

A Soft Touch? Human Rights and the UK-Saudi Relationship



ALQST
Position Paper

December
2022

| Contents:

1. Introduction	3
2. Background	4
3. The Scope of UK-Saudi Ties, and Opportunities to Advance Human Rights	6
4. UK Action on Human Rights in Saudi Arabia	8
5. Institutional Support and Cooperation	13
6. Arms Sales to Saudi Arabia	18
7. Accountability and the Human Cost of the War in Yemen	24
8. Economic Ties: Trade and Investment	27
9. Conclusion and Recommendations	32

Introduction

At a time of deepening repression in Saudi Arabia, where de facto ruler Mohammed bin Salman seems emboldened by the world's failure to sanction him for having a dissident journalist assassinated, ALQST presents this position paper on the United Kingdom's relations with Saudi Arabia and the potential to use its close ties with Riyadh much more robustly to prevent abuses and promote respect for human rights.

ALQST is an independent non-governmental organisation based in London that has been monitoring and reporting on human rights in Saudi Arabia since 2014.¹ With civil society within the kingdom effectively silenced, ALQST has sought to fill the void by acting as a bridge between Saudi activists on the ground and the outside world community.

Crucial to this mission is the fact that the Saudi authorities are, perhaps surprisingly, susceptible to international pressure, which when applied sufficiently and in coordinated fashion can lead to human rights concessions on the ground. Conversely, when outside pressure is relaxed the Saudi leadership reverts to its repressive ways with a sense of impunity, as we have been seeing once again in recent months.

As a close ally of Saudi Arabia, the UK has considerable diplomatic leverage with which to press the Saudi authorities over human rights concerns. However, it has not always used this to the full extent possible, and it has not been transparent about the nature and terms of the relationship between London and the authoritarian rulers in Riyadh.

The visit of then-Prime Minister Boris Johnson to Saudi Arabia in March this year, despite the mass execution of 81 individuals only days before, marked a significant milestone in the gradual diplomatic rehabilitation of Crown Prince Mohammed bin Salman following months of frostiness since the state-sponsored murder of Jamal Khashoggi in October 2018. In July 2022, US President Joe Biden also visited Saudi Arabia and French President Emmanuel Macron hosted Bin Salman in Paris.

Since then, there has been an extraordinary renewed clampdown on freedom of expression in the kingdom, with a series of jail sentences of up to 50 years being handed down for peaceful social media activity, including a 34-year sentence for Leeds University PhD student and mother of two Salma al-Shehab.

¹ ALQST for Human Rights, <https://alqst.org/en>

As is often said by government officials, we are dealing in a world where we have to make difficult decisions. The UK has a legitimate interest in trading internationally and securing energy supplies. However, ALQST believes that human rights should be at the heart of the UK's relationships with foreign governments, for their mutual benefit and the common good.

There is undoubtedly a role for quiet diplomacy, but there is much more the UK could do, and do openly – on its own and multilaterally – from speaking out in support of Saudi human rights defenders to halting arms sales and spyware to Saudi Arabia so long as that country continues to wage war and commit breaches of International Humanitarian Law (IHL) in Yemen. By doing so it will advance both British values of democracy and human rights, and, ultimately, long-term UK interests.

| Background

The UK first formed an alliance with the Saudi leadership during the First World War, while the land was still part of the Ottoman Empire. Under a treaty signed in 1915, territories that had been conquered and brought under the rule of Ibn Saud, who later became the first king of Saudi Arabia, were made a British protectorate to which Britain supplied arms and granted subsidies. After the war, and following Ibn Saud's conquest of further regions of the Arabian Peninsula, in 1927 the UK officially recognised his rule over modern-day Saudi Arabia by signing the Treaty of Jeddah. The state was officially formed in 1932.

Despite some periods of tension, the UK has maintained a close relationship with Saudi Arabia ever since, with arms sales and military ties – and, for many years, oil imports – at its heart. Intelligence-sharing and Saudi investment in the UK have become increasingly important too in recent decades.

Throughout this time Saudi Arabia has remained an absolute monarchy, with no political representation and few liberties. The level of authoritarianism has significantly deepened, however, since King Salman came to the throne in 2015 and his son Mohammed bin Salman became crown prince in 2017, with the authorities brutally clamping down on any whisper of dissent, contrary to their claims to be championing liberal reforms.

Today there is no independent civil society left, and free speech, freedom of peaceful assembly and political participation are non-existent. The country has no formal constitution, only a Basic Law of Governance that fails to solidify fundamental rights and freedoms. Legal interpretation has been largely left to the individual discretion of judges. Meanwhile, repressive laws such as the Counterterrorism and Anti-Cybercrime Laws are frequently abused to target individuals for exercising basic rights and liberties.

Since Mohammed bin Salman came to power in 2017, the authorities have centralised state

power to an unprecedented degree and implemented sweeping waves of arbitrary arrests, unfair trials and lengthy prison sentences against activists, advocates for reform, and people simply voicing unacceptable political or religious opinions.² The Saudi prison system lacks transparency and independent monitoring, while prisoners often face cruel, inhuman and degrading treatment that has led to several avoidable, if not intentional, deaths in detention in recent years.³

Amid international criticism of their dismal human rights record, especially after the gruesome murder of journalist Jamal Khashoggi in October 2018, the Saudi authorities have tried to improve their image by announcing some economic and social reforms, but have failed to address the urgent need for political and democratic reforms. A number of high-profile prisoners have been released as a sop to global opinion, but only on stringent conditions that include arbitrary bans on travel, work and social media activity.

Saudi Arabia retains its position among the countries carrying out the highest numbers of executions in the world. The authorities have conducted 148 executions so far in 2022 (as of 24 November) – over double the number for the whole of 2021 – including the execution of 81 men on 12 March, the third mass execution of King Salman’s reign.

Certain restrictions on women have been lifted in recent years, by allowing women to drive and apply for their own passports, for example, but the oppressive male guardianship system remains in place and continues to blight the lives of women in Saudi Arabia. ‘Disobedience’ by a woman towards her male guardian (father, husband, brother or even son) remains a crime. Meanwhile, lesbian, gay, bisexual and transgender (LGBT) people can face imprisonment, flogging or even execution for expressing their sexual orientation or gender identity.

The notorious *kafala* (sponsorship) system keeps foreign employees in Saudi Arabia tied to an individual resident who acts as his or her sponsor, leaving millions of domestic workers, in particular, vulnerable to many kinds of abuse.

Stateless persons in Saudi Arabia (the “Bidoon”) have no rights, and struggle in every aspect of their lives. The authorities have also recently stepped up a policy of land seizures and forced mass evictions in order to proceed with controversial projects, such as the futuristic Neom project on the Red Sea coast and the redevelopment of the historic port city of Jeddah.

And since March 2015, Saudi Arabia has led a coalition of allies supporting the government of Yemen in a military operation against Houthi forces who took control of the capital, Sana’a, in 2014. The conflict has caused vast numbers of civilian casualties, extensive destruction of civilian infrastructure, and the world’s largest humanitarian crisis.

2 ALQST for Human Rights, Five years of ruthless repression under Crown Prince Mohammed bin Salman, 21 June 2022, <https://www.alqst.org/en/post/five-years-of-ruthless-repression-under-crown-prince-mohammed-bin-salman>

3 ALQST for Human Rights, Shrouded in Secrecy: Prisons and Detention Centres in Saudi Arabia, 27 July 2021, <https://www.alqst.org/en/post/shrouded-in-secrecy-prisons-and-detention-centres-in-saudi-arabia>

The Scope of UK-Saudi Ties, and Opportunities to Advance Human Rights

The UK enjoys a close relationship with the Saudi kingdom in the following areas:

diplomatic relations;

economic ties;

security and intelligence cooperation;

institutional support and technical assistance to Saudi military, security, judicial and other official bodies; and

sales of conventional arms and military equipment as well as modern surveillance technology.

These close ties afford many opportunities for the UK to promote human rights and democratic values while at the same time pursuing its national interests. As this position paper will show, however, successive UK governments have failed to give sufficient priority to human rights considerations, or else cynically disregarded them and cloaked the details of UK-Saudi transactions in near-total secrecy.

Here, in outline, are a number of ways in which the UK can and should seek to promote human rights in Saudi Arabia, which we discuss more fully in the rest of this paper, together with our specific recommendations:

- ✓ private conversations through the embassies in London and Riyadh and ministerial country visits;
- ✓ asserting the importance of being able to send embassy staff to attend trials as observers;

The Scope of UK-Saudi Ties, and Opportunities to Advance Human Rights

- ✓ public statements by UK officials, and interventions with their Saudi counterparts, raising specific human rights concerns;
- ✓ unilateral actions such as the UK's sanctions on 20 officials implicated in the murder of Jamal Khashoggi;
- ✓ continuing to identify Saudi Arabia as a Human Rights Priority Country and report on its status each year;
- ✓ responding to informed advocacy by members of the UK Parliament and expert groups;
- ✓ multilateral actions, for example through the UN Human Rights Council, such as by signing joint statements and actively contributing to Saudi Arabia's Universal Periodic Review (UPR);
- ✓ conducting and updating robust due diligence assessments for all bilateral agreements on institutional support and cooperation; and
- ✓ stringent application of licensing criteria for all arms sales, including a halt to all transfers and technical assistance while the Yemen war continues.

UK Action on Human Rights in Saudi Arabia

Diplomacy and the Role of the British Embassy in Riyadh

The UK government has long held that the close nature of its ties with Saudi Arabia allows it to address sensitive human rights issues “frankly” and “freely”, and that it raises rights concerns and individual cases at all levels, including during country and ministerial visits. Saudi Arabia also remains a Foreign, Commonwealth and Development Office (FCDO) Human Rights Priority Country. It is discussed as such in some detail in the FCDO’s Annual Human Rights and Democracy Report,⁴ though the latest edition gave an unduly generous account of the Saudi leadership’s reform programme, and accepted several claims by the authorities that observers on the ground have strongly challenged. The robustness with which human rights concerns are raised and prioritised in private discussions is also unclear, and any such representations appear to be heavily outweighed by other considerations, such as oil supplies and arms sales.



Recommendation 1:

The UK government must show greater resolve to exert public and private pressure on the Saudi Arabian authorities to improve their human rights record, including on thematic issues and, crucially, individual cases of concern.

One area in particular where consular and embassy officials can play a proactive role in raising rights concerns in individual cases is by attending trials in the Saudi kingdom as observers. In the past, British and other Western embassy officials were generally permitted access to Saudi courts, but since 2018 access has been largely denied. As a government official confirmed in March 2020,⁵ in response to an MP’s written question:



The UK attends trials of international importance in all countries where permitted. The UK, along with other embassies in Saudi Arabia, has requested and been denied access to each and every trial we have been aware of since October 2018, with the exception of the trials for those involved in the killing of Jamal Khashoggi.

⁴ Foreign & Commonwealth Office, Human Rights and Democracy Reports, Last updated 8 July 2021, <https://www.gov.uk/government/collections/human-rights-and-democracy-reports>

⁵ ALQST for Human Rights, Saudi authorities insist on holding secret trials with international observers denied access, 17 April 2020, <https://www.alqst.org/en/secret-trials>

UK Action on Human Rights in Saudi Arabia

Of course, the presence of international observers does not guarantee a fair trial. Prior to October 2018, when foreign diplomats were generally permitted access, the Saudi authorities continued to hold grossly unfair trials and hand down lengthy prison sentences on peaceful dissidents. Yet the right to a fair trial includes the right to a public and open hearing, and is enshrined in international human rights instruments. As such, it is important for the British Embassy to continue to request access to trials, and to press the Saudi authorities on this issue.



Recommendation 2:

Consular and embassy officials should continue to request access to relevant trial hearings such as those involving prisoners of conscience, and the UK government should press the Saudi authorities on the issue of court access in support of the right to a fair and open trial.

UK Sanctions Against Saudi Individuals

Following the state-sponsored murder of Saudi journalist Jamal Khashoggi in October 2018, the UK government made several statements condemning the crime and calling for accountability. However, when in July 2020 it introduced a Global Human Rights sanctions regime and froze the assets of 20 Saudi officials involved in Khashoggi's murder,⁶ it significantly omitted Crown Prince Mohammed bin Salman from the list of individuals targeted for financial sanctions. He has still not yet been designated for such sanctions, even after a report from the US Office of the Director of National Intelligence (ODNI) in February 2021 confirmed his direct involvement in the assassination.⁷



Recommendation 3:

The UK government should at the earliest opportunity designate Saudi Crown Prince Mohammed bin Salman as an individual target for financial sanctions under the UK Global Human Rights regime.

⁶ Office of Financial Sanctions Implementation and HM Treasury, Financial sanctions, Global Human Rights, Last updated 16 February 2022, <https://www.gov.uk/government/publications/financial-sanctions-global-human-rights>

⁷ ALOST for Human Rights, US intelligence concludes that MBS approved Khashoggi operation, 27 February 2021, <https://www.alqst.org/en/post/US-intelligence-concludes-that-MBS-approved-Khashoggi-operation>

UK Action on Human Rights in Saudi Arabia

Parliamentary Pressure

British parliamentarians have often taken a proactive role on human rights in Saudi Arabia, questioning existing policy and calling on the government to change course. This has taken the form of parliamentary debates and urgent questions and reports from the Foreign Affairs Committee and All-Party Parliamentary Groups (APPGs), notably a July 2021 report by the APPG on democracy and human rights in the Gulf into UK funding to the region.⁸

In July 2019, MPs holding a debate on “Human Rights in Saudi Arabia and the Detention of Opponents of the Regime” urged the government to take steps including pursuing accountability for Khashoggi’s murder and ending arms sales to the kingdom.⁹ In March 2022, MPs demanded a strong government response to the mass execution of 81 individuals in Saudi Arabia, and questioned whether then-Prime Minister Boris Johnson’s visit to the kingdom should go ahead only a few days later.¹⁰ Again, they called on the government to do more to stop Saudi Arabia’s human rights violations, and to cease UK-Saudi judicial cooperation. In 2019, the cross-party Detention Review Panel¹¹ reviewed the detention conditions of Saudi women activists, and a year later it investigated the detention of former Crown Prince Mohammed bin Nayef and Prince Ahmed bin Abdulaziz.



Recommendation 4:

Informed MPs of all parties, drawing on appropriate external expertise, should continue to advocate strongly for human rights in Saudi Arabia, and the government should respond positively to their evidence-based recommendations.

8 APPG on Democracy and Human Rights in the Gulf, The Cost of Repression: Secret Government Funds & Human Rights Abuse in the Gulf, July 2021, https://birdbh.org/wp-content/uploads/2021/07/APPG-Report_FinalCopy_13July2021.pdf

9 ALQST for Human Rights, In Westminster Hall debate on human rights in Saudi Arabia MPs call on the UK to do more, 26 July 2019, <https://www.alqst.org/en/post/in-westminster-hall-debate-on-human-rights-in-saudi-arabia-mps-call-on-the-uk-to-do-more>

10 ALQST for Human Rights, MPs call on UK government to condemn mass executions in Saudi Arabia as Boris Johnson visits, 18 March 2022, <https://alqst.org/en/post/mps-call-on-uk-government-to-condemn-mass-executions-in-saudi-arabia>

11 Detention Review Panel, Detention Review Panel for Women Activist Detainees in Saudi Arabia, January 2019, <https://www.docdroid.net/S5NAt3q/drp-report-women-activist-detainees-in-saudi-arabia-february-2019-pdf>

UK Action on Human Rights in Saudi Arabia

Action through Multilateral Fora

The UK has publicly raised human rights issues in Saudi Arabia at the UN Human Rights Council (HRC), of which it was a founding member in 1945 and is currently serving a fifth term (2021-2023) as an elected member.¹² In the past few years it has signed on to three joint statements issued by groups of states raising concerns over the human rights situation in the kingdom, led by Iceland in March 2019,¹³ Australia in September 2019¹⁴ and Denmark in September 2020.¹⁵

In addition, the UK participates in the HRC's peer-review examination of each country, the Universal Periodic Review (UPR). During Saudi Arabia's last review in November 2018, the UK made several recommendations to the Saudi authorities on a range of issues including the need for a comprehensive and transparent investigation into the murder of Jamal Khashoggi, and for use of the Specialised Criminal Court (SCC) to be restricted to cases that fall within internationally accepted definitions of terrorism. In a follow-up statement in March 2019, it stated:¹⁶



The UK remains concerned by Saudi Arabia's overall human rights record. In particular: the limits on freedom of religion or belief, especially for minorities; the limits on freedom of expression, including the mass arrests of activists, journalists and academics; the increased use of terrorist courts for political dissidents; and the continued use of the death penalty. We are also particularly concerned by the detention of women's rights defenders and allegations of torture and mistreatment.

12 Foreign, Commonwealth & Development Office, UK elected to UN Human Rights Council for the term 2021-23, 13 October 2020, <https://www.gov.uk/government/news/uk-elected-to-un-human-rights-council-for-the-term-2021-23>

13 Government of Iceland, Joint statement on the human rights situation in Saudi Arabia, 7 March 2019, <https://www.government.is/diplomatic-missions/embassy-article/2019/03/07/Joint-statement-on-the-human-rights-situation-in-Saudi-Arabia/>

14 Australia Department of Foreign Affairs & Trade, HRC42 joint statement on Saudi Arabia, 23 September 2019, <https://www.dfat.gov.au/sites/default/files/42nd-hrc-joint-statement-human-rights-saudi-arabia.pdf>

15 Denmark, The human rights situation in the Kingdom of Saudi Arabia, 15 September 2020, https://alqst.org/images/hrc45_-_state_jst_on_ksa_-_final_1600165679.pdf

16 UK Mission to the WTO, UN and Other International Organisations, Human Rights Council 40: Saudi Arabia, 14 March 2019, <https://www.gov.uk/government/news/human-rights-council-40-saudi-arabia>

UK Action on Human Rights in Saudi Arabia

In the light of continuing and widespread concern over the deteriorating situation in Saudi Arabia, several leading human rights organisations, including ALQST, have been campaigning for HRC member states to pass a resolution to establish a mechanism to monitor and report on human rights violations in the country under the HRC's Special Procedures.¹⁷

Before it left the European Union in January 2020, the UK had also endorsed statements issued through the European External Action Service, such as one expressing concern over the mass execution of 37 individuals in 2019.¹⁸ Independence of the EU should give the post-Brexit UK, if anything, greater freedom to promote its national values of democracy and human rights both unilaterally and through multilateral fora.



Recommendation 5:

Given the continuing concerns expressed by the UK at the UN Human Rights Council, it should actively support, or ideally initiate, proposals to establish a UN monitoring mechanism with a country mandate to report and advise on human rights in Saudi Arabia.

¹⁷ ALQST for Human Rights, 40 human rights groups call on states to establish a UN monitoring mechanism over the human rights situation in Saudi Arabia, 2 July 2019, <https://alqst.org/en/40-human-rights-groups-call-on-states-to-establish-a-un-monitoring-mechanism-over-the-human-rights-situation-in-saudi-arabia>

¹⁸ UK Parliament Urgent Question, Saudi Arabia: Mass Executions, 24 April 2019, <https://hansard.parliament.uk/commons/2019-04-24/debates/F344985A-29AC-4ED8-9749-44C9573352AC/SaudiArabiaMassExecutions>

Institutional Support and Cooperation

The UK has a long history of providing security, judicial and military assistance to Saudi Arabia in the context of shared national security interests. This includes training for the Saudi military, police and National Guard and capacity-building programmes for various government ministries. Several of the partner bodies on these programmes funded by the UK taxpayer have long been perpetrators of grave human rights abuses.

The UK, like other Western governments, follows the rationale that engaging with states that fail to live up to the highest human rights standards enables it to exercise its influence to promote change and secure improvements. Providing training for police forces, for example, is said to be a prime means of inculcating human rights values and democratic practices the UK would like to promote.

The alternative argument is that support for a state like Saudi Arabia, with its appalling human rights record and its leadership's demonstrated lack of willingness to improve, will only encourage further abuses and embolden the abusers. Supplying sophisticated equipment and technology and increasing the efficiency of a brutal security regime may in fact bolster the state's capacity for repression. Furthermore, without transparency, and with the UK government consistently rebuffing calls for information on the nature, funding, justifications and outcomes of its institutional support and assistance programmes, there is little way of gauging the extent of their success. The evidence on the ground, as monitored by human rights organisations like ALQST, strongly suggests that the human rights situation in Saudi Arabia remains extremely poor and UK programmes in this area are not delivering the desired results.

In March 2014, for example, the UK and Saudi governments signed a Memorandum of Understanding (MoU) on modernising Saudi Arabia's Ministry of Interior, and in September 2014 another on UK-Saudi judicial cooperation.¹⁹ Neither MoU has ever been published, despite calls from MPs.²⁰ However, given the extensive rights abuses carried out by the Saudi security and police forces, including arbitrary arrests and torture and ill-treatment and the use of the judicial system to harass and prosecute peaceful dissidents, the impact and appropriateness of such agreements must be questioned.

¹⁹ Foreign & Commonwealth Office, Saudi Arabia - Country of Concern, 12 March 2015, <https://www.gov.uk/government/publications/saudi-arabia-country-of-concern--2/saudi-arabia-country-of-concern>

²⁰ The Independent, Saudi Arabia executions: Labour demands 'secret' UK-Saudi deal be published and scrapped, 4 January 2016, <https://www.independent.co.uk/news/uk/politics/saudi-arabia-executions-labour-demands-secret-uksaudi-deal-over-judicial-cooperation-be-published-and-scrapped-a6796276.html>

Institutional Support and Cooperation



Recommendation 6:

The UK government should publish in full the Memorandums of Understanding (MoUs) with Saudi Arabia's Ministry of Interior and on judicial cooperation.

The UK's Integrated Activity Fund and Gulf Strategy Fund

In 2015, as part of its Gulf Strategy,²¹ the UK government established the Integrated Activity Fund (IAF), providing up to £20 million per year for project activities in the six GCC states.²² In 2020 the IAF was replaced by the Gulf Security Fund (GSF), to be managed as part of the Foreign, Commonwealth and Development Office (FCDO)'s International Programme; £8.4m was allocated in the 2020/21 financial year.

As highlighted in a 2021 report by the All-Party Parliamentary Group (APPG) on democracy and human rights in the Gulf, IAF and GSF funding has been defined by a distinct lack of transparency, accountability and due diligence.²³ The IAF was not even announced publicly until two years after its establishment, and information on the breakdown of GSF funding by country has only been provided more recently following parliamentary scrutiny.

The latest [summary](#),²⁴ published in August 2022, states that the aims of GSF funding for Saudi Arabia are to:

- support Saudi Arabia's Vision 2030 agenda for modernisation, economic diversification and climate action; and
- enhance mutual prosperity by promoting inward investment and creating opportunities for UK companies, especially in the education, culture, tourism, sport and finance sectors.

21 HM Government, National Security Strategy and Strategic Defence and Security Review 2015, November 2015, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/555607/2015_Strategic_Defence_and_Security_Review.pdf

22 Question for Foreign, Commonwealth and Development Office, Integrated Activity Fund, UIN 103608, Tabled on 14 October 2020, <https://questions-statements.parliament.uk/written-questions/detail/2020-10-14/103608>

23 APPG on Democracy and Human Rights in the Gulf, The Cost of Repression: Secret Government Funds & Human Rights Abuse in the Gulf, July 2021, https://birdbh.org/wp-content/uploads/2021/07/APPG-Report_FinalCopy_13July2021.pdf

24 Foreign, Commonwealth & Development Office, Gulf Strategy Fund, 26 August 2022, <https://www.gov.uk/government/publications/official-development-assistance-oda-fcdo-international-programme-spend-objectives-2021-to-2022/gulf-strategy-fund#gulf-strategy-fund-programme-allocation-for-fy-2021-to-2022>

Institutional Support and Cooperation

Other project areas include tax reform and counterterrorism, but specific budget allocations are not given, and human rights are not mentioned at all.

Table 1: Spending on Saudi Arabia from the Integrated Activity Fund (IAF), Gulf Strategy Fund (GSF) and Defence Assistance Fund (DAF) (a global Ministry of Defence fund)

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Integrated Activity Fund	£400,000	£672,550	£651,763			
Gulf Strategy Fund				£498,797	£813,605	£1.8m
Defence Assistance Fund	£59,379	£54,898	£48,396	£57,411	n/a	n/a



Recommendation 7:

The UK government should publish in full all Gulf Strategy Fund programme information pertaining to Saudi Arabia and other GCC states, and halt the funding pending a full and transparent review.

Security and Military Assistance

Support for Saudi Arabia’s military and security services are more seriously problematic, and there are significant human rights concerns about where the money goes. The UK’s security and justice engagement with states around the world is governed by a set of guidelines first introduced in 2011, the Overseas Security and Justice Assistance (OSJA) Human Rights Guidance, which is intended to ensure that any such engagement is in line with domestic and international human rights obligations and subject to stringent due diligence before being allowed to proceed.

Funding streams for activities in Saudi Arabia relating to “security and justice” include

Institutional Support and Cooperation

“training, advice and assistance” to a number of Saudi military and security bodies.²⁵ In January 2021, in response to an MP’s written question,²⁶ the Ministry of Defence (MOD) stated that using the Integrated Activity Fund, Gulf Strategy Fund and Defence Assistance Fund the UK Armed Forces “have provided training and advice to the Royal Saudi Air Force, Royal Saudi Land Forces, Royal Saudi Naval Forces, Border Guard, Saudi Arabia National Guard, Joint Incident Assessment, Security Forces and Joint Forces Command”.

However, the Royal Saudi Air Force, as a key part of the Saudi/UAE-led Coalition, is responsible for serious breaches of international humanitarian law in Yemen, and the Joint Incident Assessment Team (JIAT) is accused of failing to seriously investigate alleged coalition violations of the laws of war.²⁷

The APPG report found the UK government to have repeatedly ignored evidence of the funds’ implication in such abuses. Moreover, this assistance has continued while the human rights situation has steadily deteriorated in Saudi Arabia and civilian casualties in the Yemen war have mounted. This calls into question the impact of UK support on Saudi military policy and practice, and the human rights criteria on which it is purportedly contingent. Since the publication of the APPG’s report and subsequent parliamentary scrutiny, the UK government has made promises to improve the transparency of its funding.

In addition, when responding to an earlier Freedom of Information request,²⁸ the Ministry of Defence revealed in 2020 that the government provided training on UK soil for the Saudi military in the years 2018/19 and 2019/20 involving hundreds of Saudi pilots. The MOD has also – by mistake – released information concerning Operation Crossways, a secret training mission in Saudi Arabia carried out by up to 50 British military personnel; the Saudi forces being trained were subsequently deployed in Yemen.

The UK has similarly worked closely with the Saudi Arabian National Guard (SANG) for decades, through the UK Ministry of Defence’s Saudi Arabian National Guard Communications (SANGCOM) project and a “loan service personnel scheme” called the British Military Mission

25 Question for Ministry of Defence, Saudi Arabia: Training, UIN 134500, Tabled on 8 January 2021, <https://questions-statements.parliament.uk/written-questions/detail/2021-01-08/134500>

26 Ibid.

27 Human Rights Watch, Hiding Behind the Coalition: Failure to Credibly Investigate and Provide Redress for Unlawful Attacks in Yemen, 24 August 2018, <https://www.hrw.org/report/2018/08/24/hiding-behind-coalition/failure-credibly-investigate-and-provide-redress-unlawful>

28 The Guardian, UK trained military of 15 countries with poor human rights records, 17 January 2021, <https://www.theguardian.com/uk-news/2021/jan/17/uk-trained-military-of-13-countries-with-poor-human-rights-records>

Institutional Support and Cooperation

to the Saudi Arabian National Guard (BMM SANG).²⁹ The primary function of the tribally based National Guard, which is completely separate from the regular armed forces, is to protect the Saudi ruling family, the Al Saud, but in 2015 King Salman issued an order for the Guard also to take part in the kingdom's military campaign in Yemen. The latest published information on SANGCOM, again in response to a Freedom of Information request, was that in March 2019 the MOD had "88 posts for this project made up of 66 civilian posts and 22 Army posts... employed in... Riyadh, Jeddah and Dammam in Saudi Arabia and MOD Corsham in the UK", and that the project is entirely funded by the Saudi government.

The UK has also provided training to Saudi security and police forces via the UK's College of Policing, established in 2012. Between 2012 and 2015, for example, the college provided specialist training to 270 Saudi police officers on UK soil;³⁰ the college's own internal documents describe the training of Saudi police officers as an "income-generating business opportunity".³¹ As a result of Freedom of Information requests from the human rights organisation Reprieve, the college admitted to not having checked whether the training it was providing was contributing to human rights abuses,³² and that a forensic skills training programme it was teaching to Saudi forces could be "used to identify individuals who later go on to be tortured or subjected to other human rights abuses".³³ Reprieve went on to demand a systematic review of the OJSA guidance. Given that the support appears to be ongoing,³⁴ it is high time the guidance was reviewed once again and applied with much greater rigour and transparency, especially in the case of countries identified by the Foreign, Commonwealth and Development Office, like Saudi Arabia, as Human Rights Priority Countries.



Recommendation 8:

The UK government should immediately subject all current assistance agreements with Saudi Arabia to renewed and rigorous review in light of the human rights concerns raised here and widely elsewhere; urgently review the content and application of the Overseas Security and Justice Assistance guidance; and submit the findings to parliamentary scrutiny.

29 Select Committee on Defence, Memorandum submitted by the Ministry of Defence, 20 March 2000, <https://publications.parliament.uk/pa/cm199900/cmselect/cmdfence/453/0041910.htm>

30 College of Policing, Freedom of Information Request, 25 November 2015, http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/08_01_16_langton_response_final2.pdf

31 International Police Assistance Board (IPAB), IPAB Referral Form, November 2011

32 Open Democracy, The British Government is covering up its assistance to torturers and killers worldwide, 25 November 2016, <https://www.opendemocracy.net/en/openjustice/uk-remains-complicit-in-horrific-human-rights-abuses-abroad-due-to-shoddy-policy-document/>

33 College of Policing, Freedom of Information Request, 25 November 2015, http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/08_01_16_langton_response_final2.pdf

34 College of Policing, Our international work, Updated 14 September 2021, <https://www.college.police.uk/about/international>

Arms Sales to Saudi Arabia

Since the Saudi-led coalition's bombing campaign in Yemen began in 2015, with the direct use of arms made and supplied by the UK, and the emergence of overwhelming evidence of breaches of international humanitarian law (IHL), increasing questions have been raised about the scale, legality and lack of transparency of UK arms exports to Saudi Arabia.

The UK is the second largest global defence exporter after the United States,³⁵ and has been supplying large amounts of weaponry to Saudi Arabia for decades. Today, around 40 percent of the UK's arms exports go to Saudi Arabia, its single largest customer. Although for many years the weapons purchased were generally not used in conflict, that has changed since the Saudi-led coalition launched its aerial bombing campaign in Yemen in March 2015.

Official UK government statistics place the value of UK arms export licences to Saudi Arabia since the beginning of the Yemen war (as of May 2022) at £7.1 billion,³⁶ although Campaign Against Arms Trade (CAAT) claims the true figure for the period is over £20 billion. The licences are for exports via contractors such as BAE Systems – the UK's largest defence and security company – including aircraft, bombs, missiles, weapons, and a wide array of associated military equipment, manpower support and logistical services. The government does not provide exact figures on arms exported to Saudi Arabia (or any other country), but the overwhelming majority by value (97% in 2020) of licences cover military-use goods.³⁷

UK Strategic Licensing Criteria

The UK government claims to operate one of the most transparent licensing regimes in the world,³⁸ and to take all credible allegations of breaches of export control seriously.³⁹ Although its Strategic Licensing Criteria prohibit the issuing of export licences "if there is a clear risk" that international humanitarian law (IHL) will be violated,⁴⁰ the government has

35 UK Defence & Security Exports, UK defence and security export statistics: 2020, 26 October 2021, <https://www.gov.uk/government/statistics/uk-defence-and-security-exports-for-2020/uk-defence-and-security-export-statistics-for-2020>

36 Campaign Against Arms Trade, UK arms to Saudi Arabia, Last updated 27 May 2022, <https://caat.org.uk/homepage/stop-arming-saudi-arabia/uk-arms-to-saudi-arabia/>

37 Megan Harding and Noel Dempsey, UK Arms Exports Statistics, 1 December 2021, <https://researchbriefings.files.parliament.uk/documents/CBP-8310/CBP-8310.pdf>

38 Department for International Trade, UK strategic export controls annual report 2020, 27 July 2021, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1006254/United-Kingdom-Strategic-Export-Controls-Annual-Report-2021.pdf

39 The Guardian, UK inquiry 'to establish whether British components used in Russian weapons', 2 May 2022, <https://www.theguardian.com/politics/2022/may/02/uk-inquiry-british-made-components-russian-weapons-ukraine>

40 Business, Innovation and Skills, Consolidated EU and National Arms Export Licensing Criteria, 25 March 2014, <https://publications.parliament.uk/pa/cm201314/cmhansrd/cm140325/wmstext/140325m0001.htm>

Arms Sales to Saudi Arabia

not stopped issuing export licences to Saudi Arabia, despite the overwhelming evidence of repeated violations of IHL involving UK-supplied arms in the Yemen conflict. The robustness of UK export controls was further undermined when, in December 2021, the government revised the UK's licensing criteria so as to “not refuse a licence on the grounds of a *purely theoretical* (emphasis added) risk of a breach” of the criteria.⁴¹ The effect of this revision is to make it even easier for the UK to sell arms to the Saudi-led coalition.

Another feature of the licensing regime that weakens its effectiveness and credibility is the use of “Open Licences” that permit unlimited exports of specified equipment without any financial value or quantities attached. These include Open Individual Export Licences (OIEL) specific to an individual exporter but allowing unlimited deliveries, generally for up to five years, and Open General Export Licences (OGEL), valid indefinitely until withdrawn or revised. Such licences, by their very nature, limit transparency and accountability.

A 2021 report from CAAT found that open licences constitute the majority of UK arms exports licences,⁴² including those relating to Saudi Arabia, taking the total value of arms sales to the kingdom since it entered the Yemen war to over £20 billion, almost three times the official figure. While the government claims open licences are used to export “less sensitive” items, and to “uncontroversial” and “less sensitive” destinations,⁴³ examples provided by CAAT include an OIEL that was issued for the sale of bombs and air-to-surface missiles to Saudi Arabia of the type that has been repeatedly used in the war in Yemen.

The UK government maintains that it does not issue export licences if there is a “clear risk” that IHL will be violated. However, all of the warring parties in Yemen have been found responsible for grave breaches of IHL, and since the Saudi-led coalition began its bombing campaign against the Houthi rebels in 2015, its air strikes have caused thousands of civilian casualties, hitting civilian targets and residential areas including markets, funerals, weddings, civilian boats, schools⁴⁴ and medical facilities.⁴⁵

41 Department for International Trade, Trade Policy Update, Statement UIN HCWS449, 8 December 2021, <https://questions-statements.parliament.uk/written-statements/detail/2021-12-08/hcws449>

42 Campaign Against Arms Trade, Open? The UK's secret arms sales, 14 July 2021, <https://caat.org.uk/app/uploads/2021/07/CAAT-Report-v2.2.pdf>

43 Committees on Arms Exports Controls, Scrutiny of Arms Exports and Arms Controls, 9 March 2015, <https://publications.parliament.uk/pa/cm201415/cmselect/cmquad/608/608ii.pdf>

44 Mwatana for Human Rights, Undermining The Future: Attacks on Yemen's Schools, 18 August 2020, <https://mwatana.org/en/undermining-future/>

45 Mwatana for Human Rights, Attacks on Health Care in Yemen, 18 March 2020, <https://mwatana.org/en/i-ripped-iv-out-of-my-arm/>

Arms Sales to Saudi Arabia

Over half of the combat aircraft used by Saudi Arabia for its bombing raids are supplied by the UK⁴⁶ and will have played a major part in hundreds of such attacks. Furthermore, research on the ground has highlighted specific IHL breaches by UK-made munitions, including evidence of the use of UK-made cluster bombs,⁴⁷ banned under the Convention on Cluster Munitions. A 2016 parliamentary report found that “it seems inevitable” that UK-supplied weapons will have been used by the Saudi-led coalition to carry out violations of IHL in Yemen.⁴⁸



Recommendation 9:

The UK government should review and tighten the wording and application of its strategic export licensing criteria; substantially reduce the use of open licences for all military equipment and technology; and to the greatest extent possible submit them to parliamentary scrutiny.

Legal Action Over Arms Sales in the UK Courts

In response to the UK government’s refusal to prohibit arms sales to Saudi Arabia despite overwhelming evidence of violations of IHL in Yemen, CAAT has undertaken a number of legal actions against it. In response to CAAT’s first Judicial Review (launched in March 2016), the Court of Appeal ruled on 20 June 2019 that it was “irrational and therefore unlawful” to license the export of arms to Saudi Arabia without assessing whether IHL violations had occurred in Yemen.⁴⁹ The UK government was ordered to “retake all decisions to export arms to Saudi Arabia” in accordance with the correct legal approach and to “stop issuing new arms export licences” to the entire Saudi-led coalition.

The government announced that it would review all licences and not grant any new ones for export to Saudi Arabia, but subsequently ignored the Court of Appeal’s orders. In breach of

46 Campaign Against Arms Trade, UK arms used in Yemen, Last updated 15 February 2022, <https://caat.org.uk/homepage/stop-arming-saudi-arabia/uk-arms-used-in-the-war-on-yemen/>

47 Amnesty International, UK-made missile used in airstrike on ceramics factory in Yemen, 25 November 2015, <https://www.amnesty.org.uk/press-releases/uk-made-missile-used-airstrike-ceramics-factory-yemen>

48 Business, Innovation and Skills and International Development Committees, The use of UK-manufactured arms in Yemen, 14 September 2016, <https://publications.parliament.uk/pa/cm201617/cmselect/cmbis/679/679.pdf>

49 Campaign Against Arms Trade, Court of Appeal rules Saudi Arabia arms sales illegal, 20 June 2019. <https://caat.org.uk/news/2019-06-20-2/>

Arms Sales to Saudi Arabia

the undertaking given to the court,⁵⁰ on 7 July 2020 the then-international trade secretary, Liz Truss, announced that the government would resume granting licences for exports to Saudi Arabia. She said that, having applied a “revised methodology”, it was concluded that any IHL violations were “isolated incidents”.⁵¹ In October 2020 CAAT filed another Judicial Review application and was granted permission,⁵² in April 2021, for this challenge to be brought before the High Court.

A number of European countries including Germany, Italy, the Netherlands, Denmark and Norway have already fully or partly ended or suspended arms sales to Saudi Arabia, and ALQST heartily supports the growing calls from parliamentarians and the wider public for the UK to take the same principled course of action.



Recommendation 10:

The UK government should immediately end all arms sales to all members of the Saudi-led coalition, and fully support an independent investigation into allegations of war crimes and violations of IHL committed in Yemen.

Surveillance Technology Sales to Saudi Arabia

British companies have also sold a variety of spyware and surveillance equipment to Saudi Arabia in recent years. Details about the scale and nature of these sales are scarce, and have mostly been uncovered by journalistic work. Examples include over £2.5 million worth of telecommunications interception equipment sold between 2017 and 2018,⁵³ “intelligent manhole covers” for Saudi Arabia’s smart cities,⁵⁴ and sophisticated Danish-made software

50 Department for International Trade, Export Update, Statement UIN HCWS1833, 26 September 2019, <https://questions-statements.parliament.uk/written-statements/detail/2019-09-26/HCWS1833>

51 Department for International Trade, Trade Update, Statement UIN HCWS339, 7 July 2020, <https://questions-statements.parliament.uk/written-statements/detail/2020-07-07/HCWS339>

52 Campaign Against Arms Trade, CAAT files new judicial review application against decision to renew arms sales to Saudi Arabia, 27 October 2020, <https://caat.org.uk/news/caat-files-new-judicial-review-application-against-decision-to-renew-arms-sales-to-saudi-arabia/>

53 PoliticsHome, Ministers under fire after UK allows £2.5m of spy equipment sales to Saudi government, 12 December 2018, <https://www.politicshome.com/news/article/excl-ministers-under-fire-after-uk-allows-25m-of-spy-equipment-sales-to-saudi-government>

54 Forbes, Manhole Covers That Spy? Saudi Surveillance Cities Are Being Built With American And British Tech, 4 December 2018, <https://www.forbes.com/sites/thomasbrewster/2018/12/04/manhole-covers-that-spy-meet-the-westerners-helping-saudis-build-surveillance-cities/?sh=2b3f2bdeb137>

Arms Sales to Saudi Arabia

known as “Evident” purchased by BAE systems and sold to Saudi Arabia.⁵⁵ Furthermore, as part of the UK’s Gulf Strategy Fund,⁵⁶ the UK government initially announced the role of a “cyber ambassador” to engage with Gulf partners including Saudi Arabia on cyber security and to promote UK exports of cyber security products and services. This aspect was not mentioned, however, in the latest “transparency data” published on the Fund.

Given the Saudi authorities’ heavy restrictions on internet access and frequent crackdowns on individuals who express dissident opinions online, it is extremely likely that such equipment and technologies are being used to target peaceful activists. There is copious evidence that the Saudi authorities have used surveillance technology from other sources, notably the Pegasus software supplied by the Israeli NSO Group, for this purpose. An investigation by Amnesty International and Forbidden Stories, published in July 2021, highlighted the scale on which Pegasus was being used by repressive states including Saudi Arabia to hack the phone accounts of human rights activists, journalists and government officials around the world. It found a list of 50,000 phone numbers identified as possible surveillance targets, including potentially hundreds of British citizens and even the Prime Minister’s Office.⁵⁷ Among those targeted in the UK were ALQST’s late Executive Director, the Emirati human rights defender Alaa Al-Siddiq, and ALQST’s founder, Saudi human rights defender Yahya Assiri.

The UK government is therefore failing to do due diligence in assessing the human rights risks before allowing sales of spyware to Saudi Arabia, in breach of its own guidelines. The 2008 British Export Controls Act, which prohibits the sale of spy equipment to countries where there is a clear risk of internal repression, could have been drafted with the Kingdom of Saudi Arabia in mind.

55 BBC, How BAE sold cyber-surveillance tools to Arab states, 15 June 2017, <https://www.bbc.co.uk/news/world-middle-east-40276568>

56 Foreign, Commonwealth & Development Office, Gulf Strategy Fund Programme summary, Updated 24 June 2021, <https://www.gov.uk/government/publications/official-development-assistance-oda-fcdo-international-programme-spend-objectives-2020-to-2021/gulf-strategy-fund-programme-summary>

57 The Guardian, No 10 suspected of being target of NSO spyware attack, Boris Johnson ‘told’, 18 April 2022, <https://www.theguardian.com/politics/2022/apr/18/no-10-suspected-of-being-target-of-nso-spyware-attack-boris-johnson>

Arms Sales to Saudi Arabia



Recommendation 11:

The UK government should immediately halt all sales of surveillance technology to Saudi Arabia pending a full, independent, investigation into the kingdom's illegal use of spyware to target peaceful dissidents.

In the United States, the Biden administration responded to the Pegasus revelations by placing NSO Group on a blacklist,⁵⁸ and MPs have called on the UK government to follow suit.⁵⁹ Meanwhile, a number of UK residents targeted by Pegasus have taken legal action in the UK courts, including an action submitted by Yahya Assiri and two other claimants against NSO Group, Saudi Arabia and the UAE,⁶⁰ and an action against Saudi Arabia by Saudi political satirist Ghanem Almasarir, who on 19 August 2022 received a court ruling that the case can proceed.⁶¹



Recommendation 12:

The UK government should blacklist the NSO Group, whose Pegasus software has been used illegally to spy on peaceful Saudi and other activists and journalists in the UK as well as in Saudi Arabia itself.

58 The Guardian, Israeli spyware company NSO Group placed on US blacklist, 3 November 2021, <https://www.theguardian.com/us-news/2021/nov/03/nso-group-pegasus-spyware-us-blacklist>

59 The Guardian, No 10 accused of failing to act against states accused of NSO spyware abuses, 11 November 2021, <https://www.theguardian.com/world/2021/nov/11/no-10-accused-failing-act-states-accused-nso-pegasus-spyware-abuses-boris-johnson>

60 Bindmans, Bindmans launches legal action in the United Kingdom on misuse of Pegasus spyware, 19 April 2022, <https://www.bindmans.com/news/bindmans-launches-legal-action-in-the-united-kingdom-on-misuse-of-pegasus-spyware>

61 Leigh Day, High Court gives green light to a Pegasus spyware case being brought in London against the Kingdom of Saudi Arabia by a UK based dissident, 19 August 2022, <https://www.leighday.co.uk/latest-updates/news/2022-news/high-court-gives-green-light-to-a-pegasus-spyware-case-being-brought-in-london-against-the-kingdom-of-saudi-arabia-by-a-uk-based-dissident/>

Accountability and the Human Cost of the War in Yemen

Following the Saudi-led coalition's intervention in Yemen on 26 March 2015, then-Foreign Secretary Phillip Hammond said that Britain would "support the Saudis in every practical way short of engaging in combat".⁶² In addition to supplies of weapons, the UK has provided extensive maintenance, training and technical support to the Royal Saudi Air Force. In a 2019 Channel 4 Dispatches programme,⁶³ a British technician working on Royal Saudi Air Force Typhoon aircraft, used in operations in Yemen, made the frank admission that "if we weren't there, in seven to 14 days there wouldn't be a jet in the sky".

As a major supplier of arms to the Saudi-led coalition, and as a provider of training and vital technical support to the Saudi armed forces, the UK has also often acted to shield Saudi Arabia from scrutiny over its human rights abuses, and specifically its actions in Yemen. Although the UK has repeatedly emphasised the importance of justice and accountability throughout the Yemen conflict, it did not provide support to an EU inquiry in 2016 into civilian deaths in Yemen;⁶⁴ the proposal was replaced with a watered-down alternative looking into the general situation, which the UN's High Commission for Human Rights and human rights organisations regarded as disappointing. The UK has pointed to the work of the Joint Incident Assessment Team (JIAT), an investigative mechanism that is supposed to examine violations allegedly committed by the coalition during operations in Yemen, yet the UN Group of Eminent Experts on Yemen, among others, have said the JIAT lacks transparency, impartiality and independence.

The UK has, however, sent mixed messages over the IHL violations committed in Yemen. It has supported some mechanisms designed to secure accountability, and at the UN Human Rights Council (HRC) it has supported the mandate of the Group of Eminent Experts, established in 2017 to investigate violations and abuses committed by all parties to the conflict. However, on 7 October 2021, the HRC – disappointingly – narrowly voted against renewing the Group's mandate, following extensive lobbying by Saudi Arabia and other coalition partners.

62 The Guardian, 'The Saudis couldn't do it without us': the UK's true role in Yemen's deadly war, 18 June 2019, <https://www.theguardian.com/world/2019/jun/18/the-saudis-couldnt-do-it-without-us-the-uks-true-role-in-yemens-deadly-war>

63 Channel 4, Britain's Hidden War: Channel 4 Dispatches, 1 April 2019, <https://www.channel4.com/press/news/britains-hidden-war-channel-4-dispatches>

64 The Guardian, UK accused of blocking UN inquiry into claim of war crimes in Yemen, 25 September 2016, <https://www.theguardian.com/world/2016/sep/24/yemen-britain-human-rights-inquiry>

Accountability and the Human Cost of the War in Yemen



Recommendation 13:

Now that the Group of Eminent Experts has lost its mandate to investigate abuses by the parties to the Yemen conflict, and given that the JIAT lacks the confidence of the international community, the UK should urgently pursue and support other UN mechanisms for justice, including calling on the UN General Assembly and HRC to establish an independent and impartial body to investigate violations.

The UK acts as the “penholder” on Yemen at the UN Security Council. A penholder is a permanent member of the Security Council that, by convention, leads on Council activities on a specific conflict-related situation, by drafting resolutions and statements, for example. The role gives the penholder considerable powers, as well as a responsibility, to pursue peaceful solutions to the conflict. In this case, it has involved the UK in drafting resolutions to call for a ceasefire following talks in Stockholm in 2018, as well as renewing financial and travel ban sanctions in February 2021.

Yet the UK has not used its penholder role as constructively and proactively as it could to lead the way in building peace in Yemen. It is arguable, too, whether it should have this influential role at all, given its wholly one-sided support for the Saudi-led coalition. However, the UK has supported UN-brokered truces, the most recent of which began in April 2022 and was renewed for two months in August. The truce expired on 2 October and has yet to be renewed (as of 24 November).



Recommendation 14:

The UK should proactively and impartially use its leadership role on Yemen at the UN Security Council to build on the recent truce, press for a permanent ceasefire, and institute inclusive peace talks to resolve the conflict by political rather than military means.

The UK is also a major donor to Yemen, having given hundreds of millions of pounds in aid since the beginning of the war, including lifesaving food and health care channelled through several multilateral institutions. However, the value of UK aid is still considerably less than the value of its arms exports, and in March 2021 it unconscionably cut its aid budget by

Accountability and the Human Cost of the War in Yemen

around 60 percent. Yet over 23 million people remain in need of humanitarian assistance in Yemen, and over 17 million people are food insecure. The availability of medical services in Yemen has been profoundly affected by the ongoing conflict, with more than half of the country's health facilities having been destroyed or damaged by the war.



Recommendation 15:

Given the continuing humanitarian crisis caused by the conflict, the UK government should reinstate its previous aid budget for Yemen and urge all UN member states to abide by their pledges of humanitarian assistance.

Economic Ties: Trade and Investment

According to the Department for International Trade, total UK-Saudi trade in 2021 was worth £11 billion, made up of £8.7 billion worth of UK exports, led by power generators, jewellery and pharmaceutical products, and £2.3 billion worth of UK imports, including refined oil products and plastics.⁶⁵ While oil makes up approximately 40 percent of these imports, Saudi Arabia is in fact only the 13th largest exporter of oil to the UK. Meanwhile, the Saudi market only accounts for around one percent of UK exports.

The British government has sought in recent years, especially with the UK's departure from the European Union, to increase trade with its economic partners and secure its own trade agreements around the world, including with the Gulf. In 2018, then-Foreign Secretary Boris Johnson welcomed "Saudi Arabia's pledge to bring a further £65 billion to the UK over the next 10 years",⁶⁶ and in June 2022 negotiations were launched for a Free Trade Agreement (FTA) with Saudi Arabia and the rest of the GCC.⁶⁷ Any trade deal must, however, be underpinned by clear commitments to human rights standards and set conditions relating to human rights as part of the agreement. Disturbingly, respect for human rights and the rule of law were not included in the draft FTA's list of objectives.⁶⁸

The UK's priorities have shifted further since Russia's invasion of Ukraine in February 2022; in light of the reduced availability of Russian energy supplies, the government had hoped Saudi Arabia would make up some of the shortfall. This was a major topic of discussion during Prime Minister Johnson's visit to the kingdom in March 2022, but did not result in a Saudi pledge to increase oil production.



Recommendation 16:

The UK should write clear commitments to the rule of law and human rights into the objectives of any Free Trade Agreement it negotiates with Saudi Arabia and the other GCC states.

65 Department for International Trade, Trade & Investment Factsheet, 2 November 2022, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1114464/saudi-arabia-trade-and-investment-factsheet-2022-11-02.pdf

66 Foreign & Commonwealth Office, Visit of Crown Prince of Saudi Arabia concludes, 10 March 2018, <https://www.gov.uk/government/news/visit-of-crown-prince-of-saudi-arabia-concludes>

67 Department for International Trade, UK launches ambitious trade deal with Gulf nations, Last updated 23 June 2022, <https://www.gov.uk/government/news/uk-launches-ambitious-trade-deal-with-gulf-nations>

68 Independent, UK quietly drops 'human rights' and 'rule of law' from list of goals in Gulf trade deal, 25 June 2022, <https://www.independent.co.uk/news/uk/politics/brexit-trade-deal-gulf-states-b2108051.html>

Economic Ties: Trade and Investment

Successive governments have also sought to increase direct Saudi investment in the UK economy. In recent years, Saudi Arabia's massive sovereign wealth fund, the Public Investment Fund (PIF), as well as various princes and businesses that are inevitably close to the Saudi state and leadership, have purchased substantial shares in a wide range of UK companies, property, and projects in sectors including energy, telecommunications, the media and sport. Some of these investments, not least those in respected UK media institutions and Newcastle United Football Club, have the potential to support Riyadh's global public relations campaign to improve its image. More broadly, the growing influence of Saudi Arabia in the British economy makes the UK potentially more dependent on the kingdom, and less inclined to criticise its egregious human rights abuses.

While the UK government has historically had relatively limited means to intervene to prevent foreign investment on national security or other public interest grounds, a new piece of legislation, the National Security and Investment (NSI) Act 2021, came into force in January 2022, giving the government greater powers to review and block certain transactions. The UK should use this legislation to subject proposed foreign commercial and investment deals to robust scrutiny, particularly those with significant public interest considerations such as the acquisition of media outlets.

Table 2: A selective list of Saudi investments in British companies and projects (arranged chronologically)

Company/ project	Industry	Investor	Investment/ shareholding	Year
Savoy Hotel	Hospitality	Prince Alwaleed bin Talal	Majority interest	2005
The Evening Standard	Media	Businessman Sultan Mohamed Abuljadayel	30%	2017

Economic Ties: Trade and Investment

The Independent	Media	Businessman Sultan Mohamed Abuljadayel	Approximately 30%	2018
British Petroleum (BP)	Energy	PIF	£598 million	2020
British Telecom (BT)	Telecommunications	PIF	Lower than 5%	2020
Shell	Energy	PIF	n/a	2020
Newcastle United Football Club	Sport	PIF	80%	2021
Aston Martin	Car	PIF	16.7%	2022
Construction of a sustainable aviation fuel (SAF) plant in Teesside	Energy	Alfanar Group, Saudi energy company	£1 billion	2022 (projected)

Economic Ties: Trade and Investment



Recommendation 17:

The UK government should consistently, under the terms of the NSI Act, subject existing and proposed foreign investments to relevant scrutiny, especially those with public interest considerations.

Sport, along with entertainment, forms a core part of Saudi Crown Prince Mohammed bin Salman's global public relations drive. In October 2021 a long-drawn-out bid by the Public Investment Fund to acquire Newcastle United FC culminated in a £300m buy-out. Unlike some other Saudi investments, this was not about making a profit but an attempt to use the popularity of sport to help gloss over Saudi Arabia's human rights violations in a process known as "sportswashing".

Before approving any change of ownership of English Premier League clubs, the League applies an Owners and Directors Test to ensure that the new owners are legally and financially fit to take them over. This test, however, does not challenge their fitness from a human rights perspective, and in any case, in approving the Saudi takeover of Newcastle United, the League allowed itself to be persuaded that the PIF is a separate entity from the Saudi state and therefore not implicated in its well-known human rights abuses. The fund is in fact inseparable from the state, being chaired and actively managed by the Crown Prince to serve his personal agenda, without regard for human rights, and without any mechanism for scrutiny or accountability. The PIF, which currently manages more than \$300bn in assets and aims to reach \$2 trillion by 2030, has been rated one of the least transparent sovereign wealth funds in the world.



Recommendation 18:

We urge the English Premier League to revise its Owners and Directors Test to include a robust assessment for human rights compliance.

The obligation to uphold human rights also applies to UK businesses working or investing in Saudi Arabia. The Foreign, Commonwealth and Development Office's most recent Annual Human Rights and Democracy Report states that the UK strongly supports the UN Guiding Principles on business and human rights, "the authoritative international voluntary framework to steer practical action by governments and businesses worldwide to address human rights risks in the private sector". It adds:

Economic Ties: Trade and Investment



We are clear that we expect all our businesses to comply with all applicable laws; identify and prevent human rights risks; and behave in line with the Guiding Principles – including in their management of supply chains in the UK and overseas.

It is not clear, however, what measures, if any, the FCDO takes to try to ensure that British businesses meet these expectations.



Recommendation 19:

British businesses operating or investing in Saudi Arabia must follow the UN Guiding Principles on business and human rights, in particular with regards to due diligence, including the requirement to “seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services” (13b), and to “involve meaningful consultation with potentially affected groups” (18b).

Conclusion and Recommendations

As a close ally of Saudi Arabia, the UK has considerable diplomatic leverage with which to press the Saudi authorities on human rights. However, it has not always used this to the full extent possible, and it has not been transparent about the nature and terms of the relationship between London and the authoritarian rulers in Riyadh. ALQST urges the UK government to use its close ties with Riyadh much more robustly to prevent abuses and promote respect for human rights.

As is often said by government officials, we are dealing in a world where we have to make difficult decisions. The UK has a legitimate interest in trading internationally and securing energy supplies. However, ALQST believes that human rights should be at the heart of the UK's relationships with foreign governments, for their mutual benefit and the common good. There is undoubtedly a role for quiet diplomacy, but there is much more the UK could do, from speaking out in support of Saudi human rights defenders to halting arms sales to Saudi Arabia while that country continues to wage war and commit breaches of International Humanitarian Law in Yemen.

By taking a more resolute stand on its principles it will advance both British values of democracy and human rights, and, ultimately, long-term UK interests and Global Britain's reputation.

Recommendations for the UK government:



Recommendation 1:

Show greater resolve to exert public and private pressure on the Saudi Arabian authorities to improve their human rights record, including on thematic issues and, crucially, individual cases of concern.

Recommendation 2:

Consular and embassy officials should continue to request access to relevant trial hearings such as those involving prisoners of conscience, and the UK government should press the Saudi authorities on the issue of court access in support of the right to a fair and open trial.

Conclusion and Recommendations



Recommendation 3:

At the earliest opportunity designate Saudi Crown Prince Mohammed bin Salman as an individual target for financial sanctions under the UK Global Human Rights regime.

Recommendation 4:

Informed MPs of all parties, drawing on appropriate external expertise, should continue to advocate strongly for human rights in Saudi Arabia, and the government should respond positively to their evidence-based recommendations.

Recommendation 5:

Actively support, or ideally initiate, proposals to establish a UN monitoring mechanism with a country mandate to report and advise on human rights in Saudi Arabia.

Recommendation 6:

Publish in full the Memorandums of Understanding (MoUs) with Saudi Arabia's Ministry of Interior and on judicial cooperation.

Recommendation 7:

Publish in full all Gulf Strategy Fund programme information pertaining to Saudi Arabia and other GCC states, and halt the funding pending a full and transparent review.

Recommendation 8:

Subject all current assistance agreements with Saudi Arabia to renewed and rigorous review in light of the human rights concerns raised here and widely elsewhere; urgently review the content and application of the Overseas Security and Justice Assistance guidance; and submit the findings to parliamentary scrutiny.

Conclusion and Recommendations



Recommendation 9:

Review and tighten the wording and application of its strategic export licensing criteria; substantially reduce the use of open licences for all military equipment and technology; and to the greatest extent possible submit them to parliamentary scrutiny.

Recommendation 10:

Immediately end all arms sales to all members of the Saudi-led coalition, and fully support an independent investigation into allegations of war crimes and violations of IHL committed in Yemen.

Recommendation 11:

Immediately halt all sales of surveillance technology to Saudi Arabia pending a full, independent, investigation into the kingdom's illegal use of spyware to target peaceful dissidents.

Recommendation 12:

Blacklist the NSO Group, whose Pegasus software has been used illegally to spy on peaceful Saudi and other activists and journalists in the UK as well as in Saudi Arabia itself.

Recommendation 13:

Urgently pursue and support UN mechanisms for justice in the Yemen conflict, including calling on the UN General Assembly and HRC to establish an independent and impartial body to investigate violations.

Recommendation 14:

Use its leadership role on Yemen at the UN Security Council to build on the recent truce, press for a permanent ceasefire, and institute inclusive peace talks to resolve the conflict by political rather than military means.

Conclusion and Recommendations



Recommendation 15:

Reinstate its previous aid budget for Yemen and urge all UN member states to abide by their pledges of humanitarian assistance.

Recommendation 16:

Write clear commitments to the rule of law and human rights into the objectives of any Free Trade Agreement it negotiates with Saudi Arabia and the other GCC states.

Recommendation 17:

Consistently, under the terms of the NSI Act, subject existing and proposed foreign investments to relevant scrutiny, especially those with public interest considerations.

Recommendations for businesses:



Recommendation 18:

The English Premier League must revise its Owners and Directors Test to include a robust assessment for human rights compliance.

Recommendation 19:

British businesses operating or investing in Saudi Arabia must follow the UN Guiding Principles on business and human rights, in particular with regards to due diligence.



✉ Contact@ALQST.ORG ☎ 02073851311 🌐 ALQST.ORG 🐦 @ALQST_ORG 📘 @ALQST.ORG

📍 Unit 24.7, Coda Studios, 189 Munster Rd, Fulham, London SW6 6AW | Registration no: 09093387