



February 14, 2020

U.N. Ban on Iran Arms Transfers

Overview

Annex B of U.N. Security Council Resolution 2231 (July 17, 2015), which enshrined the multilateral Iran nuclear agreement (Joint Comprehensive Plan of Action, JCPOA), provides for a ban on arms transfers to or from Iran until October 18, 2020. Although major arms suppliers have apparently not violated the restriction by transferring major combat systems to Iran, U.S. officials and U.S. and U.N. reports assert that Iran has not abided by the ban on arms transfers to its allies. The Trump Administration and many in Congress advocate a Security Council extension of the arms transfer ban, but two key potential arms suppliers of Iran – Russia and China – are members of the Security Council and oppose Trump Administration policy on Iran.

Annex B also contains a ban, until October 18, 2023, on supplying equipment that Iran could use to develop nuclear-capable ballistic missiles, and a non-binding ban on Iran's development of ballistic missiles designed to carry a nuclear weapon. These missile-related provisions are addressed separately in CRS Report RS20871, *Iran Sanctions*, by Kenneth Katzman.

Provisions of the Arms Transfer Ban

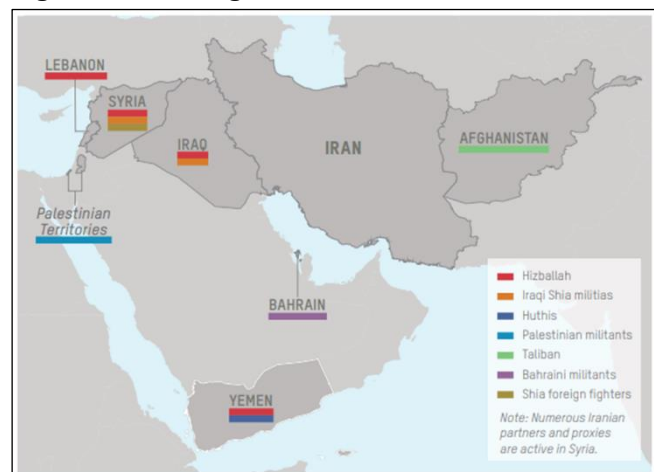
Annex B of Resolution 2231 continued similar restrictions in previous U.N. Security Council resolutions on Iran. Resolution 1747 (March 24, 2007) contained a ban on Iran's transfer of arms from its territory and required all U.N. member states to prohibit the transfer of Iranian arms to their nationals. Resolution 1929 (June 9, 2010) contained a ban (Resolution 1747 had a voluntary restriction) on the supply to Iran of "any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register of Arms or related materiel, including spare parts..." These restrictions are restated in Annex B of Resolution 2231, which supersedes all previous Security Council resolutions on Iran, although Annex B permits the importation and exportation of such arms by Iran if the U.N. Security Council provides advance approval of such transfers on a "case-by-case basis." Such approval is virtually impossible - both the Obama and Trump Administration officials have consistently said they could not envision U.S. approval of such sales or transfers.

The Iran arms transfer ban in Resolution 2231 is temporary; it applies "until the date that is five years after the JCPOA Adoption Day" (Adoption Day was October 18, 2015 – 90 days after the passage of Resolution 2231). The restriction would expire earlier than the five-year period if the International Atomic Energy Agency (IAEA) were to issue a "Broader Conclusion" that all nuclear material in Iran remains in peaceful activities. The IAEA has neither

announced such a Conclusion nor a timetable for reaching it.

U.S. and officials of other Security Council members widely interpret the restriction as inapplicable to the sale to Iran of systems for purely defensive purposes. For example, in 2007, Russia agreed to the sale to Iran of the S-300 air defense system, with a reported estimated value of about \$800 million. The two governments reportedly disagreed later over certain terms and the system's delivery date, but Russia delivered the system in November 2016. A State Department spokesperson said in May 2016 that "[w]hile we're opposed to the sale, it is not formally a violation" because the S-300 is for defensive uses only.

Figure 1. Iran's Regional Allies



Source: Defense Intelligence Agency. *Iran Military Power: 2019*

Effects of the Ban

The U.S. government assesses that the arms transfer ban to Iran has been only partially effective. According to Appendix J of the congressionally-mandated Defense Intelligence Agency (DIA) annual report on the military power of Iran for 2019, released in November 2019, Iran wants to "purchase new advanced weapon systems from foreign suppliers to modernize its armed forces, including equipment it has largely been unable to acquire for decades." The report adds that once the U.N. ban on arms sales to Iran expires, Iran "will be permitted to purchase conventional systems it is unable to produce domestically, such as advanced fighter aircraft and main battle tanks. Iran is already evaluating and discussing military hardware for purchase primarily from Russia and, to a lesser extent, China." According to the report, "Iran's potential acquisitions after the lifting of UNSCR 2231 restrictions include Russian Su-30 fighters, Yak-130 trainers, and T-90 MBTs (main battle tanks). Iran has also shown interest in acquiring S-400 air defense systems and Bastian coastal defense systems from Russia." The report does not say that

Iran has obtained any major combat systems from foreign suppliers since the ban went into effect. For information on the composition of Iran's forces, see Figure 2.

Figure 2. Iran Military Structure and Size Estimates

Iranian Military Structure and Size Estimates			
Islamic Revolutionary Guard Corps (IRGC)		Regular Forces (Artesh)	
IRGC Ground Force (IRGCGF)	150,000	Islamic Republic of Iran Ground Force (IRIGF)	350,000
IRGC Navy (IRGCN)	20,000	Islamic Republic of Iran Navy (IRIN)	18,000
IRGC Aerospace Force (IRGCASF)	15,000	Islamic Republic of Iran Air Force (IRIAF)	37,000
IRGC Qods Force (IRGC-QF)	5,000	Islamic Republic of Iran Air Defense Force (IRIADF)	15,000
Basij (Reserves)	450,000		
Total (excl. Basij)	190,000	Total:	420,000
Total (incl. Basij)	640,000		
Total Military (Active): 610,000			
Total Military (incl. Reserves): 1,060,000			

Note: Basij number only includes estimated active reserve personnel; Iran may be able to mobilize an additional 500,000 to 1 million Basij in wartime.

Source: Defense Intelligence Agency. Iran Military Power: 2019

The ban on Iranian arms exports is assessed by the U.S. government as ineffective. According to the DIA report, which represents a consensus U.S. judgment: “Since UNSCR 2231 came into effect, no export proposals [by Iran] have been submitted to the UNSC. Since the Islamic Revolution, Iran has transferred a wide range of weapons and military equipment to state and nonstate actors, including designated terrorist organizations... Although some Iranian shipments have been interdicted, Tehran is often able to get high-priority arms transfers to its customers. See Figure 1. Over the years, Iranian transfers to state and nonstate actors have included: communications equipment; small arms—such as assault rifles, sniper rifles, machine guns, mortars, and rocket-propelled grenades (RPGs)—and ammunition; ...artillery systems, including MRLs (multiple rocket launchers) and battlefield rockets and launchers; armored vehicles; FAC (fast attack craft); equipment for unmanned explosives boats;...SAMS (surface-to-air missiles); UAVs (unmanned aerial vehicles)...ground-attack aircraft...” and other weaponry. For comprehensive analysis on Iran's support to its allies and proxies, see: CRS Report R44017, *Iran's Foreign and Defense Policies*, by Kenneth Katzman

Relevant Laws, Authorities, and Options for the Administration and Congress

The stated policy of the Trump Administration is to apply “maximum pressure” on Iran's economy, through the imposition and enforcement of U.S. sanctions, to compel Iran to alter its behavior. One of the reasons the Administration gave for its exit from the JCPOA is that the nuclear restrictions in it, as well as the restrictions on arms transfers in Resolution 2231, are temporary. At an August 20, 2019 meeting of the U.N. Security Council—more than one year before the ban expires—Secretary of State Michael Pompeo argued for the international community to keep the arms transfer ban in place. On October 18, 2019,

in advance of a meeting with Israel's Prime Minister Binyamin Netanyahu, held one year before the U.N. restriction is to expire, Secretary Pompeo stated that: “The Security Council must renew the arms embargo.” For their part, Iranian leaders have advocated for staying in the JCPOA in part to ensure the lifting of the ban—perhaps because, under the JCPOA, Iranian withdrawal could potentially trigger a “snapback” of all sanctions that were in place prior to the agreement. Some in Congress have argued that the United States is able to unilaterally trigger a snapback of all sanctions even though it has left the JCPOA, using applicable provisions of Resolution 2231, and that doing so would ensure the continuation of the arms transfer ban beyond its expiration in October 2020.

The Administration has not, to date, announced formal negotiations within the U.N. Security Council to extend the arms transfer restrictions of Annex B. Any such negotiations are likely to be complicated by the fact that two permanent Council members, Russia and China, might seek to sell significant packages of new major combat systems to Iran, as referenced in the DIA report. Both countries have remained parties to the JCPOA and opposed the U.S. exit from the deal. Russian officials have reportedly stated that they will reject any attempt to extend the arms transfer ban. The Administration and Congress, potentially through legislation, might seek to link other bilateral issues with Russia and China to their support for extending the embargo.

Separate from the U.N. restriction, a number of U.S. laws and authorities impose sanctions on countries that supply arms and related technology to Iran. These laws, all of which have been used to sanction entities supplying arms-related technology to Iran, include the Iran-Iraq Arms Non-Proliferation Act, the Iran, North Korea, and Syria Nonproliferation Act (INKSNA), and Executive Order 13382. Additionally, the Countering America's Adversaries through Sanctions Act authorizes sanctions for the sale to Iran of the combat systems enumerated by Annex B. Iran's designation as a state sponsor of terrorism provides additional authorities for the President to sanction countries that supply arms to Iran. For more detail on these provisions, see: CRS Report RS20871, *Iran Sanctions*, by Kenneth Katzman. It is not known from open sources whether the apparent restraint shown by such suppliers as Russia and China in proceeding with new arms sales to Tehran are a result of the Annex B restriction, or the threat from U.S. secondary sanctions. Some options Congress might consider include expanding the sanctions provisions of these laws.

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