Sunset of the Iran Arms Embargo:

The Narrow Path to a Policy Compromise

by **Michael Singh (/experts/michael-singh)**

Jun 29, 2020
Also available in
العربية (/ar/policy-analysis/bnd-alanqda-fy-hzr-alaslht-almfrwd-ly-ayran-almsar-aldyq-nhw-hl-wst-fy-alsyast) /
Farsi (/fa/policy-analysis/anqday-thrym-tslyhaty-ayran-rah-baryk-sazsh-dr-syastgdhary)

ABOUT THE AUTHORS

Michael Singh (/experts/michael-singh)
Michael Singh is the Lane-Swig Senior Fellow and managing director at The Washington Institute.

Brief Analysis

Delinking the embargo from the nuclear deal could offer the best hope of reducing tensions within the P5+1 while also limiting Iran's access to sophisticated weaponry.

The United Nations restriction on Iran buying and selling arms is due to expire in October 2020, making the first of the nuclear agreement's sunsets imminent. This was a chief complaint of the deal's critics when it was debated in 2015. Once the embargo ends, Iran would be free to purchase weapons listed on the UN register of conventional arms, as well as to export them, without requiring the prior approval of the Security Council as it does today. The Trump administration has indicated its determination not to permit the embargo to expire and its intention to introduce a Security Council resolution extending it indefinitely. The administration has warned that if that resolution is not adopted, it is prepared to exercise the nuclear accord's "snapback" provision, effectively erasing the deal from the books and restoring all of the UN sanctions that it relieved, the arms embargo included.

For critics and supporters of the agreement alike, this sets up a difficult choice. Many critics would be content to see the U.S. exercise snapback. However, this would likely spur Iran to ramp up its nuclear program to preagreement levels, and potentially trigger a wider crisis at the Security Council. Supporters of the nuclear agreement, for their part, must consider not merely whether lifting the embargo is worth that confrontation, but also whether it is appropriate to increase Iran's access—and, by extension, that of its proxies—to sophisticated weapons in the current Middle East environment.

History of the Embargo, and Future Prospects for Iranian

Proliferation

That the arms embargo is linked to the nuclear deal in the first place is something of a historical anomaly. The United States has sought to restrict the international sale of arms to Iran since 1979, through both executive action and congressional legislation, such as the 1992 Iran-Iraq Arms Nonproliferation Act. This effort was finally internationalized in 2007 via UN Security Council Resolution 1747, adopted in response to Iran's refusal to meet the council's demand for a suspension of Iranian enrichment and reprocessing activities. While the resolution was a vehicle for adopting the arms embargo, and Iran's nuclear intransigence was the issue that led recalcitrant powers such as Russia and China to support it, the embargo was nevertheless not, in the minds of U.S. policymakers, a direct response to Iran's nuclear activities. It was, rather, part of a broader campaign—in full swing in the mid-2000s under Treasury Department and National Security Council leadership—to isolate Iran diplomatically, financially, and militarily over its nuclear, missile, and regional activities and support for terrorism.

In the years since the embargo was imposed in 2007, including the five years since the nuclear deal was finalized in 2015, those concerns have not ebbed, as Iran's national security policy has not materially changed. In 2019, for example, Iran mounted its most brazen provocation in years, using armed drones and cruise missiles to attack a Saudi oil complex. Were the arms embargo to be lifted, Iran would be less likely to acquire conventional military capabilities it lacks—e.g., fighter jets, tanks—than to perfect and share the weaponry it already fields, such as armed unmanned aerial vehicles and cruise and ballistic missiles. This would likely take three forms—first, acquiring new, more advanced systems; second, seeking technology transfer to produce these systems indigenously, especially in the event sanctions are reimposed; and, third, transferring these technologies to regional proxies and partners such as Hezbollah in Lebanon, Shia militias in Iraq, and the Houthis in Yemen, both to increase these actors' firepower and to provide strategic depth for Iran. The third category would also entail transfer to paying customers elsewhere in the world. The proliferation of sophisticated weapons to irresponsible nonstate actors is one of Tehran's most destabilizing policies, and means that easing restrictions on Iran is tantamount to lifting the embargo on those groups as well.

Policy Implications

While the Trump administration's opposition to lifting the arms embargo will likely be seen in many quarters as yet another U.S. effort to undermine the nuclear agreement—or even simply an excuse to exercise snapback and unravel the deal before the November U.S. presidential election—this would be misguided. Including the arms embargo in the Security Council resolution that implemented the nuclear agreement was itself a conceptual error. The deal required no regional restraint from Tehran, which meant that including the embargo's sunset set up a choice, barring a change of heart by Iran or a subsequent deal on regional issues, between honoring the resolution's terms and delivering a blow to regional security, and sustaining the embargo and jeopardizing the nuclear deal. The Trump administration currently faces this choice, but it would have been similarly vexing for the United States had Hillary Clinton prevailed in 2016, or indeed for any U.S. administration concerned about Iranian regional activities or the security of Middle East allies.

The European states of the P5+1 (Britain, France, and Germany)—which in any event will remain bound by the EU arms embargo on Iran through at least 2023—have made clear that they share U.S. concerns about the imminent expiration of the embargo. Russia and China, the two non-European members of the P5+1, have stated unequivocally that they oppose the embargo's extension. But the UK, France, Germany, Russia, and China alike have all asserted that they oppose snapback, and are likely to contend that the United States lacks standing to exercise it, having withdrawn from the agreement and thus forsaken recourse under it. While the EU-3 members are loath to see a council confrontation over snapback, however—perhaps fearing how Washington might respond if rebuffed by the UN—Russia and China may welcome the fight as a chance to pit the United States against its allies and

undermine Washington in the world's premier international institution. This sets up a conundrum for the Trump administration: snapback is its best leverage for securing an extension of the arms embargo, but that leverage is least effective against those it most needs to persuade.

Policy Options

In the mid-2000s, the United States sought to dissuade Russia from selling its S-300 air-defense system to Iran. The sale of the system would have been permissible under then-prevailing sanctions, which did not cover defensive weapons, but would have hindered any military strike on Iran. The resolution was informal but effective—U.S. president George W. Bush reached a gentlemen's agreement with Russian president Vladimir Putin not to transfer the system to Iran while nuclear diplomacy was ongoing. Repeating this diplomatic feat today, however, would be difficult—U.S. relations with Moscow and Beijing are more fraught than in previous decades, and resurging Great Power competition in the Middle East likely will push both states toward closer military ties with Tehran. In addition, such an understanding would not provide the legal basis for third-party states to interdict weapons shipments to Iran, or to prosecute those involved in their transshipment.

Extending the embargo thus will require a UN Security Council resolution, which will call for overcoming both Russian and Chinese opposition and the notion that the move amounts to an arbitrary amendment of the nuclear agreement. The extension may also spur a strong response from Iran, for which the end of the arms embargo is a prized political achievement of its nuclear diplomacy. While the order is a tall one, the following approach should be considered:

- **Delink the arms embargo from the nuclear deal.** Rather than merely extending the embargo, the council should delink it from the nuclear deal entirely, and place the matter back in its regional context. Important as it is for states to honor the agreements they sign, they cannot be expected to do so against their own interest or without regard for realities on the ground. And the current reality is stark—Iran has continued to engage in arms proliferation to groups such as Hezbollah, the Houthis, and Iraqi militias in defiance of multiple UN Security Council resolutions, all of which stand equally beside the nuclear deal and Resolution 2231, which endorsed the nuclear deal and rolled back sanctions imposed by previous UN resolutions. And all those resolutions passed with the support of Moscow and Beijing. Lifting the arms embargo on Iran would not only signal disregard for them but would complicate their already meager enforcement—it is far easier to prevent the sale of weapons to Iran than to stop Tehran from spreading them onward. In precise terms, Iran currently faces no arms embargo; rather, Resolution 2231 states that Iran may buy and sell arms, subject to the Security Council's case-by-case approval. A new resolution, rather than maintaining that system or otherwise barring Iran from exporting and importing arms, could stipulate the conditions under which it may do so—namely, through compliance with other relevant UN Security Council resolutions, such as 1701 (2006) and 2216 (2015). Because lifting the arms embargo is not part of the nuclear agreement itself but part of Resolution 2231, this would not be a unilateral change to any deal negotiated with Iran. Instead, it would be a change to one among the members of the council itself, which are free to alter resolutions based on the prevailing geopolitical environment and often do so.
- **Recruit regional support.** While Russia and China may welcome a showdown with the United States—especially if they perceive that Washington will not prioritize the Iran issue in its broader relations with Moscow and Beijing—they are less likely to relish increased tensions with Iran's rivals in the Middle East. Washington should enlist Russia and China's major regional economic partners—Israel, Saudi Arabia, the United Arab Emirates, and Qatar in particular—to make clear that Moscow and Beijing will pay a price if they stand in the way of extending the arms embargo on Iran.
- **Shift the snapback threat.** While the above approach may offer Russia and China a face-saving way of supporting the arms embargo's extension, they may nevertheless balk, betting not only that a U.S. snapback bid would fail but that it would create a rift between the United States and EU-3 and prompt a deeper crisis at the Security Council that

overshadows the Iran matter. While Moscow and Beijing would be reckless to invite that crisis, doing so would be consistent with their desire to weaken the U.S. role in the international order.

Neither the United States nor the EU-3 has an interest in inviting a crisis over Iran, especially if the beneficiaries are Russia and China. Yet this logic will lead the allies to different conclusions—Washington, to suggest that the EU-3 should simply drop its objections to the U.S. exercise of snapback or even trigger it themselves; and the EU-3, to prefer that Washington simply avoid snapback, arguing that reimposing UN sanctions will add little pressure to that already achieved through the reintroduction of U.S. sanctions, yet may drive Iran to escalate its nuclear activities further. A compromise between these positions would be for the United States and EU-3 together to introduce a resolution suspending the nuclear agreement for a renewable period of negotiation, perhaps six months, with Washington maintaining its snapback threat as a backup should Moscow or Beijing veto and the EU-3 agreeing not to question the U.S. standing to take this action.

Michael Singh is the Lane-Swig Senior Fellow and managing director at The Washington Institute. ❖

RECOMMENDED

BRIEF ANALYSIS

Iran Takes Next Steps on Rocket Technology

Feb 11, 2022

◆

Farzin Nadimi

(/policy-analysis/iran-takes-next-steps-rocket-technology)

BRIEF ANALYSIS

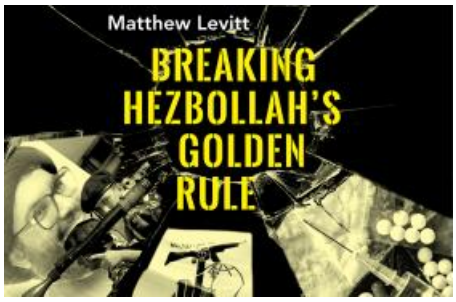
Saudi Arabia Adjusts Its History, Diminishing the Role of Wahhabism

Feb 11, 2022

◆

Simon Henderson

(/policy-analysis/saudi-arabia-adjusts-its-history-diminishing-role-wahhabism)



ARTICLES & TESTIMONY

Podcast: Breaking Hezbollah's Golden Rule

Feb 9, 2022

◆

Matthew Levitt

(/policy-analysis/podcast-breaking-hezbollahs-golden-rule)

TOPICS

Iran's Economy (/policy-analysis/irans-economy)

Iran's Foreign Policy (/policy-analysis/irans-foreign-policy)

Proliferation (/policy-analysis/proliferation)

U.S. Policy (/policy-analysis/us-policy)

REGIONS & COUNTRIES

Iran (/policy-analysis/iran)

Iraq (/policy-analysis/iraq)

Israel (/policy-analysis/israel)

Gulf States (/policy-analysis/gulf-states)