

TESTIMONY OF R. CLARKE COOPER
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BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE
JULY 10, 2019, 10 O’CLOCK AM

Mr. Chairman, Ranking Member Menendez, Senators:

“In recent days, neutral shipping has been attacked... By providing a deterrent against hostile actions, this transfer lowers the risk of a broader conflict. The... determination reflects United States grave concern with the growing escalation in the Gulf and its implication for the security of our friends in the region.”

These words could describe the context of the recent Emergency Certification this hearing has been convened to discuss, but they are actually from a State Department announcement from 1984. A hearing took place 35 years ago shortly after that announcement was made, similar to the one we are participating in today. At that hearing, then Under Secretary for Political Affairs, Ambassador Michael Armacost, told Congress of our “need to respond firmly and decisively to requests from the Gulf states for appropriate and justifiable security assistance.” He added that:

“The states in the area must be confident that our interests in the Gulf are sufficiently important for us to help in a crisis. The United States has to be seen as a credible partner in the search for stability and security.”

Then, as now, Iran's revolutionary government threatened international shipping in the Gulf.

Then, as now, our partners required the reassurance provided by an American demonstration of resolve. And then, as now, the Administration took steps to deter war, not to bring it closer.

On May 24th, 2019, the Department of State notified Congress that the Secretary determined that "an emergency exists which requires the immediate sale" of 22 foreign military and direct commercial sales to Saudi Arabia, the United Arab Emirates, and, in one case, Jordan. These sales included aircraft support, munitions, logistics services, unmanned intelligence, surveillance and reconnaissance platforms, training, and advisory services.

These sales and the associated emergency certification are intended to address the military need of our partners in the face of an urgent regional threat posed by Iran; promote the vitality of our bilateral relationships by reassuring our partners; and preserving strategic advantage against near-peer competitors.

A combination of factors led the Secretary to determine the situation constituted an emergency and prompted him to make the Certification, including the significant increase in the intelligence threat streams related to Iran; the clear, provocative, and damaging actions taken by Iran's government; and the need to respond to military capability requests from our partners.

Iran is a malign actor and the leading state sponsor of terrorism. It poses conventional and asymmetric threats to our partners in the Gulf, and to U.S. interests in the region and beyond. While these facts are well-known, we have seen new, troubling and escalatory indications and warnings from the Iranian regime, which have prompted an increased U.S. force posture in the region. Indeed, events since the Secretary's certification further demonstrate the urgent need for these sales : Iranian attacks on civilian-crewed cargo ships and tankers in the Sea of Oman; continued attacks by the Iranian-backed Houthis, including one utilizing a cruise missile, against

civilian commercial airports; the shoot-down of a U.S. Broad Area Maritime Surveillance unmanned aerial system in international airspace.

These latest actions, like those preceding the May 24th notification, include attacks on commercial shipping off the coast of the United Arab Emirates, attacks on pumping stations of the Saudi East-West Pipeline utilizing unmanned aerial vehicles, and a rocket fired into a park about a kilometer from the U.S. Embassy in Baghdad on May 19th. These are provocative actions that mark a new evolution in the threat Iran poses to the security of the hundreds of thousands of Americans who live and work in the Gulf States, and to the security of the region, and our partners.

Our posture regarding Iran remains focused on assuring our partners of our commitment to enhancing their defense capabilities. This action is not intended to be an escalatory military step; instead, it is a loud and clear message to Iran that we stand by our regional partners at a particularly dangerous time. This set of cases demonstrates the United States' resolve to stand with our partners and to ensure we remain their partner of choice.

In the Memorandum to Congress, the Secretary explained "Iranian malign activity poses a fundamental threat to the stability of the Middle East and to American security at home and abroad." He noted "Iran's actions have led directly to the deaths of over six hundred U.S. military personnel in Iraq, untold suffering in Syria, and significant threats to Israeli security," and he observed that "current threat reporting indicates Iran engages in preparations for further malign activities throughout the Middle East region, including potential targeting of U.S. and allied military forces in the region." While the law requires the Department of State to notify Congress, Members of the Committee should understand clearly that the intended audience of this notification extends beyond Congress or even Iran.

As the 2017 National Security Strategy makes clear, we are in an era of global competition against near-peer adversaries, including Russia and China. That competition includes fostering security and defense relationships that have political, military, and economic components. In such an environment it is crucial that the United States remain the partner of choice and be trusted as a dependable provider of defense capabilities – including materiel – to our partners.

Our National Security Strategy describes the invaluable advantages that our strong relationships with allies and partners deliver. While the United States continues to build and offer our partners the most capable, advanced, defense technologies, we do not have a monopoly on fostering or maintaining reliable security relationships.

The National Security Strategy is realistic and very clear eyed the United States must compete for positive relationships around the world as China and Russia target their investments in the developing world to expand influence and gain competitive advantages against the United States.

Our adversaries, including Russia and China, have adopted deliberate, long-term strategies of trying to disrupt our partnerships by seeking to replace the United States as the credible supplier of choice. We simply cannot allow openings our adversaries will most certainly exploit to disrupt partnerships, to reduce our regional influence, to impact our defense industrial base, and to spread chaos.

Remaining a reliable security partner to our allies and friends around the world is also in the interest and furtherance of our values. When our adversaries sell weapons of war, they do not place the same, if any, premium as we do on addressing the risk the capabilities we provide may contribute to abuses of human rights or violations of international humanitarian law. China

does not work to expand transparency on the battlefield, and there is no Russian Conventional Arms Transfer Policy requiring action to facilitate partner efforts to reduce civilian casualties, which is a policy we have had in place since 2018.

When President Trump issued the updated Conventional Arms Transfer Policy in 2018, a centerpiece of the new Policy was its unprecedented directive that we work with partners to reduce the risk of civilian harm in their military operations. We are working on the implementation of that directive to shape future engagements, including with partners in advance of conflict situations.

Before I close, let me address a few other aspects of these sales and the emergency certification that may interest to you.

First, the step recently taken by the Secretary to certify an emergency has ample precedent. The statutory emergency authority in the Arms Export Control Act was exercised a total of five times since 1979, across Administrations, both Democratic and Republican. In two of those cases, it was also for sales to Saudi Arabia due to threats posted by other countries in the region. There is, however, one element of the most recent emergency notification that is new: unlike in previous instances this authority has been invoked, Congress was provided with an unclassified Memorandum of Justification by the Department of State.

Second, we value deeply this Committee's and Congress' role more broadly in the review of the arms transfer process. I acknowledge the Committee's concerns regarding the Secretary's certification, evinced by actions such as your advancement by voice vote of Senator Menendez's SAFE Act in June. So let me be clear: we take pride in the depth and detail of the working relationship the Department has with the Committees in the course of this process. As the Secretary noted, we intend for this certification to be a one-time event for a discrete set of cases,

utilizing statutory authority provided by Congress. As such, we view the Secretary's action as an affirmation of the value we continue to place on our engagement with you on arms transfers and broader security assistance issues.

The Department will continue to use the Tiered Review process, the informal review that this Committee, and its House counterpart, conduct of pending arms transfers, before those transfers are formally notified. I particularly appreciate the Committee's staff also has continued to engage in this process since the certification. In fact, since the emergency notification on May 24, 2019, the Department of State has already utilized the tiered review process for a new sale of F-16s to Bulgaria, Anti-Radiation Guided Missiles for Germany, and sustainment for Morocco's F-16 fleet.

Third, none of these sales constitute introductions of fundamentally new capabilities to the region; none fundamentally alter the military balance of power; none are of a nature or category that Congress has not previously reviewed and supported for these partners.

Finally, many Members – indeed, many Americans – are concerned about the end use of the arms we provide overseas, including in the context of the Yemen civil war. These concerns are appropriate and we share them. From the beginning of this conflict we have maintained a political solution is urgently needed, and supported the UN-led effort working toward that objective. In addition, we have worked with the Saudi-led Coalition over the course of its operations to reduce the occurrence of civilian casualties.

Our support in this regard has ranged from the provision of training on targeting and the supply of more precise munitions, to mentoring and advising the Coalition on best practices to reduce civilian casualties – such as the standing up and operationalization of the Saudi Joint Incident Assessment Team – to training on international humanitarian law, and direct

engagement with political leadership on this topic. While more work is undoubtedly needed, our engagement with the Coalition has improved its ability to avoid civilian casualties in its operations.

So that is the global, steady-state picture: the need to meet a present emergency; to remain engaged with partners; to ensure we, rather than near-peer adversaries, are their primary security partners; to make clear we support our partners in the defense of their realms and the security of the regions; and to deter our shared adversaries from disrupting those objectives. Or, as Ambassador Armacost put it to Congress all those years ago,

"Our decisions were a prudent yet clear response to an escalating emergency which threatens Saudi Arabia" (and the Gulf). "They satisfied a clear military need. In addition... we sent a political signal of both reassurance and deterrence. It was a measured response which promotes regional stability and security."

Mr. Chairman, Mr. Ranking Member, Committee Members: Those were the purposes for which President Reagan certified an emergency in 1984: and, within the context of the imminent threat posed by Iran, they are the purposes for which Secretary Pompeo invoked the same authority on May 24.

Thank you, and I look forward to your questions.