# End-Use Controls CP

### Notes

Hello! Welcome to the world of Golden Sentries and Blue Lanterns! Whenever we sell arms to a foreign agent, through foreign military or direct commercial means, we have guidelines for how they are meant to be used. These rules, and the infrastructure for enforcing them, are generally called “end-use monitoring.” The counterplan works by saying that we should strengthen the U.S.’s regime of end use monitoring instead of restricting the sale of arms per se. Ideally, this would be in coordination with the Russia Fill-In DA or the Defense Industry DA.

## 1NC

### 1NC – End-Use CP

#### Text: The United States federal government should

#### create a new Single Export Control Agency tasked with oversight and control of US arms sales.

#### ensure the agency has broad enforcement and end-user monitoring authority.

#### strengthen and harmonize end-use expectations and standards.

#### substantially increase funding for the Blue Lantern and Golden Sentry programs.

#### The CP solves weapons abuse – it streamlines existing programs and ensures broad compliance with end-use restrictions.

Eddy ’14 (Jessica, J.D. from George Mason, “Re-focusing Export Control: A Review of the Obama Administration’s Export Control Reform Initiative and Suggestions for the Future,” CITBA Policy Paper, May 13. 2014, <http://citba.org/documents/2013-JessicaEddy.pdf>)

VI. Legal Solutions to Strengthen Export Control Reform While the Obama Administration’s is implementation of some of the goals of the ECRI, more actions are required to ensure the total permanency of the export control reform efforts and the protection of U.S. interests. First, as part of the export control overhaul, new Congressional legislation is needed to establish a single export agency, a single export control list, and more authority to ensure end-use and end-user monitoring. Second, the United States must seek ways to enhance international arms trade controls worldwide. Defense Trade Treaties and ratification of the United Nation Arms Trade Treaty are two avenues to increase export controls globally in areas that are beyond U.S. jurisdiction. a. New Congressional Legislation New legislation is needed to ensure the Obama Administration’s ECRI is carried through into the future in order to overcome the archaic export control framework now in place. While the President has the Constitutional mandate as Commander and Chief that gives him or her authority over issues affecting national security, this position is not entrusted with authorities specifically enumerated to Congress.135 Congress is specifically granted the authority to “regulate commerce with foreign nations.”136 Therefore, because the purpose of export controls is to regulate sensitive technologies within commerce, Congress has the ultimate authority to legislate in this area.137 While the current ECRI efforts to overhaul the USML and CCL are authorized, Congress should act to consolidate the existing export control framework into a comprehensive regulatory scheme that ensures efficiency, transparency, and accountability. In order to accomplish these goals, new legislation should encompass a single export agency, a single export control list, and more robust end-use and end-user requirements. i. Single Export Control Agency (SECA) The Obama Administration identified the need for a single export control agency (SECA) to administer and oversee the export control regime, but has yet to detail what this agency’s functions should be and under what authority it should operate. Under Executive Order 13558, President Obama created the Export Coordination Enforcement Center (ECEC) is housed under the Department of Homeland Security.138 The ECEC is an interagency group that takes a whole-of-government approach to “strengthened and coordinated enforcement of United States export control laws and enhanced intelligence exchange in support of such enforcement efforts.”139 The group coordinates efforts of the Departments of State, Treasury, Defense, Justice, Commerce, Energy, Homeland Security, the Office of the Director of National Intelligence, other executive branch departments, agencies, or offices as the President, from time to time, may designate.140 While this Executive Order takes a step in the right direction of creating a single agency, it falls short of creating the type of agency with the weight and authority to oversee all export control issues. The ECEC is a coordination body only. It specifically does not “provide exclusive or primary investigative authority to any agency.”141 It lacks any true independence because its function and administration are subject to the Department of Homeland Security and its budget.142 The ECEC has no authority to resolve jurisdiction conflicts between agencies, and the Executive Order is silent both on concurrence of certain agencies when making export control determination, as well as how conflict resolution should occur.143 Furthermore, because the ECEC is the creation of Executive Order, it is subject to the whims of political tides. The ability of each successive administration to shape the ECEC based on the current political climate leaves one of the most critical national security functions open to an unchecked political or public caprice. The ECEC does not go far enough to resolve the over-complexity that exists under today’s export control regime. A legislatively-created SECA is required to ensure successful export control overhaul. A SECA is essential to create transparency and consistency in U.S. export control regulations. However, an agency that lacks authority to resolve the issues noted above is insufficient from overhauling export control. Conversely, a complete divorce from the current export control authorities would have unintended consequences. Each of the agencies currently involved in the export control regime bring a unique perceptive on questions of technology control and a new SECA must ensure a hostile approach to account for the military, political, and economic impacts of approving or denying a license request. To that end, Congress should enact legislation creating a new SECA independent of, but informed by, the Department of State, Commerce and Defense that currently oversee this regime. However, such legislation must be carefully crafted to ensure no usurpation or duplication of effort for the critical missions these agencies otherwise fulfill as part of their mandate. In other words, the new SECA must thrive and be successful because of the inputs of the existing export agencies versus trying to re-create or self-inform on military, political, and economic factors relevant to export control license approvals. At a basic level, the SECA should act as an administrative coordinating venue but with strong enforcement oversight. It should be overseen by a Secretary responsible for coordinating the positions of each existing agency and ensuring consensus and concurrence is reached on controlled. Input from the existing agencies would be mandatory and consultation required when consensus is not reached. For unresolved issues of high importance (such as national security, foreign policy, or economic impact, etc.) the SECA should be responsible for presenting export control decisions to the President for final determinations. The SECA must be required to report to Congress when proposed exports of major defense equipment, articles, and services meeting specific dollar thresholds are triggered under a license or treaty, regardless of their military or dual-use status.144 The SECA must also have enforcement and end-use and end-user monitoring authority.145 It must have the right to bring civil and criminal actions against exporters or purchasers that knowingly and willingly violate export control regulations. Finally, it should be required to report to Congress on administrative and criminal violations of export laws. ii. Single Export Control List (SECL) The Obama Administration’s efforts to review and delist technologies on the USML are a positive step in moving the ECRI forward. However, the USML and CCL must be collapsed into one list to form a single accumulative list of export controlled items. Congress should ensure this consolidation through legislation that requires the single export control list (SECL) to take primacy and detailing what items are controlled on what level. The SECL should be a culmination of both military and dual-use technologies. It should offer varying levels of control to account for the range of least sensitive to most critical technologies. When possible, controlled items should specify what technical parameters of a particular technology are controlled. The SECL must harmonize existing licensing requirements and policies and ensure the license application process is clear and transparent to industry. The list should be subject to annual review to determine appropriate removal of items which have little or no military or intelligence significance. Such a review must include a foreign availability assessment to determine whether sensitive technologies are already available globally and evaluate if U.S. controls are warranted if a positive determination is found. A SECL overseen by a SECA eliminates the jurisdictional issues that exist under the current export control framework. Additionally, a SECL benefits U.S. manufactures by reducing the compliance costs to both large firms and SMEs who would have a one-stop-shop when determining if technology is controlled or not. A SECL administered by a SECA would also ensure consistency in licensing applications reviews, as well as a consolidated record of decisions and actions associated with controlled technologies. This would create the much need transparency, consistency, and accountability that is lacking in the current export control regime. iii. Enhancing End-Use and End-User Monitoring and Enforcement New legislation must also ensure the SECA has strong oversight and enforcement authority. From an administrative standpoint, a SECA allows a streamlined opportunity to track exported items and technologies. The SECA would be responsible for tracking the life cycle of a technology export from licensing application through end-use and end-user monitoring. This would create records from a technology transfer to be housed in one place in one system. This consolidation will make end-use and end-user monitoring easier to track and enforce. To that end, Congress must ensure strong enforcement provisions for the SECA. The new SECA must have investigative authority to query end users about the whereabouts and use of controlled technologies. End-users who fail to comply with the SECA’s follow-up inquires must be subject to various levels of legislatively-approved sanctions, including but not limited to warning letters, watch lists, exclusions from end-use of certain technologies, ineligibility for military sale, and suspension or cancellation of contracts, and possibly sanctions. The SECA must have the responsibility for monitoring and reporting to Congress on multiple export control offenders. It should also make recommendations to Congress for further legislative sanctions if it is found that an allied or partner nation are not abiding by the terms of end-use and end-user restrictions against third-party transfers. The SECA recommendations should include country monitoring to identifying systemic issues, removing STA exemption eligibly, or sanctions for repeat end-use and end-user violations. Congressional action to overhaul the current export control regime by legislatively creating a SECA, SECL, and enhanced end-use and end-monitoring controls will ensure export control accomplishes the objectives of protecting national security and technological superiority. Moreover, these reforms taken at a **Congressional level will ensure the overhaul to export control regulations has the longevity and authorization necessary to be effective in the long term.** In addition to these legislative efforts, Congress should support enhancing export controls globally. This support can be accomplished by Congress supporting enactment of additional Defense Trade Treaties and ratifying the United Nations Arms Trade Treaty (UN Arms Trade Treaty).

## 2NC

### Solvency – Generic

#### Strong EUM systems check unauthorized use.

Stohl ‘4 (Rachel, Senior analyst at the Center for Defense Information in DC, “The Tangled Web of Illicit Arms Trafficking,” October 12, https://www.americanprogress.org/wp-content/uploads/kf/TerrorinShadows-Stohl.pdf)

Strengthening national and international end-use monitoring (EUM) must be a top priority for arms exporting states. EUM is designed to ensure the proper use of exported weapons and encompasses all laws, policies, regulations, and procedures used to verify that a foreign government or the authorized foreign recipient of defense articles is using and controlling them in accordance with the terms and conditions of a transfer. Many countries have non-existent or weak end-use monitoring provisions. End-use monitoring must be conducted on a more systematic and complete basis – at both pre-shipment and post-shipment points. Moreover, a common end-user certificate that is not easily forgeable must be developed in order to ensure that trades are legitimate and that weapons end up in the hands of the intended user.

#### US programs have potential but lack of coordination and funding prevent effective monitoring – the CP resolves both.

Dalton ’18 (Melissa, Senior fellow and deputy director at CSIS, held intelligence positions at the U.S. Department of Defense for 10 years, M.A. in international relations from Johns Hopkins, “Oversight and Accountability in U.S. Security Sector Assistance: Seeking Return on Investment,” CSIS Report, FEBRUARY 2018 <https://csis-prod.s3.amazonaws.com/s3fs-public/publication/180207_Dalton_OversightAccountability_Web.pdf?9CJj6j5KVqQgWAlLSLJkOpdCga.Yz28l>)

Monitoring is the process by which efforts are tracked to determine whether inputs (e.g., training and money) have translated into intermediate objectives (e.g., number of people trained and equipment obtained). Evaluation is the process by which policymakers and implementers examine the extent to which security cooperation activities have achieved their stated objectives. This process is critical to providing leaders and decisionmakers with an understanding of what is working and what is not. Planning, monitoring, and evaluation are crucial to ensuring that SSA activities are supportive of U.S. objectives. Accordingly, the U.S. security cooperation workforce must be trained to conduct baseline assessments, establish SMART objectives that articulate desired end states, define metrics by which to measure a program’s success, evaluate risks and identify mitigation steps, and design programs with strong feedback loops. An upfront approach to SSA will help policymakers articulate long-term security cooperation objectives and measure progress against those objectives throughout the life cycle of the program. Monitoring and evaluation (M&E) also plays a vital role in enhancing oversight of how training and equipment are employed by partner nations. Specifically, end-use monitoring (EUM) programs aim to reduce the security risks involved in transfers of U.S. arms and equipment by ensuring that they are not misused and remain within the security force to which they are assigned.18 The two primary U.S. government EUM programs are Blue Lantern and Golden Sentry. DoS’s Directorate of the Defense Trade Controls (DDTC) coordinates the Blue Lantern program, in which U.S. embassy officials conduct pre-license checks and post-shipment verifications of items transferred via Direct Commercial Sales (DCS).19 DoD’s Defense Security Cooperation Agency (DSCA) manages the Golden Sentry program, which performs an analogous function for foreign military sales (FMS) transfers.20 Strengths, Weaknesses, and Gaps Strong strategic and programmatic planning, monitoring, and evaluation enhances the ability of U.S. policymakers and planners to precisely target SSA, gauge its return on investment, and link it to strategic objectives. In the short term, M&E can help implementers identify and address programmatic weaknesses and gaps. Over the long term, M&E enables organizations to absorb and apply lessons learned and best practices to future engagements.21 In recent years, interest from senior policymakers, the requirements of the Presidential Policy Directive 23 on Security Sector Assistance (PPD 23), and pressure from Congress have pushed agencies to think more strategically about SSA and improve M&E mechanisms.22 Yet, despite increased policy and legislative attention, DoD and DoS are still in the early stages of their efforts to implement consistent M&E systems. As indicated in the flowchart above, DoD is taking steps to improve its planning process for SSA, designing a new system to distill partner and U.S. objectives, requirements, and M&E criteria. Policymakers at DoD have developed a “concept-first approach” to encourage upfront analysis and strong program design. Broadly, however, planning of SSA programs and activities is still inhibited by U.S. agencies’ failure to coordinate with partner countries and with each other. U.S. agencies responsible for SSA may not coordinate with partner countries and design projects with both U.S. and partner country objectives in mind. This can result in a misalignment of goals, decreased partner country buy-in, or diminished strategic impact. Lack of interagency coordina- tion and a dearth of strategic guidance documents hinder the U.S. government’s ability to prioritize funding and resources, though both DoD and DoS are taking steps to improve these gaps.23 In addition, many experts in the DoD operational community worry that a lengthy planning, monitor- ing, and evaluation process will impede the U.S. ability to respond to short-term operational requirements critical to U.S. interests (e.g., terrorist threats). Several factors contribute to inadequate monitoring of U.S. SSA. First, the U.S. government lacks a central system that tracks all SSA and is accessible to all the relevant stakeholders. With dozens of offices in different agencies responsible for developing and administering SSA programs, it is difficult for planners and implementers to visualize the full picture of SSA programming for a country or region.24 Second, the system is only beginning to adapt to design programs with SMART objectives and strong feedback loops that facilitate M&E. Without specific goals and clear metrics identified in the planning stage, effective monitoring and evaluation are nearly impossible. Third, most agencies’ workforces do not receive adequate training on program design, planning, and M&E. Thus, instead of focusing on the long-term implications and objectives of SSA programs and activities, agencies instead fixate on present-day relations and short-term outcomes.25 Well-designed and administered EUM programs reduce the security risks inherent in transfers of arms and equipment. However, the U.S. government occasionally struggles to implement EUM programs, for several reasons. First, while there is abundant policy guidance for the implementa- tion of DoD’s Golden Sentry program, there is a dearth of guidance for DoS’s Blue Lantern program. For instance, Blue Lantern policy does not specify the criteria U.S. embassy employees should use to determine whether to make site visits to partner nation military facilities to validate Blue Lantern compliance.26 Instead, all site visits are deemed optional and are thus unevenly conducted. Second, government audits have demonstrated that agencies struggle to maintain record-keeping systems on EUM implementation. Third, due to staffing transitions and limited staffing, U.S. embassies sometimes lack the personnel to carry out routine EUM in a timely manner.27 Finally, “pseudo” FMS programs (those that do not require partner nation signature on requisite program paperwork), such as the Iraq Train and Equip Fund (ITEF), are not subjected to Golden Sentry monitoring and thus rely on other (and at times inconsistent) embassy and intelligence reporting sources to ensure appropriate use.28

#### Harmonization makes enforcement successful

**GAO 2011** (“Implementation Gaps Limit the Effectiveness of End-Use Monitoring and Human Rights Vetting for U.S. Military Equipment” <https://apps.dtic.mil/dtic/tr/fulltext/u2/a552761.pdf>) mba-alb

To close gaps in the implementation of end-use monitoring programs in the Gulf countries that may limit the ability of DOD and State to adequately safeguard defense articles upon their arrival, storage, and eventual use in those countries, **we recommend that the Secretaries of Defense and State take steps to harmonize their approaches to end-use monitoring** for NVDs **to ensure that they receive equal levels of protection regardless of how they are obtained by foreign recipients**. Such steps might include developing a plan or schedule for how and when each department’s end-use monitoring approaches would be harmonized. **We also recommend that the Secretary of Defense** take the following two actions: • develop guidance requiring DOD officials to document their efforts to verify host country security and accountability procedures for sensitive equipment and their activities to monitor less sensitive equipment, and • obtain from the UAE government an NVD compliance plan, as required under the conditions of sale through FMS, or develop an appropriate response. We further recommend that the Secretary of State take two actions to issue policies and procedures that: • provide guidance to Compliance Specialists regarding when to request embassy personnel to conduct postshipment checks, and when to close checks, and • stipulate that when postshipment checks are requested, U.S. embassy personnel should conduct site visits to end-users to physically verify compliance with conditions associated with an export license. To reduce the risk that U.S.-funded equipment may be used by violators of human rights in the Gulf countries, we recommend that the Secretary of State implement individual- and unit-level human rights vetting for recipients of U.S.-funded equipment.

#### EUM solves diversion and misuse of weapons.

Vranckx ’16 (An, Associate Research Fellow at UNU-CRIS and published a variety of articles on arms sales, “CONTAINING DIVERSION: Arms end-use and post-delivery controls,” GRIP REPORTS 2016/4 http://www.smallarmssurvey.org/fileadmin/docs/L-External-publications/2016/GRIP-2016-Containing-diversion.pdf)

Under review has been a long list of initiatives, measures and instruments to (better) authenticate end-user documentation for arms exports. Their potential was discussed to strengthen the lines of defence against those keen on circumventing restrictions and undermining arms transfer controls. Increasingly more research and reports on such practices make arms control practitioners aware of diversion risks and inspire reflection on what they can do to contain such risks. All stakeholders are also encouraged to share information and cooperate to detect and avoid diversion of authorised arms export transfers. The evolution is clear and positive, and progress undeniable. While relatively good news for business, the observed overall decrease of the denial to-approval ratio in export licensing by EU member states is not by definition a sign of progress in all respects. If a cue can be taken from the US Department of State’s Blue Lantern, the post-shipment and end-use monitoring programmes that EU countries authorities are putting in place will bring down their export licensing denial-toapproval ratio further. No true progress is made if export control authorities drop their guard before they can monitor end-use sufficiently well beyond the delivery phase. A position articulated on this matter nearly a decade ago is well worth recalling: “[W]here specific concerns exist, delivery verification and end-use monitoring can be an invaluable tool in subsequent licensing decisions, thus helping to prevent future diversion and misuse. Note that such checks should not be an excuse for undertaking less stringent pre-licensing checks; they should be used as an additional safeguard. The two systems should complement each other, setting up a ‘virtuous loop’, with post-delivery verifications feeding into subsequent pre-licensing risk assessments”. 77

### Solvency – Saudi Arabia

#### Stricter end-user control solves violence but maintains leverage for an effective arms agreements.

Spindel ’19 (Jennifer, 5-14-2019, "The Case for Suspending American Arms Sales to Saudi Arabia," War on the Rocks, https://warontherocks.com/2019/05/the-case-for-suspending-american-arms-sales-to-saudi-arabia/)

The United States could, in theory, impose stricter end-user controls on Saudi Arabia. This would have the advantage of keeping Saudi Arabia within the world of U.S. weapons systems, and might prevent it from diversifying its suppliers, which would ultimately weaken any leverage the United States might have. Longer-term, it would not be to America’s advantage if Saudi Arabia takes a lesson from Turkey, and starts courting Russia as a new arms supplier. It is difficult to enforce end-user controls, since, once a weapon is transferred, the recipient can use it however it wishes. It might also be the case that Saudi Arabia would object to stricter end-user controls, and would seek new suppliers as a result. An arms embargo will not be a panacea. But not doing something sets a problematic precedent, and allows the difficulty of coordinating an arms embargo outweigh the potential benefits of one. An embargo is unlikely to have an immediate effect on Saudi behavior, because an embargo would be a political signal, rather than a blunt instrument of coercion. It will take time for a multilateral embargo to emerge and be put into place, and the United States should work with its allies to help support their ability to participate in the embargo. Not acting, however, would continue to implicitly endorse Saudi behavior, and would make it more difficult for U.S. allies to believe that future threats of an embargo are credible.

#### Increased EUM solves coalition diversion without ending sales

**Vittori ‘19** (Jodi Vittori, "American Weapons in the Wrong Hands," Carnegie Endowment for International Peace, 02-19-2019, <https://carnegieendowment.org/2019/02/19/american-weapons-in-wrong-hands-pub-78408)(Shiv)>

There are clear rules against arms transfers to third parties. There are also **end-use monitoring requirements** for U.S. arms exports, but these checks are **hardly universal.** Given that at least some of the equipment found in militia hands can be tied to U.S. arms sales, the Department of Defense, State Department, and Commerce Department are clearly not adequately monitoring sales. (Which U.S. agency is responsible for end-use checks depends on the type of sale conducted.) The United States is the largest arms supplier to Saudi Arabia and the UAE, two lucrative customers of the U.S. defense industry. Saudi Arabia was the largest importer of U.S. arms, having purchased $112 billion in weapons from 2013 through 2017. The UAE was the [second-largest importer](https://www.npr.org/2018/10/15/657588534/fact-check-how-much-does-saudi-arabia-spend-on-arms-deals-with-the-u-s) of U.S. arms in the same time span. Since 2009, over [$27 billion](https://static.wixstatic.com/ugd/3ba8a1_4498bdea89b148989be12b75281be4f5.pdf) in weapons have been offered to the UAE in thirty-two separate deals under the Pentagon’s Foreign Military Sales program. These arms sales continue, despite both countries’ history of diverting arms to favored militias. Saudi Arabia has been purchasing weapons from third parties to pass on to allied governments and groups at least since the 1970s, sometimes on behalf of the U.S. government. Transparency International’s Government Defense Anti-Corruption Index ranks Saudi Arabia and the UAE in its high-risk category for corruption, with Saudi Arabia receiving a score of zero out of four (zero being the worst) and the UAE receiving a score of one for lacking a well-scrutinized process for arms export decisions that aligns with international protocols. The CNN investigation comes as Congress ramps up its opposition to U.S. support for the Saudi-led coalition. Former U.S. president Barack Obama’s administration only reluctantly agreed to support the Saudi-led coalition as it went on the offense in 2015, seeing it as an unwinnable proxy war against Iran. Obama had put restrictions on arms sales and intelligence cooperation with the coalition in 2016, but President Donald Trump’s administration lifted those restrictions in March 2017, just prior to Trump’s overseas visit to Saudi Arabia. Saudi human rights abuses in Yemen using [U.S. weapons](https://edition.cnn.com/interactive/2018/09/world/yemen-airstrikes-intl/index.html), such as the airstrike on a [school bus](https://edition.cnn.com/2018/08/17/middleeast/us-saudi-yemen-bus-strike-intl/index.html) in August 2018 that killed forty children, and the murder of Khashoggi have shocked the U.S. public and Congress. In the National Defense Authorization Act for Fiscal Year 2018, Congress required the departments of Defense and State to certify that the Saudi-led coalition was doing all it could to prevent civilian casualties; the State Department failed to provide that justification when it was due earlier this month. In December, the [Senate](https://www.nytimes.com/2018/12/13/us/politics/yemen-saudi-war-pompeo-mattis.html) approved a measure to end arms shipments to Saudi Arabia, despite the Trump administration’s strong opposition to the bill. The measure did not have enough votes to override a presidential veto, but senators have promised to introduce an even tougher bill in to override an expected presidential veto. The Trump administration **continues to approve** arms shipments to the Saudi coalition. In 2018 alone2019. Last week, the [House](https://www.nytimes.com/2019/02/13/us/politics/yemen-war-saudi-arabia.html) also passed a measure to end U.S. assistance to the Saudi-led coalition in Yemen, but again without enough votes, the United States directly sold $4.4 billion in arms to Saudi Arabia, and the administration approved the latest sale of [Patriot missile upgrades](https://www.al-monitor.com/pulse/originals/2019/01/saudia-arabia-us-missile-defense-boost-khashoggi.html) in December. Tens of billions of dollars in [deals](https://www.reuters.com/article/us-saudi-arms-missiledefense/saudi-arabia-inks-deal-for-lockheeds-missile-defense-system-idUSKCN1NX2YJ) with Saudi Arabia remain in the pipeline as well, awaiting approvals as part of the controversial, alleged May 2017 [$110 billion arms deal](https://www.brookings.edu/blog/markaz/2017/06/05/the-110-billion-arms-deal-to-saudi-arabia-is-fake-news/) with Saudi Arabia. The Trump administration has shown **little inclination** to loosen its close ties with Saudi Arabia and the UAE despite the death of Khashoggi or the conduct of the war in Yemen. The monarchs of Saudi Arabia and the UAE can conduct these **proxy operations** and **divert equipment** with **no oversight** and almost **no input** from their own citizens. Both countries are absolute monarchies, and their legislative bodies are advisory and contain only regime-approved members. Both countries also stamp out any free press and most independent civil society. Information on defense policies, including the war in Yemen, is kept secret by the monarchs and their inner circles. Most available information on Saudi and Emirati coalition operations and weapons transfers comes from external parties, such as U.S. government weapons sales notifications, news organizations, and human rights organizations. Given the **lack of effective** Saudi and Emirati citizen or parliamentary **oversight** on the conduct of the war in Yemen and associated weapons transfers, it is crucial that the United States and other arms-exporting nations conduct **additional due diligence** and put **controls on any exports** to Saudi Arabia and the UAE. The CNN investigation demonstrates that the stringent due diligence and **accountability** that should be required for such sales has not been conducted. As the Trump administration continues to approve arms sales, an emboldened Congress inches ever closer—often across partisan lines—to cutting off those very same sales.

#### The counterplan threads the needle – it provides increased oversight and signals that Saudi Arabia needs to change its behavior.

Vittori 2019 (Jodi, “American Weapons in the Wrong Hands” via Carnegie Endowments for Peace 19 February 2019 <https://carnegieendowment.org/2019/02/19/american-weapons-in-wrong-hands-pub-78408> Jodi Vittori is an expert on the linkages of corruption, state fragility, illicit finance, and US national security. Dr. Vittori is an adjunct professor at Georgetown University and the National Defense University, where she lectures on political economy, economic development, corruption, transnational crime, terrorist finance, and irregular warfare. )

The United States is the largest arms supplier to Saudi Arabia and the UAE, two lucrative customers of the U.S. defense industry. Saudi Arabia was the largest importer of U.S. arms, having purchased $112 billion in weapons from 2013 through 2017. The UAE was the [second-largest importer](https://www.npr.org/2018/10/15/657588534/fact-check-how-much-does-saudi-arabia-spend-on-arms-deals-with-the-u-s) of U.S. arms in the same time span. Since 2009, over [$27 billion](https://static.wixstatic.com/ugd/3ba8a1_4498bdea89b148989be12b75281be4f5.pdf) in weapons have been offered to the UAE in thirty-two separate deals under the Pentagon’s Foreign Military Sales program. These arms sales continue, despite both countries’ history of diverting arms to favored militias. Saudi Arabia has been purchasing weapons from third parties to pass on to allied governments and groups at least since the 1970s, sometimes on behalf of the U.S. government. Transparency International’s Government Defense Anti-Corruption Index ranks Saudi Arabia and the UAE in its high-risk category for corruption, with Saudi Arabia receiving a score of zero out of four (zero being the worst) and the UAE receiving a score of one for lacking a well-scrutinized process for arms export decisions that aligns with international protocols. The CNN investigation comes as Congress ramps up its opposition to U.S. support for the Saudi-led coalition. Former U.S. president Barack Obama’s administration only reluctantly agreed to support the Saudi-led coalition as it went on the offense in 2015, seeing it as an unwinnable proxy war against Iran. Obama had put restrictions on arms sales and intelligence cooperation with the coalition in 2016, but President Donald Trump’s administration lifted those restrictions in March 2017, just prior to Trump’s overseas visit to Saudi Arabia. Saudi human rights abuses in Yemen using [U.S. weapons](https://edition.cnn.com/interactive/2018/09/world/yemen-airstrikes-intl/index.html), such as the airstrike on a [school bus](https://edition.cnn.com/2018/08/17/middleeast/us-saudi-yemen-bus-strike-intl/index.html) in August 2018 that killed forty children, and the murder of Khashoggi have shocked the U.S. public and Congress. In the National Defense Authorization Act for Fiscal Year 2018, Congress required the departments of Defense and State to certify that the Saudi-led coalition was doing all it could to prevent civilian casualties; the State Department failed to provide that justification when it was due earlier this month. In December, the [Senate](https://www.nytimes.com/2018/12/13/us/politics/yemen-saudi-war-pompeo-mattis.html) approved a measure to end arms shipments to Saudi Arabia, despite the Trump administration’s strong opposition to the bill. The measure did not have enough votes to override a presidential veto, but senators have promised to introduce an even tougher bill in 2019. Last week, the [House](https://www.nytimes.com/2019/02/13/us/politics/yemen-war-saudi-arabia.html) also passed a measure to end U.S. assistance to the Saudi-led coalition in Yemen, but again without enough votes to override an expected presidential veto. The Trump administration continues to approve arms shipments to the Saudi coalition. In 2018 alone, the United States directly sold $4.4 billion in arms to Saudi Arabia, and the administration approved the latest sale of [Patriot missile upgrades](https://www.al-monitor.com/pulse/originals/2019/01/saudia-arabia-us-missile-defense-boost-khashoggi.html) in December. Tens of billions of dollars in [deals](https://www.reuters.com/article/us-saudi-arms-missiledefense/saudi-arabia-inks-deal-for-lockheeds-missile-defense-system-idUSKCN1NX2YJ) with Saudi Arabia remain in the pipeline as well, awaiting approvals as part of the controversial, alleged May 2017 [$110 billion arms deal](https://www.brookings.edu/blog/markaz/2017/06/05/the-110-billion-arms-deal-to-saudi-arabia-is-fake-news/) with Saudi Arabia. The Trump administration has shown little inclination to loosen its close ties with Saudi Arabia and the UAE despite the death of Khashoggi or the conduct of the war in Yemen. The monarchs of Saudi Arabia and the UAE can conduct these proxy operations and divert equipment with no oversight and almost no input from their own citizens. Both countries are absolute monarchies, and their legislative bodies are advisory and contain only regime-approved members. Both countries also stamp out any free press and most independent civil society. Information on defense policies, including the war in Yemen, is kept secret by the monarchs and their inner circles. Most available information on Saudi and Emirati coalition operations and weapons transfers comes from external parties, such as U.S. government weapons sales notifications, news organizations, and human rights organizations. Given the lack of effective Saudi and Emirati citizen or parliamentary oversight on the conduct of the war in Yemen and associated weapons transfers, it is crucial that the United States and other arms-exporting nations conduct additional due diligence and put controls on any exports to Saudi Arabia and the UAE. The CNN investigation demonstrates that the stringent due diligence and accountability that should be required for such sales has not been conducted. As the Trump administration continues to approve arms sales, an emboldened Congress inches ever closer—often across partisan lines—to cutting off those very same sales.

#### And U.S. end-use controls key to controlling allies’ defense systems and usage.

Caverley 2018 (Jonathan, “AMERICA’S ARMS SALES POLICY: SECURITY ABROAD, NOT JOBS AT HOME” via War on the Rocks 6 April https://warontherocks.com/2018/04/americas-arms-sales-policy-security-abroad-not-jobs-at-home/ Jonathan D. Caverley is Associate Professor of Strategy, United States Naval War College and Research Scientist, Massachusetts Institute of Technology. The views expressed are his own and do not reflect the official policy or position of the Naval War College, the Department of the Navy, the Department of Defense, or any other branch or agency of the U.S. Government.)

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](https://www.bloombergquint.com/opinion/2017/10/14/targeting-international-trade-in-conventional-weapons), which four of the most important market-makers — [Russia, China, India, and Saudi Arabia](http://foreignpolicy.com/2013/04/02/u-n-passes-landmark-arms-trade-treaty-some-major-powers-abstain/) — 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,](http://www.unidir.org/files/medias/pdfs/background-paper-transfer-of-defense-technologies-should-they-be-included-in-the-att-vadim-kozyulin-eng-0-260.pdf) 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](https://www.armscontrol.org/act/2000_09/israelsept00) to preventing the [transfer of used light aircraft from Spain to Venezuela](https://www.defenseindustrydaily.com/love-on-the-rocks-casas-600m-venezuelan-plane-sale-in-heavy-turbulence-01887/). It strictly regulates, [when it wants to](https://www.stimson.org/sites/default/files/file-attachments/ArmsSales_WithGreatPower_FINAL.pdf), 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](https://warontherocks.com/2017/09/the-french-turn-to-armed-drones/). 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](https://www.defenseindustrydaily.com/reports-israel-frozen-out-of-f35-development-0377/) 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](https://www.reuters.com/article/us-usa-trump-interview-highlights/highlights-of-reuters-interview-with-trump-idUSKBN17U0D4).” But South Korea [has already paid a heavy price](http://money.cnn.com/2017/08/30/news/economy/china-hyundai-south-korea-thaad/index.html) 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](https://www.cnbc.com/2017/09/11/south-korea-missile-defense-thaad-system-cant-do-the-job-alone.html) are necessary to bring South Korea into this network, that may be a price worth paying.

### Solvency – Human Rights

#### Reforming EUM solves human rights violations – especially in Middle East

CRS 17 – Informing the legislative debate since 1914 (“Arms Sales in the Middle East: Trends and Analytical Perspectives for U.S. Policy,” *Congressional Research Service*, 11/11/17, https://www.everycrsreport.com/files/20171011\_R44984\_9c5999ba29006bc29d0363590f5e21d9c3183668.pdf, Accessed Online on 07/03/19, lasa-SI)

End-use monitoring is considered an important part of ensuring that recipient governments in the Middle East adhere to human rights standards. In April 2016, the Government Accountability Office (GAO) published a report that recommended "strengthening" end-use monitoring of military equipment sold to Egypt, citing the Egyptian government's failure to admit U.S. officials to storage sites and other issues.146 Similar GAO reports have been published on aid to Lebanon (February 2014)147 and GCC countries (November 2011).148 Common recommendations across these reports include greater coordination between the Departments of State and Defense (which operate two different EUM programs), more comprehensive vetting of recipients of security assistance, and the development of guidance (by both departments) establishing procedures for documenting end-use monitoring efforts and violations thereof.

#### Reform is key – strengthening end-use regimes with consistent funding and coordination solves human rights abuses.

Thomas ’17 (Clayton, Analyst in Middle Eastern Affairs for the Congressional Research Service, “Arms Sales in the Middle East: Trends and Analytical Perspectives for U.S. Policy, Report #44984, October 11, 2017, <https://fas.org/sgp/crs/mideast/R44984.pdf>)

End-Use Monitoring (EUM) Congress has long taken an interest in ensuring that arms sold to foreign countries are used responsibly and for the purposes agreed upon as part of their sale (a legal requirement for certification that goes back to the 1960s). In 1996, Congress amended the AECA to include Section 40A (P.L. 104-164), which directs the President to “establish a program that provides for end-use monitoring in order to improve accountability with respect to defense articles sold, leased, or exported under the AECA or FAA.” 139 The goals of end-use monitoring include preserving U.S. technological superiority by impeding adversaries’ access to sensitive items and ensuring that arms are used solely by the intended recipients based on the terms under which the sale is made. In addition, as part of the standard terms and conditions of a letter of agreement (LOA), the recipient country agrees to “permit observation and review by ... representatives of the U.S. Government with regards to the use of such articles.” 140 End-use monitoring has been an important consideration in evaluating arms sales to Iraq, as Members of Congress try to balance the Iraqi government’s need for weapons to use against the Islamic State and other threats with the potential for those arms to fall into the wrong hands, including the very groups their use is intended to combat. Since 2015, there have been widespread reports of the use of U.S. weaponry by Popular Mobilization Forces or Units (PMFs or PMUs), some of whom are supported by Iran. U.S. officials have reportedly denied the existence of any confirmed instances of Iraqi forces transferring U.S. arms to PMFs, and their Iraqi counterparts have stated that all U.S.-provided weapons remain under Iraqi army control.141 However, the challenges of tracking the whereabouts of U.S. arms are considerable in a country that has received tens of billions of dollars of weapons in the past decade alone. 142 The challenges of accounting for the whereabouts of U.S. arms have perhaps grown as the United States has transferred more weapons into Iraq to help Iraqi forces confront the Islamic State. In May 2017, Amnesty International obtained (via a Freedom of Information Act request) and released a September 2016 DOD audit that determined that the Army “did not have effective controls” to track equipment transfers provided to Iraqi forces through the Iraq Train and Equip Fund (ITEF). The audit characterized the Army’s recordkeeping as inconsistent, out of date, and prone to human error.143 A DOD spokeswoman stated, “The bottom line is that the US military does not have a means to track equipment that has been taken from the Government of Iraq by ISIL.” 144 The implications for these sales under the AECA are unclear. The DOD spokeswoman cited above explained the situation by saying that “the current conflict in Iraq limits some aspects of ... monitoring activities, including travel to many areas of Iraq and access to Iraqi units in combat areas, as well as combat use, damage and losses of war material.” 145 End-use monitoring is considered an important part of ensuring that recipient governments in the Middle East adhere to human rights standards. In April 2016, the Government Accountability Office (GAO) published a report that recommended “strengthening” end-use monitoring of military equipment sold to Egypt, citing the Egyptian government’s failure to admit U.S. officials to storage sites and other issues.146 Similar GAO reports have been published on aid to Lebanon (February 2014)147 and GCC countries (November 2011).148 Common recommendations across these reports include  greater coordination between the Departments of State and Defense (which operate two different EUM programs),  more comprehensive vetting of recipients of security assistance, and  the development of guidance (by both departments) establishing procedures for documenting end-use monitoring efforts and violations thereof. Members of Congress may consider whether existing EUM frameworks are sufficient, and whether additional authorities, appropriations, or other legislative directives might support, streamline, or otherwise strengthen these efforts.

#### CP solves corruption by reversing current trend of nonenforcement and lack of transparency.

**Hartung ’16** (William Hartung is director of the Arms and Security Project at the Center for International Policy. He has also served as a Senior Research Fellow in the New America Foundation's American Strategy Program, and is former director of the Arms Trade Resource Center at the World Policy Institute, "Corruption in Military Aid Undermines Global Security," LobeLog, 05-12-2016, <https://lobelog.com/corruption-in-military-aid-undermines-global-security/)(Shiv)>

Widespread corruption poses other serious challenges to providers of military assistance. There is a danger that tilting aid too heavily toward the defense sector can strengthen it at the expensive of civilian institutions, undermining civilian control of the military. There is a significant risk that this may be occurring among key recipients of U.S. security assistance. The Security Assistance Monitor’s [assessment](http://securityassistance.org/fact_sheet/military-aid-dependency-what-are-major-us-risks-around-world) of dependence on U.S. military aid demonstrates that, for 2014, U.S. military aid accounted anywhere from 15% to 20% of defense expenditures of recipient countries like Egypt, Pakistan, and Burundi; over 50% in Liberia; and over 90% in Afghanistan. A major impediment to combatting corruption in military aid is the [lack of transparency](http://www.politico.com/agenda/story/2016/03/the-pentagons-foreign-aid-budget-needs-oversight-000060) regarding aid programs in the supplying countries. In the United States, for example, military aid programs rapidly proliferated in the 2000s. Of particular concern are the well over two dozen such programs funded and implemented by the Pentagon. There is no systematic reporting to Congress on these programs, so it is difficult to determine how many countries are recipients, what type of aid they receive, what the aid is intended to accomplish, and whether the programs have been effective. The Security Assistance Monitor maintains the most comprehensive tracking of U.S. military and police aid, but this invaluable data is no substitute for detailed reporting on the part of the U.S. government. Absent greater transparency, it is extremely difficult to assess the extent and role of corruption in U.S. security assistance programs. Corruption in military aid programs is not inevitable. A greater focus on governance and anti-corruption practices in the provision of military training can be one useful tool in stemming corruption. In fact, it appears that the Department of Defense is slowly increasing some anti-corruption training to foreign militaries. However, in more critical cases, a temporary suspension of security aid may be necessary to force recipient militaries to clean up their acts. Corruption in defense assistance programs is about more than just a diversion of funds. It is also a threat to local, regional, and global security. Any effort to reduce global corruption must make cleaning up corruption in military aid programs a top priority.

#### End Use Monitoring specifically key to small arms.

Schroeder 2016 [Matt. “Dribs and Drabs: The Mechanics of Small Arms Trafficking from the United States.” Small Arms Survey, 2016. Matt Schroeder is a senior researcher at Small Arms Survey http://www.smallarmssurvey.org/fileadmin/docs/G-Issue-briefs/SAS-IB17-Mechanics-of-trafficking.pdf]  
  
 For policy-makers, these cases offer several important insights. The first is that strong arms export licensing and end-use monitoring systems are necessary but not sufficient. There is no indication that any of the traffickers profiled in the 159 cases applied for arms export licences or attempted to manipulate the licensing system. In interviews, US officials confirmed that few, if any, US-based small arms traffickers apply for export licences.41 Some exporters do attempt to modify arms export documentation illicitly, usually to increase the quantity of items authorized for export. But most of these exports are to legitimate end users.42 Nevertheless, recent examples of attempted and successful diversions of authorized (licensed) exports underscore the continued need for robust arms export controls. A US State Department document obtained by the Small Arms Survey describes several recent diversion schemes that were detected and, in some cases, thwarted by export licensing officials and end-use monitoring programmes. In one case, licensing officials denied a request to export firearms to a private reseller in South Asia after a check by embassy staff revealed substandard stockpile security, inadequate sales records, and the ‘apparent manufacture of unlicensed replicas’.43 In another case, a postshipment check of ‘military-grade’ rifles that had been exported from the United States to the armed forces of a former Soviet Republic revealed that the rifles had been illegally re-exported to private end users in Central America.44 Data on traces of US-sourced firearms recovered in Canada and several Latin American countries provides additional evidence of the continued need for robust controls on authorized exports. In 2014 alone, the US Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) traced 2,162 firearms to ‘foreign countries’, meaning that the last known authorized recipients were foreign military, law enforcement, or private entities (see Table 5). The data does not indicate when, where, or how the firearms entered the black market. In contrast to the cases of trafficking highlighted above, however, the majority of these 2,162 weapons were probably authorized exports, meaning that they were licensed or otherwise approved for export by the US government. These and other recent examples of diversion of legally exported small arms45 confirm the continued need for robust export licensing systems and post-shipment end-use monitoring programmes. Further complicating this already daunting policy challenge is the need to prevent trafficking not only in small arms and their ammunition, but also in their parts and accessories. As demonstrated above, there is a massive global black market in these items that extends to nearly every region of the world. Illicit firearms parts and accessories that circulate in this market are often assembled into fully functional weapons, many of which are acquired by drug traffickers and other criminals. These cases underscore the importance of controlling international transfers of parts and accessories for small arms, and controlling transfers of some of these items (such as receivers) as rigorously as the weapons themselves. Yet controls on parts and accessories are often significantly less extensive or robust than controls on weapons and ammunition. At the international level, this disparity is evident in the Arms Trade Treaty and, to a lesser extent, in the UN Firearms Protocol.

### AT: Solvency Deficits

#### Their evidence is descriptive of the status-quo. Monitoring programs like Blue Lantern can be effective, but lack funding, oversight, and enforcement – the CP would reverse that.

Eddy ’14 (Jessica, J.D. from George Mason, “Re-focusing Export Control: A Review of the Obama Administration’s Export Control Reform Initiative and Suggestions for the Future,” CITBA Policy Paper, May 13. 2014, <http://citba.org/documents/2013-JessicaEddy.pdf>)

End-Use and End-User Monitoring Requirements Are Insufficient Both ITAR and EARs attempt to curtail the transfer of sensitive technologies through end-use monitoring requirements. Technologies transferred under ITAR may not be used for unauthorized purposes and the receiving party must agree not to re-transfer title or possession of such defense articles or services.81 The ITAR end-use and end-user requirements for exported items controlled under the USML are monitored under the Blue Lantern Program, which reviews the end-use of defense articles, defense services, and brokering activities exported through commercial channels. 82 While the Blue Lantern program does make strides to monitor the end-use of those technologies most vulnerable to exploitation, it is a resource constrained program.83 In 2012, the Blue Lantern Program on a budget of $2.1 million was only able to initiate 820 checks on end-use and was only able to close 706 cases out of the 86,000 license applications received for the same year.84 This means that less than 1% of the most sensitive technologies exported from the United States were verified to be compliant with end-use and end-user requirements.85 The EARs is similarly littered with prohibitions on end-use and end-users and restrictions on re-transfer to third parties.86 Despite these restrictions, enforcement of end-use monitoring is often non-existent. For example, Congressional hearings after the Gulf War revealed that of the 771 export licenses granted for Iraq, only one was ever checked for its end-use to ensure it was being utilized for civilian purposes.87 A former Chairman of the House Oversight Committee complained the “Commerce Department issues licenses for commodities not knowing if the goods are what they purport to be; ever reach their intended destination; or are used for the stated legitimate purpose.”88 He further noted certificates not to re-export are “little more than paper salve to the conscience of the government and U.S. corporations” and do little to prevent the retransfer to sensitive technologies.89 The lack of monitoring under the ITAR and EARs undermines the objectives of each regulation. Exported sensitive technologies are easily being converted into destructive devices that threat U.S. nation security interests.90 Partner and allied nations that do not enforce U.S. end-use monitoring requirements are oftentimes found to be the suppliers of otherwise controlled U.S. technologies.91 Without a strong mechanism to ensure end-use and end-user monitoring, the United States effort to prevent the transfer of sensitive technologies to global bad actors is compromised.

#### Improved End-Use Monitoring solves.

Stohl ‘2 (Rachel, Senior Analyst, Center for Defense Information, “Arming the Weak: U.S. Post-Sept. 11 Arms Trade Policy,” September 2002, http://mstohl.faculty.comm.ucsb.edu/failed\_states/2002/papers/RStohl.pdf)

Improve End-Use Monitoring. If the United States continues to build connections to states of concern and increases weapons exports to these countries, then the United States must at least improve end-use monitoring. When the United States began air-strikes in Afghanistan in October 2001, U.S. planes were threatened by Stinger missiles that had been provided to the mujahidin by the United States in the 1980s. Since at least the mid-1990s, the use of legally exported U.S. weaponry to bomb and burn Kurdish villages in southeastern Turkey has been documented. Turkish forces have also used U.S.-supplied light weaponry in specific human rights violations, ranging from torture to indiscriminate firing on civilians. The current U.S. end-use monitoring (EUM) system prevents the United States from predicting where U.S. weapons will end up or how they will eventually be used. While the United States has some of the most comprehensive export control and end-use provisions codified in law, current efforts to monitor U.S. arms exports are insufficient. Today, EUM is centered on an initial license application review, which ensures that U.S. weapons are exported to certified end-users, but does not place a similar emphasis on what happens to those exports once they are shipped. That means that countries with worrisome human rights records, evidence of poor weapons security management, and those that have active terrorist groups operating within their borders, still receive U.S. weaponry.

#### Improving interagency coordination and developing stricter monitoring programs solves any DA to status quo EUM

Dalton et al ’18 – Project Director at the Center for Strategic and International Studies (Melissa, “Oversight and Accountability in US Security Sector Assistance: Seeking Return on Investment,” Feb 2018, date accessed: 6.28.2019, <https://csis-prod.s3.amazonaws.com/s3fs-public/publication/180207_Dalton_OversightAccountability_Web.pdf>)//AP

Monitoring and Evaluation Recommendations DOD should continue to institutionalize its new planning process. In parallel, DOS should be devel- oping its own system for holistic planning, monitoring, and evaluation as part of its ongoing reorganization and reform effort. Training and education across the DOD and DOS workforce for SSA planning, monitoring, and evaluation should be prioritized and resourced. Agencies respon- Sible for developing and administering SSA programs should more actively and closely collaborate with partner countries on program design. **This will** help **ensure** an **alignment** of objectives **and** **encourage** partner **buy-in**. Additionally, there should be an increased emphasis on interagency coordination. Specifically, a DOS "conductor" for security sector planning and cooperation should be identified and empowered to bring together interagency actors to develop a common plan for partner countries. To help facilitate this, Congress should conduct a review of Title 22 authori- ties, constructed during the Cold War era, to determine if they should be modernized to address the twenty-first-century competitive landscape. Congress should mandate M9E for Title 22 SSA programs. **Enhancing interagency coordination and empowering a DOS conductor** **will go a long way** toward ensuring that SSA is linked to strategic objectives. To facilitate strong program design and M&E, agencies must invest in recruiting and training a workforce fluent in theories of change and capable of designing and implementing regimes? USAID's M8E best practices can serve as a useful guide and training resource for other U.S. agencies conducting SSA. To improve DOS and DoD's ability to track and monitor the end use of U.S. weapons provided to security partners, the following actions should be taken. First, to improve the completeness and timeliness of Blue Lantern checks, DOS should ensure that its workforce is resourced to consistently conduct checks and should foster greater host government cooperation by utilizing available Blue Lantern outreach programs. Second, to improve partner oversight and accountabil- ity, Blue Lantern implementation guidance should articulate the conditions under which site visits are required to complete a pre-license screening\_3 Third, to improve tracking of FMS weapons, the DOD should assess and address gaps in its documentation and record-keeping procedures and subject ITEF programs to EOM.

#### Allied nations will follow U.S. end use controls.

Eddy ’14 (Jessica, J.D. from George Mason, “Re-focusing Export Control: A Review of the Obama Administration’s Export Control Reform Initiative and Suggestions for the Future,” CITBA Policy Paper, May 13. 2014, <http://citba.org/documents/2013-JessicaEddy.pdf>)

b. Strengthening International Arms Trade Controls Globally U.S. attempts to control sensitive technologies through export control is no longer a unilateral effort. U.S. executive or legislative action alone will not ensure effective export controls of sensitive technologies because such actions have limited influence outside of U.S. jurisdiction. Once the U.S. approves the export of a sensitive technology, the end-use and end user is potentially beyond the U.S. export controls regimes reach. Global allies and partners developing or receiving sensitive technologies must be part of the solution for controlling such technologies diversion. The United States must encourage and facilitate other nations to enact similar export control legislation on a domestic level. If other nations enact similar domestic legislation, the U.S. benefits from those protections when exporting sensitive technologies. U.S. end-use and end-user requirements will also more likely be respected by nations engaged with the United States to prevent the illicit transfer and derivation of sensitive technology. A global approach becomes particularly apparent as regional stability becomes more vulnerable to the nefarious use of dual-use technologies.146 Guns, missiles, and nuclear bombs are rapidly being replaced with just as destructive computer viruses and electronic equipment. While political influence should be utilized to help ensure global controls, two efforts can be taken by the United States to help established stronger export controls for sensitive technologies from an international law context. Two such legal mechanisms include country exemptions through use of Defense Trade Treaties and ratification of the UN Arms Trade Treaty.

### AT: Perm DB

#### The perm links to the net-benefits – the CP allows the US to sell more arms, the plan reduces them.

Mahanty and Stohl 18 - director of the U.S. program of the Center for Civilians in Conflict. Rachel Stohl is managing director at the Stimson Center. (Make U.S. arms sales great again, *Axios*, <https://www.axios.com/made-in-the-usa-american-weapons-and-conflict-1516911330-fe0a6412-0e23-40d0-bd28-36491ca45f34.html)//BB>

The Trump administration, according to recent reports, will soon be bringing "Buy America" to international arms sales by asking diplomats to drum up new business for American arms manufacturers. Here's what the administration and Congress should do to ensure that any new policies impacting the $60 billion per year in U.S. arms deals also minimizes the risks to civilians: The State and Defense departments need to better analyze whether countries receiving weapons will use them in accordance with international law. The U.S. government must demand oversight of weapons systems it sells to ensure they aren't being misused. Terms of sale for a limited number of major systems should be strengthened to ensure they're not misused or diverted. Why it matters: Manufacturers want to sell their wares, but do not want their weapons to indiscriminately harm civilians. A smarter, risk-based approach — focused on certain items, sold to certain partners, at certain times — will save lives and sell more arms. That's a better outcome for U.S. national security, foreign policy and economic vitality.

### NB – Defense Industry DA

#### **The counterplan’s streamlining solves the industry DA – status quo oversight strangles profits**

Eddy 14 (Jessica, J.D. from George Mason, “Re-focusing Export Control: A Review of the Obama Administration’s Export Control Reform Initiative and Suggestions for the Future,” CITBA Policy Paper, May 13. 2014, <http://citba.org/documents/2013-JessicaEddy.pdf>)

Despite the fact that the United States leads the world in conventional arms trade, the over-complicated and cumbersome export control regime threatens to weaken the defense industry as a whole, as it already has done in some sectors. For instance, companies producing computers (Hewlett-Packard and IBM), communications satellites (Hughes, now Boeing), aerospace technologies (United Technologies), and machine tools (MAG Industrial Automation Systems) have voiced concerns about the uneven competition between U.S. and foreign industry due to ITAR and EARs restrictions.92 U.S. components are being designed out of foreign systems and some foreign companies, such as the satellite manufacturer Thales Alenia Space and the rocket motor manufacturer Swiss Propulsion Laboratory, advertise its products as ”ITARfree” and totally free of U.S. content.93 In some cases, there is evidence that ITAR and EARs have solidified market niches for foreign competitors in the areas of aerospace (the European Aeronautic Defence and Space Company), satellites (Thales Alenia Space), composite carbon manufacturing equipment (the Spanish firm M. Torres), and night vision equipment, which is produced by numerous firms in France, Israel, South Africa, China, and Russia.94 The restrictions also impact who can work for U.S. industry and often time cuts out or compartmentalizes the brightest and best foreign scientists and researchers whose work could potentially contribute to the development and innovation of various U.S. technologies.95 The ITAR and EAR restrictions create an estimated $9 billion per year loss to U.S. industry due to over-restrictive export controls. 96 This is significant because one third of defense industry output is supported by defense exports and the regulations affect industry’s ability to create American jobs and invest in new defense capabilities for the future. 97 Moreover, this loss is often unjustified because the Department of State and Commerce approve the majority of export license application. In April 2010, former Defense Secretary Gates called for the removal of licensing requirements for the bulk of the tens of thousands of license applications to the European Union and North Atlantic Treaty Organization (NATO) countries that overwhelming received approved export license and insisted resources should be concentrated on placing “higher walls…around fewer, more critical items.”98

#### Overhauling End Use is uniquely key to maintaining defense industry sales to allies.

Eddy ’14 (Jessica, J.D. from George Mason, “Re-focusing Export Control: A Review of the Obama Administration’s Export Control Reform Initiative and Suggestions for the Future,” CITBA Policy Paper, May 13. 2014, <http://citba.org/documents/2013-JessicaEddy.pdf>)

VII. Conclusion The current export regime created under AECA and EAA is archaic and does not meet the needs of U.S. national security and foreign policy objectives. The framework is complex, duplicative, and has caused confusion for not only U.S. industry, but foreign purchasers. The licensing requirements differ under ITAR and EARs and jurisdiction conflicts arise. Moreover, what is often caught in the ITAR and EARs licensing process has no true bearing on U.S. national security concerns. The Obama Administration has taken the first steps to overhaul this outdated system. Efforts to review the USML and convert dual use items to the control of the Department of Commerce will help to eliminate the bureaucratic burden that U.S. manufacturer’s face when trying to export less critical and sensitive technologies. Creating STA exemptions for countries also eliminates unnecessary bureaucratic resources for license application that are approved in the majority of cases. Despite these efforts, more reform overhauls are needed to update the current U.S. export regime. Congress must act to pass new legislation to ensure export control is consistent and transparent into the future. Such legislation must ensure a new SECA is created with enough authority to coordinate input from all interested U.S. agencies. Additionally, a new SECL must be established in order to ensure protection of the U.S. “crown jewel” technologies that have high implications for U.S. national security. The SECA must also ensure the controls placed on sensitive technologies are upheld by foreign purchasers and must have the ability to take remedial actions for non-compliance. The U.S. must also work with partner nations and allies to help enhance export controls of sensitive technologies worldwide. This can be done by promoting other allies and partners to enact and implement convention arms and dual-use technologies legislation on a domestic level. The DTT process and ratifying the UN Arms Trade Treaty are two mechanisms that can help promote U.S. interests and controls over sensitive technologies worldwide. Overhauling the U.S. export control legal framework is imperative to ensuring national security and foreign policy objectives are accomplished. It is also essential to ensure the U.S. can maintain its healthy U.S. defense industry, which creates American jobs and fosters the U.S. economy. Congress and the Obama Administration need to build on the ECRI steps to ensure a holistic, robust approach to export control reform is adopted to enhance national security and guarantee U.S. technological edge.

# AFF Answers

## 2AC

### 2AC – End-Use CP (Generic)

#### 1. Permutation: Do Both

#### 2. Doesn’t solve the case because our internal links are about the weapons themselves, not just the misuse of them.

#### 3. CP can’t solve intentional diversion – just an illusion of control.

Vranckx ’16 (An, Associate Research Fellow at UNU-CRIS and published a variety of articles on arms sales, “CONTAINING DIVERSION: Arms end-use and post-delivery controls,” GRIP REPORTS 2016/4 http://www.smallarmssurvey.org/fileadmin/docs/L-External-publications/2016/GRIP-2016-Containing-diversion.pdf)

In the short term, calls for information sharing on an ATT-wide scale and EU countries’ actual end-use monitoring programmes won’t close the virtuous loop in the same way as the Blue Lantern. Their arms export control authorities may also want to hold on to the awareness that in the foreseeable future, the exports they authorise will remain more likely to be diverted than are exports by U.S. companies, that are embedded in the US’s encompassing military, diplomatic and economic grid. Post-delivery verification, end-use monitoring and exchange of relevant information cannot guarantee that no more arms will be diverted from legal exports. It will remain inherently difficult to evaluate to what extent the instruments discourage diversion schemes and effectively prevent authorised arms transfers from becoming available to unauthorised users. Violations of non-re-export clauses and other modes of illegal arms transfers are not usually advertised. Such re-exports are unlikely to be reported – especially in open sources – and evidence that they happened is rarely ever collated in statistics. The end-use monitoring instruments that have recently been put in place could create the illusion of control and forge some sort of assurance that leads arms export licensing authorities to OK end-users they would have had good reason to be concerned about in earlier days. Finally, even if transferred arms remain under the control of the designated users and in the country that the end-use documentation described as their destination, the use of the arms is not guaranteed to be restricted to the purposes described in that documentation. Deployment for other purposes is a more visible type of diversion than are hidden re-exports. Under current conditions, however, such visible unintended use has not given sufficient ground to try and recuperate the arms, or ensure that further deployment is restricted to intended end-use.

#### 4. The CP will get circumvented by executive departments.

United States General Accounting Office 2000 (August 2000, “Foreign Military Sales: Changes Needed To Correct Weaknesses in End-Use Monitoring Programs” <https://www.gao.gov/assets/230/229480.pdf>)

For example, under the first standard, field personnel are required to conduct an end-use check within 60 days of the State Department’s notification to Congress that an end-use violation has occurred. The main purpose of these checks is to verify that the host country is committed to proper control and use of U.S.-origin items. The State Department reported 12 countries to Congress for end-use violations in fiscal years 1997-99. Field personnel in only one of these countries, however, responded in our survey that they had carried out an end-use check. A DSCA official told us that because the State Department is responsible for reporting end-use violations to Congress, DSCA assumed that State Department personnel at the embassy were notifying military field personnel of violations in their country. However, DSCA officials did not actually determine whether a mechanism was in place to notify field personnel. Field personnel in the countries we visited told us that they sometimes learn about alleged violations through their embassy but do not know whether the violations have been reported to Congress, thereby requiring an end-use check. From the establishment of the standard in 1996 through March 2000, the State Department did not provide any information on end-use violations to DSCA. State Department officials told us that due to the political sensitivity of the violation reports, they only provide the reports to select Members of Congress and are not required to provide them to DSCA.14 According to these officials, the information contained in these violation reports could seriously harm U.S. relations with the country involved if it was inadvertently released. In March 2000, DSCA and State officials developed a procedure for State to provide DSCA with a summary of the information contained in the violation reports. However, the State Department does not plan to provide DSCA with the reports themselves. DSCA advised that without the violation reports, field personnel would not have sufficient information to determine when to conduct end-use checks on the basis of a specific violation. Field personnel could benefit from such information by using it to determine which countries have weaknesses in their ability or willingness to protect U.S. technology. Field personnel could then more carefully monitor sensitive or vulnerable defense equipment transferred to these countries through the FMS program. In addition, information on a country’s ability or willingness to protect U.S. technology is one of the factors used in the process of approving the transfer of U.S. defense equipment.

### No Solvency – Saudi Arabia

#### Aff key – Saudi interests mean they ignore end-use controls

Thrall & Dorminey 2019 (A. Trevor and Caroline, “American Weapons in Yemen, a Cautionary Tale” via The CATO Institute 5 February 2019, A. Trevor Thrall is an associate professor at the Schar School of Policy and Government at George Mason University and a senior fellow at the Cato Institute <https://www.cato.org/blog/american-weapons-yemen-cautionary-tale>)

CNN [broke](https://www.cnn.com/interactive/2019/02/middleeast/yemen-lost-us-arms/) an important story today outlining how Saudi Arabia and the United Arab Emirates (UAE) have intentionally transferred American-made weapons to violent non-state actors. Intended as a government to government sale, everything from American rifles to Oshkosh armored vehicles to TOW anti-tank missiles have made their way into the hands of “[Al Qaeda-linked fighters, hard-line Salafi militias, and other factions waging war in Yemen](https://www.cnn.com/interactive/2019/02/middleeast/yemen-lost-us-arms/).” Although the extent of the problem in Yemen is disturbing, the illegal dispersion of American weapons is nothing new. And the fact that Saudi Arabia and the UAE are unreliable customers should not come as any surprise. American experience in the Middle East has long demonstrated that sending weapons into conflict zones is a recipe for trouble. After the U.S. invasion of Iraq, for example, the United States provided Iraq with a vast amount of weapons and equipment in order to rebuild the Iraqi army. Later, however, the Islamic State (ISIS) [wound up](https://www.amnesty.org.uk/how-isis-islamic-state-isil-got-its-weapons-iraq-syria)with almost an entire division’s worth of American equipment after defeating the Iraqi army in 2014, helping fuel its emergence. This equipment found its way into Syria, where ISIS also [stole American-supplied rockets](https://www.washingtonpost.com/news/checkpoint/wp/2017/12/14/how-u-s-weapons-helped-isis-fuel-the-industrial-revolution-of-terrorism/?utm_term=.b93c2a0a3de4) just weeks after they were sent to arm Syrian rebels fighting ISIS and Assad. Nor is the problem of dispersion limited to the battlefield. American weapons often wind up crossing national borders to be sold to the highest bidders on the black market. The CNN report notes that Yemeni black markets are showcasing American weapons, but so are markets in [Somalia](https://www.voanews.com/a/somalia-weapons-12feb13/1601850.html), [South Sudan](http://www.conflictarm.com/download-file/?report_id=2978&file_id=2981), [Mali](http://www.conflictarm.com/reports/investigating-cross-border-weapon-transfers-in-the-sahel/), [Cote d-Ivoire](http://www.conflictarm.com/reports/investigating-cross-border-weapon-transfers-in-the-sahel/), and [Latin America](https://www.latimes.com/opinion/op-ed/la-oe-muggah-arming-latin-america-20150118-story.html). Losing weapons to adversaries and criminals makes life difficult enough. What makes the Yemen case particularly troublesome is the fact that Saudi Arabia and the UAE felt free to give up control over American weapons on purpose. The Saudi coalition hoped to gain traction and support from the militias in the complex political landscape of the protracted conflict. The fact that such transfers were technically illegal meant little. Though arms sales advocates argue that selling weapons to allies will allow the United States to influence their behavior, Yemen illustrates the exact opposite. When arms sales customers have more immediate concerns in their own backyard, their willingness to take direction from Washington, D.C. dwindles. Policy makers should take this report as an opportunity to rethink U.S. arms sales policy. As we have shown in [previous research](https://www.cato.org/publications/policy-analysis/risky-business-role-arms-sales-us-foreign-policy), these challenges are not impossible to predict. Some countries to which the United States transfers weapons, like Saudi Arabia, Egypt, Afghanistan, Sudan, and Iraq, represent greater risks for unintended negative consequences than others. A more prudent arms sales policy would acknowledge that promises and end-use monitoring are insufficient to prevent the misuse of American weapons abroad. In some cases, not selling weapons may be the only way to prevent downstream problems.

#### No regulations will stop the Saudi’s HR abuses – only suspending arms sales solves

Bazzi ’19 (Mohammed, a journalism professor at New York University, is a former Middle East bureau chief at Newsday, Both Saudi Arabia and the United States Are Probably Guilty of War Crimes in Yemen, The Nation, 5/17/19, https://www.thenation.com/article/war-crimes-united-states-saudi-arabia-yemen/)CN

On April 4, the House voted to end US military support for the Saudi-led war in Yemen, finally approving a bill to restrain presidential war powers that has taken years to pass both chambers of Congress. The measure, which invoked the 1973 War Powers Act and argued that Congress never authorized support for the Saudi coalition, underscored growing anger over American involvement in a war that has created the world’s worst humanitarian crisis. The vote was also a rebuke to Trump for doubling down on his support for Saudi Arabia’s ruthless crown prince, Mohammed bin Salman, after Saudi agents murdered journalist Jamal Khashoggi at the Saudi Consulate in Istanbul. On April 16, Trump vetoed the bill, and supporters in Congress did not have enough votes to override that veto. One of the most persistent false arguments advanced by Pentagon and Trump administration officials against the congressional bill is that American support is necessary to keep the Saudi coalition from killing even more civilians. On April 29, Michael Mulroy, deputy assistant defense secretary for the Middle East, told a Washington think tank that US support is now limited to “side-by-side coaching to help mitigate civilian casualties.” He argued that if Congress was to override Trump’s veto of the War Powers Act resolution, this US assistance would end. “If that happens, that’s obviously not helping the situation,” Mulroy said at the Center for a New American Security. The Trump administration continues to insist that Saudi Arabia and the UAE have tried to reduce civilian deaths and to enable humanitarian-aid deliveries in Yemen, despite contradictory evidence documented by the United Nations, human-rights groups, and, most recently, former US officials who served in President Barack Obama’s administration. In September, Secretary of State Mike Pompeo formally assured Congress that the two US allies were trying to reduce civilian deaths. Congress required the administration to make this certification a condition for the Pentagon to continue providing military assistance. But Pompeo’s claim contradicted most other independent reviews of the war, including a report issued in August by a group of UN experts. The report found both the Saudi-led coalition and rebel Houthi militia responsible for likely war crimes, but it blamed the Saudis and their allies for killing far more civilians. “Coalition air strikes have caused most of the documented civilian casualties,” the report said. “In the past three years, such air strikes have hit residential areas, markets, funerals, weddings, detention facilities, civilian boats, and even medical facilities.” CURRENT ISSUE View our current issue Subscribe today and Save up to $129. Saudi leaders and their allies have ignored American entreaties to minimize civilian casualties since the war’s early days. And, according to recent testimony in Congress by two members of the Obama administration, US officials recognized as early as 2016 that top Saudi and UAE leaders were not interested in reducing civilian casualties. In little-noticed testimony to the House Subcommittee on the Middle East, North Africa, and International Terrorism in early March, the two former State Department officials explained how deeply involved the United States has been in helping the Saudis choose their targets in Yemen, creating “no-strike” lists, and sending trainers to help avoid civilian casualties. The officials were Dafna Rand, a former deputy assistant secretary of state, who is now a vice president at Mercy Corps; and Jeremy Konyndyk, former director of the USAID Office of US Foreign Disaster Assistance. Rand testified that soon after the Saudis launched the war in 2015, and civilian casualties started to mount, the State Department sent a trainer to Riyadh to work with Saudi Defense Ministry officials. She said the trainer had worked with the US military’s Central Command to reduce civilian casualties in Afghanistan, and US officials had thought the Saudis could use similar techniques to reduce casualties in Yemen. “We approached this very technically behind closed doors, very quietly, sent our trainer in,” Rand said, adding that, after a cease-fire in 2016, US officials were hopeful that their efforts were paying off. But once the cease-fire collapsed in August 2016, the Saudi coalition attacked a series of civilian targets that caused mass casualties. At that point, Rand said, “it gave us pause to recalibrate the strategy, and wonder what had happened to our training.” The State Department continued to quietly send the trainer to Riyadh. But Rand and other officials soon realized that top Saudi leaders were not interested in limiting civilian casualties, despite American appeals. She said Saudi leaders only cared if the president—first Obama and later Trump—applied pressure or threatened to suspend weapons sales. Rand did not mention Mohammed bin Salman, who was then the deputy crown prince and Saudi defense minister and a major architect of the Yemen war. “We came to the conclusion by late 2016 that although there were very many well-meaning and professional generals in the Saudi Ministry of Defense, there was a lack of political will at the top senior levels to reduce the number of civilian casualties,” she said.

#### Geopolitics means arm sales remain

**GRIP 2016** -- Group for Research and Information on Peace and security - independent research center created in 1979 and based in Brussels (Belgium) (“CONTAINING DIVERSION: GRIP REPORTS 2016/4 An Vranckx Arms end-use and post-delivery controls” <http://www.smallarmssurvey.org/fileadmin/docs/L-External-publications/2016/GRIP-2016-Containing-diversion.pdf>) mba-alb

A recent case where those limits are exceeded concerns deployment of U.S. supplied goods by Saudi Arabia’s armed forces. U.S. arms export control authorities must have had reasonable assurance as to the Saudi client’s capacity and willingness to comply with the end-use documentation of solely legitimate defensive use of the goods. **If the Watch List led any red flags to be raised when the deal to supply such goods was in the making, and even if such flags would have led to visits in site, the final decision was to approve the arms transfer**. However as of mid-2015, some such equipment has been used for offensive goals in operations, as a Saudi-led coalition began deploying against Houthi strongholds in Yemen. The deployments were found to be in violation of international humanitarian law. By 2016, the international Cluster Munitions Coalition (CMC) reliably documented Saudi deployment of CBU-105 Sensor Fuzed Weapons (weapons that disperse canisters that release sub-munitions) in densely populated areas.37 CMC also revealed that “in recent years”, a Massachusetts-based company had obtained the licence from the U.S. government to supply these weapons to Saudi Arabia (and other recipient states that dispose of airborne means to deliver such weapons) under the strict condition not to use these weapons in civilian areas. Non-compliance with these end-use conditions was established by CMC, not by Blue Lantern envoys. The U.S. export control agencies are nevertheless presumed eager to sanction non-compliant end-users, in line with their mission, as well as within the legal framework that mandates their activities. No information is available that the U.S. export control system (be that the Blue Lantern, or “Golden Sentry” programme that concerns Foreign Military Sales of defence articles and services via government-to-government channels) is currently taking action to recall licences for further supplies to the Saudi armed forces, nor to recover the equipment that was transferred in the past, nor even to prevent further unauthorised deployments of the equipment. Proof of this unintended use would be expected to feed into the Blue Lantern monitoring cycle, and as such provide the U.S. export licensing authority with means to sanction this particular violation of end-use conditions. These sanctions could become part of a broader and longer-term endeavour to limit the use of any transferred equipment to the specific importer and exporter agreed on at the time of licensing. Proven non-compliance with end-use documentation in one case is sure to be noted and recorded in the Blue Lantern monitoring cycle. Such records generate “flags” on its Watch List, and can impact decisions to authorise new export licences that identify the once-non-compliant party as the end-user. In this particular case, it is of note that Saudi armed forces hold a wide range of U.S.- supplied goods. This context makes the Saudi armed forces dependent on maintenance services and spare parts that the relevant U.S. suppliers can continue to supply only if the U.S. export control authority approves licence requests to that end. This gives the U.S. arms export licensing system leverage to deny future licence requests**.** However, it would not seem certain that the leverage is effectively used. **Geopolitical** **considerations and foreign policy choices may demand that the U.S. licensing authority refrains from refusing further licence applications.** Unintended end-use of the cluster munition, as last documented in February 2016, **would appear likely to be downplayed by the fact that these same Saudi forces are a major ally in the U.S.-led airstrikes on Syria**. The discussed case can serve here as a reminder that the situation in a recipient state may change. In Saudi Arabia, the context of possession and use of the goods evolved significantly over the past few years. In 2016 it no longer resembles the context that U.S. (and many other Western) arms transfer control authorities appraised in prior years, when they approved major export licences to Saudi Arabia. These same export control authorities may not come to the same decision about authorising transfer of the same goods and same end-user, if the latter were subject of a new export licence request. Transfer licences that were given at one time may be revoked, to prevent more transfers taking place under the same licence. But actual transfers authorised in the past when circumstances were different are difficult to undo. In all likelihood, the recipient at that time had intentions to use the goods in another way than a “defensive mode” recorded in the end-use documentation that the exporting country’s authorities had judged bona fide. The type of diversion in the documented case is one that takes transferred military goods “away from intended end-use” at an appreciable time after transfer. The diversion scheme, if there was one, could not possibly be anticipated nor detected at the time the decision was made to authorise that transfer.

#### End-use controls fail – no enforcement and Saudi Arabia won’t cooperate.

Spindel ’19 (Jennifer, 5-14-2019, "The Case for Suspending American Arms Sales to Saudi Arabia," War on the Rocks, https://warontherocks.com/2019/05/the-case-for-suspending-american-arms-sales-to-saudi-arabia/)

The United States could, in theory, impose stricter end-user controls on Saudi Arabia. This would have the advantage of keeping Saudi Arabia within the world of U.S. weapons systems, and might prevent it from diversifying its suppliers, which would ultimately weaken any leverage the United States might have. Longer-term, it would not be to America’s advantage if Saudi Arabia takes a lesson from Turkey, and starts courting Russia as a new arms supplier. It is difficult to enforce end-user controls, since, once a weapon is transferred, the recipient can use it however it wishes. It might also be the case that Saudi Arabia would object to stricter end-user controls, and would seek new suppliers as a result. An arms embargo will not be a panacea. But not doing something sets a problematic precedent, and allows the difficulty of coordinating an arms embargo outweigh the potential benefits of one. An embargo is unlikely to have an immediate effect on Saudi behavior, because an embargo would be a political signal, rather than a blunt instrument of coercion. It will take time for a multilateral embargo to emerge and be put into place, and the United States should work with its allies to help support their ability to participate in the embargo. Not acting, however, would continue to implicitly endorse Saudi behavior, and would make it more difficult for U.S. allies to believe that future threats of an embargo are credible.

### No Solvency – Human Rights

#### Reforming EUM is useless – US already has the best program, but no one models it.

Crowley, Isbister, & Meek 01 – \* an American journalist who is a White House correspondent for the New York Times AND \*\* Saferworld's Small Arms and Transfer Controls Team Leader and \*\*\* Director of Legislative Affairs for the American Network of Community Options and Resources (ANCOR) (Michael, Roy, and Sarah, “Building Comprehensive Controls on Small Arms Manufacturing, Transfer and End-Use,” *BASIC – INTERNATIONAL ALERT – SAFERWORLD*, 2001, Accessed Online at: http://www.smallarmssurvey.org/fileadmin/docs/L-External-publications/2002/2002%20BtB%20Comprehensive%20controls.pdf, Accessed Online on 07/10/19, lasa-SI)

From this brief survey it is clear that even among States recognised as having relatively extensive end-use controls, no one country can be seen to have a fully effective system. The system in place in the US is the most comprehensive, but nevertheless suffers from a lack of resources and the fact that SALW issues are not prioritised, despite the significant risks of diversion and misuse that accompany exports of these weapons. This underlines the importance of establishing effective cooperation, including information sharing on risks of diversion and misuse, amongst relevant actors. If the US, the world’s largest military exporter, has difficulties resourcing this area, other, less affluent States will find operating alone even more problematic.

#### End use fails – Egypt proves noncompliant governments will drag their feet and refuse end use checks.

GAO 2016(United States Government Accountability Office, “U.S. Government Should Strengthen End-Use Monitoring and Human Rights Vetting for Egypt” April 2016 <https://www.gao.gov/assets/680/676503.pdf>)

According to OMC-E officials and documentation, on at least two occasions before fiscal year 2015, Egyptian officials prevented U.S. personnel from conducting required physical security inspections at a storage site housing many of Egypt’s U.S.-origin NVDs that at the time were subject to Golden Sentry enhanced end-use monitoring.34 In each instance, Egyptian officials brought the NVDs to a central location, enabling DOD personnel to conduct serial number inventories.35 While Egypt, as a sovereign nation, is not subject to U.S. government requirements unless it has agreed to them with the U.S. government, the Egyptian government has committed in writing to permit inspections of NVD storage facilities. The Security Assistance Management Manual includes standard terms and conditions that must be included in a Letter of Offer and Acceptance,36 including a provision in which the purchaser agrees to permit scheduled inspections or physical inventories upon the U.S. government’s request, except when other means of end-use monitoring verification shall have been mutually agreed. Five of the six Letters of Offer and Acceptance covering NVDs subject to enhanced end use monitoring physical security inspections as of December 1, 2014, included such a provision. According to the manager of the Golden Sentry program at the Defense Security Cooperation Agency, one Letter of Offer and Acceptance did not contain this provision because the NVDs were provided on a grant basis and the Egyptian government agreed to permit observation of the items under a separate exchange of letters. In addition to the terms and conditions in the Letters of Offer and Acceptance, a June 2012 control plan for the physical security and accountability of NVDs signed by the Egyptian Ministry of Defense notes that NVD storage facilities will be subject to compliance assessments, audits, and inventories by U.S. representatives.37 Nonetheless, during a February 2012 Compliance Assessment Visit, Egyptian officials prohibited DOD inspectors from accessing an NVD storage facility, which prevented the inspectors from assessing whether the proper physical security measures were in place, according to DOD officials. This contributed to DOD’s assessment that Egypt’s procedures to comply with the conditions of the transfer agreements for U.S.-provided defense articles needed improvement. In October 2014, Egyptian officials again prohibited OMC-E personnel from accessing the same NVD storage facility to verify physical security, according to DOD documentation. A senior OMC-E official stated that he asked Egyptian officials to comply with the requirement to permit physical inspections of NVD storage facilities but the officials did not comply. According to another OMC-E official responsible for Golden Sentry end-use monitoring in Egypt, the Egyptian Armed Forces told OMC-E officials that they brought the NVDs to a central location to be inventoried for OMC-E’s convenience and security because the NVDs were deployed with units located around the country, including some unsafe locations. The same official noted that the OMC-E explained to its Egyptian counterparts that DOD’s policy required them to either verify the physical security of the facilities where the NVDs were housed or review the Egyptian Armed Forces’ log books to confirm that the NVDs were deployed with military units in the field and were no longer in storage. However, Egyptian officials were not responsive to either of these requests for reasons that are unclear, according to the OMC-E official.

#### Stricter enforcement mechanism still can’t account for grey-market items which creates unidentifiable loopholes.

**Lumpe ’19** (Lora Lumpe is a consultant working for the Open Society Foundations on issues relating to the intersection of military aid and human rights. Her books include Unmatched Power, Unmet Principles: The Human Rights Dimensions of US Training of Foreign Military and Police Forces (New York: Amnesty International USA, 2002), Running Guns: The Global Black Market in Small Arms (London: Zed Books, 2000), Small Arms Control (London: Ashgate, 1999), and The Arms Trade Revealed: A Guide for Investigators and Activists (Washington, D.C.: Federation of American Scientists, 1998). “U.S. Military Aid to Central Asia, 1999–2009: Security Priorities Trump Human Rights and Diplomacy” "A 'New' Approach to the Small Arms Trade," No Publication, 4-15-2019, https://www.armscontrol.org/act/2001\_01-02/lumpejanfeb01)(Shiv)

By contrast, in the black market, private dealers knowingly violate the arms sales laws or policies of source, transit, and/or recipient states for commercial gain. Also clearly within the black market are arms sales to governments or guerrillas that have been placed under UN or other legally binding arms embargoes. Gray-market sales are **more difficult** to classify. They include **legally questionable transfers**, such as arms supplies authorized covertly by an exporting government against the wishes of the importing government. Further **complicating** the matter, many states have either **non-existent** or **very weak** national laws and regulations in place to govern arms production and trade, rendering distinctions about what is legal and illegal **largely moot**. Moreover, the interactions between legal and illegal markets are manifold. Arms that are originally exported legally but that are not properly tracked or secured often fall into illegal circulation—diversion, theft, and capture of state security forces' arms are a major source of black-market supply around the world.

#### No modelling – US already has the best EUM policy but no one cares

Kerstin **Vignard** 20**10 --** deputy director at the UN Institute for Disarmament Research (UNIDIR). Since 2013, she has led UNIDIR’s work on the weaponization of increasingly autonomous technologies**.** (“Arms Control Verification” <https://www.files.ethz.ch/isn/123093/2010-3_full.pdf>) mba-alb

Not all governments require end users to certify that weapons will only be re-exported with the permission of the initial exporting authority. In many cases, once weapons are in a particular state, it is up to that state’s government to decide upon re-exports. Again, the United States has the strictest rules here, always insists on licensing re-exports even for the export of components of weapon systems.**19 This policy has brought the United States in collision with other governments and the European Union**, which objects to US control over components that are used in the assembly of weapons in Europe. This is part of a larger, controversial debate about the appropriateness of extraterritoriality provisions.20 There have been many cases of falsified end-user certificates. Arms dealers and brokers have supplied licensing authorities with documents bearing signatures of non-authorized persons and stating destinations that they know to be incorrect. At least in the past, there existed a black market for end-user certificates.21 **State officials were willing to sign false end-user certificates against the payment of certain sums.** A number of such false end-user certificates have been documented by experts monitoring arms embargoes. It is likely that most falsifications of end-user certificates go by unnoticed, since the widespread lack of end-user checks —except in the case of the United States—makes the detection of false end-use declarations largely dependent on chance. For example, authorities may perhaps obtain reports by NGOs, monitoring groups or journalists.End-user checks are difficult but not impossible to carry out, as the US example shows. They require a good legal basis, and staff with sufficient knowledge to inspect end use. **Many states are unwilling to follow the United States’ lead to base end-use inspection in domestic law**. An alternative would be to require exporters to make the right of on-site inspection by representatives from the exporting state a part of the arms transfer contract. This also requires that governments reserve the right to licence re-exports of arms

### Links to Industry DA

#### End-use control triggers the industry DA – increasing oversight lengthens the licensing process.

FAS 13 [Federation of American Scientists 9-9-2013, "U.S. Arms Export Controls "Reforms"," https://fas.org/programs/ssp/asmp/issueareas/us\_arms\_export\_reform.html]

For many years, arms export control policy was based on preservation of national security and the need for allies to keep weapons technology out of the hands of Eastern Bloc countries. With the end of the Cold War, arms export control has become more complicated and difficult. The post-Cold War global arms market is extremely competitive; defense firms compete for an ever-greater share of a smaller pie. Partly in response to this competition, the defense industry has put tremendous pressure on the U.S. government to speed up the arms export licensing process, which industry claims is too slow and therefore threatens its market share.At the same time, the need for rigorous export controls has never been greater. Arms traffickers roam the planet looking for weapons and defense technologies that they can sell, at a huge profit, to rogue states, terrorists and other dangerous individuals and groups. Preventing these individuals and countries from acquiring U.S. defense technology is the primary objective of the licensing process that industry seeks to streamline. Thus, government agencies responsible for controlling arms exports are confronted with the unenviable task of balancing industry's demands for decontrol with the need to keep dangerous technologies out of the hands of unauthorized end-users. The defense industry's efforts began to bear fruit in May 2000, when the Clinton administration unvieled the the Defense Trade Security Initiative - a set of changes to the arms export licensing system designed to expedite weapons exports to NATO members, Japan, and Australia, and to increase cooperation between European and American weapons manufacturers. These changes ranged from creating new export licenses for entire weapons systems to expediting license reviews for NATO members. The most far reaching reform would be to exempt favored allies from some arms export license requirements in exchange for modifications to their export licensing systems (the U.S. government is trying to encourage other states to tighten their export controls by offering them license-free U.S. weapons exports as a reward). The Arms Sales Monitoring Project is concerned that the defense industry's push to reduce restrictions on arms exports, even to allied countries, will increase the likelihood that US weapons will be diverted to agents of rogue regimes, terrorists and criminals. Below is a collection of our analysis, along with relevant media reports and government documents.