
Western Arms Sales: the Abuse of Human Rights in the Wake of the Gulf War

by Emma Nicholson

Member of British Parliament

In the heart of the Mesopotamian marshes the final act of an epic tragedy is being created. Like most disasters, this is a man-made horror. The people of Chika, an area naturally untouched since Sumerian days, where the waters of Babylon have lain undisturbed since the ending of the last Ice Age, are being wiped out. The aggressors are the army and civil engineers of Saddam Hussein. Throughout the ancient marshlands, once home to millions of wintering birds, hastily erected dams and dikes have created a new landscape of mud and dead bodies; a Flanders in Arcadia. Gradually, the forced drainage, followed by soldier tanks and bombs, has swallowed the farms and villages and killed the people. Now the last safe haven for tribes and villages waits for extinction. Escape is impossible; no savior will come.

How can the situation have arisen? Surely the West should recall that the history of the Persian Gulf is littered with challenges to the regional order. Earlier external attempts, before and after World War II, to structure a stable security system have all failed to provide long-term stability. The last Gulf War was a case in point; while it achieved a necessary short-term goal it did little to resolve the root causes of political in-

stability, even in the invading country of Iraq it thereby created greater tensions in the neighboring countries of Saudi Arabia and Iran. But, we must not lose hope that progress can be made in the region. It should be possible with additional knowledge to work towards a new level of security for nation states in the Persian Gulf. A crucial ingredient in any new security arrangement in the region (in addition to being a key component of the West's policy to enhance stability and foster confidence between adversaries) must be the development of effective arms control measures. In any region of tension, where levels of mistrust run high, the unrestrained introduction of destructive weaponry can only fuel suspicion and both destroy the peace process as well as human lives.

In light of their performance since the Gulf War, most Western governments seem, so far, to have failed to learn the lessons of past arms export policy to the region. Indeed, the former policy, based on the Solomon's judgment of "regional balance" has been renamed "dual containment." Following the Iranian revolution in 1979, which demonstrated the comparative immunity of the area from the framework of the Cold War, most Western governments' policies seemed to focus on the containment of the Iran-Iraq war with an unwritten agenda item (contrary to the UN Declaration of Human Rights) of preventing the spread of Islam internationally. Saddam Hussein must have felt moral superiority with super-powers support for his bid for pan-Arabism, supreme entrenched ethnic cleansing program. The Jews "of less value than flies", indigenous Baghdad-based Iranians, the Assyrians, the Kurds; deportation, torture, imprisonment or death of these troublesome groups had caused no international comment. Who would not conquer Iran, beginning with the province of Khuzestan (renamed by him, Arabistan)?

The Iraqi invasion of Iran received a muted international response. However, when Iraq seemed to be on the point of losing in 1982, the Superpowers appeared to take sides. Far from engaging in Cold War competition, both sides separately

concluded that the Iranian "Islamic fundamentalist" threat was the more serious to the stability of the West and that Iraq would have to be supported.

President Mitterand of France, commenting on the Iran-Iraq war in 1982 summarised the situation as : "We do not want Iraq to lose the war. The age-old balance between the Arab and the Persian worlds must absolutely be maintained." This policy manifested itself in a series of policy oscillations in which arms exports from Western (and other) government were made available to one side, then the other, and then to both sides. Indeed, during the 8 year war over 39 countries sold weapons to Iran and Iraq, most of them to both sides, including chemical weapons, or the capacity to make them, to Iraq.

Western policy seemed to be predicated upon the assumption that arms transfers would breed moderation in the Middle Eastern governments. For example, Iraqi-Egyptian cooperation over the Condor ballistic missile project in 1984 was looked on with favor as the possible beginnings of a new "moderate" Arab alliance. The covert arming of Iran from 1986 onwards was, according to Admiral Poindexter "premised on the assumption that moderate elements in Iran [would] come to power if these factions demonstrate their credibility in defending Iran against Iraq". During this period, Israel also supplied arms to Iran to strengthen her reaction against Iraq. In retrospect, the policy by the West of pursuing regional security through arming one country against another seems to have done little to achieve stability in the region. The Iraqi invasion of Kuwait concluded the successive failures of the West to promote a sustainable security system in the region. Indeed, this Iraqi invasion revealed the inherent danger of international arms transfers, directed towards containing one threat and re-

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sulting in the creation of other equally de-stabilizing problems. Clearly, the arms trade was not the only factor involved in causing the war—it was Saddam Hussein who took the decision to invade Kuwait, not his weapons. However, the massive arms sales and technology transfers made to him by the West during the 1980s gave him the confidence to believe that he could win.

Western policy allowed Iraq to acquire the capability to develop weapons of mass destruction which, in the words of the British Foreign and Commonwealth Office, has posed “a devastating threat to Iraq’s neighbors and to the stability of the area”. In collaboration with Iraq’s State Establishment for Pesticides Production, for instance, the West designed and built “pesticide” complexes including the chemical weapons plant Samara which produced mustard gas, prussic acid and nerve gases such as Sarin.

Once Iraq had occupied Kuwait, the international community had no choice, but to intervene. But, the costs of such intervention must surely raise further questions about the wisdom of arming one state against another in a region of tension. The post-war problems have not been confined to the cost of liberating and rebuilding Kuwait (estimated at around \$90 billion). The effects have also been felt much further afield. More than 4 million people have been displaced by the war. The forced return to Yemen of 800,000 Yemenis from Saudi Arabia is crippling that country and ruining any hope of democratic development. Altogether the equivalent of more than \$68 billion has been paid out by neighboring countries to the First World to cover the costs of the war. More than \$12 billion has been lost by the poorest countries such as Jordan and Yemen through sanctions against Iraq. Iran now harbors 4 millions refugees, with more arriving on an almost daily basis from Southern Iraq, the Marsh Arabs being the final survivors of a drainage program for 30,000 square miles of international heritage-value wetland. As a new weapon of destruction, Iraqi engineers have now taken from the local people their whole en-

vironment.

Even with the two Gulf Wars behind it, the region is as unstable as it ever was. Iraq is now unstable, isolated and crippled economically. In the wake of the uprisings against the regime, political repression has tightened drastically. The cultural and non-political institutions of the Shiites, 55 percent of the pre-war population, have been subjected to economic blockade, displacement from their homes and chemical attacks. In the South, as already noted, the historic Marsh Arabs, *Ma'dan* are being obliterated through a systematic policy of starvation, military and environmental attack in their homelands, the Mesopotamian marshes. Probably napalm, and certainly chemical weapons, have recently been used against them.

The situation in Central Europe towards the end of the Cold War illustrated the possibility, once a political framework is in place, to make progress in limiting arms proliferation in the region, whilst the arms control process itself should form an important confidence and security building measure.

However, in the Middle East it seems that the "arms equals stability" formula continues to be applied to the region's security problems. The dual containment policy seems to have a Lorelei-like lure; the rocks beneath still beckons its supporters to oblivion invisibly. Whilst the international community has made stringent efforts to prevent Iraq from obtaining nuclear weapons, the peace settlement has allowed Iraq to continue to produce conventional weapons and ballistic missiles with a range of up to 150 kilometers. Moreover, Iraq still poses up to 200 SCUDS. In a recent report prepared for the US House

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Foreign Affairs Committee, Iraq is described as being in the process of rebuilding much of its weapons production capability following the Gulf War and has returned to service most of the tanks, artillery and combat aircraft damaged by allied forces. The report claims that several Iraqi factories with conventional weapons production capability are still believed to be in existence.

In the two years following the Gulf War, the Western countries poured some \$45 billion in arms and related technology into the region, chiefly to Saudi Arabia and Kuwait. Between 1987 and 1991 sales to Saudi Arabia amounted to nearly \$11 billion making it the second largest importer of weapons in the world. This is despite the fact that "the country's present economic and fiscal path is unsustainable"¹. These exports resulted in demands from Israel to maintain her qualitative edge on her Arab neighbors, and led to transfers of F-15A aircraft, Apache, Black Hawk helicopters and Harpoon missiles from the US.

Whilst countries with legitimate security concerns within a weapons range of unstable countries have the right to question most rigorously the wisdom of exporting particularly offensive weaponry, such as highly capable medium-range aircraft, to such countries without first assessing the impact of these exports on the security perceptions of neighboring countries. Hence, the impact such weapons will have on the peace process. Arming one state in a region of tension and mistrust, with insufficient regard for the impact of these exports on a neighboring country's security, can lead to extreme insecurity in the weaker state. That insecurity then encourages the weaker state to seek weapons of mass destruction and sophisticated conventional arsenals from whatever sources possible, and thus leads to a spiraling arms race.

Take the case of the Persian Gulf today: arms pouring into Saudi Arabia; Iraq maintaining a defense infrastructure apparently capable of refurbishing the 250 or more fighter aircraft, 2500 main battle tanks and 2500 Armored Personnel Car-

riers that survived the war, and the threat of expanding its military inventory in the very near future. Moreso, Iran has a level of ground forces vastly inferior to the Iraqi forces, including more than 700 main battle tanks and Armored Personnel Carriers², it has also more recently sought to develop other suppliers, including China and Russia to start to redress the balance of capability.

Unfairly, given their attachment to dual containment, some Western governments have been critical of the Iranian, Russian and Chinese governments for expanding Iran's military capabilities. Surely, with a significant proportion of the Iraqi threat intact and with the West securing lucrative deals in Saudi Arabia and Kuwait, we in the West should respect Iran's need for security. And we should now reassess the impact of those Western governments' own arms export policies.

I believe that present arms export policies can do little to enhance regional stability there and will probably enhance tensions. We would be better to seize the new opportunities now presented in the region to change the destructive pattern of military competition and provide a leadership role, or we are likely to witness further major military (perhaps even nuclear adventurism in the region). Iraq has predatory ambitions for further territorial expansion. Recent military moves make that clear.

Since the Gulf War, the number of initiatives taken to tighten export controls to regions of tension has been small. The initiatives of the Permanent Five Member States have floundered following China's withdrawal from the proceedings. Nevertheless, there is still an opportunity for effective action if the US and the European Union (EU) are ready to take the lead.

In 1992, the US and EU jointly accounted for 86 percent of arms transfer agreement to the developing world. Since the collapse of the Soviet Union, the United States has become the world's single largest exporter of conventional weaponry. A US-EU initiative would therefore affect a significant proportion of the trade in arms. Such an initiative would need to take

into account a number of complex elements, such as the legitimate need for self-defense in the region and the fact that some countries have more immediate security fears than others; for example Syria and Iran have markedly different perceptions of the nature and proximity of potential threats to other nations nearby.

The problem at present is that there is little real debate about regional defense requirements and of the impact of conventional arms exports on regional stability. Without such a debate, it is clear that short-term, commercial considerations will always take precedence over long term international security concerns.

One priority, therefore, is for supplier countries to develop clear criteria governing conventional arms export to provide a basis for governments, parliaments and outside interest groups to define whether an export is legitimate or not. Such criteria already exist in different places. Both the CSCE and the EU have agreed on a set of criteria governing arms exports. However, they have yet to agree on a common interpretation of these criteria. The most effective way to achieve this is by defining and implementing a Code of Conduct with regards to arms exports, based on the higher levels of existing controls.

With regards to arms exports to regions of tensions, such as the Middle East, there would be a need to be presumptuous against the export of particularly offensive weapons such as those defined in the Treaty on Conventional Arms Transfers, until a convincing case had been made to the other major suppliers that the export would not impact negatively in regional security efforts. Moreover, initiatives might also be explored in which the weapons in question (e.g. Patriot missiles) might better be loaned to the counter as part of a regional security operation. This would complement, for example, US efforts to pre-position advanced munitions in Israel. However, criteria alone will not be enough. This has been illustrated by the Matrix-Churchill scandal in which a UK machine tool company was covertly purchased by the Iraqis and used to export large

quantities of sophisticated technology for Saddam Hussein's arms industry.

No matter how comprehensive on paper, exports controls and criteria can be circumvented. A prerequisite for an effective regime, therefore, is greater transparency in arms export decision-making. From this perspective, the UN Arms register is an important step, because it recognizes that arms build-ups and imbalances are de-stabilizing. But further action is needed. The register model could, for example be applied at a regional level to form the basis of discussion on what constitutes a legitimate acquisition as well as acting as a confidence building forum. Once again, the important point here is that once a political framework is in place, it becomes possible to develop confidence and security building measures to enhance the political process.

For this to succeed, it is also necessary to build in consultation procedures between suppliers so that opposition to exports can be raised and debated. An earlier model for this is the Tri-Partite Arrangement of the 1950s between the US, Britain and France. Under this agreement exports to the Middle East were subject to consultation. A similar arrangement to this one formed a part of the Permanent Five's discussions. These talks need to be brought back on track, initially without China if need be. In addition, this procedure should form a central part of any successor to the Coordinating Committee for Multilateral controls.

Finally, the role of parliaments both national and federal in the decision-making process should be expanded. At present, unlike the US system, no European Union member government allows its parliament to check routinely on the details of the executive's actions. A minimum requirement should be the submission of a written report by each member state's national legislature with a description of the previous year's authorizations and deliveries, and an outline of potential transfers for the next six months. This could prove to be appropriate material for an annual debate. If companies and governments knew

that arms exports would be subject to a democratic debate then surely they would be reminded of their obligation to adhere to existing criteria.

At present, it seems these initiatives are some way off. However, the increased awareness of the growing costs of conflict, combined with the apparent inability of the international community to cope with the increasing demands on UN peace-keeping, means that the focus of governments' action is slowly beginning to switch to conflict prevention. At the same time, the emergence of several newly industrialized countries as significant and competitive exporters in their own right, presents powerful incentives for the West to develop effective mechanisms of international restraint. Of course, any initiative can be deliberately turned sour by deliberate misinterpretation. The recent US loan of Patriots to South Korea is a case in point, dubbed immediately by North Korea as tantamount to a declaration of war.

At the EU level, some progress is being made. Support for a "Code of Conduct" governing arms exports has been expressed by the European Parliament and the Belgian, Danish and Dutch Governments, while the Irish Government has presented a motion to the UN General Assembly. Moreover, the German Government (who will have the Presidency of the European Union from July of this year) has expressed its support for more concerted action in this field.

A further and most welcomed opportunity is provided by the Clinton Administration. President Clinton has already established his desire to control the proliferation of chemical, biological and nuclear weaponry. He has also stated his intention to conduct a thorough review of arms export policy. In addition a Bill on a Code of Conduct was tabled in both US Houses in November 1993.

The problem is that in a time of declining national markets, no country is willing to give up export markets to competitors. There is clearly a need for cooperation to overcome this. If both the EU and US act together then the world is in a

better position than ever before to turn on its head the old argument that, "if we don't, they will". By the same logic, the responsible world can say "we will, if you join us".

And where does this leave Iraq? In truth, the earlier arms proliferation has given a tyrant the power to wreak sustained, cruel and inhuman punishment on those of his people who do not support him, seemingly for an eternity. We are all the guilty men. Reparation can be made, but only if the Human Rights card is allowed a winning trick. ●

Notes

¹ Middle East Economic Survey.

² The Military Balance 1992-93.