

Friday, 12<sup>th</sup> January 2007

Dear Prime Minister,

We are writing with regard to the recent decision of the Serious Fraud Office (SFO) to end its investigation into BAE Systems Plc and the Al Yamamah military contract with the Government of Saudi Arabia.

The SFO's press release states that the decision was taken "*...following representations that have been made both to the Attorney General and the Director of the SFO concerning the need to safeguard national and international security*", and that it was "*necessary to balance the need to maintain the rule of law against the wider public interest*".

As you are aware, the UK is a signatory to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the OECD Anti-bribery Convention). Article 5 of the OECD Anti-bribery Convention requires that the investigation and prosecution of foreign bribery "*...shall not be influenced by considerations of national economic interest*" or "*the potential effect upon relations with another State...*".

The early termination of the investigation for reasons that do not relate to the legal merits of the case sends the message that companies trading with countries that a government claims to be of strategic importance are above the law and can bribe with impunity.

This decision risks reversing the progress made in recent years by the 36 signatories to the OECD Anti-bribery Convention to raise standards and level the playing field in international business transactions.

It also threatens the implementation of the more recent United Nations Convention against Corruption (UNCAC), which requires all parties, including the new trading powers of China, India and Russia, to investigate and prosecute companies that pay bribes overseas.

Finally, it is likely to cause irreparable damage to the UK's reputation as an anti-corruption champion on the world stage. At the OECD, for example, it is hard to see how the UK can credibly continue to play its role in the process of peer review, through which parties hold each other to account for their implementation of the Convention. Similarly, future efforts by the UK to impose governance standards on developing countries in receipt of aid and debt relief are likely to be viewed as nothing less than double standards.

Given the devastating impacts of corruption on democracy, sustainable development, human rights and poverty we call upon the UK Government to re-open the investigation of the Al Yamamah case.

Yours sincerely,

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