

Court orders UK to suspend Saudi Arabia arms sales over Yemen war

By Jean Shaoul
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The UK Court of Appeal has ordered the Conservative government to suspend the issuance of new licences for arms sales to Saudi Arabia.

The court found last month that the government had failed to assess whether British-supplied weapons would be used in Riyadh's murderous war in Yemen, now in its fifth year, in breach of both international humanitarian law and Britain's own laws.

The case confirmed that the British government had sought to evade international law, including a 2014 European treaty on arms sales, by selling arms knowing they would be used in war crimes.

Air strikes and other combat operations in Yemen have caused the deaths of an estimated 80,000 people, including at least 17,700 civilians, while at least 3.2 million people now need treatment for acute malnutrition, including 2 million children under the age of five. The charity Save the Children reported at the end of last year that as many as 85,000 children under the age of five have died from hunger and disease since the beginning of the Saudi-led slaughter in 2015.

A spokesperson for the Department of International Trade (DIT), which grants licences for arms sales, downplayed the significance of the judgement, saying that only its decision-making process and not the sales of arms was unlawful, and that the government would appeal to the Supreme Court to overturn the ruling.

The Campaign Against Arms Trade (CAAT), a British-based NGO, had sought to overturn a previous High Court ruling permitting the export of arms to Saudi Arabia. It argued that the arms sales breach international humanitarian law (IHL) because of the disproportionate harm the military equipment causes to civilians. Moreover, British-built aircraft, bombs and missiles were being used to target civilians in breach of UK arms export law that bans the sale of arms or

munitions to a state that is at "clear risk" of committing serious violations of international humanitarian law.

According to the Ministry of Defence's own data, the number of alleged IHL violations had reached a staggering 350 by March 2018.

Human Rights Watch and Amnesty International have both warned that cluster bombs "made in Great Britain"—proscribed under international law—have been used against civilian targets such as farms in the north of the country. Despite this, the government maintains that it has received assurances from the Saudi-led coalition that the bombing campaign adheres to international law.

While the court rejected the CAAT's argument, it found that the DIT, in approving the sales, had failed to consider the Saudi-led coalition's attitude to previous breaches of humanitarian law. It thereby shot to pieces the government's claim that it has "one of the most robust arms export control regimes in the world."

According to evidence heard in secret but referred to in an open judgement, the DIT decided to change its methodology for approving arms sales in early 2016. This was at a time of growing international concern about civilian casualties caused by the coalition's aerial bombing campaign that had destroyed a hospital in Saada province and a mobile clinic run by the charity Médecins Sans Frontières.

The government argued in the earlier High Court case in 2017, opposing the CAAT's request for a judicial review of Saudi arms sales, that hospitals and schools could serve as "arms dumps" and could therefore be considered as "dual-use" targets, making them legitimate targets. It also claimed that sales were approved after taking expert advice from the Foreign and Commonwealth Office and Ministry of Defence, both of which are staffed or "advised" by former

defence industry personnel.

The department's counsel, James Eadie QC, even had the gall to say said the evidence showed that Saudi Arabia is "not a state flagrantly and wantonly violating IHL [international humanitarian law]. It knows the eyes of the world are on it."

The DIT simply stopped recording whether or not suspected violations had occurred. It amended the database used to keep track of air strikes "to remove the relevant column or box" in which any suspected violation would be recorded. "Hence there is no document or documents...setting out the rationale by which it was thought right that no assessment of past violations should be made or even attempted."

The case testifies firstly, to the government's deliberate disregard for the evidence that the barbaric House of Saud—its close ally—was violating the law; secondly, to the evasion and subversion of its own rules; and thirdly, to its shameless lying to the public that it had a rigorous arms control mechanism in place.

Such lies, deceit and obfuscation are necessary because only a tiny minority of the British public—a mere 6 percent, according to a survey carried out last year—support arms sales to Saudi Arabia. The government knows full well there is mass opposition in the working class to militarism and war, as well as to social inequality and poverty.

The British government has adamantly opposed any arms embargo against its ally, claiming there is no conclusive proof of human rights violations. It has also opposed an investigation by an impartial tribunal. In October 2016, the UK blocked a proposal by the Netherlands that the EU should ask the UN Human Rights Council to set up an independent inquiry into war crimes in Yemen.

The Court of Appeal's ruling argued that even if it was impossible to ascertain whether there had been a potential breach of international humanitarian law by the coalition and Saudi Arabia in particular, "at least the attempt had to be made."

The British government has licenced the sale of at least £4.7 billion (US\$6.1billion) worth of arms to Saudi Arabia since the start of the Saudi-led war in March 2015, after Houthi rebels drove out the corrupt government of President Abd Rabbu Mansour Hadi, a puppet of Riyadh and Washington. It has created the worst humanitarian crisis on the planet in what was

already the poorest country in the Arab world.

The licence includes £2.7 billion (US\$3.4 billion) worth of aircraft and £1.9 billion (US\$2.4 billion) worth of missiles, bombs and grenades. But the real level of arms sales is probably much higher, as many are transferred under the opaque system of "Open Licences" that is used to sanction arms sales to blood-soaked regimes in the Middle East, such as el-Sisi's Egypt and Saudi Arabia. According to *Middle East Eye*, there has been a 22 percent rise in the use of secretive open licences since ministers pledged to increase Britain's arms exports after the Brexit vote.

In addition, there are more than 80 Royal Air Force personnel serving in Saudi Arabia, some within the command and control centre that selects targets in Yemen for bombing, while others are training the Saudi air force, according to the *Independent*. There are believed to be 6,200 British contractors working at Saudi military bases, training pilots and maintaining aircraft.

As well as supporting the slaughter in Yemen, there have been reports that British troops have a combat role on the ground, with the *Mail on Sunday* reporting in March that at least five British Special Forces commandos were wounded in gun battles as part of a top-secret UK military campaign in Yemen.

The troops from the elite Special Boat Service (SBS), whose activities are never reported to parliament, suffered gunshot injuries in fierce clashes with Houthi forces in the Sa'dah area of northern Yemen, where up to 30 British troops are based. British Special Forces are thus fighting on the same side as jihadis and militia linked to al-Qaeda that are part of the Saudi-led coalition and use child soldiers as young as 13 and 14 years old.

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