

# **US Arms Sales**

## **2019-2020 Topic Proposal**

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# Introduction

Upon his triumphant return to the United States, Tony Stark reflects upon the world his weapons helped shape. In his first press conference he remarks:

*“I saw young Americans killed by the very weapons I created to defend them and protect them. And I saw that I had become part of a system that is comfortable with zero-accountability...I had my eyes opened. I came to realize that I had more to offer this world than just making things that blow up. And that is why, effective immediately, I am shutting down the weapons manufacturing division of Stark Industries.”*

In facing his own imminent destruction, Tony Stark had his day of reckoning in determining what role his arms sales had in shaping the world. The United States is on the verge of a similar day of reckoning. President Trump is actively increasing the number of arms contracts offered and authorized by the United States. The question we must ask is, do arms sales make us safer and strengthen our economy, or do we face blowback and destabilizing a variety of regions across the globe. A fair division of ground exists in the literature base between those who actively call for increasing and/or terminating arms sales around the globe. With this divide in mind, this topic offers debaters the opportunity to investigate arms sales, which have not been debated since 1983. Affirmatives will have opportunities to investigate the role arms sales play in international terrorism, conflict promotion, and/or erosion of human rights. Negative teams will have the ability to either defend the security benefits of arms sales or highlight the impact arms sales have on the economy.

# **Section 1: The History of Relevant Arms Control Regulation**

\*This is an update from the introductory section of my 2013 Export Controls topic paper.

## The Arms Control Export Act

The first relevant piece of legislation that guides the current regime of export controls and arms sales is the Arms Control Export Act, which was created in 1976. Under the act, the President is given the authority to control the import and/or export of "defense articles and defense services" (Arms Control Export Act).

**The President has the authority to issue licenses to an individual or a defense contractor. There are 5 events the President must use to determine if the exporting of a technology is safe.**

**Legal Information Institute, No Date** "Arms Control Export Act (1976)" Cornell Law School, [http://www.law.cornell.edu/wex/arms\\_export\\_control\\_act\\_1976](http://www.law.cornell.edu/wex/arms_export_control_act_1976)

The Arms Export Control Act authorizes the president to control the import and export of defense articles and services. If the president chooses, he can issue a license to an individual or organization that wishes to export defense articles or services. Otherwise, exportation of these items is not permitted. Decisions on whether to issue an export license for the defense article or service take into account whether the export would contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements. The defense items controlled by the Arms Export Control Act appear in the United States Munitions List.

In addition to these five events, the act also controls the sale of various technologies to some parties and it requires the documentation of such trades. For the most part, the main tenets of the ACEA have stayed consistent since 1976. The document that controls most of the regulations set forth by the ACEA is the International Transfer Regulation of Arms Regulations or ITAR for short.

**The State Department governs arms transfers and commercial exports in accordance with the Arms Control Export Act, the Conventional Arms Transfer Policy, the Foreign Assistance Act of 1961 and ITAR.**

**US State Department, April 16, 2018**, "U.S. Arms Sales and Defense Trade," U.S. Department of State, <https://www.state.gov/t/pm/rls/fs/2018/280506.htm>

The United States is committed to strengthening allies and partners worldwide so that they meet their own legitimate self-defense needs and can improve their capabilities to operate beside U.S. forces to address shared security challenges. The U.S. **Department of State's Bureau of Political-Military Affairs (PM)** oversees most government-to-government arms transfers and the commercial export licensing of U.S.-origin defense equipment and technologies, consistent with the Arms Export Control Act, the Conventional Arms Transfer Policy, the Foreign Assistance Act of 1961, the International Traffic in Arms Regulations, and other statutory authorities and relevant international agreements.

## ITAR

In short, ITAR implements the ACEA. ITAR was enacted in 1976 along with ACEA to create unilateral arms export controls during the cold war. The function of ITAR is to regulate the import/export of defense related articles and services on the US Munitions List.

**Items can be placed on the munitions list regardless of what the purpose of an item is. ITAR and the state department set out a two-part test to place an item on the list. There are also regulations for items that are/not placed on the list.**

Margaret **Gatti**. "Overview of Current Export Controls," First appearing in the **1998** Export Control Guide. <http://library.findlaw.com/1998/Jul/1/130640.html>,

In accordance with Part 734.3 of the Export Administration Regulations (EAR) and Part 120.1 of the International Traffic in Arms Regulations (ITAR), the U.S. Department of State has exclusive jurisdiction over the export of defense items, i.e. defense articles, defense services and related technical data. Articles, services and related technical data designated as defense items by the Department of State are grouped together as defense items in the Munitions List (Part 121 of the ITAR). The State Department is guided in its designation of defense items by a policy statement outlined in Part 120.3 of the ITAR which makes it clear that it is not the intended use (i.e. military or civilian) of an article, a service or technical data after export which is relevant for determining whether the article, service or technical data is a defense item. Instead, it is an item's inherent capabilities and design which are considered in determining whether or not an item should be given defense item status. The policy statement further guides the State Department in defense item designation by presenting a two-part test for defense item status. According to this two-part test, articles, services and related technical data may be designated as defense items and placed on the Munitions List if they:

1. are specifically designed, developed, configured, adapted or modified for a military application; and (a) do not have a predominant civil application; and do not have performance equivalent to that of an article or service used for civil applications; or
2. are specifically designed, developed, configured, adapted, or modified for a military application and have significant military or intelligence applications, such that control by the Department of State, Office of Defense Trade Controls is necessary.

Items which meet either or both of these tests are considered to have defense item status and, as result, can not be exported from the U.S. without a State Department export license, unless a license exception applies. Alternatively, items, which do not meet either of these tests are not considered to have defense items status. As a result, they are not controlled by the State Department for export purposes and default instead to the export control of the Commerce Department, unless otherwise excluded from Commerce Department control in accordance with the provisions of the EAR.

The beauty of ITAR reform is that it is always timely and/or topical. ITAR reforms are brought up at least once a year; sometimes there are multiple pushes for strengthening or weakening parts of ITAR or the ACEA.

## **One such call for recent ITAR reform came in 2010, Former Secretary Gates highlights strengths and weaknesses of our export control regime:**

Robert **Gates. 2010** "Business Executives for National Security"

<http://www.defense.gov/speeches/speech.aspx?speechid=1453>

The United States is thought to have one of the most stringent export regimes in the world. But stringent is not the same as effective. A number of lapses in recent years – from highly sensitive materials being exported to vital homeland security capabilities being delayed – have underscored the flaws of the current approach.

Several factors contribute to these kinds of scenarios, which at worst could lead to the wrong technology falling into the wrong hands. One major culprit is an overly broad definition of what should be subject to export classification and control. The real-world effect is to make it more difficult to focus on those items and technologies that truly need to stay in this country. Frederick the Great's famous maxim that "he who defends everything defends nothing" certainly applies to export control.

This problem goes back a long way, and was evident well before the collapse of the Soviet Union. In 1982, when I became deputy director for intelligence at CIA, my responsibilities included tracking prohibited transfers of U.S. technology. It soon became apparent that the length of the list of controlled technologies outstripped our finite intelligence monitoring capabilities and resources. It had the effect of undercutting our efforts to control the critical items. We were wasting our time and resources tracking technologies you could buy at RadioShack.

Today, the government reviews tens of thousands of license applications for export to EU and NATO countries. In well over 95 percent of these cases, we say "yes" to the export. Additionally, many parts and components of a major piece of equipment – such as a combat vehicle or aircraft – require their own export licenses. It makes little sense to use the same lengthy process to control the export of every latch, wire, and lug nut for a piece of equipment like the F-16, when we have already approved the export of the entire aircraft.

Finally, Gates offers a great proposition of how ITAR itself could be easily modernized to eliminate many of the current complaints. Four solutions: Consolidate down to one munitions list, create a single licensing entity, redirect all authority to one export control agency, and reform our info technology infrastructure

Robert **Gates. 2010** "Business Executives for National Security"

<http://www.defense.gov/speeches/speech.aspx?speechid=1453>

Following this directive, and informed by a recent National Intelligence Council assessment of the key national-security considerations, I have worked closely with my counterparts at the departments of State, Commerce, Homeland Security, as well as with the director of national intelligence and the national security advisor to develop a blueprint for such a system. Our plan relies on four key reforms: a single export-control list, a single licensing agency, a single enforcement-coordination agency, and a single information-technology system.

First, a single export-control list will make it clear to U.S. companies which items require licenses for export and which do not. This single list, combined with a single licensing agency, would allow us to concentrate on controlling those critical technologies and items – the "Crown Jewels" if you will – that are the basis for maintaining our military technology advantage, especially technologies and items that no foreign company or government can duplicate. Items that have no significant military impact, or that use widely available technology, could be approved for export quickly. We envision a more dynamic, tiered control system where an item or technology would be "cascaded" from a higher to a lower level of control as its sensitivity decreases.

Second, a single licensing entity, which will have jurisdiction over both munitions and dual-use items and technologies, will streamline the review process and ensure that export decisions are consistent and made on the real capabilities of the technology. This single entity would also reduce exporters' current confusion over where and how to submit export-license applications, as well as which technologies and items are likely to be approved. The administration is currently preparing options for the agency's location, and I anticipate a presidential decision later this spring.

Third, the coordination of our currently dispersed enforcement resources by one agency will do a great deal to strengthen enforcement, particularly abroad, as well as coordination with the intelligence community. Those who endanger our troops and compromise our national security will not be able to hide behind jurisdictional uncertainties or game the system. Violators will be subject to thorough investigation, prosecution, and punishment severe enough to deter lawbreaking.

Fourth, a single, unified informational technology infrastructure will reduce the redundancies, incompatibilities, and waste of taxpayer money that our current system of multiple databases produces. For example, a single online location and database would receive, process, and help screen new license applications and end-users.

On March 8, 2013, President Obama signed an executive order reforming ITAR making several notable changes.

**Laura Bender from the Titus blog observes:**

The Titus Blog "US Export Control and ITAR: Upcoming Changes" **April 1, 2013**,  
<http://www.titus.com/titus-blog/2013/04/us-export-control-and-itar-upcoming-changes/>

March has been a very busy month for US export control reform. On March 8, President Obama signed a new Executive Order that updates delegated presidential authorities over the administration of certain export and import controls. The Administration also announced that it had notified Congress on March 7th about its proposed export control changes for aircraft and gas turbine engines. These changes are very important because they involve transferring certain parts and components from the ITAR-controlled United States Munitions List (USML) to the Commerce Control List (CCL). This transfer will lead to a more streamlined export control process, which will make it easier for companies to export items to US allies, helping to boost sales and increase US competitiveness.

While the changes are a significant step forward in export control reform, there will be many challenges in managing the transition. After a 30-day review period in Congress, the final rules will be published, to be followed by a 180-day transition period. In the meantime, aerospace and defense organizations need to consider how the changes impact their current export compliance plans, especially in the area of user education. Organizations will need to make some decisions about how to educate users in the proper classification of export-controlled items, given that some items will be on the USML and others on the CCL.

These changes are notable, and make the literature base shift slightly after this topic was last proposed in 2012. First, the President is taking a more active role in legislating our export control policy. Second, the President is finally acting on the concerns raised by Secretary Gates in 2010. Thirdly, the actions of the President may indicate that a transition to a single munitions list could be on the horizon.

**However the actions of the President are not an entire overhaul of the export control system. The Department of Justice is still holding that the lists created by different executive agencies do not necessarily impact how an item is classified by a different agency. This could create confusions, or loopholes in our export control policy.**

**The export.gov blog** (managed by the International Trade Administration, in collaboration with many US governmental organizations) posted on April 23<sup>rd</sup> of **2013** (<http://export.gov/ecr/>)

On April 22, 2013, the Department of Justice published a final rule to distinguish the list of import-related defense articles and defense services controlled by the Attorney General from those controlled by the Secretary of State. The State Department is charged with regulating the export and temporary import of defense articles and defense services, while the Justice Department regulates permanent imports of such items. Consequently, this rule provides clarity that items controlled on the Department of Justice's U.S. Munitions Import List (USMIL) are not affected by the transfer of items from the Department of State's U.S. Munitions List (USML) to the Commerce Control List.

## The Export Administration Act

Of the three acts highlighted by Waldrop in the introduction, the one with an interesting story is the EAA. The EAA was passed in 1979 and it gave the President the legal authority to control exports of any commodity for three reasons: national security, foreign policy, and/or short supply.

### **The BIS offers a short summary of the EAA**

**Bureau of Industry and Security** (under the Department of Commerce) "Streamlining and Strengthening Export Controls" <http://www.bis.doc.gov/ea.html>

The Export Administration Act of 1979, as amended, has been in lapse since August 21, 2001. In the absence of an Export Administration Act, the U.S. dual-use export control system continues to be dependent on the President's invocation of emergency powers under the International Emergency Economic Powers Act. As demonstrated by recent events, having a modern, coherent, and effective system of dual-use export controls -- to prevent terrorists, rogue states, and proliferators of weapons of mass destruction from accessing sensitive U.S.-origin goods and technology -- is now more important than ever. The Administration supports legislation to create a streamlined and strengthened export control system that effectively promotes both U.S. national security and U.S. economic interests.

This means that the President has the authority to essentially label any item at any time as something that cannot be exported. This creates a huge inconsistency in our patchwork of export controls. President Obama has issued at least 2 executive orders since 2009 extending various portions of the EAA. One of these orders extends an executive order issued by President George W. Bush, and a 2010 Executive Order created a new export control cabinet that deals with non-military exports.

## **Section 2: Trump's "Buy American" Arms Initiative**

## The Status of American Sales

It is no secret that the United States sells weapons to nations around the globe. There are two primary methods for selling arms: foreign military sales and direct commercial sales. Foreign military sales are direct sales of US Military equipment sold to other nations. Whereas direct commercial sales are arms manufacturers in the United States seek Congressional approval to sell arms and/or munitions to countries around the world. When you add all of these sales together, the United States is easily number one on the list in terms of aggregate sales:

**Trump's first year sales are \$5.7 billion higher than Obama's last year. The US continues to be the largest arms exporter, while our top sellers have transitioned to missiles and bombs**

José Olivares, 3-14-2018, "Under Trump, U.S. Still Leads World's Arms Exporters — and Yemenis Are Still Paying the Price," Intercept, <https://theintercept.com/2018/03/14/us-arms-sales-saudi-arabia-yemen/>

**UNDER THE TRUMP administration, the U.S. government and weapons manufacturers are making a killing through arms sales to other countries.** A report released by the Security Assistance Monitor documented that **more than \$80 billion worth of arm sales notifications were sent to Congress in 2017.** The massive arms sales **during President Donald Trump's first year in office amounted to \$5.7 billion more than the Obama administration proposed during its final year in 2016.** Barack Obama's banner year for sales, 2010, saw \$102 billion worth of government-to-government sales proposed. **Owing to the spate of large sales under both administrations, the U.S. has maintained its role as the biggest arms exporter in the world.** In a report released on Monday by the Stockholm International Peace Research Institute, or SIPRI, an international institute researching conflict and armaments, the U.S. was responsible for 34 percent of the entire world's arms exports from 2013 to 2017. Russia follows with 22 percent of the world's exports. All the while, U.S. arms manufacturing corporations have been raking in tremendous amounts of cash. Stocks for Lockheed Martin – ranked first for arm sales in 2016 by SIPRI – have been steadily on the rise since 2013. Stocks for the Boeing Company, which ranks second, have also been on the rise since 2013, but rose at an accelerated pace in 2017. The report from the Security Assistance Monitor, a program of the Center for International Policy that tracks and analyzes **U.S. security assistance programs worldwide, notes another difference between the Obama and Trump administration sale proposals: the types of equipment offered to foreign governments. The most significant sale offers under the Obama administration were for military aircraft, while in the first year of the Trump administration, missile and bomb sales dominated.**

This growth under Trump is significant. President Obama altered export control regimes to make it easier to transfer some technologies. The following two websites attempt to catalogue growth under President Obama:

**The US is the top Exporter sending arms to 98 countries**

**Radio Free Europe-Radio Liberty, 3-12-2018, "U.S., Russia Remain World's Top Exporters Of Weapons,"** RadioFreeEurope/RadioLiberty, <https://www.rferl.org/a/us-russia-arms-sales-france-germany-sipri/29093397.html>

**The United States remains the world's top weapons seller, accounting for 34 percent of global arms sales over the past five years, a new study shows. Russia was the second-largest exporter with about 20 percent of all global arms deliveries,** the Stockholm International Peace Research Institute (SIPRI) reported on March 11 in its latest overview of global weapons transfers. **The U.S. share of arms sales is up from 30 percent recorded in the 2008-12 period,** SIPRI said. "Based on deals signed during the Obama administration, **U.S. arms deliveries in 2013–17 reached their highest level since the late 1990s,**" said Aude Fleurant, director of the SIPRI Arms and Military Expenditure Program. **These deals and further major contracts signed in 2017 will ensure that the U.S.A. remains the largest arms exporter in the coming years,** she added. **U.S. arms went to at least 98 countries, with a large portion of U.S. exports consisting of combat and transport aircraft,** SIPRI said. The research group said Russia exported weapons to 47 countries as well as to rebel forces in eastern Ukraine, where Moscow-backed

separatists are fighting the central government in Kyiv. Overall, Russian arms sales fell 7 percent from the previous five-year period. France was the third-largest exporter with a 6.7 percent share, followed by Germany and China. SIPRI said it uses a five-year cycle to evaluate global arms sales to even out abnormalities caused by any one big weapons order during a specific year.

### Here are the top customers of American arms sales

**Statista, 2018**, "U.S. arms exports 2017, by country," <https://www.statista.com/statistics/248552/us-arms-exports-by-country/>

Imports to	Export value in TIV in million constant (1990) U.S. dollars
Saudi Arabia	3,425
Australia	1,172
United Kingdom	698
Israel	515
Iraq	506
UAE	499
Qatar	496
Taiwan (ROC)	493
Japan	479
South Korea	456
Italy	393
Morocco	351
Norway	330

Several factors go in to authorizing arms sales to any nation. The State department is quick to tout their efficiency in scrutinizing any potential transfer for security threats and/or human rights violations. They will also highlight economic contributions created by authorizing arms sales.

**US Arms Sales are scrutinized on a case-by case basis but are key to decreasing the cost of military procurement, and is key to 2.5 million workers in the defense and aerospace sectors of the economy**

**US State Department, April 16, 2018**, "U.S. Arms Sales and Defense Trade," U.S. Department of State, <https://www.state.gov/t/pm/rls/fs/2018/280506.htm>

**Arms sales and defense trade are key tools of foreign policy with potential long-term implications for regional security. For this reason, the United States takes into account political, military, economic, arms control, and**

**human rights conditions in making decisions on the provision of military equipment and the licensing of direct commercial sales to any country.** Each proposed **transfer is carefully assessed on a case-by-case basis and approved only if found to further U.S. foreign policy and national security interests.** **In addition, major defense transfers and sales may be subject to Congressional notification. Review and monitoring are integral components of the process for U.S.-origin defense equipment delivered to any recipient nation.** The United States works to ensure U.S.-origin defense equipment is being used in the manner intended and consistent with the agreement or licenses under which the arms were transferred. **The United States is committed to expediting, when possible, defense transfers to U.S. allies and partners, while at the same time seeking to prevent access to U.S.-origin defense technologies by hostile state and non-state actors. Recipients of U.S.-origin defense articles must agree to make items available for end-use monitoring for the life of the equipment and may not retransfer equipment to a third party without first receiving U.S. authorization. Properly regulated defense transfers support the U.S. defense industrial base and reduce the costs of procurement for our own military. The U.S. defense industry directly employs almost 2.5 million people across our nation. These individuals and the companies they work for represent a key part of American entrepreneurship and innovation, helping to maintain the United States' status as the world leader in the defense and aerospace sectors and ensuring our armed forces maintain their military edge.**

However, many critics argue that we do not go far enough to ensure the weapons, munitions, and/or other technologies we sell are not used for nefarious purposes.

### **The Arms Trade Treaty does not effectively ensure that Human Rights abuses are avoided.**

Tim Bowler, 5-10-2018, "Which country dominates the global arms trade?," BBC News, <https://www.bbc.com/news/business-43873518>

**In 2014 the Arms Trade Treaty (ATT) came into force, with the aim of regulating the international trade in conventional weapons. It requires states to monitor arms exports, and ensure that their weapons sale don't break existing arms embargoes, or end up being used for human-rights abuses, including terrorism. Yet so far its impact has been limited, say critics.** "We are disappointed by the way a number of states have decided to implement it, says Amnesty's Oliver Feeley-Sprague. **"We think the UK, US and France among others, by continuing to sell arms to Saudi Arabia and its allies in the coalition operation in Yemen, are clearly violating the ATT's provisions."** Last July, the UK's High Court ruled that the UK government's arms sales to Saudi Arabia are lawful. However, the Campaign Against the Arms Trade (CAAT) has been given permission to appeal against this ruling, and the case will now go to the Court of Appeal. The UK government says it has "one of the most robust export control regimes in the world". **The ATT may have had a bigger impact on curbing the flow of weapons to non-state actors, says Sipri's Pieter Wezeman - but so far it has not had any visible impact on the overall trade in arms.**

While Trump in many areas has sought to roll back most of the reforms of the Obama White House, arms sales is an area where Trump is seeking out how to continue down the trail cemented by Obama, but of course in a much larger, "Trump-ier" fashion.

## Trump's Proposed Arms Control Changes

While the United States is a dominant player in global arms sales, we are running head-to-head with Russia for market access. The Trump administration is actively seeking a greater piece of the market share but we are running into demand-side issues. The US is not selling a large number of "small arms" nations may want to help defend from regional threats.

### **In order to open our market shares, there is a huge push to relax current arms and export control regimes**

Jonathan **Caverley, 4-6-2018**, "America's Arms Sales Policy: Security Abroad, Not Jobs at Home," War on the Rocks, <https://warontherocks.com/2018/04/americas-arms-sales-policy-security-abroad-not-jobs-at-home/>

Little Chance of Big Gains The arms market is a surprisingly tiny portion of world trade. Annual estimates range from \$86 to 105 billion dollars. Compare this to the global markets for cars (\$1.35 trillion), pharmaceuticals (\$613 billion), and even "human or animal blood" (\$252 billion) and the international arms industry begins to look paltry. By any estimate, the United States already dominates this industry. **The State Department's own estimates for 2015 credit the United States with a whopping 80 percent of the financial value of all global arms deliveries from 2013 to 2017. The most authoritative source of data, the Stockholm International Peace Research Institute, gives the United States a more conservative, but still commanding, lead of 34 percent of arms deliveries (measured according to an index of military, rather than financial, value) for the same time period. Russia comes in at second place with 22 percent, with the next four leading states scrapping for 5 to 7 percent each. Easing regulations on sales to existing American customers is unlikely to have a huge effect on the size of these transactions, and even with relaxed rules, finding new state customers will be hard. Much of the remaining market is essentially closed to the United States. With the crucial exception of India, there is little opportunity to encroach upon the market share of the number two weapons exporter — Russia — since the United States restricts or bans sales of weapons to important Russian customers like China, Venezuela, Syria, and Vietnam.**

Moreover, the primary client of American firms — **the Pentagon — buys different weapons than does the rest of the world. The U.S. defense industry often does not bother to produce many of the weapons small states want to defend themselves from regional aggressors** (such as China). Since the 1950s, the U.S. Navy has deliberately refused to buy diesel submarines — ideal for coastal and archipelagic defense — in favor of nuclear-powered, ocean-spanning undersea capital ships. Nor does the American defense industry currently sell ground-based anti-ship missiles, until now leaving this rapidly growing export market to smaller producers such as France, Russia, Sweden, Norway, and Italy.

One piece of technology previously off limits was drones and other UAVs. Here is the first disjunct between the Trump and Obama administration. Obama banned all drone exports, whereas Trump has overturned that order.

### **Trump is loosening regulations to export all arms, including drones to our allies.**

Gregory **Korte,, 4-19-2018**, "Hawking drones to U.S. allies, Trump loosens policy on arms sales to foreign countries," USA TODAY, <https://www.usatoday.com/story/news/politics/2018/04/19/trump-military-equipment-loosens-restrictions-arms-sales/532668002/>

WASHINGTON — **President Trump loosened U.S. policy on arms sales to foreign governments Thursday in an effort to sell more American-made military equipment to allies around the world. At the top of that sales list: U.S.-made military drones, which defense contractors will be able to sell directly to foreign governments without going through the Pentagon.** At a meeting Wednesday with Japanese Prime Minister Shinzo Abe, Trump promised to streamline the sale of military equipment to allies. **Throughout his presidency, he has rarely met with an ally without touting U.S. arms, which he calls "the best in the world by far."** Trump said arms sales too often are held up by red tape. "It would be, in some cases, years before orders would take place because of bureaucracy with Department of Defense, State Department. We are short-circuiting that. It's now going to be a matter of days," he said Wednesday. Using a form of executive order for national security, Trump instructed the State Department to come up with a

plan to speed up those sales within 60 days. **In a separate classified order, Trump lifted President Obama's 2015 ban on the direct sale of military drones to foreign governments.**

Trump and his advisors see any ban feel myopic and at risk of creating adverse economic impacts. They argue two reasons why arms sales should increase: 1. Sales help the economy and 2. It makes it easier for cooperative warfighting. However critics of Trump's policy shift also cite two concerns: 1. A lack of safeguards in other countries which threaten security and 2. It lowers the bar for screening of human rights abuses:

### **Weighing the pros and cons of arms sales increasing pits economics vs security**

Gregory **Korte**, **4-19-2018**, "Hawking drones to U.S. allies, Trump loosens policy on arms sales to foreign countries," USA TODAY, <https://www.usatoday.com/story/news/politics/2018/04/19/trump-military-equipment-loosens-restrictions-arms-sales/532668002/>

**Trump's trade adviser, Peter Navarro, called the ban "myopic," saying it put the United States at risk of losing an advantage against global competitors — especially the Chinese.** He cited China's Wing Loong II drone, which he called "a clear knockoff" of the Reaper drone — also known as a Predator B — made by San Diego-based defense contractor General Atomics. **"The fact is our allies and partners want to buy American. They know American industries produce the most technologically sophisticated, accurate and effective defense systems in the world,"** Navarro said. **Using U.S.-made equipment helps the economy, he said, and makes the country safer by increasing the ability of U.S. forces to fight side-by-side with allies using the same equipment.** But critics say **the policy will allow the sale of drones to countries that may not have the same safeguards in protecting civilians from drone strikes. "The document itself talks a lot about economics and jobs and the defense industrial base. There's a couple of paragraphs about human rights, but it's a low bar,"** said William Hartung of the Center for International Policy, author of Prophets of War: Lockheed Martin and the Making of the Military-Industrial Complex. **"Arms sales should be about security, not about promoting jobs,"** he said.

In addition to the debate between economics and security, many critics are afraid that Trump's simplification of arms sales to one list (which is something Obama also was a fan of) and severe executive understaffing may reduce necessary regulatory oversight to ensure responsible export of arms:

### **Trump's proposed changes would merge the US Munitions list with the Commerce Control list, which may not have the in-depth oversight needed for limiting abuses**

Paul D. **Shinkman**, Senior National Security Writer, **2-5-2018**, "Trump to Speed Up U.S. Arms Sales by Reducing Oversight, Sources Say," US News & World Report, <https://www.usnews.com/news/world/articles/2018-02-05/trump-to-speed-up-us-arms-sales-by-reducing-oversight-sources-say>

**At the center of the change is a document known as the U.S. Munitions List, which puts into categories all armaments the U.S. sells abroad, from pistol bullets (Category 3) to sophisticated fighter jets like the F-35 Joint Strike Fighter (Category 8). Sales for weapons on that list are governed by the International Traffic in Arms Regulations and ultimately overseen by the State Department, which has an established process of weighing the effect of a particular sale to a particular country. The Trump administration is set to transition some weapons from categories one, two and three of the munitions list to a comparable list overseen by the Commerce Department known as the Commerce Control List, traditionally comprised of benign materiel. State and Commerce have submitted proposed rule changes** to the White House's Office of Management and Budget, which is currently working with the National Security Council and other federal **agencies to ensure "U.S. industries have every advantage in the global marketplace, while at the same time ensuring the responsible export of arms,"** an official says. **Multiple**

**current and former officials, as well as experts familiar with the White House's intentions, say staffing shortages at the executive branch and inexperience among those trying to enact the changes may delay them. The diplomatic and security concerns facing the State Department for items on its list are varied and myriad. It would have to ensure, for example, that selling F-16s to Bahrain wouldn't undercut Israel's qualitative military edge that the U.S. by policy ensures. In another example, overseers might question selling sidearms to Turkey's presidential bodyguard forces merely for the optics of arming an organization accused of having assaulted protesters outside the Turkish embassy in Washington, D.C.** Or, concerns might arise over providing advanced weapons to Iraq for its army's soldiers, who in 2014 amid the initial onslaught of the Islamic State group largely abandoned their posts and allowed for the terrorist group to capture U.S. supplied weapons and use them against U.S. forces that later deployed in response.

Regardless of any potential concerns, the Trump administration is full speed ahead in favor of expanding our sales capabilities.

**The White House is full court pressing nations to buy American weapons to boost American security, the economy and strong defense capabilities around the world.**

Carlo **Muñoz** and Guy **Taylor**, **2-20-2018**, "Donald Trump aims to dramatically boost U.S. arms exports," Washington Times, <https://www.washingtontimes.com/news/2018/feb/20/trump-aims-dramatically-boost-us-arms-exports/>

Aside from pressing for a more expedited federal approval process for U.S. weapons sales, **the White House is also calling upon American diplomats overseas to press potential buyers to buy American.** Principal Deputy Assistant Secretary of State Tina Kaidanow made a rare appearance at Singapore's international air show last month, part of an unusually large American delegation looking to gin up sales in Asia. **"We're trying to make sure that as we think about expanding markets for American companies ... that we are doing everything we can as a government to ensure that those obstacles are cleared away, that we are working collaboratively with our companies in the U.S.,"** Ms. Kaidanow told reporters at the show, the online news service Defense One reported. "This Singapore Airshow is a primo example of exactly that." Such appearances will likely become the norm once the "Buy America" policy goes into effect, the administration source said. But the White House push to generate more American arms sales is not just about dollars and cents. **Overseas weapons sales by U.S. firms surged by \$8.3 billion from 2016 to 2017, with American arms makers moving a total of \$41.9 billion in advanced weaponry to foreign militaries last year, according to figures by the Pentagon. One reason for the sales push is the need for interoperability between U.S. and allied military systems, particularly as the Trump administration's strategic blueprint calls for a return to putting a priority on the threat from traditional nation-state rivals such as China and Russia.** Thus, **boosting foreign military purchases of American-made goods is vital to U.S. defense and national security policies.** Nearly 100 countries fly, float and fight with American-made weapons systems. U.S. defense firms are the leading producers of advanced strike aircraft, precision-guided munitions and missile defense systems. **That effort has been spurred on by U.S. defense programs specifically geared toward international consumption,** such as the F-35 Joint Strike Fighter program. Critics of the policy say the changes will allow countries with histories of human rights violations access to some of America's deadliest military weaponry. To that end, **White House officials and defense industry representatives are expected to hold a series of talks once the policy is issued to ensure potential foreign arms purchasers get the U.S. arms they need while adhering to Washington's efforts to preserve human rights.** That said, the administration source ruled out any possibility of allowing U.S. defense firms to sell American weapons technologies overseas that are banned outright from export — such as stealth technology or chemical and nuclear technology. **Washington will continue to secure critical technologies while maintaining America's military edge across the globe, the source said.**

## **Section 3: The Good and Bad of Arms Sales**

## The Benefit of Arms Sales

In addition to the potential economic benefits of arms sales cited in Section 2, proponents of American arms sales can easily be sorted into three thematic arguments: increased security, anti-proliferation, and stronger technological regulations throughout the market.

The obvious argument in favor of arms sales is the possibility of increasing both domestic and international security. The first belief, is minimizing red tape on future sales will: a. infuse more money back into the economy through less executive fees; b. our allies get stronger and faster; c. goods become cheaper for the American military to purchase.

### **Stronger Arms Sales strengthen Alliances and increase US Military capabilities**

Andrea **Shalal**, 4-25-2018, "United States to lower foreign arms sales surcharge," Reuters, <https://finance.yahoo.com/news/united-states-lower-foreign-arms-172453748.html>

STRENGTHENING ALLIES U.S. Air Force Deputy Undersecretary Heidi Grant told Reuters at the show that she saw **strong demand for U.S. products and technology, given increasing concern about "the adversaries that are out there, Russia and China in particular."** She said **lowering the surcharge was part of the U.S. government's ongoing efforts to speed up the arms sales and policy-making process, noting that strengthening allies was now a stated priority of the U.S. national defence strategy. At the same time, she said, the Trump administration was also removing barriers and making it easier for companies to do business.** "There's been a big focus on doing as much as we can for companies to make them more competitive," she said. Michael Hostetter, director of Boeing Co's (BA.N) Vertical Lift Programs in Germany, told Reuters the lower surcharge rate was good news for Boeing, the largest U.S. exporter. About 36 percent of Boeing's defence sales last year came from exports. **"When you're talking about billions of dollars, a small change is a significant difference in the total price for our customer,"** he said. "It's a benefit to the Boeing Company." Frank St. John, who heads Lockheed Martin Corp's (LMT.N) Missiles and Fire Control division, welcomed U.S. efforts to accelerate the arms sales process, and said **the decision to drop the administrative fee was significant. "On a \$1 billion deal, that would be \$30 million,"** he said. **Speeding up approvals of arms sales and lowering costs would help U.S. firms and the allies that were buying equipment, while ensuring that military capabilities reached allies sooner, he said. "Everyone wins in that situation."**

Additionally, focused arms sales to our allies allow stronger "partner capacity building" to make any joint-operation between the United States and its allies stronger. Empirically selling weapons create alliance benefits, but we must focus on more than strictly arms sales.

### **Constraints are good, minimizing who sells weapons and how they are sold creates better defense cooperation and stronger regional militaries.**

Jonathan **Caverley**, 4-6-2018, "America's Arms Sales Policy: Security Abroad, Not Jobs at Home," War on the Rocks, <https://warontherocks.com/2018/04/americas-arms-sales-policy-security-abroad-not-jobs-at-home/>

Partner Capacity Building Should Build Capacity Finally, **overemphasis on weapons sales of threatens to undermine America's most important security initiatives. Since the 9/11 attacks, the United States has continued to increase its "partner capacity building" efforts to improve the ability of other states, particularly less developed ones, to provide security for themselves and to contribute to joint operations.** Newly arrived Defense Secretary Jim Mattis made this one of his top three priorities with his first policy statement, and he has since pushed the Pentagon towards "Threat-Based Security Cooperation."

**Asking embassies and even the military to play a role in selling weapons is not new, but pursuing this single-mindedly would undermine these Security Cooperation Offices' central mission. Improving foreign security forces is a complicated task that includes, according to the Congressional Research Service, "training, mentoring, advising, equipping, exercising, educating and planning with foreign security forces, primarily in fragile and weak states."** Shifting focus from the countries facing the most important mutual threats to ones most likely to buy lots of weapons will worsen these effects. **One of the key lessons of security cooperation is that trying to build American-style militaries within developing states is often a terrible idea. The United States does not produce many weapons smaller states need. South Korea's quite successful T-50 Golden Eagle multi-role jet — bought by Iraq, Thailand, and the Philippines — is a more appropriate counterinsurgency weapon than anything currently in the U.S. arsenal.** A Brazilian Embraer Super Tucano — which an American firm builds under license for transfer to Afghanistan, Lebanon, and Nigeria — is better still. **Any effort to increase U.S. arms sales should acknowledge this limitation.** Turning Security Cooperation Officers in U.S. embassies and on regional combatant command staffs into "salesmen" will undermine these professionals' status as valuable advisors working towards mutual security interests. The result will be less capable allies and, if this causes growing mistrust in American intentions, long-term damage to America's ability to supply weapons.

Second, maintaining sales comes not only with a stronger understanding of our partner capabilities, but it could also increase our market share due to more exclusivity. It is possible for us to both maintain arms sales and increase accountability in arms transfers.

### **Readjustments key to maintaining our market share and increasing security**

Daniel R. **Mahanty**, Rachel **Stohl**, **2-1-2018**, Daniel R. Mahanty is the senior advisor for CIVIC's U.S. Program. Before joining CIVIC, Dan spent 16 years at the U.S. Department of State, and in 2012, created and led the Office of Security and Human Rights in the Bureau of Democracy, Human Rights and Labor. Rachel Stohl is Managing Director at the Stimson Center. She was the project director for "An Action Plan on U.S. Drone Policy." "If We're Going to Export More US Arms, Let's Do It Smarter," Defense One, <https://www.defenseone.com/ideas/2018/02/if-were-going-export-more-us-arms-lets-do-it-smarter/145644/>

We developed our recommendations in consideration of American industrial and security interests. In our view, **a better understanding of partner nation capabilities could open new possibilities for materiel and training that American vendors could provide.** Conflict tripwires that compel a review of arms sales policy earlier could give policymakers more time to determine their options and to communicate their intentions early, not only with the buying countries, but with the defense industry as well. **This may mean restricting the sale of items if necessary and if in US policy interests to do so, but it could also mean getting an earlier start on customized training and capacity building that can mitigate the risk of a weapon being misused before conflict starts.** Meanwhile, greater access that leads to improved operational oversight would actually draw the US closer to its partners, especially under circumstances where security interests are aligned. Finally, **creative adjustments to pre-sale terms and conditions may strengthen the US government's hand in the event that circumstances on the ground, where the weapon system is being used, changes. The enemies of our friends are not always our enemies. Critics may say that any additional requirements would slow down the process and cede more market space to competitors. But countries that buy American systems want the quality, service, and reputation that American manufacturers are known for.** Our recommendations could also actually go hand in hand with other process improvements to foreign military sales designed to streamline, and expedite, the process. And hopefully, they would help the US government achieve its own stated policy goal of minimizing the effect of war on civilians. While the steps we recommend will take time, resources, and creativity, we have no doubt that good people in the State and Defense Departments are up to the challenge, if properly supported by Congress. **The United States can be the world leader not only in arms sales, but in pioneering a more responsible and accountable transfer process. That would truly make America great.**

The second thematic argument in favor of arms sales is to strengthen anti-proliferation efforts. Purchasing American arms comes with a variety of strings attached, and most nations are willing to embrace encroachments upon their sovereignty in the name of American weapons. Additionally, arms sales hold purchasing nations responsible under export control regimes which curtail proliferation.

### **Arms sales policies reduce proliferation and create more ethical exchanges of weapons.**

Jonathan **Caverley, 4-6-2018**, "America's Arms Sales Policy: Security Abroad, Not Jobs at Home," War on the Rocks, <https://warontherocks.com/2018/04/americas-arms-sales-policy-security-abroad-not-jobs-at-home/>

U.S. Influence Through Regulations and Economic Concessions **Another reason the United States tends to be restrained in arms sales is the accompanying "red tape," much of which the Trump initiative will seek to remove. U.S. regulations surpass those suggested in the toothless U.N. Conventional Arms Trade Treaty, which four of the most important market-makers — Russia, China, India, and Saudi Arabia — have not bothered to even sign. The United States makes onerous demands — including on-site inspections on sovereign territory — of importing states to ensure weapons do not get transferred to third parties, and require that these weapons only be employed for their intended use (i.e. self-defense). While not always consistently enforced, these requirements remain a powerful latent foreign policy tool.** Contrary to what industry lobbyists might say, this is not a source competitive disadvantage. It is a sign of American market power and a source of American influence. A Russian observer, writing in a U.N. report, notes rather drily that **the U.S. export control system is both much more effective than any other country's and "frequently used for influencing the end-user's foreign policy."** **The United States has used these rules to limit and shape proliferation,** from banning the sale of Israeli airborne early warning systems to China to preventing the transfer of used light aircraft from Spain to Venezuela. It strictly regulates, when it wants to, how these weapons are used by the purchasing states themselves. Even France, a longtime ally in counter-terror and major power in its own right, needs to get U.S. approval before deploying its own Reapers. The capability and value of the American product (as well as the continued alignment of both countries' interests) are enough for France to swallow its sovereign pride on this front. **U.S. arms exports rely on a simple bargain: Clients join an American-dominated global supply chain in return for better value weapons, larger orders of subcomponents from local firms, and access to leading-edge weapons technology. These smaller states, in turn, surrender to the United States large swathes of their foreign and defense policies, including foregoing sales to regimes that threaten U.S. interests. The process is characterized by hard bargaining and by a considerable degree of coercion by the United States, such as when it temporarily kicked Israel out of the Joint Strike Fighter program for selling unmanned aerial vehicle parts to China. Sovereign states are of course reluctant to hand over their foreign policy, but the United States can use financial incentives** (thereby reducing the economic benefit at home) **to convince countries to buy American.** Consider the formidable missile defense complex the United States is trying to create in South Asia among itself, Japan, and South Korea. Trump has suggested that, contrary to current agreements, South Korea pay for the THAAD missile defense system, at a billion dollars a battery, deployed in North Gyeongsang province: "We're going to protect them. But they should pay for that, and they understand that." But South Korea has already paid a heavy price for deploying THAAD due to Chinese economic retaliation. And there are massive security spillovers if South Korea continues to participate. Japan and South Korea's participation in the Aegis system, for example, pulls two states loath to cooperate with each other bilaterally into something resembling a collective-security network. If economic concessions on THAAD or a possible \$1.7 billion Aegis missile purchase are necessary to bring South Korea into this network, that may be a price worth paying.

Turkey is a case study in showing how arms control regulations prevent spread of technology to unfavorable regimes.

### **Constrained arms sales solves for proliferation.**

Jonathan **Caverley, 4-6-2018**, "America's Arms Sales Policy: Security Abroad, Not Jobs at Home," War on the Rocks, <https://warontherocks.com/2018/04/americas-arms-sales-policy-security-abroad-not-jobs-at-home/>

Controlling the Spread of Dangerous Technology **U.S. restraint also limits the spread of technology, which dampens global arms races and slows the spread of dangerous advanced weapons technology, which will eventually diffuse to**

**American adversaries.** And of course, it prevents the emergence of competitors, which makes good economic sense as well. Historically, the United States has practiced “unilateral restraint” by foregoing exporting its highest-capability weapons to a region until a viable competing product emerges; for example, refusing to deliver advanced medium-range air-to-air missiles to Asian states until China purchased the Russian equivalent R-77. More broadly, the United States, more than any other exporter, jealously guards against the spread of weapons know-how even to its closest allies (often arms exporters themselves). **A case in point is Turkey’s effort to acquire foreign long-range air and anti-missile defense systems, hoping to acquire the underlying technology and eventually become a major arms exporter itself.** **The U.S.-made Patriot system was eliminated from consideration because most of its technology would not be given to Turkey.** Announcing the ultimate deal with Russia, Turkey’s presidential spokesman was frank: “The price difference could have been manageable. But the issue of technology transfer was more important. On this issue, our allies, including the United States, caused a big disappointment.” The United States, again because of its market power, can afford this restraint in order to maintain its global technological dominance.

The third and final thematic argument in favor of arms control is an increased ability to shape international arms sales. Since the United States dominates one-third of all arms sales, their preeminence and clout are necessary to continue to shape world order. First, several advocates in the security arena are enthusiastic at the potential of more effectively regulating an international drone market.

### **Allowing drone sales creates better regulations on all drones sold in the global market.**

Jonathan **Caverley, 4-6-2018**, "America's Arms Sales Policy: Security Abroad, Not Jobs at Home," War on the Rocks, <https://warontherocks.com/2018/04/americas-arms-sales-policy-security-abroad-not-jobs-at-home/>

Export Less Technology, But More Drones First, and most importantly, **the United States must remain stingy about transferring technology to potential competitors.** The Trump administration should reiterate the longstanding policy of “unilateral restraint.” This is not only a strategic interest but an economic one as well, as it hinders proliferation of technology and the spread of competition for American products from emerging exporters. More broadly, the United States should consider economic incentives, such as producing jobs in client states rather than at home, in place of technology transfer to close arms deals. The potential for unilateral restraint in drones is over. To date, **the United States has been extremely discrete in exporting unmanned systems (particularly armed ones). But somewhat comparable products are now readily available from multiple sources in the global market. Over the past five years Israel has filled the gap, delivering 43 percent of all drone exports, with China a rising competitor at 32 percent (source SIPRI). If the United States begins exporting unmanned aerial vehicles more freely, American drones are likely to both dominate the market and be subject to more rigorous regulation.** That said, the economic boom is likely to be modest; the entire annual military unmanned aerial vehicle market is projected to be under \$10 billion as late as 2026. **The security benefits for the United States of drone exports remain considerable however. Interoperability among networked drones from multiple countries will likely play an enormous role in future “informationalized” conflict. Strong security incentives exist for the United States to ensure that allies operate its unmanned systems.**

Second, while we are dominant, nations like Russia and China are nipping at our heels to grab some of our market share. Many experts believe if we were to liberalize arms sales, it would cement the US as the dominant force in arms sales for a lifetime.

### **The United States should liberalize its Arms Sales position to keep Russia and China out of the market with lesser equipment. If we lead the arms market, we can shape the world.**

Jonathan **Caverley, 4-6-2018**, "America's Arms Sales Policy: Security Abroad, Not Jobs at Home," War on the Rocks, <https://warontherocks.com/2018/04/americas-arms-sales-policy-security-abroad-not-jobs-at-home/>

Keep China Down, Russia Out, and Friendly States In **A smart arms transfer policy would strangle both Russia, the number two exporter, and China, which is trying to take its place. Russia in particular needs arms exports to fund its aggressive but underfunded military modernization plans** (not to mention hard currency for its weak economy). **It is in America's interests to choke off as large a percentage of the Russian export market as possible in favor of the products of more closely aligned countries. In terms of both American influence and curbing proliferation, it is better for countries like Malaysia and Indonesia to buy German or South Korean submarines than Russian. This will have the added benefit of diminishing the quality and, eventually, raising the price of the products Russia will export to states, such as Syria, that cannot buy arms from anywhere else. In the spirit of bolstering potential partners and limiting the reach of Russian weapons, the United States can directly compete against Russia in one important market. India** accounts for a stunning 39 percent of Russia's recent arms exports (SIPRI). Indian orders might be big enough to provide some meaningful economic benefits to the United States, but more importantly, U.S. sales would cut into Russia's market share. Tying India and the United States closer, even if it means allowing most production, jobs, and even some technology transfer to go abroad, should be a central goal of U.S. arms transfer policy. Lockheed Martin's offer to transfer the F-16 production line to India appears a step in this direction. **America should accept that Saudi Arabia is going to buy a lot of U.S. weapons, but avoid coddling the Kingdom. Saudi Arabia (and its Gulf State allies) will remain an important customer largely because the country is desperate to keep the United States involved in the region.** The Saudi military is almost entirely American equipped and trained and most of its military capability requires continued American support to function for more than a couple of days. A few additional jobs may result from selling more arms to the Kingdom, but this may not justify giving up the leverage over Saudi and its allies' policies towards Yemen, Syria, and Qatar that do not necessarily advance American interests. **The United States should encourage, but steer, Europe. Since the Cold War the United States has used its economic and political clout to systematically inhibit an independent European defense production capability.** This has certainly increased U.S. market share, but continued efforts come at the expense of more important political goals. It would be much easier to ask NATO allies to spend 2 percent of their GDP on defense if more of this money would go into indigenous industries. The United States should recognize that European global competitiveness in the arms trade can serve American interests (and perhaps provide competition for its own sheltered defense industry). This will relieve pressure on Europe to export to countries embargoed by the United States, which undermines the influence of U.S. arms transfer policy. When the United States placed real restrictions on arms transfers to Egypt's al-Sisi regime, other states quickly attempted to fill this gap. As one French policymaker cynically noted, "Obama was the [French fighter jet] Rafale's best salesperson." Overall, from 2012-2015 the export agreements of major European sellers to Egypt have gone up forty-seven-fold over the previous four-year period. That said, Europe has by and large cooperated with successful arms embargoes against Russia and China (although Europe does sell nearly \$400 million of dual use equipment to China each year). Maintaining and even tightening these key sanctions must be the highest priority of any defense cooperation policy with Europe. More broadly, fixation on "buying American" misses tremendous opportunities for leading coordinated action with like-minded states in Europe and elsewhere. This is feasible given that the United States, NATO members, South Korea, Israel, and a few other allies account for a whopping 62 percent of total global arms exports (SIPRI). **To this end, the United States should liberalize its own market. Much as when "foreign" automotive firms build their cars in the United States, acquiring products from abroad may create more jobs than selling weapons internationally.** The U.S. Air Force's current \$16 billion fighter-trainer contract has been largely narrowed down to three candidates with foreign connections: a Lockheed Martin-Korea Aerospace Industries version of Korea's T-50; a new design from a Boeing-Saab team; and an entirely foreign offering from Leonardo. Winning such a contract will give one of three like-minded states (South Korea, Sweden, or Italy, respectively) a boost in other international competitions against less scrupulous dealers. And the United States can still shape these exports for its political interests, such as when it recently vetoed the T-50's export to Uzbekistan.

Thirdly, if we were to withdraw from the arms sales arena, it would definitely be perceived as a loss of credibility.

## **The United States needs to stay active in the Arms market to be a credible leader in global distribution issues.**

Jonathan Caverley, 4-6-2018, "America's Arms Sales Policy: Security Abroad, Not Jobs at Home," War on the Rocks, <https://warontherocks.com/2018/04/americas-arms-sales-policy-security-abroad-not-jobs-at-home/>

America is Like No Other Arms Exporter and Should Act Like It **The United States — by dint of its huge military budget, massive defense R&D, and long dominance of the global arms market — can use arms transfers in ways beyond the dreams of its competitors.** Indeed, many competitors recognize this, albeit grudgingly. I have interviewed officials in multiple countries (both clients and competitors of the United States) claiming they will defer to U.S. wishes on arms exports if they trust it is done for political rather than economic reasons. **Many of America's closest allies, who are also arms export competitors, look to the United States for leadership on controversial importers such as Saudi Arabia. And, the Trump administration should**

be given due credit for exercising discretion, given, for instance, its recent unilateral embargo on arms transfer to South Sudan. In fact, one administration official stated flatly that sales “will not come at the expense of human rights.” In no small part, U.S. domination of the global arms trade is based on the world’s belief that the United States uses its clout to advance its political ends, not economic gain. Destroying this reputation will do little to bring jobs to the United States, while doing much to damage American influence abroad.

## The Burden of Arms Sales

While security experts are quick to defend three areas in favor of arms sales, others are quick to cite human rights and/or security concerns or rebut the potential economic benefits of Arms Sales. Additional arms sales concerns will be found in Section 4 where individual arguments are made about sales to specific countries and/or regions.

The first concern many have with arms sales is the potential for misuse and/or human rights violations. Given the potential seismic shift created by Trump's position on arms sales, many believe he privileges American economic gain too heavily over threats to international human rights.

### **Trump is accelerating arms sales to give greater weight to business interests when compared to human rights.**

Mike Stone, 4-19-2018, "Trump launches effort to boost U.S. weapons sales abroad," U.S., <https://www.reuters.com/article/us-usa-trump-arms/trump-launches-effort-to-boost-u-s-weapons-sales-abroad-idUSKBN1HQ2E6>

**The White House aims to speed up arms deal approvals and increase the role of senior U.S. officials, including President Donald Trump, in closing foreign sales, while giving greater weight to business interests in sales decisions that have long prioritized human rights. The initiative**, as first reported by Reuters, **adds the full weight of government to Trump's direct personal role in pushing arms sales during interactions with foreign heads of state**. Companies that stand to benefit from the new policy most include Boeing Co (BA.N) and the other top U.S. defense contractors, Lockheed Martin Corp (LMT.N), Raytheon Co (RTN.N), General Dynamics Corp (GD.N) and Northrop Grumman Corp (NOC.N). The plans have been in the works for a year, with White House trade adviser Peter Navarro playing a major role in driving the project forward. Navarro is best known for pushing the administration to take tough trade actions against China. **Human rights will now carry equal weight alongside other considerations in planned arms sales including the needs of allied nations and the economic loss if the U.S. contractor does not win the sale when decisions are made on whether to approve an arms deal. "This is a balanced policy,"** said Ambassador Tina Kaidanow, an official with the State Department who oversees arms export agreements. **"We absolutely look at human rights as one of a set of considerations that we look at."**

The second human rights argument is twofold. Either Trump is setting the bar too low with the "no knowledge" standard or his call for drone sales will all be classified which creates a host of rights concerns.

### **However, Trump's accelerations may allow for transactions to human rights abusers if there is "no knowledge its use will lead to war crimes." His new revisions will also lead to a classified transfer of drones as well.**

Mike Stone, 4-19-2018, "Trump launches effort to boost U.S. weapons sales abroad," U.S., <https://www.reuters.com/article/us-usa-trump-arms/trump-launches-effort-to-boost-u-s-weapons-sales-abroad-idUSKBN1HQ2E6>

In a joint new conference with Japanese Prime Minister Shinzo Abe in Florida, **Trump said** late on **Wednesday his administration was working to "short circuit" the cumbersome bureaucratic process at the State Department and the Pentagon to expedite arms sales to Japan and other allies. But giving economic and commercial concerns equal weight to human rights in the arms sales decision-making process raises concerns. "The new policy retains the legally**

**binding language that prohibits weapons transfers when there is actual knowledge that they will be used to commit war crimes,**” Brittany Benowitz a former U.S. Senate staffer and lawyer who worked on human rights issues and arms transfers. **“However, the policy did away with the more comprehensive assessment of risks when contemplating a weapons deal. A transaction can still occur to a human rights abuser so long as the U.S. has no specific knowledge that system will be used to commit atrocity crimes,”** Benowitz said. **The new policy will go well beyond a relaxation of rules for foreign military sales under President Barack Obama in 2014 that enabled U.S. arms contractors to sell more overseas than ever before.** The export policy explicitly states it aims to “strengthen the manufacturing and defense industrial base” and as a part of this “when a proposed transfer is in the national security interest, which includes our economic security, and in our foreign policy interest, the executive branch will advocate strongly on behalf of United States companies.” Trump has pressed foreign governments to buy more U.S.-made weapons in nearly every call he has had with a head of state of major allies, a State Department official said this week. **The planned revision of U.S. weapons export policy also includes a new drone export policy that allows lethal drones that can fire missiles and surveillance drones of all sizes to soon become more widely available to U.S. allies.** Two potential beneficiaries of the rule changes, Textron Inc (TXT.N) and Kratos Defense and Security Solutions Inc (KTOS.O), currently market smaller armed drones internationally. The new approach represents a “fundamental shift” in the way the United States sells large armed drones, Rachel Stohl, director of the conventional arms program at the Stimson Center think tank in Washington, said. **The full text of the drone policy will remain classified along a list of potential buyers being given fast-track treatment is expanding to include more countries,** a State Department official told Reuters this week. **Previously, U.S. government sources had said that more NATO members, Saudi Arabia and other Gulf partners as well as treaty allies such as Japan and South Korea would be given the favorable treatment regarding drone sales.** The Aerospace Industries Association trade group said the policy was an important “first step” and more needed to be done because “increasing demand for American defense products has strained the system, resulting in an overburdened and fragmented process beset by avoidable delays.”

The second argument presented in opposition to arms sales is both human rights oriented and questions whether or not the linking of security and economics actually threatens American security.

**While there may be small defense and economic benefits from arms sales, it rarely works, sometimes bolsters nefarious regimes, and threatens our overall security**

Jonathan Caverley, 4-6-2018, "America's Arms Sales Policy: Security Abroad, Not Jobs at Home," War on the Rocks, <https://warontherocks.com/2018/04/americas-arms-sales-policy-security-abroad-not-jobs-at-home/>

**As the world’s leading producer, consumer, and exporter of high-end weaponry, the United States has long used arms sales to influence smaller states, manage regional arms races, encourage allies’ inter-operability, and contain rivals’ capabilities, as well as to support its own defense industrial base and broader economy. It equips foreign militaries not only to defend themselves, but to use hardware in common with the United States, making joint operations easier.** The governing document for U.S. arms transfers, Presidential Decision Directive 27 from 2014, lists ten “national security and foreign policy goals” that such transfers serve. **These range from “Ensuring U.S. military forces, and those of allies and partners, continue to enjoy technological superiority over potential adversaries” to “Ensuring that arms transfers do not contribute to human rights violations or violations of international humanitarian law.”** However, **the Trump administration’s new initiative threatens to disrupt this balance and undermine the often useful role that arms sales have played in U.S. foreign policy.** Tina Kaidanow, head of the State Department’s Bureau of Political-Military Affairs, recently testified that **the Arms Transfer Initiative not only “bolsters our ability to protect the United States by being a force multiplier for the U.S. warfighter” but “ultimately benefits U.S. industry by driving new innovation and creating high-quality American jobs.”** But simultaneously linking U.S. security and American jobs through arms sales, while it may seem intuitive, rarely works. Indeed, such a policy will carry few economic benefits, and, if done indiscriminately, undermine what should be the central goal of the nation’s arms transfer policy: advancing the national security of the United States and its partners. **Many deals that advance U.S. goals will create few jobs in the United States, while some of the most lucrative, job-creating arms deals can undermine U.S. interests.**

## Arms sales provide no security benefit to the United States

A. Trevor Thrall and Caroline Dorminey, 3-13-2018, "Risky Business: The Role of Arms Sales in U.S. Foreign Policy," Cato Institute, <https://www.cato.org/publications/policy-analysis/risky-business-role-arms-sales-us-foreign-policy#full>

**Arms Sales Provide Little Direct Benefit to U.S. National Security** At the strategic level, the United States inhabits such an extremely favorable security environment in the post-Cold War world that most arms sales do little or nothing to improve its security. Thanks to its geography, friendly (and weak) neighbors, large and dynamic economy, and secure nuclear arsenal, the United States faces very few significant threats.

**There is no Soviet Union bent upon dominating Europe and destroying the United States. China, despite its rapid rise, cannot (and has no reason to) challenge the sovereignty or territorial integrity of the United States.**

**Arms sales — to allies or others — are unnecessary to deter major, direct threats to U.S. national security in the current era.<sup>47</sup> Nor are arms sales necessary to protect the United States from “falling dominoes,” or the consequences of conflicts elsewhere.** The United States enjoys what Eric Nordlinger called “strategic immunity.”<sup>48</sup> Simply put, most of what happens in the rest of the world is irrelevant to U.S. national security. The United States has spent decades helping South Korea keep North Korea in check, for example, but division of territory on the Korean peninsula does not affect America’s security. Likewise, civil wars in the Middle East and Russia’s annexation of Crimea might be significant for many reasons, but those events do not threaten the ability of the United States to defend itself. As a result, a decision to sell weapons to Ukraine, Taiwan, or South Korea could significantly affect those nations’ security; doing so is not an act of ensuring U.S. national security. Nor does the threat of transnational terrorism justify most arms sales. Most fundamentally, the actual threat from Islamist-inspired terrorism to Americans is extraordinarily low. Since 9/11, neither al Qaeda nor the Islamic State has managed an attack on the American homeland. Lone wolf terrorists inspired by those groups have done so, but since 9/11 those attacks have killed fewer than 100 Americans, an average of about 6 people per year. There is simply very little risk reduction to be gained from any strategy. The idea that the United States should be willing to accept the significant negative effects of arms sales for minimal counterterrorism gains is seriously misguided.<sup>49</sup> Moreover, **even if one believed that the benefits would outweigh the potential costs, arms sales still have almost no value as a tool in the war on terror for several reasons.** First, the bulk of arms sales (and those we considered in our risk assessment) involve major conventional weapons, which are ill suited to combatting terrorism. Many U.S. arms deals since 9/11 have involved major conventional weapons systems such as fighter jets, missiles, and artillery, useful for traditional military operations, but of little use in fighting terrorists. Insurgencies that hold territory, like the Islamic State, are one thing, but most terrorist groups do not advertise their location, nor do they assemble in large groups. **Second, there is little evidence from the past 16 years that direct military intervention is the right way to combat terrorism.** Research reveals that military force alone “seldom ends terrorism.”<sup>50</sup> This comports with the American experience in Afghanistan, Iraq, and elsewhere in the war on terror to date. Despite regime change, thousands of air strikes, and efforts to upgrade the military capabilities of friendly governments, the United States has not only failed to destroy the threat of Islamist-inspired terrorism, it has also spawned chaos, greater resentment, and a sharp increase in the level of terrorism afflicting the nations involved.<sup>51</sup> Given the experience of the United States since 2001, there is little reason to expect that additional arms sales to countries like Saudi Arabia, Pakistan, Qatar, or the United Arab Emirates will reduce terrorism, much less anti-American terrorism specifically. Relatedly, many arms deals since 9/11, made in the name of counterterrorism, were irrelevant to U.S. goals in the global war on terror because they provided weapons to governments fighting terrorist groups only vaguely (if at all) linked to al Qaeda or ISIS. Although selling weapons to the governments of Nigeria or Morocco or Tunisia might help them combat violent resistance in their countries, terrorist groups in those countries have never targeted the United States. As a result, such arms deals cannot be justified by arguing that they advance the goals of the United States in its own war on terror in any serious way. Finally, **arms sales are completely useless to combat the largest terrorist threat to the U.S. homeland — lone wolf attackers already living in the United States. As noted, none of the successful attacks in the United States since 9/11 resulted from operations directed by al Qaeda or ISIS. And in fact only two foiled attempts since then — the underwear bomber and the printer-bomb plot — can be ascribed to al Qaeda.**<sup>52</sup> Instead, in almost all cases, persons already living in the United States, inspired by Islamist groups, decided to carry out attacks on their own. Clearly, arms sales to foreign nations won’t help with that problem; rather, as many analysts have suggested, amplifying conflicts abroad may well make the problem worse.<sup>53</sup> In sum, the strategic value of arms sales for the United States is very low given today’s security environment. Different circumstances would produce a different analysis. Although today there is little reason for the United States to worry about the Russian threat to Europe, during the Cold War foreign policy experts agreed that preventing the Soviet Union from dominating the European continent was critical to American security. As a result, the United States sensibly provided NATO allies with advanced weapons. This strategy greatly enhanced the fighting capability of NATO, thereby bolstering deterrence and ensuring European security. Today, happily, the United States faces no such threats. For this reason, the argument in favor of arms sales cannot rest on national security grounds but must rest instead on “national interest” grounds, that is, on the benefits gained from helping other nations improve their own security, and from maintaining conditions generally believed to be in the national interest, such as regional stability or the prevention of war. This is already a much weaker position than the conventional wisdom acknowledges. **Even worse for such sales’ advocates, however, is the fact that arms sales are notoriously uncertain tools for achieving those objectives.**

The final thematic argument against arms sales is there is not a net-positive economic impact. First, some studies show that jobs created are either outsourced, or any positive economic gain is offset by subsidization.

**Arms sales are not as large of an economic engine as its supporters push for, the number of jobs provided are either small or outsourced.**

Jonathan **Caverley, 4-6-2018**, "America's Arms Sales Policy: Security Abroad, Not Jobs at Home," War on the Rocks, <https://warontherocks.com/2018/04/americas-arms-sales-policy-security-abroad-not-jobs-at-home/>

A Poor Job Creator **Even if the Trump administration boosts sales against such headwinds, this will not create many additional jobs. Arms exports are a surprisingly inefficient means of employing people at home.** Using census data, the Commerce Department estimates that **a billion dollars of defense exports would “create or sustain” 3,918 jobs, considerably fewer than the 5,700 jobs per billion created by increased US exports more broadly. Doubling the United States’ annual arms exports to \$40 billion, a highly unrealistic goal, would thus create fewer than 80,000 new jobs. There are other industries the United States can promote that will have larger effects on jobs.** One reason defense exports appear to be inefficient employment generators is that states that spend their own money on buying American weapons also care about “jobs, jobs, jobs” for their own people, as well as supporting their own aspirational defense industries. Most countries require “offsets,” mandating that a percentage of any arms deal (often 50 to 100 percent) must be re-invested in the importing state’s economy. Between 2013 and 2015, these offsets, had the work been performed in the United States, would have created or sustained over 46,000 jobs. **In publicizing a recent Saudi deal for 150 S-70 Black Hawk utility helicopters at roughly \$6 billion, Lockheed Martin predicted that it would “support” 900 jobs. But half those jobs would be in Saudi Arabia. Yet another reason that arms exports are an inefficient employment mechanism: Any additional U.S. market share is likely to be heavily subsidized.** In 2016, **the United States spent \$10 billion buying weapons for other countries, roughly 10 percent of the entire global arms export market, equivalent to Singapore’s or Algeria’s defense budget. Moreover, over the past six years, the Defense Department waived another \$16 billion in normally mandatory fees for Foreign Military Sales — including \$3.5 billion for a \$15 billion Saudi agreement — largely to close deals that may have gone to other suppliers. In short, when it comes to boosting the domestic economy, arms sales contain relatively little juice. And, as we shall see, it may not be worth the squeeze.**

**Arms sales benefits are oversold. They threaten our hegemony and threaten diplomatic flexibility and our moral authority**

A. Trevor **Thrall and Caroline Dorminey, 3-13-2018**, "Risky Business: The Role of Arms Sales in U.S. Foreign Policy," Cato Institute, <https://www.cato.org/publications/policy-analysis/risky-business-role-arms-sales-us-foreign-policy#full>

We argue, however, **that Washington’s faith in the wisdom of foreign arms sales is seriously misplaced. The benefits tend to be oversold, and the downsides are often simply ignored.** The defense industry and its champions, in particular, have long exaggerated the economic boon of arms sales.<sup>5</sup> And even if they were greater, economic benefits alone are not worth subverting strategic considerations. More importantly, **the strategic deficits of arms sales are severe enough to overwhelm even the most optimistic economic argument.** It is the strategic case for and against arms sales that we consider in this analysis. **Arms sales create a host of negative, unintended consequences that warrant a much more cautious and limited approach, even in support of an expansive grand strategy like primacy or liberal hegemony. From the perspective of those who would prefer a more restrained American foreign policy, the prospective benefits of engaging in the arms trade are even smaller. Even in cases where the United States wants a nation to arm itself, there is rarely a need for the weapons to come from the United States. Moreover, the United States would generate significant diplomatic flexibility and moral authority by refraining from selling arms. Given these outsized risks and nebulous rewards, the United States should greatly reduce international arms sales.**

Additionally, Trump's push for more sales in the name of jobs will minimize bureaucratic oversight which may potentially harm both the economy and security.

## **US Exports go through an approval process, but Trump is seeking to minimize bureaucratic intervention in the name of jobs, which is a bad deal that will harm US Security**

José Olivares, 3-14-2018, "Under Trump, U.S. Still Leads World's Arms Exporters — and Yemenis Are Still Paying the Price," Intercept, <https://theintercept.com/2018/03/14/us-arms-sales-saudi-arabia-yemen/>

THE ARMS EXPORT Control Act requires the State Department to notify Congress of its approval for large sales. Congress then has a specific amount of time – which varies depending on the type of sale – to reject the State Department's proposal for moving forward. If Congress does nothing, the sale goes through. **"The United States takes into account political, military, economic, arms control, and human rights conditions in making decisions on the provision of military equipment and the licensing of direct commercial sales to any country,"** states a State Department fact sheet provided to The Intercept. Congressional notification does not necessarily mean an arms sale deal is completed. But the Monitor's report notes that notifications are a good way to gauge the administration's intent. **Congress did reject two arms sales deals in 2017, according to the report. One was for the Philippine police, which has been engaged in an anti-drug campaign of merciless street killings. The other rejected deal was for the presidential guard in Turkey, where an apparent failed coup in 2016 opened the door for further consolidation of power by President Recep Tayyip Erdogan. The United States partakes in two types of arms sales. The first is a foreign military sale, in which a country buys weapons from the U.S. government – basically a government-to-government sale. The second type of sale is a direct commercial sale, which are private-corporation-to-government sales. Even though the equipment comes from private corporations, sales still need to go through a government approval process.** According to the State Department fact sheet, the arms sale process can take quite a long time depending on the type of sale. The long process makes it probable that some of the 2017 requests may have been made prior to Trump taking office. There have been rumors that **the Trump administration is attempting to expedite and elevate arms sales.** Trump has stressed that the defense equipment industry is a great opportunity to provide more jobs. **"It's a bad deal,"** said William Hartung, author of the Security Assistance Monitor report. **"The jobs claims are overrated, and the decision to arm repressive regimes and support nations' acts of war has serious negative consequences for U.S. security."** This year is already off to a great start for weapons manufacturers. According to data analyzed by The Intercept, the State Department has already approved more than \$13.4 billion worth of government-to-government arms sales in 2018.

## **Arms sales create blowback in three different ways**

A. Trevor Thrall and Caroline Dorminey, 3-13-2018, "Risky Business: The Role of Arms Sales in U.S. Foreign Policy," Cato Institute, <https://www.cato.org/publications/policy-analysis/risky-business-role-arms-sales-us-foreign-policy#full>

**Arms Sales Have Many Potential Negative Consequences** Though arms sales are of marginal value to national security and the pursuit of national interests, their negative **consequences are varied and often severe. Arms sales can spawn unwanted outcomes on three levels: blowback against the United States and entanglement in conflicts; regional consequences in the buyer's neighborhood, such as the dispersion of weapons and increased instability; and consequences for the buyer itself, such as increased levels of corruption, human rights abuses, and civil conflict.** Effects on the United States. Though the goal of arms sales is to promote American security and U.S. interests abroad, at least two possible outcomes can cause serious consequences for the United States. **The first of these — blowback — occurs when a former ally turns into an adversary and uses the weapons against the United States. The second — entanglement — is a process whereby an arms sales relationship draws the United States into a greater level of unwanted intervention. Blowback.** The fact that the United States has sold weapons to almost every nation on earth, combined with frequent military intervention, means that blowback is an inescapable outcome of U.S. arms sales policy. American troops and their allies have faced American-made

weapons in almost every military engagement since the end of the Cold War, including in Panama, Haiti, Somalia, Iraq, Afghanistan, Yemen, and Syria. And even where the United States has not yet engaged in combat, American arms sales have bolstered the military capabilities of adversaries once counted as friendly. **Blowback can occur in at least three ways. First, a previously friendly regime becomes unfriendly.** For example, the United States sold billions of dollars in weapons to the Shah of Iran during the 1970s in the hopes that Iran would provide a stabilizing influence on the Middle East. The sales included everything from fighter jets for air campaigns to surface-to-air missiles to shoot down enemy fighters.<sup>70</sup> After the 1979 revolution, however, Iran used those weapons in its war with Iraq and enabled the new Iranian regime to exert its influence in the region. Panama, the recipient of decades of American military assistance, as well as host to a major military base and 9,000 U.S. troops, was a similar case. In 1989, Gen. Manuel Noriega — himself a CIA asset for more than 20 years — took power and threatened U.S. citizens, prompting a U.S. invasion that featured American troops facing American weapons.<sup>71</sup> **Blowback also occurs when the United States sells weapons to nations (or transfers them to nonstate actors) that, though not allies, simply did not register as potential adversaries at the time of the sale.** The United States, for example, sold surface-to-air missiles, towed guns, tanks, and armored personnel carriers to Somalia during the 1980s. Few officials would have imagined that the United States would find itself intervening in Somalia in 1992, or that the United States and its allies would provide billions in weapons and dual-use equipment to Iraq in an effort to balance against Iran, only to wind up confronting Iraq on the battlefield to reverse its annexation of Kuwait.<sup>72</sup> And finally, **blowback can occur when U.S. weapons are sold or stolen from the government that bought them and wind up on the battlefield in the hands of the adversary.** For example, the Reagan administration covertly provided Stinger missiles to the Mujahideen, who were fighting the Soviets in Afghanistan during the 1980s; they in turn sold them off eventually to Iran and North Korea, among others. More recently, the Islamic State managed to capture from the Iraqi government a stunning number of Humvees and tanks the United States had sold to Iraq to rebuild its military capabilities after the 2003 invasion, as well as enough small arms and ammunition to supply three divisions of a conventional army.<sup>73</sup> These examples of blowback demonstrate how difficult it can be to forecast the long-term outcomes of arms sales and how obvious it is that selling weapons carries a number of risks. **Predicting what exactly will happen is hard, but predicting that arms sales to clients with red flags are likely to end badly is quite easy.** **Iraq was a fragile state ravaged by a decade's worth of American intervention and rife with terrorism and civil conflict; to transfer such large quantities of weapons to its military and police force under such conditions was to invite disaster.**

Next, the United States does not do a great job in ensuring we are selling weapons to customers that will use them for joint cooperation. In fact, we will sell weapons to any customer, which will create arms races, blowback, or embolden threats to any regime stability.

**Using several risk factors, it is easy to see that the US does not discriminate who it sells arms to. Most of our customers violate human rights, are inherently unstable and run risks of using our weapons for terror.**

A. Trevor Thrall and Caroline Dorminey, 3-13-2018, "Risky Business: The Role of Arms Sales in U.S. Foreign Policy," Cato Institute, <https://www.cato.org/publications/policy-analysis/risky-business-role-arms-sales-us-foreign-policy#full>

**The first risk factor we consider is the stability of the recipient nation. We assume that fragile states with tenuous legitimacy and little ability to deliver services and police their own territory, or those that cannot manage conflict within their borders, pose a greater risk for the dispersion and misuse of weapons.** Research also indicates that military aid can increase the likelihood of a military coup, an outcome even more likely in the case of a fragile state.<sup>9</sup> To measure this factor, we take the most recent score for each nation on the Fragile States Index, which determines a state's vulnerability by looking at a range of economic, political, and social factors.<sup>10</sup> The second risk factor we look at is the behavior of the state toward its own citizens. **We assume that states that rank poorly on human rights performance or that regularly use violence against their own people pose a greater risk of misusing weapons in the short or long term. To measure this we rely on two sources: Freedom House's Freedom in the World rankings, which assess "the condition of political rights and civil liberties around the world,"**<sup>11</sup> and the State Department's Political Terror Scale, which provides a more specific measurement of a state's use of torture and violence against its citizens.<sup>12</sup> Finally, **we consider the level of conflict, both internal and external, each state is engaged in. We assume that countries dealing with widespread terrorism and insurgency, or actively engaged in an interstate conflict, also represent higher risks of negative outcomes such as dispersion, blowback, entanglement, conflict, and human rights abuses.** Though the United States may have reasons to provide arms to nations engaged in such conflicts or dealing with terrorism, the risk of negative consequences remains. To assess these factors, we rely on the Global Terrorism Index, which

measures the scope of terrorism in a country, and the UCDP/PRIO Armed Conflict Dataset, published by the Uppsala Conflict Data Program and the Peace Research Institute Oslo, which tracks each country's involvement in wars as well as in smaller conflicts.<sup>13</sup> To gauge the riskiness of selling weapons to a given country, we combined its scores on these five metrics into a single risk index score. Since the measures all used different scales, we first recoded each of them into three categories: low, medium, and high risk. For example, we coded "not free" countries as high risk (3 points); "partly free" countries as medium risk (2 points); and "free" countries as low risk (1 point). The result was a risk index that runs from 5 (countries scoring "low risk" on all measures) to 15 (countries scoring "high risk" on all measures). To facilitate our reporting we then grouped the results into four risk categories. We gave the Highest Risk designation to the 5 countries that scored as "high risk" on every measure. At the other end of the spectrum, the Lowest Risk category contains the 38 countries that rated as "low risk" on all five measures. The categories between these two are Very Risky (64 countries) and Somewhat Risky (60 countries). Table 2 reveals the distribution of countries across risk categories as well as the average total arms sales by category since 2002.

**Three important observations immediately emerge from the analysis. First, there are a large number of risky customers in the world, and the United States sells weapons to most of them. Thirty-five nations (21 percent) scored in the highest-risk category on at least two metrics, and 72 (43 percent) were in the highest-risk category on at least one of the five measures. There simply are not that many safe bets when it comes to the arms trade.** Second, the data provide compelling evidence that **the United States does not discriminate between high- and low-risk customers.** The average sales to the riskiest nations are higher than those to the least risky nations. Considering discrete components of the index, for example, the 22 countries coded as "highest risk" on the Global Terrorism Index bought an average of \$1.91 billion worth of American weapons. The 28 countries in active, high-level conflicts bought an average of \$2.94 billion worth of arms. **Applying our risk assessment framework to the list of 16 nations currently banned from buying American weapons helps illustrate the validity of our approach. The average score of banned nations is 11.6, with 12 nations scoring 10 or higher.** The highest-scoring nations were Syria, Sudan, and the Democratic Republic of the Congo, with Iran, Eritrea, and the Central African Republic not far behind. Clearly these are nations to which the United States should not be selling weapons. What is especially troubling is that the United States sold weapons to several of these countries in the years right before sales were banned, when most of the risks were readily apparent. Moreover, America's customer list includes 32 countries with a risk score above the average of those on the banned list. This reinforces our concern that the U.S. government does not block sales to countries that clearly pose a risk of negative consequences. **The third major observation is that this lack of discrimination is dangerous. As simple as it is, our risk assessment is a useful guide to forecasting negative consequences.** **The five countries that scored as high risk on all five measures provide a clear illustration of the risks of arms sales. This group, which purchased an average of \$1.8 billion in U.S. weapons since 9/11, includes Libya, Iraq, Yemen, the Democratic Republic of the Congo, and Sudan. These five countries, recall, are classified by the various metrics as: "terror everywhere," "not free," "most fragile," "large impact from terrorism," and as being involved in high-level conflicts. These governments have used their American weapons to promote oppression, commit human rights abuses, and perpetuate bloody civil wars.** Within the Very Risky category, each country rated as "highest risk" on at least one measure, and 30 scored as "highest risk" on at least two measures. This group also represents the full range of unintended consequences from arms sales. Afghanistan, Egypt, Somalia, and Ukraine fall into this category. This group collectively spent an average of \$1.38 billion over the time period. Since 9/11, the Kingdom of Saudi Arabia (which scored a 12) invaded Yemen, intervened in Tunisia and Syria, and provoked a crisis with Qatar, while cementing a track record of human rights abuses and government oppression. Other states in this category, such as Afghanistan (score of 14), have entangled the United States in counterproductive conflicts since 9/11 and continue to do so today. **Even arms sales to the less risky nations do not come without risk. For example, the Somewhat Risky category includes the United Arab Emirates, which is involved in an active conflict in Yemen, as well as Georgia, which has dangerous neighbors.** Finally, the Lowest Risk category includes most of the NATO nations, Taiwan, South Korea, and a range of other, mostly smaller nations with stable governments, such as Barbados and Grenada, located in friendly neighborhoods. These countries pose little risk for problems like dispersion, destabilization, or misuse of weapons for oppression. In some cases, however, arms sales could alter regional balances of power in ways that increase tensions and the chance of conflict. U.S. arms sales to NATO allies, as part of the European Reassurance Initiative, for example, have upset Russian leaders.<sup>14</sup> Similarly, arms sales to Taiwan, itself not a risky customer, have nonetheless raised tensions between China and the United States.<sup>15</sup> In short, **even a relatively simple risk assessment makes it clear that the policy of the United States is to sell weapons to just about any nation that can afford them without much concern for the consequences. Though the United States does limit its most advanced weapons to allies<sup>16</sup> and maintains a ban on the sale of materials related to weapons of mass destruction,<sup>17</sup> the United States has sold just about everything else, in many cases to countries embroiled in interstate and civil conflicts, to countries with horrendous human rights records, and to countries that represent a risk for entangling the United States in unwanted conflicts.**

## **Even with Obama's creation of PPD 27, it is clear that neither congress nor the executive branch worry about their risk assessment**

A. Trevor **Thrall** and Caroline **Dorminey**, 3-13-2018, "Risky Business: The Role of Arms Sales in U.S. Foreign Policy," Cato Institute, <https://www.cato.org/publications/policy-analysis/risky-business-role-arms-sales-us-foreign-policy#full>

**Administrations have also highlighted the importance of avoiding arms sales that would lead to negative outcomes.** The most recent presidential directive on arms sales, Barack Obama's Presidential Policy Directive 27 from January 2014, identifies a host of criteria to be included in risk assessments and declares that **"All arms transfer decisions will be guided by a set of criteria that maintains the appropriate balance between legitimate arms transfers to support U.S. national security and that of our allies and partners, and the need for restraint against the transfer of arms that would enhance the military capabilities of hostile states, serve to facilitate human rights abuses or violations of international humanitarian law, or otherwise undermine international security."**<sup>29</sup> **The track record of U.S. arms sales, however, illustrates that the executive branch often puts little effort into conducting realistic risk assessments. Without the need to worry about congressional oversight, executive branch risk assessments serve more as routine paperwork than serious attempts to weigh the positive and negative consequences of an arms deal.** The upshot is that for decades the United States has transferred weapons into situations where it was relatively easy to forecast that the risk of negative consequences was high. **In most cases, however, short-term motivations outweighed consideration of longer-term possibilities.**

## **Arms sales not the best FOPO outcome—4 reasons**

A. Trevor **Thrall** and Caroline **Dorminey**, 3-13-2018, "Risky Business: The Role of Arms Sales in U.S. Foreign Policy," Cato Institute, <https://www.cato.org/publications/policy-analysis/risky-business-role-arms-sales-us-foreign-policy#full>

Under the right circumstances, we agree that arms sales can be a useful tool of foreign policy. More often, however, we argue that the benefits of U.S. arms sales are too uncertain and too limited to outweigh the negative consequences they often produce. Though presidents like them because they are relatively easy to use, in most cases **arms sales are not the best way to achieve U.S. foreign policy objectives. The strategic case for radically reducing arms sales rests on four related arguments. First, arms sales do little to enhance American security. Second, the nonsecurity benefits are far more limited and uncertain than arms sales advocates acknowledge. Third, the negative and unwanted consequences of arms sales are more common and more dangerous than most realize. Finally, the United States would enjoy significant diplomatic benefits from halting arms sales.**

## **Arms sales create entanglement in future conflicts or exacerbate current tensions**

A. Trevor **Thrall** and Caroline **Dorminey**, 3-13-2018, "Risky Business: The Role of Arms Sales in U.S. Foreign Policy," Cato Institute, <https://www.cato.org/publications/policy-analysis/risky-business-role-arms-sales-us-foreign-policy#full>

Entanglement. **Arms sales raise the risk of entanglement in two ways. First, they can represent early steps down the slippery slope to unwise military intervention.** Consider a case like the Syrian civil war or the many cases during the Cold War in which the United States wanted to support rebels and freedom fighters against oppressive governments.<sup>74</sup> In the majority of those cases, American leaders were wary of intervening directly. Instead, the United States tended to rely on money, training, and arms sales. But by taking concrete steps like arms sales to support rebel groups, Washington's psychological investment in the outcome tends to rise, as do the political stakes for the president, who will be judged on whether his efforts at support are successful or not. As we saw in the Syrian civil war, for example, Barack Obama's early efforts to arm Syrian rebels were roundly criticized as feckless, increasing pressure on him to intervene more seriously.<sup>75</sup> **History does not provide much guidance about how serious the risk of this form of entanglement might be.** During the Cold War, presidents from Nixon onward viewed arms sales as a substitute for sending American troops to do battle with communist forces around the world. The result was an astonishing

amount of weaponry transferred or sold to Third World nations, many of which were engaged in active conflicts both external and internal. **The risk of superpower conflict made it dangerous to intervene directly; accordingly, the Cold War-era risk of entanglement from arms sales was low.**<sup>76</sup> Today, however, **the United States does not face nearly as many constraints on its behavior, as its track record of near-constant military intervention since the end of the Cold War indicates. As a result, the risk of arms sales helping trigger future military intervention is real, even if it cannot be measured precisely. The second way in which arms sales might entangle the United States is by creating new disputes or exacerbating existing tensions.** U.S. arms sales to Kurdish units fighting in Syria against the Islamic State, for example, have ignited tensions between the United States and its NATO ally Turkey, which sees the Kurds as a serious threat to Turkish sovereignty and stability.<sup>77</sup> **Meanwhile, ongoing arms sales to NATO nations and to other allies like South Korea and Taiwan have exacerbated tensions with Russia, China, and North Korea, raising the risk of escalation and the possibility that the United States might wind up involved in a direct conflict.**<sup>78</sup>

### **Arms sales embolden dangerous regimes or coups. Both threaten instability**

A. Trevor Thrall and Caroline Dorminey, 3-13-2018, "Risky Business: The Role of Arms Sales in U.S. Foreign Policy," Cato Institute, <https://www.cato.org/publications/policy-analysis/risky-business-role-arms-sales-us-foreign-policy#full>

Regime Effects. **Finally, arms sales can also have deleterious effects on recipient nations — promoting government oppression, instability, and military coups.** As part of the war on drugs, America inadvertently enabled the practice of forced disappearances. In the cases of Colombia, the Philippines, and Mexico, **American weapons feed a dangerous cycle of corruption and oppression involving the police, the military, and political leaders.**<sup>94</sup> **Though the United States provides weapons to Mexico ostensibly for counternarcotics operations, the arms transferred to the country often end up being used by police to oppress citizens, reinforcing the “climate of generalized violence in the country [that] carries with it grave consequences for the rule of law.”**<sup>95</sup> Similarly, in Colombia and the Philippines the United States has supplied arms in an effort to support governments against external threats or internal factions and to combat drug trafficking, but with mixed results. A study of military aid to Colombia found that “in environments such as Colombia, international military assistance can strengthen armed nonstate actors, who rival the government over the use of violence.”<sup>96</sup> **Recent research reveals that American assistance programs, like foreign military officer training, can increase the likelihood of military coups. U.S. training programs frequently bought by other nations, most notably International Military Education and Training (IMET), gave formal training to the leaders of the 2009 Honduran coup, the 2012 Mali coup, and the 2013 Egyptian coup.**<sup>97</sup> **In these cases, the training that was supposed to stabilize the country provided military leaders with the tools to overthrow the government they were meant to support.**

In conclusion, there is a fair divide on the question of whether or not arms sales are wholly positive or negative.

However where the debates tend to get more specific is when individual countries are targeted for potential sales.

## **Section 4: Countries and Areas of Interest**

## India

India may be an interesting nation to include in an arms sales resolution. Of the other countries discussed, we probably have the strongest growing relationship with India, and they may be one of the more stable regimes we do sell arms to. However, India presents the challenge of low political will to adhere to US technology control standards. Additionally, arms sales to India must confront the very real challenges of China and Pakistan.

### **Any relaxing of arms sales restrictions will make India a huge winner**

**Global Times, 2-1-2018**, "Loosening of US Arms Sales Spurs India to Challenge China," No Publication, <http://www.defense-aerospace.com/articles-view/release/3/190320/china-concerned-by-easier-us-arms-sales-to-india.html>

The Donald **Trump administration is considering relaxing arms sales restrictions**, including reviewing export policies on unmanned weapon systems, in order to regain dominance in the market, in an initiative that could be launched as early as February, Reuters reported. Analysts have said that if the policy is relaxed, a large beneficiary will be India. A recent opinion piece in the Hindu newspaper pointed out that **if Trump "emphasizes the commercial benefits of arms sales and de-emphasizes the strategic angle, it could lead to a change in the dynamics of India-US defense trade, and bilateral trade in general.** India, always wary of military alliances, will be more comfortable with weapons purchases as commercial deals." If the US chooses to make its Unmanned Aerial Vehicles (UAVs) available, the overall situation is worth pondering, experts say. **Recently, relations between US and India have been warming up and the US hopes India can become an important force in the South Asia region in containing China. So the increase in India's military ability is something the US wants to see,"** Wang Ya'nan, chief editor of Aerospace Knowledge magazine, told the Global Times.

The first challenge is low political will for India to adhere to US technology transfer rules. India is attempting to create a more robust domestic defense sector. In doing so, they are potentially liberalizing their technology controls. If they were to do so, US sensitive technology may hit the open market.

### **India may not agree to enforcing US technology transfer rules**

Cara **Abercrombie, 1-10-2018**, "Removing Barriers to U.S.-India Defense Trade," Carnegie Endowment for International Peace, <http://carnegieendowment.org/2018/01/10/removing-barriers-to-u.s.-india-defense-trade-pub-75206>

**Washington's willingness to share sensitive technology with a partner country depends upon whether the country's government provides assurances the technology will be protected to U.S. standards. This practice is mirrored in cooperation** between the U.S. government and domestic private sector firms. U.S. private industry follows U.S. governmental security protocols for handling classified military information. Critically, **as India looks to spur private domestic firms to engage in defense manufacturing and development, it is putting in place standard operating procedures and an oversight system for private companies to manage classified military information. New Delhi must conclude a governmental agreement with Washington regarding private sector security practices before U.S. private sector entities can engage Indian counterparts in the development or manufacture of sensitive technologies. India would be unwise to dismiss U.S. demands for these formal assurances as unnecessary bureaucratic steps.** As the Indian defense manufacturing sector shifts from a monopoly of public sector enterprises to genuine engagement by the private sector—a significant paradigm shift—it is in India's own interest to guard against proliferation or theft of its most sensitive classified military information.

The second challenge presented by India is the "China threat." China and India have had recent border spats, or attempts to strengthen enemies of the other nation. First, if India continues to receive US arms, it will be perceived as an act of Chinese containment.

## **Arms sales to India will be perceived as Chinese containment**

Zhang Tao, 2-1-2018, "Loosening of US arms sales spurs India to challenge China," No Publication, [http://eng.chinamil.com.cn/view/2018-02/01/content\\_7928506.htm](http://eng.chinamil.com.cn/view/2018-02/01/content_7928506.htm)

**As the US moves closer toward the possibility that it will loosen restrictions on foreign arms sales, India is looking closely.** The Donald Trump administration is considering relaxing arms sales restrictions, including reviewing export policies on unmanned weapon systems, in order to regain dominance in the market, in an initiative that could be launched as early as February, Reuters reported. Analysts have said that **if the policy is relaxed, a large beneficiary will be India. A recent opinion piece in the Hindu newspaper pointed out that if Trump "emphasizes the commercial benefits of arms sales and de-emphasizes the strategic angle, it could lead to a change in the dynamics of India-US defense trade, and bilateral trade in general.** India, always wary of military alliances, will be more comfortable with weapons purchases as commercial deals. **If the US chooses to make its Unmanned Aerial Vehicles (UAVs) available, the overall situation is worth pondering, experts say. "Recently, relations between US and India have been warming up and the US hopes India can become an important force in the South Asia region in containing China. So the increase in India's military ability is something the US wants to see,"** Wang Ya'nan, chief editor of Aerospace Knowledge magazine, told the Global Times.

If it is not perceived as an act of containment, it may be perceived as outright provocation. India already uses surveillance drones in a way that has clashed with both China and Pakistan. Sales of armed drones may push these conflicts to new levels.

## **If India were to pursue purchasing armed UAVs, it would provoke China and/or Pakistan**

**Global Times, 2-1-2018, "Loosening of US Arms Sales Spurs India to Challenge China,"** No Publication, <http://www.defense-aerospace.com/articles-view/release/3/190320/china-concerned-by-easier-us-arms-sales-to-india.html>

**India's need to purchase UAVs is spurred by concerns about regional power balance. Currently, India has a large fleet of drones mainly with reconnaissance purposes. The Indian military has been craving bigger strike-capable drones, mainly from the US and Israel. Wang said India has goals when it comes to purchasing UAVs, as it hopes for high-level equipment, a characteristic of its recent national defense development.** Media reported that satellite images along with other reports suggest that Pakistan may be operating a China-made strike-capable, multi-role Wing Loong I drone, capable of carrying out complex assault operations. This may have alerted **officials in New Delhi for the urgent need to acquire heavier armed drones as a deterrent. "We have already taken notice of these reports. Be rest assured that necessary measures are being taken at the right places,"** a top Indian military official told the Asian Age. Correspondingly, **India's purchase of drones, especially from the US, has been alarming to neighboring countries. Last June, the US State Department approved the sale of 22 General Atomics MQ-9B Sea Guardians to India, which caused Pakistan to express concern, saying it would result in strategic imbalance in the region.** Last August, General Atomics president David Alexander told reporters that the company was engaged with an unnamed foreign nation in the purchase of potential Avenger drones (formerly Predator C), which are unmanned combat aerial vehicles powered by turbofan engines and include stealth features. The Indian Defense News identified the unnamed country as India. **"If India employs drones for military missions, it no doubt is concerned with China,"** Wang said. **"If India has medium-high altitude long-endurance UAVs, it most possibly will use them at the Sino-Indian border, as well as for securing the Indian Ocean. The key issue is, if the US loosens up its exports, which type of UAV will it sell to India?"** Last December, the Chinese foreign ministry condemned India for invading **Chinese airspace with a drone after the drone crashed on the Chinese side of the border.** India argued that the incident was caused by a technical problem while China said it infringed on its territorial sovereignty. Foreign ministry spokesperson Geng Shuang called on India to "stop the [drone] activities" near the border. **"The action of the Indian side violated China's territory and is not conducive to peace and tranquility in the border area,"** he said in a press conference.

Additionally, new sales to India would fuel paranoia and create a slew of new arms sales throughout the Asia-Pacific region. These continued sales would destabilize governments, and ensure the eclipse of the Asian-century before it even begins.

### **Continued arms sales to India will destabilize the Asia-Pacific region**

Dan **Steinbock**, 6-8-2018, "Shangri-La Arms Race: Or Follow the Money," Foreign Policy Journal, <https://www.foreignpolicyjournal.com/2018/06/08/shangri-la-arms-race-or-follow-the-money/>

What unites the IISS' U.S. donors is not so much a concern over China than a concern of being left out of the rearmament party. In fiscal 2017, the U.S. sold nearly \$42 billion in weapons to foreign countries, but \$8 billion (20% of the total) to the Indo-Pacific region, which remained behind the Middle East. Yet, **in global arms transfers, the Asia Pacific is the most lucrative region (over 40% of world total). As U.S. defense contractors see it, they could and should double their revenues in the region.** Unsurprisingly, then, U.S. Secretary of Defense, James Mattis is pushing for U.S. arms deals worldwide, especially in Asia. After retirement from the Marine Corps, Mattis served in the Board of Directors of General Dynamics, a leading U.S. defense contractor with \$31 billion in annual revenues. It is led by Phebe Novakovic, former official of the CIA and the Department of Defense. Last December, Novakovic said the Asia-Pacific is a growing market for U.S. defense contractors. **"People spend money on defense when they're worried, and many of our allies in Asia are justifiably worried," she added. To win over "unsophisticated buying authorities" and discourage national efforts to build indigenous capabilities, she advocated "upgrades to their current platforms... to be able to communicate to fight together should the need arise."** Now, the point here is not to argue—as one might on the basis of a blood-testing startup embroiled in scandal, or the so-called Theranos debacle, another board membership that Mattis had to resign—that there is collusion between the U.S. government, the Pentagon, leading defense contractors and U.S. "allies in Asia." Rather, **the risks are in the moral hazards inherent in the (far-too) intimate ties among these different players. It is precisely such risks that will always make destabilization preferable to defense contractors, which is then legitimized by the government leaders as a "moral imperative." What the Asia Pacific needs is peace, stability, and economic development. Left unchecked, rearmament in the region will ensure the eclipse of the Asian Century—before it has started.**

Finally, sales to India may threaten US Hegemony. They will be perceived as a failed continuance of the Asia-Pivot strategy, which has not helped increase our regional standing at all.

### **Arms sales to the Indo-Pacific region are a maintenance of the Asia-pivot which has diminished US standing in the region**

Dan **Steinbock**, 6-8-2018, "Shangri-La Arms Race: Or Follow the Money," Foreign Policy Journal, <https://www.foreignpolicyjournal.com/2018/06/08/shangri-la-arms-race-or-follow-the-money/>

**At the Shangri-La Summit, U.S. Defense Secretary James Mattis accused China of "intimidation and coercion" in the Indo-Pacific. "Make no mistake: America is in the Indo-Pacific to stay. This is our priority theater," he said.** What Mattis left unsaid was why America wants to stay in Asia and how U.S. defense contractors hope to turn the region into a weaponized cash cow. What the Shangri-La Summit illustrated (and seeks to reverse) are the new economic and strategic realities in Asia, as reflected by vital, longstanding shifts in arms transfers in the region. **While the U.S. defense system remains the most innovative in the world, U.S. global military leadership continues to erode. This is particularly clear in Asia where China increasingly accounts for investment and jobs in many economies (which tends to support regional stability), but the U.S. doesn't. Instead, and as a result, America's role relies less on its now-waning economic dominance and increasingly on its military presence, which is legitimized on the basis of the alleged "Chinese threat" (which tends to destabilize regional stability). Yet, new data indicates that even U.S. military position in the region is under relative erosion—as evidenced by the military transfers of China and Russia and some other countries in the region.**

## Israel

Most people get gun shy when there is potential room for Israel in a debate topic. Yes, it is a politically charged issue. Yes, it may be uncomfortable for some folks to debate. However, including Israel in an arms sales topic gives you great debate about human rights, Israeli proliferation, Israeli arms re-sales and alliances against Iran. Clearly, the obvious argument individuals make against Israeli arms sales is the potential use against Palestine.

### **The US supplies arms to Israel which is used to perpetrate harms against Palestinians**

Jeff **Warner and Victor Rothman, 6-7-2018**, "Speak Out on Israeli Excessive Force, Using U.S.-Supplied Weapons Against Gaza Civilians," CityWatch Los Angeles, <http://www.citywatchla.com/index.php/important-reads/15581-speak-out-on-israeli-excessive-force-using-u-s-supplied-weapons-against-gaza-civilians>

Rule of Law **The United States government has multiple legal requirements to not support state violations of human rights. These requirements are encoded in the Congressionally adopted U.S. Foreign Assistance Act and the U.S. Arms Export Control Act, both amended by the Leahy Law. These U.S. laws are intended to ensure that the United States is not complicit in war crimes committed by other countries using American made and supplied weapons. Israeli violations of Palestinian human rights involving US-supplied military equipment are well documented**, including the two human rights reports cited above, as well as the IDF's recent murders of civilians participating in the Great March of Return. **It is essential that Congress enforce its own laws by restricting future U.S. arms sales to Israel, as well as to Saudi Arabia and Egypt for their similar use of U.S.-supplied weapons against civilians.** The strongest statements to date by U.S. Senators condemning Israel's use of excessive military force against the Great March of Return non-violent protesters are by Senators Bernie Sanders and your colleague Dianne Feinstein. **We urge you to join these and other colleagues in opposing Israel's use of excessive force using American weapons. It is ultimately the right thing to do.**

In addition to potential culpability for human rights abuses, the UN has been increasing pressure on nations to reduce and/or end their sales of arms to Israel. Clearly, the United States may have to worry about credibility in the UN whenever potential resolutions are involved.

### **The United Nations sought a vote against Israel calling for a reduction in Arms Sales due to human rights abuses.**

Tovah **Lazaroff, 3-22-2018**, "U.N. Human Rights Council mulls call to end arms sales to Israel," The Jerusalem Post | JPost, <https://www.jpost.com/Israel-News/UN-Human-Rights-Council-mulls-call-to-end-arms-sales-to-Israel-546872>

**The UN Human Rights Council may vote on Friday to call for UN member states to halt the sale of any arms to Israel that could be used to violate international human rights laws.** The draft text regarding a possible arms embargo will be brought up as part of five anti-Israel resolutions the council is expected to approve as it wraps up its month-long 37th session in Geneva on Friday. **It can be found in the tail-end section of a resolution called "Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including east Jerusalem." It was sponsored by Bangladesh, Bolivia, Chile, Cuba, Ecuador, Jordan, Pakistan, Venezuela and the Palestinian Authority. The resolution "calls upon" on states to take steps to ensure "that their public authorities and private entities do not become involved in internationally unlawful conduct, inter alia the provision of arms to end-users known or likely to use the arms in the commission of serious violations of international humanitarian and/or human rights law." A similar resolution approved at this time last year did not mention arms sales to Israel or include any limitations on such sales.** Discussions between member states about the resolution were still ongoing on Thursday and changes to the text

posted online since Monday can be made at any time prior to the Friday morning vote.

The second challenge with arms sales to Israel is they are both ally and competitor in the arms marketplace. While the United States is the top arms dealer worldwide, Israel experienced significant growth in 2017.

### **Israel experienced 41% growth in arms sales in 2017**

Judah Ari **Gross**, The Times Of Israel May. 2, **2018**, 10, 5-2-2018, "Israeli arms sales skyrocket — increasing 41.5% in one year," Business Insider, <http://www.businessinsider.com/israel-arms-sales-skyrocket-2018-5>

**Israeli arms sales increased dramatically — by 41.5 percent — from 2016 to 2017**, according to new figures released by the Defense Ministry on Wednesday, including a massive missile defense system sale to India. **Defense exports brought in \$9.2 billion last year**, compared to the \$6.5 billion in 2016 and \$5.7 billion the year before, according to the International Defense Cooperation Directorate at the Defense Ministry, known as SIBAT. "This is an extraordinary achievement in every sense, which was reached thanks to the hard work of SIBAT and the defense industries and due to a number of agreements with foreign countries," Defense Minister Avigdor Liberman said in a statement. This dramatic increase can also be credited to efforts made by the Defense Ministry over the past year to deregulate the arms industry and make it easier for Israeli firms to export their wares. SIBAT chief Michel Ben-Baruch told reporters he expects similar levels of defense exports in 2018. **Asia remained the biggest market for Israeli defense exports, accounting for 58% of arms sales in 2017. Europe and North America were Israel's next largest customers. Africa, which saw a dramatic increase in arms sales in 2016, amounted to just five percent of exports in 2017. Israel significantly increased its sale of missiles — including those used in air defense — in 2017. These exports jumped by over 70% from the year before, amounting to nearly a third of all Israeli arms sales. This can largely be credited to the \$630 million sale of Israel's Barak 8 missile defense system to India, but Ben-Baruch stressed that "it's not just the Barak 8, but several other deals." Radars and electronic warfare systems accounted for 17% of arms sales. Cyber warfare products and drones — two areas Israel for which is perhaps best known — amounted to just 5% and 2%, respectively.**

Though he would not provide a specific breakdown, Ben-Baruch said the majority of Israel's defense exports were from the larger contractors — like Rafael, Israeli Aerospace Industries and Israeli Military Industries — and not from smaller firms.

Where Israel becomes an interesting topic component, is Israeli arms sales can be bidirectional. If the US were to reduce its arms sales, Israel could fill in which could help their economy or alliances throughout the region. However, if the US continues to ramp up arms sales the US and Israel may need to find a way to cooperate in the marketplace.

Shimon **Arad**, **6-18-2018**, retired Colonel of the Israeli Defense Forces, "Trump Wants to Sell Deadly Weapons to the Middle East; What Does This Mean for Israel?," Algemeiner, <https://www.algemeiner.com/2018/06/18/trump-wants-to-sell-deadly-weapons-to-the-middle-east-what-does-this-mean-for-israel/>

Between competition and cooperation **In 2017, Israel's arms exports reached a record \$9.2 billion** thanks to increased sales to India, Asia, and Europe of air-defense systems, radar, electronic warfare systems, and drones. Increased competition between Israel and the US for certain arms markets is growing more likely, but mutual benefit through cooperation on specific arms export projects is also possible. **Obviously, Israel and the US will not compete on arms sales across the board, but a more assertive US drive could bite into traditional Israeli markets. The military unmanned aerial vehicle (UAV) market, especially armed UAVs, is one such area of potential competition.** To date, the US has adopted a strong presumption of denial when considering the sale of armed UAVs around the world. The review initiated by the Trump administration of the UAV export policy, including the intention to try to reform the Missile Technology Control Regime (MTCR) that governs the export of missiles and drones, indicates that the US is looking to expand its share of the UAV market, in which Israel is a major player. **More competition in places central to Israel's success in arms exports — like India, Asia, and Europe — may also be in the cards. The US has upped its marketing efforts in these places, as exemplified by the Trump administration's recent approval of the sale to India of armed Predator-B (MQ-9) UAVs. Up to this point, India's armed drones have been Israeli-made Harpy systems. On the other hand, there may be more opportunities for cooperation in arms exports between Israel and the US.** Poland recently signed a \$4.76 billion deal for the purchase of the US-made Patriot air defense system. Initially, the Israeli-made David's Sling interceptor missiles were in the running to

be integrated into the sale. **Though Poland eliminated the Israeli missiles from the competition, the demand for air and missile defense systems around the world could increase the potential for US-Israeli cooperation in this field.**

**America is dependent on the Middle East for its arms sales, which could provide both a challenge and a path for cooperation for Israel.**

Shimon Arad, 6-18-2018, retired Colonel of the Israeli Defense Forces, "Trump Wants to Sell Deadly Weapons to the Middle East; What Does This Mean for Israel?," Algemeiner, <https://www.algemeiner.com/2018/06/18/trump-wants-to-sell-deadly-weapons-to-the-middle-east-what-does-this-mean-for-israel/>

**The divergence between the Trump administration's desire to increase arms sales to the Middle East and the capacity limits of Arab clients for what the US currently markets makes the release of new types of advanced US weapon systems to the region more likely. This could undermine Israel's qualitative military edge. While the Trump administration's global arms export drive may increase US-Israel competition for certain markets, it could also offer opportunities for joint arms export cooperation.** But Israel should be wary of following the American lead in relaxing export standards for approving arms sales. On April 19, 2018, the White House issued a national presidential security memorandum laying out a revised US Conventional Arms Transfer (CAT) policy. Following a 60-day period for feedback from the industry, a proposed action plan to implement the revised policy guidelines regarding conventional arms transfers and unmanned aerial systems export policy will be submitted by the State Department in coordination with the Defense, Commerce, and Energy Departments for the president's approval. **At its core, this new policy initiative is designed to ease regulations and increase the accessibility and competitiveness of US weaponry in order to bolster America's share of the global arms market.** As Peter Navarro, the head of the White House National Trade Council has stated, the change "will allow allies and partners to more easily obtain American security goods, which in turn improves the security of the United States while reducing the need for them to buy Chinese and Russian systems." **Increasing arms sales is an important policy objective of the Trump administration, with the president himself pushing foreign leaders to buy American-made military systems and equipment. Expanding arms sales is seen as not only serving security and foreign policy interests, but also underwriting the administration's "America First" policy through the economic benefits of such an effort.** Arms exports constituted over 6% of the value of all US exports in the period from 2007 to 2014. According to a recent release by the authoritative Stockholm International Peace Research Institute (SIPRI), between 2013 and 2017 the US extended its lead to 34% of total arms sales. Increasing or even preserving the significant contribution of foreign military sales to America's economy will require continued substantial orders from the Middle East and Asian markets, which have led the rising trend of arms imports over the last decade. **The consequent effort to maintain the Middle East as a substantial outlet for US-made arms could have a number of notable implications for Israel.**

However, while there is room for cooperation, Israel heavily models the United States. If we relax our arms sales regulations, they will follow suit. This could lead to proliferation to regimes with poor human rights records.

**If US Ease arms exports, then Israel will relax their sales requirements as well.**

Shimon Arad, 6-18-2018, retired Colonel of the Israeli Defense Forces, "Trump Wants to Sell Deadly Weapons to the Middle East; What Does This Mean for Israel?," Algemeiner, <https://www.algemeiner.com/2018/06/18/trump-wants-to-sell-deadly-weapons-to-the-middle-east-what-does-this-mean-for-israel/>

Relaxing Israeli export rules **The review of the US conventional arms and UAV export policy may also encourage some in the Israeli defense establishment to consider a comparable easing of Israeli regulations on arms exports.** Recently, a number of regulatory changes were made to streamline arms export marketing procedures. These do not, however, circumvent the procedures that supervise Israel's arms export policy. **Israel is regularly criticized for selling weapons to countries that have problematic human rights track records, such as Myanmar, South Sudan, and Honduras.** The upswing in Israel's arms exports to countries in Africa, South America, and Asia that suffer from corruption or poor human rights records highlights the need to maintain strict

standards and procedures for the approval of arms exports. **In short, Israel should be able to compete for arms markets globally without compromising the rigorous guidelines that govern the export process.**

The best argument in favor of maintaining active arms sales in Israel and the middle east is to create a stronger coalition to counter a more robust Iran.

### **US Arms sales may be necessary to create a stronger anti-Iran alliance in the middle east**

Chuck Frelich, 6-24-2018, "Trump has no coherent strategy on Iran. Astonishingly, neither does Israel," haaretz, <https://www.haaretz.com/middle-east-news/.premium-trump-has-no-strategy-on-iran-astonishingly-nor-does-israel-1.6200627>

More than a month after the U.S. withdrawal from the Iran nuclear deal, **America's strategy for containing Iran's nuclear program and regional expansionism remains murky.** Having worked tirelessly for the agreement's abrogation, this should be Israel's Prime Minister Benjamin Netanyahu's finest hour. But, in practice, **the Trump administration does not appear to have a coherent strategy towards Iran and is now focused on North Korea. What may be even more worrisome is that Israel, too, does not appear to have a coherent and practical strategy.** In the coming weeks, opponents of the Iran nuclear deal will enjoy a brief period of satisfaction. The Europeans are rapidly discovering that their dependence on the U.S. market is such that they have little choice but to adhere to the new sanctions regime. Iran, too, finds itself boxed in, forced to continue sticking with the agreement, at least in the short term, in order to maintain its relations with Europe. Within a matter of months, however, the Iranians' patience will likely wear out, and they will begin taking steps to disengage from the agreement. That is when the hour of crisis will arrive. The question, as always, is: What are the alternatives? U.S. President Donald Trump and Netanyahu have both stated that their primary objective is to force Iran into acceding to an improved agreement. The renewed sanctions are thus designed to exert extreme pressure on Iran and to force it to accede to what is, for all practical purposes, a dictate. **In the absence of the comprehensive international sanctions regime that existed in the past, however, the probability that Iran will do so and make concessions today, that it was unwilling to make at the time, is low. Iran, too, has domestic politics and political leaders vying for stature and prestige. Indeed, it is more likely that the outcome will be a strengthening of the hardliners, who argued from the beginning that the nuclear deal was no more than a case of American subterfuge, and that Iran's aggressive behavior will increase, including in Syria. A second option is a U.S. effort to forge a regional anti-Iranian alliance, based on the Gulf states, Egypt, and Jordan, with Israel's at least indirect involvement. Formation of an alliance of this sort would require an increase in U.S. arms sales, a strengthened American military presence in the region, provision of some sort of U.S. security guarantee for the participating states and growing coordination between them and Israel.** Having already expressed his desire to reduce American forces in Syria, Trump will have a hard time convincing anyone of the seriousness of his willingness to now take on Iran.

## Japan

Japan has the potential to be a multifaceted area for debate. While you have elements of Chinese containment (similar to the Taiwan section) you also get access to a North Korea debate, an intricate natural vs forced Japan rearmament debate, and questions about multiple military spheres of influence in the South and East China Seas. First, times are changing in Japan and they are starting to focus on more defense procurements to get the technology they need now instead of waiting for their domestic producers to get there first.

### **Japan is seeking out arms sales from the United States to contain North Korea**

**Hürriyet Daily News, 12-22-2017**, "Japan OKs record arms spending that favors US equipment," Hürriyet Daily News, <http://www.hurriyetdailynews.com/japan-oks-record-arms-spending-that-favors-us-equipment-124588>

**Japan's government approved a record military budget on Dec. 22 but did not earmark enough extra money to stop a splurge on U.S.-made ballistic missile defense kit from putting a squeeze on funding for an ambitious domestic jet fighter project. Japan's defense outlays for the year starting April 1 will rise for a sixth straight year, increasing by 1.3 percent to 5.19 trillion yen (\$45.76 billion), according to a budget breakdown published by the government. The biggest ticket item is 137 billion yen to reinforce defenses against a possible North Korean ballistic missile attack.** That includes purchases of a new longer range interceptor, the SM-3 Block IIA, designed to strike ballistic missiles in space, upgrades for the Patriot missile batteries that are the last line of defense against incoming warheads and preparations for the construction of two ground-based Aegis radar stations. **Japan will also spend 2.2 billion yen to begin acquiring medium-range air-launched cruise missiles able to strike sites in North Korea in a bid to deter any potential attack by Pyongyang, which continues to test ballistic missiles. "It is essential that we have the latest, most capable equipment to bolster our defenses," Japanese Defense Minister Intsunori Onodera said after he and other Cabinet members approved the new spending plan.** The latest rocket launched by the North on Nov. 29 reached an altitude of more than 4,000 km before plunging into the Sea of Japan. **A spending spree on mostly U.S.-made equipment means Japan's defense planners are being forced to curtail domestic programs that would help local defense contractors such as Mitsubishi Heavy Industries and Kawasaki Heavy Industries maintain their military industrial base. That may force Japan to curtail its long-held ambition to build an advanced stealth fighter, dubbed the F-3. In November, U.S. President Donald Trump called on Prime Minister Shinzo Abe to buy more U.S.-made weapons as his administration pushes Washington's allies to contribute more to their joint defense. Japan plans to allocate 279 billion yen of its next budget to buy defence equipment through the U.S. government's Foreign Military Sales system, 15 percent more than the current budget and more than double the amount spent in year that ended March 31, 2015.** People who spoke to Reuters in November said Japan will delay a decision to develop the F-3.

It's not just Abe who is looking for more arms in the face of pressure from Trump, Japan's Liberal Democratic party is also calling for increases in their defense capabilities.

### **Japan's LDP is calling for defense increases amidst US pressure and threats from China and Korea**

Masaya Kato,, **6-6-2018**, "Ruling party panel calls for doubling Japan's defense budget," Nikkei Asian Review, <https://asia.nikkei.com/Politics/Ruling-party-panel-calls-for-doubling-Japan-s-defense-budget>

TOKYO -- A group of lawmakers from **Japan's ruling Liberal Democratic Party has called for the country's defense spending to double in response to growing national security risks and pressure from the U.S. The LDP's**

**Research Commission on National Security has urged the government to break with its traditional policy of limiting the defense budget to 1% of Japan's gross domestic product, raising it to around 2% of GDP**, the target adopted by NATO. **Washington has also been pushing Japan to shoulder more of the cost of its defense, spurring the LDP to call for a bigger budget**. The government will review its National Defense Program Guidelines and the Midterm Defense Program at the end of the year. In August, ministries and agencies will submit their budget requests for the next fiscal year to the Finance Ministry. **The ruling party's proposal is aimed at influencing the defense budget in response to U.S. President Donald Trump's demand that Japan spend more. The LDP commission argues that the country faces "the most critical" security situation since the end of World War II. In making its case for greater defense outlays, the panel has enumerated what it sees as threats to national security, including China's rapid military buildup and the growing likelihood of space and cyber attacks**. Japan's defense budget has risen for six straight years, reaching 5.19 trillion yen (\$47.7 billion) in the original budget for fiscal 2018, which began in April.

Of course, Trump is more than willing to oblige Japan's requests. He believes linking Japan's economic and security concerns through arms sales.

### **Trump is linking US-Japanese economic and security concerns through increasing arms sales.**

Masaya Kato,, 6-6-2018, "Ruling party panel calls for doubling Japan's defense budget," Nikkei Asian Review, <https://asia.nikkei.com/Politics/Ruling-party-panel-calls-for-doubling-Japan-s-defense-budget>

**Japan's security treaty with the U.S. specifies different roles for the two countries. U.S. military's offensive capabilities are meant to serve as the "spear," while Japan, with its strictly defensive forces, acts as the "shield." Japan also hosts many U.S. military bases and shoulders their operating costs**. Despite this, Tokyo has been under constant pressure, publicly and behind the scenes, from Washington to ramp up its defense spending over the past two decades. A turning point came after the 9/11 attacks in 2001. President George W. Bush's decision to go to war in Iraq and Afghanistan, and the resulting rise in military spending, strained the U.S. federal budget. Washington adjusted by slimming down the military and stepping up pressure on its allies to spend more on national security. Donald Rumsfeld, Bush's defense secretary, stressed that Japan's defense budget was only 1% of GDP, compared with the U.S. figure of 3%, every time he met with a Japanese cabinet member or lawmaker. Bush's successor, Barack Obama, pruned the defense budget to improve U.S. fiscal health and declared that America would no longer act as the world's policeman. But despite the cajoling, Japan has held its defense spending below the 1% of GDP level. Trump is the main factor behind the LDP's call for doubling the budget. **During the 2016 presidential campaign, Trump pledged to cut the U.S. trade deficit with Japan. After taking office, he demanded talks on a bilateral free trade agreement and expressed his desire for more U.S. exports of cars and farm products to Japan. Tokyo wants to avoid committing itself to import quotas, but because Japan's defense industry is relatively small, buying more U.S. arms is one way to reduce Japan's trade surplus without hurting its domestic economy much. Trump has demanded that Japan buy more fighter jets and other weapons from the U.S., directly linking economic and security issues**.

However, sales to Japan could have some potential threats. The first could be reverse engineering and/or technology resale. In attempt to strengthen their economy, Abe is attempting to find a way to shoe their way into the global arms market. This could benefit their economy and destabilize the region. Some authors believe that if the US were to assist Japan in extending its capabilities, it could supercharge their ability to sell arms.

### **Japan is seeking to increase their own arms sales to boost their economy under Abe-nomics**

Purnendra Jain, Professor in the Department of Asian Studies at the University of Adelaide., 5-29-2018, "Japan open for arms business," East Asia Forum, <http://www.eastasiaforum.org/2018/05/29/japan-open-for-arms-business/>

**In 2015, the Japanese government set up the Acquisition, Technology and Logistics Agency within the Ministry of Defence to promote the sale of arms overseas**. To display its military wares, Japan has begun to participate in major international arms exhibitions and seek opportunities globally. Japan also organised its first post-war arms exhibition in 2015 in Yokohama. This three-day event was held in association with the Japanese government, a British company, **the United States Seventh Fleet Command and the**

**Australian Department of Defence. The event aimed to display Japan's latest military wares and had a particular focus on the fields of maritime security, disaster management and rescue operations. Japan is trying to project its foray into the world's arms market as not a promotion of 'war' but for the preservation of 'peace' and humanitarian purposes. This explains Japan's focus on wares that have surveillance, rescue and disaster management functions. But this has not prevented critics from arguing that Japan is joining the club of the 'merchants of death'. Japan's rising interest in selling arms overseas is a part of the governments 'Abenomics' strategy, which essentially strives to boost Japan's more than two-decade-long sluggish economy through a number of fiscal, monetary and structural changes. Arm exports and the associated manufacturing industry could form part of Abenomics' 'third arrow' and benefit the Japanese economy.**

Since late 2017, Japan has been seeking out two specific technologies from the United States: THAAD and Tomahawk missiles. Japan acquiring both of these technologies has its challenges as it is seen as either an act of provocation or an increase in first-strike capabilities which would create conflicts that would draw in the United States.

### **Japan is seeking out THAAD to contain North Korea but it could be seen as an act of provocation**

Sandra **Erwin**, 9-7-2017, "Coming Soon: Japan and South Korea Armed to The Teeth with New Weapons," National Interest, <http://nationalinterest.org/blog/the-buzz/coming-soon-japan-south-korea-armed-the-teeth-new-weapons-22209>

**Japan already spends billions of dollars on U.S.-made missile-warning radars, ballistic missile defense warships and Patriot batteries. "They are going to have greater requirements for that capability."** Avascent analyst Steve Ganyard wrote in a white paper. Japan's politicians "react to North Korean missiles in a way that says that 'we'll protect the people and build a missile shield over large population centers like Tokyo' because they have to address public fears," Ganyard commented. **North Korea's missile development program with nuclear delivery capability threatens Northeast Asia as well as the United States,** he added, **"but so far our policies have been ineffective in halting it and that North Korean effort is going to continue on its technological march. The ability to directly threaten Tokyo with a nuclear weapon is generating a lot of domestic political concern."** Roman Schweizer, defense industry analyst at Cowen Research, predicts Japan will seek more U.S. arms. "We see Japan's high-end shopping list as representative of the global demand for U.S. foreign military sales programs," he told industry investors in an email. **"With continued provocations from North Korea, it's no surprise that Japan's Ministry of Defense request heavily favors missile defense systems." The list includes the U.S. Navy's Aegis air defense system and missile interceptors, Patriot systems and radar upgrades. Japan also is considering acquiring the THAAD (terminal high-altitude area defense) missile system, as well as advanced tactical fighters and helicopters. "We've also seen multiple reports that Japan is considering acquiring Tomahawk strike missiles,"** noted Schweizer. **"Acquiring an offensive missile system would be a major decision for Japan and would ratchet up pressure on both North Korea and China."** South Korea has acquired THAAD batteries from the United States although it also has developed its own missiles and launchers. The crisis triggered by North Korea's nuclear weapon advances accelerated the deployment of THAAD.

### **Japan's acquisition of Tomahawk missiles increases the risk of the first striking someone, potentially North Korea which would draw in the United States**

Kyle **Mizokami**, 5-8-2017, "Japan Wants to Buy Tomahawk Cruise Missiles," Popular Mechanics, <https://www.popularmechanics.com/military/weapons/a26427/japan-tomahawk-cruise-missiles/>

The evolving environment in East Asia has Japan rethinking these prohibitions. The Ground Self Defense Forces—that is, the Japanese Army—is currently training its first brigade of marine infantry. Previously considered a tool of offensive warfare because of their ability to invade from the sea and seize land, marine units were expressly forbidden in postwar Japan. Recently however, **with tensions rising over territorial rights in the East China Sea, Japan has reframed the concept of marines as a defensive force that can retake Japanese territory. Similarly, a purchase of Tomahawk missiles would be justified as capable of launching pre-emptive defensive strikes. How might such missiles be used? Imagine North Korea threatens to launch nuclear-armed Rodong missiles against Japan. Japan's fleet of RQ-4 Global Hawk high-altitude surveillance drones observe the missiles being fueled (an hours-long process), but the country's military has no options to destroy them before they are launched. An arsenal of Tomahawks would give Japan a first-strike capability against those missiles. The problem, however, is the second and third (and fourth, and fifth, and twelfth strikes) that would be necessary to hit North Korea's missile arsenals, particularly mobile launchers that are difficult to locate and destroy. Japan may buy cruise missiles to conduct a surgical strike, but any attack on North Korea would not be limited to a single strike. It would be the beginning of a long, possibly open-ended campaign that Japan is ill-suited to carry out. Japan lacks the reconnaissance and intelligence assets, strike jets and bombers, and refueling tankers and military infrastructure for such a campaign. It would be up to the U.S. to finish the job.**

Regardless of the specific technologies Japan is seeking to acquire, strengthening arms cooperation would increase tensions in the South China Sea, if we were to withdraw it could potentially calm things down.

### **US-Japan arms cooperation would ratchet up tensions in the South China Sea and rile up China**

Ralph Jennings, 10-23-2017, "Japan's Pursuit Of More Military Power Will Reignite Disputes With China," Forbes, <https://www.forbes.com/sites/ralphjennings/2017/10/30/japans-pursuit-of-more-military-power-will-reignite-disputes-with-china/>

**The widening reach of Japan's military also threatens China's overall superpower status in Asia. Like China, Japan is spreading development aid far past its own borders, including arms sales to Southeast Asian countries that dispute Beijing's maritime claims.** Also to that end, Japan sent a helicopter carrier earlier this year **to shake Chinese dominance in the contested South China Sea.** Both China and Japan like to be seen as good world citizens by joining UN peacekeeping missions, which also earns them favor with the weaker nations. China has committed one-fifth of the international organization's 40,000 stand-by troops. The foreign ministry in Tokyo says 10,045 Japanese personnel had helped U.N. peacekeeping missions through 2015. Japan's lead will inevitably be its old military friendship with Washington. **Any constitutional change that lets Japanese Self-Defense Forces work more closely with U.S. counterparts would particularly rile Beijing, which still sees Washington as its chief post-Cold War rival in Asia. The U.S. military outranks China's and whoever it backs naturally gets**

**stronger.** Abe wants a clear definition for the Japanese Self-Defense Forces "to allow for the opaqueness of when and how it is dispatched to be much more transparent," Nagay says. That includes the details of cooperation with U.S. forces. "Changing the law will allow Japan to work more seamlessly with its U.S. alliance partner," he says.

## The Middle East

The Trump administration is seeking to increase sales throughout the middle east, as it is the largest portion of our market share. To increase middle east sales, Trump wants to authorize drone sales. This could damage our qualitative military edge, but it could also maintain a very lucrative connection.

### **The US is looking to increase its level of arms sales to the Middle East through new technology offerings**

Shimon **Arad, 6-18-2018**, retired Colonel of the Israeli Defense Forces, "Trump Wants to Sell Deadly Weapons to the Middle East; What Does This Mean for Israel?," Algemeiner, <https://www.algemeiner.com/2018/06/18/trump-wants-to-sell-deadly-weapons-to-the-middle-east-what-does-this-mean-for-israel/>

Breaking the quality barrier **While the Middle East market accounted for half (49%) of total US arms exports in the 2013-2017 period, the combination of a present downward swing in demand for major US-made weapon systems in the Middle East and a deliberate policy of arms purchase diversification by the Arab states, means that innovative measures are going to be needed if the US is to achieve or exceed previous levels of arms sales to the region.** This will necessitate going beyond current limits on arms sales to the Arab states. Following a decade of large-scale sales of fighter jets, helicopters, warships, and air-defense systems, the Arab clients are close to or at their capacity limits for these types of US-made arms. With the residual market for such expensive weapon systems being shared with European and Russian arms manufacturers, the US will need to push the envelope in order to garner large-scale arms sales to the region in the coming years. **This makes the release of new types of advanced capabilities to the Arab states in the near future much more likely. Prime candidates are the F-35 fifth-generation fighter jet and armed drones. Though this would be very problematic from a Qualitative Military Edge (QME) perspective for the US and its allies, the sale of F-35s and armed drones to the Arab countries would be very lucrative and could contribute considerably to keeping the Middle East a major arms market in the years to come.**

Additionally, arms sales to the middle east creates petrodollar recycling which can either destabilize the global economy or create wild swings in oil production.

### **Continued Arms Sales to the Middle east will create an oil production crisis. There is a strong correlation between oil price swings and arms sales through the practice of “petrodollar recycling”**

Amy **Myers Jaffe, 3-20-2018**, "Thirty Years of U.S. Arms Sales to Middle East Endogenous to Unstable Oil Prices, Research Shows," Council on Foreign Relations, <https://www.cfr.org/blog/thirty-years-us-arms-sales-middle-east-endogenous-unstable-oil-prices-research-shows>

**As the White House hosts Saudi Crown Prince Mohammed bin Salman today, policy makers need to be reminded that any new arms sales across the Middle East could become part of a repeating pernicious cycle that could lay the seeds to the next big oil crisis.** That's an important conclusion of my new economics and policy paper published today with co-author Rice economics professor Mahmoud El-Gamal in the academic journal Economics of Energy and Environmental Policy (EEEEP). Bin Salman kicked off the preliminary public relations for his current trip with an important and serious interview aired on the American TV news magazine 60 Minutes, in which he noted **“Saudi Arabia doesn't want to own a nuclear bomb. But without a doubt, if Iran develops a nuclear bomb, we will follow suit as soon as possible.”** **While Saudi Arabia and the United States share a common view that Iran is a destabilizing force the region, the United States has been resistant to Saudi lobbying that standards for a U.S.-Saudi nuclear deal should not ban enrichment of uranium.** Westinghouse and a consortium of U.S. companies are discussing a bid for the multi-billion tender to build civilian nuclear reactors in the kingdom in competition with China. Coincidentally, the U.S. Department of Energy (DOE) tweeted today that the United States needs to “modernize our nuclear weapons arsenal, continue to

address the environmental legacy that the Cold War programs, further advance domestic energy production, better protect our energy infrastructure, and accelerate our exascale computing capacity," noting that nuclear deterrence is a core part of the DOE mission." In our EEP article, we argue that **geopolitical events that are often considered exogenous to the debt-driven financial boom and bust global economic cycle are part of an endogenous and self-perpetuating meta-cycle, linked by high petrodollar recycling during periods of high oil prices that typically accompany high economic growth periods, like the one seen in the early 2010s. Petrodollar recycling takes many forms, including rising military spending and buildups. El-Gamal offers a theoretical model that explains why an oil exporting country could be "incentivized" to time its military activism during periods of oil price slumps, with the coincident effect of boosting national revenues, thus converting military capital into civilian capital. A significant part of Arab countries' military equipment (and Russia's) used in recent conflicts was accumulated during oil boom years following the Iraqi invasion (2003-2007) and during the Arab Spring uprising (2011-2013). Last year escalations in conflict across the Middle East from Yemen to Northern Iraq helped raise the price of oil on the heels of the major down cycle of 2014-2015.** The paper using discrete wavelet analysis of oil production at the country level to demonstrate that military conflicts that destroy production installations or disrupt oil transportation networks are the "most significant antecedents of sustained long term disruptions in oil supply." The paper recommends that **"rather than increase arms sales as rentier states seek to externalize their problems, major economies such as the United States, China, Japan and Europe multilaterally and through international agencies should encourage the acceleration of economic reforms such as those proposed by the Saudi Crown Prince. Forty years of military buildups have failed to bring peace and economic prosperity to the Middle East.** While it is unlikely that the Middle East oil exporters will intentionally escalate regional proxy wars in a manner that leads to the destruction of oil facilities, the nature of war can be irrational and unpredictable, hence explaining the return of the geopolitical risk premium to the price of oil. The hedge fund community, which trades in oil, has so far appeared relatively unconvinced by announcement of economic reforms in Saudi Arabia. It has also been skeptical of the success of the Iranian nuclear deal. Meanwhile, the oil industries of Syria and Yemen have been decimated by recent geopolitical conflicts. A similar fate befell Iraq and Iran during their eight-year war, our research shows. **In light of this self-perpetuating cycle, industrialized governments would benefit from revisiting coordination mechanisms for use of strategic stocks, including discussions with Saudi officials currently visiting for how the United States could respond** (in conjunction with Saudi Arabia?) to further deterioration of Venezuela's oil industry. The United States imported just over 500,000 barrels per day (b/d) of Saudi crude oil last fall, the lowest level since May 1987 and down from 1.5 million b/d a decade ago. The kingdom is now the fourth supplier after Canada, Mexico and Iraq. The drop reflects more than rising U.S. production since Saudi Arabia and Venezuela supply a heavier grade of crude oil used by coker units that economically upgrade poorer quality crudes into light products like naphtha and gasoil. Rising tight oil production is a lighter grade of crude oil less desirable for coker units of the U.S. gulf coast. **In years past, the U.S.-Saudi security partnership has included coordination of responses to sudden changes in global oil supply, including strategies that involved targeting Russia when lower oil prices were needed to send a firm message of geopolitical deterrence. The question is with the current Saudi-Russian oil bromance and the United States itself now an oil exporter, is this critical element to the U.S.-Saudi relationship still viable?**

Finally, US arms sales to the gulf threaten the entirety of the region because we try to keep too many conflicting interests happy.

**US arms sales to the gulf is nothing more than exploiting tensions and making the situation worse**

**Al Jazeera News, 4-4-2018, "Is US President Trump 'milking Gulf countries'?",** No Publication, <https://www.aljazeera.com/news/2018/04/president-trump-milking-gulf-countries-180404125624521.html>

US President **Donald Trump is "milking Gulf countries" and exploiting tensions in the Middle East to bolster its arms sales.** That's according to Al Jazeera's senior political analyst Marwan Bishara, who was commenting shortly after the US leader told Saudi Arabia it needed to pay up if it wanted the US to continue its fight against the Islamic State of Iraq and the Levant (ISIL) group in Syria. Bishara said **the US was acting like a "mercenary" and putting itself forward for the service of whoever was willing to pay highest. The US was also benefiting financially from both sides of the ongoing Gulf crisis,** he went on to add. **"While on the one hand, the United States does want Gulf unity under an American umbrella, I think President Trump is having a**

**good time exploiting this crisis,"** Bishara said, **referring to the crisis between a Saudi-led bloc and Qatar, which has seen both sides sign lucrative arms deals with the US.** "Certainly he's milking the various Gulf countries in a major way. I mean it was embarrassing even for the Crown Prince [Mohammed bin Salman] the way [Trump] brought that sign saying we are selling you this much hundreds of millions, this much billions in arms while they were meeting in the White House. **"For every possible service, he would ask for money in return. "He's done that with the United Arab Emirates, with Qatar, with Saudi Arabia, with Kuwait and so forth." Ostensibly at least, Trump has spoken against US intervention in the Middle East and described is as both costly and deadly in terms of US lives lost.** Trump told supporters at a rally in the state of Ohio that he wanted US troops out of Syria soon. While initially taking the Saudi side in its dispute with Qatar, Trump has since taken a more neutral approach.

## Qatar

Qatar might have the most potential for debate on both sides of a “reduce arms sales” resolution. After 9-11, Qatar became a key ally in the War on Terror. However, relations with the small nation have become quite rocky. The Trump administration has flip-flopped on labeling them both a state sponsor of terror and a crucial ally in the fight against ISIS. Meanwhile the rest of the Persian Gulf states are actively isolating themselves from Qatar. Saudi Arabi is literally digging along its land border with the nation to turn Qatar into an island.

### **Qatar is a strategic threat to the US as our closer ties alienates other gulf allies because of their closeness to Iran, they are also rumored supporters of terrorist groups**

Joe **Gould, 2-14-2018**, "Corker lifts hold on arms sales to Gulf nations in Qatar row," Defense News, <https://www.defensenews.com/breaking-news/2018/02/14/corker-lifts-hold-on-arms-sales-to-gulf-nations-over-qatar-row/>

Though major combat operations against ISIS have ceased since the group lost much of the territory it held in 2014, Tillerson said the militant group is still a threat to the region, the U.S. and other nations. “The timing of this release is unsurprising,” said Becca Wasser, and analyst at the think tank Rand, noting the recent talks. **“It is likely that over time, the hold increasingly became a liability, another issue for the Gulf states to point as a sign of shaky U.S. support, particularly when juxtaposed with the Trump administration’s push to sell arms.”** “The Qataris are currently riding a wave of positive momentum after a warm welcome in Washington for the Dialogue, and any arms sales or deliveries would be captured in this momentum,” Wasser said. **“For Abu Dhabi, Manama and Riyadh, the release sets the precedent that there will be no lasting repercussions for any actions they (or other Gulf partners, for that matter) take that work against U.S. interests.” Saudi Arabia, Bahrain, the United Arab Emirates and Egypt broke off ties with Qatar in June last year, imposing a land, sea and air campaign and accusing it of supporting extremists and being too close to Iran. Qatar denies the allegations and accuses the bloc of aiming to undermine its sovereignty. At the time, Trump seemed to side against the U.S. military partner, deriding what he called its “extremist ideology in terms of funding” terrorist groups.** At the time, Tillerson had issued a very different message, calling on the Arab nations to immediately ease their blockade on Qatar.

### **Maintaining close relations with Qatar is necessary for US Counter-terror operations**

James **Laporta, 4-10-2018**, "Weapons system sale to Qatar approved ahead of Al-Thani visit," UPI, <https://www.upi.com/Weapons-system-sale-to-Qatar-approved-ahead-of-Al-Thani-visit/3451523376292/>

April 10 (UPI) -- **The State Department approved the sale of military hardware to Qatar the same day Defense Secretary James Mattis welcomed Qatar's emir to the Pentagon -- nearly a year after accusations of supporting terrorism were lobbed at the Persian Gulf state from the president. The Defense Security Cooperation Agency has approved the sale of Advanced Precision Kill Weapon Systems II Guidance Sections, along with rockets, warheads, support and additional materials at an estimated cost of \$300 million.** The approval comes as Mattis on Monday kicked off two days of talks with Emir Tamim Bin Hamad Al-Thani during the inaugural meeting between the United States and Qatar. Mattis praised the Persian Gulf state for its "critical support" of operations against the Islamic State in Iraq and Syria. **The forward deployed headquarters of U.S. Central Command is located in Qatar. The base supports U.S. air and counter terrorism operations in Syria, Iraq and Afghanistan, and maintains a force of around 10,000 service members. "We don't take this relationship for granted,** and we appreciate what you do," Mattis said.

One challenge of selling arms (especially fighter jets and helicopters) to Qatar, is that they absolutely do not need them. Qatar’s standing army and air force are tiny, and they are only buying American military equipment to seek out favorable political treatment.

## **Qatar is seeking out arms sales from the US to shore up political support and favorable treatment**

**The Economist, 3-1-2018**, "For the Gulf states, diplomacy involves buying weapons they don't need," Economist, <https://www.economist.com/middle-east-and-africa/2018/03/01/for-the-gulf-states-diplomacy-involves-buying-weapons-they-dont-need>

Western defence officials already wonder how Qatar will incorporate the new kit. **The standing army numbers just 27,500 men. Fewer than 10% are in the air force, which will need hundreds of new pilots to fly an expanded fleet.** The air academy graduated just 30 last year, though it hopes to double that number in 2018. It will need to train them on three different platforms, a decision that puzzles some military attachés. Mr Attiyah defends the purchases. The F-15s are strike fighters, he notes, whereas the European jets are better suited to air-to-air combat. But **for Qatar and its neighbours, arms deals are also a way to shore up support in Western capitals.** Bahrain is spending \$3.8bn to about double its fleet of F-16s. The UAE signed a \$1.6bn deal with Lockheed Martin, an American firm, to upgrade its air force. During his visit to Saudi Arabia last May, President Donald Trump announced arms deals with the kingdom worth \$110bn. It was the largest such sale in American history—or, at least, it appeared to be. "It was a shopping list, but the Saudis haven't actually signed contracts for most of it," says an American diplomat. **Qatar has been most aggressive in pursuing this strategy. On June 9th Mr Trump called the emirate a sponsor of terrorism. Five days later his defence secretary signed off on the F-15 deal, undermining the president's narrative.** In October BAE Systems, a British firm, announced that it would lay off nearly 2,000 workers because of sluggish Typhoon sales. But the \$6.7bn deal with Qatar, announced two months later, will help keep the production lines humming. **The frenzied defence spending mirrors a flood of Qatari cash into Washington lobbying firms, which totals \$4.7m since June.** (In the five years before that, it spent only \$6.5m on lobbying in America.)

While this buildup may be nice for the American economy, it is only contributing to increased tensions between Qatar and GCC nations, which could create a flashpoint for conflict.

## **Qatar has a history of military paranoia. They are assisting the US in military buildup that is making neighbors uneasy**

**The Economist, 3-1-2018**, "For the Gulf states, diplomacy involves buying weapons they don't need," Economist, <https://www.economist.com/middle-east-and-africa/2018/03/01/for-the-gulf-states-diplomacy-involves-buying-weapons-they-dont-need>

A mitten-shaped peninsula that juts off Saudi Arabia's eastern coast, **Qatar has always felt insecure. In 1996, soon after the previous emir took power, dozens of ex-military officers were charged with plotting a coup.** Qatar blamed Saudi Arabia and the UAE, though they denied involvement. Qatar's fears were amplified in 2011 when other Gulf states deployed troops to Bahrain to quash a popular uprising. Qatar supported the move (and sent a small contingent of troops), but many people felt it set a troubling precedent. **Qatar's best defence against outside aggression is al-Udeid, a sprawling airbase that is the forward headquarters of America's Central Command.** To please America's airmen, **Qatar is constructing 200 housing units for officers and their families, plus an entertainment complex.** It also wants to build ports that could host American warships. Bahrain is currently home to America's Fifth Fleet. That is unlikely to change, but the proposal underscores how important the American security umbrella is to Qatar. **The military build-up is already raising tensions in the Gulf. In January the UAE claimed that two Qatari fighter jets intercepted a civilian airliner. Bahraini state television aired a video that showed the radar tracks of all three aircraft. They were indeed close to each other. But the Qatari jets were flying on a perpendicular course to the Emirates plane, and 2,000 feet below it. With scores of new warplanes buzzing the skies over the Gulf, though, such run-ins may become more common.**

An additional challenge presented by Qatar is their slow, growing reliance on China. This creates two interesting scenarios for debate. Either China will fill in for any loss in US sales therefore negating the impact to some affirmatives. Or, the US should be terrified that some barred American technology will make it into the hands of the Chinese, which could pose a threat to the United States.

## However, Qatar may be playing both sides as they are increasing ties to China, which could threaten the United States

Lamont **Colucci**, 01-3-2018, "The Militarization of Qatar," US News World Report, <https://www.usnews.com/opinion/world-report/articles/2018-01-03/red-flags-raised-by-chinas-and-turkeys-hard-power-sales-to-qatar>

The real issue is not the missiles themselves, as China is a major exporter of missile technology around the world. The real question is why. **Is China simply amassing as much currency as it can through trade? Is it attempting to bolster Chinese arms prestige? Most importantly, is China attempting to gain a strategic advantage or strategic foothold?** Further, **what message is Qatar sending? Most analysts believe it is an aggressive posture to Saudi Arabia, Bahrain, Egypt and the UAE who all pulled back their ambassadors and engaged in an economic and transportation boycott.** One of the results of the souring relationship with these moderate Arab states is China's upgrade in relations with Qatar from (primarily) an economic partner to a "strategic partner," signaling closer military ties. **Although China often attempts to balance its relationships, the continuing relationship with Syria and Iran may signal a shift and Qatar could be one of those further signals. Qatar is a major proponent and part of China's One Belt One Road strategy, which is the umbrella for every major Chinese strategic goal worldwide under the guise of an economic development plan that can coerce or cajole many of their third-world clients.** A twist in the story may be Turkey's increasing military presence in Qatar, which may also not be good for American interests depending on Erdogan's actions. Turkey plans on a deployment of 3,000 troops possibly accompanied by aircraft and warships. Similar to Erdogan's Turkey, Qatar embraces radical Sunni Islam when it suits their interests.

## Saudi Arabia

A quick Google search easily justifies why Saudi Arabia should be included in this topic. The United States and Saudi Arabia have a long-standing relationship cemented through arms. The US has justified sales to the kingdom to arm them against the common enemy of Iran. However, Saudi Arabia has been using American arms in their war against Yemen.

### **Our biggest customer is Saudi Arabia. They use American weapons technology to perpetrate human rights abuses in its war against Yemen.**

José Olivares, 3-14-2018, "Under Trump, U.S. Still Leads World's Arms Exporters — and Yemenis Are Still Paying the Price," Intercept, <https://theintercept.com/2018/03/14/us-arms-sales-saudi-arabia-yemen/>

**THE TOP RECIPIENT of U.S. weapons in the deals proposed by the Trump administration was Saudi Arabia.** The Saudi-led war in Yemen, which has U.S. support, has already killed thousands of civilians and led to massive starvation. The Trump administration proposed almost \$17.9 billion worth of arms sales to Saudi Arabia in 2017. **"Signing off on missile and bomb sales to Saudi Arabia when the country was using these weapons to attack the civilian population in Yemen sent an alarming signal about the U.S. support for human rights,"** said Colby Goodman, director of the Security Assistance Monitor and editor of the group's report. **Saudi-U.S. ties have grown warmer under the Trump administration, largely owing to a perceived carte blanche from the U.S. for Saudi Arabia's Yemen war, support for a Saudi blockade of its erstwhile ally Qatar, and virtual silence from the U.S. in the face of a Saudi purge that reportedly involved abuse.** Underlying this support is Saudi Arabia's intense regional rivalry with the U.S.'s longtime foe, Iran. In a March 2017 meeting, **Saudi leadership and Trump publicly declared Iran to be a key regional security threat.** (While his relationship with Saudi Arabia was rocky amid nuclear diplomacy with Iran, Obama also sold the Persian Gulf kingdom billions in weapons — his banner year for sales in 2010 included a \$60 billion deal with Saudi Arabia for aircrafts and other arms.) Although a group of senators are attempting to end U.S. support for the war in Yemen, **Congress has largely failed to stop the flow of U.S. arms sales to the Saudi-led coalition.** Sen. Bob Corker, R-Tenn., had recently placed a hold on arms sales to all members of the Gulf Cooperation Council, which included the Saudi-aligned Yemen war coalition members. Corker's reasoning did not have to do with alleged human rights abuses by the Saudi regime. His goal was to encourage discussion to end internal disputes between countries. When resolving internal conflicts was deemed unsuccessful, Corker lifted his hold, opening the door to the continuation of arms sales. (Corker's office did not respond to a request for comment.) **The legality of U.S. arms sales to Saudi Arabia was recently questioned by a report from the American Bar Association's Center for Human Rights, saying the sales violate stipulations under the Arms Export Control Act. Yet, arms transfers continue. So far in 2018, the State Department has approved more than \$770 million worth of arms sales and assistance to Saudi Arabia and the United Arab Emirates — both of which are central players in the war in Yemen. "Widespread violent conflict in the Middle East and concerns about human rights have led to political debate in western Europe and North America about restricting arms sales,"** said Peter Wezeman, a senior researcher with SIPRI. **"Yet the USA and European states remain the main arms exporters to the region and supplied over 98 percent of weapons imported by Saudi Arabia."**

While there have been some questions as to whether or not the US should be held responsible for Saudi actions, one thing is perfectly clear. Innocent civilians are being murdered in the name of this war.

### **Arms sales to Saudi Arabia = Civilian Death in Yemen**

Oona Hathaway, 3-7-2018, "The Legality of U.S. Arms Sales to Saudi Arabia for Use in Yemen," Just Security, <https://www.justsecurity.org/53449/u-s-arms-sales-saudi-arabia-yemen/>

**The United States has provided billions of dollars in arms sales to countries participating in the Saudi-led coalition that is fighting a war in Yemen** against the Houthi-Saleh alliance and **contributing to one of the world's worst**

**humanitarian crises.** As explained in a previous article in this series, **efforts to halt U.S. assistance to the Saudi-led coalition, led by members of Congress concerned by civilian casualties of coalition airstrikes, failed.** Most recently, sales were temporarily halted when Sen. Bob Corker (R-Tenn.), chairman of the Senate Foreign Relations Committee, placed a hold on sales of lethal military equipment to all members of the Gulf Cooperation Council (including Saudi Arabia), in an effort to encourage them to settle internal disputes unrelated to the conflict in Yemen. But **Corker lifted that hold on February 8, opening the door to new sales once more.** In June 2017, **the United States announced a \$750 million dollar training program for the Saudi military forces, paid for by the Saudis, that would include such “subjects as civilian casualty avoidance, the law of armed conflict, human rights command and control.” The United States also announced that it had received assurances from the Saudi government that it would endeavor to reduce civilian casualties. Nonetheless, there is little evidence that the pace of civilian casualties slowed as a result.** As noted in the first article in this series, the United Nations Panel of Experts on Yemen documented eight separate strikes on civilians in the second half of 2017. In May 2017, in the midst of debates over congressional proposals to halt arms sales, the American Bar Association (ABA) Center for Human Rights sent a report by Vanderbilt Law Professor Michael A. Newton to the Senate arguing that “further sales under both the Arms Export Control Act [AECA] and the Foreign Assistance Act [FAA] are prohibited until the Kingdom of Saudi Arabia takes effective measures to ensure compliance with international law and the President submits relevant certifications to the Congress.” The report recommended that Congress bring a joint resolution under both the AECA and the FAA to halt the proposed restart of arms. The report’s conclusions appear to be well founded.

While Congress may have voted to symbolically end the support of the Saudi-Yemen conflict, it failed. Our relationship with Saudi Arabia becomes an interesting case study for other countries. First, the Trump administration is turning a blind eye to these Saudi abuses, and trying to push more arms sales throughout the region.

### **The US is Complicit in the conflict in Yemen through Saudi arms sales. The Trump Administration is seeking to increase sales throughout the middle east.**

A. Trevor **Thrall**, Caroline **Dorminey**, **3-21-2018**, A. Trevor Thrall is an associate professor in the Schar School of Policy and Government at George Mason University and a senior fellow at the Cato Institute. Caroline Dorminey is a policy analyst at the Cato Institute. "Yemen Shows Why US Needs to Change Its Arms Sales Policy ," Defense One, <https://www.defenseone.com/ideas/2018/03/yemen-shows-why-us-needs-change-its-arms-sales-policy/146845/>

**Congress voted** Tuesday on a resolution offered **to end U.S. complicity in the Saudi-led war on Yemen.** The sponsors, including senators from opposite ends of the political spectrum—Sen. Bernie Sanders, Ind-Vt., Sen. Chris Murphy, D-Conn., and Sen. Mike Lee, R-Utah — called for the removal of American troops from hostilities in Yemen. **The resolution was a failure, but senators and policymakers seeking to make America less complicit in Yemen’s humanitarian crisis still have another option: they can curtail the arms deals the U.S. makes with Saudi Arabia, starving the war machine currently ravaging Yemen and its people. And it’s not just about Yemen; lawmakers should reevaluate the overall practice of selling arms to foreign nations. In 2017 the Trump administration doubled down on arms sales, not only selling more arms abroad than any of his most recent predecessors, but also promising policy changes to enable a dramatic increase in the number of weapons sold abroad. This approach to arms sales invites negative downstream consequences. Shockingly, in most recent military interventions, U.S. troops have faced adversaries armed with American-made weapons. Indeed, U.S. arms exports tend to fuel conflicts abroad. This is particularly true in the Middle East, where almost every nation has been directly involved in a conflict in the last five years, and whose nations account for 49 percent of total American exports over that same period.**

Secondly, Yemen is an excellent case study to disprove the “arms sales make us secure” hypothesis.

### **Yemen shows that arms transfers can make a conflict worse**

A. Trevor **Thrall**, Caroline **Dorminey**, **3-21-2018**, A. Trevor Thrall is an associate professor in the Schar School of Policy and Government at George Mason University and a senior fellow at the Cato Institute. Caroline Dorminey is a policy analyst at the Cato Institute. "Yemen Shows Why US Needs to Change Its Arms Sales Policy ," Defense One, <https://www.defenseone.com/ideas/2018/03/yemen-shows-why-us-needs-change-its-arms-sales-policy/146845/>

**Yemen illustrates how arms sales can make a conflict worse.** In 2015, the Obama administration made the decision to provide support to the Saudi-led intervention in Yemen's civil war. **The Saudis, backed by U.S. logistical aid, arms sales, and intelligence support, have conducted thousands of airstrikes against civilian targets including hospitals, schools, and food production facilities in violation of the rules of war.** The war has also generated what United Nations agencies have called the world's worst humanitarian crisis, **displacing more than two million Yemenis and killing more than 10,000.** Instead of working to convince the Saudis to end their horrific campaign, the administration has continued providing military support and expanded arms sales to Saudi Arabia despite several members of Congress raising grave concerns. **Weapons sold to Saudi Arabia after the start of hostilities include \$500 million worth of precision-guided munitions used in the kingdom's air campaign, along with aircraft, helicopters, tanks, and armored vehicles.** Not only does this make the United States complicit in war crimes in Yemen, selling major conventional weapons to states actively engaged in a conflict prolong those conflicts. Few nations have large enough arsenals to fight conflicts for extended periods of time without resupply. This is particularly true of nations without large domestic defense industries that rely heavily on arms imports to sustain combat operations. Saudi Arabia was the second-largest arms importer worldwide from 2013-17, and increased its imports 225 percent over the previous five years, partly in order to fight its war on Yemen. **Risks of entanglement and public opinion blowback on supplier countries have prompted serious debate among European countries about the wisdom of arms sales to the Middle East. In several cases, the debate led to a halt in sales to Saudi Arabia and its partners such as the United Arab Emirates.**

The second proposed challenge with US-Saudi arms sales is the variety of laws and policies these sales may violate. Ending or reducing sales to Saudi Arabia could help restore credibility to the United States and/or our perceived adherence to domestic or international law.

### **Arms Sales to Saudi Arabia violate the Arms Export Control Act because the use of American weapons in Yemen violate the Proportionality and Necessity clauses.**

Oona Hathaway, 3-7-2018, "The Legality of U.S. Arms Sales to Saudi Arabia for Use in Yemen," Just Security, <https://www.justsecurity.org/53449/u-s-arms-sales-saudi-arabia-yemen/>

**The Arms Export Control Act** The AECA establishes presidential reporting requirements to Congress for major military sales and issuing of export licenses. The AECA also establishes restrictions on how military assistance may be used. It may only be used (1) "for internal security"; (2) "for legitimate self-defense"; (3) "for preventing or hindering the proliferation of weapons of mass destruction and of the means of delivering such weapons"; (4) "to permit the recipient country to participate in regional or collective arrangements," including the United Nations; and (5) "for the purpose of enabling foreign military forces in less developed friendly countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries." Credits, guarantees, and sales must be terminated if the President or Congress determines that the recipient country is using the military assistance for any purpose other than those listed in the AECA. That assistance may only restart **when the President determines that the country's violation has ceased and the country has given satisfactory assurances to the President that the violation will not happen again. Of the authorized purposes in the AECA, the most plausible for which the Saudis are using weapons purchased from the United States is "legitimate self-defense."** President Hadi of Yemen requested the Saudi-led coalition's assistance for the purpose of collective self-defense under Article 51 of the UN Charter. The mere request, however, does not end the inquiry. **The question is whether the Saudi-led coalition has, in fact, acted consistent with Article 51 in the collective self-defense of Yemen. Yemen has suffered "armed attack" by organized non-state actor groups and therefore has a right of self-defense against them. But a response in self-defense to an armed attack must be both "necessary" and "proportional" to the threat posed. The principle of necessity is satisfied when the act undertaken seeks solely to halt or repel the armed attack, and when there are no peaceful alternatives available, such as diplomatic efforts.** To determine whether an act of self-defense is proportional, lawyers "consider the scale of the defensive force in relation to the act against which it is directed." The type of force used to in self-defense does not need to be the same type of force used in the attack, but it must be "judged according to the nature of the threat being addressed." The May 2017 **ABA Center for Human Rights report concluded that the Saudi-led coalition's use of force in Yemen was not legitimate self-defense because it violated both necessity and proportionality.** On necessity, it concluded that the "widespread indiscriminate or intentional targeting of civilians serves no lawful military purpose" and therefore "cannot by definition satisfy the principle of necessity." On proportionality, it explained that "systematic attacks on non-military targets do not deter legitimate threats and therefore do not meet the requirements of proportionality." **There is, admittedly, some danger here of importing the jus in bello**

principle of proportionality—which requires that there not be excessive civilian collateral damage in relation to the concrete and direct military advantage anticipated—into the analysis of jus ad bellum proportionality—which requires that the scale of defensive force be proportional to the threat posed. Yet if, as reports suggest, there have been significant numbers of attacks on non-military targets, the ABA report was correct to conclude that these attacks are neither necessary to respond to the threat posed to the recognized government of Yemen by the Houthis or Houthi-Saleh alliance, nor proportional to it. As a consequence, it appears the ABA report was likely correct that the sales violate the AECA.

### **Arms Sales also violate the Foreign Assistance Act**

Oona **Hathaway, 3-7-2018**, "The Legality of U.S. Arms Sales to Saudi Arabia for Use in Yemen," Just Security, <https://www.justsecurity.org/53449/u-s-arms-sales-saudi-arabia-yemen/>

**The Foreign Assistance Act** The ABA report likewise makes a strong case that **the sale of arms to Saudi Arabia violates the FAA. The FAA prohibits security assistance “to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.” “Security assistance” includes “sales of defense articles or services, extensions of credits (including participations in credits), and guaranties of loans under the Arms Export Control Act.** Even putting to one side the actions of Saudi Arabia in Yemen, Saudi Arabia itself has a poor human rights record. The U.S. State Department’s Report on Human Rights in Saudi Arabia in 2016, prepared precisely to assist in determinations of eligibility for assistance under the FAA, found large numbers of human rights abuses. Most abuses found in the report were not connected to Saudi Arabia’s actions in Yemen, but **the ABA report rightly notes that the FAA does not require a causal link between the violations of international human rights and provision of military assistance. The challenge levied by the ABA report to the sale of weapons to the Saudi-led coalition under the FAA is substantial enough to require a considered response. Thus far, the U.S. government has provided none.**

### **Arms Sales to Saudi Arabia also violate Presidential Policy Directive 27**

Oona **Hathaway, 3-7-2018**, "The Legality of U.S. Arms Sales to Saudi Arabia for Use in Yemen," Just Security, <https://www.justsecurity.org/53449/u-s-arms-sales-saudi-arabia-yemen/>

Presidential Policy Directive 27 **The U.S. government’s continued sale of weapons to Saudi Arabia in the face of the ABA report and the UN Panel of Experts’ repeated findings of international humanitarian law violations is all the more striking given that the transfer of arms to the Saudi-led coalition appears to not only violate the AECA and FAA but also run counter to Presidential Policy Directive 27 on conventional arms transfers.** That Directive was put in place in 2014 precisely to ensure that arms transfer decisions would meet the requirements of the AECA, FAA, and other applicable laws and regulations. It states that **one goal of U.S. conventional arms transfer policy is “[e]nsuring that arms transfers do not contribute to human rights violations or violations of international humanitarian law.” The Conventional Arms Transfer Policy requires, moreover, that proposed arms transfers take into account criteria including, “[t]he human rights, democratization, counterterrorism, counterproliferation, and nonproliferation record of the recipient, and the potential for misuse of the export in question,” as well as “[t]he likelihood that the recipient would use the arms to commit human rights abuses or serious violations of international humanitarian law, retransfer the arms to those who would commit human rights abuses or serious violations of international humanitarian law, or identify the United States with human rights abuses or serious violations of international humanitarian law.” The United States’ continued transfer of billions of dollars of weapons to Saudi Arabia for use in its military operations in Yemen—operations which the United Nations Expert Panel of Experts has found have involved repeated violations of international humanitarian law—would appear to run directly counter to this policy guidance, as well as the AECA and FAA.**

The final reason why the United States should examine its arms sales to the kingdom because European nations are distancing themselves and we should take note of the actions of our allies.

### **European nations are jumping on board, the US Should follow suit and reduce arms transfers in the name of diplomacy**

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The debate in Europe began soon after it became clear that the Saudis were targeting civilians in their air campaign. Opposed to the idea that European weapons would be used to carry out humanitarian abuses, **the European Parliament passed a nonbinding resolution in February 2016 calling on EU member states to enforce an arms embargo on Saudi Arabia and its coalition partners. Soon thereafter, the Netherlands became the first state to take action**, banning weapons sales to Saudi Arabia in March 2016. After a second EU parliament resolution in December 2017, Norway, Germany, and the Walloon region of Belgium banned arms sales to Saudi Arabia, the UAE, or Egypt. **Several other countries have had or continue to have significant debates over arms sales policy. Sweden, for example, is actively considering whether it should limit arms sales to democratic nations**. Canada has also decided to rethink arms sales. After receiving criticism for agreeing to honor a contract with Saudi Arabia for the purchase of 16 armored vehicles, the Canadian government announced in February 2018 that moving forward it would halt sales of a weapon system "if there were a substantial risk that it could be used to commit human rights violations." **Although advocates argue that the United States can exert greater leverage over the Middle East through arms sales, the evidence of arms for influence is thin at best. A better use of American resources would be to generate diplomatic momentum to resolve the conflict.** Yemen's instability and destruction is not in the national security or foreign policy interests of the United States. **If nothing else, the past seventeen years of conflict in Afghanistan, Iraq, Syria, Libya, and elsewhere should have proved that conflict often fuels downstream problems like terrorism. Arming an aggressor isn't the best way to broker a peaceful solution.**

## Taiwan (RoC)

The second nation of concern is Taiwan. The United States has a tumultuous relationship with the Republic of China. We are constantly called out for speaking from both sides of our mouth towards China and Taiwan. Richard Bush does an excellent job summarizing both the benefits and challenges of selling arms to Taiwan:

**Arms sales to Taiwan must be viewed through both a political and military lens. While the sales make bargaining between the US, China and Taiwan difficult they offer a military value in creating deterrence, or a strong defense capability if the US had to come to Taiwan's aid in a cross-strait conflict.**

Richard C. Bush, 1-14-2014, "Thoughts on U.S. Arms Sales to Taiwan," Brookings, <https://www.brookings.edu/on-the-record/thoughts-on-u-s-arms-sales-to-taiwan/>

It is my great pleasure to provide a few comments on a policy report by Piin-Fen Kok and David Firestein. This is a really valuable resource that pulls together a lot of useful information. For example, when I worked on Capitol Hill, I kept track of way in which notification of defense articles to Taiwan differed sometimes sharply from deliveries, as this report does. That material is probably somewhere in my basement, but if I had to find it I'm not sure I could. Now I don't have to worry because it's all in "Threading the Needle." So it will be on my shelf of studies that need to be accessible on a moment's notice. More importantly, I agree with the sound conclusions that are drawn from the report's analysis. **Each of us comes at the general subject of Taiwan and at specific subsidiary issues in different ways.** The authors of "Threading the Needle" have their way. This morning, I would like to provide my own analytical perspective. As an aside, I have long felt that the August 1982 communique, which figures a lot in "Threading the Needle," was not one of the shining hours of American diplomacy. Far from it. In terms of substance and process, it was not a good outcome for the United States. But I've discussed that elsewhere and won't dwell on it here. From my own perspective, I would make five basic points. **The first point is that any analysis of China's approach to U.S. arms sales to Taiwan must start with Beijing's own logic on the issue.** The starting point here is Deng Xiaoping's conversation with Leonard Woodcock on December 15, 1978 on the arms sales issue. This was a difficult meeting that revealed that the two governments had a fairly significant disagreement. Among other things, **Deng told Woodcock that "continued arms sales would amount to retaining the essence of the MDT, that such sales would block efforts to find a rational means of settling the Taiwan issue peacefully, and that force would be left as the last resort."** Specifically, Deng warned that if Chiang Ching-kuo "should lean on certain powerful support, say the provision of arms, and refuses to talk to us about the problem of reunification," that was a circumstance in which China would use force against Taiwan. When Deng visited the United States in January 1979, he repeated this condition. He claimed that Beijing had a "fair and reasonable policy" towards Taiwan and would "try our very best to use peaceful means" to solve the issue. China had patience, he said, but the patience was not unlimited. **This link between Taiwan's willingness to negotiate and China's non-use of force continues, I would argue until today.** It occurs in an important speech that Qian Qichen gave in 2001 on the "two hands" of Beijing's Taiwan policy. It occurs in the 2000 White Paper. And it was enshrined most authoritatively in the Anti-Secession Law of 2005. Note how this relationship sheds new light on the key linkage in the August 1982 Communique: between China's statement of a "fundamental policy to strive for a peaceful solution to the Taiwan question" and the U.S. agreement to reduce arms sales. **For Washington, China's stated policy provided, it claimed, a context that made weapons sales to Taiwan less necessary. For Beijing, on the other hand, a U.S. reduction in arms sales, "leading to a final resolution" is the precondition for avoiding the use of force.** My second point has to do with odd, asymmetric character of the bargain undertaken in the August 1982 Communique. Simply put, **Beijing makes a commitment about its intentions (that is, it commits to strive for a peaceful solution) in return for a U.S. commitment to restrict Taiwan's military capabilities. The problem, of course, is that intentions are eminently and quickly reversible while creating or restoring capabilities can take a long time.** Moreover, **Beijing's statement of its intentions has always been stated in an ambiguous way, and it has always reserved the right to determine whether circumstances have changed to the point that a change in intentions is necessary.** This asymmetry between PRC intentions and ROC capabilities may not have been such a big issue at the time that the Communique was signed, but that has changed. As "Threading the Needle" clearly explains, China's acquisition and use of its capabilities since the early 1990s calls into question its peaceful intent. **Based on its own logic, however, China would say that its acquisition and use was made necessary by actions by Taiwan leaders that frustrated China's desire for a peaceful solution. My third point is to question the very premise of the PRC logic that created the linkage between U.S. arms sales, Taiwan's willingness to negotiate, and whether China need to use force to fulfill its goals.** Obviously, whether Taipei is willing to negotiate with Beijing is a function of its confidence that those negotiations won't hurt Taiwan's fundamental interests. **Precisely because Beijing reserves the right to use force, the greater Taiwan's ability to deter, the more confidence it will have**

**to negotiate. And there is plenty of evidence that there is a weak correlation at best between U.S. arms sales and Taipei's willingness to negotiate with Beijing. Just look at the last five years. But, there is another, basic reason why Taiwan is reluctant to negotiate with China. That is, Beijing's formula for resolving the fundamental dispute between it and Taiwan. That formula, one country, two systems, has been around for over thirty years, and its acceptability on Taiwan is about as low in the early 2010s as it was in the 1980s. There is a broad consensus on the island – Blue and Green – that one country, two systems is fundamentally flawed and incompatible with Taiwan's interests. That would seem to be a good reason not to negotiate on the fundamental dispute, even though there might be other, lesser issues on which talks are useful. But there is no reason for the United States or anyone else to accept the PRC logic on arm sales and the prospects of negotiations. The better way for Beijing to achieve its political goals concerning Taiwan would be to make a more acceptable offer.** My fourth point is related, and has to do with how this report addresses what has happened in Taiwan over the last three decades. In brief, **democratization has transformed the how cross-Strait relations are conducted.** The premise of the Deng Xiaoping logic, I would guess, was that reunification simply required a negotiation between senior leaders of the CCP and the KMT. The only question was whether the offer would be attractive enough and leveraged enough to get Chiang-Ching-kuo's agreement. **Since the early 1990s, of course, Taiwan's political parties and 18 million registered voters have gained a seat at the negotiating table, along with the island's political leaders.** For example, **one might speculate that a majority of voters in 2008 and 2012 voted for Ma Ying-jeou because they believed that he would bring greater stability in cross-Strait relations and strengthen ties with the United States, including arms sales.** In my view, more coverage of the implications of Taiwan's democratization would have made "Threading the Needle" a stronger report. **My fifth and final point has to do with the political character of arms sales versus their military value. Of course, the U.S. transfer of advance weapons systems to Taiwan has a political character for both Beijing and Taipei. That is particularly true of civilian leaders in both places, who happen to be the folks that most of us talk to. But U.S. weaponry is not trivial in a military sense. From the U.S. perspective, its arms sales, whatever their political value for Taiwan, should also contribute to Taiwan's ability to deter a Mainland attack or threat of attack. If we were to decide to come to Taiwan's defense in the event of such an attack, we would need Taiwan to hold on for several weeks while we do all that would be needed to mount that defense. So Taiwan needs the capability to hold on.** Optimally, if it possesses that capability then Beijing is less likely to consider an attack in the first place. In this regard, **there is growing concern that Taiwan's past defense strategy, on which its arms requests to the United States are based, is no longer appropriate to its threat environment, thus reducing the deterrent effect of the capabilities it has or might have.**

While there are clear potential security threats to arming Taiwan by dragging us into a cross-strait conflict, the larger negative impact from sales to Taiwan is a threat to US-China relations.

## **US Arms Sales to Taiwan threaten US-China Relations**

**Straits Times, 4-9-2018, "China demands halt of US arms sales to Taiwan, as island stresses Central America ties with navy visit,"** <https://www.straitstimes.com/asia/east-asia/china-demands-halt-of-us-arms-sales-to-taiwan-as-island-stresses-central-america-ties>

BEIJING/CORINTO, NICARAGUA (REUTERS, AFP) - **China said** on Monday (Apr 9) that **it opposed the United States selling weapons to Taiwan**, after the Trump administration approved the marketing licence required for American manufacturers to sell technology to Taiwan that would allow for building submarines. Taiwan's Central News Agency said on Saturday that Taiwan's Ministry of National Defence confirmed that the US Department of State had agreed to grant the licence needed to sell the technology to Taiwan so the self-ruled island could build its own submarines. **China's Defence Ministry, responding to a journalist's question in an online statement about the issue, demanded that the US "halt all forms of military links between the United States and Taiwan, as well as all forms of weapon sales to Taiwan". "China's military has the ability and determination to defeat all attempts to separate our country, and will adopt all necessary measures to resolutely defend national sovereignty, security and territorial integrity,"** ministry spokesman Wu Qian said. He did not elaborate. **Taiwan is one of China's most sensitive issues.** The island is claimed by Beijing as its sacred territory, part of "one China", and Beijing has never renounced the use of force to bring under Chinese control what it considers to be a wayward province. The US State Department over the weekend declined to confirm the details of the Taiwan news report. **A State Department official had said the agency continued to review Taiwan's defence needs**

**and referred questions about specific procurement plans to Taiwanese authorities. China's hostility to Taiwan has grown since Ms Tsai Ing-wen from the pro-independence Democratic Progressive Party was elected president in 2016. China fears she wants to push for formal independence, though Ms Tsai says she wants to maintain the status quo and is committed to peace.**

Both nations (the US and China) view their ability to sell arms as a method to increase their hegemony. Dueling spheres of influence create greater distance between the two nations and can threaten the overall security of East and South Asia.

### **China and the US are strategically using arms exports to expand their spheres of influence**

Kristin Huang, 2-5-2018, "China's arms sales rise as it vies with US for global influence," South China Morning Post, <http://www.scmp.com/news/china/diplomacy-defence/article/2136877/chinas-arms-sales-rise-it-vies-us-influence-world-stage>

**The rivalry between America and China has seen both sides step up international arms sales and transfers as they seek to strengthen military ties with key allies, according to a report published on Monday.** The study by the Stockholm International Peace Research Institute (SIPRI), which examined the volume of international transfers of major weapons between 2008 and 2017, showed **China's arms exports represented 5.7 per cent of the world's share of arms exports between 2013-17 – up by more than a third from the 4.6 per cent recorded between 2008-12. The report was published a week after China unveiled an 8.1 per cent increase in military spending over a three-year period, although China's state media defended the rise as proportionate and low, adding that it would not lead to an arms race with the United States. The administration of US President Donald Trump has dubbed China as a "rival", and the latest SIPRI report shows how the US has used arms transfers as a foreign policy tool to offset Beijing's growing influence. For example, US arms deliveries to India grew by 557 per cent between 2008 and 2017, the year China and India became embroiled in a protracted border dispute over the Doklam region in the Himalayas. "This development is part of the growing strategic partnership between the two countries under which the USA has begun to supply India with advanced military equipment,"** the report said.

### **We also sell arms to Vietnam to make China mad**

Kristin Huang, 2-5-2018, "China's arms sales rise as it vies with US for global influence," South China Morning Post, <http://www.scmp.com/news/china/diplomacy-defence/article/2136877/chinas-arms-sales-rise-it-vies-us-influence-world-stage>

**The US has also started to increase its security cooperation with Vietnam, which is embroiled in a dispute with Beijing over the South China Sea. In 2017 it delivered one patrol ship, the USS Morgenthau, to Vietnam – the first major US arms transfer to that country. Tensions between China and Japan in the East China Sea also saw Japan moving closer to the US, the report said.** It said Tokyo turned to the US for several types of advanced weapons between 2013 and 2017, including the first batches of a total of 42 combat aircraft. **Japan also ordered advanced air and missile defence systems from the US in the same period.**

### **China Reciprocates by selling arms to people that are feuding with the US**

Kristin Huang, 2-5-2018, "China's arms sales rise as it vies with US for global influence," South China Morning Post, <http://www.scmp.com/news/china/diplomacy-defence/article/2136877/chinas-arms-sales-rise-it-vies-us-influence-world-stage>

But **in cases where US relations with other countries had deteriorated the result was a fall in arms transfers.** For example, **the report said that Venezuela, which once relied on the US as its main arms supplier, had rebuilt its**

**armed forces with weapons from China and Russia after ties with Washington soured following the Hugo Chavez's election as president in 1999.** As China became increasingly capable of producing its own advanced weapons, its arms exports increased by 38 per cent and its arms imports decreased by 19 per cent in 2013-2017 compared with 2008-2012. **The report showed China delivered major arms to 48 countries in the past five years, with Pakistan topping the list, followed by Bangladesh and Algeria. "China was the largest arms supplier to Pakistan** in 2008-12 and 2013-17. Although the volume of China's arms exports to Pakistan remained roughly the same in both periods, its share of Pakistan's arms imports rose from 45 per cent in 2008-12 to 70 per cent in 2013-17 due to the overall decrease in Pakistan's arms imports between those periods," the report stated. **The report also said China's arms exports to Africa rose by 55 per cent over the period.** Military expert Collin Koh, from the S Rajaratnam School of International Studies at Nanyang Technological University in Singapore, said higher value military items like warships and fighter jets were the major reason for the rise in China's arms exports. "This is most notable in naval sales. For **example, submarines to Pakistan and Thailand, and corvettes to Bangladesh and Algeria. Even with land-based systems, China has also made inroads in higher value sales, such as its long-range rocket artillery.**" he said.

This type of mutual-arming of our enemies will not only destroy any hope for positive relations with China, but could also create hundreds of proxy conflicts throughout the world, even in our own back yard.

## **Section 5: Definitions**

## Resolution-Specific Definitions

### Definitions of Foreign Military Sales

**US State Department, April 16, 2018**, "U.S. Arms Sales and Defense Trade," U.S. Department of State, <https://www.state.gov/t/pm/rls/fs/2018/280506.htm>

**FOREIGN MILITARY SALES** (FMS) Under FMS, **the United States government manages the transfer of approximately \$40 billion per year in defense equipment purchased by foreign allies and partners.** PM's Office of Regional Security and Arms Transfers (PM/RSAT) manages the FMS process, in close partnership with the Department of Defense's Defense Security Cooperation Agency (DSCA), which implements FMS cases by working through the military services to negotiate with U.S. defense contractors. PM/RSAT further manages the FMS process by providing the customer with training, sustainment, and contractor logistics support for the lifetime of the sale. **The FMS sales process begins when a country submits a formal Letter of Request that specifies a desired military capability and a rough price. Sales are approved following U.S. government review and, when required, after Congressional notification. After the sale is approved, the DSCA issues a Letter of Offer and Acceptance (LOA) that specifies the exact defense articles, training, and support to be delivered. Processing time for FMS cases may vary;** they can take months to negotiate, especially for major defense articles that require modifications to standard U.S. systems. Due primarily to the time required for construction of sophisticated defense systems such as fighter aircraft, **countries often do not receive delivery of the full package until years after the LOA is finalized. Major FMS sales that have been formally notified to Congress are publicly announced on the DSCA website:** <http://www.dscamilitary.com/major-arms-sales>.

**Defense Security Cooperation Agency**, No Date, "Foreign Military Sales (FMS)," No Publication, <http://www.dscamilitary.com/programs/foreign-military-sales-fms>

Purpose: **The Foreign Military Sales (FMS) program is a form of security assistance authorized by the Arms Export Control Act (AECA), as amended [22 U.S.C. 2751, et. seq.] and a fundamental tool of U.S. foreign policy. Under Section 3, of the AECA, the U.S. may sell defense articles and services to foreign countries and international organizations when the President formally finds that to do so will strengthen the security of the U.S. and promote world peace. Under FMS, the U.S. Government and a foreign government enter into a government-to-government agreement called a Letter of Offer and Acceptance (LOA).** Who: Secretary of State determines which countries will have programs. Secretary of Defense executes the program. Funding: May be funded by country national funds or U.S. Government funds.

**Defense Security Cooperation Agency**, No Date, "FAQ," No Publication, <http://www.dscamilitary.com/resources/faq>

What is FMS? **Foreign Military Sales (FMS) is the U.S. Government's program for transferring defense articles, services, and training to our international partners and international organizations.** The FMS program is funded by administrative charges to foreign purchasers and is operated at no cost to taxpayers. The Defense Security Cooperation Agency (DSCA) administers the FMS program for the Department of Defense (DoD). **Under FMS, the U.S. government uses DoD's acquisition system to procure defense articles and services on behalf of its partners. Eligible countries may purchase defense articles and services with their own funds or with funds provided through U.S. government-sponsored assistance programs. In certain cases, defense articles may be obtained through grants or leases.** Who can participate in the FMS program? **The President designates countries and international organizations eligible to participate in FMS.** The Department of State approves individual programs on a case-by-case basis. Currently, some 179 countries and international organizations participate in FMS.

## Definition of Direct Commercial Sales

**US State Department, April 16, 2018**, "U.S. Arms Sales and Defense Trade," U.S. Department of State, <https://www.state.gov/t/pm/rls/fs/2018/280506.htm>

**DIRECT COMMERCIAL SALES** (DCS): Under DCS, PM's Directorate of Defense Trade Controls provides **regulatory approvals for more than \$110 billion per year in sales of defense equipment, services, and related manufacturing technologies controlled under the 21 categories of the U.S. Munitions List (USML). These sales are negotiated privately between foreign end-users and U.S. companies. Under U.S. law, any U.S. company or individual involved in certain activities involving the items enumerated on the USML is required to receive an approved export license or other approval before providing any USML regulated item, technical data, or service to a foreign end-user. As with FMS, export licenses approved under DCS are approved following an intensive U.S. government review** and, as required, after Congressional notification. Export licenses are valid up to four years. **Authorizations for defense services are also required and may last for longer timeframes. Licenses and authorizations may be extended or amended as needed. DCS cases are considered to be proprietary agreements between the foreign governments or companies and the U.S. defense contractor. However, certain information about cases notified to Congress is published quarterly in the Federal Register, in fulfillment of requirements in the Arms Export Control Act.**

**Defense Acquisition University, No Date**, "Direct Commercial Sales (DCS)-Defense Acquisition Glossary[DAP]," No Publication, <https://www.dau.mil/glossary/pages/3674.aspx>

**Commercial exports of defense articles, services, and training licensed under the Arms Export Control Act (AECA), made by U.S. defense industry directly to a foreign government. Direct Commercial Sales transactions are not administered by DoD and do not normally include a government-to-government agreement. The required U.S. Government controls are implemented through licensing by the Department of State.**

**Defense Technology Security Administration, No Date**, "Direct Commercial Sales Reviews," No Publication, <http://www.dtsa.mil/SitePages/assessing-and-managing-risk/direct-commercial-sales-export-license-reviews.aspx>

The United States Government benefits directly and indirectly from transfers of military technologies or systems to foreign governments or end users. **Defense technology transfers equip our international friends and allies with capabilities needed to address regional and global security concerns. Foreign sales bolster the U.S. industrial base by maintaining productivity, lowering overall defense systems' costs and providing capital for innovation. The Department of State's Directorate of Defense Trade Controls (DDTC) issues and administers licenses permitting U.S. vendors to sell defense items to foreign end users. The Department of Commerce's Bureau of Industry and Security (BIS) issues export licenses for sales of dual-use and certain defense items. The Department of Defense's role in the export approval process is to review proposed transfers for national security concerns and recommend one of the following: Approval, Approval with additional measures that manage the risk of diversion or misuse by foreign parties, Return for more information, or Denial. The Department's recommendation is forwarded back to the licensing agency and is one of many USG Interagency positions State and Commerce consider when determining whether to issue the license.** DTSA, as Department of Defense's lead agency for export license reviews, conducts in-depth national security reviews of export license requests for transfers of defense-related items referred from both State and Commerce. DTSA also works closely with Industry and International counterparts before licenses are requested to identify potential technology security or foreign disclosure issues. The national security review gathers assessments of operational impacts from offices throughout the Department (Intra-Agency), including the Military Department (MILDEPs) - Army, Air Force, Navy - Joint Staff, Acquisition, Technology & Logistics and Policy. In addition, DTSA has its own in-house technologists (engineers and scientists), foreign affairs specialists, and information security specialists provide technology security focused recommendations. DTSA Licensing Specialists assimilate, and often arbitrate between, diverse and sometimes opposing positions into the final DoD position with the security provisions necessary and appropriate to protect the U.S. military technological edge.

## FMS vs DCS Comparison

Defense Security Cooperation Agency, No Date, "FAQ," No Publication, <http://www.dsca.mil/resources/faq>

Does FMS Compete with DCS? **FMS and DCS are not in competition. Unless an item has been designated as "FMS only," DoD is generally neutral as to whether countries purchase U.S. defense articles or services commercially or through FMS. If a purchaser requests FMS data after soliciting bids from contractors, the purchaser must demonstrate that commercial acquisition efforts have ceased before any FMS data will be provided.** If the purchaser obtains FMS data and later determines to request a commercial price quote, the FMS offer may be withdrawn.

**LMDefense, No Date**, "Foreign Military Sales vs. Direct Commercial Sales," <http://lmdefense.com/foreign-military-sales/fms-vs-dcs/>

U.S. Defense companies have two main avenues for selling on the international market: Direct Commercial Sales (DCS) and Foreign Military Sales (FMS).

This chart explains the main differences between Foreign Military Sales (FMS) and Direct Commercial Sales (DCS). Both are viable options for U.S. defense companies seeking to do business overseas.

	Foreign Military Sales	Direct Commercial Sales
Nature of Relationship	The US DOD will negotiate with the Customer on behalf of the Vendor.	Customer negotiates directly with the Vendor.
United States Government Involvement	The US DOD assumes contracting risk and is responsible for ensuring that the Vendor meets cost, schedule, and performance requirements. The US DOD guarantees payment by the Customer.	U.S. Government (USG) is not involved in the transaction, and does not act on behalf of the Customer or Vendor should complications arise.
Export Licenses	This is a government-to-government transfer, so the export process is managed the US DOD. No involvement by the Vendor is required.	The Vendor must obtain export approval from the U.S. State Department. The Vendor is responsible for submitting a completed DSP-83.
Congress notification	Any required notifications to Congress are jointly sponsored by the US DOD and the State Department.	Congress must be notified by the State Department of a decision to issue an export license if the sale includes significant defense equipment valued at \$14 million or more. (Basically, both DCS and FMS require the same type of notification)
Contract Issues	US DOD procures the defense articles under the same contractual provisions used for all DOD procurement. The Customer pays an additional 3.5% of the total price to cover the contracting and administrative services provided by US DOD.	The Vendor negotiates with the Customer. The Customer assumes management responsibility. These activities represent overhead management costs to the Customer. The size and skill of the Customer contracting staff may be a limiting factor during procurement.

Cash Flow Requirements	The initial deposit required is usually somewhat lower than commercial contract down payments. This facilitates payment by the Customer.	Direct commercial contracts generally require a relatively large down payment, payable at the time of contract signature. This may create difficulties for the Customer.
Availability of Foreign Military Financing Program (FMF) Funding	U.S. financial assistance, through the Foreign Military Financing Program (FMF) may be available to the Customer. If FMF funds are available, they must be processed through FMS (except for the ten countries granted an exception).	If the Customer wishes to use FMF funding, DCS is not an option. Ten countries are granted an exception that allows them to use FMF funding to pay for DCS contracts: Israel, Egypt, Jordan, Morocco, Tunisia, Turkey, Portugal, Pakistan, Yemen, and Greece.

## Additional Potential Definitions

### **Export Controls**

Margaret **Gatti**. "Overview of Current Export Controls," First appearing in the 1998 Export Control Guide.  
<http://library.findlaw.com/1998/Jul/1/130640.html>,

Export controls imposed on U.S. exporters by the United States government can take a variety of forms. They can take the form of prohibitions (blockades, embargoes, boycotts, sanctions) or they can take the form of limitations (licensing requirements). Likewise, export controls can be product-specific or they can be based on end-use, end user or ultimate destination. This article presents an overview of the U.S. export controls currently in effect and attempts to give guidance to U.S. exporters as they maneuver their way through the allegedly streamlined, albeit still confusing, U.S. government-imposed export control maze.

### **Export Controls**

#### **University of Tennessee Knoxville Office of Research & Engagement**

(<http://research.utk.edu/exportcontrol/definitions.shtml>)

The set of laws, policies, and regulations that govern the export of sensitive items for a country or company.

### **Export Controls**

#### **CalTech Office of Research Administration**

(<http://researchadministration.caltech.edu/export/glossary#ExportControls>)

U.S. government regulations that govern the export of strategic technologies, equipment, hardware, software or providing technical assistance to Foreign Persons.

### **Export Controls**

#### **University of Maryland** (<http://www.ord.umaryland.edu/exportcontrol/definitions.html>)

Federal laws and regulations that restrict the flow of certain materials, devices and technical information related to such materials and devices outside the United States or to foreign persons in the United States.

### **Foreign Policy Control**

#### **Export Administration Regulations 2011** (<http://www.bis.doc.gov/policiesandregulations/ear/772.pdf>)

Foreign policy control. A control imposed under the EAR for any and all of the following reasons: chemical and biological weapons, nuclear nonproliferation, missile technology, regional stability, crime control, anti-terrorism, United Nations sanctions, and any other reason for control implemented under section 6 of the EAA or other similar authority.

### **Military Technology**

#### **Export Administration Regulations 2011** (<http://www.bis.doc.gov/policiesandregulations/ear/772.pdf>)

Military commodity. As used in § 734.4(a)(5), Supplement No. 1 to part 738 (footnote No. 3), § 740.2(a)(11), § 740.16(a)(2), § 740.16(b)(2), § 742.6(a)(3), § 744.9(a)(2), § 744.9(b), ECCN 0A919 and ECCN 6A003 (Related Controls), "military commodity" or "military commodities" means an article, material or supply except software or technology that

is described on the United States Munitions List (22 CFR Part 121) or on the Munitions List that is published by the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, but does not include any item listed in any Export Control Classification Number for which the last three numerals are 018.

## **Missile Technology Control Regime**

**Export Administration Regulations 2011** (<http://www.bis.doc.gov/policiesandregulations/ear/772.pdf>)

Missile Technology Control Regime (MTCR). The United States and other nations in this multilateral control regime have agreed to guidelines for restricting the export and reexport of dual-use items that may contribute to the development of missiles. The MTCR Annex lists missile-related equipment and technology controlled either by the Department of Commerce or by the Department of State's Directorate of Defense Trade Controls (22 CFR parts 120 through 130).

## **Missile Technology Export Control Group**

**Export Administration Regulations 2011** (<http://www.bis.doc.gov/policiesandregulations/ear/772.pdf>)

Missile Technology Export Control Group (MTEC). Chaired by the Department of State, the MTEC primarily reviews applications involving items controlled for Missile Technology (MT) reasons. The MTEC also reviews applications involving items not controlled for MT reasons, but destined for a country and/or end-use/end-user of concern.

## **Security Assistance**

- The term "security assistance" applies to a range of programs through which the U.S. endeavors to assist other nations in defending and preserving their national security. It includes grant and sales programs of military equipment and training, as well as other programs such as Peacekeeping Operations. (<http://www.fas.org/asmp/campaigns/training.html>)
- (DOD) Group of programs authorized by the Foreign Assistance Act of 1961, as amended, and the Arms Export Control Act of 1976, as amended, or other related statutes by which the United States provides defense articles, military training, and other defense-related services by grant, loan, credit, or cash sales in furtherance of national policies and objectives. Also called SA. (<http://www.answers.com/topic/security-assistance>)

## **Section 6: Potential Resolutions**

- 1. Resolved: That the United States should significantly curtail its arms sales to other countries.**
  
- 2. The United States federal government should substantially reduce its direct commercial and/or foreign military arms sales.**
  
- 3. The United States federal government should substantially reduce its direct commercial and/or foreign military arms sales to one or more of the following: Taiwan, Saudi Arabia, India, Qatar, Israel.**
  
- 4. The United States federal government should substantially reduce its direct commercial and/or foreign military arms sales to Persian Gulf nations.**
  
- 5. The United States federal government should substantially reduce its direct commercial and/or foreign military arms sales throughout the Middle East.**

## **Section 7: Division of Affirmative and Negative Ground**

## **Affirmative Ground**

Depending on if a limiting device is used (countries or regions) will narrowly change some specific focuses of the affirmative cases, but the heart of the debate is the same. Affirmative cases will focus on one of several thematic arguments:

1. A reduction of arms sales is key to US moral leadership. As noted in sections 3 and 4 of the paper, the United States does a terrible job of vetting which nations we sell arms to. These sales erode our ability to credibly promote human rights. These weapons systems can also be used to create forces to destabilize governments which may threaten both democracy promotion and rule of law.
2. A reduction of arms sales are key to US security. Three key arguments come to mind. First, the sale of arms to countries around the world can create blowback, emboldening terrorist groups, coups, or other non-state actors. Second, studies show that arms sales may link the United States military into conflicts they have no desire and/or rational to enter aside from a defense commitment that may come with an arms sale. Third, proliferation. Some believe maintaining arms sales allow the US to dictate terms to recipients to create responsible use. However, some nations we sell to may ignore US guidelines and re-sell technology to the highest bidder.
3. A reduction of arms sales is key to more robust defense of our export controls and/or protection of technology. Some nations that we share technology may ignore US export controls, which allows technology to be sold, duplicated and/or stolen. The best way to reduce theft of defense technology is to reduce the amount of technology we insert into the marketplace.
4. A reduction of arms sales may be key to relations. Our use of arms sales (especially with the uptick under Trump) may feel like coercion to some of our strongest allies. Our rapid increase of arms sales may anger our allies who seek to contain other threats. Our use of arms sales may be seen as provoking some countries we have tense or budding relationships with.
5. Arms sales are militaristic, colonialist, neoliberal and several other areas that critical scholars and teams will embrace if they seek to not read an affirmative which focuses on human rights or big conflicts.

## **Negative Ground**

### **The Case Debate**

First, this topic provides a huge opportunity for a good, old-school case debate. For the areas listed above in the affirmatives, there is literature that questions whether or not reducing arms sales make us safer, reduces blowback, or shore-up relations. Second, I think there is a great debate over whether or not other countries can/will fill in (like China, Russia, Israel) and if that mitigates solvency of the aff. Third, there is an interesting line of arguments on why we need market presence to be a more credible shaper of arms policies. Finally, for each person who claims we should stop selling arms to a country, there is another who claims we should increase them.

### **The Disadvantage Debate**

First, politics will rule the day as this topic leads into a presidential election year. What makes this a good topic for a politics disad are the lobby specific and/or state specific links that may figure into electoral math. Several states profit from arms/military sales and cutting back on them could potentially swing some states from one party to another. Second, there will be a variety of economics disads. There is an even amount of literature arguing that arms sales both help/hinder the economy from a jobs or trade perspective. Additionally, there will be trade-deficit disads to specific nations. One of the reasons we are so aggressive with arms sales (especially to India) is to reduce the trade deficit as our arms technology is one of the few items they want from us. Third, if the Aff does not read a relations advantage, then there is plenty of ground for relations disadvantages either based on the target nation of the aff, or from alliances/defense commitments.

### **Counterplan Ground**

This topic has room for the following sales-specific counterplans. 1. Weapons system exemption pics, 2. Condition arms sales CPs, 3. Picking the other half of the topic (if the aff is commercial, the CP is foreign direct). The second class of counterplan would be the reforms counterplan. These reforms would still allow arms sales but change standards of scrutiny, increase bureaucratic oversight, reform the Munitions List or Commerce Control List. The second area would be process counterplans. Processes could be alternate forms of technological controls or methods of interacting with countries like sanctions, positive incentives to non-resolution based countries to stop the transfer of our technology, or even the use of international agreements/agencies to provide the mechanism for the plan's action.

### **Critical Ground**

Under these topics, students would have access to security based criticisms like: Securitization, Realism Good/Bad, Imperialism, David Mutimer's criticism of Proliferation Metaphors etc. Students would have access to economic-based criticisms like: criticisms of sanctions, protectionism, and capitalism. Students would also have access to criticisms of technology like: Heidegger. If you are a fan of the K, I am pretty sure you will find some kind of a link to the literature you are a fan of.

## **Section 8: The Argument for the Topic**

## **Resources Available**

There is a huge wealth of information available on the subject of arms sales. The first is the depth of government agencies that constantly write reviews of both our export control and arms sales policies. Great examples are the Congressional Research Service or the GAO who love nothing more than to find violations of arms laws that have gone overlooked. As Trump continues to increase his full-court press on the nations of the world to buy arms, there will always be timely literature available. Secondly, there is a large body of scholarly journals that deal with arms sales and export controls. Journals like, World Export Controls Review, Arms Control Today, or the Nonproliferation Review all are good bodies of scholarly work to turn to for reviews of recent proposed sales. Finally, there are litany of blogs etc. who constantly review domestic and international export control policy. Great examples are the Nuclear Export Controls blog, Defense Today, and the Export Law Blog. There is equity in the literature base of both people who believe our arms sales should be increased or curtailed.

## **Topic Balance**

As noted in the final line above, and in the affirmative/negative section there is balanced literature. I am a firm believer that if the literature base is balanced, then the topic is balanced. Where this topic could have its challenges is in topic size. Regardless of if there is/not a limiting list of countries the heart of the topic stays the same. Additionally, with the different countries included, there is a wide body of authors who support both loosening and strengthening our arms sales to them, therefore there could be a wide body of either solvency or harms debates with these countries in justifying increasing or decreasing technology transfers. I also think there is an ample amount of counterplan and disadvantage ground to check potentially tiny affirmatives that focus on one small country or one small weapons system.

## **Timeliness**

This topic is timely for two reasons. First, you can see that the author clearly procrastinated in writing this paper, which is why 90% of the citations come from March-June of 2018. As Trump continues to roll out the “Buy American” initiative, we will only see a radical increase in the number of articles written about the desirability of increasing our arms sales. Second, our arms sales are focused in constant hotspots which will always be in the news (the Middle East, Persian Gulf, and East/South Asia). Finally, as we march towards the midterms and on to the 2020 Presidential election, arms sales may be a resurgent topic as this president is a staunch advocate of arming the world.

## **Interest**

I think this topic could generate a great deal of buzz, as this is a relatively new body of literature to expose our students to. The last opportunity to debate arms sales came in 1983. There have been tangential debates on some of the countries written about in section four, but never in the lens of arms sales. Also as noted above in both the timeliness and resources sections, this is one aspect of our foreign policy that we are constantly updating, and I think students who have a growing interest in either economics or international law would love debating a topic that allows them to explore both simultaneously. I also believe a range of countries, types of technologies, and advantages areas will allow everyone to find something to be excited to discuss.



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\*\*This excludes the terms defined in the "definitions" section.

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