

March 2022

# Missing in Action: UK arms export controls during war and armed conflict

Defense Industries, Foreign Policy and Armed Conflict

BY ANNA STAVRIANAKIS



THE FLETCHER SCHOOL  
TUFTS UNIVERSITY

Support for this publication was provided in part by a grant from Carnegie Corporation of New York.

© 2021 by the World Peace Foundation. All rights reserved.  
Photo: Courtesy of Ahmed Jahaf [www.ajahaf.com](http://www.ajahaf.com)

# ABOUT

---

**The World Peace Foundation**, an operating foundation affiliated solely with the Fletcher School at Tufts University, aims to provide intellectual leadership on issues of peace, justice and security. We believe that innovative research and teaching are critical to the challenges of making peace around the world, and should go hand-in-hand with advocacy and practical engagement with the toughest issues. To respond to organized violence today, we not only need new instruments and tools—we need a new vision of peace. Our challenge is to reinvent peace.

**Anna Stavrianakis** is Professor of International Relations at the University of Sussex, UK, where she researches and teaches on the international arms trade, arms export controls, militarism and (in)security. She often works in collaboration with civil society organisations, social movements, parliamentarians and journalists, and engages publicly on arms trade issues. She is the author (most recently) of “Requiem for Risk: Non-knowledge and domination in the governance of weapons circulation,” which examines the operation of risk assessment in UK arms export policy and its role in facilitating, rather than restricting, exports.<sup>1</sup>

The “[Defense Industries, Foreign Policy and Armed Conflict](#)” program is funded in part by the Carnegie Corporation of New York and is carried out in partnership with the OpenSecrets. It asks: **why, despite robust regulation mechanisms in key exporting countries and international monitoring efforts, has the global arms trade proven remarkably resistant to effective controls – with direct enabling consequences on conflict situations?**

# TABLE OF CONTENTS

---

EXECUTIVE SUMMARY	5
Key Findings	5
Policy Recommendations	7
Introduction	9
UK arms export patterns and the development of arms transfer controls	11
Arms export restraint during conflict: missing in action	14
India/Pakistan	16
Sri Lanka	18
Israel/Palestine	21
Yemen	26
Conclusion	29
ENDNOTES	33

# EXECUTIVE SUMMARY

---

The UK's commitments to conflict prevention and the protection of human rights and international humanitarian law in its arms export controls are now over twenty years old. In this time, successive governments have routinely claimed that the UK has one of the most robust arms export control regimes in the world. Despite these obligations and the very public commitments to them, the outbreak of war or conflict has had little or no restraining effect on UK arms exports, even where violations of human rights and humanitarian law are documented.

To explore this disjuncture, this report examines UK export patterns in the last two decades and assesses four cases of arms exports to protagonists in wars that are illustrative of UK policy: to India and Pakistan in relation to Kashmir; to the Sri Lankan armed forces in the civil war; to Israel in relation to Occupied Palestinian Territory; and to the Saudi-led coalition in the war in Yemen.

The cases illustrate the ways in which arms export controls do not restrict transfers. Rather than being proactively engaged to prevent the harms set out in government policy, export controls are primarily mobilised by the state to manage controversy once criticism emerges from civil society and Parliament. Risk assessments not only fail to take past patterns into account or develop preventive orientations to likely future scenarios, but the control regime is routinely deployed as a means of deflecting calls for restraint. Overall, export controls serve a primarily legitimising function in an attempt to mollify parliamentary opposition, NGO and media criticism and domestic public opinion, and to signal good international citizenship in the face of ongoing exports to conflict zones in violation of international humanitarian and human rights law. The mantra that the UK has one of the most robust control regimes in the world is not a plausible description of the realities of UK export policy. Debate about arms export controls needs to be reframed as part of a wider conversation about the drivers and effects of UK foreign policy.

## Key Findings

1

**The misuse of UK-supplied weapons is a routine feature of wars involving UK customers.** This includes weapons supplied before the advent of the licensing regime, prior to the outbreak of war and in between cycles of violence, as well as newer weapons, parts and components supplied during conflict. The UK supplies weapons to states involved in often decades-long conflicts (in which the British state has itself in many instances historically and currently been central) that experience cycles of violence. This is in addition to the UK's own involvement in illegal wars using its own domestically produced and imported weapons.

**2**

**Arms export licensing practice takes a very narrow interpretation of risk, operating as if neither the past nor the future exist.** Risk assessments treat each round of violence as new and a blank slate. Ceasefires or other de-escalations are interpreted to mean that there is no clear risk of misuse, and thus no reason to deny licences, which allows recipients to replenish their armouries for use in later assaults and rounds of violence.

**3**

**Self-serving reviews of licensing process (but not policy) take place when controversy is generated.** These reviews are mobilised to validate government policy and facilitate ongoing exports rather than restrict them. Tokenistic refusals or revocations of licences occasionally take place at a late stage, but only when violence escalates to extreme levels and external pressure mounts.

**4**

**The UK's licensing criteria have politically and legally ambiguous effects, that ultimately serve to facilitate rather than restrict exports.** On the one hand, the criteria allow critics to draw attention to the misuse of weapons, giving them a framework and a language with which to try to hold the government to account, including via legal challenges. On the other, the criteria are mobilised by government as a mantra to deflect criticism and to close down debate and scrutiny. The government points to the existence of regulations to argue that its policy is sound, regardless of the publicly available evidence to the contrary, and invokes the flexibility of case-by-case application of the criteria as a means to reject more substantive control measures.

**5**

**The Committees on Arms Export Controls have played a politically fluctuating role in accountability.** Scrutiny is a key responsibility of Parliament and can generate transparency and accountability for arms export decisions. Occasionally, the CAEC has generated robust criticism of government policy and practice. However, its energy, expertise and competence have varied over time. It suffers from structural limitations as a super-committee rather than a standing Select Committee: an indirect membership constituted via four component committees; cumbersome quoracy rules; and the lack of a dedicated staff or a paid Chair elected by all MPs. These weaknesses are a major obstacle to effective democratic scrutiny and control of arms exports.

**6**

**There is a mutually supportive, entrenched and organic relationship between the UK state's geopolitical ambitions and the interests of UK-based industry.** There is a reciprocally convenient fiction of separation between the two, in which companies hide behind the policymaking and licensing role of the state, and the state refuses to comment on company practice under the guise of commercial confidentiality. The arms industry plays a crucial yet hidden role in ongoing state support for exports, but this support is not reducible to industry interests. Rather, the combination of industry influence and the state's strategic and geopolitical interest in trying to remain a major military power generate a congruence of interests and assumptions about the benefits of arms exports.

## Policy Recommendations

1

The key issue is the absence of political will to address the economic, political and social costs of UK policy on arms sales. Lack of expertise, information or creative alternatives is not the issue. Many credible policy recommendations have been made by actors external and sometimes internal to the state over the years. They have rarely been put into action.

Such recommendations include: ending the subsidies on arms production and export; halting the privileged access of industrial actors to state budgets and decision-making fora; moving the licensing bureaucracy out of the government responsible for international trade and into a more pro-control part of the state; instituting a “presumption of denial” for licences to sensitive destinations; engaging in prior parliamentary scrutiny of export decisions; establishing increased end-use monitoring of exports. All of these have been suggested repeatedly in the past two decades.

2

If UK arms exports are to stop contributing to the world’s conflicts, then debates about licensing policy, and the wider foreign, defence and security policy it is part of, will need to be reframed and re-energized. This work will doubtless take considerable time and require efforts to address the systemic pro-export orientation of the UK state and its geopolitical and strategic ambitions.

3

For now, and at a minimum, transforming the Committees on Arms Export Controls into a standing Select Committee is an important step to increase Parliamentary oversight of UK arms export licenses. This requires a change under the standing orders (the parliamentary rules), either through a government motion or a debate by the four Committees who compose its membership. This should be done with haste.





# Introduction

The UK is one of the world's largest arms exporters – a reality that plays an ambivalent role in British political, economic and social life. Supporters of arms exports emphasise the trade's contribution to the economy and support for British defence, security and foreign policy. Critics challenge the economic arguments and emphasise the role of UK arms exports in violations of human rights and international humanitarian law, pointing to alternative, less militarised opportunities for the UK to play a role on the world stage. Neither supporters nor critics argue that the UK should fuel conflicts as a policy goal.

Nonetheless, as documented in “Business As Usual. How major weapons exporters arm the world's conflicts,” there is “very little evidence that war or armed conflict leads to restraint in arms transfers” by any of the world's 11 major exporters, regardless of stated policy.<sup>2</sup> At best, restraint on grounds of conflict is highly selective, based on geopolitical factors, political prominence of a conflict, and low market value to the supplier. Overall, the report found, the primary factor in UK sales is demand from client states. Yet the UK government claims to have one of the most robust arms export control regimes in the world.<sup>3</sup>

This report examines UK export and licensing policy and practice over the past two decades in light of this disjuncture. It examines the patterns of exports and restrictions since the entry into force of national, regional and international controls in the form of the national Consolidated Criteria, the EU Code of

Conduct/Common Position and the UN Arms Trade Treaty. It finds that despite over twenty years of controls that include commitments not to aggravate conflict, adversely affect regional stability or contribute to violations of human rights or international humanitarian law, the outbreak of war or conflict has **little or no restraining effect** on UK arms exports, even where violations of human rights and humanitarian law are documented. The UK has participated in wars, transferred weapons to its allies and partners involved in those wars, and supplied weapons to states involved in wars, and continued to do so well after violations become known. Such exports are **typical of UK export policy, not the exception to it**. Exports to countries involved in war are among the UK's largest and longest-standing arms customers.

This overall pattern is explored in more detail through four cases in which arms exports continue even when war or armed conflict occurs, illustrating how UK policy operates in practice. The cases are arms exports to: India and Pakistan in relation to Kashmir; the Sri Lankan armed forces during the civil war; Israel in relation to Occupied Palestinian Territory; and the Saudi-led coalition throughout the war in Yemen. These examples span the last two decades of UK controls cutting across Labour and Conservative governments. They illustrate a range of recipients of UK weaponry that invoke a variety of the criteria governing arms sales. The cases demonstrate several trends identified in “Business As Usual”: ongoing, indeed exponentially increased, exports to a conflict zone (Yemen); and substantial (India/Pakistan) or minor (Israel/Palestine, Sri Lanka) arms supplies during war.

Overall, the cases illustrate the ways in which **restrictions primarily serve as window-dressing** and are invoked to manage controversy, rather than proactively mobilised to prevent the harms as set out in government policy. Arms transfers generally proceed: what changes is the character of the justifications. These depend on the course of conflict, such as when ceasefires are agreed or the prospect of embargoes raised, or when civilian harm becomes increasingly publicly known and controversial. Risk assessments fail to take past patterns into account or develop preventive orientations to

---

## The mantra that the UK has one of the most robust control regimes in the world is not a plausible description of the realities of UK export policy.

---

likely future scenarios. What is more, the **existence of the control regime is routinely used as an alibi**: those in favour of sales can argue that the licensing process has occurred so greater restraint is not needed. Overall, export controls serve a primarily legitimising, rather than restrictive, function in an attempt to mollify parliamentary opposition, media criticism and domestic public opinion and signal good international citizenship, even in the face of ongoing exports to conflict zones in violation of IHL and IHRL.

The mantra that the UK has one of the most robust control regimes in the world is not a plausible description of the realities of UK export policy.

Nonetheless, this mantra has significant political effects.

The finding that the UK routinely exports weapons in contravention of its own publicly stated and legally binding commitments once war and armed conflict breaks out will not come as a surprise to many observers of UK export policy. Nevertheless, the mantra of a robust control regime persists. Despite widespread evidence, arguments critical of UK policy and practice have not managed to dislodge the dominant frame that represents arms exports as either an overall public good, or generally good but marked by occasional mistakes, or to prevent successive governments from being able to trot out the mantra of robust controls. Weapons production, arms exports and military force have a hold on mainstream imaginaries of the UK's role in the world. These imaginaries combine with and are upheld by a pervasive public narrative of the UK's overall benevolence as an international actor. The debate about export controls needs to be reframed as part of a wider conversation about the effects of UK foreign policy. This report examines the justificatory and legitimising effects of the control regime as a step towards a more explicit discussion of the politics of arms transfer controls.

The report engages the following methods and sources. It uses the statistical analysis conducted for the *Business As Usual* report, supplemented with the CAAT UK and EU arms export browsers (which draw exclusively on official statistics) and the SIPRI Arms Transfer Database to understand the patterns of UK arms exports since 2000. It then engages in analysis of

Parliamentary debates, government reports and media coverage of the four cases to gain a qualitative understanding of the dynamics of UK policy. There are significant limitations on transparency due to the nature of government data, which does not indicate the particular weapons or equipment licenced, the end-user, or the companies to which licences were granted. Furthermore, the use of “open” licences, which place no financial or quantity limits on exports – and which are explicitly encouraged by the UK government – significantly obscures the overall value and volume of UK arms exports.<sup>4</sup>

## **UK arms export patterns and the development of arms transfer controls**

The main markets for UK-produced weapons have traditionally been NATO allies, the Middle East and Asia. Since 1990, the main customers in each region have been the USA and Canada; Saudi Arabia and Oman; and India and Indonesia.<sup>5</sup> Probably the single most important British government arms relationship is with Saudi Arabia. The *Al Yamamah* agreements of 1985 and 1993, and the follow-up *Al Salam* deal concluded in 2003, are government-to-government agreements in which British Aerospace, now BAE Systems, is contracted to supply weapons and engineering support to the Saudis on behalf of the UK Ministry of Defence (MoD). The agreements are the UK’s biggest ever arms deals and have been consistently accused of corruption.<sup>6</sup> In the years leading up to and during the war in Yemen, Saudi Arabia has accounted for 40-50% of all UK arms exports<sup>7</sup> and in the period 2016-20 was the world’s largest arms importer.<sup>8</sup>

Saudi Arabia is a good illustration of the way debate about arms exports and licensing policy are politically situated. UK-based arms companies are privately owned and formally separate from the state; they must apply to the government for licences to be able to export controlled goods (military or dual-use). However, the state retains a so-called “golden share” in the largest companies such as BAE Systems and Rolls Royce which allows it to block changes in ownership or control that it deems not in the national interest.<sup>9</sup> Industry interests are directly inserted into state structures through a dedicated arms export promotion unit, UK Defence and Security Exports, which sits within the Department for International Trade. In addition to this structural enmeshment between companies and the state is the so-called “revolving door” between government and industry, donations to political parties and so on.<sup>10</sup> The relationships are so close that the late Robin Cook reflected in his memoirs of his time as Foreign Secretary that “the chairman of BAE appeared to have the key to the garden door to No 10.”<sup>11</sup> There is a particularly symbiotic relationship between the arms industry, in particular BAE Systems, and the British state. Furthermore, in the case of arms exports to Saudi Arabia, BAE Systems is directly contracted by the state and acts on its behalf. When the state issues licences to BAE Systems and its sub-contractors, therefore, it is approving its own policy. The combination of industry influence and the state’s strategic and geopolitical interest in trying to remain a major military power generate a congruence of interests and assumptions about the benefits of arms exports.<sup>12</sup>

Most arms trade controversies centre on

exports to non-western states involved in conflict or engaged in human rights violations. **But these same criticisms can also be levelled at the UK and its allies and partners for their own involvement in war.** Since 2000 the UK has – officially - been involved in three wars in this time (Afghanistan, Iraq and Libya),<sup>13</sup> each of which has been politically contested as strategic failures of questionable lawfulness,<sup>14</sup> and each of which has contributed to the proliferation of weapons in each country and regionally.<sup>15</sup> UK involvement in these wars involves the use of its own domestically produced weapons as well as imported ones, and transfers to allies and partners, most notably the USA and European states. This snapshot itself provides one initial important corrective to mainstream debates about the issue of UK arms exports.

Addressing domestic procurement and exports to western allies and partners is therefore as important as addressing exports to non-western states, yet they

remain largely invisible in public debate. Ten companies account for over 44% of total MOD procurement expenditure: of these, BAE Systems is by far the largest supplier; 96% of MOD expenditure with BAE is through non-competitive contracts.<sup>16</sup> In the last twenty years, the UK has licensed €11bn worth of military equipment to the USA,<sup>17</sup> a figure that excludes a wide range of open licences. Exports to the USA account for almost one fifth of UK arms exports at the government’s most recent estimation.<sup>18</sup> The UK also participates in the jointly produced Eurofighter Typhoon, which involves exports to Germany, Italy and Spain.

The character of contemporary UK arms export controls was shaped by the 1996 Arms to Iraq inquiry and resultant Scott Report, after it was revealed that the UK had been arming both Iran and Iraq in their war of the 1980s; that the UK government had been advising the company Matrix Churchill how to sell to Iraq despite an embargo; and despite the existence of



Money

**Arms sales from United Kingdom are:**

- More frequent as the **military expenditure** of the recipient increases
- More frequent as the **total military acquisition** of the recipient from all other suppliers increases



Relationships

**Arms sales from United Kingdom are:**

- More frequent if the recipient is already a **recent customer**
- Less frequent if the recipient was a participant in the **Afghanistan conflict**

government guidelines that committed the UK not to sell weapons to either side. The Scott Report was simultaneously an impetus to the development of stronger European controls and improved transparency, and indicative of the deep entrenchment of commitments to export weapons in the face of restrictions. **This combination of impulses is indicative of the ongoing character of UK export policy. On the one hand, gestures at improved control are made once controversy hits; on the other, exports continue.**

Renewed controls were introduced under the New Labour government that came into power in 1997, having worked with NGOs to develop alternatives while in opposition.<sup>19</sup> Key developments under New Labour were the requirement for the government to publish an annual report on arms exports and the establishment of the Quadripartite Committee – a parliamentary committee made up of representatives of the Defence, Foreign Affairs, International Development and International Trade Committees. The Committee (since 2008, renamed the Committees on Arms Export Controls, CAEC) has had episodes of robust scrutiny and criticism of government policy – largely dependent on the Chair – but at other times has collapsed into near-irrelevance, especially at times of controversy. It also suffers from structural weaknesses such as its indirect membership constituted via the four component committees, its complicated and cumbersome quorum rules, the lack of a dedicated staff or a paid Chair elected by all MPs, and an inability to compel ministers to give evidence. The latter issue is a longstanding and significant limitation on all committees’

powers, but the other concerns could be remedied by turning the CAEC into a full standing Select Committee.

New Labour garnered much applause for ostensibly tighter arms export controls, but arms exports were also the Achilles heel of New Labour’s claims to a foreign policy “with an ethical dimension.”<sup>20</sup> Controversies over arms sales to Indonesia in relation to its repression of East Timor and Aceh, to India and Pakistan in the face of their nuclear tests and ongoing warring over Kashmir, and to Zimbabwe for use in the war in the DRC were difficult public and parliamentary tests for the government. Meanwhile, the UK was also a leading player in the regionalisation and internationalisation of arms export controls. It was the lead proponent of the EU Code of Conduct, which was agreed in May 1998, when the UK held the EU Presidency. In 2000, the Consolidated Criteria brought together the UK’s national licensing criteria with the EU Code. The 2002 Export Control Act and 2008 Export Control Order provide the legal and administrative framework for arms export controls; the Consolidated Criteria provide the required Guidance.<sup>21</sup> The EU Code became legally binding in 2008 as it was turned into an EU Common Position. And the UK was an early champion of the UN Arms Trade Treaty, playing a significant role in the negotiations and agreement of the treaty that entered into force in 2014 and has since been incorporated into UK policy.

The UK’s arms export licensing authority is the Department of International Trade (DIT), under its various names and guises over time. Since 2016 arms export controls have been administered by the Export Control Joint Unit (ECJU), which is



staffed by officials from DIT, the Foreign, Commonwealth and Development Office (FCDO) and Ministry of Defence (MOD) and housed in DIT.<sup>22</sup> UK export controls consist of eight criteria that the government must have regard for when making decisions about arms export licence applications from companies: 1) respect for international obligations; 2) respect for human rights and international humanitarian law; 3) the internal situation in the recipient country regarding tensions or armed conflicts; 4) preservation of regional peace, security and stability; 5) UK national security; 6) terrorism and respect for international law; 7) diversion; and 8) sustainable development.<sup>23</sup>

Since the announcement of the Consolidated Criteria, the government has emphasised the “case-by-case” nature of the regulations: the rules “will not be applied mechanistically” and “we will not refuse a licence on the grounds of a purely theoretical risk of a breach of one or more of those criteria.”<sup>24</sup> NGOs, meanwhile, have repeatedly made specific policy recommendations for tighter implementation of the Consolidated Criteria since their inception. Perhaps the clearest example of this is the so-called “presumption of denial”, which NGOs have been advocating since at least 2001, in which licence applications for exports to countries of concern (e.g. those identified by the UK Foreign, Commonwealth and Development Office in its own human rights reports) are refused unless the need for them can be clearly demonstrated or there is a high level of confidence they will not be misused.<sup>25</sup> The CAEC also often uses the government’s own list of countries of human rights concern as a means of focusing its scrutiny of export policy.

The criteria were updated in December 2021, ostensibly as part of the UK’s exit from the EU.<sup>26</sup> A key amendment was the insertion of the phrase “if it [the Government] determines” to the risk assessment in Criteria 2, 3, 4 and 6. This weakens the effectiveness of controls significantly by giving government free rein to ignore inconvenient evidence and narrowing the scope for future legal challenges – both of which have been core features of the controversy over arms exports to the Saudi-led coalition involved in the war in Yemen. This report engages with the criteria as they were in operation up to this point but notes the likely downward trajectory of controls.<sup>27</sup>

## **Arms export restraint during conflict: missing in action**

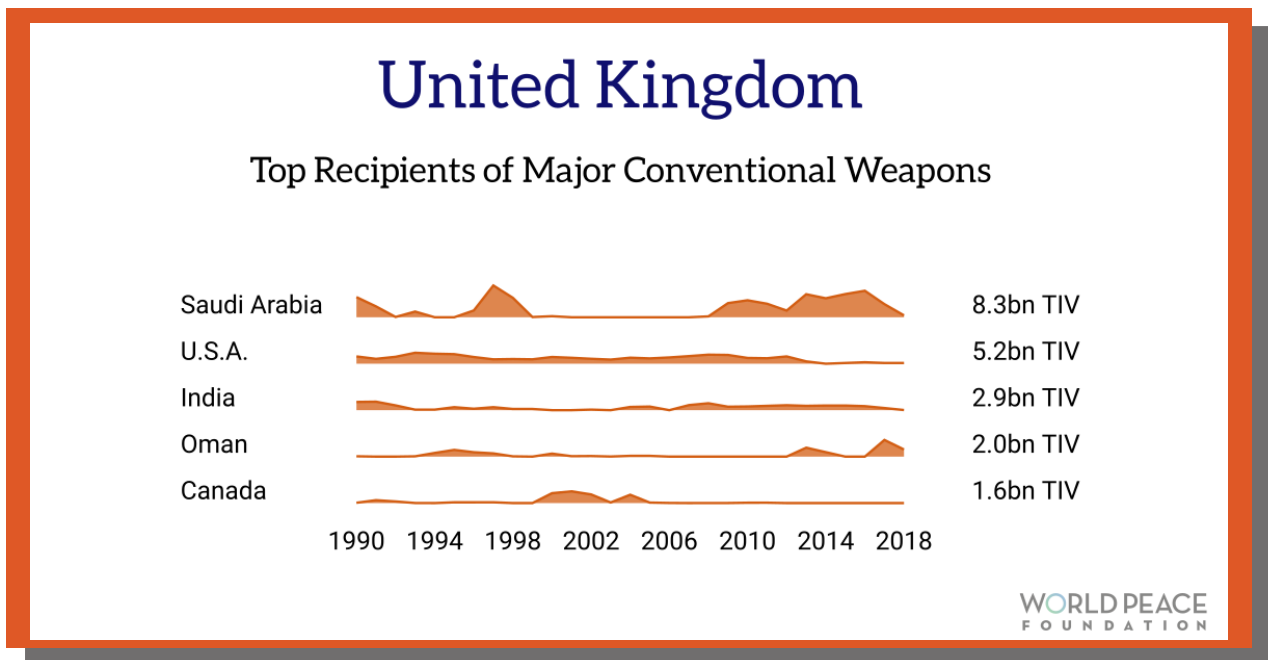
Since 2000, the UK government has licenced substantial arms sales to conflict parties in wars, including India, Pakistan, Turkey and the Saudi-led coalition active in the war in Yemen.<sup>28</sup> Some of these countries are among the UK’s major customers for weapons: a 2007 £4.4bn Typhoon aircraft order from Saudi Arabia made UK temporarily the world’s top arms exporter<sup>29</sup> and India placed major Hawk trainer jet orders in 2004 (worth £1.1bn) and 2010 (worth £700-735m).<sup>30</sup> They are also good examples of the internationalisation of the arms industry: both Saudi Arabia and India host foreign entities of UK arms companies, notably BAE Systems, and are designated as “home markets” for the company.<sup>31</sup>

Of the UK’s top 10 recipients of weapons overall since 1990, three are partners in wars the UK is involved in (USA, Canada, Italy) and three are clients that are themselves involved in wars (Saudi

Arabia, India, Turkey). So substantial arms sales to countries involved in war **are typical of UK export policy** – they are not an exception. The UK has also licensed minor arms sales to warring conflict parties in Angola, Colombia, Israel/Palestine, Nepal, Nigeria, Philippines, Russia, Somalia, Sri Lanka, Uganda and Ukraine. And it has sold arms to conflict parties during minor armed conflict (that does not reach the level of war) in DRC, Libya and South Sudan.<sup>32</sup> The statistical and descriptive analysis in *Business as*

in aggression, or in internal repression of violations of international law.

The finding that “A recent history of arms sales is one of the strongest predictors of arms sales in the present”<sup>34</sup> reflects the correlation between war and the political economy of the UK arms market. The overall orientation of UK arms exports is towards middle- and higher-income countries who like to buy more expensive weaponry, predominantly states in the Gulf, NATO and Asia. The UK is not



*Usual* demonstrated that there is little to no evidence of restraint when war or minor armed conflict breaks out. Further, it demonstrated that levels of GDP and military spending, and the overall level of arms acquisitions by a particular country, were the key determinants of whether a given exporter would supply arms to that country – not conflict.<sup>33</sup> This is despite the introduction of control regimes that are explicit about the need for arms sales not to provoke or aggravate armed conflict or regional instability, or be used

traditionally a major exporter of weapons to South America or Sub Saharan Africa, neither of which are among the top arms-importing regions – latest government figures indicate that arms exports to Latin America and Africa were 1% or less in 2018 and 2019.<sup>35</sup> **The political economy of the arms market makes it unsurprising that the outbreak of war does not lead to restraint in arms export licensing** – it does however raise questions about the purposes and effects of the control regime and the government’s use of it as

a justification and a response to criticism. The next section moves to more fine-grained analysis of illustrative examples to understand how the control regime operates in practice.

## India/Pakistan

The UK has been both India's and Pakistan's longest-standing arms supplier since independence. It has been a consistent source of weapons even as both states have played suppliers against each other. India bought weapons predominantly from the USSR for much of the Cold War period and Russia thereafter, whilst also buying from France, Germany and the USA as well as others. Pakistan bought largely from the USA since 1950 and China since the 1960s, as well as European and other suppliers. In the last two decades, the UK has licensed

---

### Arms sales to India and Pakistan became an early test case for the Consolidated Criteria and a challenge for New Labour and its foreign policy with an ethical dimension.

---

around six times more weapons to India compared to Pakistan, according to its own data (which excludes open licences): €2.9bn of military equipment for export to India, as against €463m to Pakistan.<sup>36</sup> Since 1950, according to SIPRI data, India has accounted for 11.4% of UK arms exports, second only to the USA as a customer. This figure has fallen in the post-Cold War era, to around 7%, behind both the USA and Saudi Arabia.<sup>37</sup> Pakistan has accounted for 1.5% of UK arms

exports in the same period.

Armed conflict within and between both states has been a persistent feature since independence, most notably over Kashmir, a region claimed by both states and with its own multi-faceted demands for self-determination. Kashmir is now widely understood to be the world's most militarized region and three of four wars between India and Pakistan since independence have been fought over Kashmir.<sup>38</sup> The two countries' nuclear tests of 1998 generated a minor crisis in conventional arms transfer control and resulted in US sanctions on them both. The 1999 Kargil war escalated through the use of artillery, helicopters, and airstrikes, claiming more than 1000 lives and forcing 70000 to flee.<sup>39</sup>

Arms sales to India and Pakistan became an early test case for the Consolidated Criteria and a challenge for New Labour and its foreign policy with an ethical dimension. The newly established Quadripartite Committee was robust in its engagement on India/Pakistan. In their first report in 1999 MPs raised concerns that "it is difficult to prove that UK supplied arms will not be used to fuel armed conflict, undermine India and Pakistan's economies or their progress in social development, or jeopardise regional security in the Indian sub-continent."<sup>40</sup> In the aftermath of the nuclear tests and Kargil confrontation some licences were denied in 2000 and 2001. The Quadripartite Committee concluded, "we believe that the Government is doing all it can to ensure that India and Pakistan are unable to acquire goods from the United Kingdom which are capable of contributing to their nuclear weapons programmes. We have some concerns,



however, about whether the government is taking sufficiently into account the risk of regional instability on the sub-continent when making licensing decisions relating to the export of conventional military equipment.”<sup>41</sup>

The UK had not supported the US selective trade embargo position in response to the 1998 nuclear tests. Robin Cook told Parliament that any effective embargo “should not be unilateral – it must be international”.<sup>42</sup> However, in relation to the 1999 military coup in Pakistan, an alleged account of a December 1999 meeting published in *The Guardian* (ministers refused to put record in the House of Common Library) stated that “there was in effect a moratorium on processing arms export applications until the situation became clearer,” with the EU showing “‘no signs’ of wanting to contemplate an arms embargo.”<sup>43</sup> The case was taken up by the Quadripartite Committee as an example of the challenges of multilateral action. The EU failed to take an explicit position on the issue. As the UK was neither granting nor denying export licences for Pakistan, the consultation mechanism set out in the EU Code of Conduct did not enter into force. This meant that other EU member states “may unwittingly ‘undercut’ UK exporters whose licence applications are held up in an undeclared informal moratorium.”<sup>44</sup> This situation indicates the possibility of **regulation by delay** rather than by declared policy.

As conflict escalated between India and Pakistan in 2002, the government’s response to concerns was to emphasise the **flexibility, coherence and responsiveness of the Consolidated Criteria**, in order to **reject calls for an**

**embargo**. The Quadripartite Committee went as far as to conclude that “if the situation in India and Pakistan in the Spring of this year did not fully engage Criterion Four, it is difficult to conceive of circumstances short of all out war which would do so.”<sup>45</sup> Yet the government’s response was to mobilise the criteria to reject criticism of its policy, claiming that “Criterion Four was fully engaged throughout the period: we did not approve any licences for exports where we judged there to have been a ‘clear risk’ that either country would use such exports aggressively against the other.”<sup>46</sup> It took pains to emphasise that “This policy is not the same as a blanket refusal to licence all arms exports. India and Pakistan have legitimate defence requirements. All export licences approved were examined carefully and were assessed as not breaching the Consolidated Criteria at the time the decisions were made.”<sup>47</sup> This statement undermines the very premise of a risk assessment, which should consider the risk of misuse in the future, not just at the time the decisions were made.

Foreign Secretary Jack Straw explained to the House of Commons that the Consolidated Criteria “contain sufficient flexibility, in our view, not to require there to be imposed a blanket arms embargo.”<sup>48</sup> Aside from an embargo, even a temporary suspension was avoided by reference to the changing intensity of the conflict. In a 2002 parliamentary debate, defending the government against demands for a temporary suspension of arms sales to the region, MP Robert Key said that a **suspension “is now inappropriate in the light of the de-escalation of tension** between the two countries.”<sup>49</sup> Such a position by the government stands in contrast to that of the Quadripartite

Committee, which emphasised that “Criterion Four is not activated only by the actual existence of armed conflict - it is of course engaged as a conflict prevention measure ...we are concerned that in recent months there is little real evidence of the terms of the Criterion being applied in proportion to the rise in regional tension.”<sup>50</sup> Arms sales to India/Pakistan are thus an **early example of the criteria being mobilised as a legitimising mechanism for arms exports**. While parliamentarians used the language of the criteria to try to encourage restraint, or at least retrospective accountability, the government justified exports by reference to the criteria.

In the course of the controversy over Kashmir, the UK government was also **heavily promoting the sale of Hawk trainer jets to India**. The majority of ministerial trade promotion meetings in 2002 and 2003 – including the participation of both the Foreign and Defence Secretaries - focused on the sale of Hawks to India.<sup>51</sup> In 2004, India ordered 66 Hawk Advanced Jet Trainer aircraft (of which 8 were to be assembled and 42 produced in India) and a further 57 in 2010.<sup>52</sup> The promotion of exports was subject to repeated criticism from Parliament: for example, the Quadripartite Committee asked in July 2002 if the Consolidated Criteria could be “reconciled” with trade promotion.<sup>53</sup> The Foreign Secretary’s response was that “Unless we make a decision that we are going to pull out of defence industries, then what we have to do, it seems to me, is to make judgments on a case-by case basis in the round against these criteria.” He continued, if “the export appears to be one that is not caught by the criteria, then it is an export of defence material

which ought to be made.”<sup>54</sup> This statement illustrates two key and consistent features of the UK government’s position on arms exports more generally. First, there is an assumption that exports should be approved unless there is a strong reason not to. Second, the government gives hyperbolic responses to legitimate questions about reconciling the varied elements of UK policy, that seek to shut down debate.

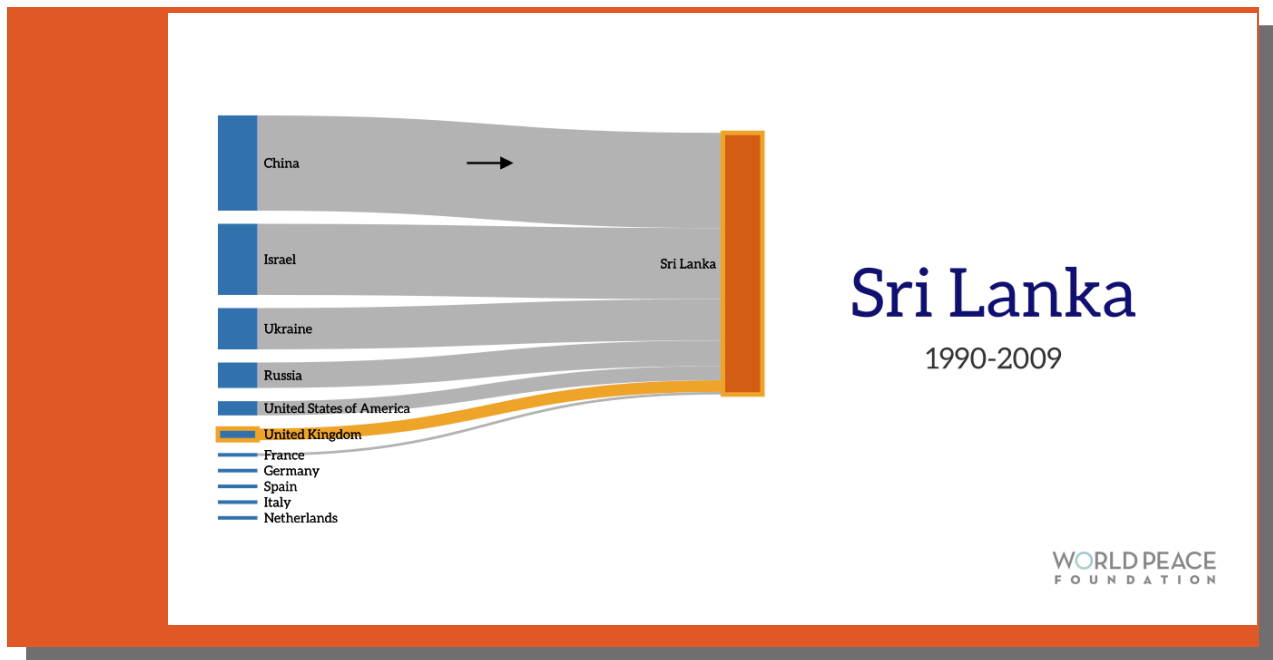
## Sri Lanka

The UK has been a minor but consistent arms supplier to Sri Lanka since independence. A key feature of post-independence conflict has been the armed confrontation between the Liberation Tigers of Tamil Eelam (LTTE) and Sri Lankan state that started in the mid-1980s in response to historic and systematic economic, political and social marginalization and direct physical violence by the state.<sup>55</sup> The LTTE were criminalized as a terrorist organisation in 1979; and the 1983 pogrom against Tamils was a turning point after which the conflict became increasingly violent.<sup>56</sup> The war operated in phases “of increasing intensity and territorial scale” throughout the 1980s and 1990s.<sup>57</sup> After periodic negotiation processes, the Norwegian-facilitated peace process led to a 2002 ceasefire, which broke down by 2006. In 2009, the Sri Lankan government launched an offensive to defeat the LTTE, resulting in the most violent year in terms of numbers of deaths, with over 10,000 total deaths, the vast majority a result of state-based violence.<sup>58</sup> In May 2009, the war was declared over. International support had “tip[ped] the strategic balance ... inexorably in favour of the state”.<sup>59</sup>

Sri Lanka has bought weapons from a variety of suppliers over time. China has been its main and most consistent supplier, including throughout the civil war. Israel, the USA, Ukraine and Russia have also supplied weapons, in descending order of magnitude and consistency since Sri Lankan independence. The UK has been an intermittent, secondary arms supplier to the Sri Lankan state. In the past twenty years, it has licenced €141m worth of weapons under standard licences, just under half of which was for small arms, alongside 718 open licences.<sup>60</sup> The UK government has downplayed its military support for the Sri Lankan armed forces in public debate, but there is a history of both formal and covert support since independence, including private military contractors

the impact on the course of conflict was nonetheless significant. For the British state, the significance of arms sales to Sri Lanka is more about its wider strategic, commercial and geopolitical interests after the country's independence. After the departure of the last British troops in the mid-1960s, weapons and military support were provided both by the MoD and private companies, with official records emphasizing the overlap between British commercial and geopolitical interests.<sup>62</sup>

Parliamentary debate about UK arms exports and the Sri Lankan civil war was almost entirely absent during the 1980s. Once the New Labour government entered office, there were a handful of Parliamentary discussions based on the



acting at arm's length from the state but with the knowledge and support of parts of the state, which had a decisive impact on the course of the war.<sup>61</sup> Sri Lanka is thus a case in which the financial value of arms sales is lower than other cases, but

ethical foreign policy commitment and the EU Code. The government emphasised both the Sri Lankan government's "human rights record and its legitimate defence and domestic security interests."<sup>63</sup> In the 2000s, Parliamentary interest increased:

the existence of the EU Code allowed critics to put the issue of arms exports on the agenda and gave them a language to use, and Sri Lanka appeared as an example of where commitments to an ethical dimension to foreign policy caused concern (even though the civil war had been going on for over a decade). However, the Code was also **used by the government to avoid proper scrutiny** by issuing the repeated refrain about having one of the world's most robust control regimes.<sup>64</sup> The case of Sri Lanka also illustrates the significance of the Committees on Arms Export Controls. It was primarily the activity of the CAEC that facilitated parliamentary debate<sup>65</sup> and generated media attention in 2008 and 2009.<sup>66</sup> This early activism of the CAEC stands in contrast to later controversies around, for example, arms sales to Israel and to the Saudi-led coalition in the war in Yemen, when the CAEC has had a much more mixed record of scrutiny.

**The 2002 ceasefire was interpreted by the UK's licensing body to mean there was no clear risk of the misuse of weapons** and "the Government continued to allow exports of a whole range of weaponry to the Sri Lankan armed forces, including small arms, naval components, helicopter components," according to Mike Gapes MP, who sat on the CAEC.<sup>67</sup> This allowed the Sri Lankan military to stockpile weapons for later use when the ceasefire broke down and war re-started, with Gapes later lamenting that much of the stockpiled weaponry "undoubtedly came from the United Kingdom."<sup>68</sup> The ceasefire broke down in December 2005 when rebels launched their first major attack since the 2002 truce; on 16 January 2008, the ceasefire was officially terminated. In the final phase of the war

(from the end of 2005 to 2009), there were growing denials of export licences by other EU member states on the basis of Criterion 3 – the risk that exports "would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination" – with the UK an outlier and largest European supplier to Sri Lanka alongside the Czech Republic.

A handful of export licences were refused in 2007 and 2008 "owing to the clear risk that they might be used for internal repression, possibly prolonging the conflict, and the risk of diversion under undesirable conditions".<sup>69</sup> While the Annual Report "acknowledged the aggravating situation"<sup>70</sup>, Foreign Office minister Bill Rammell later told the CAEC that "[i]f you went back through history, bluntly we would not sell arms to anybody because of what has happened in the past."<sup>71</sup> As An Vranckx notes, this was "a fundamentally disingenuous response" as consideration of "relevant existing and past evidence ... is a critical aspect of the risk assessment" process.<sup>72</sup> Indeed, such hyperbolic responses to legitimate criticism are a regular feature of government action on arms exports. In 2009, the government **rejected calls for an embargo**, with Bill Rammell telling the CAEC that "the FCO's judgment was that an embargo, or the threat of one, was not the best vehicle for trying to secure a ceasefire. Using an embargo signaled 'the end of the diplomatic road' and demonstrated that a lot of influence had been lost." Rather, the FCO's position was that "few licences had been granted for exports to Sri Lanka since the beginning of 2007 which he [Bill Rammell] cited as evidence of procedures being effective."<sup>73</sup>

In 2009, nine SIELs for replacement components for military helicopters and telecoms equipment<sup>74</sup> were **revoked as a result of a review** “[f]ollowing the escalation of the internal conflict in Sri Lanka from January of this year”, a “standard procedure” when there is “an outbreak of internal or regional conflict overseas,” as explained by Foreign Office minister Ivan Lewis MP in evidence to the CAEC.<sup>75</sup> This indicates a very narrow interpretation of the temporal dimension of a risk assessment: it treats each episode of violence as disconnected from the past and from any potential future developments, as if the final episode of violence in the civil war was a new “outbreak” rather than a more intense phase of a long-running conflict. Among the licences revoked in July 2009 were a series of 11 licences for replacement components for military utility helicopters and military communications equipment, which had initially been issued in between October and December 2008. Given that the violence of the final stages of the war was already escalating by October 2008, that other EU member states were increasingly denying export licences, and that the UK itself had refused licences in 2008, it remains unclear how officials had concluded that these licences met the terms of the Consolidated Criteria in 2008, for them to be revoked less than a year later.

Writing to the CAEC in October 2009 with details of the outcome of the FCO review of extant licences, Ivan Lewis MP explained that “While we cannot be certain exactly what happened during the fighting, particularly in the last days of the conflict, enough reports surfaced for us to have grave concerns about the numbers of civilians who might have died

as a direct result of the final offensive.”<sup>76</sup> This indicates that the violence of the final offensive somehow tipped things over the threshold. But lack of access and information was deemed to make it “challenging” for the government to collect “information on how helicopters were used in the conflict.”<sup>77</sup> Such a position requires the government to ignore the history and conduct of the war and treat the latest episode of violence as disconnected from what came before. It also requires the government to ignore the preventive rationale of risk assessment: if there is a lack of information about potential use of weapons, they ought to be denied. The Minister went on to explain that “helicopters were used for medical evacuation, logistical support, re-supply and ad hoc search and rescue operations and to transport VIPs including foreign delegations up to the northern region. They were used to much lesser extent moving troops themselves to forward areas.”<sup>78</sup> This suggests that the threshold for the UK risk assessment would be the use of UK-supplied equipment in moving troops for the frontline; but this is a **very narrow interpretation of risk**, when logistical support and re-supply are also central elements of war-fighting and intimately linked to the violations the criteria are ostensibly designed to prevent.

## Israel/Palestine

The UK is a long-standing supplier of weapons to Israel, alongside France, Germany and its main supplier, the USA. Israel has occupied the Gaza Strip and West Bank, including East Jerusalem, since 1967. It is widely recognised that the Israeli military and security forces routinely commit violations of international human rights and



humanitarian law against Palestinians, in addition to the violations of international law through settlements in Occupied Palestinian Territory and the apartheid wall or separation barrier. Israel has operated a blockade of Gaza since 2007 and conducted numerous military assaults over the past two decades: in 2002 (Operation Defensive Shield), 2008-9 (Operation Cast Lead), 2012 (Operation Pillar of Defence), 2014 (Operation Protective Edge), 2018 (on the Great March of Return) and 2021 (Operation Lightning Strike). International actors such as the UN Office for the Coordination of Humanitarian Affairs and the UN Independent Commission of Inquiry on the 2018 Gaza protests have concluded that Israel's conduct against the Palestinians contravenes international humanitarian law, as have a variety of national and global civil society actors such as Al-Haq, B'Tselem, Amnesty International and Human Rights Watch over many years.<sup>79</sup> Israel features regularly as a UK FCO "country of concern" or "human rights priority country."<sup>80</sup> Israeli violations of human rights and humanitarian law with respect to the Palestinians have repeatedly led to calls for restrictions or embargoes on arms transfers to Israel e.g. in 2009, 2014, 2018, and 2020.<sup>81</sup> The longevity of the occupation makes arms export policy towards Israel a good example that cuts across governments and political parties.

In recent years military production has become more two-way between the UK and Israel, especially in relation to the production of Unmanned Aerial Vehicles (UAVs), or drones. The UK purchases Israeli weapons from companies such as Rafael and Elbit, which it deployed in Iraq and Afghanistan, and Israeli and UK

companies are involved in joint ventures for the co-production of drones. There is also considerable joint training and growing cybersecurity cooperation. This collaboration has generated increased opposition in the UK including direct action against companies such as Elbit for their role in the occupation and repression of Palestinians.<sup>82</sup> There is also growing research into and activism against UK support for the Israeli occupation in the form of the enmeshment of banks and other financial institutions as well as arms supplies.<sup>83</sup>

There have been a small number of refusals of licences for exports to Israel in recent years. For example, in 2011 and 2012, components for combat helicopters, combat aircraft and general military aircraft, and military navigation equipment were refused under Criteria 2, 3, 4 and 7.<sup>84</sup> However, these pale in significance compared to the overall number and value of licences approved. Further, the same categories of equipment were licensed at different points in the same year. The government withholds information that would be required to gauge the specific circumstances of any refusals and hence fully understand the contours of policy – a political choice that undermines the government's claims to transparency. Even taking into account the argument that an effective case-by-case risk assessment is responsive to specific and changing circumstances, this small number of refusals for equipment that has been licensed previously indicates **a failure to respond to the patterns of systematic violations of human rights and humanitarian law that are a central element of the occupation.**

Set against this small number of refusals,

two other issues become important. First is the changing character of justifications for ongoing supply. Second are the ways in which the UK government has responded to criticism. In 2002, for example, it became publicly known that

---

### **...the UK government moved to prevent future embarrassment caused by Israel ignoring assurances by no longer asking for them.**

---

that UK-supplied armoured personnel carriers were used in Occupied Palestinian Territory as part of Operation Defensive Shield, despite Israeli assurances to the contrary. The UK government response was that it “will no longer take the Israeli assurances given on 29 November 2000 into account,”<sup>85</sup> as those assurances “have proved to be unsound”.<sup>86</sup> Superficially, this response indicates criticism of Israeli actions and suggests a tightening of process. However, an alternative reading of this position is that the UK government moved to prevent future embarrassment caused by Israel ignoring assurances by no longer asking for them. The most that the CAEC was willing to say about the episode was that “We conclude that the present Government’s policy on exporting arms or components of arms that could be used in the Occupied Palestinian Territories [sic] appears to be confused.”<sup>87</sup> The government also dismissed the possibility of sanctions or an embargo by emphasising the continued application of the case-by-case approach to licensing.<sup>88</sup> FCO Under-Secretary Ben Bradshaw stated in April 2002 that “Nothing that could be used for internal repression or external aggression will get an export

licence. In the current circumstances, those criteria will apply widely to military equipment destined for Israel.”<sup>89</sup> *The Guardian* reported in July 2002 that “The government currently refuses to issue export licences for equipment destined for Israel if it could be used against the Palestinians in the occupied territories [sic]”<sup>90</sup> but licensing data provided in the government’s 2001, 2002, and 2003 Annual Reports is opaque. The financial value of SIELs is significantly lower in 2002 and 2003 than in 2001 (£9-10m as compared to £22.5m),<sup>91</sup> but without information about the end-user of equipment listed as licensed, or the Criteria on which refusals were made, it is impossible to verify this claim.

The case of Israel has also featured prominently in Parliamentary discussion about the value of end-use monitoring, which the UK does not routinely conduct as a matter of policy. The UK government had claimed in February 2002 to have “no evidence that equipment or components manufactured in the UK and licensed for export were used ... in the occupied territories [sic] during the recent violence”, on the basis of written assurances from the Israeli government.<sup>92</sup> Shortly after this statement, however, one of the British defence attachés to Israel spotted modified UK-supplied troop-carriers whilst on a tour of the West Bank, which is how the information came to light, as discussed in Parliament by Chair of the Quadripartite Committee Roger Berry MP.<sup>93</sup> The Foreign Office response to this revelation was that these weapons had been exported “a long time ago” and “under a previous Administration and a different export control regime.”<sup>94</sup> The longevity of weapons and changes of administration raise questions for

the timescale of any effective risk assessment.

The issue of the end-use of weapons is made more complicated by the practice of **incorporation**, where components are sent from one country to another for incorporation into weapon systems to be exported to a third country. As the debate about Israeli assurances was taking place, the government announced a **change to its guidance to allow components to be sent to the USA for incorporation into weapons systems that would be exported on to Israel**. These included UK-made Head Up Display Units for export to the USA, for incorporation into F-16 fighter jets that it supplies to Israel. Arguing that “Any interruption to the supply of these components would have serious implications for the UK’s defence relations with the United States,” the government announced five additional factors that would be considered alongside the Consolidated Criteria, including “the importance of the UK’s defence and security relationship with the incorporating country”.<sup>95</sup>

F-16 fighter jets using UK-supplied HUDs were amongst the weapons that the UK later **admitted were “almost certainly” used by the Israeli military during Operation Cast Lead in 2008**.<sup>96</sup> In addition to F-16s, also used were Apache helicopters, Saar-class corvettes, and armoured personnel carriers which included UK components.<sup>97</sup> Foreign Secretary David Miliband concluded in April 2009 that “It is inherent in the consolidated criteria that judgments are in part based on past practice, so evidence from Operation Cast Lead will be used in all future applications. I can confirm that we are looking at all extant licences

to see whether any of these need to be re-considered in light of recent events in Gaza.”<sup>98</sup> Licensing data indicates the revocation in July 2009 of nine SIELs for components for naval radars. Most of these licences were originally issued between March and December 2008. One had been issued on 7 July 2009 and was revoked a mere three days later.<sup>99</sup> In his April 2009 statement, Foreign Secretary David Miliband also stated that “All future applications will be assessed taking into account the recent conflict.”<sup>100</sup> It remains unclear how this admission of the use of UK-supplied components in assaults on Gaza was taken into account in practice, or for how long.

In 2012, FCO minister Alistair Burt stated that “We have no assessment to date of whether any UK weapons or components were used during the recent conflict by the IDF” in relation to Operation Pillar of Defence.<sup>101</sup> But the government *did* in fact have an assessment, from 2009, when it had stated that the Israeli misuse of UK-supplied weaponry would impact future decisions. But by 2012, the government refers to “the recent conflict” as if it was disconnected from previous assaults. The strongest statement the CAEC made was that it was “regrettable” that UK components were used and that “the Government should continue to do everything possible to ensure that this does not happen in future.” They continued to argue that a case-by-case approach is correct and that the CAEC “endorse decisions not to grant a number of licences in relation to Israel.” CAEC argued that the “review of extant licences relating to Israel is to be welcomed, as is its stated intention of assessing the need to revoke any which should be reconsidered in light of the



Gaza conflict.”<sup>102</sup> These statements are indicative of the CAEC’s general position on UK arms exports to Israel over time. It is a topic they have returned to frequently over the years, at times generating ministerial correspondence, but with a distinctly technical focus with little broader discussion of the orientation of UK policy or repeated patterns.

On 8 July 2014, Operation Protective Edge was launched by Israel on Gaza. During the attack, the UK government launched a review of export licences, emphasising Israel’s right to self-defence, which must be “proportionate, in line with international humanitarian law, and ... calibrated to avoid civilian casualties,” and affirming its opposition to “a blanket arms embargo.”<sup>103</sup> The review identified twelve licences for components that could be part of weapons systems used by Israel in Gaza.<sup>104</sup> The existence of a ceasefire in August meant that the government did not immediately revoke licences, but rather, “in the event of a resumption of significant hostilities, the government is concerned that it would not be able to clarify if the export licence criteria are being met. It would therefore suspend these licences as a precautionary step”<sup>105</sup> if such circumstances arose. However, “in correspondence with solicitors for Campaign Against Arms Trade (CAAT), Vince Cable, the Secretary of State responsible for the revocation of such licences, was unable to say how the government defined “significant hostilities”.”<sup>106</sup> And in July 2015, this **precautionary potential suspension was removed** and those 12 licences were no longer at risk of suspension because “there is now sufficient information from a wide variety of sources to apply standard export licensing procedures” – because

“the facts are clearer”, the “Criteria may now be applied, without any additional measures.”<sup>107</sup> This episode indicates a rare admission from the government that there *could be* a future risk of the misuse of weapons. This admission is offset by the refusal to revoke licences that have possibly *already been used* or refuse new licences, on the grounds that there is currently a ceasefire. The ceasefire was interpreted to mean that there is no clear risk of misuse, despite the decades-long use of violence against Palestinians by Israeli forces and risk assessment requiring an assessment of past practice.

In 2018, when Israel used violence against the Great March of Return, a government review was again conducted, “as we do from time to time for countries where there have been significant events that might be relevant to licensing.”<sup>108</sup> The review “found no information to suggest that UK-licensed equipment has been, or might be, used against protestors or in the commission of a serious violation of international humanitarian law or for internal repression.” As a result, “we do not believe that the export of items under any extant licences would now be inconsistent with the Consolidated Criteria.”<sup>109</sup> Two years later, in May 2021, Amnesty International concluded that Israeli forces had used “repeated, unwarranted and excessive force” against Palestinians protesting forced displacement in occupied East Jerusalem”.<sup>110</sup> The UK government’s response to parliamentary debate and questions about the role of UK-supplied weapons in facilitating the violence was to emphasise Israel’s right to self-defence and roll out the ‘robust regime’ mantra.<sup>111</sup> This time, there was no suggestion that even a review took place, in contrast with

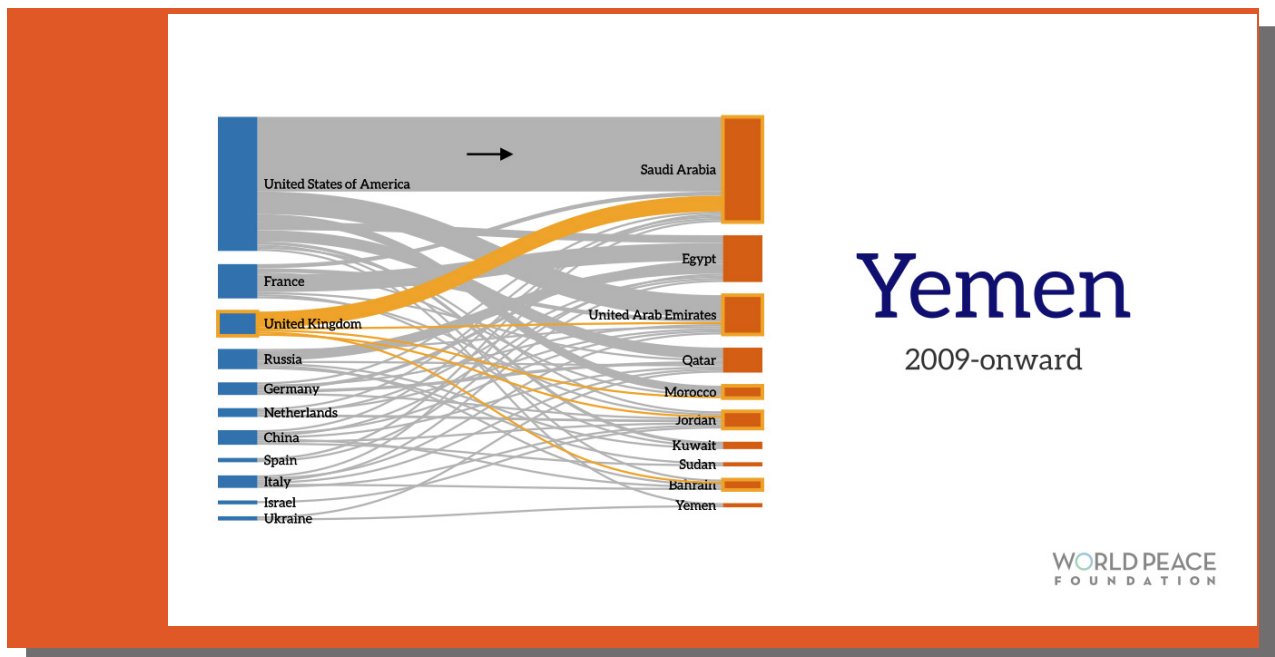
previous escalations of violence.

## Yemen

The war in Yemen is the **clearest example of substantial arms supplies to conflict parties in war** and of the ways in which risk assessment is mobilised to facilitate increased exports. In March 2015 a Saudi-led coalition initiated Operation Decisive Storm in support of Yemeni president Abdrabbuh Mansur Hadi, who went into exile in Riyadh as the Houthis advanced on Aden, having captured the capital city Sanaa in 2014 during the civil war that escalated after the 2011 revolution. The Saudi government described the intervention as a “response to a direct request from the legitimate government of Yemen” to prevent its takeover by the Houthis.<sup>112</sup> The operation invoked both the right of collective and individual self-defence, and intervention by invitation, as well as humanitarian language resonant with responsibility to protect. Whilst these various elements of the justification have been contested by some

commentators,<sup>113</sup> the legitimacy of the Saudi intervention was widely accepted by other states. The UK government position was that the Saudi-led intervention “has a clear and lawful basis in response to President Hadi’s request to the UN Security Council, Gulf Cooperation Council and Arab League.”<sup>114</sup>

Once the military intervention started, there was a clear and exponential increase in arms export licensing from the UK to Saudi Arabia in particular. In 2015, £2.9bn worth of SIELs were issued and 21 open licences; the majority of these related specifically to the delivery of Typhoons as part of the 2007 deal. Licences to the UAE also jumped in 2015, with £169m worth of SIELs – an increase on the average of £56m per year over the previous five years.<sup>115</sup> Notably, in 2015, new licences were issued for approximately £1.5 billion of combat aircraft to Saudi Arabia which had originally been licenced in 2009 but not fully shipped.<sup>116</sup> The government was willing to issue such licences in 2009, and



again in 2011 and 2013. In 2015, it saw no reason to change policy even though the war had started. As the war progressed, there were further spikes in licensing: a large increase in open licences to Saudi in 2017 and in SIELs in 2020, and a spike in SIELs and open licences to UAE in 2017 and a spike in SIELs in 2020.<sup>117</sup>

The coalition was not only using newly supplied weapons, but also **weapons supplied years, in some cases decades, previously**. For example, the cruise missile used in an attack on a ceramics factory in Sana'a governorate in September 2015 had been transferred to Saudi Arabia in the 1990s,<sup>118</sup> and the UK-supplied cluster bombs found at the site of air strikes in northern Yemen were sold in large numbers to Saudi Arabia in the 1980s and 1990s, before the UK signed up to the 2010 cluster munitions ban.<sup>119</sup> The UK government retains the power to revoke extant licences before deliveries are made, but once weapons have been transferred, there is no power to get them returned. So even the strongest licensing response once war breaks out – which itself ignores the wider maintenance and servicing aspect of UK support to the Saudi military<sup>120</sup> – is already too late in terms of weapons that have already been delivered. The longevity of weapons therefore raises questions for the timescale of any risk assessment.

International concerns about levels of civilian harm and allegations of potential violations of international law were raised within months of the start of the intervention,<sup>121</sup> including evidence of UK-supplied weaponry in attacks on civilian objects.<sup>122</sup> Examples from early on in the war include the Saudi-led coalition designating the entire cities of

Marran and Saada as military targets;<sup>123</sup> coalition airstrikes on MSF and other hospitals;<sup>124</sup> UN Panel of Experts, Human Rights Watch and Amnesty International identification of unlawful air strikes, including some using cluster munitions;<sup>125</sup> and the Sanaa Great Hall funeral bombing in October 2016.<sup>126</sup> Responses have varied. Since the start of the war, the European Parliament has repeatedly called for an arms embargo against the Saudi-led coalition.<sup>127</sup> Some European supplier states have restricted exports to the coalition. Legal cases against arms exports to members of the Saudi-led coalition have been brought in nine jurisdictions, including the UK.<sup>128</sup> The UK judicial review focuses on Criterion 2, in particular 2c, which states that the government will “not grant a licence if there is a clear risk that the items might be used in the commission of a serious violation of international humanitarian law.” Since 2015, a handful of export licences have been refused or revoked, none of them on C2 grounds relating to the conduct of the war.<sup>129</sup>

As concern about UK policy mounted, the government's response was largely to attempt to **deflect criticism**. Rather than engage with the substance of concerns, the government repeated the claim that it operates one of the most robust control regimes in the world and claimed to be a proponent of peace through its role as UN penholder on Yemen and major bilateral aid donor. In addition to the general claim that all licences are assessed on a case-by-case basis against the criteria – a claim that is effectively meaningless when the company applying for the licences is fulfilling a government contract as part of a government-to-government agreement – the government offered further specific

claims in response to criticism of its policy towards the Saudi-led coalition. These include that the UK is not a party to the war<sup>130</sup> or a member of the Saudi-led coalition<sup>131</sup> - although the latter is not the same as the former, and there may well be grounds for considering the UK to be party to the war and implicated in war crimes given its support for the coalition, an issue that is known to have been discussed in the US State Department in relation to US support for the Saudis.<sup>132</sup> The government claims that the UK is not involved in targeting<sup>133</sup> - although UK military officers provide targeting training, and UK liaison officers are based in the Saudi Air Operations Centre in Riyadh.<sup>134</sup> The government also asserts that it regularly raises the importance of protecting civilians, complying with IHL, and investigating allegations with its arms recipients.<sup>135</sup> However, this assertion begs the question of the rationale for and effectiveness of such efforts.

In July 2016 the government took the highly unusual step of issuing corrections to the parliamentary record,<sup>136</sup> amending its position from certainty to uncertainty about its knowledge of Saudi conduct in the war. In doing so, the government tried to leverage interpretation of arms export controls in support of its preferred policy of continued licensing. It also attempted to pre-empt criticism during the judicial review of its implementation of risk assessment practices in export licensing. During the judicial review, much of the legal argumentation hinged on discussion of the "Tracker" database, and what the government could reasonably be expected to know about Saudi conduct.<sup>137</sup> In July 2017 the High Court found in favour of the government, concluding that the Secretary of State was "rationally entitled

to conclude" that the Saudi-led coalition was not deliberately targeting civilians and that Saudi Arabia respects and is committed to complying with IHL.<sup>138</sup> CAAT was granted permission to appeal. In June 2019, the Court of Appeal found government policy to be irrational and hence unlawful, as it "made no concluded assessments of whether the Saudi-led coalition had committed violations of international humanitarian law in the past, during the Yemen conflict, and made no attempt to do so."<sup>139</sup> The Court ordered the suspension of new licences to Saudi Arabia and the government extended the suspension to cover all members of the Saudi-led coalition. However, the Court did not order the revocation of licences that had already been issued. In any event, revocations do not provide for the recall or return of weapons or equipment already delivered.

In the aftermath of the Court of Appeal ruling, **the spirit of the decision was undermined** in three ways, two deliberate and one accidental. First, the government created a range of "mirror" open licences for exports to the Saudi-led coalition, which prevented new companies from registering for open licences that allow exports, whilst allowing companies already registered on them to continue exporting,<sup>140</sup> with regular flights from BAE's Warton plant to Saudi Arabia, via RAF Akrotiri.<sup>141</sup> This deliberate move allowed the government to simultaneously be seen to comply with the letter of the Court's ruling and continue supplying weapons to the coalition. Second, the MoD released thousands of surplus spare parts for Tornados – which were retired from the RAF in 2019 – to BAE Systems for transfer to the Saudi air force.<sup>142</sup> Between 2018 and 2020, "the sales took

place on average once every 10 weeks in a series of 16 deals” – including one deal signed days after Jamal Khashoggi’s murder, and four more in the period after the court of appeal ruling when new licences were suspended.<sup>143</sup> Third, Secretary of State Liz Truss informed the Court on 16 September 2019 of a series of “inadvertent breaches” of the order, in which a small number of licences were granted to members of the coalition in error.<sup>144</sup> The resulting review by a senior official from the Department for Work and Pensions (the Mills review) concluded that there was no evidence of “deliberate or knowing contravention” of the Court’s ruling, nor of “a failure to follow agreed processes or procedures”.

In July 2020, the government announced the results of its review of licensing methodology undertaken in response to the Court of Appeal ruling. The review treated allegations of violations as if they were violations. This is a good risk assessment step as it does not require definitive proof in order to identify a risk. However, the review concluded that any violations were only “isolated incidents” conforming to no clear pattern, meaning that the government saw no reason to suspend or refuse licensing.<sup>145</sup> This is a good indication of the way that legal and risk assessment practices are subject to the operation of state power: the Court found government practice to be unlawful, so government re-interpreted its practice to present it as in line with the law. Licensing resumed, and by November 2020, civil servants told the CAEC that 500 licence applications had been cleared from backlog since resumption.<sup>146</sup> CAAT issued a new claim for judicial review, arguing that the government’s conclusion is irrational and the resumption of

licensing therefore unlawful. They were granted permission to proceed in April 2021; the case should be heard in June 2022.<sup>147</sup>

Government policy and its justifications thereof have been subject to varying levels of CAEC scrutiny over time. In 2016, with Chris Law MP in the Chair, the Committees conducted an inquiry into the use of UK-manufactured weapons in Yemen. The inquiry took evidence from a range of witnesses and conducted a serious assessment of UK policy, including UK interests in the Gulf, the humanitarian disaster in Yemen, the government’s legal obligations with regard to arms exports, and the effectiveness – or otherwise – of the licensing regime. However, the Committees were unable to agree whether to recommend a suspension of arms exports to the coalition. Their draft report was leaked to *Newsnight* – a flagship news and current affairs programme of the UK’s public broadcaster, the BBC – and the committees broke down. Two different reports were published by different constituent committees of the CAEC: one by the International Development and Business Committees; the other by the Foreign Affairs Committee.<sup>148</sup> The Defence Committee issued no report. In the five years since then, with Graham Jones MP and subsequently Mark Garnier MP in the Chair, the Committees have not discussed arms exports to the Saudi-led coalition as an agenda item, nor published a report that deals in any detail with the topic.



# Conclusion

This survey of UK arms export policy and its application in four illustrative cases from the past twenty years across different governments demonstrates a series of patterns and particularities. The most significant of these are as follows.

First, the misuse of UK-supplied weapons is a routine feature of wars involving UK customers. This includes weapons supplied before the advent of the licensing regime, prior to the outbreak of war and in between cycles of violence, as well as newer weapons, parts and components supplied during conflict. The UK supplies weapons to states involved in often decades-long conflicts (in which the British state has itself in many instances historically and currently been central) that experience cycles of violence. This is in addition to the UK's own involvement in illegal wars using its own domestically produced and imported weapons.

Second, arms export licensing practice takes a very narrow interpretation of risk, operating as if neither the past nor the future exist. Risk assessments treat each round of violence as new and a blank slate, as disconnected from the past and from any potential future developments. Ceasefires or other de-escalations are interpreted to mean that there is no clear risk of misuse, and thus no reason to deny licences, which allows recipients to replenish their armouries for use in later assaults and rounds of violence.

Third, the government conducts self-serving reviews of licensing process (but not policy) when controversy is generated. These reviews are mobilised to validate

government policy and facilitate increased exports rather than restrict them.

Tokenistic refusals or revocations of licences occasionally take place at a late stage when violence escalates to extreme levels and external pressure mounts.

Fourth, the UK's licensing criteria have politically and legally ambiguous effects, that ultimately serve to facilitate rather than restrict exports. On the one hand, the criteria allow critics to draw attention to the misuse of weapons, giving them a framework and a language with which to try to hold the government to account, including via legal challenges. On the other, the criteria are mobilised by government as a mantra to deflect criticism and to close down debate and scrutiny. The government points to the existence of regulations to argue that its policy is sound, regardless of the publicly available evidence to the contrary, and invokes the flexibility of case-by-case application of the criteria as a means to reject more substantive control measures.

Fifth, the Committees on Arms Export Controls have played a politically fluctuating role in accountability. Scrutiny is a key responsibility of Parliament and can generate transparency and accountability for arms export decisions. Occasionally, the CAEC has generated robust criticism of government policy and practice. However, its energy, expertise and competence have varied over time. The early activism of the committees around India/Pakistan and Sri Lanka stands in contrast to later controversy over UK involvement in the war in Yemen, and the ongoing issue of arms exports to Israel, where their record has been much more mixed. In these latter cases, silence or acquiescence to government

policy has contributed to the legitimization of arms export policy. The CAEC suffers from structural limitations as a super-committee rather than a standing Select Committee: an indirect membership constituted via four component committees; cumbersome quoracy rules; and the lack of a dedicated staff or a paid Chair elected by all MPs. These weaknesses are a major obstacle to effective democratic scrutiny and control of arms exports.

Sixth, there is a mutually supportive, entrenched and organic relationship between the UK state's geopolitical

---

## **The key issue is the absence of political will to address the economic, political and social costs of UK policy on arms sales.**

---

ambitions and the interests of UK-based industry. There is a reciprocally convenient fiction of separation between the two, in which companies hide behind the policymaking and licensing role of the state, and the state refuses to comment on company practice under the guise of commercial confidentiality. The arms industry plays a crucial yet hidden role in ongoing state support for exports, but this support is not reducible to industry interests. Rather, the combination of industry influence and the state's strategic and geopolitical interest in trying to remain a major military power generate a congruence of interests and assumptions about the benefits of arms exports.

The key issue is the absence of political will to address the economic, political and social costs of UK policy on arms

sales. Lack of expertise, information or creative alternatives is not the issue. Many credible policy recommendations have been made by actors external and sometimes internal to the state over the years. They have rarely been put into action. Such recommendations include: ending the subsidies on arms production and export; halting the privileged access of industrial actors to state budgets and decision-making fora; moving the licensing bureaucracy into a more pro-control part of the state; instituting a "presumption of denial" for licences to sensitive destinations; engaging prior parliamentary scrutiny of export decisions; establishing increased end-use monitoring of exports. All of these have been suggested repeatedly in the past two decades.

At a minimum, transforming the Committees on Arms Export Controls into a standing Select Committee is an important step to increase Parliamentary oversight of UK arms export licenses. This requires a change under the standing orders (the parliamentary rules), either through a government motion or a debate by the four Committees who compose its membership. This should be done with haste.

Beyond this, if UK arms exports are to stop contributing to the world's conflicts, then debates about licensing policy, and the wider foreign, defence and security policy it is part of, will need to be reframed and re-energized. This work will doubtless take considerable time and require efforts to address the systemic pro-export orientation of the UK state and its geopolitical and strategic ambitions. The findings of this report suggest a number of avenues that could be pursued.

Such reframing would include, first, the acknowledgment that exports to states involved in war and conflict are typical of UK export policy, not the exception or an aberration in an otherwise pacific and benevolent foreign policy. Second, recognition that the 'outbreaks' of conflict in cases such as those analysed in this report are not isolated or new. They are recurrent phases of much longer, ongoing violent conflicts to which Britain has historically been central as a colonial and post-colonial power. Third, acknowledgment that a control regime based on risk assessment has had contradictory effects that have not served to generate more restrictive export controls, and collective thinking about alternatives. Fourth, an assessment of the UK's own use of weapons and transfers to its western and NATO friends and allies in terms of international law and norms as well as those to non-NATO, non-western states that are the usual focus of debate. Finally, attention to the links between arms exports and other issues of international concern such as the climate emergency, migration and refugee policy, policing and surveillance, indebtedness and poverty, all of which are racialised, gendered and classed.



# ENDNOTES

---

- 1 Thanks to Bridget Conley, Jennifer Erickson, Andrew Feinstein, Roy Isbister, Sam Pero-Freeman, Richard Reeve, Ruth Rohde and Emma Soubrier for helpful feedback on earlier drafts and Lisa Avery for report formatting.
- 2 Sam Perlo-Freeman, *Business as Usual. How major weapons exporters arm the world's conflicts*. World Peace Foundation (March 2021), available at: <https://sites.tufts.edu/wpf/business-as-usual/>, p5.
- 3 See "Rigorous Repetition," available at: <https://rigorousrepetition.tumblr.com/>
- 4 Campaign Against the Arms Trade, *Open? The UK's secret arms sales*. (July 2021), available at: <https://caat.org.uk/publications/open-the-uks-secret-arms-sales/>, p4.
- 5 Data from SIPRI Importer/Exporter TIV Tables, via the SIPRI Arms Transfer Database. (March 2021), available at: <https://www.sipri.org/databases/armstransfers>.
- 6 See e.g. World Peace Foundation, "The Al Yamamah Arms Deals," available at: <https://sites.tufts.edu/corruptarmsdeals/the-al-yamamah-arms-deals/> and Andrew Feinstein, *The Shadow World. Inside The Global Arms Trade* (London: Penguin, 2012).
- 7 See SIPRI, *Trends in International Arms Transfers*. (2010-2014 onwards), available at: [https://sipri.org/publications/search?keys=&author\\_editor=&field\\_associated\\_research\\_area\\_target\\_id=368&field\\_publication\\_type\\_target\\_id=297](https://sipri.org/publications/search?keys=&author_editor=&field_associated_research_area_target_id=368&field_publication_type_target_id=297).
- 8 SIPRI, *Trends in International Arms Transfers, 2020*. (March 2021 ), available at: <https://sipri.org/publications/2021/sipri-fact-sheets/trends-international-arms-transfers-2020>.
- 9 See e.g. Defence Committee, *The impact on UK Defence of the proposed merger of BAE Systems and EADS*. (2012), available at: <https://publications.parliament.uk/pa/cm201213/cmselect/cmdfence/writev/bae/bae.pdf>
- 10 See Campaign Against the Arms Trade, "Political Influence." Available at: <https://caat.org.uk/challenges/government-support/political-influence/>
- 11 Quoted in Andy McSmith, "The firm with a 'back door key to Number 10," *The Independent*, 2 October 2009, available at: <https://www.independent.co.uk/news/business/news/the-firm-with-a-back-door-key-to-number-10-1796377.html>
- 12 See David Wearing, *AngloArabia: Why Gulf Wealth Matters to Britain* (London: Polity Books, 2018)
- 13 This is a conservative estimate of the range of wars the UK has been involved in: arms supplies and military support for the Saudi-led coalition in Yemen, for example. See, Naseh Shaker, Phil Miller, and Mark Custis, "Revealed: UK troops 'secretly operating in Yemen.'" *Daily Maverick* (6 July 2021), available at: <https://www.dailymaverick.co.za/article/2021-07-06-revealed-uk-troops-secretly-operating-in-yemen/>, which raises the question of whether the UK is a party to the war, despite the claims to the contrary of the government.
- 14 For an overview, see The Ammerdown Group, *Rethinking Security: A discussion paper*. (May 2016), available at: <https://rethinkingsecurityorguk.files.wordpress.com/2016/10/rethinking-security-a-discussion-paper.pdf>.
- 15 See e.g. Elias Yousif, *The arms left behind in Afghanistan*. Center for International Policy Issue Brief (September 2021), available at: <https://securityassistance.org/wp-content/uploads/2021/09/Final-SAM-Afghanistan-Brief-Sept21.pdf>.
- 16 British Ministry of Defense, "MOD trade industry and contracts 2020," (17 December 2020), available at: <https://www.gov.uk/government/statistics/mod-trade-industry-and-contracts-2020/mod-trade-industry-and-contracts-2020>
- 17 CAAT, "EU Export Data Browser, Export licences of military goods by the United Kingdom to United States since 2000," available at: [https://caat.org.uk/data/exports-eu/overview?metric=licence,approved&origin=united-kingdom&destination=united-states&year\\_from=2000](https://caat.org.uk/data/exports-eu/overview?metric=licence,approved&origin=united-kingdom&destination=united-states&year_from=2000)
- 18 UK Department for International Trade, "UK defence and security export statistics for 2019." ( 6 October 2020), available at: <https://www.gov.uk/government/statistics/uk-defence-and-security-export-statistics-for-2019/uk-defence-and-security-export-statistics-for-2019>
- 19 The work of NGOs such as Saferworld, Amnesty International, Oxfam and more recently the Control Arms coalition were central to the content and political mobilisation around the development of these national, regional and international controls. Their websites provide a repository of analyses of UK export policy over the years.
- 20 "Robin Cook's speech on the government's ethical foreign policy." *The Guardian* (12 May 1997), available at: <https://www.theguardian.com/world/1997/may/12/indonesia.ethicalforeignpolicy>
- 21 ATT Expert Group, *Domestic accountability for arms transfers: law, policy and practice*. Briefing No. 8 (London: Saferworld), available at: <https://www.saferworld.org.uk/resources/publications/1366-domestic-accountability->

[for-international-arms-transfers-law-policy-and-practice](#), p14. Also Lawrence Lustgarten, *Law and the Arms Trade: Weapons, Blood and Rule* (London: Bloomsbury, 2020), p117 .

22 Since the merger of the Department for International Development (DfID) and the Foreign and Commonwealth Office (FCO) to form the FCDO in September 2020, advice provided by DfID regarding exports exceeding an agreed threshold to countries on the World Bank's International Development Association list is now provided by FCDO. See, *United Kingdom Strategic Export Controls Annual Report 2020*, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1006254/United-Kingdom-Strategic-Export-Controls-Annual-Report-2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1006254/United-Kingdom-Strategic-Export-Controls-Annual-Report-2021.pdf).

23 "Consolidated EU And National Arms Export Licensing Criteria" (24 March 2014), available at: <https://publications.parliament.uk/pa/cm201314/cmhansrd/cm140325/wmstext/140325m0001.htm#14032566000018>. Criterion Two states that "the Government will ... not grant a licence if there is a clear risk that the items might be used for internal repression" or "if there is a clear risk that the items might be used in the commission of a serious violation of international humanitarian law." Criterion Three states that "The Government will not grant a licence for items which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination" and Criterion Four states that "The Government will not grant a licence if there is a clear risk that the intended recipient would use the items aggressively against another country, or to assert by force a territorial claim."

24 Consolidated EU And National Arms Export Licensing Criteria, 2014.

25 This recommendation has been made in writing since at least 2001, see "Memorandum from Saferworld," Select Committee on Foreign Affairs, available at: <https://publications.parliament.uk/pa/cm200102/cmselect/cmfaaff/327/327ap06.htm>, and anecdotally, since the mid/late 1990s as NGOs worked with Labour in opposition and the early days of their government. The presumption of denial has also been called for by NGOs in response to e.g. the publication of FCO Human Rights reports (see, Saferworld, "Foreign and Commonwealth Office Human Rights Report, 2005." (November 2005), available at: <https://www.saferworld.org.uk/resources/publications/156-foreign-and-commonwealth-office-human-rights-report-2005>) and when controversies break out e.g. the Arab Spring (see, Saferworld, "UK must tighten up arms export licensing mechanism, says Control Arms Coalition" (13 July 2012), available at: <https://www.saferworld.org.uk/resources/news-and-analysis/post/539-uk-must-tighten-up-arms-export-licensing-mechanism-says-control-arms-coalition>).

26 UK Parliament, "Trade Policy Update." (8 December 2021), available at: <https://questions-statements.parliament.uk/written-statements/detail/2021-12-08/hcws449>.

27 For initial reactions from the NGO community to the revised criteria, see, Emma Garham-Harrison, "New rules on UK arms trade make it 'easier' to sideline human rights." *The Guardian* (12 December 2021), available at: <https://www.theguardian.com/world/2021/dec/12/new-rules-on-uk-arms-trade-make-it-easier-to-sideline-human-rights>.

28 Sam Perlo-Freeman, *Business as Usual*, p14

29 "UK Defence and Security Export Figures, 2013." Department for International Trade and Security Organisation (8 July 2014), available at: <https://webarchive.nationalarchives.gov.uk/ukgwa/20190802104341/https://www.gov.uk/government/statistics/uk-defence-and-security-export-figures-2013>.

30 SIPRI, UK-India trade register, via SIPRI Arms Transfer Database.

31 On the internationalisation of the arms industry, see Lucie Béraud-Sudreau *et al*, *Mapping the international presence of the world's largest arms companies*. SIPRI Insights on Peace and Security No. 2020/12 (December 2020), available at: <https://www.sipri.org/publications/2020/sipri-insights-peace-and-security/mapping-international-presence-worlds-largest-arms-companies>.

32 Perlo-Freeman, *Business as Usual*, p14.

33 *Ibid.*, p5.

34 *Ibid.*, p21.

35 "UK defence and security export statistics for 2019," Department for International Trade and UK Defence and Security Exports. (6 October 2020), available at: <https://www.gov.uk/government/statistics/uk-defence-and-security-export-statistics-for-2019/uk-defence-and-security-export-statistics-for-2019>.

36 CAAT, "Exports and licences of military goods by United Kingdom to India since 2000." EU Export Data Browser, available at: [https://caat.org.uk/data/exports-eu/overview?origin=united-kingdom&destination=india&year\\_from=2000](https://caat.org.uk/data/exports-eu/overview?origin=united-kingdom&destination=india&year_from=2000); and CAAT, "Exports and licences of military goods by United Kingdom to Pakistan since 2000," EU Export Data Browser, available at: [https://caat.org.uk/data/exports-eu/overview?origin=united-kingdom&destination=pakistan&year\\_from=2000](https://caat.org.uk/data/exports-eu/overview?origin=united-kingdom&destination=pakistan&year_from=2000) .

37 Calculated from SIPRI arms transfer database, all exports from UK since 1950. This calculation puts India behind the USA but ahead of Saudi Arabia in the post-WWII period. However, SIPRI data does not include components and

- services, which have become increasingly important to the UK arms trade.
- 38 Uppsala Conflict Data Program, "India-Pakistan." Available at: <https://ucdp.uu.se/conflict/218>.
- 39 Ibid.
- 40 Defence, Foreign Affairs, International Development and Trade and Industry Committees, "Committees' Inquiry into the 1997 and 1998 Annual Reports on Strategic Export Controls," HC540 (1999), p45.
- 41 Defence, Foreign Affairs, International Development and Trade and Industry Committees, *Strategic Export Controls. Annual Report for 2001, Licensing Policy and Parliamentary Scrutiny*, HC474 (2003), p16.
- 42 "India (Nuclear Tests)." Hansard (14 May 1998), available at: [https://hansard.parliament.uk/Commons/1998-05-14/debates/54be575a-2395-4e1a-a4df-a300e0718cb1/India\(NuclearTests\)?highlight=india%20pakistan%20embargo#](https://hansard.parliament.uk/Commons/1998-05-14/debates/54be575a-2395-4e1a-a4df-a300e0718cb1/India(NuclearTests)?highlight=india%20pakistan%20embargo#).
- 43 Defence, Foreign Affairs, International Development and Trade and Industry Committees, "Annual reports for 1997 and 1998 on Strategic Export Controls," HC225 (2000), p. xix.
- 44 Ibid., p. xx.
- 45 Defence, Foreign Affairs, International Trade and Trade and Industry Committees, *Strategic Export Controls: Annual Report for 2000, Licensing Policy and Prior Parliamentary Scrutiny*, HC718 (2002), p64.
- 46 Secretaries of State for Defence, Foreign and Commonwealth Affairs, International Development and Trade and Industry, *Strategic Export Controls: Annual Report for 2000, Licensing Policy and Prior Parliamentary Scrutiny. Response of the Secretaries of State for Defence, Foreign and Commonwealth Affairs, International Development and Trade and Industry*, Cm5629 (2002), p3.
- 47 Ibid.
- 48 "India/Pakistan." Hansard (10 June 2002), available at: <https://hansard.parliament.uk/Commons/2002-06-10/debates/6dd94228-cd7a-4e70-a275-7c4136cff211/CommonsChamber#contribution-f151071b-3e04-4082-9296-4c1072dd8313>.
- 49 "Export Credit Guarantees." Hansard (23 July 2002), available at: <https://hansard.parliament.uk/Commons/2002-07-23/debates/f494bc7d-3d38-4132-8201-dfc88f30f5dc/WestminsterHall#contribution-c67d87dd-30fc-4357-8265-22de651ca5ea>.
- 50 Defence, Foreign Affairs, International Trade and Trade and Industry Committees, *Strategic Export Controls: Annual Report for 2000*. HC 718 (2002), p28.
- 51 Defence, Foreign Affairs, International Trade and Trade and Industry Committees, *Strategic Export Controls: Annual Report for 2002, Licensing Policy and Prior Parliamentary Scrutiny*, HC390 (2004), p25, Ev 72.
- 52 SIPRI, UK-India Trade Register, via SIPRI Arms Transfer Database.
- 53 Defence, Foreign Affairs, International Trade and Trade and Industry Committees, *Strategic Export Controls: Annual Report for 2000*. HC 718 (2002), p27. See also, Roger Berry in "Strategic Export Controls." Hansard (27 March 2003), available at: <https://hansard.parliament.uk/Commons/2003-03-27/debates/0ca3a775-ff59-415e-b8df-9c8f69edae1b/WestminsterHall#contribution-20d019b0-0bbc-4ae7-94af-56113b579f80>; and *Defence, Foreign Affairs, International Development and Trade and Industry Committees, Annual Report for 2001, Licensing Policy and Prior Parliamentary Scrutiny*, HC474 (2003), p. 29.
- 54 Defence, Foreign Affairs, International Trade and Trade and Industry Committees, *Strategic Export Controls: Annual Report for 2000*, HC 718 (2002), p27.
- 55 Suthaharan Nadarajah and Luxshi Vimalarajah, "The Politics of Transformation: The LTTE and the 2002-2006 peace process in Sri Lanka," Berghof Transitions Series No. 4 (Berghof Research Center for Constructive Conflict Management, 2008), p14.
- 56 International Crisis Group, "Sri Lanka: The Failure of the Peace Process," Crisis Group Asia Report N°124 (28 November 2006), p3.
- 57 Nadarajah and Vimalarajah, "The Politics of Transformation," p21.
- 58 Uppsala Conflict Data Program, "Sri Lanka." Available at: <https://ucdp.uu.se/country/780>.
- 59 Nadarajah and Vimalarajah, "The Politics of Transformation," p44.
- 60 CAAT, "Exports and licences of military goods by United Kingdom to Sri Lanka since 2000." EU Export Data Browser, available at: [https://caat.org.uk/data/exports-eu/overview?origin=united-kingdom&destination=sri-lanka&year\\_from=2000](https://caat.org.uk/data/exports-eu/overview?origin=united-kingdom&destination=sri-lanka&year_from=2000).
- 61 Phil Miller, *Keenie Meenie. The British mercenaries who got away with war crimes* (London: Pluto Press, 2020).
- 62 See Miller, *Keenie Meenie*

- 63 E.g. "Sri Lanka." Hansard (16 November 1998), available at: <https://hansard.parliament.uk/Commons/1998-11-16/debates/fcf7f08f-8190-4996-ab5c-6302da56b3e6/SriLanka?highlight=sri%20lanka%20arms#main-content>; "Sri Lanka." Hansard (5 May 1999), available at: <https://hansard.parliament.uk/Commons/1999-05-05/debates/0df5a8c0-47b2-451e-a6a9-e608488c7ab4/SriLanka?highlight=sri%20lanka%20arms#main-content>.
- 64 E.g. "Arms Exports." Hansard (24 June 2009), available at: <https://hansard.parliament.uk/Lords/2009-06-24/debates/09062476000303/ArmsExports?highlight=sri%20lanka%20arms#contribution-09062476000011>; "Sri Lanka." Hansard (12 October 2006), available at: <https://hansard.parliament.uk/Commons/2006-10-12/debates/06101265000050/SriLanka?highlight=sri%20lanka%20arms#contribution-061012650000643>; "Sri Lanka: Arms trade." Hansard (15 June 2009), available at: <https://hansard.parliament.uk/Commons/2009-06-15/debates/09061535000019/SriLankaArmsTrade?highlight=sri%20lanka%20arms#contribution-090615350000131>
- 65 See e.g. "Strategic Export Controls." Hansard (27 March 2008), available at: <https://hansard.parliament.uk/Commons/2008-03-27/debates/08032758000001/StrategicExportControls?highlight=sri%20lanka%20arms#main-content>; and "Arms Export Controls." Hansard (5 November 2009), available at: <https://hansard.parliament.uk/Commons/2009-11-05/debates/09110560000001/ArmsExportControls?highlight=sri%20lanka%20arms#main-content>.
- 66 The 2009 CAEC report that scrutinized 2007 and 2008 government policy got a fair amount of attention, in particular in relation to Israel and Sri Lanka: Roger Berry says, "Our comments on arms exports to Israel and Sri Lanka were the part of the report that attracted the most media coverage"; "Arms Export Controls." Hansard (5 November 2009), available at: <https://hansard.parliament.uk/Commons/2009-11-05/debates/09110560000001/ArmsExportControls?highlight=sri%20lanka%20arms#main-content>
- 67 "Arms Export Controls." Hansard (5 November 2009), available at: <https://hansard.parliament.uk/Commons/2009-11-05/debates/09110560000001/ArmsExportControls?highlight=sri%20lanka%20arms%20embargo#main-content>
- 68 "Arms Export Controls." Hansard (20 October 2011), available at: <https://hansard.parliament.uk/Commons/2011-10-20/debates/11102035000001/ArmsExportControls?highlight=sri%20lanka%20arms%20revoke#contribution-111020350000126>
- 69 In 2007, four SIELs were refused under Criteria 2, 3 and 7, "owing to the clear risk that they might be used for internal repression, possibly prolonging the conflict, and the risk of diversion under undesirable conditions," for equipment for "the maintenance of lethal weapons for operational use by the police and the navy" and "electric safety detonating fuses"; *United Kingdom Strategic Export Controls: Annual Report 2007*. the Secretary of State for Foreign and Commonwealth Affairs, the Secretary of State for International Development, the Secretary of State for Defence and the Secretary of State for Business, Enterprise and Regulatory Reform by Command of Her Majesty, (July 2008), available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/243375/7451.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/243375/7451.pdf), p15. In 2008, nine SIELs were refused, under C1, 2, 3 and 7, for equipment including aircraft military communications equipment and maintenance equipment for assault rifles, heavy machine guns and semi-automatic pistols; "Strategic Export Controls: licensing statistics, 2009," available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/837292/2019Q2-strategic-export-controls-country-pivot-report-2008.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/837292/2019Q2-strategic-export-controls-country-pivot-report-2008.pdf), pp408-9.
- 70 Cited in An Vranckx, "Rhetoric or Restraint? Trade in military equipment under the EU transfer control system. A Report to the EU Presidency." (Gent: Academia Press, 2010), p 49.
- 71 Quoted in Vranckx, "Rhetoric or Restraint?" p49.
- 72 Vranckx, "Rhetoric or Restraint?" p50.
- 73 "Scrutiny of Arms Export Controls (2009): UK Strategic Export Controls Annual Report 2007, Quarterly Reports for 2008, licensing policy and review of export control legislation", available at: <https://publications.parliament.uk/pa/cm200809/cmselect/cmintdev/178/17810.htm#a38>, para. 124.
- 74 "Strategic Export Control: Her Majesty's Government's Annual Report for 2008, Quarterly Reports for 2009, Licensing Policy and Parliamentary Scrutiny. Response of the Secretaries of State for Defence, Foreign and Commonwealth Affairs, International Development and Business, Innovation and Skills." Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/238373/7938.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/238373/7938.pdf), p.12.
- 75 "Further written evidence submitted by Ivan Lewis MP, Secretary of State, Foreign and Commonwealth Office." (14 October 2009), available at: <https://publications.parliament.uk/pa/cm200910/cmselect/cmquad/202/202we05.htm>.
- 76 "Further written evidence submitted by Ivan Lewis MP, Secretary of State, Foreign and Commonwealth Office." (14 October 2009), available at: <https://publications.parliament.uk/pa/cm200910/cmselect/cmquad/202/202we05.htm>.



- 77 Quoted in "Scrutiny of Arms Export Controls (2010): UK Strategic Export Controls Annual Report 2008, Quarterly Reports for 2009, licensing policy and review of export control legislation," available at: <https://publications.parliament.uk/pa/cm200910/cmselect/cmquad/202/20210.htm>.
- 78 Quoted in "Scrutiny of Arms Export Controls (2010): UK Strategic Export Controls Annual Report 2008, Quarterly Reports for 2009, licensing policy and review of export control legislation," available at: <https://publications.parliament.uk/pa/cm200910/cmselect/cmquad/202/20210.htm>.
- 79 See e.g. UN Office for the Coordination of Humanitarian Affairs, "Summary of the Crisis Context and Impact," available at: <https://www.ochaopt.org/country/opt>; United Nations, "The UN Independent Commission of Inquiry on the 2018 Gaza protests," (28 February 2019), available at: <https://www.un.org/unispal/document/un-independent-commission-of-inquiry-on-protests-in-gaza-presents-its-findings-press-release/>; "Al-Haq Field Report on Human Rights Violations in 2021." Al-Haq (2 March 2022), available at: <https://www.alhaq.org/monitoring-documentation/19598.html>; B'Tselem, "The Occupied Territories and International Law." (11 November 2017), available at: [https://www.btselem.org/international\\_law](https://www.btselem.org/international_law); Amnesty International, "Israel's apartheid against Palestinians." (1 February 2022), available at: <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>; Amnesty International, "Gaza: New evidence of misuse of weapons prompts fresh embargo call." (23 February 2009), available at: <https://www.amnesty.org.uk/press-releases/gaza-new-evidence-misuse-weapons-prompts-fresh-arms-embargo-call>; Human Rights Watch, "Israel: Misuse of drones killed civilians in Gaza." (30 June 2009), available at: <https://www.hrw.org/news/2009/06/30/israel-misuse-drones-killed-civilians-gaza>.
- 80 Foreign and Commonwealth Office, "Human Rights and Democracy: the 2019 Foreign and Commonwealth Office report." (2020), available at: <https://www.gov.uk/government/publications/human-rights-and-democracy-report-2019/human-rights-and-democracy-the-2019-foreign-and-commonwealth-office-report>
- 81 See e.g., Amnesty International, "Gaza: New evidence of misuse of weapons prompts fresh embargo call." (23 February 2009), available at: <https://www.amnesty.org.uk/press-releases/gaza-new-evidence-misuse-weapons-prompts-fresh-arms-embargo-call>; UNA-UK, "UK Working Group on Arms calls for full embargoes on Hamas and Israel." (12 August 2014), available at: <https://una.org.uk/news/uk-working-group-arms-calls-full-arms-embargoes-hamas-and-israel?page=1>; Jamie Merrill, "Amnesty calls for arms embargo on Israel over Gaza deaths." *Middle East Eye* (27 April 2018), available at: <https://www.middleeasteye.net/news/amnesty-calls-arms-embargo-israel-over-gaza-deaths>; Tovah Lazaroff, "UNHRC arms embargo call against Israel passes by only slim margin." *The Jerusalem Post* (20 June 2020), available at: <https://www.jpost.com/arab-israeli-conflict/unhrc-set-to-condemn-israeli-annexation-call-for-arms-embargo-632086>.
- 82 See e.g., "Why we take direct action to shut Elbit down." Palestine Action (30 May 2021), available at: <https://palestineaction.org/why-we-shut-elbit-down/>.
- 83 E.g. War on Want, *Arming Apartheid*. (1 July 2015) available at: <https://waronwant.org/resources/arming-apartheid>; and (2017) *Deadly Investments*, available at: <https://waronwant.org/resources/deadly-investments>.
- 84 "Strategic export controls: licensing statistics, 2011," p. 260; "Strategic export controls: licensing statistics, 2012," pp.273-4
- 85 "Written Answers – Israel." Hansard (15 April 2002), available at: <https://publications.parliament.uk/pa/cm200102/cmhansrd/vo020415/text/20415w08.htm>.
- 86 "The Middle East." Hansard (16 April 2002), available at: <https://hansard.parliament.uk/Commons/2002-04-16/debates/d696a1af-a3c2-4bbc-b541-f1b4e1eed6ea/TheMiddleEast?highlight=israel%20assurances%20arms%20weapons#>.
- 87 Business, Innovation and Skills, Defence, Foreign Affairs, and International Development Committees, "Scrutiny of Arms Export Controls (2011): UK Strategic Export Controls Annual Report 2009, Quarterly Reports for 2010, licensing policy and review of export control legislation," HC686 (2011), available at: <https://publications.parliament.uk/pa/cm201011/cmselect/cmquad/686/686.pdf>, pp. 9, 52.
- 88 "Israel." Hansard (15 April 2002), available at: <https://publications.parliament.uk/pa/cm200102/cmhansrd/vo020415/text/20415w08.htm>.
- 89 "The Middle East." Hansard (16 April 2002), available at: <https://hansard.parliament.uk/Commons/2002-04-16/debates/d696a1af-a3c2-4bbc-b541-f1b4e1eed6ea/TheMiddleEast?highlight=israel%20assurances%20arms%20weapons#>.
- 90 The Guardian, "Export of Israeli jet parts approved." (8 July 2002), available at: <https://www.theguardian.com/politics/2002/jul/08/foreignpolicy.israel>.
- 91 Figures from Strategic Export Control Annual Reports 2001, 2002, 2003.
- 92 "Strategic Export Controls." Hansard (27 March 2003), available at: <https://hansard.parliament.uk/Commons/2003-03-27/debates/e72ec569-684f-45fb-b4d6-06a360e28955/>

[StrategicExportControls?highlight=kashmir%20weapons%20arms#contribution-194718dc-9fa5-483a-b4a3-db4940586009](https://hansard.parliament.uk/Commons/2002-07-08/debates/1d00de9f-d8ae-45d1-b2dd-8d35f6d146b3/ExportLicences).

93 Ibid.

94 Ibid.

95 "Export Licences." Hansard (8 July 2002), available at: <https://hansard.parliament.uk/Commons/2002-07-08/debates/1d00de9f-d8ae-45d1-b2dd-8d35f6d146b3/ExportLicences>.

96 Rowena Mason, "UK government reviewing £8bn of commercial and military export licences granted to Israel." *The Guardian* (4 August 2014), available at: <https://www.theguardian.com/world/2014/aug/04/uk-government-reviews-arms-sales-israel-gaza>

97 "Israel (UK Strategic Export Controls)." Hansard (21 April 2009), available at: [https://hansard.parliament.uk/commons/2009-04-21/debates/090421109000013/Israel\(UKStrategicExportControls\)](https://hansard.parliament.uk/commons/2009-04-21/debates/090421109000013/Israel(UKStrategicExportControls)).

98 Ibid.

99 CAAT, "UK export licenses revoked for military goods to Israel since 2008." UK Export Licence Data, available at: <https://caat.org.uk/data/exports-uk/licence-list?region=Israel&status=revoked>.

100 "Israel (UK Strategic Export Controls)." Hansard (21 April 2009), available at: [https://hansard.parliament.uk/commons/2009-04-21/debates/090421109000013/Israel\(UKStrategicExportControls\)](https://hansard.parliament.uk/commons/2009-04-21/debates/090421109000013/Israel(UKStrategicExportControls)).

101 "Middle East." Hansard (18 December 2012), available at: <https://publications.parliament.uk/pa/cm201213/cmhansrd/cm121218/text/121218w0004.htm#12121876000129>.

102 Defence Committee, "Scrutiny of Arms Export Controls (2009): UK Strategic Export Controls Annual Report 2007, Quarterly Reports for 2008, licensing policy and review of export control legislation." Available at: <https://publications.parliament.uk/pa/cm200809/cmselect/cmdfence/178/17810.htm#a39>.

103 Foreign Office minister Tobias Ellwood, quoted in Rowena Mason, "UK government reviewing £8bn of commercial and military export licences granted to Israel." *The Guardian* (4 August 2014), available at: <https://www.theguardian.com/world/2014/aug/04/uk-government-reviews-arms-sales-israel-gaza>.

104 Department for Business, Innovation and Skills, "Government announces findings of review of licensed exports to Israel." (12 August 2014), available at: <https://www.gov.uk/government/news/government-announces-findings-of-review-of-licensed-exports-to-israel>.

105 Ibid.

106 War on Want, *Arming Apartheid*, p7.

107 Department for Business, Innovation and Skills, "Review of export licensing procedures for Israel." (14 July 2015), available at: <https://www.gov.uk/government/news/review-of-export-licensing-procedures-for-israel>.

108 Minister of State for the Middle East and North Africa Alistair Burt MP, letter to Chair of International Development Committee Stephen Twigg MP, (19 July 2018), available at: <https://www.parliament.uk/globalassets/documents/commons-committees/international-development/Minister-Burt-letter.pdf>.

109 Ibid.

110 Amnesty International, "Israel/OPT: End brutal repression of Palestinians protesting forced displacement in occupied East Jerusalem." (10 May 2021), available at: <https://www.amnesty.org/en/latest/press-release/2021/05/israel-opt-end-brutal-repression-of-palestinians-protesting-forced-displacement-in-occupied-east-jerusalem/>.

111 "Israel and Gaza: Ceasefire." Hansard (19 May 2021), available at: <https://hansard.parliament.uk/Commons/2021-05-19/debates/B3F55477-09D3-42A0-A2E8-27B9BB6014B4/IsraelAndGazaCeasefire?highlight=israel%20arms#contribution-9C8D9FCB-24FE-41ED-930D-5A5A69A11D3D>; and "Violence in Israel and Palestine." Hansard (12 May 2021), available at: <https://hansard.parliament.uk/Commons/2021-05-12/debates/5CB9BFF2-D70C-44FB-988B-425CDC0FEA6B/ViolenceInIsraelAndPalestine?highlight=israel%20arms#contribution-BA249EAC-DB39-4714-A42F-5DB114E02BB8>.

112 Embassy of the Kingdom of Saudi Arabia, "Statement by Saudi Ambassador Al-Jubeir on Military Operations in Yemen." (25 March 2015), available at: <https://www.saudiembassy.net/press-release/statement-saudi-ambassador-al-jubeir-military-operations-yemen>.

113 For an overview of these various legal justifications, see Elinor Buys and Andrew Garwood-Gowers, "The (Ir)relevance of human suffering," *Journal of Conflict and Security Law*, 24(1) 2019: 1-33.

114 FCO (2016) "Yemen – in-year update December 2015." (21 April 2016), available at: <https://www.gov.uk/government/publications/yemen-in-year-update-december-2015/yemen-in-year-update-december-2015>

115 CAAT UK Export Licence Data, "UK export licences approved for military goods to United Arab Emirates since

- 2008,” available at: <https://caat.org.uk/data/exports-uk/overview?region=United+Arab+Emirates>.
- 116 Department for Business Innovation and Skills, “Strategic Export Controls: Licensing Statistics. Commentary April – June 2015.” (20 October 2015), available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/899850/15-584-strategic-export-controls-commentary-1-April-30-June-2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/899850/15-584-strategic-export-controls-commentary-1-April-30-June-2015.pdf).
- 117 CAAT UK Export Licence Data, “UK export licences approved for military goods to Saudi Arabia since 2008,” available at: <https://caat.org.uk/data/exports-uk/overview?region=Saudi+Arabia>; and “UK export licences approved for military goods to United Arab Emirates since 2008,” available at: <https://caat.org.uk/data/exports-uk/overview?region=United+Arab+Emirates>.
- 118 Amnesty International UK, “UK-made missile used in airstrike on ceramics factory in Yemen.” (25 November 2015), available at: <https://www.amnesty.org.uk/press-releases/uk-made-missile-used-airstrike-ceramics-factory-yemen>.
- 119 Amnesty International UK, “Saudi Arabia-led coalition has used UK-manufactured cluster bombs in Yemen – new evidence.” (23 May 2016), available at: <https://www.amnesty.org.uk/press-releases/saudi-arabia-led-coalition-has-used-uk-manufactured-cluster-bombs-yemen-new-evidence>.
- 120 See, Mike Lewis and Katherine Templar, “UK personnel supporting the Saudi armed forces – risk, knowledge and accountability.” (April 2018), available at: <https://www.mikelewisresearch.com/RSAFinal.pdf>.
- 121 Larry Lewis, “Promoting Civilian Protection during Security Assistance: Learning from Yemen.” CNA Institute for Public Analysis (May 2019), available at: [https://www.cna.org/CNA\\_files/PDF/IRM-2019-U-019749-Final.pdf](https://www.cna.org/CNA_files/PDF/IRM-2019-U-019749-Final.pdf), pp7-8.
- 122 Amnesty International, “Yemen: Coalition used UK missile in unlawful airstrike.” (25 November 2015), available at: <https://www.amnesty.org/en/latest/news/2015/11/yemen-coalition-used-uk-cruise-missile-in-unlawful-airstrike/>.
- 123 Iona Craig, “The Agony of Saada. US and Saudi Bombs Hit Yemen’s Ancient Heritage.” *The Intercept* (16 November 2015), available at: <https://theintercept.com/2015/11/16/u-s-and-saudi-bombs-target-yemens-ancient-heritage/>.
- 124 MSF, “MSF hospital destroyed by airstrikes.” (27 October 2015), available at: <https://www.msf.org/yemen-msf-hospital-destroyed-airstrikes>.
- 125 United Nations, “Letter dated 22 January 2016 from the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014) addressed to the President of the Security Council.” (22 January 2016), available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/N1600299.pdf>; Human Rights Watch, “Yemen: Coalition strikes on residence apparent war crime.” (27 July 2015), available at: <https://www.hrw.org/news/2015/07/27/yemen-coalition-strikes-residence-apparent-war-crime#>; Amnesty International, “Bombing of schools by Saudi Arabia-led coalition a flagrant attack on future of Yemen’s children.” (11 December 2015), available at: <https://www.amnesty.org/en/latest/news/2015/12/bombing-of-schools-by-saudi-arabia-led-coalition-in-yemen/>.
- 126 Yemeni Archive, “Attacks on the Grand Hall in Sanaa.” (8 December 2020), available at: <https://yemeniarchive.org/en/investigations/attacks-on-grand-hall>.
- 127 European Parliament, “Yemen: MEPs renew their call for an EU arms embargo against Saudi Arabia.” (30 November 2017), available at: <https://www.europarl.europa.eu/news/en/press-room/20171127IPR88940/yemen-meps-renew-their-call-for-an-eu-arms-embargo-against-saudi-arabia>; European Parliament, “European Parliament resolution of 11 February 2021 on the humanitarian and political situation in Yemen.” (11 February 2021), available at: [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0053\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0053_EN.html)
- 128 For a summary of these cases and an evaluation of some of the legal issues at stake in the various jurisdictions, see ATT Expert Group, “Domestic accountability for international arms transfers: Law, policy and practice.”
- 129 E.g. since 26 March 2015, 13 open licences (but no SIELs) have been refused for Saudi Arabia, for equipment with relevance to the war e.g. ground vehicle military communications equipment, components and technology for missiles and combat aircraft – see CAAT, UK Export Licence Data, “UK export licences refused and revoked for military goods to Saudi Arabia since March 2015.”
- 130 Arron Merat, “‘The Saudis couldn’t do it without us’: the UK’s true role in Yemen’s deadly war.” *The Guardian* (18 June 2019), available at: <https://www.theguardian.com/world/2019/jun/18/the-saudis-couldnt-do-it-without-us-the-uks-true-role-in-yemens-deadly-war>.
- 131 Naseh Shaker, Phil Miller and Mark Curtis, “Revealed: UK troops ‘secretly operating in Yemen.’” *The Daily Maverick* (6 July 2021), available at: <https://www.dailymaverick.co.za/article/2021-07-06-revealed-uk-troops-secretly-operating-in-yemen/>.
- 132 Warren Strobel and Jonathan Landay, “Exclusive: As Saudis bombed Yemen, US worried about legal blowback.” *Reuters* (10 October 2016), available at: <https://www.reuters.com/article/us-usa-saudi-yemen/exclusive-as-saudis->

[bombed-yemen-u-s-worried-about-legal-blowback-idUSKCN12A0BQ](#).

133 “Yemen: Military Intervention.” Hansard (13 July 2018), available at: <https://questions-statements.parliament.uk/written-questions/detail/2018-07-13/163751>; “Saudi Arabia: Military Aid.” Hansard (7 March 2019), available at: <https://questions-statements.parliament.uk/written-questions/detail/2019-03-07/229818>.

134 Owen Boycott, “UK military officers give targeting training to Saudi military.” *The Guardian* (15 April 2016), available at: <https://www.theguardian.com/uk-news/2016/apr/15/uk-army-officers-provide-targeting-training-saudi-military>; Channel 4, “Britain’s Hidden War: Channel 4 Dispatches.” (1 April 2019), available at: <https://www.channel4.com/press/news/britains-hidden-war-channel-4-dispatches>.

135 FCO, “Yemen – in-year update December 2015.” (2016), available at: <https://www.gov.uk/government/publications/yemen-in-year-update-december-2015/yemen-in-year-update-december-2015>.

136 “Corrections to Parliamentary Questions and Westminster Hall Debates.” Hansard (21 July 2016), available at: <https://questions-statements.parliament.uk/written-statements/detail/2016-07-21/HCWS125>.

137 Anna Stavrianakis, “When ‘Anxious Scrutiny’ of Arms Exports Facilitates Humanitarian Disaster.” *Political Quarterly*, 89(1) 2018: 92-99; and Anna Stavrianakis, “Requiem for Risk: Non-Knowledge and Domination in the Governance of Weapons Circulation,” *International Political Sociology* 14(3) 2020: 233-251.

138 *The Queen (on the application of Campaign Against the Arms Trade) v The Secretary of State for International Trade and interveners* (2017), case no: CO/1306/2016, Approved Judgment (10 July 2017).

139 Court of Appeal, “Press Summary. The Queen (on the Application of Campaign against the Arms Trade) (Appellant) v Secretary of State for International Trade (Respondent) [2019] EWCA Civ 1020.” (20 June 2019), available at: <https://www.caat.org.uk/resources/countries/saudi-arabia/legal-2016/appeal/2019-06-20.press-summary.pdf>.

140 See “UK Strategic Export Controls Annual Report 2019,” available at: <https://www.gov.uk/government/publications/united-kingdom-strategic-export-controls-annual-report-2019>, p17; and discussion in Anna Stavrianakis, Oral Evidence to Committees on Arms Export Controls, “Oral Evidence: Arms export controls: initial review, HC965.” (2 February 2021), available at: <https://committees.parliament.uk/oralevidence/1638/default/>.

141 Phil Miller, “Coronavirus cannot stop Britain’s war in Yemen.” *Declassified UK* (22 April 2020), available at: <https://declassifieduk.org/coronavirus-cannot-stop-britains-war-in-yemen/>.

142 Stavrianakis, Oral Evidence to Committees on Arms Export Controls

143 Phil Miller, “Days after Khashoggi killing, British military sold crucial spare parts to Saudi air force bombing Yemen.” *Declassified UK* (1 April 2021), available at: <https://declassifieduk.org/days-after-khashoggi-killing-british-military-sold-crucial-spare-parts-to-saudi-air-force-bombing-yemen/>.

144 Secretary of State for International Trade Liz Truss MP, letter to Chair of the Committee on Arms Export Controls Graham Jones MP (16 September 2019), available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904481/Truss-letter-to-CAEC-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904481/Truss-letter-to-CAEC-2019.pdf).

145 “Trade Update.” Hansard (7 July 2020), available at: <https://questions-statements.parliament.uk/written-statements/detail/2020-07-07/HCWS339>; see also the response by e.g. Saferworld, “Statement on the UK Government decision to resume licensing arms exports to Saudi Arabia.” (8 July 2020), available at: <https://www.saferworld.org.uk/resources/news-and-analysis/post/885-statement-on-the-uk-government-decision-to-resume-licensing-arms-exports-to-saudi-arabia->.

146 Committees on Arms Export Controls, “Oral Evidence: Arms Export Controls: Initial Review, HC 965.” (10 November 2020), available at: <https://committees.parliament.uk/oralevidence/1164/html/>.

147 For an overview of the legal case, see ATT Expert Group, “Domestic accountability for arms transfers: law, policy and practice”, pp. 14-19.

148 See Committees on Arm Export Controls, “Use of UK-manufactured arms in Yemen inquiry,” available at: <https://old.parliament.uk/business/committees/committees-a-z/other-committees/committee-on-arms-export-controls/inquiries/parliament-2015/uk-arms-yemen-15-16/publications/>.





## WORLD PEACE FOUNDATION

World Peace Foundation  
at The Fletcher School

Tufts University  
169 Holland Street, Suite 209  
Somerville, Massachusetts 02144 USA  
ph +1.617.627.2255  
fx +1.617-627-3178  
[www.worldpeacefoundation.org](http://www.worldpeacefoundation.org)

 THE FLETCHER  
SCHOOL  
TUFTS UNIVERSITY