

Saudi Arabia War Crimes, Arms and Embargoes

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It is the great moral message these days amongst the righteous Western participants in Middle Eastern crusades: restrict tyranny and despotism, fight theocracies, embrace values of openness. Such a mission is seemingly imperilled by the workings of the Kingdom of Saudi Arabia, ever ready to purchase arms in its own efforts to preserve the status quo and its particular brand of theocratic rule.

A week prior to the attacks in Brussels which left 34 dead, Saudi-led coalition forces bombed the market place in Mastaba, Yemen. That particularly grizzly assault left 106 dead. Twenty-four hour coverage from France 24 to CNN proved skimpy when compared to Brussels.

This inconsistency - both in terms of coverage, but also in terms of policy towards Saudi Arabia by Western states - has not gone unnoticed. An international legal movement, of sorts, has developed in angry defiance of such foreign policy complicity. University of Montreal constitutional law professor Daniel Turp decided to take matters into his own hands by filing his own suit in the Canadian federal court.[1]

Turp's argument for judicial review, directed against Canada's Minister of Foreign Affairs, Stephane Dion, is clear and to the point, describing Saudi Arabia as "an Islamic absolute monarchy" with an arms expenditure budget greater in proportion to its GDP than any other state. It covers an attempt to examine "the issuance of export permits for light armoured vehicles (LAV) to be delivered by General Dynamics Lands Systems Canada (GDLS-C) to Saudi Arabia."

Canadian laws and regulations restricting the export of weapons that might be used in violation of human rights come into play here, notably the Export and Import Permits Act (RSC 1985) and the 1986 guidelines.

In 1986, the Canadian Department of External Affairs issued a press release announcing the adoption of a new Exports Control Policy on military equipment. It emphasised the point that Canada:

"will not allow the export of military equipment to countries whose governments have a persistent record of serious violations of human rights of their citizens; unless it can be demonstrated that there is no reasonable risk that the goods might be used against the civilian population."

Turp also seeks a declaration that the issuance of such export permits would also be illegal because of the Geneva Conventions Act, and an excess of power on the part of the Minister:

“knowing that in [Saudi Arabia] human rights are subject to serious and repeated violations and knowing that there is a reasonable risk that the LAV might be used against the civilian population.”

Last month, the European Parliament, in light of a petition with the signatures of 750,000 European citizens, expressed Turp’s concerns in a broader sense, calling for the European Union to impose an embargo on arms to the Kingdom. Such a measure would affect the export regimes in place for Britain and France in particular, both allies with Saudi Arabia. German military companies also feature in the ledger.

“This is about Yemen,” argued Richard Howitt, a British left-of-centre lawmaker keen to place the issue on the agenda. “The human rights violations have reached a level that means Europe is obliged to act and to end arms sales to Saudi Arabia.”[2] Such a resolution, however, is non-binding.

In concrete terms, The Netherlands, in the wake of a vote in the Dutch parliament, decided to put an embargo in place. Between 2001 and 2010, its arms sales to the Kingdom came in at a value of \$43 million, though it has been policy since 2008 to keep exports to Saudi Arabia “restrictive” in nature.

In March, a resolution was passed calling on the Dutch government to halt such arms to the Kingdom, claiming it was “guilty of violating international humanitarian law in Yemen.” The resolution made reference to a UN report leaked in January noting that 119 sorties carried out by the Saudi-led force in Yemen constituted violations of international law.[3]

The Saudis will be troubled by such notes of disagreement with its Yemen approach, but not overly so. The United States, for one, has not been swayed to change course on the subject. If anything, the Obama administration has made it clear that it will reassure the Kingdom of military assistance and overall backing, especially in light of the Teheran nuclear deal.

As Sarah Leah Whitson explains in the *Los Angeles Times* (Mar 30), the US Defense Department has even gone further, providing “targeting assistance” for the coalition in its Yemen strikes. “Did it assist with the strike on the market?”

Riyadh continues to insist that such actions as those in Yemen are fundamental in the name of balance. In the words of Saudi Arabia’s ambassador to the EU, Abdulrahman Al Ahmed, “the larger ramifications of our not taking action in Yemen would have had devastating geopolitical consequences for the kingdom, Europe and the broader West as well.” When in doubt, treat any murderous military intervention as necessary in the name of rescuing all of civilization.

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Notes:

1. <https://theintercept.com/wp-uploads/sites/1/2016/03/Turp-Lawsuit-1.pdf>
2. <http://www.reuters.com/article/us-eu-saudi-arms-idUSKCN0VY1K1>
3. <http://www.middleeasteye.net/news/dutch-parliament-calls-arms-embargo-saudi-arabia-over-yemen-war-1861032989>

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