

FIRST-TIER TRIBUNAL – GENERAL REGULATORY CHAMBER
Information Rights

EA/2014/0261

Richard Brooks

Appellant

And

The Information Commissioner

Respondent

And

The Ministry of Defence

Second Respondent

Open statement of Edward Oakden

1. I am Edward Oakden, a member of the diplomatic service and the senior management structure of the Foreign and Commonwealth Office (FCO). I have been a member of the diplomatic service for the last 33 years. I have served as Director for the Middle East since July 2013, with responsibility for the UK's relationships with the countries of the Gulf Cooperation Council, and Iraq, Iran and Yemen as well as the Coalition's fight against ISIL. After four years as British Ambassador to the UAE, I served as Managing Director for Strategic Trade in UK Trade and Investment. I was the UK's Ambassador for Counter-terrorism and the FCO Director for Defence and Strategic Threats for four years following the 9/11 attacks in the US; and served in No 10 as Prime Minister John Major's Private Secretary for Foreign Affairs, Defence and Northern

Ireland. I have spent much of the rest of my career moving between the Middle East and London, with postings in Baghdad, Khartoum, Washington and Madrid. I will take up a posting as British Ambassador to Jordan in April.

2. I make this statement to the best of my knowledge and belief. Where I do not have direct knowledge of a subject or point, I have relied on information from others. I have no reason to believe that their information is inaccurate.

3. The request

I understand the request was made on 22 January 2014 and was as follows:

'Following recent correspondence with your press office I have been told that certain questions should be submitted in the form of a freedom of information request. Accordingly, please let me have information concerning -

- [1] the mechanism for approval by the MoD's SANGCOM team of a. payments or b. sub-contracting arrangements by prime contractor GPT Special Projects Management Ltd*
- [2] occasions on which the inclusion of 'bought in services' in contract proposals and change proposals have been a. queried and b. to any extent rejected by the MoD's SANGCOM team*
- [3] the identities of senior civil servants, ministers and consultancy firms involved in the negotiation and signature of the LOA3P3 phase of the project (signed in Feb 2010)*
- [4] the nature of the letter of agreement signed by the ambassador to Saudi Arabia and SANGCOM in June 2013, referred to at the foreign affairs committee hearing by FCO minister Andrew Murrison on 18 June.'*

4. The MoD response

OFFICIAL SENSITIVE

The information sought under the Freedom of Information Act was withheld on the grounds that international relations would be damaged were it to be released. Those grounds still exist - and for the reasons set out in more detail below I believe that disclosure would damage UK-Saudi relations.

HMG's bilateral relationship with the Saudi Arabian Government

5. The UK and Saudi governments cooperate successfully across a wide and diverse range of areas, including:
 - counter-terrorism;
 - foreign policy;
 - security;
 - defence;
 - aid and development;
 - trade and investment;
 - energy security;
 - education and healthcare.
6. Saudi Arabia is home to between 20 and 30,000 British nationals and approximately 18,000 British nationals undertook the Hajj pilgrimage in 2014. There are around 18,000 Saudi students studying in the UK. Saudi Arabia is the UK's largest trading partner in the Middle East, with over 6,000 UK companies actively exporting to the Kingdom, and there is the potential for UK business to tap into High Value Opportunities worth over £10.5 billion. [REDACTED]
[REDACTED] the trade relationship stands at c. £11 billion per annum. Defence and security cooperation has been a core element of the bilateral relationship for over 50 years.
7. The Foreign & Commonwealth Office has three posts in Saudi Arabia: the British Embassy in Riyadh, the British Consulate in Jeddah and a Trade Mission in Al Khobar with 167 staff in total; this is our largest presence in the Gulf. It does not include the larger external UK military presence.

OFFICIAL SENSITIVE

The Relationship in More Detail

8. In Saudi Arabia, power is concentrated in the hands of a few senior Princes, with the King as the ultimate decision-making authority. HMG's relationship with them, and with future leaders, is vital to the achievement of our national interests, particularly counter-terrorism and the pursuit of our national security objectives in the region e.g. Iraq, Syria, Iran, Yemen and ISIL. The extent to which Her Majesty's Government (HMG) has the trust and confidence of the Saudi government directly affects our ability to achieve these interests. The strength of the relationship between both Kingdoms reflects the shared challenges that we face, and the benefits that cooperation can bring to both Saudi and British citizens.
9. As an example, HMG is working very closely with the government of Saudi Arabia (and the United States of America) on the evolving crisis in Yemen, where Saudi Arabia's role is critical to stabilise the country and successfully address the terrorist threat from Al Qaeda in the Arabian Peninsula (AQAP). The UK is also working closely alongside Saudi Arabia as part of the international coalition against ISIL. As the home of the two holy places, Saudi Arabia plays a critical role in challenging ISIL's ideology and persuading the Sunnah in Iraq to draw away from ISIL's influence. The effects of instability in the Middle East are fundamentally matters affecting UK national security.
10. British-Saudi cooperation has specifically resulted in the foiling of AQAP terrorist attacks which would have caused substantial destruction and loss of life. An example of this cooperation was the discovery at East Midlands airport of a "printer bomb" onboard a US-bound flight in October 2010. The initial alert came from the Saudi authorities, who have been quick to provide information to protect British interests on many other occasions.
11. [REDACTED]
[REDACTED] Relationships are [REDACTED] built up through regular engagement over time, such as through reciprocal visits and telephone calls. If HMG does not maintain the trust and

confidence of senior Saudi princes, our ability to protect and promote UK interests through international relations will be hampered.

12. [REDACTED]

13. The inviolability of a person's family and home is a basic principle of Islamic law. This is the case even when the subjects have died some years previously.

14. [REDACTED]

15. [REDACTED]

16. [REDACTED]

17. [REDACTED]

Effect of the release of the material requested under the Freedom of Information Act

18. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

19. [REDACTED]
[REDACTED] Prince Miteb has been Commander of the SANG since 2010; his father, the late King Abdullah, was Commander from 1963-2010. Prince Miteb has retained his role under King Salman and is number five in the new Cabinet, two below the Minister of Foreign Affairs and one above the Minister of Defence. [REDACTED]
[REDACTED]
[REDACTED]

20. [REDACTED]
[REDACTED]
[REDACTED]. The original Memorandum of Understanding (MOU) dates back to 19 March 1978. Approximately 1,550 individuals are employed within the SANGCOM programme (including within MOD and GPT but not including some of the more junior staff, whose numbers can vary significantly day to day); approximately 200 are British. This project was originally undertaken with a view to making progress in the region and, it was hoped, to being able to attract wider business in due course. The SANG are a major internal security organisation and the SANGCOM project was a niche market that allowed the United Kingdom to showcase its capabilities in that market. The Saudis regard the project as important as it bolsters their defence and security structures.

21. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

22.

[REDACTED]

23. In 2006 the then Director of the Serious Fraud Office discontinued the SFO's investigation into the affairs of BAE Systems and the Al Yamamah defence contract with Saudi Arabia. As the Attorney General's statement made clear, the government of the day "expressed the clear view that continuation of the investigation would cause serious damage to UK/Saudi security, intelligence and diplomatic cooperation, which [was] likely to have [had] seriously negative consequences for the United Kingdom public interest in terms of both national security and our highest foreign policy objectives in the Middle East."

[REDACTED]

24.

[REDACTED]

25. [REDACTED]

26. [REDACTED]

27. [REDACTED]

28. [REDACTED]

29. [REDACTED]

[REDACTED]

30.

[REDACTED]

Impact on national security and foreign policy interests

31. A peaceful and secure Middle East is fundamentally a matter of UK national security. Saudi Arabia is increasingly a supportive voice of moderation in helping HMG to deliver on some of its top priority foreign policy goals, not least

- As a member of the international coalition against ISIL;
- In stabilisation and reconstruction efforts in Syria and Iraq;
- In our own counter-terrorism and deradicalisation efforts; and

- On Yemen, [REDACTED]
[REDACTED]

32. The consequences of growing regional instability, and particularly the risks of allowing extremist ideology to gain further ground, are grave. HMG's ability to understand and counter the extremist threat depends crucially on the extent to which we enjoy the Kingdom's trust and support. Their deradicalisation effort – one of the most sophisticated in the world – sits alongside and informs our own efforts to reduce the threat posed by terrorism and extremism. Our very strong cooperation depends on the relationships we have built up [REDACTED]

[REDACTED]. In his witness statement following the discontinuation of the Al Yamamah investigation, the then Director of the SFO, Robert Wardle, also recognised "the practical importance of Saudi Arabian goodwill and cooperation [...] for safeguarding the UK's national security and the safety of nationals." [REDACTED]
[REDACTED]
[REDACTED]

33. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] I am confident that releasing these documents would cause serious harm to our relations with the Kingdom of Saudi Arabia at a time when the region and the world is increasingly unstable and we need to be able to rely on our partnerships for obvious commercial reasons but also to maintain peace and security in the UK and abroad.

34. I believe that the facts stated in this statement are true.

Edward Oakden

Edward Oakden
.....

Date: ...27.....February 2015.....