill in circumventing national and international laws³²⁴.

Despite the number of brokers and middlemen is relatively low, the consequences of their activities in fuelling armed conflicts, violence and human rights violations are of great impact for the international community as a whole³²⁵, a threat to international peace and security.

As mentioned above, at international level, their activities are difficult to be defined and regulated in an exhaustive and comprehensive way. The international community is unable to reach a shared agreement on the regulation and prosecution of illegal arms brokering activities and of the actors involved. In fact, it lacks a common approach aiming to develop a shared model to regulate arms brokering activities and define them within an exhaustive and comprehensive frame and set up standards for their implementation³²⁶.

Arms brokering also includes all activities needed to buy arms in a country, to ship them to a second country where they are sold or diverted to a third country: it is the so-called *triangulation*³²⁷.

³²³ Small Arms Survey, "Targeting the middleman: controlling brokering activities" in *Small Arms Survey yearbook* (2004), page 141

³²⁴ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), pages 129 and 130

³²⁵ Wood Brian, *International initiatives to prevent illicit brokering of arms and related materials*, Disarmament Forum vol. 3, (2009), page 5

³²⁶ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 147

³²⁷ Gifford Clive, *The arms trade: world issue*, (2004), page 26

According to the United Nations GGE on arms brokering activities, arms transporters (including transportation agents, financial transactions and brokers) can be divided into two categories:

- Actors that own or operate vessels, aircrafts or other vehicles and are responsible for the physical transport of goods across international borders
- Actors that are involved in arranging transportation (including shipping agents, shipping brokers, freight forwarders and charterers)³²⁸

Their role is to link arms demand with arms supply bringing together all the actors needed in order to arrange an arms deal: sellers, buyers, financiers that may be culturally or politically different or even geographically distant. Their activities include exporting, importing, mediating, shipping, financing, purchasing, selling, transporting and freight forwarding³²⁹.

To exemplify: an Ukrainian resident, acting from a suite hotel in Berlin concludes a deal between a sales agent in France who sells former Soviet Union defence stocks to a recipient in Ivory Coast. The network of this arms deal is complex but, in this case, the deal does not yet involve important actors as charterers, banks based in tax-havens, shell companies and transporting crews³³⁰.

According to Brian Wood (UN expert in arms trade): “*Arms brokers are middlemen skilled as transport agent, shipping brokers, freight forwarders and charterers able to contract transport facilities, carriers and crew to move arms cargos by sea, air or road and to ensure that storage, ports and routes are all in order*”³³¹.

They deal with a various range of different customers as governments, rebel factions, PMCs, pirates, death squads, criminal gangs and mercenaries. Sometimes the brokering efforts can be destined to both sides of the conflict and even arranged by a national government to supply with arms the faction that it supports.

³²⁸ Amnesty International, *Deadly movements: transportation control in the arms trade treaty*, (2010), page 4

³²⁹ Small Arms Survey, “Targeting the middleman: controlling brokering activities” in *Small Arms Survey yearbook* (2004), page 143

³³⁰ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 132

³³¹ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 129

According to Michael Scheuer, former CIA analyst, arms-brokering activity networks is always linked with high-level political elites: to exemplify, the career of the Russian arms dealer Viktor Bout would be impossible without the help of politicians, presidents and acquiescent lobbies³³². The actors involved in arms deals are manufacturers, purchasing agents, financial institutions, freight-forward companies, customs authorities, destination and distribution entities, consolidators and representatives, departure/arrival airport officers and importer' representatives³³³. The task of arms middlemen is to organize a complex networks involving shell companies, false certifications, financiers, corrupted military officers and bribed customs officers, operating in different countries and under different legislations³³⁴.

According to the available data, the arms broker' profile can be easily drawn: a businessman with military and/or intelligence background and closely linked with defence and military industries and arms production. Fluent in many languages, he owns many passports and has a large availability and deposits of different national currencies³³⁵. He is motivated by economic gains rather than ideological purposes and is skilled to loophole and to avoid international regulations through the use of complex networks involving shell companies, FoC states, transport companies and compliant financial institutions. His abilities include: hiding the routes he uses, faking documents and corrupting borders and high-level military officers³³⁶.

According to SAS, research institute based in Geneva, the activities of arms brokers and weapons middlemen can be divided into two categories: one is related with the mediation and negotiation of arms and military equipment deals, while the other is related with arms deals: transportation, financial aspects, insurance, documents and technical services.

SAS points out six aspects of illicit arms brokering activities that enable the circumvention of national regulation and law enforcement measures³³⁷.

³³² Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 20

³³³ Finardi Sergio, Wood Brian and Danssaert Peter, *A Code of Conduct for Arms Transport by Air*, IPIA TA-R, (2012), page 13

³³⁴ Matt Schroeder and Guy Lamb, *The Illicit Arms Trade in Africa: A Global Enterprise*, (2006), page 72

³³⁵ United Nations Office for Drugs and Crime (UNODC), *The globalization of crime: a transnational organized crime threat assessment*, (2010), page 144

³³⁶ Wood Brian, *Overview of Arms Brokering in Africa*, Amnesty International, (2004), page 10

³³⁷ Small Arms Survey, "Targeting the middleman: controlling brokering activities" in *Small Arms Survey yearbook* (2004), pages 142-144

In particular these aspects are:

- 1) *Unregulated activities*: often arms brokers do not purchase or own the weapons that they are going to sell and so they can loophole national legislation and accountability.
- 2) *Lack of monitoring and control of stockpiles*: weapons can be easily stolen from military warehouses or diverted by corrupted officials to arms dealers, as it happened in many former Soviet Union republics, notably Ukraine.
- 3) *Third party brokering*: Arms dealers usually avoid the transit of arms through their residence country to avoid prosecution in their national soil.
- 4) *Offshore financing*: the use of tax-haven and non transparent financial institutions, insurance companies and private banks permit to divide financial transactions into multiple payment movements, covered by secrecy and registered under shell companies.
- 5) *Facility in the means of transport*: arms brokers can choose among different ways and means to ship arms: by sea, by land or by air. It depends on geography and on the size and model of weapons.
- 6) *Documentation and circumvention of certificates*: faking certificates and official documentation, (as the EUC) with the compliance of corrupted officials, is frequently used by arms dealers to organize their shipments³³⁸.

6.1 The role of arms brokers in Liberia

The grey area of illicit arms trade in Africa is estimated as being worth about one billion US\$, that is approximately 10-20% of the world arms trade value. Yet, because of its cover and dynamic nature, it is difficult to produce precise estimates³³⁹.

³³⁸ Bergman Lowell, *Gallery of International Arms Dealers*, Frontline, (2002), page 2

³³⁹ Matt Schroeder and Guy Lamb, *The Illicit Arms Trade in Africa: A Global Enterprise*, (2006), page 69

Four important aspects are presented here regarding the African conflicts including the Liberian one:

- SALW are the most commonly used in African continent violence
- SALW used in African conflicts are second-hand or refurbishment equipment
- Arms flow within the African continent is an important way of refurbishment for embargoed countries like Liberia
- Some African countries are developing their national weapons production and manufacturing facilities³⁴⁰

Many civil conflicts in Africa have rapidly turned into regional conflicts owing to the supply of weapons and the support of neighbouring states. Neighbouring countries were fundamental in supplying arms in conflicts in Liberia and in Sierra Leone³⁴¹. In particular Burkina Faso, Ivory Coast, Guinea and Ghana were deeply involved in triangulation and diversion activities³⁴².

SALW are lightweight, easy to transport and to hide as well as durable: aspects that facilitate their systematic smuggling on a large scale across uncontrolled Liberian borders, using trucks, aircrafts and even footpaths³⁴³. The large diffusion of SALW was helped by the low prices and the easy procurement: during the Liberian war, because of the large supply of assault rifles, the cost of a Kalashnikov AK-47 was only 25-30 US\$. The massive use of arms during the Liberian conflict contributed to protract violence and extend destabilization to the entire West Africa region³⁴⁴, where, thanks to illicit arms brokering activities carried out in past decades, it was possible to supply SALW also to countries under embargo (as Liberia and Sierra Leone), without many difficulties³⁴⁵.

³⁴⁰ Africa Europe Faith and Justice Network (AEFJN), *Arms Exports and Transfers: from Sub-Saharan Africa to Sub-Saharan Africa* (2010), page 2

³⁴¹ Matt Schroeder and Guy Lamb, *The Illicit Arms Trade in Africa: A Global Enterprise*, (2006), page 70

³⁴² Africa Europe Faith and Justice Network (AEFJN), *Arms Exports and Transfers: from Sub-Saharan Africa to Sub-Saharan Africa* (2010), page 3

³⁴³ Matt Schroeder and Guy Lamb, *The Illicit Arms Trade in Africa: A Global Enterprise*, (2006), page 71

³⁴⁴ Lagrasta Elisa, *Le armi del Bel Paese: l'Italia e il commercio internazionale di armi leggere*, (2005), page 10

³⁴⁵ Lagrasta Elisa, *Le armi del Bel Paese: l'Italia e il commercio internazionale di armi leggere*, (2005), page 63

In the period 1991-2002 Liberia purchased, in legal and illegal ways, weapons from thirteen³⁴⁶ countries, including four (out of five) Permanent Members of the UNSC.

The countries were: United States, United Kingdom, China, France, Belgium, Burkina Faso, Guinea, Ivory Coast, Kyrgyzstan, Libya, Slovakia, Ukraine and Serbia³⁴⁷.

The chart, based on the list provided by the Government of Liberia, illustrates several weapons shipments received by Taylor' regime during the period 2000-2003³⁴⁸:

DATE	CONTENT	ORIGIN, TRANSIT AND BROKERS	SOURCES
July 2000	113 tons of 7.62 mm ammunition	Origin: Ukraine Transit: Ivory Coast	Financial Times 2002, Lallemand, p. 3
1 June 2002	1.000 Ak-47, 498.960 cartridges and 2000 M75 hand grenades	Origin: Serbia and triangulated using a false Nigerian EUC Broker: Belgrade-based company	UNSC, 2003a paras. 69-70 Table 1
7 June 2002	1.500 Ak-47, 2 million cartridges	Additional shipment part of the 1 June 2002 deal	UNSC, 2003a paras. 69-70 Table 1
29 June 2002	180.000 rounds of ammunition, 60 pistols, 100 missiles launchers	Additional shipment part of the 1 June 2002 deal	UNSC, 2003a paras. 69-70 Table 1
5 July 2002	100 missiles launchers, 2.000 mines, 75 machine guns, 2.800 assault rifles, 27 pistols and 270.000 rounds of ammunitions	Additional shipment part of the 1 June 2002 deal	UNSC, 2003a paras. 69-70 Table 1
23 August 2002	100 missiles launchers, 2.000 mines, 75 machineguns, 2.800 assault rifles, 27 pistols and 736.000 rounds of ammunitions	Additional shipment part of the 1 June 2002 deal	UNSC, 2003a paras. 69-70 Table 1
25 August 2002	152 missiles launchers, 1.000 mines, 1.200.000 rounds of ammunitions and 3 propellers and one rotor head	Additional shipment part of the 1 June 2002 deal	UNSC, 2003a paras. 69-70 Table 1

³⁴⁶ Africa Europe Faith and Justice Network (AEFJN), *Arms Exports and Transfers: from Sub-Saharan Africa to Sub-Saharan Africa* (2010), page 7

³⁴⁷ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), page 82

³⁴⁸ Small Arms Survey, "Violent exchange: the use of small arms in conflict" in *Small Arms Survey yearbook* (2005), page 166

6-7 August 2003	30-40 tons of SALW and ammunitions	Origin: Serbia Transit: Libya Broker: Belgrade-based company	UNSC, 2003b paras. 95-97
November 2003	60 mortars, 149 boxes of mortar ammunitions, 67 RPGs, 299 boxes of Ak-47 and 700.000 rounds of ammunitions	N/A	Arms Control Association 2003, page 3

The most important arms brokers involved in Liberian conflicts were the Ukrainian Leonid Minin and the Russian Viktor Bout who traded many of the arms deals reported in the charter above, in compliance with West Africa regimes particularly corrupted, to ship whatever and wherever required³⁴⁹.

The following are the profiles of some of the arms brokers of the post-cold war generation operating in Liberia who played a fundamental role in conflict regions, where UN arms embargoes were put into force³⁵⁰: Leonid Minin, Viktor Bout, Gus Der Hovsepian and Gus Kouwenhoven.

6.1.1 Leonid Minin

Leonid Efemeovich Minin was, together with Viktor Bout, one of the main actors involved in procuring arms to Charles Taylor militias (NPFL) and, as a consequence, to RUF. Minin was a member of the transnational criminal network, called “Odessa mafia”, based in Ukraine allowing him to network on a large international scale³⁵¹.

Leonid Minin is an Israeli-Ukrainian citizen born in 1947 in Odessa, Ukraine. His family, as many Israeli families, soon after the creation of the State of Israel, in 1948, decided to move to Israel passing through Austria. In 1975 he came back to Europe and settled in Norvenich, Germany. During the 70’s and 80’s he managed different types of business and, in early 90’s Russian authorities investigated him in connection with trafficking art masterpieces and antiques.

³⁴⁹ Potter Matt, *Outlaws INC.-Flying with the world’s most dangerous smugglers*, (2011) page 125

³⁵⁰ Bergman Lowell, *Gallery of International Arms Dealers*, Frontline, (2002), page 1

³⁵¹ Bergman Lowell, *Gallery of International Arms Dealers*, Frontline, (2002), page 3

In 1998 Minin was in Ibiza (Spain) to carry on his real estate business when he met the Russian real estate agent Vladim Semov, who introduced him to the Spanish Fernando Robleda who proposed Minin to enter business in Africa through “Exotic Tropic Timber Enterprises” (ETTE), based in Monrovia. In September of the same year, Minin and Robleda flew together to Monrovia where they met Taylor to discuss new plans to deliver arms so, Minin, then, shipped from Ukraine to Monrovia 68 tons of ammunitions and weapons (worth 1.5 million US\$) which were then triangulated to Sierra Leone to be used in RUF’ operation “No living thing”.³⁵²

On 5 August 2000, Minin, while celebrating his recent successful sale of arms to Liberia through Ivory Coast, in room 341 of Europa Hotel (of which he owned a propriety percentage at Cinisello Balsamo near Milan) with a night of pleasure with four prostitutes, abusing cocaine, the Italian police knocked at his door and arrested all the occupants.

The Italian police realized, only five weeks later who really was Minin: one of the most important illegal arms dealers, wanted by the authorities of Monaco, Switzerland and France. It took so long to realize his real identity because he belonged to the grey area of arms trade. At the moment of his arrest, he handed to Italian authorities five different passports issued by Israel, Russian Federation, Germany, Bolivia and Greece; he had so many aliases, (Vladimir Abramovich Popiloveski, Vladimir Abramovich Popela, Leon Minin, Wulf Breslav, Leonid Bluvshstein, Leonid Bluvstein, Igor Osols, Igor Limar and Vladimir Abramovich Kerler), that made it difficult a clear and rapid identification of his real identity.

Also the content of his suitcases was a clear explanatory evidence of the dynamics and involvements of broker operating in an illegal network. It contained about 1500 documents like the following³⁵³:

- Maps of Sierra Leone-Liberia border and rebel-controlled areas
- Receipts of oil and timber export-certificate

³⁵² Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), pages 107-110

³⁵³ Potter Matt, *Outlaws INC.-Flying with the world’s most dangerous smugglers*, (2011) page 145,146 and 147

- Letters between Minin and Charles Taylor's son Chukie Junior
- Uncut diamonds for a value of 500.000 US\$
- 35.000 USD\$ in Hungarian, Italian, American and Mauritian currencies³⁵⁴
- Paperwork offering Turkey a Ukraine aircraft carrier
- The request, issued from his Beijing-based office, to establish officially diplomatic relations between Liberia and China.
- An End User Certificate (EUC) of small arms shipment to Ivory Coast signed by former Ivorian president Robert Guéï (later discovered as faked)
- General ledger of his illicit business (annotated with five million 7.62mm bullets), a request written by Minin to facilitate the authorization of a 113 tons-bullets cargo plane from Ukraine to Ivory Coast
- A receipt proving a track of money for the payment of 1 million US\$ to the company "Aviatrend" (based in Azerbaijan) which brokered arms and chartered planes and crew.

After the translation of the documents into Italian, the association between Minin and Taylor became clear to Italian authorities. One of the main evidence of his close relation was the correspondence between Taylor' son and Minin. Minin' personal financial assets were seized and his bank accounts frozen.

It was clear to Italian authorities that Minin' business was illegal and controversial in its own nature. All evidences found in his suitcases were proofs of the existence of a well-connected international network involving warlords, rebel groups, diamonds, arms, faked EUCs, air companies: all elements sufficient to charge him with international arms smuggling against United Nations embargoes.

Despite that, the Italian court could only decided that Minin' case was not concerning its jurisdiction: he was imprisoned for only two years accused of minor charge (cocaine possession) but no reference to arms and diamonds smuggling was made.

Even Italian authorities at the highest level (the Supreme Court of Cassation) confirmed that Minin could not be prosecuted or jailed in Italy for arms smuggling' charges as

³⁵⁴ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 114

there was no evidence that Minin' weapons had ever entered into the Italian territory and Italy has no jurisdiction on crimes committed outside the Italian soil.

The case of Minin revealed the inadequacy of national jurisdiction and of law-enforcement measures adopted to deal with gunrunners network and with their well-connected power³⁵⁵. The impossibility of prosecuting Minin on Italian soil underlines how weak are international enforcement measures to contrast illicit arms brokering activities³⁵⁶.

After Minin' arrest, Taylor worried about the effects that this arrest could have on his arms procurement contacted Viktor Bout³⁵⁷.

6.1.2 Viktor Bout

After the arrest of Minin, Taylor' main priority was to replace him with another skilled arms broker able to ship arms to Liberia.

His son, Chukie Junior met Victor Bout, a Russian businessman who had registered many aircrafts under the Liberian FoC regime.

Bout was born in Dushanbee (former Soviet Union territory, now Tajikistan) in 1963 and as Minin, he used many different aliases to conduct his businesses like: But, Budd, Boutov and Bouta, Butt, Byte, Buyte or Bont³⁵⁸. He had been trained at the Soviet Union's Military Institute for Foreign Languages in Moscow where he graduated as lieutenant. He married the daughter of a high-level officer of the KGB and developed close ties with intelligence services and in particular with Maj. Gen. Vladimir Marchenko who was the head of FSB (ex KGB) counterterrorism department³⁵⁹. After attending classes at the Foreign Languages Institute, Bout became fluent in six languages and in 1991 started his career as shipping agent³⁶⁰.

³⁵⁵ Potter Matt, *Outlaws INC.-Flying with the world's most dangerous smugglers*, (2011) pages 147-150

³⁵⁶ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 171

³⁵⁷ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 115

³⁵⁸ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 40

³⁵⁹ Verlöy André, *The Merchant of Death*, International Consortium of Investigative Journalists (ICIJ), (2012), page 11

³⁶⁰ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 115

In the early part of his “career” Bout was largely providing legal services to United Nations and Non Governmental Organizations (NGOs). In 1992 he flew French soldiers and World Food Programme (WFP) aids to Somalia³⁶¹ and soon conducted his business across the whole African continent with many Third World’ most brutal dictators and warlords as: Taylor in Liberia³⁶², Mobutu in Zaire, Kagame in Rwanda, Sankoh in Sierra Leone, Sawimbi in Angola, Bemba in the Democratic Republic of Congo (DRC) and Gaddafi in Libya³⁶³.

He owned more than 50 aircrafts, dozens of airline and shipping companies, with more than 300 employees³⁶⁴ and the largest private fleet of Antonov carriers in the world³⁶⁵. He travelled around the world exhibiting five different passports³⁶⁶ and when problems rose, he simply corrupted customs officials³⁶⁷.

Bout and Taylor had had a close relationship since the early-1990’s, but their business in arms largely increased after 1997 when Taylor was elected Liberian President³⁶⁸.

Bout continued to carry on his business in Liberia in 2000 and 2001. His special-relation with Taylor allowed him to deliver a large number of cargoes containing high-tech weapons in order to increase NPFL’ possibilities of success.

According to United Nations sources, Bout could supply any kind of arms: attack-helicopters, spare rotors, machine guns, armoured vehicles, anti-tank and anti-missile systems, million rounds of cartridges and after-sales helicopters assistance and maintenance³⁶⁹.

³⁶¹ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 76

³⁶² Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 10

³⁶³ Verlöy André, *The Merchant of Death*, International Consortium of Investigative Journalists (ICIJ), (2012), page 2

³⁶⁴ Bergman Lowell, *Gallery of International Arms Dealers*, Frontline, (2002), page 3

³⁶⁵ Verlöy André, *The Merchant of Death*, International Consortium of Investigative Journalists (ICIJ), (2012), page 2

³⁶⁶ Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 143

³⁶⁷ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 40

³⁶⁸ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 84

³⁶⁹ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 118

Between 1994 and 1996, he had been accused by the Belgian government of money laundering for an estimated total amount of 32.5 million US\$, using shell companies and bank accounts based in tax-havens³⁷⁰.

In spite of his aggressive behaviour, his racist attitude and lacking of respect, Bout succeeded to have access to African high-level ministries and presidential palaces even without any official invitation: his arrival in an African country was suddenly followed by meetings with high-level government officers in order to conclude arms deals³⁷¹. He became a close friend of Taylor (who was used to call him “Mr. Vic.”) and also an intimate member of his elite circles that granted Taylor exceptional privileges³⁷². His villa in the Liberian capital was the place where deals were discussed, while national security services, as Antiterrorism Unit (ATU), secured the villa in order to ensure Bout the highest level of personal safety and to cover his illicit business³⁷³.

UNGGE and Sanction Committees, tasked to oversee and monitor the efficacy of the embargo, have pointed out Bout as a key actor in Liberian arms refurbishment³⁷⁴. Bout’ air company network in Liberia was very complex: “AirCess” Company formed a joint-company with “Norse Air” (South Africa-based) named “Pietersburg Aviation Services” and “Systems Ltd” and carried on business in Liberia under the name of “Air Pass”³⁷⁵.

The action that finally put an end to Bout’ business was on May 21, 2001 when the UN Security Council Panel of Experts wrote his name on a mandatory travel-ban list aiming to punish and interdict travels to Taylor’ associates³⁷⁶.

After the 9/11 World Trade Center’ terrorist attack in New York, US and western powers declared war on terrorism and Bout’ role in refurbishing arms to terrorist and rebel groups became more evident. As a consequence, US and western intelligence focused on the role of arms brokering networks in supplying international

³⁷⁰ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 15

³⁷¹ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), pages 20-21

³⁷² Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 91

³⁷³ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 161

³⁷⁴ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 9

³⁷⁵ Verlöy André, *The Merchant of Death*, International Consortium of Investigative Journalists (ICIJ), (2012), page 4

³⁷⁶ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 191

terrorism and terrorist organizations like Al Qaeda in Afghanistan, turning their attention on Bout' role in the region³⁷⁷.

Bout was arrested in Bangkok on 6 March 2008 by a DEA-Thai police joined operation while he was attempting to sell 5 million US\$ worth arms to a DEA undercover agent who had introduced himself as a FARC mediator. Thai authorities extradited Bout to America to be tried under US jurisdiction³⁷⁸. In April 2012, he was sentenced to 25 years imprisonment and charged of terrorism owing to his weapons supply to FARC group in Colombia³⁷⁹.

6.1.3 Nicholas Oman and Der Hovsepien

The “Merex” defence company had two main arms agents in West Africa operating in Liberia: Nicholas Oman and Gus Der Hovsepien. Oman had double citizenship, Australian and Slovenian and had worked for “Merex” in the Balkans during early 90's. Then, he moved to Liberia where he started his activities in 1992. Owing to his relation with Taylor, Oman supplied Taylor with “Merex” defence equipment and weapons.

Oman had Liberian diplomatic immunity that allowed him to carry on his arms business exempt from national and international jurisdictions, but even when, in 1996, his diplomatic immunity was lifted, soon before Taylor' presidential election, he continued to carry on his activities in Liberia owing to the “Orbal Marketing” Company. The same company was suspected of being involved in diamonds sale, violating 1992 UN embargo. The ties between Oman and Liberia continued by the appointment of Oman' son, Mark Oman, as Permanent Representative of Liberia in Australia.

Der Hovsepien was an important arms-agent involved in arms supply during the Liberian conflict. He arranged arms business in Liberia on behalf of the “Merex” Company together with the Liberian president. His relation with Taylor was mediated by Nill Taylor, Taylor' relative.

³⁷⁷ Bergman Lowell, *Gallery of International Arms Dealers*, Frontline, (2002), page 2

³⁷⁸ Stohl Rachel, Grillot Suzette, *The international arms trade*, (2012), page 110

³⁷⁹ Austin Khati Lynn, *Victor Bout's Gunrunning Successors: A Lethal Game of Catch Me if You Can*, Conflict Awareness Project Report, (2012), pages 1-3

Taylor, Foday Sankoh and Nill Taylor were partners of the “International Business Company” (IBC) owning more than 51% of the company. IBC was an important channel used by Taylor to secure large amount of weapons supplied by “Merex” and using IBC as an efficient way to purchase arms and sell diamonds. The IBC was fundamental in trading diamonds and in buying arms. According to former CIA officer D’Onofrio: “The IBC would pay for arms in smuggled Sierra Leone diamonds, carried into Liberia by the RUF’ slave labour”³⁸⁰.

6.1.4 Gus Kouwenhoven

Gus Kouwenhoven was Dutch and was born in Rotterdam. He had a successful career in arms trading and had also many interests in Liberia during Taylor’ regime. According to UN reports, Kouwenhoven was pointed out as a person deeply involved in logistical organization of arms shipment to Liberia and closely linked with NPFL’ arms refurbishment during the conflict through the “Oriental Timber Company” (OTC) that owned the Liberian port of Buchanan.

In the 70’s, Kouwenhoven started his career as a tax-free car seller for the NATO staff and then moved to rice-import business from Asia. He arrived in Liberia in early 70’s during Doe’ presidency, married a Liberian woman and settled down in the capital. There he owned many clubs, bars, casinos, pools and, in particular, a 300-room hotel (the Hotel Africa) used as base to lodge western arms-agents and flight-crews during the conflict.

These activities were not his main business. In fact, in 1999, Kouwenhoven became director of the OTC, owning more than 30% of company’ assets. In the same year OTC received a large concession on Liberian timber (1.6 million hectares representing the 42%. of total Liberian forest territory).

Kouwenhoven owned and controlled a large amount of assets and rights over Liberian timber, financing OTC’ activities in Liberia with more than 110 million US\$ and, privately, Taylor by bribes and gifts (it is estimated about 5 million US\$ were transferred from Kouwenhoven to Taylor as “advance taxes”).

³⁸⁰ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), pages 103-105 and 166

From 2001 to 2003 the OTC vessel *Antarctic mariner* transported arms (in particular the Chinese-made Ak-47 and RPGs) to Liberia, in violation of UN arms embargo, chartering through the “Global Star”, an Asia-based company with the support of the OTC. This network evidenced the role and accountability of Kouwenhowen who was later charged for crime against humanity committed in Liberia³⁸¹.

OTC has its own self-governed territory where it had build 108 miles of road to connect Monrovia with Buchanan port (the OTC’ main port) and OTC’ premises were defended by 2500 PMC contractors.

As mentioned before, the Port of Buchanan, an important maritime hub on southwest Liberian coast, was used by Kouwenhowen to deliver arms to Liberia by sea using the OTC-vessel *Antartic Mariner*. Business relation between Taylor and Kouwenhowen including supplying Taylor with any kind of goods including attack-helicopters, currencies, cigarette and marijuana for NPFL troops.

Kouwenhowen was arrested on 17 March 2005 while waiting a train at Rotterdam station³⁸².

Here are five different deals organized by the arms brokers just mentioned, that were heavy violations of the UN embargo and had important effects in mining its efficacy. All these shipments were triangulated and diverted through neighbouring countries, notably Ivory Coast, Burkina Faso, Guinea, Nigeria and Uganda.

³⁸¹ Amnesty International, *Dead on Time: Arms transportation, brokering and the threat to human rights*, (2006), pages 22-23

³⁸² Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), pages 122-123 and 167

6.2 The triangulation scheme and the diversion of arms to Liberia

Arms brokers often adopt the triangulation scheme, that consists in shipping arms from a country to another from where, in a second time, they will be shipped to a third state that is not entitled to receive them³⁸³. This system is an unofficial and informal means used by governments to sell obsolete arms to a third country³⁸⁴. It requires a complicit role of national authorities in providing false EUCs³⁸⁵.

In other words, triangulation is adopted as a main way to provide arms and military equipment to actors, governments or entities that are not entitled to obtain them legally. It has important effects in regional security and balance of power as well as in slowing economic development efforts³⁸⁶. Using such pattern, arms brokers remain outside national and international jurisdiction bypassing international sanctions and embargoes³⁸⁷.

“Diversion” is defined, according to SAS, as *the transfer of controlled items authorized for export to one end user, but delivered to an unauthorized end user or used by the authorized end user in unauthorized way*. Diversion and/or triangulation can interfere at different steps of the supply transport chain: at the departure point, during the transfer, at the destination or place of arrival³⁸⁸. In the first case, the aircraft crew change the flight plans and destination on route and divert to another airfield, different from the declared one. In the second case, the diversion takes place after the arrival at destination, using the same aircraft or other transport means, such as military trucks, pick-ups or trains. In both cases the EUCs are faked³⁸⁹. Triangulation and arms diversion can also take place through the use of emergency-stops, so allowing the crew to unload the cargo in a destination different from the official one and, owing to the emergency situation, without providing official documentation to customs officers³⁹⁰.

³⁸³ Gifford Clive, *The arms trade: world issue*, (2004), page 26

³⁸⁴ Brunelli Michele, *Produzione e commercio delle armi: industria militare e politiche per la difesa*, (2003) page 94

³⁸⁵ Amnesty International, *Deadly movements: transportation control in the arms trade treaty*, (2010), page 7

³⁸⁶ Africa Europe Faith and Justice Network (AEFJN), *Arms Exports and Transfers: from Sub-Saharan Africa to Sub-Saharan Africa* (2010), page 2

³⁸⁷ Lagrasta Elisa, *Le armi del Bel Paese: l'Italia e il commercio internazionale di armi leggere*, (2005), page 63

³⁸⁸ Small Arms Survey, “Deadly deception: arms transfer diversion” in *Small Arms Survey yearbook* (2008), page 116

³⁸⁹ Griffiths Hugh and Bromley Mark, *Air Transport and Destabilizing Commodity Flows*, Stockholm International Peace and Research Institute (2009), page 5

³⁹⁰ Small Arms Survey, “Targeting the middleman: controlling brokering activities” in *Small Arms Survey yearbook* (2004), page 146

This way of conducting their business exempts broker from appearing the owners of the arms cargo and, consequently, enables them to avoid juridical consequences as they are not considered as arms dealers from the international jurisdiction as the agreement among brokers and buyers takes place in a third country where arms will never enter.

The use of triangulation networks allows arms brokers to loophole national jurisdictions³⁹¹. Arms agents arrange their deals without owning personally arms but conscious that arms cargoes must never enter the country where they live or where the companies are based, so avoiding national legislation and international monitoring. Often triangulation shipments include more than 4-5 different stops in as many countries³⁹².

Triangulation is a hidden activity and consequently information on such activities is difficult to obtain, in particular in the African continent³⁹³ where the absence of controls and the gaps in border monitoring measures facilitate the use of this practice³⁹⁴.

Many west-African governments used the triangulation scheme as a way by which they purchased weapons for their own defence but then forwarded them to a third country not allowed to receive them (notably embargoed countries)³⁹⁵.

Triangulation of arms shipment was much used during the Sierra Leone conflict in which many countries were involved in supplying arms to RUF or RSLMF as well as during Liberian conflict.

The main country supplying arms to Sierra Leone was Liberia that carried out an arms trade on large scale across its 390 km-long borders with Sierra Leone. Arms brokering activities, together with the behaviour of complying neighbouring countries that supplied arms and weapons to Liberia and Sierra Leone, represent key elements in order to understand the reason why Liberia and Sierra Leone conflicts lasted so long³⁹⁶.

³⁹¹ Lagrasta Elisa, *Le armi del Bel Paese: l'Italia e il commercio internazionale di armi leggere*, (2005), page 64

³⁹² Lumpe Lora, *Running Guns: the global black market in small arms*, (2000), page 130

³⁹³ Africa Europe Faith and Justice Network (AEFJN), *Arms Exports and Transfers: from Sub-Saharan Africa to Sub-Saharan Africa* (2010), page 2

³⁹⁴ Stohl Rachel, Grillot Suzette, *The international arms trade*, (2012), page 109

³⁹⁵ Africa Europe Faith and Justice Network (AEFJN), *Arms Exports and Transfers: from Sub-Saharan Africa to Sub-Saharan Africa* (2010), page 2

³⁹⁶ Burrows Gideon, *Il commercio delle armi*, (2003), page 41

6.2.1 Via Ivory Coast

The dictator of Ivory Coast was Felix Houphouët-Boigny who strongly supported Charles Taylor' rise to power and had an important role in supplying arms to NPFL during the war³⁹⁷.

In 2000, Minin successfully shipped arms to Liberia triangulating via Ivory Coast, both under arms embargo³⁹⁸. The deal was one of the most successful in Minin's career. On 14 July 2000, a giant Ukraine-made Antonov-124 aircraft took off from Gostomel airport in Ukraine. It contained one of the largest arms shipment (113 tons) that Taylor had ever received; it included: 10.500 AK47s, 120 sniper rifles, 100 grenade launchers and eight million rounds of ammunitions. The following day, 15 July, the aircraft landed in Ivory Coast authorized by the EUC signed by the Ivory Coast official.

The agreement was to divide the cargo between Liberia and Ivory Coast governments. Half of the shipment was then smuggled to Liberia, using eight short-range flights³⁹⁹ and small aircrafts provided by Taylor' lieutenant Sanjivan Ruprah⁴⁰⁰.

Ruprah, a Kenyan citizen, according to UN Panels of Experts on Liberia and Sierra Leone, had a main role as middleman to arrange arms deals in both countries. He was associated and closely tied with Bout, Minin and Taylor but he was also the owner of important mining concessions in Liberia and Sierra Leone as well being LISCRC global agent.

He was arrested in Bruxelles by Belgian authorities with the charges of money-laundering and passport falsification⁴⁰¹. Another evidence of the deal via Ivory Coast was a receipt of 1 million US\$ as a payment made by Minin to "Aviatrend" company, based in Azerbaijan, for chartering of an aircraft and other brokering services⁴⁰².

³⁹⁷ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 84

³⁹⁸ United Nations Office for Drugs and Crime (UNODC), *The globalization of crime: a transnational organized crime threat assessment*, (2010), page 143

³⁹⁹ Small Arms Survey, "Deadly deception: arms transfer diversion" in *Small Arms Survey yearbook* (2008), page 121

⁴⁰⁰ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 112

⁴⁰¹ Bergman Lowell, *Gallery of International Arms Dealers*, Frontline, (2002), page 4

⁴⁰² Bergman Lowell, *Gallery of International Arms Dealers*, Frontline, (2002), page 2

6.2.2 Via Burkina Faso

Minin set up another important shipping deal to embargoed Liberia using a triangulation pattern via the neighbouring country Burkina-Faso.

According to UN sources, in 1999, Minin delivered to Chukie Taylor (son of President Taylor)⁴⁰³ 715 boxes of weapons and ammunitions, 408 boxes of gunpowder, anti-tank missiles and RPGs⁴⁰⁴, 3000 assault rifles, 50 machine guns and several anti aircrafts missiles⁴⁰⁵.

The Ukrainian arms company “Ukrspetsexport”, owned by the Ukrainian government, sent the cargo. An EUC described as final destination the Ministry of Defense of Burkina-Faso and it was signed by the head of President Guards corps Gilbert Diendéré⁴⁰⁶. It arrived at Ouagadougou (Burkina-Faso) inside a Ukraine-made Antonov-124 operated by the “Air Foyle”⁴⁰⁷, a British transport company, and chartered by the “Chartered Engineering and Technical Services”, a Gibraltar-based company that provided its services and intermediation⁴⁰⁸. Flight records and satellite photographs witnessed that from 17 to 30 March 1999, weapons stockpiled in Burkina-Faso were transferred to Liberia using BAC-111 Minin’ personal jet, registered in the Cayman Islands, flying from Ibiza, Spain, to Ouagadougou, then to Bobo Dioulasso (Burkina-Faso) and finally to Liberia⁴⁰⁹. In the same month, an additional arms shipment containing 67 tons of weapons arrived at Ouagadougou international airport. The cargo was then triangulated to RUF-controlled areas in Sierra Leone⁴¹⁰.

⁴⁰³ Stohl Rachel, Grillot Suzette, *The international arms trade*, (2012), page 111

⁴⁰⁴ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), pages 110-111

⁴⁰⁵ Matt Schroeder and Guy Lamb, *The Illicit Arms Trade in Africa: A Global Enterprise*, (2006), page 71

⁴⁰⁶ Campbell Greg, *Blood diamonds: Tracing the deadly path of the world’s most precious stones*, (2002), page 79

⁴⁰⁷ Control arms, Oxfam, Amnesty International, *United Nations arms embargoes: an overview of the last ten years*, (2006), page 4

⁴⁰⁸ United Nations Office for Drugs and Crime (UNODC), *The globalization of crime: a transnational organized crime threat assessment*, (2010), page 143

⁴⁰⁹ Amnesty International, *Deadly movements: transportation control in the arms trade treaty*, (2010), page 7

⁴¹⁰ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), page 162

6.2.3 Via Guinea

In February 2002, Slovakian and US authorities succeeded in stopping Bout's shipment to Liberia. British and US intelligence services informed Slovakian authorities that Bout was arranging a shipment of attack-helicopters from Slovakia to embargoed Liberia.

The purchase was organized using the same triangulation scheme adopted in other circumstances: Bout purchased from Kyrgyzstan two Mi-24 attack helicopters to be shipped, in the bulk of a Bout-owned Il-76, registered under "Centrafricain Airlines", to Guinea for repairs. The same Il-76 aircraft would then deliver helicopters to Liberia.

But Slovakian authorities, refusing the helicopters load, stopped the deal because they had discovered that the EUC, provided by Bout, was false⁴¹¹.

6.2.4 Via Nigeria

The United Nations Panel of Experts, monitoring the Liberian compliance with the arms embargo, discovered that from May to August 2002, six weapons shipments arrived at Monrovia from Belgrade in clear violation of UNSC arms embargo on Liberia, for a total amount of 210 tons of SALW and military equipment⁴¹². The delivery of 5.000 Ak-47 assault rifles, pistols, missiles, 350 grenade launchers, 4.500 hand grenades, machine guns, 6.500 mines and five million rounds of ammunitions had been shipped from Belgrade and brokered by "Temex ltd", based in Belgrade⁴¹³. A Moldovan transport company, the "Aerocom", together with a Belgian firm, "Ducor World Airlines", provided the transport services. The shipment has enough bullets to kill the entire Liberian population and was sufficient to equip 10.000 soldiers for an entire year of combats⁴¹⁴.

⁴¹¹ Farah Douglas, Braun Stephen, *Merchant of death: money, guns, planes and the man who makes war possible*, (2007), pages 189-190

⁴¹² Small Arms Survey, "Deadly deception: arms transfer diversion" in *Small Arms Survey yearbook* (2008), page 121

⁴¹³ Small Arms Survey, "Targeting the middleman: controlling brokering activities" in *Small Arms Survey yearbook* (2004), page 144

⁴¹⁴ Control arms, Oxfam, Amnesty International, *United Nations arms embargoes: an overview of the last ten years*,

At the time of the deal, “Aerocom” did not have a valid air license. According to a UN report issued in 2003, “Aerocom” was involved in different occasions in arms-supplying chains to Taylor and in having close ties with Bout⁴¹⁵.

The UN investigation that followed, underlined how the shipment was officially approved by Serbian authorities on the base of a false EUC declaring the Nigeria Ministry of Defence as the final destination. So the shipment appeared legal to Serbian authorities while the aircraft documents falsely declared to carry civil commodities⁴¹⁶ and mine drilling equipment⁴¹⁷.

6.2.5 Via Uganda

The 4 November 2000, Ruprah arranged a shipment of 1.000 machine guns, carried in the bulk of an Ilyushin 18, from Moldova to Entebbe International Airport in Uganda. Before landing in Entebbe, the aircraft stopped, for technical reasons, in the United Arab Emirates (UAE). From the UAE it flew to Entebbe airport in Uganda and, from there, the shipment was triangulated to Monrovia, where it arrived on 22 November 2000. Soon after the consignment, Uganda authorities’ investigation revealed the unauthorized deal and the false EUC and so they could stop a following shipment of additional 1.250 machine guns, destined to Taylor’ regime, and confiscate the plane⁴¹⁸.

(2006), page 3

⁴¹⁵ Feinstein Andrew, *The Shadow World: inside the global arms trade*, (2012), page 418

⁴¹⁶ Small Arms Survey, “Global small arms transfers” in *Small Arms Survey yearbook* (2003), page 119

⁴¹⁷ Torbey Claudette, *The most egregious broker: prosecuting arms embargo violators in the international criminal court*, (2007), page 340

⁴¹⁸ Small Arms Survey, “Deadly deception: arms transfer diversion” in *Small Arms Survey yearbook* (2008), page 117

Conclusions

In this thesis, my intent has been to analyze the effects of the arms embargoes enforced by the United Nations and the role of arms brokers in the Liberian conflict. In particular, I have intended to analyze how the availability and the control of natural resources have contributed to make the dynamics of the conflict more complex. I have focused on the role played by arms brokers in mining the efficiency of the UN arms embargo and how they succeeded in exploiting all gaps, both juridical and geographical, in order to loophole international sanctions.

In the first part, I have examined the efforts of the international community to regulate the transfers of arms and have described some instruments - as the Arms Trade Treaty, the UN Register, the Wassenaar Arrangement and the marking of arms - to make every single state responsible for the transfer of arms in its territory. I have also underlined how the establishment of common and internationally-recognized criteria is an important element to persecute with success the activities of arms brokers and increase the possibility of prosecuting them on national and international legislation base.

It emerges that, in the last two decades, the international community has recognized the importance of intensifying the efforts in monitoring the flows and tracking of arms as a fundamental element in order to reduce violence, to maintain peace and pursue international security. The first result in this direction is the enforcement of the ATT (December 2014). But, at present, it is urgent for the UN to fix more instruments, as the ones mentioned above, in a single and comprehensive treaty which remains at the moment still “work in progress” within the UN. It will be called “Comprehensive ATT”.

The matter is complex and I have limited my study on the United Nations arms embargo as a measure of *coercive diplomacy*, used by the international community to condemn and sanction the behaviour of a single state. The conclusion is that the UN system, as well as the international community, have no power of sanction if a state does not implement the embargo legal commitments requested by the United Nations. In fact, the responsibility of implementing the legal commitments of the embargo depends on the government of each UN member state, which is conditioned by its internal policy.

Concerning the effectiveness of the UN arms embargoes, I can say that three important aspects have emerged in the case of Liberia: first, mandatory and long-term arms embargoes are more efficient in their outcomes than non-mandatory and short-term ones; second, cooperation among UN member states and with law-enforcement agencies, is a key factor to pursue effectively the goals of the embargo; third, the establishment of internationally-recognized criteria as well as Panels of Experts or Task Forces, are successful means to verify the outcomes as well as the compliance of UN member states with the embargo prescriptions.

In the second part of the thesis, I have concentrated on the trade of arms, reporting also some data on the volume of Small Arms and Light Weapons (SALW) transfers and on their role in fuelling contemporary conflicts. I have analyzed the motivations of arms procurement as well as its most common channels, with a focus on the role of former Soviet Union Republics and, in particular, of Ukraine.

It emerges that, despite the deaths, abuses and sufferings caused by SALW, arms trade and supply are fundamental to maintain power, to achieve control on natural resources areas or in view of national or foreign policy goals, as independence or secession. In this situation, to establish or maintain a constant supply of SALW is necessary for a successful result of the struggle, as it happened during the Liberian conflict, owing to the traffics carried on by arms brokers when exploiting the arsenals of former Soviet Union republics.

Then, I have focused on the logistical aspects of arms transport in particular on the two most used channels - by air and by sea - and on the role that Flag of Convenience countries (FoC) have in providing services, means of transport and registration procedures, in order to facilitate the activities of arms brokers.

The conclusion is that, despite paperwork and authorizations requested to ship arms - like the End User Certificate - the globalization and the intensification of transports make the monitoring and tracking of suspect cargoes more difficult for two main reasons: because many regions, especially in the African continent, are lacking in means, law-enforcement measures and human resources to control these shipments both by air and by sea; and because FoC countries, exploiting lax registrations procedures and shell companies, facilitate the shipment of weapons without revealing the actors and firms involved in the affair. This aspect is particularly important in the

case of Liberia that, being a FoC country, could continue to be supplied with SALW, despite the arms embargo. This was made possible owing to the controversial Liberian International Shipping and Corporate Registry that allowed the Liberian President and his accomplices to loophole international sanctions.

Then, I have provided a historical background of the phases and the events of the Liberian conflict and of the actors involved, with a particular attention to the connection between the Liberian president and the leader of the Revolutionary United Front, both involved in trafficking weapons in exchange of diamonds across the Sierra Leone-Liberia border in order to avoid international sanctions. I have focused on the role that natural resources – particularly diamonds - played in the Liberian conflict and how the control on extraction areas was fundamental in the conflict.

It has emerged, in this occasion, the so called *war economy* pattern, in which, the availability of natural resources and the control over mining areas have ensured the actors involved in the conflict, a stable way to finance military operations and strengthen business relations with foreign companies and with Private Military Companies (PMCs).

The last part of the thesis is dedicated to the controversial role of the arms brokers and to their activities in Liberia during the period of the arms embargoes, concentrating on the difficulties in defining their activities at international level in relation with the possibility of prosecuting them.

Then I have analysed the capacity of brokers in circumventing national and international laws as well as law-enforcement measures and, in particular, international embargoes: they have an extraordinary ability in arranging complex transnational networks based on the practice of *triangulation* of arms among different countries, by which they avoid embargo measures. In order to explain how *triangulation* represents the most effective way to ship weapons to a country not entitled to receive them, as was Liberia during the embargo period, I have described how some of the most important arms brokers involved in the Liberian conflict exploited successfully the *triangulation* scheme, with the involvement of five neighbouring countries.

After presenting the different aspects of the arms embargo enforced during the Liberian conflict, I think that my hypothesis, which aimed to verify if the efficiency of the UN arms embargo on Liberia was frustrated by the traffics of arms brokers and by the risk of an uncontrolled exploitation of natural resources, can be confirmed.

As presented in the thesis, arms brokers and other actors - as rebel groups, multinational companies, warlords – have been involved in exploiting and illegally trading of natural resources to be exchanged with weapons. The lack of effective monitoring measures, both at local and at international level, facilitates their deadly business as well as their persuasion of impunity. That is why the UN and the international community should intensify their efforts in order to come to a wide comprehensive solution to avoid problems and voids, as the ones that took place in the case of the Liberian conflict, to prevent that embargo measures have an outcome opposite to their declared aims.

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