

II. Multilateral arms embargoes

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Arms embargoes are restrictions on transfers of arms and related services and, in certain cases, dual-use items, to particular destinations or entities. This section discusses developments in multilateral arms embargoes, that is, those imposed by the United Nations, the European Union (EU) and other multilateral bodies or groups of states. In particular, the section highlights cases where amendments to embargoes were implemented or debated. It also gives examples of actual or alleged embargo violations as reported in UN investigations or discussed in the UN Security Council.¹ The section also discusses the Global Export Control Coalition (GECC) and the prohibitions on transfers of arms and dual-use items to Belarus and the Russian Federation that coalition members have agreed to adopt.

The scope of multilateral arms embargoes in 2023

Multilateral arms embargoes vary in terms of the scope of items and activities they cover and the actors they target. Most cover arms, military materiel and related services. Some arms embargoes also cover dual-use items that can be used both for civilian purposes and to produce, maintain or operate conventional, biological, chemical or nuclear weapons.² Certain EU arms embargoes also cover equipment that might be used for internal repression and certain types of communication surveillance equipment. All arms embargoes cover exports of controlled items while some also cover brokering, imports, transit and trans-shipment, and re-exports. Some place a ban on all transfers to the state in question, while others ban transfers to a non-state actor or group of non-state actors. Some UN embargoes are ‘partial’, in that they allow transfers to the government in the embargoed state, provided the supplier or recipient state has received permission from, or notified, the relevant UN sanctions committee or the UN Security Council. The GECC, the EU and the Organization for Security and Co-operation in Europe (OSCE)—unlike the

¹ See e.g. Varisco, A. E., Wezeman, P. D. and Kuimova, A., *Illicit Small Arms and Light Weapons in Sub-Saharan Africa: Using UN Reports on Arms Embargoes to Identify Sources, Challenges and Policy Measures* (SIPRI: Stockholm, Dec. 2022).

² 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, the MTCR and the Wassenaar Arrangement see section III of this chapter, and annex B, section III, in this volume.

UN—have no systematic mechanisms in place for independent monitoring of compliance with their arms embargoes.

The UN Security Council uses its powers under Chapter VII of the UN Charter to impose arms embargoes that are binding for all UN member states and which form part of what the UN generally refers to as ‘sanctions measures’.³ During 2023, 14 UN arms embargoes were in force (table 12.2).

In response to Russia’s ongoing war of aggression against Ukraine, 39 states maintained arms embargoes on Belarus and Russia during 2023. These states coordinated their embargo coverage and implementation efforts under the auspices of the GECC. Both the GECC and the prohibitions on transfers to Belarus and Russia represent a significant development in states’ collective use of arms embargoes as tools for addressing shared policy objectives.

The EU 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’.⁴ During 2023, 22 EU arms embargoes were in force, of which 11 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. In addition, one voluntary multilateral embargo imposed by the OSCE was in force for arms deliveries to forces engaged in combat in the Nagorno-Karabakh area.⁵ Despite Azerbaijan’s one-day offensive in September 2023 ending the enclave’s de facto self-governance, there was no significant development in the OSCE arms embargo in 2023.⁶ The status of the arms embargo on Syria imposed by the Arab League in 2011 has become very uncertain. In 2023 Syria was readmitted to the Arab League from which it was suspended in November 2011 (at the same time as the arms embargo was imposed).⁷ Although no formal statement has been found about the lifting of the embargo, there is also no indication it remains active.

During 2023 one arms embargo, the UN embargo on Iran, expired, and notification requirements for arms supplies to the governments in the Central African Republic (CAR) and Somalia under their respective UN embargoes were lifted.⁸ The UN arms embargo on Haiti was changed from an embargo

³ United Nations, Security Council, ‘Sanctions’, [n.d.].

⁴ These form part of what the EU generally refers to as ‘restrictive measures’. European Council and Council of the EU, ‘How and when the EU adopts sanctions’, [n.d.].

⁵ The OCSE was known as the Conference on Security and Co-operation in Europe (CSCE) when the embargo was first imposed. See CSCE, Committee of Senior Officials, Statement, Annex 1 to Journal no. 2 of the Seventh Meeting of the Committee, Prague, 27–28 Feb. 1992.

⁶ Broers, L., ‘The Nagorno-Karabakh wars are over, but their fallout will be lasting’, *World Politics Review*, 25 Oct. 2023. See also chapter 2, section I, in this volume.

⁷ Council of the League of Arab States at the ministerial level, Resolution 8914 on developments of the situation in Syria, CO1/E(23/05)/05-R(10728), 7 May 2023; see also Qreima, S., ‘Arab foreign ministers announce resumption of participation in Arab League meetings’, SANA, 7 May 2023.

⁸ On the UN arms embargo on Iran see Wezeman, P., ‘Multilateral arms embargoes’, *SIPRI Yearbook 2023*, p. 529.

on all arms to designated individuals, to a territorial embargo on the supply of small arms and light weapons to Haiti, with the exemption of supplies to the government of Haiti and UN-authorized missions.⁹

No new multilateral arms embargoes were imposed in 2023, despite worsening armed conflict in several countries, and military coups in Niger and Gabon—all of which might have in earlier years led multilateral bodies to impose arms embargoes.¹⁰ A call by the government of Sudan for a UN arms embargo on rebel forces, specifically the Rapid Support Forces, invaders and mercenaries, did not lead to any further action.¹¹

United Nations arms embargoes: Developments and implementation issues

During 2023 the UN lifted one arms embargo and amended several existing embargoes. The final element of the UN arms embargo on Iran expired on 18 October 2023—eight years after the adoption of the Joint Comprehensive Plan of Action (JCPOA) on Iran's nuclear programme.¹² This subsection provides an overview of the most notable developments in UN arms embargoes in 2023 in relation to CAR, the Democratic People's Republic of Korea (DPRK, North Korea), Libya, Somalia, South Sudan and Sudan (Darfur). It also highlights notable violations and alleged violations of UN arms embargoes in 2023, primarily based on reports by the UN panels and groups of experts that monitor them.

The UN arms embargoes on CAR, Somalia, South Sudan and Sudan (Darfur) are 'partial' in that they ban any arms transfers to non-state armed groups while maintaining systems of permission or notification for supplies of arms to the government forces of these states. In 2023 disagreement within the UN Security Council about these systems of permission or notification and about the use of sanctions more broadly continued.¹³ As noted below, China, Russia and African members of the Security Council repeatedly spoke out against the restraints on arms supplies to government forces. For example, with reference to the sanctions on Sudan (Darfur), during a Council meeting in March 2023 China called once again 'for a comprehensive assessment of existing Council sanctions regimes and the formulation of clear and feasible

⁹ UN Security Council Resolution 2699, 2 Oct. 2023. On the conflict in Haiti see also chapter 2, section I, and chapter 3, section I, in this volume.

¹⁰ On armed conflicts active in 2023 see chapter 2 in this volume.

¹¹ United Nations, 'Sudan requests Security Council to impose arms embargo on rebel forces; sanctions committee chair briefs members on latest developments', Meetings coverage, 9503rd meeting (PM), SC/15525, 12 Dec. 2023.

¹² On developments in the JCPOA see chapter 8, section III, in this volume.

¹³ On earlier disagreements see Wezeman, P. D., 'Multilateral arms embargoes', in 'Dual-use and arms trade controls', *SIPRI Yearbook 2023*, pp. 525–31.

exit criteria'.¹⁴ By the end of 2023 changes in the restrictions on arms supplies to Somalia (see below) seemed to indicate that at least some of the disagreement could be overcome by making clearer distinctions between controls on arms supplies to governments and full arms embargoes on armed groups, as well as through effective benchmarking of progress on weapons and ammunition management by state forces.

The Central African Republic

The UN has gradually eased the systems of permission or notification attached to its arms embargo on CAR, and in July 2023 passed a resolution to lift all restrictions on arms supplies to the government security forces.¹⁵ A full arms embargo on transfers to armed groups in CAR was kept in place until July 2024. Although all Security Council member states supported maintaining the embargo on transfers to armed groups and lifting any restrictions on arms procurement by the CAR government, there was significant disagreement about the resolution. Russia and China abstained from voting on the resolution, arguing that its formulation implied an infringement on the sovereignty of CAR.

In their statements following the vote, Russia and China underlined their strong differences on the role and appropriateness of UN arms embargoes, and of sanctions in general, to deal with conflict and security issues. Russia argued that the situation in CAR meant that any form of sanctions on the efforts of the CAR government to ensure its national security should be removed.¹⁶ The United States responded that the terms of the resolution meant that 'Russia remains obligated to notify the Committee of all transfers of weapons and resources to its Wagner mercenaries' in CAR.¹⁷ China argued that the resolution failed to fully meet the wishes of CAR and countries of the region for a complete lifting of sanctions. China observed that it perceived African countries in general to be eager to see the lifting of the Council's sanctions and arms embargoes, as they believe that such measures have negatively impacted on Africa's security capacity.¹⁸ The final statement was from CAR, which criticized the resolution as being 'confusing and vague', and stressed that it should have been called 'arms embargo on armed groups' operating in CAR, not 'arms embargo on the Central African Republic'.¹⁹

¹⁴ United Nations, Security Council, 9278th meeting, New York, 8 Mar. 2023, Provisional meeting record S/PV.9278, p. 4.

¹⁵ UN Security Council Resolution 2693, 27 July 2023.

¹⁶ United Nations, Security Council, 9388th meeting, New York, 27 July 2023, Provisional meeting record S/PV.9388, p. 2. On Russian interests in CAR, especially the involvement of the Wagner Group, see chapter 4, section I, in this volume.

¹⁷ United Nations, Security Council, S/PV.9388 (note 16), p. 3.

¹⁸ United Nations, Security Council, S/PV.9388 (note 16), p. 4.

¹⁹ United Nations, Security Council, S/PV.9388 (note 16), p. 6.

North Korea

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. It is an open-ended embargo which can only be lifted by an active decision of the UN Security Council. During 2023 Russia violated the arms embargo—which is especially serious as Russia is one of the five permanent members of the Security Council—by acquiring missiles and possibly substantial numbers of other types of weapons from North Korea.

In 2023 the UN panel of experts continued investigations into alleged exports of North Korean military communications equipment and ammunition, and initiated a number of investigations into possible cases of sales by the country of arms or other types of military support to UN member states. Cases investigated included reports of exports of military radios to Ethiopia, rockets and bombs to Sudan, and bombs to Myanmar. But the panel did not come to any final conclusions on these alleged exports.²⁰

The panel continued to investigate US allegations that North Korea had exported artillery ammunition, rockets and missiles to Russia in November 2022, for use by the Wagner Group fighting on behalf of the Russian government in Ukraine.²¹ In reply, Russia stated that images of railway carriages containing the weapons presented as evidence by the USA were ‘not comprehensive evidence and do not show a violation of the international restrictive measures imposed against Pyongyang’; that it was complying with the Security Council’s sanctions, prohibitions and restrictions; and that ‘competent Russian authorities found no violations’.²² By late September 2023, the panel had ‘not obtained further evidence and still [could] not confirm that the train in the imagery provided was used to transport ammunition’.²³

Throughout 2023 the USA made further allegations of Russia procuring arms from North Korea. In July the Russian minister of defence visited an arms exhibition in North Korea allegedly to discuss increasing arms imports from North Korea.²⁴ In October the USA alleged that North Korea had provided Russia with more than 1000 containers of military equipment and munitions.²⁵ No independent public sources could fully corroborate that

²⁰ United Nations, Security Council, Midterm report of the panel of experts established pursuant to Resolution 1874 (2009), S/2023/656, 12 Sep. 2023, paras 93–95.

²¹ United Nations, Security Council, S/2023/656 (note 20), para. 96. On the role of the Wagner Group in Ukraine see chapter 4, section I, in this volume. On the Russia–Ukraine war see chapter 1, chapter 2, section I, and chapter 10, sections II and III, in this volume.

²² United Nations, Security Council, S/2023/656 (note 20), para. 96 and p. 276 (annex 57).

²³ United Nations Security Council, S/2023/656 (note 20), para. 96.

²⁴ Yim, H. and Smith, J., ‘North Korea’s Kim shows off banned missiles to Russian minister’, Reuters, 27 July 2023; and Madhaani, A., ‘White House says top Russian official pitched North Korea on increasing sale of munitions to Moscow’, AP, 3 Aug. 2023.

²⁵ Gangitano, A., ‘White House: North Korea has provided Russia with 1K containers of military equipment, munitions’, *The Hill*, 13 Oct. 2023.

Russia had received these supplies from North Korea and no evidence of them surfaced on the battlefields in Ukraine.

However, there was convincing evidence that Russia had acquired ballistic missiles from North Korea. In early January 2024, the USA claimed that Russia had acquired from North Korea several dozen ballistic missiles with a range of 900 kilometres, and had used some of those against Ukraine in late December 2023 and early January 2024.²⁶ The US claims were backed by 47 states which issued a joint statement condemning North Korea's export and Russia's use of these missiles against Ukraine, and called on both states to abide by relevant UN Security Council resolutions.²⁷ On the basis of examining debris of missiles found in Ukraine, an independent research group concluded that Russia had indeed used missiles of North Korean origin.²⁸

Libya

The UN arms embargo on Libya bans arms transfers and technical assistance related to military activities to non-state armed groups, but permits deliveries to the Government of National Accord—which was incorporated into the Government of National Unity (GNU) in 2021—provided that the transfers have been approved in advance by the UN sanctions committee for Libya. However, the panel of experts on Libya concluded in its September 2023 report that the embargo continued to be totally ineffective and that some member states 'ignore the relevant Council resolutions with impunity'.²⁹

Somalia

The UN arms embargo on Somalia banned arms transfers and technical assistance related to military activities to non-state armed groups but permitted deliveries to the internationally recognized government after notification to the UN sanctions committee. In December 2023 the Security Council unanimously decided to lift the arms embargo.³⁰ The lifting of the embargo was connected with progress on benchmarks that indicated the government of Somalia was exercising greater control over weapons and ammunition management.³¹ At the same time as it lifted the embargo, the Security Council

²⁶ White House, Press briefing by Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic Communications John Kirby, 4 Jan. 2024.

²⁷ US Department of State, Joint statement on DPRK–Russia ballistic missile transfers', Media note, 9 Jan. 2024.

²⁸ Conflict Armament Research, 'Documenting a North Korean missile in Ukraine', Ukraine Field Dispatch, Jan. 2024. See also Herskovitz, J., 'North Korea appears to be sending its newest missiles to Russia', BNN Bloomberg, 5 Jan. 2024. On the role of missiles in the Russia–Ukraine war see chapter 10, section III, in this volume.

²⁹ United Nations, Security Council, 'Final report of the panel of experts established pursuant to Resolution 1973 (2011) concerning Libya', S/2023/673, 15 Sep. 2023, p. 2.

³⁰ UN Security Council Resolution 2714, 1 Dec. 2023.

³¹ United Nations, Security Council, Letter dated 15 September 2023 from the secretary-general addressed to the president of the Security Council, S/2023/676, 15 Sep. 2023.

cil also extended the arms embargo on al-Shabab.³² The approach taken in Somalia, where there is now one arms embargo which applies exclusively to a specific armed group, contrasts with the approach in CAR, where the arms embargo continues to apply to the whole country but excludes transfers to the government.

South Sudan

The UN arms embargo on South Sudan allows arms supplies to government forces if they are approved in advance by the UN sanctions committee. In 2023 the Security Council resolved to extend the arms embargo for another year, as a majority of the Security Council members continued to see it as a tool to address the ongoing violence in South Sudan.³³ In the vote on the resolution, China and Russia abstained, as they had in 2022; Gabon, Ghana and Mozambique also abstained in 2023. All five states argued that the UN sanctions on South Sudan, which also include travel bans and asset freezes on selected individuals, have negative socioeconomic effects and hamper the development of the South Sudanese armed forces.³⁴

Sudan

There was also disagreement in 2023 about the UN arms embargo on Sudan, under which military supplies by the government of Sudan into the Darfur region require prior approval from the UN sanctions committee. In March 2023 the Security Council adopted a resolution drafted by the USA in which the embargo was changed from being open-ended to time limited. The resolution renewed the sanctions measures until 12 September 2024, at which time they expire unless the Security Council can agree on further renewal.³⁵ Russia and China abstained from the vote, arguing that the arms embargo should be lifted as the situation in Darfur had improved and that the sanctions limit the capability of Sudanese security forces to maintain stability in Darfur and protect civilians.³⁶ China stressed that the League of Arab States, the Organization of Islamic Cooperation and the Group of African States had all called for the sanctions on Sudan to be lifted. The three African members of the Security Council—Gabon, Ghana and Mozambique—along with the United Arab Emirates (UAE), proposed during the drafting of the resolution that the sanctions should terminate in February 2024. Despite the final draft resolution not including that proposal, they voted in favour of it. The UAE

³² UN Security Council Resolution 2713, 1 Dec. 2023.

³³ UN Security Council Resolution 2683, 30 May 2023.

³⁴ United Nations, Security Council, 9332nd meeting, New York, 30 May 2023, Provisional meeting record S/PV.9332.

³⁵ UN Security Council Resolution 2676, 8 Mar. 2023.

³⁶ United Nations, Security Council, S/PV.9278 (note 14), pp. 2–4.

explained its vote as a compromise in the light of the sanctions regime being changed to a time-limited one.³⁷

Yemen

The UN arms embargo on Yemen prohibits transfers to non-state actors, particularly the Houthi forces.³⁸ However, continuous violations of the embargo have been reported since it was imposed in 2015. The UN panel of experts on Yemen reported in October 2023 on large-scale violations of the arms embargo involving, for example, ballistic missiles, cruise missiles, anti-ship missiles, attack uncrewed aerial vehicles (UAVs), and waterborne improvised explosive devices that were displayed by the Houthis during military parades held in late 2022. It also reported that from November 2022 to June 2023, the government of Yemen intercepted transfers of 254 UAVs, 100 engines for UAVs, ‘nearly 5 tons’ of explosive precursor chemicals, two diver propulsion vehicles and various pieces of military equipment; and that in international waters the navies of the USA, France and the United Kingdom seized several thousand assault rifles, a large quantity of ammunition, and components for electro-optical surveillance systems and for medium-range ballistic missiles.³⁹ The panel concluded that many of the seized items had technical characteristics and markings similar to items manufactured in Iran, but described other items as having characteristics similar to weapons from Bulgaria, China, Hungary, Romania and Russia.⁴⁰

The Global Export Control Coalition embargo: Coordination efforts and enforcement challenges

The GECC comprises 39 states that have agreed to ‘similarly stringent export controls’ on Russia and Belarus in response to Russia’s full-scale invasion of Ukraine in February 2022 and Belarus’s support for the invasion.⁴¹ It was established in 2022 as an informal grouping of states grounded in political commitments rather than legal obligations, and is largely coordinated by the USA.⁴² The set of dual-use items that GECC states have agreed to control has progressively expanded to include a wide range of items not captured by the controls lists established by the multilateral export control regimes,

³⁷ United Nations, Security Council, 9278th meeting, S/PV.9278 (note 14), p. 4.

³⁸ On the war in Yemen see chapter 2, section I, and chapter 4, section III, in this volume.

³⁹ United Nations, Security Council, ‘Final report of the panel of experts on Yemen established pursuant to Security Council Resolution 2140 (2014)’, S/2023/833, 2 Nov. 2023, p. 3.

⁴⁰ United Nations, Security Council, S/2023/833 (note 39), paras 64–98.

⁴¹ The 39 states are the 27 EU member states, Australia, Canada, Iceland, Japan, South Korea, Liechtenstein, New Zealand, Norway, Switzerland, Taiwan, the UK and the USA.

⁴² US Department of Commerce, Bureau of Industry and Security, ‘Commerce announces addition of Iceland, Liechtenstein, Norway, and Switzerland to Global Export Controls Coalition’, Press release, 8 Apr. 2022.

including commercially produced semiconductors, integrated circuits and radio frequency transceiver modules. The range of items is also broader than those included in the embargo imposed by Western states on the Soviet bloc during the cold war via the Coordinating Committee for Multilateral Export Controls (COCOM).⁴³ This process has been driven by the identification of parts and components produced in the civilian sectors of Western states in the production of UAVs, missiles and other weapon systems used by Russia in Ukraine.⁴⁴ In addition to cutting off these supplies and so limiting the Russian arms industry's production capacity, these efforts are aimed at 'imposing economic costs against Russia' and 'showing solidarity with and support for Ukraine'.⁴⁵

The specific content of the trade restrictions and the types and degrees of enforcement efforts vary among the participating states. States that have joined the GECC have been exempted from some of the extra-territorial export controls that the USA has imposed as part of its sanctions on Russia and Belarus. This includes exemption from the requirements of the US foreign direct product (FDP) rules for Russia and Belarus that place restrictions on exports by non-US companies of items manufactured with US technology to military and non-military end-users in Russia and Belarus.⁴⁶ The process of aligning the controls adopted by GECC states and coordinating enforcement efforts is supported by actions taken within other multilateral bodies, particularly the EU, the 'Export Enforcement Five' (E5) partnership (see below), the EU-US Trade and Technology Council (TTC; see section IV) and the Group of Seven.⁴⁷

Despite these coordination and enforcement efforts, reports based on customs data and other sources indicate that Russia continues to acquire large quantities of controlled components manufactured in GECC states. Russian production of military materiel has continued despite the imposition of Western sanctions, and has even increased in certain areas. In September 2023, for example, the industrial director of Rostec, the Russian state corporation which oversees much of Russia's arms industry, said that the production of air defence systems, armoured vehicles and missiles increased in 2023.⁴⁸ The

⁴³ See Mastanduno, M., *Economic Containment: CoCom and the Politics of East-West Trade* (Cornell University Press: Ithaca, NY, 1992).

⁴⁴ See Axelrod, M. S., US Assistant Secretary for Export Enforcement, Keynote speech at the Federal Office for Economic Affairs and Export Control-Bureau of Industry and Security (BAFA-BIS) Export Control Forum, 28 Sep. 2023.

⁴⁵ US Department of Commerce et al., 'Exporting commercial goods: Guidance for industry and academia', 26 Sep. 2023, p. 1.

⁴⁶ US Department of Commerce, Bureau of Industry and Security (note 42). See also US Department of Commerce, Bureau of Industry and Security, 'Russia and Belarus rule', Fact Sheet, 24 Feb. 2022.

⁴⁷ See US Department of the Treasury, 'G7 Enforcement Coordination Mechanism deputies meeting', Press release, 27 Apr. 2023.

⁴⁸ 'Russia ramps up output of some military hardware by more than tenfold—state company', Reuters, 19 Sep. 2023.

broader picture of an expansion in Russian weapons production during 2023 received support in statements made by Western officials and independent news sources.⁴⁹

During 2023 there were reports of companies in Estonia, Germany and the Netherlands supplying semiconductors and other controlled dual-use items directly to end users in Russia with links to the Russian arms industry.⁵⁰ However, other reports indicate that Russia has acquired most of the Western components via vendors in third countries that are not part of the GECC, such as China, Kazakhstan and Kyrgyzstan.⁵¹ A significant proportion of these items are not subject to export control measures adopted by GECC states, meaning that many of these transfers would not have required an export licence at the time they took place.

Efforts to close these loopholes have involved seeking to expand the group of states that have aligned with the GECC's set of measures and to convince states that have not joined to share information about companies and vendors that are acting as points of re-export and otherwise support enforcement efforts.⁵² They have also involved increasing the capacity of enforcement agencies tasked with detecting, investigating and prosecuting attempts to bypass the trade restrictions and other sanctions measures imposed on Russia and Belarus. The USA has been particularly active in this regard and has taken steps to increase the resources it devotes to sanctions and export control enforcement, including establishing the Disruptive Technology Strike Force in early 2023 and adding 25 new prosecutors working in this area.⁵³ Attempts by EU member states at sanctions and export control enforcement have traditionally been more limited and fragmented than US efforts.⁵⁴ However, there were indications in 2023 of increased activity in this area by some EU member states. In August the German prosecutor's office announced the arrest of a German–Russian national suspected of exporting controlled electronic components to a company in Russia that produces

⁴⁹ See e.g. Barnes, J. E., Schmitt, E. and Gibbons-Neff, T., 'Russia overcomes sanctions to expand missile production, officials say', *New York Times*, 13 Sep. 2023. Also see chapter 5, section IV, in this volume.

⁵⁰ Weiss, M., 'Short circuit. How Europe turns a blind eye to Russia smuggling dual-use microchips', *The Insider*, 21 Aug. 2023.

⁵¹ See 'Special report: How US-made chips are flowing into Russia', *Nikkei Asia*, 12 Apr. 2023; Weiss (note 50); and Bekmurzaev, N., 'Perspectives: Central Asian states walking fine line on Russian sanctions', *Eurasianet*, 31 Dec. 2023.

⁵² Fleming, S. et al., 'West presses UAE to clamp down on suspected Russia sanctions busting', *Financial Times*, 2 Mar. 2023.

⁵³ Monaco, L., US Deputy Attorney General, Speech to the American Bar Association National Institute on White Collar Crime, 2 Mar. 2023.

⁵⁴ See Bauer, S. and Bromley, M., *Detecting, Investigating and Prosecuting Export Control Violations: European Perspectives on Key Challenges and Good Practices* (SIPRI: Stockholm, Dec. 2019).

military equipment.⁵⁵ In October a court in the Netherlands convicted a dual Dutch–Russian citizen of illegally selling semiconductors to companies linked to Russia’s defence sector by routing the shipments via the Maldives.⁵⁶

GECC states have also tried to limit transfers of controlled items to Russia and Belarus by calling on companies in relevant sectors to take a more ambitious and wide-ranging approach to the development and implementation of due diligence and know-your-customer procedures; that is, going beyond the strict application of national laws and regulations and taking more proactive efforts to identify, investigate and address cases where vendors have transferred—or may transfer—parts and components for prescribed end-uses or to prescribed end-users in Russia. In September 2023 Australia, Canada, New Zealand, the UK and the USA—under the rubric of the E5—issued a guidance document on exporting commercial goods for industry and academia.⁵⁷ Among other things, the document lists a set of ‘additional due diligence measures’ that exporters should take when exporting goods covered by the trade restrictions on Russia to customers located in non-GECC states.⁵⁸ These measures included evaluating ‘the customer’s date of incorporation’, ‘the end-user and end-use of the item’, and ‘whether the customer’s physical location and public-facing website raise any red flags’, as well as paying ‘particular attention to anomalous increases in the volume or value of orders’.⁵⁹

European Union arms embargoes: Developments and implementation challenges

During 2023 the EU made significant modifications to the existing EU arms embargoes on Russia and Belarus through the adoption of the 10th, 11th and 12th packages of sanctions measures.⁶⁰ The measures adopted under the 11th and 12th packages signalled a willingness to promote international alignment with the sanctions and combat circumvention through both ‘secondary sanctions’—that is, measures imposed on states that are not the subject of sanctions measures—and ‘re-export controls’—that is, limits on the onward transfer of items supplied to states that are not the subject of sanctions measures. Both secondary sanctions and re-export controls have long been a key component of US trade controls and sanctions, but the EU has previously

⁵⁵ German Federal Prosecutor General, ‘Neuer Haftbefehl wegen des Verdachts von Verstößen gegen das Außenwirtschaftsgesetz’ [New arrest warrant on suspicion of violations of the Foreign Trade Act], Press release, 29 Aug. 2023.

⁵⁶ Shagina, M., ‘Why can’t the West stop supplying technology for Russian weapons?’, *Foreign Policy*, 27 Nov. 2023.

⁵⁷ US Department of Commerce et al. (note 45).

⁵⁸ US Department of Commerce et al. (note 45), pp. 4–5.

⁵⁹ US Department of Commerce et al. (note 45), p. 5.

⁶⁰ See entries for 15 Feb., 23 June and 18 Dec. 2023 in Ashurst, ‘Russia sanctions tracker—EU’, [n.d].

avoided their adoption and, in certain cases, criticised the USA for its willingness to employ them.⁶¹

The 11th sanctions package, adopted in June 2023, included a series of ‘anti-circumvention measures’ that expand the use of export controls to restrict both direct and indirect transfers of controlled items to states and entities subject to EU restrictive measures.⁶² The package imposes controls on transfers of dual-use items to companies in third countries that are facilitating transfers of EU-origin items to Russia and creates a mechanism for applying sanctions on states that fail to cooperate on closing these loopholes. The 12th sanctions package, adopted in December 2023, seeks to limit sanctions circumvention by placing additional restrictions on the re-export of controlled items.⁶³ The new measures require companies in EU member states when supplying controlled items to companies in non-GECC states, to add to their contracts clauses that prohibit the items’ re-export to Russia.

The EU also extended and expanded its set of arms embargoes on Iran during 2023. The Council of the EU decided in July to impose a prohibition on exports of goods and technology which may contribute to Iran’s capability to produce UAVs, in view of Iran’s military support to Russia.⁶⁴ The Council of the EU decided to maintain the restrictive measures under the EU non-proliferation regime against Iran after the transition day (18 October 2023), deeming Iran not to have fulfilled its commitments under the JCPOA.

During 2023 the EU continued work on a wider set of initiatives aimed at enhancing the implementation of its arms embargoes and restrictive measures more broadly. In June the Council of the EU published a draft law on aligning criminal offences and penalties for violations of EU sanctions.⁶⁵ In December the European Council and the European Parliament concluded negotiations on the content of the new legislation.⁶⁶ Once adopted, the law will commit member states to criminalizing certain actions and to imposing stricter penalties for violations of restrictive measures, including those related to exports of military and dual-use items. However, the law keeps all powers of enforcement at the national level. In recent years, the European

⁶¹ See European Commission, ‘Extraterritoriality (blocking statute): Protecting EU operators, reinforcing European strategic autonomy’, [n.d.]; and Tudosia, M., ‘ITAR-related obstacles to exports’, European Security & Defence, 13 Oct. 2022.

⁶² See entry for 23 June 2023 in Ashurst (note 60).

⁶³ Council Decision (CFSP) 2023/2874 of 18 December 2023 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine, *Official Journal of the European Union*, L/2023/2874, 18 Dec. 2023.

⁶⁴ Council of the EU, ‘Iran: EU adopts new restrictive measures for military support to Syria and Russia’s war of aggression against Ukraine’, Press release, 20 July 2023.

⁶⁵ Council of the EU, ‘Proposal for a Directive of the European Parliament and of the Council on the definition of criminal offences and penalties for the violation of Union restrictive measures—general approach’, 9312/23, 17 May 2023.

⁶⁶ Council of the EU, ‘Council and Parliament reach political agreement to criminalise violation of EU sanctions’, Press release, 12 Dec. 2023.

Commission has made proposals aimed at bringing aspects of decision-making connected with EU restrictive measures under the processes of qualified majority voting at the EU level. This would mean that individual member states would be unable to veto decisions about imposing, modifying or lifting restrictive measures, as is currently the case. However, there continues to be substantial opposition among EU member states towards taking this step.⁶⁷

Conclusions

The functioning and utility of UN arms embargoes came under further strain in 2023, due largely to the reported Russian arms imports from North Korea in violation of the UN arms embargo. All violations of UN arms embargoes undermine the rules-based international order that is designed to protect international peace and security. As a permanent member of the UN Security Council, Russia has a special responsibility to uphold that order.

Further, in 2023 disagreement continued—mainly between Russia, China and several African states on one side, and the other Security Council members on the other—over the use of sanctions in general, and over restrictions and controls on arms procurement by government forces in South Sudan and Sudan and the reformulation of the arms embargo on CAR, in particular. The lifting of conditions for the supply of arms to the Somali government and the refocusing of the embargo on al-Shabab constituted a rare occasion of agreement. In both CAR and Somalia the benchmarking process arguably helped agreement to be reached.

The expanding set of restrictions imposed by the GECC states on Belarus and Russia add a new level of complexity to the multilateral arms embargoes and trade policy more generally. Despite increased efforts during 2023 to ensure the effective implementation of these restrictions, reports suggest that Russia continued to circumvent important aspects of their coverage.

The EU undertook a range of efforts to expand the effectiveness of its arms embargoes on Russia and Belarus, including the assumption of the power to impose both ‘secondary sanctions’ and ‘re-export controls’. Along with the ongoing process of adopting more harmonized penalties for violations of arms embargoes and restrictive measures, these actions reflected a growing willingness on the part of the EU to use trade restrictions to pursue its broader strategic objectives. At the same time, EU member states appear to be as committed as ever to retaining a final say over the content of these measures and ensuring that responsibility for enforcement remains at the national level.

⁶⁷ European Parliament, ‘Follow-up by the European Council, the European Parliament and the Council to the Commission’s initiative calling for a more efficient decision-making for the EU’s Common Foreign and Security Policy’, Legislative Train Schedule, 20 Aug. 2023.

Table 12.2. United Nations and European Union arms embargoes in force during 2023

Target (entities or territory covered) ^a type)	Date embargo first imposed (duration)	Material covered ^a	Key developments, 2023
<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)	Restrictions on arms supplies to government lifted 27 July 2023; Arms embargo on NGF extended until 31 July 2024 Extended until 1 Aug. 2024
Democratic Republic of the Congo (NGF)	28 July 2003 (TL)	Arms and military materiel	Embargo on all arms to designated individuals changed on 2 Oct. 2023 to territorial embargo on supply of SALW to anyone (government exempted); Extended until 19 Oct. 2024
Haiti (NGF)	21 Oct. 2022 (TL)	SALW	Expired 18 Oct. 2023
Iran (whole country: PT)	23 Dec. 2006 (TL)	Items related to nuclear weapon delivery systems; Items used in the nuclear fuel cycle	
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	Restrictions on arms supplies to government lifted and changed to arms embargo on al-Shabab 1 Dec. 2023

South Sudan (government; PT; NGF)	13 July 2018 (TL)	Arms and military materiel	Extended until 31 May 2024
Sudan (Darfur; PT)	30 July 2004 (TL)	Arms and military materiel	Changed from open-ended to time-limited
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 (TL)	Arms and military materiel; Dual-use items; Communications surveillance equipment	Extended until 28 Feb. 2024
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	
Iran (whole country)	27 Feb. 2007 (TL)	Arms and military materiel; Equipment which might be used for internal repression; Dual-use items; Communications surveillance equipment	Coverage expanded on 20 July 2023 to include components used in manufacturing of uncrewed aerial vehicles
Myanmar (whole country)	29 July 1991 (TL)	Arms and military materiel; Communications surveillance equipment	Extended until 30 Apr. 2024
Russia (whole country)	31 July 2014 (TL)	Arms and military materiel; Dual-use items	Extended until 31 Jan. 2024
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; Communications surveillance equipment	Extended until 1 June 2024
Venezuela (whole country)	13 Nov. 2017 (TL)	Arms and equipment which might be used for internal repression; Communications surveillance equipment	Extended until 14 May 2024
Zimbabwe (whole country)	18 Feb. 2002 (TL)	Arms and military materiel	Extended until 20 Feb. 2024

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; SALW = small arms and light weapons; 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 materiel stated in this table are as at the end of 2023.

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

Sources: UN Security Council, 'Sanctions', [n.d.]; and Council of the EU, 'EU sanctions map', [n.d.]. The SIPRI Arms embargo archive provides a detailed overview of most multilateral arms embargoes that have been in force since 1950, along with the principal instruments establishing or amending the embargoes. See SIPRI, 'Arms embargoes', [n.d.].