

6 April 2015

Stephen Twigg MP
Chair of the International Development Committee
House of Commons
London
SW1A 0AA

Dear Stephen,

Thank you for your letter of 22 March, in which you give me the opportunity to set out the basis for our analysis of Saudi Arabian activity in Yemen and our current position that all extant UK licenses are compliant with our legal obligations pursuant to the Consolidated EU and National Arms Export Licensing Criteria.

As you point out in your letter, Saudi Arabia has announced the result of the investigation in the airstrike on an MSF hospital. The MOD has monitored and analysed the additional International Humanitarian Law (IHL) allegations highlighted in your letter. In carrying out its analysis, the MOD has access to a wide range of information to which the UN and the NGOs mentioned in your letter do not have access, including: Saudi-led Coalition operational reporting data; imagery; and other reports and assessments, including UK Defence Intelligence reports and some battle damage assessments.

When considering arms export licences there are a number of issues to be considered, pursuant to the Consolidated Criteria. Our analysis in relation to air weapons and equipment that may be used by the Saudis in Yemen has focused in particular on Criterion 2(c), for which the relevant question to ask is whether there is a clear risk that the items to be licensed might be used in the commission of a serious violation of IHL. This is done on a case by case basis with reference to expert advice from both the FCO and MOD including: a considered analysis by MOD of all incidents of alleged IHL violations by the Coalition in Yemen that come to its attention; an understanding and knowledge of Saudi Arabian military processes and procedures; and ongoing engagement with Saudi Arabia, including post-incident dialogue with respect to investigations.

The Government has concluded that the mandatory refusal threshold in criterion 2(c) has not been met. There is no clear risk that Saudi Arabia might use the UK export to commit serious violations of IHL. In particular: (1) the Saudi-led Coalition are not targeting civilians; (2) Saudi Arabian processes and procedures have been put in place to ensure respect for the principles of IHL; (3) Saudi Arabia is investigating incidents of concern, including those involving civilian casualties; (4) Saudi Arabia

has throughout engaged in constructive dialogue with the UK about both its processes and incidents of concern; (5) Saudi Arabia has been and remains genuinely committed to IHL compliance.

As you will be aware, on 10 March 2016 the Parliamentary Committees on Arms Export Controls launched an inquiry into the use of UK-manufactured weapons in the conflict in Yemen. We will provide written evidence to the inquiry during April 2016 and several Ministers, including the FCO Minister for the Middle East Tobias Ellwood MP, are scheduled to appear on 27 April 2016 to provide oral evidence. We look forward to this opportunity to further discuss our arms export policy to Saudi Arabia with Parliament.

Yours ever,

THE RT HON PHILIP HAMMOND MP