

THE POLITICS OF ARMS TRADE: THE “FORGOTTEN WAR” IN YEMEN

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This paper focuses on the political implications of the arms trade and transfers related to the conflict in Yemen, wishing to emphasize the nature and the impact of arms exports to states involved in ongoing military conflict to both the outcome of the military intervention as well as to the international norms regulating arms exports. Labelled as ‘the forgotten war’, the conflict in Yemen has failed to raise sufficient international attention as to amount for the scale of the humanitarian and political disaster that encompasses the country and negatively impacts the evolution in the region. Although the legitimacy of the conflict has generated a considerable amount of legal and academic debate, which was doubled by the numerous international organizations drawing attention to the worsening humanitarian situation, these actions have failed to produce enough momentum such as to consistently alter national practices related to arms exports and to determine a collective response under UN auspices.

Keywords: *arms trade, military intervention, Yemen, humanitarian.*

1. INTRODUCTION

Constructivist literature in International Relations Theory concerned with norm creation and enforcement builds on the idea that international and regional norms set standards for the appropriate behavior of states [1], with national practices influencing and being connected to the international ones. Norms are used as a tool for understanding the motivations involved in the decision-making process of the states, especially when rational choice perspectives seem to be ignored. With a particular interest in the role norms play in political change, this approach sheds new light on the decision-making process involving arms transfers, looking at how the identities and interests of the states are constructed in the process [2].

Drawing on these constructivist assumptions, this paper focuses on the role played by the outcome of the conflict in Yemen on the norms and regulations that dictate state behavior when it comes to authorizing and conducting arms exports. Widespread violent conflict in Middle East has raised concerns about serious human rights abuses and a growing humanitarian toll, sparking a political debate in Western Europe and US about the necessity to restrict arms sales in the region. Using the war in Yemen as a case study, this analysis is aimed at

determining whether international public pressure and debates have altered national policies regulating arms trade and exports, as well as international behavior on the part of the states involved in the conflict.

The paper starts with a brief overview of the evolution of the conflict in Yemen, emphasizing the main causes that have led to the current unfolding of events. Then it proceeds with outlining the characteristics of the military intervention in Yemen, conducted by a Saudi-led coalition starting March 2015, emphasizing the main elements of the debate related to the legitimacy and the legality of the intervention. The next section explores the US and UK national practices related to the arms exports towards Saudi Arabia, as well as the official reaction of the governments of these countries to accusations of improper and illegal use of the weapons by their trade partners in the conflict in Yemen. Finally, the last section of the paper addresses the conclusions that can be drawn from this case-study approach of the mechanisms that regulate arms exports and trade.

2. BRIEF OVERVIEW OF THE EVOLUTION OF THE WAR IN YEMEN

The recent history of Yemen has been increasingly marked by tensions and violence. It is even difficult to name a starting point that

would allow for an objective presentation of the facts, unless we take into account the evolutions in the entire region. Although the complexity of the political situation and the dynamics of forces at work in this conflict seem hard to capture, the current state of affairs finds its roots in three main sources.

The first source of the conflict is the somehow artificially created internal situation of the country. A recent political creation, the state of Yemen was formed in 1990, when the governments of the two neighboring states - South Yemen and North Yemen - decided to unify their countries. This decision came as a surprise not only for the international observers, but also for the Yemeni people, creating a difficult start in the formation of a national identity. The efforts of the ruling government, controlled by the then-President Ali Abdullah Saleh, to strengthen and build legitimacy and support for the political system of the newly formed state, were severely damaged by the economic difficulties and worsening living conditions, aggravated by the restriction of foreign aid. As such, the conflict between the northern and the southern political leaders worsened and escalated into a fully blown civil war, with an intensity varying from moderate to severe in the following years [3].

The second source of the conflict in Yemen is connected to the waves of protests and demonstrations that have swept the entire region of Middle East starting with 2011, events which have come to be known as the 'Arab Spring', or, alternatively, 'Arab Awakening'. These protests reverberated into Yemen, with thousands of protesters gathering in the capital Sanaa asking for President Saleh to resign, as well as condemning poverty and official corruption. By November 2011, a political initiative negotiated under the auspices of the Gulf Cooperation Council (GCC), the UN and the EU instituted a long-term political transition process, with Saleh peacefully transferring power to his deputy, Abd Rabbu Mansour Hadi. However, the internal strife continued, marked by the tensions of the sectarian, tribal and economical divides in the country.

Finally, the third source fueling the conflict is the existence of safe havens for terrorist groups and organizations. The chaos and turmoil in the country have opened the way for organizations such as Al-Qaeda in Arabian Peninsula (AQAP) to expand their presence and build legitimacy on the ground. AQAP has strengthened its position as both a political force in Yemen [4], as well as an important regional terrorist force.

Failing to raise enough international attention as to amount for of the scale of grave severe human rights violations and an increasing humanitarian toll, the conflict in Yemen has been labeled by Amnesty International as the 'forgotten war' [5], with more than 5974 civilians killed and more than 9493 wounded, as reported by the UN Office of the High Commissioner for Human Rights in February 2018 [6].

3. THE MILITARY INTERVENTION IN YEMEN - CONTESTED LEGITIMACY AND HUMANITARIAN TOLL

As a result of the worsening political situation in Yemen, in March 2015 the Gulf Cooperation Council (GCC) decided to launch a military intervention under the name of Operation 'Decisive Storm'. Led by Saudi Arabia and receiving material support from several other Arab countries, as well as logistical support from US and UK, the intervention was largely considered legitimate by the international community, as it was officially requested by President Hadi. In a letter addressed to the GCC on 24th of March 2015, he asked for immediate support, even in the form of military intervention, in order to protect Yemen and its people.

However, the issues raised by the military intervention in Yemen were quite complex. The first one is related to the legality legitimacy of the intervention and the arguments invoked in legitimizing the use of force. The 'intervention-by-invitation' argument invoked by the CCG has been criticized for its dependence on the condition that the entity asking for the intervention needs to exercise effective control over the state's

territory [7], which is difficult to assess in situations of grave internal turmoil and territorial disputes as it was the case in Yemen.

The second issue is related to the worsening humanitarian situation and the incapacity or unwillingness of the international community to act in order to alleviate the suffering of the civilians. In August 2018, UNICEF reported that, even before the outbreak of the conflict, Yemen faced serious challenges from widespread poverty, food insecurity and lack of health services, with more than 22 million people (and nearly all being children) in desperate need of humanitarian assistance [8]. The Saudi military strategy includes aerial bombings, ground fighting and a blockade severely restricting the flow of food, fuel and medicine to civilians, turning the country into an immense humanitarian disaster.

And finally, the third issue raised by the intervention is related to the alleged misuse of military equipment and to the grave violations of international humanitarian law by the Saudi military forces and the impact of the arms supply to the development and the outcome of the conflict. This third issue, intrinsically connected to the first two, will be analyzed in more detail in the following section of the paper, with the purpose of asserting whether and how the evolution of the conflict in Yemen has helped shape international norms regulating arms transfers.

4. EFFECTS OF ARMS EXPORTS AS CHALLENGES TO EXISTING NORMS

The dynamic of arms flows in recent years has rapidly changed and increased. With the volume of international transfers steadily growing from 2003 onwards [9], the Middle East region accounts for almost half of the US arms exports, the largest recipient being Saudi Arabia (18%).

While arms sales are driven by important economic considerations, there is also a strong political component involved in the process [10], as arms transfers contribute to strengthening bilateral relations and to building alliances. In 2017, it is estimated that

the military expenditure has reached its highest peak since the end of Cold War [9], the states that have allocated the most of their financial resources to military expenditure being US, China, Saudi Arabia and India, together amounting counting for 60% of the total global expenditure.

Much of this military equipment found its use in the war in Yemen. Quoting a report issued by Arms Trade Treaty Monitor [11], Amnesty International has launched a media campaign aimed at drawing attention to the need to stop arm delivery towards Saudi Arabia, documenting the use of cluster ammunition and attacks against civilians by the forces of the coalition.

As a result, the international community expressed concerns related to the serious allegations of breaches of international humanitarian law by Saudi Arabia in the conflict in Yemen. The EU Parliament has adopted a resolution on 25 February 2016 [12] asking Member Countries to thoroughly evaluate their national policy regarding arms export control, underlying that the EU regulations explicitly rule out the authorizing of arms licenses by Member States if there is a clear risk that the military equipment might be used to commit violations of the international law. This position fueled further debates about the legality and the morality of arms export to countries involved in conflicts, and the governments of France, UK, Germany and Spain have been subjected to critical media coverage.

As a consequence, in the UK the Committee on Arms Export Controls launched an inquiry into the use of UK-manufactured arms in the conflict in Yemen in April 2016. Although the report acknowledged the existence of documented cases of UK-manufactured cluster bombs that had been used by the coalition intervening in Yemen [13], the British government refused to halt its deals, stating that it operates one of the most robust export control regimes in the world, functioning on case-by-case basis, which ensures that all international regulations are met. The official UK position totally disregards the appeals made by the human rights activists regarding the lack of morality

of such arms sales, continuing its arms trade arrangements in the Middle East region. Moreover, UK officials have stated that it is not for UK to decide whether Saudi Arabia has violated international law or not, thus passing the entire responsibility on the use of the equipment to the Saudi officials.

Some of the same international pressure has been directed towards the US, who is the major provider of military equipment for Saudi Arabia, as emphasized before. The deals have been renewed in May 2017, when US agreed on exporting arms worth more than \$110bn to Saudi Arabia [14]. The Trump Administration hailed the deal as a huge success for the American economy, and a strong support for Saudi Arabia in the face of Iranian influence and threat, without ever mentioning the Saudi intervention in Yemen.

The issue of US arms sales and involvement in the conflict in Yemen reverberated into internal political debates, and three US senators have introduced in March 2018 a resolution conditioning US support of the Saudi-led coalition on a favorable vote from the Congress. The action aimed at regaining the prerogatives of the Congress in relation to waging war from the executive branch, imposing the necessity of a favorable vote by the Congress that would approve the US involvement in the Yemeni war, but the resolution failed to be adopted [15].

These two cases show that trying to assess whether and to what extent the national practice of arms exports is related to the destination state respecting international legislations, as well as alleged violations of international law and the humanitarian situation of the people in the areas of conflict can be quite challenging, because it brings to light the clash between the dominant behaviors (which make up the international norm regulating state behavior) and normative beliefs (ideas of what is good and for what reason). It is, however, a useful perspective in trying to better understand the nature, causes and dynamics of the conflict, and the impact of these considerations on the dominant normative beliefs related to the necessity and ethics of arms exports. Despite being faced with increased pressure from the human rights

organizations and the media, neither the US nor the UK governments decided to alter their decision to sell military equipment to Saudi Arabia.

There have been, however, a number of cases where the demands to stop arms sales to Saudi government have generated change in national policies. Starting with January 2018, a number of European States (including Norway, Belgium and, more notably, Germany) have announced their decision to stop granting licenses to export weapons to the Saudi Ministry of Foreign Defence [16], signaling a change in attitude towards the generally accepted arms trade rules and a growing political concern about further arming Saudi Arabia and its coalition partners.

However, it remains clear that investigating the politics of arms trade signals powerful political relationships between states, which can be meaningful and influential despite the public account of widespread violations of international humanitarian law and serious human rights abuses. Even though the public debate about arms exports towards countries in the Middle East has led to the activation of democratic control mechanisms in countries such as US and the UK and it has sparked internal political debates, this has not resulted in altered national practices regarding arms sales, nor has it halted the military exports towards the region.

5. CONCLUSIONS

Building on the constructivist perspective that emphasizes norm construction as theoretically important in gaining an understanding of key forces that shape international politics, this paper has traced the manner in which states exporting military equipment to Middle East countries involved in the conflict in Yemen have dealt with accusations of illegal use of this equipment and the prospects of grave humanitarian consequences.

The analysis has shown that, in spite of clear evidence of breaches of international law and human rights violations, major exporters to the region have continued their arms policy towards the region, promoting either the

national economic interest or attributing the sole responsibility for the use of the military equipment to the recipient country. This behavior reinforces the norm that arms trade represents a strong component of international political relations and, besides enhancing the military capabilities of the receiving state, it also provides political support and legitimization. By not doing so, the governments of Western democracies not only act in contradiction to their official ethical positions, but also undermine the generally endorsed goal of maintaining international peace and security.

There has been, however, a small change in the behavior on the part of some of the members of the international community, notably European States that stopped their arms exports to Saudi Arabia. Although it might seem insignificant, this actions bring the norms related to ethical considerations of arms trade closer to a threshold that might eventually bring about normative change.

As rules and norms set expectations about how the world works and what types of behaviors are legitimate, helping build up a norm that prioritizes human rights concerns over financial interests and short-term material payoffs should be considered highly important and the embodiment of a general political commitment towards international peace and stability [17].

As a conclusion, it can be emphasized that the answer to the question of whether states decide to continue or to stop their arms export towards states involved in violent conflicts is incidental to the wider debates about the prevalence of political and economic interests over human rights considerations, and it is also heavily influenced by the actions of the major actors on the international scene. For now, however, there is compelling evidence that powerful countries such as US and the UK will continue to pursue their strategic interests despite serious concerns regarding the negative impact of arms exports to the Middle East region and ignoring the predictable effect of a worsening humanitarian situation.

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