

II. Multilateral arms embargoes

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The United Nations Security Council uses its powers under Chapter VII of the UN Charter to impose arms embargoes—that is, restrictions on transfers of arms and related services and, in certain cases, dual-use items—that are binding for all UN member states and which form part of what the UN generally refers to as ‘sanctions measures’.¹ During 2020, 13 UN arms embargoes were in force (table 14.2). The European Union (EU) also imposes arms embargoes under its Common Foreign and Security Policy (CFSP) that are binding for EU member states and which form part of what the EU generally refers to as ‘restrictive measures’.² During 2020, 21 EU arms embargoes were in force. Of these EU embargoes, 10 matched the coverage of a UN arms embargo; 3 (Iran, South Sudan and Sudan) were broader in duration, geographical scope or the types of arms covered; while 8 had no UN counterpart. The Arab League had one arms embargo in place (on Syria) that also had no UN counterpart. In addition, one voluntary multilateral embargo imposed by the Conference on Security and Co-operation in Europe (CSCE, now renamed the Organization for Security and Co-operation in Europe, OSCE) was in force for arms deliveries to forces engaged in combat in the Nagorno-Karabakh area.³ No new multilateral arms embargo was imposed in 2020.⁴ However, most elements of the UN arms embargo on Iran expired. The European Council discussed a possible EU arms embargo on Turkey but did not impose one.

Multilateral arms embargoes varied in coverage (table 14.2). Most covered arms, military materiel and related services. However, the UN and EU arms embargoes on the Democratic People’s Republic of Korea (DPRK, North Korea), Iran and Somalia, and the EU arms embargo on Russia, also covered certain exports or imports of dual-use items that can be used both for civilian purposes and to produce, maintain or operate conventional, biological,

¹ United Nations, Security Council, ‘Sanctions’, [n.d.].

² These form part of what the EU generally refers to as ‘restrictive measures’. European Council, ‘Sanctions: How and when the EU adopts restrictive measures’, [n.d.].

³ Conference on Security and Co-operation in Europe, Committee of Senior Officials, Statement, annex 1 to Journal no. 2 of the 7th Meeting of the Committee, Prague, 27–28 Feb. 1992.

⁴ The most recent new multilateral arms embargo was that imposed in 2018 by the UN on South Sudan.

chemical or nuclear weapons.⁵ Certain EU arms embargoes also covered equipment that might be used for internal repression or certain types of communication surveillance equipment. Multilateral arms embargoes also varied in the types of restrictions imposed and recipients targeted. Some placed a ban on all transfers to the state in question, while others banned transfers to a non-state actor or group of non-state actors. Certain UN arms embargoes were ‘partial’, in that they allowed transfers to the state in question provided the supplier or recipient state had received permission from, or notified, the relevant UN sanctions committee or the UN Security Council.

During 2020 the various UN investigations on the implementation of UN arms embargoes highlighted issues of varying scope and significance. Unlike the UN, the EU, the Arab League and the OSCE do not have systematic mechanisms in place for monitoring compliance with their arms embargoes.

This section reviews significant developments and implementation challenges in UN, EU and OSCE arms embargoes in 2020. In particular, the section highlights cases where new embargoes or amendments to embargoes were implemented, debated or demanded, and gives examples of actual or alleged violations.

United Nations arms embargoes: Developments and contraventions

During 2020 the UN introduced no new arms embargoes. The UN embargo on the supply of major arms to Iran and exports of any arms by Iran expired, leaving in place only restrictions on exports and imports of certain dual-use items related to nuclear weapons delivery systems and used in the nuclear fuel cycle. No further significant amendments to existing embargoes were made.

This subsection discusses the significant differences among members of the UN Security Council about the arms embargoes on Iran and South Sudan. It also provides a concise overview of the most notable violations of UN arms embargoes in 2020, especially the large-scale violations of the arms embargo on Libya, primarily based on reports by UN panels and groups of experts that monitor UN arms embargoes.

⁵ The UN and EU embargoes on Iran and North Korea apply to dual-use items on the control lists of the Nuclear Suppliers Group (NSG) and the Missile Technology Control Regime (MTCR). The UN and EU embargoes on Somalia apply to certain dual-use items on the control lists of the Wassenaar Arrangement that can be used to produce, maintain and operate improvised explosive devices. The EU embargo on Russia applies to transfers to military end-users of all items on the EU’s dual-use list. For details of the NSG, MTCR and the Wassenaar Arrangement see annex B, section III, in this volume.

Table 14.2. Multilateral arms embargoes in force during 2020

Target (entities or territory covered) ^a	Date embargo first imposed (duration type)	Materiel covered ^a	Key developments, 2020
<i>United Nations arms embargoes</i>			
Afghanistan (Taliban: NGF)	16 Jan. 2002 (OE)	Arms and related materiel and services	
Central African Republic (government: PT; NGF)	5 Dec. 2013 (TL)	Arms and military materiel (small arms exempted for government)	Extended until 31 July 2021
Democratic Republic of the Congo (government: PT; NGF)	28 July 2003 (TL)	Arms and military materiel	Extended until 1 July 2021
Iran (whole country: PT)	23 Dec. 2006 (TL)	Major arms, with some exceptions; Items related to nuclear weapon delivery systems; Items used in the nuclear fuel cycle	Embargo on exports of major arms to Iran and export of any arms by Iran expired on 18 Oct. 2020
Iraq (NGF)	6 Aug. 1990 (OE)	Arms and military materiel	
ISIL (Da'esh), al-Qaeda and associated individuals and entities (NGF)	16 Jan. 2002 (OE)	Arms and military materiel	
Korea, North (whole country)	15 July 2006 (OE)	Arms and military materiel; Items relevant to nuclear, ballistic missiles and other weapons of mass destruction related programmes	
Lebanon (NGF)	11 Aug. 2006 (OE)	Arms and military materiel	
Libya (government: PT; NGF)	26 Feb. 2011 (OE)	Arms and military materiel	
Somalia (government: PT; NGF)	23 Jan. 1992 (TL)	Arms and military materiel; Components for improvised explosive devices	Extended until 15 Nov. 2021
South Sudan (whole country)	13 July 2018 (TL)	Arms and military materiel	Extended until 31 May 2021
Sudan (Darfur: PT)	30 July 2004 (OE)	Arms and military materiel	
Yemen (NGF)	14 Apr. 2015 (OE)	Arms and military materiel	
<i>European Union arms embargoes without UN counterpart or with broader scope than UN embargoes on the same target</i>			
Belarus (whole country)	20 June 2011 (OE)	Arms and military materiel	Extended until 28 Feb. 2021
China ^b (whole country)	27 June 1989 (OE)	Arms	
Egypt ^b (whole country)	21 Aug. 2013 (OE)	Equipment which might be used for internal repression	

Target (entities or territory covered) ^a	Date embargo first imposed (duration type)	Materiel covered ^a	Key developments, 2020
Iran (whole country)	27 Feb. 2007 (TL)	Equipment which might be used for internal repression; Communication surveillance equipment	Extended until 13 April 2021
Myanmar (whole country)	29 July 1991 (TL)	Arms and military materiel; Communication surveillance equipment	Extended until 30 April 2021
Russia (whole country)	31 July 2014 (TL)	Arms and military materiel; Dual-use materiel for military use or military end-user	Extended until 31 Jan. 2021
South Sudan (whole country)	18 July 2011 (OE)	Arms and military materiel	
Sudan (whole country)	15 Mar. 1994 (OE)	Arms and military materiel	
Syria (whole country)	9 May 2011 (OE)	Equipment which might be used for internal repression; Communication surveillance equipment	
Venezuela (whole country)	13 Nov. 2017 (OE)	Arms and equipment which might be used for internal repression; Communication surveillance equipment	Extended until 14 Nov. 2021
Zimbabwe (whole country)	18 Feb. 2002 (OE)	Arms and military materiel	Extended until 20 Feb. 2021
<i>League of Arab States arms embargoes</i>			
Syria (whole country)	3 Dec. 2011 (OE)	Arms	

ISIL = Islamic State in Iraq and the Levant; NGF = non-governmental forces; OE = open-ended; PT = partial, i.e. embargo allows transfers to the state in question provided the supplier or recipient state has received permission from, or notified, the relevant United Nations sanctions committee or the UN Security Council; TL = time-limited.

^a The target, entities and territory, and materiel covered may have changed since the first imposition of the embargo. The target, entities and material stated in this table are as at the end of 2020.

^b The EU embargoes on China and Egypt are political declarations whereas the other embargoes are legal acts imposed by EU Council decisions and EU Council Regulations.

Sources: UN Security Council, 'Sanctions', [n.d.]; and Council of the European Union, 'EU sanctions map', Updated 18 Feb. 2021. The SIPRI Arms Embargo Archive, <<https://www.sipri.org/databases/embargoes>>, provides a detailed overview of most multilateral arms embargoes that have been in force since 1950 along with the principle instruments establishing or amending the embargoes.

Disagreement in the UN Security Council about the arms embargo on Iran

Until 18 October 2020 UN sanctions on Iran prohibited transfers of most types of major arms to Iran and the transfer of all arms from Iran. An embargo on the transfer to and from Iran of items that could contribute to the development of nuclear weapon delivery systems, in particular missiles, unless these transfers have been approved in advance by the UN Security Council, remained in force throughout 2020 and is scheduled to expire on 18 October 2023. The UN sanctions also place the same approval requirements on transfers to Iran of items that could contribute to Iran's activities related to uranium enrichment, nuclear fuel reprocessing or heavy water (until 18 October 2025).⁶

The expiration of prohibitions on transfers of major arms to and all arms from Iran on 18 October 2020 had been agreed in the Joint Comprehensive Programme of Action (JCPOA) of 2015, on the condition that Iran would comply with the terms of the agreement.⁷ In 2019, after the United States had left the agreement in 2018, Iran began to reduce its commitments under the agreement, which technically could have led to finding Iran in non-compliance with the JCPOA and reimposition of the pre-JCPOA UN sanctions, including a full arms embargo on Iran.⁸ However, in 2020 all seven remaining JCPOA participants reconfirmed their determination to preserve the programme.⁹

Several countries heavily opposed ending the UN arms embargo on Iran. In 2020 Bahrain, Israel, Saudi Arabia, the United Arab Emirates (UAE) and Yemen sent formal letters to the UN Security Council before the embargo expired. The letters described Iran as a destabilizing actor in the Middle East; accused Iran of supplying arms to armed groups in the region, in violation of the embargo; and called instead for an extension of the embargo.¹⁰

The most persistent and far-reaching efforts to extend the embargo came from the USA. In early August 2020, the USA put a draft resolution before the UN Security Council proposing that the existing arms embargo would continue to apply indefinitely, until the UN Security Council decided otherwise. The resolution was only half a page long, without any specific reference to the JCPOA, and argued for maintaining the embargo as 'essential to the maintenance of international peace and security'.¹¹ The resolution

⁶ This differs from other UN arms embargoes where responsibility for issuing such approvals devolves to the relevant UN sanctions committee.

⁷ UN Security Council Resolution 2231, 20 July 2015, annex A.

⁸ By 2020 the JCPOA parties were China, France, Germany, Iran, Russia, the UK and the EU.

⁹ On implementation of the JCPOA see chapter 11, section II, in this volume.

¹⁰ United Nations, Security Council, Tenth six-month report of the Facilitator on the implementation of Security Council Resolution 2231 (2015), S/2020/1244, 17 Dec. 2020, paras 13–14 and 17.

¹¹ United Nations, Security Council, Letter dated 15 Aug. 2020 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, S/2020/805, 17 Aug. 2020, p. 3.

was not adopted as only the Dominican Republic supported the USA, while China and Russia voted against it and 11 other UN Security Council members abstained.¹² France, Germany and the United Kingdom were among the abstentions but voiced concerns that allowing the arms embargo on Iran to expire would have ‘major implications for regional security and stability’, particularly in the light of Iran’s violation of the embargo by supplying arms to state and non-state actors in Iraq, Lebanon, Syria and Yemen. However, their abstentions were rooted in the view that the continuation of the JCPOA should not be jeopardized by extending the arms embargo.¹³

This failed effort by the USA to extend the embargo was followed by another in late August. Claiming that it should still legally be considered a participant in the JCPOA, the USA notified the UN Security Council that it considered Iran in ‘significant non-performance’ of its JCPOA commitments.¹⁴ The USA argued that this initiated a process of reimposition (the so-called snapback mechanism of the JCPOA) of pre-JCPOA UN sanctions, including a full and not time-limited arms embargo.¹⁵ This effort did not succeed either, as all other original signatories of the JCPOA argued that because the USA had unilaterally withdrawn from the agreement in 2018, there was no legal basis for the US claim that it could still initiate the snapback mechanism.¹⁶

Regardless of the positions of the other UN Security Council members and the remaining JCPOA participants, the US administration declared on 18 October—the same day the UN arms embargo on Iran expired—that the USA considered virtually all pre-JCPOA UN sanctions on Iran to have returned on 19 September, as a result of its initiating the snapback mechanism a month earlier. The statement mentioned, in particular, the return of the original 2007 full UN arms embargo on Iran and underlined that the USA would use its ‘domestic authorities’ to sanction any individual or entity involved in supplying arms to Iran.¹⁷

The implementation of the UN arms embargo on Iran has had two contrasting sides. On the one hand, there have been no reports of major violations of the embargo on arms exports to Iran since it was imposed in 2010. On the other hand, there have been persistent allegations that Iran has exported arms in violation of the UN embargo on arms exports from

¹² United Nations, S/2020/805 (note 11), p. 1.

¹³ United Nations, Security Council, Letter dated 15 Aug. 2020 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, S/2020/807, 17 Aug. 2020, pp. 23, 24 and 28.

¹⁴ United Nations, Security Council, Letter dated 20 Aug. 2020 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, S/2020/815, 24 Aug. 2020.

¹⁵ United Nations, S/2020/815 (note 14).

¹⁶ United Nations, S/2020/1244 (note 10), paras 19–38.

¹⁷ Pompeo, M. R., US Secretary of State, ‘Status of UN arms embargo on Iran’, Press statement, US Department of State, 18 Oct. 2020.

Iran, imposed in 2007. In addition, the UN secretary-general and the UN Security Council facilitator for the implementation of Resolution 2231 (2015) issued reports in 2020 that included allegations of Iranian exports of arms that took place before the elements of the UN embargo that prohibited such transfers expired in October 2020. The UN secretary-general's ninth report on the implementation of Resolution 2231 concluded that cruise missiles and unmanned aerial vehicles used in attacks on Saudi oil installations in 2019 were of Iranian origin.¹⁸ However, it drew no conclusions about whether the missiles had been transferred from Iran to another user in violation of the arms embargo or if the missiles had been launched from Iran. The UN Secretariat also analysed two shipments of missiles, small arms and ammunition that had been seized in 2019 and 2020 by the USA on board ships in international waters near Yemen. The report observed that the weapons or their components had characteristics consistent with items produced in Iran and that some components of the weapons had been supplied by another state to Iran.¹⁹ However, the UN Secretariat drew no final conclusions about the involvement of Iran in these shipments. During 2020, the UN Secretariat continued its investigations into possible linkages between Iran and missiles used by Houthi forces in Yemen but again did not reach any final conclusions.²⁰

Disagreement in the UN Security Council about the arms embargo on South Sudan

The UN arms embargo on South Sudan prohibits transfers of arms and military materiel to government forces and armed groups in South Sudan. Certain exemptions can be made. Arms and related materiel, as well as technical training and assistance, that are provided solely in support of the implementation of the terms of the peace agreement in South Sudan are allowed if approved in advance by the UN sanctions committee for South Sudan. Under certain conditions foreign armed forces can bring weapons into South Sudan if the sanctions committee is notified in advance.

In May 2020 the embargo was extended for a year when 12 UN Security Council members voted in favour of maintaining an arms embargo against South Sudan in light of the ongoing violence and human rights violations in the country.²¹ However, China, Russia and South Africa argued that the continuation of the arms embargo in combination with targeted sanctions on South Sudanese individuals did not take into account progress in the peace

¹⁸ United Nations, Security Council, 'Implementation of Security Council Resolution 2231 (2015)', Ninth report of the Secretary-General, S/2020/531, 11 June 2020, paras 32–40.

¹⁹ United Nations, S/2020/531 (note 18), paras 22–31.

²⁰ United Nations, S/2020/531 (note 18), para. 21.

²¹ UN Security Council Resolution 2521, 29 May 2020. On the armed conflict and peace process in South Sudan see chapter 7, section IV, in this volume.

process in South Sudan.²² These three states abstained on the resolution, as China and Russia had also done on the resolutions that established the arms embargo in 2018 and extended it in 2019. South Africa abstained on the same grounds and stressed that the African Union (AU) and the subregional body, the Intergovernmental Authority on Development, had come to the same conclusion. South Africa mentioned in particular the call from the AU's Peace and Security Council for the lifting of all punitive measures on South Sudan to facilitate the peace process and South Sudanese socio-economic recovery and development.²³

During 2020 the UN panel of experts on South Sudan reported on two cases of arms embargo violations. It found that in 2019, the South Sudanese National Security Service had received three deliveries of weapons, mainly small arms, from Sudan.²⁴ It also argued that the presence of the Uganda People's Defence Force in South Sudan was a violation of the embargo as Uganda had not requested any exemptions from the sanctions committee.²⁵

Large-scale violations of the United Nations arms embargo on Libya

The UN arms embargo on Libya bans arms transfers and technical assistance related to military activities to non-state armed groups but permits these to the internationally recognized Government of National Accord (GNA), provided that the transfers have been approved in advance by the UN sanctions committee for Libya. In 2020, open conflict continued between forces under the control of the GNA and the main non-state armed group in Libya, the Libyan National Army (LNA, also known as the Haftar Armed Forces).²⁶ Since the imposition of the embargo in 2011, the associated UN panel of experts has reported on multiple cases of alleged violations.²⁷ The latest public panel report, published in December 2019, concluded that the GNA and the LNA had 'routinely and sometimes blatantly' received weapons and other military support.²⁸ In January 2020, 12 countries met at the Berlin Conference on Libya and promised to fully respect and implement the legally

²² United Nations, Security Council, Letter dated 29 May 2020 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, S/2020/469, 1 June 2020, pp. 23, 25 and 27.

²³ United Nations, S/2020/469 (note 22), p. 27.

²⁴ United Nations, Security Council, Final report of the panel of experts on South Sudan submitted pursuant to Resolution 2471 (2019), S/2020/342, 28 Apr. 2020, paras 38–40, 119–21.

²⁵ United Nations, Security Council, Interim report of the panel of experts on South Sudan submitted pursuant to Resolution 2521 (2020), S/2020/1141, 28 Apr. 2020, para. 83.

²⁶ On the armed conflict in Libya see chapter 6, section IV, in this volume.

²⁷ Bromley, M. and Wezeman, P. D., 'Multilateral embargoes on arms and dual-use items', *SIPRI Yearbook 2020*, pp. 539–40. See also equivalent chapters in the 2012–19 editions of the SIPRI Yearbook.

²⁸ United Nations, Security Council, Final report of the panel of experts on Libya established pursuant to Security Council Resolution 1973 (2011), S/2019/914, 9 Dec. 2019, p. 2.

binding UN arms embargo.²⁹ Among these 12 countries were Turkey and the UAE, which in 2019 had been assessed by the UN panel as the main arms suppliers to, respectively, the GNA and the LNA.³⁰

The UN panel did not publish a report in 2020. However, the overall substance of the panel's findings was summed up by other UN sources. In May 2020, shortly after the Berlin Conference, the head of the UN Support Mission in Libya (UNSMIL) reported on a massive influx of weaponry, equipment and mercenaries to the two sides.³¹ In December the head of UNSMIL stated that there were 20 000 'foreign forces and/or mercenaries' in Libya.³² As mercenaries provide technical assistance related to military activities, their presence in Libya would be a violation of the UN embargo. In the second half of 2020 the chair of the Libya sanctions committee reported that blatant violations of the arms embargo had continued throughout the year.³³

A combination of remarks by the same chair, reporting by the media on leaked interim reports by the panel, and information from other sources suggested that, during 2020 in particular, Russia, Turkey and the UAE (all three being participants in the Berlin Conference) were involved in embargo violations. The UN panel reportedly estimated that the Wagner Group, a Russian company, had deployed between 800 and 1200 mercenaries and military equipment in Libya as part of a contract with the LNA.³⁴ The panel reportedly also established that Russia had transferred combat aircraft and other military equipment into Libya.³⁵ The chair of the Libya sanctions committee confirmed the presence of Wagner Group in Libya.³⁶ The USA accused Russia of being directly responsible for the activities of the Wagner

²⁹ French Ministry for Europe and Foreign Affairs, 'The Berlin Conference on Libya: Conference conclusions (19 January 2020)', Libya news, 2020; and United Nations, Security Council, Letter dated 22 Jan. 2020 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council, annex I to the letter dated 22 Jan. 2020 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council, Berlin Conference on Libya, S/2020/63, 22 Jan. 2020, p. 4.

³⁰ United Nations, S/2019/914 (note 28), p. 2, paras 60–62.

³¹ United Nations, "'Alarming" military build-up underway in Libya, as Covid-19 heightens insecurity', UN News, 19 May 2020.

³² United Nations Support Mission in Libya (UNSMIL), 'Acting SRSG Stephanie Williams opening remarks during the third virtual meeting of the second round of the LPDF on 2 Dec. 2020', UNSMIL News, 2 Dec. 2020.

³³ Sautter, G., Statement during the UN Security Council VTC Meeting on Libya, 2 Sep. 2020; and Sautter, G., 'Statement as chair of the 1970 Libya sanctions committee in the Security Council VTC briefings by subsidiary organs', 16 Dec. 2020.

³⁴ Nichols, M., 'Up to 1,200 deployed in Libya by Russian military group: UN report', Reuters, 6 May 2020.

³⁵ Lederer, E. M., 'Experts: Libya rivals UAE, Russia, Turkey violate UN embargo', AP News, 9 Sep. 2020.

³⁶ Sautter, Statement, 16 Dec. 2020 (note 33).

Group in Libya and the related supply of arms.³⁷ However, Russia has denied any involvement in arms supplies to Libya.³⁸

According to media reporting, the UN panel concluded in mid 2020 that, since Turkey's and the UAE's 'more direct engagement' in 2019 and January 2020, respectively, 'arms transfers to Libya by those two member states have been extensive, blatant and with complete disregard to the sanctions measures'.³⁹ The chair of the Libya sanctions committee also mentioned that both Turkey and the UAE had supplied arms to Libya.⁴⁰ The panel reportedly found the UAE to be in non-compliance of the arms embargo, because it had deployed military personnel and supplied weapons to the LNA.⁴¹ According to the same media report, the panel concluded that Turkey had sent a variety of arms to Libya.⁴² Finally, the leaked reports from the UN panel of experts on Libya purportedly mentioned the recruitment of fighters from Syria by Turkey in support of the GNA.⁴³

Interim reports by the UN panel of experts on Libya have not previously been published. However, in September 2020 the German chair of the sanctions committee for Libya, at the request of several other delegations, put the publication of the 2020 interim report on the agenda of the UN Security Council, with the aim of creating 'much needed transparency' and 'naming and shaming' embargo violators. However, China and Russia blocked the report's publication.⁴⁴

None of the allegations about embargo violations led to UN sanctions. However, the EU implemented some limited measures. In July 2020, France, Germany and Italy issued a joint statement in which they urged all foreign actors to fully respect the arms embargo, and indicated that they were ready to consider the possible use of EU sanctions if the breaches of the embargo continued.⁴⁵ By the end of 2020 the EU had imposed sanctions on three companies, based in Jordan, Kazakhstan and Turkey, that had been involved

³⁷ US Department of Defense (DOD), 'Russia, Wagner Group continue military involvement in Libya', 24 July 2020; and Lead Inspector General of the DOD, *East Africa Counterterrorism Operation: North and West Africa Counterterrorism Operation*, Report to the US Congress (DOD: Arlington, VA, 1 Apr.–30 June 2020), p. 5.

³⁸ 'Mike Pompeo's claims of Russian arms shipments to Libya fake, diplomat claims', TASS, 24 Dec. 2020.

³⁹ Lederer (note 35).

⁴⁰ Sautter, Statement, 16 Dec. 2020 (note 33).

⁴¹ Lederer (note 35); and 'UAE delivered weapons to Libya's Haftar despite UN embargo', Middle East Eye, 30 Sep. 2019.

⁴² Lederer (note 35).

⁴³ Security Council Report, 'Libya sanctions: Discussion under "any other business"', 24 Sep. 2020.

⁴⁴ Lederer, E. M., 'Russia, China block release of UN report criticizing Russia', AP News, 26 Sep. 2020; and Sautter G., Statement in the Security Council VTC meeting on Libya, 19 Nov. 2020.

⁴⁵ 'France, Germany, Italy threaten sanctions over arms for Libya', Reuters, 18 July 2020.

in transporting military material to Libya in 2020.⁴⁶ However, the EU did not publicly threaten or impose any sanctions on countries that had been accused of organizing these transports.

Developments in contraventions of other UN arms embargoes

Significant violations of UN arms embargoes in Yemen and Sudan also continued in 2020, whereas violations of the arms embargo on North Korea appeared to be in decline. The UN arms embargo on Yemen prohibits transfers to non-state actors in the country. However, continuous violations of the embargo have been reported since it was imposed in 2015. The UN panel of experts on Yemen concluded that by 2021 there was increasing evidence suggesting that particular individuals and entities within Iran had supplied significant volumes of weapons and components to the Houthi rebels.⁴⁷

The UN panel on Sudan reported that in 2020 the Sudanese Government continued to transfer arms into the Darfur region in violation of the UN arms embargo, which requires such transfers to be approved in advance by the UN sanctions committee for Sudan.⁴⁸

The UN arms embargo on North Korea prohibits transfers to and from North Korea of arms and items relevant to the development of nuclear weapons or ballistic missiles. In 2019, the UN panel on North Korea reported that violations of the embargo on military cooperation with North Korea, many of which had been reported in previous years, appeared to have been declining.⁴⁹ Though the panel did not make similar statements in 2020 it only reported in that year on two cases that occurred in previous years.⁵⁰ This lack of new cases suggests that the decline in violations had continued.

EU arms embargoes: Developments and implementation challenges

During 2020 the EU made no significant modifications to any existing EU arms embargoes and did not introduce any new embargoes. However, arms embargoes on Saudi Arabia and Turkey continued to be raised as possibilities.

⁴⁶ Council implementing Regulation (EU) 2020/1309 of 21 Sep. 2020 implementing Article 21(2) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya, *Official Journal of the European Union*, L305, 21 Sep. 2020, pp. 3–4.

⁴⁷ United Nations, Security Council, Final report of the panel of experts on Yemen, S/2021/79, 25 Jan. 2021, p. 2. On the armed conflict in Yemen see chapter 6, section V, in this volume.

⁴⁸ United Nations, Security Council, Final report of the panel of experts on the Sudan, S/2021/40, 13 Jan. 2021, Summary, p. 3. On the armed conflict in Sudan see chapter 7, section IV, in this volume.

⁴⁹ United Nations, Security Council, Report of the panel of experts established pursuant to Resolution 1874 (2009), S/2019/691, 30 Aug. 2019, para. 32.

⁵⁰ United Nations, Security Council, Report of the panel of experts established pursuant to Resolution 1874 (2009), S/2020/840, 28 Aug. 2020, paras 74–77 and 79; and United Nations, Security Council, Report of the panel of experts established pursuant to Resolution 1874 (2009), S/2020/151, 2 Mar. 2020.

Saudi Arabia

Both within and among EU member states and in the European Parliament there have been continuous discussions since 2015 about the imposition of restrictions on arms supplies to Saudi Arabia in response to concerns about Saudi military operations in Yemen. In February 2016, October 2017 and October 2018 the European Parliament adopted resolutions calling for an EU arms embargo on Saudi Arabia.⁵¹ The European Parliament reiterated this call in a resolution adopted in September 2020.⁵²

Turkey

In 2020, for the second time in two years, the possibility of imposing an arms embargo on Turkey was discussed in the EU. The Council of the EU discussed a possible arms embargo on Turkey in 2019 in response to a large Turkish military operation in northern Syria against the armed Kurdish People's Protection Units (YPG).⁵³ In 2020 Turkish surveying for hydrocarbon deposits in the Eastern Mediterranean, including in Cyprus's Exclusive Economic Zone, led to major tensions between Turkey and the EU.⁵⁴ In response Greece called for sanctions against Turkey, including EU restrictions on arms exports to Turkey, arguing there was a risk that Turkey might use military means to reinforce its positions in the Mediterranean.⁵⁵ The Netherlands suggested an EU arms embargo against Turkey in response to Turkish involvement in the conflicts in Nagorno-Karabakh, Libya and Syria, and Turkish oil and gas exploration activities in Greek waters.⁵⁶ The extent of the support for this suggestion among other EU member states remained unclear from open sources, but it did not find sufficient support during EU Council meetings in 2020. Hence, no arms embargo was imposed. Germany in particular openly opposed restricting arms exports on the grounds of Turkey's role as a NATO partner.⁵⁷

⁵¹ Bromley and Wezeman (note 27), p. 543.

⁵² European Parliament, 'Arms export: Implementation of Common Position 2008/944/CFSP, 2020/2003(INI)', 17 Sep. 2020, para. 11.

⁵³ Bromley and Wezeman (note 27), pp. 543–44. On Turkey's military operation in Syria see chapter 6, section II, in this volume.

⁵⁴ European Council, European Council meeting (10 and 11 Dec. 2020): Conclusions, EUCO 22/20, 11 Dec. 2020, p. 11. On the tensions in the eastern Mediterranean see chapter 5, section I, in this volume.

⁵⁵ Nikas, S., 'Greece seeks arms embargo, halt to EU Turkey customs union', Bloomberg, 20 Oct. 2020; and Brzozowski, A. and Michalopoulos, S., 'EU top diplomat keeps mum over Turkey arms embargo', Euractiv, 8 Dec. 2020.

⁵⁶ 'Minister Blok wil met EU praten over wapenembargo Turkije' [Minister Blok wants to talk with EU about arms embargo Turkey], NOS, 13 Nov. 2020.

⁵⁷ Maas, H., Statement on arms exports to Turkey, German Federal Foreign Office news, 21 Dec. 2020.

The voluntary OSCE arms embargo related to Nagorno-Karabakh

In 1992 the CSCE (renamed the OSCE) requested that all participating states impose an embargo on arms deliveries to Armenian and Azerbaijani forces engaged in combat in the Nagorno-Karabakh area. The OSCE request has never been repealed. It is a voluntary multilateral arms embargo that OSCE participating states implement in different ways. For example, while Germany does not license the export of military goods to Armenia and Azerbaijan, other OSCE participating states have continued to supply arms to Armenia and Azerbaijan since 1992.⁵⁸ In 2020 large-scale fighting erupted between Armenia and Azerbaijan, which was preceded by significant arms supplies from several countries.⁵⁹ These included several OSCE participating states, particularly Russia, which supplied arms to both countries; Turkey, which supplied arms to Azerbaijan; and Spain, which supplied radars to Azerbaijan.⁶⁰ Russia's role as arms supplier to both countries stood in contrast to its role as co-chair of the Minsk Group, which seeks a peaceful resolution over Nagorno-Karabakh.⁶¹ The apparent lack of interest in strengthening restrictions on arms supplies to Armenia and Azerbaijan was underlined by the fact that there was no public discussion in the OSCE during 2020 about the implementation of the embargo or about changing its status.

Conclusions

In 2020 continuing differences within the UN Security Council about the need for or utility of imposing or extending arms embargoes showed clearly when China and Russia once again abstained in the vote on the extension of the UN arms embargo on South Sudan. However, a new dimension was added in 2020 when the USA became fully isolated from its usual European allies in its efforts to extend the UN arms embargo on Iran. Strong differences in states' views on arms embargoes were also apparent from several OSCE participating states ignoring the voluntary OSCE embargo on the supply of weapons to Armenia and Azerbaijan in the years before and during the large-scale fighting between the two countries in 2020.

Compliance with UN arms embargoes was mixed in 2020 and the UN did not impose sanctions on any of the countries reportedly linked to embargo violations. As in previous years, there were reports of significant and sus-

⁵⁸ German Customs, 'Länderembargos: Armenien' [Country embargoes: Armenia], [n.d.]; and German Customs, 'Länderembargos: Aserbajdschan' [Country embargoes: Azerbaijan], [n.d.].

⁵⁹ On the armed conflict in 2020 see chapter 5, section II, in this volume.

⁶⁰ SIPRI arms transfers database, <<https://sipri.org/databases/armstransfers>>; see also chapter 9 in this volume.

⁶¹ Organization for Security and Co-operation in Europe (OSCE), 'OSCE Minsk Group', [n.d.].

tained violations by several countries of the UN arms embargo on Libya. Of particular concern were allegations that Russia, a permanent member of the UN Security Council, was heavily involved in these violations. There were also reports of significant violations, linked to actors in Iran, of the arms embargo on non-state actors in Yemen. In contrast, violations of the arms embargo on military cooperation with North Korea seemed to have diminished.