

ARMS SALES TO SAUDI ARABIA: WORTH THE COST?

Since the Saudi Arabia-led coalition began its air campaign in Yemen in March 2015, the US and the UK have transferred over \$5 billion worth of arms to Saudi Arabia.¹ According to Amnesty International, at least 4,600 civilians had been killed and 8,000 injured over the course of the conflict as of March 2017, the majority of which the UN and credible human rights organizations have repeatedly attributed to the Saudi-led coalition.^{2,3} The Royal Saudi Air Force and its partners have struck funerals,⁴ schools, and markets, causing mass civilian casualties and leading to allegations of war crimes and grave breaches of international law.^{5,6,7} Most recently, The New York Times reported that at least thirty civilians, the majority seasonal agriculture workers, had been killed in an airstrike by the Saudi Air Force near Yemen's capital of Sanaa.⁸

Many of the bombs that the coalition has used in these attacks, such as the GBU-24 PAVEWAY III laser-guided bomb produced by Raytheon, are American-made and

licensed for sale and export by the US government.⁹ The US has also provided Saudi Arabia with military aircraft, refueling, intelligence, and advisors.¹⁰

In October 2016, citing concerns over the “troubling series of attacks striking Yemeni civilians” in the wake of a Saudi airstrike on a funeral hall that killed 140, the Obama administration announced that it was undertaking an “immediate review” of its assistance to the Saudi-led Coalition to “better align [our support] with US principles, values and interests.”¹¹ In December 2016, despite heavy lobbying by Raytheon,¹² the Obama administration blocked a sale by Raytheon of about 16,000 guided munitions kits, citing concerns over civilian harm.¹³ The Trump administration has since reversed these restrictions, and has signaled its aspiration to approve new deals valued at \$110 billion.¹⁴

In September of 2016, the US Senate considered legislation to block \$1.15 billion in arms sales to Saudi Arabia.¹⁵ Though the measure to disapprove the sale

1 “Yemen: Multibillion-dollar arms sales by USA and UK reveal shameful contradiction with aid efforts.” Amnesty International, March 23, 2017. <https://www.amnesty.org/en/latest/news/2017/03/yemen-multibillion-dollar-arms-sales-by-usa-and-uk-reveal-shameful-contradiction-with-aid-efforts/>

2 *ibid.*

3 United Nations, Office of the High Commissioner, Press briefing note on Yemen and Honduras. Geneva, March 4, 2016. Accessed September 5, 2017. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17146&LangID=E>

4 Al-Mujahed, Ali and Raghavan, Sudarsan. “Airstrike kills more than 100, injures hundreds at Yemen funeral.” The Washington Post. October 8, 2016. Accessed September 5, 2017. https://www.washingtonpost.com/world/middle_east/airstrike-killed-more-than-80-injured-hundreds-at-yemen-funeral/2016/10/08/64a31eae-8d74-11e6-8cdc-4fbb1973b506_story.html?utm_term=.b962fe1954f4

5 “Yemen: US-Made Bombs Used in Unlawful Airstrikes.” Human Rights Watch, December 8, 2016. Accessed September 5, 2017. <https://www.hrw.org/news/2016/12/08/yemen-us-made-bombs-used-unlawful-airstrikes>.

6 “Yemen: Saudis Using US Cluster Munitions.” Human Rights Watch, May 6, 2016. Accessed September 6, 2017. <https://www.hrw.org/news/2016/05/06/yemen-saudis-using-us-cluster-munitions>.

7 “Yemen: Children among civilians killed and maimed in cluster bomb ‘minefields.’” Amnesty International, May 23, 2016. Accessed September 6, 2017. <https://www.amnesty.org/en/latest/news/2016/05/yemen-children-among-civilians-killed-and-maimed-in-cluster-bomb-minefields/>.

8 Almosawa, Shuaib and Nordland, Rod. “Saudi Coalition Airstrikes Near Yemen’s Capital Kill Civilians.” The New York Times, August 23, 2017. Accessed September 5, 2017. https://www.nytimes.com/2017/08/23/world/middleeast/saudi-airstrike-sana-yemen.html?ref=collection%2Ftimestopic%2FYemen&action=click&contentCollection=world®ion=stream&module=stream_unit&version=latest&contentPlacement=2&pgtype=collection&_r=0

9 Defense Security Cooperation Agency. News Release: The Government of Saudi Arabia - Air-to-Ground Munitions. Washington: DSCA, Nov 16, 2015. Accessed September 5, 2017. <http://www.dsca.mil/major-arms-sales/government-saudi-arabia-air-ground-munitions>

10 Sokolsky, Richard and Shapiro, Jeremy. “What a real review of U.S. military assistance to Saudi Arabia would say.” War on the Rocks, October 26, 2017. Accessed September 5, 2017. <https://warontherocks.com/2016/10/what-a-real-review-of-u-s-military-assistance-to-saudi-arabia-would-say/>

11 The White House, Office of the Press Secretary. Statement by NSC Spokesperson Ned Price on Yemen, October 8, 2016. <https://obamawhitehouse.archives.gov/the-press-office/2016/10/08/statement-nsc-spokesperson-ned-price-yemen>.

12 Cooper, Helene. “U.S. Blocks Arms Sale to Saudi Arabia Amid Concerns Over Yemen War.” The New York Times, December 13, 2016. Accessed September 6, 2017. https://www.nytimes.com/2016/12/13/us/politics/saudi-arabia-arms-sale-yemen-war.html?_r=0

13 *ibid.*

14 Blanchard, Christopher M. “Saudi Arabia: Background and U.S. Relations.” Congressional Research Service, June 13, 2017. Accessed September 6, 2017. <https://fas.org/sgp/crs/mideast/RL33533.pdf>.

15 Barrett, Ted. “Senate rejects bid to block US-Saudi Arabia arms deal.” CNN, September 21, 2016. Accessed September 6, 2017. <http://www.cnn.com/2016/09/21/politics/senate-arms-sale-saudi-arabia/index.html>.

ultimately failed on a 26-71 vote, Congressional appetite to take action grew as the air campaign continued and the casualty figure grew. On April 6, 2017, 31 members of Congress wrote to Secretary of State Rex Tillerson to inquire into the conduct of the Royal Saudi Air Force.¹⁶ On the same day, Senator Chris Murphy introduced Senate Joint Resolution 40, a “joint resolution to provide limitations on the transfer of air-to-ground munitions from the United States to Saudi Arabia.”¹⁷ The resolution included civilian harm-related conditions under which sales must be made and required briefings for the appropriate congressional committees before formal notification. On June 13, the resolution failed to pass by a vote of 53-47.¹⁸

The case of US and UK arms sales to Saudi is worth examining for broader implications. For example, although the US Congress did not block the sale of munitions to Saudi, the US Government spent

significant political capital, energy, and resources to defend the sale. Policymakers may need to reappraise the relative value of the financial and security benefits of any one arms sale against the prospects of greater Congressional scrutiny or public opposition stemming from concerns over the misuse of weapons. Policymakers could also consider if limited, selective, self-imposed constraints could yield equally valuable policy dividends over the long term. The US government has also carefully avoided determinations that the Saudi coalition is in violation of international law, amidst broadly held perceptions of unlawful conduct. Policymakers should assess whether doing so serves to erode public confidence in domestic and international law. Restricting arms sales on the basis of a “reasonably foreseeable” possibility of violations, rather than knowledge of violations or intent to commit violations, could preserve flexibility while bolstering the role of international law in arms sales decisions.

16 Hudson, John. “Lawmakers Demand Review Of Saudi Bombings Before Massive Arms Sale.” Buzzfeed, April 10, 2017. Accessed September 6, 2017. https://www.buzzfeed.com/johnhudson/these-lawmakers-want-to-know-exactly-who-the-bombs-were?utm_term=.yhodMq781#.xqJLaEmVK.

17 S.J.Res. 40: A joint resolution to provide limitations on the transfer of air-to-ground munitions from the United States to Saudi Arabia. <https://www.govtrack.us/congress/bills/115/sjres40/text>.

18 Cooper, Helene. “Senate Narrowly Backs Trump Weapons Sale to Saudi Arabia.” The New York Times, June 13, 2017. Accessed September 6, 2017. https://www.nytimes.com/2017/06/13/world/middleeast/trump-weapons-saudi-arabia.html?_r=