



Brussels, 27 January 2016

Federica Mogherini, High Representative of the Union for Foreign Affairs and Security Policy, Vice-President of the European Commission

Subject: Legality of UK arms sales to Saudi Arabia, in the context of the war in Yemen

Dear High Representative,

I am writing to express my utmost concern regarding the complete disregard, by the UK amongst other EU Member States, for the EU Common Position¹ on arms exports.

Since March 2015 and the start of the Saudi-led intervention in Yemen, about 6,000 people are reported to have been killed, including at least 2,500 civilians, amongst which a staggering 60% by Saudi-led airstrikes according to UN reports². Those airstrikes have proven to be highly indiscriminate, bombing numerous hospitals, schools, markets, grain warehouses, ports, weddings, a refugee camp and world heritage sites which all amount to war crimes, latest examples of which are the documented³ use of cluster-munitions in heavily populated residential areas, as late as January 6, 2016.

Meanwhile the UK has issued over 100 licences for arms exports to Riyadh, the immense majority of which by value are for combat aircraft and bombs for the Royal Saudi Air Force. The UK has not modified its arms licencing policy, despite a legal opinion⁴ from Matrix Chambers concluding the UK is "*violating its obligations arising under the EU Common Position on Arms Exports, the UK's Consolidated Criteria on arms exports and the Arms Trade Treaty, by continuing to authorise transfers of weapons to the Saudi military which are being used in Yemen.*" The last official reports published this week⁵ show the value of UK licences to Saudi Arabia to have reached an astoundingly high level of more than £1Billion of bombs, missiles and rockets in the three months July-September 2015.

¹ EU Council Position, arms exports: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008E0944>

² UN OCHA report: <https://aoav.org.uk/wp-content/uploads/2015/09/State-of-Crisis.pdf>

³ Human Rights Watch report: <https://www.hrw.org/news/2016/01/07/yemen-coalition-drops-cluster-bombs-capital-0>

⁴ Legal Opinion: <http://www.saferworld.org.uk/resources/view-resource/1023-the-lawfulness-of-the-authorisation-by-the-united-kingdom-of-weapons-and-related-items-for-export-to-saudi-arabia-in-the-context-of-saudi-arabias-military-intervention-in-yemen>

⁵ Guardian: <http://www.theguardian.com/world/2016/jan/19/human-rights-groups-condemn-steep-rise-in-uk-arms-sales-to-saudis>

Besides you have personally called⁶ for the full implementation of the Arms Trade Treaty; while the European Parliament, in its latest resolution⁷ of December 2015, called upon you to apply a much stricter interpretation of the eight criteria of the EU arms exports regime.

In light of the above, I call upon you to raise the question of the legality of such an unacceptable policy by EU Member States, an important legal point I had already warned your services about in July⁸. I trust you will urge the UK and all other EU Member States to suspend further authorisation of arms transfers as well as past licences as long as the EU's eight criteria for arms exports are being violated. I also hope that you will be able to publish the much awaited 17th Annual Report on Arms Exports on transfers of conventional arms in 2014, whose publication has been considerably delayed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alyn Smith', with a stylized flourish at the end.

Alyn Smith MEP

⁶ EU High Representative statement: http://eeas.europa.eu/statements-eeas/2014/141224_01_en.htm

⁷ European Parliament resolution on arms exports: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2015-0472+0+DOC+XML+V0//EN>

⁸ European Parliament debate on Yemen: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20150708+ITEM-012+DOC+XML+V0//EN&language=en&query=INTERV&detail=3-309-000>