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German arms in the Yemen war

For a comprehensive arms embargo against the war coalition

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Policy recommendations

\ A comprehensive arms embargo

In view of the flagrant violation of international humanitarian law by the countries involved in the Yemen war, export moratoria of limited duration, such as the current German ban on arms exports to Saudi Arabia until 30 March, are not sufficient. Because of the active participation of other countries in the air raids, the naval blockade in the Red Sea and the transfer of arms to Yemeni militias, the German government must decide on a comprehensive arms embargo that is not limited in time against all countries of the Saudi-led coalition.

\ Revoke existing licenses

Saudi Arabia, the United Arab Emirates, Egypt, Bahrain, Kuwait, Jordan, Sudan and Senegal are militarily directly involved in the Yemen war either through their participation in the air raids, the naval blockade or through the deployment of land forces. All of them therefore must not receive any military equipment from Germany until further notice. The German government has to revoke all export licences that have been granted for arms exports to these countries.

\ "Coalition of the willing" for an arms embargo at EU level

The German government must adopt the European Parliament's demand that no more military equipment be supplied to Saudi Arabia, expand it to include the United Arab Emirates and actively support it within the European Union.

\ Stop munitions deliveries by defence companies with German participation

The German government must exert pressure on Rheinmetall to stop further deliveries of ammunition by its foreign subsidiaries and joint ventures to the countries of the war coalition.

\ Increase international pressure on Gulf Monarchies

The federal government must use diplomatic channels to demand information from Saudi Arabia and the UAE about the whereabouts of small arms supplied from Germany or produced under a German licence. It must address the apparent equipment of local militias in Yemen with German weapons and forcefully demand an explanation for this.

German arms in the Yemen war: For a comprehensive arms embargo against the war coalition

Introduction

For four years now, a war coalition led by Saudi Arabia has been fighting in Yemen against the Shiite Huthi rebels. According to the United Nations, nearly 18,000 civilians have already died in the fighting. Independent researchers from the Armed Conflict Location and Event Data Projects (ACLED) even speak of more than 56,000 people killed in the course of the fighting between January 2016 and October 2018 alone. Over three million Yemenis have fled. 14 million people are acutely threatened by hunger; more than 24 million people, including 11 million children, depend on humanitarian aid. The United Nations speaks of Yemen as one of the worst humanitarian disasters in the world.

In their coalition agreement in March 2018, CDU/CSU and SPD decided to stop exporting weapons to countries directly involved in the war in Yemen, but German defence companies were assured that arms deals already approved would not be affected ("*Vertrauensschutz*") if they could prove that the respective weapons would remain exclusively in the recipient country, i.e. would not be used in the Yemen war. In response to the assassination of journalist Jamal Khashoggi at the Saudi Arabian consulate in Istanbul in November 2018, the federal government stopped further arms exports licences for Saudi Arabia and asked companies not to use existing ones. This temporary moratorium was extended twice by the federal government until 30 March. The arms industry is threatening to sue for damages. France and Great Britain are complaining about the stop of German supplies for joint arms projects.

The federal government must decide how to proceed with the expiring moratorium. However, this must not be a question only of whether it will be extended or not. In view of the flagrant violation of international humanitarian law by the countries involved in the war in Yemen, this would be far too short-sighted.

The war coalition—Who does what? And with what weapons?

The Sunni-Arab war coalition, whose goal is the reintroduction of the internationally recognised President Abed Rabbo Mansur Hadi, who lives in exile, is led by Saudi Arabia. The Gulf Monarchy participates with about 100 fighter planes in the air attacks against targets in Yemen and flies the majority of the air attacks. In these attacks aircraft, such as US F-15 Eagle as well as Tornado and Eurofighter Typhoon fighter aircraft, both European joint arms project, are being used.

Saudi Arabia received a total of 72 Eurofighters from the United Kingdom between 2009 and 2017 for around US \$8.8 billion. About 30 per cent of these Eurofighter Typhoon consist of German components. For example the aircraft cannon by Mauser and components such as auxiliary power units or fuel outlet valves, and numerous parts, for example for the overhaul of the aircraft's batteries. In the fourth quarter of 2017, the German government approved such component deliveries for the Saudi Eurofighters. Saudi Arabia is also coordinating the deployment of combat aircraft from all coalition countries. It has been proven that in addition to precision-guided ammunition, the Royal Saudi Air Force also used cluster ammunition and unguided bombs and bombed schools, hospitals, food factories and residential areas. Saudi Arabia probably also uses Luna reconnaissance drones from the German company EMT in Yemen (10 drones were delivered from 2011 to 2012). In December 2015, Saudi Arabia is also said to have used CAESAR artillery guns to bomb Yemen from the Saudi border town of Najran.

Between 2010 and 2015, the French arms manufacturer Nexter had delivered 132 of these to Saudi Arabia, with the Unimog chassis and diesel engines for this weapon system coming from Germany.

The naval blockade in the Red Sea and the Gulf of Aden, which was also responsible for the severe humanitarian crisis, is also led by the Gulf Monarchy. Yemen is dependent on food imports for 85 percent of its needs. The international aid organisation Save the Children assumes that altogether 85,000 children have died of malnutrition in the Yemen conflict since 2015. It is also possible that patrol boats from the Peene shipyard belonging to the Lürssen Group are involved in the naval blockade: Saudi Arabia ordered 33 patrol boats. The assembly permit in accordance with the War Weapons Control Act was granted in 2015.

To date, the federal government has approved the export of 17 of these patrol boats, 15 of which were delivered by the time of writing, the first in December 2016. According to media reports, at least two of these patrol boats were repeatedly stationed in a Saudi port in which the Saudi Navy simultaneously detained a freighter destined for Yemen until the end of August 2018. In March 2018, two of the boats delivered from Germany arrived in the port of Jizan—near the border with Yemen—and has since then not sent any transponder signals.

In addition to the selective deployment of special units, Saudi Arabia arms, trains and finances local Sunni tribal militants in Yemen, including Islamist militants. Its support with materiel also includes weapons systems of German design. In 2015, Saudi Arabia dropped G3 assault rifles—the federal government granted Riyadh permission to produce them under license in 1969—to support the Yemeni Army and local militias in conquering the city of Aden over the war zone, and the much more modern G36—where the federal government approved production under license for Saudi Arabia in 2008—is now being used by various Yemeni groups. According to eyewitnesses, these weapons are also used by Sudanese soldiers who fight alongside Saudi Arabia in Yemen.

However, the contractual agreement for licence production expressly states that the weapons may only be used to equip the Saudi Army. Even the Huthi rebels, supported by Iran, are now fighting with captured G36 rifles. One can also see MG4 machine guns as delivered to Saudi Arabia by Heckler & Koch in photographs from Yemen.

The *United Arab Emirates* participate in the war coalition with about 30 to 35 fighter planes, including French Mirage 2000, and, after Saudi Arabia, fly the majority of air attacks. Strategically, they are concentrating more on the south of Yemen in order to support the separatist movement al-Hirak, which is striving for independence. The latter is not only fighting against the Huthi rebels, but since January 2018 has also been taking military action against the Yemeni government troops supported by Saudi Arabia, which means that the groups supported by the war coalition are now also fighting against each other. In addition to the southern separatists, the Abu al Abbas 'Giants' Brigade, the Shabwani Elite Forces and the Security Belt militia, which the United Nations High Commissioner for Human Rights accuses of war crimes and other serious human rights violations in a report of August 2018, also receive military training and modern Western weapons technology from the UAE. Amongst these are armoured vehicles from the United States, rifles from Bulgaria, Serbian firearms and the German MG3 from Rheinmetall that, meanwhile, is being manufactured by various countries under licence. The UAE also supplied hand grenades from the RUAG armaments company, which was supplied from Switzerland in 2003 to the Salafist Abu al Abbas Brigade. To conquer strategically important cities (e.g. the port cities of Aden and Hudaida) and central infrastructure, the Emirates in Yemen deploy their own special forces and ground troops, including heavy weapon systems owned by the Emirates: Amongst others, videos of the state-owned UAE news agency show Leclerc tanks and armoured vehicles of the type Oshkosh M-ATV and MRAP. The latter contain German components.

The Leclerc tanks used in the Battle of Aden in 2015—the French arms manufacturer Nexter delivered 390 units to the UAE by 1999—are equipped with German MTU 883 diesel engines, while the US-American Oshkosh M-ATV used in the battle for the Yemeni city of Hudaïda carries a remote-controlled FeWas weapon station that can be used to automatically track targets once they have been identified. This weapon station, originally developed by the German company Dynamit Nobel Defence from Burbach-Würgendorf, is produced in the UAE under licence.

The UAE Navy is participating in the naval blockade of allegedly around 20 warships, which also includes corvettes from Germany. The "Muray Jib-class missile corvettes" of the Emirati Navy—Germany delivered two of the Lürssen CM65 corvettes to the UAE between 1990 and 1991—are said to have been involved in the naval blockade, and one of the two used mine-hunting ships of the Frankenthal class, which were exported in 2006 and have since been modernised, accompanied the Emirati warships such as the Baynunah corvettes, which are also part of the naval blockade. Although these are based on French technology, they are equipped, among other things, with MLG 27 on-board guns manufactured by Rheinmetall in Oberndorf, Swabia.

In addition, Germany supplied Rheinmetall's MASS system for protection against sensor-guided missiles and diesel engines (Model 595) of the Motoren und Turbinen Union (MTU) in Friedrichshafen for the construction of the corvette.

Egypt is taking part in the naval blockade with speedboats and a frigate. In September 2015, *Egypt* sent 800 ground troops to fight for the capital Sanaa in Yemen. However, it is unclear whether these Egyptian ground troops are still involved in the fighting in Yemen at present. Apart from *Bahrain* (15 F-16), *Jordan* (6 F-16), *Sudan* and *Kuwait* (12 F/A-18 Hornets), *Egypt* also makes four F-16 fighter aircraft available to the war coalition. According to media reports, the Egyptian Air Force was also involved in bombings in Yemen.

The majority of the soldiers fighting on the ground in the country are from *Sudan*. The approximately 8,000 infantrymen are mainly from the paramilitary Rapid Support Force, which non-governmental organisations such as Amnesty International and Human Rights Watch accuse of systematic human rights violations. Child soldiers are also said to have been recruited for deployment in Yemen, trained in Saudi Arabia and equipped with US American small arms. According to the government of *Senegal*, it sent about 2,100 soldiers to Yemen to take part in the fight against the Huthi rebels.

According to a report by the United Nations in October 2015, *Eritrea* is also involved in the fighting with around 400 ground troops, and, like *Djibouti* and *Somalia*, it allows the war coalition the use of its military bases, airspace and territorial waters. The ground troops receive battle instructions via radio from Saudi Arabia and the UAE.

In the wake of accusations of support for terrorist organisations and the associated diplomatic crisis in the Gulf Cooperation Council, *Qatar's* military engagement ended in June 2017. In April 2018, *Morocco* also announced that it would withdraw the six F-16 fighter planes participating in the Saudi-led war coalition against the backdrop of increasing tensions with the Polisario movement in Western Sahara. *Pakistan* announced in February 2018 that an unknown number of troops would be deployed to Saudi Arabia in the framework of bilateral security cooperation with Riyadh. So far 1,000 Pakistani soldiers have been stationed there, but there is a parliamentary decision that confirms *Pakistan's* neutrality in the Yemen war.

The Arab war coalition is also indirectly supported by its Western partners, especially the *United States*, which supplies the war coalition with weapon systems, especially precision-guided bombs and stand-off missiles. Air and drone attacks are supported by intelligence and logistics.

With air-to-air refueling, the United States extended the operating time of the F-15 and F-16 fighter aircraft of the war coalition, at least until November 2018. By sending military advisers to Saudi Arabia, the United States is helping to locate Huthi missile positions in the topographically demanding north of Yemen. Specialists from *Great Britain* are also helping the Saudis at the military mission centre in Riyadh to select targets for air attacks and are training Saudi fighter pilots.

Which German arms deliveries are still outstanding?

The German government has granted all countries of the war coalition, with the exception of Sudan, which is subject to EU and UN arms embargoes, arms exports. The total volume of arms export licences is approx. Euro 5.2 billion since 2015.

Among the arms exports to Saudi Arabia approved in 2018, amounting to around 416 million Euro—Saudi Arabia is thus one of the largest recipient countries of German arms exports after Algeria, the United States and Australia in 2018—are patrol boats, radar systems for locating enemy artillery, aircraft parts and equipment for the air-to-air refuelling of aircraft used in Yemen.

However, at the time of the export ban in November 2018, not all arms, for which the export was approved, had actually been transferred. Transactions worth around 1.5 billion Euro are expected to be affected by the export ban, which includes, for example, four reconnaissance radar systems for Cobra artillery guns. Also, of the 33 armed patrol boats that Saudi Arabia had ordered from Peene Shipyard in Wolgast, only 15 boats have been delivered so far. In addition, Germany has ceased to supply parts (including drives and warheads) for Meteor air-to-air missiles for the Eurofighter Typhoon - leading to considerable irritation of Great Britain and France.

Table 1
Approved German arms exports to the countries of the Saudi-led war coalition in Yemen

| Recipient country | Approval of arms exports 2015 - 2018 (in Euro) |
|---------------------|---|
| <i>Egypt</i> | 1,141,076,525 |
| <i>Bahrain</i> | 22,540,246 |
| <i>Jordan</i> | 64,976,894 |
| <i>Qatar</i> | 1,716,319,462 |
| <i>Kuwait</i> | 201,751,411 |
| <i>Morocco</i> | 29,213,479 |
| <i>Saudi-Arabia</i> | 1,470,627,873 |
| <i>Senegal</i> | 281,245 |
| <i>Sudan</i> | 169,000 (UN-Mission) |
| <i>UAE</i> | 535,866,193 |

Arms export licences up to and including 26 December 2018. Total values for 2018 derived from parliamentary questions to the federal government. The dates of withdrawal from the coalition of Qatar (June 2017) and Morocco (April 2018) were taken into account in the aggregation of the figures.

Other countries of the war coalition, against which the German government has not yet imposed an export stop, also expect arms deliveries from Germany, with the United Arab Emirates receiving six BR-710 turbines, the export of which was decided between 2015 and 2017, for three Canadian Global-6000 transport aircraft. These are to be equipped in Sweden with an AEW&C system for airborne air reconnaissance and surveillance, which is essential for air warfare in Yemen. The Emirati Navy will receive 48 warheads and 91 homing heads for the air defence systems of its warships.

In September 2018, it also became known that the Federal Security Council also approved the delivery of 385 Dynamite Nobel Defence anti-tank missiles to Jordan; Egypt will receive seven SLS air defence systems from Diehl that uses the IRIS-T SL surface-to-air

missiles. In addition to two further 209/1400 submarines scheduled for delivery in 2021, Egypt ordered 330 air-to-air missiles from Germany in 2017, which have not yet been delivered. In December 2018, the Federal Security Council also approved the export of a Meko 200 frigate to Egypt.

In November 2018 the shipyard division of Thyssenkrupp AG was awarded the contract to build two of these frigates. The value of this arms deal is expected to be in the region of one billion Euro.

The supply of ammunition is essential for any warfare. In Yemen, the war coalition uses inter alia MK80 series bombs (various types from 250 to 2000 pounds) and artillery ammunition, which are manufactured in Italy by a subsidiary of the German company Rheinmetall and by the South African joint venture Rheinmetall Denel Munitions, in which the German arms manufacturer, headquartered in Düsseldorf, is the majority shareholder. These ammunitions are shipped from Italy and South Africa to Saudi Arabia and the UAE. Following attacks by the war coalition against targets in Yemen, remains of bombs produced by the Rheinmetall subsidiary in Italy have been found several times. In March 2016, in Al Kharj, 60 kilometres south-west of Riyadh, a munitions factory opened for the local production of mortar ammunition, artillery ammunition and MK80 series bombs. This factory was also built by Rheinmetall Denel Munitions. The joint venture also built similar turn-key munitions factories in the UAE and Egypt.

Conclusion

Without the extensive arms build-up of Saudi Arabia and the United Arab Emirates in particular, through Western military technology, the war in Yemen by the Sunni-Arab war coalition would not have been possible.

In view of the flagrant violation of international humanitarian law by the countries involved in the Yemen war, export moratoria of limited duration,

such as the current ban on arms exports to Saudi Arabia until 30 March, are not sufficient. A comprehensive arms embargo against all states of the coalition led by Saudi Arabia is necessary, particularly due to the active participation of other countries in the air raids, the naval blockade in the Red Sea and the transfer of arms to Yemeni militias. Saudi Arabia, the United Arab Emirates, Egypt, Bahrain, Kuwait, Jordan, Sudan and Senegal are directly involved with their military in the Yemen war. All of these countries, therefore should not receive any military equipment, including components, from Germany until further notice. All export licences already granted—for example the licence to export further patrol boats to Saudi Arabia—should be revoked. Claims for damages by the arms industry would incur if it were not possible to find other buyers for the weapons systems already produced. These would be the price Germany would have to pay for countering a further escalation of the war in Yemen and a worsening of the humanitarian situation. They would also be the costs of a short-sighted arms export policy in which for many years, the German government completely misjudged the risks of arms exports to authoritarian states in crisis areas to international security, peace and human rights. One lesson to be learnt from this is that the rules of arms export policy in Germany should be designed in such a way that arms exports to such states actually only take place in very few and exceptional cases that have to be justified explicitly. In its recent arms export report, the Joint Conference Church and Development (GKKE) presented proposals on how this could be designed in concrete terms.

Within the EU, Germany should support the European Parliament's demand to stop supplying Saudi Arabia with military equipment. The European Parliament had already called for this in February 2016 and repeated this demand in November 2017.

Germany should adopt this demand and at least extend it to the UAE. It will certainly be extremely difficult to win over arms export-friendly countries such as France for this. Particularly in view of the intended

cooperation between Germany and France in the development of future weapons systems and the concerns of the French government about German export restrictions expressed in this context, this seems virtually impossible. Nevertheless, cooperation between France and Germany in the field of armaments technology is in the interest of both governments.

This is why Germany must insist on concessions from France in view of arms exports restrictions. Should France insist on arms exports in light of an ongoing war, massive violations of international humanitarian law and the illegal transfer of weapons, this would fundamentally call into question any closer arms cooperation.

Critics may argue that an arms embargo could at best have a long-term effect on the behaviour of the war coalition countries. To counter this, one may argue that a comprehensive arms embargo, which would be supported by as many countries as possible, could also exert pressure in the short term, especially if it covered the main critical goods of this war—spare parts and ammunition. Since Rheinmetall's munitions exports are handled by foreign subsidiaries or joint ventures, the German government currently has no legal means of exerting any influence by refusing or revoking export licenses, which it has in the case of components supplied from within Germany. It could, however, as in the case of the already approved but stopped exports from Germany after the Kashoggi murder pursue a 'strategy of discouragement' to persuade Rheinmetall to stop further exports to the countries of the war coalition.

Finally, it should be mentioned that, beyond the humanitarian catastrophe in Yemen, there are additional good reasons for the Federal Government not to supply any more arms to Saudi Arabia, the UAE and the other countries of the war coalition. If it is in the foreign and security policy interest of Germany to maintain a 'rule based international order' and if the government thus wants to 'pioneer' the development

and enforcement of such an order—as Foreign Minister Heiko Maas never tires of emphasising—then it is crucial for its credibility to adhere to these rules itself and to help them to be implemented—although and especially when this incurs costs. These rules include international humanitarian law and the International Arms Trade Treaty (ATT). The continued arming of the war coalition promotes the erosion of international humanitarian law, in particular the principles for the protection of civilians. The ATT—just like the EU Common Position on the export of military technology and equipment, which is legally binding for all EU Member States—prohibits arms exports if there is a clear risk that they will be used to violate international humanitarian law. For most arms exports to the war coalition such a risk can only be dismissed if the war in Yemen is ignored.

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