



Committees on Arms Export Controls

Oral evidence: Use of UK–manufactured Arms in Yemen HC 928

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Questions [129 - 228]

Members present: Chris White (Chair), Crispin Blunt, Ann Clwyd, Stephen Doughty, Mr Nigel Evans, Dr Julian Lewis, Amanda Milling, Jim Shannon, Mr Virendra Sharma, Michelle Thomson, Mr Iain Wright

Witnesses: **Lt Gen (retd) Sir Simon Mayall KBE CB**, former Defence Senior Adviser, Middle East, Ministry of Defence, **Dr Anna Stavrianakis**, Senior Lecturer in International Relations, University of Sussex, and **Michael Stephens**, Research Fellow for Middle East Studies, RUSI, gave evidence.

Q129 Chair: Good afternoon, panel. Thank you very much for coming to this evidence session. I will start with a bit of housekeeping. We have a vote at about 22 minutes past 4, so we are aiming to wind up this panel at about 20 minutes past 4. We have a number of questions to go through, so speedy answers will be much appreciated. We will make sure that our questions are equally speedy. Can I ask you briefly to introduce yourselves and your particular positions?

Michael Stephens: My name is Michael Stephens. I am the research fellow for middle east and Gulf studies at the Royal United Services Institute. I am the head of our office in Qatar.

Sir Simon Mayall: I am retired General Sir Simon Mayall, formerly the defence senior adviser for the middle east and the Prime Minister's security envoy to Iraq. I am currently working as a senior adviser to Greenhill bank on middle east business development.

Dr Stavrianakis: Hello. I am Anna Stavrianakis. I am a senior lecturer in international relations at the University of Sussex. I have been researching and teaching on UK arms export policy and national and international arms transfer controls since 2003.

Q130 Chair: Excellent. I will start the questions. Sir Simon, in your view, to what extent does our counter-terrorism partnership rely on our economic military partnership?

Sir Simon Mayall: There is a huge range of mutually supported elements in our partnership—with Saudi Arabia specifically, but I am talking about the whole GCC. There has been a strong political and diplomatic relationship, a strong military relationship and an increasingly strong economic relationship. There is an indirect economic relationship, in that Saudi Arabia is an absolutely critical part of the global economy. There has been a rather more direct one, through expatriates working there, the oil industry and, of course, the defence industry and support for the development of the Saudi Arabian armed forces. They all hang together and, to an extent, they all mutually reinforce one another.

I have always contended—I have been very vocal and consistent about this—that the Gulf is an area where our security and prosperity agendas really overlap, in part of the world that is notoriously unstable and requires a collective effort to keep it stable, both on a position today that is largely to do with security, and through long-term stability, based on the type of reforms that our partners out there absolutely understand are critical for their long-term survival.

Q131 Chair: Mr Stephens, do you have a view you want to share?

Michael Stephens: I would categorise it as this. The Gulf states as a bloc require a certain amount of reassurance, in the form of security guarantees and continued high-level access from members of the British Government, to feel that they are valued partners in a geostrategic relationship in which they have some severe security concerns that they feel have not been addressed sufficiently by either the United States or the United Kingdom. Nevertheless, there are certain ways in which this relationship is constructed. At times when the Gulf states feel more secure, especially because of our reassurances to them, there is a financial response. It can come in the form of defence sales, increased guarantees of investment in the United Kingdom and preferential viewing of our industry and our expatriate community above that of some of our competitors, most notably the French and, in Dubai increasingly, the Russians. Of course, in Saudi Arabia the main player is the United States, but we play closely for second place there.

If you look at our relationships—particularly with an institution like the Saudi Arabian national guard, which we developed through the British military mission, SANGCOM, and our Government's good relations with Prince Mutaib bin Abdullah—there were positive repercussions, for sure, across the rest of the Saudi family as a result of those relationships and long-standing security guarantees. I would framework it within that overarching dynamic. If we make the Gulf Arabs feel that we are not invested in their security, there is a price to pay for that, and it is usually quite a rapid response. We saw that particularly two years ago, when the Saudis felt that France was the country most amenable to their security concerns, and the French were rewarded with a large military contract in Lebanon, for example. We can discuss how that contract went wrong later, but that is a good framework for understanding how this works.

Q132 Chair: Can you elaborate a bit on what you mean by a price to pay, if we do not engage?

Michael Stephens: Absolutely. Let me take an example from 2014, when we were seen to be dealing with the Emiratis in a very detached way. For various reasons, we had not pitched our Typhoon programme at them well. The de facto ruler of Abu Dhabi, Mohammed

bin Zayed, was taking deep personal offence at the way we conducted our defence and diplomatic engagement, and there were ramifications for civilian sector companies. Drawing a straight line to those civilian sector companies from the defence sector is difficult, but if you talked to people in BP at the time, they were extremely worried that the framework of the relationship had broken down and they were being punished directly for that.

That is just one example of ways in which our security sector engagement bleeds into the civilian sector. In my own work, I have tried to quantify that. There is no doubt that, for better or worse, the fact that we have relied on a defence relationship with the Gulf means that that is the yardstick by which we ourselves are judged. It is an easy defence relationship to manage, because there is a lot of money in the Gulf to spend on these pieces of equipment and we do it well. They look for the types of platforms that only the United Kingdom, France and the US can provide, which already puts us way ahead in the pecking order. The problem with that is that if those relationships are not managed they bleed through into other areas. It can and does have an impact.

Q133 Chair: For a slightly different approach, I turn to Dr Stavrianakis. You talk about arms exports to Saudi Arabia being caught in a trap that counterposes interests against values. Can you expand on that?

Dr Stavrianakis: Of course. Most of the debate about arms sales to Saudi Arabia seems to counterpose interests—understood as security, stability, jobs and prosperity—against values of human rights, good governance, transparency and so on. That is quite a problematic set-up, for a series of reasons. First, I would suggest that some of those facts are contested. The economic benefits and the jobs arguments around defence exports are, at the very least, contested, if not very much overstated. Strategic arguments have it the wrong way round. To my mind, the UK Government’s relationship with Saudi Arabia generates threats to UK national security, rather than helping us to respond to them. The facts are not obvious or clear, but some of the things around the economic and strategic benefits seem to have become something of a faith position in British mainstream debate.

Secondly, interests around jobs, prosperity, security and stability are not value free. Values around human rights and so on are not something separate and outside, to be brought in after we have met our economic interests. They are already present. To put it bluntly, I would say that the promotion of UK jobs and UK prosperity at the cost of Yemeni civilian lives is already a value position. There are already values at stake. The Government have a choice about how they choose to manage that, but it is important to be clear that these are not separate things. Finally, I would say that actually there is no trade-off, because the UK Government’s legal obligations are clear. Criterion 5 of their national legal obligations says that promotion of national security and the security of our allies cannot come at the expense of human rights considerations. That is built into the UK’s existing legal obligations.

Q134 Chair: Sir Simon and Mr Stephens, on the back of what Dr Stavrianakis has just said, what do you think we gain from the relationship in terms of political reform and improvements in human rights?

Sir Simon Mayall: There is a certain arrogance, I am afraid, in our dealings with the middle east that has come back to haunt us time and again. The foundations of Saudi Arabia and of the Islamic countries in the middle east are not the same as those of western liberal

democracies. There is a case for a little more humility, sometimes, in addressing the capacity of societies that are religiously underpinned to reform in a particular manner. Sometimes people feel that they should make a single jump in a generation and a half. Our failure to acknowledge this when we cheered on the fall of Saddam, the Arab spring and the fall of Gaddafi has proved precisely that we are in a very complicated part of the world.

The one part of the middle east that remains stable, looking after its own citizens as far as it can, has a very high degree of participatory politics, has distributed its economics well and is much more democratic in many ways than it ever looks externally are the Gulf monarchies. That is the nature of Bedu society. By being stable, they guarantee the smooth running of the whole global economy, and at the moment they feel extremely nervous. They feel nervous because of routine western criticism, a lot of it by a coalition of people who have no interest in the sustainability of the monarchies. They feel particularly threatened by a resurgent Iran, both from an Islamic revolutionary point of view, from a Shi'a championship point of view and from straight Persian hegemony. Inevitably, they feel under threat from the takfiri ideologists of al-Qaeda and, most recently, Daesh. They worry about the demographics and a world after oil. What they badly need is the confidence to be secure. They will then get on—as Vision 2030, just announced in Saudi Arabia, acknowledges—empowering women, advancing economic diversification and advancing employment. They understand utterly what they require for long-term development, but they are not liberal democratic societies.

There was a blithe comment, dare I say it, from Dr Stavrianakis about the price of Yemeni lives. If the Saudis had not intervened in Yemen, a combination of Iranian-backed Houthis, AQAP and ISIS would have led to another awful bleeding sore, as we have seen in Syria. As William Hague said yesterday, yes, there is a price for intervention, but there is a price to be paid for non-intervention. The fact that we are going to thwart, I hope, Iranian ambition in Yemen and we have pushed AQAP out of Mukalla is only as a result of Saudi Arabian intervention. We can have a discussion about the nature of that intervention, but it is similar in Syria. We had an absolutely bleeding sore, with no prospect of anything but blood on blood on blood, until the Russian intervention. I am not an apologist for the Russians, but sometimes in these awful situations somebody has to have the courage to put their head above the parapet. It is a matter of national importance to the Saudi Arabians to intervene in Yemen. We should be grateful, otherwise we would end up with another Iranian satrapy on the Bab el Mandeb.

Chair: Julian is keen to come in on that point.

Q135 Dr Lewis: Sir Simon, I agree with your overall point, if it is that we have to live in a world of realism and not idealism. Nevertheless, it has become a commonplace to say that Saudi Arabia in particular is our strategic ally, because from time to time it tips us off about certain plots that are going on and enables us to thwart them. Isn't the problem with Saudi Arabia—and, it must be said, with Qatar, where RUSI, curiously, has an office, as we have seen from Michael—that, while they profess to be our strategic allies, they actively promote around the world a totalitarian philosophy that is indistinguishable from that of our enemies, the radical Islamists? If they really want the sort of support that you are pleading we should give them, thus overlooking some of these human rights issues, could somebody perhaps give them the message that spreading this sort of ideology makes us wonder whether they are our allies at all?

Sir Simon Mayall: I understand utterly. I use the term “complex ally” for Saudi Arabia. Those who study Saudi Arabia understand that for nearly 300 years the foundations of the house of Saud were based on an alliance with the Wahhabists. Of course, in Muslim power blocs or polities, the legitimacy of any Government or ruler comes from the legitimising influence of the religious authorities. Clearly, in Saudi Arabia that is a Wahhabist, fundamentalist approach. That is why I say that, to an extent, even where you have radical, sophisticated, well-educated Saudis in the leadership roles, there are constraints on how far they can go.

However, if we look back to our cheering support of Saudi Arabian support for the mujaheddin against the Russians in the 1980s, in some ways we have made a rod for our own back. When Saudi money came into certain areas of western Europe, we failed to confront it at that stage. I am no apologist for the Saudi Arabians. I would fall more into the realist camp on their importance, because I do not think that anything better would come after the house of Saud. It is far more in our interest to support their security and stability, to allow them to push forward the reforms that they absolutely know they need for the long term.

I take your point entirely. The accusation of running with the fox and hunting with the hounds is well made. I would also say that the nature of Saudi society makes it quite difficult to work out what is state policy and which parts of the house of Saud and which individuals are responsible in certain ways. Dr Lewis, you will remember the enthusiasm for getting Saudi money and Saudi mujaheddin into Afghanistan, with no regard. To an extent, that characterises some of the naivety with which we deal with this complex kind of country.

Q136 Stephen Doughty: Sir Simon, I accept what you are saying, but even if Saudi Arabia were, on balance, a benevolent ally, which I would question—I agree with much of what my colleague Julian Lewis said—in terms of the specifics that this Committee is investigating, do you not think that we ought to be looking at whether or not, in certain air strikes, they have targeted civilians inappropriately and taken actions that would be outwith international standards? Quite frankly, we ought to be calling them out for it. It seems to me that we are too cowed—“If we push them too far, they might react”—and we are not going far enough. Do you not accept that?

Secondly, Dr Stavrianakis, do you not think that there is a particular responsibility on us, not just as a signatory to the arms trade treaty, the consolidated criteria and the cluster munitions convention but as one of the Governments that led the drive to get those things agreed in the first place, to ensure that they are adhered to?

Sir Simon Mayall: I utterly agree with that. I am not here as an apologist. I have dealt with this region for a long time and am more sympathetic to the complexity of the challenges that they have in their engagement with the global world, through UN and liberal norms, and the scrutiny that they receive. The way they conduct operations is quite PhD stuff; it is so-called precision bombing from 30,000 feet, in the particular terrain of Yemen—I was brought up there—against a particular type of opponent, AQ, IS, Daesh and the Houthis. I am out of the system, but I think they have some form of British and American guidance—nothing to do with the targeting, but on the process.

It is not something they are good at. I will simply say that, having spoken to Brigadier Asiri, who is their spokesman—“He would say it, wouldn’t he?” you might ask—I know that they are aware of the huge scrutiny they are under from their close allies: the Americans, not

least, and ourselves, in particular. They are also very conscious that for eternity they will live by the Houthis. The Houthis border southern Saudi Arabia. I commend them for saying—I rather hope they believe it—that they want to bring this conflict to an end as quickly as possible, so that it is not the sort of bleeding sore we have seen for five years in Syria, hence the need to intervene. They are aware that they will have to live next door to the Houthis. To an extent, it is why the Houthis are in Kuwait at the moment, because they have been stopped and reversed. The longer it went on, the more you would get Iranian influence through them and the more you would get AQ and IS growing. It is not a question of turning a blind eye—I would hate to be characterised or stereotyped as a blunt-nosed soldier on this—but just trying to get that they are aware of the scrutiny. They are very aware that precisely this sort of discussion is taking place around allies. It is not in their interests to fall into that. There is an independent assessment board. It is for members of the Committee to judge for themselves just how open and transparent that will be about investigating precisely—

Chair: We will come on to that.

Dr Stavrianakis: I agree with the thrust of the question. The UK Government put themselves in a position of moral leadership by pressing for the arms trade treaty during the negotiating phases. Now that it has entered into force, there is a whole series of reputational politics associated with it, in being seen to lead and to uphold it in terms of implementation.

The UK Government also went on record during the negotiations as saying that they did not envisage the ATT making any difference to their actual policy or practice. The current situation in Yemen is quite unfortunate for the UK Government, because it has put them into a trap. They are caught in a trap that sets large swathes of domestic public opinion, and their legal obligations, against their relationship with Saudi Arabia, so they are now in quite a tricky position.

The UK response—or, largely, non-response—to the swathes of credible evidence of violations of international humanitarian law in Yemen that have been put to it seems to want to have it both ways. On the one hand, the UK Government claim to have knowledge and oversight of what the Saudis are doing and to have satisfied themselves that what the Saudis are doing is compatible with international humanitarian law. As you know, that view has been challenged by Philippe Sands and many others. On the other hand, the UK Government claim not to be directly involved—that this is not their war. I am not sure that you can have it both ways. It is another example of the Government having got themselves into a rather sticky situation from which they are now trying to extricate themselves.

Q137 Mr Sharma: How involved are the UK Government in defence sales to Saudi Arabia? How effective are they?

Michael Stephens: It depends on what type of sale you are talking about. It is not fair to sit there and say that the Prime Minister directly goes in and bats so that we can sell aircraft to Saudi Arabia. It is done through a very complicated process. The same applies to smaller term equipment and cyber-security equipment. There are teams of procurement officers in the Saudi ministries who vet very rigorously—a lot more rigorously than they did 10 years ago—the quality of the equipment that is on offer and what it is able to deliver against their requirements. If it does not come up to scratch, they go to a competitor. For example, they are very good at understanding the market cost of a particular piece of equipment and whether it can be sourced more cheaply elsewhere. If we put a premium on

that piece of equipment, they know that they are being ripped off, and they are very vocal about that sort of thing. It is not the case that you can simply turn up in Riyadh and say, “Here, buy a tank. Buy a piece of equipment.” If the Saudis think they do not need it, they will not buy it. That may not have been the case 30 or 40 years ago, but these countries have changed quite dramatically, primarily in their technical knowledge, through the investments that they have made in science and technology. They have a large number of well-trained specialists in the procurement departments.

Having said that, are there certain aspects of personal relationships that aid defence sales, not just in Saudi Arabia but across the Gulf countries? Yes, there are. I know brigadiers in Saudi, Qatar and UAE who say quite categorically, “Because I knew someone from the 1980s, I am much more likely to turn to his company than to somebody else for a piece of equipment,” be that helicopters, computer technology or what have you. This is a complicated question. It is not simply the case that, for example, Prince Charles goes in and starts saying, “Because we have a strong kingdom-to-kingdom relationship, you must buy aircraft.”

Q138 Mr Sharma: Let me stop you at that point. We are fully aware that it is not the Prime Minister, the Prince or the Queen who goes. It is done on their behalf. There are teams that do the salesperson’s job there.

Michael Stephens: Sure.

Q139 Mr Sharma: What I asked was, if the UK Government are involved in having trade with Saudi Arabia, how successful are the salespeople at doing their job?

Michael Stephens: You have the defence sales organisation whose job it is to sell defence equipment.

Q140 Mr Sharma: How successful are they?

Michael Stephens: That is extremely difficult to measure. These things go up and down. It can sometimes be a political calculation, not a technical one.

Q141 Mr Sharma: In your professional capacity, what do you think? That is why we are asking for your views on this.

Michael Stephens: Do I think that DSO helps to sell defence equipment to Saudi Arabia? Yes, I do. That is why it is there. Do I think that it is consistently the deal clincher on these things? No, I do not. There are many other questions at play, some of which we talked about earlier. Do I think that DSO and the export licence process are very heavily Government vetted? Yes, I do. I was in Saudi Arabia at the end of 2011 when, in response to unrest in Bahrain, a number of export licences were—how shall we say it?—delayed or postponed. That was done as a decision of HMG.

There is a direct impact of Government activity on defence sales. Whether it increases the likelihood of success of a sale is another matter, because there are so many different aspects involved. If you have a crummy piece of kit, the Saudis will not buy it. It does not matter how good DSO is or whether in the 1980s you had some dodgy dealings in al-Yamamah; we are in a different era and that needs to be understood. There are technical

questions and political questions. Then the apparatus of government comes in, alongside what BAE Systems, for example, is able to build in the kingdom, with its own relationships. If you have a CEO of BAE Systems who does not have a good relationship with a Saudi prince, it will have an effect on business levels.

Q142 Chair: Sir Simon, do you want to respond briefly?

Sir Simon Mayall: I want to respond to an earlier point. We should not talk about our support for Saudi Arabia in relation just to defence sales. Our support for Saudi Arabia is in relation to our commitment to security and stability in the Gulf, which other people are doing on our behalf at the moment.

The thing on which I have always supported British defence sales is that if you buy a platform—Typhoon and, before that, Tornado—you initiate a 25-year relationship. People do not change platforms. When you have a relationship for 25 years, through Eurofighter, Tornado or a ship, the training aspect of that comes with it. People come to Sandhurst and Dartmouth. I happen to believe that British military training is some of the finest—if not the finest—in the world. I like to think that, by bringing people to this country, you imbue them with some of the values that we hold dear, which they take back with them, and that, to an extent, they take into their own armed forces the ethos that they pick up in the British armed forces.

In terms of our success, we pulled out of the Gulf in 1971. Under Margaret Thatcher, we got a huge fillip with the great Yamamah project. The French, who were never in the Gulf, pushed forward in Qatar and UAE. They put a headquarters, a French foreign legion battalion and a squadron of Rafale in there; not only did they get defence sales but they got a whole range of other commercial advantages. We, who are the natural allies of people in the Gulf—we have been there for 200 years—have consistently failed to recommit to the Gulf.

I would say that my legacy is the new base in Bahrain. People can have their own views on whether that is a good or a bad legacy, but I stand by it. When Philip Hammond said to me, “We have been in the Gulf for 40 years since we pulled out,” I said, “No, we haven’t. We have been there for one year 40 times.” That is exactly how the Gulf monarchies view us, because they are family affairs. When you commit to the security and reassurance of these countries, it pays back not simply in defence sales but in your capacity to influence them diplomatically on a whole range of things on which we want to engage. We are a values-based society. They are a values-based society. It is a different set of values, but they are increasingly globalised. Our capacity to influence is much better than that of Russia, China, Turkey or whoever else filled the vacuum that would be left by the British if we failed to demonstrate a degree of understanding and confidence in their long-term stability.

Chair: Before I bring in Michelle, I ask the panel, with the exception of Dr Stavrianakis, to be a little briefer in their responses.

Q143 Michelle Thomson: I have a quick question for Sir Simon. Would you make the same statements if you were a woman? I am sitting here as a professional ex-businessperson, now involved in this arena. It is a simple question. I can already judge from your reaction that it makes you think.

Sir Simon Mayall: Anybody who has been to that society and understands the foundations of the culture and its religious underpinnings will know that it is very difficult to say that that society should be like that, when it has come in this space of time from being almost medieval to having some of the most sophisticated urban societies in the world. Can I defend the teachings of the Koran and the hadith? Can I defend the culture? Would I wish to identify with it? That is the fact of life there. I look at the new Ministers coming in in the Saudi Arabian Shura and the Majlis. I look at the statements of Mohammed bin Salman. I know that at the senior level all across the Gulf they understand the requirement to release human potential. As you would quite rightly point out, 50% of the human potential is in the women of those states.

If you go to Oman, the UAE, Bahrain, Kuwait or Qatar, you see a lot more opening up of opportunities and much more education. When I go to RUSI, I see many female diplomats coming to be taught there. More and more in Saudi Arabia, which is the most complex of all the Gulf countries, those methods are being advanced. But if you tell me that there is a better chance of their advancing those very justifiable human rights to do with gender equality if they do not feel secure, I disagree entirely. The more secure countries in this really difficult part of the world feel, the far better the chance will be of their making the reforms for long-term stability that they know they need to make. You will not talk to any educated, sophisticated members of society in Saudi Arabia who do not see the requirement to bring women fully into the workforce, but it will not be in the timeframe that I know would suit you or, possibly, myself.

Q144 Mr Evans: Are any of you saying that when it comes to arms sales to Saudi Arabia the licensing regime that is in force is being interpreted somewhat more lightly because it is Saudi Arabia?

Dr Stavrianakis: A series of criteria are set down in the UK Government's policy and are now incorporated into law. There is clearly a very intensive civil service bureaucratic procedure that seeks to assess the criteria against evidence. What we see happening—well, I do not see anything happening, because what happens inside the licensing process is not made public. There is a black box of decision making. The Government will point to the fact that there is a process and say, "Our process is based on the rules that say that we will not export if there is a clear risk that the equipment might be used in internal repression. Because we have this process that means there can be no risk that the equipment will be used for internal repression, ergo these exports are fine." That ends up becoming a circular logic. Without their publishing more information to allow independent observers to assess the veracity of those claims, I as an external observer cannot be confident that that is what is happening. We do not know. That would be something for the Committee to take up, maybe in a closed session, to see precisely how the criteria are being interpreted. Yes, they are written in law. Yes, they are clear. The wording is clear; the Government will not license an export if there is a clear risk that it might be used in internal repression. That still requires judgment. It requires choosing: which evidence and how we measure risk and so on.

I would not say that the criteria are being interpreted particularly lightly because it is Saudi Arabia. There are a host of countries with which there is what I can only assume must be political direction to operate in a certain matter. I would love to be a fly on the wall when different Departments disagree when those political directions are issued. I would love to see what happens inside that process. It is most pronounced, certainly at the moment, given the

recent licensing figures, in the case of Saudi Arabia, but I do not think that it is related solely to Saudi.

Michael Stephens: I would like to build on that very good explication of how it works. With regard to the Gulf, the export licensing process resulted in the blocking of a number of pieces of equipment to the Kingdom of Bahrain, in 2011 and 2012, when it was undergoing some severe internal disorder, and to Saudi Arabia. I have spoken to Bahraini officials who told me that they were personally offended by those decisions, so there is a political dynamic, whether you like it or not.

The problem is this: the process was working, but it has a political ramification. That political ramification is that senior Bahraini officials felt very offended that, in their perception, the British Government were targeting them personally for defending their national interest. We can agree or disagree about how Bahrain went about it. The point is that the process worked, and we had the suspension of certain types of munitions and internal repression equipment that did not go to the Kingdom of Bahrain and did not go to Saudi Arabia. The insinuation is that there is a lighter touch, but I do not think that is always the case.

Q145 Mr Evans: You say it is not always the case. We are talking about expensive military equipment and, as was intimated earlier, there is clearly a financial interest. Are you saying that, because of the politics that is there, the consideration is not the same as it would be if we were selling them fridges or motor cars? Politics enter here because of the sensitivities between Saudi Arabia—that is what we are looking at in this instance—and the United Kingdom.

Michael Stephens: There is always a political dimension. During the Blair years, the investigations into al-Yamamah met the kibosh because of political considerations. Going all the way back to the '80s, we have examples of politics and our national interests clashing quite sternly on these issues. What I would say is this: we are talking about expensive defence equipment. In our relationship with the Kingdom of Saudi Arabia, the al-Salam deals were signed some time ago, so those aircraft were delivered. I am not sure that you can say that there are political considerations surrounding that particular delivery of aircraft. Yes, we have sold them some Hawks, but that is dwarfed by the size of our Typhoon deal. The major deal—the al-Salam deal—and its potential political ramifications are done and dusted; they are away somewhere else. Unless we are looking at something similar in the next 12 months, I do not think you can factor in that political dynamic.

If we are talking about CS gas canisters, breathing equipment or water cannons—something of that nature—it is much easier and much less politically sensitive to put the brakes on. Having said that, I go back to the issue with Bahrain. That had a serious impact on our relationship with them, which took quite some time to put back on track. That calculation will always be there regardless.

Sir Simon Mayall: If you sell a major platform, it is a 20 or 25-year thing. If there is something you could deliver now where you have an issue with the way a Government are behaving, that is one thing. When you provide a platform over 25 years, it is very difficult to tell, of course. The Tornados and even the Typhoons were supplied long before the invasion of Iraq. The deal may have been struck even before 9/11. A whole set of circumstances then arise.

One has to be quite careful if somebody is committing to buying from a trusted, reliable ally such as the US, France or ourselves, and they feel that they have a national emergency or an issue with national security, as perceived by them—Yemen is perceived as that by the Saudi Arabians—and you suddenly say, “We are not prepared to support, maintain or continue to provide munitions there.” Mr Evans, you will remember that in Indonesia we had an issue to do with supplying weapons for Hawks, because they were being used internally.

Sometimes you have to consider the long-term effect of saying to somebody, “You can buy this from us, but over 25 years you will find that the British, the French or the Americans will suddenly withdraw it,” even though we know what their sensitivities are and believe that it is in our national interest do something. That leaves it wide open to defence sales being dominated by the Russians and the Chinese who, we know, will come with absolutely no conditionality at all. I would far rather we had the oversight provided by French, American and British parliamentarians, military, rule of law and rules of engagement than that we allowed people like the Russians and the Chinese to dominate that market.

Q146 Mr Evans: Do you think that actually plays a part in the decision-making process when licences are issued—the fact that they can go elsewhere, to less scrupulous people?

Sir Simon Mayall: I do not know how far it goes, but the reality is that they could. At the moment, the fact that they go to liberal western democracies, with the values that we hold and the challenges between interests and values, means that they accept the scrutiny that will come with that. To my mind, that is a positive, rather than their going to former eastern European countries, or to the Russians, the Chinese and a number of other people who could provide this stuff. In that case, there would be no end-user certificate. As you well know and as Dr Stavrianakis has laid out, there is a lot of scrutiny that constrains us and, hopefully, matches our own national interest, as well as why they want to be with us.

Chair: I would like to get in three more questions.

Q147 Crispin Blunt: A number of commentators were anxious for the Saudis to step up to the plate and make their contribution to regional security. Someone said to me, “Be careful what you wish for.” Dr Stavrianakis, could you comment on whether we have got what we wished for? How important is it, in our interests, that Saudi Arabia plays this role in the region?

Dr Stavrianakis: What we see at the moment is Saudi Arabia taking on a greater military role in regional wars and regional security. My sense of it is that their war in Yemen is something of a training ground. They are using this equipment and engaging in these military operations.

Q148 Crispin Blunt: But they are not using it as a training ground, are they? It just happens to be that they are first of class in this kind of mission.

Sir Simon Mayall: They are learning from it.

Dr Stavrianakis: They are learning from it. I do not mean that it is a training mission. It is an actual war.

Q149 Crispin Blunt: Is it your view, seeing both sides—the benefit and the cost of the Saudi alliance—that we need Saudi Arabia to play this role?

Dr Stavrianakis: My understanding is that it is in US and UK foreign policy interests to see local powers take on more of a role regionally—to fight their own wars, rather than making us do it for them.

Crispin Blunt: Okay. I anticipate that will be the answer of the other two witnesses.

Q150 Jim Shannon: I will be quick, as I am very conscious of the time. My question is about something I have a lot of angst over, and many people on the Committee and outside probably do as well. To what degree is it the UK's responsibility if we have what is perceived to be indiscriminate blanket bombing in Yemen, with destruction of buildings, the deaths of civilians and the slaughter of innocents, using UK-manufactured weapons? You can understand my angst, and the angst of many, at what we see. How do you answer on the issue of UK weapons absolutely destroying, murdering and slaughtering people in Yemen?

Dr Stavrianakis: To my mind, the existence of an arms transfer control regime creates precisely that chain of responsibility. It links the responsibility of the exporter to the behaviour of the importer, because it is incumbent on the exporter to assess the risk of how that equipment might be used—not will be used but might be used. That chain of responsibility is built into the law and the policy of arms transfer controls at the national, regional and international level.

Q151 Jim Shannon: I do not see much evidence of controls, monitoring or anything in relation to it. All I see and hear of is all those people being murdered by UK-manufactured weapons. If there is a system in place, tell me how it works, because I cannot understand it.

Dr Stavrianakis: How a system of what—

Jim Shannon: How does the control work when it comes to these things happening?

Dr Stavrianakis: The control system works through a system of pre-export licensing. A company wants to export Paveway bombs to the Saudi air force. As a private company, it has to apply to the UK Government for a licence to be able to export that weapon, because it is military equipment and that is regulated by the Government. When the export licensing application goes to BIS, it is circulated around BIS, the Foreign Office and the MOD and, if there are development concerns, to DFID. The civil servants and the Departments make their views known. If there is disagreement, it is referred up the chain for political direction, to Ministers. Available evidence is assessed against the criteria the UK has publicly committed itself to.

As I said earlier, what happens in that process is not known publicly. I have never seen who disagreed, who used what evidence and how those factors weigh against one another, because of the line that it would prejudice the workings of civil servants if they thought that what they were doing was going to be exposed. What we have is a publicly stated policy and a series of outcomes that seem at odds with that policy. The Government's response thus far has been to say, "We have a policy. It's okay," or, "We've been reassured by the Saudis. It's okay," but there is a whole series of credible allegations the Government

have simply not responded to. If you look at the most recent licensing statistics, the median processing time has come down and the proportion of export applications completed within 20 working days has gone up. I am sure the Government would say, “See, everything is working fine,” but now I have even less idea of what is happening within that process. If the Government are so sure that what they are doing is fine, why have they not responded to any of the criticisms, and why have they not given any evidence to get their critics off their back?

Q152 Jim Shannon: There is evidence on the ground in Yemen that some of the weapons that are being used to bomb civilians and destroy their buildings are UK-manufactured weapons. I am interested in your response, because I feel that there is evidence in Yemen that clearly says what you and I are saying.

Dr Stavrianakis: Yes. I think there is that evidence.

Jim Shannon: I agree. I pose the question, why aren’t Government doing more about it? *[Interruption.]* It is too late to answer.

Chair: I apologise. We have to get going now because of the vote. We have other questions to ask. The Committee will write to you; hopefully, you will respond. We are grateful to you for your time today. I am sorry that it has been so rushed.

Sitting suspended for Divisions in the House.

On resuming—

Examination of Witnesses

Witnesses: **Philip Dunne MP**, Minister of State for Defence Procurement, Ministry of Defence, **Tobias Ellwood MP**, Minister for the Middle East, Foreign and Commonwealth Office, **Rt Hon Anna Soubry MP**, Minister for Small Business, Industry and Enterprise, Department for Business, Innovation and Skills, and **Rt Hon Desmond Swayne TD MP**, Minister of State, Department for International Development, gave evidence.

Q153 Chair: Ministers, thank you very much for turning up more or less on time. We are going to curtail the meeting at 5.30 pm, so we are hoping that questions and answers will be brief. We will not start with the normal niceties and ask you to introduce yourselves, because we all know very much who you are. As a group, could you start by telling us how important the Gulf region, particularly Saudi Arabia, is to the UK Government and the UK’s strategic interests?

Philip Dunne: In a sense, there is a Foreign Office lead in relation to the Gulf as a whole. From a Ministry of Defence perspective, the Gulf Co-operation Council represents one of the most significant groups of countries with whom we seek to work in a number of areas to provide reassurance for regional security. The Gulf represents one of the most important trading areas for the United Kingdom. We secure a large proportion of our energy supplies from gas reserves in Qatar, in particular. We have some 200,000 British nationals living in the Gulf as a whole. In relation to Ministry of Defence support for military activities,

we have some of our closest relationships with Gulf nations, in terms of training, exercising and now operations. The Kingdom of Saudi Arabia, specifically, is an important member of the coalition against Daesh in which we have been participating over Iraq and, more recently, over Syria. It is very important to us that the stability of the region is maintained by encouraging military stability there.

Mr Swayne: The Gulf nations are emerging as important development partners and are increasingly giving generously in the world. We want to build relationships with them and shape their donations according to our own priorities and, increasingly, draw them into the international system.

Q154 Chair: Can I go bit further on that question? If we were to suspend arms exports, what impact would that have on our relationship with Saudi Arabia on issues such as counter-terrorism?

Mr Ellwood: First, can I add something on the importance of the Gulf to Britain? The Gulf matters to us. As the SDSR outlines and Philip has indicated, we want to support a secure, prosperous and politically stable middle east region, and Saudi Arabia, and our relationship with it, plays an important role in that. As Committee members will be aware, we have a deep and historical relationship not just with Saudi Arabia and Yemen but with the region. We are seen as fair, knowledgeable and trustworthy. Therefore, as the UN penholder for Yemen, it is important that we take those responsibilities very seriously. Our UK bilateral interests clock up to £35 billion a year. There is no doubt that the area is facing challenges, which they expect Britain to be involved in—the Arab spring, the reduction in the oil price and the growth of extremism. I commend Saudi Arabia and other Gulf allies on their contribution to countering Daesh. I also make it clear that the pace of change on the economic front since this new country came into being in the 1930s has been much faster than the political change, which we are trying to work with.

The question that you pose is hypothetical, and I would not like to speculate on it. We work very closely with Saudi Arabia on the intelligence front. There have been various public comments about the thwarting of terrorist attacks, not least at East Midlands airport, among others. We have a very strong and powerful relationship and I hope it continues.

Q155 Amanda Milling: We have received some evidence that the British defence industries are in a vulnerable position at the moment, as a result of sustained reductions in defence budgets, and that there is therefore greater emphasis on export trade. Do you agree with that?

Anna Soubry: Yes, absolutely. I come to this job having been in the Ministry of Defence, but not in Philip Dunne's job. Based on my time in the MOD, I am struck by the huge range of the industry; Philip can speak about that in much more detail. We have to be careful when we talk about arms exports, and the whole of defence exports, because defence exports encompass an astonishing number of different things. They can, indeed, be bullets, by way of example. They can be other equipment that delivers things that might kill or harm people. Equally, there is the desire, which I would say underlies all of this, to protect and defend people—not just nations, but actual people. Defence exports go right across the spectrum, notably, for example, into surveillance, which I find quite exciting.

The industry is a huge and various part of what we do in Britain. We do it very well. It has considerable benefit to our nation—to all the people who work in defence, in any event—and plays a huge part in what we do in the world. It is incredibly important for our exports and an important feature of them. There is huge potential for future growth—rightly so. Like most exports, defence exports are good for Britain and good for the people of Britain, as well as those nations that receive them. I do not know whether Philip wants to add to that. He is the Minister for Defence Procurement.

Philip Dunne: I will make a brief point in relation to interoperability with our allies. It is increasingly recognised by the Ministry of Defence that we are likely, as is evident from the operations we are involved in today, to work with other nations when we are either exercising or on operations. The greater the extent of interoperability of equipment with other nations, the more effective those undertakings are. It is in our military interest, from our military's perspective, to seek other nations that deploy similar capability or, indeed, UK-manufactured capability.

Q156 Crispin Blunt: I put this question to Anna, as her Department signs off these licences. Last December, Vince Cable told “Newsnight” that when he was Business Secretary he had temporarily blocked arms sales to Saudi Arabia over concerns about human rights violations in Yemen. Then the Defence Secretary told him that the UK had personnel embedded in coalition operations. He said, “I was having to make a judgment on the basis of good faith. I was given assurances we had sufficient oversight of the bombing activity to make sure that international humanitarian law would not be compromised.” Given what you know now, how confident are you of the United Kingdom's oversight of Saudi operations and that you are making decisions based on more than assurances?

Anna Soubry: I am confident that the advice that I and, of course, my Secretary of State receive comes not only from my officials in BIS but from trusted colleagues in DFID and—I nearly said “even more importantly”, which sounded like a slur on DFID, although I in no way meant it to be taken in that way—

Mr Swayne: I can take it.

Anna Soubry: Des can take it. We act on the advice of the FCO and, indeed, the MOD. I listen to their advice and respect it hugely. I also respect the individual Ministers who are part of that advice. It would take a great deal of persuasion from some other quarter for me not to accept their advice.

Philip Dunne: Could I add to that?

Crispin Blunt: The question was for the BIS Minister.

Anna Soubry: He wanted to correct something that was said by Vince Cable.

Philip Dunne: I wanted to correct the impression that you gave in the introduction to your question. The UK does not have any military personnel embedded in the forces of the Kingdom of Saudi Arabia. We have liaison officers in the air operations centre in the air force HQ and in the Ministry of Defence. We do not have military personnel embedded in their forces or structures.

Q157 Crispin Blunt: There has been a rather substantial report carried on VICE News, which reported that two different types of air strikes were being conducted by the coalition in Yemen. Pre-planned strikes, through a joint combined planning cell in which there are British and American advisers, make up 20% to 30% of all coalition air strikes. The other 70% to 80% of coalition air strikes are conducted from a separate location under dynamic targeting, with dynamic strikes based on real-time, emerging intelligence, where the decision to launch is taken within minutes, rather than hours or days—with, no doubt, consideration of legal advice and everything else from people in the planning cell. We know that British personnel do not appear to be involved at all in dynamic targeting. Can you confirm that I have described properly the difference between dynamic and pre-planned strikes? Can you tell us about the role of British personnel in the joint combined planning cell?

Philip Dunne: We do not have personnel in the joint combined planning cell in relation to air operations. As I said earlier, in relation to air operations, we have liaison officers in the air operations centre. They are not involved in any targeting decision making. Involvement in the two types of air strike that you have described is in relation to training on doctrine for using weapons systems that have been supplied by the UK and for advice on targeting processes. That is where it stops. We do not have any involvement of any British personnel in either the planning of pre-planned strikes or the prosecution of dynamic strikes. The difference between the two is that pre-planned strikes tend to happen earlier in the campaign, when target sets are identified at the outset of the action. Dynamic strikes tend to happen in the later stages of the campaign, as the action has unfolded. Dynamic strikes are where, for example, a pilot is called in to assist units on the ground in relation to an attack or a target that has been identified by units on the ground and they were not available when planning that mission. There are no UK personnel involved in making those targeting decisions.

Q158 Crispin Blunt: We are not helping them to ensure that they meet their international obligations there.

Philip Dunne: We are helping them to decide how to go about training their air crews to undertake the processes involved in deciding how to deploy the right weapon for the right kind of target. We have an involvement more in training, process and doctrine, to try to train air crews and planners how to go about assessing targets for the future. We have no involvement at all in determining what those targets should be.

Q159 Crispin Blunt: So in the Saudis' conduct of these operations, through the joint combined planning cell, there is no British involvement helping them to make sure that their processes are consistent with international humanitarian law.

Philip Dunne: As I understand it, the personnel in the joint combined planning cell are people involved in the maritime aspects and at headquarters. They are liaison officers who receive post-activity operational reports. They are not involved in any of the pre-strike planning. There is categorically nobody in the JCPC who is a UK officer involved in air operations.

Q160 Crispin Blunt: Have we been asked for help to make sure that they are consistent with their international humanitarian obligations?

Philip Dunne: We have offered advice on how they assess—

Q161 Crispin Blunt: First, have we been asked?

Philip Dunne: I am not sure whether the Foreign Office has been asked. We have been asked to provide advice on how to deploy weapons systems that we have supplied. That is a normal part of training when weapons systems are supplied. We have also offered our advice in relation to post-incident analysis, to provide information that we are able to procure ourselves. We can help them with their processes of post-incident analysis, where there is a suggestion that there may have been an incident, but we are not involved in providing advice in relation to targeting.

Mr Ellwood: Could I add to that?

Q162 Crispin Blunt: Perhaps you could pick up this point as well. Does any of the training that we are giving relate to helping the Saudis meet their international humanitarian obligations? You have made it quite clear that there is no direct involvement in the targeting. Are there no lawyers on loan to advise them on the planning process or anything else? Lawyers are all over the planning process in our own operations.

Mr Ellwood: Could we make it clear to the Committee that we are not part of that coalition? We are not part of the intelligence planning cells. We do not select the targets. We are not involved in any sense at all. We have a long and enduring relationship with the country. We train, educate and teach best practice, which includes understanding international humanitarian law. To put it simply, in military terms, we focus on J1/J4, which is logistics and personnel, rather than J2/J3—intelligence and operations.

Q163 Ann Clwyd: I seem to have been asking the same question for donkey's years. How well are you monitoring the end use of UK-supplied weapons?

Philip Dunne: As Mr Ellwood said, we are not a member of the coalition. We are, however, in a uniquely privileged position as an observer, as a result of the relationship that we have with the Kingdom of Saudi Arabia and its armed forces, in that we have been allowed to have liaison officers present in the manner I have described, and they have privileged information on operational reports, after the event, of incidents. We have encouraged them to take us into their confidence to provide that information in order that we can provide them with some advice on best practice in the event of an incident, for them to undertake their own assessment and analysis of what happened in the incident.

Q164 Ann Clwyd: Have you investigated the strikes in which the remnants of UK-manufactured weapons were found—for example, the ceramics factory documented by Human Rights Watch and Amnesty International?

Philip Dunne: We have undertaken analysis, to the extent that we are able.

Q165 Ann Clwyd: What does that mean? What does analysis mean?

Philip Dunne: When an incident is brought to our attention, whether by the Saudis or by NGOs, we seek access to the operational reports which, as I have explained, the Saudis are willing to provide to us. We look at our own sources of information to see whether there is any information to which we have access from our own sources that might provide more or corroborating information in relation to the incident. Then we analyse that to see whether or not the incident appears to have involved a strike from the air and whether or not that strike might have been caused by weapons that we have supplied. We form an analysis in that regard, in relation to potential incidents, and encourage the Saudi armed forces to do their own investigation, to see whether they think that incident is or is not compliant with IHL.

Q166 Ann Clwyd: What was your conclusion about that particular incident?

Philip Dunne: We provide some analysis, but in the MOD we do not form a conclusion. We provide that advice to other colleagues in the Government.

Q167 Chair: Who would provide that conclusion?

Philip Dunne: The Saudis are undertaking investigations. We are able to inform them with the analysis that we have done. That forms part of their investigation.

Q168 Chair: But the analysis would not be used in our Government to take further decisions.

Philip Dunne: We are awaiting the outcome of an investigation by the Saudis.

Q169 Ann Clwyd: Can I follow up on that? Why in September did the UK oppose in the Human Rights Council in Geneva an independent investigation in Yemen?

Mr Ellwood: I am not sure that we did. We did not oppose it.

Q170 Ann Clwyd: You did not oppose it.

Mr Ellwood: No. If I am thinking of the same thing, consensus was finally taken forward. Are you referring to the Dutch proposal?

Ann Clwyd: Yes.

Mr Ellwood: That was a proposal. As you will be aware, the way the United Nations works is that there are many voices and stakeholders around the table. You have to leave the room with something on which all member states are in agreement. It was clear that the Dutch proposal was not going to lead to consensus. What Britain did, along with other nations, was to make sure that the text provided was eventually agreed unanimously, and that meant the onus was on the Saudis initially to do the investigation. I make it very clear that this is nothing new. When other countries, including ourselves, are in operations overseas and mistakes—collateral damage—take place, the country that is responsible conducts its own independent inquiry and presents the results.

I will be very clear and frank with the Committee that Saudi Arabia, which has less experience—indeed, limited experience—in sustained warfare, has been very slow to get these procedures in place. It made an announcement at the end of January, with a press

statement listing the improvements that it would introduce to make sure that the process met international standards and accepting that all the aspects of concern, presented by NGOs or others, about where potential breaches of international humanitarian law had taken place needed to be reviewed. That is what Saudi Arabia is now doing. The process is frustratingly slow. I spoke to the Saudi ambassador today to firmly encourage him to make sure that that process is honoured and that the country puts its hands up when it has made a mistake and is honest about that.

Q171 Stephen Doughty: Mr Ellwood, last week *The Guardian* reported Home Office advice, which seems to stand in contrast to the position that we have had from the Foreign Office. I will read it to you: “There are reports of the use of indiscriminate acts of violence by both sides including the use of cluster bombs and attacks on civilians, homes, schools, factories, markets and reports of civilians fleeing air strikes and being chased and shot at by helicopters.” Can you explain why the Home Office advice differs from the advice and the position that the Foreign Office has taken?

Mr Ellwood: Can you clarify for me how the Home Office advice is different?

Q172 Stephen Doughty: Because it is very specific about indiscriminate attacks on civilians by both sides.

Mr Ellwood: I am still confused. You are saying that the Home Office is saying that attacks are taking place.

Q173 Stephen Doughty: Yes—on civilians, by both sides.

Mr Ellwood: The Home Office?

Q174 Stephen Doughty: Yes—the Home Office.

Mr Ellwood: And this is reported by *The Guardian*.

Q175 Stephen Doughty: Yes. This is Home Office advice about the return of asylum seekers from Yemen. It is Home Office analysis of the political situation that, as you know, is conducted when considering asylum applications. Can you explain why the Home Office believes that civilians are being targeted and, therefore, we should not return individuals to Yemen, yet the position of the FCO is different?

Mr Ellwood: I am not an avid *Guardian* reader. I would have to take a look at that report, which is speculating on something that the Home Office may or may not have said.

Q176 Stephen Doughty: No. The Home Office has said it, Minister.

Mr Ellwood: According to *The Guardian*.

Q177 Stephen Doughty: It is guidance. Have you reviewed the Home Office guidance on asylum applications for individuals fleeing Yemen?

Mr Ellwood: Not only have I reviewed it but I have asked the Immigration Minister what the situation is. Are you suggesting that people are being returned to Yemen?

Q178 Stephen Doughty: No. I am suggesting that the Home Office takes a different position on whether civilians are being targeted by both sides. Are you saying that it has not said that?

Mr Ellwood: I am saying that I would have to look at the *Guardian* report to make a full assessment of that. I would make it very clear to the Committee that, if you are insinuating that somehow the Home Office is suggesting that we return people to Yemen, I am not aware of any returns taking place.

Q179 Stephen Doughty: No. The Home Office is saying that we should not return people there because of indiscriminate attacks on civilians. It gets to the very heart of the argument about whether or not indiscriminate attacks on civilians are occurring from the Saudi-led coalition. Obviously, that is different from your position.

Mr Ellwood: You will be very familiar with the remit of the Home Office on returns—they should be looking to the Foreign Office for advice on the exact wording they use. Let us take a look at *The Guardian*, and I will get back to the Committee with the details. I can assure the Committee that there have been no returns, as far as I am aware, as long as I have been—

Q180 Stephen Doughty: Will you review the Home Office guidance and write back to us to say whether or not you agree with it?

Mr Ellwood: I will first look at it. As I said, you are quoting a *Guardian* report. I am more than happy to do that. I will report back to the Committee.

Chair: Thank you. We need to move on.

Q181 Dr Lewis: Would it be fair to say that there are two huge incentives for the British Government to turn a blind eye to any breaches of international humanitarian law by the Saudi authorities in particular? The first is that, rightly or wrongly, Saudi Arabia is regarded as a key strategic ally, and the second—perhaps a lesser imperative but nevertheless a significant one—is that we sell a great deal of defence equipment to Saudi Arabia. If it is true that those are incentives to turn a blind eye to human rights violations, why do we sign up to conventions on arms exports that say that we should not export arms to countries that commit human rights violations?

Mr Ellwood: I would say that the exact opposite is true. Saudi Arabia is a culturally conservative country that is not used to having a Jamie Shea-type character—if you can remember him from the Kosovo intervention—bringing the nation, internationally or otherwise, up to date on a regular basis. Saudi Arabia is aware that it needs to be more transparent in what it is doing. The suggestion that you make is that somehow we turn a blind eye. Not only would that damage our reputation but it would take Saudi Arabia in quite the wrong direction, just as we are encouraging it to make incremental steps to improve its human rights position and its position in the region.

Q182 Dr Lewis: The problem is that when you have a country that has a great deal further to go to improve its human rights position, as Saudi Arabia has certainly done, by definition, such a country may well employ weapons that we have supplied, in breach of

people's human rights and of the conventions to which we sign up when we say that we are not going to supply weapons to countries that have an insufficient standard of human rights. Are you saying to me that if it could be shown that Saudi Arabia had used our weapons indiscriminately, in breach of human rights, we would stop supplying those weapons, or are you saying that, in fact, because we are so busy urging them to come up to modern, 21st-century standards, we should nevertheless not break off that relationship of weapons supply?

Anna Soubry: This is quite important. I know that Tobias will come in, but I hope that the Committee has before it all the criteria, word for word, that have to be exercised before any licence is granted. I am helpfully reminded by Mr Dunne that each case is considered on its own merits. You look at each licence; there is no blanket approach to any country.

I am looking at criterion 2: "The respect for human rights and fundamental freedoms in the country of final destination as well as respect by that country for international humanitarian law. Having assessed the recipient country's attitude towards relevant principles established by international human rights instruments, the Government will: a) not grant a licence if there is a clear risk that the items might be used for internal repression; b) exercise special caution and vigilance in granting licences, on a case-by-case basis and taking account of the nature of the equipment, to countries where serious violations of human rights have been established by the competent bodies of the" United Nations—

Q183 Dr Lewis: With the greatest respect, Minister, this is what we have to apply before we supply the weapons. The question we are concerned with is what happens if we think they have met those stringent conditions, we supply the weapons and then we find out that they have used the weapons in ways incompatible with the conditions. Do we then break off the relationship, or do we still say, "Saudi Arabia is such a vital strategic ally, and, what's more, they buy so much of our defence equipment that we'd better carry on"?

Anna Soubry: Mr Lewis, I took slight exception to the tone—or the content, rather—of your question. The allegation was that we are turning a blind eye to Saudi Arabia, for those reasons and I just do not accept that. Trust me, Mr White—I'm not going to read out any more from the criteria. We apply the criteria on a case-by-case basis. That is how we operate. I object to the idea that we turn a blind eye because of other considerations. We do not do that.

Chair: Minister, we still need to get through a number of questions.

Q184 Dr Lewis: I must pursue this. Frankly, I do not care whether you like my tone or not, Minister—

Anna Soubry: But I am entitled to say it.

Dr Lewis: What I want you to do is to answer the question.

Anna Soubry: I am.

Q185 Dr Lewis: No, you are not. You are saying that you do not like my tone. The question is quite straightforward. We give deadly weapons to unsavoury regimes like the Saudis—sorry, our strategic allies—in accordance with our best estimates that they will use

them in accordance with certain agreed standards. My question to you, which you have not answered and which no one has answered yet, is this. If we give them those weapons and they then abuse the weapons—if they break the standards that we gave them, on the assumption that they would observe those standards—do we simply say, “Well, we must carry on with this relationship,” or do we say, “Right, that’s it. We are going to cancel these deals”? You have explained what we do before we give them the weapons. What I want to know is, what do we do if, after we have given them the weapons, we find that they have not used them in the way they were supposed to?

Anna Soubry: Indeed. However, your first question was different, and I have answered it. In answer to your second question, my short answer is no, and Mr Dunne will very ably explain more as to why your assertion is not correct. I would answer no.

Q186 Dr Lewis: So we would break off the arms supply relationship if we found that they were not using the weapons that we supply according to the basis on which we supply them.

Anna Soubry: We look at each case on a—*[Interruption.]* I am sorry. You may not like the answer, but that is the answer.

Q187 Dr Lewis: It is not the answer. Let me give you a specific case, and then I will give up. I will give you the last word and people can judge for themselves whether you have answered the question. Let us consider a specific case. We have supplied a certain quantity of bombs, on the basis that they will be used in a certain way. Then we find that they have not been used in that way but have been used in a way that breaches international humanitarian law. My question is, do we then say, “Right, that’s it. No more bombs,” or not?

Philip Dunne: We routinely assess—not constantly, but routinely—that certain applications for new arms exports do not meet the clear criteria that have been set. The criteria have different levels. As a result of those refusals, from time to time we lose defence business with a whole host of countries, including some of our closest allies. The Minister is quite right to refer to case by case, because we look at these issues each time.

Somebody mentioned cluster bombs. We have not supplied cluster bombs for many decades, but some countries have a stock of cluster bombs that we supplied in the past, under previous Administrations. If those were to be used inappropriately and we were still supplying cluster bombs—we are not, because we have signed the convention—we would decline those licences.

You are suggesting a hypothetical. We are not at the point where we can answer the question specifically in relation to the Kingdom of Saudi Arabia, because the investigations that are being undertaken into the incidents have not concluded. We are therefore not in a position where we can answer your question in the way you have put it, because we do not have that information at this point.

Anna Soubry: To make it very clear, if it is found that there has been a breach of those criteria with an export licence, the answer is a very clear yes. We will revoke licences. We will suspend licences, if there is evidence—just so that we are very clear.

Mr Ellwood: We have done this with Russia, Egypt and Yemen, for example. There are real examples where this has happened. The relationship continues, but the licences can

be revoked or, indeed, suspended. That does not prevent us from continuing a human rights dialogue and all the other aspects of the relationship.

Anna Soubry: We do not turn a blind eye.

Q188 Mr Sharma: Can you give us any examples of your having taken action in the past?

Mr Ellwood: I think I have just done so. There are many. Off the top of my head, recent examples are Russia, Egypt and Yemen.

Q189 Chair: I understand that Mr Ellwood has to leave at 5.30 pm. I would like to continue for another 15 minutes, if at all possible. Is that okay?

Mr Ellwood: I have been convinced to stay, so I will.

Chair: Thank you very much for that.

Q190 Jim Shannon: In February, the Foreign Secretary told the Conservative Middle East Council that he had “looked at every allegation of breach of international humanitarian Law”—in Yemen—“and we have found no evidence of breach of international humanitarian law.” We have heard about 36 reports by Human Rights Watch of international humanitarian law violations, and some 30 reports by Amnesty International of violations and 119 reports by the UN Security Council panel of experts. Can you confirm that you have looked at all of that evidence? You say that you look at every allegation. There are 185 items of evidence and 185 allegations.

Mr Ellwood: I have the UN report here. Can you show me one of those 119 reports that would be an example of what you are saying?

Q191 Jim Shannon: I can only ask the questions as I have them here in front of me. The evidence is clear. There were 119 violations put forward by the UN Security Council panel of experts. Minister, if your answer is, “No, we have not,” maybe that is what I want.

Mr Ellwood: Please do not put words into my mouth. The reason why I ask is that this is an important report. We are looking at it very seriously and have asked the Saudi Arabians to do the same. The panel of experts did not enter Yemen. They did not enter the country they were providing the report about. There are 119 instances that need to be looked into in detail—I do not doubt that for a second—but they involve satellite images that were taken, in some cases, a number of weeks apart.

It is important to understand what has happened on the ground. I hope you understand that, from a British perspective, when we are doing the very detailed and important analysis of whether there has been a breach of international humanitarian law, we cannot simply use this as complete evidence in itself. We need to ask the appropriate bodies—in this case, the commission in Saudi Arabia—to do a report on what is going on. That will be linked to the information and intelligence that we have, which Mr Dunne has spoken about. We can then make a judgment on whether there is a breach of humanitarian law. That is why the Foreign Secretary was able to stand up and say what he did at the time.

Q192 Jim Shannon: I understand that Human Rights Watch and Amnesty have entered Yemen. An international investigation could enter Yemen as well. Could you tell us about the 36 violations identified by Human Rights Watch and the 30 identified by Amnesty International—which have been verified, as they have entered Yemen? Can we have some information on those 66 reports? Have all of them been looked at individually?

Mr Ellwood: Incidents take place. The first process must be for the Saudi Arabians, who are leading the coalition—there are nine or 10 other countries involved as well—to make a determination and report what has actually happened. I have made it very clear that that process has been too slow, and measures have been put in place to improve it. If the Committee is suggesting that we must take that evidence straightaway, without going to the coalition—which has the legality to be there, under UN resolution 2216—and make a judgment and start revoking or suspending licences, that is not the order in which we do things.

Q193 Jim Shannon: In your response, you seem to be saying that Saudi Arabia is the reason for the hold-ups. What discussions have you had with Saudi Arabia to ensure that we can expedite the complaints? Respectfully, Minister—you know that I have great respect for you; that goes without saying—if they are using delaying tactics in relation to this, we as a Government and you yourself need to see the evidence being placed before us. If Saudi Arabia is holding that up, what do we do to try to get them out of their lethargy or obstinacy in reporting back to us?

Philip Dunne: Perhaps I can help, Mr Shannon. All the incidents in the report by the UN panel of experts and those raised by Human Rights Watch and Amnesty are on the list that we are analysing.

Q194 Jim Shannon: I have a question about a bit of information that Amnesty International has given us. They say that “the cornerstone principle of the rules that the UK Government must follow is that it is a risk-based analysis based upon likely conduct.” What have you done in relation to the opinion from Amnesty International that “the UK Government must follow...a risk-based analysis based upon likely conduct?” How have you applied that to your investigations—if we have even got to that stage? I am not quite sure whether we have.

Mr Ellwood: That comes into the same answer as before. With any information that is provided to us via NGOs on the ground or, indeed, a UN expert panel, we must make sure that the Saudi independent investigations committee has the opportunity to investigate and make a report. Yes, it has been slow—far too slow—and they must improve. They have not had experience of this. They will report back and we will then make a judgment. At that point, when we see the analysis, we will be in a better place to confirm whether or not what we see ties in with our own information. I would not speculate any further than that.

Q195 Stephen Doughty: I can give you an example. To follow up on the point that Jim has very ably made, we also heard from Oxfam, who operate in the country. They were very specific. On 18 April 2015, there was an air strike on an Oxfam storage facility in Sa’dah governorate containing humanitarian supplies. There are numerous such examples. We have a distinct problem, Minister. The Saudis are not conducting individual incident

investigations, so why are we relying only on general assurances that none of these things is the case? We have the intelligence assets, the oversight and all the other aspects to be able to look at them ourselves, as well as assurances from the Saudis. If they are not conducting individual investigations, how will we get to the truth?

Mr Ellwood: First, that is incorrect.

Q196 Stephen Doughty: They are conducting individual investigations.

Mr Ellwood: That is the whole purpose for the commission being set up. Then we need to ascertain exactly what happened in any particular case.

Q197 Stephen Doughty: Have they done individual investigations to date?

Mr Ellwood: They are conducting individual investigations—absolutely.

Q198 Stephen Doughty: Into all these incidents?

Mr Ellwood: That is what we have requested should happen.

Q199 Stephen Doughty: Have they done it? Not what you have requested—have they done any individual investigations to date?

Mr Ellwood: They are conducting individual investigations. They do not report back to me individually each time that happens. It is an ongoing process. It is also quite difficult to do in a number of respects, because of the need to get intelligence on the ground. It will be compared and mapped with us in due course. I made that very clear.

Q200 Stephen Doughty: Have we had reports back on any of these incidents, bearing in mind that the one I mentioned took place a year ago?

Mr Ellwood: Can I confirm that you are talking about the Médecins sans Frontières hospital in October? Is that the one you are referring to?

Q201 Stephen Doughty: No. I am referring to 18 April 2015, when an Oxfam storage facility with humanitarian supplies was targeted. Have you had a report yet from the Saudis on examples like that—yes or no?

Mr Ellwood: Not on that particular one. We have had a report back on the attack that took place on the hospital in October. That shows that the process is working, but it is tiresomely slow. Discussions are now being held on the repercussions, and the reparations that need to be done with Médecins sans Frontières. I think they visited Riyadh in order to discuss these matters. That is an example of the process that we need to see in every single one of these cases, including the case that you cite.

Q202 Stephen Doughty: But you have not had a report on it.

Mr Ellwood: For the third time, sir, no, I have not had a report.

Q203 Stephen Doughty: Do you have any idea of the percentage of these incidents you have had reports back on yet from the Saudis?

Mr Ellwood: I cannot give you that information here now.

Q204 Jim Shannon: You will appreciate our frustration when it comes to asking questions when we find that the Saudi Arabian authorities are the judge and jury—in other words, they decide what they do. They are not just slowing up the matter. They are totally obstructing the process, and they are obstructing international humanitarian law. I say that just to put it on the record. You have to appreciate the frustration that we feel as elected representatives when we see blatant obstruction on the violations that have taken place. From the answers that you have given so far, I know that you may not be able to respond to that, but we have to say that we are very frustrated when we see that Saudi Arabia is deliberately ignoring what we have asked.

Mr Ellwood: I agree with and share your frustrations. I agree that the process has been slow and, to some extent, has been found wanting. However, had the Saudi-led coalition not been formed, the scale of violations of humanitarian law that would have taken place in Yemen would have been 10 times worse. The Houthis would have managed to get all the way down to the port of Aden and we would have had a completely failed state, far worse than the humanitarian catastrophe that is currently taking place, and despite the civil war that is actually there.

That does not exonerate Saudi Arabia in any sense from its obligation to come forward and make sure that all the information is provided. I share the Committee's frustration that that information has been slow to come forward. This is a nation that is not used to sharing information in this manner and to having to expose internationally the details of what it does. This is the first time it has had to do sustained warfare. It must look up and answer to the international standards that we expect. We will make it very clear if we feel that it does not meet those standards, but we require time, and Saudi Arabia will require time, to provide the analysis that needs to be done in all these cases.

Q205 Jim Shannon: Would you support calls for an independent international investigation into reports of breaches of international humanitarian law by all parties to the conflict, similar to those advocated for Sri Lanka and Syria? You support investigations of Sri Lanka and Syria for IHL breaches. Would you support calls for a similar investigation into reports relating to this conflict?

Mr Ellwood: We are mixing different forms of breach of international humanitarian law. We need to be very clear. There is a legitimate case for a coalition to use military lethal force to support the presidency of President Hadi. He used a chapter XI request for assistance, as stated in the UN Security Council resolution, to use all necessary measures to deal with the Houthis, in effect. The coalition was then formed, so that is legitimate—they are allowed to do it—but we must make sure that they answer to international humanitarian law. That is different from what is happening on the ground in Iraq or Syria, where war crimes, crimes against humanity and, indeed, genocide are taking place. There, an independent investigation allows those details to come out, because we will never get Daesh, for example, to conduct an investigation into itself.

Q206 Ann Clwyd: It has been reported that the Home Office is issuing guidance to immigration and asylum decision makers that sending asylum seekers back to Yemen would likely be a breach of the European convention on human rights, due to the indiscriminate acts of violence both sides in the conflict have been responsible for. That seems to run counter to the FCO claims that Saudi-led air strikes have not breached international human rights law and there is no need to suspend arms sales to Saudi Arabia. Why are different branches of Government giving different advice?

Mr Ellwood: This leads into the question that was raised earlier. I will certainly look at the Home Office and have firm words with that Department that it should somehow have let *The Guardian* realise that it is using words that are not consistent with the Foreign Office.

Returns are a very important issue. We have guidance on international conventions, as you have said. I am not aware of any returns taking place; because of the dangers you would be putting people in, it would be a breach. There are agreements that take place on, for example, voluntary return, which may have happened in 2011 and 2012, just after the Arab spring, when President Saleh stepped down and President Hadi, then vice-president, took over. However, since the Houthis pushed down from the north-west, through Sana'a and further down to Taiz, it would be irresponsible of any Government to make returns to that country. I will happily look at this in more detail, but I think I am right in saying that no returns have taken place since I have been Minister for the Middle East and North Africa.

Q207 Crispin Blunt: At a previous session, Philippe Sands, a rather eminent lawyer in this area, said that if he were a legal adviser to a Minister he would be saying that, “beyond international humanitarian law and international human rights law, there is now also international criminal law. International criminal law imposes responsibilities not on states but on individuals. If it turns out that the UK is supplying weapons in a conflict that is giving rise to systematic violations of international humanitarian law, I cannot exclude the possibility that, on some day in the future, you,” the Minister, “as the person who supplied the weapons, could be hauled before some foreign national court, some domestic UK court or some international court.” Which Ministers would be having their collar felt if Philippe Sands and Human Rights Watch are correct in their view on this breach of international humanitarian law?

Anna Soubry: The person who signs off the final export licence. I am looking at Professor Sands’s evidence. I saw it only about three quarters of an hour ago, in the Division Lobby, so forgive me for not having been able to look at it in much detail. I do not know the part where he gives the evidence you cite. Is it in his opinion or is it in the evidence?

Q208 Crispin Blunt: He said that if he were advising you—

Anna Soubry: Was this in his evidence to the Committee?

Q209 Crispin Blunt: It was in his evidence to us. He said that the application of the law is quite complex, but there are three layers of law that apply.

Anna Soubry: That is right.

Q210 Crispin Blunt: The bottom line is that international criminal law engages the personal responsibility of the individuals making a decision. My question to you is, where does the responsibility sit? Does it sit with your Secretary of State?

Anna Soubry: Yes. I suspect it must, because it is the Secretary of State for Business who signs it off. In the short time I have had to look at this—

Q211 Crispin Blunt: We are short of time, Minister. Because you have a legal background yourself, I invite you to give us a written commentary on his advice to us.

Anna Soubry: You want me to give you one?

Q212 Crispin Blunt: Your Department.

Anna Soubry: You really do not want me to give you one, I can assure you.

Q213 Crispin Blunt: I was merely respecting your former professional—

Anna Soubry: I will tell you why. It is because I am not an international lawyer, although I am a criminal lawyer by training and, indeed, by practice.

Q214 Crispin Blunt: We are short of time. Can I invite you to give us a commentary on his view?

Anna Soubry: I have to say this. From what I have seen, he did not look at the criteria.

Q215 Michelle Thomson: I think he did.

Anna Soubry: No, he did not. He looked at international, EU and—

Crispin Blunt: We are very short of time.

Q216 Chair: Can I suggest that you take up Crispin's invitation outside this meeting?

Anna Soubry: I just thought that it was important to say this. Lawyers are frequently misquoted. I thought that the piece of work that he and his two colleagues did looked at the different overall strands of law. They did not actually look at the criteria and I think that was a failing.

Q217 Crispin Blunt: Given the shortage of time, Minister, with the Chair's support, I invite you to give us written evidence on his evidence and its merits.

Anna Soubry: I am sorry. I do not mean to be difficult, but I need to establish this. Do you want my Department to instruct Queen's counsel to look at the evidence that he gave to this Committee or the opinion that he put forward? It is important, because it will cost the taxpayer money.

Q218 Chair: I would like to respond to that. I would like your opinion—

Anna Soubry: You would not want my opinion.

Q219 Chair: We would.

Anna Soubry: You would?

Q220 Chair: We would, but we will not be able to take it in the next five minutes. Would that be okay, Minister?

Anna Soubry: Fair enough.

Q221 Stephen Doughty: I have a point of clarification. The opinion did look at the consolidated UK criteria, as well as international law. I am not sure what advice you are getting, Minister, but it did.

Anna Soubry: As I said, I have read this only very swiftly; I skimmed through it. I thought there were some holes in it.

Q222 Stephen Doughty: It would be good to read the whole thing.

Anna Soubry: In any event, I am quite happy, as ever, to talk to Mr Blunt about it, but I would not hold an awful lot of water in what an academic says.

Q223 Stephen Doughty: He is a QC.

Anna Soubry: It does not matter whether somebody is Queen's counsel.

Chair: Thank you, Minister. Julian will now ask the last question of this session.

Q224 Dr Lewis: Here is a question, you will be relieved to know, that you do not have to be a lawyer to be able to answer. I suspect that it is one for Tobias, but anyone can answer it—the more the merrier. Are you concerned about reputational damage to the United Kingdom's international standing with regard to international law and human rights by our continued arms exports to Saudi Arabia and our response to evidence of breaches of international humanitarian law?

Mr Ellwood: It is a very important question. Contrary to a couple of the reports that have come out in the last year, I do not recognise some of the characterisation that has been made about human rights work being degraded in the Foreign Office. We have mainstreamed human rights within the Foreign Office, ensuring that it is always a central part of our diplomacy in delivering tangible results.

In relation to what we see here, I am very pleased that this Committee has now been formed. It is an important part of the public process that this Parliament and our Government are seen to go through the due diligence of making sure that international processes are followed. It ties into your previous questions. We need countries to recognise that, if we sell them weapons systems and they use them incorrectly, there will be repercussions, but we must follow the systems and the processes. They have been seriously slow, and that must improve.

Chair: I am reminded that Minister Swayne has not been given an opportunity to speak.

Q225 Crispin Blunt: Criterion 8 under the export licensing regime means that DFID's advice does not count as far as exports to Saudi Arabia are concerned. Do you think that it ought to be amended when those exports are being employed in countries that are subject to ODA rules?

Mr Swayne: The only issue that we are required to address in this process is, can they afford it? Will allowing them to buy it seriously undermine their development effort?

Q226 Crispin Blunt: Plainly, that does not apply to Saudi Arabia.

Mr Swayne: Indeed.

Q227 Crispin Blunt: But it certainly applies to Yemen, which is being bombed with these weapons.

Mr Swayne: That is why we have refused armaments to Yemen. Perhaps I have misunderstood your question. The key point is that, if we were to seek to expand our question as to the end use of those weapons, that would be to intrude on criterion 4, which, I am confident, is being addressed already by the Foreign Office.

Crispin Blunt: I am obliged.

Q228 Chair: Minister Soubry, you may have one last comment.

Anna Soubry: I want to say two things that arise from what Julian was talking about. I do not want anybody to think that we do not take this very seriously. Each application is looked at with considerable care. Of course, being, I would like to say, a responsible Government, we take the reputation of this country extremely seriously. For what it is worth, I think that the relationship with Saudi Arabia is extremely complex. If only it were as simple as people sometimes wish it were, but it is complex and there are some very difficult balances to be struck. You might expect me to say this, but I think that at the moment we have definitely got the balance right.

Philip Dunne: Could I add a final quick comment, again for context? We are not a member of the coalition engaged in the conflict in Yemen. We are in a uniquely privileged position in relation to the opportunity that we have to advise the Saudi Arabian armed forces and to undertake analysis of the impact of some of the strikes that they are undertaking. We have never done this before in any other conflict that I am aware of, or that the Ministry of Defence has advised me about. The only reason we have this privileged position is the nature of the important allied relationship we have with Saudi Arabia—which, by the way, is a very important member of the coalition against Daesh. We are working hand in glove with the Saudis in that campaign. In our view, it is appropriate that we should try to help them to learn how to lead their own operation—for the first time, as Mr Ellwood said—and to do so in accordance with international humanitarian law.

Chair: Thank you for coming and for staying over the allocated time. We may need to write to you for further evidence. I am sure that you will be happy to respond.