II. Multilateral embargoes on arms and dual-use items

MARK BROMLEY AND PIETER D. WEZEMAN

Thirty-five multilateral arms embargoes were in force in 2017: 13 imposed by the United Nations (UN), 21 by the European Union (EU) and 1 by the League of Arab States (see table 10.2).\(^1\) 9 of the EU embargoes implemented UN arms embargoes directly, 3 were similar to UN embargoes but differed in geographical scope or the types of weapon covered, and 9 had no UN counterpart.\(^2\) The single Arab League arms embargo, on Syria, had no UN counterpart. One new multilateral arms embargo was imposed in 2017, by the EU on Venezuela.

Most of these embargoes only covered conventional arms and military goods and services. However, three embargoes also covered certain exports of dual-use items: goods, software and technologies that can be used for both civilian purposes and in connection with conventional, biological, chemical or nuclear weapons or their delivery systems. These were the UN and EU embargoes on Iran and on the Democratic People’s Republic of Korea (DPRK, or North Korea) and the EU embargo on Russia.\(^3\)

During 2017 the various UN investigations on the implementation of UN arms embargoes highlighted violations of varying scope and significance. Unlike UN arms embargoes, there are no systematic mechanisms in place for monitoring compliance with EU and Arab League arms embargoes.

This section reviews in turn proposals to impose new UN arms embargoes on South Sudan and Syria, the implementation of certain existing UN embargoes, and developments in EU embargoes.

**Threats to impose new United Nations arms embargoes**

During 2017 only one draft resolution proposing a UN arms embargo, on Syria, was tabled in the UN Security Council. Calls for an arms embargo on

\(^{1}\) In addition, 1 voluntary multilateral embargo was in force in which the Conference on Security and Co-operation in Europe (CSCE, now renamed the Organization for Security and Co-operation in Europe) requests that all participating states impose an embargo on arms deliveries to Armenian and Azerbaijani forces engaged in combat in the Nagorno-Karabakh area. Conference on Security and Co-operation in Europe, Committee of Senior Officials, Statement, annex 1 to Journal no. 2 of the Seventh Meeting of the Committee, Prague, 27–28 Feb. 1992.

\(^{2}\) The 3 that differed from equivalent UN embargoes were those on Iran and North Korea, which covered more weapon types than the UN embargo, and on Sudan, which covered the whole country, whereas the UN embargo applied only to the Darfur region. The 9 with no UN counterpart were those on Belarus, China, Egypt, Myanmar, Russia, South Sudan, Syria, Venezuela and Zimbabwe. The 9 that implement UN embargoes are indicated in table 10.2.

\(^{3}\) The UN and EU embargoes on Iran and North Korea apply to dual-use items on the control lists of the Nuclear Suppliers Group and the Missile Technology Control Regime. The EU embargo on Russia applies to transfers to military end-users of all items on the EU’s dual-use list.
the belligerents in South Sudan had been repeated regularly since the war in the country started in 2013.\textsuperscript{4} In March 2017 France, the United Kingdom and the United States once again stated their support in the UN Security Council for the imposition of an arms embargo, but no resolution calling for this measure was formally submitted.\textsuperscript{5}

\textit{Syria}

In February 2017 France and the UK proposed a draft resolution at the UN Security Council that included a ban on the transfer to Syria of: (a) chlorine; (b) the chemicals listed in schedules to the 1993 Chemical Weapons Convention (CWC) and a supplementary list; and (c) arms and related materiel used to deliver chemicals as weapons, mentioning in particular helicopters.\textsuperscript{6} This was the first time since 2011 that a resolution calling for an arms embargo on Syria had been tabled at the UN Security Council.

The resolution was a response to an October 2016 report by the Organization for the Prohibition of Chemical Weapons–United Nations Joint Investigative Mechanism (JIM), which concluded that Syrian Government forces had used helicopters to drop bombs containing chlorine gas.\textsuperscript{7} The resolution was drafted in December 2016, but its formal submission was reportedly delayed while states determined the policy of the incoming US administration.\textsuperscript{8}

Nine of the 15 members of the Security Council voted in favour of the resolution, but it was vetoed by China and Russia. China argued that investigations into the use of chemical weapons in Syria were not yet complete and that the resolution was not helpful in sustaining peace talks.\textsuperscript{9} Russia’s main argument in support of its veto was that it considered the conclusions of the JIM unconvincing. It argued that they were based on questionable information and that the JIM report was biased since the JIM was staffed largely by representatives of states that pursue regime change in Syria. It also argued

\begin{itemize}
\item \textsuperscript{4} For a full analysis of developments prior to 2017 see Bromley, M., Kelly, N. and Wezeman, P. D., ‘Multilateral embargoes on arms and dual-use goods’, SIPRI Yearbook 2017, pp. 589–90.
\end{itemize}
that the real purpose of the proposed sanctions was not to control chemical weapons, but to undermine the Syrian Government.

**Implementation of United Nations arms embargoes**

As in previous years, there were numerous reported cases of alleged violations of UN arms embargoes in 2017. The scope and significance of these violations varied considerably, with some involving large shipments of arms in contravention of the embargo and others involving a failure by a supplier or recipient state to notify a sanctions committee about a transfer. This section illustrates this variety along with other problems related to the implementation of UN arms embargoes by looking in more detail at the cases of Iran, Yemen, North Korea, Libya and Somalia.

**Iran and Yemen**

The UN arms embargo on Iran was substantially modified in January 2016, following the adoption of the Joint Comprehensive Plan of Action (JCPOA) and UN Security Council 2231 in July 2015.10 The modification permitted transfers of arms and dual-use items to and from Iran, provided that they have been approved in advance by the UN Security Council.11 Only one request to export arms to Iran was submitted between January 2016 and December 2017, by an unnamed state. However, the UN Security Council failed to reach the consensus necessary to approve the request.12 Between January 2016 and December 2017 four states submitted 24 requests to approve transfers to Iran of items on the Nuclear Suppliers Group (NSG) control list.13 Between January 2016 and December 2017 no request was submitted to the UN Security Council to approve an arms export from Iran.14 Nonetheless, there have been numerous allegations that Iran has exported arms to Syria, Iraq and Yemen (see below).15 Iran’s compliance with the mechanism for approving exports of arms and dual-use items to and from Iran is not

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listed among its commitments under the JCPOA. However, the alleged Iranian arms transfers would be a violation of UN Security Council Resolution 2231 and, in the case of the transfers to Yemen, Resolution 2216.\textsuperscript{16}

The UN arms embargo on Yemen prohibits arms transfers to non-state actors in Yemen. Allegations and investigations regarding the violation of the embargo have focused on reports about arms supplies from Iran to the Houthi forces, which controlled large parts of the north of Yemen. In 2017 the UN panel of experts on Yemen and the UN Secretariat continued investigations into small arms and light weapons produced in Iran that were seized in international waters in 2015 and 2016 and were assumed to be destined for end-users in Yemen.\textsuperscript{17} In addition, the UN Secretariat investigated claims by Saudi Arabia that Iran had supplied unmanned aerial vehicles (UAVs, drones) and components for explosive boats to the Houthi forces and examined items that Saudi Arabia said it had recovered in Yemen.\textsuperscript{18}

In 2017 the Houthi forces continued the use of ballistic missiles against Saudi Arabia, including against Riyadh, which is 800 kilometres from Yemen.\textsuperscript{19} In January 2018 the UN panel of experts on Yemen concluded that it had identified missile remnants, related military equipment and military UAVs of Iranian origin that arrived in Yemen after the imposition of the arms embargo on Yemen. The panel concluded that Iran had breached the arms embargo as it had failed to take the necessary measures to prevent the direct or indirect supply, sale, or transfer of ballistic missiles, storage tanks for propellants for missiles and UAVs to the Houthi–Saleh alliance.\textsuperscript{20}

\textit{North Korea}

The UN arms embargo on North Korea prohibits the transfer of arms and certain dual-use items to and from the country. The embargo forms part of a wide array of sanctions that the UN Security Council has imposed in response to North Korea's nuclear weapon and ballistic missile programmes.\textsuperscript{21} In recent years, the mechanisms for monitoring compliance with the sanctions regime have been significantly expanded.

In August and September 2017 the UN sanctions were further expanded in response to North Korea's ballistic missile tests in July 2017 and its sixth

\textsuperscript{16} UN Security Council Resolution 2216, 14 Apr. 2015.
\textsuperscript{18} United Nations, S/2017/1030 (note 17), paras 34–35.
\textsuperscript{21} On North Korea's nuclear weapon and ballistic missile programmes see chapter 6, section IX, in this volume; on the sanctions regime against these programmes see chapter 7, section IV, in this volume.
nuclear test, on 3 September 2017.\(^\text{22}\) The second of these expansions also included a widening of the sanction’s associated monitoring mechanisms. In particular, the Security Council called on states to inspect a vessel on the high seas, with the consent of the flag state, ‘if they have information that provides reasonable grounds to believe’ that it contains cargo prohibited by Council resolutions.\(^\text{23}\) The resolution also directs the associated sanctions committee to consider adding any vessel that refuses a request for inspection to the list of sanctioned entities.\(^\text{24}\)

Despite being subject to one of the most wide-ranging and intrusive UN sanctions regimes, North Korea continued to make rapid advances in both its nuclear weapon and missile programmes during 2017.\(^\text{25}\) The UN panel of experts on North Korea also documented wide-ranging and extensive violations of UN sanctions by the country. As the panel’s August 2017 report notes, ‘as the sanctions regime expands, so does the scope of evasion’.\(^\text{26}\) However, events in 2017 demonstrated the difficulty of determining exactly where North Korea is acquiring the technology needed to advance its weapons programmes and—in particular—the extent to which it is dependent on acquisitions from abroad or is able to rely on indigenous technological developments.

In August 2017 the International Institute for Strategic Studies (IISS), a London-based think tank, claimed that North Korea’s rapid progress in developing ballistic missiles had been made possible by the recent acquisition of R-250 engines.\(^\text{27}\) The precise source for the engines was a matter of dispute. The report indicated that they may have been obtained from Yuzhnoye State Design Office in Ukraine, although other possible sources in Ukraine and Russia were also indicated. Yuzhnoye denied that it was the source of the engines and highlighted the conviction of two North Koreans who had been caught trying to steal information from it in 2011 as evidence of the controls it has in place.\(^\text{28}\)

Other reports emphasized that, while North Korea is reliant on acquisitions from abroad for key aspects of its nuclear weapon and ballistic missile programmes, it is also showing an increasing ability to master certain com-


\(^{23}\) UN Security Council Resolution 2375 (note 22), para. 7.

\(^{24}\) UN Security Council Resolution 2375 (note 22), para. 8.

\(^{25}\) For more information see chapter 6, section IX and XI, in this volume.


\(^{28}\) Broad and Sanger (note 27).
plex production techniques domestically. These findings would suggest that, while the UN-imposed controls on transfers of arms and dual-use items—even if it were rigidly enforced—might slow the advance of North Korea’s nuclear weapon and ballistic missile programmes, they are unlikely to completely halt progress.

The UN panel of experts also continued its investigations into past cases where North Korea violated UN restrictions on its arms exports by supplying arms, military technology and military services to six countries, all in Africa; Angola, the Democratic Republic of the Congo, Eritrea, Mozambique, Namibia and Uganda. In all cases, the panel reported that the recipient country had not fully responded to its inquiries about the alleged violations. The panel also investigated reports from 2017 that North Korean companies were involved in ballistic missile activities in Syria and maintenance of air defence systems in Syria and Tanzania. The panel reported that two states had intercepted shipments from North Korea to Syria and that it was investigating reports from another state that the intended recipient of these transfers was connected to Syria’s chemical weapon programme.

During 2017 new information was reported about the intended destination of 30,000 rocket-propelled grenades found on a North Korean vessel that was intercepted near the coast of Egypt in August 2016. The UN panel of experts described this as the ‘largest seizure of ammunition in the history of sanctions against [North Korea]’. Although the Egyptian authorities played a key role in seizing the weapons and subsequently destroyed them, several sources indicated that their intended recipient was the Egyptian military. The case highlights the extent to which North Korea remains integrated into global arms supply networks.

Libya

The UN arms embargo on Libya permits transfers of arms to the internationally recognized Government of National Accord (GNA), provided that they have been approved in advance by the relevant UN sanctions committee. During 2017 the UN panel of experts on Libya highlighted numerous cases in which the various armed groups in Libya received supplies of

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military equipment and other related items from foreign governments that had not been given prior approval. Among the more significant transfers in 2017 were additional suppliers by the UAE of pick-up trucks and armoured vehicles to the Libyan National Army, which is under the control of General Khalifa Haftar.\textsuperscript{36}

Determining what constitutes a transfer of arms to the GNA remains difficult given the range of forces that are nominally under its control. In May 2016 the Prime Minister of the GNA, Fayez Sarraj, established the Libyan Presidential Guard. The Libyan National Army views this new force as a rival.\textsuperscript{37} In June 2017 General Najmi al-Naqou, commander of the Libyan Presidential Guard, stated that the UN Security Council had been formally requested to exclude his forces from all restrictions on arms imports.\textsuperscript{38} However, no modification to the coverage of the arms embargo was made in 2017. As the UN panel of experts on Libya noted in 2017, ‘The political process that the exceptions to the arms embargo were designed to support has not developed in the manner anticipated, as the relationship between armed groups and political entities remains transactional and transitional’.\textsuperscript{39}

\textit{Somalia}

In 2017 the UN monitoring group on Somalia concluded that weapons continued to reach armed groups in the country. In particular they highlighted evidence suggesting that the rate of arrival of weapons in Puntland alone was approximately one shipment a month, predominantly from Yemen.\textsuperscript{40}

The UN arms embargo on Somalia requires the Government of Somalia to report to the relevant Security Council sanctions committee in advance on all of its arms acquisitions from abroad, to provide information on the structure of its armed forces and to take steps to secure its arms stockpiles. During 2017 the Government of Somalia repeated its past calls for the restrictions on its arms acquisitions to be fully lifted. However, the monitoring group argued against this, noting that over the past two years a number of weapon supplies to government bodies had been only partially notified or not notified at all.\textsuperscript{41}

\textsuperscript{38} Xinhua, ‘Interview: Libyan general requests UNSC to exclude Libyan Presidential Guard from arms embargo’, 19 June 2017.
\textsuperscript{39} United Nations, S/2017/466 (note 36), para. 107.
\textsuperscript{41} United Nations, S/2017/924 (note 40), pp. 6–7.
Despite modest improvements, there remain flaws in the weapon and ammunition management by the Government of Somalia, particularly with respect to distribution and tracking.\footnote{Gaffey, C., ‘Why Somalia wants a 25-year arms embargo lifted’, Newsweek, 12 May 2017.}

**European Union arms embargoes**

**Venezuela**

On 13 November 2017 the Council of the EU imposed sanctions on Venezuela, including an embargo on the supply of arms and on material that might be used for internal repression.\footnote{Council Decision (CFSP) 2017/2074 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela, Official Journal of the European Union, L 295, 14 Nov. 2017.} The immediate reason for the sanctions was the Council’s assessment that there had been numerous irregularities in the Venezuelan gubernatorial elections of October 2017 and that a large part of the opposition did not recognize the results. In addition the Council argued that the setting-up of an ‘all-powerful’ Constituent Assembly had further eroded the democratic and independent institutions in Venezuela and that ‘Reports . . . of violations of human rights and fundamental freedoms are an additional reason for alarm’.\footnote{Council of the European Union, ‘Venezuela: EU adopts conclusions and targeted sanctions’, Press Release 643/17, 13 Nov. 2017.}

The arms embargo covers all transfers of goods and technology listed in the EU Common List of Military Equipment, unless the contracts for such transfers were signed before 13 November 2017. In addition the embargo bans transfers of ‘equipment which might be used for internal repression’, such as riot control vehicles, certain types of explosive and body armour.\footnote{Council Regulation (EU) 2017/2063 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela, Official Journal of the European Union, L 295, 14 Nov. 2017.} As is the case with EU sanctions on Iran and Syria, the sanctions on Venezuela also place restrictions on the transfer of a range of equipment, technology or software that can be used for monitoring internet or telephone communications. However, the restrictions on Venezuela are more narrowly defined than those on Iran and Syria. Exports to Iran and Syria must be blocked if the items will be used ‘for monitoring or interception . . . of internet or telephone communications’.\footnote{Council Regulation (EU) 359/2011 of 12 April 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran, Official Journal of the European Union, L 100, 14 Apr. 2011, Article 1b; and Council Regulation (EU) 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) 442/2011, Official Journal of the European Union, L16, 19 Jan. 2012, Article 4.} In contrast, exports to Venezuela must be blocked if they will be used ‘for internal repression’.\footnote{Council Regulation (EU) 2017/2063 (note 45), Article 6.} The sanctions do not provide a definition of what is meant by ‘internal repression’ in this context.
Egypt

In 2013 the EU member states reached a political agreement that they would suspend exports to Egypt of equipment that might be used for internal repression, re-evaluate export licences for military equipment and review their security assistance to Egypt. These measures remained in place in 2017.  

The measures seem to have had little impact on the overall flow of weapons to Egypt or the military or security aspects of EU–Egyptian relations. Since 2013 several EU member states have exported significant quantities of arms to Egypt. Neither the measures nor the arms exports to Egypt were mentioned in a European Commission report on EU–Egypt relations or in a joint EU–Egypt statement of July 2017. However, both documents mentioned the possibility for security- and counterterrorism-related cooperation between the EU and Egypt.

Myanmar

The EU has maintained an arms embargo on Myanmar since 1991. It was part of a broader set of sanctions intended to exert pressure for democratization and in response to human rights abuses. In 2013 political reforms in Myanmar led to the EU lifting all sanctions other than the arms embargo.

In response to the violence by the Myanmar military against Rohingya people, in October 2017 the Council of the EU called on all sides to bring an immediate end to the violence and called on the Myanmar military to end its operations. In this context the EU confirmed the relevance of the current EU embargo on supplies to Myanmar of arms and on equipment that can be used for internal repression.

Saudi Arabia

In February 2016 the European Parliament concluded that there was strong evidence that Saudi military operations in Yemen that began in 2015 involved violations of international humanitarian law. It therefore adopted a non-binding resolution that asked the High Representative of the EU for

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49 See e.g. SIPRI Arms Transfers Database.
51 On the conflict in Myanmar see chapter 2, section III, in this volume.
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Foreign Affairs and Security Policy to ‘launch an initiative aimed at imposing an EU arms embargo against Saudi Arabia’.\(^5\) In September and November 2017 the parliament adopted resolutions that reiterated the call for an EU arms embargo on Saudi Arabia.\(^6\)

No ensuing action had been taken by the Council of the EU by the end of 2017, and Saudi Arabia continued to be an important arms export market for several EU member states.\(^7\)

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\(^5\) European Parliament, Resolution of 25 Feb. 2016 on the humanitarian situation in Yemen, 2016/2515(RSP). On the conflict in Yemen see chapter 2, section V, in this chapter; on Saudi Arabia’s role in the region see chapter 1, section II, in this volume.


\(^7\) See chapter 5, section I, in this volume.