BRITAIN AND SAUDI ARABIA: POLICY RECOMMENDATIONS

April 2019
Britain and Saudi Arabia: LCHR’s Policy Recommendations

Introduction

In January 2019 we published our policy briefing, Britain and Saudi Arabia. This was the first briefing in our international human rights campaign, Britain and Her Allies, in which we are seeking to help develop a human rights-based foreign policy for the Labour Party.

The briefing was split into three parts. First, it looked at the history and context of UK-Saudi relations, including the arms trade, military co-operation, trade and investment. Second, it highlighted the many horrific examples of human rights abuses carried out in Saudi Arabia, from court-ordered beheadings and floggings to the total repression of free speech, and severe violence against Shia minorities and women, including the imprisonment and torture of female activists. Third, it considered Saudi Arabia’s relations with other countries, in particular its extreme aggression in the Middle East. This included a detailed account of the war in Yemen. The briefing finally concluded with a high-level set of policy recommendations. At the heart of these was the issue of arms sales from Britain to Saudi Arabia, and we called on the government to take stronger action to end the growing humanitarian disaster in Yemen.

Since publishing our briefing, we have discussed our recommendations with many different stakeholders – from MPs to NGOs, academics and members of the public. These discussions have allowed us to develop our recommendations into a more detailed set of policy proposals. We want these to form a blueprint for a future Labour government to inform its relationship with the Saudi Arabia. The proposals are split into three sections: (1) Yemen; (2) Arms Sales and Military Co-Operation; and (3) Human Rights.
PART 1 - YEMEN

Recommendation 1 – implementing the Stockholm Agreement

The UK should exert diplomatic pressure to implement the UN-brokered Stockholm Agreement and turn it into a framework for a long-term political solution to the conflict in Yemen. The UK should encourage all external actors to continue to implement confidence-building measures, including the agreement for the exchange of prisoners and detainees. The government should signal to Saudi Arabia that failure to uphold the Stockholm Agreement would negatively impact bilateral relations.

Recommendation 2 – ensuring humanitarian aid

The government should exert diplomatic pressure on all parties to ensure that the Al-Hudaydah port ceasefire is upheld, and that the Saudi-led coalition lifts the de facto blockade on Yemen’s ports and Sana’a airport to allow for the delivery of humanitarian aid, food and basic commodities.

Recommendation 3 – strengthening the long-term peace process

The government should take steps to strengthen to the UN peace process, including by: (1) appointing a Special Representative to reinforce the work of the UN Special Envoy in Yemen; (2) providing specialist personnel to the UN Verification and Inspection Mechanism for Yemen to ensure compliance with Security Council Resolution 2216 (demanding an end to violence in Yemen); and (3) pushing for further UN security council resolutions to stop the fighting and resume humanitarian aid deliveries if political dialogue fails.

It should also call for a UN Peacekeeping Force to be deployed to Yemen to protect humanitarian aid routes.

Recommendation 4 – ensuring an independent international investigation

The UK must call on Saudi Arabia to cooperate fully with the investigation and findings of the Group of Eminent Experts mandated by the UN Human Rights Council to carry out an examination of all alleged violations and abuses of international humanitarian and human rights laws committed by all parties to the conflict in Yemen since September 2014. Appropriate sanctions should be applied to all who are found to have breached international humanitarian law.

The UK should publicly acknowledge that the Saudi-led coalition’s Joint Incident Assessment Team lacks credibility, impartiality and transparency.
Recommendation 5 – condemning Saudi Arabia’s actions

There is overwhelming evidence that the Saudi-led coalition has deliberately targeted healthcare, agriculture, food and water supply infrastructure, and repeatedly breached international humanitarian law. The UK must condemn these attacks immediately. The absence of condemnation weakens the UK’s ability to influence international opinion, undermines the credibility of UK initiatives in other countries where there are alleged violations of international humanitarian law, and compromises the integrity of the international rules-based system.
PART 2 – ARMS SALES, MILITARY CO-OPERATION AND INTELLIGENCE SHARING

Recommendation 6 – ensuring transparency

The UK should be more transparent about its relationship with Saudi Arabia. As a recent King’s College study found, there is little evidence that the UK exerts either influence or leverage over Saudi Arabia. In fact, there is greater evidence that Saudi Arabia exerts influence over the UK. Moreover, there are significant reputational costs and the UK government appears hypocritical. Full transparency will allow the government to quantify the costs and benefits and assess the strategic importance of the UK-Saudi relationship.

Recommendation 7 – suspending arms sales

The UK government should follow the precedent set by Germany, the Netherlands, Norway and Sweden and immediately suspend existing licences for arms exports to Saudi Arabia that are likely to be used in violation of international humanitarian law, and also undermine humanitarian initiatives supported by DFID. The government should operate a presumption of denial for future applications for arms transfers to all members of the Saudi-led coalition while there remains a risk that they will be used in Yemen, and should encourage other countries to apply the same policies, including at the supranational level.

Recommendation 8 – protecting jobs at home

Measures should be put in place to either to prevent job losses or mitigate the impact of job losses in the arms industry, including through MOD procurement and a defence diversification strategy to oversee the transfer of employment from arms production to civil production through converting employee skills. The Labour Party should adopt the TUC Motion 17 (September 2017) calling for a Shadow Defence Diversification Agency (DDA).

In the long-term, the UK should seek to create more sustainable, ethical and rewarding jobs – for example, by redistributing resources to the rapidly expanding green energy sector, which employs many of the same areas of engineering and requires skilled personnel.

The government should target resources at particular locations that might be disproportionately affected by a suspension of arms exports, including Lancashire, East Yorkshire and Yeovil.
**Recommendation 9 – reforming arms export controls**

The UK government should adopt a more rigorous and transparent system of arms export licensing that takes human rights into account.

DFID should investigate whether the UK’s arms transfers undermines its humanitarian initiatives.

An independent or arms-length body should be formed to inspect the operation of the licensing process, and the Committee on Arms Export Controls should become a full Select Committee, like the Environmental Audit Committee, with a dedicated staff and elected Chair. This would improve scrutiny of arms exports.

The government should: (1) include information on UK arm imports and exports in its annual report to the Arms Trade Treaty Secretariat in accordance with Article 13 (3) of the ATT; (2) provide greater regulation of ‘brass-plate’ companies that assist in brokering arms deals; and (3) ensure that the consolidated EU and national arms export licensing criteria are rigorously adhered to in arms export licensing decisions.

The government should improve reporting around open individual export licences. In particular, it should insert provisions in all open individual export licenses to require the exporter to report on transactions undertaken under these licences on a quarterly basis and provide data, which would then be published by the government.

Ministers should be prohibited from representing arms companies in meetings with foreign governments.

The UK government should publish the 1992 National Audit Office report on the al-Yamamah deals — the only NAO report to have never been publicly released — and other documents related to corruption allegations. It should re-open the Serious Fraud Office investigation into the arms deals.

**Recommendation 10 – ending military co-operation**

The UK should end all co-operation between the UK and Saudi militaries, as well as non-military training contracts, such as the College of Policing programme. All existing programmes should be investigated to determine whether British training has directly aided the commission of human rights abuses.

**Recommendation 11 - investigating intelligence-sharing**

Parliament’s Intelligence and Security Committee should investigate the UK’s intelligence-sharing relationship with Saudi Arabia to quantify the benefits that it provides to the UK, and in particular the extent to which it really ‘prevents bombs going off on the streets of Britain’ (as Jeremy Hunt stated in August 2018).

The committee should also ensure that the intelligence received has not been gathered using torture.
PART 3 – HUMAN RIGHTS

Recommendation 12 – justice for Jamal Khashoggi

The UK should call on Saudi Arabia to cooperate with the international and independent inquiry into the murder of Jamal Khashoggi led by the UN Special Rapporteur on Extrajudicial, Summary of Arbitrary Executions, Agnes Callamard. Magnitsky-style sanctions, such as asset freezes and visa bans, should be applied to all Saudi individuals identified as being involved in his murder.

Recommendation 13 – ending human rights abuses

The UK should publicly and expressly call on Saudi Arabia to end its abusive human rights practices. In particular, to stop using death penalty and immediately and unconditionally release prisoners of conscience, including women’s rights activists, human rights defenders, lawyers, journalists and writers.

The UK should urge Saudi Arabia to comply with the UN Committee Against Torture’s 2016 rulings and ensure that all allegations of torture and other ill-treatment are thoroughly, independently and impartially investigated and those suspected of criminal responsibility are brought to justice.

Then the UK should continue to pursue the demands made in recent EU Resolution 2019/2564 (RSP) and the March 2019 Joint Statement at the UN Human Rights Council – as well as expressly supporting Canada in its 2018 criticism of Saudi Arabia’s human rights abuses.

Recommendation 14 – improving domestic law

The UK should urge Saudi Arabia to repeal or reform legislation that restrict fundamental rights, including the Anti-Cybercrime Law 2007, Law on Associations 2015, and Counter-terrorism Law 2017. Saudi Arabia should also dismantle discriminatory laws and practices against women that require male authorisation for the actions of adult women (the male guardianship system).

Recommendation 15 – signing up to international human rights instruments

The UK should call on Saudi Arabia to ratify key international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention for the Protection of All Persons from Enforced Disappearance.

Recommendation 16 – demanding cooperation with the United Nations
The UK should demand that Saudi Arabia cooperate fully with UN human rights mechanisms including by responding positively to pending visit requests (they are currently 13 pending visit requests made by special procedure mandate holders to Saudi Arabia).

The UK should call for Saudi Arabia to be removed from the UN Human Rights Council.

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