

# Iran's Continued Malign Behavior Warrants Extending the Conventional Arms Embargo

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## KEY TAKEAWAYS

Allowing the conventional arms ban on Iran to expire as scheduled would permit Tehran to expand its activities that pose a threat to peace, security, and stability.

The United States and other concerned parties should take immediate action to extend this prohibition irrespective of Iran's compliance with the nuclear deal.

The United States should also consider expanding the ban to include advanced air defense weapons.

United Nations–mandated restrictions on the supply, sale, or transfer of conventional arms to Iran will expire on October 18, 2020, in accordance with the 2015 U.N. Security Council resolution endorsing the Joint Comprehensive Plan of Action, better known as the JCPOA or the Iran nuclear deal.<sup>1</sup> Unless the snapback mechanism in the JCPOA is triggered or the Security Council adopts a new resolution extending the conventional arms prohibition, Tehran will be permitted at that point to acquire conventional weapons, spare parts, or technical assistance from Russia, China, and elsewhere freely and without the approval of the U.N. Security Council.

The United States and other concerned parties must not let the ban on conventional arms to Iran expire. Allowing Tehran to acquire arms would allow it to expand activities that pose a threat to international

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peace, security, and stability, including its military adventurism in Syria and Yemen, its support of foreign terrorist organizations, and its geopolitical ambitions in the Middle East.

The Trump Administration should seek congressional support for maintaining the conventional arms ban on Iran and seek to extend the conventional arms restrictions beyond the date specified in U.N. Security Council Resolution (UNSCR) 2231, which endorses and implements the JCPOA. It should also consider expanding the ban to include advanced air defense weapons. If unsuccessful in continuing the ban, it should work with Congress and international partners to apply secondary sanctions on states that engage in trade in conventional arms with Iran.

## **Iran: Threat to International Peace and Security**

Although Resolution 2231 justifiably focused on Iran's nuclear weapons program, the threat posed by the rogue nation is far broader. Iran is one of the greatest threats to international peace and security in the world today.

In the past year, Iran attacked or seized oil tankers in the Persian Gulf, shot down a U.S. drone, struck Saudi Aramco facilities, and hit a U.S. base in Iraq with ballistic missiles. It has long supported the regime of Syrian President of Bashar al Assad, who is prosecuting a bloody civil war that has taken the lives of hundreds of thousands of Syrians, some of whom have been the victims of the regime's use of chemical weapons.<sup>2</sup>

Tehran is also inflaming the civil war in Yemen by arming the Houthi rebels with small arms, ballistic and cruise missiles, and unmanned combat aerial vehicles.<sup>3</sup> U.S. naval forces have intercepted a number of Iranian arms shipments to the Houthis that included, among other weapons, anti-tank guided missiles and loitering surface-to-air missiles.<sup>4</sup> Iranian proxies have used these weapons against adversaries in Yemen and have launched them from Yemen to attack Saudi, American, and Emirati targets.<sup>5</sup>

Iran has also long been the world's most active state sponsor of terrorism, supporting its Islamic Revolutionary Guard Corps (IRGC) and foreign extremist groups like Lebanon's Hezbollah, Hamas in Gaza, Palestinian Islamic Jihad, and the Taliban in Afghanistan. Iranian support has directly and indirectly facilitated terrorist acts in the Middle East, Africa, Europe, Latin America, South Asia, and the United States.<sup>6</sup>

Iran has engaged in these activities for decades and, despite hopes for a marked improvement in its international behavior, continued to do so during the implementation phase of the JCPOA while the conventional arms ban was in place.

Under Resolution 2231, which implemented the JCPOA, no state, without U.N. Security Council approval, may permit the supply, sale, or transfer to Iran of seven categories of arms as defined by the U.N. Register of Conventional Arms “from or through their territories, or by their nationals or individuals subject to their jurisdiction, or using their flag vessels or aircraft, and whether or not originating in their territories.”<sup>7</sup> These seven categories include offensive weapons such as battle tanks, armored combat vehicles, large-caliber artillery systems, combat aircraft and helicopters, warships, and missiles or missile systems (not including surface-to-air missiles) and related materiel, assistance, or financing.<sup>8</sup>

As laid out in Annex B, subsection 5, of Resolution 2231, this prohibition “shall apply until the date five years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier.”<sup>9</sup> The Broader Conclusion is that “all nuclear material in Iran remains in peaceful activities.”<sup>10</sup>

Currently, Iran is in noncompliance with its commitments under the JCPOA. In response, France, Germany, and the United Kingdom (the E3) initiated the Dispute Resolution Mechanism under the agreement, which will lead to a review and possibly reimpose the provisions of the U.N. Security Council resolutions suspended or otherwise encompassed by the agreement, including the conventional arms ban.

This would represent a significant departure for the E3, who remain committed to preserving the agreement, and it is unclear when, or whether, they will “notify the U.N. Security Council of an issue of significant non-performance” and set the stage for snapback of preexisting Security Council sanctions.<sup>11</sup> Unless the Security Council triggers the snapback sanctions through the Dispute Resolution Mechanism<sup>12</sup> or adopts a new Security Council resolution to extend the conventional arms ban against Iran, starting in late October 2020:

Iran will be permitted to purchase conventional [weapons] 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. 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 Bastion coastal defense systems from Russia.<sup>13</sup>

Enabling Iran to purchase advanced weapons legitimately from willing international suppliers, would make its destabilizing actions that

advance the regime's interests all the more effective. Unchecked by international sanctions on arms transfers, Iran would be able to modernize and strengthen its armed forces, including the IRGC.<sup>14</sup>

For instance, according to the Defense Intelligence Agency, Iran is interested in the Russian K-300P *Bastion* mobile coastal defense system (NATO name: SS-C-5 Stooze), which is equipped with the *Yakhont* (NATO name: SS-N-26 Strobile) supersonic anti-ship cruise missile (ASCM).<sup>15</sup> Acquisition of this ASCM system would upgrade Iran's existing threat to U.S. military operations and international commercial shipping sailing in or through the Strait of Hormuz, the Persian Gulf, and Gulf of Oman.

Another concern is Iran's receipt of the Russian S-300 *Favorit* (NATO name: SA-20 Gargoyle) air defense system in 2016 and reported interest in the more advanced S-400 *Triumf* long-range surface-to-air missile (SAM) system (NATO name: SA-21 Growler).<sup>16</sup> Although the S-400 does not fall into one of the seven UNSCR 2231 offensive weapons categories, the possibility of such a sale argues for considering an expansion of the terms of a future arms ban to include advanced defensive weapons such as SAMs.

In addition to reaching out to Russia with a view to post-arms ban sales of fighter jets and main battle tanks, Iran may be looking for opportunities to buy these weapons from China as well.<sup>17</sup> Sino-Iranian ties, including trade and 2019 trilateral naval exercises with Russian forces, are strong.<sup>18</sup>

Iran could also purchase arms from foreign suppliers to transfer to proxies in Yemen, Hezbollah in Lebanon, Hamas in Gaza, allied forces in Syria, and other like-minded actors. News reports show that Iran continues to transfer ballistic missiles, cruise missiles, unmanned combat aerial vehicles, and other arms to its allies and proxies around the Middle East.<sup>19</sup> Elimination of the conventional arms ban on Iran would make such transfers exponentially easier and further undermine regional stability.

## Preventive Action

The Iran nuclear deal has not moderated Iran's support of terrorism or its efforts to destabilize the region directly or through proxies to advance its interests. Expiration of the conventional arms ban would enhance Iran's ability to pursue these goals, and the United States and other concerned parties must take action to prevent this. Specifically, the Trump Administration should:

- **Seek congressional endorsement for maintaining the ban on the supply, sale, or transfer of conventional arms to Iran.** The United States stands stronger when presenting a unified front to the world. There should be little disagreement that allowing Iran to purchase and transfer arms would be a threat to America and Middle Eastern regional peace, stability, and security.
- **Work with like-minded members of the U.N. Security Council to extend the arms ban on Iran as soon as possible.** This can be done by triggering the snapback through the Dispute Resolution Mechanism outlined in Resolution 2231 or adopting a new resolution to apply conventional arms sanctions against Iran past the October 2020 expiration of the conventional arms ban. The E3 have taken the first step by triggering the JCPOA's Dispute Resolution Mechanism, which could result in the snapback of previously imposed but suspended U.N. sanctions.

The United States should encourage the E3 to stay the course and demand Iran's full compliance with its obligations and support the reimposition of previous Security Council resolutions if they fail to do so. Even if Iran does comply, however, the United States should work with them on a new resolution to extend the conventional arms sanctions that would otherwise expire.

- **Modify any future arms ban to include advanced defensive weapons.** There are questions about the future of Iran's nuclear weapons program, especially considering recent violations of the JCPOA.<sup>20</sup> Allowing Iran to procure advanced SAMs, such as the Russian S-400, would undermine international efforts to dissuade, deter, and if necessary militarily deny Iran from developing or building a nuclear bomb.
- **Be prepared to enforce an arms ban indirectly.** If the United States cannot convince the Security Council to extend the arms ban, it should work with Congress and international partners to apply secondary sanctions on states that engage in a conventional arms trade with Iran.

## Conclusion

Allowing the conventional arms ban on Iran to expire as scheduled would permit Tehran to expand its activities that pose a threat to peace, security,

and stability. The United States and other concerned parties should take immediate action to extend this prohibition irrespective of Iran's compliance with the nuclear deal.

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## Endnotes

1. United Nations Security Council, "Resolution 2231 (2015)," S/RES/2231 (2015), July 20, 2015, p. 100, Annex B, subsection 5, [https://www.undocs.org/S/RES/2231\(2015\)](https://www.undocs.org/S/RES/2231(2015)) (accessed March 6, 2010).
2. Peter Brookes, "Syria's Use of Chemical Weapons Demands Further U.S. Action," Heritage Foundation *Backgrounder* No. 3446, October 28, 2019, <https://www.heritage.org/middle-east/report/syrias-use-chemical-weapons-demands-further-us-action>.
3. Peter Brookes, "Iran's Extensive Cruise Missile Program Requires U.S. Action," Heritage Foundation *Backgrounder* No. 3460, January 6, 2020, <https://www.heritage.org/middle-east/report/irans-extensive-cruise-missile-program-requires-us-action>, and Peter Brookes, "The Growing Iranian Unmanned Combat Aerial Vehicle Threat Needs U.S. Action," Heritage Foundation *Backgrounder* No. 3437, September 17, 2019, <https://www.heritage.org/defense/report/the-growing-iranian-unmanned-combat-aerial-vehicle-threat-needs-us-action>.
4. Peter Brookes, "Mullahs Moving More Menacing Munitions to Yemen," *The Daily Signal*, February 25, 2020, <https://www.dailysignal-com.cdn.ampproject.org/c/s/www.dailysignal.com/2020/02/25/mullahs-moving-more-menacing-munitions-to-yemen/amp/>.
5. *Ibid.*; Brookes, "Iran's Extensive Cruise Missile Program Requires U.S. Action;" and Brookes, "The Growing Iranian Unmanned Combat Aerial Vehicle Threat Needs U.S. Action."
6. United Against a Nuclear Iran, "Iran: The Leading State Sponsor of Terrorism," <https://www.unitedagainstnucleariran.com/terrorism> (accessed March 6, 2010).
7. According to Resolution 2231, "All States may participate in and permit, provided that the Security Council decides in advance on a case-by-case basis to approve: the supply, sale or transfer directly or indirectly from or through their territories, or by their nationals or individuals subject to their jurisdiction, or using their flag vessels or aircraft, and whether or not originating in their territories, to Iran, or for the use in or benefit of Iran, of any battle tanks, armoured combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, as defined for the purpose of the United Nations Register of Conventional Arms, or related materiel, including spare parts, and the provision to Iran by their nationals or from or through their territories of technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, manufacture, maintenance, or use of arms and related materiel described in this subparagraph. This paragraph shall apply until the date five years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier." United Nations Security Council, "Resolution 2231 (2015)," p. 100, Annex B, subsection 5.
8. Defense Intelligence Agency, *Iran Military Power: Ensuring Regime Survival and Securing Regional Dominance*, 2019, p. 89, [https://www.dia.mil/Portals/27/Documents/News/Military%20Power%20Publications/Iran\\_Military\\_Power\\_LR.pdf](https://www.dia.mil/Portals/27/Documents/News/Military%20Power%20Publications/Iran_Military_Power_LR.pdf) (accessed March 6, 2020).
9. United Nations Security Council, "Resolution 2231 (2015)," p. 100, Annex B, subsection 5.
10. United Nations Security Council, "Resolution 2231 (2015)," p. 15.
11. Resolution 2231 lays out the notional outline. The initial step allots up to 15 days for the Joint Commission to resolve an allegation by the E3/EU+3 (China, France, Germany, the Russian Federation, the United Kingdom, and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy) or the Islamic Republic of Iran of the failure of one of the participating parties to meet commitments under the agreement. However, the Joint Commission could agree to extend this period by consensus. After consideration by the Joint Commission, any participant can refer the issue to the Ministers of Foreign Affairs, who would have up to 15 days to resolve it. In addition, either the complaining party or the participant accused of noncompliance can request that an Advisory Board consider the issue. This would operate in "parallel with (or in lieu of) review" by the Ministers of Foreign Affairs. If this 30-day process does not resolve the issue, the Joint Commission has no more than five days to consider the opinion of the Advisory Board. If the complaining participant remains unsatisfied, it can notify the U.N. Security Council of an issue of significant nonperformance, and the Security Council has up to 30 days to adopt a resolution to continue the lifting of sanctions as specified under the JCPOA. If the Security Council does not act, "the provisions of the old U.N. Security Council resolutions [will] be re-imposed." United Nations Security Council, "Resolution 2231 (2015)," pp. 19–20.
12. As outlined in Resolution 2231, the discrete steps in the Dispute Resolution Mechanism process add up to 65 days. However, the process can be extended over a longer period if the complaining party or parties agree to continue negotiations. Unsurprisingly, the E3 are availing themselves of this flexibility. The E3 announced that they would initiate the Dispute Resolution Mechanism process on January 14, 2020. Nearly two months later, the process has still had not proceeded to the second step.
13. Defense Intelligence Agency, *Iran Military Power*, p. 88.
14. *Ibid.*
15. *Ibid.* and Missile Defense Advocacy Alliance, "P-800 Oniks (SS-N-26 Strobile)," <https://missiledefenseadvocacy.org/missile-threat-and-proliferation/missile-proliferation/russia/16962-2/> (accessed March 6, 2020).
16. Andrew Roth, "Iran Announces Delivery of Russian S-300 Missile Defense System," *The Washington Post*, May 10, 2016, [https://www.washingtonpost.com/world/iran-announces-delivery-of-russian-s-300-missile-defense-system/2016/05/10/944afa2e-16ae-11e6-971a-dad9ab18869\\_story.html](https://www.washingtonpost.com/world/iran-announces-delivery-of-russian-s-300-missile-defense-system/2016/05/10/944afa2e-16ae-11e6-971a-dad9ab18869_story.html) (accessed March 6, 2020), and Defense Intelligence Agency, *Iran Military Power*, p. 88.
17. Lolita C. Baldor, "Defense Intel Report Says Iran Will Seek New Fighter Jets, Tanks as 2020 Embargo Lifts," *Military Times*, November 19, 2019, <https://www.militarytimes.com/flashpoints/2019/11/20/defense-intel-report-says-iran-will-seek-new-fighter-jets-tanks-as-2020-embargo-lifts/> (accessed March 6, 2020).

18. Kristin Huang, "China and Iran: A Relationship Built on Trade, Weapons and Oil," *South China Morning Post*, January 9, 2020, <https://www.scmp.com/news/china/military/article/3045253/china-and-iran-relationship-built-trade-weapons-and-oil> (accessed March 6, 2020).
19. Brookes, "Iran's Extensive Cruise Missile Program Requires U.S. Action," and Brookes, "The Growing Iranian Unmanned Combat Aerial Vehicle Threat Needs U.S. Action."
20. Peter Brookes, Brett D. Schaefer, and James Phillips, "Iran Nuclear Deal: Next Steps," Heritage Foundation *Issue Brief* No. 5030, January 29, 2020, <https://www.heritage.org/middle-east/report/iran-nuclear-deal-next-steps>.