



Department for International Trade

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Graham Jones MP
Chair of the Committees on Arms Export Controls
House of Commons
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Dear Graham,

I am writing to tell you that the Government Legal Department has today informed the Court of Appeal of two inadvertent breaches of the undertaking given to the Court by the Secretary of State in the Order of the Court dated 20 June 2019, that we would not “grant any new licences for the export of arms or military equipment to Saudi Arabia for possible use in the conflict in Yemen”. I have apologised to the Court unreservedly for the error in granting these two licences.

We have also drawn the Court’s attention to a further export licence recently issued, which is not a breach of the undertaking given to the Court but is inconsistent with the broader commitment made to Parliament on 20 June by the then Secretary of State that we would not grant licences to Saudi Arabia or its Coalition partners for the export of arms and military equipment that might be used in the conflict in Yemen.

Finally, for completeness, we have also drawn the Court’s attention to one further licence. Details of all these licences are given below.

The potential for there to have been a breach of the undertaking was first identified on 9 September during a routine analysis by the Foreign and Commonwealth Office (“FCO”) of the quarterly licensing statistics produced by the Department for International Trade (“DIT”).

The first licence identified as raising this issue (*Licence No. GBSIE2019/06449*) was for the export of a single Wirewound Air Cooler, valued at £200, for incorporation by a French company, ODAS, in a Renault Sherpa Light Scout. The licence application stated that the vehicle would be used by the Royal Saudi Land Forces (“RSLF”) in Saudi Arabia. The circumstances of the grant of the licence are, so far as we are currently aware, that the application was first considered by the FCO on 29 May 2019. On 3 June 2019 FCO recommended approval on the basis that the RSLF were not

operating in Yemen. On 4 June 2019 the case was recirculated to FCO who again, on 10 June 2019, provided its formal advice, recommending issue. This is in line with the formal role of the FCO in providing advice on the Consolidated Criteria. On 18 June 2019, the FCO received information from the British Embassy in Riyadh that RSLF troops were deployed in Yemen. There was therefore a risk that equipment destined for the RSLF might be used in the conflict in Yemen. The FCO were unaware that the licence had not already issued, and so did not pass this information on to DIT. We are urgently investigating exactly when information was shared between FCO and DIT. In any event, DIT were not aware of the deployment of RSLF when the licence was formally countersigned and issued on 26 June 2019. The item has been shipped and this licence is therefore now spent.

Having become aware on 9 September 2019 of the risk that equipment destined for the RSLF might be used in the conflict in Yemen, I have taken immediate steps to identify whether any other licences have been granted which might be in breach of the undertaking. A preliminary review of the 183 licences issued for exports to Saudi Arabia and/or its Coalition partners since the Court's judgment indicates that two further licences have been granted for the export of equipment for which the end user is the RSLF:

- *Licence No. GBSIE2019/07556* for the export of 260 items of various radio spares for the RSLF Signal Corps, valued at £435,450. The application was circulated to the FCO and the Ministry of Defence (MOD) on 31 May 2019. The FCO and MOD have formal roles in providing advice on the Consolidated Criteria to DIT. The FCO provided its advice recommending approval on 4 June 2019. MOD advised approval on 26 July 2019. The licence was formally countersigned and issued on 29 July 2019. Given the fact that RSLF troops were being deployed in Yemen, at the time the licence was issued, this licence should not have been granted. Our current understanding is that 180 items have been shipped, with a value of £261,450, leaving 80 items licensed but unshipped with a value of £174,000. DIT is in the process of revoking this licence, as a matter of urgency.
- *Licence No. GBSIE2019/08983* for the temporary export for demonstration purposes of dual-use counter-improvised explosive device equipment. These goods remained under the exporter's control at all times and there was consequently no risk that the equipment could be used in the conflict in Yemen and consequently the licence is not within the scope of the undertaking, nor is it in scope of the commitment given to Parliament.

Although not a breach of the undertaking to the Court, DIT has also identified one licence that is inconsistent with the commitment given to Parliament by my predecessor, which extended the undertaking to the Coalition Partners. *Licence No. GBSIE2019/06671* was granted for the export of equipment for which the end user was the UAE Navy and where Government cannot be certain that the relevant class of ship will be used solely for maritime security operations rather than in the conflict in Yemen. This licence was for three components for a marine radar system, valued at £4986, to be exported to Sweden for incorporation in a naval surveillance radar for installation on one class of UAE Navy corvette. The application was submitted on 21 June and was issued on 3 July. In reviewing the assessment for this licence, we have concluded that it might be used in the conflict in Yemen. None of the goods have been shipped and we are in the process of revoking the licence.

The Permanent Secretary of DIT has asked, on behalf of the Secretary of State, for a full investigation to be conducted to: (i) establish the precise circumstances in which these licences were granted; (ii) establish whether any other licences have been granted in breach of the undertaking to the Court or the commitment to Parliament; and (iii) confirm that procedures are in place to ensure that no further such breaches can occur.

During the course of this investigation, all decisions made on licences for the export of military goods to KSA and its Coalition partners will be subject to additional compliance processes to ensure that no further licences are issued in error for possible use in the conflict in Yemen.

I am copying this letter to the Chairs of the International Trade, Foreign Affairs, Defence and International Development select committees.

Best wishes,



THE RT HON ELIZABETH TRUSS MP
Secretary of State for International Trade
& President of the Board of Trade