

## Submission from Campaign Against Arms Trade to the International Trade Committee inquiry into Trade and Foreign Policy.

1. The Campaign Against Arms Trade (CAAT) in the UK is working to end the international arms trade. This trade has a devastating impact on human rights and security, and damages economic development. CAAT believes that large scale military procurement and arms exports only reinforce a militaristic approach to international problems. In February 2021 CAAT was honoured to receive a joint nomination for the Nobel Peace Prize with our Yemeni partners, [Mwatana for Human Rights](#). The nomination is intended to draw attention to the suffering of the Yemeni people and to CAAT's Judicial Review which challenges the UK government's decision to resume arms sales to the Saudi-led coalition bombing Yemen.
2. CAAT welcomes the Committee's inquiry into 'Trade and Foreign Policy', and in particular contextualising it in the context of the Integrated Review.

### Integrated Review of Security, Defence, Development and Foreign Policy

3. As the Committee has helpfully identified, the Integrated Review of Security, Defence, Development and Foreign Policy sets out the Government's strategy to align trade policy and foreign policy in order for the UK to achieve its strategic objectives. However, the [Integrated Review](#) makes almost no reference to UK arms exports. They are dealt with separately in the [Defence and Security Industrial Strategy](#).
4. If arms exports had been addressed in the Integrated Review it would have highlighted the contradictions inherent within the Review's Strategic Framework. In the context of the second element of the Strategic Framework, '**Shaping the open international order of the future**', the review states that '**our first goal is to support open societies and defend human rights**', and that the UK will be a 'force for good: supporting open societies and defending human rights'. Priority actions include 'defending universal human rights' and promoting 'the rule of law'. The Review also states that the UK will continue to champion 'International Humanitarian Law and humanitarian access, and provide principled humanitarian assistance at moments of crisis.'
5. The second goal of 'Shaping the open international order of the future' commits to '**an open, resilient global economy**'. Specifically the review states: 'As an independent trading nation, our aim is to increase prosperity in all parts of the UK with a values-driven trade policy to open up markets and update international trading rules. Our policy is based on the core principles of democracy, human rights, free enterprise and high standards in areas like the environment, food, animal welfare and data.'
6. As this submission will outline, the UK's arms export regime falls far short of a values-driven trade policy based on the core principles of democracy and human rights.

### Arms exports in the context of UK International Trade

7. Military exports account for around just [1.5% of the UK's total exports](#). This sector has received disproportionate support compared to other industries from successive governments. UK Defence and Security Exports (UKDSE) is a UK government body that exists to help the arms and security industries sell their products around the world. UKDSE has a staff of around 110 including 18 military staff in its Export Support Team.
8. There is no question that the UK arms trade and arms exports licencing are intrinsically linked with foreign policy and international relations. A number of departments are involved in the UK's arms export control. Departments involved in licence assessments include: *Department of International Trade; Foreign, Commonwealth and Development Office; Ministry of Defence;*

*National Cyber Security Centre; and the Department for Business, Energy and Industrial Strategy. Licence Enforcement includes: HM Revenue and Customs; Border Force; and Crown Prosecution Service.*

9. *Committees on Arms Exports Controls* include four select committees, firstly and most relevantly *the International Trade Committee; the Foreign Affairs Committee; the Defence Committee; and the International Development Committee*. The Integrated Review was a huge missed opportunity for a cultural shift in the place of arms exports in UK foreign policy. The UK government's advocacy of human rights has been fundamentally undermined by the promotion of arms exports. The degree to which the UK has continued arms exports to Saudi Arabia for use in Yemen, despite overwhelming evidence of violations of International Humanitarian Law and International Human Rights Law by Saudi Arabia in its military operations there, rather than bolster the rules-based international order has fundamentally undermined it.
10. Between 2011-2020, the [UK licensed £16.8bn of arms to countries criticised](#) by [Freedom House](#). £11.8bn of arms had been authorised by the UK government during the same period to the Foreign Office's own list of "human rights priority countries". Two-thirds of the countries – 21 out of 30 – on the [UK government list](#) of repressive regimes had received UK military equipment. During this time the Department for International Trade identified "core markets" for arms exports, including a number of countries with extremely problematic human rights records such as Egypt, Bahrain, Qatar, Saudi Arabia, Thailand and Turkey.
11. Successive governments have asserted that trade with authoritarian regimes, particularly arms sales, provides additional leverage in influencing positive changes in human rights. However, as this submission outlines, UK arms export policy has done the opposite: it has contributed to a climate of impunity for violations of International Humanitarian Law, International Human Rights Law, and seriously damaged the multilateral accountability mechanisms for these violations.

### **Arms sales to Saudi Arabia for use in Yemen**

12. The UK Government has gone over and above in defending and promoting arms exports to Saudi Arabia and its allies, including United Arab Emirates and other members of the Saudi-led Coalition. While other major suppliers, in particular the US, have made some moves to limit such arms sales, the UK government has shown unwavering commitment to maintaining arms supplies of all types in the face of strong political and legal challenges, and overwhelming evidence of violations of International Humanitarian Law by the Coalition.

### **Legal Challenges**

13. The Government resumed the issuing of arms export licences to Saudi Arabia and its allies in July 2020. This followed a court-mandated temporary halt to licencing and review of licensing decisions, resulting from the Court of Appeal's ruling in June 2019 that the government's previous approach to such decisions was "irrational and therefore unlawful".
14. In 2016, CAAT was granted permission for a Judicial Review of the UK government's decision to continue to licence the export of military equipment to Saudi Arabia. CAAT's case focused on Criterion 2c of the Consolidated EU and National Arms Export Licensing Criteria which says that licences should not be granted if there is a clear risk that the equipment to be exported might be used in a serious violation of IHL.
15. In June 2019 the Court of Appeal found that it was 'irrational and therefore unlawful' for the Secretary of State for International Trade (SSIT) to have granted licences for the export of arms to Saudi Arabia for use in Yemen without making any assessment as to whether violations of International Humanitarian Law had taken place. The government was ordered to retake all decisions to export arms to Saudi Arabia in accordance with the law and to stop issuing new

arms export licences to Saudi Arabia for use in Yemen. The government applied the same restrictions to licences to its coalition partners, UAE, Bahrain, Jordan, Kuwait and Egypt.

16. In July 2020, the Secretary of State for International Trade Liz Truss [issued a written statement](#) to Parliament, announcing that the government had completed the review ordered by the Court of Appeal. It said that the incidents it had assessed to be possible violations of International Humanitarian Law (IHL) committed by the Saudi coalition were 'isolated incidents' and had determined "there is not a clear risk that the export of arms and military equipment to Saudi Arabia might be used in the commission of a serious violation of IHL". The government would therefore resume issuing new licences for arms sales for use in Yemen: "clearing the backlog of licence applications for Saudi Arabia and its coalition partners." Since the resumption of licencing the UK has issued [£1.7b in single licenses to the Coalition](#), including £946m relating to bombs and air-to-surface missiles, up to Sep. 2021.
17. In April 2021, CAAT was granted permission for a judicial review of the UK government's decision to renew arms sales for use in the war in Yemen to proceed to the High Court. CAAT looks forward to the judicial review taking place in 2022, and pursuing a legal remedy to these serious violations.

### **Arms exports to Saudi Arabia**

18. Saudi Arabia is by far the UK's biggest arms export customer. Major UK arms deliveries to Saudi Arabia since the start of the Saudi intervention in Yemen, and relevant to the Saudi war, include:
  - [24 Typhoon block-20 Fighter/Ground attack aircraft](#), delivered between 2015 and 2017.
  - Ongoing maintenance, services and support for the Royal Saudi Air Force's UK-supplied Tornado and Typhoon Fighter/Ground attack aircraft, provided by the UK MOD and BAE Systems. This is a continuous operation as part of two long-term defence agreements between the UK and Saudi Arabia: the Saudi British Defence Cooperation Program (for the Tornados) and the Al Salam program (for the Typhoons).
  - Precision-guided bombs and air-to-surface missiles, including Paveway IV guided bombs, Brimstone missiles, and Storm Shadow Missiles, throughout the duration of the conflict to date. SIPRI estimates that 100 Storm Shadow air-to-surface missiles, 1,000 Brimstone missiles, and 2,400 Paveway guided bombs were delivered between 2016 and 2020, but precise numbers are not available.
19. The full quantity and value of UK arms exports to Saudi Arabia is unknown, as the UK does not provide data on the value of arms export deliveries, and as many exports are conducted through open licences whose financial value is potentially unlimited. Based on BAE Systems annual reports and on licence data, CAAT conservatively estimates total UK arms sales to Saudi Arabia since the beginning of the intervention, at [£20.6 billion](#).
20. UK aircraft, produced, supported, and maintained by the UK arms industry in partnership with the UK government, comprise a little over half the Saudi fleet of strike aircraft. These aircraft are equipped with UK-supplied munitions as described above. On some occasions, [remnants of UK munitions](#) have been found at the site of Coalition airstrikes on civilian targets.

### **Developments following this dissolution of the UN Group of Eminent Experts on Yemen in October 2021**

21. In October 2021, the UN Human Rights Council failed to renew the mandate of the Group of Eminent Experts (GEE) on Yemen, following extensive [lobbying of the Council by Saudi Arabia](#). The GEE was the only international and impartial body investigating serious violations and

abuses of international human rights law and international humanitarian law perpetrated by all parties to the armed conflict in Yemen.

22. This dissolution of the Group constitutes a serious failure on the part of the international community to support accountability and redress efforts for Yemen, and has contributed to a climate of impunity for war crimes in Yemen.
23. Yemen Data Project released an [update](#) revealing a surge in coalition air strikes and civilian casualties in December 2021, in the two months following the GEE's dissolution. Saudi coalition bombing rates increased by 43% in December compared to October. At the time, civilian casualties in the air war reached the highest monthly rate in 2 and a half years.
24. In its February 2022 update the Yemen Data project stated that "[January 2022 was the most violent month in the Saudi-led air war in Yemen in more than five years](#)". 139 civilian deaths and 287 civilians injured were recorded in Saudi coalition airstrikes in January. Not since October 2016 were more civilian casualties recorded in a single month in the air war. Saudi-led coalition airstrikes caused more civilian harm in January 2022 than in the two previous years combined.
25. The UK did not co-sign a [joint statement on Yemen](#), led by the Netherlands, at the Human Rights Council in Geneva on 29th October 2021, calling on the international community to "actively explore further alternative mechanisms to monitor the human rights situation in Yemen and ensure accountability". This is contrary even to other countries supplying the Coalition such as France and the US.
26. It followed [a statement](#) from the UN Security Council, of which the UK is a permanent member on 21 January. The statement rightly condemned attacks in Abu Dhabi, United Arab Emirates on 17 January, as well as in other sites in Saudi Arabia, which resulted in three civilian deaths and six other civilians injured. However there was no comment whatsoever by the Security Council on the air strikes by the Saudi-led coalition on 21 January which killed at [least 70 people in a detention centre](#), and resulted in a [four day internet outage](#) after a telecommunications centre was targeted.
27. On the evening of 26 January, the UK Foreign, Commonwealth and Development Office (FCDO) published [a joint statement](#) by the governments of the UK, US, Oman, Saudi Arabia and UAE (collectively referred to as The Quint) following a meeting hosted by the UK government to discuss the conflict in Yemen. The statement followed alarm, [expressed on 25 January](#) by Hans Grundberg (UN Special Envoy to Yemen), over the "escalating spiral of violence" that is expected to result in "a record-shattering month for civilian casualties in Yemen".
28. The statement expresses 'full support' without qualification for the Saudi-led Coalition, mere days after bombardments killed over 100 civilians in Yemen. This statement is a further example of the UK's selective application of International Humanitarian Law to customers of UK arms exports, and illustrates no meaningful regard for the protection of civilians. The UK is not only complicit in these violations by arming the Saudi-led coalition but is now bolstering a climate of impunity for war crimes.

### Foreign Policy implications

29. The UK's commitment to exporting arms to Saudi Arabia at any cost has been twofold. Firstly violations of International Humanitarian Law (IHL) by the Coalition have continued with impunity,

throughout the conflict in Yemen. As early as 2015 there were numerous reports detailing breaches of IHL by reputable bodies including the United Nations Panel of Experts, Médecins Sans Frontières, Human Rights Watch and Amnesty International. [8,967 civilians](#) have been killed by Coalition air raids that struck civilian targets since the bombings began, according to the Yemen Data project.

30. The UK has continued not only to supply arms but to fight any accountability for these violations in its own courts, and in doing so emboldened Saudi Arabia to continue violations of IHL, firm in the knowledge that there would be no consequences at a bilateral or international level. Such legal and rhetorical strategies only confirm Saudi Arabia's sense of impunity. We are seeing the impact of this impunity grow, as Saudi Arabia recently lobbied the Human Rights Council successfully to end the mandate of the UN Group of Eminent Experts on Yemen. The Group was the only international mechanism to investigate violations of **all parties to the conflict** in Yemen.
31. Secondly, the UK's over-reliance on Saudi Arabia as the biggest customer for UK arms exports has greatly diminished the diplomatic role the UK could have played in bringing an end to the conflict. As well as holding a permanent seat on the UN Security Council, the UK is also 'penholder' for Yemen. However, the degree to which the UK has entrenched itself as a party in the war, and fought accountability for violations of IHL by the Coalition and its own complicity in perpetrating these violations, has erased any illusion that the UK could be an objective third party in peace negotiations.

### **Lack of scrutiny**

32. The [role of the Committees on Arms Export Controls](#) is described as follows: 'These four committees work together because each has an interest in arms exports as part of their responsibility to scrutinise their respective Government departments.' The Committee is currently failing in its duty to adequately scrutinise the UK's arms exports regime. It has been [three and a half years since CAEC](#) has produced a report or spoken to a minister. Many recommendations have been made by domestic and international civil society on how to reduce the destruction caused by arms exports - a number are made below - but can only be implemented with consistent and coherent cross-party scrutiny.

### **Recommendations**

- Immediately end the supply of military equipment to Saudi Arabia, in line with Criteria 2c of the Consolidated Criteria and in light of the overwhelming evidence of violations of International Humanitarian Law in Yemen, in line with repeated calls from Yemeni and international civil society and from the former UN Group of Eminent Experts on Yemen.
- That the International Trade Committee follows all possible avenues to ensure that the Committees on Arms Export Controls becomes a Select Committee.
- In realising 'values-driven trade policy' based on the core principles of democracy and human rights as committed to in the Integrated Review, prioritise adherence to International Humanitarian Law in all instances.
- Instate a requirement for companies operating both Single and Open Licences to provide data on the financial values and quantities of actual transfers made under these licences, and to make this information available on the Government database.

Written evidence from Campaign Against Arms Trade (TFP0016)

- Include long-lasting open licences, in the revocation or suspension of existing licences, particularly where the revocation or suspension relate to Criterion Two of the Consolidated Criteria.
- Introduce a "presumption of denial" that export licences will not be issued where the equipment to go to an area of conflict or human rights violating governments.