

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 2021, 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 2021, 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 2021.⁴

Multilateral arms embargoes varied in coverage of items (table 14.2). Most covered arms, military materiel and related services. Some UN and EU arms embargoes 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, 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

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 Seventh Meeting of the Committee, Prague, 27–28 Feb. 1992.

⁴ The last time a new multilateral arms embargo was imposed was in 2018, by the UN on South Sudan.

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 2021

Target (entities or territory covered) ^a	Date embargo first imposed (duration type)	Materiel covered ^d	Key developments, 2021
<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 2022
Democratic Republic of the Congo (government: PT; NGF)	28 July 2003 (TL)	Arms and military materiel	Extended until 1 July 2022
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	Extended until 15 Nov. 2022
South Sudan (whole country)	13 July 2018 (TL)	Arms and military materiel	Extended until 31 May 2022
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; Dual-use materiel for military use or military end-user; Communication surveillance equipment	Coverage expanded ^c ; Extended until 28 Feb. 2022
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 ^c	Key developments, 2021
Iran (whole country)	27 Feb. 2007 (TL)	Equipment which might be used for internal repression; Communication surveillance equipment	Extended until 13 April 2022
Myanmar (whole country)	29 July 1991 (TL)	Arms and military materiel; Communication surveillance equipment	Extended until 30 April 2022
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. 2022
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. 2022
Zimbabwe (whole country)	18 Feb. 2002 (OE)	Arms and military materiel	Extended until 22 Feb. 2022
<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 2021.

^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.

^c Coverage in Belarus expanded to include dual-use materiel for military use or military end-user and communication surveillance.

Sources: United Nations, Security Council, 'Sanctions', [n.d.]; and Council of the EU, 'EU sanctions map', Updated 10 Feb. 2022. The SIPRI Arms Embargo Archive 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.

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 2021, as in previous years, the various UN investigations on the implementation of UN arms embargoes highlighted issues of varying types and substance. 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 issues in UN, EU and OSCE arms embargoes in 2021. 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 2021 the UN introduced no new arms embargoes. Few significant amendments to existing embargoes were made.

This subsection provides a concise overview of the most notable developments in UN arms embargoes in 2021 in relation to Afghanistan, the Central African Republic (CAR), Iran, Democratic People’s Republic of Korea (DPRK, North Korea), Libya, Myanmar, South Sudan, Sudan and Yemen. It discusses changes in embargoes, proposed embargoes and differences among UN Security Council members about UN arms embargoes. It also highlights notable violations of UN arms embargoes in 2021, or the lack thereof, primarily based on reports by UN panels and groups of experts that monitor UN arms embargoes. Such reports are the most detailed source of information on arms embargo violations. However, the ability of these groups and panels to provide a comprehensive picture of arms embargo implementation is constrained by the limited resources at their disposal, the fact that they must conduct their investigations under difficult and often dangerous circumstances, and—since 2020—the limitations on travel imposed due to the Covid-19 pandemic. Despite being established by the UN Security Council, groups and panels regularly report a lack of cooperation from states in their investigations. Also in 2021 there were allegations that China and Russia in particular again tried to limit the independence of certain groups and panels, and to block appointments of potential members in order to influence the outcome of their investigations.⁶ In December 2021 the UN Security Council

⁶ Lynch, C., ‘Sunset for UN sanctions?’, *Foreign Policy*, 14 Oct. 2021; Lynch, C. ‘The worst bloody job in the world’, *Foreign Policy*, 20 Oct. 2021; and Lynch, C., ‘Russia’s sanctions problem’, *Foreign Policy*, 22 Oct. 2021.

adopted Resolution 2616 which outlined a range of steps aimed at improving compliance with UN arms embargoes. These included—where relevant and appropriate—giving peace operations a more direct role in assisting national authorities with detecting and combating embargo violations.⁷ The resolution also requested ‘the full cooperation’ of member states with the corresponding panel of experts. It was adopted by a vote of 12 in favour, with China, India and Russia abstaining. China and Russia focused in their objections on the resolution’s linking of peacekeeping missions to monitoring arms embargoes and did not mention the resolution’s request for cooperation with the panels of experts.⁸

Afghanistan (the Taliban)

Since 2000 there have been several UN Security Council resolutions that imposed a full UN arms embargo on the Taliban and other groups that threaten the peace, stability and security in Afghanistan. Multiple sources have indicated that Taliban forces have over many years captured and stolen large amounts of weapons and ammunition from the Afghan armed forces.⁹ It is likely that it was these weapons that the Taliban used to sustain its military operations, including the offensive that gave them control over the whole of Afghanistan in 2021.¹⁰ In contrast, the reported violations of the UN embargoes have been limited in scope.¹¹ For example, the UN monitoring team reported in 2019 and 2020 that it had received information from the Afghan government indicating that new and refurbished small arms and light weapons (SALW) had reached the Taliban from abroad.¹² The monitoring team also reported that the Taliban had acquired dual-use items on the international commercial market and repurposed them for use in combat operations. This included civilian night-vision equipment, ammonium nitrate for making explosives, and small drones for adaption to reconnaissance and

⁷ United Nations, ‘Security Council resolves to consider during mandate renewals role of peace operations in curbing illicit weapons flow, adopting Resolution 2616 (2021) by recorded vote’, Meeting coverage SC/14751, 22 Dec. 2021.

⁸ United Nations, SC/14751 (note 7).

⁹ Mitzer, S. and Oliemans, J., ‘Disaster at hand: Documenting Afghan military equipment losses since June 2021 until August 14, 2021’, *Oryx*, 23 June 2021; Broder, J. and Yousafzai, S., ‘Arming the enemy in Afghanistan’, *Newsweek*, 18 May 2015; Bodetti, A., ‘How the US is indirectly arming the Taliban’, *The Diplomat*, 13 June 2018; and Kuimova, A. and Wezeman, S. T., ‘Transfers of major arms to Afghanistan between 2001 and 2020’, SIPRI Topic Backgrounder, 3 Sep. 2021.

¹⁰ On the conflict in Afghanistan see chapter 4, section III, in this volume.

¹¹ On the supply of arms to the Afghan armed forces see Kuimova and Wezeman (note 9).

¹² United Nations, Security Council, ‘Tenth report of the analytical support and sanctions monitoring team pursuant to Resolution 2255 (2015) concerning the Taliban and other associated individuals and entities constituting a threat to the peace and stability and security of Afghanistan’, S/2019/481, 13 June 2019, para. 83; and United Nations, Security Council, ‘Eleventh report of the analytical support and sanctions monitoring team pursuant to resolution 2501 (2019) concerning the Taliban and other associated individuals and entities constituting a threat to the peace and stability and security of Afghanistan’, S/2020/415, 27 May 2020, para. 97.

attack roles.¹³ However, in 2021 the team did not mention anything about possible arms supplies from abroad to the Taliban. In addition, US allegations in 2017 that Russia had supplied SALW to the Taliban have never been independently confirmed.¹⁴ The embargo continued to be in force after the Taliban seized Afghanistan in late 2021.

Central African Republic

The UN arms embargo on CAR bans any arms transfers to non-state armed groups while permitting deliveries to the government's security forces of most SALW if the government provides advance notification to the relevant UN sanctions committee, and other arms if they have received advance approval from the relevant committee. The embargo was first imposed in 2013 and has since been extended every year. Over the years numerous violations have been reported. In 2021 the panel of experts reported how, during fighting in early 2021, the state security forces lost weapons due to soldiers abandoning their posts, deserting or joining the ranks of the main armed group, the Coalition des patriotes pour le changement (CPC).¹⁵

With regard to arms supplies to the state security forces, the panel concluded that deliveries of equipment occurred 'at a pace unprecedented' since 2013, 'some of which were non-compliant and others in violation of the embargo'.¹⁶ For example, the panel had obtained evidence that suggested that in early 2021 thousands of SALW and ammunition had been supplied from Sudan to CAR security forces without the proper advance notifications, or, in the case of larger calibre ammunition, without having received an exemption from the relevant UN sanctions committee.¹⁷

While the aim of preventing weapons reaching non-state groups in CAR has been widely supported, the restrictions on arms supplies to CAR security forces have been the subject of debate in the UN Security Council. In 2021 for the first time one of the five permanent members, China, abstained from the vote as it found that the draft resolution had not taken its concerns into account. China argued that as general elections had been held successfully and the security situation had improved in CAR, there was a 'growing disconnect between the Council's sanctions and the evolving situation on the

¹³ United Nations, S/2019/481 (note 12), para. 84; United Nations, S/2020/415 (note 12), para. 97; and United Nations, Security Council, 'Twelfth report of the analytical support and sanctions monitoring team pursuant to resolution 2557 (2020) concerning the Taliban and other associated individuals and entities constituting a threat to the peace and stability and security of Afghanistan', S/2021/486, 1 June 2021, paras 87–89.

¹⁴ Azami, D., 'Is Russia arming the Afghan Taliban?', BBC World Service, 2 Apr. 2018.

¹⁵ United Nations, Security Council, 'Final report of the Panel of Experts on the Central African Republic extended pursuant to Security Council Resolution 2536 (2020)', S/2021/569, 25 June 2021, para. 63.

¹⁶ United Nations, S/2021/569 (note 15), p. 3.

¹⁷ United Nations, S/2021/569 (note 15), 25 June 2021, p. 2, para. 74 and p. 83.

ground' and that sanctions were increasingly threatening CAR's sovereignty.¹⁸ Other Security Council members highlighted the need for CAR to have established adequate stockpile controls and to meet other benchmarks, including security sector reforms, set by the Security Council for lifting the restriction on arms supplies to CAR security forces.¹⁹

Iran

In accordance with the terms of the 2015 Joint Comprehensive Programme of Action (JCPOA), the UN embargo on transfers of arms to and from Iran were lifted in October 2020.²⁰ At that time the United States claimed that these restrictions, along with other UN sanctions that had been lifted under the terms of the JCPOA, were still in force due to the USA initiating the JCPOA's so-called 'snapback mechanism' in September 2020. This assertion was made despite the fact that the USA withdrew from the JCPOA in May 2018. The other signatories of the JCPOA saw no legal basis for the US claim. The US government also underlined that the USA would use its 'domestic authorities' to sanction any individual or entity involved in supplying arms to Iran.²¹ In February 2021 President Joe Biden informed the UN Security Council that the USA had withdrawn these claims, made under the Trump administration, about the reimposition of UN sanctions on Tehran and that the Biden administration no longer contested the expiration of the arms embargo in October 2020.²² In 2019 the US Defense Intelligence Agency claimed that Iran was 'evaluating and discussing' weapons acquisitions from Russia and China and that, if the UN arms embargo were lifted, Iran would potentially try to purchase—specifically—Su-30 combat aircraft, Yak-130 trainer aircraft, T-90 tanks and S-400 air defence systems from Russia.²³ These claims were later repeated by Trump administration officials during debates about the lifting of the Iran sanctions in 2020.²⁴ As of December 2021 there were no signs that these acquisitions had taken place.

The UN sanctions on the transfer to and from Iran of items that could contribute to the development of nuclear weapon delivery systems, unless these items have been approved in advance by the UN Security Council, will remain in force until 18 October 2023. Equivalent controls on transfers

¹⁸ United Nations, 'Adopting Resolution 2588 (2021) by 14 votes in favour, 1 abstention, Security Council extends mandate of Expert Panel on Central African Republic, renews arms embargo', Meeting coverage SC/14590, 29 July 2021.

¹⁹ United Nations, SC/14590 (note 18).

²⁰ On developments in the JCPOA see chapter II, section II, in this volume.

²¹ See Wezeman, P. D., 'Multilateral embargoes on arms and dual-use items', section II in 'Dual-use and arms trade controls', *SIPRI Yearbook 2021*, pp. 568–69.

²² Lederer, E. M., 'Biden rescinds Trump's sanctions on Iran', AP News, 19 Feb. 2021.

²³ US Defence Intelligence Agency (DIA), *Iran Military Power: Ensuring Regime Survival and Securing Regional Dominance* (DIA: Washington, DC, Aug. 2019), p. 88.

²⁴ Brennan, D., 'Iran's foreign minister mocks "desperate" Pompeo over proposed arms embargo', *Newsweek*, 24 June 2020.

to Iran of items that could contribute to Iran's activities related to uranium enrichment, nuclear fuel reprocessing or heavy water, will remain in place until 18 October 2025. The JCPOA Procurement Channel, which was created to approve exemptions to these restrictions, continued its work during 2021 but without the involvement of the USA, due its withdrawal from the JCPOA. During 2021 one exemption request was submitted and one was approved.²⁵ The UN secretary-general's regular reports to the Security Council on the implementation of UN Security Resolution 2231 details investigations of transfers that may have taken place without the required prior approval of the procurement channel. The report of December 2021 stated that during 2021 the UN Secretariat was analysing evidence provided by Israel concerning Iran's transfer of 'UAV [uncrewed aerial vehicle] systems and capabilities to its proxies in Lebanon, Iraq, Syria and Yemen'.²⁶ It also noted that the Secretariat had sought information from Norway about an apparent attempt to transfer nuclear technology to Iran.²⁷ In September 2021 Norwegian authorities charged a German–Iranian national working at a technical university with violating Norway's export controls by hosting guest researchers from Iran and giving them access to technology covered by the scope of the UN sanctions.²⁸ The December report also noted that the Secretariat had sought information from Germany about an apparent attempt to transfer nuclear technology to Iran.²⁹ In September 2021 German police arrested a German–Iranian national suspected of exporting equipment to be used in Iran's nuclear and missile programmes.³⁰ In this case the items were not covered by the scope of the UN sanctions but were covered by the EU sanctions on Iran.³¹

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

²⁵ United Nations, Security Council, 'Report of the Joint Commission to the Security Council on the status of the Procurement Working Group's decisions and on any implementation issues', S/2021/992, 8 Dec. 2021; and United Nations, Security Council, 'Report of the Joint Commission to the Security Council on the status of the Procurement Working Group's decisions and on any implementation issues', S/2021/578, 24 June 2021, para. 7.

²⁶ United Nations, Security Council, 'Implementation of Security Council Resolution 2231 (2015)', Secretary-General's report, S/2021/995, 8 Dec. 2021, para. 21.

²⁷ United Nations, S/2021/995 (note 26), 8 Dec. 2021, para. 12.

²⁸ 'Norway charges professor with violating sanctions on Iran', AP News, 29 Sep. 2021.

²⁹ United Nations, S/2021/995 (note 26), 8 Dec. 2021, para. 11.

³⁰ 'Germany arrests man for shipping equipment for Iran's nuclear programme', Reuters, 14 Sep. 2021.

³¹ German Federal Court of Justice (GBA), Public Prosecutor, 'GBA: Festnahme wegen mutmaßlicher Verstöße gegen das Außenwirtschaftsgesetz' [GBA: Arrest for alleged violations of the Foreign Trade Act], Press release, 14 Sep. 2021.

ballistic missiles.³² In 2021, the UN expert panel on North Korea reported that, despite a worsening economic situation and the imposition of border restrictions in response to the Covid-19 pandemic, Pyongyang ‘maintained and improved its ballistic missile and nuclear infrastructure’ and ‘continued to seek material and technology for these programmes overseas’.³³ The panel repeated allegations made by states and reported in previous panel reports concerning cooperation between North Korea and both Syria and Iran on ‘missile-related projects’ and efforts by North Korean officials to ‘sell weapons in Africa and South-East Asia’, but did not provide any additional details.³⁴

During 2021 the panel paid particular attention to the potential role of international collaboration between universities and research institutes in enabling access to knowledge and technology relevant to North Korea’s nuclear weapons and missile programmes. The UN arms embargo requires states to prevent specialized teaching or training of DPRK nationals within their territories or by their nationals of disciplines which could contribute to the DPRK’s proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems.³⁵ In particular, the panel investigated cases of collaboration between North Korean and Chinese academics on ‘composite structures and vibration analysis’, noting that both processes ‘have industrial applications but are essential in the design of both nuclear equipment and ballistic missile programmes’.³⁶ In response to questions from the panel about the nature of this joint work, China responded that there were ‘no prohibited academic exchanges, scientific cooperation or joint studies between Chinese universities with the DPRK’.³⁷

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 internationally recognized Government of National Accord (GNA), provided that the transfers have been approved in advance by the UN sanctions committee for Libya. In March 2021 the GNA and the Libyan House of Representatives—which is supported by the Libyan National Army (LNA), also known as the Haftar Army—formed a Government of National Unity.³⁸ However, throughout 2021 there was no substantial progress on

³² On developments in North Korea’s nuclear weapons programme see chapter 10, section IX, in this volume.

³³ United Nations, Security Council, Midterm report of the 1718 Panel of Experts, S/2021/777, 8 Sep. 2021, Summary.

³⁴ United Nations, S/2021/777 (note 33), para. 21.

³⁵ UN Security Council Resolution 2270, 2 Mar. 2016, para. 5.

³⁶ United Nations, S/2021/777 (note 33), para. 11.

³⁷ United Nations, S/2021/777 (note 33), 8 Sep. 2021, para. 11.

³⁸ On developments in Libya see chapter 6, section IV, in this volume.

creating a unified military structure and the LNA remained in existence as an independent force.³⁹

Since the imposition of the embargo in 2011, the UN panel of experts on Libya has reported on many cases of violations and named the governments of Russia, Turkey and the United Arab Emirates, among others, as having delivered weapons in contravention of the embargo's terms.⁴⁰ In March 2021 the panel of experts reported that in 2020 and the first months of 2021, the arms embargo had remained 'totally ineffective' and that several states had extensively supported parties to the conflict in complete disregard for the UN sanctions measures.⁴¹ The panel also noted that the states that supplied arms had control of the entire supply chain, which complicated the detection, disruption or interdiction of arms flows in contravention to the UN arms embargo.⁴² Excerpts of a confidential report by the panel of experts, published by the press in December 2021, showed the panel's conclusion that while the intensity of arms supplies in violation of the embargo had diminished, the arms embargo remained totally ineffective throughout 2021. In particular, the panel noted that foreign fighters from Chad, Sudan and Russia remained active in Libya.⁴³

Myanmar

In February 2021 Myanmar's elected government was overthrown in a violent military coup that was widely condemned and led to calls by states for the imposition of UN sanctions against Myanmar, including an arms embargo.⁴⁴ The UN General Assembly adopted in June 2021 a resolution which called upon all UN member states to prevent the flow of arms into Myanmar.⁴⁵ The call was the only element of actual pressure in a resolution that called on the armed forces of Myanmar to respect the 8 November 2020 general election in Myanmar, end the state of emergency and respect all human rights. The original draft resolution had included more forceful language, calling for an immediate suspension of the direct and indirect supply, sale or transfer of all weapons and munitions.⁴⁶ Of the 193 members of the General Assembly, 119 voted in favour of the resolution, 1 (Belarus) voted against and

³⁹ 'Libya holds talks about army unification', *Middle East Monitor*, 15 Dec. 2021.

⁴⁰ Wezeman (note 21), pp. 571–74. See also equivalent chapters in the *SIPRI Yearbook 2012* through *SIPRI Yearbook 2020*.

⁴¹ United Nations, Security Council, Final report of the Panel of Experts on Libya established pursuant to Security Council Resolution 1973 (2011), S2021/229, 8 Mar. 2021, Summary, p. 2.

⁴² United Nations, S2021/229 (note 41), Summary, p. 2.

⁴³ 'Fewer Libya arms embargo breaches but foreign fighters remain: UN panel', France 24, 1 Dec. 2021.

⁴⁴ Lederer, E. M., 'UN assembly condemns Myanmar coup, calls for arms embargo', PBS News Hour, 18 June 2021.

⁴⁵ UN General Assembly Resolution 75/287, 25 June 2021, para. 7.

⁴⁶ Nichols, M., 'UN vote on call to stop arms supply to Myanmar postponed', Reuters, 17 May 2021.

36 abstained.⁴⁷ Among the abstentions were China, Russia and India, which were the most important arms suppliers to Myanmar in 2017–2021.⁴⁸ During an informal Security Council meeting, the USA publicly suggested possible sanctions against the Myanmar military, including an arms embargo.⁴⁹ However, during 2021 there were no public indications of a draft resolution including an arms embargo having been circulated in the UN Security Council.

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. 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. In April 2021 the embargo was extended with one significant amendment, the inclusion of ‘benchmarks’ which outlined specific areas where progress made on the part of the Revitalized Transitional Government of National Unity (RTGNU) and the South Sudanese defence and security forces could lead to the modification or lifting of the arms embargo.⁵⁰ These benchmarks included completing a Strategic Defense and Security Review process; forming a unified command structure for the Necessary Unified Forces; making progress on the disarmament, demobilization and reintegration process and on arms and ammunition stockpile management; and implementing a plan for addressing conflict-related sexual violence.

When the embargo was imposed in 2018 and when it was extended in 2019 and 2020, China and Russia abstained from the UN Security Council votes, arguing that the embargo’s continuation in combination with targeted sanctions on South Sudanese individuals did not take into account progress in the peace process in South Sudan.⁵¹ Despite both countries voting in favour of extending the sanctions on South Sudan in 2021, China stressed that it did not support the arms embargo and noted its hope that an assessment based on the new benchmarks would lead to the UN Security Council lifting the arms embargo as soon as possible.⁵² India and Kenya voted against the extension, arguing that there had been significant developments towards peace and

⁴⁷ United Nations, General Assembly, 75th Session, Official record of the 83rd plenary meeting, A/75/PV.83, 18 June 2021, p. 5.

⁴⁸ See chapter 9, section III, in this volume.

⁴⁹ Lederer, E. M., ‘US urges arms embargo and sanctions against Myanmar military’, AP News, 9 Apr. 2021.

⁵⁰ UN Security Council Resolution 2577, 28 May 2021.

⁵¹ Wezeman (note 21), pp. 570–71.

⁵² United Nations, Security Council, ‘United States of America: Draft resolution’, S/2021/518, 1 June 2021, p. 23 (Annex 17, Chinese statement).

stability in South Sudan.⁵³ Kenya stressed that the African Union and the Intergovernmental Authority on Development had both called for lifting the arms embargo and other UN sanctions on South Sudan.⁵⁴

During 2021 the UN panel of experts on South Sudan reported no cases of arms embargo violations. It did, however, note the widespread availability of ammunition in South Sudan.⁵⁵

Sudan

The UN embargo on Sudan prohibits transfers to non-state actors in the region of Darfur. The UN panel of experts on Sudan reported that in 2021 one of the main armed groups in Darfur, the Sudan Liberation Army/Abdul Wahid, acquired weapons.⁵⁶ However, the panel did not provide the types or origins of the weapons. The panel also reported that SALW were brought into Darfur by cross-border dealers and offered at markets in Darfur.⁵⁷

Yemen

The UN arms embargo on Yemen prohibits transfers to non-state actors in the country. However, the UN panel of experts on Yemen has reported continuous violations of the embargo since it was imposed in 2015. For 2021 the panel described how the evidence it had obtained showed that the Houthi rebels in Yemen had been able to produce UAVs and rockets using components sourced from the commercial market in Europe, the Middle East and Asia.⁵⁸ The panel also inspected SALW, including over 6000 assault rifles, seized by the USA on ships with Yemeni crews in the Arabian Sea.⁵⁹ Based on images of one of the seized cargoes and an inspection of the other, the panel concluded that many of the weapons had technical characteristics consistent with weapons made in China, including in 2016 and 2017. For other weapons the panel concluded that they had technical characteristics consistent with weapons made in Iran. Iran denied any involvement in the transport of the weapons whereas China had not yet responded to request from the panel. The panel drew no final conclusions about the intended final destination of the weapons nor about their immediate country of origin.

⁵³ United Nations, S/2021/518 (note 52), p. 24 (annex 18, Indian statement) and p. 25 (annex 19, Kenyan statement).

⁵⁴ United Nations, S/2021/518 (note 52), p. 25 (annex 19, Kenyan statement).

⁵⁵ United Nations, Security Council, 'Final report of the Panel of Experts on South Sudan submitted pursuant to Resolution 2521 (2020)', S/2021/365, 15 Apr. 2021, paras 84–86.

⁵⁶ United Nations, Security Council, 'Final report of the Panel of Experts on the Sudan', S/2022/48, 24 Jan. 2022, para. 53. On the armed conflict in Sudan see chapter 7, section IV, in this volume.

⁵⁷ United Nations, S/2022/48 (note 56), paras 77–89.

⁵⁸ United Nations, Security Council, 'Final report of the Panel of Experts on Yemen', S/2022/50, 26 Jan. 2022, pp. 23–25. On the armed conflict in Yemen see chapter 6, section V, in this volume.

⁵⁹ United Nations, S/2022/50 (note 58), pp. 26–32.

European Union arms embargoes: Developments and implementation challenges

During 2021 the EU introduced no new arms embargoes. However, it did expand the coverage of the embargo on Belarus. The European Parliament called for arms embargoes on Saudi Arabia and Ethiopia. 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, October 2018 and September 2020 the European Parliament adopted resolutions calling for an EU arms embargo on Saudi Arabia.⁶⁰ The European Parliament reiterated this call in a resolution adopted in February 2021.⁶¹ In response to the violence in Ethiopia, which escalated further in 2021, the European Parliament called on EU member states to halt exports of arms and surveillance technology to Ethiopia that are being used to facilitate attacks on civilians and to perpetrate human rights violations.⁶² The EU did not take any further steps to impose an actual EU arms embargo.

In June 2021 the EU expanded the coverage of its existing set of sanctions on Belarus. The decision was made following the unlawful forced landing of an intra-EU flight in Minsk in May 2021 in order to allow the authorities in Belarus to arrest opposition activist Roman Protasevich and his girlfriend Sofia Sapega. The expanded sanctions included flight restrictions, travel bans and asset freezes but also banned exports of dual-use items ‘for military use in Belarus or for any military end-user in Belarus’ and exports of ‘equipment, technology or software intended primarily for use in the monitoring or interception’ of telecommunications networks ‘by, or on behalf of, the Belarusian authorities’.⁶³

This is the second time the EU has included a ban on exports of dual-use items for a military use or for any military end-user in its sanctions measures. Equivalent restrictions have been part of the EU’s sanctions on Russia since 2014. Ensuring full compliance with these restrictions has proved challenging given the wide range of items captured by the EU’s dual-use list and efforts by Russian companies and the Russian government to mask the military purpose of acquisitions. In 2021 a report by Conflict Armament

⁶⁰ European Parliament resolution of 17 Sep. 2020 on Arms export: Implementation of Common Position 2008/944/CFSP, 2020/2003(INI), 17 Sep. 2020, para. 11. See also Wezeman (note 21), p. 575.

⁶¹ European Parliament resolution of 11 Feb. 2021 on the humanitarian and political situation in Yemen, 2021/2539(RSP), 11 Feb. 2021, para. 13.

⁶² European Parliament resolution of 7 Oct. 2021 on the humanitarian situation in Tigray, 2021/2902(RSP), 7 Oct. 2021, para. 25.

⁶³ Council Decision (CFSP) 2021/1031 of 24 June 2021 amending Council Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus, *Official Journal of the European Union*, L224, 24 June 2021.

Research documented several cases in which Russian military drones had been built using components produced in EU member states.⁶⁴ In 2021 media reports also alleged that attempts had been made by companies based in EU member states to supply small arms to Russia and Belarus.⁶⁵ Unlike in the case of UN arms embargoes there are no mechanisms in place to monitor the implementation of EU arms embargoes.⁶⁶

This is the fourth time the EU has included a ban on exports of telecommunications monitoring systems in its sanctions measures. Similar restrictions are also part of the EU sanctions on Iran, Syria, Venezuela and Myanmar.⁶⁷ Controls on cybersurveillance items were also a key focus of the recent recast of the EU dual-use regulation which entered into force in 2021 and recent discussions between the EU and US on trade issues (see section IV in this chapter).

Conclusions

Several major differences in perceptions about UN arms embargoes that had been particularly pronounced in 2020 became less severe in 2021. For example, the new US administration did not pursue the previous administration's attempts to force other states to consider the UN arms embargo on Iran as being still in force. In addition, after the introduction of benchmarks for modifications of the embargo on South Sudan, China and Russia voted in favour of the arms embargo, after having abstained in previous years. However, in other cases views on the utility or desirability of multilateral arms embargoes were mixed, as could be witnessed when in the Security Council no draft was tabled for an embargo on Myanmar, despite a General Assembly resolution calling for member states to prevent arms flows to Myanmar. Similarly, the EU Council did not threaten or impose arms embargoes on Saudi Arabia or Ethiopia even when the European Parliament called for them.

Compliance with UN arms embargoes was mixed in 2021. There were reports of significant violations of the UN arms embargo on Libya, likely violations of the embargo on non-state actors in Yemen and contraventions of some of the restrictions on arms imports by the government of CAR. Cases of possible violations of the embargoes on Iran and North Korea involving research institutes and universities were also reported. As before, the UN Security Council did not take any actions against the countries reportedly

⁶⁴ Conflict Armament Research, *Weapons of the War in Ukraine: A Three-Year Investigation of Weapon Supplies into Donetsk and Luhansk* (Conflicts Armaments Research: London, Nov. 2021), p. 162.

⁶⁵ Rettman, A., 'EU arms firms trying to flout Belarus and Russia ban', *EU Observer*, 6 Oct. 2021.

⁶⁶ For a discussion of calls for the creation of mechanisms for monitoring EU arms embargoes see Bromley, M. and Wezeman, P. D., 'Multilateral arms embargoes', *SIPRI Yearbook 2020*, pp. 544–45.

⁶⁷ See European Commission, 'EU sanctions map', [n.d.].

linked to the embargo violations. In contrast there were no reports of, for example, major violations of the UN embargo on the Taliban in Afghanistan and the embargo on South Sudan. There were limited reports of violations of EU arms embargoes which again highlighted the potential need for more robust monitoring measures.