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Submission from the Campaign Against Arms Trade to the Committees on Arms Export Controls on the use of UK-manufactured arms in Yemen

1. The Campaign Against Arms Trade (CAAT) in the UK is working to end the international arms trade and promote progressive demilitarisation in arms producing countries. The arms business has a devastating impact on human rights and security, holds back economic development, and reinforces a militaristic approach to solving international problems.
2. A peaceful and prosperous Middle East enjoying good governance underpinned by human rights is in everyone's interests. The UK should be doing what it can to encourage this and support those in Saudi Arabia, Yemen and elsewhere in the region who are challenging repression and working for a better future. Unfortunately, the reverse continues to happen.
3. For decades, successive UK governments have disregarded Saudi Arabia's abysmal record on human rights in order to promote arms sales. In this way the UK has made a substantial contribution to the ill-deserved international respectability accorded to Saudi Arabia's rulers. However, even this history of support for Saudi Arabia did not prepare CAAT for the current UK government's stance.
4. CAAT does not have staff on the ground in Yemen (or, indeed, elsewhere). It relies on reports from other bodies as to the use, and the consequences of that use, of UK-supplied weaponry in the campaign by the Saudi-led coalition which started in March 2015. Since May 2015 there have been numerous reports detailing breaches of International Humanitarian Law (IHL) by reputable bodies including the United Nations Panel of Experts, Médecins Sans Frontières, Human Rights Watch and Amnesty International. Some 6,400 people have been killed in the past year, half of them civilians, more than 30,000 are injured, and 2.5 million people displaced. (http://www.un.org/apps/news/story.asp?NewsID=53519#.VvPXv_mLQdU)
5. The UK government frequently says it has one of the most rigorous and robust arms export licensing regimes in the world. However, this regime was never intended to impede arms sales. This is shown by the continued licensing of exports of military equipment to Saudi Arabia even when there has never been a clearer risk the equipment could be used in breaches of IHL. There could be no more obvious illustration that export controls are meaningless than when it seems they might undermine another UK government policy - to increase arms sales.

Sales to Saudi Arabia

6. Saudi Arabia has been a major buyer of UK weapons since the 1960s. The main arms deals between the UK and Saudi Arabia are covered by government-to-government contracts. These are complemented by other contracts between the UK government and the prime contractor, BAE Systems. The Al Yamamah agreements of the mid-1980s focused on Tornado and Hawk jets. Tornados remaining in service continue to be upgraded and serviced under the Saudi British Defence Co-operation Programme. The Al Salam deal for Eurofighter Typhoon aircraft was agreed in stages between 2005 and 2014. Much other military equipment has also been sold to Saudi Arabia, either as part of these contracts or independently of them. The communications system for the Saudi Arabian National Guard is one of the latter. BAE is currently hoping for an order for a further 42 Eurofighter Typhoons.

7. BAE is a commercial entity which seeks to make profits for its international shareholders. Yet top-level backing has always been made available to support its arms deals with Saudi Arabia. Prime Ministers Margaret Thatcher, Tony Blair and David Cameron have all made trips to Saudi Arabia in support of arms deals. When visits by David Cameron in November 2012 and December 2013 failed to persuade the Saudi government to agree the pricing for the sale of BAE's Eurofighter Typhoons, the support of the supposedly apolitical royal family was enlisted.
8. Prince Charles' visit in February 2014 took place two days before BAE was due to issue its financial results and amid rumours that its share price was set to fall unless agreement could be reached on the Eurofighter Typhoon pricing. The next day, Saudi Arabia and BAE announced the deal had been finalised.
9. The story of Sir Sherard Cowper-Coles is another illustration of the depth of the links between the UK government and BAE. The UK's Ambassador to Saudi Arabia from 2003 to 2006, Sir Sherard pressured the Serious Fraud Office (SFO) to drop its investigation into BAE's Saudi arms deals, see below. On leaving the Foreign Office in 2011 he became BAE's International Business Director. (Telegraph, 18.2.11 <http://www.telegraph.co.uk/news/politics/8333749/Our-man-in-Saudi-takes-top-job-with-defence-company.html>)
10. The UK government provides on-going support for the deals including through the Ministry of Defence Saudi Armed Forces Projects (MODSAP) and the Saudi Arabian National Guard Communications Project (SANGCOM). The cost of this support, which includes military personnel and civil servants based in the UK and Saudi Arabia, is reimbursed by Saudi Arabia. (<https://www.caat.org.uk/resources/countries/saudi-arabia/modsap>)
11. Saudi Arabia is a "priority market" for the Government's arms sales agency, the UK Trade & Investment Defence and Security Organisation. Its 140 civil servants are nearly half the total of all sector specific UKTI staff. Since arms exports account for just 0.2% of the UK workforce and 1.4% of total exports this is hugely disproportionate. (<https://www.caat.org.uk/issues/jobs-economy/figures#refs>) This is not, however, deemed to be enough and in the National Security Strategy and Strategic Defence and Security Review 2015 published in November 2015, even more support for military exports was promised.

Saudi Arabia and human rights

12. Until the military action against Yemen started in March 2015, CAAT's focus on the arming of Saudi Arabia had been because of the appalling human rights record of Saudi government. It was consistently ranked as one of the world's most authoritarian regimes in the Economist Intelligence Unit's Democracy Index and listed as a "country of concern" on human rights grounds by the Foreign and Commonwealth Office. However, while some authoritarian regimes faced international opprobrium and arms embargoes, Saudi Arabia was courted by successive UK governments anxious to secure arms sales.
13. As well as its domestic record, the authoritarian influence of Saudi Arabia is felt further afield. For example, in March 2011 it was instrumental in suppressing protest in Bahrain. A convoy of Saudi Arabia National Guard Tactical armoured vehicles, made in Newcastle-upon-Tyne, entered Bahrain to guard its infrastructure. This freed up Bahrain's military and security forces for the repression of protesters. That the Tactics were not being directly used against the demonstrators was misused by the UK government to justify business as usual with Saudi Arabia.
14. Your predecessor Committees on Arms Export Controls (CAEC) in the last Parliament pointed out in its July 2012 report, paragraph 176, the "inherent conflict between strongly promoting arms exports to authoritarian regimes whilst strongly criticising their lack of human rights at the same time."
15. The last Parliament's Foreign Affairs Committee recognised that arms sales convey a message of support for the recipient government. In its November 2013 report into "The UK's relations with Saudi Arabia and Bahrain", paragraph 181, FAC said: "Both the government and the opposition in Bahrain view UK defence sales as a signal of British support for the government. The UK Government should take this into account when considering high-profile sales, such as the

Eurofighter Typhoon, to Bahrain." The "signal of British support" is not limited to Bahrain - it applies equally elsewhere including Saudi Arabia.

16. The execution of 47 people, including those who had merely protested, in January 2016 barely troubled the UK government. Saudi Arabia has become used to UK support, whatever its conduct.

UK equipment used in Yemen campaign

17. The UK government has not disputed the use of UK-produced equipment by Saudi Arabia in its campaign in Yemen. For instance, Defence Secretary Michael Fallon has said: "The Royal Saudi Air Force are flying British-built aircraft in Yemen, and have been provided with precision-guided Paveway weapons." It is the second half of his answer that does not sit easily with the facts: "The Government is satisfied that extant licences for Saudi Arabia are fully compliant with the UK's export licences criteria. No export licences for Saudi Arabia have been revoked in the last year. We continue to keep all arms sales under close review." (Written Parliamentary Answer, 17.3.16 <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-03-10/30754>)
18. Criterion 2 c) of the Consolidated EU and National Arms Export Licensing Criteria says that the UK government will "not grant a licence if there is a clear risk that the items might be used in the commission of a serious violation of international humanitarian law." (<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140325/wmstext/140325m0001.htm>) In the light of reports from so many reputable sources, it is simply not credible for Foreign Secretary Philip Hammond to say: "Looking at the information available to us, we have assessed that there has not been a breach of IHL by the coalition, but continue to monitor the situation closely, seeking further information where appropriate." At the very least he needs to explain why he does not consider IHL to have been breached. To date he has not done so. (Written Parliamentary Answer, 15.2.16 <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-01-28/24769>)
19. It seems that even a report by a body which the UK, as a member of the United Nations Security Council, helped establish, can be dismissed. "We are looking at the conclusions of the UN Panel of Experts' report carefully. We recognise the importance of the work of the UN Panel of Experts. Looking at the information available to us, we have assessed that there has not been a breach of IHL by the coalition." (Written Parliamentary Answer, Philip Hammond 15.2.16 <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-01-28/24771>)
20. This is a blind eye turned by a UK government which simply does not want to see and acknowledge the breaches of IHL as it prioritises the commercial interests of the arms companies over the lives of the people of Yemen.

UK personnel in Saudi Arabia

21. The tone was set by Philip Hammond soon after the Saudi campaign started when he told journalists: "We'll support the Saudis in every practical way short of engaging in combat." (Telegraph 26.3.15 <http://www.telegraph.co.uk/news/worldnews/middleeast/yemen/11500518/UK-will-support-Saudi-led-assault-on-Yemeni-rebels-but-not-engaging-in-combat.html>)
22. The military links between the UK and Saudi Arabia mean there are currently 181 UK military and civilian personnel in the latter, mostly under the long-established MODSAP, SANGCOM and British Military Mission arrangements. However, now, additionally: "We have a small number of liaison personnel who work at the Saudi MOD and Operational Centres to provide insight into Saudi operations. They remain under UK command and control. There are no other UK military or civilian personnel working at these headquarters. British personnel in Saudi Arabia are not involved in carrying out strikes, directing or conducting operations in Yemen or selecting targets and are not involved in the Saudi targeting decision-making process." (Written Parliamentary Answer, Penny Mordaunt 15.3.16 <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-03-10/30727>) The first of these liaison officers was deployed in May 2015. (Parliamentary Written Answer, Earl Howe 18.2.16 <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2016-02-11/HL6205>)

23. BAE's 2014 Annual Report said that the company had 5,300 employees in Saudi Arabia (<https://www.caat.org.uk/resources/companies/bae-systems/countries/bae-saudi>). Many of them are UK expatriates. The Report says that their work includes supporting "the operational capabilities of the Royal Saudi Air Force". It is unclear exactly what that involves, but it raises a question as to whether BAE employees are, for instance, loading missiles onto combat aircraft. If so, does this include UK citizens?
24. At the 2012 BAE AGM, the company's chair failed to answer a question as to whether there were any circumstances under which BAE would cease taking orders from the Saudi military or cease collaborating with them. It is not clear whether the government-to-government agreements cover such a situation, or what, in practice, the UK government and BAE would do were the former to withhold its support for a Saudi bombing campaign.

Power with the purchaser

25. Arms sales are portrayed by those attempting to justify them as giving the UK influence through its engagement with the purchaser. However, the power lies entirely in the hands of the arms buyers. In denying the IHL breaches by Saudi Arabia, the current UK government is following a long-established path of appeasing the Saudis in the interests of the arms companies.
26. As well as its human rights abuses, the UK has declined to deal with corruption when it involves Saudi Arabia. Discussing the 1970's situation with regard to arms deals to Saudi Arabia, former Defence Minister Lord Gilmore said: "You either got the business and bribed, or you didn't bribe and didn't get the business. You either went along with how the Saudis behaved, or what they wanted, or you let the US and France have all the business". (Newsnight, 16.6.06)
27. The December 2006 decision to end the SFO investigation into allegations around BAE's arms deals with Saudi Arabia was ostensibly made on national security grounds. However, it is clear that threats by Saudi Arabia to end negotiations on a Eurofighter deal prevailed, not least upon Prime Minister Tony Blair. The contract for the Eurofighters was signed in September 2007. In August 2012 the SFO announced it was investigating allegations of corruption with regards to SANGCOM. This investigation is still open, but, despite having information from a whistleblower, there seems to be little enthusiasm on the part of the authorities to proceed with it.
28. Unlike the UK, the United States did not stop its inquiry into the BAE Saudi deals. In March 2010 BAE was fined \$400million, one of the largest criminal fines in the history of the US Department of Justice's effort to "combat overseas corruption in international business and enforce US export control laws". The US court documents showed that BAE had provided "substantial benefits" to a Saudi official in a position of influence regarding fighter jet contracts. US justice ran its course, where the UK's did not.
29. The National Audit Office (NAO) spent three years investigating the Al Yamamah deal, reporting in 1992. However, this remains the only NAO report presented to Parliament that has not been published. No current MP has read it and CAAT understands that it can only be made public in the future if a Parliamentary resolution to this effect is passed.

Saudi Arabia and export controls

30. The UK government's support for Saudi Arabia means that export licensing controls are largely rendered meaningless. Despite continued human rights abuses, corruption allegations and, now, its destruction of Yemen, no Single Individual Export Licence applications with respect to Saudi Arabia have been refused since January 2008, when the Export Control Organisation's data was first put into CAAT's export licensing browser.
31. Currently, the Department for International Development is being left to do what it can to address the humanitarian crisis in Yemen. While, in theory, it would be good if it was formally involved in export licensing decisions where these might have an impact on its work, there would appear to be little prospect that its arguments would prevail against those of the more senior departments, and Prime Ministers, determined to arm and support Saudi Arabia.

Legal challenge

32. On 8th March 2016 CAAT, through its solicitors Leigh Day, asked for permission to bring legal proceedings. If the judicial review is granted, then the High Court will be asked to investigate whether the UK government's continued licensing of arms exports to Saudi Arabia in the face of allegations of breaches of IHL in Yemen contravene the UK government's commitments under UK and European arms export regulations.

Change needed

33. Selling arms to Saudi Arabia and other authoritarian regimes has undermined the credibility of the UK's advocacy of democracy and work to end corruption. The UK should stop putting arms sales at the heart of its foreign policy, immediately ending the supply of military equipment to Saudi Arabia. It should, instead, be focusing its attention and influence on supporting those struggling for democracy and human rights.

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