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SNAPPING BACK AGAINST IRAN



The case of the *Al Bari 2* and
the UN arms embargo

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DECEMBER 2020

ACKNOWLEDGEMENTS

The author is highly grateful to the non-profit research organization C4ADS for its assistance with data ingestion and analysis in relation to mobile-phone records. Richard Gowan at the International Crisis Group provided invaluable technical and contextual understanding of the Joint Comprehensive Plan of Action and the 'snapback' debate at the UN Security Council.

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Cover: A US naval helicopter hovers above a dhow in the Arabian Sea. The dhow was seized in November 2019 while reportedly transporting arms to the Houthi rebel movement in Yemen. © US Navy

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SUMMARY

In June 2020, a dhow named *Al Bari 2* was seized in the Gulf of Aden by Saudi naval forces while reportedly transporting a consignment of arms from the Persian Gulf to Houthi insurgents in Yemen. The GI-TOC's investigation into the *Al Bari 2* seizure revealed the first known instance of a transnational trafficking network based in Somalia involved in the transfer of arms from Iran to the Houthis. The head of this network is a self-proclaimed agent for a Yemeni arms supplier with links to al-Qaeda and the Islamic State in Yemen.

US Secretary of State Mike Pompeo highlighted the *Al Bari 2* seizure as evidence that the UN conventional arms embargo on Iran – which expired on 18 October 2020 according to other Security Council members – should be extended to prevent Iran from arming the Houthis and its other proxies. Washington maintains

that the terms of the 2015 Joint Comprehensive Plan of Action (JCPOA, or the 'Iran nuclear deal') had allowed it to unilaterally re-impose UN sanctions on Iran in September, under a process known as 'snapback'.

However, it is unlikely that UN arms restrictions would be effective at deterring sophisticated, transnational networks such as the one responsible for the *Al Bari 2* arms shipment. Attempting to salvage the JCPOA is a more viable strategy towards reducing arms trafficking to the Houthis. The victory for the Democrats in the US election presents an opportunity for the US to re-join the JCPOA and signal to Iran that its national security is not dependent on its equipping of proxy forces. Official recognition that the UN conventional arms embargo on Iran has ended would be a positive first step.

ACRONYMS

AQAP	al-Qaeda in the Arabian Peninsula
ATGM	anti-tank guided missile
EU	European Union
GI-TOC	Global Initiative Against Transnational Organized Crime
IUU fishing	illegal, unreported and unregulated fishing
JCPOA	Joint Comprehensive Plan of Action
RPG	rocket-propelled grenade
SALW	small arms and light weapons
UAE	United Arab Emirates
UAV	unmanned aerial vehicle
UNSCR	UN Security Council resolution



INTRODUCTION: THE SEIZURE OF THE *AL BARI 2*

On 24 June 2020, Saudi naval forces seized the dhow¹ *Al Bari 2* in the Gulf of Aden, 130 kilometres north-east of Bosaso, Somalia. The vessel was reportedly transporting a cargo of arms to the rebel Houthi administration. Discovered onboard were almost 1 300 AK-pattern assault rifles, as well as anti-tank missiles and other weaponry believed to have been manufactured in Iran. The *Al Bari 2* was the tenth such international naval seizure since September 2015. The Iranian government has repeatedly denied any involvement in these abortive arms transfers.

Previous analysis of these seizures by UN investigators has indicated that it may be a common pattern for dhows transporting arms from Iran to transit via north-eastern Somalia, proximate to the littoral town of Alula.² While off the Somali coast, it may be typical for quantities of small arms and light weapons (SALW), and ammunition to be transshipped to Somalia using smaller vessels before the dhows proceed to Yemen with their primary cargoes.

Berbera, Somaliland, was the *Al Bari 2*'s port of origin. © Eric Lafforgue/Art in All of Us/Corbis via Getty Images



	DATE	INTERDICTION AUTHORITY	LOCATION	MATERIAL SEIZED
1	24 Sep 2015	HMAS Melbourne	Arabian Sea, off the coast of Oman*	75 anti-tank guided missiles (Toophan/ M113 Konkurs/ 9M133 Kornet variants).
2	27 Feb 2016	HMAS Darwin	Arabian Sea, off the coast of Oman*	1 989 AK-pattern assault rifles; 49 PKM light machine guns; 100 RPG launchers; 20 60-mm mortars tubes.
3	20 Mar 2016	FS La Provence	Gulf of Aden*	1 998 AK-pattern assault rifles; six PKM light machine guns; 64 Hoshdar-M sniper rifles; 100 PRG launchers; 20 60-mm mortars; nine 9M113 Konkurs or 9M133 Kornet variant anti-tank guided missiles.
4	28 Mar 2016	USS Sirocco	Persian Gulf or Arabian Sea	1 500 AK-pattern assault rifles; 21 DShK-pattern heavy machine guns; 200 RPG launchers.
5	28 Aug 2018	USS Jason Dunham	Gulf of Aden*	Over 2 522 AK-pattern (Type 56-1) assault rifles.
6	25 Jun 2019	HMAS Ballarat	Gulf of Oman*	697 bags ammonium nitrate fertilizer; 475 000 rounds small calibre ammunition.
7	25 Nov 2019	USS Forrest Sherman	Arabian Sea	21 "Dehlavieh" anti-tank guided missiles; components for the Quds-1 land attack cruise missile, for a C802 anti-ship cruise missile and for a third, unidentified cruise missile; two previously unknown surface-to-air missiles.
8	9 Feb 2020	USS Normandy	Arabian Sea	150 "Dehlavieh" anti-tank guided missiles; three 358 surface-to-air missiles.
9	17 Apr 2020	Saudi-led coalition forces	Gulf of Aden	3 002 Type 56-1 rifles, other unknown materiel.
10	24 Jun 2020	Saudi-led coalition forces	Gulf of Aden*	1 298 AK-pattern rifles (Type 56-1s); RPG-29 variants; "Dehlavieh" anti-tank guided missiles; PKM-pattern light machine guns; DShK-pattern heavy machine guns, optical sights; 12.7x99-mm sniper rifles; Walther air rifles.

FIGURE 1 Smuggling routes from Iran, as well as known locations of dhow seizures.

Note: *Indicates seizures shown on the accompanying map.

SOURCE: Reports of the UN Panel of Experts on Yemen, US Central Command, Australian Navy, the GI-TOC.

Following its seizure, the *Al Bari 2* was escorted to Al Dhaba – a disused oil terminal facility in Yemen lying between Al Mukalla and Ash Shihr used by Arab coalition forces – where the cargo was offloaded (see the photos and Figure 2), and the crew members detained.



Seized weapons offloaded from the *Al Bari 2* at Al Dhaba port, late June 2020. © GI-TOC

DESCRIPTION	QUANTITY
Chinese Type 56-1 (7.62 x 39 mm) AK-pattern assault rifles	1 298
Chinese Type 80 (7.62 x 54 mm) PKM-pattern light machine guns	385
RPG-7 launchers*	200
AM-50 Sayyad (12.7 x 99 mm) sniper rifles (plus optics)*	50
DSHK-pattern (12.7 x 107 mm) heavy machine guns	40
'Dehlavieh' anti-tank guided missiles*	21
Chinese Type 85 (12.7 x 108 mm) heavy machine guns	20
RPG-29 variants	5
POSP rifle optics	approx. 656
RU60 thermal optics*	15
German LG1250 Dominator Walther air rifles	160

FIGURE 2 Contents of the *Al Bari 2* seizure.

Note: *Denotes materiel believed to have been manufactured in Iran.

SOURCE: US Government.



Materiel seized from the *Al Bari 2* believed to have been manufactured in Iran. From top to bottom: a 'Dehlavieh' ATGM, an AM-50 Sayyad 12.7 x 99-mm sniper rifle, an RPG-7 launcher and RU60 thermal optics. © US Government.

The *Al Bari 2* seizure uncovered considerable quantities of materiel assessed as likely to have been manufactured in Iran, including 'Dehlavieh' ATGMs, RPG-7 launchers, AM-50 Sayyad (12.7 x 99 mm) sniper rifles and RU60 thermal optics.³ 'Dehlavieh' missiles, which are an Iranian variant of the Russian Kornet ATGM, were previously also documented in weapons seizure operations carried out by the USS *Forrest Sherman* and USS *Normandy* in November 2019 and February 2020, respectively.⁴

The *Al Bari 2* was also transporting 1 298 Chinese Type 56-1 AK-pattern rifles, which have been documented in a number of seizures of arms believed to have their origin in Iran.⁵ The GI-TOC obtained a photograph of the markings of one Type 56-1 rifle from the *Al Bari 2* seizure, which bore the serial number prefix '620' and a '17-CN' stamp, which are both consistent with previously seized rifles (see photos).⁶



An AK-pattern rifle from the *Al Bari 2* with characteristics consistent with a Type 56-1 of Chinese manufacture (top). A Type 56-1 rifle bearing the serial number prefix '620' and a 17-CN stamp (bottom). © Top: US Government; bottom: photo supplied



THE MOHAMED OMAR SALIM NETWORK

The Somali coast guard on patrol off the coast of Bosaso.

© Mohamed Abdiwahab/AFP via Getty Images

In December 2019, GI-TOC sources began receiving information about the network subsequently responsible for the *Al Bari 2* arms shipment. Analysis of the smuggling operation revealed, for the first time, evidence of a transnational arms-trafficking network based in Somalia involved in the provision of arms to the Houthis. The GI-TOC also determined that the Somali arms network had operational links to an arms supplier in Yemen, Sayf Abdulrab Salem Al-Hayashi, under US sanction for reportedly providing arms and financial support to al-Qaeda and the Islamic State in Yemen. Though the network has as its centre of operations the port of Bosaso – the largest city in the semi-autonomous Somali region of Puntland – it also has links to Iran, the UAE and the self-declared republic of Somaliland.

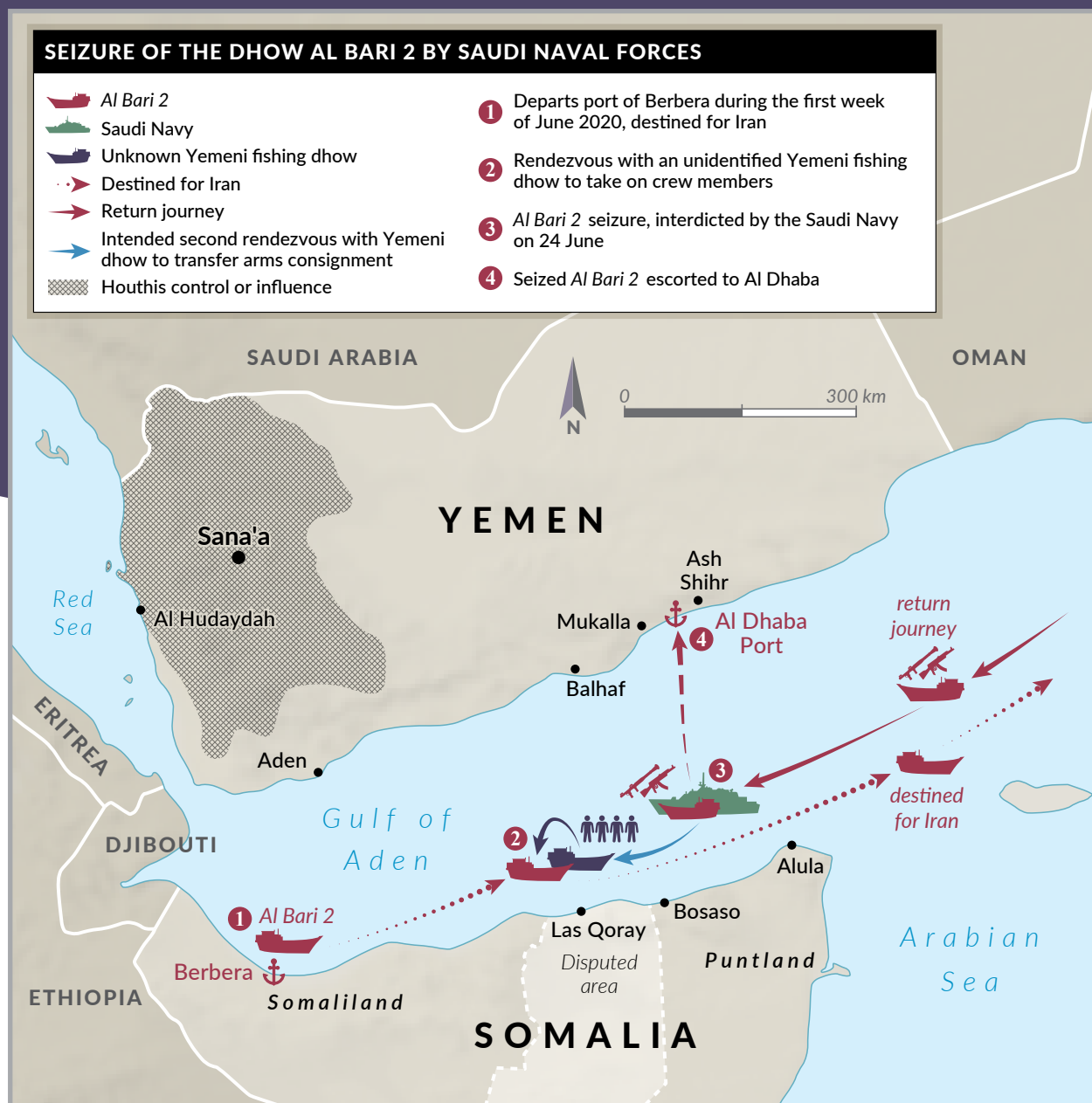


FIGURE 3 The course and subsequent seizure of the dhow *Al Bari 2* by Saudi naval forces on 24 June 2020.

According to information received by GI-TOC sources, the *Al Bari 2* departed the port of Berbera, Somaliland, during the first week of June 2020, destined for Iran.⁷ It subsequently rendezvoused with an unidentified Yemeni fishing dhow near Las Qoray to take on four additional crew members.⁸ Information indicates that on its return journey, the *Al Bari 2* was en route to meet the same Yemeni dhow in order to transship its cargo when it was interdicted by the Saudi Navy on 24 June.⁹ The intended transfer of the arms consignment to a Yemeni fishing dhow would probably have served two purposes: first, to obfuscate the shipment's origin; and, second, to reduce the risk of detection by authorities by using a vessel known to navigate Yemeni waters.



The *Al Bari 2* in Berbera in early 2020. © GI-TOC

The head of the network responsible for the *Al Bari 2* arms shipment is Mohamed Omar Salim, also known as 'Baabkharab' and 'Al-Mahdi'. Salim is a resident of both Bosaso and Mogadishu, and is of mixed Somali and Arab descent. Salim's deputy is reported to be Mohamud Said Deer, a Bosaso resident and previous master of the *Al Bari 2*.¹⁰ In addition to operating the dhows and coordinating rendezvous at sea, the Mohamed Omar Salim network also reportedly arranged for Somali fishing licences and port documentation to maintain the appearance that the vessels they operated were involved in legitimate business.¹¹ According to GI-TOC sources, Salim's network had previously been involved in at least four transfers of weapons to the Houthis in 2019.¹²

The GI-TOC has viewed copies of the seaman's books for seven members of the *Al Bari 2* crew. All were Somali nationals, registered as mariners with the Puntland Ministry of Fisheries and Marine Transport, and listed as residents of either Bosaso or Berbera.¹³ The master of the *Al Bari 2*, Ali Sheikh Jama, was registered as a refugee by Yemeni authorities in November 2019 in Al Mukalla.¹⁴

The *Al Bari 2* is registered in Puntland under the name and the mobile-phone number of Abdirashid Farah Jama.¹⁵ However, telecoms records for the number registered to Jama contain a photograph of another member of the Salim network, namely Sadam Abdi Ismail.¹⁶ In addition to reportedly facilitating the transfer of arms from Iran and Yemen,¹⁷ Ismail serves as an agent for Iranian businessmen involved in the fishing sector (see

'The Iranian connection', below). The discrepancy between the mobile-phone subscriber name and corresponding photograph raises the possibility that 'Abdirashid Farah Jama' may be a proxy, or even a falsified name, used by Ismail for the purpose of registering the *Al Bari 2*. When contacted by the GI-TOC for comment, both 'Jama' and Ismail denied involvement in arms trafficking and stated that they were in no way affiliated with the *Al Bari 2*.¹⁸

The owner of the *Al Bari 2* and other dhows operated by the network is reported to be a Yemeni national based in Ash Shihr.¹⁹ At least two facilitators for the network are based in Dubai.²⁰

There are at least two other dhows known to Bosaso port sources bearing the name of *Al Bari*: the *Al Bari 1* and 3. The *Al Bari 1* is last known to have arrived in Bosaso from Djibouti on 17 January 2020.²¹ The vessel was then held in the port pending an investigation into its activities; the vessel's registered owner, Siyaad Mohamed Ali, was reportedly detained for about a month by police but subsequently released.²² According to GI-TOC sources, Ali is responsible for fuel provision and maintenance work for the Mohamed Omar Salim network.²³

After it had arrived in Bosaso, the *Al Bari 1* sustained damage rendering it unseaworthy (see the photo). The location of the third dhow, which is reportedly the smallest of the three vessels in the *Al Bari* fleet, was not known at the time of writing.²⁴ The name of the *Al Bari* fleet was reportedly changed to 'Al Baraket' at some point following the *Al Bari 2* seizure.²⁵



The *Al Bari 1* in Bosaso, photographed on 27 September 2020. © Puntland port official

The network's links to an al-Qaeda and Islamic State facilitator

A September 2020 GI-TOC report titled 'Following the money: The use of the *hawala* remittance system in the Yemen–Somalia arms trade' describes the financial connections between Somalia-based arms traffickers and an arms supplier in Yemen with reported ties to the Houthi administration, Sayf Abdulrab Salem Al-Hayashi (also known as Sayf Al-Baydani).²⁶ On 25 October 2017, Al-Hayashi was listed by the US Office of Foreign Assets Control as a Specially Designated Global Terrorist for 'assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of [al-Qaeda in the Arabian Peninsula]'.²⁷ According to the US Office of Foreign Assets Control, in mid-2015 Al-Hayashi also facilitated a weapons deal on behalf of the Islamic State faction in Yemen.²⁸ Nonetheless, between 2016 and 2020, Al-Hayashi was able to receive US\$1.2 million in remittance transfers – either directly or through a proxy – primarily from the Puntland-based arms importer Abdirahman Mohamed Omar (aka 'Dhofaye').²⁹

Between June and September 2020, the GI-TOC sporadically communicated with Al-Hayashi using the fictitious identity 'Abdinur', an Arabic-speaking Somali national living in Nairobi, Kenya, who was purporting to attempt to broker an arms sale on behalf of an unspecified security agency in South Sudan. Al-Hayashi responded by providing 'Abdinur' with a phone number belonging to his representative in Somalia. When contacted, the agent described Al-Hayashi as his 'good friend.' 'If he has given you my number,' he told 'Abdinur', 'we'll work together.'³⁰

The Al Bari 2 seizure uncovered considerable quantities of materiel assessed as likely to have been manufactured in Iran.

Al Hayashi's agent sent 'Abdinur' photographs of a selection of arms and ammunition from an undisclosed location in Yemen, as well as a price list. The photos depict Chinese AK-pattern assault rifles, various light and heavy machine guns, and sniper rifles, as well as Soviet and NATO calibre ammunition. The agent told 'Abdinur' that he could guarantee to deliver arms shipments to Bosaso, and perhaps as far as the Kenyan border, if he were paid an additional fee. 'From there on, it's your responsibility,' he said.

Although Al-Hayashi's agent declined to disclose his name to 'Abdinur', his identity was subsequently determined as Mohamed Omar Salim.³¹ Mobile-phone records confirmed multiple communications between Salim and Al-Hayashi.³² Although Al-Hayashi's precise role in the *Al Bari 2* shipment was not known at the time of this research, his intimate business ties to Somalia-based arms-trafficking networks may have placed him as an ideal broker between these networks and the Houthi administration.

Al-Hayashi, Salim, Mohamud Said Deer and Siyaad Mohamed Ali did not respond to the GI-TOC's requests for comment on its findings. Members of the *Al Bari 2* crew, including Ali Sheikh Jama, remained in detention and were consequently unreachable.

The Iranian connection

There was also evidence of several direct ties between the Mohamed Omar Salim network and individuals located in Iran. Most notably, phone records indicated communications between network member Sadam Abdi Ismail and an Iranian businessman, 'Mazar Baluch' (name has been changed) based in Konarak, involved in the fisheries sector (see the diagram below).

In late October 2020, the GI-TOC contacted Baluch under the guise of seeking his advice on running fishing operations in Somalia. Baluch suggested that we contact his agent in Somalia, 'Sadam', who obtains fishing licences from Puntland authorities and arranges for Somali armed guard detachments on board fishing vessels. The GI-TOC subsequently confirmed the identity of this agent to be Sadam Abdi Ismail.

Baluch has been operating in Somalia since at least 2016. In early April 2016, the dhow *Arifi*, which is owned by Baluch, was detained by a Puntland maritime patrol for illegal, unreported and unregulated (IUU) fishing and brought to Bosaso harbour.³³ The dhow had originated in Chabahar, a port on Iran's Makran coast,³⁴ and had been manufactured by the company Al Mansoor. Al Mansoor dhows have been repeatedly used for both arms and heroin trafficking.³⁵ When contacted at the time the *Arifi* was impounded, Baluch acknowledged his involvement in illicit activities other than IUU fishing, but said he would provide further details only at a face-to-face meeting.³⁶

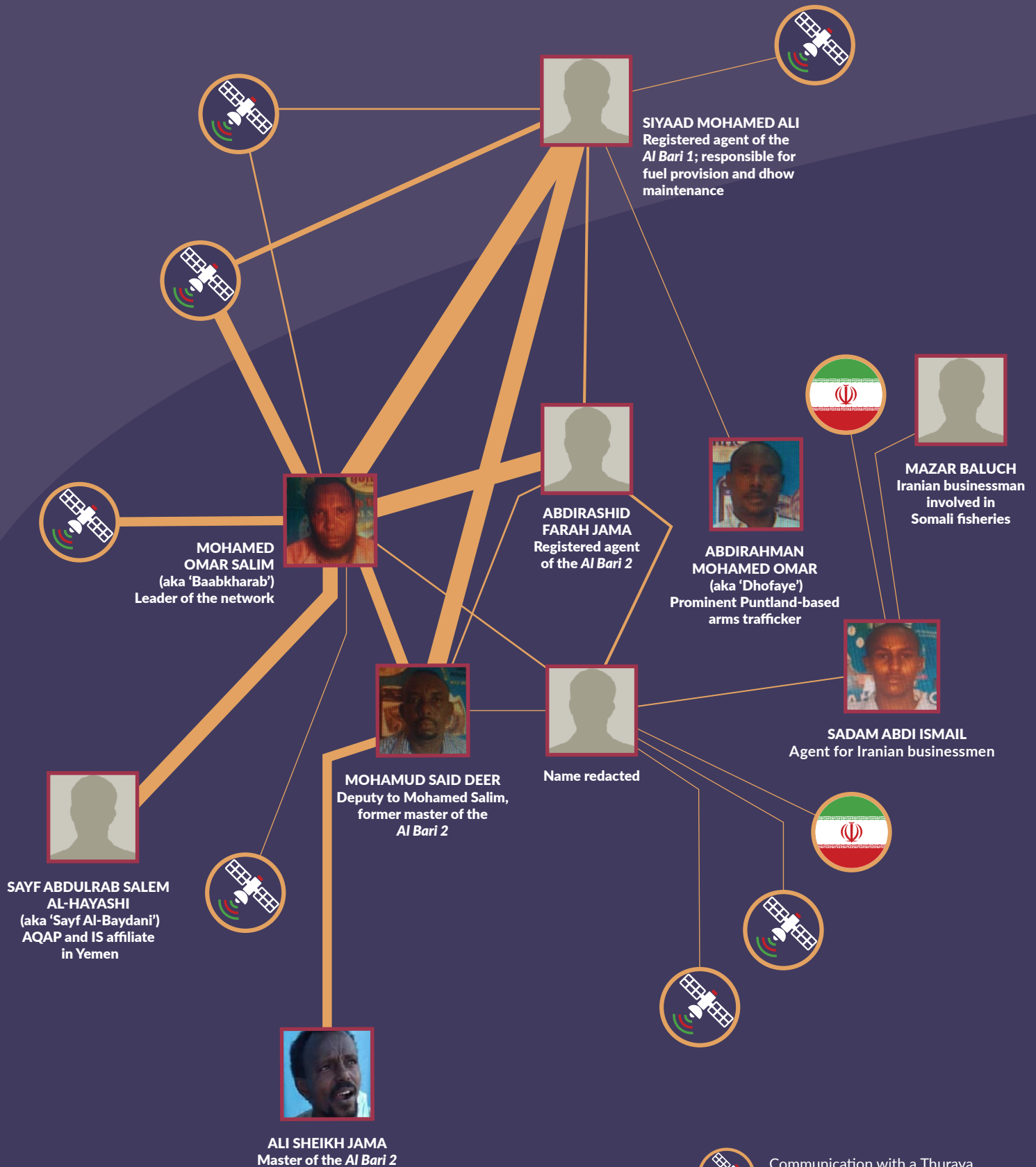


The dhow *Arifi* impounded in Bosaso harbour, 12 April 2016 (left). The Al Mansoor production mark is visible on the vessel's aft. © GI-TOC

Although it is unclear whether Baluch is currently involved in arms trafficking, his connection to the Mohamed Omar Salim network strongly suggests the possibility. He also continues to be active in Somali fisheries. Between 10 and 22 September 2020, the Puntland Ministry of Fisheries and Marine Transport licensed 28 Iranian fishing vessels, at least one of which was registered to Baluch.³⁷ The GI-TOC is aware of at least one other fishing vessel belonging to Baluch, the *Arifi 2*, which was operating in Somali waters as of October 2020 apparently without authorization from the Puntland administration.³⁸ Iranian fishing dhows typically congregate at the north-eastern tip of Somalia, near the town of Alula, the same waters where the transshipment of arms to Somalia is believed to take place.³⁹

There is therefore considerable circumstantial evidence to suggest an overlapping transnational criminal nexus encompassing IUU fishing and arms-trafficking networks in Somalia. However, this contention would bear further examination before more definitive conclusions may be drawn.

MOBILE-PHONE CONTACT BETWEEN MEMBERS OF THE MOHAMED SALIM OMAR NETWORK, JANUARY–OCTOBER 2020



Mobile-phone records were used to map communications between members of the Mohamed Omar Salim network. The thickness of the lines connecting the individuals is indicative of the relative frequency of communication.

SOURCE: GI-TOC and C4ADS



THE JOINT COMPREHENSIVE PLAN OF ACTION AND THE UN ARMS EMBARGO ON IRAN

The *Al Bari 2* seizure occurred at an opportune moment for the Trump administration, as it was locked in a battle at the Security Council over the reimposition of the UN conventional arms embargo on Iran (a process referred to as ‘snapback’). Washington had launched a concerted diplomatic offensive, spearheaded by Secretary of State Mike Pompeo, to portray the impending lifting of the embargo on Iran on 18 October 2020 as an imminent threat to international peace and security. The administration argued that in the absence of a UN arms embargo, Iran would be better able to equip its regional proxies, such as the rebel Houthi administration in Yemen and the militant Hezbollah group in Lebanon. In a press conference on 8 July 2020 held to announce the *Al Bari 2* seizure, Pompeo renewed his call for the UN arms embargo on Iran to be extended. ‘No serious person can possibly believe Iran will use any weapon it receives for peaceful ends,’ he stated.⁴⁰ Tehran denied involvement in the shipment, dismissing Pompeo’s claims as politically motivated.⁴¹

Washington’s drive to reimpose UN arms restrictions on Iran stemmed from its interpretation of its legal rights pursuant to the Joint Comprehensive Plan of Action (JCPOA), also referred to informally as the ‘Iran nuclear deal’. This agreement, a culmination of years of intensive international negotiations, had

US Secretary of State Mike Pompeo speaks to reporters following a meeting with members of the UN Security Council in August 2020 about Iran’s alleged non-compliance with the nuclear deal. Pompeo called for the arms embargo on Iran to be extended.

© Mike Segar/POOL/AFP via Getty Images.

*'No serious person
can possibly
believe Iran will
use any weapon
it receives for
peaceful ends.'*
– Mike Pompeo

been finalized on 14 July 2015 between Iran and the US, Russia, China, the UK, France and Germany. The JCPOA committed Iran to curtailing its nuclear activities – including uranium enrichment – in exchange for relief from US, EU and UN sanctions (including UN arms restrictions).

On 20 July 2015, the UN Security Council unanimously adopted UNSCR 2231, which incorporated the JCPOA into the UN legal framework and laid out a roadmap for the lifting of UN sanctions on Iran. Built into this roadmap was the October 2020 lifting of the bulk of UN restrictions on the import and export of arms by Iran (controls on the supply of ballistic missile components to Iran will remain in place until 2023). These restrictions had largely been defined by two Security Council resolutions: the first, UNSCR 1747 (2007), prescribed that 'Iran shall not supply, sell or transfer directly or indirectly from its territory ... any arms or related materiel'. Later, UNSCR 1929 (2010) had introduced more stringent measures, including the prohibition of exports to Iran of missile components as well as types of conventional weaponry.⁴²

UNSCR 2231 included a so-called sanctions 'snapback' mechanism, the purpose of which was to provide a recourse for any JCPOA participant state that believed another party to the treaty had failed to live up to its obligations thereunder. Such notification would trigger a 30-day period during which any Security Council member state could submit a resolution calling for the continuing suspension of UN sanctions on Iran, which any permanent member of the Council would be in a position to veto. If such a resolution failed to pass, UN sanctions on Iran would be fully restored. Iran's position is that if the 'snapback' of UN sanctions occurred, it would constitute grounds for Iran to cease honouring the commitments it is held to under the JCPOA.⁴³

What is 'snapback'?

In order to mitigate the fears of some parties to the JCPOA that Iran might default on its obligations under the treaty, an enforcement mechanism was included in the agreement to provide the option of unilaterally reimposing (or 'snapping back') UN sanctions on Iran, including the UN arms restrictions aimed largely at stymying Iran's development of ballistic missile capabilities.

UNSCR 2231, which adopted the JCPOA into the UN system, therefore stipulated that any JCPOA participant state could notify the Security Council of an issue that it believed constitutes 'significant non-performance of commitments' under the terms of the treaty. Under

paragraph 11 of the resolution, such notification triggers a 10-day period, during which any Security Council member may table a resolution proposing that the UN sanctions should be lifted, as scheduled on 18 October 2020. If no Council member does so, the responsibility falls to the Council president to submit a draft resolution to a vote within 30 days of the original notification. Any JCPOA participant state that triggers the 'snapback' mechanism – with the exception of Germany, which is not a permanent member of the Security Council – would then be in a position to veto such a resolution, ensuring the restoration of all UN sanctions on Iran.

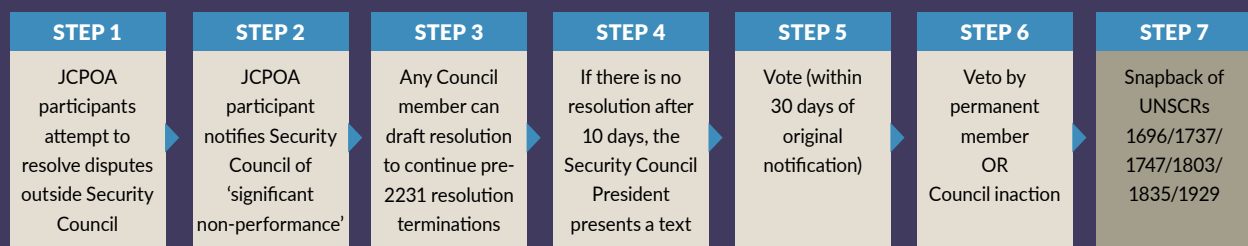


FIGURE 4 The steps in the 'snapback' process.

SOURCE: International Crisis Group

President Trump has long been a vocal opponent of the JCPOA, an agreement forged during the Obama administration, notably referring to it as 'the worst deal ever'. Even before the 2016 US election, Trump had promised to force Iran back to the negotiating table should he become president. In May 2018, he followed through on his pledge, announcing Washington's withdrawal from the JCPOA. However, the US concurrently maintained that its original

status as a participant in the JCPOA preserved its option to invoke 'snapback.' This legal interpretation was widely rejected: most other members of the Security Council held to the position that the US had abandoned its legal standing to invoke 'snapback' after the US withdrew from the JCPOA.

Notwithstanding, on 20 August 2020, the US attempted to initiate the sanctions 'snapback' process at the Security Council.



THE US ATTEMPTS TO TRIGGER 'SNAPBACK'

A ministerial meeting of the P5+1 countries (Russia, China, UK, France, Germany and Iran) held outside the 2019 UN General Assembly session to discuss the implementation of the JCPOA. © Alexander Scherbak/TASS via Getty Images

In the months following the *Al Bari 2* seizure, the Trump administration continued to push its case for sanctions 'snapback' at the UN Security Council. On 14 August 2020, the US put forth a four-paragraph draft resolution proposing the extension of existing UN arms-related restrictions 'until the Security Council decides otherwise'.⁴⁴ The US completely failed to build support for its resolution, garnering only one other supporting vote, the Dominican Republic's. Most notably, America's European allies in the Council, the UK, France and Germany, abstained on the vote. 'It was an unprecedented revolt against the US by 13 Security Council member states,' according to a UN official.⁴⁵ Following this resounding defeat, the US entered into a new phase of its diplomatic track a mere six days later, unilaterally invoking the sanctions 'snapback' process.

Indonesia and Niger, in their roles as Security Council presidents for August and September, respectively, were faced with the decision of how to handle the US action. Niger informed the US that its letter did not constitute notification of 'snapback' pursuant to the terms of UNSCR 2231. 'Indonesia and Niger bore the brunt of the US pressure, but they held the line,' a UN Secretariat official said.⁴⁶ Neither country, nor any other Security Council member, submitted a draft resolution calling for the repeal of pre-UNSCR 2231 sanctions, as stipulated under the 'snapback' procedure. Publicly, however, the response from member states to the US unilateral action was muted, likely in an effort to de-escalate tensions. 'They played it cleverly, treating it like a non-event ... and the less you talk about a non-event, the better,' the Secretariat official commented.⁴⁷

Irrespective, on 19 September, 30 days following the US notification of non-performance, Pompeo announced that ‘virtually all previously terminated UN sanctions’, including the arms embargo, had been restored.⁴⁸ Following this ‘face-saving’ statement,⁴⁹ US pressure on other Security Council members immediately evaporated. ‘The rhetorical temperature dropped remarkably on both sides’ following the US declaration, said International Crisis

Group’s UN director, Richard Gowan. ‘It seems that everyone was trying to avoid a blow-up.’⁵⁰

Later, Trump’s annual address to the UN General Assembly on 22 September was noteworthy for its failure to mention the ‘snapback’ issue; nor did he threaten to cut financial support to the UN system over the Security Council’s policy on Iran, as some had feared.⁵¹

The implications of the lifting of the UN arms embargo

On 18 October 2020, the broad rejection of Washington’s position on sanctions ‘snapback’ was reinforced when other Security Council members accepted that the UN conventional arms embargo on Iran had come to an end as scheduled. Although the lifting of UN restrictions has opened the door for Tehran to embark on an arms spending spree, the country is unlikely to pursue this route. The collective economic impact of US sanctions, oil prices and the COVID-19 pandemic – which has hit Iran particularly hard – has left the Iranian government with little in its coffers for military spending. Tehran itself also appeared keen to avoid any appearance of provocation in the run-up to the US elections. While hailing the end of the UN embargo as ‘momentous’, the Iranian foreign ministry nonetheless tempered this with a statement that ‘unconventional arms, weapons of mass destruction and a buying spree of conventional arms’ had no place in Iran’s defence doctrine.⁵² Even before the imposition of the arms embargo in 2007, Iran was not a major weapons importer, having established a substantial domestic arms manufacturing capacity. ‘No one looks at [snapback] as a major turning point in the balance of military capabilities in the region,’ a UN official said.⁵³

It is also unlikely that Tehran’s newfound ability to procure sophisticated weapons systems will result in much qualitative change to its ability to arm its proxies in the region. Materiel reportedly supplied by Iran to the Houthi administration aboard dhows (like the *Al Bari 2*) has consisted of SALW, as well as domestically produced unmanned aerial vehicles

(UAVs), surface-to-air missiles and anti-tank guided missiles.⁵⁴ Moreover, irrespective of the lifting of the UN arms restrictions on Iran, a ban on the transfer of arms to the Houthis has been in place since 2015, pursuant to UNSCR 2216.⁵⁵ It is difficult to envisage therefore how a continued UN arms embargo on Iran would be effective at containing Iranian shipments to the Houthis where the embargo on Yemen itself would not.

Iran, it should be noted, is only one actor fuelling the conflict in Yemen. ‘The US is not concerned about the export of arms to Yemen, just to their enemies; or rather, the enemies of Saudi Arabia,’ an Iranian diplomat said.⁵⁶ Weapons and ammunition supplied by Saudi Arabia, UAE and even the US to Yemeni coalition partners are also believed to be diverted into the illicit sphere.⁵⁷ The GI-TOC published evidence to this effect in a report that documents Bulgarian-manufactured rifles in the warehouse of an arms dealer in the Yemeni capital, Sana’a, which had most likely been supplied by the UAE.⁵⁸ Yemeni arms dealers appear to be profiting from both sides of the proxy war taking place in their country.

Given this context, there is a widespread perception among UN member states that the US push for sanctions snapback has had the more cynical objective of killing the JCPOA rather than the prevention of arms supplies to or from Iran.⁵⁹ By depriving Iran of any tangible benefit from the JCPOA, the US hopes to strongarm Tehran into signing a treaty more favourable to US interests.⁶⁰ Arguably, Washington’s coercive tactics may even be calculated to push Iran towards the drastic step

of withdrawing from the Nuclear Non-Proliferation Treaty.⁶¹ Tehran, for its part, has so far refused to take the bait. The country has maintained its policy of 'strategic patience', hoping to ride out the Trump administration and resurrect the deal.⁶²

When asked, the US mission to the UN would not comment in addition to what its officials have already said publicly about the embargo, snapback and its implications.⁶³

Salvaging the JCPOA and the implications for arms trafficking

In the run-up to the November elections, the Trump administration maintained its self-styled policy of 'maximum pressure' on Iran. On 8 October 2020, the US Treasury Department imposed sweeping new sanctions on the country, targeting 18 Iranian banks in an effort to further weaken the economy.⁶⁴ On 19 October, the US State Department announced further sanctions against several Chinese nationals and entities it accused of having dealings with Iran's national shipping line.⁶⁵ In the short time that remains of the Trump administration, it is reasonable to expect further, and perhaps more serious, US provocations against Iran. Such parting shots may be calculated to ensure the final demise of the JCPOA before power cedes to the Democrats January 2021 by goading Iran into also withdrawing from the deal.

If the JCPOA collapses, Iran's national security concerns would probably push its government into an even closer alliance with the Houthis. Iran's ability – using the Houthis as proxies – to disrupt world oil supply and threaten America's Arab allies is a key argument for deterring potential US military action against the country. It is logical to expect that the frequency of Iran's arms deliveries to the Houthi administration would also increase in step. The case of the *Al Bari 2* shipment illustrates the sophistication and transnational interconnectedness of the criminal networks involved in transporting arms to the Houthis. The involvement of Somali nationals and vessels, and the use of Somali ports – as well as the transshipment of illicit cargoes at sea – will make arms shipments from the Persian Gulf even more difficult to detect and intercept. Arms traffickers in the region have proved adept

at responding to the tactics of international naval forces, and have undoubtedly already absorbed lessons from the seizure of the *Al Bari 2*.

Consequently, the incoming Biden administration should come equipped with policy tools aimed at resurrecting the JCPOA. Such efforts should include the immediate recognition that the UN conventional arms embargo on Iran indeed terminated on 18 October 2020. For Tehran, the lifting of arms restrictions is of more symbolic than practical value, an indication that the country is no longer considered an international pariah. Washington's recognition of the lifting of UN sanctions might therefore provide the Iranian government with fodder to rally public opinion for the increasingly unpopular nuclear deal. 'The lifting of arms restrictions is one of those things that can internally garner more support for keeping the JCPOA,' an Iranian diplomat said.⁶⁶

President-elect Biden has assessed the Trump administration's Iran policy as a 'dangerous failure,' and signalled his intention to re-enter the JCPOA if Iran meets its obligations thereunder.⁶⁷ But the timeline for salvaging the deal will be short. Iran's next presidential election is slated to be held in June 2021, mere months after Biden will have settled into office. Parliamentary elections in Iran in February 2020 resulted in a victory for the hardliners.⁶⁸

The tide of public opinion in Iran continues to turn against the JCPOA. It is unclear how long the moderates, led by President Hassan Rouhani, will be able to maintain support for openness and rapprochement. If the JCPOA crumbles, it may take another generation before a similar opportunity presents itself.

NOTES

- 1 A dhow is the generic term for a type of vessel commonly used in the Indian Ocean and Red Sea.
- 2 See, for instance, the UN Panel of Experts on Yemen, Final report of the Panel of Experts in accordance with paragraph 6 of resolution 2266 (2016), 27 January 2017, <https://www.undocs.org/S/2018/193>, and United Nations Monitoring Group on Somalia and Eritrea, Somalia report of the Monitoring Group on Somalia and Eritrea submitted in accordance with resolution 2317 (2016), 8 November 2017, <https://www.undocs.org/S/2017/924>.
- 3 Media accounts erroneously reported that the *Al Bari 2* seizure had included surface-to-air missiles (SAMs), as did Secretary Pompeo. See, for instance, Pompeo says U.S. seized Iranian weapons on way to Houthi rebels in Yemen, Reuters, 8 July 2020, <https://fr.reuters.com/article/us-usa-iran-pompeo-idUSKBN2492AV>. It is likely that either 'Dehlavieh' ATGMs or RPG-29 variants had been misidentified as SAMs (interview with confidential source with knowledge of the *Al Bari 2* seizure, 19 October 2020, by phone).
- 4 US Central Command, U.S. dhow interdictions, 19 February 2020, <https://www.centcom.mil/MEDIA/NEWS-ARTICLES/News-Article-View/Article/2087998/us-dhow-interdictions/>.
- 5 Jay Bahadur, Following the money: The use of the *hawala* remittance system in the Yemen–Somalia arms trade, GI-TOC, September 2020, <https://globalinitiative.net/analysis/yemen-somalia-arms/>.
- 6 Photograph provided by a confidential security source, 27 October 2020.
- 7 Information received from a confidential Puntland security source, 9 June 2020. According to harbour master logs, the *Al Bari 2* also regularly visited Bosaso. The dhow last departed Bosaso on 6 February 2020. According to port records, the vessel was used to transport cooking gas from Yemen. Interview with a Puntland port official, 28 September 2020, by text message.
- 8 Information received from a confidential Puntland security source, 9 June 2020.
- 9 Ibid. The hypothesis that the *Al Bari 2* was on course to rendezvous with a second dhow before it was intercepted was corroborated through an interview with a confidential source with knowledge of the *Al Bari 2* seizure on 19 October 2020.
- 10 Information received by a confidential Puntland security source, 30 December 2019, 1 March 2020, 9 June 2020 and 16 July 2020.
- 11 Information received by a confidential Puntland security source, 1 March 2020.
- 12 Information received by a confidential Puntland security source, 30 December 2019.
- 13 Documentation provided by a confidential source with knowledge of the *Al Bari 2* seizure.
- 14 Ibid. According to documents seen by the GI-TOC, Jama was born in January of either 1977 or 1978.
- 15 Interview with a Puntland port official, 28 September 2020, by text message.
- 16 Sadam Abdi Ismail's photograph was identified by an acquaintance.
- 17 Information received by a confidential Puntland security source, 1 October 2020.
- 18 Text messages from Abdirashid Farah Jama, 26 October 2020 and Sadam Abdi Ismail, 12 November 2020.
- 19 Information received by a confidential Puntland security source, 30 December 2019.
- 20 Information received by a confidential Puntland security source, 20 September 2020.
- 21 Interview with a Puntland port official, 28 September 2020, by text message.
- 22 Interview with a Puntland port official, 27 September 2020, by text message.
- 23 Information received by a confidential Puntland security source, 30 December 2019.
- 24 Interview with a Puntland port official, 28 September 2020, by text message.
- 25 Ibid.
- 26 Jay Bahadur, Following the money: The use of the *hawala* remittance system in the Yemen–Somalia arms trade, GI-TOC, September 2020, <https://globalinitiative.net/analysis/yemen-somalia-arms/>.
- 27 United States Department of the Treasury, Treasury and Terrorist Financing Targeting Center partners issue first joint sanctions against key terrorists and supporters, 25 October 2017, <https://www.treasury.gov/press-center/press-releases/pages/sm0187.aspx>.
- 28 Ibid.
- 29 Jay Bahadur, Following the money: The use of the *hawala* remittance system in the Yemen–Somalia arms trade, GI-TOC, September 2020, <https://globalinitiative.net/analysis/yemen-somalia-arms/>.
- 30 Text message from Sayf Al-Hayashi's representative in Somalia, 24 September 2020.
- 31 The GI-TOC verified the identity of Al-Hayashi's representative through a comparison of the IMEI numbers associated with the SIM used by Al-Hayashi's representative and a SIM registered to Mohamed Omar Salim. The IMEI numbers were identical, indicating that both SIMs were being used in the same mobile handset.
- 32 The GI-TOC is aware of four mobile-phone numbers used by Mohamed Omar Salim, three of which are registered in his name. As of this writing, the GI-TOC had identified nine phone numbers associated with Sayf Al-Hayashi.
- 33 Author interview with the master of the dhow *Arifi*.

- 34 Ibid.
- 35 Maritime interdictions of weapon supplies to Somalia and Yemen: Deciphering a link to Iran, Conflict Armament Research, November 2016, <https://www.conflictarm.com/dispatches/maritime-interdictions-of-weapon-supplies-to-somalia-and-yemen/>.
- 36 Author interview with 'Mazar Baluch'.
- 37 Internal document from the Puntland Ministry of Fisheries and Marine Transport, obtained by the GI-TOC.
- 38 Ibid.
- 39 See United Nations Monitoring Group on Somalia and Eritrea, Somalia report of the Monitoring Group on Somalia and Eritrea submitted in accordance with resolution 2317 (2016), 8 November 2017, <https://www.undocs.org/S/2017/924>.
- 40 Reuters, Pompeo says U.S. seized Iranian weapons on way to Houthi rebels in Yemen, 8 July 2020, <https://fr.reuters.com/article/us-usa-iran-pompeo-idUSKBN2492AV>. During the press conference, Secretary Pompeo inaccurately related that the seizure had taken place on 28 June 2020; the actual date was 24 June.
- 41 Reuters, Iran denies U.S. seizure of Iranian arms on way to Houthis in Yemen, 9 July 2020, <https://www.reuters.com/article/us-usa-iran-pompeo-idUSKBN24A1M0>.
- 42 Prohibited materiel included '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 Conventional Arms, or related materiel'. UN Security Council resolution 1929 (2010), 9 June 2010, [https://www.undocs.org/S/RES/1929%20\(2010\)](https://www.undocs.org/S/RES/1929%20(2010)).
- 43 UN Security Council resolution 2231 (2015), 20 July 2015, [https://www.undocs.org/S/RES/2231\(2015\)](https://www.undocs.org/S/RES/2231(2015)).
- 44 Vote on the Iran arms embargo resolution, Security Council Report, 14 August 2020, <https://www.whatsinblue.org/2020/08/vote-on-the-iran-arms-embargo-resolution.php>.
- 45 Interview with a UN official based in New York, 7 October 2020, by phone.
- 46 Interview with a UN Secretariat official based in New York, 16 October 2020, by phone.
- 47 Ibid.
- 48 Michael R. Pompeo, The return of UN sanctions on the Islamic Republic of Iran, U.S. Department of State, 19 September 2020, <https://www.state.gov/the-return-of-un-sanctions-on-the-islamic-republic-of-iran/>.
- 49 Interview with a UN Secretariat official based in New York, 16 October 2020, by phone.
- 50 Interview with Richard Gowan, UN Director, International Crisis Group, 6 October 2020, by phone.
- 51 Richard Gowan, Ashish Pradhan and Naysan Rafati, Behind the snapback debate at the UN, International Crisis Group, 17 September 2020, <https://www.crisisgroup.org/global/behind-snapback-debate-un>.
- 52 Patrick Wintour, Iran hails lifting of 13-year UN arms embargo as 'momentous day', *The Guardian*, 18 October 2020, <https://www.theguardian.com/world/2020/oct/18/iran-hails-lifting-un-arms-embargo-momentous-day-sanctions-us-protests>.
- 53 Interview with a UN official based in New York, 7 October 2020, by phone.
- 54 According to the US Defense Intelligence Agency, '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; ATGMs; MANPADS; artillery systems, including MRLs and battlefield rockets and launchers; armored vehicles; FAC; equipment for unmanned explosives boats; ASCMs; SAMs; UAVs, including ISR and attack platforms; ground-attack aircraft; and C/SRBMs and associated technology.' U.S. Defense Intelligence Agency, Iran military power: Ensuring regime survival and securing regional dominance, 19 November 2019, https://www.dia.mil/Portals/27/Documents/News/Military%20Power%20Publications/Iran_Military_Power_LR.pdf.
- 55 Similarly, UNSCR 1701 (2006) imposed an open-ended embargo on all transfers to non-governmental actors in Lebanon, including Hezbollah.
- 56 Interview with an Iranian diplomat to the UN, 8 October 2020, by phone.
- 57 United Nations Monitoring Group on Somalia and Eritrea, Somalia report of the Monitoring Group on Somalia and Eritrea submitted in accordance with resolution 2385 (2017), 9 November 2018, <https://undocs.org/S/2018/1002>.
- 58 Jay Bahadur, Following the money: The use of the *hawala* remittance system in the Yemen–Somalia arms trade, GI-TOC, September 2020, <https://globalinitiative.net/analysis/yemen-somalia-arms/>.
- 59 International Crisis Group, Iran: The U.S. brings maximum pressure to the UN, Middle East Report N°218, 19 August 2020, https://d2071andvip0wj.cloudfront.net/218-iran-us-brings-maximum-pressure-to%20-the-un_1.pdf.
- 60 Ibid.
- 61 Ibid.
- 62 Interview with a UN official based in New York, 7 October 2020, by phone.
- 63 Email from a USUN press officer, 20 October 2020.
- 64 Daphne Psalidakis and Arshad Mohammed, U.S. imposes new Iran sanctions that may spook European banks, Reuters, 8 October 2020, <https://uk.reuters.com/article/us-iran-nuclear-usa-sanctions/u-s-imposes-new-iran-sanctions-that-may-spook-european-banks-idUSKBN26T35H>.
- 65 U.S. blacklists Chinese entities, individuals for dealing with Iran, Reuters, 19 October 2020, <https://www.reuters.com/article/us-iran-usa-china/us-blacklists-chinese-entities-individuals-for-dealing-with-iran-idUSKBN2742SD>.
- 66 Interview with an Iranian diplomat to the UN, 8 October 2020, by phone.
- 67 Joe Biden, Joe Biden: There's a smarter way to be tough on Iran, CNN, 13 September 2020, <https://edition.cnn.com/2020/09/13/opinions/smarter-way-to-be-tough-on-iran-joe-biden/index.html>.
- 68 Parisa Hafezi and Babak Dehghanpisheh, Iranians vote in parliamentary election, hardliners set to cement grip, Reuters, 21 February 2020, <https://www.reuters.com/article/us-iran-election/iranians-vote-in-parliamentary-election-hardliners-set-to-cement-grip-idUSKBN20FOHQ>.



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