



BRIEFING PAPER

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UK arms exports to Saudi Arabia: Q&A

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The conflict in Yemen has drawn attention to UK arms sales to Saudi Arabia. Saudi Arabia has been accused of committing violations of International Humanitarian Law (IHL) during its military operations in Yemen. The UK is not a member of the Saudi-led Coalition but Saudi armed forces are using UK built and licensed arms in Yemen, including Typhoon aircraft, missiles and bombs.

The Government is resisting pressure from opposition parties and backbench MPs to suspend arms sales to Saudi Arabia. Campaign groups actively lobby MPs to make this point.

What are arms exports?

Arms exports are the export of military and dual-use items (that could have military or civilian use) to other nations. The export of these items is controlled, to ensure the Government knows what is being exported, where it is being exported to and for whom. Items that are 'controlled' need a license to be exported. The Government assesses license applications against eight Criteria. Commons Library briefing paper '[An Introduction to UK arms exports](#)' explains this in greater detail and is available on the Library website.

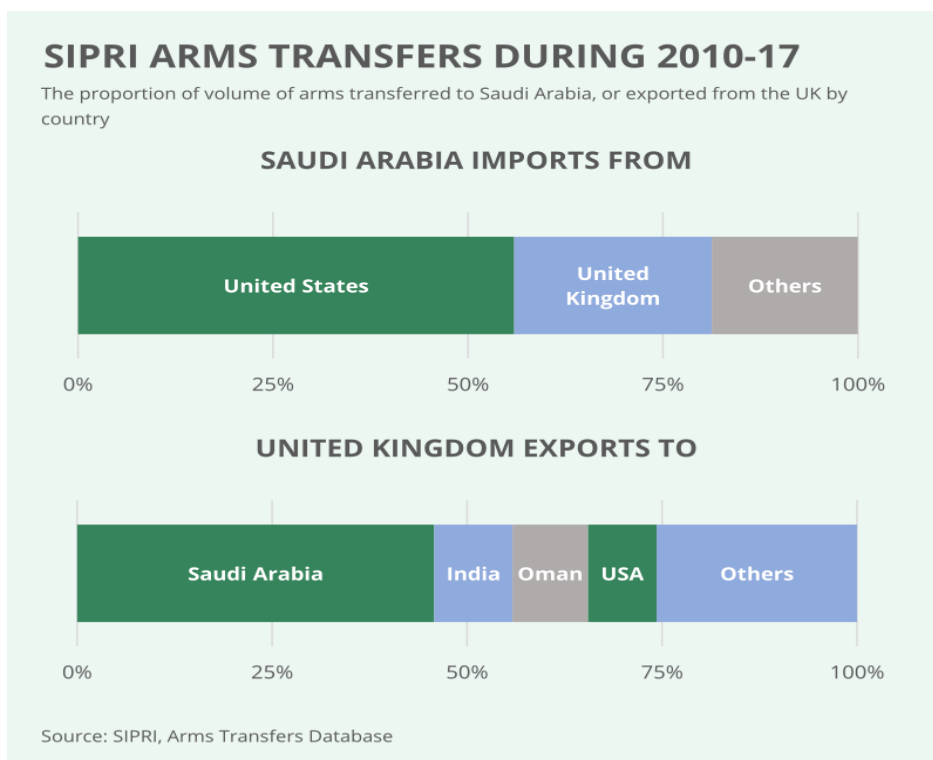
Does the UK export arms to Saudi Arabia?

Yes. The Middle East is a major market for UK defence exports and Saudi Arabia is the largest buyer of UK arms.

According to the SIPRI Arms Transfer Database the UK was the second largest exporter of arms transfers to Saudi Arabia (after the US) between 2010 and 2017, and larger than all other countries combined. The UK accounted for around 25% of the arms imports to Saudi Arabia.

Between 2010 and 2017 Saudi Arabia was the largest importer of arms from the UK; the total volume of arms transfers was around 46% of the UK's total arms export volume.

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The UK and Saudi have a Government-to-Government defence cooperation programme under which the UK has exported Typhoon, Tornado and Hawk aircraft, mine countermeasure vessels and associated munitions, infrastructure, logistics and manpower support packages.¹ Further analysis of arms exports to Saudi Arabia is available in Commons Library briefing paper '[UK Defence Industry Exports](#)'.

What kind of arms does the UK export to Saudi Arabia?

The Government does not provide exact figures on arms exported to Saudi Arabia or any other country.² Data on exports are based on the value of export licenses granted rather than individual contracts. The data does provide broad categories of goods but does not provide specifics. The Campaign Against Arms Trade, which opposes arms exports to Saudi Arabia, [says](#) that of the £4.6bn worth of arms licensed for Saudi Arabia since March 2015, £2.7 billion worth were ML10 licenses (aircraft, helicopters, drones) and £1.9 billion were ML4 licenses (grenades, bombs, missiles, countermeasures).

Typhoon combat aircraft and associated systems dominate UK exports to the Kingdom. The final six Typhoon combat aircraft of 72 ordered in 2007 were delivered in 2017. In March 2018 Saudi signed a Memorandum of Intent with the UK to buy an additional 48 Typhoons.³

What does Parliament think?

Parliament is divided on this issue. The Labour party is calling for an independent UN-led investigation of all allegations of war crimes in Yemen and for the suspension of UK arms sales for use in this conflict until the investigation is complete.⁴ The [SNP](#), the [Liberal Democrats](#) and [Plaid Cymru](#) similarly favour suspension of exports, with several MPs backing this view in a

¹ Strategic Export Controls Annual Report 2017, para 5.3

² [PQ168984](#), 6 September 2018

³ "Saudi Arabia signs MOI for 48 more Typhoons", Jane's Defence Weekly, 2018; "[UK-Saudi Arabia Joint Communiqué](#)", 10 March 2018

⁴ [HC Deb 22 October 2018 c82](#)

debate on [Yemen](#) on 11 September 2018. 32 backbench MPs have signed an EDM condemning the export of arms to 'repressive regimes' ([EDM 305](#)).

The four committees that form the Committees on Arms Export Controls (CAEC) were split over the conclusions of its inquiry on UK arms exports to Saudi Arabia during the 2015-17 Parliament. Two of the four select committees— the International Development Committee and the Business, Innovations and Skills Committee –favoured suspending all arms exports. The Foreign Affairs Committee did not endorse suspension, while the Defence Committee did not associate itself with either report. CAEC ceased to function after this split for the remainder of that Parliament. It re-formed after the 2017 election.

What is the Government's position?

The Government rules out suspending arms exports to Saudi Arabia. It says it operates “one of the most robust arms export control regimes in the world” and assesses all export license applications on a case by case basis against the Consolidated EU & National Arms Export Licensing Criteria. The Government says the “key test for our continued arms exports to Saudi Arabia, in relation to International Humanitarian Law (IHL), is whether there is a clear risk that those items subject to the licence might be used in a serious violation of IHL. The situation is kept under careful and continual review.”⁵ Middle East Minister Alistair Burt stated in a recent debate on Yemen:

The coalition acted in support of a legitimate Government; they are currently having missiles fired at civilian targets in their own state and I do not see the political justification for withdrawing our arms.⁶

What is the Judicial Review?

In 2017 the Campaign Against Arms Trade (CAAT) took the UK government to court to obtain a Judicial Review of arms sales to Saudi Arabia. CAAT's case focused on Criterion 2c of the Consolidated Criteria, which says that licences should not be granted “if there is a clear risk the items might be used in the commission of a serious violation of International Humanitarian Law”. The High Court rejected CAAT's claim in July 2017. The Court of Appeal has granted permission to CAAT to appeal the judgement, and the Appeal hearing will take place in April 2019. The CAAT [website](#) has the judgement and legal documents.

The Secretary of State for International Trade updated the House of Commons on the Judicial Review in a [statement](#) on 10 July 2017, saying: “if we assess that the clear risk threshold under Criterion 2c of the consolidated EU and national arms export licensing criteria has been reached, we will not hesitate to refuse export licences and suspend licences already in circulation”.

The Government frequently refers to the High Court judgement when asked about the legality of UK arms sales: “the High Court's judgment of July 2017 confirmed that we have in place a robust and rigorous process for assessing export licensing decisions for Saudi Arabia”.⁷

Is the UK part of the Saudi-led Coalition?

No. The UK is not a member of the Saudi-Led Coalition. Nor does it have any role “in setting Coalition policy, or executing air strikes in Yemen.”⁸

⁵ [HL6844](#), 16 April 2018; [PQ169602](#), 11 September 2018; [PQ169234](#), 11 September 2018

⁶ [HC Deb 4 September 2018 c11](#)

⁷ [PQ169167](#), 11 September 2018

⁸ [PQ168984](#), 6 September 2018

However, the UK does provide considerable support to the Saudi armed forces beyond that provided in support of exported equipment. In the year after Saudi began its campaign in Yemen (March 2015) the UK Government:

accelerated delivery of Paveway precision-guided bombs; provided increased training in targeting and weapon use to help improve Saudi processes; provided liaison officers in Saudi headquarters to observe Saudi processes, increase the UK's insight into the air campaign and help to improve maritime access to Yemeni ports by identifying vessels that may be breaching the arms embargo; and scoped and met Saudi training needs to help strengthen defences at the Saudi southern border which has suffered repeated cross border raids.⁹

The Government says it is not involved in targeting decisions. The Government says the liaison officers “are not involved in carrying out strikes, directing or conducting operations in Yemen or selecting targets and are not involved in the Saudi targeting decision-making process”.¹⁰

Are UK weapons being used in violations of international humanitarian law in Yemen?

This is the key argument of those calling for the Government to halt arms exports.

The Campaign Against the Arms Trade (CAAT) lobbies MPs to halt arms sales to the Kingdom. Its [‘Stop Arming Saudi’ campaign](#) contains resource material on the conflict in Yemen. CAAT argues the UK Government “has continued to support Saudi air strikes in Yemen and provide arms despite overwhelming evidence of repeated breaches of international humanitarian law”.

[Amnesty International](#) argues: “States that are still supplying arms to the Saudi Arabia-led coalition risk going down in history as being complicit in war crimes in Yemen” and “all parties to the conflict in Yemen have repeatedly committed violations of international law resulting in horrific suffering for civilians”. Amnesty also argues: “there is extensive evidence that irresponsible arms flows to the Saudi Arabia-led coalition have resulted in enormous harm to Yemeni civilians”.¹¹

The International Development Committee and Business, Innovation and Skills Committee concluded in their 2016 joint report:

Given that the UK has a long history of defence exports to Saudi Arabia and its coalition partners, and considering the evidence we have heard, it seems inevitable that any violations of international humanitarian and human rights law by the coalition have involved arms supplied from the UK.¹²

A [UN Group of Experts](#) tasked by the UN Human Rights Council to investigate Yemen examined allegations of violations of IHL. Their report, published in August 2018, states Coalition air strikes have caused most of the documented civilian casualties (there were 16,706 civilian casualties between March 2015 and June 2018). Air strikes have hit residential areas, markets, funerals, weddings, detention facilities, civilian boats and medical facilities. The Group said the cases investigated by them “raise serious concerns about the targeting process applied by the coalition”.

⁹ Committees on Arms Export Controls, The use of UK-manufactured arms in Yemen, [written evidence from the Foreign and Commonwealth Office](#), UK0013, 13 April 2016, para 29

¹⁰ Committees on Arms Export Controls, The use of UK-manufactured arms in Yemen, [written evidence from the Foreign and Commonwealth Office](#), UK0013, 13 April 2016

¹¹ [“Yemen: three years on, US and UK arms supplies to Saudi Arabia-led coalition are devastating civilian lives”](#), Amnesty International, 23 March 2018

¹² [The use of UK-manufactured arms in Yemen](#), Business, Innovation and Skills and International Development Committees, HC 679, 15 September 2016, p3

The Group concluded it has “reasonable grounds to believe that the parties to the armed conflict in Yemen have committed a substantial number of violations of international humanitarian law” and that “individuals in the Government and the coalition, including Saudi Arabia and the United Arab Emirates, may have conducted attacks in violation of the principles of distinction, proportionality and precaution that may amount to war crimes”.¹³

UK Government

When asked directly to estimate the number of UK-supplied individual missile systems used against civilian targets in Yemen, the Foreign Office said “we are unable to provide precise figures for the number of weapons exported. Nor do the Coalition publish information on which weapons are used for specific air strikes.”¹⁴ Middle East Minister Alistair Burt said he could not say whether any civilian deaths were the result of British bombs or plans because “there is no tracking of the use of arms supplied by the UK”.¹⁵

The Government has acknowledged that UK-built and licensed Typhoon and Tornado aircraft and weapons (including Paveway precision-guided bombs and small numbers of Dual Mode Brimstone and Storm Shadow missiles) have been deployed in Yemen by the Royal Saudi Air Force.¹⁶

In December 2016, the then Secretary of State for Defence, Sir Michael Fallon, told the House that an investigation by the Saudi-led coalition had confirmed that a small number of UK-supplied cluster munitions exported to Saudi Arabia in the 1990s had been used by the coalition in Yemen in January 2016, and the Kingdom had undertaken not to use UK-supplied cluster munitions again.¹⁷

Criticism of the Joint Incident Assessment Team

The UK Government has repeatedly pointed to the Saudi-led Coalition’s Joint Incident Assessment Team when asked about allegations of violations of IHL:

We believe it is right for the Saudi-led Coalition in the first instance to conduct thorough and conclusive investigations into incidents where it is alleged that international humanitarian law has been breached. The Coalition has the best insight into its own military procedures and will be able to conduct the most thorough and conclusive investigations.¹⁸

The MOD has also said it does not investigate allegations of violations of international humanitarian law because it “does not have access to all the information that would allow us to reach conclusions accurately”.¹⁹

However, the JIAT has been criticised by UN experts and Human Rights Watch, among others.

The UN Group of Experts expressed “serious concerns” about the JIAT’s “independence and its ability to carry out impartial investigations” which suggests “the coalition does not have a mechanism consistent with the Basic Principles and Guidelines”²⁰ on the rights of victims of

¹³ [A/HRC/39/43](#), 24 August 2018, para 108

¹⁴ [PQ168984](#), 6 September 2018

¹⁵ [HC Deb 11 September 2018 c651](#)

¹⁶ Committees on Arms Export Controls, The use of UK-manufactured arms in Yemen, [written evidence from the Foreign and Commonwealth Office](#), UK0013, 13 April 2016

¹⁷ [HC Deb 19 December 2016 c1215-6](#)

¹⁸ [PQ169233](#), 11 September 2018

¹⁹ [HL3707](#), 13 December 2017

²⁰ [A/HRC/39/43](#), 24 August 2018, annex III

IHL violations. Their conclusions prompted Alison Thewliss MP to remark that “not only is the Saudi coalition marking its own homework, but it cannot be trusted to do so”.²¹

Human Rights Watch analysed the work of the JIAC over a two-year period, concluding “it failed to meet international standards regarding transparency, impartiality, and independence”.²² Both the UN Group of Experts and the HRW reports contain investigations of allegations of individual incidents of violations of IHL.

The UK Government has pointed to the JIAT’s conclusion that mistakes were made in an airstrike on a bus on 9 August 2018 that killed 51 people as an example of UK influence in ensuring proper accountability.²³

Have any other countries stopped supplying weapons to Saudi Arabia?

Some nations have taken action to restrict exports to members of the Coalition, including the Netherlands, Sweden and Germany. Spain briefly said it would halt the sale of laser-guided bombs but later reversed its decision.²⁴ Others, like France and Italy, have continued to license arms exports, taking a similar view to the UK.

Further commentary on divisions within Europe over arms exports to Saudi Arabia, and the potential implications for the EU export control regime, is available from [SIPRI](#), the [International Institute for Strategic Studies](#) and by [Saferworld](#).

The Trump administration has so far resisted pressure from Members of Congress to halt arms sales. Section 1290 of the [John McCain National Defence Authorisation Act 2019](#) requires the Secretary of State to certify the Coalition is taking “demonstrable actions to reduce the risk of harm to civilians and civilian infrastructure resulting from military operations”.²⁵

The death of journalist Jamal Khashoggi in the Saudi embassy in Turkey in October 2018 has reignited the debate about arms exports in the US and Europe. President Trump has ruled out suspending arms sales, arguing it would hurt the US more than it would hurt Saudi Arabia.²⁶ However, several members of Congress are calling for a suspension of some deals. [Defense News](#) examines Congress’s role in arms sales. A more detailed account of US arms sales to Saudi Arabia can be found in Congressional Research Briefing Paper ‘[Saudi Arabia: background and US relations](#)’. Chancellor Angela Merkel has said “there will be no arms exports to Saudi Arabia” until the murder of Khashoggi is “cleared up”. It is unclear whether Germany will halt previously agreed deals.²⁷ During a [debate](#) in the Commons on the death of Khashoggi on 22 October 2018 several MPs, including the shadow Foreign Secretary, called on the Government to suspend arms sales. Jeremy Hunt said: “we keep the situation constantly under review, and that will include any implications that arise from the results of the Khashoggi investigation”.²⁸

²¹ [HC Deb 11 September 2018 c640](#)

²² “[Yemen: Coalition fails to curb Violations](#)”, Human Rights Watch, 24 August 2018

²³ [HC Deb 4 September 2018 c10](#)

²⁴ “Spain backtracks on suspending laser-guided bomb sale to Saudi Arabia”, Jane’s Defence Industry, 13 September 2018

²⁵ “[The War in Yemen: A compilation of legislation in the 115th Congress](#)”, Congressional Research Service, R45046, 21 August 2018

²⁶ “[Remarks by President Trump before Air Force One departure](#)”, the White House, 20 October 2018; “[Remarks by President Trump with Pastor Andrew Brunson](#)”, the White House, 13 October 2018

²⁷ “[Merkel: No German arms exports to Saudi until killing cleared up](#)”, Reuters, 22 October 2018

²⁸ [HC Deb 22 October 2018 c82](#)

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