IN THE MATTER OF AN APPEAL TO THE INFORMATION TRIBUNAL 
UNDER SECTION 57 OF THE FREEDOM OF INFORMATION ACT 2000

BETWEEN:

CAMPAIGN AGAINST THE ARMS TRADE 

Appellant

and

THE INFORMATION COMMISSIONER 

Respondent

and

MINISTRY OF DEFENCE 

Additional Party

________________________________________________________________________________

WITNESS STATEMENT 
OF STEPHEN POLLARD

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I, Stephen John Pollard, of the Ministry of Defence (MOD), Castlewood House, New Oxford Street, London WC1A 1DT, state as follows:

Introduction

1. I am the Commercial Director and Deputy Director General of the MOD Saudi Armed Forces Programme (MODSAP) Team, and have held this position since September 2003. My main responsibilities are as follows:

1.1 To oversee the financial management of Saudi British Defence Cooperation Programme (SBDCP) revenue and the MODSAP Team budget;
1.2 to contribute to developing and delivering future strategies, including the commercial aspects of new programmes;

1.3 to provide advice on the Government-to-Government and MOD/BAES relationships, including briefing and Secretariat tasks, and to develop and maintain good working relationships with key BAES, Saudi, wider MOD and other Government Department representatives;

1.4 to provide management advice to the Director General and central business services to MODSAP, including management planning, business continuity planning, human resources management, and communications and information services;

1.5 to act as Deputy DG and to represent the Director General Saudi Armed Forces Programme (DGSAP) on the DESO Board when required. To be a member of the Defence Export Services Organisation (DESO) Audit Committee; and

1.6 to manage the SBDCP Economic Offset Programme.

2. I joined the MOD in 1975 and entered the Senior Civil Service in 1989. Before becoming Director Commercial in MODSAP I was the Head of the MOD’s Overseas Secretariat, where I was responsible for policy formulation and execution, and advice to Ministers and senior MOD staff on the UK’s defence interests and commitments outside the area covered by the Organisation for Security and Co-operation in Europe (OSCE), including the provision of secretariat support for current crises and other operations. Before that, I was Director, Central & Eastern Europe.

3. I make this witness statement on behalf of the MOD. The contents of this witness statement are true to the best of my knowledge and belief. I make this witness statement from facts and matters within my own knowledge save where I indicate otherwise. Where I indicate that
information is derived from another source, I identify that source and believe the information provided by that source to be true.

**Background to the Al Yamamah Programme and the Role of MODSAP**

4. The Armed Forces of the United Kingdom have had a good relationship with those of the Kingdom of Saudi Arabia for many decades. In particular, the Royal Air Force (RAF) has had close ties with the Royal Saudi Air Force (RSAF) for over 50 years. In the 1960s the RSAF procured a number of defence systems from the UK, including Lightning, Hunter and Strikemaster aircraft. In 1973 the Saudi Arabian and UK Governments (SAG and UKG) entered into an agreement whereby the UKG would, on behalf of the SAG, place a contract with the then British Aircraft Corporation (BAC) to maintain aircraft and equipment of the RSAF and to train RSAF personnel. The UKG also agreed to provide a team based in Riyadh, together with a project support unit in the UK, to monitor the work carried out by BAC and to ensure that technical and quality standards were met. This team became known as the Saudi Arabian Air Defence Advisory Project (SADAP) Team. The costs of the Team were met from a management fee provided by the SAG.

5. In 1985, the two Governments entered into a further agreement under which the SAG would purchase, and the UKG would supply, a number of Tornado, Hawk and PC-9 aircraft, together with associated support services, equipment, weapons and ammunition. British Aerospace plc (BAe), into which BAC had by then been incorporated, was appointed as the Prime Contractor for the supply of all the goods and services specified in the agreement. Once again, the UKG agreed to provide a team based in Riyadh, and a Project Office based in the UK, to support the RSAF and to oversee the implementation of the project. This team was formed from the SADAP Team, which was still in existence at that date, and became the MOD Saudi Armed Forces Project (MODSAP) Team. The SAG subsequently gave the project the title Al Yamamah
("The Dove"). In 1988 the two Governments agreed an extension to the Al Yamamah agreement to cover the procurement of additional aircraft, support services and systems, together with three Mine Countermeasures vessels. Al Yamamah continued in existence until the end of 2006, when the continuing programme of maintenance, support and upgrade activities was incorporated into a new Saudi British Defence Cooperation Programme (SBDCP). BAe, now BAES, remains the Prime Contractor.

6. The MODSAP Team is headed by a serving RAF Air Vice-Marshal as Director General, and consists of some 200 military and civilian staff based in the UK and Saudi Arabia. Its main duties are to coordinate the activities of the MOD in support of the Programme, to monitor the progress and performance of BAES, and to provide a point of contact and advice for the RSAF. Since its inception, MODSAP has been part of DESO.

7. Over the 22 years since it was negotiated, the Al Yamamah Programme has constituted a significant component of the close bilateral relationship between the United Kingdom and Saudi Arabia. But in addition to its diplomatic and security importance, it has provided substantial economic and commercial benefits. These have included revenues of several tens of billions of pounds to BAES and their suppliers and sub-contractors, and the sustaining of up to 15,000 jobs in the UK (according to estimates provided by BAES), many of them in high-technology industries.

8. The UKG and BAES will, through the SBDCP, continue to assist the SAG in maintaining and supporting the systems procured under Al Yamamah. For the future, the Saudi Arabian Government has announced its intention to replace a number of obsolescent air defence aircraft with Eurofighter Typhoon, and has entered into a further agreement with the UKG for the supply of those aircraft, with BAES yet again acting as Prime Contractor. That agreement is entirely separate
from Al Yamamah/SBDCP, but will be managed and overseen by the existing MODSAP Team.

9. The Government announced on 25 July that it planned to integrate trade promotion for defence exports with the Government's general trade support activities, while recognising and accommodating the specific requirements of the defence sector. It would therefore look to move responsibility for defence trade promotion from DESO to UK Trade and Investment. However, no change was envisaged to existing and planned agreements between the Ministry of Defence and other Governments, which will continue to be administered by the Ministry of Defence. MODSAP will therefore remain part of the MOD.

The Memoranda of Understanding

10. The SAG and UKG signed a Memorandum of Understanding (MOU) on 7 May 1973 ("the 1973 MOU") to give effect to what became the SADAP Programme. The MOU was classified CONFIDENTIAL. It was initially in force for a period of five years, and was extended for two successive periods, first for four years until 1982 and then for three years until 1985. Negotiations were under way for a further extension at the time that agreement was reached on what became the Al Yamamah Programme in 1985. The Al Yamamah arrangements thereafter in effect absorbed the SADAP arrangements.

11. The SAG and UKG signed a further MOU on 26 September 1985 ("the 1985 MOU") to record agreement that the UKG should supply aircraft and other equipment to the SAG. The detailed arrangements for the management of the programme were set out in a further MOU that was signed on 17 February 1986 ("the 1986 MOU"). An extension of the programme to include additional aircraft, weapons and ships was signed on 3 July 1988 ("the 1988 MOU"). All three of these MOUs are classified SECRET. I will supply a separate confidential Annex, to be
handled as closed evidence, in which I will deal specifically with the contents of the 1973, 1985, 1986 and 1988 MOUs.

**Confidentiality**

12. As noted above (paragraphs 10 and 11), the MOUs are classified CONFIDENTIAL or SECRET. The main MOUs governing both the SADAP and the Al Yamamah programmes contain clauses requiring each Government to protect the security of any information provided by the other in accordance with its classification, and not to communicate such information to any third party without the agreement of the other Government.

13. In practice, the SAG classifies all documents or other information on defence matters as CONFIDENTIAL or SECRET. It regards all such information as bearing directly on issues of national security, and is firmly opposed to such material being disclosed into the public domain. The SAG attaches great importance to its agreements with the UKG being entered into in a spirit of reciprocal trust and mutual respect, and expects the UKG to honour those principles. In particular, the SAG has consistently made clear its requirement for all information connected with the Al Yamamah Programme, and before that the SADAP Programme, to be protected by both Governments and treated as confidential or secret in line with the respective security understandings. I will make some further comments about the importance SAG attaches to the confidentiality of bilateral contracts under Al Yamamah in the confidential Annex.

14. The Campaign against the Arms Trade’s request under the Act for copies of the MOUs in question was made on 22 February 2005. I instructed my staff in Riyadh to draw the attention of Prince Sultan’s most senior civilian adviser to the request, and to ask for the official reaction of the SAG. The response was that the SAG expected the confidentiality understandings between the two Governments to be
respected, and that no classified information, including the texts of the MOUs themselves, should be released to any third party. I make further comments on the approach to SAG and their response in the confidential Annex.

15. The Department of Trade and Industry inadvertently released files containing copies of the 1973 and 1985 MOUs to The National Archives (TNA) in 2006. The 1985 MOU was subsequently printed by The Guardian newspaper on 28 October 2006. On 3 November 2006, a meeting was held between DGSAP and a senior Saudi Arabian General closely associated with the Al Yamamah Programme. At this meeting, the General conveyed the SAG's displeasure that these documents, and other material, had been released in public by the UKG. He said that the SAG was greatly concerned by the comprehensive breach by the UKG of security understandings between the two Governments, which greatly undermined the trust between the Governments. I will make some further comments on the SAG's reaction to the inadvertent release in the confidential Annex.

16. I believe that the inadvertent release of the 1973 and 1985 MOUs severely dented the confidence of the SAG in the UKG's ability to protect sensitive information, and that the release of the texts of the four MOUs would be regarded as a serious disregard by the UK not only of the security understandings between the two Governments but of the principles of trust that have characterised the bilateral relationship for many years and over many different issues.

17. I believe that the facts in this witness statement are true.

Signed

Dated 19 November 2007