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War in Yemen: Saudi responsibility, European complicity

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Since 2015, the level of violence in Yemen has grown significantly. In March of this year, Saudi Arabia decided to head a military coalition to reinstate the government of Abdo Rabbo Mansour Hadi. Hadi's government had been deposed months before by an armed Yemeni group known as the Houthis, which Riyadh accuses of being an Iranian proxy. Since then, the armed conflict has become even more complex with the involvement of additional actors and the projection of regional and international interests. The war has had devastating effects on the population: there have been thousands of civilian victims, and it has dragged the country into an enormous humanitarian crisis. In fact, it is currently seen as one of the world's most serious current crises. Over the last five years, the United Nations and several humanitarian and human rights NGOs have constantly denounced the serious abuses committed by different actors as a result of the armed conflict in Yemen; many of these can be considered war crimes. In particular, they have criticized the international coalition led by Saudi Arabia for its role in extremely fatal attacks against Yemeni civilians. Despite this record, many European states, including Spain, have continued to sell arms to Saudi Arabia and other countries in the Riyadh-led coalition, such as the United Arab Emirates (UAE). This is an infringement of several international and European regulations, including the International Arms Trade Treaty. These circumstances require an urgent change to European and Spanish policy in this area. Specific, categorical measures must be adopted to halt the sale and transfer of arms to Saudi Arabia, encourage the de-escalation of the violence, promote political solutions to the conflict, and provide immediate assistance for the country's urgent humanitarian needs. A failure to change course means continuing to be complicit with violence and the many human rights violations suffered by the Yemeni people.

The conflict and Saudi involvement

Along with other countries in the region, Yemen was the site of popular revolts in 2011. These led to the fall from power of former president Ali Abdullah Saleh, who had governed the country since its unification in 1990. Yemen also had other centres of conflict, including an armed rebellion in the north led since 2004 by a group known as the Houthis. There was also a relatively active al-Qaeda affiliate in the country and a growing tension between the government and secessionist groups in the south. After the fall of Saleh, an uneven transition period began, which eventually derailed in late 2014.¹ The Houthis then took advantage of the climate of instability to take control of the capital, Sanaa, in September 2014, toppling the government led by Abdo Rabbo Mansour Hadi. At the end of March 2015, Saudi Arabia decided to intervene militarily to re-establish its southern neighbour's deposed government. In a context of increasing regional tension and geostrategic competition between Riyadh and Tehran, the Saudis argued that the Houthis were acting as Iranian proxies. Saudi Arabia then led an international military coalition made up primarily of Arab countries (UAE, Bahrein, Kuwait, Egypt, Jordan, Morocco and Qatar²) with logistical support and intelligence from the US and the UK. Despite the large number of countries involved, the initiative and leadership behind the coalition have been primarily in the hands of Saudi Arabia. The UAE has also played an important role in the war. Over the last few years, the conflict has become even more complex. This is partly because of the projection of regional and international interests. Efforts for a political solution—principally through UN-sponsored negotiations—have run into numerous obstacles, and several actors have preferred to opt for violence.³

Since 2015, levels of violence in Yemen have intensified and the conflict is currently considered one of the world's most serious. Over the last five years, the analysis of the Escola de Cultura de Pau has identified the war in Yemen as one of the world's most intense armed conflicts, with extremely high

lethality and a large number of civilian deaths. Estimations by the Armed Conflict Location & Event Data Project (ACLED) indicate that the war has caused the death of around 100,000 individuals since 2015, including 12,000 civilians killed as a direct result of the hostilities.⁴ From March 2015 to June 2019, the Office of the United Nations High Commission for Human Rights documented the death of 7,292 civilians (including 1,959 minors and 880 women) and 11,630 wounded (including 2,575 minors and 1,256 women) as a direct consequence of violent actions. Still, they recognize that the final numbers may be much higher, since many episodes have not been investigated as a result of restrictions imposed by the parties involved.⁵

The ACLED's overall casualty count coincides with the data provided by the United Nations Development Programme (UNDP) and the Frederick S. Pardee Center for International Futures, which estimates that a total of 102,000 individuals had died in Yemen by the end of 2019 as a direct result of violence. This study warns that an additional 131,000 individuals may have died by the end of 2019 as a result of other consequences of the conflict, including the lack of food or access to health services. This would bring the possible total number of victims to 233,000.⁶ It is also worth noting that the armed conflict has immersed Yemen, which was already the poorest country in the Arab world, in the world's worst humanitarian crisis. Currently, 80% of the Yemeni population requires some sort of assistance. In this context, the UN has stated that Yemen is facing "humanity's greatest preventable disaster."⁷

In recent years, additional reports from the UN and humanitarian and human rights organizations have denounced the numerous, continuing violations committed in the conflict. These abuses, some of which constitute war crimes, have been attributed to all parties involved. Multiple studies and reports have accused the Saudi-led military coalition in particular because of its role in violations of human rights and international humanitarian law. It is worth noting that these complaints have been made ever since the start of the Saudi intervention in Yemen. Back in 2016, the Office of the United

Since 2015, levels of violence in Yemen have intensified and the conflict is currently considered one of the world's most serious

1. For updated information on the evolution of the armed conflict in Yemen, see the annual publications of the Escola de Cultura de Pau *Alert! Report on Conflicts, Human Rights and Peacebuilding*, Barcelona: Icaria.

2. Qatar was expelled from the coalition during the diplomatic crisis with Saudi Arabia in 2017.

3. For detailed information on the evolution of negotiations in Yemen in recent years, see the annual publications of the Escola de Cultura de Pau, *Peace Talks in Focus. Report on Trends and Scenarios*, Icaria: Barcelona.

4. ACLED, "Press release: over 100,000 reported killed in Yemen war", ACLED, October 31, 2019.

5. Human Rights Council, *Situation of human rights in Yemen, including violations and abuses since September 2014*, Report of the Group of Eminent International and Regional Experts as submitted to the United Nations High Commissioner for Human Rights, A/HRC/42/17, August 9, 2019.

6. Jonathan D. Moyer *et al.* *Assessing the impact of war on development in Yemen*, UNDP – Frederick S. Pardee Center for International Futures, April 2019; Bel Trew, "Yemen war dead could hit 233,000 by 2020 in what UN calls 'humanity's greatest preventable disaster'", *The Independent*, April 30, 2019.

7. *Ibid.*

Nations High Commissioner for Human Rights noted evidence of the use of cluster bombs and Riyadh's reluctance to facilitate independent investigations into its actions in Yemen.⁸ According to a study by the Yemen Data Project, also from 2016, one in three attacks by the Saudi-led coalition affected civilian targets, including schools, hospitals, mosques and markets.⁹

These initial accusations gained strength in the following years, with Saudi Arabia's role in indiscriminate, disproportionate attacks against civilians. According to ACLED, the Riyadh-led military coalition is responsible for the largest number of civilian deaths during the conflict, about 8,000 since 2015. ACLED also stated that 67% of all civilian victims reported from 2015 to 2019 died as a result of aerial offensives by the coalition.¹⁰ The Report of the Group of Eminent International and Regional Experts on Yemen for the UN's High Commissioner for Human Rights (which analyses the situation in the country from September 2014 to June 2019) has also denounced the impact of the aerial attacks by the Saudi-led coalition on the civilian population. It notes events like the attack against a school bus in a market area in August 2018, in which over 40 civilians died (including more than a dozen minors).¹¹ According to the group of experts, the coalition is responsible for most of the minors killed in the conflict from 2015 to 2018.

Other civilian deaths resulting from Saudi offensives that have caused particular commotion are the aerial attack on a funeral in the Yemeni capital, which killed 140 and wounded an additional 600 in October 2016¹² or the attack on a prison controlled by the Houthis (also in Sanaa), which killed 156 in August 2019. The latter was the most gruesome episode since 2015.¹³ According to the report by the group of experts, the Riyadh-led coalition does not follow the procedures and precautions needed to fulfil fundamental principles of international human rights, including proportionality and the distinction between civilians and combatants.

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Human Rights Watch (HRW) has documented at least 90 attacks by the Saudi-led coalition which constitute direct strikes against civilians and civilian objectives.¹⁴

The UN's group of experts has also denounced the fact that all parties in the conflict have contributed to the deterioration of the humanitarian situation. It has emphasized the role of the Riyadh-led coalition in destroying or damaging agricultural lands, water installations, essential port infrastructures and health centres. In fact, according to the information provided by Yemen Archive, from the start of the conflict to the end of 2019, there have been around 130 attacks on medical installations, most of which were organized by the Saudi-led coalition: 72, as opposed to 52 attributed to the Houthis.¹⁵

In addition, several humanitarian and human rights organizations have denounced the impact of the blockade imposed by the coalition during the war. In addition to closing airspace over the capital, Sanaa, the coalition has instituted a maritime blockade. It blocked off ports to prevent arms from reaching the Houthis, but this has also had serious repercussions for the populace. For example, in late 2017 ports were blocked for several weeks, and a year later the impacts of this measure are still being criticized. In November 2018, the general secretary of the Norwegian Refugee Council, Jan Egeland, noted the consequences of the blockade and warned of the risk of massive famine in the country.¹⁶

The investigations by experts from the UN and HRW have also denounced other practices such as arbitrary detentions, torture, forced disappearances and other forms of abuse, including sexual violence. The group of experts singled out the governments of Saudi Arabia and the UAE for these abuses, which might lead to criminal responsibility for torture, cruel and degrading treatment, and the failure to provide a free trial, among others. In March of 2020, HRW once again accused Riyadh of this type of violations, warning that it had also noted the illegal transfer of detained Yemenis to Saudi Arabia.¹⁷

8. Human Rights Council, *Situation of human rights in Yemen: Report of the UN High Commissioner for Human Rights*, A/HRC/33/38, August 4, 2016. https://digitallibrary.un.org/record/845551/files/A_HRC_33_38-EN.pdf

9. Ewen MacAskill, "One in three Saudi air raids on Yemen hit civilian sites, data shows", *The Guardian*, September 16, 2016.

10. ACLED (2019), *op.cit.*

11. Human Rights Council (2019), *op.cit.*

12. The Guardian, "Saudi-led coalition admits to bombing Yemen funeral", *The Guardian*, October 15, 2016.

13. Yemen Data Project, "Saudi Coalition's Deadliest Bombing Leaves 156 Dead", August 31, 2019; Al Jazeera, "UN calls for accountability in Saudi-led attack on Yemen prison", *Al-Jazeera*, September 2, 2019.

14. Human Rights Watch, "Yemen: Events of 2019", *Human Rights Watch World Report*, 2020.

15. Samy Magdy, "Report: Over 130 attacks on medical facilities in Yemen war", *Associated Press*, November 14, 2019.

16. Heba Kanso, "Factbox: A 'never-ending nightmare' for Yemenis one year since blockade", *Reuters*, November 6, 2018.

17. Human Rights Watch, "Yemen: Saudi Forces Torture, 'Disappear' Yemenis", *HRW*, March 25, 2020.

In addition to these charges tied directly to Saudi Arabia's role in the Yemeni armed conflict, it is also worth noting that the country is regularly criticized for its domestic human rights record. This includes discrimination against women and minorities, persecution of dissidents and use of the death penalty, to name a few (see box 1: "Situation of human rights in Saudi Arabia").

European arms that feed the conflict

After the increase in violence in Yemen in March 2015, the United Nations approved resolution 2216 in April. It established an embargo on several armed groups in the country, especially the Houthis. The resolution encouraged criticism of the provision of arms to the Yemeni insurgency, especially by Iran. Nevertheless, it has not proved an obstacle to the provision of weapons to the side supported by Saudi Arabia, despite the evolution of the armed conflict and the numerous indications of human rights abuses. In fact, over the last few years, Riyadh has significantly increased its importation of arsenals and has become the world's foremost arms buyer.¹⁸ In recent years, its main suppliers have been the US and UK, although European countries such as Germany, France, Spain, Italy or Belgium have also supplied weapons.¹⁹

In this context, many have demanded that the embargo be broadened and that the many crimes

perpetrated as part of the conflict be investigated. International human rights groups such as Amnesty International²⁰ and initiatives promoted by civil society such as those organized by ENAAT (European Network Against Arms Trade)²¹ or the campaign "Armas bajo control"²² in Spain have sought changes in government policies. They have also sought to denounce and impede ships loaded with weapons from sailing to Saudi Arabia through protest actions in different European ports. Furthermore, the European Parliament approved a non-binding motion calling on the European Union to impose an arms embargo on Saudi Arabia, at a moment when SIPRI alerted that the Kingdom had increased its arms purchases by 275%.²³ Calls to halt the stream of European weapons feeding the conflict in Yemen, and, in particular, the supplying of arms to Saudi Arabia, have demanded the application of a range of European, national and global regulations.

First, regarding European regulations, in 1998 the European Code of Conduct on Arms Exports established the responsibility of the exporting country to verify the final destination of all arms and to ensure that the receiving country respects humanitarian rights. In 2008, based on this Code of Conduct, the UE adopted a Common Position on Exports of Military Technology and Equipment that is mandatory for all member states. It specifically outlines the need to consider the internal conditions of the country of final destination, including any tensions or armed conflicts. One of the eight criteria defined in the

BOX 1: Situation of human rights in Saudi Arabia

Saudi Arabia accepted 182 of 258 recommendations from its 2018 Universal Periodic Review before the United Nations Human Rights Council. Some of these recommendations have to do with the violations that have most attracted the attention of the international community: use of the death penalty; repression of the right to expression, association and assembly, including freedom of expression on the Internet; the harassment, arbitrary detention and processing of those critical of the government, human rights advocates, members of the Shiite minority and families of activists; and the discrimination and restriction of human rights faced by women and migrants. Others have to do with the war crimes and other serious violations of international law attributed to the country because of its continuing leadership of the coalition involved in the conflict in neighbouring Yemen. It is difficult to obtain a detailed idea of the situation of human rights in Saudi Arabia. Sources of information are controlled and international human rights organizations have been denied access, as have several UN rapporteurs and mechanisms that have asked to visit the country. Furthermore, individuals seeking to defend human rights are subjected to repression and surveillance.

18. SIPRI, "USA and France dramatically increase major exports; Saudi Arabia is largest arms importer", SIPRI, March 25, 2020.

19. Pieter D. Wezeman and Alexandra Kuimova, *Military spending and arms imports by Iran, Saudi Arabia, Qatar and the UAE*, SIPRI Factsheet, May 2019.

20. Amnesty International, *Yemen: Scathing UN report underscores need for arms embargo, tougher scrutiny*, Amnesty International, August 28, 2018.

21. On March 25, ENAAT also organized a European Day of Action, with the demand to "stop arming the Saudi-led war coalition." For more information, see Centre Delàs d'Estudis per la Pau, March 4, 2020 "Día de Acción Europea para exigir "No más armas para la coalición liderada por Arabia Saudí. La guerra en Yemen – made in Europe".

22. The campaign *Armas Bajo Control* is promoted by Amnesty International, OXFAM Intermón, Greenpeace and the Catalan NGO Fundipau.

23. Richard Norton Taylor, "Saudi Arabia leads surge in arms imports by Middle East states", *The Guardian*, February 22, 2016; Pamela Urrutia, "Arabia Saudita en la mira por compras de armas", *Diario/Radio Universidad de Chile*, March 3, 2016.

text (criterion 3) specifies that UE member states will not permit exports that provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination, or that threaten regional peace, security or stability (criterion 4).²⁴ In this case, although Saudi Arabia is not the principal setting of the hostilities, it has been an active belligerent in the armed conflict in Yemen since 2015. In keeping with the terms of the 1998 Code of Conduct, there are sufficient indications that Riyadh is violating international humanitarian law in Yemen to suspend the transfer of arms to Saudi Arabia. In addition, it is worth considering that Saudi Arabia has also been identified as the setting of “tension” as a result of its domestic policies of discrimination, repression, and abuse of human rights.²⁵ The Common Position also clearly states that compliance with the eight criteria has primacy over any member state’s economic, social commercial or industrial interests.

Second, regarding applicable regulations on an international level, it is important to remember that in 2014 the International Arms Trade Treaty (ATT) came into effect,²⁶ It too requires that all states guarantee that their arms exports are not used to perpetrate human rights abuses, acts of terrorism or violations of international humanitarian law, and that they do not fall into the hands of criminal organizations. Furthermore, for the first time in an international agreement of this scale, the treaty takes into account a gender-based perspective: all exporters are required to consider the possible consequences of the sale of these weapons for women and minors, and whether they can be used to commit or facilitate acts of gender violence or violence against women and minors. Several studies have noted the impact of the use of explosive weapons in populated areas, as in the case of the coalition led by Saudi Arabia in Yemen. These have a specific, disproportionate impact on women by destroying key civil infrastructure, exacerbating existing social and political inequalities, and increasing the risk of sexual violence in populations displaced by violence.²⁷

EU countries have prioritized their commercial and strategic relationships with Saudi Arabia and have continued to supply arms to the Kingdom despite obvious contradictions with applicable regulations and UE commitments regarding the protection of human rights

Third, it is worth noting that European states are obligated to respect their national regulations on the sale and transfer of arms. In the case of Spain, legislation on the export of arms (Law 53/2007) establishes clauses for refusal or suspension if there is evidence that the material provided could disturb peace or stability, exacerbate conflicts or be used against the dignity of human beings. In the case of Spain, as has been denounced numerous times in recent years, evidence of cases of this nature has been found. Arms sold by Spain to Saudi Arabia have fallen into the hands of the Houthis, including C-90CR rocket launchers and Alhambra hand grenades manufactured by the Instalaza company.²⁸

Despite the existence of these legal frameworks on an international, European and national level and the constant complaints about violations of international human rights by the Riyadh-led military coalition in Yemen, in general, the exportation of European arms to Saudi Arabia has continued in recent years. In other words, EU countries have prioritized their commercial and strategic relationships with Saudi Arabia and have continued to supply arms to the Kingdom despite obvious contradictions with applicable regulations and UE commitments regarding the protection of human rights. This can be observed in graphs 1 and 2.

According to data published in EU annual reports regarding the export of arms by member states, Saudi Arabia received arms worth €13,400 million from 2008 to 2018. The first graph is based on data collected by the European Network Against Arms Trade (ENAAAT) from official annual reports published by the EU in compliance with the European Code of Conduct on Arms Exports. It shows a trend towards continued growth in European exports to Saudi Arabia, which did not stop despite the start of the war in Yemen and Saudi intervention. Using SIPRI’s method for evaluating arms exports, in Graph 2 we can observe the same trend. There is no question

24. Official Journal of the European Union, [COUNCIL COMMON POSITION 2008/944/CFSP of 8 December defining common rules governing control of exports of military technology and equipment](#), December 13, 2018.

25. For additional information, see the analyses on Saudi Arabia in Escola de Cultura de Pau, *Alert 2019! Report on Conflicts, Human Rights and Peacebuilding*, Barcelona: Icaria, 2019; and Escola de Cultura de Pau and Centre Delàs d'Estudis per la Pau, *Arms Trade and Conflicts. Analysis of European Exports to Countries in Armed Conflict*, May 2018.

26. By May 2020, the Arms Trade Treaty (ATT) have been ratified by 106 States. For additional information see: <https://thearmstradetreaty.org/>

27. Rebecca Gerome, Maribel Hernández and Ray Acherson, *Preventing Gender Based Violence Through Arms Control – Case Study: The Spanish Arms Trade and Risk Assessments*, Reaching Critical Will, WILPF, July 2016.

28. For additional information, see Armament Research Services, *Spanish C90-CR rocket launchers & Alhambra hand grenades in Yemen*, ARES, August 2016; Escola de Cultura de Pau and Centre Delàs d'Estudis per la Pau, “Armas occidentales, Arabia Saudita y la guerra en Yemen” i *Comercio de armas y conflictos. Análisis de las exportaciones europeas a países en conflicto*, October 2017; and Alberto Estévez, *Armas Sin Control. Un Oscuro Negocio Marca España*, Amnesty International – Fundipau – Greenpeace – OXFAM Intermón, September 2017.

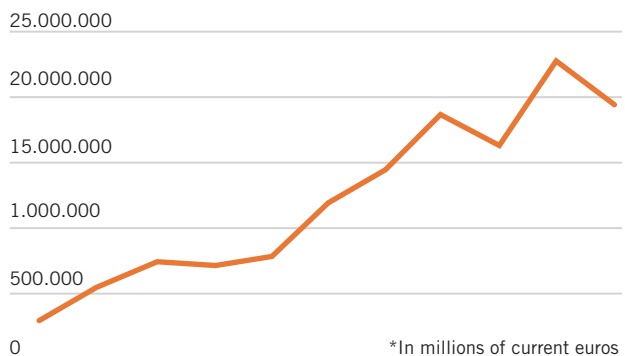
about the offensive nature of the arms exported, as firing equipment, armour, explosives, warships, ammunition and small arms make up 80% of exports from this period.²⁹ It should also be noted that many of the Saudi Air Force's fighter aircraft were exported by UE member states beforehand. These were used to bomb the civilian population in Yemen (Eurofighter Typhoon, Tornado and Mirage). These aeroplanes were produced and exported by companies such as Airbus Defence and Space S.A. (Spain), Airbus Defence and Space GmbH (Germany), BAE Systems Plc. (United Kingdom), Leonardo S.p.A. (Italy) or Dassault Aviation S.A. (France), according to a report presented in 2019 before the International Criminal Court.³⁰

Partial and insufficient restrictions

Both graphs show a reduction in exports in 2018. This continued to a lesser degree into 2019, once several UE countries decided to place moratoria on their transfer of arms to Saudi Arabia. The introduction of several restrictive measures starting in 2018 coincided with growing alarm about the civilian victims in Yemen and the deterioration of the humanitarian situation as a result of the armed conflict. Nevertheless, these measures seem to have been primarily in response to the international commotion caused by the death of Saudi Arabian journalist Jamal Khashoggi.³¹ The murder of the Washington Post columnist at the Saudi embassy in Istanbul in October 2018 gave a never-before-seen exposure to the Saudi regime's repressive policies and its abuse of human rights. The UE called for a credible and transparent investigation of the case³² while the European Parliament asked UE countries to provide a unified policy and establish an embargo on the shipment of arms to Saudi Arabia after denouncing the murder of Khashoggi and the role of Riyadh in the war in Yemen.³³

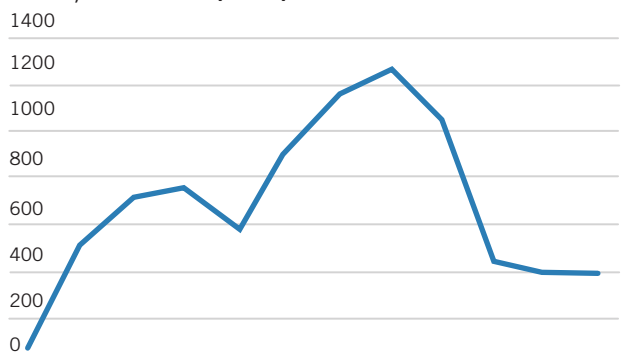
In this context, some European countries imposed certain restrictive measures. However, their practical consequences have been uneven and, in general, limited and insufficient. This is according to the collection of indications by experts in the arms trade realized by Urgewald (2020).³⁴ After the murder of Khashoggi, in late 2018 Denmark and Finland announced that they

Graph 1. Arms exports from UE member states to Saudi Arabia, 2008-2018 (ENAAT)



*In millions of current euros
Prepared by the authors using the ENAAT Database.
Consulted on February 13, 2020

Graph 2. Arms exports from UE member states to Saudi Arabia, 2008-2019 (SIPRI)



Prepared by the authors using the ENAAT Database. Consulted on March 12, 2020. The figures are expressed in TIV: TREND INDICATOR VALUE IN MILLIONS a measurement system that follows a methodology specific to SIPRI. For more information: <https://www.sipri.org/databases/armstransfers/sources-and-methods/>

would not approve arms export licenses for either Saudi Arabia or the UAE. Italy also announced its intention to stop the sale of arms to Riyadh in late 2018 as a result of Khashoggi's murder and the country's participation in the war in Yemen. This measure was further defined in June 2019, with the approval of a parliamentary motion that prohibited the export of aeroplanes and missiles to Saudi Arabia or the UAE. Existing licenses for the supply of bombs such as those produced by Rheinmetall RWM-Italia were also revoked.

In Germany, in early 2018 different political parties agreed not to authorize the export of arms to countries directly involved in the war in Yemen.

29. ENAAT Databrowser, consulted on February 13, 2020. Available at Enaat.org.

30. Report presented before the International Criminal Court in December 2019 by the European Center for Constitutional and Human Rights (ECCHR) in cooperation with Mwatana for Human Rights from Yemen, Amnesty International, Campaign Against Arms Trade (CAAT), Centre Delàs d'Estudis per la Pau and Osservatorio Permanente sulle Armi Leggere e le Politiche di Sicurezza e Difesa (OPAL) regarding the situation in Yemen.

31. Pamela Urrutia, "Yemen, la guerra ignorada", Diario y Radio Universidad de Chile, October 19, 2018.

32. European Council of the European Union, *Declaration by the High Representative on behalf of the EU on the latest developments in the Khashoggi case*, Council of the EU Press Release, November 17, 2018.

33. European Parliament, *MEPs demand end to EU arms exports to Saudi Arabia*, Press Releases, October 25, 2018.

34. Urgewald (2020): Export restrictions for members of the war coalition in Yemen: Germany is not an isolated case in Europe! Consulted on March 4, 2020.

Nevertheless, this plan was not applied until Khashoggi’s murder, which led to the prohibition of direct arms sales to Saudi Arabia. This measure was not permanent, however, and last March it was renewed until December 2020. Nevertheless, German policy in this area has significant gaps. Some have alerted that since March 2019, German companies have been allowed to continue to supply joint projects with other countries, even when the final recipient is Saudi Arabia. Still, associated countries like the United Kingdom or France had to obtain guarantees from the Saudi government that the weapons would never be used in the war in Yemen. Furthermore, neither the UAE nor any of the other countries in the Saudi-led military coalition are affected by these restrictions, and they have continued to receive supplies of German

Spain, another of the main providers of arms to Saudi Arabia according to SIPRI, only claims to restrict the sale of what it vaguely calls “lethal arms” to the Saudis and the UAE

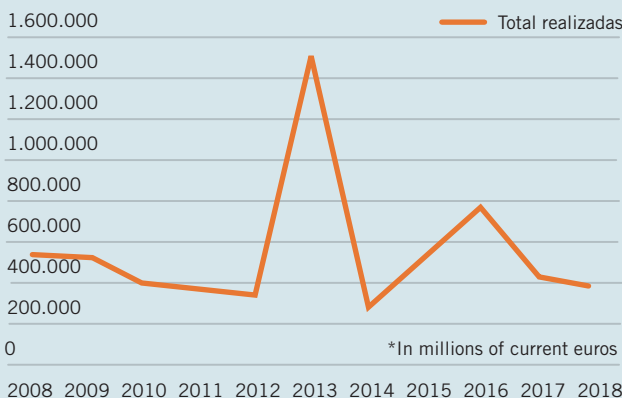
military equipment despite their direct participation in the conflict. Sectors of the German opposition have denounced the fact that since 2019 Germany has sold arms worth \$1,100 million to countries within the Saudi-led coalition, including the UAE and Egypt (see box 2: Sales of European arms to the UAE).³⁵

Other European countries such as France, Spain, Greece, Ireland or Portugal have no restrictions on the export of arsenals to Saudi Arabia. France—one of the main exporters of arms to the Saudis—has not limited its sales, either to the Kingdom or to other members of the military coalition led by Riyadh. French president Emmanuelle Macron has personally defended this policy, describing the decision of the German government to halt the sale of arms to Riyadh as “pure demagogy”³⁶

BOX 2: Sale of European arms to the United Arab Emirates

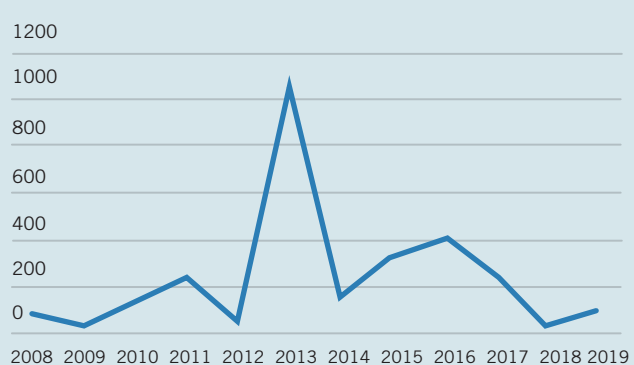
The United Arab Emirates (UAE) received European arms worth €6,060 million from 2008 to 2018 according to data published in the UE’s annual consolidated reports on the export of arms by its member states. The first graph shows a sustained growth that reached its peak in 2013, with a second peak in 2016 after a sharp decline. This shows that European countries did not halt the export of arms despite the UAE’s involvement in the conflict in Yemen. The second graph shows arms exports according to SIPRI. It shows the same spikes, as well as the fall in exports in 2014. In 2019, however, it shows a new trend towards growth, with notable exports of Spanish C-295 and A-330 MRTT military aeroplanes. The latter is manufactured entirely by Airbus Space and Defence in Spain, and it is one of the main in-flight refuelling aircraft used by the coalition in the war in Yemen. According to ENAAT, 86% of arms exported are categorized as explosive devices, vehicles and tanks, electronic equipment and ammunition.

Graph A: Arms exports from EU member states to the United Arab Emirates, 2008-2018 (ENAAT)



Prepared by the authors using the ENAAT Database. Consulted February 13, 2020

Graph B: Arms exports from EU member states to the United Arab Emirates, 2008-2019 (SIPRI)

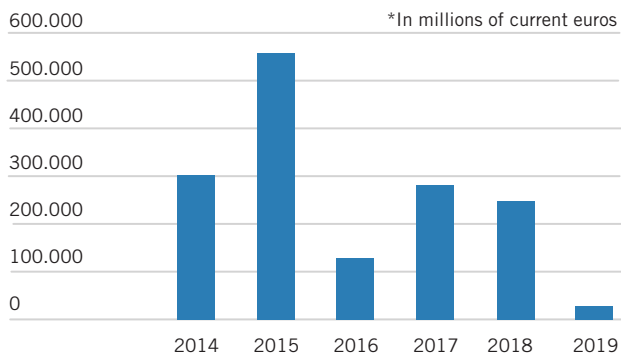


Prepared by the authors using the ENAAT Database. Consulted March 12, 2020. The figures are expressed in TIV: TREND INDICATOR VALUE IN MILLIONS a measurement system that follows a methodology specific to SIPRI. For more information: <https://www.sipri.org/databases/armstransfers/sources-and-methods/>

35. Deutsche Welle, “Germany sells arms to members of Saudi-led Yemen coalition”, *Deutsche Welle*, April 2, 2020.

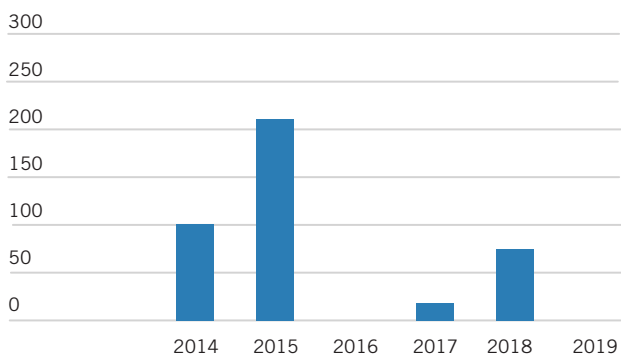
36. Urgewald (2020): Export restrictions for members of the war coalition in Yemen: Germany is not an isolated case in Europe! Consulted March 4, 2020.

Graph 3: Spanish exports to Saudi Arabia, 2014-2019



*Data from 2019 corresponds with the first trimester of the year. Prepared by the authors using Subdirección general de comercio internacional de material de defensa y de doble uso (2020): *Informes anuales de exportaciones españolas de material de defensa de otro material y de producción y tecnologías de doble uso*, consulted on April 16, 2020.

Graph 4: SIPRI Exports from Spain to Saudi Arabia, 2014-2019



Prepared by the authors using the SIPRI Database. Consulted April 16, 2020. The figures are expressed in TIV: TREND INDICATOR VALUE IN MILLIONS a measurement system that follows a methodology specific to SIPRI. For more information: <https://www.sipri.org/databases/armstransfers/sources-and-methods/>

Furthermore, Macron has stated that Khashoggi's death had nothing to do with the sale of arms.³⁷

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In the case of Spain, exports reached a peak of €545.8 million in 2015, even though the conflict was already underway. Although there was an important drop in 2016, exports rose once again in the following years. The final figures from 2019 (so far, only those of the first semester are available) must be analysed to evaluate whether exports continue to rise or have begun to drop. In the first semester of 2019, Spain exported arms categorized as ammunition and devices, firing control systems, aircraft and image processing devices (cameras, sensors, radar).

According to information from SIPRI, the biggest rise in Spanish exports to Saudi Arabia took place in 2015. From 2017 to 2018, exports rose instead of falling.

The United Kingdom is a unique case. Saudi Arabia's second-largest arms supplier (after the US) and a UE member state until 2020, the UK has maintained its policy of providing arms. Nevertheless, a judicial action initiated by the NGO Campaign Against Arms Trade (CAAT), has called these exports into question. In July 2019, the British Court of Appeals accepted a legal challenge from this organization alleging that Saudi Arabia's arms licenses violated UE directives. According to the court's ruling, no new licenses can be granted for the export of military material that may be used in the war in Yemen, as there is a clear risk that these arms will be used to perpetrate serious violations of international humanitarian law. Existing export licenses must also be reviewed to see whether they were granted on an accurate legal basis. The British government has appealed the decision, but it continues to apply until a superior ruling is made on the case.

In general terms, the flow of European arms to Saudi Arabia and other countries from the Riyadh-led coalition has continued. This is despite abuses against Yemeni civilians and violations of international humanitarian regulations, international, national and European laws, and increasingly obvious evidence of the complicity of countries supplying arms that worsen the conflict. In its 2019 report (paragraph 92), the UN's Group of Eminent Experts on Yemen refers specifically to the responsibility of third countries such as France, Iran, the United Kingdom or the US. "Third States have a specific influence on the parties to the conflict in Yemen, or directly or indirectly support them, including by means of intelligence and logistic support, as well as arms transfers. (...) States may be held responsible for providing aid or assistance for the commission of international law violations if the conditions for complicity are fulfilled. States are obliged to take all reasonable measures to ensure respect for international humanitarian law by other States.³⁹ The group also notes that the Arms Trade Treaty prohibits the transfer of arms when it is known that these arsenals can be used to commit war crimes, and insists that continuing to provide arms to the warring parties in Yemen extends the conflict and the suffering of civilians.

37. Radio France International, "EU calls for Saudi arms embargo to halt Yemen war", RFI, October 26, 2019.

38. Miguel Sánchez, "España reabre con restricciones las ventas de armas a Arabia Saudí", El País, February 28, 2020.

39. Informe panel expertos ONU.

As some experts have acknowledged, it is possible that suspending the flow of European arms to Saudi Arabia will not decisively reduce Riyadh's military capacity, since its main supplier is the United States. 73% of arms imported by the Kingdom come from the US according to the latest figures from SIPRI.⁴⁰ Nevertheless, a measure of this nature may help to apply pressure on Washington and other Western countries that continue to provide Riyadh with arms so that they halt their sales to the Kingdom.⁴¹ Furthermore, doing so would be in keeping with current laws on the sale of arms and, above all, it would be ethically responsible and coherent with the principles that European countries claim to defend: protection of human rights and respect for international humanitarian law.

Recommendations:

For European states:

- UE member states must prioritize compliance with the Common Council Position and the international Arms Trade Treaty (ATT), and suspend the export of arms to Saudi Arabia and other countries in the military coalition led by Riyadh. This is necessary to prevent these arsenals from being used to perpetrate violations of human rights and international humanitarian law. To this end, it is important to prioritize strict compliance with the eight criteria of the Common Position, not strategic or economic interests.
- The EU and European governments must reaffirm their commitments regarding the defence of human rights and the promotion of international peace and security with greater involvement in efforts to de-escalate the conflict. To this end, they must provide more decisive support to UN initiatives in this area, in particular diplomatic efforts for the development of peace negotiations.
- European states must intensify their assistance to alleviate the urgent humanitarian needs of the Yemeni people resulting from the conflict and prior situations of vulnerability. They must prioritize the identification of Yemeni society's needs and possibilities for negotiation.

For Spain:

- To comply with the Common Position, the government must halt the export of arms to Saudi Arabia and the UAE because of the possible violation of criteria 3 and 4. In other words, the internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts; and preservation of regional peace, security and stability.
- The Spanish government must apply criteria for the authorization of the export of arms that guarantee full compliance with existing Spanish and European legislation and prevent negligent, irresponsible, or malicious interpretations.
- Broader indicators must be included in the analysis of the security situation of a country to provide a more accurate and integral vision of risks to the population resulting from the sale of arms. Among other things, we recommend using the conflicts existing in the country of destination and the number of refugees or displaced persons. We also suggest taking into account the opinions and reports of independent organizations.
- The Spanish Government must apply any measures needed to permanently and effectively monitor the arms it plans to export. It must also establish ways of reversing authorized exports when necessary.
- Insist on the recommendations of the 2018 UPR for Saudi Arabia regarding the ratification of all human rights treaties, the adoption of measures to criminalize violence against women and the adoption of measures to abolish the death penalty.
- Formulate recommendations for the 2023 UPR for Saudi Arabia that, at the very least, address respect for freedom of expression, assembly and association; the situation of human rights advocates; the rights of migrants and other minorities; access by United Nations human rights mechanisms; non-discrimination and freedom before the law; freedom of circulation and residence; use of force and respect for international humanitarian law.

40. SIPRI (2020), *op.cit.*

41. Radio France Internacional, *op.cit.*

SCHOOL FOR A CULTURE OF PEACE (UAB)

The School for a Culture of Peace (Escola de Cultura de Pau - ECP) is an academic institution of investigation for peace located in the Universidad Autònoma de Barcelona (UAB). It was created in 1999 with the goal of promoting the culture of peace through activities of research, parallel diplomacy, education, and awareness raising. The main areas of investigation include conflict analysis, peace processes, gender, human rights and transitional justice, and peace education.

DELÀS CENTRE OF STUDIES FOR PEACE

The J.M. Delàs Centre of Studies for Peace (Centre d'Estudis per la Pau J.M. Delàs) is an independent organisation analysing peace, security, defence, and the arms trade. The Centre is dedicated to political and social research and action to strengthen the culture of peace and the construction of a disarmed society, making people aware of the negative effects of arms proliferation and militarism. The main areas of research are the arms trade, the financing of the arms industry, military expenditure, weapons research and development (R&D), and military operations abroad.

The Delàs Centre was born in 1999 in Justícia i Pau (Justice and Peace), as a continuation of work within the Campaign against the Arms Trade – C3A which started in 1988. Since February 2010 it is an independent research centre on issues related to disarmament and peace.

THE HUMAN RIGHTS INSTITUTE OF CATALONIA (IDHC)

The Human Rights Institute of Catalonia (IDHC) is an association that was created in Barcelona in 1983 by a group of people with a clear sense of protest and struggle for the progress of freedoms and democracy in the world and with a objective to combine the individual and collective efforts of public and private institutions to promote the expansion of political, economic, social and cultural rights for all people.

The IDHC carries out three parallel and interdependent lines of work adapted to the new reality: training, public advocacy and research. Each of these lines gives special attention to the IDHC's relationships with other institutions, network participation and study and research activities.

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