



Challenging UK's Arms Sales to Saudi Arabia in the Courts

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2 August 2016

In June, a judicial review into the legality of UK arms sales to Saudi Arabia was announced. This will be the first time that UK arms export policy has been put under the spotlight and scrutinised in this way. Campaign Against Arms Trade discuss this historic decision.

On 30th June there was a heavy silence in the moments before High Court Judge Justice Gilbart [announced](#) that he was granting a judicial review into the legality of UK arms sales to Saudi Arabia. A quiet relief fell over those of us in the public gallery. Decorum ensured that the response was muted, but the decision was historic. This will be the first time that UK arms export policy has been put under the spotlight and scrutinised in this way. It is an unprecedented step that is likely to focus on not just the extent of UK arms sales to Saudi, but also the scale of collusion and government support that goes with it.

Our claim calls on the government to suspend all extant licences and stop issuing further arms export licences to Saudi Arabia for use in Yemen while the court holds a full review into whether the weapons sales are compatible with UK and EU legislation. The UK's arms export policy will thus now undergo a full three-day investigation in front of two judges, which must take place before February 1st 2017.

Fuelling the flames in Yemen

UK arms exports have been central to the ongoing Saudi-led bombardment of Yemen. As we write this, UK-licensed Eurofighter jets may well be over Yemeni airspace, guided by UK-trained military personnel and dropping UK-made

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bombs from the skies. It would be hard to overstate the humanitarian crisis that has been unleashed, with the UN having ranked the humanitarian situation in the war-torn country as a “Level 3” emergency – the highest possible emergency ranking. The bombing campaign has lasted over 15 months following a Saudi Arabian-led intervention into Yemen’s civil war. Saudi forces are acting alongside Yemen’s government against forces led by the former president, Ali Abdullah Saleh, and the Houthis, a northern Shia militia. There is no question that atrocities have been committed on all sides, although the UN has accused Saudi forces of killing twice as many civilians as all other forces.

More than 2.5 million people have been displaced, and vital infrastructure, including schools, hospitals and cultural heritage sites have been destroyed. Of those who remain in Yemen, millions have been left without access to clean water or electricity, and 80% of the population has been left in need of aid. Even the Home Office has acknowledged the scale of the destruction, concluding that to allow people to return to Yemen could be a breach of their human rights.

The need for legal accountability

The destruction hasn’t only been immoral, it has also been illegal. A UN panel of experts, the European Parliament and many of the most respected humanitarian NGOs in the world, including Human Rights Watch and Amnesty International, have accused Saudi forces of serious breaches of international humanitarian law (IHL).

The UN report “documented 119 sorties relating to violations of international humanitarian law” and reported “starvation being used as a war tactic.” More recently, Human Rights Watch has linked UK arms to specific attacks on

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businesses and civilian targets. The reports have been thorough and in-depth and their evidence has been compelling, but they have fallen on deaf ears in Whitehall.

Arms exports control regulations are very clear: a licence should not be granted in the circumstances where there is a “clear risk” that it “might” be used to violate IHL. In spite of this, the UK has licensed over £3.3 billion worth of arms sales to Saudi Arabia since the bombing began, including fighter jets, bombs and missiles.

There can be little, if any, control over how and when these arms will be used. A recent report from Amnesty International found that cluster bombs sold decades ago by the UK are being used in Yemen, a terrible reminder that the shelf life of arms is very often longer than the two year licence under which they are sold.

Moreover, even if such control was possible, there is no reason to believe it would be applied. This is because if arms were found to be used in a way that violated the terms of their sale agreement this would result in licences being cancelled—which could affect the profitability of exports.

Burying the truth

In the last hours of the last day of the most recent session of parliament, the government performed a major U-turn by publishing written corrections that reveal, contrary to earlier claims, that there has been no oversight of how arms are being used. At best it represented staggering incompetence on the part of government ministers— at worst it was a cynically timed admission of how they had previously distorted the truth.

Either way, it underpins the point that the Saudi government hasn't just bought arms and military support, it has also bought silence, compliance and a seal of political approval. That's why, only nine months ago, we saw the [despicable, but ultimately unsurprising, revelations](#) that UK diplomats had lobbied and campaigned behind the scenes for Saudi Arabia to Chair the UN Human Rights Council.

So who benefits from the current situation? Certainly not the Yemeni people living under bombs, or the Saudi people being persecuted and oppressed. One obvious beneficiary is the arms companies. BAE Systems, for example, enjoys the full support of the UK government in its arms sales to Saudi. Earlier this year, BAE Chairman Roger Carr [told Channel 4 News](#) that he sees Saudi Arabia as “a very important customer with which we have a very strong relationship.” This point is alluded to [in the last BAE annual report](#). The ‘principal risks’ section of the report identifies the commercial risk that state buyers may consider cutting their military budgets, before suggesting this will be mitigated in part because “*in Saudi Arabia regional tensions continue to dictate that defence remains a high priority.*”

BAE and the UK's special relationship

For decades now, UK governments of all political colours have worked hand in glove with the arms companies and Saudi authorities, continuing to sell arms and provide political support while turning a blind eye to the grotesque human rights abuses that are being carried out every single day.

Regardless of who has been in charge, the Saudi Royal Family's influence and interests have been core to Whitehall's approach to arms sales and the Middle East. Over recent years we have seen [Tony Blair intervening to stop a](#)

corruption investigation into arms exports to Saudi, David Cameron flying out to Riyadh to meet with Royalty, and the outlandish and humiliating spectacle of Prince Charles sword dancing to secure sales for BAE Systems.

The government's inability to uphold its responsibility in regards to human rights and domestic law is evidence of just how far it is willing to go to maintain this toxic relationship. Despite the legal action, there has been no change to the government's policy. Only two weeks after the judicial review was ordered, Saudi military representatives were in the UK for the Farnborough Airshow where they were shopping for weapons.

Stop arming Saudi Arabia

At a time when the UK should be using its close relationship with Saudi to apply pressure and push for meaningful peace negotiations and vital reform, it is instead carrying on with business as usual. The government's refusal to act responsibly underlines the enormous power of the arms trade lobby and the pernicious nature of the UK-Saudi relationship, a relationship that fuels instability and repression and corrupts our political system.

Whatever the outcome of the review, the campaign will go on. As long as terrible crimes are being committed with UK weapons and with our government's support, we will continue. The UK's shameful relationship with Saudi Arabia and the terrible examples above show just how far (and how low) the machinery of government will go to protect the Saudi Royal Family's interests.

The UK-Saudi alliance has boosted the Saudi regime while lining the pockets of arms company executives, but it has had devastating consequences for the

people of Saudi Arabia and Yemen. For the sake of those people, the UK government must finally stop arming and empowering the brutal Saudi monarchy.

Image by CAAT via [Flickr](#).

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