

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. Major arms suppliers have apparently not violated the restriction by transferring major combat systems to Iran, but U.S. and U.N. officials and reports state that Iran has not abided by the ban on exporting arms. The Trump Administration and many in Congress advocate an extension of the U.N. arms transfer ban, but two key potential arms suppliers of Iran—Russia and China—are veto-wielding members of the Security Council and support the expiration of the ban.

Annex B also contains a ban, until October 18, 2023, on supplying equipment that Iran could use to develop nuclear-capable ballistic missiles, and it calls for Iran not to develop 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

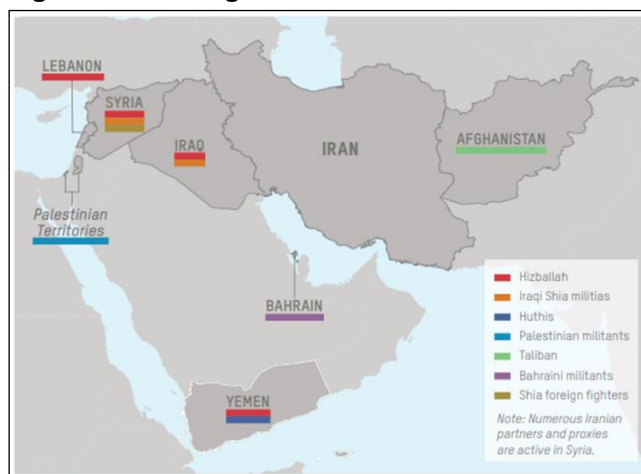
Annex B of Resolution 2231 continued similar restrictions in previous U.N. Security Council resolutions on Iran. Resolution 1747 (March 24, 2007) contained a ban on Iran's transfer of arms from its territory and required all U.N. member states to prohibit the transfer of Iranian arms to their nationals. 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. Annex B permits the importation and exportation of such arms by Iran if the U.N. Security Council provides advance approval on a "case-by-case basis." Such approval is virtually impossible; officials in both the Obama and Trump Administrations have consistently said they could not envision U.S. approval of arms transfers to or from Iran.

The Iran arms transfer ban in Resolution 2231 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 if the International Atomic Energy Agency (IAEA) were to issue a "Broader Conclusion" that all nuclear material in Iran remains in peaceful activities.

U.S. and other Security Council member officials widely interpret the restriction as inapplicable to the sale to Iran of systems for purely defensive purposes. 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 payment and other terms, and Russia did not deliver it until 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 [of 2231]" 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 ban on selling arms to Iran apparently has been 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 has not obtained any major combat systems from foreign suppliers since the ban went into effect. It states that 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." For information on the composition of Iran's forces, see **Figure 2**.

Figure 2. Iran Military Structure and Size Estimates

<i>Iranian Military Structure and Size Estimates</i>			
Islamic Revolutionary Guard Corps (IRGC)		Regular Forces (Artesh)	
IRGC Ground Force (IRGCCGF)	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

By contrast, the ban on Iranian arms exports has arguably not been effective. According to the DIA report, which represents a consensus U.S. judgment, “Since the Islamic Revolution, Iran has transferred a wide range of weapons and military equipment to state and non-state 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 non-state 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. 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 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. For almost a year, the Administration has been indicating that it insists on keeping 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 expiration 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.

In late April, press reports stated that the Administration has begun circulating to its major European allies France, the United Kingdom, and Germany, a draft Security Council resolution that would extend the arms transfer ban

indefinitely. However, even if U.S. allies support the U.S. position, officials of Russia and China, whose governments seek to sell significant packages of new major combat systems to Iran, have stated that they will reject any attempt to extend the arms transfer ban.

On April 29, Secretary of State Michael Pompeo stated to journalists: “We’re not going to let [Iran’s purchase of conventional arms] happen. We will work with the U.N. Security Council to extend that prohibition on those arms sales and then in the event we can’t get anyone else to act, the United States is evaluating every possibility about how we might do that.” The statement appeared to confirm press reports about Administration strategy to try to compel other Security Council members to enact an extension of the ban.

According to an April 27, 2020, *New York Times* report, this strategy includes a threat to trigger a provision of Security Council Resolution 2231 that would reimpose the sanctions suspended by that Resolution. This option is available, according to the report, because the State Department has found that the United States can assert that it remains a “participant” in the JCPOA, according to the Resolution 2231 definition. Under the reported reasoning, the Trump Administration’s withdrawal from the accord did not change its status as a “participant” for U.N. purposes. Resolution 2231 stipulates that a JCPOA participant could, after notifying the Security Council of an issue that the government “believes constitutes significant non-performance of [JCPOA] commitments,” trigger an automatic draft resolution keeping sanctions relief in effect. A U.S. veto of this resolution would reimpose the suspended sanctions.

European, Iranian, Russian, and other officials reacted to the *New York Times* report by stating that any U.S. attempt to trigger a snapback of all sanctions through Resolution 2231 would not be viewed as legitimate. These governments argue that the context of the snapback provisions implies that only active JCPOA participants can trigger the snapback mechanism, and the U.S. withdrawal from the JCPOA denies the United States that ability.

Were the United States to fail to achieve a U.S. extension of the ban, the Administration might decide to use its sanctions laws and authorities to deter any arms sales to Iran. These 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. Still, 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.

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