

UK PERSONNEL SUPPORTING THE SAUDI ARMED FORCES — RISK, KNOWLEDGE AND ACCOUNTABILITY



Mike Lewis and Katherine Templar

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EXECUTIVE SUMMARY

Since 2015, Yemen's civil war has focussed unprecedented public, parliamentary and judicial attention on the UK supply of military aircraft and other weapons to Saudi Arabia. Critics have drawn a direct line between UK-supplied weapons systems and what United Nations humanitarian agencies have labelled the world's worst humanitarian crisis. UN agencies have attributed the majority of civilian casualties in Yemen to airstrikes by a Saudi-led intervention coalition, primarily using a fleet of combat aircraft supplied by the U.S. and the UK along with an ongoing supply of weapons, spares and communications equipment which have made Saudi Arabia by far the largest consumer of UK arms exports since 2012.

UK arms exports receive substantial (if post facto) public scrutiny: quarterly statistics released by the Department for International Trade; auditing by a dedicated Commons parliamentary committee; and, in the case of arms sales to Saudi Arabia, a High Court judicial review in 2017.

By contrast, almost no public or parliamentary scrutiny is given to the other half of the UK's sustainment of Saudi military capabilities: **its human component**. Thousands of UK and non-UK employees of UK companies work in Saudi Arabia to train, install, maintain and help operate UK-supplied aircraft and other military equipment, including the Tornado IDS fighter-bombers and Typhoon fighters that constitute just under 50% of the in-service combat aircraft of the Royal Saudi Air Force (RSAF).

Unlike the supply of hardware, the provision of most of these services requires no licensing or authorisation from the UK government. Beyond occasional details elicited through parliamentary questions, there is no public reporting of this massive human operation. Indeed, the UK government claims that it does not know precisely how many UK nationals are providing such services at any one time, nor precisely what they do - despite these individuals working under the terms of a government-to-government agreement, and despite this human 'footprint' including seconded UK military personnel.

This paper aims to shine a light on this human counterpart to UK arms sales to Saudi Arabia. It examines:

- who these individuals are;
- what they do, including in the current Yemen conflict; and
- how their activities are regulated by their employers and the UK government.

It also seeks to highlight the experiences, working conditions, rewards and hazards faced by this substantial UK overseas workforce. Many of these individuals describe their time in Saudi Arabia as amongst the most professionally and financially rewarding experiences of their lives. Some nevertheless also describe facing legal and professional risks more akin to those faced by serving military personnel, yet without the support or protections afforded to UK military forces or civil servants, and despite working on projects contracted directly by the UK Ministry of Defence (MOD).

It draws on interviews conducted over two years with former UK government officials and private employees involved with these programmes, from senior management to front-line technicians and armourers. It also draws on public and private documentation, including previously unpublished UK government documents.

New information set out in this paper includes:

- **A full picture of the ‘footprint’ of around 7000 employees of UK contractor companies, UK civil servants and seconded UK military personnel, currently present in Saudi Arabia to support RSAF and other Saudi security forces.**¹
- **Extracts from one of the secret government-to-government agreements governing the UK’s assistance to RSAF, which was signed in 1986 but whose terms remain in force.** These extracts have never been shown to the UK parliament, nor published until now. They show that the UK-Saudi agreement includes a blanket commitment for UK personnel to remain available in Saudi Arabia for “arming and support” of RSAF Tornado aircraft during active armed conflict, without reference to the conflict’s authorisation or lawfulness. Documents show that this commitment was agreed by the UK Ministry of Defence during contract negotiations against the advice of UK Foreign and Commonwealth Office officials.
- **Details of the operational tasks carried out by UK employees of UK contractors in Saudi Arabia.** During the current Yemen conflict, UK employees of the biggest such contractor, BAE Systems, have continued to be responsible for maintaining the weapons systems of all the Tornado IDS aircraft in RSAF’s inventory, including both training and operational squadrons, and including those operating from the Forward Operating Bases from where Yemen sorties are launched. Other UK employees of BAE Systems and a Saudi subcontractor, work as armourers and weapons supervisors for the Typhoon aircraft deployed at Taif airbase, one of the main operating bases for the Saudi-led Coalition’s Yemen operations. Senior BAE Systems and UK MOD staff also confirm that BAE Systems personnel have continued to provide second- and third-line maintenance for the aircraft deployed in the current Yemen conflict.
- **Reports from technicians and aircraft armourers working with RSAF that, notwithstanding the UK’s commitments to arm and support RSAF aircraft during armed conflict, BAE Systems implemented a “pull-back” of their employees from direct handling of cluster munitions after 2008; and from directly operational roles in squadrons engaged in active combat after the start of the Yemen conflict in 2009/10.** However, these individuals also allege that the pull-back was incomplete, and that armourers and technicians embedded with RSAF squadrons remained physically present during ground operations for combat-engaged aircraft, and undertook maintenance and weapons management functions during night-shifts and backshifts, at least during the 2009-10 Yemen conflict.
- **Details of the ‘white list’ system through which some transfers of licensable military equipment to Saudi Arabia take place without case-by-case Whitehall scrutiny.** Such case-by-case scrutiny is a central basis of the UK government’s parliamentary and legal defence of its risk assessment regarding possible misuse of UK-supplied arms. This ‘white list’ mechanism means that the UK government does not always have knowledge about the kinds or quantities of military equipment that UK companies are supplying Saudi Arabia, nor their precise end-users. Three BAE Systems subsidiaries shipped equipment under this system during 2015, including BAE Systems (Operations) Ltd, the company directly responsible for weapons supplies and support to RSAF.
- **The absence of any UK MOD guidance on the reporting of possible violations of International Humanitarian Law (IHL) issued either to UK MOD officials managing the project in Saudi Arabia (MODSAP), or to other UK MOD or UK military personnel stationed in Saudi Arabia, including RSAF Liaison Officers.** This contrasts with UK government statements to the High Court during 2017 that the UK government’s arms export officials gauge IHL violation risk in part based on information from MODSAP personnel, Liaison Officers and BAE Systems personnel.
- **Harassment faced by some UK employees in Saudi Arabia seeking to whistleblow about serious alleged wrongdoing, both from Saudi authorities and their own employers.** In some cases these UK employees are denied corresponding protections of UK employment and whistleblowing laws.

1. For clarity, ‘employee’ is used in this paper to refer to individuals working on an employment contract from a private company. ‘Contractor’ is used to refer to a company working on a commercial contract for the provision of goods or services, usually on contract to the UK or Saudi governments. In both cases the prefix refers to the nationality of the individual or the headquarter location of the multinational company: ‘UK employee’ means a UK national employed by a private company, whether that company is Saudi or UK. ‘UK contractor’ refers to a UK-headed (usually multinational) company, whether or not their staff are employed directly by a UK-registered or Saudi-registered subsidiary of that company.

BRITS ABROAD

This paper forms part of a larger body of work undertaken during 2016-17. *Brits Abroad* examines the role of UK nationals - both legal and natural persons - operating outside the UK to contribute military and security services in armed conflicts. The project looks at UK arms brokers (legal and natural) operating overseas, private military and security personnel, and technical professionals providing support services for foreign armed forces. The project aims to examine both sides of limited UK regulation of these activities: the legal, regulatory and physical risks often faced by private UK nationals themselves, operating in armed conflicts and lacking the protection of UK law or governmental status; and the negative consequences which may be generated for others if the weakly-regulated activities of private UK nationals abroad support violations of international humanitarian and human rights law. *Brits Abroad* is funded by the Joseph Rowntree Charitable Trust. The Trust and its Trustees bear no responsibility for the content of this document or the opinions expressed therein.

ABBREVIATIONS

ADV	Air Defence Variant
BAC	British Aircraft Company
CASLO	Chief of Air Staff Liaison Officer
CBRN	Chemical Biological Radiological Nuclear
CV	Curriculum Vitae
FCO	[UK] Foreign and Commonwealth Office
FOI	Freedom of Information
FY	Financial Year
HMG	Her Majesty's Government [UK]
IDS	Interdictor/Strike
IHL	International Humanitarian Law
IHRL	International Human Rights Law
JD	Job Description
KSA	Kingdom of Saudi Arabia
MAA	Military Aviation Authority
MOD	Ministry of Defence
MODSAP	[UK] Ministry of Defence Saudi Arabian Project
MOU	Memorandum of Understanding
MP	Member of Parliament
MSCA	Military and Security Cooperation Agreement
NCO	Non-Commissioned Officer
OGTCL	Open General Trade Control Licence
PJHQ	[UK] Permanent Joint Headquarters
RAF	[UK] Royal Air Force
RSAF	Royal Saudi Air Force
SADAP	Saudi Air Defence Assistance Project
SANG	Saudi Arabian National Guard
SANGCOM	Saudi Arabian National Guard Communications Network
SAOC	Saudi Air Operations Centre
SBDPCP	Saudi-British Defence Cooperation Project
SIPRI	Stockholm International Peace Research Institute
TSP	Tornado Sustainment Programme
U.S.	United States
UK	United Kingdom
UN	United Nations
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs

INTRODUCTION

From their beginnings in the 1960s, UK sales of military aircraft and other weapons systems to Saudi Arabia have generated controversial headlines. For most of the intervening half-century, these headlines have primarily concerned allegations of bribery and corruption. The aircraft and munitions themselves -- with some exceptions, such as during the 1991 Gulf War -- languished in Saudi bases and depots without seeing hostilities.²

Since 2010, however, the UK weapons systems supplied to the Saudi armed forces, including Tornado and Typhoon military aircraft, have been extensively used: first in airstrikes in northern Yemen during 2009-10, and since 2015 across Yemen as the workhorses of the Saudi-led Coalition's air war in Houthi-controlled areas. UN Security Council investigators, humanitarian agencies and human rights organisations have alleged that these airstrikes have entailed widespread and systematic violations of international humanitarian law.³ Such allegations are increasing day by day: by October 2016, a year into the conflict, the UK MOD had recorded 232 allegations of IHL violations by the Saudi-led coalition in Yemen,⁴ a number which had risen to 252 by January 2017, and 318 by December 2017.⁵ In the first three years of the conflict, United Nations (UN) humanitarian organisations claim that on average 65 civilians have been killed or injured each day from military action on all sides,⁶ with the "leading cause" of these civilian casualties, they allege, being airstrikes by the Saudi-led coalition.⁷ More broadly, the Yemen conflict has precipitated the world's worst food crisis: at the time of writing, 8.4 million Yemeni women, men and children are at risk of starvation, with scarcity exacerbated by attacks on ports and a naval blockade of the country by the Saudi-led coalition.⁸

The appetite of RSAF and other parts of the Saudi armed forces for UK weapons, military communications systems and other equipment have made Saudi Arabia the destination of nearly half of all UK arms exports from 2012 to 2016, making the

2 See, for instance, the 2010 settlement reached by BAE Systems with the U.S. Department of Justice, <https://www.justice.gov/opa/pr/bae-systems-plc-pleads-guilty-and-ordered-pay-400-million-criminal-fine> (accessed 4 January 2017).

3 UN Security Council, *Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)*, S/2016/73, 26 January 2016, para. 128.

4 UK MOD response to author's FOI request, 21 October 2016.

5 BBC News, 'Yemen Human Rights Breaches Staggering', 25 January 2017, <http://www.bbc.co.uk/news/world-38745454>; Lords Hansard, Written Question – HL3707, answered 13 December 2017.

6 United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), *2018 Humanitarian Needs Overview* (UNOCHA: Geneva, December 2017), https://reliefweb.int/sites/reliefweb.int/files/resources/yemen_humanitarian_needs_overview_hno_2018_20171204_0.pdf.

7 United Nations Human Rights Council, *Situation of human rights in Yemen, including violations and abuses since September 2014: Report of the United Nations High Commissioner for Human Rights (A/HRC/36/33, 13 September 2017)*, para. 28, http://www.ohchr.org/Documents/Countries/YE/A_HRC_36_33_EN.docx.

8 United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), *2018 Humanitarian Needs Overview* (UNOCHA: Geneva, December 2017), https://reliefweb.int/sites/reliefweb.int/files/resources/yemen_humanitarian_needs_overview_hno_2018_20171204_0.pdf.

Gulf state far and away the UK's largest arms export customer.⁹

Though British companies first signed commercial contracts with the Saudi Arabian armed forces in the mid-1960s, since 1973 aircraft and other equipment has been supplied under a sequence of government-to-government agreements between the UK and Saudi Arabia:

- **1973: The Saudi Air Defence Assistance Project (SADAP):** covering maintenance and training for Lightning fighter jets, Provost trainer aircraft, and associated radar stations which had been supplied to RSAF since 1965;
- **1978: The Saudi Arabian National Guard Communications Network (SANGCOM):** covering the provision of secure communications and electronic warfare systems to the Saudi Arabian National Guard (SANG) -- extended by a second agreement in 1982;
- **1985: Al Yamamah:** covering 72 Tornado fighter and ground attack aircraft, Hawk jet trainers, PC-9 trainer aircraft, and a range of weapons, ammunition and equipment for these aircraft -- subsequently extended in 1993 for the supply of an additional 48 Tornado ground attack aircraft and 20 Hawk jet trainers, and extended again under the **Saudi British Defence Cooperation Programme (SBDCP)** from 2006 onwards;
- **2005: Al Salam:** covering 72 Typhoon fighter aircraft and a full support package for them.¹⁰

Under each of these agreements, the 'hardware' is only half the package. Much of what is supplied is 'software': in-person services. In the case of the 1985 'Al Yamamah' Memorandum of Understanding (MOU) which governs the supply of the Tornado aircraft that since the 1980s have constituted one of the backbones of the RSAF's ground attack capability, five of the twelve 'Letters of Offer and Acceptance' envisaged under the MOU cover personnel, services and other in-country work: including "Training", "In-country facilities", "Contractor maintenance and support services", "Post-design services" and a "UK MOD Team" (called the Ministry of Defence Saudi Arabian Project, or MODSAP) to oversee the contract.¹¹ While some of the personnel providing these support services are UK civil servants and serving UK armed forces personnel, a much larger number are employees of private contracting companies (Table 1 below).

These government-to-government agreements have created a 'footprint' within Saudi Arabia of thousands of employees of private UK contractors, both UK nationals and nationals of other countries, from India to Australia. These employees train Saudi military personnel; advise their operations; run their military facilities; service, maintain and help operate their aircraft and weapons. These individuals' activities are intimately linked to the continued operation of UK-supplied weapons systems and equipment.

This in-country support, which constitutes one of the most extensive military services operations in the world, is relatively well-known. But the actual roles, functions and working conditions of this support are not well understood. While employees working under the terms of SANGCOM, Al Yamamah/SBDCP and Al Salam are contracted principally as "trainers" and "advisers", in fact many have also carried out operational support functions since at least 1991, with comparatively little protection from the legal and political hazards they are consequently asked to run.

This paper seeks to provide a detailed description of what this human footprint of in-country support actually entails. It is based on interviews conducted during 2016-17 both with recently-departed MODSAP personnel, and with a small

9 A. Fleurant, P.D. Wezeman, S.T. Wezeman, N. Tian, 'Trends in International Arms Transfers, 2016', *SIPRI Fact Sheet* (Stockholm International Peace Research Institute (SIPRI): Stockholm, February 2017), <https://www.sipri.org/sites/default/files/Trends-in-international-arms-transfers-2016.pdf>.

10 For a useful summary of these deals, and supporting documentation, see Nicholas Gilby's summary at <https://deceptioninhighplaces.com/arms-trade/summary-of-britains-biggest-arms-deals-with-saudi-arabia>. On 20 September 2017 the UK government announced that it had signed an additional Military and Security Cooperation Agreement (MSCA) with Saudi Arabia, though ministers have stated that this agreement covers "jurisdiction, administrative and other technical issues" relating to the UK's military and security engagement with Saudi Arabia, and have declined to name specific goods or services to be supplied under the Agreement. Commons Hansard, Written Question – 111860, answered 16 November 2017, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-11-07/111860/>.

11 'Memorandum of Understanding for the Provision of Equipment and Services for the Royal Saudi Air Force', 26 September 1985, reproduced at <https://deceptioninhighplaces.com/home/documents/memoranda-of-understanding-for-british-arms-deals-with-saudi-arabia/>.

number of employees of BAE Systems, EADS and associated companies who worked in Saudi Arabia between 2000 and 2016. Interviewees included senior managers as well as workshop-level aircraft armourers and technicians. All participated on condition of anonymity. The paper also draws on published and unpublished documents, including sections of the secret agreements between the UK and Saudi Arabia governing the Al Yamamah contract, which have never previously been published; and on information disclosed by the UK government under Freedom of Information requests.

The paper focusses on three broad questions:

- What are the legal agreements and obligations governing this human ‘footprint’, its composition and its tasks? (Section 2)
- What do UK nationals and UK companies’ employees actually **do** in Saudi Arabia? And to what risks -- physical, legal and professional -- may they be exposed when they provide support to the Saudi armed forces? (Section 3)
- What does the UK government **know** about how UK-supplied military equipment and services are being used by the Saudi armed forces? And what implications does this knowledge -- or lack of it -- have for the UK government’s assertions about its assessments of the risk that UK-supplied equipment may be used in violation of international humanitarian or human rights law? (Section 4)

The picture presented here remains partial. As a consequence of the professional roles of individuals interviewed for this paper, it focusses primarily on expatriate employees working with the Royal Saudi Air Force (RSAF), with some additional information about work undertaken with the Saudi Arabian National Guard (SANG). For RSAF, available documentation means that we can only be certain about the legal and contractual framework for support to the RSAF’s Tornado IDS and ADV aircraft. Less is known about the matching legal framework for support to RSAF’s newer Typhoon aircraft. UK public and private support to the Saudi Arabian navy, currently engaged in the blockade of Yemen, also remains a major lacuna worthy of further inquiry.

The authors sent the relevant findings and arguments of this paper in writing to all the companies named in this report for their comments. GPT Special Project Management Ltd declined to comment. Serco Plc, which previously provided a small number of staff in support of GPT’s work on the SANGCOM project, kindly provided additional information which is incorporated below. BAE Systems provided no response, despite additional attempts to contact them by phone and email.

“There are around 100 military personnel based in the Kingdom of Saudi Arabia, including at the Defence section within the British Embassy Riyadh; providing mentoring and advice to the Saudi Arabian National Guard, as part of the British Military Mission to the Saudi Arabian National Guard; personnel working on the Saudi Arabia National Guard Communications Project...and personnel working on the Ministry of Defence Saudi armed forces Projects, supporting the United Kingdom’s commitment to the defence of Saudi Arabia through the supply of modern military aircraft, naval vessels, weapons and associated support services to the Saudi armed forces. We also have a small number of liaison personnel who work at the Saudi MOD and Operational Centres. We do not discuss specific numbers for reasons of safeguarding operational security.”

Mike Penning MP, Minister for the Armed Forces, answer to parliamentary written question, 15 September 2016¹²

1. THE FOOTPRINT

Since 2015, controversy over in-person support to the Saudi armed forces during the Yemen conflict has focussed on the roles and knowledge of **UK government personnel**: particularly military liaison officers and advisers embedded within the Saudi Air Operations Centre, RSAF HQ and the Saudi Ministry of Defence.¹³ As Table 1 below shows, there are around 40 of these military advisers and liaison officers to the Saudi armed forces in-country at any one time, as well as about 150 UK government personnel – civilian and military -- acting as advisers and project managers to the two major UK-to-Saudi military equipment contracts for the Royal Saudi Air Force (RSAF) and Saudi National Guard (SANG).

These UK government personnel are greatly outnumbered, however, by approximately **seven thousand civilians** who install, maintain, operate and provide training for UK-supplied weapons systems and other military equipment. Many of the UK civilians within this cohort are former UK Royal Air Force, UK Army, Royal Australian Air Force and other ex-military personnel, fulfilling essentially similar roles in Saudi Arabia to those they carried out in military service, and indeed in many cases (section 3 below) fulfilling the same roles as serving UK military personnel seconded to BAE Systems in support of the Saudi Arabian armed forces.¹⁴

Many of these seven thousand individuals are expatriate employees of UK companies and their overseas subsidiaries. Others are UK nationals employed by Saudi companies. While some of these companies are contracted directly to the Saudi government, the majority are subsidiaries of ‘prime contractors’ -- BAE Systems and EADS/Airbus -- which the UK Ministry of Defence contracts to implement UK-Saudi government-to-government arms supply contracts (though in practice they are also answerable day-to-day to the Saudi government).

12 Commons Hansard, Written Question – 46071, answered 15 September 2016, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-09-12/46071>.

13 E.g. Richard Spencer, ‘UK military ‘working alongside’ Saudi bomb targeters in Yemen war’, *Daily Telegraph*, 15 January 2016.

14 Interviews, former MODSAP, SANGCOM and BAE Systems personnel, dates and locations withheld, July – December 2016.

Table 1: UK nationals and employees of UK-owned companies providing military support services in Saudi Arabia

Category	Status	Nationalities	Number	Duties
MODSAP personnel (civilian and military)	UK civil servants	UK	c.100 <i>(As of April 2017: 36 civilian and 63 military staff)</i> ¹⁵	Oversight, audit and technical advice to Saudi armed forces on Al Yamamah/SBDCP/Al Salam programmes
SANGCOM personnel (civilian and military)		UK	c.60 <i>(As of April 2017: 40 civilian and 20 military staff)</i> ¹⁶	Oversight, audit and technical advice to SANG on communications equipment/project
Other UK Armed Forces personnel e.g. targeting advisers at RSAF HQ		UK	c.40 <i>Including Defence Section of UK Embassy Riyadh; British Military Mission advising SANG; liaison personnel at Saudi MOD and Operational Centres</i> ¹⁷	Military training and operational advice to Saudi MOD, Air Force, Navy and National Guard at Saudi Air Operations Centre (SAOC) Riyadh, Saudi MOD, RSAF HQ Riyadh, Royal Saudi Naval Force HQ Riyadh and Royal Saudi Navy Western Fleet Command Jeddah ¹⁸
Saudi and non-Saudi employees of UK-registered subsidiaries of EADS/Airbus	Employees of UK company	UK, other European, Australia, New Zealand	c.500 ¹⁹	Installation of and support to SANG communications and electronic warfare systems ²⁰
Non-Saudi employees of UK-registered BAE Systems companies	Employees of UK company	UK, other European, Australia, New Zealand	6200 (FY 2016) ²¹ <i>Including 22 serving UK RAF personnel seconded to BAE Systems</i>	Technical, engineering and armouring functions within RSAF squadrons; munitions management; supply chain management; programme management; aircrew training; equipment repair and maintenance; commercial roles; equipment/technical advice to Saudi MOD ²²
Non-Saudi employees of foreign-registered BAE Systems subsidiaries e.g. BAE Systems Australia	Employees of UK-controlled foreign company	Other European, Australia, New Zealand		
Non-Saudi employees of Saudi-registered BAE Systems' subsidiaries and joint ventures	Employees of UK-controlled Saudi company	UK, other European, Australia, New Zealand		
Saudi employees of Saudi-registered BAE Systems' subsidiaries and joint ventures		Saudi Arabian		
Non-Saudi employees of third-party contractors for UK-supplied weapons systems	Employees of non-UK-controlled Saudi company	UK, other European, Australian, New Zealand	Unknown (100s) <i>(Contractors under the Saudi-British Defence Cooperation Programme include Al Salam Aircraft company with c. 2000 expatriate employees)</i> ²³	Maintenance, repair and upgrade/refit of military aircraft and other military equipment <i>E.g. "Tornado majors" – in-country upgrades of Tornado IDS fighter-bomber aircraft</i> ²⁴

Sources: as listed in individual footnotes (on next page).

The distinctions between these categories of personnel – public servants and private employees, employees of Saudi and UK contracting companies – provide sufficient latitude for UK ministers to tell Parliament that “UK personnel” (if narrowly understood as UK nationals employed directly by the UK government) are “not involved in carrying out strikes or selecting targets [in Yemen] and are not involved in the Saudi targeting process”;²⁵ that “[t]here is no British involvement in the coalition in targeting or weaponising aircraft to undertake missions”; and that “British personnel are not involved in carrying out strikes, directing or conducting operations in Yemen”.²⁶

In fact, as discussed further below, privately-employed UK personnel directly provide a range of maintenance, management, and armory functions to the RSAF’s Tornado IDS fighter-bombers and Typhoon fighters.²⁷ The UK government’s denials about the involvement of UK public servants (military or civilian) may be technically accurate. But in practice the distinctions between public/private and UK/Saudi categories of personnel are often arbitrary and fluid:

- As of February 2017, 22 current UK Royal Air Force personnel were seconded to the private contractor BAE Systems to provide “training and technical maintenance support” in Saudi Arabia for Hawk, Tornado and Typhoon military aircraft.²⁸ The government states that these secondees are engaged in “aircraft engineering support and aircrew instructor training roles”.²⁹ Online CVs indicate that these secondees include serving RAF weapons technicians whose stated responsibilities since February 2014, according to one CV, includes not only training but “the supervision of weapons loading” for RSAF Typhoons.³⁰

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- 15 Commons Hansard, Written Question – 110471, answered 8 November 2017, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-10-31/110471>.
- 16 Commons Hansard, Written Question – 110471, answered 8 November 2017, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-10-31/110471>.
- 17 Commons Hansard, Written Question – 4768, answered 18 July 2017, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-07-13/4768>. The UK government declines to release precise numbers for “safeguarding operational security”, but states that there are “around 125 [UK] Armed Forces personnel based in the Kingdom of Saudi Arabia”, including within SANGCOM and MODSAP, for which separate figures are available (see above). This leaves around 40 personnel in the other roles specified.
- 18 Secretary of State for Business, Innovations and Skills, ‘Summary Grounds of the Secretary of State’, *Claim No. CO/1306/2016 in the High Court of Justice, Queens Bench Division, Administrative Court*, 30 March 2016, paras. 24-26.
- 19 Annual accounts, GPT Special Project Management Ltd, various years. GPT Special Project Management Ltd had 499 employees in Saudi Arabia during FY 2016, some of whom will be Saudi nationals. A smaller number of non-Saudi employees of UK subsidiaries of Serco Plc and the (now defunct) Logica Plc have also worked in the UK and Saudi Arabia on the SANGCOM project (Interviews, SANGCOM personnel, dates and locations withheld, July 2016). Serco Plc provided four people in support of GPT “working on facilities management projects” from 2009 to 2014, but has not had been involved since then, and stressed that Serco employees never supported any unit of SANG engaged in active armed conflict. (Email correspondence with Serco Plc, 10 April 2018).
- 20 Interviewee B (former senior manager of SANGCOM contractor), date withheld, September 2016.
- 21 BAE Systems PLC, *Annual Report 2016*, p. 3.
- 22 Interviews, MODSAP and BAE Systems personnel, dates and locations withheld, July-December 2016.
- 23 <http://saic.com.sa/eng/alsalam-aircraft-co/> (n.d.); Oxford Business Group, ‘Saudi Arabia emphasises development of local defence firms’ (n.d., 2015), <https://www.oxfordbusinessgroup.com/overview/maturing-market-high-levels-investment-sector-kingdom-placing-emphasis-developing-local-defence>. Not all these employees will be working on military aircraft.
- 24 Interviewee C (former senior MODSAP official), date and location withheld, December 2016.
- 25 Lords Hansard, Vol. 771 Col. 1734, 11 May 2016.
- 26 Commons Hansard Vol. 611 Col. 403, 24 May 2016.
- 27 International Institute of Strategic Studies (IISS), *The Military Balance 2016* (London: IISS).
- 28 Commons Hansard, Written Question – 65757, answered 2 March 2017, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-02-27/65757/>.
- 29 Secretary of State for Business, Innovations and Skills, ‘Summary Grounds of the Secretary of State’, *Claim No. CO/1306/2016 in the High Court of Justice, Queens Bench Division, Administrative Court*, 30 March 2016, para. 26.
- 30 Online CV, RAF weapons technician currently on secondment in Saudi Arabia, on file, accessed 22 January 2017.

- A UK MOD team (MODSAP) is tasked to oversee and audit the provision of aircraft, weapons and services to RSAF. MODSAP staff are present at RSAF HQ to advise senior RSAF staff on their requirements and on whether they are receiving value-for-money from BAE Systems, the main private company contracted by the UK MOD to deliver the work. BAE Systems, meanwhile, also appoints (usually ex-RAF) advisers to RSAF HQ to advise Saudi Air Force leadership on their requirements and purchases: private employees who are not included in the UK MOD's disclosures in response to parliamentary answers regarding the numbers and roles of "UK personnel" deployed as advisors to the Saudi Arabian Armed Forces.³¹ According to a former senior MODSAP manager, BAE Systems requires MODSAP to discuss with them in advance any advice to be given by MODSAP to RSAF personnel that touches on BAE Systems business, in return for BAE Systems 'holding harmless' the UK MOD in commercial terms if any advice given by UK MODSAP personnel is commercially disadvantageous to BAE Systems.³²
- Since 2006, a 'Tornado Sustainment Programme' to modernise the RSAF's fleet of Tornado IDS fighter-bombers has been carried out under the government-to-government Saudi British Defence Cooperation Programme (SBDCP) – the agreement which extended the 1985 Al Yamamah agreement under which the Tornados were originally supplied. This Sustainment Programme has involved modifications made on the same aircraft in the UK and Saudi Arabia by both Saudi and UK companies, with technical personnel often swapping between the two: several Tornado weapons technicians involved in this upgrade programme were initially employed by BAE Systems at Dhahran during the 1990s; transferred to a Saudi subcontractor in the early 2000s, though working alongside more senior BAE Systems technicians in the same workshops; and then moved back to BAE Systems at Dhahran in the late 2000s.³³ Likewise some of the upgrade work, including the certification of new weapons systems, took place at BAE Systems headquarters in Warton (UK);³⁴ other work on the aircraft was undertaken by BAE Systems at the King Abdulaziz Airbase in Dhahran (Saudi Arabia);³⁵ and airframe 'major' overhaul was done by a Saudi company controlled by Saudi and U.S. partners³⁶ at Riyadh Airport.³⁷
- Finally, as in many other areas of government, examination of online CVs of BAE Systems managers indicates a regular 'revolving door' from the MODSAP team monitoring the contract, to the private company they are monitoring. This is entirely unsurprising, given that MODSAP and BAE staff work and live in such close proximity. One interviewee who moved from being a uniformed RAF officer in MODSAP to a senior civilian BAE Systems liaison officer to RSAF HQ (taking over the BAE Systems job from a predecessor who had himself been an RAF officer) described it in the following way:

“BAE Systems were not allowed to poach staff from the MODSAP team, but what frequently happened in the margins of various meetings is that you would be approached over a cup of coffee or more usually a beer in the evening to sound you out to see whether or not you might be interested in joining the company in due course. In the space of about 3 or 4 months I handed my notice in with the Royal Air Force and signed a contract with BAE Systems. On 1st [of the month] I joined BAE Systems, and I left the Royal Air Force on 29th [of the same month]. And basically the job that I was doing for BAE Systems was to become a member of the [function] team working in theory for MODSAP to deliver all of the [function] that I'd been making sure that the company actually delivered, if you see what I mean. I'd gone from being gamekeeper to poacher.”³⁸

Similar revolving doors are not uncommon between government and industry, and there is no suggestion that this arrangement is in any way unlawful. Nonetheless the combination of physical co-location of UK MOD and private contractor staff in Saudi Arabia, secondment of UK military personnel, 'revolving door' re-employment, and the fact that both government and private company have obligations to a third party (the Saudi Arabian government); all serve to remove distinctions between public and private functions to a unique degree (Section 2 below).

31 Interviewee C (former senior MODSAP official), date and location withheld, December 2016; Commons Hansard, Written Question – 46071, answered 15 September 2016, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-09-12/46071>.

32 Interviewee C (former senior MODSAP official), date and location withheld, December 2016.

33 Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016.

34 Interviewee C (former senior MODSAP official), date and location withheld, December 2016.

35 Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016.

36 A joint venture between two investment corporations, U.S. and Saudi aerospace companies.

37 Interviewee C (former senior MODSAP official), date and location withheld, December 2016.

38 Interviewee G (former senior BAE Systems manager), date and location of interview withheld, July 2017. The redactions of dates and function here are to preserve this individual's anonymity.

“The UK is not directly involved with the Saudi-led coalition.”

Lord Ahmad of Wimbledon, Minister of State in the Foreign and Commonwealth Office, House of Lords, 15 November 2017³⁹

2. THE UK–SAUDI AGREEMENTS: WHAT ARE UK PRIVATE CONTRACTORS AND EMPLOYEES OBLIGED TO DO IN SAUDI ARABIA?

When the UK became a major supplier of weapons systems to Saudi Arabia in the 1970s, it was intended that the task of operating, maintaining and servicing the weapons provided would be rapidly transferred to Saudi personnel. The SADAP MOU, the first government-to-government arms sales agreement signed between the UK and Saudi Arabia in 1973, stated that:

“An important provision in the contract with BAC [now BAE Systems] is that Saudi personnel will replace expatriate personnel in accordance with a plan which should be produced in three (3) months from the date of signing and that when such replacements take place there will be commensurate reduction in cost.”⁴⁰

In 1980, seven years into the SADAP agreement, UK MOD officials assessed privately that “it is doubtful whether the RSAF will ever be able to operate effectively without substantial expatriate contract assistance”⁴¹. When this assessment was written, BAe had some 2000 employees working with RSAF in seven locations in Saudi Arabia – a figure which has more than tripled in the intervening thirty-eight years.⁴²

In practice, ‘Saudisation’ did not get fully underway until the 1990s, and remains incomplete to this day. Though more of these BAE employees are now Saudi nationals, a range of operational roles employed by BAE Systems, technically open to both expatriate and Saudi nationals according to the recruitment specifications, are filled by expatriate (i.e. non-Saudi) employees, as Section 3 (below) shows. These include employees and secondees which state either in their CVs or in interviews that they are currently responsible for the maintenance, management and loading of weapons on both

39 Lords Hansard Vol. 785 Col. 2026.

40 Saudi Arabian Air Defence Assistance Project Memorandum of Understanding, 7 May 1973, UK National Archives, online at <https://deceptioninhighplaces.com/home/documents/memoranda-of-understanding-for-british-arms-deals-with-saudi-arabia/>.

41 ‘HDS [Head of Defence Sales] Meeting with Mr Alec Atkin of BAe Aircraft Group’, 27 November 1980, in National Archives, FCO 8/3758.

42 ‘HDS [Head of Defence Sales] Meeting with Mr Alec Atkin of BAe Aircraft Group’, 27 November 1980, in National Archives, FCO 8/3758.

Tornado and Typhoon aircraft at air bases at Dhahran and Taif; and for the day-to-day management and dispatch of the aircraft. According to currently serving and recently departed BAE Systems aircraft technicians, between 5 and 15 expatriate personnel -- both British and other nationalities -- are assigned to operational RSAF Typhoon and Tornado squadrons.⁴³

Like the supply of the equipment itself, the provision of in-person services is governed by the sequence of government-to-government agreements signed between 1973 and 2005, detailed above. What do these agreements say about the tasks that UK and other expatriate employees must and must not perform, particularly during armed conflict?

The two sets of agreements that govern the UK-supplied aircraft that RSAF currently use in combat roles are the 'Al Yamamah' agreements concerning Tornado fighter and ground attack aircraft, and the 'Al Salam' agreement concerning Eurofighter Typhoon fighter aircraft. The 'Al Salam' agreement, signed in 2005, remains entirely undisclosed. In the case of 'Al Yamamah', a preliminary "Formal Understanding" was signed in September 1985, and two more detailed agreements in 1986 and 1988. All are classified as "UK Confidential/RSAF Secret". The Guardian newspaper published the first (and least detailed) of these three agreements in 2006, after officials declassified and released it to the UK National Archives "by mistake", where it was found by researcher Nicholas Gilby.⁴⁴ The second two agreements, which contain detailed stipulations about the parties' obligations, including in times of war, have never been published.

During 2016 and 2017, however, drafts and finalised sections of the second (1986) Al Yamamah MOU and associated documents also appear to have been included amongst declassified papers released to the UK National Archives. These previously unnoticed documents show that – at least in relation to RSAF's Tornado aircraft – **the UK has made a blanket commitment to provide RSAF with UK civilian and military personnel to support and arm UK-supplied aircraft used by RSAF in an armed conflict.** They also show that during the Al Yamamah negotiations UK FCO officials were seriously concerned about the legal and political implications of this commitment, but were ultimately overridden by other parts of Whitehall.

- A draft of the Al Yamamah agreement circulated to government departments in October 1985 replicated clauses in the 1973 MOU governing an earlier UK-Saudi Arabia Aid Defence Assistance Project (SADAP). These state that:
“subject to consultation United Kingdom civilian and military personnel will remain available in Saudi Arabia for preparation, including arming and support, of the aircraft during an armed conflict, but that under no circumstances will they be permitted or requested or required actually to participate in such a conflict undertaken by the armed forces of Saudi Arabia.”⁴⁵
- The FCO's Middle East Department protested to the UK MOD's arms sales unit, responsible for negotiating the agreement, that this clause
“has the effect of not merely allowing but requiring UK civilian and military personnel to take part in the preparation of Saudi aircraft for action in an armed conflict, including their arming...At worst, this could expose HMG to accusations that they were involved in an undercover role in any number of types of unlawful military adventures; at best, it might threaten to compromise British neutrality in armed conflicts between third States.”⁴⁶
- Accordingly, a re-draft, circulated by the UK MOD in November 1985, six weeks before signature, is more restrictive:
“subject to consultation, United Kingdom civilian and military personnel will under no circumstances be permitted or requested or required to participate in a conflict undertaken by the armed forces of Saudi Arabia.”

The final version of the 1986 MOU remains secret, and the UK government has withheld in their entirety the Whitehall files

43 Interviewee E (recently retired Tornado armourer), date and location withheld, November 2016; curriculum vitae, serving BAE Systems Saudi Arabia Aircraft Engineering Supervisor, Taif.

44 David Leigh and Rob Evans, 'The secret Whitehall telegram that reveals truth behind controversial Saudi arms deal', *The Guardian (UK)*, 28 October 2006, <https://www.theguardian.com/world/2006/oct/28/bae.whitehall>. The UK MOD physically withdrew the document from the National Archives on the same day that the Guardian newspaper notified them that they had obtained a copy.

45 UK National Archives, FCO 8/6055.

46 Letter from I.C. Cliff (Middle East Department, FCO) to CR Evans (Defence Export Services Organisation, MOD) dated 29 October 1985, in UK National Archives, FCO 8/6055.

covering the last stages of its negotiation, which were due for release to the UK National Archives in 2017.⁴⁷ Remarkably, however, Downing Street papers from 1990 recently released separately to the UK National Archives include, perhaps inadvertently, an unredacted copy of this key clause from the final 1986 version of the MOU (Figure 1). These papers, first accessed by Joe Lo, a researcher with the UK Campaign Against Arms Trade, show that the final agreement reverted to the original language proposed by the UK MOD, committing UK “civilian and military personnel” to “remain available in Saudi Arabia for preparation, **including arming and support of aircraft during an armed conflict**”.⁴⁸

In short, the FCO’s legal concerns appear to have been overruled and a blanket UK commitment given to support RSAF’s combat aircraft in the event of armed conflict, suggesting that this may have been a point of insistence on the part of the Saudi government or of the UK MOD. This clause makes no mention of such support being contingent on the lawfulness of the conflict, respect for international law, or authorisation by the UN Security Council.⁴⁹

In 2006, support and supply for the RSAF’s Tornado aircraft under the Al Yamamah agreement was renamed the Saudi British Defence Cooperation Programme (SBDCP).⁵⁰ UK officials have, however, stated that “the existing contractual arrangements that existed under Al Yamamah” and the “obligations under the original MoUs” continue in force under SBDCP, and “in particular the 1986 and 1985 MoUs continue in force. They have not been annulled by the new arrangements.”⁵¹ It appears likely, therefore, that the UK may continue to be committed to providing UK personnel to undertake arming and support services for RSAF Tornados on combat operations.

The 1973 SADAP agreement also gave the UK Government, in the event of “the outbreak of war...the right, after consulting the Saudi Arabian Government, to withdraw or replace personnel **or to suspend the arrangements provided for in this document**”.⁵² The October 1985 draft of the Al Yamamah agreement repeated this language,⁵³ and it is largely retained in the final Al Yamamah agreement (Figure 1), though limiting the withdrawal or replacement of personnel to those “whose safety is endangered”⁵⁴.

It would therefore appear that the UK government, notwithstanding its commitment to provide UK personnel to arm and support RSAF’s Tornados during armed conflicts, also has the ‘all or nothing’ right to suspend its support and supply to RSAF in its entirety in such circumstances, without jeopardising the agreement as a whole. It has clearly chosen not to exercise this right in the current Yemen conflict.

47 These closed files include UK National Archives files FCO 8/6453 and FCO 8/6454 entitled ‘Sale of Tornado and Hawk Aircraft to Saudi Arabia’.

48 UK National Archives, PREM 19/3076, emphasis added. The authors are very grateful to Joe Lo and the Campaign Against Arms Trade for drawing their attention to this document, whose significance is clear when set against the interview evidence presented in this paper. To see more of Joe Lo’s work, see @joloyo.

49 In the case of the 2015 Yemen intervention, the Saudi-led coalition’s intervention is indeed authorised by the UN Security Council.

50 Alongside this renaming, support and supplies for the aircraft supplied under Al Yamamah has thereafter been funded by a new, direct funding stream from the Saudi government budget, rather than the oil revenue through which Al Yamamah was originally financed.

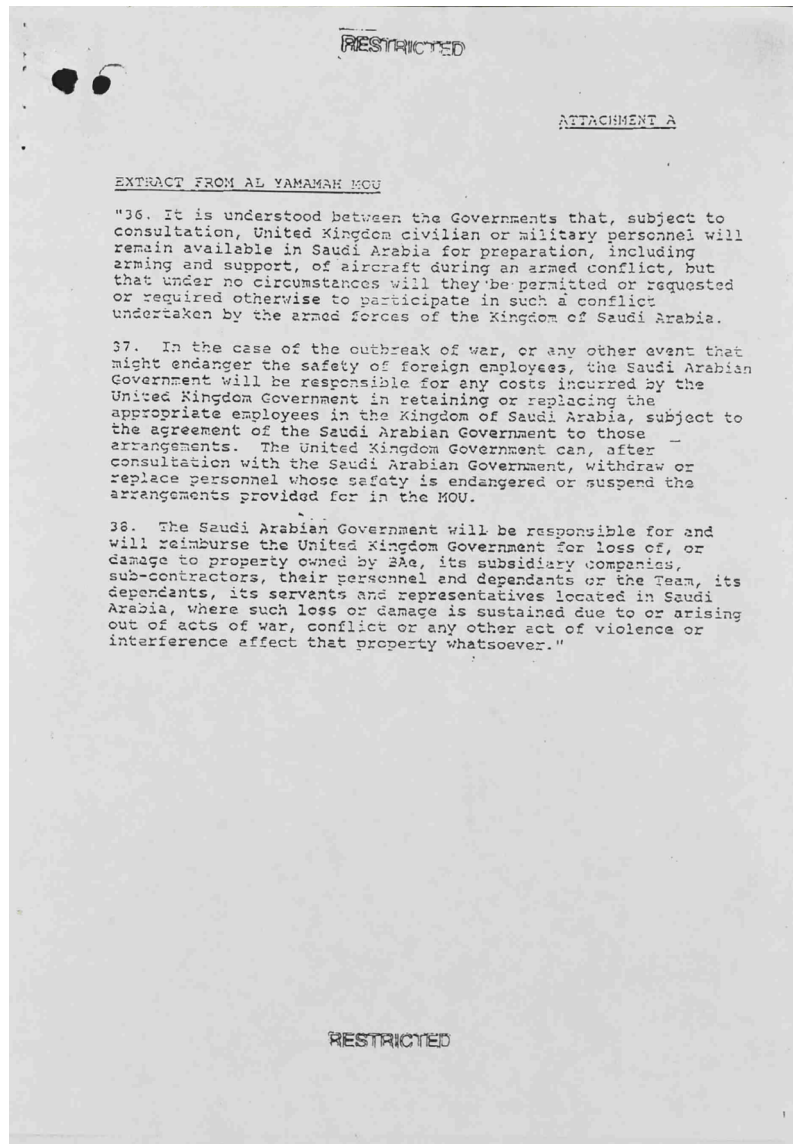
51 Statements by Stephen Pollard (then Commercial Director and Deputy Director General of MODSAP) in *CAAT v Information Commissioner* (EA 2007/0040) at the Information Tribunal, hearing of 4 March 2008. Transcript available at <https://www.caat.org.uk/resources/countries/saudi-arabia/information-tribunal/transcript-2008-03-04.pdf>. See in particular pp. 21-24.

52 Saudi Arabian Air Defence Assistance Project Memorandum of Understanding, 7 May 1973, UK National Archives, online at <https://deceptioninhighplaces.com/home/documents/memoranda-of-understanding-for-british-arms-deals-with-saudi-arabia/>. Emphasis added.

53 UK National Archives, FCO 8/6055.

54 UK National Archives, PREM 19/3076.

Fig. 1: Extract from Al Yamamah agreement included in Defence Exports Sales Secretariat briefing on Project Al Yamamah, 7 August 1990



The key definitional questions in this commitment are how the UK and Saudi governments interpret the terms ‘UK personnel’ and ‘participate’. The UK government’s historical interpretation of the first term is clear. In 1980, at the start of the Iran/Iraq war, UK MOD officials briefed the UK’s Head of Defence Sales on the war’s “Implications for [the] SADAP MOU” (which contained the same language about wartime obligations). Their brief unambiguously interprets “UK civilian and military personnel” as “the BAC [now BAE Systems] civilian work-force together with the RAF advisory team and secondees”. In other words, **almost all** of the UK nationals in Table 1 above, both publicly and private employed — UK MOD civil servants overseeing the contracts, RAF military personnel seconded to BAE Systems, and BAE’s expatriate employees — were regarded as falling under this ‘stay behind’ obligation in times of war. Section 3 below shows that members of all these categories have indeed continued to be involved in supporting RSAF’s combat operations; and explores how the UK government and its contractors have interpreted prohibited ‘participation’ in armed conflict.

“I can categorically reassure the honourable Lady and this House that no British planes have been involved in this [Saudi-led] coalition effort at all, let alone in dropping cluster munitions—that is the potential allegation.

“There is no British involvement in the coalition in targeting or weaponising aircraft to undertake missions.”

Philip Dunne, Minister of State for Defence Procurement, speaking about Saudi-led military operations in Yemen, House of Commons, 24 May 2016⁵⁵

3. WHAT DO UK PRIVATE CONTRACTORS AND EMPLOYEES DO IN PRACTICE?

Though the Al Yamamah agreement commits the UK to providing “UK civilian and military personnel” to support and arm RSAF Tornado aircraft used in active armed conflict, it also prohibits individuals from “participat[ing] in armed conflict”.

During the first Gulf War in 1990, BAE employees in Dhahran directly maintained and loaded weapons for both RAF and RSAF Tornado aircraft.⁵⁶ Indeed, one former BAE Crew Chief at Dhahran has claimed to the UK Ministry of Defence that “it was left up to literally a handful of us experienced ex-RAF personnel to direct combat ground operations” during this period.⁵⁷ BAE Systems personnel at Dhahran received both the UK Gulf War Medal, and certificates from RSAF for having “participated” in the Liberation of Kuwait (a description of their role which would not seem consistent with the language in the Al Yamamah MOU explicitly prohibiting ‘participation’ in an armed conflict).⁵⁸

55 Commons Hansard Vol. 611 Col. 403.

56 Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016.

57 Correspondence to UK Ministry of Defence, 14 February 2014, released via Freedom of Information, 1 May 2015.

58 Correspondence to UK Ministry of Defence, 14 February 2014, released via Freedom of Information, 1 May 2015; Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016.

Fig. 2: RSAF Certificate of Appreciation given to military aircraft technician (UK national) employed by BAE Systems, Dhahran, 1991 (name withheld)⁵⁹



BAE Systems' attitude to the frontline involvement of its employees with RSAF combat aircraft appears to have tightened during subsequent conflicts in which the UK itself has not directly participated. In November 2009, RSAF began airstrikes in the Sa'dah governorate of northern Yemen following fighting between Yemeni, Saudi and Houthi forces near the Yemeni-Saudi border. An expatriate Tornado armourer working at a Saudi air base at that time described undertaking armouring tasks for aircraft engaged in Yemeni operations at the start of the 2009 engagement, and then being "pulled back" into an advisory role by his managers. He insisted, though, that he was still expected to be present during some ground support activities and to undertake maintenance on the aircraft engaged in Yemen, thereby continuing the blurring of advisory and operational roles:

"Our contracts said we were trainers, we weren't supposed to be necessarily operational. But we became operational. When they started bombing Yemen, a big question came up because we were still doing a lot of the work, when all of a sudden someone must have asked questions and went to both governments... and we were pulled back, not to do any of the physical [work], we could assist but we weren't to do any of the physical work because we weren't really supposed to be involved in that conflict... The managers basically pulled us back, and the Saudis did it all, but we were in the background watching if there was a breach of safety coming up then we'd sort of whisper in their ear and try and resolve it that way. [Interviewer: "And what was the work?"] Well, putting weapons on aircraft, and getting aircraft prepped to go and bomb Yemen.

"... [Interviewer: Did you think relations with Saudis changed when the conflict started, the Yemen conflict, and you got pulled back? Was there a big shift that you noticed?] No, because a lot of people, sort of said "well, that's their problem"... Usually behind the scenes, late at night during the back-shift or the night-shift, all the maintenance of getting jets serviceable was done by us [expatriates].

"... Basically it was the same as what the guys would do in England... in the air force, it's the same sort of work, it's just that when you go out on a job you take a trainee with you, and when you're not on the jobs you're supposed to teach them theory and put them through the exams and all this sort of thing. You could have up to five trainees, full time trainees... Initially when I first got there we were just doing work because there were very few trainees, so we just did what we normally did, and as the trainees came in we started involving them. But we still ended up doing most of the work... their days were shorter than ours, and we used to work night and day shifts, you'd have two weeks on day shift, then two weeks on night shift. But the Saudis, like our night shift would be till 11 o'clock at night, the Saudis would be till 7 o'clock. And we were actually paid as technical trainers, [but] we weren't. The theory was we weren't supposed to do the job, the way it was sort of structured... it was easier

59 Source and date of receipt withheld.

*to get us to do the job...so we ended up doing a lot of roles that we weren't necessarily contracted to do....So a lot of times there became a lot of contentious issues about, you know, what we had to do, "no, I'm not doing that because they should be doing it", and sometimes it could be very intense."*⁶⁰

This combination of operational and training/advisory roles appears to have continued in the recent conflict.⁶¹ One BAE employee present in Saudi Arabia during the current round of Saudi-led operations in Yemen since March 2015 -- a senior manager not directly involved in delivering front-line services or maintenance, but with overview of BAE's operations -- reported that uniformed RSAF personnel were undertaking support services and "*the basic maintenance*" at the Forward Operating Base from which most Yemen sorties were being flown by RSAF and Coalition Partner combat aircraft; but that "*if the aircraft [on active armed combat] required deep maintenance [i.e. second or third line maintenance], and all aircraft do... in that respect the aircraft would go back to their main base to have the major servicing done, and there are a number of expats working on these jets*", though "*the numbers have dwindled significantly in the last five years*".⁶²

Job specifications produced by BAE Systems in February 2017 suggest that BAE employees continue to be responsible for coordinating maintenance for the weapons systems of all RSAF's Tornado IDS (ground attack) aircraft, both in training and operational squadrons, and including those deployed to Forward Operating Bases.⁶³ Online CVs of currently serving employees, moreover, claim that UK nationals employed since 2016 both as Weapons Supervisors by BAE Systems and as Armourers by a Saudi subcontractor are present at Taif airbase to provide services to the RSAF's Typhoons, which according to Saudi public statements have been deployed from Taif into the Yemen conflict during 2017.⁶⁴ One BAE Systems expatriate technician/avionics manager for RSAF's Typhoons specifically describes in his CV being "*employed at a forward operating base within the Kingdom of Saudi Arabia*", working "*in both training and engineering environments*".⁶⁵

As the table below shows, personnel responsible for weapons maintenance and loading include recently-departed RAF personnel, as well as currently serving RAF personnel seconded to BAE Systems.

60 Interviewee E (recently retired Tornado armourer), date and location of interview withheld, November 2016.

61 Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016; Interviewee E (recently retired Tornado armourer), date and location withheld, November 2016.

62 Interviewee G (former senior BAE Systems manager), date and location of interview withheld, July 2017.

63 Job Specification document for BAE Systems Armaments Controller based at Dhahran, dated 26 February 2017: post is responsible for "*controlling, directing and monitoring all aspects of scheduled and unscheduled avionic maintenance... Monitor maintenance on all assigned aircraft (currently eighty one (81) Tornado IDS and all associated weapons support equipment...[requires] [k]nowledge of armament components, IM armament bay capabilities and processes to support operation of Tornado aircraft at KAAB [King Abdullah Air Base] and Forward Operating Bases.*"

64 E.g. Saudi government announcement of death of Typhoon pilot in Yemen's Abyan province in September 2017: 'Coalition Command announces martyrdom of pilot during an operation against Al-Qaeda in Yemen', 14 September 2017, <http://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1666045>. For a roundup of Saudi media sources identifying the aircraft as a Typhoon, see: <https://theaviationist.com/2017/09/14/saudi-eurofighter-typhoon-crashes-during-combat-mission-in-yemen-killing-the-pilot/>.

65 Online CVs accessed 28 July 2017, 16 August 2017; copies on file.

Table 2: some operational roles with RSAF Typhoon and Tornado aircraft currently fulfilled by UK expatriate employees, according to BAE Systems JDs and individual CVs

Job Title	Job Description (from job specification document)	Job Description (from individual CV)	Current UK expatriate employees? (example)⁶⁶
Weapons Load Technicians	<i>“To accomplish safe reliable loading of munitions to Tornado aircraft plus required configuration changes, maintains aircraft weapons systems, performs required functional checks, arm, de-arm. He will also conduct on-the-job training of assigned personnel...Coordinate with the AGF Weapons supervision to be aware of monthly, weekly and daily planning requirements with Plans - Scheduling and Documentation including Flying Operations Section to ensure effective use of aircraft and equipment to meet mission requirements”</i>		Former Royal Air Force Sergeant, moved to BAE Systems in Saudi Arabia in 1998
Line Control Supervisors / Flight Dispatchers		<i>“Day-to day management, direction and control of a flight line of 24 aircraft, ensuring continuing airworthiness and maintenance activities on Typhoon aircraft is carried out in accordance with authorized procedures and processes”</i>	Former Royal Air Force NCO, moved to BAE Systems in Saudi Arabia in 2013
Weapons Supervisors		<i>“Eurofighter Typhoon weapons Systems. Responsibilities include the supervision of weapon loading and maintenance of Crew Escape systems”</i>	Serving Royal Air Force NCO seconded to BAE Systems in Saudi Arabia in February 2014
Aircraft Engineering Supervisors		<i>“Overseeing and assisting with all routine, preventative and emerging maintenance tasks on the complex Eurofighter Typhoon weapons platform. ... liaising with other aircraft trades to negotiate and assist tasks where possible...to take into account RSAF operational requirements and work required on armed aircraft”</i>	Former Royal Air Force NCO, moved to BAE Systems in Saudi Arabia in November 2014

Sources: job description documents for recruitment of expatriate and Saudi nationals, BAE Systems; curricula vitae of serving BAE Systems staff

66 Names of these individuals are on file but have been withheld here.

ARE UK EMPLOYEES PHYSICALLY OR LEGALLY IN HARM'S WAY?

UK employees working with the Saudi armed forces may not be fighting on the front lines, but the evidence set out above does indicate that they help maintain, manage and weaponise the aircraft which constitute the backbone of Saudi Arabia's air war in Yemen. These roles are unlikely to carry the physical risks of frontline combat -- though in previous decades the frontline came to the UK employees. Two civilian BAE ground crew members who serviced in-combat RSAF Tornados at Dhahran during the 1991 Gulf War reported separately that BAE employees were left for over a week before a BAE Systems BAC-111 aircraft arrived to evacuate them, and that many employees then stayed after evacuation was offered.⁶⁷ One described coming under Scud missile attack, at a time when Coalition forces feared Iraq would deploy chemical weapons in its Scuds; another described facing the risk of injury from helping to drag a damaged RSAF Tornado off the runway armed with damaged JP233 mine-laying/cluster munition units.⁶⁸ One described UK expatriate employees taking off their own CBRN protective suits during a chemical alert at Dhahran in solidarity with colleagues from South Asia who lacked CBRN equipment, highlighting both the powerful sense of commitment to their support role that several UK employees expressed in interviews for this paper, and their sense of physical vulnerability.⁶⁹

Beyond such **physical** risks – which may not be so acute in the current Yemen conflict – do the activities and functions set out above generate the kinds of **legal** risks for UK civilian employees that are more familiar to uniformed personnel? In particular, as allegations mount that recent RSAF air warfare operations may have involved grave breaches of international humanitarian law, do UK civilian employees risk individual or corporate complicity in such alleged breaches? Certainly the research presented here has found no evidence that UK employees are involved in selecting targets, piloting or crewing aircraft, or releasing weapons. Arming aircraft deploying **inherently** indiscriminate weapons such as cluster munitions might generate issues of legal liability (though our research found no evidence that the UK's 2008 “pullback” from UK involvement in RSAF's cluster munition inventory has been breached); nonetheless, significantly, the UK law implementing the cluster munition convention was specifically drafted in 2010 in a way which provides substantial protection from prosecution for UK employees working for RSAF under Al-Yamamah and Al-Salam if they do load, maintain or otherwise provide support for RSAF's cluster munitions (Box 1 below).

Some jurists believe, nonetheless, that existing jurisprudence in international public law means that individuals may not have to **intend** to assist such war crimes in order to be held criminally liable for aiding and abetting them, but only to **know** that their actions would, or would be likely to, assist such crimes.⁷⁰ Knowledge of RSAF conduct in Yemen, including its use of inherently indiscriminate weapons in civilian areas, may thus be an additional area of risk for UK employees, and UK public servants, working under Al Yamamah and Al Salam.

67 Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016; Correspondence to UK Ministry of Defence, 14 February 2014, released via Freedom of Information, 1 May 2015.

68 Correspondence to UK Ministry of Defence, 14 February 2014, released via Freedom of Information, 1 May 2015.

69 Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016.

70 See for instance the review of criminal liability issues in UK and U.S. assistance to RSAF by Professor Ryan Goodman (Professor of Law, New York University School of Law and Special Counsel to the General Counsel of the U.S. Department of Defense, 2015-16): Professor Ryan Goodman, ‘The Law of Aiding and Abetting (Alleged) War Crimes: How to Assess US and UK Support for Saudi Strikes in Yemen’, 1 September 2016, <https://www.justsecurity.org/32656/law-aiding-abetting-alleged-war-crimes-assess-uk-support-saudi-strikes-yemen/>.

COMPLIANCE WITH THE 2008 CLUSTER MUNITIONS CONVENTION AND UK LEGISLATION

Between 1986 and 1989, the UK supplied 500 BL-755 cluster munitions to Saudi Arabia under the Al Yamamah agreement.⁷¹ In December 2016, after repeated UK and Saudi government denials, both governments admitted that RSAF had dropped BL-755 cluster munitions in the current Yemen conflict.⁷² The UK government subsequently told Parliament that “[w]e welcome the Saudi commitment to cease use of UK-manufactured BL-755 cluster munitions and have offered to assist with the destruction of any remaining stocks of the weapon”.⁷³ In fact, as of November 2017, the UK MOD **appears not to have made any such destruction offers since 2010**.⁷⁴ The UK MOD had previously destroyed RSAF’s remaining stock of 560 UK-produced JP223 munitions (which scattered anti-personnel landmines) after the UK signed the Mine Ban Convention in 1998.⁷⁵ It offered free BL-755 destruction training to RSAF personnel in May 2009, and between 2007-10 offered to remove and destroy remaining RSAF stocks of BL-755s “in line with the UK’s commitment to the [2007] Cluster Munitions Convention”, in return for upgraded Paveway 3 bombs.⁷⁶ According to the UK MOD, RSAF rejected these offers.⁷⁷ (The UK reportedly agreed to supply next-generation Paveway 4 bombs anyway, under a commercial contract signed in late 2013).⁷⁸ The UK MOD has declined to release correspondence relating to these destruction offers, and it is unclear why the UK ceased making these offers in 2010.

UK legislation implementing the Cluster Munitions Convention makes it a criminal offence for UK nationals, wherever located in the world, to “use” a cluster munition; or to “assist, encourage or induce” anyone else to use such weapons.⁷⁹ A BAE Systems armourer and a former senior MODSAP official involved with auditing weapons supplies both described a definitive “pull back” of BAE Systems employees from direct handling of cluster munitions or training for their use when the UK signed and ratified the Cluster Munitions Convention:⁸⁰

“Initially, [cluster bombs] were part of our training roles and operational roles. Then certain weapons were removed. We were no longer involved in them. Whether they were still being used or not, I don’t know. Maybe the Saudis were still using [them] -- Saudi personnel. But all British Aerospace personnel, we no longer trained or fitted or removed those sorts of weapons... So they existed, if someone was using them, it wasn’t us, because there was a requirement for us to stop.”⁸¹

This is consistent with UK MOD statements that following the 2007 Oslo Declaration on Cluster Munitions, the UK informed RSAF that it could no longer provide support services for RSAF’s BL-755 munitions, and withdrew “manpower support for the maintenance, handling and storage of these munitions...at the end of 2008”.⁸²

Nonetheless UK cluster munitions legislation drawn up in 2010 incorporates a specific ‘interoperability’ clause, without precedent in other weapons-specific ban laws, which shields UK civilian personnel from wrongdoing if they support the use of cluster munitions under a government-to-government programme.

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- 71 UK MOD Response to FOI request, 30 November 2016; statement by Michael Fallon MP (Secretary of State for Defence), 19 December 2016, Commons Hansard Vol. 618 Col. 1215.
- 72 Professor Ryan Goodman, ‘Saudi Arabia Finally Admits to Using Cluster Bombs in Yemen—After Pattern of Denials’, *JustSecurity*, 20 December 2016, <https://www.justsecurity.org/35724/saudi-arabia-finally-admits-cluster-bombs-yemen-after-pattern-denials/>.
- 73 Earl Howe (Minister of State, Ministry of Defence), written response to Parliamentary Question, 6 February 2017 (HL Deb, 6 February 2017, cW).
- 74 UK MOD, response to Freedom of Information request, 30 November 2016; Commons Hansard, Written Question – 111165, answered 7 November 2017, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-11-02/111165/>.
- 75 UK MOD, response to Freedom of Information request, 27 September 2016.
- 76 UK MOD, response to Freedom of Information request, 30 November 2016.
- 77 UK MOD, response to Freedom of Information request, 30 November 2016.
- 78 Tony Osborne, ‘Saudi Arabia becomes first Paveway IV Export Customer’, *Aviation Week*, 26 March 2014.
- 79 Landmines Act 1998, s.2.
- 80 Interviewee C (former senior MODSAP official), date and location withheld, December 2016; Interviewee E (recently retired Tornado armourer), date and location of interview withheld, November 2016.
- 81 Interviewee E (recently retired Tornado armourer), date and location of interview withheld, November 2016.
- 82 UK MOD response to FOI request, 30 November 2017.

Such interoperability clauses are more familiar for military personnel. The UK's landmine-ban legislation, passed in 1998, contains an exemption for UK nationals – civilian or military – engaged in an “International Military Operation” involving UK military personnel and the military personnel of a state which has not signed the Mine Ban Convention, who subsequently use anti-personnel landmines.⁸³ No such exemption or protection exists in the UK landmine-ban law for UK nationals engaged in a military operation in which UK military personnel are **not** involved, as ostensibly in Saudi Arabia.

However, the corresponding UK legislation introducing the cluster munition ban in 2010 – otherwise a near carbon copy of the UK landmine-ban legislation – includes an additional exemption, for UK nationals involved in an “International Military Cooperation Activity”: defined as “*an activity, other than a military operation, undertaken in pursuance of co-operation between the government of the United Kingdom and the government of one or more States other than the United Kingdom*”.⁸⁴ This exemption could almost have been written with the Al Yamamah and Al Salam government-to-government programmes explicitly in mind. Parliamentarians did not raise or discuss this additional exemption anywhere in the parliamentary debate on the Cluster Munitions legislation.⁸⁵ (It is also unclear whether this UK exemption is consistent with the spirit of the Cluster Munitions Convention itself, which includes an exemption for the “military personnel or nationals” of State Parties to “engage in military cooperation and operations with States not party to this Convention”, but no such exemption for the kinds of civilian support roles described above).⁸⁶

Questions also remain over UK support for RSAF to use cluster munitions other than the BL-755. Most of Saudi Arabia's stocks of air-launched cluster munitions are U.S.-supplied. UK-supplied RSAF Typhoons and Tornados would have to be specifically modified to carry them. A former BAE Systems Saudi Arabia Tornado technician and former senior MODSAP official, both working during the Tornado Sustainment Programme (TSP) during the 2000s, stated that during the programme BAE Systems technicians had to make specific modifications to each upgraded RSAF Tornado's wing pylons and avionics for each additional weapons system to be used, including returning the aircraft to BAE's Warton facility in the UK for modifications to equip them to carry (UK-supplied) Brimstone and Storm Shadow missiles, and other pylon modifications done at Dhahran air base in Saudi Arabia.⁸⁷ Asked in Parliament whether UK-supplied and upgraded Tornados had been certified to carry cluster munitions, the UK Secretary of State for Defence declined to confirm or deny the situation regarding cluster munitions other than the UK-supplied BL-755:

“The Release to Service (RTS) document that details the UK-assured carriage, release and jettison clearances for munitions operated by Royal Saudi Air Force Tornado aircraft included BL-755 munitions until the end of 2008. The certification for BL-755 was removed from the Tornado RTS, irrespective of the aircraft standard, in 2008. Details of the wider capabilities of Royal Saudi Air Force aircraft are a matter for the Government of Saudi Arabia and their suppliers.”⁸⁸

83 Landmines Act 1998, s.5.

84 Cluster Munitions (Prohibitions) Act 2010, s.9(3).

85 In the bill's second Commons' reading, and at Committee Stage, David Lidington MP raised the question of whether UK civilian contractors working for the UK armed forces would be protected by the interoperability exemption in s.9, but does not appear to have considered UK civilian contractors working for other countries' armed forces. See Commons Hansard, 17 March 2010, Col. 898; 23 March 2010, Col. 161.

86 Cluster Munitions Convention 2008, Article 21.

87 Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016; Interviewee C (former senior MODSAP official), date and location withheld, December 2016.

88 Secretary of State for Defence (Michael Fallon MP), written parliamentary answer, 23 January 2017 (HC Deb, 20 January 2017, cW). Emphasis added.

Beyond UK or international legal hazards which have yet to materialise, several UK employees interviewed for this paper described facing domestic legal hazards in Saudi Arabia. These legal hazards were most acute when employees sought to raise alleged impropriety or misconduct. One UK employee described in detail the treatment they faced when highlighting alleged evidence of financial corruption within their programme. Shortly after the employee raised this evidence with the UK MOD, the (expatriate) CEO of the UK contractor which employed them allegedly threatened the employee with arrest and imprisonment by the Saudi police on grounds of theft of the evidentiary documents of this alleged corruption.⁸⁹ The employee was able to leave Saudi Arabia before these legal threats could be carried out, but only through a rapid and semi-clandestine departure the same day.⁹⁰ The CEO and the head of human resources for the contractor company – the latter a member of the Saudi Royal Family and a relation of the individuals allegedly benefitting from alleged corruption – subsequently reiterated these accusations by email, before dismissing the employee.⁹¹

This legal vulnerability is exacerbated by the practice of some UK contractors operating in Saudi Arabia retaining their UK employees' passports while in the country, requiring employees to request their passports back in order to travel out of the country. Employees working under both SBDCP and SANGCOM mentioned this practice.⁹² This practice does not appear to have been universal: one former UK sub-contractor to SANGCOM, Serco Plc, insisted that they had never undertaken such a requirement, and "had no evidence to suggest that this was a requirement during our period of work up to 2014". Nonetheless two interviewees of other contractors asserted they were told that it was prohibited to keep their UK passport and 'iqama' (Saudi work permit) together, thus having to hand over one to their employer's human resources department to get the other back; though one mentioned being told that this was no longer mandatory under Saudi law from 2015 onwards.⁹³ All but one of the interviewees who mentioned this practice regarded it as a means of "keeping control" over expatriate employees.⁹⁴

The consequences of this control, whether intentional or not, are clear. The whistle-blower employee mentioned above reported that their human resources director demanded three times in writing that they should hand over their passport to the human resources director (the employee refused). This employee's predecessor, who raised similar concerns, was allegedly less fortunate: they alleged in a signed witness statement that the head of human resources "confiscated" their passport and, at the behest of the CEO, cancelled their return flight to London on the grounds that their working visa had been extended for an extended 'trial period' for alleged poor performance, and that they would only be permitted to return to the UK after this extended trial period was over. They were only permitted to leave the country, they alleged, after agreeing to resign. Throughout this they alleged that they "had no legal rights or representation".⁹⁵ The company concerned declined to comment for this paper.

A senior finance manager of the company, who had previously raised the same concerns internally within the company, went further still. He raised concerns with internal management about threats to his and wife's physical safety, in the absence of their ability to move freely. Although it is difficult independently to gauge whether such extreme concerns were well-founded, the most senior group compliance official at their company's head office clearly took them seriously: after receiving the finance manager's disclosure he advised them in person, by text message and by email that he and his family should be cautious when moving around and driving in Saudi Arabia; and raised concerns about elevating the finance manager's concerns because he "*cannot accept that someone will be killed because of me*", promising in a subsequent message that "*if*

89 Interview, date and location withheld.

90 Interview, date and location withheld.

91 Copy of email correspondence viewed by author, date withheld.

92 Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016; Interviewee B (former senior manager of SANGCOM contractor), date withheld, September 2016; Interviewee C (former senior MODSAP official), date and location withheld, December 2016; Interviewee G (former senior BAE Systems manager), date and location of interview withheld, July 2017).

93 Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016; Interviewee G (former senior BAE Systems manager), date and location of interview withheld, July 2017). Serco Plc, sub-contractor to the SANGCOM project from 2009 to 2014, insists that they never undertook this practice. Email correspondence from Serco Plc, 10 April 2018

94 Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016; Interviewee B (former senior manager of SANGCOM contractor), date withheld, September 2016; Interviewee C (former senior MODSAP official), date and location withheld, December 2016.

95 Copy of witness statement seen by author.

you or your new family are physically assaulted or worse, I will speak up".⁹⁶

Significantly, working for a UK-registered company in Saudi Arabia deprives contractors of civil legal redress that would be open to UK-based employees in such situations. These employees are contractually governed by Saudi Labour Law, and a UK Employment Tribunal ruled in August 2011 that UK courts/tribunals do not have jurisdiction over violations of employment law, including constructive dismissal, by UK companies if the employees concerned are primarily based in Saudi Arabia. Saudi Labour Law contains no protections for whistle-blowers, and indeed a 2014 terrorism law has potentially criminalised many forms of whistleblowing if categorised as "insulting the reputation of the state," "harming public order," or "shaking the security of society".⁹⁷

BAE Systems itself also seeks to reduce disclosure of concerns or wrongdoing outside the company by asking many of its departing civilian employees to sign strict Compromise Agreements, which are becoming increasingly common throughout the commercial world to prevent employees from bringing employment disputes against their employers. These Compromise Agreements also incorporate a stringent Non-Disclosure Agreement that includes a clause preventing employees from making statements disparaging or derogatory to BAE Systems.⁹⁸ Before signing these Agreements, employees have the right to prior legal advice, which is arranged by BAE Systems itself from a firm of solicitors in the north-west of England.⁹⁹ Departing staff have received a payment of up to GBP 15,000 in return for signing such Compromise Agreements (in addition to redundancy pay) which is repayable if the agreement is not respected.¹⁰⁰

96 Email correspondence and transcript, dates withheld, copies seen by author.

97 S. Wolfe, M. Worth, S. Dreyfus, A.J. Brown, *Whistleblower Protection Rules in G20 countries: the next action plan* (Transparency International Australia, University of Melbourne, Griffith University: June 2014), pp. 47-48, <http://transparency.org.au/wp-content/uploads/2014/06/Action-Plan-June-2014-Whistleblower-Protection-Rules-G20-Countries.pdf>. See also Amnesty International, "Saudi Arabia: New terrorism law is latest tool to crush peaceful expression", 3 February 2014, <https://www.amnesty.org/en/latest/news/2014/02/saudi-arabia-new-terrorism-law-one-more-tool-crush-peaceful-protest/>.

98 Compromise Agreement of former BAE Systems employee recently made redundant, seen by author.

99 Correspondence from solicitor firm, seen by author.

100 Compromise Agreement of former BAE Systems employee recently made redundant, seen by author. Such agreements explain in part why relatively few recent BAE Systems employees were willing to speak with the authors in the course of preparing this paper.

“We do not have full visibility of the prime contractor’s manpower footprint in Saudi Arabia, the detail of which forms part of the commercial arrangements underpinning the delivery of much of the contracted support and is therefore sensitive.”

Secretaries of State for International Trade, Defence, Foreign Affairs and International Development, response to House of Commons Foreign Affairs Committee, November 2016

4. WHAT DOES THE UK GOVERNMENT KNOW ABOUT RSAF OPERATIONS INVOLVING UK NATIONALS?

On 10 July 2017, in the face of judicial challenge from arms trade campaigners and human rights organisations, the UK High Court ruled that the UK’s supplies of military aircraft, munitions and other military equipment used by Saudi Arabia during the ongoing conflict in Yemen were lawful under UK export control law, despite that law’s prohibition of arms supplies “*if there is a clear risk that the items might be used in the commission of a serious violation of international humanitarian law*”.¹⁰² The court did not rule on whether the Saudi Arabian armed forces **had** in fact committed war crimes or other serious violations of international law using UK-supplied weapons. Instead, the judges argued that it was rational for licensing officials and UK ministers to judge that no ‘clear risk’ existed that Saudi forces might commit such violations.¹⁰³

The reasonableness (and thus the lawfulness) of the government’s risk assessment in this case rests on the “*inherent difficulties for a non-party to a conflict to reach a reliable view on breaches of International Humanitarian Law by another*

101 House of Commons Foreign Affairs Committee, *Fourth Report Session 2016–17: The use of UK-manufactured arms in Yemen: Response of the Secretaries of State for International Trade, Defence, Foreign and Commonwealth Affairs, and International Development* (Cm 9353), November 2016.

102 Consolidated EU and National Arms Export Licensing Criteria, reproduced in Commons Hansard, 25 March 2014, Column 9WS, <https://publications.parliament.uk/pa/cm201314/cmhansrd/cm140325/wmstext/140325m0001.htm#14032566000018>

103 Judgement in *The Queen on the Application of Campaign Against Arms Trade and The Secretary of State for International Trade and (1) Amnesty International, (2) Human Rights Watch, (3) Rights Watch (UK), (4) Oxfam* ([2017] EWHC 1726 (QB)), 10 July 2017, <https://www.judiciary.gov.uk/wp-content/uploads/2017/07/r-oao-campaign-against-arms-trade-v-ssfit-and-others1.pdf>

sovereign state”, since that non-party “would not be likely to have access to all the necessary operational information.”¹⁰⁴

The UK government’s assessment that there is no ‘clear risk’ that RSAF will not use UK weapons systems in IHL violations rests, therefore, upon a state of knowing and not knowing. UK officials can argue that they undertake export due diligence by making all possible efforts to find out how Saudi forces are using their weapons, through their “unparalleled access to the decision-makers of the Saudi Air Force HQ”;¹⁰⁵ but that the UK government is nonetheless unable to “[reach] a conclusion as to whether or not an IHL violation has taken place in relation to each and every incident of potential concern that comes to its attention” because the UK government is not, in theory, operationally involved.¹⁰⁶

As we have seen, however, UK employees of UK contractors to the UK MOD fulfil ongoing operational roles – from armouring to fleet management -- for the RSAF military aircraft accused of use in IHL violations. This arguably stretches the definition of ‘non-party’ to the conflict in Yemen. What information, then, do these service providers give the UK government about when, where and how RSAF uses UK-supplied weapons systems? The evidence presented below – drawn from official documents, former UK officials and private UK employees -- suggests that the UK government’s level of knowledge is considerably greater than it has suggested to parliament and the public; and that it has nonetheless avoided using this knowledge to inform its judgements about alleged abuses using these weapons.

A SYSTEM OF KNOWING

The starting point for the UK’s argument that it cannot know how RSAF is using UK weapons is the UK MOD’s insistence to parliament that since the majority of those UK nationals involved directly with the operation of UK weapons systems in Saudi Arabia are private employees, the UK MOD lacks “full visibility” over their “footprint”: that it does not know how many there are at any one time, or precisely what they do.¹⁰⁷ This claim is open to challenge on four counts:

- The main contractors are contracted by the UK MOD, not by RSAF or SANG. Their costs and expenses are paid and audited directly by the UK MOD, which is subsequently reimbursed by the Saudi government’s Finance Agency.¹⁰⁸ It seems remarkable that the UK MOD cannot know how many personnel are working on one of its own contracts, in contrast to contracting standards for other parts of government.¹⁰⁹
- Dedicated UK MOD teams (MODSAP and SANGCOM) oversee and audit the contractors’ activities, with MODSAP and SANGCOM personnel permanently present in Saudi Arabia, in some cases co-located with contractor staff. For example, SANGCOM advisors and GPT employees work alongside each other within the ‘MOD villa’ at Kashm Al Ayn (also the location of the SANG School of Signals) and within SANG regional command centres in western, central and

104 Judgement in *The Queen on the Application of Campaign Against Arms Trade and The Secretary of State for International Trade and (1) Amnesty International, (2) Human Rights Watch, (3) Rights Watch (UK), (4) Oxfam* ([2017] EWHC 1726 (QB)), 10 July 2017, <https://www.judiciary.gov.uk/wp-content/uploads/2017/07/r-oao-campaign-against-arms-trade-v-ssfit-and-others1.pdf>, para 181.

105 Judgement in *The Queen on the Application of Campaign Against Arms Trade and The Secretary of State for International Trade and (1) Amnesty International, (2) Human Rights Watch, (3) Rights Watch (UK), (4) Oxfam* ([2017] EWHC 1726 (QB)), 10 July 2017, <https://www.judiciary.gov.uk/wp-content/uploads/2017/07/r-oao-campaign-against-arms-trade-v-ssfit-and-others1.pdf>, para 123.

106 Commons Hansard, Written Question – 58670, answered 16 January 2017, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-01-06/58670/>.

107 See also e.g. Tobias Ellwood MP (Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs), Written Ministerial Statement, 21 July 2016, <https://www.theyworkforyou.com/wms/?id=2016-07-21.HCWS125.h&s=yemen+allegations#gHCWS125.0>.

108 Interviewee C (former senior MODSAP official), date and location withheld, December 2016; Interviewee B (former senior manager of SANGCOM contractor), date withheld, September 2016.

109 To take just one instance: the Department for Work and Pensions (DWP) is able to tell Parliament exactly how many medically-trained staff are employed by contractors to undertake benefits assessments in each of the assessments centres around the country: Mark Harper, Minister of State, Department for Work and Pensions, Commons Written Answer, 5 September 2014 (HC Deb, 5 September 2014, c363W), <https://www.theyworkforyou.com/wrans/?id=2014-09-05a.20716.0.h&s=atos+how+many+section%3Awrans#g207160.q0>.

eastern Saudi Arabia.¹¹⁰

- MOD contractors generate detailed quantitative reporting of RSAF's use of UK-supplied weaponry, and other weapons used by UK-supported RSAF aircraft. According to former senior MODSAP personnel, BAE Systems receives quantitative "feedback reports" detailing the amounts of munitions and ammunition expended by UK-supported aircraft for accounting and project management purposes, and alleges that this reporting is available to MODSAP.¹¹¹ The UK MOD has more recently denied this, stating that BAE Systems has no reporting requirements to the UK MOD relating to "munitions used or expended".¹¹² Nonetheless a former MODSAP official with direct responsibility in this area described how reporting worked in practice: they gave an example of the Hawk trainer/ground-attack aircraft stationed at King Fahad Air Base in Taif running out of 30mm cannon ammunition during training in the mid-2000s. According to this official, both BAE Systems and MODSAP knew from their feedback reports that stocks of 30mm ammunition were running low, but were unable to persuade RSAF to restock. Eventually RSAF proposed using a stock of French-manufactured DEFA 30mm cannon ammunition purchased during the 1970s; with BAE Systems unable to assure it for safety or even persuade a commercial air carrier to transport it for testing, BAE Systems eventually refused to allow their employees to be involved with the use of this old ammunition.¹¹³ Both this official and former RSAF Tornado technicians therefore insisted that if Hawk, Tornado or Typhoon aircraft use UK-supplied munitions on particular sorties in Yemen, it is highly unlikely that BAE Systems and MODSAP will not know about it (though they may not of course know in detail the circumstances in which it has been used in Yemen).¹¹⁴
- The weapons systems used by UK-supplied and -supported aircraft are known to the UK MOD because each weapons system requires modifications to each aircraft's wing pylons, avionics and other systems, undertaken prior to delivery or during the Tornado Sustainment Programme (TSP) upgrades in the mid- to late 2000s. The UK Defence Secretary answered a recent parliamentary question about whether TSP-modified or -certified RSAF Tornado aircraft to carry cluster munitions other than the BL-755 with the response that "[d]etails of the wider capabilities of Royal Saudi Air Force aircraft are a matter for the Government of Saudi Arabia and their suppliers".¹¹⁵ Yet a draft of an agreement attached to the 1986 Al Yamamah MOU, detailing the supply of weapons for the RSAF Tornado aircraft, states clearly that the UK MOD will itself "observe the Weapons Clearance Programmes carried out by [BAE]" for all the aircraft and weapons systems supplied under the Al Yamamah deal; and that the UK MOD itself, on behalf of the Saudi Arabian government, will issue a "Certificate of Acceptance" when each Weapons Clearance Programme is completed.¹¹⁶ Likewise any modification to the Tornado aircraft supplied under Al Yamamah, and their specifications, can only be made "by prior written agreement between the United Kingdom Government and the Saudi Arabian Government".¹¹⁷ A former senior MODSAP manager claimed that modifications and certifications for all the RSAF Tornados, including each weapon system it is capable of carrying, are also detailed in the 'Carriage/Release/Jettison Certificates' for each weapon type certified with each aircraft, which are including amongst the aircraft's 'Release to Service Documentation'.¹¹⁸ He claimed that this documentation is accessible to the UK MOD's Military Aviation Authority (MAA) when RSAF

110 Interviewee B (former senior manager of SANGCOM contractor), date and location withheld, September 2016.

111 Interviewee C (former senior MODSAP official), date and location withheld, December 2016; Interviewee E (recently retired Tornado armourer), date and location withheld, November 2016; Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016.

112 UK MOD, response to Freedom of Information request from Dr Anna Stavrianakis (FOI 2017/016154), 27 June 2017. The authors are grateful to Dr Stavrianakis for sharing this response.

113 Interviewee C (former senior MODSAP official), date and location withheld, December 2016.

114 Interviewee C (former senior MODSAP official), date and location withheld, December 2016; Interviewee E (recently retired Tornado armourer), date and location withheld, November 2016; Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016.

115 Secretary of State for Defence (Michael Fallon MP), written parliamentary answer, 23 January 2017 (HC Deb, 20 January 2017, cW).

116 Letter of Offer and Acceptance Number 6: Weapons, draft dated 24 October 1985, UK National Archives, FCO 8/6050.

117 Letter of Offer and Acceptance Number 1: Supply of Aircraft and Role Equipment, draft dated 21 November 1985, National Archives, FCO 8/6050. This draft provides exceptions to this rule only when modifications are essential for safety; or when they do not affect the price of the aircraft, the "acceptance programme" (which should involve all weapons systems), the interchangeability of parts and spares, and the performance of the aircraft.

118 Interviewee C (former senior MODSAP official), date and location withheld, December 2016.

Tornadoes, Typhoons and Hawks are on the UK Military Aircraft Registry prior to delivery to Saudi Arabia;¹¹⁹ and to MODSAP officials thereafter.¹²⁰

The Defence Secretary's statement that “[d]etails of the wider capabilities of Royal Saudi Air Force aircraft are a matter for the Government of Saudi Arabia and their suppliers” thus appears disingenuous on two levels: first because RSAF's “suppliers” for its Tornadoes are contracted directly by the UK MOD, not the RSAF; and second because the UK MOD, through both the MAA and MODSAP, reportedly has access to detailed documentation of every weapon type that RSAF's Tornado aircraft is specifically modified and certified to carry.¹²¹

A SYSTEM OF NOT KNOWING

UK officials interviewed for this paper, and at least one of the government-to-government agreements governing the supply of UK weapons systems to RSAF, thus suggest that the UK MOD has detailed knowledge about the roles and activities of UK personnel both civilian and military, private and governmental, in Saudi Arabia; as well as about the use of UK-supplied aircraft and their munitions.

Conversely, it appears that the UK MOD has chosen not to put in place any system for using this knowledge to assess alleged IHL violations.

During the 2016-17 judicial review of arms sales to Saudi Arabia, the UK government told the court that its assessment that supplying weapons to RSAF does not present a clear risk of them being used in IHL violations is based on “*considerable insight into the systems, processes and procedures that the KSA has in place*”. This IHL risk assessment, it said, draws upon signals intelligence (overhead imagery and battlefield damage assessments); access to Saudi documentation and reporting; and three human sources: (1) UK military Liaison Officers to RSAF and the Saudi MOD; (2) UK government officials supporting logistical and technical services to the Saudi armed forces, including UK MOD officials within the MODSAP and SANGCOM teams; and (3) RAF personnel seconded to BAE Systems to maintain Saudi aircraft and train their crews.¹²² The court's ruling repeated these assertions.

By contrast, in response to the authors' Freedom of Information requests, the UK MOD has stated that it has issued **no guidance** on the reporting of possible violations of IHL either to MODSAP officials, or to any other UK MOD or UK armed forces personnel stationed with MODSAP, including Liaison Officers. The UK government's justification for this lack of reporting guidance contrasts with its statements to the High Court:

119 UK Military Aviation Authority, *Regulatory Article 1300 – Release to Service*, 26 October 2016, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/562606/RA1300_Issue_3.pdf.

120 Interviewee C (former senior MODSAP official), date and location withheld, December 2016.

121 Secretary of State for Defence (Michael Fallon MP), written parliamentary answer, 23 January 2017 (HC Deb, 20 January 2017, cW).

122 Treasury Solicitors Department, Summary Grounds for Secretary of State, Claim No. CO/1306/2016 (High Court of Justice, Queens Bench Division) between The Queen on the application of Campaign Against Arms Trade, and The Secretary of State for Business, Innovation and Skills (30 March 2016), paras. 24-26.

Table 3: UK government statements regarding information sources on IHL compliance by Saudi armed forces, 2016-17

UK government argument to High Court, 30 March 2016	High Court judgement, 10 July 2017	UK MOD response to FOI request, 27 Sept 2016
<p>“In carrying out its analysis [of the risk of IHL violations] the MOD has access to a wide range of information to which the third parties relied upon by the Claimant do not have access including (a) Coalition operational reporting data passed to the UK Liaison Officers.</p> <p>“...[T]he UK Liaison Officers located in KSA Air Operations Centre, Royal Saudi Air Force HQ and Ministry of Defence increase the flow of information between the UK and KSA to give the UK a better degree of insight into the KSA’s processes....The Defence Attache (British Embassy Riyadh) together with PJHQ, and CASLO [Chief of Air Staff Liaison Officer] monitor and analyse targeting processes conducted by KSA.</p> <p>“Specifically in relation to KSA’s targeting processes, the liaison officers are given insight via: (a) access by a Liaison Officer to the Saudi MOD in Riyadh (where pre-planned targeting is conducted and the process can be monitored); (b) access by the [CASLO] to the RSAF HQ in Riyadh (where senior RSAF intent and routine training engagements are carried out); (c) access to the Saudi Air Ops Centre (SAOC) Riyadh (where air operations are coordinated and the Liaison Officers have access to post strike mission reporting);...(e) reporting of choice of weapons used for strikes and use of precision guided munitions.”</p>	<p>“MoD’s methodology and analysis of allegations of International Humanitarian Law violations:...the MOD and Joint HQ have available to them a much wider range of information upon which to base their assessment of incidents than that to which the NGOs and others, upon whose reports the Claimant’s rely, have access. [T]he sources of information available to the MOD include, notably: (i) coalition fast-jet operational reporting data passed to the UK Liaison Officers;</p> <p>“...UK Liaison Officers located in the Saudi Arabian military HQ have a significant degree of insight into Saudi Arabia’s targeting procedures and processes and access to sensitive post-strike Coalition mission reporting. The RAF Chief of Air Staff Liaison Officer in Riyadh has unparalleled access to the decision-makers in the Saudi Air Force HQ. The MOD has knowledge of Saudi Arabian targeting guidance to reduce civilian casualties, including time sensitive Special Instructions and Air</p> <p>Operational information. Coalition operational lawyers are present in the Saudi Ministry of Defence and at Saudi Air Operations Centre and provide reviews of specific targets and investigations into civilian casualties.”</p>	<p>“No information [on guidance issued to Liaison Officers on reporting possible IHL violations] is held [by the MOD]...The role of the Liaison Officers is to observe and report Coalition processes... they are not embedded with the Saudis. The Liaison Officers do not provide training, they do not provide advice on IHL compliance, and they have no role in the Saudi targeting chain.”</p>
<p>“The UK has considerable insight into the systems, processes and procedures that the KSA has in place... Thirdly, logistical support is provided to KSA: (a) UK personnel working for the MODSAP....(c) RAF staff seconded to BAE Systems provide training and technical maintenance support to the RSAF.”</p>	<p>“UK knowledge of Saudi Arabia military processes and procedures:...the UK provides significant logistical and technical support to the Saudi military. In particular, the MOD Saudi armed forces Projects [MODSAP] team comprising over 200 UK armed forces and MOD civilian personnel, provide significant advice to the Saudi military on the military equipment supplied by BAE Systems.”</p>	<p>“MODSAP personnel are based in Saudi Arabia primarily to monitor the progress and performance of BAE Systems... MODSAP personnel do not participate on operations conducted by the Saudi armed forces and would not expect to witness or otherwise receive information regarding violations of IHL in the course of their duties.”</p>

Civilian employees of BAE Systems who served during 2014-16 as armourers, technicians and project managers for RSAF similarly told the authors that they knew of **no provision or system to report possible violations of IHL, nor any**

compliance training in avoiding complicity in Saudi IHL violations.¹²³ By contrast, they described detailed systems for reporting technical safety issues through the engineering management chain, and after 2009 (following the internal Woolf Review for BAE Systems) a code of conduct with reporting provisions in the event of witnessing bribery or corruption, which BAE Systems employees at all levels were asked to sign.¹²⁴ No such code of conduct or reporting system covered IHL violations or complicity in such violations.¹²⁵ A former senior manager of a SANGCOM contractor likewise described receiving no compliance training or ethics training on joining the company in Saudi Arabia in 2010, and receiving belated anti-bribery compliance training in mid-2011 only after the passage of a new UK Bribery Act.¹²⁶

Both UK private employees and UK MOD personnel in Saudi Arabia thus appear to have lacked any guidance or instructions on reporting IHL violations to the UK MOD departments tasked with monitoring those violations, or specific channels for doing so. And in contrast to the government's confident statements about the contribution of these personnel to their IHL risk assessments, when questioned through FOI about the details of these contributions (Table 3), the UK government states that it expects to receive no information about specific IHL violations from these sources at all.

UK ARMS EXPORTS TO KSA: CASE-BY-CASE KNOWLEDGE?

Finally, the core of the UK government's defence to the High Court and to Parliament of its risk assessment regarding possible Saudi misuse of UK-supplied arms -- what ministers have repeatedly called "*one of the most robust export control regimes in the world*"¹²⁷ -- is the fact that the government assesses each prospective export on a 'case-by-case basis', based on the specific nature of each item, its specific propensity for misuse, and the specific track record of its intended end-user.¹²⁸ However, information released to the authors under the FOI Act indicates that UK companies are shipping some military equipment to Saudi Arabia -- entirely lawfully -- without specific prior authorisation from the UK government at all, and without the UK government knowing the nature of the goods being supplied or their precise end-users. This is because while exports directly from the UK are licensed under individual export licences, UK companies also supply weapons, components and other military goods from other countries directly to Saudi Arabia (as is often the case for components and munitions supplied under Al Yamamah and Al Salam for use with multi-country-produced military aircraft like the Eurofighter Typhoon). In some cases these items are supplied under a blanket UK authorisation which has not been altered since the start of the Yemen conflict.

This arrangement is called the Open General Trade Control Licence for Category C Goods (Cat C OGTCL). Category C goods comprise any export-controlled weapon or other item on the UK military list other than a small subset of specially restricted items (cluster munitions, anti-personnel landmines, small arms/light weapons and their ammunition, man-portable surface-to-air missiles, and long-range ballistic missiles).¹²⁹ Any UK company or individual can ship this large range of military goods under the terms of this 'white list' without a UK arms transfer licence; they simply have to inform the UK Export Control Organisation 30 days after they have done so.¹³⁰

123 Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016; Interviewee E (recently retired Tornado armourer), date and location withheld, November 2016; Interviewee G (former senior BAE Systems manager), date and location of interview withheld, July 2017.

124 Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016; Interviewee E (recently retired Tornado armourer), date and location withheld, November 2016; Interviewee G (former senior BAE Systems manager), date and location of interview withheld, July 2017.

125 Interviewee A (technician employed on Tornado Sustainment Programme), date and location withheld, September 2016; Interviewee E (recently retired Tornado armourer), date and location withheld, November 2016.

126 Interviewee B (former senior manager of SANGCOM contractor), date withheld, September 2016.

127 Statement by Liam Fox MP, Secretary of state for International Trade, House of Commons, 10 July 2017, <https://www.theyworkforyou.com/debates/?id=2017-07-10a.45.7&s=Hollobone>.

128 Treasury Solicitors Department, *Summary Grounds for Secretary of State, Claim No. CO/1306/2016 (High Court of Justice, Queens Bench Division) between The Queen on the application of Campaign Against Arms Trade, and The Secretary of State for Business, Innovation and Skills* (30 March 2016), paras. 15-16.

129 Open General Trade Control Licence: Category C Goods (last updated 14 August 2014), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/576081/14-1046-ogtcl-category-c.pdf.

130 Open General Trade Control Licence: Category C Goods (last updated 14 August 2014), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/576081/14-1046-ogtcl-category-c.pdf.

The UK government includes Saudi Arabia on a 'white list' of countries to which UK companies can ship 'Category C' military goods from a 'white list' of other countries without individual authorisation. Data released to the authors in 2016 shows that three BAE Systems subsidiaries shipped goods under the Cat C OGTCL during 2015. These include BAE Systems (Operations) Ltd, the company directly responsible for weapons supplies and support to RSAF.¹³¹ UK government figures show that four companies reported shipping goods to Saudi Arabia under this system during 2015, though the government declined to name these companies. It is therefore unclear whether these transfers were undertaken by BAE Systems subsidiaries or by other companies. Other suppliers of weapons and systems for Tornado, Typhoon and Hawk aircraft are also listed as users of the Cat C OGTCL during 2015.¹³²

In the past, the government has gathered no information about UK companies' use of this arms transfer facility at all. Since 2014, users have been required to report annually to the UK government on the **countries** to which they have shipped goods and the **type** of end-user, but not the specific end-user itself, nor any information about the **type** or **quantity** of weapons or military equipment shipped.¹³³

131 UK Department for International Trade, response to FOI request, 9 November 2016. The UK joined BAE Systems (Operations) Ltd to the judicial review as an interested party. The others are BAE Systems Global Combat Systems Ltd and BAE Systems Global Combat Systems Munitions Ltd.

132 Information released by the UK government do not indicate whether or not these companies used the Cat C OGTCL to supply goods to Saudi Arabia or to other countries.

133 UK Department for International Trade, response to FOI request, 9 November 2016.

CONCLUSION

The UK government has taken the view that it cannot control, or even necessarily know, how the recipients of UK weapons will use them. All it can do is assess the risk of their misuse or diversion prior to authorising or denying their supply.

The UK has, accordingly, resisted imposing legal or contractual restrictions on the eventual use or retransfer of UK-supplied weapons, other than asking recipients not to use them to produce WMD or retransfer them to embargoed destinations.¹³⁴ Unlike other countries from the USA to the Czech Republic,¹³⁵ the UK also makes no formal checks on what happens to UK-supplied weapons after they are exported.¹³⁶

The Saudi case – and others where major arms sales are accompanied by a long-term support package – challenge this “flog and forget” school of export controls. UK involvement with these weapons systems does not end at the point of shipment. Instead, UK nationals in a mix of public, private, civilian and military roles continue for many years to be intimately involved with these weapons’ deployment and use.

Saudi Arabia’s active combat in Yemen since 2009 has brought to the fore this tension between involvement with other armed forces’ weapons systems, and responsibility for their use. The UK government’s solution has been to blur the public and the private: they contract engineers, pilots, instructors, armourers and technicians on behalf of the Saudi government through privileged but ultimately private companies. These private employees are considered servants of the UK government – and indeed some are serving, seconded UK military personnel -- when it comes to their fulfilment of contracts and their value for money; but as arms-length private commercial actors, whose activities and knowledge are not the purview of the UK government, when it comes to the use of the weapons themselves, and to the legal and professional risks these employees run in Saudi Arabia in the performance of UK government contracts. They work on behalf of the British state but with Saudi masters; without the legal protections accorded to UK civil servants or military personnel; and without any guidance or protocols for reporting risks of IHL violations to the UK government, or to their employers.

As this report shows, Whitehall’s limited oversight of their activities is a deliberately constructed choice. Greater scrutiny, both from Whitehall and from Westminster, might help protect the safety and rights of this major overseas UK workforce; and also help prevent UK nationals from becoming complicit in the Middle East’s widening conflicts.

134 See, for instance, the UK model End User Undertaking (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/582247/17-end-user-undertaking-form.pdf), which does not require the recipient to undertake not to retransfer the weapons without written UK authorisation. Such a clause is standard for many other countries’ end-user certificates or export licences. Prior to 2010, the UK government had no mandatory re-export or end-use undertakings for its exports at all.

135 The U.S., for instance, operates the ‘Blue Lantern’ system of end-use monitoring (<https://www.bis.doc.gov/index.php/documents/update-2015-presentations/1375-civil-military-ddtc/file>). Some European states include the right to inspect and examine the use of major weapons systems after export as a condition of export.

136 For a summary of the UK government position on end-use controls, see Houses of Parliament, *First Joint Report of the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees of Session 2013–14*, Vol. II, paras. 66–71, <https://www.publications.parliament.uk/pa/cm201314/cmselect/cmquad/205/205ii01.htm>.