



A seriously funny
attempt to get the
Serious Fraud Office
in the dock!

**SUNDAY 23 SEPT 2007
HAMMERSMITH APOLLO
LONDON**



Massive thanks to
Mark Thomas and all
the performers who've
given their time and
jokes tonight, to
everyone who's made
tonight happen,
everyone who helped
with the programme
and everyone who
came to see the show.



Welcome to tonight's show!

A few words from Mark Thomas

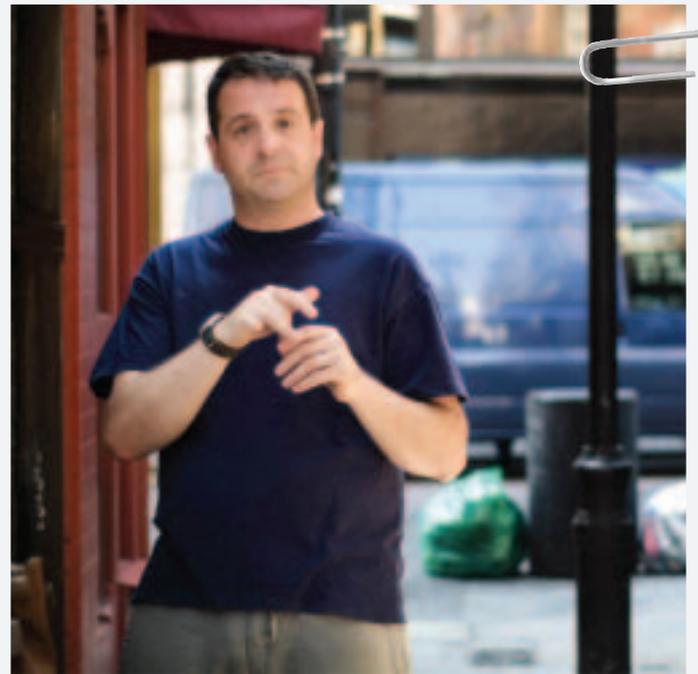
Well, I hope you know what you have done, that is all I can say. You and your liberal chums, you think you are so clever coming along to a comedy night at Hammersmith, but do you for one minute understand the consequences of your actions? The money you paid to come and see this show is being used to put the government in the dock! Yes, your money! You did it! You seal cub fondling bleeding heart fop! This so called "benefit" is going to cover the legal costs for taking the Serious Fraud Office to court and you have contributed to it.

Where would we be as a country if everyone behaved like you, if everyone went around taking the government to court? Hmm! No one would have fought the Nazis in World War Two, that is where we would be. Everyone would be asking "Has anyone done a risk assessment for war?" There would have been no D-Day landings as the British Army would be insisting on speaking to their health and safety reps! So you quisling ingrate consider what you do by coming along tonight.

The background is this. Britain's biggest arms company, BAE Systems, is alleged to have paid bribes to a Saudi Prince. The Serious Fraud Office (SFO) say "Right'o that is very naughty, we'll have a look at that" and start getting their notebooks out. So far so good. Arms dealers accused of bribery. Police say they will investigate. What should have happened next is the cops dump the paperwork in the bottom draw, do Sudoku puzzles for 6 months and then quietly announce that they found no evidence. End of story, everyone happy. But bugger me with the Telegraph, the police only go and investigate properly! They start treating Britain's biggest arms dealer like the law actually applies to them! This is political correctness gone mad! If a British arms company can't pay millions to an Arab Prince without the police getting involved you might as well drive the ravens from the Tower of London, pour yourself a stiff one, sit back and watch Britain go to hell.

The only person who could inject some sanity into the proceedings at this point was Tony Blair (then Prime Minister), fortunately he does the right thing and has a quiet chat with the Serious Fraud Office, saying words to the effect of "Leave it" and the SFO finally drop the

case. And that should have been the end of it. Normality returns to the realm. The Union Jack flies high. Queen walks corgis. Church of England sells jam at fetes. Children shoot each other on council estates. All are happy in Albion.



That should have been the end of it. But oh no... you had to go and stick your oar in! You had to come along and see the "comedy benefit". You paid the ticket money. The ticket money goes to a bunch of liberal hand-wringing bastards, who in turn take the Serious Fraud Office to court, to try and force them to reopen the investigation. By coming to this "benefit" night you are attacking the core values of Britain – the right for the Prime Minister and large arms companies to be above the law.

Quite simply you have to understand that not all corruption is wrong, it has merely been given a bad name by African leaders with little sense of interior decor. There are different types of corruption. When British companies pay money for contracts they do it for the British economy, they do it with style, they do it with a "Sir" at the front of their name.



Campaign Against Arms Trade (CAAT)

CAAT is a broad coalition of groups and individuals working for the reduction and ultimate abolition of the international arms trade, together with progressive demilitarisation within arms-producing countries.

The Corner House

The Corner House aims to support democratic and community movements for environmental and social justice. It carries out research and analysis to further this aim, as well as engaging in advocacy work.

What your money is going towards

The money raised by tonight's show (after costs have been covered) will support CAAT and The Corner House's legal challenge to reopen the Serious Fraud Office investigation into allegations of bribery surrounding BAE Systems' arms deals with Saudi Arabia. Our lawyers have very generously said they'll bring the case on a 'No Win, No Fee' basis.

However, there are still considerable costs involved for each of the organisations in preparing the case, getting through each stage of the legal process, and paying for other costs such as Court fees, copying fees and courier services. The greatest financial risk is that if we lose the case we are likely to have to pay the Government's legal costs. This could potentially run into six figures. Our legal team will be asking the Court to limit our liability to pay the Government's

costs on the grounds that we're bringing the case in the public interest. But even if the costs are limited, the limit is likely to be set at a value of tens of thousands of pounds.

On the other hand, if we win, the Government may have to pay many of our costs and those of our legal team. Hurrah! If that happens, or if the case doesn't get through at one of the earlier stages of court proceedings, and we end up with a surplus, we'd ask you to let the remainder of your ticket price and donation tonight go towards CAAT's and The Corner House's ongoing campaigning work to end the arms trade and corruption. If you'd rather it didn't, then keep your ticket safe, and we'll aim to give you a part-refund if needs be.



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What's it all about?

On 14 December 2006, the Serious Fraud Office (SFO) terminated an investigation into allegations of corruption, including a £60 million "slush fund", surrounding a series of BAE Systems' arms contracts with Saudi Arabia known as Al Yamamah. The SFO announced that it had ended the investigation on the grounds that continuing it might lead to Saudi Arabia withdrawing diplomatic cooperation with the UK on security and intelligence. The decision followed widespread reports that the Government of Saudi Arabia had threatened to suspend diplomatic ties with the UK and cancel a further order for 72 Eurofighter aircraft from BAE Systems if the SFO investigation was not halted. The decision was widely criticised by parliamentarians, non-governmental organisations, and by leading financial fund managers, who stated that it could compromise London's standing as a financial centre (see page 20).

Filing the judicial review

On 18 December 2006, The Corner House and Campaign Against Arms Trade (CAAT) wrote to the UK

Government arguing that the SFO's decision was unlawful because it contravened the UK's obligations under the OECD Anti-Bribery Convention and should be reversed. The Government failed to restore the investigation, so two months later, The Corner House and CAAT began an application for a judicial review.

All was going well until it was discovered that confidential legal advice from CAAT's solicitors had been obtained by BAE Systems in January 2007. CAAT went to court to require BAE Systems to identify the source of the leak, arguing that the judicial review proceedings could be severely prejudiced if BAE had access to CAAT's (and The Corner House's) confidential legal advice.

BAE was thus forced to reveal that it had been paying £2,500 per month to LigneDeux Associates, the business vehicle of Paul Mercer – a private investigator with right-wing links – who monitored and passed information about CAAT to BAE System's Director of Security, Mike McGinty.

On 19 April 2007, The Corner House and CAAT were finally able to apply at the High Court for a judicial review of the SFO decision. The case is due back in court on 9 November this year.

New allegations

Since initiating our legal challenge, separate revelations came to light in the BBC's *Panorama* television programme and in *The Guardian* newspaper that the UK Government itself may be implicated in the corrupt activities being investigated by the SFO.

Panorama's principal allegation is that BAE Systems, with the approval of the UK's Ministry of Defence, made payments worth hundreds of millions of pounds over two decades to bank accounts under the personal control of Prince Bandar bin Sultan, the son of Prince Sultan bin Abdul Aziz, who has been the Saudi Defence Minister since 1962. The documentary suggested that some of the payments were for the personal expenditure of Prince Bandar bin Sultan.

The allegations raise further concerns about the shelving of the SFO investigation. They suggest that, since 1985, successive UK Governments under Prime Ministers Margaret Thatcher, John Major and Tony Blair have used Ministry of Defence bank accounts to facilitate corrupt payments to a foreign official. These allegations are more serious than the widely-reported ones of a £60 million "slush fund" run by BAE Systems for the personal benefit of Saudi royals, because they

Glossary

Al Yamamah

Name given to describe a number of arms deals between BAE Systems and Saudi Arabia which began in the mid-1980s.

BAE Systems

The world's third largest arms company. Formerly known as British Aerospace.

Judicial Review

A court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body.

OECD

The Organisation for Economic Co-operation and Development. An organisation made up of 30 countries, mainly the world's highest-income countries, and maintaining cooperative relations with another 70 countries.

Serious Fraud Office (SFO)

A UK government department that investigates and prosecutes complex fraud.



suggest the active involvement and complicity of the UK Government.

UK Government is prepared to break international law

The Government refused to sanction public disclosure of its response to our judicial review proceedings. So Mark Thomas had to apply to the High Court for the document to be released. This was initially refused but then, on 9 July 2007, was allowed.

In its response the Government denies any breach of the OECD Anti-Bribery Convention, but declares that it would have taken the decision to terminate the SFO investigation anyway, regardless of any violation of international law, for reasons of national security. According to the Government, compliance with the Convention "was not... a critical or decisive matter" in making the decision. The Corner House and CAAT have written to the OECD to draw its attention to the UK Government's willingness to break the OECD Anti-Bribery Convention, which is binding on signatories.

The US Government picks up where UK left off

On 25 June 2007, BAE acknowledged that the US Department of Justice has decided to investigate the company's compliance with US anti-corruption laws, particularly the 1977 Foreign Corrupt Practices Act. This led to increased calls for the SFO inquiry to be reopened in the UK.

We are proud to support CAAT and The Corner House

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SOLICITORS

Meet the legal team

CAAT and The Corner House have brought together a hugely experienced and respected team of lawyers for this judicial review.

(Pictured in order from top) Solicitors Richard Stein and Jamie Beagent of Leigh Day & Co are bringing the case and have instructed David Pannick QC, Dinah Rose QC and Ben Jaffey of Blackstone Chambers together with Philippe Sands QC of Matrix Chambers to advise and represent CAAT and The Corner House in the High Court.



This unusually large team brings together a unique collection of public and international law expertise, which reflects the importance of the issues at stake.

The case hinges on Article 5 of the OECD Anti-Bribery Convention, an international instrument of law that the UK has ratified. The Convention forbids state parties from taking into account economic considerations or the impact upon relations with another state when deciding whether to investigate or prosecute incidents of bribery and corruption. The purpose of this aspect of the Convention is to prevent just the sort of pressure that Saudi Arabia has apparently applied on the UK.

The case also raises issues of constitutional importance for the UK, highlighting the role of the Attorney General, a member of the Government, as a purportedly independent prosecutor. It is a fundamental tenet of a democratic constitution that prosecutorial decisions are free from political influence and pressure.

Richard Stein of Leigh Day & Co said:

"It is our view that the Government and the Serious Fraud Office must be held to account for the decision to terminate the investigation. The Government is not permitted to simply cite 'national security reasons' to justify breaching its obligations towards the international community and the citizens of this country."



The Al Yamamah story

Late 1960s to early 1970s

Officials in the UK Government's Defence Sales Organisation turned a blind eye to corruption with regard to UK arms sales to Saudi Arabia. In 1971 the UK ambassador described Prince Sultan, who was Saudi Defence Minister then and still is now, as having "a corrupt interest in all contracts".

Former Defence Minister Lord Gilmore said of the time: "You either got the business and bribed, or you didn't bribe and didn't get the business. You either went along with how the Saudis behaved, or what they wanted, or you let the US and France have all the business."

The mid-1980s

In 1985/6 and 1988 the Thatcher Government signed massive arms deals revolving around the sale of Tornado fighter and ground attack aircraft from British Aerospace as it then was (now BAE Systems). The deals were known as Al Yamamah, or "dove". As well as actual hardware, the package included servicing and training. Only weeks after the first deal agreement in 1985, *The Guardian* led with an article headlined "Bribes of £600 million in jets deal".

Late 1980s and the 1990s

Allegations that huge commissions had been paid with regard to the Al Yamamah deal continued, and the House of Commons' Public Accounts Committee, which monitors government spending, asked the National Audit Office (NAO) to investigate. The NAO took until 1992 to produce its report, which was then read by just two members of the Committee. One of these, the Committee's Chair, said the report was not published because of the "highly sensitive situation regarding jobs in the defence industry". It is the only NAO report the Committee ever commissioned that has not been published.

In 1994 the Chair of Thorn EMI "admitted to paying huge commissions" of 25 per cent on a £40 million Saudi arms deal. The former managing director of Thorn's defence systems division said: "Commissions make the world go round. There's nothing illegal

about them. I don't know of a [Saudi] royal who'll get out of bed for less than five per cent". When told that Saudi law prohibited commissions on military contracts, he replied, "Then they got a big problem with Al Yamamah".

The allegations continued. A Saudi dissident said that the former Prime Minister's son, Mark Thatcher, was involved, and a Labour MP produced a US intelligence report and an internal company memo that he claimed proved this. A Panamanian company served a writ against Rolls Royce, alleging that the company had paid only £23 million of an agreed £100 million commission on its part of Al Yamamah. The company said it intended to defend itself, and the action was subsequently withdrawn pending a settlement.

2003 and 2004

From September 2003, *Guardian* reporters David Leigh and Rob Evans wrote a series of articles about an alleged BAE "slush fund". It was not, however, until November 2004 that the Serious Fraud Office announced that, together with the Ministry of Defence Police, it had "commenced an investigation into suspected false accounting" with regard to BAE Systems and the company's military contracts with the Government of Saudi Arabia.

2005

Prime Minister Tony Blair visited Riyadh, the Saudi capital, in July to press the Saudis to buy BAE's Eurofighter Typhoon. Defence Secretary John Reid followed in his footsteps with a two-day visit three weeks later. In September *The Guardian* alleged that the Saudis had made three demands if BAE were to win the contract. These included ending the SFO investigation.

The Prime Minister's sales efforts paid off. In December 2005 an "understanding" with Saudi Arabia was signed.

August 2006

The "understanding" was followed by an "agreement". BAE will supply 72 Eurofighter Typhoon jets, reportedly costing the Saudis about £5.4 billion. Additional equipment, such as onboard missiles, bring the total to £10 billion. The package is to be known as Al Salam or "peace".

The first 24 planes for Saudi Arabia will be those originally destined for the RAF, making nonsense of claims that arms exports are necessary to ensure that the UK armed forces are well equipped.

November and early December 2006

On 30 November, the Government confirmed that the Export Credits Guarantee Department had recently





The Eurofighter Typhoon

agreed to renew insurance cover for BAE Systems' sales of military equipment and related services to Saudi Arabia, including the Eurofighter Typhoon aircraft. This means that BAE will be paid by the UK taxpayer if the Saudi Government defaults.

A final contract for the Eurofighter Typhoons was expected in late 2006, but was said to have been jeopardised by the SFO investigation. From mid-November, there were almost daily reports about concerns for the contract and jobs; BAE and the Saudis, separately, were said to have briefed one of the UK's top public relations companies run by Tim (now Lord) Bell, a close associate of Margaret Thatcher. At the same time it was reported that the SFO was closing in and had asked the Swiss authorities for access to two named bank accounts.

The stories kept coming – the Saudis would buy from the French instead; BAE's share price was falling; and, again and again, tens of thousands of jobs would be lost (figures up to 50,000 were appearing without any justification – even a Eurofighter-commissioned report indicated that the deal would sustain fewer than 5,000 jobs in the UK). By early December 2006 the Defence Industries Council was pressing the Government to mend fences with Saudi Arabia or risk harming UK industry, and *The Daily Telegraph* said the Saudis had given a ten day deadline for the inquiry to be called off.

14 December 2006

Robert Wardle, the Director of the SFO, announced that the inquiry was at an end. The Attorney General, speaking in the House of Lords, cited "national security" interests. Inquiries by the SFO into BAE Systems dealings in Chile, Czech Republic, Qatar, Romania, South Africa and Tanzania are continuing.

June 2007

In mid-June *The Guardian* and the BBC *Panorama* programme alleged that BAE, with approval of the UK's Ministry of Defence, had made payments worth hundreds of millions of pounds over two decades to bank accounts under the personal control of Prince Bandar, the son of Prince Sultan. It is said that, since 1985, successive UK governments have used Ministry of Defence bank accounts to facilitate corrupt payments to a foreign official.

On 26 June, BAE had to tell the London Stock Exchange that the United States Department of Justice was investigating the company's deals, including those to Saudi Arabia. Prince Bandar had been the Saudi Ambassador to the US, and many of the BAE payments had been made to a Washington DC bank. The news of the investigation knocked eight per cent off BAE's share price in one day. The US Government has now formally requested all the Al Yamamah information from the UK Government – whether or not to hand it over will be a dilemma for Gordon Brown.

July 2007

In addition to the 72 Eurofighters, discussions on the sale of 60 BAE Hawk aircraft are reported.

It was announced that the 200 civil servants and military personnel working on the Saudi Armed Forces Project will remain in the Ministry of Defence after responsibility for military export promotion moves to UK Trade and Investment from the Defence Export Services Organisation later this year.

August 2007

Once again, the final Eurofighter contract is reported as being due to be signed in the very near future.



Another dodgy dossier?

The Corner House describes how the "national security" argument is actually a good 45 minutes from the truth

December 2006 looked like being a good month for the Serious Fraud Officers investigating BAE's alleged bribery of Saudi Arabian officials. Three months earlier, in response to a request from the Serious Fraud Office (SFO), the Swiss authorities had begun investigating bank accounts held by two associates of the Saudi Royal family, Wafic Said and Mohammed Safadi. The SFO, the Government now admits, was confident enough to be contemplating inviting "BAE and certain BAE executives to plead guilty to certain charges", though no charges had actually been laid.

At this point, Tony Blair intervened, armed with another of his "dossiers".

If the investigation proceeded, he argued, it would so damage relations with Saudi Arabia that the UK's national security would be at risk because the Saudis had threatened to cease supplying intelligence. This assessment, according to Blair, was backed by the UK's most senior national security advisers.

On 12 December 2006, the Director of the SFO, Robert Wardle, received a visit from Sir Sherard Cowper-Coles, then UK Ambassador to Saudi Arabia. According to the Ambassador, the Saudi's threat was real – and could put British lives at risk.

Within days, the SFO investigation was abruptly terminated. "If we had allowed this to go forward, we would have done immense damage to the interests of this country," Tony Blair told reporters. "Our relationship with Saudi Arabia is vitally important for our country in terms of counter-terrorism, in terms of the broader Middle East, in terms of helping in respect of Israel-Palestine, and that strategic interest comes first."

"Worse than nonsense"

Within the SFO, the investigating officers were said to be "gutted" by the decision. The intelligence service quickly sought to distance itself from any suggestion that it had been their advice that Mr Wardle had followed. MI6 and MI5 possessed no intelligence that the Saudis intended to sever security links, sources told *The Guardian*. "The intelligence agencies had been merely asked whether it would be damaging to UK national security if such a breach did happen. They replied that naturally it would."

Others were still more forthright. "It's just nonsense... It's actually worse than nonsense, it's an extremely cynical use of security justifications for another purpose," a security consultant told Reuters. Cutting off intelligence links with the UK would not be in Saudi Arabia's interest. Not only was the Saudi intelligence service one of the weakest in the region – in fact, it relies on the US and the UK to "tell them what's going on" – but it is "very dependent on British intelligence in relation to Iran, which is clearly their major geo-strategic threat."

Tony Blair and Saudi
Crown Prince
Abdullah, Riyadh Air
Base, July 2005



All of this would suggest that Blair's "dossier" on the threat to the UK's national security was a good 45 minutes from the truth.

Corruption and national security

Whilst Blair played the national security card, however, a real threat to "British lives on British streets" – the threat from Britain turning a blind eye to corruption – was not even discussed.

Yet the evidence that corruption and terrorism thrive on each other is compelling. In 2005, Mr Blair's own Strategy Unit warned: "Leakage of WMD [Weapons of Mass Destruction] technology, trafficking and further proliferation is facilitated by systematic corruption."

It was a message that was repeated at the "Yo Blair!" G8 Summit in St Petersburg, just months before the SFO decision: "Corruption threatens our shared agenda on global security and stability... We recognize that corrupt practices contribute to the spread of organized crime and terrorism..."

It's not just that corruption facilitates terrorism – with bribery easing the smuggling of weapons or the leaking of intelligence. Corruption also acts as a recruiting sergeant for terrorist networks. Within Saudi Arabia itself, increased violent Islamist militancy has been directly linked to corruption by the ruling regime.

Osama bin Laden, for example, is obsessed by corruption. His public statements are littered with references to "the corrupt gang" that rules Saudi Arabia and to the arms deals that keep them in power. His solution? "Every state and every civilization and culture has to resort to terrorism under certain circumstances for the purpose of abolishing tyranny and corruption."

Unsurprisingly, the International Crisis Group, which works to prevent conflict worldwide, warns that militant groups in Saudi Arabia "are able to capitalise on the erosion of the regime's legitimacy to recruit new volunteers." Curbing corruption and the abuse of power is essential, it argues, if the militants are to be isolated.

Fuelling terrorism?

But Blair and the Government have done precisely the opposite. By terminating the SFO investigation – just at the point where it was yielding a possible prosecution – the Government has put the UK (as an apparently willing accomplice to alleged corruption by the Saudi royal family and by its arms supplier) in the firing line.

Given that the full extent of BAE's payments to Saudi officials – and the role of successive UK Governments in approving them – has emerged in recent months via the BBC's *Panorama* programme and *The Guardian*, that threat is all the more real.

Saudi Arabia and human rights

By exporting arms to Saudi Arabia, the UK is supporting a government with a long record of alleged human rights violations.

Amnesty International's 2007 *Annual Report* described the human rights situation in the country as follows:

"Peaceful critics of the government were subjected to prolonged detention without charge or trial."

"There were reports of torture in custody. Sentences of flogging, a form of cruel, inhuman and degrading punishment which may amount to torture, continued to be routinely imposed by the courts. Those sentenced to floggings included young men and children accused by the Committee for the Prevention of Vice and Promotion of Virtue of harassing women."

"Despite greater press freedom in recent years, writers and journalists who called for reform were subject to short-term arrests, travel bans or censorship."

"At least 39 people were executed. The authorities did not disclose the number of people sentenced to death. Many defendants complained that they were not represented by lawyers and were not informed of the progress of their trial."

"Women continued to face pervasive discrimination, in particular severe restrictions on their freedom of movement. Domestic violence remained widespread; the Saudi Arabian Human Rights Society reported that it had received reports of hundreds of cases of domestic violence."

With that key information now public, information that both the Saudis and the UK Government were trying to keep secret, Blair's argument for terminating the investigation – always threadbare – has frayed into nothing. The cat is out of the bag – and the Saudis have not stopped sharing their intelligence findings with Britain. The national security case for reopening the investigation is thus overwhelming.



Performer profiles



Simon Amstell

Simon Amstell became a household name as the presenter of *Popworld*, Channel 4's weekly pop programme. He is now the host of *Never Mind The Buzzcocks* for BBC2. In his youth, Simon was the youngest finalist of the BBC New Comedy Awards. Simon performs regularly on the stand-up circuit and has appeared at the Edinburgh Fringe Festival to sell-out audiences for the last three years.

Simon has recently co-written an episode of *Skins* for E4, and has appeared on Xfm, standing in for Adam and Joe on Saturday afternoons. In 2005, he co-hosted an Xfm show with Lauren Laverne and hosted Channel 4's coverage of the Wireless Festival. In 2004, he co-hosted coverage of the V Festival.

The Observer: "a distracted 'mad professor' demeanor, masking a dry free-wheeling wit".

Russell Brand

Russell Brand is the ringleader of new British comedy. Having triumphantly hosted Live Earth to an audience of billions and sold out a recently-released UK tour, the acclaimed funnyman meets public demand head-on this autumn with extra dates of his smash-hit live show *Only Joking*. Packing major venues across the country, he'll spin theatre audiences on their axis with this sparkling tour-de-force that fizzes with palpable wit and rib-tickling rigour. A comic masterclass, it's Russell at his dazzling best.



Described by *The Telegraph* as "the most talented stand-up comedian to emerge in Britain so far this decade", he's a must-see. Russell also features in the forthcoming Reese Witherspoon film *Penelope* as well as *Forgetting Sarah Marshall*. He also stars in the eagerly awaited film *St Trinian's* opposite Rupert Everett, Colin Firth, Stephen Fry and Emily Watson. Having kick-started 6 Music's Sunday morning slot, Russell is the newest prime-time recruit for Radio 2 – the UK's most popular radio station. His programme airs every Saturday evening from 9–11pm. As if that wasn't enough, Russell's stellar stage sensation *Shame* is now available to buy on DVD.

Ed Byrne

Ed Byrne has performed five hit UK tours and developed huge success on the international circuit. In the US he has performed at US Comedy Arts Festival (Aspen) and made five appearances on *Late Night With Conan O'Brien* (NBC). His films include *RAT*, *I Could Never Be Your Woman*, *Are You Ready For Love* and the lead role in *Zemanovaload*. Ed's theatre work has included the lead role in Brian McAvera's *Kings Of The Road* which played



Edinburgh Festival for the full three week run in 2004. For RTE, Ed has presented *Ed Byrne's Just For Laughs*.

In July 2006 Ed was given the honour of hosting the Just For Laughs Festival Irish Gala in Montreal. Following this Ed performed his latest show, *Standing Up & Falling Down*, at the Edinburgh Festival where he was the biggest selling comedy show. He has since been on a promotional tour for his first ever stand-up DVD, *Pedantic & Whimsical*. This year Ed has performed a hugely successful residency with *Standing Up & Falling Down*, a show he went on to perform at the Melbourne and New Zealand comedy festivals.

The Stage: "He'll make you smile, he'll make you laugh, he'll make you want to fall in love with him."



Jo Caulfield

Best-known for her legendary one-woman shows, Jo Caulfield is one of the most popular comedians on the UK circuit and has recently been nominated as the best female stand-up in the country. *The Observer* calls her "an inspiration to would-be female comics", while *The Times* advocates that "Jo Caulfield is the sort of female stand-up who makes you feel better about female stand-up."

The Scotsman maintains, "She is, quite simply, a damn funny woman", and Graham Norton confesses, "I never knew I could like a woman so much. I'm ashamed to say she made me wet myself."

Jo is in demand at all the major UK comedy clubs and recent international performances include comedy festivals and clubs in New York, LA, Berlin, Munich, Amsterdam, Rotterdam, Paris, Dubai, Hong Kong and Singapore. Jo makes regular appearances on TV and radio and has been a Head Comedy Writer and

Programme Consultant for all five series of the BAFTA award-winning *So Graham Norton* and other TV shows. The third series of Jo's own critically acclaimed radio comedy show, *It's That Jo Caulfield Again*, has just been aired on Radio 4.



Omid Djalili

Omid Djalili is Britain's funniest Iranian stand-up comedian and actor. After great success at the Edinburgh Festival in 1995 with *Short Fat Kebab Owner's Son*, Omid has become a festival fringe favourite with a string of sell-out shows. In 2002 *Behind Enemy Lines* became Edinburgh's hottest ticket, receiving an astonishing six 5-star reviews, and in 2005 Omid broke sales records with *No Agenda*. He is one of the freshest and most original comedians in Britain today.

In 2005 he was invited to perform at the televised Tsunami Benefit alongside comedy luminaries Jonathan Ross, Lee Evans, Johnny Vegas, Dawn French and Alistair McGowan. In June 2004 he recorded an HBO special in New York, the first British comic to do so since Eddie Izzard.

2006 saw Omid playing major parts in *Alien Autopsy* with Ant & Dec and in *Over The Hedge* alongside Bruce Willis, William Shatner and Wonder Sykes playing Tiger. Last year Omid was in a film for the BBC of *My Family & Other Animals*, starring alongside Imelda Staunton.

Robin Ince

Robin regularly appears on TV, including *Comedy Cuts* (ITV) and *Mock the Week* (BBC2). He continues to perform weekly political diatribes for *The Last Word* on More4 and reports for BBC4's *Late Edition*. Robin frequently performs stand-up on the radio, most





recently on Radio 4's *The Now Show*. He has written and performed four series of *The Day the Music Died* on Radio 2 and Mitch Benn's *Crimes against Music* on Radio 4. He will also be writing and presenting a second series of *Serious about Comedy* on BBC 7.

Last summer, Robin took three shows to the Edinburgh Fringe Festival: *Book Club*, *Dirty Book Club* and *Robin Ince Isn't Waving*. *The Book Club* has gained plaudits and led to his award: the *Time Out* Outstanding Comedy Achievement. Robin is winner of the 2007 Chortle Award for Best Comper. In 2004 he supported Ricky Gervais on his *Politics* tour around the country ending with three nights at the Hammersmith Apollo, now available on DVD.

Robin has written extensively for television and radio. His credits include the BAFTA winning *Have I Got News for You*, Alastair McGowan's *Big Impression* (BBC1), *V Graham Norton* (C4) and the *Sketch Show* (ITV). Robin's first feature film screenplay *Razzle Dazzle* (co-written with Carolyn Wilson) has been released in Australia and New Zealand.

Stewart Lee

Stewart Lee began performing at the age of 20. In the 1990s he performed as a stand-up almost nightly on the London comedy circuit and wrote and performed in four series for BBC2 with Richard Herring. Stewart directed the *Mighty Boosh's* breakthrough Edinburgh show, *Arctic Boosh*, in 1999. Taking a break from comedy, Stewart wrote an acclaimed novel called *The Perfect Fool*, published in 2001, and moved into theatre.



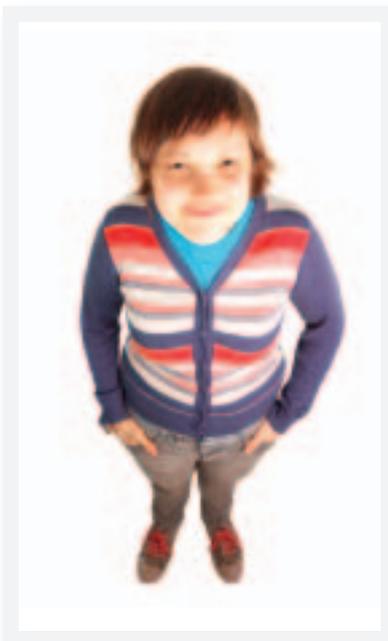
In 2002, Stewart helped to write and direct *Jerry Springer The Opera*, which won four Olivier awards. In 2006, Stewart directed Eric Bogosian's *Talk Radio* at the Edinburgh fringe, authored a Channel 5 film about blasphemy, *New Puritans*, and went to New Mexico to make a BBC Radio 4 documentary about Native American clowns, *White Face Dark Heart*. In January 2007 a new solo theatre piece, *What Would Judas Do?*, ran at the Bush Theatre, London.

Stewart is currently working on a second novel, and he has just taken his new stand-up show, *41st Best Stand-Up Ever*, to the Edinburgh Fringe. He writes weekly for *The Sunday Times* and is a patron of London's Arts radio station, Resonance FM. He has worked on the Edinburgh fringe for 20 of the last 21 years, where he plans to die.

Josie Long

After the comedy world started to take notice of Josie in 1999 at the tender age of 16, when she won the BBC New Comedy Award and was runner-up for *So You Think You're Funny?*, Josie decided to put her stand-up on hold whilst she went to University. After graduating in 2004 she went back to her comedy roots and was selected to appear in the reputable Edinburgh Festival Big Value Show, creating a buzz with her obsessive and ridiculous stories. In 2005 she supported Stewart Lee on a nationwide tour.

Josie's youthful enthusiasm and intelligent insight have gained her respect and made her a favourite amongst the most established comics.



She has recently been part of Robin Ince's *Book Club Tour*, a guest on *Out to Lunch* (Radio 2), *Big Brother's Big Mouth* (E4) and has performed in *28 Acts in 28 Minutes* (Radio 4).

She sold out last year's Edinburgh Festival show *Kindness & Exuberance* for the entire run, earning her the prestigious If.com Eddies award for Best Newcomer. Josie has just taken her new show *Trying Is Good* there.

Mark Steel

Mark Steel has been performing stand-up comedy for over 20 years. In that time he has written and performed four series of *The Mark Steel Solution* on BBC Radio 4, while his BAFTA and Royal Television Society Award nominated show *The Mark Steel Lectures* returns for a third series on BBC4 this year. Subversive, witty and erudite, Steel is also an acclaimed author and regular columnist for *The Independent*.



Taking the theme of his brilliant book *Vive La Revolution*, Mark Steel is going on tour around the UK. In the show Mark skillfully combines his unique style of sharp and insightful humour with the terror and the turmoil of late 18th century France. The tour kicks off on 29 September 2007 and will include a West End performance at the Duchess Theatre in Covent Garden on 30 September.

The Times: "A whole new way of teaching history... Steel mixes jokes and facts brilliantly."



Mark Thomas

Mark has been a performer since 1985, has toured the UK and abroad, made seven series of his own show for Channel 4, and worked as a comic, an activist and a writer. He has performed on TV and radio, including *Booked*, *Mark Thomas Comedy Product* and *Dispatches*. Mark has won numerous awards including the *Time Out* Award for his "distinctive contribution to the art of comedy" and a special commendation from Amnesty International media awards, for Series 3 of the *Mark Thomas Comedy Product*. He has also won the Kurdish National Congress Medal of Honour and a Human Rights Award from the Kurdish Human Rights Project, for his show *Dambusters*, about the Ilisu dam, as well as a United Nations International Services Association Global Human Rights Defender Award.

In April 2006 Channel 4 broadcast *After School Arms Club*, a documentary on arms brokerage laws in which two schools formed arms companies to show loopholes in UK and European arms control laws. The Irish Government pledged to introduce new brokerage laws by the end of the year. Mark's new book, *As Used on the Famous Nelson Mandela*, an expose of the international arms trade, was published in July 2006.

In 2006 Mark began a series of demonstrations around Parliament Square protesting against the SOCPA (Serious Organised Crime and Police Act) legislation and the Anti Terror Laws. Protests include demonstrations "in defence of surrealism" and "to reduce police paperwork". The title of World Record Holder was conferred on Mark by *The Guinness Book of Records* for the "most number of political demonstrations in 24 hours". This record still stands.



Myths and realities about the UK arms trade

CAAT looks more closely at British military exports

Labour and the arms trade

Shortly after coming to power in 1997, the Labour Government announced export licence criteria covering human rights, regional security and development. This was followed by an Export Control Act and promotion of an international Arms Trade Treaty to regulate arms exports. However, the Labour government is still extremely enthusiastic about supplying arms. Licences were granted for sales to Indonesia when the equipment was being used to suppress independence movements in East Timor and Aceh, and for Hawk aircraft spares to Zimbabwe, which was using the planes in the Congo. Saudi Arabia remains a top priority for UK arms sales.

The 'different' trades

The Government doesn't mind you reading about arms trade "scandals" involving shady dealers selling on second-hand guns. It does mind publicity about scandals involving major corporations. This arms trade, where the money is really made, is promoted and subsidised by governments. It is dominated by companies based in the United States, followed by those in the UK, France, Russia and Israel.

A privately owned, globalised industry

The Government and arms companies want you to believe that there is an identifiable UK arms industry existing primarily to supply the UK's armed forces. They aren't so keen on us realising that today's arms industry is a private, globalised one. For example, BAE sells more to the US Department of Defense than it does to the UK Ministry of Defence, has over half its shares outside the UK and employs less than one-third of its workforce in the UK. Arms companies' desire to export can also take precedence over the needs of the UK armed forces; for example, the first 24 Eurofighter planes planned for Saudi Arabia will be taken from an order originally destined for the RAF.

Economics and jobs

The arms companies want us to think that military exports are good for the UK economy and UK jobs. They certainly don't want us realising that military sales account for less than two per cent of the UK's visible exports or that, in 2005, even the Ministry of Defence acknowledged that economic arguments should not be used to justify military sales. Economists agree that military exports are subsidised by the taxpayer. Major components of the subsidy are government research and development funding, and export credits, which ensure that the company gets paid even if the customer government defaults.

Meanwhile, UK arms exports support just 0.2 per cent of the national labour force. Most of the jobs are highly skilled and in areas of high employment like the south-east, meaning alternative work should be easier to find. The exceptional areas where this is not the case, such as Yeovil in Somerset or Hull in Yorkshire, could be helped by investment in alternative civilian technologies that might, in the longer term, mean higher employment.

Opposition

As more and more people realise the truth about the UK Government and the arms companies, so opposition grows. So far this year, widespread and concerted campaigning has led to Reed Elsevier announcing that it will no longer run arms fairs. Also, Prime Minister Gordon Brown has announced that the Government's arms sales unit, the Defence Export Services Organisation, will shut by the end of the year. Government assistance for military exports will be placed instead in UK Trade and Investment, which is responsible for supporting all the UK's exports. BAE and the arms industry are outraged.

What comes next?

The judicial review application by CAAT and The Corner House keeps a focus on BAE Systems and the corruption allegations – let's all work together for the reopening of the Serious Fraud Office inquiry.



The Saudi investigation is not the only one...

Once the Serious Fraud Office (SFO) had begun its investigation of BAE Systems' dealings with Saudi Arabia in November 2004, a steady procession of other deals came under investigation as well. News of each country's involvement has generally been broken by *The Guardian*, with little official comment. However, on 23 January 2007 the Solicitor General confirmed that BAE Systems' dealings with six other countries were still under investigation.

Chile

In September 2005 *The Guardian* reported that BAE had secretly paid £1 million to General Augusto Pinochet in return for help over arms deals. The payments were said to have appeared in US banking records, unearthed by a Chilean judge pursuing General Pinochet for tax evasion. They were made between 1997 and 2004. An SFO team is reported to have met the judge in Santiago.

Czech Republic

In November 2006 the sale of Gripen fighter aircraft to the Czech Republic became linked with an SFO investigation. An initial deal to buy 24 of the aircraft was cancelled because the Czech Government had to deal instead with the devastating floods in 2002. However, two years later, a lease deal for 14 Gripen aircraft was signed. In 2003 *The Guardian* said that the US had accused BAE of "corrupt practice" following reports from the CIA and rival arms companies and that the Czech police had confirmed bribery attempts by BAE. In February 2007 Swedish broadcaster SVT showed hidden-camera coverage of a former Czech foreign minister admitting that "money changed hands" with politicians over the Gripen deal. That month a senior Swedish prosecutor started an investigation into the contract due to the involvement of Saab, the part-BAE-owned manufacturers of Gripen aircraft. Czech police re-opened their inquiries.

Qatar

Following the sale of a package of UK arms to Qatar in 1996, BAE reportedly paid a £7m "commission" into three Jersey trust funds under the control of Qatar's Foreign Minister. A criminal investigation began in Jersey in 2000 but, with Qatari pressure, a jittery UK arms industry and Qatar's support seen as

vital in prosecuting the "war on terror", the investigation ended in 2002 on "public interest" grounds. The Qatari Foreign Minister denied any wrongdoing but agreed to pay Jersey £6m for "perceived damage". The investigation was uncovered by the *Jersey Evening Post* and was thought to be off the SFO's agenda until the Solicitor General's recent announcement.

Romania

In June 2006, with the arrest of a BAE agent, it emerged that the 2003 sale of two ex-Royal Navy frigates to Romania by BAE was under investigation by the SFO and Ministry of Defence Police. Payments of £7 million in "secret commissions" were allegedly made to clinch the £116 million ship refurbishment deal.

South Africa

In October 2006 the SFO raided the offices of John Bredenkamp, alleged by *The Guardian* to be BAE's agent in the £1.6 billion sale of Hawk and Gripen jets to South Africa in 1999. These aircraft deals formed part of a wider arms package that continues to be the subject of numerous allegations of corruption, leading, so far, to the successful prosecution of two high-profile political figures. In January 2007 a Johannesburg newspaper published details of a leaked "mutual legal assistance" request from the SFO to South African authorities. The document contained details of alleged secret payments and allegations that "there is reasonable cause to believe" that BAE and named executives had "committed offences of corruption".

Tanzania

In November 2006 both *The Times* and *The Guardian* reported that the SFO was investigating the sale of a BAE military air traffic control system to Tanzania. In January 2007, following interviews with two Tanzanian middlemen, *The Guardian* alleged that commissions of \$12 million (30 per cent of the value of the deal) had been paid into Swiss bank accounts by BAE. An export licence for the deal had been granted in 2001 despite opposition from Clare Short, then International Development Secretary, and Gordon Brown, then Chancellor of the Exchequer, and despite a damning World Bank report.



Corruption kills - but who cares?

The Corner House explores the nature and impact of corruption

It is an open secret: the arms trade is the most corrupt business in the world.

Every year, give or take a few billion dollars, some \$40 billion worth of tanks, artillery, bombs, grenades, rocket launchers, attack helicopters, fighters and other lethal weapons are traded around the world. Of that total, an estimated \$3 billion is thought to consist of bribes, generally paid through "agents" in the form of "commissions". Without these bribes, many arms deals would simply not happen.

Mention arms and bribery to many people, however, and the response is often a cynical – or at best resigned – shrug of the shoulders. "What else do you expect? That's the way business is done 'abroad'. Clean hands are a luxury Britain can't afford if people are to have jobs. And, in any case, who cares if a few people get a few backhanders? They don't harm anyone".

Wrong, wrong – and wrong again.

Greasy palms or ruthless suits?

Blaming corruption on greasy, foreign palms – the notion that bribery is somehow deeply ingrained in other cultures but not in our own – is both self-deceptive and racist. Saudi Arabians, Africans, Indians and Eastern Europeans are no more "naturally" corrupt than the British. As Dieter Frisch of the anti-corruption group, Transparency International, observes: "I do not know of a single place on earth where growing rich through taking bribes is considered lawful or morally acceptable."

Indeed, wherever corruption flourishes, anti-corruption movements have arisen to expose those on the take and to challenge the political systems that allow corruption to gain a hold. In many cases, those who have stood up against corruption – individuals whose political courage confounds the racist myth of the greasy-palmed foreigner – have paid with their lives or have been forced into exile.

Far from being a "cultural" phenomenon, corruption has its roots in inequitable power relations. It takes hold where criminal justice and governance systems are weak or prone to political interference; where decision-making is unaccountable; and where access

to those in power is the privilege of business or social elites. These conditions apply in many "Western" countries as well as poor ones. Where they are found in poorer countries, they are often exacerbated by free market policies imposed by Western aid agencies, such as the World Bank, which have empowered local elites at the expense of the population as a whole.

"Cultural" explanations of corruption not only mask the universal nature of corruption but, more damagingly, serve to hide its deeper causes – particularly the role that we in the West, through our governments and multinational companies, have played in promoting and nurturing a political culture that turns a blind eye to corruption – or, in the case of BAE Systems, actively lobbying against the introduction of stronger anti-corruption measures that threatened its business interests.

Tellingly, the UK has not prosecuted a single individual or company for paying bribes abroad. By contrast, the tiny southern African Kingdom of Lesotho (one of those countries where corruption is supposedly "in the blood") is currently conducting the biggest anti-corruption trial in the world – with three major multinationals already convicted of bribing their way into lucrative contracts for a major dam project.

Losing jobs to corruption

With one trillion dollars worth of business transactions a year estimated to be tainted by corruption – equivalent to three per cent of global GDP in 2004 – there is not a single country in the world that is not affected by graft.

Many companies excuse bribery on the basis that jobs at home would be lost if bribes were not paid. But for every contract gained by corruption, another – and the jobs that go with it – is likely to be lost because companies are out-bribed by competitors. According to a 2006 survey by the risk consultancy firm, Control Risks, one-quarter of UK-based international companies say that they have lost business to corrupt competitors in the last five years.

Paying bribes also incurs a high risk of damaging a company's reputation. As Control Risks points out: "Corruption demands secrecy, but there are fewer secrets in an era of rapid, worldwide communication.



Those who break the rules are more likely to be found out. A corruption scandal in one part of the world will affect a company's reputation – and its commercial prospects – thousands of miles away."

Moreover, paying bribes has its own dynamic: "Once a company has a reputation for paying, officials will seek an opportunity to levy their 'share'. It is hard to resist when a company's earlier behaviour suggests a willingness to pay". In addition, where big, powerful UK companies pay bribes, they help create a political culture of bribery that means other companies either have to play the bribery game or lose contracts.

Many economists and significant parts of the business community now believe that bribery is bad, not good, for business. Within the financial services sector, major financial institutions increasingly see the rigorous enforcement of anti-corruption rules as critical to maintaining their competitive advantage, and indeed the competitiveness of the financial centres where they are based. Responding to the Serious Fraud Office decision in December 2006 to terminate the investigation into the allegations of corruption by BAE Systems in Saudi Arabia, fund managers F&C Asset Management, one of the UK's top ten institutional investors, warned the UK Government that the decision could have a serious long-term cost for business and markets. The company did not mince its words: "Bribery and corruption distort and destabilise markets, expose companies to legal liability and reputational damage, disadvantage non-corrupt companies and reduce transparency for investors seeking investment opportunities".

So much for corruption being the price we must pay for a strong economy.

Not a victimless crime

The claim that corruption is a victimless crime is equally flawed. The truth is: corruption kills.

It kills because "money meant for drugs for a sick child, or to build a hospital, can be siphoned off into overseas bank accounts or to build a luxury house". The words are not ours: they are those of Hilary Benn, until recently the UK's Secretary of State for International Development.

It kills because it diverts expenditure toward high kickback areas such as defence and away from less lucrative sectors such as health and education. Tanks and fighter-bombers get bought – and hospitals, sanitation and better housing are denied the budgets they need.

It kills because corruption "bumps up" the cost of projects – and leaves poorer people having to pay for the resulting debts through reductions in health and welfare budgets.

Making a difference – the UK way of countering corruption

The UK Government recognises the devastating economic and social impacts of corruption, particularly on poorer people. Indeed, minister after minister has stressed the need to confront corruption wherever and whenever it emerges.

Just days before the Serious Fraud Office let BAE off its investigatory hook, Hilary Benn issued a press statement to mark International Anti-Corruption Day, held on 9th December every year:

"Tackling corruption wherever we find it – whether here or abroad – is essential. We will not tolerate those who extort, corrupt and deceive. Together we can make progress and by strengthening the institutions of government, promoting better transparency and accountability and giving a voice to those who are hit hardest by corruption – the world's poorest – we can make a difference."

Hilary Benn was not consulted on the Serious Fraud Office decision, despite being the Government-appointed "anti-corruption Czar". Instead it was left to Sir Sherard Cowper-Coles, the then UK Ambassador for Saudi Arabia, to "make a difference" on corruption.

British lives, he warned, would be endangered on British streets if the SFO investigation proceeded. The Saudi Arabian government would be so upset by the revelations that it might withdraw its co-operation on sharing intelligence. The source of those threats? The very person, it would appear, who had reportedly been paid £30 million every three months for at least a decade by BAE for "services" related to the Al Yamamah deal and whose receipt of the funds was part of the SFO's investigation – Prince Bandar bin Sultan.

In clear breach of its international obligations under the OECD Anti-Bribery Convention – which forbids investigations from being dropped because they might offend foreign governments – the SFO thus halted its investigation. The Government subsequently stated that compliance with the Convention was "not a critical or decisive matter" in making the decision. International law, in effect, came second to maintaining BAE's friendly relations with the Saudi royals who run the country – and maintaining a flow of intelligence that critics have noted may be derived, more often than not, through torture.

It is high time to fulfil Hilary Benn's promise that those who extort, corrupt and deceive will not be tolerated.

It is time to put the Government in the dock.



The City expresses concern



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Lord Drayson
Under Secretary of State and Minister for
Defence Procurement
Ministry of Defence
Whitehall
London SW1A 2HB

19 December 2006

Dear Lord Drayson

SFO Investigation into Saudi Arabian defence contracts

I am writing on behalf of F&C Asset Management¹ with reference to the recent decision by the Serious Fraud Office to halt investigations into historical Saudi Arabian defence contracts

The decision has been greeted with relief by many within the UK defence sector who regard this as putting an end to the uncertainty that the investigation had provoked concerning the ongoing negotiations related to the latest Saudi defence contract. Institutional investors who are shareholders in BAE Systems, including F&C, will therefore have enjoyed a short-term boost in the share price as an immediate consequence of this decision.

However, we wish to express our serious concern at the broader implications this decision could have for the efficient functioning of financial markets as a whole. As a long-standing advocate of strong corporate governance and anti-corruption standards, we place great value on the actions that governments take to ensure an investment climate that is marked by clear, predictable standards and independent enforcement of the rule of law. We believe that, for long-term investors, bribery and corruption distort and de-stabilise markets, expose companies to legal liabilities and reputational damage, disadvantage non-corrupt companies and reduce transparency for investors seeking investment opportunities. The only effective response is a firm and consistent enforcement of the law so as to minimise the unpredictability that is associated with the threat of prosecution and the commercial consequences that this implies.

There is a danger that the Government's recent action will be perceived as undermining the consistent application of the UK's national legislation governing corrupt practices, precisely at a time when wider take-up of the OECD Convention is beginning to take root. We therefore believe it necessary for the Government to send a clear message that practices that may have been tolerated prior to the introduction of the Anti-Terrorism, Crime and Security Act of 2001 will be subject to unambiguous standards of enforcement from that date forward.

Continued ambiguity regarding this question risks perpetuating the uncertainty that has developed as a consequence of the recent SFO investigation. There is no doubt that legacy issues related to past business practices present particular difficulties from an enforcement perspective, just as they do for companies that have long moved to more rigorous compliance standards. However, unless there is clarity about how the

¹ F&C is a UK top ten institutional investor, representing funds of £105.6 billion (as at 30 September 2006), including a large number of UK pension funds. We are a significant investor in FTSE-350 companies, and over 3,000 companies worldwide.



One of the UK's top institutional investors warned the Government of the broader implications of the SFO decision for combatting corruption



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Government will enforce the law both pre- and post-2001, markets will be undermined by protracted uncertainty caused by the possibility of allegations and subsequent investigations.

We appreciate the action that the Government, and you personally, have undertaken in supporting anti-corruption discussions across the aerospace & defence sector, but believe the SFO affair has given new urgency to their achieving a real and substantial outcome. We strongly recommend that the government give full and visible support to such initiatives at UK, European and global levels. Indeed, to achieve a level playing field in which UK companies are not disadvantaged commercially by agreeing to rigorous anti-corruption procedures, such initiatives must be pursued at international level. We look to the Government to increase its efforts in this regard.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Karina Litvack', written over a light blue horizontal line.

Karina Litvack
Director, Head of Governance & Sustainable Investment

“There is a danger that the Government’s recent action will be perceived as undermining the consistent application of the UK’s national legislation governing corrupt practices, precisely at a time when wider take-up of the OECD Convention is beginning to take root.

We therefore believe it is necessary for the Government to send a clear message that practices that may have been tolerated prior to the introduction of the Anti-Terrorism, Crime and Security Act of 2001 will be subject to unambiguous standards of enforcement from that date forward.”



The tangled web

Transparency International (UK) looks at the impact of the Serious Fraud Office decision on the OECD Anti-Bribery Convention

Ten years ago, 35 of the richest nations struck a blow to keep corruption out of international business by signing the OECD Anti-Bribery Convention. From December 1997, they committed to outlawing bribe-paying by any company or individual for which they were responsible. Within a year, the UK ratified the Convention after the Government had promised parliament that UK laws were compliant with the Convention's requirements.

The Convention had teeth. When every signatory was vetted, the UK and Japan were found not to pass even the most basic test of criminalising bribery abroad. Sadly, the UK still doesn't pass! Despite specifically promising in June 2000 to make bribing a foreign official a criminal offence in UK law and hurriedly adding a 'temporary' provision to the 2001 Anti-Terrorism Act, the only Corruption Bill offered by the Government was rubbished by an All-Party Committee of the House of Commons and the House of Lords in 2003. Eventually, ignoring an adequate Bill passed by the House of Lords this year, the Government referred the form of legislation back to the Law Commission, which had already made its recommendations back in 1997!

The OECD also tested signatories on whether they were enforcing the Convention. Again, the UK was again found to have done little. The reviewers were particularly concerned that the UK could not demonstrate a single prosecution for bribery since 1997. All the Home Office could say was that several large defence contracts were under criminal investigation – the common denominator: BAE Systems (which denies any wrong-doing), and in particular investigation of the Al Yamamah contract with Saudi Arabia, which had generated for BAES and its sub-contractors some £40 billion over 20 years.

But on 14 December 2006, this flagship investigation was shot down in flames by no less than the then Attorney-General, Lord Goldsmith, when he told a thinly-attended House of Lords that the Director of the Serious Fraud Office had ended the investigation on the ground of "national security". The Director has never attempted to justify this decision, particularly when the Prime Minister claimed the next day that the decision was his own. Apart from the then UK Ambassador to Saudi Arabia, no other UK official was seen to stand behind the decision. Lord Goldsmith claimed that he never thought a prosecution would have succeeded; but, in doing so, he undermined specific assurances that the Government had made to

the OECD two years earlier that it would address the latter's concerns about the need for the consent of the Attorney General for prosecution in cases of foreign bribery.

The Convention is very clear. States commit not only to prosecuting bribe-payers; but also to not allowing decisions to prosecute to be affected by considerations of business, bi-lateral relations or diplomatic embarrassment. In this case, however, BAE Systems never ceased playing the 'loss of jobs' card; the Government cited a Saudi 'threat' to stop cooperating over intelligence as the ostensible reason for dropping the investigation; and it became well known that a Saudi Prince had "gone ballistic" over the investigation. It was subsequently reported that this same Saudi Prince had received more than £1 billion in regular quarterly instalments to his bank in Washington DC, passed through the UK Ministry of Defence.

Where does this leave the OECD Anti-Bribery Convention? In poor shape. People still want to believe, against the evidence, that the UK is a leading protagonist in the fight against international corruption. There are certainly parts of Government committed to do so – in particular the Department for International Development, which has long accepted years the correlation between rampant poverty and entrenched corruption. It was humiliating for the UK to fail the first hurdle of implementing proper laws. It is humiliating that we still fail to do so. It is humiliating that not one bribery prosecution has taken place in 10 years. It is humiliating that the UK authorities pulled the rug from under the one case that was a litmus test of our 'commitment' to the Convention.

If the UK had set out cynically to destroy the Anti-Bribery Convention, it could not have conceived a more damaging strategy to do so. The other 34 OECD Member States have shown utmost restraint in their dealings with the UK. Their Working Group on Bribery decided on a further detailed review of the UK's conduct by March 2008. Half of this period has already passed and the UK has done virtually nothing to correct its failings. Sooner or later, the OECD must bare its teeth. It remains to be seen whether BAE Systems will be prosecuted in other OECD member states (the US Department of Justice has this under review) and UK businesses black-listed. The Convention will survive, and will achieve its objectives. For the present, there is a hole in the middle of it, labelled "UK".



More information
available from
www.ControlBAE.org



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**Proud to support Campaign Against Arms Trade,
The Corner House and their legal challenge**

Bob Crow General Secretary
John Leach President



Help us get the corruption inquiry reopened



In dropping the Serious Fraud Office investigation into BAE Systems' arms deals with Saudi Arabia, the Government has turned a blind eye to corruption and put the world's third largest arms company above the law. Taking the Government to court is just one of the ways that we can challenge this – there are many other opportunities to put pressure on the Government

to reopen the investigation. CAAT and The Corner House have launched the Control BAE campaign to support the legal case.

We need your help – the greater the public support for the campaign, the more likely we are to get the inquiry reopened.

Join the campaign

Write to your MP

We need to encourage MPs to put pressure on the Government and call for the reopening of the investigation. Please sign a postcard (available free from CAAT), or write a letter, asking your MP to sign Early Day Motion 595 and to lobby Gordon Brown. An Early Day Motion is a sort of parliamentary petition and EDM 595 on the "Serious Fraud Office Investigation into the Al Yamamah military contract" has been tabled by MPs from all the main political parties. Over 120 MPs have already signed. Check www.parliament.uk/EDMi to see if your MP has signed it. To find out who your MP is visit www.locata.co.uk/commons or call 020 7219 4273.

Join our peaceful protest

The Saudi royal family are visiting London from 30 October – 1 November 2007. A Control BAE peaceful protest on Tuesday 30 October in Central London will call for the reopening of the SFO inquiry. Check www.caat.org.uk for details.

Join CAAT's Control BAE month of action in November

CAAT is calling for a month of UK-wide action this November to call for the reopening of the inquiry and to raise awareness of the campaign. We will provide ideas, support and resources. Contact beccie@caat.org.uk if you're interested in taking part.

Spread the word

Distribute Control BAE campaign postcards and collect petition signatures in your area. Materials can be ordered from www.caat.org.uk or by contacting 020 7281 0297 or enquiries@caat.org.uk.

Invite a speaker to your community

CAAT and The Corner House will be on tour in November, speaking at events around the country. Places will include Birmingham, Cardiff, Chichester, Edinburgh, Hull, Manchester and Newcastle. If you'd like a Control BAE speaker for an event in your area contact beccie@caat.org.uk.

Campaign online

Raise the issue through blogs, online forums, emails to friends, and join the Campaign Against Arms Trade facebook group to keep in touch with the campaign.

Stay in touch

Sign up to receive regular postal or email updates on the campaign. Call 020 7281 0297 or email enquiries@caat.org.uk.

Donate

You can make a further financial donation at www.controlBAE.org or send a cheque payable to "CAAT judicial review fund" to CAAT, 11 Goodwin Street, London N4 3HQ. You can also donate to the general work of CAAT and The Corner House by visiting www.caat.org.uk or www.thecornerhouse.org.uk