

II. Multilateral arms embargoes

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The United Nations Security Council uses its powers under Chapter 7 of the UN Charter to impose arms embargoes—that is, restrictions on transfers of arms and, in certain cases, dual-use items—that are binding for all UN member states, which form part of what the UN generally refers to as ‘sanctions measures’.¹ During 2019, 13 UN arms embargoes were in force (table 14.2). The European Union also imposes arms embargoes under its Common Foreign and Security Policy (CFSP) that are binding for EU member states, which form part of what the EU generally refers to as ‘restrictive measures’.² During 2019, 21 EU arms embargoes were in force. Of these EU embargoes, 10 matched the coverage of a UN arms embargo; 3 (on 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.³ No new multilateral arms embargo was imposed in 2019 and none was lifted. The European Council discussed a possible EU arms embargo on Turkey but did not impose one.

Multilateral arms embargoes varied in type of materiel covered. Most covered arms and military materiel. 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 embargoes on Russia, also covered certain exports or imports of dual-use items—goods and technologies that can be used for both civilian purposes and to produce, maintain or operate conventional, biological, chemical or nuclear weapons.⁴ Certain EU arms embargoes also covered equipment that might be used for internal repression and certain types of communications 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

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

² European Council, ‘Sanctions: How and when the EU adopts restrictive measures’, [n.d.].

³ In addition, one voluntary multilateral embargo was in force: The Conference on Security and Co-operation in Europe (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 7th Meeting of the Committee, Prague, 27–28 Feb. 1992.

⁴ 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.

Table 14.2. Multilateral arms embargoes in force during 2019

| Target (entities or territory covered) ^a | Date embargo first imposed (duration type) | Materiel covered ^a | Key developments, 2019 |
|---|--|---|--|
| <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 Jan. 2020 Government allowed to acquire small arms without advance approval from UN sanctions committee |
| Democratic Republic of the Congo (government: PT; NGF) | 28 July 2003 (TL) | Arms and military materiel | Extended until 1 July 2020 |
| 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 | |
| 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. 2020 |
| South Sudan (whole country) | 13 July 2018 (TL) | Arms and military materiel | Extended until 31 May 2020 |
| Sudan (Darfur: PT) | 30 July 2004 (OE) | Arms and military materiel | |
| Yemen (NGF) | 14 Apr. 2015 (OE) | Arms and military materiel | |

| Target (entities or territory covered) ^a | Date embargo first imposed (duration type) | Materiel covered ^d | Key developments, 2019 |
|---|--|--|------------------------------|
| <i>European Union arms embargoes^b</i> | | | |
| Belarus (whole country) | 20 June 2011 (OE) | Arms and military materiel | Extended until 28 Feb. 2020 |
| China ^c (whole country) | 27 June 1989 (OE) | Arms | |
| Egypt ^c (whole country) | 21 Aug. 2013 (OE) | Equipment which might be used for internal repression | |
| Iran (whole country) | 27 Feb. 2007 (TL) | Equipment which might be used for internal repression; Communication surveillance equipment | |
| Myanmar (whole country) | 29 July 1991 (TL) | Arms and military materiel; Communication surveillance equipment | Extended until 30 April 2020 |
| 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. 2020 |
| 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 | |
| Zimbabwe (whole country) | 18 Feb. 2002 (OE) | Arms and military materiel | Extended until 20 Feb. 2020 |
| <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 UN Sanctions Committee or the UN Security Council; TL = time-limited.

^aThe 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 of the end of 2019.

^bEU embargoes that had no UN counterpart or had a broader scope than UN embargoes on the same target.

^cThe 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'. 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.

transfers to the state in question provided the supplier or recipient state had received permission from, or notified, the relevant UN Sanctions Committee or UN Security Council. In certain cases, these partial arms embargoes also required or encouraged the recipient state to put in place improved standards for stockpile management to help prevent the diversion of weapons delivered.

During 2019 the various UN investigations on the implementation of UN arms embargoes highlighted challenges of varying scope and significance. In particular, the UN investigations on the arms embargoes on Libya and Yemen noted that they were ineffective in both preventing transfers to the warring groups and helping to halt the ongoing armed conflict. Unlike the UN, the EU and Arab League do not have systematic mechanisms in place for monitoring compliance with their arms embargoes.

This section reviews significant developments and implementation challenges in UN and EU arms embargoes in 2019. In particular, it highlights cases where amendments to embargoes were implemented, debated or demanded and gives examples of actual or alleged violations.

United Nations arms embargoes: Developments and contraventions

During 2019 the UN introduced no new UN arms embargoes, but amended the embargo on Central African Republic (CAR) in response to demands from the national government and regional organizations (see below). The UN panels and groups of experts that monitor UN arms embargoes reported mainly on two types of violations in 2019. First, cases of varying size and significance occurred where the delivery of arms directly violated an arms embargo—namely the embargo on transfers to and from North Korea, and the embargoes on transfers to non-governmental forces in Afghanistan, CAR, Libya, Sudan (Darfur) and Yemen. Second, there were cases where arms were delivered without prior approval from the relevant UN sanctions committee or the UN Security Council. This occurred in relation to the embargo on Libya, which received arms without the required approval of the relevant UN sanctions committee; allegedly occurred in relation to the embargo on exports from Iran, which was accused of exporting arms without the required approval of the UN Security Council; and occurred in respect of Sudan, which moved weapons into the region of Darfur. In both types of cases, the UN did not impose sanctions on any of the countries reportedly involved in the violations. This subsection provides details of developments in relation to eight embargoes where examples of these types of violations took place.

Afghanistan (Taliban)

The UN arms embargo on Afghanistan bans transfers to the Taliban and other groups that threaten the peace, stability and security of Afghanistan.⁵ Through various UN resolutions the list of such groups has expanded to include al-Qaeda and Islamic State in Iraq and the Levant (ISIL). Despite the embargo, the UN monitoring team for Afghanistan reported that in 2019 the Taliban continued to ‘enjoy robust supplies of weapons, ammunition, funding and manpower’.⁶ They also reported claims of Afghan officials that the Taliban continued to receive arms and ammunition through states in the region.⁷ However, the monitoring team could not verify these claims, in part because many of the weapons shown to them had their serial and batch manufacturing marks removed. The monitoring team also documented the continued and probably increasing supply of commercial and military night-vision equipment to the Taliban. Previous reports have stated that the origin of these items likely includes both the capture of goods from Afghan military forces and the open commercial market.⁸

Central African Republic

The UN arms embargo on CAR bans transfers to non-state armed groups but permits deliveries to the government’s security forces, provided that they have been approved in advance by the relevant UN sanctions committee. The CAR Government, with support from the Economic Community of West African States and the Economic Community of Central African States, argued in 2018, as in previous years, that the requirement for advanced approval by the relevant UN sanctions committee for arms supplies to government forces posed a barrier to solving the country’s security crisis.⁹ In February 2019 the CAR Government signed a peace agreement with 14 non-state armed groups operating in the country.¹⁰ Citing the agreement, the UN Security Council voted unanimously in September 2019 to amend the embargo by lifting the requirement for advance approval of supplies of weapons and ammunition

⁵ On the armed conflict in Afghanistan, see chapter 4, section II, in this volume.

⁶ UN Security Council, Afghanistan Analytical Support and Sanctions Monitoring Team, Tenth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2255 (2015) concerning the Taliban and other associated individuals and entities constituting a threat to the peace, stability and security of Afghanistan, S/2019/481, 13 June 2019, p. 3.

⁷ UN Security Council, Afghanistan Analytical Support and Sanctions Monitoring Team, S/2019/481 (note 6), pp. 20–21.

⁸ UN Security Council, Afghanistan Analytical Support and Sanctions Monitoring Team, Ninth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2255 (2015) concerning the Taliban and other associated individuals and entities constituting a threat to the peace, stability and security of Afghanistan, S/2018/466, 30 May 2018, p. 21.

⁹ Bromley, M. and Wezeman, P. D., ‘Multilateral embargoes on arms and dual-use items’, *SIPRI Yearbook 2019*, p. 516.

¹⁰ On the armed conflict and peace agreement in CAR, see chapter 7, section III, in this volume. See also ‘Central African Republic: UN chief hails signing of new peace agreement’, *UN News*, 6 Feb. 2019.

to CAR security forces with a caliber of 14.5 millimetres or less. Instead, the UN sanctions committee has to receive an advance notification that details the types and numbers of the weapons being supplied, their purpose, the destination unit in CAR security forces and the intended place of storage.¹¹

In December 2019 the panel of experts on the CAR arms embargo reported that implementation of the February 2019 peace agreement had been ‘limited’ and that armed groups—including the Movement of Central African Liberators for Justice (Mouvement des libérateurs centrafricains pour la justice, MLCJ) and the Popular Front for the Rebirth of the Central African Republic (Front populaire pour la renaissance de la Centrafrique, FPRC), both of which signed the February agreement—continued to acquire arms, including from groups based in Sudan.¹² The panel also reported that the CAR Government did not believe that the amendments made to the embargo in September were sufficient and was pushing for the lifting of all remaining reporting requirements.¹³

Iran

The UN arms embargo on Iran prohibits transfers of most types of major arms to Iran (until 18 October 2020), the transfer of all arms from Iran (also until 18 October 2020), and the transfer to and from Iran of items that could contribute to the development of nuclear weapon delivery systems (until 18 October 2023) unless these items have been approved in advance by the UN Security Council. The embargo also places equivalent 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).¹⁴

The lifting of prohibitions on transfers of major arms to and all arms from Iran scheduled for 18 October 2020 will only occur if Iran continues to comply with the terms of the Joint Comprehensive Programme of Action (JCPOA).¹⁵ In May 2019, one year after the United States withdrew from the JCPOA, Iran began to reduce its commitments under the agreement.¹⁶ Viewing Iran’s actions as inconsistent with the terms of the JCPOA, in late 2019 France, Germany, the United Kingdom and the EU—four of the seven states parties to the agreement—signalled that they might respond by triggering ‘all mechanisms in the JCPOA, including the dispute resolution

¹¹ UN Security Council Resolution 2488, 12 Sep. 2019.

¹² UN Security Council, ‘Final report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2454 (2019)’, S/2019/930, 14 Dec. 2019, pp. 19–20.

¹³ UN Security Council, S/2019/930 (note 12), p. 30.

¹⁴ This differs from other UN arms embargoes where responsibility for issuing such approvals devolves to the relevant UN sanctions committee.

¹⁵ UN Security Council Resolution 2231 (2015) [on Iran nuclear issue], 20 July 2015, annex A.

¹⁶ On the developments regarding the JCPOA, see chapter 11, section III, in this volume.

mechanism'.¹⁷ The activation of the mechanism would be the first step in a process that could lead to finding Iran in non-compliance with the JCPOA and re-imposition of the pre-JCPOA UN sanctions, including the previous arms embargo on Iran. Separately, the United States has stated that it would seek to keep all aspects of the current arms embargo in place after October 2020.¹⁸ However, such a move would require a fresh UN Security Council resolution. Russia—which would be able to veto any such decision—has indicated that it will not support an extension of the embargo beyond the time-frame of the current agreement.¹⁹

Since 2015 no panel of experts has been appointed to monitor the UN arms embargo on Iran. Instead, both the UN secretary-general and the Security Council facilitator for the implementation of Resolution 2231 (2015) have published short reports every six months. In 2019 these reports included allegations about Iranian exports of military materiel in contravention of the UN arms embargo. Israel alleged that Iran had moved a missile to Syria and fired it at the Golan Heights, transferred technology for the production of unmanned aerial vehicles (UAVs) to Iraq and supplied technology for the production of precision-guided munitions to Hezbollah.²⁰ Saudi Arabia alleged that Iran had supplied weapons to the Houthi rebels in Yemen.²¹ France, Germany and the United Kingdom reported that the Houthi forces in Yemen were using ballistic missiles, which they concluded were possibly supplied by Iran.²² However, the UN reports only listed these allegations and did not present any conclusions about whether Iran had been in breach of the UN arms embargo.

Libya

The UN arms embargo on Libya bans transfers to non-state armed groups but permits deliveries 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. Throughout 2019 there were rising tensions and open conflict between forces under the control of the GNA and

¹⁷ European Union External Action Service (EEAS), 'Joint statement by the foreign ministers of France, Germany and the United Kingdom and the EU High Representative on the JCPOA', 11 Nov. 2019.

¹⁸ 'Iran sees lifting of UN arms embargo in 2020 as "huge political goal"', Reuters, 11 Nov. 2019; and Lazaroff, T., 'UN must renew its arms embargo against Iran, Pompeo says in Israel', *Jerusalem Post*, 20 Oct. 2019.

¹⁹ Russian Ministry of Foreign Affairs, 'Deputy Foreign Minister Sergey Ryabkov's interview with Interfax news agency', 26 Dec. 2019.

²⁰ UN Security Council, Seventh six-month report of the facilitator on the implementation of Security Council resolution 2231 (2015), S/2019/514, 21 June 2019, para. 35; UN Security Council, 'Implementation of Security Council Resolution 2231 (2015)', Eighth report of the Secretary-General, S/2019/934, 10 Dec. 2019, para. 23.

²¹ UN Security Council, S/2019/514 (note 20), para. 37. On the armed conflict in Yemen, also see chapter 6, section V, in this volume.

²² UN Security Council, S/2019/934 (note 20), para. 25.

the main non-state armed group in Libya, the Libyan National Army (LNA) (also known as the Haftar Armed Forces).²³ Since the imposition of the embargo in 2011, the associated UN panel of experts has reported on multiple cases of alleged violations.²⁴ At the end of 2019 the panel was particularly explicit in its conclusions that the arms embargo had been ineffective during 2019 and that this had contributed to increased violence, and that the GNA and LNA had ‘routinely and sometimes blatantly’ received weapons and other military support in violation of the arms embargo.²⁵ The panel assessed that Jordan and the United Arab Emirates (UAE) had been the main suppliers of weapons such as armoured vehicles and UAVs to the LNA in contravention of the arms embargo. It also named Turkey as the main supplier of arms to the GNA and noted that these transfers also contravened the arms embargo since Turkey had not requested advance approval from the UN sanctions committee.²⁶ In November 2019 the Security Council discussed the situation in Libya, with several states calling for an end to foreign interference in Libya and strict adherence to the arms embargo.²⁷ However, the Security Council did not undertake any action towards Jordan, Turkey or the UAE. In December 2019, at an address to the Italian Senate, UN Secretary-General António Guterres declared his frustration that armed actors in Libya and several UN member states were not respecting the arms embargo.²⁸

North Korea

The UN arms embargo on North Korea prohibits transfers to North Korea of arms and military materiel as well as items that can directly contribute to the development of the capability of North Korea’s armed forces or that are relevant to the development of nuclear or ballistic missiles or any programmes related to weapons of mass destruction. It also bans states from receiving from North Korea arms and military materiel as well as any related police, military or paramilitary training. The UN panel of experts on North Korea released two reports in 2019, both of which documented cases of illegal transfers of dual-use items to North Korea and, in particular, transfers of arms from North Korea. The May 2019 report documented allegations of attempts to supply arms to a range of end-users, including Houthi rebels in

²³ On the armed conflict in Libya, see chapter 6, section IV, in this volume.

²⁴ Bromley and Wezeman (note 9), pp. 516–17. See also equivalent chapters in the SIPRI Yearbook from 2012 through 2018 editions.

²⁵ UN 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.

²⁶ UN Security Council, S/2019/914 (note 25), p. 2 and paras 60–62.

²⁷ United Nations, ‘Foreign involvement in Libya must be stopped, top official tells Security Council, describing “race against time” to reach peaceful solution, spare lives’, Press Release SC/14023, 18 Nov. 2019.

²⁸ UN Secretary-General, Remarks on multilateral solutions to global challenges at the Italian Senate, Statement, Rome, 18 Dec. 2019.

Yemen, armed groups in Libya and the armed forces of Sudan and Syria.²⁹ However, it is unclear how many of these contacts resulted in significant arms transfers. The contacts between North Korea and Libya consisted of an exchange of letters, in 2015, between the then chief of the Libyan Supreme Council of Defence and deputy to the prime minister, Khalifa al-Ghwail, and North Korean officials; it is unclear if any deals were signed.³⁰ After denying any sales had taken place, Sudan admitted in early 2019 that contracts had been in place for the development of ‘122mm [weapons] and aerial bombs’ and the repair of air-defence systems but that these had all been cancelled.³¹ Indeed, the September 2019 report noted that ‘instances of military cooperation appear to have been declining as more Member States have complied with resolutions’.³² However, the panel did provide evidence of ongoing cooperation between North Korea and Syria, which included the supply of weapons to the Syrian armed forces and the involvement of Syrian nationals in brokering the supply of North Korean weapons to armed groups in Libya and Yemen.³³

Somalia

The UN arms embargo on Somalia prohibits transfers to non-state armed groups but permits deliveries to the government’s security forces.³⁴ However, the UN Security Council requires the Somali Government to notify the UN sanctions committee for Somalia of any transfers in advance of delivery and to submit a post-delivery report. In addition, the Security Council requests the Somali Government to report to the UN sanctions committee every six months on its stockpile management standards and practices. In 2019 the UN panel of experts on Somalia noted an improvement in the quality of the Somali Government notifications.³⁵ The panel also called for the UN arms embargo to hinder al-Shabab, the main armed group against which the arms embargo is aimed, from acquiring the components and materials used in improvised explosive devices (IEDs).³⁶ In response the UN Security Council decided to explicitly require that states prevent the supply to Somalia of a list of specified explosive materials, explosives precursors, explosive-related equipment and related technology, if there is sufficient evidence that these

²⁹ UN Security Council, ‘Report of the Panel of Experts established pursuant to Resolution 1874 (2009)’, S/2019/171, 5 Mar. 2019, p. 4.

³⁰ UN Security Council, S/2019/171 (note 29), para. 73.

³¹ UN Security Council, S/2019/171 (note 29), para. 84.

³² UN Security Council, ‘Report of the Panel of Experts established pursuant to Resolution 1874 (2009)’, S/2019/691, 30 Aug. 2019, para. 32.

³³ UN Security Council, S/2019/171 (note 29), para. 90.

³⁴ On the armed conflict in Somalia, see chapter 7, section IV, in this volume.

³⁵ UN Security Council, Letter dated 27 September 2019 from the Panel of Experts on Somalia addressed to the Chair of the Security Council Committee pursuant to Resolution 751 (1992) concerning Somalia, S/2019/858, 1 Nov. 2019, p. 5 and para. 109.

³⁶ UN Security Council, S/2019/858 (note 35), p. 5 and para. 24.

will be used, or a significant risk they may be used, in the manufacture of IEDs.³⁷ This is the first time this category of item has been included in the materials coverage of a UN arms embargo.

Sudan (Darfur)

The UN arms embargo on Sudan prohibits transfers to the Sudanese region of Darfur. The Sudanese Government can move arms to Darfur if it has received prior approval from the UN Sudan sanctions committee. As in previous years the UN panel of experts on the Sudan reported that in 2019 the Government of Sudan ‘routinely’ violated the embargo by transferring arms to Darfur.³⁸ It also reported on the cooperation between several Darfuri rebel groups and the LNA. For example, it reported that the Sudanese Liberation Army/Minni Minawi (SLA/MM) has been fighting as mercenaries for the LNA in Libya for several years and had received financing and equipment in return. This included the supply of several armoured vehicles in 2016, which the SLA/MM used in Darfur in 2017, followed by more deliveries in 2018.³⁹

Yemen

The UN arms embargo on Yemen prohibits transfers to non-state actors in Yemen.⁴⁰ Allegations and investigations regarding the violation of the embargo have focused on reports about arms supplies from Iran to the Houthi rebels, which controlled large parts of the north of Yemen.⁴¹ The UN panel of experts on Yemen concluded that commercially available parts, such as engines, servo actuators and electronics, are exported from several countries through a network of intermediaries to the Houthis, where they are used to produce UAVs and IEDs. It also concluded that—as in previous years—the Houthi forces continued to receive small arms and light weapons (SALW) and cruise missiles. While the panel did not explicitly conclude that these weapons came from Iran, it did note that they had technical characteristics similar to weapons made in Iran.⁴²

Of particular importance for regional security were accusations concerning the origin of the cruise missiles and UAVs that had been used in attacks on oil facilities in Saudi Arabia in May and September 2019 and on a Saudi airport in June and August 2019.⁴³ The September attack caused significant disruptions in Saudi oil production and raised major concerns about possible escalation

³⁷ UN Security Council Resolution 2498, 15 Nov. 2019.

³⁸ UN Security Council, ‘Final report of the Panel of Experts on the Sudan’, S/2020/36, 14 Jan. 2020, p. 2.

³⁹ UN Security Council, S/2020/36 (note 38), paras. 79–84.

⁴⁰ On the armed conflict in Yemen, see chapter 6, section V, in this volume.

⁴¹ See, e.g. UN Security Council, S/2019/514 (note 20), para. 37; and UN Security Council, S/2019/171 (note 29), p. 4.

⁴² UN Security Council, ‘Final report of the Panel of Experts on Yemen’, S/2020/70, 27 Jan. 2020, p. 2.

⁴³ On the attacks on Saudi oil facilities and the regional tensions, see chapter 6, section I, in this volume.

of the tensions between the USA and Saudi Arabia on one side and Iran on the other. The Houthi rebels claimed responsibility for these attacks. However, Saudi Arabia and the USA stated that the weapons originated from Iran, while France, Germany and the UK also concluded that Iran bore responsibility for the attack.⁴⁴ The UN panel of experts on Yemen concluded that the Houthi forces did not launch the attacks in September 2019.⁴⁵

EU arms embargoes: Developments and implementation challenges

During 2019 the EU made no significant modifications to any existing EU arms embargoes and did not introduce any new embargoes. 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 in October 2018 the European Parliament adopted resolutions calling for an arms embargo on Saudi Arabia.⁴⁶ However, the European Parliament did not adopt a resolution on the matter in 2019, despite individual EU member states imposing or continuing restrictions on arms exports to Saudi Arabia in 2019.⁴⁷ The closest the EU came to imposing a new arms embargo was on Turkey (see below). Unlike the UN, the EU has no systematic mechanisms in place for monitoring compliance with its arms embargoes, although the need to create such measures has been highlighted in the update of the EU SALW strategy (see below). However, as in previous years, during 2019 there were cases of arms transfers that raised questions about the types of activities and goods covered by particular EU arms embargoes. These cases, in relation to Belarus and Myanmar (see below), underscore the potential need for more effective monitoring of embargo implementation.

Turkey

In October 2019 Turkey launched a large military operation in northern Syria aimed at pushing the armed Kurdish People's Protection Units (YPG) away from the border between Syria and Turkey.⁴⁸ Although armed conflict between the Turkish Government and armed Kurdish groups started in the 1980s, this particular offensive led to strong reactions among many EU member states, in particular because of the major role the YPG played in defeating ISIL. As

⁴⁴ British Prime Minister's Office, Joint statement by the heads of state and government of France, Germany and the United Kingdom: New York, 23 September 2019', 23 Sep. 2019.

⁴⁵ UN Security Council, S/2020/70 (note 42), para. 19.

⁴⁶ Bromley and Wezeman (note 9), pp. 519–20.

⁴⁷ On individual EU member states' restrictions on exports to Saudi Arabia see section IV in this chapter.

⁴⁸ On Turkey's military operation in Syria, see chapter 6, section II, in this volume.

an immediate response, several of those states imposed major restrictions on arms exports to Turkey; these states included France, Germany and Italy, which had been major suppliers of arms to Turkey in recent years.⁴⁹ On 14 October Sweden proposed imposing an EU arms embargo on Turkey during a meeting of the Council of the EU.⁵⁰ However, though the Council condemned Turkey's military action as seriously undermining stability and security in northern Syria and noted that several EU member states had imposed restrictions, it did not impose an EU arms embargo.⁵¹

Monitoring the implementation of EU arms embargoes

Unlike in the case of UN arms embargoes, there are no mechanisms through which independent experts are appointed to monitor the implementation of EU arms embargoes and produce reports on possible violations. However, the EU has provided funding to support the work of organizations that investigate and map the origins and supply routes of weapons used in armed conflicts, including those subject to EU arms embargoes.⁵² The update of the EU SALW strategy, published in July 2018, stated that the European Council would 'explore modalities to improve the monitoring and enforcement of EU arms embargoes'.⁵³ However, it is unclear what measures have since been taken to implement this commitment. As for UN arms embargoes, states are required to report on the steps taken at the national level to implement EU arms embargoes. For example, the EU Council Regulation concerning the sanctions on Iran requires EU member states to share information on 'violations and enforcement problems and judgments issued by national courts'.⁵⁴ Equivalent language is included in most other EU sanctions currently in place.⁵⁵ However, the steps EU member states are taking to comply with this requirement, if any, are unclear. If any states are producing reports on embargo implementation, they are not being made public, as is the case with reports on the implementation of UN arms embargoes.

⁴⁹ Emmott, R., 'EU governments limit arms sales to Turkey but avoid embargo', Reuters, 14 Oct. 2019.

⁵⁰ 'Sverige vill se vapenembargo mot Turkiet' [Sweden wants arms embargo against Turkey], *Dagens Nyheter*, 11 Oct. 2019.

⁵¹ Council of the European Union, 3720th meeting, 'Outcome of the Council meeting', 13066/19, 14 Oct. 2019, pp. 3–4.

⁵² In particular, the EU has provided funding to support Conflict Armament Research's iTrace project. See Conflict Armament Research, 'iTrace'.

⁵³ Council of the European Union, 'Council conclusions on the adoption of an EU strategy against illicit firearms, small arms & light weapons & their ammunition', 13581/18, 19 Nov. 2018, p. 24.

⁵⁴ Council Regulation 267/2012 of 23 Mar. 2012 concerning restrictive measures against Iran and repealing Regulation 961/2010, *Official Journal of the European Union*, L88, 24 Mar. 2012, p. 17, Article 44(1)(b).

⁵⁵ EU guidelines on the implementation of EU sanctions recommend that relevant legal instruments should require member states to provide 'regular reporting on the implementing measures and enforcement actions' they have taken. See Council of the European Union, 'Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy', 5664/19, 4 May 2018, p. 45.

During 2019 two instances of arms transfers highlighted the potential utility of creating strengthened mechanisms of reporting on and monitoring of the implementation of EU arms embargoes. The first case, in Bulgaria, concerned an apparent difference of opinion between different branches of the government about whether the modernization of SU-25 combat aircraft in Belarus would constitute a breach of the EU arms embargo on Belarus.⁵⁶ The modernization deal with Belarus was signed in late 2018 but its implementation was delayed by the Bulgarian Ministry of Economy out of concern that its implementation would violate the EU arms embargo. In 2019 the Bulgarian Government transferred responsibility for issuing licences for military repair work from the Ministry of Economy to the Ministry of Defence, which was willing to approve the deal.⁵⁷ The second case, in Austria, concerned claims by a UN expert that the transfer of helicopter mini-UAVs from Austria to Myanmar during 2019 constituted a violation of the EU arms embargo on Myanmar.⁵⁸ In response, the Austrian government stated that its licensing procedures comply ‘with the requirements of the European Union and the applicable international legal provisions’.⁵⁹ The Austrian company concerned stated that the drones were for ‘the modernisation of the country’s infrastructure and transport system as well as for monitoring and mapping in mining and road construction’.⁶⁰ However, a budget document of the Myanmar Ministry of Defence had mentioned the acquisition in November 2018 and during 2019 the drones were seen in service with the Myanmar military.⁶¹

Conclusions

As in previous years, the various investigative mechanisms attached to UN arms embargoes documented a wide range of reported cases of violations of varying size and significance in 2019. Particular noteworthy were problems in connection with the implementation of the UN arms embargo on Libya, which appears to have done little to halt the flow of arms into the conflict. However, these reports have generated little in the way of a concrete response from the international community. None of the states named as having supplied arms in violation of the embargo faced any censure from the UN Security Council.

⁵⁶ ‘Bulgaria’, *Scramble*, no. 484 (Sep. 2019), pp. 65–66.

⁵⁷ ‘NATO country changes law to repair aircraft in Belarus’, 21 Aug. 2019, Belsat; and ‘Bulgaria sends first of eight Su-25 aircraft to Belarus for overhaul’, *Sofia Globe*, 29 Aug. 2019.

⁵⁸ ‘UN expert calls for EU investigation into Austrian firm that sold drones to Myanmar’, *Myanmar Now*, 10 Aug. 2019.

⁵⁹ *Myanmar Now* (note 58).

⁶⁰ *Myanmar Now* (note 58).

⁶¹ UN Human Rights Council, Independent International Fact-finding Mission on Myanmar, ‘The economic interests of the Myanmar military’, A/HRC/42/CRP.3, 5 Aug. 2019, p. 110; and *Myanmar Now* (note 58).

The ability of arms embargoes to influence the direction of conflicts was also highlighted by the case of the Central African Republic. Amendments to the embargo, which were partly aimed at supporting the peace deal signed in February 2019, appear to have done little to prevent poor implementation of the agreement. Unlike with UN arms embargoes there are no mechanisms in place for monitoring national implementation of EU embargoes. The need for such measures has been highlighted in official EU policy documents but no measures have been taken to date, even though discussions around two cases of arms transfers in 2019 underlined the importance of their creation.