

**CONTEXTUALISING WHISTLEBLOWING  
IN STATE INSTITUTIONS**

**an empirical examination of  
the reproduction of silence in  
the Saudi Arabian National Guard Communications  
(SANGCOM) Project**

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*It takes two to speak truth, one to speak and another to hear*

**Henri David Thoreau, (1849),  
A Week on the Concord and Merrimack Rivers**

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*Sheriff Hutton, York*

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## ABSTRACT

Research into the motivations underpinning whistleblowing predominantly focuses on why individuals speak up: rarely does it investigate causal factors that ensure individual or organisational silence. Empirical evidence is sparse because gaining access to those who remained silent, is difficult. Identifying, locating and persuading ‘bystanders’ to expose reasons for inaction risks inducing feelings of guilt and loss of self-esteem or appearing judgemental, which are barriers to participation. To research who had access to discreet information, in a clearly defined case study, offers an extraordinary opportunity to discover the root causes of individual and organisational silence.

This case study was purposely situated as a piece of ‘Insider Research’ and, as such, contributes to our understanding of both whistleblowing and silence. It explores the factors and influences affecting senior public officials, as key decision-makers, when confronted with ethical challenges in government procurement contracts. Documentary evidence is drawn from court documents and credible investigative journalism. Empirical evidence is sourced from semi-structured interviews of civil servants, military officers and commercial contacts who were former colleagues within the UK MoD and the Saudi Arabian National Guard Communications Project. Their responses are analysed as phenomena, interpreting participants’ views of their lived experience to understand the structural and personal agency that motivated them and defined their courses of action. Data was coded and framed using Ishikawa’s fishbone diagram to group and trace reasons proffered by participants to identify the root causes of individual silence.

A feedback loop, based on five root causes (Fear, Futility, Complicity, Alternative Action and Consequentialism), is proposed to create an institutionalised climate of silence, which pre-conditions individuals to maintain a ‘culture of silence’. The only way to break the circle is to identify and resolve the root causes of individual silence, thereby allowing individuals freedom to speak up.

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## **Chapter 1 – Introduction**

### **1.1 An introduction to whistleblowing**

The term ‘whistleblower’ is widely credited to American consumer advocate, Ralph Nader’s 1972 publication, *Whistle Blowing: The Report of the Conference on Professional Responsibility* (Nader, 1972: vii) wherein he contrasted whistleblowing with organizational loyalty, describing the whistleblower as an individual who believes that ‘the public interest overrides the interest of the organization which he serves.’ A standard, and more detailed, definition of whistleblowing over the years has been adopted by most researchers as: ‘the disclosure by organisation members (former or current) of illegal, immoral and illegitimate practices under the control of their employers to persons and organisations that may be able to effect action’ (Near and Miceli, 1985). It is a term often laden with pejorative connotations, signifying opprobrium rather than approbation (Devine and Massarani, 2011). Whistleblowers are commonly viewed as individuals acting to prevent harm to others, trying first to rectify the situation within the framework of their organisation, and in possession of evidence that would convince a reasonable person that wrongdoing has occurred (Glazer and Glazer, 1989).

Whistleblowing is an important area to study because it exposes concerns on propriety of action, allows a workplace to be open, transparent and accountable, able to learn from events, prevent future concerns and, therefore, to protect the public. A key topic within this sector is to identify why people remain silent, what obstacles they encounter and the effect this has in constraining their ability to voice their concerns. Silence is the default option for those who discover wrongdoing (Calland and Dehn, 2004). A survey of 5,400 companies across 40 countries conducted by PricewaterhouseCoopers found that 40 per cent sustained an average of over \$3 million in losses from serious economic crime, 43% of which were exposed by whistleblowers (Devine, 2012). This was more than corporate security, internal audits and law enforcement combined, and by volume the largest single source of disclosures. These findings were sustained by a further report in 2020 by the Association of

Certified Fraud Examiners (AFCE) showing a constancy in the efficacy and impact of whistleblowers as the predominant source of information about wrongdoing (AFCE, 2020).<sup>1</sup>

Near et al (2004) stated that the primary reason for not reporting wrongdoing was that they thought nothing could be done to remedy the situation, whilst fear of the risk associated with reporting was a less potent reason for not doing so. Observing whistleblowers and ‘silent observers’, Rothschild and Miethe (1999) found whistleblowing to be more frequent in the public than private sector and there were almost no socio-demographic characteristics that distinguished the whistleblower from the ‘silent observer’<sup>2</sup>. Whistleblowers suffer severe retaliation from management, especially when their information proved significant, the practices exposed are part of a regular, profit accumulation process of the organisation, and there are no special methods of disclosure or personal characteristics which could insulate the whistleblower from retaliation. Whistleblowers do not appear to have significantly different general attitudes and values to non-whistleblowers although they do appear to hold more universalistic values when compared to ‘silent observers’.

Public interest whistleblowing is increasingly seen as a human right worthy of formal international recognition (Wolfe et al. 2014, cited in Maslen, 2017). In focusing on good governance, advocating an end to corruption, the abuse of power or the mistreatment of fellow humans, whistleblowers are also included under the UN term of Human Rights

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<sup>1</sup> The Business Ethics Survey 2016 found that 29% of UK employees observed misconduct in the workplace and 22% felt pressure to compromise standards. Public and private sector employees generally varied little when it came to feeling pressure to compromise standards, although 3% more public sector employees were both more likely to observe misconduct and feel pressure to compromise. The widest gaps between public and private sector employees appeared in the United Kingdom, Brazil and India. In the UK, 71% of observed misconduct was reported, with 63% of reporters experiencing retaliation, well above the surveyed median of 36%, with public servant employees more likely to experience retaliation than their counterparts in the private sector (Ethics and Compliance Initiative (ECI), 2016: pp 8-10,18). Overall, rates of personally observed misconduct have decreased from 54% in 2007 to 47% in 2017, with the highest rates of misconduct reporting (69% overall globally in 2017) since the inception of ECI research in 2000. It is worrying though, that there has been an increase of 2% of employees who experienced pressure to compromise standards over the same decade (14% up to 16%) of which 84% also observed misconduct compared to 39% who did not; moreover, 63% viewed questionable business practices as being rewarded, which fuels the likelihood that future misconduct will continue if not increase. Of greatest concern is that the rate of retaliation doubled (from 22% to 44%) between 2013 and 2017, with the highest likelihood of retaliation (83%) against those who report the bribery of public officials and acceptance of gifts or ‘kickbacks’ and 40% of employees believed that their organisation had a weak-leaning ethical culture, which is a trend that has not changed significantly since 2000. (Ethics and Compliance Initiative (ECI), 2018: pp 5-9).

<sup>2</sup> Comparisons between non-observers, silent observers, internal whistleblowers, and external whistleblowers showed that: (1) there are no significant gender differences between whistleblowers and non-whistleblowers; (2) internal whistleblowers are far likelier to be women than men (65% vs. 35%), but an opposite trend occurs for external whistleblowers (45% vs. 55%); (3) external whistleblowers tend to be older (i.e., a higher proportion are older than 40), earn less income, and have shorter employment histories with the organisation than other employees. However, most importantly, there are no substantial differences across the four groups in terms of their marital status, educational attainment, religiosity, number of promotions, and whether they occupy a supervisory position within the organisation. (Rothschild and Miethe 1999)

Defenders (HRD), (OHCHR, 2004)<sup>3</sup>. In theory, anyone speaking out in the public good, such as HRD, is also a whistleblower - albeit that they are speaking out about social or regime abuses rather than practices under the control of their employers. However, whilst HRD may generically be whistleblowers, in as much as they are voicing human rights concerns to those in authority in society, not all whistleblowers are guaranteed to qualify under all three of the 'minimum standards' suggested in Fact Sheet 29<sup>4</sup>. The UN Special Rapporteur on the situation of human rights defenders clearly cites instances and examples of restrictions and violations against HRD and, specifically, in terms of the right to freedom of opinion and expression (OHCHR, 2011) in order to hinder their work.

And yet the motives of those speaking out are not always pure. Greear (2016) interprets the act of speaking out to those in authority as 'comforting the afflicted and afflicting the comfortable', assuming that the truth is an unwelcome truth. But she does not recognise that an intrinsic sense of integrity may be only one motivator: self-preservation, or even financial gain for a minority through a whistleblower bounty system may also compel one to speak out (Doman, 2014). In his essay 'The Grey Zone' Primo Levi, (1989) describes reality in the form of a prism, breaking down beams of light into different colours, none of which can be said to mirror exactly the appearance of the original source of light. His analogy is that the world simply cannot be divided into black and white. There are always numerous accompanying shades of grey in between, and each of us is a 'grey-zoner', in one way or another, in both the origin and reception of the related 'Truth'. We should note Levi's admonition for tolerance when dealing with the motivations of others, recognizing that we do not know the full circumstances, psychological and physical pressures under which their choices were made (Klein 1997, Pugliese 2011). Whilst whistleblowing may be justified under the right for freedom of expression, there are specific limitations on the open disclosure of confidential information pertaining to some government secrets as we will see

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<sup>3</sup> The UN Declaration on Human Rights Defenders (1998) outlined the rights and protections that should be granted to HRD with corresponding duties imposed on state and non-state actors but did not explicitly use the term HRD or establish a precise definition. The term HRD was used during the negotiations that led to the Declaration (Jones, 2013). As such, the Declaration is now used as a point of reference for a growing community of human rights practitioners who increasingly identify as 'human rights defenders' (Harding L, (2015).

<sup>4</sup> Noting the 'suggested standards for qualification as an HRD, this thesis will use the term whistleblowers to cover those who do qualify, noting that there will be exceptions who may not agree with the universality of human rights, or whose arguments do not fall within the scope of human rights, or even who may not have acted peacefully (Fact Sheet 29).

later in this thesis. But we must also be aware that the caveat of ‘national security’ can be used as an excuse by organisations, and especially governments or their elected or appointed civil servants and officials, to ‘grey zone’ their own wrongdoing under the guise of wider issues at stake or contributory factors of which ordinary citizens are unaware, and thus induce silence over issues which might ordinarily be of much public interest.

## **1.2 The Whistleblowing Paradox and the Whistleblower’s Dilemma**

The frequency of reporting of whistleblowing across all occupational sectors has increased greatly since the foundation of Wikileaks in 2006. Snowden’s leaks about National Security Agency (NSA) operations in 2013, the publication of the Panama Papers in 2015, and ongoing disclosures about corruption in the business world and medical malpractice across the NHS have all added to the exposure of such behaviour. But not all disclosures are viewed as positive and nor are whistleblowers welcomed across society: there is a definite ambivalence regarding the motivation and loyalty of individuals who decide to speak up about issues they find intolerable. Challenging powerful authorities is fraught with danger for those who dare to tread that path. There is a peculiarity in ‘the Whistleblowing Paradox’, where society instinctively knows it should support and applaud such behaviour and states that it does so, but is fearful of its effects, doubtful of the loyalty of those who step outside the boundaries of the organisation and reticent in supporting and protecting them (Foxley, 2017). This is especially true in closed, hierarchical organisations such as the Military or the Civil Service but is also reflected in large commercial corporate bodies.

Whistleblowers are Marmite: loved or loathed, and there is seldom an ambivalence of opinion about them. Those who applaud them view them as courageous truth-tellers who place values before self and truth before falsehood and deception. But there are also those who view them as disloyal, and therefore untrustworthy, employees who have voluntarily broken faith with the organisation and their colleagues (Grant, 2002). These viewpoints represent an interesting ethical dichotomy of competing loyalties, a fine balance between commitment to colleagues or conscience. Whistleblowing has further been conceptualised as an institutionally and culturally shaped social practice (Perry, 1998), or as a modern form of courageous truth-telling (parrhesia) (Foucault, 2001), in which the whistleblower risks all in the process of breaking silence (Munro, 2017; Weiskopf and Tobias-Miersch, 2016;

Contu, 2014; Wildavsky, 1979). Many studies in the field focus on predicting the likelihood of whistleblowing occurring in a given organisational setting (Bjørkelo et al., 2010; Miceli, 2004, Vinten 1994). Others concentrate on examining the kinds of retaliations and personal impacts that organisational whistleblowers suffer (Alford, 2001; Glazer and Glazer, 1989). Such approaches are valuable for enhancing our understanding of whistleblowing as an experience. But, where the focus is exclusively upon micro-level issues such as retaliation, motivation and personal impacts, there is a tendency to ignore the wider political, cultural and institutional contexts in which they occur.

I identified the primary societal paradox whilst interviewing cross-sector UK based individual whistleblowers as research for my MA (Foxley, 2017). Distinguished from, but related to, the ‘Whistleblowing Paradox’, my initial background research for this thesis revealed a second ‘incongruity’, the ‘Whistleblower Dilemma’, which relates more to the internal interrogation experienced by individuals during their decision-making as to whether to blow the whistle or not. In the context of this case study, it is an apparently self-contradictory position for the public official, as a person of integrity, consciously deciding to condone, connive, or even actively comply, with an act of recognised immorality or illegality being practised by the government they are meant to be serving, and to whom they owe their allegiance.

This second incongruity is a moral dilemma created by internal conflicts of competing loyalties, principled concerns and the fundamental question of an individual allocation of priorities and reducing risk. It offers the stark choice of whether to compromise and comply or resist and be cast out of the team. The latter option is not just a case of moving on to another source of employment: the individual recognises that in rejecting the team and organisation for a ‘higher ideal’, he/she runs the risk of rejection, ostracization and subsequent stigmatisation, which carries additional burdens of long-term professional, economic and social loss (Goffman 1963, Becker 1963, Lakoff 1996). This is exacerbated in closed professions such as the Military or Civil Service where loyalty to the organisation and personal integrity are viewed as core values (Dannatt, 2008) and failure to meet the exacting standards of the organisation really does require a metaphoric ‘falling on one’s sword’.

This case study covers notions of organisational and individual conduct, professional and personal integrity, courage and betrayal, loyalty, politics and social and moral 'norms'. Whistleblowers grapple with a number of moral dilemmas that are not easy to resolve when confronted by competing loyalties such as national interest, geo-political/strategic alliances, national economic wellbeing and, even, army/regimental/tribal or other personal affiliations and affections. Whistleblowing is about power and its use or abuse. It is also about the relationship between the individual and the organisation, work colleagues, friendship groups and family. It is about human rights, freedom of expression and competing loyalties around values and relationships. It is about the ability of the Vulnerable individual to speak truth to the Powerful, recognising a retributive risk if the information implies detriment to the dominant party (Foucault, 2001).

### **1.3 Thesis and Case Study**

This thesis sets out to examine why people remain silent about wrongdoing when they have an opportunity to voice their concerns. It uses a contemporary case study of the Saudi Arabian National Guard Communications (SANGCOM) Project which was a UK Government-to-Saudi Government defence procurement contract, running from 1978 to 2020 to provide, maintain and support a broad range of telecommunications for the Saudi Arabian National Guard. As a newly appointed Programme Director in 2010, I discovered corrupt payments to offshore companies which triggered a twelve year investigation and prosecution of the Airbus Group and General Electric Plessey Telecommunications (GPT) Special Project Management Limited<sup>5</sup>, the subsidiary company who were acting as the Prime Contractor for the programme. My particular interest for this thesis is to explore why those around me stayed silent when they might have spoken up. Thus, there are two interwoven strands throughout the whole document:

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<sup>5</sup> General Electric Plessey Telecommunications (Special Project Management) Limited was the company title registered with Companies House but was commonly referred to as just GPT.

(1) an investigation into structural agency, described through a narrative of what happened within the 32 years of the SANGCOM Project (1978 – 2010) and its aftermath as the judicial process unfolded over the past twelve years (2010-2022) revealing new information, and

(2) an investigation and analysis of personal agency, illuminated by the suppression of knowledge of fraud and corruption by commercial individuals and public servants (military and civil) over the whole 44-year lifetime of the Project to the present day.

Only by understanding what really happened in structural terms over a prolonged period of time can we understand how and why individuals acted in personal terms. The thesis therefore adopts a 'pragmatic' approach, combining a positivist (quantitative) approach to the structural agency in the collection and analysis of documentary data with a constructivist (qualitative) approach to personal agency in the interview process. I have integrated the data at various stages of the research to determine the root causes of whistleblowing within this case study, producing a visual picture of the procedures to illuminate my findings. Documentary evidence was sourced for contemporary court documents and investigative journalist sources, whilst key empirical evidence was derived from 41 interviews with individuals within the SANGCOM Project itself, the superior corporate entity (Airbus Group) and its subsidiary GPT (Special Project Management) Limited and UK Government Departments, to trace the causal path to the roots of individual silence within the relevant state institutions and, to a lesser extent, the related commercial entities.

The research project seeks to identify the 'agents' at work to influence and shape people's norms and values within whistleblowing through empirical research. It analyses, catalogues and defines the root causes of individual silence, based on (a) identification of departmental involvement and processes as indicators of structural agency, (b) information related by those closely involved in the Project itself as indicators of personal agency and (c) information related by those involved in the political decision-making chain in the resolution of issues arising out of the disclosure of corruption – which has elements of both structural and personal agency. It adds solidity and proof based on 'lived experience' against which concepts and theoretical hypotheses surrounding whistleblowing, its underlying causes and motivations, may be tested. It reveals the political causes of the original actions alongside the social pressures that allowed corrupt practices to be 'accepted' and the change in social

mores that slowly made them politically ‘unacceptable’. It also reveals how the politicians and public servants (civil and military) adopted procedures that enabled them to serve the national purpose whilst retaining secrecy about their (dubious) practices and how/why these were reflected by individual actors. Thus, it provides an understanding of some of the dynamics in the exercise of power between the state and the individual and how this might, or should, change as society’s values and behaviours change. Finally, it provides a platform, based on empirical evidence, categorising why people remain silent, identifying the major obstacles to whistleblowing and thereby allowing us to develop positive policy reforms to create a more open, transparent and accountable society.

I intend to frame my story as a case study of the SANGCOM Project for a number of reasons. Firstly, it allows an in-depth, original empirical study in an area that is not well researched to date. Secondly, it offers a clearly encapsulated entity where the relevant individuals and their relative actions can be identified by the researcher, capturing their motives and reasons for acting and identifying the root causes for their actions. The Organization for Economic Cooperation and Development (OECD) has recently researched the supply side of foreign bribery and in particular, the offering, promising or giving a bribe to a foreign public official to obtain an improper advantage in international business (OECD, 2018). But it has not researched any scenarios where the Principal or Co-Principal is a Government Department who has been complicit or connived in allowing corrupt payments (bribes) to be made. Thirdly, I have an intimate knowledge of the inner workings of the case and, unusually for an academic researcher, a detailed knowledge of both Defence procurement processes and a moral and professional background that directly parallels that of the participants. Importantly, the participants were aware of this and recognised it when I interviewed them. Essentially, it reduced any attempts to avoid answering the key questions and greatly limited any attempts to obfuscate or explain away actions as official procedural necessities. The potential for rich data from key primary sources involved in the decision-making process was very high indeed. Thus, a rare opportunity existed to discover the political and social interactions between foreign and domestic politicians, public servants and multinational commercial entities in a highly political corruption case through empirical evidence from those directly and intimately involved in it.

This case study was conducted mainly as a piece of ‘Insider Research’ (Kirpitchenko and Voloder, 2014), albeit that I am no longer within the family of state institutions that I am researching. However, I was firmly positioned as an ‘insider’ through the context through my military background of 24 years, my experience of working closely alongside civil servants in the Ministry of Defence, through my detailed knowledge of defence procurement practices, as a core member of SANGCOM team with intimate knowledge of current commercial processes and, essentially as the voice from 'inside the organisation' as the whistleblower who revealed the corruption. I recognized the challenges that such an approach might bring (Saidin and Yaacob, 2006) but felt that the advantages listed above greatly outweighed the potential obstacles of partisan behaviour or confirmation bias which might colour my findings and which could be actively eliminated if recognized, and countered, early enough. In my endeavours I have attempted at all stages to remain objective and non-judgmental in determining why others acted as they did.

Exploring the case to the origins of the SANGCOM Project in 1978 in interviews was not possible since many of the early key decision-makers are now deceased, but I intended to reach back as far as possible, and as much as interviewees who can remember the details of the case, would agree to be interviewed. An examination of extended experience across the life of the SANGCOM Project provided moral clarity allowing a better, and more valid, understanding of the way an insider understands his own story and the stories of others involved in the case study, and thus represented a trustworthy interpretation of the composite elements (Maxwell, 1992). Indeed, I argue that it is essential to understand the historical basis of the project in order to clarify the structural mechanisms at work and how they influenced the personal agency of the individuals. One way for an insider to share their understanding is to present detailed narratives with an interpretation of what they have come to mean and, if possible, an analysis of any recurrent themes to show individual and organisational patterns of behaviour. What I have laid out below is just such a narrative and its interpretation, aiming to reveal the ways in which both whistleblowers and those who do not blow the whistle arrive at their decisions and the repercussions that arise thereafter.

By analysing the subjective sense of moral discomfort in the simpler case of compromise, in this specific case study, we should discover something important about the structure of

moral evaluation which applies to cases of complicity and compromise in peacetime procurement / operations situations more generally. The types of moral dilemma people experience exert a powerful influence on the forms of moral judgement they display. To explain why, we need to determine what different types of moral dilemma, different moral orientations and different structures of moral reasoning influence them (Wark and Krebs, 1997). I readily admit that I experienced much of this determinative process when deciding myself what to do, and how to act after discovering the evidence of wrongdoing. However, unlike my interviewees, there were extenuating personal circumstances which, no matter my own conflicting loyalties, gave me no option other than to blow the whistle. I explain these factors openly within Chapter 2 in the section covering the background of the case study. Usefully, my interviewees were all aware of this and it proved helpful in counteracting any intimations of self-righteousness, implied accusations of guilt or induced ‘loss of self’ (Stein, 2018), that might have arisen in the course of our research interviews, and which might have then limited or influenced the openness of their responses.

The story is currently without an ending. The historical origins of the SANGCOM Project were sourced from documentary evidence (Cary, 2003, 2006), articles of investigative journalism (Brooks, 2014, 2022) and of course I already held copies of the documentary evidence of corruption supporting my whistleblowing. However, many of the latest documentary revelations within this thesis were only exposed as the judicial process progressed along a complex and highly politically charged path from 2016 to the present day<sup>6</sup>. Airbus Group were pressured into concluding a Deferred Prosecution Agreement with law enforcement agencies in the USA, France and UK in 2020 on multiple counts of corruption, costing them damage to their corporate reputation, their Board and €3.6 billion in fines<sup>7</sup>. GPT pleaded guilty to corruption in 2021 and were fined a total of £30.2 million<sup>8</sup>, and the executive directors behind the corruption are to be brought to trial in October

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<sup>6</sup> As at March 2023.

<sup>7</sup> The Economist, (2020), *Airbus agrees to pay a huge fine to settle a bribery case*, <https://www.economist.com/graphic-detail/2020/01/31/airbus-agrees-to-pay-a-huge-fine-to-settle-a-bribery-case> [accessed 19<sup>th</sup> October 2022]

<sup>8</sup> Consisting: £20,148,000 fine, £7,521,920 confiscation and £2,200,000 costs.

2023<sup>9</sup>. The full political ramifications are yet to be felt because judicial proceedings are currently the subject of a court enforced publication restriction notice, but sufficient is publicly known to identify the systemic process of bribes to senior members of the Saudi Royal Family over the whole life of the Project, with the facilitation of the UK Government and the Civil Service.

The documentary investigation has identified the historic (structural) processes through which the bribes were paid and kept secret, and has also revealed how the current Government modified the payment mechanisms to continue payments to senior Saudi officials under alternate arrangements, even after my initial disclosure of wrongdoing in 2010. I am mindful that, under a grounded theory regime, I should always add new pieces to the puzzle whilst I gather data, and in the analysis phase, shape my model of what is going on (Charmaz, 2006). This has certainly been the case in the composition of this thesis because not only have I discovered new empirical information through the research interviews, but I have been closely involved in the judicial process that has been ongoing throughout the timeframe of my PhD studies (2018-2022) and is now due to conclude in late 2023. The evidence produced in court and the Crown Court Judge's Sentencing Remarks from the trials of GPT as a corporate entity held the individual executive directors accountable as the 'directing minds'<sup>10</sup> of the corruption. Both proceedings produced factual information on the part played by the Government and its civil servants that had hitherto been concealed from the public. This provided new documentary evidence which helped shape my analysis, that has not been available to previous researchers and commentators and which, at the time of writing, is still not publicly available due to court-imposed restrictions on reporting<sup>11</sup>. I recognize that some of these 'information strands' will necessarily have to wait and might become the subjects of post-doctoral research.

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<sup>9</sup> The first trial of the individuals ran from May – July 2022 and was ordered for retrial in October 2023, after substantial new evidence was disclosed which has resulted in three adjournments for retrial over a period of 15 months.

<sup>10</sup> The 'directing minds' in terms of corporate liability are '*the minds, collectively and individually, of the person or persons who control and direct the corporation are in law, the mind of the corporation itself.*' Corporate Liability in Criminal Law' (Lawteacher.net, July 2022) <https://www.lawteacher.net/free-law-essays/business-law/corporate-liability-in-criminal-law-business-law-essay.php?vref=1> [accessed 7th July 2022]

<sup>11</sup> Regina (2021), Order made on 28 April 2021 under s.4(2) of the Contempt of Court Act 1981, prohibiting reporting of the names and initials of the individual defendants until after the conclusion of the trial of the individual defendants (scheduled for May 2022) or further

## 1.4 Contribution to knowledge

This thesis is about people in public office and seeks to explain how and why certain things happen, and individuals act in a particular way and, in terms of this study, how and why individuals did NOT do certain things or act in a certain way – when we might ordinarily have supposed that they would. It is a piece of empirical political and social research that seeks to explore the reasons as to why and how such a situation could be initiated and maintained, for 32 years, by several Government Departments (Ministry of Defence, Foreign, Commonwealth and Development Office, Department for International Trade, the Treasury and the Cabinet Office) and then how it was dealt with once the corruption was declared and the underlying arrangements exposed.

Moreover, it will explore how was it that, even after the Al Yamamah Affair<sup>12</sup> was made public in 2007, out of which the Anti-Bribery Act was passed in 2009 and implemented in July 2010, the latest commercial contract was signed in February 2010 which enabled the same corrupt processes for a further ten years until 2020. Why did senior political and Civil Service decision-makers not rescind the clauses agreeing the payment of corrupt monies or insist that such practices had to stop in early 2010? Was it negligent oversight, complicity or systemic corruption? As such therefore, this piece of research seeks to put whistleblowing into a wider political context through examining a broad spectrum of possible responses from those who should have had the opportunity to blow the whistle but did not do so. It will explore *the Overton Window*: the idea of social change affecting the acceptability or unacceptability of certain behaviours and how it might affect political thought and thence policy (Lehman, 2010)<sup>13</sup>. It will ask whether successive UK Governments recognized the social changes but decided to ignore them in preference to

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order. This will necessitate an embargo on public access to this thesis until the conclusion of the last trial and the lifting / modification of the publication restriction order. These documents can be made available to thesis examiners on request from the author.

<sup>12</sup> The Al Yamamah deal was the UK's biggest ever arms deal, valued at about £40 billion. It involved the purchase of fighter aircraft for the Royal Saudi Arabian Air Force, which were in effect paid for in oil. The deal was controversial owing to Saudi Arabia's poor human rights record, the opacity of the deal and its true beneficiaries and the questionable arrangements for payment, bribes and other benefits/in kind for members of the Saudi Royal Family. An SFO prosecution of BAe, Prime Contractors for the deal, was stopped by PM Tony Blair. (David Leigh and Rob Evans, Guardian Newspapers, 7th June 2007)

<sup>13</sup> The 'Overton Window' describes the range of policies that are politically acceptable at any point in time, determined by those holding public office seeking to win the next election. 'Generally speaking, policy change follows political change, which itself follows social change.' Lehman JG, (2010), *An Introduction to the Overton Window of Political Possibility*, Mackinac Center for Public Policy, April 8 2010, <https://www.mackinac.org/12481> [accessed 30th June 2022]

continuing arrangements to sweeten Saudi Politically Exposed Persons (PEP)<sup>14</sup> with bribes and, crucially, attempt to identify the social, political and economic pressures that drove those courses of action.

This thesis therefore adds to studies of public and private corporations, explaining the dynamics of how corruption becomes endemic within a workplace through different types of policing and sanctioning, but also through the structural normalisation and justification of corruption as the right thing for the organisation to do and for the individual to comply with.

It contributes to studies in sociology and the question of how habitus forms in particular subfields, such as the different professional sectors of the interviewees, and how important this is for creating *group-think*. It offers a novel view on the institutional dynamics of voluntary subordination showing how responsibility is deferred upwards and contributes to ‘silence studies’, in particular regarding the relationship between individual silences and institutional silencing.

It offers an empirical contribution to literature on secrecy, revolving doors and lack of oversight in military and civil service institutions. Notably, the thesis also has policy implications which could be the basis for a policy report on institutional as well as state level changes necessary to prevent corruption.

## **1.5 Overview of Chapters**

The SANGCOM Project case study offers a unique opportunity to extend current research into alternative reactions to the ‘Whistleblowing Dilemma’. It also offers the potential for a scientific analysis of the politics, pressures and influences brought to bear on senior public servants (civil and military), and thereby advance a view of the causal mechanisms that might be at play in the context of overseas government procurement contracts. Furthermore,

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<sup>14</sup> A politically exposed person (PEP) is defined by the Financial Action Task Force (FATF) as an individual who is or has been entrusted with a prominent public function. (FATF, 2013)

it should expose both the individual and organisational responses to the ‘Whistleblowing Paradox’ and how they invoke reciprocal responses from co-workers, subordinates and society at large to deter bystanders from disclosing future wrongdoing.

Chapter 2 describes the empirical narrative foundations upon which the case study, and the specific contextual elements that defined the environment around this instance of whistleblowing. It explains the background circumstances that brought together an ordinary individual (myself), with the appropriate upbringing, education, professional training, experience and values to a position where he was confronted by a situation that demanded an ethical decision. It also describes the unusual geographical (Middle Eastern/ Saudi Arabian) and professional Defence procurement environment and codes of conduct in which the decision had to be made, along with the ensuing social and political ramifications arising from a government-to-government commercial contract. I have then reflected upon the implications of these contributory contextual factors as they were felt by me, the whistleblower, and those around me within the case study and how this shaped, in various ways, the manner in which each individual reacted to the ethical conundrum.

Chapter 3 explores the literature surrounding whistleblowing and the concept of silence as the norm within this case study. I examine the deliberative process instituting speaking up alongside a consideration of compromise and complicity and comparative organisational and individual loyalties. I have paid especial attention to the ethics of whistleblowing by civil servants/ military officers who constituted the main body of individuals upon whom research is focussed within this thesis. I have set this against ‘the Overton Window’ (Lehman, 2010) of acceptability / unacceptability of government policies as social mores and political necessities change with time. The last section describes the theoretical framework of hypotheses I intend to examine.

Chapter 4 sets out the methodology I have adopted, establishing the requirement for this piece of empirical research and demonstrating the major obstacles that prevent similar work being conducted. It is not that such data is impossible to find, but that the succession of obstacles in terms of locating well defined examples, gaining access to them and persuading potentially complicit or guilt-ridden individuals to take part, are very difficult to overcome. Indeed, for an external researcher with little or no relationship to the participants other than

an academic interest, it is a formidable task to gain the extraordinary access to which I was given as an ‘insider’ due to the mix of personal, professional and social factors that arose within this case study. I describe the methodologies I have used, how and why I have applied them within this case study and what they have allowed me to discover. The research paradigm was that of a qualitative approach to ‘get inside’ a closed social and professional group to explore the hidden reasons within a phenomenological problem and interpret participants’ views of their lived experience to understand what factors motivated them and defined their course of action. These findings were qualified by documentary evidence provided predominantly by court documents and investigative journalism which indicated the structural agency of government departments underpinning the corrupt practices. Noting the unusual circumstances surrounding the research interviews, I have made a particular note of the anonymised interviewee responses in general terms and drawn the difference between the explanations offered, their veracity / validity and the underlying reasons that they offer.

Chapters 5-7 describe the empirical findings of my research. I have used an Ishikawa Diagram to present the findings graphically as a sense-making framework to demonstrate a logical flow across the wide range of reasons given up in the interviews. It lays out the research results as the root causes derived in order of primacy in effecting individual silence, within the three main ‘realms of influence’ of (1) internal/individual, (2) organisational and (3) external/environmental, and out of which I have derived and proposed the ‘root causes’ of individual silence.

Chapter 8 attempts to explain how these root causes in turn created a contextual pre-condition that shapes future social and political (with both a big P and a little p) behaviour ensuring the continuation of individual and organisational silence, to create a ‘culture of silence’. I conclude by offering the prospect that without an active counter to these roots the culture of silence will continue, whistleblowing will remain restricted and further wrongdoing will not be disclosed and curtailed. This thesis therefore has the potential to provide a solid case, based on empirical evidence of ‘lived experience’ in a real world, current scenario, as the basis for a policy paper indicating the fundamental need to counter the mechanisms within state institutions that create individual and organisational silence.

## **Chapter 2 - Background to the case study**

In this chapter I provide background information to the case study. It is divided into three sections: I first set out the personal and professional factors which influenced me to blow the whistle. I then briefly describe the Saudi Arabian National Guard Communications (SANGCOM) Project explaining how I became concerned about the contractual processes, and how and why I blew the whistle. I then look at the political and social ramifications and finally reflect on my whistleblowing experience and how it was juxtaposed by those around me who remained silent.

### **2.1 Narrative Foundations**

This research is necessarily both biographical and narrative as it constitutes the foundations upon which the insider's story is told. I am not proposing that my view of what happened and the reasons that led to 'blowing the whistle' is the 'God's Eye view' only objective account (Putnam, 1990), but one has to understand the root causes for the actions committed to at the time in order to interpret a particular experience, and thus give it validity<sup>15</sup>. Equally, as an 'insider' I can only share my story if I tell the whole story, ensuring descriptive validity and thus trustworthiness in both the relation of the events themselves and to the interpretation of them (Maxwell, 1992). I am fully aware of the dangers and accusations of 'subjectivity' and 'confirmation bias' that might be levied at me due to (1) the centrality of my position at the heart of the case study and (2) the grievous effect that the whole process had upon my personal and professional life. As a rejoinder to such possible accusations, I believe it made me more rigorous in applying a clear and transparent academic methodology to both the research and my analysis of its key findings as a means of countering those who wish to denigrate its worthiness as both a respected and worthy academic work. I assert this to be an honest, personal and professional appraisal of what really happened behind the veil of official silence surrounding the SANGCOM project.

Each of us is the product of a complex combination of our place and time of birth, social and economic base, upbringing, formal education and training, embedded values (family,

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<sup>15</sup> Exactly the same logic applies to the conundrum at the core of this thesis.

organisation, political, professional, social), environment, learned experience and applied observation of the world around us. Whistleblowers are shaped by a combination of these factors and, as such, this brief insight into my personal background should help explain why I acted the way I did when confronted with the ethical challenge of corruption in a government procurement contract.

My father was an electrical, mechanical, and aeronautic engineer specializing in weapon fuses, who worked in the Defence Civil Service, rising to become Director of Ammunition Procurement in the Ministry of Defence (MoD). My mother was the daughter of an old aristocratic Irish, Roman Catholic family, who qualified as a doctor when most women were directed to be nurses, and who rose to be a consultant in hematology whilst raising seven children. Thus, I am the product of a professional middle class, British/ Irish, Christian heritage, raised in a safe, loving family environment, and instilled with a core set of values founded on the importance of good manners, courtesy and law-abiding behaviour.

I had always wanted to be a soldier, emulating both grandfathers who had been army officers in World War One, and progressed from a State Comprehensive through Welbeck College, the Army Sixth Form College, into the Royal Military Academy Sandhurst (RMAS) to a regular commission<sup>16</sup> in the Royal Corps of Signals. Officer training consists not only of an understanding of tactics, logistics and military organisational structures, but centres on character, qualities, underlying values and what Dannatt (2010) calls ‘the moral element’: the inculcation of an ethos focused on behaving correctly when placed under the extremes of pressure. I served in the British Army for twenty-four years in command and staff roles in armoured, arctic warfare, parachute and special forces environments including two operational environments in counterterrorism in Northern Ireland and peacekeeping in Bosnia-Herzegovina. I attended the Army Command and Staff College as both a student and a member of the Directing Staff lecturing in Command and Control, Communications, Electronic Warfare, Ethics, and the Media and ended up as a senior Staff Officer in the Ministry of Defence, co-ordinating the programme for the procurement of all future tactical

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<sup>16</sup> A Regular Commission signalled acceptance for a Service career of at least 16 years, as opposed to a Short-Service Commission of three to five years.

and special communications for the British Army. As a student at Staff College, I won the Commandant's Prize for a dissertation on 'the Politics of Generalship', noted by Beevor (1990) as a trenchant critique, which subsequently effected significant change in the promotion of General Officers to the Army Board, overturning centuries old '*spanish practices*' at the very top of the British Army. Whilst I did not recognise it for what it was at the time, it was my first real outing as a 'whistleblower', inasmuch as it provided solid evidence<sup>17</sup>, voiced in good faith, about amoral, institutionalized behaviour, which produced an unfair, nepotistic skewing of promotion boards enacted by senior members of the wider organisation to which I belonged.

The other major incident that shaped both my personal and professional experience was that in 1989 my father was arrested and subsequently convicted of corruption in Defence contracts in the procurement of ammunition for the Army. The impact on the family was immense. He was found guilty of corruption in Southwark Crown Court in 1996 and sentenced to 4 years imprisonment and a fine of £1.5million, which resulted, in due course, in the loss of our family home, the removal of his Civil Service pension, the confiscation of his savings and destruction of his (post-Civil Service career) defence consultancy business.

Reflexively, this had effects that have only really become apparent over the past thirty years. Professionally, the immediate effect was that I was asked to take 'gardening leave' whilst I was investigated, along with the other three members of my family then serving in the Army, to see if I was involved as part of a suspected 'family conspiracy'. At the time, I was working in counterterrorist 'special projects' in one of the most secret establishments in the country and this hiatus, with its underlying causes, had the prospect of both imminent and residual career doom. Rather than die of boredom in an enforced professional exile of uncertain length, I resolved to turn a negative experience into a positive one and volunteered to undergo selection for the Parachute Brigade at the grand old age of 34. I passed selection and was cleared to return to special projects in counterterrorism after which I went on to command the Parachute HQ and Signal Squadron in the Airborne Brigade and the

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<sup>17</sup> Consolidated tables of the regimental origins of senior army officers and the ranks achieved by them (Major General to Field Marshal). Data extracted from the Army Lists Parts 1 and 3, 1963 – 1987.

Divisional Headquarters and Signal Regiment on peace-keeping operations in Bosnia-Herzegovina.

Personally, my father's arrest and conviction had a devastating effect. It went against everything that we had been brought up to value and shook the foundations of the family to the core. My mother never fully recovered from the shock: the experience noticeably diminished her mentally, physically, and spiritually and was a tragedy to watch. Goffman's (1963) definition of stigmatisation as a tribal/ familial labelling became all too readily apparent: despite innocence, there is an inescapable feeling that the family name had been eternally sullied and that the associative disgrace was personal and recognised by all who knew us or came into contact with us. At the same time, there was a feeling of impotence that I could do nothing to help or fight against the silent opprobrium that hung over the family. This was exacerbated within the close atmosphere of the Army, where traditional values of integrity and loyalty to the organisation, be it Unit, Regiment, Army or Defence were held to be core to its wellbeing: I even overheard a fellow (Cavalry) Colonel with whom I shared an office, stating that all Foxleys<sup>18</sup> should have been asked to resign their commissions immediately. As Admiral Hyman Rickover<sup>19</sup>, observed: 'If you are going to sin, sin against God, not the Bureaucracy. God will forgive you, but the Bureaucracy won't' (Foster, 2008). In the long term, the stigma and its repercussions became one of the fundamental reasons why I decided to leave the army prematurely. Ten years later, when selected for promotion to Colonel and under consideration for my next appointment from the Ministry of Defence, I was informed by my Manning Branch that I could not be appointed to the Procurement Executive because 'it was too early for a Foxley to be posted to Procurement'. It was recognised that whilst it was probably an 'unfortunate' career-limiting decision that had nothing to do with me personally, there was no chance of appeal and I would be found another appointment elsewhere. In effect, the sins of the father had

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<sup>18</sup> Four siblings were serving as commissioned officers in the Army at that time.

<sup>19</sup> Admiral Hyman Rickover, USN, *Father of the Nuclear Navy*. As quoted in the New York Times, 3<sup>rd</sup> November 1986. The only winner of two Congressional Gold Medals, Admiral Rickover was (forcibly) retired from office by President Reagan following his long campaign to hold the three largest US shipbuilders (especially General Dynamics) to account for poor workmanship and the Administration's decision not to prosecute the companies concerned under the False Claims Act. Foster T (2008) *Technology and Leadership: Hyman G. Rickover*, within *The Art of Command: Military Leadership from George Washington to Colin Powell*, Edited by Laver H and Matthews J, University Press of Kentucky, pp.179-208

(literally) been visited on the son and the politics and prejudices of the MoD and the Civil Service ensured that my ambitions in the Army would never be realised.

## **2.2 The Saudi Arabian National Guard Communications (SANGCOM) Project**

The United Kingdom of the late 1970's and early 1980's was not a happy place either. Reminiscent of the current decade since the financial crash of 2008, Britain was broke. Thatcher's incoming Conservative Government inherited in 1979 a country in deep decline from Callaghan's Labour Government. The economy was in recession, with rampant inflation, rising unemployment, powerful unions dominating industrial practice and rapidly declining foreign investment. One of Margaret Thatcher's initiatives was to stimulate the UK economy through the arms industry based on her belief that, because of the huge sums involved, it would have an immediate effect upon the balance of payments and unemployment (Riddell, 1989). Part of this strategy required a closer tie to the Kingdom of Saudi Arabia who, with ready money from the rising price per barrel of oil and an under-equipped and under-trained defence capability, were ready recipients of British support. Moreover, it was merely a continuation of existing British Foreign Policy which gave Britain both a further safeguard to ensuring the stability of vital energy supplies and a stronger voice and conduit to Middle Eastern politics which were now being increasingly dominated by the USA. In essence, it helped tie Saudi Arabia closer to the British camp (Gilby, 2014). Since 1978, the UK Government has supported the Kingdom of Saudi Arabia through the Saudi Arabian National Guard Communications Project (SANGCOM) for the provision of specialist advice and operation of Defence communications equipment.

A Memorandum of Understanding between the two Governments was initiated in 1978 and re-affirmed through a number of contract iterations (June 1978, June 1982, November 1997, and December 2004) which serially upgraded and expanded the technical and operational capability. This series of contracts was overseen by a team of about 120 UK military and civil servants, resident in Riyadh and outlying regions of Saudi Arabia, to afford governance and assurance to the contract and provide strategic/ political advice to the National Guard, with a superior headquarters affording strategic commercial and administrative support from the Ministry of Defence back in the UK.

In June 2010, I was recruited to become the Programme Director for the latest (fifth) iteration of the contracts, a £1.67 billion (9.96 billion Saudi Riyals) modernisation programme and, within six months of taking up the appointment, discovered covert payments made without my knowledge to two unrecognised suppliers (SIMEC and DURANTON International), based in the Cayman Islands, who offered neither product nor service to the Programme for which they were supposedly paid. It was reasonable to conclude therefore that the payments were probably both fraudulent and corrupt. This process of discovery was not a single episode akin to tripping over a corpse, but rather a series of escalating observations about corporate practices and processes, ‘red flags’<sup>20</sup>, which did not fit with my previous experience, knowledge or training, until they reached such a level of personal and professional disquiet that I felt I needed to act.

I raised my grave concerns with the Commander of the SANGCOM Project Team, a British brigadier whom I had known and served with in the Royal Signals for over twenty years, who urged me to bring him hard evidence rather than suspicions. I therefore gained the necessary documentary evidence the following morning and awaited his call to discuss it. The call never came. In its place, I was summoned to the Managing Director’s office for a chat at which he and our HR Director, a Saudi Princess who was a niece of King Abdullah and first cousin of Prince Mutaib bin Abdullah, Commander of the National Guard, threatened me with immediate arrest and jail for passing the documents to the MoD Team. Considering that events had become extremely dangerous, I withdrew, contacted the MoD Team and left the country that night (6<sup>th</sup> / 7<sup>th</sup> December 2010) returning to the UK to ‘blow the whistle’ to the Serious Fraud Office (SFO)<sup>21</sup>.

I subsequently discovered that the Brigadier had forwarded the evidence to the MoD in the UK and had been advised to return it to the company. At the time I could not understand

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<sup>20</sup> Typical ‘red flags’ found within development projects or public procurement contracts can be found at <http://www.oecd.org/gov/ethics/Corruption-Public-Procurement-Brochure.pdf> and <https://guide.iacrc.org/red-flags-listed-by-project-cycle/>

<sup>21</sup> I do not believe it melodramatic to say that I thought that my life was in great danger. As the savage murder of Jamal Khashoggi demonstrated, those who speak out against the Royal Family are in mortal danger. My whistleblowing exposed corruption reaching into the heart of those in power in Saudi Arabia and effectively stopped corrupt payments of about £320 million. I remain convinced that I would certainly have lost my liberty and in all probability my life in order to protect the payments, the contract and the reputations of those concerned.

how or why this advice had been forwarded but it has since become evident that, over the 32-year history of the project, successive generations of senior UK military officers and civil servants intimately involved in the project, must have had sufficient visibility and knowledge of the payments to be able to disclose their irregular payment (Gilby, 2014). And yet nothing was revealed until I ‘blew the whistle’ in 2010. Given that the range of personnel of those who should have known comes from a population of military and government professionals who are highly regarded for their integrity, courage, and high moral tone, it is surprising that nobody appeared to have contested the legality of what was being done over ten successive generations of officers. Was there an overriding loyalty to the organisation? Were formal and/or informal incentives (monetary, career, promotion, status, recognition) offered to ensure confidentiality? Was a discussion held at any point over the relative merits of morality and legality over political and economic benefit? How were ten generations of senior army officers and civil servants, who were (presumably) upright, law-abiding, officers who treasured their integrity and moral standing, persuaded to participate in a fraudulent and corrupt process? Or, if anyone had raised the alarm, how had they been silenced, and the secret retained with nobody else prepared to take a stand and speak out as well?

### **2.3 Codes of Conduct**

The employees of the commercial Prime Contractor were mainly ‘expatriate’ British civilians with supporting or junior staff members made up from locally employed Saudi citizens or Indian, Pakistani, Bangladeshi or Jordanian expatriate workers. Civilian workers were bound by the normal laws of their own countries but were additionally bound by the extant civil laws of Saudi Arabia, and Saudi Employment Law which governed all employment contracts. The subjects and participants of the case study were UK public servants, predominantly civil servants and military officers overseeing, working within or supporting the SANGCOM Project or commercial employees within Airbus Group and GPT, a wholly owned UK subsidiary<sup>22</sup> responsible as the Prime Contractor to the SANGCOM Project team. Individuals within the latter entities were predominantly ex-

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<sup>22</sup> Registered at Companies House in London.

military or civil service with the necessary experience and knowledge of Defence communications procurement. There were also locally employed Saudi and Third World ‘expatriate’ workers within both the SANGCOM Project team and the Prime Contractor, but they were employed in subsidiary support or administrative roles outside the detail of this study, and it is highly unlikely that they would have had visibility or knowledge of the ‘irregular’ financial arrangements or participated in their facilitation or payment.

The codes of conduct governing members of the SANGCOM Project team during the period under review by this study were: the Civil Service Code (2015), EU Defence and Security Public Contracts Regulations (DSPCR) (2011), Values and Standards of the British Army (2018), the Army Act (1955) encapsulated in the Manual of Military Law, the Prevention of Corruption Act (1906) and its successor, the Bribery Act (2010) and, in some circumstances, the Public Interest Disclosure Act 1998 (PIDA)<sup>23</sup>. The Defence and Security Public Contracts Regulations (2011) fall within the Public Contracts Regulations (2006) and govern the letting, operation, conclusion and disposal of all Defence procurement activity and are applicable to the conduct of both military and Defence civil service personnel.

UK Defence procurement is accomplished by Defence Equipment and Support (DE&S) which is a trading entity and the Joint<sup>24</sup> defence organisation within the UK MoD. It was formed in 2007 by merging the Defence Procurement Agency and the Defence Logistics Organisation and operates under the Minister of State for Defence Procurement who, with the DE&S Board, provides strategic governance for all procurement activities.

The Civil Service Code (HMSO, 2015) is based on the Nolan Principles (HMSO, 1995) of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It nominates core values of integrity, honesty, objectivity and impartiality with specific ‘Standards of Behaviour’ to act with responsibility, to implement professional and fiducial obligations, in a timely, accurate, and authorised manner compliant with the law and

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<sup>23</sup> Greater detail is laid out in the Civil Service Management Code (2013, updated in Nov 20166) and the Directory of Civil Service Guidance (2010) which replaced the Guidance on Guidance (sic) (1996) and the Head of Department’s Personal Handbook.

<sup>24</sup> ‘Joint’ refers to Tri-Service land, sea and air capabilities.

administration of justice. It has been updated, subsequent to the initial events of this study, post 2010, to incorporate specific sections on ‘Raising Concerns’ to Department or Agency line management, Police or other appropriate regulatory authority and the advent of a specific Whistleblowing Hotline. The Civil Service Code makes provision for civil servants to raise concerns that might not be protected under the Public Interest Disclosure Act (1998). It allows for the raising of a complaint to the Civil Service Commission in the event that a concern has not been properly resolved, having first been raised ‘in good faith’, and internally to the attention of the Department. (Civil Service Commission, 2017).

The Osmotherly Rules, a set of internal guidelines, were formulated by the Cabinet Office in 2005<sup>25</sup> offering guidance to civil servants on how to provide evidence to parliamentary select committees. They note that civil servants carry out their duties under ministerial powers and responsibilities and are accountable only to their appropriate Secretary of State, Minister and Parliamentary Secretaries. The Osmotherly Rules were updated in 2014 to include guidance on the appointment, listing and tasking of ‘Senior Responsible Owners’ (SRO) appointed with responsibility, and accountability, for major government projects. SROs are formally appointed through an ‘Osmotherly Letter’ designating the role and responsibilities it carries, including designation of the governance, assurance and programme management arrangements to be established and maintained throughout the lifetime of the project. The SRO appointment process involves the formal transmission and return of the relevant Osmotherly Letter, duly signed by the appointed SRO agreeing to the content, responsibilities and terms delegated to him/her. In 2016, the Government established the Infrastructure and Projects Authority (IPA) to provide expert project delivery advice, support and assurance to government departments to ensure timely and successful delivery of major projects.

*‘What the IPA, the Infrastructure and Projects Authority, has done is encourage SROs to slide the letter back across the table if they believe that what they're being asked to do is*

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<sup>25</sup> The Osmotherly Rules were named after their author, EBC Osmotherly, a civil servant working in the ‘Machinery of Government Division’ of the Cabinet Office.

*unreasonable* (**Giacomo, former service officer then senior civil servant, Principal of the Civil Service Leadership Academy**).

Thus, since 2014 there appears to be a formal process, triggered by the Osmotherly Letter issued to each SRO incumbent, by which resistance to ‘dubious’ taskings is available to those made responsible for major projects. One might argue that the Civil Service Code implicitly offered previous incumbents prior to 2016 the opportunity to resist or object to tasks which might not fully conform to the Nolan Principles upon which civil service practice was based, but as the evidence of the SANGCOM case shows, this does not seem to have been effective even if it was in place at the time<sup>26</sup>.

As a party to the United Nations Convention against Corruption (UNCAC, 2004) and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD, 1999), the UK is required to criminalise bribery of domestic and foreign public officials. Under domestic law, bribery of foreign officials is an offence under the Prevention of Corruption Act 1906, covering all actions within the SANGCOM Project from 1978 until 2010. It was superseded by the Bribery Act 2010, which was created as a direct result of the Al Yamamah case, and which included a specific offence, under Section 6, of bribing a foreign official. The Bribery Act 2010 is widely regarded as the most far-reaching piece of anti-bribery legislation in the world (as at the time of writing). Under the UK’s Bribery Act 2010 it is an offence, under Section 1, to offer, promise to pay or to pay a bribe. It is also an offence under Section 2 of the Act to request, accept or agree to accept a bribe. Under Section 6 of the Act, it is an offence to offer to or to provide bribes to foreign public officials, either directly or indirectly through third parties.

The Bribery Act 2010 also has the added provision of offences whereby an organisation can be incriminated if it fails to prevent bribery: Section 7 of the Act states that a commercial organisation will be found guilty of a bribery offence if a person associated with the organisation has been found guilty of bribing another individual. The only defence that the

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<sup>26</sup> Subsequent evidence produced in the trials of the GPT corporate body (April 2021) and the executive directors (July 2022) show that other dubious arrangements to continue payments to Saudi PEPs were made by senior UK civil servants following disclosure (Brooks, 2022) which appeared to be in place in 2014. Further research might determine whether an Osmotherly Letter was returned and to whom, requesting indemnity for the Project SRO in implementing further corrupt payments or the accrual of equivalent amounts in their place?

organisation can offer is that it had adequate procedures in place to protect against bribery and corruption. If the organisation cannot demonstrate that it has implemented such adequate policies it is at risk of prosecution. Giving, offering or agreeing to give a bribe is an offence, as is accepting, asking for or agreeing to accept a bribe. The bribe may be anything of value, whether monetary or otherwise, provided it is intended to influence or reward improper behaviour where the recipient performs public or business functions and is subject to a duty of trust or good faith. When the recipient is a foreign public official, the impropriety requirement does not apply. Commercial organisations are strictly liable for any primary bribery offences (except receipt of a bribe) committed by anyone performing services on behalf of the organisation, which almost invariably includes employees, agents, intermediaries and other service providers.

The Prevention of Corruption Act 1906, which was effective for the great majority of payments made by GPT and its preceding commercial Prime Contractors within the SANGCOM Project, makes it an offence<sup>27</sup>, under Section 1, for an agent<sup>28</sup> to obtain a consideration as an inducement or reward for doing any act, or showing favour or disfavour to any person, in relation to his principal's affairs; for any person to give a consideration to an agent to induce him to do an act in relation to his principal's affairs, and for any person or agent to knowingly falsify receipts, accounts or other documents with the intent to deceive the principal. In the Principal / Agent model (Smith, 2009), the agent is incentivised to provide and deliver a service required by a principal without direct control, replacing direct authority with a market mechanism, be it contract placement, bonus payment or any other form of incentive. Thatcher and Stone Sweet (2002:3,4) extended the model to government control of pseudo-independent agencies such as regulatory bodied ones, viewing the principals as 'political officials who use their authority to establish non-majoritarian institutions through a public act of delegation' and agents as 'the exercisers of that delegated power'. This allows the agent to have discretion about how the services are delivered but

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<sup>27</sup> This was the charge under which GPT was indicted and pleaded guilty to on 28<sup>th</sup> April 2021.

<sup>28</sup> The Prevention of Corruption Act 1906, section 1(2) defines an 'agent' as any person employed by or acting for another, and a 'principal' as the person the agent is employed by or on whose behalf they are acting.

requires that the principal sets adequate governance controls to ensure that the agent delivers what the principal desires (to time, quality and cost).

Thus, in the SANGCOM Project, at the high (strategic) level, the Principal would be the UK Ministry of Defence and the Agent would be the Prime Contractor (GPT). Similarly, at an intermediary (operational) level, the Prime Contractor (GPT) could be considered as a Principal with the sub-contracting companies (SIMEC and DURANTON) receiving payments in the Cayman Islands, as the Agents.

Public servants have an additional dilemma beyond loyalty to the organisation or their colleagues: that of a particular consideration of the national interest brought about by the nature of their employment. Public inquiries have revealed improprieties and, in some cases, illegalities, in business and government. Civil servants have misled Government Ministers, and, in their turn, Government Ministers have not fully briefed Parliament on matters about which MPs rightfully ought to be aware<sup>29</sup> (Hodge, 2016). The comic figures of Sir Humphrey Appleby and Rt Hon James Hacker MP are more than just products of an active imagination. Johnathan Lynn and Antony Jay revealed that their characters were an amalgam based on detailed interviews with senior civil servants and politicians and a true reflection of how things really worked at ministerial level (Langley, 2013). Indeed, the 1982 episode, 'The Moral Dimension', could be a particularly apt and relevant analogous depiction of this case study and that of the Al Yamamah scandal of 2007 (BBC, 1982). Regarding public servants weighing their responsibility to serve the public interest against any responsibility they owe to their colleagues and the institution in which they work, Bok (1980) cites the United States Code of Ethics for Government Servants which directs them to 'expose corruption wherever uncovered' and to 'put loyalty to the highest moral principles and to country above loyalty to persons, party, or government'. She goes on to propose that 'obligations of loyalty, and extending also to oaths or promises of silence, can be overridden if the promise is to something wrong or unlawful party, or government'. The

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<sup>29</sup> *Committee on Standards in Public Life, Report Cm 2850 (1995) (Nolan report); Public Inquiry into the Piper Alpha Disaster Cm 1310 (1990) (Cullen Report); Report of the Court No 8074, Investigation into the Clapham Junction Railway Accident Cm 820 (1989); (Hidden report); mv Herald of Free Enterprise (1987) (Sheen report); Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly CMG (2003) (Hutton report); Report of the Iraq Inquiry (2016) (Chilcot report).*

UK Civil Service Code is not quite as explicit in its statement of the expected standards of behaviour, directing that as a matter of integrity: ‘you must ...always act in a way that is professional...Including taking account of ethical standards governing particular professions’ (HMSO, 2015). A more direct approach is taken in the UK National Anti-Corruption Strategy 2017-2022 (HMSO, 2017) which lists corruption of insiders in the Defence sector perpetrating major crimes that cause significant financial, operational, reputational and personal damage as one of its Priority One objectives. It specifically aims to reform the common law offence of misconduct in public office to ensure it is clear and effective. There is, however, no mention of morality, ethical conduct or the primacy of obeying the law over other (political, economic or social) considerations or of competing duties of loyalty to the organisation or colleagues. Notably though, it does highlight a disclosure programme, called “**It’s OK to Say**”<sup>30</sup> which is being considered by a number of government departments as part of a wider effort to improve security culture, and reduce the vulnerability to insider threats<sup>31</sup>.

Rocha and Kleiner (2005), usefully list Bok’s differentiators as a series of interrogatory questions that prospective whistleblowers should/might ask themselves when considering speaking up. I modified their basic list to include questions in the fieldwork research phase of this study to determine whether those who did not blow the whistle performed a similar self-interrogatory process and asked about underpinning motivations to ensure the ‘removal of bias’ that Bok recognises as a strong possibility on the part of the prospective whistleblower.<sup>32</sup> This was to see, if possible, whether they are fully aware of the arguments for and against the general practice of whistleblowing so that they might view their own choice against as richly detailed and coherently structured a background as possible (Bok, 1980). However, as Rocha and Kleiner point out, and my own empirical evidence confirms,

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<sup>30</sup> Launched in April 2017, this programme, developed by the Centre for the Protection of National Infrastructure, educates organisations and staff on the importance of reporting unusual workplace behaviour in the knowledge that they will be taken seriously, fairly investigated and appropriate action taken.

<sup>31</sup> It remains to be seen as to whether this is intended to curtail external disclosure of insider wrongdoing within Ministries or overcome the fear of current staff to disclose within the organisation. Given Sue Gray’s observation (Cabinet Office, 2022) on the fear felt by Downing Street staff if they raised concerns, it would appear that this disclosure programme is still ineffective at the time of writing.

<sup>32</sup> A list of possible research interview questions/ topics has been included at Annex C- Guideline for Semi-structured Interview Questions.

most whistleblowers do not use such a detailed or formalised pre-disclosure checklist. Even if they do then they probably do not proceed due to the perceived personal and professional dangers and high level of risks (Pascal, 1610). Instead, they tend to act intuitively, without such a formalised process, but guided rather by a pre-dominant sense of loyalty to principle, morality and social commitment to prevent harm (Rocha and Kleiner, 2005; Johnson, 2003). Whichever mechanism is enabled, the individual is delivered to a decisive point where they must either actively resist the wrongdoing and speak up, assume a middle course of compromise and possible passive resistance (O’Leary, 2006), or become complicit in one way or another with the principal perpetrators (Hirschman, 1970).

I have often been asked why I took up the Programme Director’s appointment in Saudi Arabia when it was ‘common knowledge’ that the business world throughout the Middle East was rife with corruption and that no contract, especially within the Defence environment, could progress without some element of ‘commission’ (Feinstein, 2011). My answer is simple, if retrospectively naïve: it was a government-to-government contract founded on a formal Memorandum of Understanding, with close oversight from a UK Military team whose direct responsibilities were to ensure the correct governance and assurance of the contract, its execution and subsequent operations. I had been aware of the SANGCOM Project as a Royal Signals project for the past twenty years and there had never been any rumours of wrongdoing and certainly no whiff of corruption. Moreover, given my personal familial experience of how the MoD reacted to corruption in Defence contracts, it was utterly unconscionable to me that the contract could have been corrupt or that senior military officers and civil servants could have been officially suborned to connive, or even actively facilitate, corrupt payments<sup>33</sup>. Since the conclusion of the Al Yamamah Affair in 2007, where the SFO prosecution of BAe for corruption was curtailed by Prime Minister Blair on the grounds of ‘national security’ (Woodward, 2007), the Government had subsequently rewritten the legal structures to enact the Bribery Act 2010, with much tighter controls and laws governing bribery and corruption. I automatically assumed therefore that

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<sup>33</sup> The current HM Government’s United Kingdom Anti-Corruption Strategy 2017-2022, defines Priority One as the reduction of vulnerability to corrupt insiders (including defence), Priority Four as the reduction of corruption in public procurement contracts and Priority Six as the working with other countries to combat corruption. Presumably Government to Government Defence procurement contracts in the Kingdom of Saudi Arabia are included in each of these Priorities.

the lessons of Al Yamamah had been learned by the Government and implemented as remedial measures both within the ongoing contract for Tornado aircraft sales and in future contracts to sell it the successor Typhoon aircraft<sup>34</sup>. It was a reasonable assumption that having been seriously publicly embarrassed once, the Government and its Prime Contractors would not want to be similarly embarrassed again on the global public stage. Thus theoretically, of any contract in the Middle East it should have been one of the cleanest and safest to get involved in. It was all the more surprising to find that mechanisms enabling corrupt payments to be made within the latest iteration of the contract, and intended to go forward across the lifetime of the contract to 2020, had been signed in February 2010, at exactly the same time as the Bribery Act 2010 was undergoing its final reading in Parliament<sup>35</sup>. The obvious question to be explored retrospectively is whether any of the MoD's Defence procurement staff, in the detailed staffing process of the last iteration of the contract, had queried the continued existence of the corrupt mechanisms, their legality, and the correctness of their continued application. If not, then why not? And if so then what had been the response by the senior chain of command, to what level had visibility been given and who (exactly) had authorized their continuity? Given the political, security, and legal implications of such a decision, one can assume that it was made at the highest level wherein the contract was signed (Secretary of State) or at Civil Service Permanent Secretary level who took upon themselves to decide NOT to brief the political signatory about the corrupt mechanisms, their recipients and the highly dubious nature of their legality and correctness<sup>36</sup>

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<sup>34</sup> The deal for 72 Typhoon aircraft was agreed in 2007 although delivery of the first aircraft did not happen until June 2009. Thus, this £4.43 billion deal was being negotiated in the same timeframe as both the Al Yamamah investigation, with its potential prosecution of BAe for corruption, and the negotiation of the new contract (LOA3P3) for the SANGCOM Project.

<sup>35</sup> The Bribery Act 2010 was introduced in the Queen's Speech in 2009 and received Royal Assent on 8<sup>th</sup> April 2010, although it was not enforced until July 2011 superseding previous anti-corruption legislation known collectively as the Prevention of Corruption Acts 1889 to 1916.

<sup>36</sup> Whilst the intention is to ask these questions in the course of the research, it is doubtful as to whether they will be answered or can be answered by those participating in the interviews for this thesis. They may possibly be left to a further research project or become the subject for investigation by the Public Accounts, Defence and/or Foreign Affairs Select Committees.

<sup>37</sup>. I suggest though that such questions are not asked in post-doctoral research but within the confines of a Public Inquiry by an appropriate Parliamentary Select Committee.

In 2007, the Al Yamamah bribery scandal surrounding the sale of Tornado aircraft to the Royal Saudi Air Force became headline news, unveiling embedded corruption within the only other major UK / Saudi Government contract<sup>38</sup>. A prosecution of British Aerospace (BAe) was halted by Robert Wardle, the Director of the Serious Fraud Office, acting on the advice of the Prime Minister (Tony Blair) on the grounds of National Security founded on a supposed belief that the Saudi Government would withdraw counter-terrorist intelligence support<sup>39</sup>. The scandal highlighted insufficiencies within the Corruption Act 1906 under which the case was to be prosecuted and initiated the formulation of new legislation in the form of the Bribery Act 2010. The Financial Crisis of 2007/8 with its constituent elements of corruption in the banking / mortgage sector and the 2009 MP's Expenses scandal gave further impetus to anti-corruption initiatives and created a watershed after which such practices have become increasingly unacceptable.<sup>40</sup> Interestingly though, although there was some public outcry it appears to have been insufficient to force any change on government policy.

Even so, it was surprising to find that when the fifth iteration of the contract underpinning the SANGCOM Project was signed in January 2010, it incorporated dubious financial clauses that had been included in previous iterations of the contract. These were to be

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<sup>37</sup> The question remains as to whether a politician is empowered to make such a political decision or whether a civil servant acted legitimately if they knowingly retained knowledge of wrongdoing and thus allowed the politician to commit to a contract which contained or facilitated corrupt mechanisms. Does Crown Immunity from criminal prosecution exist to protect such individuals?

<sup>38</sup> There were originally other major government to government contracts covering medical support SANGMED (1981-1993) and air defence (SADAP) (1973- 1986). The latter programme transitioned in 2007 into the current programme MODSAP under which Typhoon aircraft are supplied to Saudi Arabia.

<sup>39</sup> The decision and supporting explanation provided by No 10 Downing Street attracted much criticism and appeals up to the House of Lords to question whether the decision to discontinue prosecution was legal or not. The Law Lords decided that the Director's decision was "one he was legally entitled to make" but wished "the world were a better place where honest and conscientious public servants were not put in impossible situations such as this". Rozenberg J, (2008), *SFO Director good man in a bad world, say law lords*, Daily Telegraph, 31 July 2008, [[SFO director good man in bad world, say law lords \(telegraph.co.uk\)](https://www.telegraph.co.uk/news/2008/07/31/sfo-director-good-man-in-bad-world-say-law-lords/) accessed 21<sup>st</sup> May 2021]

<sup>40</sup> I am unable to find a definitive start to this trend for a more ethical corporate culture, but I believe it starts around 2007 and extends notably through the #MeToo and Climate Change movements to the current day as an ongoing process of wider cultural change.

implemented across the ten-year life of the contract from 2010-2020, effecting secret offshore payments under the title of *'Bought In Services'*, through the same third-party agent, albeit that it had now moved locations from Lichtenstein (via Luxembourg) to the Cayman Islands. It is probably attributable firstly to a political wish not to change the basis of the arrangement, and thereby upset the Saudi partners, consisting of senior members of the Saudi royal family and politically influential courtiers, and thus the strategic international partnership, and secondly the institutionalised manner that such practices had become embedded.

However, by now the social climate had changed, public attitudes in western liberal democracies were far less willing to accept that 'lubricating' payments were necessary or in keeping with the times and, I would propose, would declare them to be totally unacceptable once, and if, they became public knowledge. Any political or procedural expectation that they would remain covert until 2020, and possibly beyond, was not just unrealistic, it was foolhardy. The consequentialist idea that payments to an already immensely rich authoritarian regime centred on an extensive single family were necessary to sweeten an arms deal, had had its day. The balance of strategic need was changing as global politics impacted on the key partners. Unrest in the Middle East with a resurgent Iranian competitor for regional domination and especially Saudi involvement in the conflict in Yemen, a drop in the price of oil due to the success of US 'fracking' for gas reserves and a glut in the oil market, and the pariah status afforded to Crown Prince Mohammad bin Salman after the murder of Jamal Khashoggi meant that, accumulatively, the Saudi Government was in a less dominant position, and thus less able to resist a public examination of previous arrangements. For the UK Government, the concept of 'dirtying one's hands' in support of a 'noble cause' (Delattre, 1996) looked increasingly questionable - but not quite to the extent that any of its public servants could bring themselves to speak up about it. Moreover, putting an end to an embedded practice risks upsetting an established status quo and there would inevitably be recipients of the bribes who would be unhappy at the cessation of money<sup>41</sup>.

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<sup>41</sup> When GPT finally stopped the payments in 2010, post whistleblowing, SIMEC and Duranton attempted to sue for damages for broken contracts. (Regina, 2021).

The inevitable reaction also carried the danger of highlighting previous corrupt payments and disturbing future contracts with a consequent loss in revenue to the Treasury. Thus, there were a number of very good reasons for not disturbing an extant and working arrangement – albeit that it might be now out of kilter with current acceptable practice.

Strategic, political and economic arguments had hitherto been used to give an air of legitimacy to the arrangements, certainly subscribed to by the Civil Service and military officers with knowledge of the processes. But the social and political environment had definitely changed where the public were concerned: the ‘Overton Window’ had moved in terms of (un)acceptability of corrupt practices, but political policy had not followed suit because there was no public knowledge of the practices within the SANGCOM Project. Thus, the politicians were not under threat and there was no need to upset the current comfortable arrangement. Institutionalism may have embedded the procedural aspects to a clientele used to obeying orders and following procedures, but as I will show the personal, organisational and strategic/ political reasons interwove as cumulative ‘root causes’ to ensure both individual and collective silence, which in turn led to a culture of silence over a significant period of time.

My abiding memory, and the title of many of my presentations over the past 12 years, is that I could not face the ‘Man in the Mirror’ for the rest of my life if I did not act correctly. It would have framed me as a moral coward, and that was, and is, NOT a thing I wished to be known as either to myself or others. Indeed, I cannot state how central this ‘Vision of Self’ and how I wanted my life to be defined, shaped the way that I acted on that day. I titled 5<sup>th</sup> December 2010 as my personal ‘Gethsemane Night’, in abiding memory of the tortuous decision-making process when I had to align the evidential data, options, risks, values and possible outcomes and, metaphorically, watch as my own Miltonian Michael and Satan fought for possession of my actions and thus my soul (Milton, 1674). I well understand the argument of moral agency embodying the elements of parrhesia that Foucault (2001) describes: speaking up was a fundamental matter of integrity and conscience, an action that ‘anchored’ me to a values-based honour code created through upbringing, education,

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training and experience which is synonymous with, and co-dependent on, my personal identity. The very thought of remaining silent actually created pain, but not the acute pain of a superficial flesh wound, which was to be reserved for the later indignity of dismissal, defamation, and destruction of my professional career. This pain is more akin to a constant dull ache from deep within the body that signals a serious illness that might be fatal if not diagnosed and acted upon properly. This is the psychological pain of cognitive dissonance that gnaws away at the soul, which cannot be ignored and allows no other choice than to speak up (Taylor, 1985; Goffman, 1975; Glazer and Glazer, 1989). To me, it was the ‘Voice of Conscience’ and to ignore it would be to betray everything that I stood for.

When I now analyse, reflexively, what happened when I discovered and disclosed the wrongdoing in the SANGCOM Project, I am sure that my decision to disclose the truth was influenced not only by my adherence to the values I had been brought up with, but also by a determination NOT to become the man my father had been, NOT to further sully the family name and NOT to allow others to opine that corruption in the Foxley Family was genetic and thus even my own offspring would be damned forever. The whole sorry episode is still painful to relate, both in formal presentations and here in black and white, which probably indicates how deeply I still feel it, and how it most probably unconsciously affected my decision-making over a fundamental moral issue at the time - Jung would have had a field day with me!

This therefore is the particular situation that coloured my personal decision to blow the whistle, over and above my natural predilection for doing the right thing. It gave me an increased sensitivity to the moral dimension of what I discovered and, in effect, did not allow me any other choice. Moreover, it was fully known and understood by all my fellow officers who were either current or previous Commanders of SANGCOM, fellow military staff officers or civil servants. Thus, when I interviewed them as part of the research for this thesis, they readily recognised my role as an ‘insider’, the stance I took and why it was contrary to their own. I believe this transparent stance assisted in alleviating any awkward judgmental aspects that might have arisen between us and also provided a bulwark against any perceived accusatory element which might have dissuaded potential interviewees from participating in the proposed research. Those who did not participate, I believe were more

fearful of organisational disapproval and the effect it might have on their reputation than the mere opinion of a former colleague who stepped outside the organisation to blow the whistle.

To reflect further on Foucault's analysis of whistleblowing, I recognised the potential risk of what I was doing even from the point of initial observation and investigation through to disclosure. I realised that it could, and probably would, have a great impact on my professional life but I also recognised that I could not shy away from it. But I made two major mistakes:

(1) I had not recognised the integral part played by the MoD, FCO and other Government Departments<sup>42</sup> in facilitating the corrupt arrangements and, as a consequence

(2) I trusted those military and civil service members of the SANGCOM Project team with the confidential information and documentary evidence in the belief that they would act appropriately to deal with it and protect me from reprisals.

I do not propose to dwell on the personal consequences and aftermath of the act of whistleblowing, but they went well beyond anything that I had envisaged when I had conducted my own personal risk assessment on the night of 5<sup>th</sup> December 2010. Suffice to say that the MoD betrayed my confidence directly back to the company and their ensuing actions encompassed:

- immediate threat of arrest and jail in Riyadh on charges of theft of company information,
- defamation of personal and professional character,
- job dismissal, loss of remuneration and benefits, with subsequent loss of ability to secure equivalent employment,
- professional career ruination,
- degradation of mental and physical health, and

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<sup>42</sup> Defence Security Organisation (DSO) and UK Trade and Investment (UKTI) within the Departments for Business Energy and Industrial Strategy (BEIS) and International Trade.

- greatly elevated stress on both me and my family.

Such effects visited upon whistleblowers are common and well documented (Glazer and Glazer, 1989; Vinten, 1994; Gobert and Punch, 2000; Alford, 2001; Miceli, Near and Dworkin, 2008; Andrade, 2015; Foxley, 2017 and Kenny and Fotaki, 2018). I do not believe that the MoD thought it would escalate as quickly or as lethally as it transpired when they informed the company of my disclosures. I believe the MoD thought the company would ‘deal with it’ by removing me from the situation, offer me alternative employment and carry on as normal<sup>43</sup>. What they had not considered was that there would be an immediate and real threat of jail, torture and (probable) death in Saudi Arabia at the behest of senior members of the Royal Family. I feared that once in the grip of an authoritarian regime with no access to national diplomatic support or justice as we would recognise it in the UK, for having disclosed wrongdoing amounting to about £300 million in corrupt payments to beneficiaries who were senior leading members of the ruling Royal Family and very senior officers in the National Guard, my liberty was definitely at risk. Indeed, my life was most probably in great danger as well. The subsequent murder of Jamal Khashoggi in May 2018 proved emphatically that resistance to those in authority in Saudi Arabia had potentially fatal consequences and I did/do not think it melodramatic to believe that I would literally just disappear into the sands of the desert, or the darker regions of Riyadh jail<sup>44</sup>. My whistleblowing was typical of political parrhesia in line with Foucault’s definition of representing a power relationship, where the Truth is spoken by the Vulnerable to the Powerful, in the knowledge that one (the vulnerable individual) is (a) fulfilling a perceived duty and (b) taking a risk but with the implied protection of the formal body and representative of government (Power represented by the UK MoD and its in-country representative, the Commander of the SANGCOM Project Team). However, what was not

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<sup>43</sup> My research later discovered that there had been other historical instances of concerns being raised within the SANGCOM Project which had been ‘dealt with’ in this way, and thus to be fair, the MoD might have been justified in making this assumption. This leads to the question of what whistleblowing is (ie public knowledge) and what is raising a concern that is then suppressed within the organisation. Our definition (*‘the disclosure by organisation members (former or current) of illegal, immoral and illegitimate practices under the control of their employers to persons and organisations that may be able to effect action’*) (Near and Miceli, 1985) covers disclosures but does not address the question of whether or not an effective remedial action is implemented.

<sup>44</sup>A contemporary example of what can happen to whistleblowers who confront those in power in the Middle East is at: <https://www.sarawakreport.org/2020/05/how-a-kuwaiti-royal-sheikh-jailed-a-1mdb-whistleblower-while-laundering-china-kickbacks-for-najib-exclusive/>, [accessed 26<sup>th</sup> August 2022]

recognised was the obligation of the Powerful to uphold its part in the Parrhesiastic Contract by (a) maintaining the confidentiality of the passage of information or (b) protecting the individual from reprisals in either the immediate or longer-term aftermath.

In 2014, I conducted some fieldwork research with two investigative journalists from *Private Eye* magazine tracking the Project back to the commercial arrangements of Cable and Wireless, the original Prime Contractor for the SANGCOM Project (Brooks and Bousfield, 2014). We found that, since the initiation of the project in 1978, irregular payments had been covertly made to offshore bank accounts for the same company that I had discovered. These amounted to a total of an estimated £500,000,000 over the 32 years of the project, as a standard percentage (16%) of every transaction within the project. The implication of this was that the payments were systemic, payable despite the (four) changes in Prime Contractor and rejuvenation of Project contract and, fundamentally, endorsed and facilitated by the MoD, Foreign Commonwealth and Development Office (FCDO), Department of Business, Energy and Industrial Strategy (BEIS), Department of International Trade (DIT) and the Treasury without whose sanction the transactions could not have been accomplished. With such an array of core Government Departments, it is not unreasonable to suppose that the Cabinet Office must also have held a coordinating and briefing role<sup>45</sup>. The Judge's sentencing remarks from the GPT trial on 28<sup>th</sup> April 2021 record the involvement of Her Majesty's Government (HMG)<sup>46</sup>, noting that it was 'substantially involved in historic arrangements that led to GPT's conduct and senior figures of HMG were involved<sup>47</sup>. Officials in HMG introduced GPT to Simec in 1995 which facilitated the corrupt payments upon GPT taking responsibility as prime contractor'

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<sup>45</sup> I was later shown a Cabinet Office briefing memo to 10 Downing Street, during cross-examination at the trial of the GPT executive individuals in June 2022 that endorses this statement.

<sup>46</sup> I have used the term Her Majesty's Government noting of course that it became His Majesty's Government with effect from 8<sup>th</sup> September 2022. The same convention has been adopted for similar terms such as HMRC.

<sup>47</sup> Individual civil servants and authorising politicians or their exact appointments were not personally named in the evidence unless they appeared as witnesses during any of the trials.

(Regina, 2021). This material provided the basis for my documentary evidence and the only hard proof of structural agency dating from 1978 to the present day<sup>48</sup>.

Since the incumbents of the Project appointments were military officers and civil servants on a 2 – 3 year posting cycle, and presumably competent to hold both senior rank and important functions, one must question how the allocation of funding to the tune of about £15 million per annum to offshore banks accounts went unnoticed? Or, if it did not go unnoticed then what was the decision-making process of the individuals involved in allowing a practice to happen which is morally dubious at best and manifestly illegal at worst? This is at the core of the thesis and underpins the research question of why individuals acted as they did in remaining silent.

What I did not foresee at all was the ongoing need to understand what was happening interactively between me, my colleagues, the organisation, the in-country UK MoD team in Riyadh and the MoD in UK and, fundamentally: ‘why others did not see the corruption that I saw and why they did not blow the whistle about it when they could have done so?’ I am not interested in the rights or wrongs of the situation, that is for the judicial realm to deal with. What matters is understanding why and how such a process could be implemented and maintained for 32 years. Moreover, how was it that even after the Al Yamamah Affair was made public in 2007 and, the resulting Anti-Bribery Act passed in 2010, the latest contract was signed enabling the same processes for a further ten years (until 2020)? Why did the senior (political and civil servant) decision-makers not rescind the clauses agreeing the payment of corrupt monies or insist that such practices had to stop in 2010? Was it cock-up, conspiracy or corruption? The research conducted under this case study might well answer some or all of these questions. In so doing it should add to the body of knowledge surrounding how and why political bodies can make and sustain immoral and illegal acts and public servants can know about them, recognise their dubious nature and yet still acquiesce to their continued performance.

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<sup>48</sup> This documentary evidence was supplemented by Gilby’s (2014) findings on early political manoeuvrings in other government procurement projects.

This background sets the stage for an investigation of this paradoxical phenomenon using the case study of the SANGCOM Project as a well-defined model for investigating the ethical challenges posed to public officials, and essentially, how and why they arrived at their decisions. It should be noted though that this case is still under development: the prosecution of the executive directors was stopped mid-trial in July 2022 and a new trial ordered for October 2023 after new evidence of the Government's involvement and ongoing arrangements for payments was (inadvertently) disclosed during the hearing of evidence. The implications of this will be discussed later in the thesis.

## Chapter 3 – Literature Review

This literature review provides a description of the conceptual base against which the actions or inactions of the individuals and organisations in disclosing wrongdoing within the case study might be compared. It is divided into four sections. In the first, I discuss the concept of whistleblowing as parrhesia and silence as aspects of structural and personal agency. The second section addresses the deliberative process of whether to disclose wrongdoing or remain silent and considers the range of options, as aspects of compromise or complicity, asking what might have acted to silence them. The third section reviews the ethical behaviours of public servants and government departments and describes the concept of ‘the Overton Window’ to address the acceptability or unacceptability of government policies as social mores and how political necessities impact upon their suitability for implementation. Thus, I intend to describe, in the fourth section, a theoretical framework against which we can compare the phenomenological experience of the participants in determining how and why they acted. In so doing, we should be able to tunnel down to the root causes of their individual and collective silence in the face of an ethical, and legal, problem.

My underlying assumption is that whistleblowing, and its converse of silence, is a messy affair which crosses a number of disciplines in sociology, politics, (macro and micro) economics, organisational management, psychology and behavioural science. I approach the topic from a constructivist viewpoint based on my experience of the past twelve years, believing it to be the result of human observation and reaction to the experiences and interactions which shape the world around us.

### 3.1 Whistleblowing, parrhesia and silence

Whistleblowing is NOT a new phenomenon. Foucault (2001)<sup>49</sup> draws us back 2,500 years to the classical idea of parrhesia as courageous truth-telling in Euripedes’ plays, where the dramatic medium was used to remind and instruct the (male) citizens of Athenian society in

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<sup>49</sup> Foucault gave six lectures on ‘Discourse and Truth’ at the University of Berkeley between 10<sup>th</sup> October and 30<sup>th</sup> November 1983, having originally discussed the topic of *Parrhesia* (truth-telling) in a lecture on ‘The Hermeneutics of the Self’ in the Collège de France on 27<sup>th</sup> January 1982. Using Euripedes’ tragedies, he analyses how the truth-teller’s role was problematized within Greek philosophy addressing who, when and how the truth might be told and the relationship between truth-telling, the response to it and the exercise of power. (Foucault.inc, 2021)

beneficial social practice and the principles of good governance. For the Parrhesiastes the act of speaking out, is merely the first step in the process: ‘it is not enough to tell the truth, one does it because one needs to initiate change’. Foucault acknowledges the parrhesian position as a relationship between the Truth Teller as an inferior speaking Truth to the Other in the form of a superior or master in a position of authority (Foucault, 2001). Parrhesia was a privilege granted to honourable citizens, which conferred on them the right of public speech (Mansbach, 2009) if spoken without the use of rhetoric, manipulation, or generalization (Foucault, 1983). Indeed, the emphasis is on the lack of guile in content and presentation wherein a superior (sovereign) shows himself to be a tyrant if he disregards his honest advisors without due consideration of their well-meant advice or punishes them for what they have said. In so doing, the ruler breaks the moral contract between sovereign and subject, manager and employee, protector and the vulnerable. There is a dialectic relationship between whistleblowing and secrecy wherein secrecy ‘needs’ whistleblowing in order to moderate public anger about official concealment, control perceptions about organisations and maintain preferred hierarchies of power (De Maria, 2002). Foucault also recognizes though that the Powerful note their own vulnerability in not knowing what the Vulnerable know and it is this that drives the protective bargain. (Foucault, 2001).

Those who blow the whistle see themselves as ‘moral agents’, embodying the requirements of parrhesiastes: truth, born of moral qualities; courage, to speak the truth and a sense of duty that requires them to act even though it is a calculated risk (Foucault, 2001). They view themselves as people of integrity and conscience who ‘anchor’ their activity to a values-based honour code, which is synonymous with, and co-dependent on, their personal identity. Therefore, **they HAVE to act**: to do otherwise would be a betrayal of principles which creates an erosion of definition of Self. Ultimately, they have no other choice but to act, instinctively feeling that they cannot live with themselves if they do not act (Taylor, 1985; Goffman, 1975; Glazer and Glazer, 1989): ‘therefore to him that knoweth to do good, and doeth it not, to him it is sin’ (KJB, James 4.17) – a sin against oneself. One might suppose therefore that those who espouse the Nolan Principles (selflessness, integrity, objectivity, accountability, openness, honesty and leadership) might naturally fall into the category of those who would naturally incline to blow the whistle when encountering wrongdoing. It is apposite therefore to enquire of those within case study of the SANGCOM

Project as to (1) whether they knew of wrongdoing and if so then (2) why they did not speak up about it? What was it that silenced them?

Fundamentally, whistleblowing is a morally ambiguous act centred on an inherent conflict between a duty of loyalty to the organisation to which one owns membership or works, and the duty to speak out in the public interest against wrongdoing when it is observed (Landblom, 2007). It occurs when the value of loyalty to the entity or group becomes superseded by other values such as the dignity of life, equality or just plain honesty (Jensen 1987). However, when loyalty overrides such qualms it induces silence without any need for a prompt, imposition by direction, or enforcement by authority for, as Foucault (1980) argued: ‘silence and secrecy are a shelter for power, anchoring its prohibitions, but they also loosen its hold and provide for relatively obscure areas of tolerance.’

Silence though is a tricky concept. Its presence is an absence of communication. In not communicating, it communicates. It has no form, no substance and its purpose can only truly be supposed. It can be freely given or enforced, prompted or deliberately reserved, and ‘like speech, the meaning of silence depends on a power differential that exists in every rhetorical situation: who can speak, who must remain silent, who listens, and what those listeners can do’ (Glenn, 2004:9 quoted in Schweiger, 2018:399). It is the antithesis of whistleblowing which seeks to break silence in order to expose that which others might wish to remain secret. There is an expectation of speech regarding the propriety and legality of government contracts and yet there is also an expectation of confidentiality, and thus silence, by those within the government service (civil and military) unless authorised by those in higher authority. I propose that it was only the sudden incidence of the whistleblower that thereafter created an expectation of speech where previously there had been an expectation of silence surrounding the processes in the SANGCOM Project. But from where had this expectation of silence emanated? Was it instructed and enforced or merely implied through normative practices that became a habit, part of the structural status quo and therefore a natural way of doing business? If we follow Saville-Troike’s (1985: 16/17) typology of silence, it crosses levels and domains in a combination of institutionally-determined, group-determined and individually-determined/negotiated silence where socio-contextual elements of role, status and situation all play an important part.

In the SANGCOM case we are not looking at a resistant silence of non-conformity, but rather at an acquiescent silence - more often than not offered in voluntary subordination to the overall political will. Equally we are not looking at an aggressive silence, imposed as a punitive or dominating measure, but a passive silence conceived as an unspoken acceptance of a commonly held practice – albeit that it might not be morally palatable to either the individual or the common view, were it to be publicly admitted. Silence is used as a mechanism for organisational (familial) harmony in the face of disagreement: it is the structural and personal norm and the whistleblower is the outlier (Ferguson, 2003). It exists as part of the organisational procedure, linking people together in their action, indicative of assent to a policy (albeit unspoken), activating a function preceding an action or statement and revelatory to signal ignorance or lack of knowledge (Jensen, 1973).

Of note is the concept of ‘elite ignorance’ as the superior (national and institutional) ability to mobilize ‘useful unknowns’, for personal or institutional gain. An example might be the judicial ability to block inquiries into political and economic harms to exploited groups. The ability to stall, shape, and thwart legal investigations is seen as a key pillar of ‘oracular power,’ defined as ‘the power to shape perceptions about where the boundaries between ignorance and knowledge lie’ (McGoey, 2019:16). In an elucidatory article, this oracular power is described as an agential one representing a sort of reflexive will not to understand how one’s own power, both at the individual and the group level (class, nation, race, corporation), harms other people. (McGoey, 2021).

I believe that in this case study, we are probably discussing intentional, as opposed to unintentional, silence: silence to communicate assent, or rather acquiescence, to a policy or series of systemic processes and actions (which might not be supported or applauded by wider society if they were made public). It is purposeful, and whilst it may seemingly be voluntarily offered, it is more likely to be implied as a social norm which then may be internalised to shape individual behaviour surrounding a specific subject. As such, I propose that silence becomes an element of structural agency which, through its collective nature creates a unifying pressure that, in turn, affects personal agency. In this case study, I propose that we are also looking at ‘thematic silence’: silence that occurs when a topic is not mentioned, intentionally activated because the topic is politically sensitive,

embarrassing and morally / legally questionable. Thus, it is purposefully kept silent – it is not an issue of ‘I cannot speak’ but one of ‘I may not speak’ (Kurzon, 2007). Temporally, in the instance of this case study it is not a transient silence. It is silence of a prolonged period of time (32+ years), collectively offered, predominantly self-imposed on a voluntary basis, guided by the social norms of the organisation, but underpinned by a fear of disapproval for breaking the silence and the possible professional (and related economic), political and social consequences for doing so.

**This leads me to Hypothesis 1 (H1) : that structural agency affected personal agency: the individual kept silent because the political will / organisation implied that it wanted silence as the norm, to which the individual conformed if he/she wished to remain part of the organisation.**

### **3.2 Deliberation, compromise and complicity**

The attitude of its organisational recipients determines the reception afforded to the ‘Spoken Truth’, as either an act of welcome observation or an act of rebellion, and this then shapes the reaction offered to its originators. In the first instance, it’s reception could be viewed in a confessional air as part of a healing process with a recognition of fault, forgiveness and possible redemption for the organisation. In contrast though, the second instance of ‘Spoken Truth’, about previously undeclared or unobserved wrongdoing, is more often regarded as iterated dissent, a rebellious act that is rejective and accusatory, designed to upset the status quo of the organisation and question both its authority and its policies. As such, any disclosure that reveals flaws in the policies and management practices of the organisation is unwelcome; its reception is likely to be met with aggression, and the reaction will be to discourage its open iteration by the individual lest it damage the reputation of the organisation and the careers of its senior managers. This is at odds with the publicly espoused ethos of public organisations such as the Military and Civil Service. Regardless of the diplomacy with which the message might be delivered, breaking silence can still be viewed as an unwelcome criticism of personal, management or government practices by those with no obvious right or authority to voice such concerns (Alford, 2001). Speaking out, without conscious invitation, can be considered a deliberate act of rebellion rather than just an expression of conscience and often invites an aggressive response – not for the

content of the message, but for the very act of speaking it. Foucault made much of this when discussing parrhesia as truth-telling noting that ‘the obligation of truth’ is at ‘the same time the exercise of freedom, and the dangerous exercise of freedom’ (Elden, 2016:186). But the reactive aggression of the recipient is more than just a defensive mechanism to protect personal and/or corporate reputations. The personal example of the whistleblower represents an absence of ‘good self’, reminding recipients and observers of something that they have lost: a diminishing of integrity created by knowing about what should have been done, which represented good and right, but not doing it. Thus, speaking out represents a personal, professional and ethical failure, tied to a reciprocating cowardice and an unwelcome glimpse of impending catastrophe. The result is often an aggressive, reactive coercion by the organisation, and its authorising members, to silence the speaker(s) and thus preserve self-esteem and public reputation (Stein, 2018).

Bird (1996) described the organisational phenomenon of ‘muted conscience’ where people get signals that voicing concerns are not welcomed, wanted or appreciated. For one to question the moral basis of political decisions is anathema, and especially so for public servants, for it questions the moral authority of the politician to make those decisions and hold legitimate authority over the individual. To be proven to be corrupt in government is to undermine the legitimate basis upon which elected politicians hold power – especially in a democracy. Thus, we find the application of oracular power (McGoey, 2008) in the use of the Delphic ‘noble lie,’<sup>50</sup> a falsehood propagated to serve a higher goal’ spoken by politicians in order to cover dubious political acts. But for those wary of the approbation of the organisation, and its potential effect on their professional careers and thus livelihood, it serves as sufficient reason to mute the conscience, override personal misgivings and just ‘get on with the job’. Thus, personal agency succumbs to structural agency, the individual compromises and becomes complicit. But, in so doing, they are silenced.

**This leads me to Hypothesis 2 (H2): that the political / strategic argument communicated by the organisation gave sufficient moral reason for individuals to**

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<sup>50</sup> The ‘noble lie’ is a term, often cited as originating in Plato’s *Republic*, as an official falsehood propagated to serve a higher (political) goal and used to excuse the practices of dubious acts for the exigencies of the State.

**assent to (corrupt) policies, overriding personal qualms and giving foundation to voluntary silence.**

Whistleblowing is not an individual activity – it is the product of a complex set of professional, social, economic and political relationships and reactions to circumstances. Even though it might feel like it to the whistleblower, it is not an act performed in isolation: for every claimant there is a respondent, either as an individual or an organisation and there are also those who work with, above, and for the individual who observe what occurs. I never foresaw that I would be a whistleblower: I merely refused to sign off opaque payments to secret sub-contractors in offshore tax havens within contracts that could not show a valid purpose, product or service. In so doing though, I was confronted with several investigative actions, considerations and decisions which tested my value regime, organisational and personal loyalties to the core and which demanded both a decision and subsequent action. My previous research into individual whistleblowing experiences found that many others also experienced the same processes (Foxley, 2017). ESRC funded research into post-disclosure survival strategies (Kenny and Fotaki, 2018) reinforces this finding. It is not unusual to find oneself utterly dislocated and profoundly disoriented by the experience: one cannot understand the sense of betrayal through sudden ostracization by individuals and an organisation that has been trusted for a significant period of time. Moreover, one cannot quite comprehend why one has been ‘cast out’ for behaving honestly and ‘doing the right thing’, not only within one’s commercial professional circle but also within one’s personal network wherein many essential relationships lie. This is not unusual: Alford (1999) noted that whistleblowers often take up to a decade to figure out what exactly happened throughout their whistleblowing experience. It is this experience that others observe, and it shapes their stance and subsequent actions. Understanding organisations often means comprehending matters that lie beneath the surface (Gabriel, 1999) and it is now apparent that all is not black and white, even when making what appears, on the surface, to be a binary decision about whether to disclose an illegal and immoral practice. Deontologically, the morality of the situation dictates that it should be based on whether it is right or wrong under a series of rules, especially if it clearly transgresses the legal imperative (Kant, 1785). Bentham

(1834)<sup>51</sup> however argued that utility is the property that defines benefit or detriment. One's actions should be guided by delivering the greatest good for the greatest number and, therefore, be based on the consequences of the action. He reflects Plato's original description of 'the Noble Lie' which allows for rulers, who by reason of their nobility, good breeding, superiority and training, to lie for 'noble' ends (Bok, 1978)<sup>52</sup>.

Thus, we must ask whether the decisions made by the perpetrators in this case study were based on a simple legal/moral view or were they qualified by other political considerations and competing loyalties that might have deterred the act of speaking out? If the Utilitarian / Consequentialist view pre-dominated, then what factors were taken into consideration, what pressures were actively brought to bear and/or what pressures were passively felt? Moreover, as alluded to earlier<sup>53</sup>, what steps were taken historically to review the practices in light of the Al Yamamah affair in 2007, and then in consideration and signature of the United Nations Convention on Anti-Corruption (UNCAC) from 2003 to 2006, and the OECD Convention on Combatting Bribery of Public Officials in International Business Transactions in 1997/1998<sup>54</sup>? Did historical structural inaction influence current personal agency? Was the individual persuaded that the organisation, and a collective stance by work colleagues demand both individual and collective silence? The major reasons proposed by Rocha and Kleiner (2005) for not blowing the whistle are fear of retaliation and embarrassment. They identify the individual's situation as 'a dilemma (where) the potential whistleblower has ... a struggle between doing what is right and suffering the consequences, or just being quiet, pretending it does not exist.' Was there therefore a plausible logic of 'safety in numbers' to provide sufficient departmental responsibility to allow individual responsibility to be buried?

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<sup>51</sup> As an interesting but unrelated fact, I discovered that Jeremy Bentham adopted my maternal great-great-grandfather and his brother on the demise of their father who was one of his great friends!

<sup>52</sup> Plato used the term '*gennaion*' which means noble in the sense of 'high-minded' and well-bred'.

<sup>53</sup> See Footnote 10

<sup>54</sup> UNCAC: UK signature date: 9 December 2003 with ratification on 9 February 2006; Convention on Combating Bribery of Foreign Public Officials in International Business Transactions ("the OECD Convention"): UK signature date: 17 December 1997 with ratification on 14 December 1998, and extended to the Cayman Islands in 2010.

Conformity to group norms and social influence was well studied in the 1950s and 60s, classifying factors affecting the probability of conformity to group, whistleblowers' and situational characteristics. Most importantly, conformity depends upon the perception of the group as a credible source of information (Rosenberg, 1961; Wolf and Latané, 1983), with its 'powerful' and majority group members perceived as credible 'experts' outside the influence of external forces. Where a group is perceived as a powerful, cohesive, unified force that will oppose whistleblowing, then the likelihood is that silence will be maintained (Festinger et al, 1950). Where large numbers of non-intervening 'bystanders' are present, individuals may be induced to feel that they have no obligation to act (Graham, 1986). Much evidence suggests that some individuals conform to avoid ridicule, disapproval or even punishment. Conversely, others conform to obtain approval, compensation, and other rewards, even when the group opinion is clearly wrong (Geenberger et al 1987; Endler (1965). It takes a very brave individual to speak up against a solid, tightly bonded group with a high reputation and the means to visit retribution upon deviating members!

Groupthink describes an occurrence whereby a group comes to a unanimous decision about a possible action despite the existence of facts that point to another correct course of action. Handy (1985) describes it as occurring when the harmony and morale of the group, realised through loyalty to the group's previous policies or group consensus, overrides the individual conscience of each member. Thus, the urge for 'concurrence' overrides individual critical appraisal of alternatives leading even the most high-minded and well-intentioned of people to make erroneous decisions. Handy, following Janis (1972), describes eight symptoms of Groupthink: over-optimism which leads to risk-taking; collective rationalization of thoughts or suggestions that challenge what the majority is thinking; blindness to morality with a consequent oversight to its possible consequences; the habit of stereotyping the opposition as weak or evil and incapable of 'proper' decision-making; subtle peer-pressure on those who voice dissent; self-censorship; unanimity through the suppression of divergent views; and 'mind-guards' - individuals who set themselves up to stifle dissent. Handy warns that Groupthink is most likely at the top and centre of organisations where the need for 'keeping things close' seems more important. Flint (2011) points out that despite high individual standards of integrity, the combined effect of Groupthink, pressure to perform, and other cognitive biases may lead individuals and institutions to take liberties with the

truth. This is interesting since he writes based on personal experience of the military and civil service.

**This leads me to Hypothesis 3 (H3): that the silence of individuals collectively became organisational silence wherein structural and personal agency became indistinguishable as separate entities.**

Pascal (1610) posited an argument, known as Pascal's Wager<sup>55</sup>, which can be distilled down to a simple equation which can be applied to less esoteric dilemmas such as whistleblowing:

*If the Perceived Reward is > or = the Personal Stake x Risk, then it is worth taking the wager*

Effectively, it is both a Risk Analysis and a Cost/ Benefit equation: it is a proposition of Rational Choice. In contemplation of whether it is worthwhile to speak out or keep silent, one must balance the personal mental and emotional pain endured by not speaking, versus the penalties that might be inflicted for so doing, multiplied by the risk of discovery and thus possible retribution. Equally though, the equation can be applied to those who might balance the possible (material) rewards for compliance or complicity for not speaking out against the personal penalties (loss of good name and reputation, fine, and imprisonment) multiplied by the risk of discovery of the crime and their part in it. However, it is only truly valid if one recognises the extent of the personal stake and level of risk involved in taking either course. Foucault (2001) cites risk as central to the act of speaking up: he views the voluntary nature of the act as a precondition for and constitutive of its definition as a parrhesiastic act. It is not the truth that bears the risk, but the act of speaking it and the freedom we assume in doing so is a critical reflexive practice or action we undertake within a power relationship (Anderson, 2019). As with all such quandaries, mitigating actions can be put in place to reduce the risk of retribution, such as confidential disclosure or protective / compensatory measures for whistleblowers. Perpetrating organisations and individuals can

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<sup>55</sup> Pascal was asked to philosophically argue the justification (or not) of the existence of God and the worthiness of prayer and worship. He proposed that if God exists then, and if we conform to His/Her strictures on behaviour, then we will receive an infinitely great reward in Heaven. If we do not, then the penalty is unbelievably extreme (Hell). Conversely, if He/She does not exist then we will have lost little or nothing other than some scuffing of the knees and a relatively small accumulation of minutes spent in prayerful meditation.

reduce their risk of discovery and legal penalty through restricting knowledge of operations, invoking primacy of loyalty to the organisation and colleagues over other demands, or providing alternative mechanisms of justification which would 'allow' or 'excuse' compliance or passive, if not active, complicity. Such acts though involve an element of compromise. In a 'phenomenological' sense, one feels 'compromised' when engaging in a deal in which one has to concede a principle that has real worth and value to the individual.

Compromise is a regular part of everyday life: we all do it and it is the secret of a long and happy marriage. It allows us to get along in a co-operative way in our relations with one another. Indeed, without some form of compromise, antagonisms form, and personal and professional relationships can rapidly break down to a point of no return. But any compromise must include some element of agreement, even if it is tacit and unspoken, on what and how much give and take is required, and how it can be successfully implemented by both sides of the relationship. Successful compromise leaves both sides feeling that they have contributed to the effectiveness of relationship without having been taken advantage of or sacrificed, or been asked to sacrifice, anything sacred. Ideally, it is an act of joint agreement, between co-principals, sharing full responsibility for formulating the plan of action and its expected outcomes. In the implementation of the compromise agreement though, some actions may count as direct wrongdoing, or allowance of wrongdoing by others, and thus cross into the grey area of complicity and therefore the inculcation of some element of blameworthiness (Lepora and Goodin, 2013). Silence or inaction could be construed as either compromise or complicity in a deontologically Absolutist world where the only options allowable are to speak up (morally right) or to stay silent (morally wrong). In compromising to avoid conflict between parties, each agent is susceptible to conflict within themselves because there is a possible erosion of personal aims and values. There's no such thing as a free ride: something has to be given up for something else to be gained. Thus, there is an intra-personal as well as an interpersonal compromise going on within the process.

Although Lepora and Goodin (2013) write definitively about complicity and compromise born out of conflict studies, it is quite remarkable how much of the conceptual analysis is applicable to peacetime commercial operations. They define three types of compromise:

substitution, intersection and conjunction, delineated by the extent to which the agents' principles overlap, intersect or are even fundamentally opposed and can be set aside to find common ground to enable an agreed way forward as co-principals. In the SANGCOM Project, there is a common mission in the successful fulfilment of an inter-Governmental contract with its inherent political, economic and strategic aims. One avenue I intend to explore is whether the public servant interviewees felt that in remaining silent they voluntarily entered into a compromise and, if so, whether they felt any regret at having to sacrifice valued moral or legal principles, and thus felt 'compromised' in doing so? Or, if not, then why not?

The distinct roles of participants in episodes of wrongdoing are victims, perpetrators, and bystanders (Cohen, 2001), with the latter role defined as 'a person who does not become actively involved in a situation where someone requires help' and extends 'requiring help' to 'knowing that something is wrong' (Clarkson, 1996). This falls in line with Near et al's identification of 'inactive observers' and Rothschild and Miethe's (1995) nomenclature of 'silent observers'. Cohen though categorizes bystanders as both active and passive, noting that the 'strongest claims about bystanding are ethically resonant, but empirically unproved' and that the passivity of those who watch, know, and yet close their eyes, becomes a form of complicity or approval which allows or even encourages, further acts of wrongdoing.

Equally, we cannot ignore the possibility that some public servants in the SANGCOM Project team might well have seemed to comply as inactive bystanders but in fact effected 'passive resistance', or a subtle form of 'active resistance' whilst not going so far as to speak out against ethically ambiguous practices they encountered. Public employees may actively engage in dissent, to the extent that they become guerrilla fighters, actively working against their superiors to pursue alternative policies or to counter unethical behaviour. A wide range of case studies (O'Leary, 2006) has demonstrated how dissent may not just be regarded as problematic but, rather, used to harness its creativity to create solutions against unethical conduct and its normalisation through 'Groupthink' (Janis, 1972). There is room here to consider the case for passive resistance or even a minimal amount of active resistance, metaphorically throwing sugar in the tank or sand in the cogs, which might therefore be

shown to be an element of compromise rather than straight complicity and mitigate any guilt of complicity; but doing absolutely nothing counts as a causal event (Kleinberg, 2016).

Compromise also entails responsibility, for both acts of commission and omission and the 'joint agency' they entail, including the allowance of wrongdoing by others through keeping silent when speaking up would prevent wrongful acts. In a case covering an extended period (32 years in the example of the SANGCOM Project) there must be a great degree of departmental responsibility as well as individual responsibility on the part of those holding Project appointments with the ability to allow/facilitate wrongdoing or stop/object to its performance.

If compromise is the thin end of the moral wedge, complicity in its various forms consists of the bulk of its body encompassing concepts which are potentially causal contributions to the wrongdoing of another agent (Lepora and Goodin, 2013). Thus, making or facilitating covert payments to offshore bank accounts, for no discernible product or service, could count as colluding to commit corruption. Since the acts were committed (a) in secret, (b) with the purpose of deceiving the public as to their real intent and (c) with the sole purpose of deriving mutual benefits, albeit that they were political and strategic as well as solely economic, they were still corrupt. Thus there is a sound argument to propose that members of the SANGCOM Project who were knowledgeable of the true purpose of these accounts were knowingly complicit to the corruption, and therefore remained silent for fear of their legal position.

If, however, an agent (organisational or individual) was to argue that they were non-contributory to the wrongdoing, even though they recognised tacitly that it was being performed, then the agent could be said to be complicit through connivance<sup>56</sup> through overlooking or ignoring (an offence, fault, etc.), implying approval or tacit permission or sanction or, even, encouragement through forbearance to condemn (OED, 2018). This uncomfortable, conscious state in which individuals choose to remain silent about organisational issues is referred to as employee quiescence. It is a form of silence

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<sup>56</sup> Connivance derived from the Latin conjunction of 'con' meaning together and 'nivere', meaning 'to wink at, to nod with the eyes, to twinkle the eyelids, to shut the eyes' (OED, 2018)

distinguished by strong negative emotions, including anger, fear and cynicism, and is driven by fear of the consequences of speaking up (Pinder and Harlos, 2001). It is worth noting that, according to an EU public consultation on Whistleblowing (2017), 80% of workers do not report due to fear of legal consequences taken against themselves. Employee quiescence contrasts with that of employee acquiescence, which is a state of acceptance and resignation characterized by a sense of hopelessness and a perception that nothing effective can be done to change the situation.

Silence can also be either acquiescent, defensive, or even prosocial such as withholding criticism in favour of maintaining a harmonious work environment (Van Dyne et al, 2003). Defensive silence (i.e. self-protective behaviour based on fear) is most relevant when considering silence in response to wrongdoing, although aspects of a complementary prosocial silence may also present to a lesser degree (Blenkinsopp and Edwards, 2008). A perceived lack of approval or protection can also lead to a reinforcement of feelings of fear and a belief that speaking out would not make any difference - it would merely cause loss of a job and career in the long term (Alford, 2001; Su, 2020).

Heffernan writes extensively on the topic of wilful blindness noting that: the individual self is an actor, responsible and autonomous; the social self is an agent, working with and on behalf of others (Heffernan, 2011). Thus, regarding the Consequentialist view, when we agree to submit to authority in order to pursue a larger good, we exchange an individual self (with responsibility for our conscience) for a social self that is responsible to the whole. But that does not excuse us from complicity through connivance. Collectivistic values within the military / civil service personnel that are more focused on conformity, and less tolerant of deviant behaviours such as whistleblowing, also play a part in creating the conditions for wilful blindness (Park, Blenkinsopp, Oktem, & Omurgonulsen, 2008). What is crucial though is the fact that had something else been done, the wrongdoing would not have occurred or if there was something that should have been done to stop it, and wasn't, then the inaction can properly be counted as a part of the causal chain that allowed the event to occur – and the inaction, or blindness, to be counted as connivance through its wilfulness.

To move from the generic exploration of complicity to the more specific application of it to this case study, let us consider an instance of joint enterprise where both parties act as co-

principals, for example, where one agent (call them ‘the Prime Contractor’) commits a wrongful act that the other (call them, hypothetically, ‘the Contracting Government Department’) authoritatively promises in advance to pardon the act if it is discovered, then the condoning becomes (a constitutive) part of the original crime – and the secondary condoning agent becomes a co-principal and equally culpable. This will be an interesting avenue to follow as and when it becomes clear that the MoD is either the Principal as the initiating agent (from 1978 – 2010) and the ‘Plan-Maker’ with each historical Prime Contractor as a Secondary Agent as the ‘Plan-Taker’. The parties might be construed as Co-Principals and equally guilty of corruption, especially if it is a necessary condition that the wrongdoing was overlooked / ignored by the organisation vested with Governance and Assurance of the Contract (the SANGCOM Project Team). If the co-operation of the Third Party (the corrupt End User) could only have been acquired or retained over the prolonged period of subsequent contract iterations if the Prime Contractor made the corrupt payments, and the Principal condoned such an act then there is at the very least an element of common design and complicity through condonement<sup>57</sup>. This could have serious implications for the Government, and both major political parties who have formed the Government over the 32 years in question.

I wholly own that being complicit to the wrongdoing of others might have been the best thing to do, even if it left some residue of moral discomfort (normally cited as a bad taste in the mouth). But I cannot help but think that if the complicity creates the conditions for the wrongdoing to take place and is effected by a Government Department and its officers, as the Plan-Makers, then a large element of voluntary causal complicity is being undertaken – and we should all have great moral discomfort with that. In effect, the Principal wrongdoers (the MoD and its colluding Other Government Departments: FCDO, BEIS (Defence and Security Organisation (DSO) and Department of International Trade’s United Kingdom Trade and Investment (UKTI) organisation, The Treasury and the Cabinet Office) become the Master Planners and Plan-Makers, and the Commercial Prime Contractor becomes Co-

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<sup>57</sup> By extension, the Auditors (PWC and KPMG) and Bankers (HSBC) must also hold an element of complicity, because without their wilful blindness, the irregular transactions could not have taken place, especially once the rules governing Money Laundering were emplaced.

Principal - or rather, Plan-Taker and thus a role as Secondary Agent, even though they effected the corrupt payments. Nonetheless, committing the ‘lesser evil’ is still ‘evil’: the wrongfulness of their contributing to the wrongfulness of others remains in the moral balance, even if on overall consideration it was the right thing to do.

**This leads me to Hypothesis 4 (H4): that the organisational silence was normalised and institutionalised over time to become part of the operational status quo.**

In this study there is no personal judgement of right and wrong. It is a study of how complicit decision-makers arrived at their judgement of whether to participate by allowing the wrongdoing to occur or be further progressed. Like Lepora and Goodin, there is one thing on which we are firm: moral judgment must be based on an assessment of the situation from the perspective of the actor, at the time of the action. I am not about to view their actions with the benefit of hindsight: I arrived at my own judgement of whether to ‘blow the whistle’ or not and my reasons for doing so are personal to me – just as their decisions are personal to them. They had to decide what to do based on what they could and should have known at the time of acting. However, an important part of morality lies in assessing actions, and their outcomes, in retrospect in order that we might learn from the experience to guide our actions in future.

### **3.3 The ethics of whistleblowing by public servants**

Edward Snowden’s disclosures about the National Security Agency’s mass surveillance programme in 2013, initiated a global discourse on the righteousness of whistleblowing, and in particular the place of civil servants disclosing information about wrongdoing. Boot (2019) conducted an in-depth philosophical analysis of the ethics of classified public whistleblowing<sup>58</sup> by civil servants<sup>59</sup>, determining the threshold and pre-conditions for justifiable whistleblowing (Boot, 2019:35) as:

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<sup>58</sup> Research conducted as part of an ERC-funded project “Democratic Secrecy: A Philosophical Analysis of the Role of Secrecy in Democratic Governance.”

<sup>59</sup> The principles proposed by Boot appear to be relevant notwithstanding that none of the documentation within his case study was formally classified by secrecy, commercial or sensitive markings.

Threshold condition<sup>60</sup>: the information disclosed must serve the public interest.

Procedural condition 1: one ought to exhaust alternative, more discreet channels for disclosure.

Procedural condition 2: one ought to take steps to minimize the harm caused by the disclosure of the information.

Key to this premise is his definition of ‘the public interest’ as ‘interests we share as members of the community.... interests in conditions that render it possible for each of us to develop and strive to realise our own values, objectives and life plans.’ He offers examples of such conditions as political accountability, human rights, and the rule of law. He concludes that ‘the act of whistleblowing meets the public interest if, and only if, the unauthorized disclosure of classified material better serves the public interest than the alternative (i.e. continued secrecy).’<sup>61</sup>

Boot goes further, to argue that not only is whistleblowing of classified material justifiable under a public interest defence, but that it is obligatory for civil servants to disclose government wrongdoing. He deals also with the question of bystanders, and lack of disclosure by those aware of acts of wrongdoing but who do nothing about it, referring to Lepora and Goodin’s discussion on ‘causal contribution’ and the obligation to remedy arising from it (Lepora and Goodin, 2013). However, he concludes that the obligation to disclose varies dependent on (1) the gravity of the wrongdoing, (2) one’s responsibility for it, and (3) one’s contribution to it, and it extends not only to those who actively contribute to it, but also to mere bystanders whose silence amounts to complicity if it is a causal factor in allowing the wrongdoing to continue.

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<sup>60</sup> The Threshold Condition is considered as the fundamental condition for whistleblowing whilst the Procedural Conditions allow a consideration of justification in the methods employed to disclose the information.

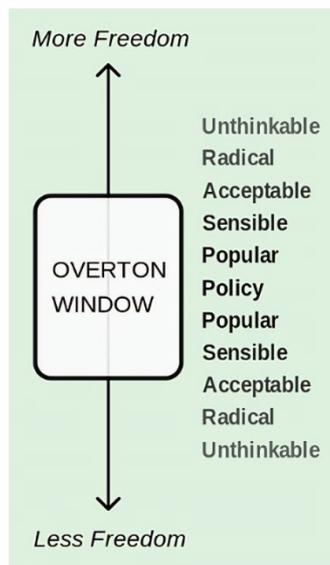
<sup>61</sup> There is a distracting rabbit hole that could be bolted down here, which is the difference between the public interest and the national interest? A Government may feel that it is in the National Interest to pay bribes for short to medium term strategic / political / economic reasons but whether that is in the public interest is a moot point when considering the longer-term moral, legal issues. They are NOT necessarily the same thing.

Civil servants though hold additional obligations above those of ordinary citizens or employees: they hold public office and, under the UK's Civil Service Code, are explicitly directed to 'comply with the law and uphold the administration of justice', 'not be influenced by improper pressures from others or the prospect of personal gain', 'not ignore inconvenient facts or relevant considerations when providing advice or making decisions', 'not act in a way that unjustifiably favours or discriminates against particular individuals or interests', and 'report evidence of criminal or unlawful activity to the police or other appropriate regulatory authorities' (HMSO, 2015). In 2017, Defence People Secretariat, Ministry of Defence published the MoD Whistleblowing and Raising a Concern Policy setting out how and when to report a concern at work<sup>62</sup>. It clearly covers both Service and civil service personnel and all related civil personnel and contractors and agency staff along with both the principles and procedures to be followed and, therefore, the issues raised within this case study. So, what happens when values and social mores change and policies which were once acceptable become unacceptable?

The 'Overton Window' is a model which posits the acceptability and unacceptability of a political policy at any particular point in time. Classic examples are the Abolition of Slavery, Female Emancipation, and Prohibition. Each represents change in political policy driven by political recognition that continued support for the original situation would lead to electoral defeat. Thus, policy change follows political change, which itself follows social change' (Lehman, 2010).

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<sup>62</sup> This updated the extant policy under the Public Interest Disclosure Act 1998 (PIDA), the Employment Rights Act 1996 and the Defence Reform Act 2014 (especially Schedule 5: restrictions on disclosing information).



**Figure 1 - The Overton Window**

**(Source: Mackinac Center for Public Policy)**

The Overton Window describes the range of policies a politician can support without threatening their electoral support. Radical politicians can propose policies for reform: for instance, William Wilberforce proposed the abolition of slavery in the face of prevailing opinion in 18<sup>th</sup> Century Britain that slavery was an acceptable practice. More often though, it is the gradual evolution of societal values and norms that bring about change with politicians increasing the weight of their support as the popularity of the issue and its public voice grows.

The mental, visual image of the whistleblower needs to be reclaimed and re-framed to instil an immediate positive response and natural affiliation in the public mind as the precursor to gaining significant political support. This is beginning to happen in the UK in three major areas: (1) as the whistleblowing role of nurses, doctors and healthcare workers, who are naturally regarded as positive icons, becomes more prominent<sup>63</sup>; (2) as the substantial

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<sup>63</sup> The most prominent example is the Mid-Staffs NHS Trust failure of 2005-2009 in which between 400-1200 died. This led to a public inquiry by Sir Robert Francis QC out of which the Francis Report (Report of the Mid-Staffordshire NHS Foundation Trust public inquiry, 2015) led directly to the establishment of the Office of the NHS National (Freedom to Speak Up) Guardian. [The Report \(freedomtospeakup.org.uk\)](https://www.freetospeakup.org.uk/) [accessed 14<sup>th</sup> July 2022]

growth in fraud and corruption begins to seriously impact the individual citizen, the national economy and the UK's political credibility as a leading authority in the fight against economic and organised crime and terrorism,<sup>64 65</sup> and, (3) in well publicised cases of sexual abuse and especially child abuse within the UK<sup>66 67</sup>. Thus, public visibility and voice surrounding a key issue may be used by campaigners and political activists to specifically raise the profile of an issue in order to bring it within the Overton Window and effect political change.

Gready (2003) reminds us that 'memory, identity, space/place and voice are central to the vocabularies, politics and cultures of political transition...policy decisions in relation to justice, truth and reconciliation imply as well as create a value system for these terms.' I suggest that the Overton Window surrounding the issue of corruption, and especially covert commissions to middlemen/fixers and PEPs in overseas procurement contracts, moved from passable acceptance in the 1970s to unacceptance in the late 1990s/ 2000s. But political policy and decisions did not keep up and did not reflect the change in value systems that society now held by the mid to late 2000s. Historical arrangements were not adjusted and, for a number of very understandable reasons, nobody who knew about them sought to elevate the problem or change the practice until it was given public visibility through whistleblowing. It would appear that since nobody seems to have publicly disclosed wrongdoing in the operations of the SANGCOM Project over the 32 years (1978 – 2010) of its existence, the strictures in the Civil Service Code were not followed or, if they were, then the information about corrupt payments to offshore bank accounts for dubious suppliers was suppressed. It would appear also that those international conventions to which the United Kingdom were signatories, were not adhered to and individual civil servants (and military

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<sup>64</sup> 43% of fraud and corruption cases are discovered through the actions of whistleblowers ( AFCE, 2020)

<sup>65</sup> Marin I, 2022, *Economic Crime Manifesto is launched*, <https://www.vuelio.com/uk/blog/economic-crime-manifesto-is-launched> and [Manifesto — APPG on Anti-Corruption and Responsible Tax \(anticorruption-responsibletax.org\)](https://www.appg.org.uk/manifesto) [accessed 14<sup>th</sup> July 2022]

<sup>66</sup> Youngs, I, 2017, *Three Girls: TV drama hailed as 'outstanding' and 'a landmark'*, [www.bbc.com/news-entertainment-arts-39972887](https://www.bbc.com/news/entertainment-arts-39972887) [accessed 14<sup>th</sup> July 2022]

<sup>67</sup> Most notably, the Roman Catholic Church, and Pope Francis in particular, feeling the effect of institutional stigma attached to multiple instances of child-abusing priests protected by an unofficial policy of 'clericalism', might take the opportunity to reform its practices to support those who Speak Truth to clerical Power (Winfield, 2018).

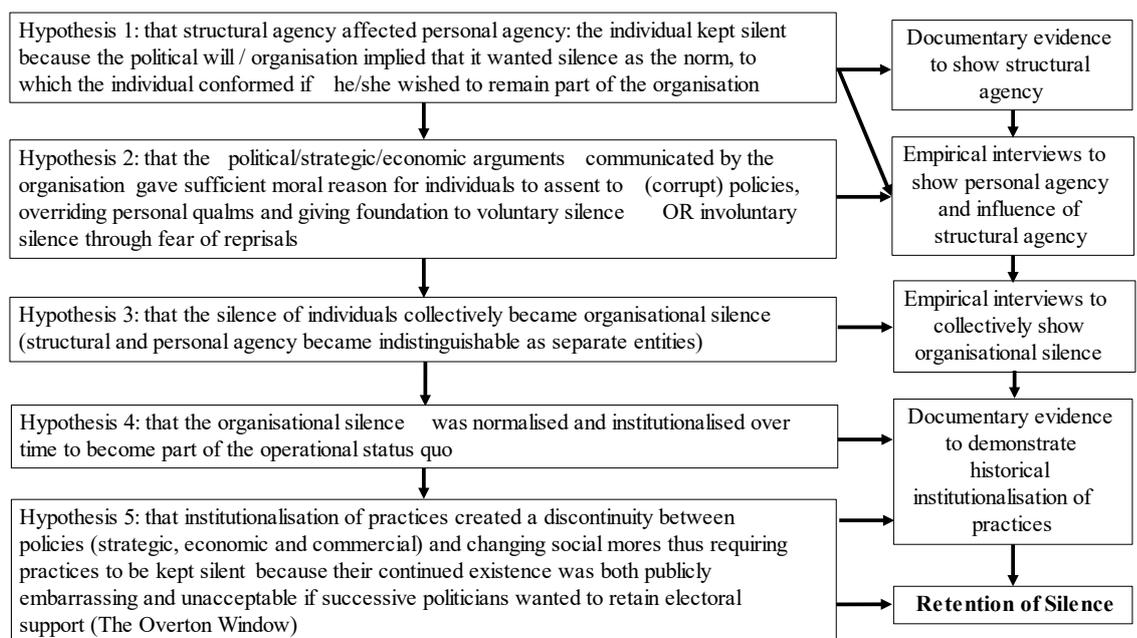
officers) holding appointments assuring and governing procedures felt little obligation or duty to disclose wrongdoing in the Project's operations and procedures. Why?

**This leads me to Hypothesis 5 (H5): that institutionalisation of practices created a discontinuity between policies (strategic, economic and commercial) and changing social mores, thus requiring practices to be kept silent because their continued existence was both publicly embarrassing and unacceptable if politicians wanted to retain electoral support (The Overton Window)**

Whilst the core research concerns whistleblowing and silence studies, it should also contribute to knowledge in areas such as sociology, politics, international relations, business ethics, psychology, behavioural science and silence studies and bring about policy changes to allow more effective whistleblowing on acts of wrong-doing.

### 3.4 Theoretical Framework

My theoretical framework is described below, indicating the logical progression of hypotheses and research sources to show how and why silence was effected and retained within the case study. Instances are indicated in chapters 5-7 as (H1), (H2), (H3) etc.



**Figure 2 – Theoretical framework**

## **Chapter 4 - Methodology**

In this chapter I will try to illuminate the moral dilemma faced by those who could, or could not, speak out by looking at the different codes of conduct that should have governed their behaviour. I will reflect on the possible influences and pressures that should have impacted, actively and passively, in their decision-making process. I will then lay out the research question emerging from the review along with the methodology and research tools I intend to use to interview and analyse the data discovered and a schedule for the intended research programme. I have adopted a 'pragmatic' approach, combining a positivist (quantitative) approach to structural agency in the collection and analysis of my documentary data with a constructivist (qualitative) approach to personal agency in my interview process. I have then integrated the data at various stages of the research to determine the root causes of whistleblowing within this case study, producing a visual picture of the findings to illuminate my research.

### **4.1 Research Context**

There is little empirical research into why individuals do NOT report (Brown, Latimer, McMillan and Wheeler, 2008; Su 2020) or how they make the decision to engage in either voice or silence (Edwards, 2007). Whistleblowing research has tended to focus on the action of disclosing wrongdoing and the use of a 'reporting rate' as an indicator of an organisation's ethical culture (Brown et al, 2014) rather than the absence of reporting. A deep study was accomplished by Brown, Mazurski and Olsen (2008) who developed the concept of an 'inaction rate', looking at the proportion of non-reporting of serious wrongdoing in organisations, but it was based on a survey of employees in organisations not personal interviews with respondents who had actively not reported. In commenting on Brown et al's concept, Olsen (2014) later recommended that future research should test whether

inaction rates are a more useful indicator than reporting rates alone as key indicators of behaviours in organisations<sup>68</sup>.

Loyens and Maesschalck (2014) noted that most current studies aim at finding a single model to explain reporting decisions where, in reality, different causal pathways could lead to the decision to either report or keep silent. Importantly, they identify that more research is needed to identify these causal pathways and point out that explanations of the occurrence of non-reporting behaviour are not just reversals of explanations for whistleblowing behaviour. They proffer that researchers should also look for asymmetrical explanations for decision-making in reporting dilemmas: I have endeavoured to follow this advice.

Brown, Lewis, Moberly and Vandekerckhove (2014) provide a comprehensive catalogue of existing research into whistleblowing, categorizing it by the research methodologies of:

- Experimental Studies (e.g. Brabeck 1984, Dozier 1988, Miceli et al 1991),
- Anecdotal or Qualitative case studies (e.g. Glazer and Glazer, 1989, Richardson and McGlynn, 2011),
- Content Analysis of media reports and legal cases (Donkin et al 2008, Bosua et al 2014) and
- Hypothetical Scenarios (e.g., Mesmer-Magnus and Viswesvaran, 2005; Bjørkelo and Bye, 2014; Campbell et al 2007).

But notably, they identify that empirical research into non-reporting remains an unanswered question. The failure to speak up is a form of moral silence that not only fails to call attention to questionable activity, but fails to promote worthwhile activities and is therefore especially difficult to document because people feel less conscience-stricken and silence here results in few exposés by outraged investigators (Bird, 1996). Getting sufficient data and a good sample of true whistleblower cases is difficult enough, but more so for those blowing the

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<sup>68</sup> Measuring the absence of something (e.g. inaction) is much more of a challenge than might be pre-supposed. In this context, inaction relates to the lack of reporting but also assumes that the individual research participant (a) observed the wrongdoing, (b) recognized it to be wrong and (c) was sufficiently concerned about it to have to decide whether to act or not.

whistle concerning government corruption (Su, 2020).<sup>69</sup> I trust that the findings of my research and conclusions help to reduce this deficit of knowledge.

The lack of research into bystander/ inactive reporting is understandable for very pragmatic reasons. There are three major obstacles for the researcher to overcome:

firstly, *non-reported incidents of whistleblowing*. Few organisations, if any, are likely to publicise internal wrongdoing, incidents of successful whistleblowing or non-reports which might incur personal or corporate reputational damage. Nobody likes to talk about things that have gone wrong and thus, finding case studies to research is difficult;

secondly, *limited access to non-reporters*. Where wrongdoing is identified and publicized, few individuals, if any, are willing to identify as non-reporters. Nobody likes to admit that they could have done something good but didn't (Sanderson, 2020). Thus, identification of knowledgeable participants is very difficult;

and thirdly, *reluctance of compromised or complicit perpetrators*. Admission of non-reporting as a bystander or a minor (secondary) principal in the wrongdoing carries the additional implication of complicity to the principal perpetrators of the wrongdoing. With this comes a burden of guilt and shame, which is not readily volunteered (Sanderson, 2020). This manifests itself as the 'loss of Self' since nobody wants to be seen as bad (Stein, 2018). Thus, persuading possible participants to volunteer is very challenging.

All of these factors are exacerbated in the government environment. They are accentuated more so by their proximity to international politics and Politically Exposed Persons (PEP), such as current or recent political leaders or members of a royal family. For them, public attribution or implication in corruption might have catastrophically embarrassing consequences.

Quantitative methods dominate in studies of whistleblowing, using surveys which dichotomize variables into reporting or keeping silent. In reality, resistive responses are

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<sup>69</sup> Su quoting Mesmer-Magnus & Viswesvaran (2005), Bashir et al (2011) and Lavena (2016),

more varied than a simple binary ‘speak or silence’ solution and include workplace resistance strategies such as lethargic response, work-avoidance and even sabotage (Mansbach, 2011; Elliston, 1982), or in guerrilla actions as described by O’Leary (2014). More research is needed to describe and explain these alternative responses to observed wrongdoing in place of actual whistleblowing.

Huntingdon (1957) remarks that ‘the military were only bound to obey legal orders, but that they held it was not for them to judge their legality’. Research into military obedience to orders from superiors has tended to concentrate on the combat environment or atrocities committed upon non-combatants by the military (Osiel, 1999) and is concerned with conflict situations not peacetime procurement projects. But we still have military organisations with command and management structures, influences, policies, rules and regulations that continue to operate after conflicts have been resolved, albeit in slightly different ways (Beevor, 1990). In these cases, persuading people to act in a co-ordinated fashion to achieve the overall aims of the organisation remains a key objective. Little has been done to research peacetime cases where political, economic, technical, or strategic arguments have persuaded senior military officers and civil servants to suborn their personal moral or legal values in order to allow illegality (corrupt payments) in propagating a (procurement) contract<sup>70</sup>.

Research and analysis of the SANGCOM Project offers a well-defined case study, readily identifiable perpetrators, and non-reporting group members, offering a chance to gain an insight into the competing loyalties and pressures that principals consciously, and unconsciously, may have experienced. In short, this is a rare opportunity to overcome the obstacles of identification, access and persuasion to participate that normally confront researchers in this field. I believe that it presents the prospect of an original and unique contribution to the body of knowledge.

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<sup>70</sup> It is more likely that there is no actual overt persuasion needed. Rather there is a recognition of the primacy of the politician and the ‘political reality’ that is the dictating reason for such activities. Frank resistance is likely to result in sudden career termination with all the personal ramifications that entails and thus, senior officers stifle their qualms, avert their eyes and get on with implementing their political masters’ will.

Research design and a plan for this project was completed between August 2019 and September 2020. The aim of the project was to research how individual public officials arrive at key decisions when faced with significant ethical challenges, and specifically fraud and corruption. Based on a research design of Descriptive Phenomenology, I conducted ‘insider research’ using the SANGCOM Project as the case study because I was firmly positioned within the context of the Project<sup>71</sup>. I was particularly interested in how senior military officers and civil servants balanced the cultural, economic, legal, moral, political, social, and technical arguments confronting them, and how they reacted when they perceived that wrongdoing might be happening in the Project. I was also keen to find out if they were specifically appointed to their roles due to prior character or personality profiling by Personnel Branches, and whether any external pressures were actively or passively applied that might have influenced their decisions. I recognise that arriving at their decisions involved something of a journey, so I was also interested in how the stages in that journey were experienced by each individual and how they feel about it today. Finally, I wanted to explore the individual’s identification of the ‘the Whistleblower Dilemma’, his consideration of it, and how it shaped his decision-making and eventual response to the ethical challenge confronting him<sup>72</sup>.

I proposed to undertake a case study into the motivations of the senior British military officers and civil servants in the SANGCOM Project to research in detail the reasons they put forward to explain why they did not speak up when they could and might have been expected to do so. I further sought to trace back through their reasoning to identify the dynamics in play and, if possible, the root causes underlying their inaction.

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<sup>71</sup> As Costley et al (2013:2) note: ‘When researchers are insiders, they draw upon the shared understandings and trust of their immediate and more removed colleagues with whom normal social interactions of working communities have been developed.’ Strictly speaking, I was no longer an ‘insider’ because I was no longer ‘inside’ the military or GPT. However, after 24 years as a regular army officer one never really leaves the service and it was apparent from the reaction of my former military and civil service peers that they too seemed to consider me an ‘insider’ within their community of practice and responded to me as such, as my later reflections will observe.

<sup>72</sup> Note that ALL of the interviewees/participants, categorized as *intimate, peripheral and cognoscenti*, are male. There is no deliberate or unconscious gender bias meant on my behalf; any discrimination is due to the external political and cultural constraints for the environment at the time. It is particularly difficult for foreign female military officers and civil servants to operate in the environment of the Kingdom of Saudi Arabia. At the time of writing, I am unaware of any female UK-based civil servants who might have participated in or on the fringes of the SANGCOM Project.

My research question therefore was:

**Why did military officers and civil servants stay silent when challenged by corrupt practices in the Saudi Arabian National Guard Communications (SANGCOM) Project?**

It incorporated and combined two main approaches. Firstly, an analysis of documentary evidence, if it could be discovered and accessed, to show the historical foundations and, if possible, the structural agency of government departments, commercial entities and authorising bodies / personnel in describing the processes and practices within the case study. Here, I was interested in identifying structural aspects which addressed: systematic processes of regularisation / normalisation of behaviours to exert pressure, actively and/or passively, on individuals to conform to (dubious) political policies; the influence of key public servant / political decision-makers in positions of authority and, the identification of procedural behaviours to influence subordinate behaviour to modify their natural instincts to resist an ‘official line’. I extended this to include other behavioural nuances such as the disruption to the status quo, peer to peer acceptability, legal / audit review and advice and a presumption of (military and Civil Service) superior officers’ implicit acceptance and authorization.

Secondly, a descriptive phenomenology, with the researcher positioned as an Insider to gain ‘privileged’ access to a small number of the participants who were treated as a discrete group (Military and Civil Service). This allowed a description of their ‘lived experience’ with identification of themes and idiographic generalizations to show how the particular phenomenon of corruption and its disclosure (or not), is perceived and experienced by the individual – and identify their personal agency and, if possible, their reasons for it. Here, I was interested in identifying personal aspects which addressed the individual issues of moral dilemma, decision-making processes when faced with ethical challenges, the ‘special’ position of Public Servants responding to the pressures of obedience to commands in peacetime (procurement) scenarios, especially in Defence procurement in a highly important strategic/political context: (the Kingdom of Saudi Arabia),

The early elements of the research (the why and how interviewees acted - the Whistleblower Dilemma), required an inductive style, building a theory on the empirical findings of interviews. The latter part describes how that fitted into the organisational and environmental context - the Whistleblower Paradox, and tended to be more deductive in analysis and conclusion (Harrison, 2001). My experience to date indicated that there is no single answer to this problem and therefore I needed to enquire of those placed in that invidious position, record their multiple responses and interpret them to discover the reality(ies) of their situations. To understand why key public servants take a particular decision when faced with ethical challenges requires that we are aware of their experience and culture and the other pressures and influences that bear down on them. We need to recognise that they don't just potentially see the world differently to us but experience it differently too. (Crotty, 1998). Social theorists generally agree that any valid account or explanation of a social situation must respect the perspectives of the actors in that situation, although it need not be centred on that perspective (Bohman, 1991; Harré, 2006; Menzel, 1978). The meanings and constructions of these actors (my research participants) are part of the reality that their accounts must be tested against in order to be interpretively, as well as descriptively, valid. Thus, there was a biographical as well as narrative element to the interviewing process since we must recognise both the internal factors (personal values, upbringing, education, experience and training) as well as the external factors (competing loyalties (to the organisation, colleagues and family) that shaped their decision-making processes (Maxwell, 1992).

Van Manen (1996) described the Hermeneutic (interpretative) approach by identifying four live-world existentials that are implicit in understanding the lived experience: temporality (lived time), spatiality (lived space), corporeality (lived body) and sociality (lived experience). This approach seemed particularly apposite for a case study which naturally lent itself to a mix of qualitative and quantitative approaches (Yin, 1989). The changing social and commercial factors, over the 32-year duration of the SANGCOM Project, gave rise to an element of temporality; the differing regional and business cultures experienced between Middle Eastern and European actors added the element of spatiality; and the structural routines, practices and social mores experienced corporately and individually, gave rise to narratives of the lived body and personal experience.

Loyens and Maesschalck (2014) argue that qualitative methods like in-depth interviews (Vandekerckhove 2006) seem particularly useful to study the wide array of possible responses to observed wrongdoing, and thus ideally enable a study of real-life behaviour. In sensitive and potentially vulnerable interviews, mutually understood subtle nuances (micro-signals) are present, including body language, animation and direct or averted eye contact besides the ‘coded’ terminology understood by both participant and researcher. I believed that such techniques could provide more insight into why and how senior staff members use alternative sources of power to enforce silence and also illuminate the differing methods used by those lacking formal power to resist or demonstrate their disagreement with organisational wrongdoing. This could be followed up in future research by quantitative surveys, as was accomplished in the seminal ‘Whistling While They Work’ project in Australia (Brown, 2008).

I wanted to move beyond the classic ‘report or keep silent’ dichotomy to explore the chain of cause-and-effect relations, and try to identify the causal mechanisms in operation, which would allow me to describe how and why key decision-makers decided to keep silent, considered speaking up but succumbed to either subtle or real pressure to retain silence, effected a compromised resistance, or blew the whistle. Steel (2007) argues that process-tracing is particularly suitable to detailed narratives and I believed that, along with biographical techniques for data collection, it was an analytic method that aligned well to the research I intended to conduct. The ‘process tracing’ methodology I decided upon was Root Cause Analysis (RCA) which originated in the Toyota production process (Ohno, 1988) and was then developed in the scientific and engineering field<sup>73</sup> primarily for identifying the root causes of system failure (Ishikawa, 1985). It recognises that in any system failure, as in the failure of people to speak up when they could or should, the visible problem is merely a symptom of an underlying first or second level cause or mechanism

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<sup>73</sup> My first degree is/ was a BSc (Hons) in Applied Science from the Royal Military College of Science, Shrivenham focussing on telecommunications (with a dissertation on ‘the effects of nuclear radiation on audio-visual signals in fibre optics’). Root cause analysis of failure mechanisms was a key element of this study and thus I was aware of its possible application in an area (social and political sciences) where it might not have an obvious history of use.

and tracing back eventually leads to the root cause of the failure. As will be described later, I believe that this is exactly what happens in cases such as this.

To research how and why something happened, one has to know what originally happened, who might have known about it, where they stood in the organisational hierarchies, understand the relevant information flows and explore the political, social and economic pressures acting upon them to determine what they did about it. The researcher then has to locate and persuade those '*cognoscenti*' to overcome their personal concerns to participate in the research.

The research investigated a unique case study into the motivations of senior bystanders in the military and civil service chain of command for the SANGCOM Project. The case study was purposely chosen (Bryman, 2008) to incorporate voluntary participants from within the history of the SANGCOM Project in order to determine what factors affected collusion and cover up of the wrongdoing over the 32 years of the Project. It was conducted using Insider Research (Costley, Elliot and Gibbs, 2010; Kirpitchenko L and Voloder L, 2014) but also entailed a reflexive quasi-ethnographic element<sup>74</sup> (Davies,1999) which considered the military and civil service as a specific community embedded in institutional culture. This entailed the examination of the behaviour of the participants in a certain specific social situation and, essentially, an understanding of their interpretation of such behaviour, leading to the development of an understanding of the various drivers and constraints that shaped that behaviour. (Geertz, 1973, 1988; Dewan 2018).

I based my approach on semi-structured interviews and it was therefore necessarily both qualitative and interpretive, looking for themes that indicated systems or practices used over a prolonged period of time. I recognised at the outset that research data was likely to form the foundation of my theory and that my analysis of that qualitative data would probably generate the concepts I constructed around how and why public servants choose to blow the whistle - or not (Charmaz, 2006). I was guided in the interview approach by Richards'

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<sup>74</sup> I do NOT classify this as ethnographic research *per se*. Rather, there were behavioural aspects which described collective behaviours of each military/ civil service/ commercial group which seemed to distinguish them from the other groups and I have therefore referred to them in the text as quasi-ethnographic groups.

(1996) views on 'elite interviewing' recognizing that those military and civil service participants formed an 'elite' group through their privileged positions in the formulation and execution of policy and procedures within the SANGCOM Project. They are all members of a 'closed' group within the Defence community with knowledge of and qualification in Defence procurement policy and procedures, Defence communications, acquisition and relationships with commercial entities, viz: Defence oriented Prime Contractors and Sub-contractors and, for an even more elite group, relationships between the UK and Saudi Arabia. I followed Richards' explicit advice on not using a questionnaire and sticking to it rigidly, but adopting a semi-structured approach, referring to an aide memoire as the interview developed to ensure that all topics were covered. Interviewees were recruited using purposive sampling (Bryman, 2008), based on my prior knowledge of possible participants within the Project and access to a wide range of contacts within the Royal Signals Association and related personal, social and professional networks. All interviewees were independent of each other, and interviewees were asked not to discuss the content of their interviews with other prospective subjects nor collaborate on their personal contributions. I did not inform interviewees of whom I had interviewed, or who I intended to interview, for two purposes: to ensure that their contributions remained as independent as possible and to guarantee their anonymity as far as possible. Virtual snowball sampling techniques were used to expand on participants who are already known based on extant connections in the Army, the Civil Service and Industry.

Qualitative research almost always involves some sort of inference because it is impossible to observe everything, even in one small setting, and therefore it was important to widen the sample as far as possible. Interviews were "purposeful" (Patton, 1990) in order to make sure that we could adequately understand the variation in the phenomena of interest in the setting and to test developing ideas about that setting by selecting phenomena that were crucial to the validity of those ideas (Maxwell, 1992). Interviewees were categorized into (1) those '*intimate*' to the conduct of the Project, who would have taken an active operational role, responsible for the conduct and execution of the project, and therefore to whom visibility of wrongdoing should have been possible; (2) those '*peripheral*' to the Project, who might have had direct or indirect influence or other command relationships to those within the Project and (3) those senior military officers or civil servants, who were '*cognoscenti*',

understanding the environment of the Project, reaching up into the national strategic and political arena, and understanding of the subtler nuances that affected decision-making at the highest levels of government, who may submit their similar experience as corroborative research data. This allowed the relatively narrow pool of samples available from category (1) *intimates* to be expanded and generalised through those who, by virtue of their similar experience or ‘arm’s length’ observation of the Project or similar projects, offered relevant data in categories (2) *peripherals* and (3) *‘cognoscenti’*.

One of the major problems encountered in research of this kind is access to interviewees who are willing to participate. Firstly, one has to determine who the relevant interviewees are from the limited range available; secondly gain access to them; thirdly, persuade them to participate and overcome any guilt induction or feelings of legal vulnerability; fourthly ensure the veracity of what they say (as far as possible), and finally, interpret and relate their input to other data to produce a meaningful output. I had a number of particular connections and factors that allowed me very privileged (unique?) access to these individuals, that would not ordinarily be available to other academic researchers:

firstly, I knew them personally and in some cases was even at school, Sandhurst or university with them;

secondly, for many of them, we shared a particular regimental (Cap Badge) history and in most cases I had served alongside these individuals over the past 30 years;

thirdly, they knew my stance as a whistleblower and its particular relevance to them in this case study;

fourthly, they understood the particular (unique) circumstances that drove me to blow the whistle, most notably the unfortunate impact of my father’s predicament and how it had impacted upon my professional military career, and thus they should have been able to differentiate my actions from their own without feelings of comparative guilt. Indeed, this was well demonstrated during the interviews,

and finally, many of the interviews took place in parallel to the trials of Airbus, GPT, and its executive directors, with participants very aware of the history of the Project, their part in it, my disclosure of the corruption and that it was all now becoming public.

## **4.2 Ethical Issues**

I was aware that this case study would involve researching sensitive and emotionally demanding issues which may have induced feelings of guilt and denial within interviewees. Participants who did not report wrongdoing might also have felt legally or reputationally vulnerable and thus, the anonymity of contribution and confidentiality of information needed to be absolute and guaranteed, as far as legally possible, prior to interview. Direct quotes have been referenced in order to position and qualify them but (hopefully) without revealing participants' identities. This required not only a process for anonymising interviewee identity and contributions through renaming and nominal 'cloaking' but also the removal of 'intelligence identifiers' from within the body of data, and indeed this thesis, when completed.

Interviewees were considered as vulnerable and the subject matter as sensitive, so ethical protocols were carefully applied in accordance with the University of York's Code of Practice and Principles for Good Ethical Governance (UOY, 2017). This included providing a participant information sheet detailing right to withdrawal, data protection, and consent, as well as ensuring findings were/are presented in such a way that no individual could be identified unless they had expressly agreed otherwise. Proper approval was sought from the Ethics Committee prior to the commencement of any interviews to ensure that the methodology was benchmarked with ethical standards of organisational and professional codes of good practice. Utmost efforts were made to safeguard interviewees' identity and contribution, but because my sample was necessarily small, in the region of 10s, not 100s or 1000s as might be found in some research studies, there was/is a limit to the extent that total anonymity could be guaranteed.

I recognised that if I was compelled to disclose information for legal reasons, I must do so but only after close co-ordination with University Authorities and having informed interviewees of this before I took any further action. A copy of the Letter of Consent to

Participate in Research Study and accompanying consent form used in the study is attached at Annex B. No organisation had direct access to the raw data or findings. Senior academic staff who provided me with supervision and guidance were aware of the seniority, appointment and relevance of interviewees across the breadth of the research interviews and were given access to fully anonymised accounts of interview material during the analysis and reporting of the study but were not given access to any information by which they could identify participants.

Interview audio recordings and transcriptions were labelled only by a code. I was the only person who could link the code to a specific participant. An electronic version was saved on a password-protected file to which only I have access. All paper documents relating to each interview were anonymised, coded and held in a lockable filing cabinet, separate from the key to the code.

Gaining ethical clearance for conducting research within this Project was complicated by the fact that it was not just historic but that it had/has a current and ongoing court case (at the time of writing/ publication)<sup>75</sup>. The ELMPS Committee raised concerns about the possible physical, legal and reputational vulnerabilities of participants, researcher and the University. A research strategy was devised which allowed research to commence in August 2019 with participants categorized as Phase 1 (*Cognoscenti* or *Peripheral*) and Phase 2 (*Intimate*) depending on their role within the Project environment (Strategic / Organisational) or within the Project itself (Operational). Consent was granted for Phase 1 research to establish the ethical environment in which the SANGCOM Project was performed through a document search and interviews with senior policy makers, who had no part in the SANGCOM Project, and who were not going to be called as witnesses within the court case. Agreement was reached with the Serious Fraud Office (SFO) for an interview protocol clarifying with each participant as to whether they were subject to SFO interview or warning as a potential witness. Such participants were deferred to Phase 2 research which

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<sup>75</sup> The judicial process took place in three parts: (1) Deferred Prosecution Agreement between the SFO and Airbus Group (31<sup>st</sup> January 2020), (2) Conviction of GPT for corruption (30 April 2021) and, (3) Preliminary Hearings (Jan – March 2021) and Trial of GPT individuals (May 2022). The last trial was stopped in mid July 2022 and a retrial ordered due to difficulties with the timeliness of disclosure of evidence. It is due to commence in October 2023.

was then subjected to further ethical clearance from ELMPS on conclusion of any prosecution by the SFO or MoD Police.

### **4.3 Methods and Conduct of Research**

Accessing documentary evidence was extremely difficult. The relevant government agencies, MoD, Defence and Security Organisation (DSO)<sup>76</sup> and Cabinet Office were particularly unhelpful. The only SANGCOM Project documentation that was made available was that which I already had access to concerning project specifications, correspondence and commercial documentation which formed part of the whistleblowing evidence provided to the Serious Fraud Office. Historical documentation describing the establishment, structure, responsibilities and processes was sourced from the Journal of the Royal Corps of Signals (Cary, 2003, 2006), and a key reference ‘Deception in High Places’ which provided a detailed description of the civil and diplomatic service correspondence cataloguing the discussions concerning the establishment of the dubious practices from 1978 onwards (Gilby, 2014:174-178)<sup>77</sup>. Articles of investigative journalism conducted by Private Eye (Brooks and Bousefield, 2014, Brooks, 2022) provided further evidence which was qualified by the Sentencing Remarks (Regina, 2021), from the GPT trial which were released by the Crown Court under license but which are not for public consumption until after the trial of the individuals in late 2023. I obtained a copy of the latter documents from the courts through my solicitors. These documents supplemented the interviews and, since many of the historical project personnel were unavailable or refused to participate, provided the first real proof of the part played by HMG departments and personnel in facilitating the corrupt payments. Thus the knowledge of the SANGCOM payments within government departments was proven comprehensively based on properly researched, credible evidence, qualified by the information offered in my research interviews.<sup>78</sup>

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<sup>76</sup> Originally a division within the Business Department but lately re-organised to be part of the Department of International Trade.

<sup>77</sup> Gilby conferred with me directly in the composition of his book in 2013/2014 giving me access to his findings in exchange for access to my account and documentary evidence about the SANGCOM Project.

<sup>78</sup> The judicial process is ongoing at the time of writing/ editing of this thesis. Further information has already been revealed in the trial of the individuals (May-July 2022) which has necessitated a retrial in April – June 2023, and therefore which are likely to outlast the

Phase 1 interviews were conducted between August 2019 and October 2020 in a place of the interviewees' choosing in order to allow them to feel as relaxed and comfortable as possible. With the onset of the COVID Pandemic in March 2020, this was modified to make best use of video interviewing over recorded Skype and Zoom sessions. All participants were asked and confirmed their agreement to the recording of interviews<sup>79</sup>. There was obviously some loss of non-verbal signalling for these latter remoted sessions, but I do not feel that the richness of the data acquired suffered to any significant extent. Interviews were aimed at lasting about an hour and were audio and video recorded when possible, with complementary contemporaneous notes taken to supplement/illuminate the record. A copy of my guideline for the semi-structured interview questions is at Annex C.

Interviews followed a semi-structured format, beginning with a formal statement of who the participant was and why their evidence was pertinent to the research, followed by an interview schedule of topical questions. This enabled sufficient structure to facilitate data analysis and provided a consistent approach across all research interviews, but still retain sufficient flexibility for participants to respond fluently and in context (Whittaker, 2009).

Qualitative analysis was carried out using the NVivo software program and through open thematic analysis of interview transcripts (Cuervo-Cazurra et al, 2016) followed by in-depth analysis of emergent codes (Gioia, Corley and Hamilton 2013). Emergent (interim) findings were presented to stakeholder / peer audiences at a Symposium organised by the University of York<sup>80</sup>, held online due to the COVID pandemic, on 10<sup>th</sup> July 2020 and further online workshops and panel discussions held variously throughout 2021 and 2022<sup>81</sup>. Feedback from a variety of respondents helped shape the analysis and process-tracing (George and

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allocated period of this research and composition of this thesis. Thus, the path is laid for further post-doctoral research to qualify the key findings in this research.

<sup>79</sup> There was one exception: this interview was conducted over an international telephone call and by request of the participant only handwritten contemporaneous notes were taken of the views expressed during the interview.

<sup>80</sup> An audio-visual record of the Symposium, including all presentations and workshop discussions is held online at <https://toblowthewhistleornot.org>

<sup>81</sup> CONVERGE20 online conference, Europe and USA (7<sup>th</sup> /8<sup>th</sup> October 2020), White Rose Doctoral Training Centre (27<sup>th</sup> May 2021) 35<sup>th</sup> Cambridge International Symposium on Economic Crime (CISOEC) (8<sup>th</sup> Sept 2021), INSEAD (22<sup>nd</sup> Sept 2021), BRF Integrity Week (3<sup>rd</sup> Mar 2022), 8<sup>th</sup> Anti-Corruption Conference Oslo (9<sup>th</sup> June 2022).

Bennett, 2005) of the data on an 'Ishikawa fish-bone diagram' leading to the development of the dynamics of individual silence and definition/analysis of root causes (Ishikawa, 1985).

The difficulty in accessing whistleblowers is well recognised: this is truly exacerbated when attempting to access those peripheral to a whistleblower, and especially those who were knowledgeable of a wrongdoing but who did not act. In this case study the overall pool of possible participants was always going to be limited to those with understanding of the confidential / sensitive subject matter, experience of the environment and knowledge of the SANGCOM Project itself. The pool was further limited by the ability to locate and access possible participants and then persuade them to take part. Overcoming competing loyalties to their respective (tribal) organisations, current and former colleagues and a perception of possible complicity, personal vulnerability and reputation all played a part in the agreement to participate – or not.

The interview is a social situation and inherently involves a relationship between the interviewer and the interviewee. Understanding the nature of that situation and relationship, how it affects what goes on in the interview, and how the interviewee's actions and views might be modified by the setting and interpersonal relationship was crucial to the validity of accounts gained. (Briggs, 1986; Mishler, 1991).

My research strategy was to demonstrate from documentary evidence that the dubious practices were in place for some time, and if possible from the outset of the Project in 1978, and then gain sufficient participants in Phase 1 interviews to discover whether (1) sufficient knowledge of what was actually happening in the SANGCOM Project existed; (2) whether those in a position to know, would confirm as such and offer their reasons for not disclosing the fact to the relevant authorities; (3) whether the higher 'chain of command' were aware and (4) what their views were on any disconnect between official policy/ codes of conduct and the reality of systemic non-disclosure. Phase 1 research consisted of a total of 37 in-depth interviews. Two further participants offered informal information / views via email/text but declined to participate formally. Two participants contributed notes but declined to give an interview because they were still resident and working in the Middle East. One participant gave a full and frank view and then withdrew all participation after

consideration<sup>82</sup> and one participant sadly died after giving his contribution and before publication of this thesis.

The series of Phase 1 interviews (n=41) was carried out between August 2019 and September 2020. Of these, 15 participants had direct experience within the SANGCOM Project and 26 participants had experience in the strategic/ political sphere in the chain of command superior to the SANGCOM Project. The range of participants and their relative expertise is described in the table below<sup>83</sup>:

<b>Sector/ Expertise</b>	<b>Military</b>	<b>Civil Service</b>	<b>Commercial</b>	<b>Combined expertise</b>
<b>Military</b>	5	6	20	<b>31</b>
<b>Civil Service</b>	6	3	3	<b>12</b>
<b>Commercial</b>	20	3	4	<b>27</b>
<b>Totals</b>	<b>31</b>	<b>12</b>	<b>27</b>	

Participants ranged from a Prime Ministerial Senior Advisor on the Middle East, a General who commanded the British Army, members of the Army Board and senior members of the Ministry of Defence and Cabinet Office concerned with Defence equipment procurement, personnel management, codes of conduct and officer training. These very senior participants were complemented by previous Commanders, Project Directors and staff of the SANGCOM Project, and senior executives in commercial and professional Defence and security sector organisations and relevant law enforcement organisations. The responses offered a very rich and well-informed wide ranging view of the conduct of the Project, its procedures and mechanisms and the strategic/ political environment in which it operated.

Thus, I believe that whilst the sample was relatively restricted, it was highly knowledgeable and more than sufficient to produce a saturation of data to explain what was occurring and why. I accept that the bulk of participants were ex-military due to the range of my network

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<sup>82</sup> ... and under pressure from his spouse who was concerned for the wider implications and vulnerabilities of his participation. This will be discussed in later Chapters on Findings and Agency since the influence of spouses/ family implications are relevant as to why individuals do NOT act.

<sup>83</sup> Two politicians were also interviewed and have been included in the totals for civil servants since their expertise was more relevant there than in categorisation as military or commercial. The percentages of mixed expertise gave an interesting illumination of the 'revolving door' of secondary career employment for military and civil service officers.

of contacts and the willingness/reticence of participants to engage in this research. It is possible that further (post-doctoral) research might widen the civil service range of participants once the judicial process is fully complete and they are more able to contribute without fear of (formal or informal) reprisals. However, the research produced a wide range of reasons as to why those who knew about what was happening did not speak up when they could have done so. And that was the primary purpose of the Case Study. Thus, I believe the adopted research methodology was both appropriate, successful and contributed to the body of knowledge about insider research methodologies.

A Sources List is attached at Annex A. It constitutes an anonymised list of interviewees modified to give anonymity to participants, but I have retained a description of their function in order to demonstrate the complementary nature of their recruitment and contribution to the research data. I also noted their attitude to me as the interviewer and accordant willingness or reluctance to offer information.

Some things are out of the control of the researcher. In this project the avoidance of prejudice to prosecution of the court case became of paramount importance and a limiting factor. A three-year delay in gaining the Attorney General's consent to prosecute and a complication over a parallel Deferred Prosecution Agreement (DPA) with Airbus Group further delayed prosecution of the court case until 2020<sup>84</sup>. This was exacerbated by additional delays in the judicial process caused by the COVID-19 Pandemic which insinuated a proposed trial date of 2022. Thus, it became unrealistic to conduct Phase 2 interviews within the reasonable research timescale of this PhD and, whilst it would have been good to have more confirmatory Phase 2 interviews with project *intimates*, I considered that I had sufficient data to show the root causes of NOT speaking out to be able to prove my thesis. I managed to conduct the key Phase 2 interviews when it became legally possible, and there is always

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<sup>84</sup> My original disclosure initiated in part a criminal investigation which resulted in the Airbus DPA. This uncovered another 10 cases of massive corruption, resulting in a €3.6 billion fine, replacement of the whole Senior Management Team of Airbus Group, along with over 100 senior management executives in Airbus Group's Sales and Marketing International organisation, complete overhaul of Airbus Group Compliance Department, and a raft of other remedial measures including the imposition of legally imposed external mentors and independent oversight. It was revealed that Airbus Group had even instituted a discreet section within its Sales and Marketing International organisation to administer and facilitate the payment of corrupt monies to overseas agents; this unit had its own general counsel and compliance officers who provided a façade of compliance documentation to cover up what the subsidiary companies were actually engaged in. Most notably, many of the reasons proposed in my research can be carried across into these parallel contracts and further investigation into the wider Airbus Group mechanisms and the social, political, and economic pressures acting at the time would be a very fruitful area for further research.

the possibility of conducting further Phase 2 interviews as post-doctoral research to supplement the original work if it is necessary.

Richards, (2016:202) recommended that interviewing ‘elites’, and especially those in unique positions of power or with information and influence central to the research, should be interviewed last since access to them is likely to be a unique occasion. This accorded well with my phased research approach which allowed a body of understanding to be acquired before reaching out to those who, by reason of their position and in protection of their reputation, might not otherwise have been so forthcoming. Social cues appeared to have some effect on what participants highlighted as salient in their narratives, and our common service experience was particularly noticeable in this regard. This was reflected also in how they framed the causal factors in terminology that offered parity in integrity and credibility for alternative courses of (in)action that they had chosen, and which might be justified in public. Retention of public reputation and self-esteem were, I believe, vital to the conduct of interviews and reported outcomes.

I was surprised by the number and range of answers supplied by participants to explain why they, or those they knew involved in the SANGCOM Project, remained silent when they might have spoken up. It became apparent quite early in the research that this was NOT a straightforward binary choice to Speak Up or Don’t Speak Up: it was actually a very complex issue with a wide range of influences that affected whether or how a disclosure might be made. Even then, there were layered nuances within many of the other explanations offered which influenced the mechanics and extent of disclosures. A second early observation was that the reasons proffered and explanations behind them often hid the real cause: there was a truth beneath the truth. Getting to it was akin to a dance, choreographed to allow procession to an agreed conclusion, but with a careful step by both parties to avoid treading heavily on toes and causing such discomfort that one party leaves the dancefloor, angry at the clumsiness of the host and unwilling to continue the date.

I initially organised the explanations proffered into three areas:

firstly, those reasons which participants were content to offer up openly;

secondly, those reasons which participants offered to explain their actions and/or the actions and response of the organisation and their professional colleagues, and

thirdly, those reasons which participants would not openly state, but which might be inferred from their responses.

In determining the organisation, I considered: who I was interviewing, the basis of our relationship; the formal 'power' balance (rank/appointment/reputation); the implication of admission of prior knowledge of wrongdoing and their response to it, and the retention of self, organisational and public esteem. Five factors appeared to affect what and how they revealed their reasoning to me:

firstly, all of them were aware that I was the whistleblower as well as the researcher;

secondly, all of them were aware of my family history and how it might have affected my own actions, which gave allowance to them for taking different courses of actions;

thirdly, all of them were aware that we shared common training, experience, knowledge of Defence procurement processes, formal codes of conduct with a common behavioural understanding and a shared range of contacts and ongoing relationships;

fourthly, all of them were assured of personal anonymity insofar as formal legal procedures allowed,

and finally, responses varied according to whether participants were retired, still employed by the civil service/ military, or employed within the private sector (predominantly the Defence sector).

The differentiation of reasons appeared to be governed by a perception of complicity, and therefore possible guilt, the retention of self-esteem and public reputation and a wish to maintain the balance of the personal relationship. Most participants were from within the military and related commercial sectors with direct knowledge of large-scale government projects, Defence procurement, international (specifically middle eastern) relations, and strategic/political considerations both from within their service and secondary commercial

or civil service careers. Significantly, I have known most of the participants between ten and forty years: Davies (1999: 71) notes that ‘the hallmark of personal observation is long-term involvement with those being studied, including participation in their lives to the extent that the researcher comes to understand the culture as an insider’. I believe that I was ideally, if not uniquely, placed to research the causality of individual silence because I was an insider within the project itself, and because I was a recognised member of the military ‘tribe’ who formed the core of those involved in it.

Within the case study there was a natural gender bias. There were only three women involved<sup>85</sup> and I posit that it was not in the personal interests of any of them to speak up about what was being enacted, even if they knew about it and had access to sufficient evidence to disclose and then prove any allegations, and/or would also agree to participate in the research. Research has been conducted into the effect of gender in whistleblowing, which found that women are more likely to blow the whistle than men (Brown 2008, Miceli et al 2012) but there was no evidence to support or contest its findings from within the range of participants interviewed within this case study because the female population within the range of prospective participants was so sparse. It is worth noting though (Agostinho and Thylstrup, 2019) that whistleblowing is problematically gendered, in particular in its relation to power (Maxwell, 2015). Exploring Foucault’s interpretation of parrhesia, in order to speak truth to power one must appear distant from power so as to guarantee one’s credibility, but also be invested with some degree of political power so as to render one’s truth significant (Maxwell, 2018). However, given a distancing from power as found in organisational ‘inequality regimes’, based on persistent issues of class, gender and racial inequalities, it is not surprising that women do not often populate whistleblowing cases (Acker, 2006). Research by the All-Party Parliamentary Group (APPG) on Whistleblowing (APPG Whistleblowing, 2020) found that compared to male whistleblowers, female whistleblowers are more likely to report health issues, less likely to have legal representation

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<sup>85</sup> There was a fourth woman: Helen MacNamara, Director of Ethics and Propriety, Cabinet Office with responsibility for governance of Civil Service behaviour and practices, who repeatedly declined to participate or delegate or authorise any responsible person to speak about these issues in this study. I ascribe her reluctance to her Civil Service standing not her gender. In spring 2020, MacNamara was promoted to become the Deputy Cabinet Secretary, a permanent secretary-level role leading the Cabinet Secretariat group in the Cabinet Office which advises the Prime Minister on the operation of the Cabinet, the machinery of government, propriety and ethics and Ministerial codes.

(i.e. a greater inequality in arms between the litigating individual and the defending organisation) and, even when a judge upholds the protected disclosures, women are less likely to see their unfair dismissal claim upheld. Organisations still operate within a heterosexual matrix that not only inscribes normative gendered and sexual identities, but also limits the kinds of subjectivities available to individuals (Kenny, 2018). This was certainly so within this case study because, due to a combination of social, political and organisational biases, there were few opportunities for women to feature in roles within the SANGCOM Project in any of the military, civil service or commercial entities and thus become whistleblowers.

#### **4.4 Treatment of results**

One of the complexities of these interviews was in determining the authenticity of the information or views provided. I hesitate to say that I was not told the truth, but in some cases I certainly felt that I was not told ‘the whole truth and nothing but the truth’. There was wide acknowledgement of the moral complexity of the problem but there was little sense of ‘guilt’ or loss of self-esteem, and where it did occur an explanation or reason for not acting was immediately substituted. These formed the basis of the bulk of reasons offered for remaining silent which will be discussed later, but what I think is important to note is that they are not always the real reasons – the ‘truth beneath the truth’ leads to the root cause for either the action or the inaction and one has to burrow down to find it.

My categorization of reasons was based on an assessment of a number of factors present in ‘live’ interviews including not only the verbal answers, but the ‘micro-signals’ mentioned above. The use of video conferencing over Zoom or Skype was particularly useful in this regard, since it allowed the playing and replaying of interviews to catch pauses matched to shifts in body language or facial tics to illuminate the framing of an explanation that would not have been possible in ordinary interviews and analysis of audio transcripts. In this regard, I am thankful for the prolonged restrictions caused by the COVID crisis which inadvertently caused more interviews to be conducted by video than might otherwise have occurred. I then compared answers to the same questions looking for emergent themes, patterns and corroborative answers out of which I created codes (NVivo ‘nodes’) to show

concentrations of explanations and from whom and where they emanated. I have listed these at Annex D.

From an initial set of 48 codes, three major groupings presented themselves differentiated by how they were presented as reasons for remaining silent. A second order analysis presented eight major indicators around the themes of strategic/ political, social/cultural, organisational culture, organisational intimidation, operational systems, complicity /criminal, inductive behaviour (fear) and deductive behaviour (futility). I then worked on these themes, presenting my interim findings at industry, academic and policy-oriented events to develop and refine my thinking to indicate a third order of grouping which indicates higher levels of interaction. I have termed these as 'Realms of Influence' at different levels: the External (Strategic, Political and Economic) level, the Operational (Corporate and Governmental Departmental) level and the Internal (Individual) level.

My first order of grouping describes why responses were varied. I categorized responses broadly as follows:

- (a) 'Stated Reasons': those reasons that participants were comfortable to share without much persuasion. They were obvious, easily demonstrated, and not personally threatening in terms of reputation, esteem or liability. They also appeared to emanate from two extremes: a contextual, global view incorporating strategic, economic, political and social / cultural views and a very personal / individual behavioural view that was very pointedly based on fear, vulnerability to reprisals and a perception of ineffectiveness, and thus futility or even worthlessness of action.
- (b) 'Alternative Reasons': those reasons that participants voiced as alternative or supplementary explanations for why the act of wrongdoing took place, in an almost apologetic legitimisation for it, and thus as an 'excuse' for not disclosing it.
- (c) 'Unstated Reasons' those reasons that participants would only voice when pressed. These explanations were obvious, but entailed admissions of guilt, a range of complicity and thus vulnerability, (legal) liability and potential impact on reputation, standing and both public, self and inter-personal esteem.

It was most notable that most of the Civil Service personnel invited to participate, from current and retired and at all levels of employment, declined to do so. The exceptions were civil servants who, as retired military officers having returned from active service, had found second careers in the civil service, mainly in the Cabinet Office. Two significant and very high-level diplomatic sources with very relevant knowledge were found, but they declined to participate. Their views were extracted directly from separate open source (BBC) documentaries<sup>86</sup> which focused on relevant aspects of the SANGCOM Project. Other senior members of Her Majesty's Diplomatic Service who had served in Saudi Arabia or in relevant Middle East desks in the International Trade and Business Departments, not surprisingly, declined (very politely) to participate. Commercial participants offered valuable insights into the challenges of the business world, juggling moral and legal qualms against sales opportunities and contract closure in a highly competitive sector, where different cultural mores complicated and influenced the decision-making process. If I observed any differences in the nature of the participants' response, it was that the military were primarily concerned about protecting their personal and professional reputations, the civil servants their immediate organisation, the Government and the Civil Service, and the commercial participants their professional careers and any possible vulnerability to legal action or professional reputational damage.

A second order of grouping placed the explanations into what might best be described as synergistic areas, where the reasons proffered were rarely single and often stated complementarily. Each of these complementary areas and the separate reasons within them will be explained and then discussed in greater detail in the following chapters (5-8). Organisational Culture 'lives' within a Strategic/Political/Social and Cultural context which in turn influences how the organisation, and its management, operates and describes the mechanisms it employs. These factors in turn determine how the individual responds and acts, illuminating the root causes through an inductive (behavioural) process or a deductive (consequential) process. The reduction of the process results in individual silence, and

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<sup>86</sup> Sir Simon McDonald, Head of the Diplomatic Service, *'Inside the Foreign Office'*, BBC Television, BBC Two, 15 November 2019, and Sir William Patey, HM Ambassador to Saudi Arabia (2007-2010), *'House of Saud- a family at war, Episode 2'*, BBC Television, 2018.

collectively in turn, organisational silence (Morrison and Milliken, 2000)<sup>87</sup>. Both are founded on the primary fundamental ‘root causes’: fear and (a perception of) futility and secondary root causes: complicity and criminality, alternative actions and strategic/political/ economic factors. Thus, we might also group the causes as structural (strategic/political, cultural and organisational) and personal (behavioural and consequential) with the complicit and criminal elements pertinent to both groupings.

It is important to note however, that this may not be a purely linear process, despite the apparent direct lineage shown within the diagram (Figure 3). My personal experience as a whistleblower, reinforced by the empirical evidence from many of the participants within this case study, and whistleblowers across many other sectors<sup>88</sup>, is that whistleblowing is a process not a singular action. Indeed Near and Miceli (1985) recognised this early on in their model of the Stages of Whistleblowing. Equally, real life is seldom linear: it is a dynamic process, filled with both patterns and irregularities and the whistleblowing process reflects this. Many of the reasons presented often appear together, and sometimes not at all. They are dependent on individual and collective circumstances, organisational culture and social mores. Fundamentally, it involves a personal judgement based on rational choice, which effectively is a cost/benefit analysis leading to a particularly personal course of action. Many of the factors affecting this choice are not immediately apparent, but develop over a period giving visibility, not only of the gravity of the wrongdoing, but also of the implications of speaking up and the risks of doing so. I will return to this point in a discussion of personal agency and possible alternative courses of action later in this thesis.

Kaoru Ishikawa (1985:64), best known in the manufacturing world as the father of Total Quality Management (TQM),<sup>89</sup> describes an interrogative progression born out of the fault-finding analysis of a quality control system as a ‘causal process’. Causal factors are

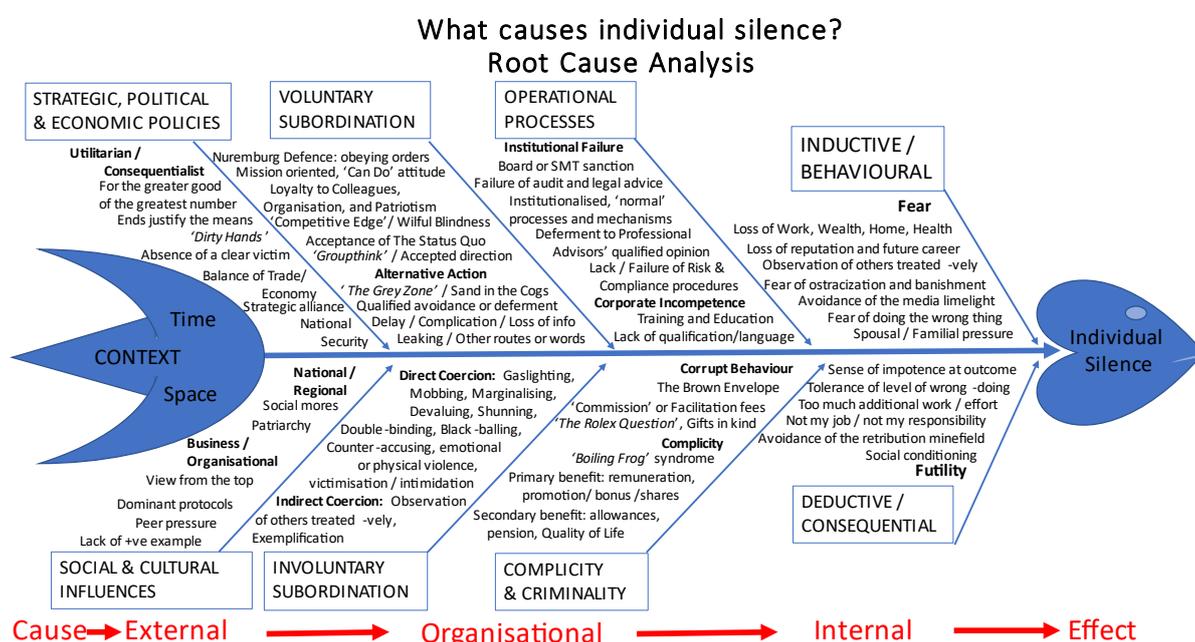
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<sup>87</sup> This supports Hypotheses 1-3.

<sup>88</sup> Within my MA research I purposely spoke with whistleblowers across most sectors of British society. See Foxley, 2017.

<sup>89</sup> I first encountered this manufacturing philosophy in 2001 whilst Operations Director responsible for research and product development in a high-end electronics company employing Kanban manufacturing techniques. Kanban is a method of managing and improving work across human systems. It aims to balance demands with available capacity and improve production efficiency through the handling and elimination of system-level bottlenecks. Thus, the identification of root causes of systematic failure is key to the process.

identified within a systemic process and ordered to identify both the subsidiary causes (those that lie beneath) and the root causes (the fundamental reasons behind them)<sup>90</sup>. I found his 'fishbone' diagram a useful framework to employ in organising the explanations participants offered as to why people don't speak up, into what appear to me to be Causal Groups<sup>91</sup>. These were then mapped to make sense flowing from an External / Contextual realm, through the Organisational realm to the Internal / Individual realm wherein we find the primary 'root causes' which underpin the higher level (first and second order) structural explanations that are often given by participants.



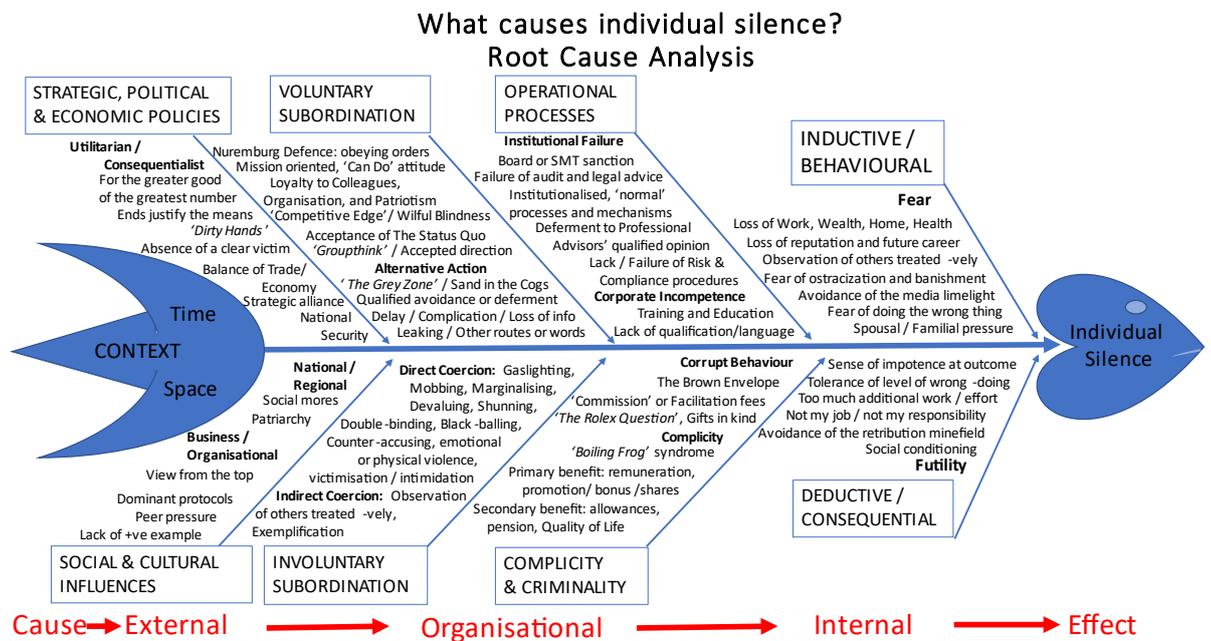
**Figure 3 - Ishikawa diagram of the root causes of individual silence**

The benefit of describing the interconnecting reasons through the framework of an Ishikawa (fishbone) Diagram, as used in the determination of Cause and Effect (predominantly in the manufacturing world), conveys the causal process and 'flow' leading

<sup>90</sup> The NHS have adopted this Quality Control (QC) process in its 'Five Whys' approach to fault finding within the healthcare sector. NHS Quality, (2020), Learning Handbook: Five Whys. [learning-handbook-five-whys.pdf \(england.nhs.uk\)](https://www.nhs.uk/learning-handbook-five-whys/) [accessed 26<sup>th</sup> February 2021]

<sup>91</sup> The reasons for not speaking up could be described as potential bottlenecks in a disclosure information flow process and thus, I would argue, these analytical and management techniques, though not normally found in political or social sciences, have a novel and imaginative applicability to this project.

from structural context to personal factors affecting decision-making about disclosure. What became apparent throughout the analytical process was that this was a very messy affair: many of the answers offered resonated with others, like single notes multiplying to produce a chord, which then chimed with others to produce a greater rhythm and an overall composition. It offers a useful framework upon which to order, present and model the data, but I ask readers not to be constrained by any supposed rigidity of the fishbone skeleton. As with a real fish, there are ligaments and tendons which interconnect allowing dynamic connection as one part of the structure flexes to create movement in another. As I will discuss later, I believe we will come full circle in a determination of social and cultural influences.



**Figure 4 - Realms of influence**

However, I believe we can extract one more observation of synergy within this order of organisation. I have transposed the dynamic relationships illuminated earlier between the contextual, influential, and individual to the individual reasons offered by participants. In this transposition it shows that the reasons offered can be grouped as External /Contextual, Organisational/Operational and Internal/Individual realms of influence, which reflect the structural and personal groupings described earlier. In the next three chapters I will

catalogue the reasons offered for remaining silent progressing through these ‘realms of influence’, exploring from the individual’s induced or deduced behaviour through the direct influences and mechanisms which are part of the Organisational and Operational environment, to the broad external context which serves to act as an environment inhabited by the wider explanations. I have deliberately incorporated brief excerpts from the interviews for three reasons: firstly, they add a distinct veracity to the evidence only possible through direct quotation (albeit under a anonymising pseudonym); secondly, it gives voice to those who have remained silent to date – it is their opportunity to speak out and be heard, and thirdly, it reduces any hint of confirmation bias or lack of objectivity in my conclusion that knowledge of the wrongdoing was visible to individuals within the SANGCOM Project - and within the MoD, FCDO and BEIS Departments and the Cabinet Office. So let us now look at why so few people cared to ask and then speak up about what they found.

## **Chapter 5 - Emotional drivers**

### **5.1 Complicity and criminality**

I will start the presentation of findings with an exploration of the realm of individual, internalised, emotional drivers that stifled individuals' urge to speak up which emerged as the most common factor across all interviews. It focuses on the personal decision-making point where individuals have to weigh up the risks and benefits of speaking up or not. What have they observed about the overall environment and close structural climate in which they are working? What emotions have been induced within them, and importantly, what conclusions they have drawn about how successful others have been treated previously. I asked earlier whether any of the public servant interviewees felt they had voluntarily entered into a compromise and whether they felt any regret at having to sacrifice valued moral or legal principles in remaining silent. Did they feel 'compromised' by so doing? Or, if not, then why not? Before addressing the other individually internalised reasons, I think we must first clear away a fundamental reason as to why individuals remain silent: they have decided to act criminally or feel that they are complicit to such a degree that they would be found guilty at trial of having acted criminally.

'Who benefits?' is a key element in the identification of perpetrators of a crime. However, the true beneficiaries are not always obvious. Similarly, the benefits may not be of a primary nature but derived from the initial action as a reward for facilitating the act. The criminal act of taking a bribe directly either in cash (the brown envelope) or through a covert bank payment is the most obvious reason as to why someone would not speak up. It is for personal gain; they acted in the full knowledge that they were personally profiting from a criminal action and were liable to prosecution if discovered. Thus, they remain quiet. From thereon it becomes more complicated as various covering explanations are offered for essentially the same practice. Whether it is classified as a commission, a facilitation or an administrative fee, it is still corruption if there is no discernible product or service offered other than the use of undue influence to procure or implement a contract. Transparency International

define it as: ‘the abuse of entrusted power for private gain.’<sup>92</sup> But it can be, and is, argued that the propagation of commercial business is not for primary benefit:

*‘It's simple: it's jobs, it's money, it's commissions, it's bonuses. It's all that type of stuff.’*  
**(Edward, former service officer and long-term commercial sales manager for a multinational defence manufacturer)**

*‘It's Risk, Reward and Consequence ...if essentially your job is to go out there, whoever you are, grow the business, put the DNA into that area, your future relies on you growing the business and just accepting what's there. If your job is to grow the business and you know you have a target to grow the business, a financial target to achieve, you get on and do it.’*  
**(Humphrey, former service officer, then director business development and project management (Airbus Group))**

The explanation proffered is that this is just a natural way of doing business, for the benefit of the shareholders, colleagues and in a wider sense, fellow workers who would not have a job if the contract was not agreed and fulfilled. There is some acknowledgement of secondary benefits, such as comfortable remuneration packages, bonuses and other benefits in kind, but these are viewed as the natural rewards of being a ‘hard-headed commercial businessman’ rather than secondary benefits of complicit facilitation of corrupt acts.

*‘People don't speak. Everybody out there wants to get on. Nobody wants to get fired. It's quite a good life. People are well paid.’* **(Andrew, former service officer with SANGCOM Project team experience, commercial project manager in Airbus Group)**

*‘If you're in that position, where you might think that your career, your future, you know you have a great opportunity to build your spot into this business, then you might have been given the authority to get on and do it. You might just try and do what you think is right to achieve those aims, not necessarily worrying too much about the ethics.’* **(Humphrey,**

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<sup>92</sup> [What is corruption? - Transparency.org](https://www.transparency.org/en/what-is-corruption)

**former service officer, then director business development and project management (Airbus Group))**

With an attitude that the profitability of the business is of paramount importance, it is a short step to commercial practices which if not directly fraudulent are highly questionable, and which derive personal benefit for those that conceive and accomplish them.

*'They booked lots of the management fees as revenue early on in the programme when they probably should have been booking it later on. But I wouldn't be surprised if that justified some fairly fat bonuses for them on contracts when P3 (the Phase 3 contract) was signed and things like that.'* **(Alan, Commercial Project Manager, Head of Delivery in the commercial entity in SANGCOM Project)**

This attitude is widely held across the commercial world, especially by those focussed on sales and marketing, who consider themselves front line infantry at the sharp end of business, tasked with securing targets, achieving commercial victories and dominating their competitors. But it is exacerbated in a cultural environment where commercial corruption is endemic throughout all layers of society and, indeed, becomes part of the way of doing business. It therefore becomes accepted, not only by those employed within the region, but also by those in the corporate headquarters in Western Europe and the USA.

*'there's a disconnect of doing business in the City of London, doing business within the EU and doing business in different parts of the world. And I wouldn't say this is right or wrong, but I think then, less so now, but then I think, there were customs and practices in those regions that people followed in order to get business done, which would not be acceptable within the EU and certainly not acceptable within the UK. But that was how it was done there. And I'm talking about the intermediaries and paying people for access. I'm not saying that anything goes, but I think people did whatever it took to get across the line.'* **(Andrew, former service officer with SANGCOM Project team experience, commercial project manager in Airbus Group)**

The complicity therefore extends beyond those securing immediate secondary benefit for the business itself. It reaches across the hierarchy of corporate responsibility, the

superordinate authorities, who understand what transpires even if they are not directly involved within it. In effect, they endorse it through their silence or ‘arm’s length’ management, which allows ‘plausible deniability’ if such criminal or complicit actions are exposed. It is this structural agency that induces personal agency in effecting silence (H1).

*‘Well, I think because of potentially the lack of oversight, like directional lack of leadership within that, those guys who were given the job to grow the business, win the business in that area probably thought they were doing the right thing. The right thing for the environment that they were in. So using the culture, the business ethics of the local of the national, local area, rather than what potentially seems to be a more a more regular way of doing business than in Western environments.’* **(Humphrey, former service officer then director business development and project management (Airbus Group)).**

There is another danger in knowing about such practices and accepting the environment in which they are accomplished when they become self-perpetuating, as a ‘revolving door’ created as Crown Servants (civil and military) retire or transfer across into the commercial organisations. They are primed by their knowledge of and pre-participation in acts of complicity. This was certainly the case within this case study where a ‘bubble’ of intimate knowledge was created and retained within a small coterie of ‘cognoscenti’. This partially explains why there was so little interest in exposing what transpired over such a long time (32 years) within the Project. There was not a great deal of public knowledge about the Project, and what there had been was restricted to a fairly tight circle of people in both the commercial entities and government departments. It is notable that the key Executive Directors of GPT with intimate knowledge of the covert corrupt practices were both former MoD civil servants who had previously been employed in the commercial section dealing with the SANGCOM Project in Defence Information Support Services (DISS), the superior MoD headquarters. Thus, individual silence collectively became organisational silence (H3) and was normalised across the participating organisational agencies (H4).

*‘In particular, SANGCOM, there was too much of a close relationship between the serving members of the armed forces who migrated then into the ‘post-serving SANGCOM’ saying “same call”. That is a recipe for corruption in my view because in the tax-free job that paid*

*well, it's in their interest not to speak.*' (Edward, former service officer and long-term commercial sales manager for a multinational defence manufacturer)

The third layer of benefit is accorded to that of the economic gains derived from the arrangements. In addition to the national and corporate strategic and political benefits, there was an attitude adopted at the highest levels of government that since the 'irregular arrangements' were of overall economic benefit to the country in the form of jobs, and revenue accrued to the national exchequer, then it was of less concern than if it was taxpayer's money going out – and the more so if it involved exports and foreign investment rather than imports and foreign exchange. This gave sufficient moral reason for individuals to assent to (corrupt) policies, overriding personal qualms and giving foundation to voluntary silence (H2).

*'And, you know, £2 billion if you're spending UK taxpayer monies- it's big potatoes. £2 billion if the money's coming in - and taxpayer funds are not at risk, can be different issue politically. But when you've got an income generating thing ... it is not going to get the same level of audit attention as an expenditure project. Therefore, there's a mental attitude that we're not taking money out, we're actually bringing money in; if we propagate this endeavour, that's a good thing...There is not the same degree of scrutiny and analysis. Well, there was probably no established process for this sort of thing anyway.'* (Albert, 2\* general, then senior civil servant in the Cabinet Office)

So, what we find is not just a degree of acceptance within those intimate to the payment process, within the SANGCOM Project team and its supporting superior elements within the MoD, FCDO and BEIS Departments (H2). We discover an extended, and informally acknowledged, acceptance across the legal and audit functions that these contracts and processes required less attention and a lower level of scrutiny because they were ultimately beneficial to the State (H3) (H4) and (H5). What we are really observing is a seepage of corruption across the various instruments of government which create insidious precedents (H5), the end state of which we cannot know<sup>93</sup>.

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<sup>93</sup> We can see this cultural acceptance of inward flow of corrupt monies within current UK government in the massive influx of 'dubious' money from Russia, the former eastern bloc states and China in recent years. Most transfers are effected through shell companies based

*'Where do I draw the line? And certainly, there's some very key markers in the sand and no pun intended, of if it were taxpayer's money, UK taxpayer's money for instance, that I saw going in the right in the wrong direction. But there again, what is the wrong direction? If I saw UK taxpayer's money being spent incorrectly out there, Yes, I think that there would be a little more of digging heels in. But there again there's another thing I mean, let's spin the morality over again: in the UK, we talk about this as if this were happening in UK, it wouldn't be allowed (Tom, former service officer in SANGCOM Project)*

But this is not just a perception of the acceptable level of and underlying reasons for the wrongdoing, there is also a geographical contextual element mixed with a temporal transient element that muddies the decision-making process (H1) (H2) (H3) and (H4). The fact that the problematic situation occurs in a foreign environment, with excusatory cultural factors and a perception of a different rule set to the UK, also features in the mix and this emerges as a significant contextual theme in several other interviews framed as 'It's how they do business there...' and 'What goes on in Vegas, stays in Vegas!'

*'But one way of thinking about working overseas: I have heard quoted, "Remember, we're not doing this in the UK. So, acquisition practices used in the UK do not apply over here!", and I have heard that quite a few times.'* (Steve, former MoD staff officer in Defence equipment procurement, overseas defence experience, and civil service experience in Defence Research)<sup>94</sup>

Moreover, the nature of military and to an extent civil service postings, operating on a relatively short-term basis of two to four years, appears to have allowed for another opportunity for individuals to recognise the moral and legal problem confronting them. The cyclical nature of postings allows individuals taking up an appointment two alternatives on

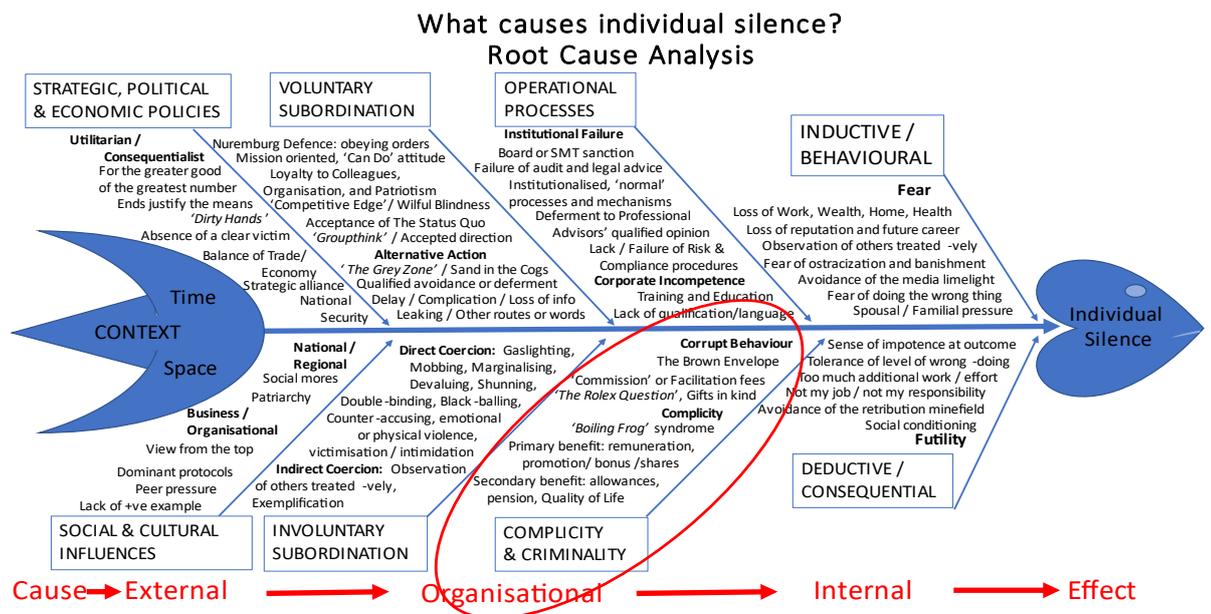
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in offshore tax havens, with purposely opaque ownership or identification of the ultimate beneficiaries. The effect of this is to diminish the ability of the UK Government to maintain moral authority and thereby lessen its political power on both the national and international stage.

<sup>94</sup> Steve's statement, or assumption, is incorrect: Under the Memorandum of Understanding (MOU) governing the governance of the contract by the SANGCOM Project team the MoD's tasks included: *'ensuring the Prime Contractor and their sub-contractors carried out the work to the approved standards; scrutinising the costs to ensure they were reasonable and did not exceed approved limits; applying the same standards and procedures when awarding and monitoring the Contractor as it did for its own contracts, including the same procedures for examination, approval and auditing of the Contractor's accounts; ensuring the Prime Contractor did not enter any sub-contract without the prior consent of the SANG.* (Regina, 2021, para 62)

discovery of ‘dubious practices’: to enquire, process and prompt for change, or to notice, and ignore or persuade themselves that it is not of sufficient priority, gravity or regular occurrence to be worth raising the issue. The first option offers conflict, professional and personal danger and the risk of rebuke and a swift return home, deemed as a ‘bad fit’ and unsuitable for the appointment. Whichever way it is framed, it is a career terminating event. The second option allows the new incumbent to directly avoid the uncomfortable issue on the grounds that if they found it when they arrived in post, they could persuade themselves that it had been authorised and that they would leave it as they found it before handing over to someone else’s watch (H2).

*‘So, you’ve got, if you like, a more muddled sort of chain of command, which I think you have with a commercial set of pressures and so forth. And then you will have the military who are there for relatively short periods of time, in and out. So there’s a lack of continuity, none of which will have helped; but if you’re somewhere (overseas) and you’re going to do something, you are going to blow the whistle, if you are uncertain of the grounds you’re going to do it on, it’s going to make you think twice, thrice, or four times’.* (Bruce, 3\* general, Director Information Strategy and Plans, Commandant Defence College of Management and Technology, Deputy Chief of Defence Staff)



**Figure 5 - Complicity and criminality**

Lepora and Goodin (2013) noted the aspects of compromise through substitution, intersection or conjunction, governed by the extent to which principals and agents' principles overlap, intersect or are set aside. In the SANGCOM Project, the common mission was for the successful implementation of an inter-Governmental contract with its inherent political, economic and strategic aims. This was sufficient reason for many (most) participants to remain silent. But in determining complicity, the responses given in the interviews showed that there were a complex number of contributory reasons which combined to support the decision to comply with an act of wrongdoing beyond whether the individual, organisation or country benefitted. The first aspect of complicity to address is that of the 'Boiling Frog' syndrome. In this allegory, an individual imitates the (in)action of a frog who is cooked by an increase in the temperature of the water in which it is immersed so gradually that it does not realise what is happening until it is too late. The metaphor is clear: if individuals do not speak up early enough within the process of recognizing what is truly happening, they feel too involved and thus complicit and liable to prosecution. Whilst the fable was shown to be factually incorrect (the frog WILL try to escape if it can)<sup>95</sup> it does describe aptly the process by which individuals can be drawn down a slippery slope of complicity through imperceptible changes, to a point where they feel, or can be persuaded to feel, too involved to speak up and expose what they have become involved in.<sup>96</sup>

*'But for an individual? When do you reach that threshold? Is it growing awareness and all the rest of we go from 'oh, that's funny, or is difficult', or 'we're not really sure about this' to 'Hang on, that's wrong', that could well be a curve. And when you reach that point, then what do you do, because at that stage, you have then been complicit yourself by accepting it for so long. But until you reach that threshold, that classic tipping point from which there*

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<sup>95</sup> As proven by Dr Victor Hutchinson, University of Oklahoma, and described by Whit Gibbons, *The Legend of the Boiling Frog legend is just a legend*, 23 December 2007, Savannah River ecology Laboratory, University of Georgia, [[THE LEGEND OF THE BOILING FROG IS JUST A LEGEND \(uga.edu\)](https://www.srsl.org/legends/boiling_frog.html) accessed 13 July 2021]. Unfortunately, most people do NOT know that it has been scientifically disproven and the urban myth lives on along with the fear of being prosecuted for complicity.

<sup>96</sup> Indeed, this was one of the tactical ploys used by the defence counsel (Ian Winter QC) in the trial of the GPT individuals in June 2022 in his attempt to portray prosecution witnesses (including myself) as knowledgeable of the corrupt processes and thus complicit to their practice.

*is no return....*’ (**Horatio, former MoD senior staff officer in Defence Intelligence and equipment procurement, much overseas defence experience**)

Having reached the stage where the individual feels entrapped, it is but a small step to greater involvement and the longer it continues without active protest or resistance the greater the feeling of complicity. Whilst this might not lead to active involvement in the corrupt acts, it does tend to lead to a state of employee quiescence, whereby the individual is subdued sufficiently not to actively resist or expose the situation into which they have, perhaps inadvertently, become enmeshed (Pinder and Harlos, 2001).

*‘Soft corruption slides all too easily into hard corruption. It’s a mental attitude: once you get ‘flexibility’, as a piece of metal or elastic or whatever having been exercised becomes more flexible with each iteration.’* (**Albert, 2\* general, then senior civil servant in the Cabinet Office**)

*‘I mean, there’s kind of good crime and bad crime isn’t there?. There’s decent crime and indecent crime. No one really cares about that stuff, (decent crime), just put your hand up. But where there are backhanders and where there’s cash changing hands, that’s a completely different thing. Paradoxically, because one is a kind of breaking the rules for the benefit of the system, and the other is for personal gain. It’s for Self, not any service to the wider ambition - and we know that’s wrong.’* (**Harvey, 4\* General, former Chief of the General Staff (Head of the British Army)**)

This ambiguity can lead the individual to rationalise their observation into a justification for inaction and accords with Blenkinsopp and Edwards (2002) referencing of Chikudate showing how corruption over an extended period of years can remain unquestioned despite widespread knowledge of the practice within the organisation. Similar to the Chikudate example, in the SANGCOM Project, activities associated with corruption were not openly perceived as wrongdoing and were thus unlikely to trigger considerations of whistleblowing within the MoD in London or Riyadh or within the commercial entities (H2). Chikudate suggested there was a ‘collective myopia’ (H3) within the bank he was reporting on, which seems to have been closely reflected within the attitudes and opinions expressed by senior

executives across the SANGCOM Project especially when considering the reputation and integrity of the government organisations.

*'It's perfectly understandable that when it's a minor matter, and it's like signing off money, you know, if there's a little amount and the explanation given to you is acceptable or believable, it's certainly within the bounds of credibility, then, yes, you've got a job to do, get on with it. And the overall achievement of the mission matters more than quibbling about stuff going on in the boundaries.'* **(Bernard, former service officer and MoD communications equipment procurement staff officer, Training Manager within commercial entity SANGCOM Project)**

I am sure this attitude of acceptability of a level of criminality featured frequently amongst the staff of both the SANGCOM Project team and the Prime Contractor, GPT. It served to rationalise reasons not to act, or 'cues for inaction' as recognised by Blenkinsopp and Edwards (2008), especially when it was reinforced by the added burden of extra work in collating evidence, the possibilities of adverse reception by colleagues and superiors and the potential dire consequences of doing so in terms of the effect it might have on their current employment, future career, finances and health. What is interesting though is that given the level of money paid for 'Bought in Services'<sup>97</sup>, which would have been visible to some of the incumbents within the Project, the 'threshold of acceptability' must have been quite high (or else outweighed by the combination of other factors) for the silence to be maintained over such a long period.

*'I asked how the figures were arrived at and was told they were historic. But in the case of BIS that had actually been benchmarked by DSO in the past and was now (2010/2011) being benchmarked by UKTI. And I was shown the exchange of correspondence between XYZ<sup>98</sup> and UKTI explaining that the wish to continue at 16% to cover this long list of things which were done. And examples were given, such as the bureaucracy of getting something through*

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<sup>97</sup> The corrupt payments accounted for 16% of all invoices across all contracts. For the LOA3P3 programme alone, they totalled about £300million over the ten-year lifetime of the contract .

<sup>98</sup> XYZ is an anonymising reference to a non-participant in research interviews but who was a prominent figure within the 'cognoscenti' of the Case Study.

*Customs, and you needed to employ somebody that had specialist knowledge of the way that the Saudi's bureaucracy operated. And I know from personal experience, Saudis invented their own form of bureaucracy, which is completely opaque: you could not get yourself a driving licence unless you had a 'fixer' to go with you who knew the process, trying to establish who owned a piece of land or who you had to get clearance off if you're going to put a cable down, or you're going to use part of the frequency spectrum, you needed to know somebody who knew how to achieve it. And that all seemed totally reasonable to someone who had got no experience in the Middle East other than a couple of very short visits to Iraq when I never left the British environment post-conflict there. I had read books on the subject of modern Saudi Arabia, I was aware that the King had a crackdown on corruption and I was aware of the answers. The questions aren't asked about corruption within our contracts, and therefore, I simply accepted it. I did not question, at that time, that figure, because there was a UKTI letter saying that that percentage was quite reasonable and was benchmarked against figures in use in other countries in the region for similar types of services.' (Colin, 1\* brigadier, former MoD staff officer in the SANGCOM Project)*

This single quote offers a number of reasons for quiescence which will be unfolded and complemented in the range of findings from research interviews. In short though it recognizes: historical lack of intimate knowledge, a belief in government authority, official endorsement and thus apparent legitimacy (H1), (H2). All are 'cues for inaction' along with an admitted degree of commercial inexperience in foreign contracts and political dealings with PEPs.

Regina (2021) specifically mentions that 'Her Majesty's Government (HMG) was involved in facilitating the continuation of the Simec arrangements upon the acquisition of GPT by Paradigm in 2007. In the above circumstances some of those employed by HMG may have known about, or turned a blind eye to, the payment of bribes over many years, particularly in the early 1990s, but continuing through until the indictment period<sup>99</sup>. In this regard the evidence becomes less clear in the more recent past. That may be because knowledge was tailing off, or because individuals took more care about what they wrote down or admitted

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<sup>99</sup> The full indictment period runs from 2007 – 2012 (Regina, 2021, para 19)

to. Many of the personnel remained en poste for many years and/or moved from public to private service but remained in the same general area.<sup>100</sup> (Regina, 2021: 139-141) Within these remarks by the sentencing Crown Court Judge, we see a couple of elements reflected within the empirical evidence supplied within this study that indicate knowledge of the corruption with a degree of complicity to it, or at least a reluctance to speak up about it. The ‘turning of a blind eye’ has been noted, but additional reasons were ascribed to longevity in post rather than a quasi-transient nature of postings, and a recognition that the revolving door of movement between government and commercial employers within the circle of the Project were possible causes for silence about its hidden processes. A new possibility was offered, which I propose is probably related to the change in social acceptability of historic corrupt payment arrangements in the region and a ready availability of the internet to expose wrongdoers (H5). That translated into incumbents being far more guarded in ‘fingerprinting’ their documentation and communications. This was then recognised in the obscuration of evidence in recent years and thus a reduced ability to observe and report wrongdoing. One has to ask why nothing was done after the scandal of egregious bribery in the Al Yamamah Project was made public in 2007, and why were no steps taken to terminate bribery within the SANGCOM Project? There remains the possibility of course that questions were asked, but that it was deemed impolitic to disturb the SANGCOM payment arrangements for fear of upsetting the Saudi Commanders and their Royal masters (H1), (H3) and (H4)<sup>101</sup>.

I believe that what we see in this case study is a version of McGoey’s (2008) ‘oracular power’ exercised not over physical entities such as land or weaponry, but over truth shaping. Knowledge of what happened within the SANGCOM Project extended to covering it up thereafter through obfuscation, delay and a politically driven wish to keep the public ignorant of what had happened over the proceeding 32 years. People often prefer to act on the basis of ignorance rather than knowledge and ‘external forces always shape personal ignorance and social taboos shape decisions over which truths are shared publicly and which

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<sup>100</sup> Underlining added for emphasis given the critical importance of the content

<sup>101</sup> Such questions remain for further research once the last of the GPT trials is concluded in mid-2022. However, such research will probably have to navigate the Public Interest Immunity (PII) certificates signed by the Foreign Secretary (Dominic Raab MP) in June 2021.

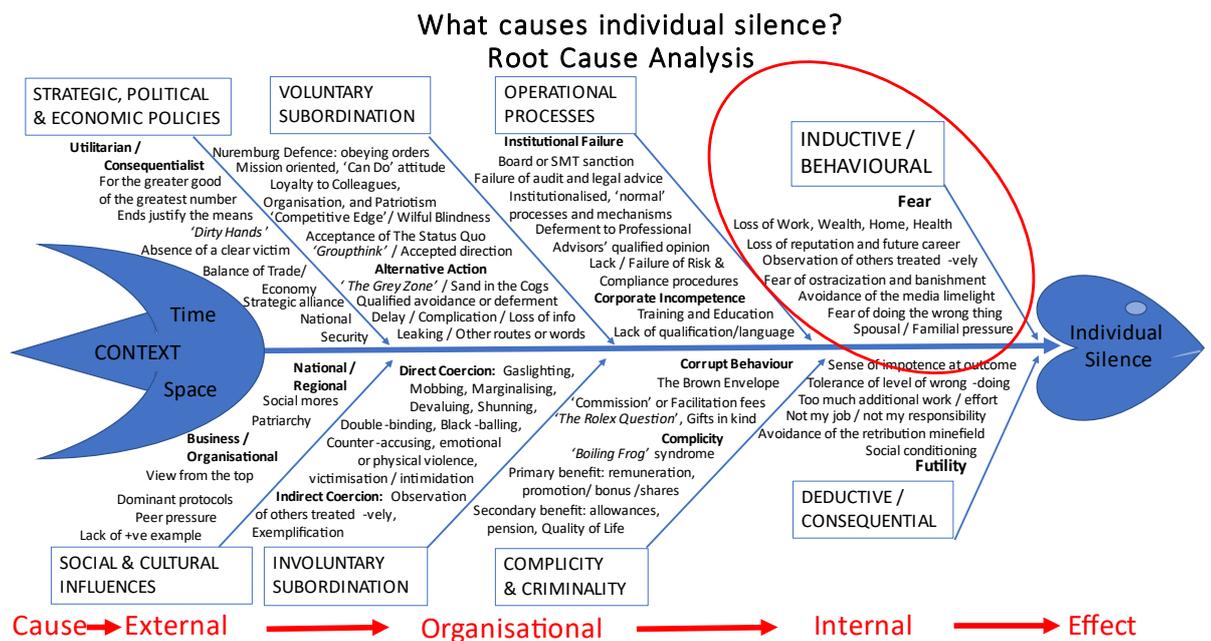
are shamed into silence’(McGoey, 2019:39). Social power (as well as the socially powerful) sets agendas for what is known and what is not known’<sup>102</sup>. This is especially true regarding whether members of institutionalised organisations speak up or not. It is a form of Lukes’ (2005) ‘invisible power’ extending political reach without the purview, or scrutiny, of the public and thus, without transparency or accountability to them. As this case study still unfolds, it will be interesting to note how HMG and politicians of all hues explain the actions noted in the GPT Judge’s sentencing remarks. Indeed, this is an area ripe for further original research into the political socialisation of whistleblowing<sup>103</sup>.

There is also a wider social aspect to how we view both whistleblowers and those who remain silent. ‘Whistleblowers provide us with a valuable service and yet our complicity plays a part in the reprisals they can suffer’ (Kenny, 2019:212). In doing nothing, something is done; in saying nothing, much is said. The very act of not acting admits an element of complicity, regardless of the true reasons underpinning it or the layered explanations offered up to explain the inaction. The complicity across the history of SANGCOM is possibly due to the collectivistic values within the military / civil service personnel that were focused more on conformity and less on a whistleblowing which might be regarded as possibly deviant behaviour (Park, Blenkinsopp, Oktem, & Omurgonulsen, 2008) (H3). It is also likely due to a perceived lack of approval or protection which led to a reinforcement of feelings of fear and a belief that speaking out would not make any difference - it would merely cause loss of a job and career in the long term (Alford, 2001; Su, 2020) (H1). It is into this emotional arena that I now turn to explain what appear to be the two primary personal mechanisms that stop people speaking up: Fear and Futility.

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<sup>102</sup> Studies by psychologists Gigerenzer and Garcia-Retamero (2017) and Hertweg and Engel (2016) based on game theory and behavioural economics. (quoted in McGoey, 2019:39)

<sup>103</sup> The final court case of the individuals in the GPT case took place in May – July 2022. However, it was stopped due to disclosure reasons and a retrial is scheduled for October 2023 with a prospective duration according to the SFO of three months. The final sentencing remarks of this case and those within the trial of the GPT as a discrete entity in April 2021 (Regina, 2021), should encapsulate the part played by HMG, thus allowing further research to be accomplished thereafter.



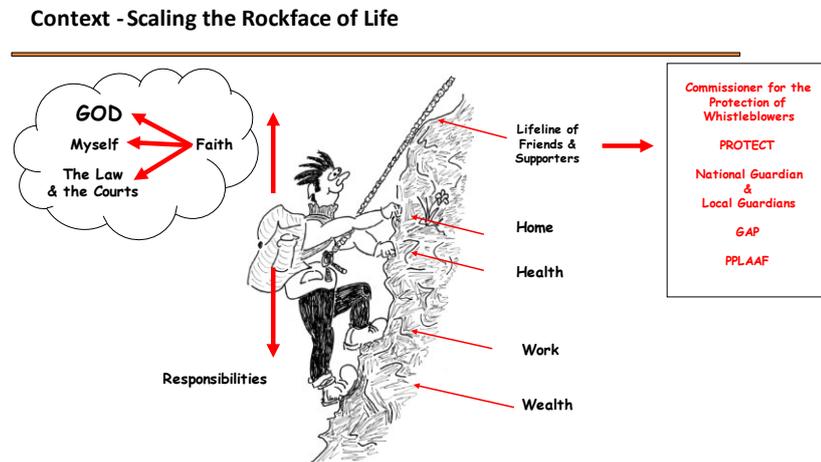
**Figure 6 - Inductive behaviour: fear**

## 5.2 Inductive behaviour (Fear)

*‘Why do I think more people do not speak up about bad things? Well, the primary answer is self-preservation, and also, short term narrow thinking. So, their short-term immediate survival instinct is they need to keep their job and they can't take risk and jeopardy.’ (Paul, former police officer and whistleblower from commercial / financial sector)*

In the sport of mountaineering and rock-climbing, there is a golden rule of maintaining ‘Three Points of Contact’ in order to remain stable on the rockface: climbers move one point of contact, be it hand or foot, in order to reach for another grip and then replace it before moving the next limb. Moving more than one point of contact creates an increasingly unstable position and greatly increases the risk of falling. Whistleblowers face a similar problem when they confront the prospect of speaking up. On the ‘rockface of life’, an individual also has four points of contact to maintain their stability. A parallel rule of maintaining ‘Three Points of Contact’ similarly applies. In this analogy, the points of contact are Work, Wealth, Home and Health. The removal or suspension of any one of these

elements can be endured, so long as the others remain firm; but as other elements degrade or are removed then the social structure that keeps the individual stable also starts to break apart.<sup>104</sup>



**Figure 7 - The rockface of life**

The experience of the whistleblower, evidenced through personal experience and empirical research of a wide range of cross-sector whistleblowers (Foxley, 2017) is that the occasion of exposing information which threatens the organisation, and/or its senior management, immediately threatens or removes employment (Work). With it there is a consequential reduction in income/ remuneration with a frequent growth in expenditure due to legal costs (Wealth). The whistleblowing process is also a very stressful experience, initiated in the discovery and decision phase, escalated greatly in the exposure phase and reinforced in the (lack of) response and retribution phases (Health). The only Point of Contact that remains is dependent on the strength and resilience of the circle of close friends and family to provide material and moral support (Home). Without this, most whistleblowers become broken individuals. This process is well-documented and well recognised not only by those (few) who research this area but, more importantly, by those who observe what happens to others

<sup>104</sup> The addition of internal drivers of Faith in terms of religious, personal beliefs / values and confidence in the legal/court system assist in lightening the load where responsibilities tend to add to the individual 'burden'. External support networks provide the safety line when the four points of contact fail. This is a concept best suited to further exploration in a later paper.

who have blown the whistle on other instances of wrongdoing (Kenny and Fotaki, 2018). There are few public examples of whistleblowers who have been thanked, applauded and rewarded for exposing wrongdoing or systemic failure within their organisations. There are two possible explanations for this.

Firstly, organisations are reluctant to admit to failure within the organisation, its direction and management, be it caused by criminal, negligent or incompetent behaviour, due to the personal and/or corporate reputational risk such admittance would bring and the potential impact on future investment and funding. Moreover, successful whistleblowers are unlikely to publicise their actions if the organisation has responded appropriately and they have been recognised and appreciated for their actions in speaking up and, until very recently, it has been common practice to incorporate a non-disclosure (gagging) clause into any compromise agreement or settlement<sup>105</sup>.

Secondly, it is in the interests of organisations to ensure that employees who go outside the structure of the organisation understand that the consequences for doing so are dire. The deterrent effect of observing what happens to other individuals who speak up has a restraining influence on those who might think of acting in a similar fashion in their own organisation. It is this induction of fear that is the primary mechanism that stops people from speaking up and facilitates silence.

*'I know about two or three whistleblowers over and above your good self, who will have seen the damage that it's done to other people. They think 'Well it is wrong, but do I actually want to have to put my family myself and a lot of other people that I know through five years plus of absolute torture for something that I could decide to depart from that particular company: my working life still intact; my family still intact; my health still intact?' I think that there are lots of good people that will turn around and say my family comes first. It's*

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<sup>105</sup> This was certainly the case within this case study, wherein a previous whistleblower had been provided with a compromise agreement which incorporated a specific confidentiality clause, covering both the disclosed information and the existence of the compromise, the infringement of which allowed a 'claw back' of the compromise payment and subsequent dismissal of the new appointment bestowed upon the disclosing individual.

*too big a price to pay.*’ (Peter, former service officer, resource manager in SANGCOM commercial entity)

The publicity afforded to instances of whistleblower maltreatment, through a well-meaning media seeking to expose the bullying tactics of major private corporations and public organisations, ironically assists in reinforcing the culture of fear that such examples create. Individuals observe the possible consequences in all four elements (Work, Wealth, Home, Health) along with the all-encompassing catastrophic effect their removal can have in a holistic sense. It becomes simple from a rational choice perspective: the consequences do not justify the cost. Thus a ‘culture of silence’ is born and maintained across not just an organisation, but Society as a whole (H3), (H4).

‘Fear, unfortunately is the greatest enemy of freedom of expression – and of dialogue. Fear leads to the dangerous situation where individuals are gagged, forced to retract what they have said through some form of intimidation, or by some other means discredited.’<sup>106</sup>

**Daphne Caruana Galizia (1964 – 2017)**

Interestingly, it is fear that also drives the organisation as well, on three levels. Firstly, on a corporate level, it is fear of the effect that the disclosed information might have on corporate reputation and hence revenue, current and future customer/supplier/ governmental relationships and of course the confidence of funders and shareholders and consequent effect on stock valuations. Secondly, on a personal level there is a parallel fear within the management of the organisation of the effect on their own individual / personal careers, reputations and consequent future prospects and remunerative value. Thirdly, there is a fear that is seldom voiced: an organisational fear of the individual who has decided to step outside of the ordinary norms and who operates beyond the control of the organisation and its management. The oft-voiced idea of a contest of loyalties is a fearful recognition that the organisation has lost control of the individual, the information he/she holds, and the agenda of how, when and to whom the information is disclosed. The organisation uses the

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<sup>106</sup> Quoted in J Phillips, 2019, *Truth to Power*, Monoray – an imprint of Octopus Publishing Group Ltd, London. Daphne Caruana Galizia was a courageous investigative journalist, who reported on government corruption, in Malta and links to money laundering and organised crime. She was murdered by car bomb in 2017 with her killers convicted in 2021 claiming connections to Maltese government ministers.

idea of employee loyalty as a control mechanism to embed the idea of an over-riding allegiance to itself rather than an external agency over which it has no control, even though its corporate actions may be both immoral and illegal. It is a concept of 'loyalty – no matter what', redolent of feudal servitude and propagated as a corporate or organisational protection mechanism to control the post hoc publicity environment. This tends to dominate the public reception of the whistleblowing disclosures and their opinions of the parties involved. This concept of loyalty is closely tied to the detriments experienced above, as a silencing mechanism, to induce both fear and a guilt complex within those who contemplate disclosing information outside of the organisation (H1).

*'As I said before, it's very, very tightly controlled. There's a culture of fear, of consequence if you say the wrong thing, if you do something wrong, if you're not compliant, if you don't sign up to the business culture. It's not one of openness and the sharing ideas and thinking outside the box and all that - not for the boys on the ground. It's all very, very carefully controlled from Riyadh'* (**Joc, former service officer and then senior project manager in commercial entity in SANGCOM**)

As multiple interviews demonstrated, within GPT itself a working environment was established and run to purposely create a coercive system that stifled any form of resistance to the directed order of things as decreed by the executive board, and in particular by the Managing Director. Opposition was swiftly met by the termination of the employment contract and a prompt exit from not only the company but the country as well, because residency relied directly upon the continuing sponsorship and goodwill of the employing business. This reflected the political and social ethos of the country as a mechanism of absolute control and there was little opportunity for appeal or resistance. In GPT this was especially so when the Human Resources Director was a senior Saudi Princess<sup>107</sup> who controlled all permits and was the single point of responsibility for visas and liaison with the Ministry of the Interior who issued and controlled them. As the evidence indicated in the GPT sentencing remarks (Regina, 2021) the beneficiaries of the payments to the Cayman Islands were senior National Guard officers, public officials, and very senior members of

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<sup>107</sup> HRH Princess Nourah bint Saad bin Abdulaziz.

the Saudi Royal Family closely related to the HR Director<sup>108</sup>. The induction and continued atmosphere of fear was necessary to ensure that the corrupt processes could be practised and that knowledge of them could be restricted and closely controlled. Banishment from the country is a very powerful deterrent to the act of speaking out. The individual not only becomes exiled physically from the region, but also experiences ostracisation within the working environment as news of the incident ripples through the professional sector as well. The act of dismissal, or early and abrupt termination of an employment contract always needs explaining and an inevitable consequence of blowing the whistle is a formal or informal ‘blackballing’ that has a catastrophic impact on the individual’s long term professional career. The observation of this ‘shunning’ in others, with manifold examples of it in whistleblowers across all sectors and countries, is one of the major fears and root causes of why people do not speak up when they might do so (H1), (H3) and (H4). Indeed, the fear of job loss, extrapolated to career loss and consequent extreme financial loss, can be so great that it induces a fear of doing the wrong thing. Thus, the wary and less confident individual does nothing rather than doing anything. To revert to the theory of Pascal’s Wager<sup>109</sup>, the perceived reward is too low (or the converse (a penalty) is too great). The personal stake and the risk of failure or retribution is too high, therefore the wager is emphatically refused, and silence is maintained. Indeed, the fear is not just felt by the individual: few whistleblowers operate in a vacuum and fears for the effects of one’s actions on immediate family also play a major part in suppressing the act of speaking up. Pressure exerted by spouses and partners can have a major effect on the decision to act. This was apparent within the research to a degree that one participant withdrew completely for (their spouse’s) fear of being publicly associated with the study and the actions that led up to it. Others mentioned their partner’s wish for them ‘to find another way’ if possible to mitigate

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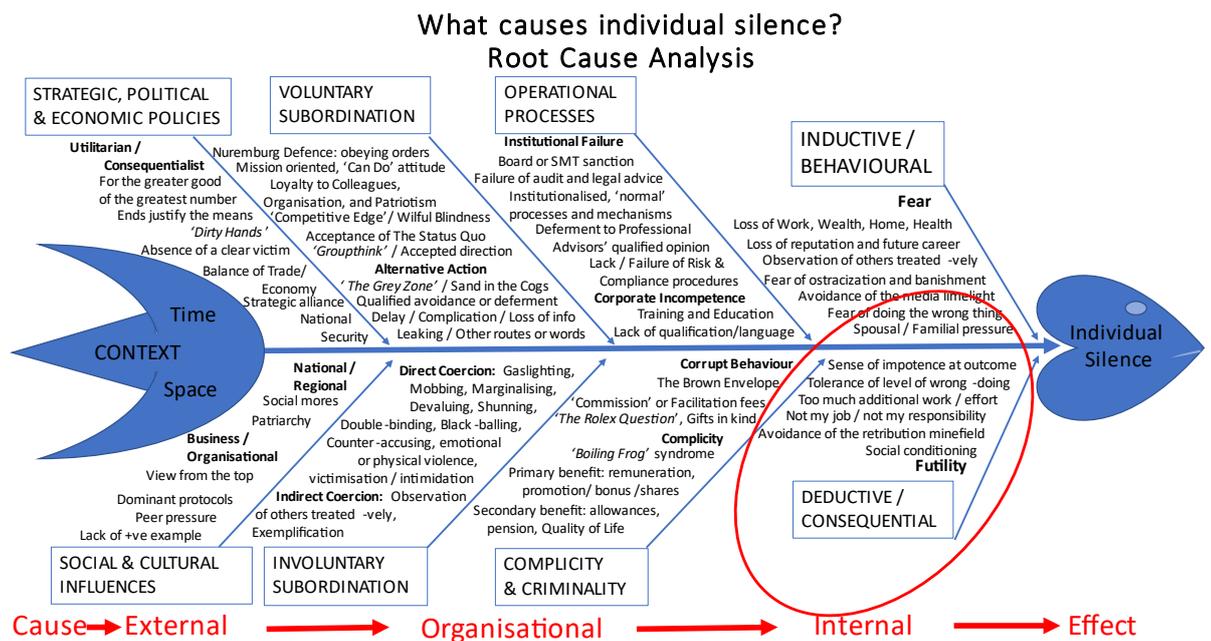
<sup>108</sup> HRH Prince Mutaib bin Abdullah bin Abdulaziz – Commander of the SANG, responsible for military affairs (from 2000); Deputy Commander, responsible for executive affairs (from 2009) was also listed as one of the beneficiaries of the corrupt payments to the Cayman Islands in banking documents from Switzerland. HRH Prince Mutaib is the first cousin of HRH Princess Nourah bint Saad, HR Director of GPT. (Regina, 2021, para 110(a)).

<sup>109</sup> *If the Perceived Reward is > or = the Personal Stake x Risk, then it is worth taking the wager*

the risk and consequences on the family. This secondary path is reflected in the root cause of ‘alternative actions’ which we will discuss later.

*‘But I would have thought a lot of people would think, well, if this blows up and there's lots of publicity, am I so whiter than white, that I can withstand the criticism? Or have I got things I'm not particularly proud of, and therefore I don't wish to have the full Light of the World shine on me.’* **(Mickey, former MoD Senior Staff Officer, then Director of Security, Airbus Group)**

There is one more fear highlighted in these responses, which is both unusual and surprising: fear of the media spotlight. It reflected two things: firstly, a wish for humility, in not assuming the limelight and the inevitable gaze of the media and thus public attention. Some people feel very uncomfortable on a public stage and therefore actively resist placing themselves, and their families, in such a position by staying quiet. And, secondly a fear of the microscopic inspection of one’s life and past deeds likely to be incurred once the media spotlight had been trained upon them with the possible effect that might have on their reputation and relationships. This is a fear born not of the immediate consequence or reprisal of speaking out, but of a secondary consequence that the public spotlight might uncover other ‘uncomfortable facts’, which may or may not be illegal, but which in one way or another incur social stigma or personal embarrassment. It might be the stuff of yellow-paged novelettes but many a relationship has faltered over an unexpected illumination of previous actions, and it was a real fear voiced by an interviewee who had observed it in action. It was also one of the main reasons behind several other potential participants who firmly declined, albeit politely and amicably, to be interviewed for fear that they might be traceable through the media and the effect any ‘spillover’ might have upon their post-service careers.



**Figure 8 - Deductive behaviour: futility**

### 5.3 Deductive behaviour (Futility)

The second major mechanism that stops people from speaking up is a deductive behaviour resulting from a belief that the act of whistleblowing will be ultimately ineffective. It is a massive step for an individual, acting in isolation, to openly confront a corporation or national/ international organisation. Personal observation indicates that the bigger the beast the harder it is to take a bite out of it and survive to tell the tale. Indeed, observation of the success or otherwise of others in effecting change is pivotal in the decision-making process of whether to speak up or not – just as failure and destruction of character and career has an equally important deterrent effect. ‘Whistleblowers will risk retaliation if they think that speaking up will make a difference. Numerous studies have confirmed this motivation. This is also the bottom line for affected institutions or the public: positive results’ (Devine and Feinstein, 2021).

Repeated instances of whistleblowers suffering life-changing detriment whilst institutions suffer only transitory embarrassment before a resumption of ‘normal’ activity, serve only to reinforce the idea of ineffectiveness or futility of individual action in the face of corporate

might and intransigence. From the viewpoint of the prospective whistleblower, the weight of evidence supplied from observation of how others have been treated, and whether they made a difference through their speaking out, argues greatly for inaction. Repeated instances of the same or similar wrongdoing occurring within the organisation, which have previously been publicly disclosed and for which the whistleblower was professionally demolished, reinforce a belief of ineffectiveness and a sense of impotence to influence the outcome. Indeed, fear of being ineffective, which stops the individual from acting, might be considered to be an extension of causal fear. It is a fear of failure, a fear of being made to look a fool in front of those whose support and respect are important to the individual, and thus it is a fear of loss of public and consequential self-esteem. It is a fear of impotence with its accompanying frustration, stress, feelings of helplessness and vulnerability and the negative emotions of fury and anger, which is then directed by the whistleblower, not only at the perceived instigators of the wrongdoing but, curiously, also back at oneself.

In this case study, the obstacles to whistleblowing were not all initially apparent: what originally appeared to be a matter of relatively minor corporate bribery eventually revealed itself as a matter of systemic governmental corruption involving very senior members of the Saudi Royal Family and their public officials, Europe's largest defence manufacturer and the historic involvement of five UK Government Departments (FCDO, MoD, Treasury, Business, Cabinet Office) across 5 different governmental regimes (Callaghan, Thatcher, Major, Blair, Brown). Such an array of opponents is formidable by any standards given their power, resources, connections and ability to resist, delay or obfuscate all attempts to be held to account. It says a lot for the British justice system that any case has been brought before the courts and resulted in corporate and individual convictions<sup>110</sup>, but it has only been brought about because of a commitment to ensure an effective conclusion, a refusal to surrender and eventually the threat of litigation in the Supreme Court that persuaded the Attorney General to grant the SFO consent to prosecute in 2020.<sup>111</sup> To an extent though, this commitment can often become obsessive in its determination not to allow the perceived

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<sup>110</sup> Airbus DPA (January 2021), R v GPT (April 2021), R v Cook et al (trial scheduled for May 2022)

<sup>111</sup> GPT Bribery Scandal, *Cox of Tricks*, Private Eye, no 1507, 18 - 31 Oct 2019, p38.

miscreants escape accountability and justice, and it is a regular feature of whistleblowers who seem unable to escape the trauma of their ‘lived experience’ and the detriments it has inflicted upon them (Foxley, 2017).

One also has to consider the effectiveness of the initial whistleblowing disclosure alongside the effectiveness of the law enforcement agencies (CPS, SFO, NCA) and other regulatory bodies (e.g. CQC, FCA, ICAEW, NHS Improvement, SRA, etc) and the courts to ensure a meaningful and effective conclusion. Since the personal stake can be so high, and the risk so great, especially when opposing large, well-resourced organisations and powerful and influential individuals, all of whom will be utterly ruthless in the protection of their reputations, the perceived benefit, as Pascal noted, must be worthwhile. Effectiveness is a key aspect of that perceived benefit. The rational argument is that the final result must make it worthwhile to take the initial risk. Thus, the competence and commitment of the judiciary and regulatory agencies to enforce are essential to the credibility and effectiveness of the whole process. It requires real commitment to the task in hand and a robust attitude to overcome embedded resistance and obfuscation. Half-hearted approaches to regulation merely act to reinforce the belief that the system is ineffective, and that corruption or other misconduct will continue in the long term, whilst the individual is destroyed in the short term. The individual therefore will step back from speaking out because of a perception that we have *‘a relaxed regulatory system in the UK which facilitates that sort of thing, and we’ll only slap them on the wrist if they go too far’* **(Paul, former police officer and whistleblower from commercial / financial sector)**

Equally, a poor response from within the senior hierarchy serves to diminish the initial disclosure along with the individual and the courage they summoned to overcome the recognised adverse cost/benefit analysis. This can even extend to the highest levels of management within an organisation. This was reflected within the responses offered across a range of participants in directorial/managerial posts where the ineffective organisational response gave birth to a sense of apathy and ineffectiveness within the individual:

*‘I must have got it wrong because if my management board all decided I wasn’t the right man for here because they didn’t want change and the governor is supporting them, then there’s no point in me being here because I’m not going to just sit here and be the little desk*

*officer CEO. I can't bring in change, I can't attack what I believe was both financially unjustifiable and (representative of) institutionally arcane processes, I would waste away here if I just had to sit and do what they require me to do in the way they want me to do it.*

**' (Harry, 2\* general, former head of Service Arm, Divisional Commander and senior staff officer in Manning and Personnel Branch)**

The example offered is not an exception, and what it shows is that the futility of response affects not only current and prospective whistleblowers, but also otherwise positive and committed members of the organisation who become disillusioned with its response and resistance to act on the information of wrongdoing or mismanagement disclosed by others (H1), (H2), (H3) and (H4). This reaction is regardless of rank and appointment within the organisation: it can affect those on the workshop floor not supported by their supervisors and middle management just as easily as the CEO unsupported by the Board. It reinforces the conclusion that organisational response is critical not only to the wellbeing of the individual whistleblower but also to the future health and wellbeing of the organisation itself.

An obvious, reflective, question therefore is why did the prospect of futility, and thus individual silence, not take hold of me in this case study when it so easily could have done given the prospective opponents and obstacles confronting me?<sup>112</sup> I believe the answers lie in a combination of the following reasons:

1. Initially, the corrupt scenario seemed to be a maverick group of directors of an overseas subsidiary in a social and commercial environment that allowed them to practise corruption and bribery in order to propagate the business and thus benefit their secondary reward and status.
2. The subjugation of the Airbus Group corporate compliance department to the sales and marketing function was not apparent until the documentary evidence of corruption and its

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<sup>112</sup> I feel obliged to insert this section since I was asked it frequently both by those I was interviewing and those who have been on the periphery of this research and its subsequent presentation of interim findings.

supporting email trail were discovered, and it was confirmed in the Statement of Facts supporting the Airbus DPA (Regina, 2020).<sup>113</sup>

3. The intimate involvement of very senior members of the Saudi Royal Family was not apparent until direct threats to life and liberty were made in efforts to cover up the discovery of the evidence and prevent its further disclosure. The exact extent, and seniority, of their involvement was suspected but not fully apparent until noted as beneficiaries to the corrupt payments in in the judge's sentencing remarks in April 2021 (Regina, 2021).
4. The involvement of UK Government departments was not fully apparent for some time and though eventually suspected, was not properly disclosed until recognised in the judge's sentencing remarks in April 2021 (Regina, 2021).

It appeared to me on initial confidential disclosure of the corruption to the MoD's representative (the UK Brigadier who was SANGCOM Project Director) that the MoD would understand and accept the illegality of what had been discovered, would report it to the Ministry of Defence Police (Fraud Squad) or Serious Fraud Office and that it would be dealt with appropriately. Thus, the prospect of whistleblowing was that it would be confidential, protected and effective and I would have been under the protective umbrella of the MoD and its representatives in Riyadh. In effect, the whistleblowing was accomplished within the spirit of (political) parrhesia (Foucault, 2001), with myself assuming the role of the Vulnerable speaking Truth to the Powerful, in the belief that I was protected by confidentiality and a trusted relationship with the authorised representative of my democratic and legitimate government. When individuals speak truth to power freely and fearlessly, they attempt to alter the status quo – and in so doing become political actors (Kenny, 2019, p28). I believed that I was operating under the cloak of a 'parrhesiastic contract' and that I would be effective in effecting (a) disclosure of wrongdoing and (b)

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<sup>113</sup> The Statement of Facts under the Airbus Deferred Prosecution Agreement (DPA) only revealed in January 2020 that Airbus Group had a specific department (Sales and Marketing Organisation (SMO) International) responsible for agreements with and payments to third party 'Business Partners (BP)' for International Marketing Development (IMD) projects. In effect, it was a body established specifically to administer illicit payments to third parties within corrupt contracts. *'Whilst some committee members were aware of and/or involved in the wrongdoing, the information provided to the committees was incomplete, misleading or inaccurate, in particular with regards to the process by which the BP was identified, the actual amount of compensation promised to the BP, the identity of the beneficial owner of the remuneration provided, or the underlying economic justification for the IMD project.'* (Regina, 2020, para 19)

change to a legal and moral basis for commercial operations. The concept of MoD involvement in facilitating or complicity to the corruption was, to me, unconscionable – especially given my family’s (historic) involvement in corruption in Defence procurement contracts. Having seen the voracity and tenacity of the MoD, law enforcement and judicial systems in my Father’s prosecution, I had the full expectation of the same energy and commitment being brought to bear in this case. Effectiveness in securing a credible result was made possible by production and retention of sufficient solid documentary evidence to prove the corruption, reinforced by credibility as a witness with detailed knowledge of Defence procurement processes, knowledge and experience of project management and acceptable legitimate commercial practices. Thus, whilst futility may have held back others from speaking up, there was a unique set of circumstances that determined that I should have had a much higher probability of success – so long as I was determined and committed enough to stay the course and not be deterred by any of the obstacles that were placed in my path over the ensuing decade. I will leave it to the reader to determine whether aspects of personal character are also pertinent to this decision-making process! I believe that previous military training and operational experience under stress assisted in the decision-making process and ability to define an effective end result and remain committed to its successful conclusion (‘achievement of the mission’ in military parlance). However, I also now believe that I misread the sensitivity and volatility of the situation through a combination of naivety, and a misplaced but deep-rooted belief in the legitimacy, loyalty and integrity of the MoD and its public servants.

*I can understand if people are in a situation they're not sure what to do they look around themselves and think 'Should I be the whistleblower in this case or should I just look the other way until I finish this role?' And maybe for security reasons, I mean, I remember when you came back you were very nervous about your own and your family's security and I think people probably were nervous of that. They obviously had careers and they weren't sure what would happen to their careers. (Bill, former MoD Staff officer in Defence communications procurement)*

The resistance offered to whistleblowers takes the (metaphorical) form of three assassins: the first assassin is an actual one, and the threat to life and or liberty is both real and public.

The examples of Sergei Magnitsky (Browder, 2015), Jamal Khashoggi (Daily Express, 2018) Babita Deokaran (The African Mirror, 2021) and Daphne Caruana Galizia (BBC, 2021) amongst others, stand witness to the ongoing reality and ruthless deadliness of this occurrence instigated by individuals, organisations and/or governments alike.

The second ‘assassin’ is a corporate or organisational employee who is normally a specialist in Marketing Communications/Public Relations who seeks to destroy the career prospects of the whistleblower so that they are stigmatised, their professional standing is undermined, and they are regarded as suspect for any future employment on grounds of professional specialist and managerial competence. The DARVO strategy is testament to this (Freyd, 2014)<sup>114</sup>.

The third ‘assassin’ is a lawyer employed by the organisation either to prosecute the individual or to oppose any action, either in the Employment Tribunal or in other civil or criminal proceedings. The underlying purpose of all three ‘assassins’ is to silence or mute the whistleblower to such an extent that the effect of their disclosure is lessened or totally negated. The latter two ‘assassins’ rely on the destruction of professional competence or good character to undermine the individual in the eyes of the court and the public and thus lessen the validity and effectiveness of their information/ evidence. These tactics are commonplace and serve not only to lessen the impact and effectiveness of the disclosure of uncomfortable information but also as a public deterrent to others who might be considering similar actions. The effectiveness of the corporate assassination demonstrates the ineffectiveness of the individual in the face of overwhelming corporate / organisational resources and a complete inequality of arms in the judicial battle. In each instance, they reinforce the message of potential personal loss regardless of sector. The overall message is that ‘We, the Organisation are effective, lethal and powerful whilst You, the individual (who has stepped out of place) are ineffective, impotent and vulnerable’. But

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<sup>114</sup> Deny, Attack, and Reverse the Victim and Offender roles (DARVO), is a classical ploy to undermine the individual and create support for the organisation (Freyd, 1997 and 2014), (Harsey et al 2017). In ‘a DARVO climate’ the target individual is subjected to a campaign of victim-blaming by the organisation to discredit their credibility and thus undermine the validity of their evidence. The organisation will seek to successfully secure the support of bystanders and condition them to perceive the individual as the perpetrator, with subsequent actions to collectively subject the individual to a merciless process of scapegoating and stigmatisation. Observers yield to betrayal blindness in the interest of looking out for themselves and to avoid the risk of personal loss or pain they might incur if they sympathized with the targeted individual (Freyd, 2014).

communication is meant for a much wider audience than just the whistleblower and centres essentially on the futility of individual action in the face of organisational might.

Media coverage of whistleblowing actions, which condemn corporate or organisational wrongdoing, may be intended to publicise the poor state of whistleblower protection and compensation, but they also inadvertently advertise the shortcomings of personal action and the inequality of arms between the individual and the organisation. Thus, whilst the frequency of media references to whistleblowers and whistleblowing has greatly increased over the past decade<sup>115</sup> media coverage has unfortunately also reinforced the idea of futility of individual action and lack of protection without mobilising sufficient weight of public opinion to drive political impetus to effect change for remedial action: it has not shifted the Overton Window<sup>116</sup> (H5). This situation may change, but it will be a slow incremental process until there is public opinion of sufficient weight to force politicians in government to drive through policy changes to create positive outcomes through establishing effective mechanisms for the protection of future whistleblowers. Once these mechanisms are proven to work, and it is shown that the balance of risk and cost will be outweighed by the benefits accrued, then the effectiveness of personal action will be recognised.

The importance of a positive whistleblowing example cannot be underestimated. There are so few public examples that each one carries significant weight, especially if those held accountable are significant public organisations or multi-national corporations. The ultimate goal is to demonstrate that whistleblowing can be accomplished without detriment to one's professional career, harm to one's character and reputation and is effective in holding organisations and individuals accountable no matter how powerful or well-resourced they

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<sup>115</sup> Driven predominantly by high profile failures the Financial Sector since 2008 and across the NHS since 2013.

<sup>116</sup> The evidence for this is within the ongoing campaigns for reform of the Public Interest Disclosure Act (PIDA) 1998 and for the establishment of an Independent Office of the Whistleblower and for measures to be included in the Economic Crime Bill to offer greater protection to whistleblowers in future. (APPG on Anti-Corruption and RespoNsible Tax and APPG on Fair Business Banking [Economic Crime Manifesto: How to drive out dirty money — APPG on Anti-Corruption and Responsible Tax \(anticorruption-responsibletax.org\)](#) [accessed 21<sup>st</sup> July 2022])

may be.<sup>117</sup> It may be idealistic, but it is certainly still a goal worth setting as a vision of future society.

*'Lawyers, categorically say what we can do and what might be possible, but NOT that that possibility has got to be legally correct. We have no idea what is legally correct or nuanced though - they do. They do you know that there might be another way of maybe constructing the agreement in different way and maybe putting a JV<sup>118</sup> together rather than an SPV, rather doing this rather than doing that, just to make sure that that in many ways, all parties are protected and the reputation of those involved is protected. Because it can be reputationally, very, very damaging, not only for the individual, but also for the business. And at the end of the day, you know, lawyers are there fundamentally to protect the business and to protect the people who are working for business.'* **(Edward, former service officer and long-term commercial sales manager for a multinational defence manufacturer)**

Related to the prospect of ineffectiveness was this openly stated tolerance of a level of wrongdoing. The motivation to speak up depended fundamentally on the cause and extent of the observed wrongdoing. There appears to be a 'threshold of acceptability' beyond which individuals cannot accept either the continued committal of the action or their personal ability to remain silent about it. Individuals appear to balance their acceptance of an action against their personal values, the risk they perceive to themselves and by extension to their families, the type and gravity of the wrongdoing they are observing and, in some cases, the benefit to a wider community - be it organisation or nation. One of the Senior Compliance Officers within Airbus Group actually stated in two separate communications to a whistleblower that whilst he could accept some wrong-doing but that his limit would not extend to assassination:

*'Not for me personally because I do not know what the implication will be, well I can tell you there will be no implication for you actually because we will not do anything to harm*

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<sup>117</sup> The only examples of whistleblowers being publicly recognised are Julie Bailey and Helene Donnelly who were awarded a CBE and an OBE respectively in 2013, in recognition of their whistleblowing campaign for reform of the NHS after the Mid-Staffs Hospital scandal, and lately, Sara Rowbotham, the social worker who observed, documented and then blew the whistle on the grooming and sexual abuse of vulnerable teenage girls by a group of older (Pakistani) men in Rochdale, who was awarded an MBE in 2019.

<sup>118</sup> Joint Venture (JV) and Special Purpose Vehicle (SPV) describe commercial arrangements for specific business endeavours.

*you. I made clear that I would not accept that because this is my limit. I can accept that we pay, a little, but I cannot accept that someone will get killed because of me this is for sure I can tell you and I will bring the paper to the French Press, the file you will give to me I can promise it will go to the French Press if something wrong happens.'*

And further:

*'In reply to your questions, I did fear that you were endangering yourself when you first reported to me. Not being a military nor having any experience in 'secret ops', I tried to lay back thinking to myself 'don't alarm yourself, this is real life...we are not in a bad espionage novel'. To be honest, considering the external environment, I have failed to fully convince myself. So I still urge you to be cautious. Now I renew my word to you: if you or your new family are physically assaulted or worse, I will speak up.'* (Reference: PQRST, 2010)<sup>119</sup>

The Institute of Business Ethics survey of ethical practices at work (2018) found that across a range of questionable minor ethical practices, men were more willing to accept infringements than women and younger (18-34) employees were more likely to find such practices acceptable than older employees (55+) employees.<sup>120</sup> Lepora and Goodin (2013), developed a complex 'equation of blameworthiness' constituted from, in simplistic non-mathematical terms, a combination of 'How Big, How Bad and How Often' an act is perceived. I offer that a similar, if not the same, algorithm determines whether an act of wrongdoing is reported or not. This is an area that might well be explored in further research and indeed extended through an inverse approach to quantify 'an equation of praiseworthiness' to determine the benefit of a particular disclosure.

*'Qualified Avoidance in the commercial world is a known strategy. So you basically know what's happening, but you just take a strategic decision to avoid it - and it could be avoided*

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<sup>119</sup> Not a research interview participant but referenced within SFO evidence and anonymised (Reference PQRST, 2010) to protect the individual. Primary documentary evidence may be accessed through the author if necessary.

<sup>120</sup> Note that this was survey looked at minor workplace practices and their infringement of basic honesty as indicative of ethical values as a reflection of workplace culture and thus the organisation's commitment to ethical practice. More serious unethical practices incorporating financial fraud (e.g. fiddling expenses) reflected the greatest levels of unacceptability. It can be assumed therefore that major fraud, corruption and bribery would also be deemed unacceptable by (almost?) all employees. Interestingly, 9% of employees appeared to find the most questionable practices acceptable.

*at that time, but then something done later...avoidance would be to stay in the role, gather the information till you're absolutely crystal clear about who knows what, where and when, and wait until you're probably in a more powerful position. I've learned the hard way that avoidance is an important option. And avoidance, or partial avoidance or staged avoidance is an option.'* **(Bill, former MoD Staff officer in Defence communications procurement)**

Qualified avoidance is not dodging the issue as in wilful blindness. Rather, as **Bill** describes above, it is a recognition of risk and possible ineffectiveness at a particular point in time and circumstance. It appears as a deferment of action rather than an excuse or refusal to act, to become more effective once the disclosure decision has been made. We might consider it as a reflection of Levi's (1989) 'Grey Zone', a place of transition between the stark alternatives of black and white, silence and safety or disclosure and danger. It is a recognition of vulnerability in a power balance between the individual and the organisation and its officers and the lack of a 'parrhesiastic contract' which might offer a guarantee of protection in exchange for disclosure of information about wrongdoing. It is contiguous to a further explanation for silence due to too much additional work or effort in monitoring, gathering, collating and exposing information throughout the whole disclosure process and the adverse impact it has on focus and energy spent in conducting one's own professional role. But it is not just the impact of gaining and disclosing the relevant information, it is also the impact of the ensuing escalation of matters as the disclosure is investigated through the validation, conversion into evidence, and eventual witness process that is wearing and distracting from normal duties and personal life. The combination of potential adverse response, wear and tear on energy and spirit, potential loss of employment and remuneration and the possibility of reprisals mitigate greatly against speaking up and in favour of deferment or avoidance in order 'just to get on with my own job'.

*'You ain't going to ask the awkward questions too often. The only time that you're likely to do that is very soon after you get there when you don't really know better. And you'll get the one effective warning which says that area is being looked after. And that's basically what I got out of the Finance Director. He said: 'This is an area you don't need to worry about, that's what they pay me for. You don't need to be involved with it. Okay? Get the message?'* **(Peter, former service officer, resource manager in SANGCOM commercial entity)**

Given such a response from a senior member of the management, it is only too easy to adopt the stance of ‘it’s not my job or responsibility’ and for the individual to rationalise avoidance with an internal explanation that she/he had fulfilled their responsibility by raising the issue to the organisation/ senior officer who now assumed the responsibility for taking appropriate action. This reasoning allows the individual to retain self-esteem, unburden themselves of personal responsibility and avoid further conflict (H2). It allows the individual also to actively avoid the retribution minefield, which once potentially activated by an early disclosure, might visit the individual heavily if he/she were to follow up the initial disclosure with an enquiry of whether it had been effective or not.

The GPT Trial Judge’s Sentencing Remarks (Regina 2021) are inconclusively ambivalent about the position taken by generations of SANGCOM civil servants in declaring knowledge of the corrupt practices going on beneath their noses. Whilst it categorically states the involvement of Her Majesty’s Government in facilitating the arrangements between GPT and SIMEC<sup>121</sup>, and recognises that someone must have known about their illegitimacy, it hypothesises as to whether and why they knew, or were ignorant of, historic payments<sup>122</sup>. Statements from latter-day civil servants<sup>123</sup> are somewhat at odds with the versions offered within the anonymised research interviews in this project. This may be because of the implication of complicity and potential threat of prosecution, but we do see in their cited evidence the repetition of deferring to superior authority and historic approval by senior officers with access to specific advice from professionally qualified (legal and audit functions) personnel<sup>124</sup> within government departments (H1), (H2). This is one of the

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<sup>121</sup> ‘HMG was involved in facilitating the continuation of the Simec arrangements upon the acquisition of GPT by Paradigm in 2007.’ (Regina 2021:para 139)

<sup>122</sup> ‘In the above circumstances some of those employed by HMG may have known about, or turned a blind eye to, the payment of bribes over many years, particularly in the early 1990s, but continuing through until the indictment period. In this regard the evidence becomes less clear in the more recent past. That may be because knowledge was tailing off, or because individuals took more care about what they wrote down or admitted to. Many of the personnel remained ‘en poste’ for many years and/or moved from public to private service but remained in the same general area.’ (Regina 2021:para 140-141)

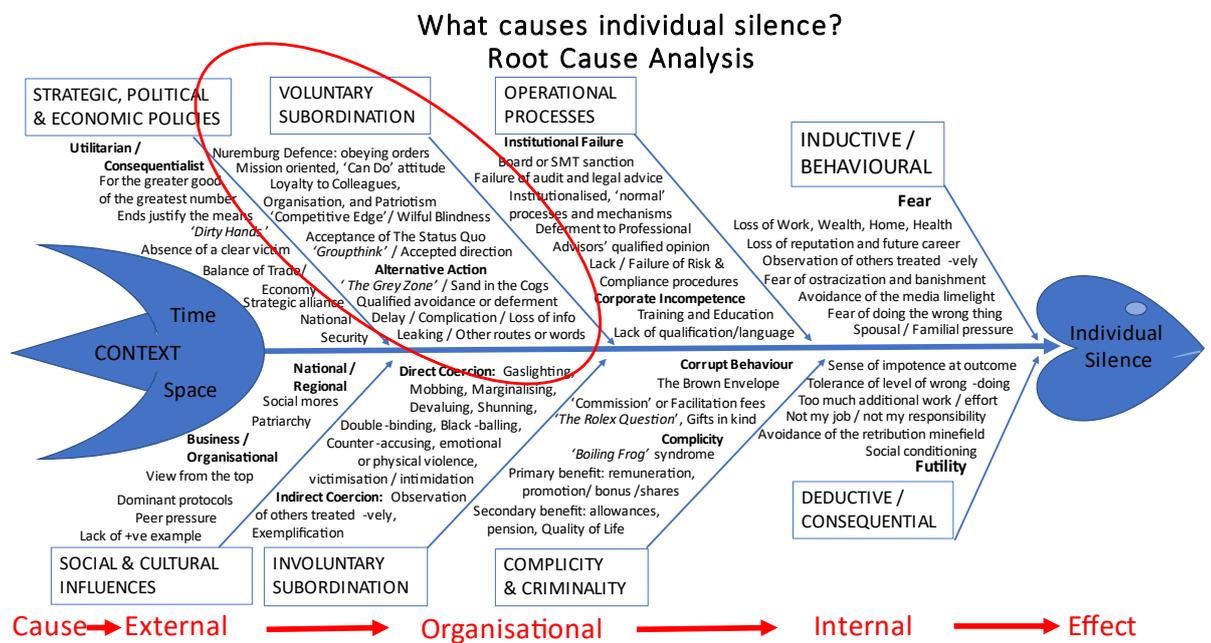
<sup>123</sup> This trail of evidence is ongoing through the preliminary hearings for the trial of the GPT individuals scheduled for February/March 2022 and the trial itself (May-July 2022). This might offer additional material for inclusion in future research.

<sup>124</sup> ‘There are statements from a number of more recent SANGCOM civil servants showing they believed BIS to be payment for genuine services, because that is what they were told by GPT, and it had historically always been approved by the MoD. They had no cause to think it anything other than a legitimate payment made on the contract. It remains possible that there were some civil servants who, in the indictment period, were aware of the true nature of the payments.’ (Regina, 2021: para 142)

key reasons offered for not doubting the legitimacy of the payments, and thus their prolonged silence about them. If these civil servants had indeed disclosed their misgivings as suggested, then it was either absorbed and suborned to the political will of their superiors or was just ignored. Either way, it was ineffective as a mechanism for reporting wrongdoing and therefore served not only to demonstrate to others that it was not worth doing, but that the process was condoned and endorsed, albeit informally, from above. This therefore leads us onto a further deductive reason for individual silence: social conditioning (H3), (H4), which I will discuss later once I have described the other major root causes for individual silence in the organisational and strategic political realms.

This chapter has focussed on the personal considerations that are at the very heart of individual silence. The prime reason why people do not blow the whistle is fear: it was mentioned in the research interviews more often than any other reason. Complicity gives rise to a sense of vulnerability to prosecution, job / career loss and, consequently, a significant decrease in personal and familial wealth, status and reputation. This sense of vulnerability is also born of fear and thus, complicity becomes a subset of fear of adverse outcomes, albeit driven by the slightly different mechanism of vulnerability to prosecution rather than vulnerability to reprisals for speaking up. Similarly, a sense of futility is a derivative of fear: fear of acting positively but with no positive or worthwhile outcome and, worse, a perception and fear of a negative outcome that would likely ruin current and future employment along with the personal social and economic benefits that accrue from it. It rests upon a perception of vulnerability in an unequal struggle between the individual and the organisation, which is far better resourced, positioned and armed to rebuff disclosures of wrong-doing and visit retribution on those who raise such issues. Historical observations of how others have been treated act to demonstrate to the individual that speaking up is a dangerous, possibly lethal, path, and the consequent rational calculation of personal cost versus benefit and effectiveness is that it is a risk not worth taking. Thus, personal considerations prompt individual silence. But they are not alone in doing so: they are founded on and reinforced by the structural considerations stemming from organisational culture, prevalent operational climate, and the underlying strategic and political environment. It is to these elements that we now turn.

## Chapter 6 – Organisational factors



**Figure 9 - Organisational factors**

We move now from the realm of the internal personal forces that shape the environment in which the individual makes his / her decisions to the organisational realm. Here a combination of extant organisational policies, processes and pressures more closely mould individual behaviour and the personal response to the Whistleblower Dilemma. These are the climatic influences operating within the external, contextual environmental ones that we will examine in Chapter 7. To the individual they are the real, readily apparent pressures analogous to the flow of the current in which the individual fish swims, directing its movement along with others in its immediate vicinity, organising its progress and pushing it in a certain direction and at a certain pace. But, like the fish, the individual does not readily see its influence even though it feels its effect and moves accordingly. This induced and deduced behaviour is based on observations of what has previously happened to others within the organisation, and their assumption that it is therefore likely to happen to them too if they speak up (H1).

## 6.1 Voluntary Subordination

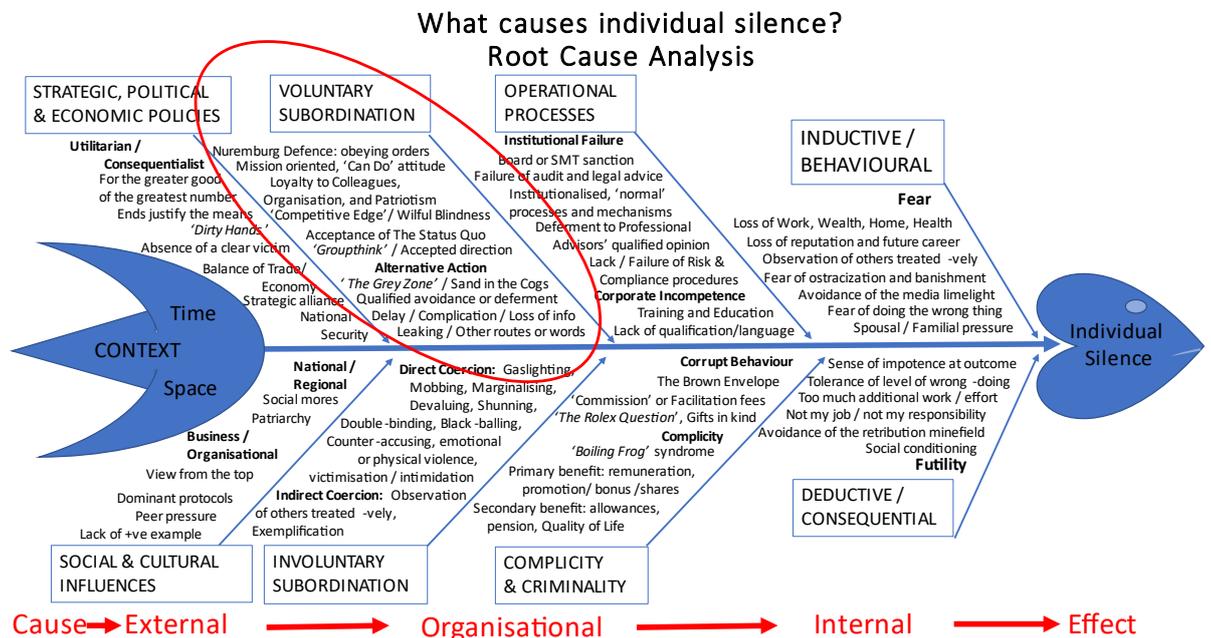


Figure 10 - Voluntary subordination

Foucault (2001) described three elements to the parrhesiastic process of speaking up: the speaker, the receiver and the truth itself. He offers that those who speak up normally do so not only because they believe something is wrong, but also because they believe that something can and should be done about it. The receiver therefore plays a quintessential part in this process. The reception and consequent response afforded to both the speaker and the disclosure signals much to the whistleblowing individual and all those who observe what ensues. But the speaker is also communicating their intrinsic inability to right the wrong they perceive and a recognition of their own vulnerability when they speak to the powerful about it (Kenny, Vandekerckhove and Fotaki, 2019). There is thus an implied obligation on the powerful to take remedial action. The response, be it appropriate, inappropriate or even nil, sends messages which determine the next stage in the whistleblowing process. Where the initial disclosure has been made internally, the response often governs whether an external disclosure by the whistleblower follows. The empirical evidence gained from those interviewed within this study who did NOT blow the whistle, and previously in research for my MA (Foxley, 2017) from those who DID blow the whistle, certainly reinforces this. I

would add that a fundamental conclusion born of both my ‘lived experience’ and my academic observation of these interviews is that the response is the most important of the three elements highlighted by Foucault. Organisational response is of critical importance to the whistleblowing process, both for the single case and for the wider message it passes to bystanders about the organisational culture that underpins it. Emanating out of the underlying organisational culture are the derivative practices that form the climate prevalent within the business (Keenan, 1990) (H1), (H2), (H3) and (H4).

Organisational culture is already a very well-researched area (Berry, 2004), and as the second level of my analysis indicates the explanations offered by interviewees seemed to gel around three organisational factors: voluntary and involuntary subordination and operational processes. They appear to form an individual view of the collective culture present within the organisation (be it the government agency or commercial company). It is to these areas that I now want to turn to lay out the composite organisationally based reasons offered by the participants as to why they remained silent.

Participants interviewed all came from within structured organisations: governmental, military, civil service or corporate. As such, we should not be surprised that they displayed institutionalised behaviour, predominantly law-abiding, conventional, conservative (small c), well used to regulated activities, the obedience of orders, and inclined to ready conformity with established custom and practice. There was thus a voluntary subscription to the membership, rules, routines, and norms of acceptable behaviour and across each of these groups within the boundaries of the case study. With this came an implicit recognition of the (presumed) legitimacy of the organisation and the rightful authority of those set in higher command or management positions (H1), (H2) and (H3). There was an innate trust in their judgement, experience and competence to know, validate and adhere to the law of the land and the rules of the organisation – and to have ensured that such regulations were both extant and appropriate to the current operational environment.

I offer that the population of the case study was predisposed to accept the practices being enacted before them and that the combination of ingrained obedience, loyalty, and a recognition of national commercial competition, shaped individuals to voluntarily subordinate themselves to the requirements of the task in hand. Kenny et al (2019) describe

the ‘leap of faith’ taken by whistleblowers in reporting wrongdoing to their higher management or others with authority and power over them. I believe there is another leap of faith though born of routine, ritual, organised processes which leads members of organisations to accept that the institutionalised activities and endorsement of the organisation and its ‘directing minds’ are legitimate, well-regulated and subject to review and remedial action if they are not so. Thus, they voluntarily subordinate themselves to the will and order of the organisation.<sup>125</sup> This is pertinent when we discover the complementary explanations offered by participants in this chapter.

*‘I was aware that the King had a crackdown on corruption, and I was aware of the answers. The questions aren't asked about corruption within our contracts and therefore I simply accepted it. I did not question, at that time, that figure, because there was a UKTI letter saying that that percentage was quite reasonable and was benchmarked against figures in use in other countries in the region for similar types of services.’ (Colin, 1\* brigadier, former MoD staff officer in the SANGCOM Project)*

However, before we address the reasons volunteered, it is appropriate to also ask whether there were any other mechanisms in operation, which ‘regularised’ or ‘normalised’ irregular activity, in order to make it socially/ professionally acceptable? We ought to consider whether essential personnel in pivotal roles were specially selected for their appointments, especially command positions in the Project team or its chain of command within the MoD, due to their ‘pliability’ or other submissive characteristics which might have been flagged in previous personnel reports. Were they specifically appointed to ensure that the facilitation of corrupt practices could and would continue? Or was there an unspoken understanding that those appointed to such roles would recognise ‘the wider picture’ and play their part without voicing personal qualms?

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<sup>125</sup> It follows also that the organisation owes a duty of care to the employee to ensure that they are not embroiled in corrupt acts and consequently do not suffer loss or damage deriving from such actions. The duty is akin to that in *Rihan v Ernst and Young* and mirrors closely the content of the portmanteau term of trust and confidence that applies in the context of regular employment contracts.

The response was a categorical, almost indignant, ‘No’ from well-trusted and very credible sources<sup>126</sup>. The very question implied that there was a much wider conspiratorial aspect to the Project that extended through to the Personnel Branches of the Army and Civil Service in shaping and framing the team. The responses persuaded me that this was not the case, but that it was a combination of other factors that negated the need for any positive action in this regard. These factors appeared independently from within the other evidence proffered.

Whilst I have listed these explanations of voluntary subordination separately because that is how they were presented in interview, they are in fact all connected: for example, the classic ‘Nuremberg Defence’ of ‘I was just obeying orders’ runs naturally with the ‘Can Do’ attitude of the institutionalised, otherwise discerning and intelligent ‘worker bee’.

*‘Culture plays a major part militarily. Military people CAN DO absolutely. The military culture is: ‘I’ve been given this task, I’m going to get on and do it’ and they don’t stop to think, because they’re not trained to stop and think about actually, ‘Is this actually right?’ I mean, as commissioned officers they should be questioning the morality of it, but then their nature is to do as they’re told to and do a damn good job.’* **(Horatio, former MoD senior staff officer in Defence Intelligence and equipment procurement, much overseas defence experience)**

There is a ‘drive to achieve’ that is quite natural to the military and, in a slightly different manner, the civil servant. It permeates their approach to every aspect of both their professional (and personal) life. It entails an enthusiastic, mission-oriented approach and a willingness to accept the challenge and just get on with it. This does not excuse the incumbent from investigation, judgement and decision on compliance with moral norms or the Law. It does though indicate a greater willingness to take on a task in the belief that the individual is a voluntary member of a greater organisation who sets the rules and takes

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<sup>126</sup> I shall not expand further in order to retain the complete anonymity of the sources. But they were qualified and endorsed in remarks from other participants with appropriate professional experience in personnel management and administration.

responsibility for them and, for the main part, is accepted as a legitimate body operating legitimately.

*'I think that we just saw it as Britain's way of warfare and our job is to find a solution that fits the Government's strategy. So basically, it's strategy, ends, ways and means. The ends were pretty clear. If the means were insufficient, we are to be imaginative with the ways. This is the British way of doing stuff. Normally actually the ends aren't that clear, they're kind of elastic depending on what politicians want on any given day of the week.'* (**Harvey, 4\* General, former Chief of the General Staff (Head of the British Army)**)

*'As a Commercial Officer, you would take it at face value and say this is the way even if you weren't involved in actually writing the contract. But we basically help facilitate, make it work so that, you know, you would really know exactly what was meant by each and every clause, what was within that contract.'* (**Steve, former MoD staff officer in Defence equipment procurement, overseas defence experience, and civil service experience in Defence Research)**)

Harvey and Steve come from very different backgrounds and levels of responsibility, but each displays an understanding of what they expected to do and what they were expected to do within their organisations. Their views were repeated across the range of interviewees. Within the military and Civil Service in particular, the strength of the organisation 'is often reliant on not articulating the ways that internal practices conflict with public perceptions of the organisation's activities.' There is a capacity to exploit ignorance in order to command greater institutional, individual and class-based advantages (McGoey, 2019) and, in terms of this case study, I think we can add the 'national strategic, political and economic' advantages, set against the disadvantage of international and national public opprobrium, firmly established and maintained both externally and internally 'sanctioned ignorance'<sup>127</sup> (H1), (H2), (H3) and (H4). As Sir Humphrey Appleby would (repeatedly) advise: 'it is sometimes more useful not to know than to know Minister'.

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<sup>127</sup> This is also sometimes referred to as 'rational ignorance': 'the tendency not to acquire knowledge when the perceived cost of educating oneself on an issue exceeds the potential benefit that the knowledge would provide' Downs (1957).

Additional layers stem from the emotional ties of loyalty to colleagues, organisation, regiment and Country (patriotism) which drove individuals to keep quiet. When we add the cumulative effect of these ‘competing loyalties’ set against the personal psychic pain that would be produced by being out of step with the rest of the team, one can see how easily uncomfortable truths can be buried under a myriad of reasons for keeping silent.

*‘There’s also something that the military have suffered from and will always suffer from, in the sense that over-cohesion, which is loyalty to an organisation, which is generally very good, very professional, but actually, it will rally round and close ranks around someone who has done something wrong even though the right thing to do is to call it out.’* **(Edward, former service officer and long-term commercial sales manager for a multinational defence manufacturer)**

This happens at both the individual level and at the highest corporate level whose members rose up through the ranks and thus have wider and deeper ties that bind their loyalties to the overall organisation more than their subordinates.

*‘I think it’s a phenomenal organisation, but it can get itself into deep water where the ‘can do’ attitude doesn’t necessarily capture the extent of the challenge posed.’* **(Harvey, 4\* General, former Chief of the General Staff (Head of the British Army))**

What Harvey is espousing is a recognition that sometimes the rules get bent by those wanting to achieve, effecting the ‘Can Do’ attitude, but that in so doing they can overstep the mark of social, moral and legal acceptability. It is an admission of knowledge and acceptance of what transpired but without a formal statement as such. Even in the anonymised privacy of the research interview, Harvey displayed an emotional wrench between his loyalties to an organisation he loved with a very protective air to his colleagues and subordinates, and his duty to speak the truth about what was going on. In the end, the former won, but he displayed no guilt at such a decision which he ascribed to the realm of politics and his duty to ‘do the will of those holding the highest offices’ and stretch the boundaries as far as his conscience would let him (H4) and (H5).

*'I think it's very difficult when you've got someone in uniform or someone who is a civil servant on the government payroll, who to an extent is leaning into British national interest in its widest sense, but is alongside commercial companies who are very much focused on shareholder value, bonuses, etc. and incentivize in a very different way and you have got a real clash of clash of cultures.'* **(Lawrence, 3\* general, High level Operational Commander, Assistant Chief of the General Staff, Deputy Chief of the Defence Staff (Operations), Prime Minister's Senior Defence Advisor on the Middle East, Arabist)**

This acceptance of strategic / political requirements sits alongside the commercial 'excuse' universally voiced for the bribery and corruption endemic in business across the Middle East. As Lawrence points out, the military and civil servants don't like it, but understand it and suborn their personal feelings to their loyalty to the Crown, the purpose of their chosen careers and thus to the dictates of our elected political leaders. There appeared to be a common understanding that in order to conduct business, bribes were necessary, even in government-to-government contracts (H1), (H2) and (H3).

*'It's a question that's never been raised, and they do not want to raise it ... alright GPT and BAe have been caught. But every other company in Saudi Arabia is paying a bribe. So why are there not more prosecutions? Because that's the model and it's quite clear to everybody working in Saudi Arabia, that that's the model. So why don't Governments do something about it? Because they don't want to. So yes, it is tolerated.'* **(James, former Chief Inspector MoD Fraud Squad)**

The intellectual alibi was that if we, the British, didn't do it then the French, Italians, Americans etc would do so and therefore if we wish to retain any form of 'Competitive Edge' we are also forced to pay bribes. This alibi connects back to the 'dirty hands' acceptance of a level of wrongdoing and a recognition of the national economic benefit. I use the term alibi deliberately in order to differentiate between the rational argument proposed to the researcher which had an element of excuse and the internal argument which participants used to provide themselves with an alibi for their actions. In so doing there was a clear sense of need to retain internal (self) esteem and external (others') esteem, in being complicit to an act that was recognised as wrong but was committed anyway for the greater good.

The next connected element that emerged from the interviews was that of a deliberate Nelsonian approach of turning ‘a blind eye’, not out of disapproval but out of a tacit understanding that the job was simply to deliver an operational and technical capability (H1). There was no apparent audit of procedures or raising of concerns which members of the SANGCOM Project team might rightfully have been done, nor even any detailed questioning of the Bought In Services. Instead, it appeared that most team members considered it ‘someone else’s job’ and therefore it was put to one side and ignored.

*‘I can see how that sort of thing might happen. As I said before, the purpose of the team was to get on and deliver it. They had a certain framework around it, and they wouldn't have known the provenance of some of the arrangements, and the way the payments were split up, but sort of: we've got a certain amount to play, let's get on and do it.’* **(Jim, 1\* brigadier, former head of Service Arm, the senior officer sent to pick up the pieces after whistleblowing disclosures in Saudi Arabia)**

There was no formal ‘ostrich instruction’ but there was a definite wilful blindness or ‘bystander blindness’ (Freyd, 2014). I found clear evidence that past and present members of the project team and their superior officers in MoD knew about the Bought In Services term and what it really meant, but so long as they were not directly carrying out criminal acts themselves, they just got on with the job in hand to procure, instal and maintain the equipment for the National Guard. It was a case of knowing privately but not knowing publicly, described by Cohen (2001) as a state of denial which allows them to live with the uncomfortable fact that they are witness or tangentially participant to an act of which they would normally disapprove. It is a mechanism which reduces the psychic pain of cognitive dissonance and allows them to function safely within their own world (H2).

*‘The ‘Project Commander’ just wanted a quiet life or just said ‘that's frankly between the SANG - all we do is we just shift the money through because that's how we change and deliver’. Then we just get on with doing the technical support; we're not interested in the asides, we've got a process that brings it through us.’* **(Lawrence, 3\* general, High level Operational Commander, Assistant Chief of the General Staff, Deputy Chief of the Defence Staff (Operations), Prime Minister's Senior Defence Advisor on the Middle East, Arabist)**

The explanation offered by the Project Commander allowed his subordinates to assuage any feelings of disquiet: they had questioned a possible impropriety; it had been answered by a superior officer to a sufficient degree and with sufficient authority that they felt alleviated of further responsibility. They had done their duty, been answered and, in military parlance, saluted smartly, turned to the left and marched out to get on with the job they'd been directed to do (H1).

*'I cannot swear that I didn't mention it to my boss at the time... I think I probably did, not in a penetrative questioning manner, but a quizzical eyebrow, that 'Maurice' has just told me that that's Bought In Services and that that's all part of the bill, and that's all okay. (And you got the nod?) Yes it's the shrug and yes, you sure can carry on.'* **(Tom, former service officer in SANGCOM Project)**

Even when the answer came as 'on the nod and a wink' there was an unspoken understanding that the underlying issue had been addressed at the higher level and that it had been thought about, it was recognised, and it was 'ok' to accomplish the task in hand. But we see no personal responsibility taken for making and enforcing such a strategy. Throughout the whole series of interviews, there was no indication of any particular individual or even single department taking responsibility for the strategy or policy of agreeing the corrupt payments (H4). This is unsurprising since few politicians, senior military officers or civil servants would want to personally, or corporately, publicly subscribe to a proven process of systemic corruption. Such an admission would require great explanation and, in all probability, require a resignation, and possibly a trial. Here we see the legal concept of the 'corporate veil' coming into play, separating the identity of the organisation from that of its individual members and allowing culpability to be attributed to the body rather than any of its constituents. It relies on an embedded trust in the organisation, its directing board and executive officers to do the right thing and to respond appropriately (H1).

*'I think there's a loyalty to the system: it tends to breed as a sort of belief that the organisation gets it right.'* **(Winston, 3 \* general, former member of Executive Committee of the Army Board and Secretary to the Defence Chiefs of Staff Committee)**

It is a device frequently used to hide both conscience and culpability across all walks of life: the villains are ‘the Banks’, the NHS ‘Trusts’, and the ‘Church’ rather than the individuals who planned, sanctioned, resourced, facilitated and covered up the acts of wrongdoing in the first place. The powerful (elite) rely upon such emotions as loyalty to bind people in and use their silence to conceal facts that they would rather were not made public. This wilful blindness relates directly to McGoey’s (2019) concept of ‘strategic ignorance’ as one of the actions which mobilize, manufacture or exploit unknowns to deliberately avoid liability for earlier deeds. Wilful blindness was firmly established as an alternative to actual knowledge in English Law by the end of the nineteenth century (Edwards, 1954) (Robbins, 1990). What really matters though is the ‘mens rea’: the intention or knowledge of wrongdoing that constitutes part of a crime, which lies behind the silence. If individuals deliberately participate in keeping knowledge of wrongdoing quiet then they could be said to be conniving with the act. In so doing, I refer the reader back to the earlier section on complicity and criminality in the previous chapter.

The law requires the ‘piercing of the corporate veil’ in order to discern the ‘directing mind’, to apportion blame and to prosecute individuals separately. In this case study, ‘the directing mind and will’ was identified by the Serious Fraud Office as the Managing Director, Jeff Cook, within the most current period 2007-2010<sup>128</sup> within GPT itself as the executive commercial entity, but no mention was made of who might have been a ‘directing mind and will’ prior to his involvement, or even at a strategic level, identify the Senior Responsible Owner (SRO) required by the Osmotherly Rules or its predecessors under the Civil Service Code. The corporate veil, made more opaque by the passage of time over the preceding 30 years, has still not been fully penetrated. Participation by Government departments and personnel, discovered through documentary evidence in the form of the ‘Cooper Memorandum’, shows that unusual payments for government-to-government contracts in

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<sup>128</sup> Regina (Serious Fraud Office) -v- GPT Special Project Management Limited, Southwark Crown Court, Approved Sentencing Remarks of Mr Justice Bryan, 28 April 2021, para 26 (5).

Saudi Arabia were known about and unofficially sanctioned at the highest levels in June 1976 (Gilby, 2007 and 2014) <sup>129</sup>.

The sentencing remarks of the GPT case (Regina, 2021) reviewed in detail the history of the SANGCOM contract and noted particularly the part played by Her Majesty's Government (HMG) throughout. When considering the degree of culpability and any ensuing mitigation, the Judge particularly noted that HMG had 'facilitated arrangements giving rise to the offending conduct'. He also stated that:

*"HMG was substantially involved in the historic corrupt arrangements which led to GPT's offending conduct. That conduct arose from the long-established unlawful requirement of those at the highest levels of the SANG, with knowledge and approval of senior figures within HMG, that the Prime Contractor should engage in the Simec sub-contractual arrangements, to make corrupt payments as a precondition of the selection of Prime Contractor. Officials within HMG introduced GPT to Simec in 1995 which facilitated the continuation of the corrupt arrangements upon GPT taking over responsibility as Prime Contractor. Officials also facilitated the process by which EADS took over ownership and control of GPT in 2007 at the start of the indictment period and the continuation of the corrupt arrangements at that point. There is evidence to demonstrate that knowledge and at least tacit approval of the arrangements within HMG continued (even if many within HMG were unaware of the true purpose of the BIS payments) into the indictment period."*

But again, there are no named military officers, civil servants, or politicians named within the evidence presented: opacity is afforded to 'senior figures within HMG' who approved the corrupt conduct and 'Officials within HMG' who facilitated the process. There remains therefore a cloak of official anonymity which protects and hides individuals who are clearly complicit with criminal acts, albeit on behalf of government departments. Thus, one might conclude, there appears to be an accepted, but not publicly attributed, government policy to

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<sup>129</sup> This was collaborative research between myself, Nick Gilby and Private Eye magazine conducted in 2014 and published in a Special Issue(1375) April 2015.

agree 'irregular' payments to PEPs within Saudi Arabia and facilitate their disbursement (H4) and (H5).

One of the major reasons voiced by participants within the Project Team as to why they remained silent was that they accepted the status quo when they joined the organisation and discovered (a) what 'normal' working practices were operating at the time, and (b) that they had been operating for some time previously (H1), (H2) and (H3). Thus, they established two norms in their own minds: firstly, that their peers and superior officers accepted current practices as normal, sanctioned and fit for purpose, and secondly that because they had become historically part of the accepted working practice, others must have questioned their legality and been assured that it had passed 'the sniff test' (H4).

*'So I went to see 'Paddy' about this, and I said 'Look, I'm worried.' And he said, 'Look, don't be, that's how life goes. That is just how life runs here. It's all family connections. Don't worry about it. And, and don't worry about the fact that the bid came in, you know, they've done their research, just the same as you and came to the same conclusion'. And I thought, yeah, okay, fair enough. I didn't object to it. I just raised the question and was just about satisfied with the response I got.'* **(Bernard, former service officer and MoD communications equipment procurement staff officer, Training Manager within commercial entity SANGCOM Project)**

This process alleviated much of the pressure to do something about issues of which they were concerned. The additional element was the reference to either immediate superior officers or colleagues to confirm whether or not it was an 'accepted practice', gauge whether others had queried it, how they had rationalised both the unusual practice and how they had dealt with it.

*'I think most people will say, 'Well, that's the status quo. That's how we do business in this country. Is it up to me to raise my concerns, if it's been going for 30 odd years?' and I should think the bulk of people will turn around and say no.'* **(Peter, former service officer, resource manager in SANGCOM commercial entity)**

To a great extent, people do not want to find out that something they think might be abnormal IS abnormal. It asks the consequential question: well, what are you going to do about it? In doing so it raises the spectre of conflict and the undermining of trust in both the organisation, its espoused integrity and legitimate practices and, indeed, the part played by professional colleagues. For those who are committed members of the organisation, with the longevity of a full career, the discovery of corruption by ‘the system’ represents a breaking of faith and a betrayal of the covenant between individual and organisation. This is certainly true of the views voiced by military/ civil servant participants, rather than commercial participants who appeared to much more willing to accept the dubious practices as pragmatic necessities to accomplishing the aims of the business.

*‘Because the guys in GPT, I think they got into the habit. So, you go into a routine, and people were simply repeating and repeating what they thought was an acceptable business practice. Maybe without even consciously realising any more what they were doing.’*  
**(Oskar, former Programme Director of commercial entity in SANGCOM Project)**

Deliberately ignoring uncomfortable facts and taking the ostrich position makes life a lot easier, and certainly makes strategic ignorance a useful tactic – until the silence is broken and both the original act and its ensuing cover up have to be explained. At that point in time, the intent behind the silence becomes of paramount importance, elements of plausible deniability and rationales which explain their behaviour to themselves and others are formulated, and subtle messages are passed through public relations mechanisms to prepare the ground for the conflict which is to follow. Oracular power flexes its muscles to refuse or delay prosecution in order to either make such a case less credible or to hinder or stop it coming into the public eye. There are two organisational examples of the exercising of oracular power, and their silencing mechanisms, apparent within this case study at both corporate and governmental levels.

At the Corporate level, and reminiscent of Cohen’s (2001) first level of denial (complete refutation), Airbus Group commissioned an independent report from Price Waterhouse

Coopers (PWC), which largely exonerated GPT and found no evidence of bribery<sup>130</sup>. Airbus made much of this in press releases in March and November 2012 with prepared pieces advertising that an external audit of Airbus' Compliance Department and processes by Ethics Intelligence had given it a clean bill of health and even issued it with an Anti-Corruption compliance certificate for the design of its anti-bribery compliance program (sic)<sup>131</sup>. It later became apparent that (a) Coopers and Lybrand, the C in PWC, had previously been the auditors for GPT and (b) the Compliance Department had been suborned to the financial interests of the business. Airbus compliance procedures were shown to be a paper exercise rather than a reality and their complete compliance structure needed overhauling – if it was going to be meaningful as an ethical compliance system.

The second example at the Governmental level occurred in two instances. Firstly, a three-year delay (2016-2019) by Geoffrey Cox QC MP, the UK Attorney General, in granting the Serious Fraud Office consent to prosecute until persuaded by the real threat of a Judicial Review<sup>132</sup>. Secondly a separation of trials of the company (GPT) and the individuals by almost two years (May 2021 – March 2023) with a Press Restriction order covering the two hearings that effectively suppressed wider public knowledge of the historic part played by HMG in facilitating the corrupt payments over 32 years<sup>133 134</sup>. One can of course always offer alternative reasons for why such actions might have occurred when they did, for instance pleading consideration of UK/Saudi strategic and political relationships, Brexit and the positioning of Airbus jobs within the UK. But they appear to reinforce the idea that the

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<sup>130</sup> Regina (Serious Fraud Office) -v- GPT Special Project Management Limited, Southwark Crown Court, Approved Sentencing Remarks of Mr Justice Bryan, 28 April 2021, para 34. It noted that '*PWC had neither accessed the sub-contractor's records, nor interviewed its (British) directors. On 6 August 2012, the Director of the SFO formally accepted the investigation into GPT.*'

<sup>131</sup> Regina v Airbus SE, (2020), Southwark Crown Court, Statement of Facts prepared pursuant to paragraph 5(1) of schedule 17 to the Crime and Courts Act 2013, para 24

<sup>132</sup> Letters sent to AG by the UK chapter of Transparency International, Spotlight on Corruption, a UK based anti-corruption NGO and me through the offices of Leigh Day Solicitors. Reported in Private Eye, no 1507, 18<sup>th</sup> October – 31 October 2019, p38.

<sup>133</sup> Regina (Serious Fraud Office) -v- GPT Special Project Management Limited, Southwark Crown Court, Approved Sentencing Remarks of Mr Justice Bryan, 28 April 2021, para 26 (5).

<sup>134</sup> The judicial timescale was further extended in July 2022 by the ordering of a retrial of the individuals (Cook and Mason) upon finding irregularities in the disclosure process, whereby the MoD were found to have negotiated to continue making payments to Saudi Princes and officials in 2012 and 2013, thereby reinforcing the premise that they were the principals and the individuals agents in the execution of the corruption.

exercise of strategic ignorance (the exploitation of ‘unknowns’ to avoid liability for earlier actions) and oracular power (the determination of the boundaries between knowledge and ignorance) were certainly major considerations at both corporate and governmental levels. I propose that such strategies reinforce the idea in the individual, and especially those within the government departments and corporate bodies, that keeping quiet about governmental wrongdoing is an acceptable policy (H5). This is not only because the impact is lessened by the longevity between disclosure and resolution, but that the natural turnover and retirement of personnel protects those who were vested with the responsibility for governance at the time of commitment of the crime.

*‘That’s because I don’t know but one would hope that those guys who are put in those positions, the very high-ranking officers for instance, who are deciding who to send out there and then putting that governance layer over the top of them, make sure that they adhere to the more ethical and moral ways of doing business. So, you would expect that, you know, the politicians and the senior officers and senior civil servants to some degree to have put that more ethical oversight in place.’* **(Humphrey, former service officer, then director business development and project management (Airbus Group))**

A key element of voluntary subordination is acceptance of the ‘directed modus operandi’, which is slightly different from, but an element of, acceptance of the status quo. All three elements of Bird’s (1996) organisational phenomenon of ‘muted conscience’ are perceptible in this case study: there were clearly individuals who were morally mute and who admitted as such within the interviews; there were clearly those who were morally deaf, especially within the Airbus corporate hierarchy and, initially within the MoD chain of command until they were given no alternative but to act, and there were those, predominantly within the political sphere who were morally blind<sup>135</sup>.

*‘Yeah, I think that there is so many wheels within wheels in that staffing chain within the Ministry (of Defence) that civil service activity may not have raised that to a senior, senior level, and they’ve made the judgement’* **(Winston, 3 \* general, former member of**

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<sup>135</sup> A Minister for the Armed Forces in the MoD, was actually quoted as viewing whistleblowers in this case as ‘troublemakers’ rather than concerned citizens observing and documenting corruption in government procurement contracts.

## **Executive Committee of the Army Board and Secretary to the Defence Chiefs of Staff Committee)**

To an extent there is a submission of personal responsibility to the directing mind of the organisation founded on the belief that it has comprehensively assessed what it is doing, how it is doing it – and that it is legitimate to do (Fiske, 2006) (Haidt, 2012) (Marar, 2018). So, they put their trust in the organisation and those running it, and just get on with the job in hand (H1), (H2) and (H3).

*'I think there was a sort of awareness that the prices that we dealt with weren't the prices that it finished up at, but we had no idea what the difference was? And frankly, we didn't need to know because we could get on with our work without knowing. Having said that, I'd heard people make oblique references: I think I heard 'Paddy', once say that he suggested to one of the contractors that they might have a better chance if they bought somebody else a car or something. But I didn't know that was the case: that was said in a social context and that's not actually particularly reliable, so I didn't feel obliged to act on it. So no, I didn't think I didn't feel obliged to do anything and I think I was deliberately protected from being in a position where I would do.'* **(Derek, former service officer in SANGCOM Project)**

This mentality of moral muteness was apparent on both sides of the commercial relationship within both the commercial Prime Contractor and the Military / Civil Service team.

*'The guy running GPT at the time was a long-time former civil servant. You know, so he had a very clear view of the project, the propriety of what would be appropriate and acceptable in the UK, but I think people when they step into these other worlds, you know, and see what has been customary practice, then they may believe that that's what happens there.'* **(Andrew, former service officer with SANGCOM Project team experience, commercial project manager in Airbus Group)**

The major problem within this case study from an organisational aspect is that the underpinning relationship is a government-to-government contract supported by a formal

Memorandum of Understanding (MOU). Therefore, the actors within it are government servants, predominantly civil service and military officers in a liaison team whose primary role was assurance and governance of the contract. But, to assure and govern the contract and allow it to happen, they had to facilitate the conspiracy of corruption, which presented a moral and a legal dichotomy concerning the basis of their trust in the organisation. How did they cope with that?

*'You kick into what (Ross) Perot calls an 'error inducing organisation', where the culture of the organisation means that for the organisation to flourish, people have to twist what is perceived or what is acceptable to what is normal.'* (**Foster, former service officer with MoD staff Defence Procurement experience**)

Unsurprisingly that even extends to deliberately obfuscating the truth for political expedience:

*'I drafted a lead for a 3 Star civil servant, and he called me and said, Cuthbert, this is a beautiful draft very, very clear. I'm going to ruin it. Because I want you to understand not because you didn't do me a good draft, I need some wiggle room, I need to come up with an answer which looks clear, but is less clear than yours, because this is an impossible situation, and we need to create some gaps in which to operate as we go forward. You know, things might turn out one way, or they might turn out the other way. We need to make sure that we're right in both cases.'* (**Cuthbert, 1\* brigadier, former MoD staff officer, Head of Service Arm**)

And if you want to keep your job and get promoted, then it is straightforward to see how easy it is to get swayed. Thereafter it doesn't take long before it becomes normalised, and an unspoken spectre of complicity edges the individual towards just remaining silent (H1) and (H4).

*'And then it got amongst the One Stars and the Two Stars<sup>136</sup> in the building to say 'Joc needs to pull his neck back in, because he's dipping his nose into something that he's not authorised to do'. So there's one of you speaking out for the good and benefit of business: you're expressing concerns not pointing fingers at anybody and the absolute autocracy within the organisation is that as you are not a One Star, this is not your decision. Do as you're told, crack on with what you're supposed to be doing. This is more of 'strategy stuff' which you should not be involved in.'* **(Joc, former service officer and then senior project manager in commercial entity in SANGCOM)**

There was another set of options offered by the responses which were framed in different but similar forms in a number of the interviews. These are alternative actions that aren't actually whistleblowing but consist of resistive activities in one form or another. They also form what might be considered to be an intermediate stage between Voluntary and Involuntary Subordination and best be classified as the 'guerrilla actions' described by O'Leary (2006).

*'Avoidance in the commercial world is a known strategy. So basically, you know what's happening, but you just take a strategic decision to avoid it – and it could be avoid at that time, but then do something later. I've learned the hard way that avoidance is an important option or Partial Avoidance, or Staged Avoidance is an option.'* **(Bill, former MoD Staff officer in Defence communications procurement)**

Levi (1989) calls it the 'Grey Zone' to describe the transitional moral region between light (good) and dark (wicked) actions, wherein individuals act for several reasons including personal or third-party protection, fear, or weakness in a number of forms, and cautions observers for tolerance noting that that we do not know the full circumstances, or psychological and physical pressures underpinning their choices. As displayed by this research and noted previously, whistleblowing is neither a singular action nor a binary (speak up or silence) process. There are a range of alternative actions that can be

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<sup>136</sup> General Officer ranks are referred with the services by the number of 'Stars afforded to them under NATO terminology: Brigadier One Star, Major General Two Star, Lieutenant General Three Star and General Four Star. A Field Marshal used to be Five Star, but the rank is now defunct in the British Army.

implemented ranging across deferment or ‘avoidance’ as mentioned by *Bill* above to more subtle ‘obstructive activism’ or active impediments and retarding actions which slow up the progress of the wrongdoing. We should not be totally surprised by this since they reflect some of the strategies and tactics used by those in positions of vulnerability across a range of environments (Scott, 1985) ranging from the repressive to the lethal (Morris, 2018) and born of professional and even personal survival. *Bill and Cuthbert* do not display resistance, and both describe their stance as avoidance or deferment in order to allow themselves the opportunity to put off deciding whether to act (or not). These ‘alternative options’ allow them to take a low-risk approach, assuage their consciences and retain their self-esteem; in line with Levi’s caution on tolerance it is not for us to judge the rectitude of *Bill’s* actions, but rather note that they took a different path<sup>137</sup>.

*‘It’s also, if you just turn it around a bit, a way that people might rationalise not doing something straight away. You discover a bad thing: your conscience says, ‘I’ve got to jump on this’, and another part of you says, ‘Yeah, well, we will, but let’s just get a bit more evidence. Let’s just wait till the time is right. Let’s be sure. This would be a bad time to do it because of X,Y and Z.’ So actually, this might be a way of people to start with justifying themselves not doing anything, and then after a while, they might feel that they’re complicit.’*  
**’ (Cuthbert, 1\* brigadier, former MoD staff officer, Head of Service Arm)**

When constructing a model of why people do not speak up when they might otherwise do so, this range of actions is significant enough to become a category in its own right. It is resistance but not outright dissent which describes a fine balance between risk and assuaging the individual conscience. It allows a sense of personal achievement, no matter how minor, in resisting wrongdoing: ‘I have (at least) done something!’ and ‘I was still considering how best to do something’ is far better than an admission that ‘I did nothing’. I have no intention of demeaning the actions of those who managed to edge forward but could not feel impelled to take a whole step. Bravery comes in many forms and is a very personal attribute that none of us can properly estimate until we are asked to draw upon our own individual reserve of

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<sup>137</sup> I return here to the observation that the retention of self-esteem and public esteem was a central issue to the responses offered by the participants – noting the personal, regimental, corporate and public relationships that were affected by (a) the whistleblowing (b) the public recognition of corruption in the Crown Court and (c) that none of the participants had actually spoken up themselves.

it. The reckoning of whether to act or not is a personal rational choice, a balance of risk and benefit or cost which dictates how far the individual is willing to go. It also depends on many other factors such as peer support, security of the information and the person, a judgement on what the likely reception will be and whether the action taken will make any difference to the overall outcome.

*'Okay, I took advice on this from a friend of mine, who wasn't on the same programme as me. He said, 'Be very, very careful, Joc', these are people of influence. And they will get you walked out the building which they can do (to you) as a contractor. They'll find a way of getting you out on the same day. So, I let it go because there was nothing I could do. I was told quite clearly to wind my neck in. And by the way, everybody knows this decision, made at a higher level is problematic.'* **(Joc, former service officer and then senior project manager in commercial entity in SANGCOM)**

Resistance can be partial, covert and passive, allowing a far greater degree of security. Examples include the passage of incriminating evidence to one who will act, or even just as an anonymous whistleblower leaving tips on a confidential hotline. The classic example of course is the 'leak' of information, frequently used within civil service organisations or political administrations as a low (personal) risk mechanism of revealing policies or actions which the individual is very uncomfortable about, but fears reprisals too much to speak up about publicly, or even by the organisation itself to plant information into the public arena (Pozen, 2013, Martin, 2015) (H1).

*'I can blow the whistle...but it'll be on deaf ears and I'll be out of the building. They'll know it's me because I've already voiced my opinion about it to everybody in the building...but I don't want to have to become a whistleblower. I think I'm going to stop it happening anyway... I've said it to other people, but they're doing nothing about it they're trying to wind me up because none of them got the balls to do it. So people deliberately feed the information back to me. That's the passive resistance. They'll tell me but they wouldn't do anything about it themselves. Because they know I'll speak up..... everybody makes sure if they see an email that they think I should be copied in on all of a sudden it ends up my inbox that's where I get frigging phases of emails'* **(Joc, former service officer and then senior project manager in commercial entity in SANGCOM)**

But a lethargic response, or avoidance of personal action doesn't automatically imply the conduct of passive resistance as a means of not speaking up. Other drivers were mentioned in the interviews such as damage limitation, not only to self, but to colleagues and the organisation. This is the manifestation of loyalty acting as a silencing mechanism which is voluntarily subscribed to: personal agency prompted by structural agency (H1).

*'Just based on my own judgement of having worked in the military for 25 years and worked in the Ministry of Defence a couple of times and having worked in the commercial world for 25 years in international companies, there are many factors and survival is personal survival and company survival is a driving factor in many of the decisions that get taken, and many of the positions that are adopted.'* **(Bill, former MoD Staff officer in Defence communications procurement)**

This is especially true where the bonds of regiment and family are particularly strong and there were even instances where the reason that people remained silent was not just loyalty to the organisation but a preferred loyalty to an organisation within an organisation.

*'In the Royal Blankshire Regiment<sup>138</sup> they have a Masonic Lodge that's actually run within the Corporals Mess that was awesome.... That unit was out of control. I went to Director of Infantry to tell him exactly what I had found out about the Lodge, about the mechanism by which their officers were being ignored and countermanded. And then I found out some really bad stuff. The Director of Infantry, who was a Royal Blankshire officer said to me, 'David, we know. We've had this for a while, and we've put our three best commanding officers into that unit to try and sort this out. And I said, 'You've failed because it is still going on.'* **(David, Former service officer and then civil servant)**

There was also a more personal reason appertaining to reputation for achievement and 'not rocking the boat' which led to a deferral of both acknowledging the wrongdoing and doing anything about it. The concept of '*not on my watch*' was proposed by participants as a reason

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<sup>138</sup> Regimental title changed for the sake of anonymity.

for deferment in dealing with ‘uncomfortable issues’ – especially when they were nearing handover of appointment or retirement.

*‘BUT, when it actually gets to that, the politicians and the civil servants at the time will be able to say, it didn’t happen on my watch. It was those bastards before that did it (Laughter)’*  
**(Winston, 3 \* general, former member of Executive Committee of the Army Board and Secretary to the Defence Chiefs of Staff Committee)**

Whilst there were examples of participants questioning the Bought In Services terminology and processes, I found no examples of ‘leaking’ knowledge to external agencies or the Media. It appeared that the corrupt practices within SANGCOM were almost an ‘open secret’ and although there were examples of obfuscation or a general slowing down of the endorsement of decisions or actions that would allow the payment of corrupt monies, I could find no evidence of actual external exposure of the systemic process. It appears as though an almost impervious, self-imposed, collective blanket of silence had covered the whole of the project – for an almost incredible 32 years! How could this occur over such a prolonged period?

I believe the answer lies within ‘Groupthink’ (Janis’, 1972) where we see loyalty to the SANGCOM Project group’s previous policies or consensus overriding individual members’ conscience (H1). The urge for ‘concurrence’ overrode individual critical appraisal of alternatives leading even the most high-minded and well-intentioned of people to make erroneous decisions. This is reflected especially within the commercial team and, to a lesser extent, in the governmental team. The former was bonded by the drive for profit and commercial success which then realised personal success, whilst the latter appeared to be centred more on loyalty to the organisation and its strategic goals, trust and reliance on the competence of the superior officers and the achievement of the overall ‘mission’. I believe we can extend this conclusion to suggest that in such circumstances as the SANGCOM Project team members ‘think what they want to think’ because it reduces the cognitive dissonant psychic pain they might feel in recognizing that what they are engaged in is morally and legally suspect (H1), (H2), (H3). This is probably more applicable to the members of closely bound, high integrity teams who hold public and personal reputations

in high regard (civil servants and military officers) than those in the commercial teams who were motivated by other ideals.

However, it would be misleading to say that nobody else spoke up and that I was the only whistleblower over the 32 years of the project, because I found five examples of people who DID speak up within the organisation and then exited, but with no organisational or external action taken about the disclosures they made. So, what happened to them and why did they not develop into ‘Whistleblowers’ exposing the corruption? *William*<sup>139</sup> realised what was occurring and raised concerns internally to his line manager within a short time of taking up his appointment as a Project Manager before voluntarily exiting the business shortly afterwards, moving into a similar job in a similar organisation in the same sector. *Oskar* raised concerns, was systematically bullied, had his passport removed and ability to travel restricted, and was finally pressured into resigning. He left the region and the commercial sector, with a sigh of relief and sense of escape from an unfortunate experience. *Forlorn* was removed both from his appointment and from Saudi Arabia within a week of making his disclosure in the form of an untoward set of remarks which were relayed to the SANG; he was given another role within the Group and then comfortably pensioned off. *Maurice* was moved to another part of the Group and employed for a further 10 years, until retirement, and *Patrick*, who was much younger, was initially suppressed until he threatened exposure of his documentary evidence to the British authorities. He was then compensated financially, subjected to a gagging clause, promoted with a pay rise and moved to another more senior role in another country within the Corporate Group.

In each of these latter three cases, the compromise arrangements were orchestrated by the Group Compliance and HR functions.

Within the concept of ‘muted conscience’ (Bird, 1996) lies the constituent element of moral silence as the vocal and potentially active element to the recipient elements of moral deafness and moral blindness. It is a complex interactive model where accountability is a two-way, interactive, ongoing activity where subordinates have a reciprocal duty to hold their

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<sup>139</sup> Names have been changed to protect their identity, even though some of them did not actively take part in the research interviews.

organisations and superiors accountable for their policies and activities as well. But, as with the examples of alternative actions provided above, the muting of speaking up is a variegated range of activities from a soft whispering query to an outright questioning of practices that might not be termed whistleblowing and actually falls short of it according to the agreed definition.<sup>140</sup> It could also be argued that ‘alternative actions’ are not really a cause of silence, but are perhaps more of an explanation of why participants did not ‘blow the whistle’, which is different conceptually albeit the end effect is the same. However, I believe that it is useful to group them separately whilst recognizing that the fundamental motivator behind them might be fear, since they draw attention to the middle ground, between absolute silence brought about by total acquiescence and whistleblowing, where anonymised speaking out is accomplished whilst vulnerabilities are protected.

There is a danger here that the reluctance of those within and around the SANGCOM Project could be judged to be immoral, cowardly and falling well short of the standards expected of those holding public office. In effect, it could be said that they did not do their duty in speaking up. I will not pass such judgement because not only does it smack of confirmation bias and lack of objectivity, but because it is not my purpose to judge on the rights and wrongs of voluntary subordination to the strategic and political wishes of their masters. Each choice is an individual and personal choice. Rather, it is my purpose to research why they felt they had to act as they did rather than as they should have done (which implies an element of judgement). I suggest that it is for readers to ask themselves how and why they would have acted in the same situation – and perhaps validate my conclusions surrounding root causes in the process? Let us turn now to those who felt that they were forced to act in opposition to their values by remaining silent, and the differing mechanisms of direct and indirect coercion that might have been used to create involuntary subordination.

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<sup>140</sup> "the disclosure by organisation members (former or current) of illegal, immoral, or illegitimate practices under the control of their employers, to persons or organisations that may be able to affect action" (Miceli M and Near J, 1985)

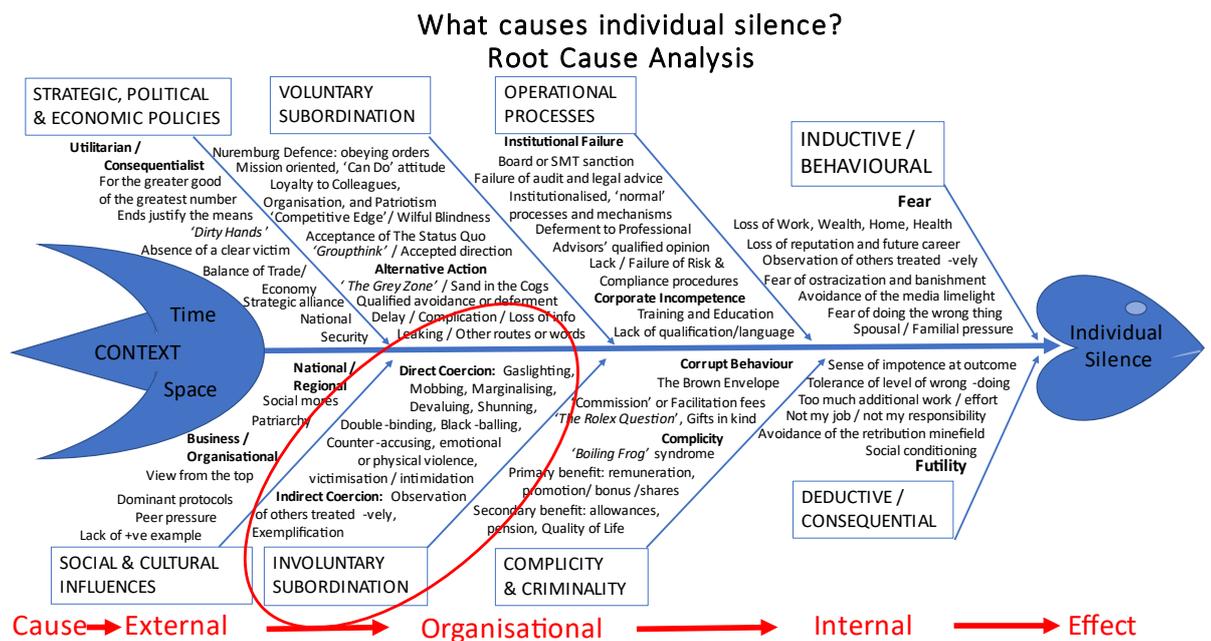
## 6.2 Involuntary Subordination

The acts of voluntary subordination described previously tend to be passive activities which become practices through normalisation. They are adopted as part of the way of doing business in that organisation, in an almost collegiate manner with newcomers ‘inducted’ and then ‘onboarded’ to conform with accepted practice within the team (Ashforth and Anand, 2003).

*‘We talk about induction. But ‘onboarding’ is a better expression. Induction is how you go on to board a ship. Onboarding is how do I make the crew?’ (Graeme, 3\* general, former Director General Training and Recruitment and Head of the Defence Academy, senior consultant with a major multinational defence contractor)*

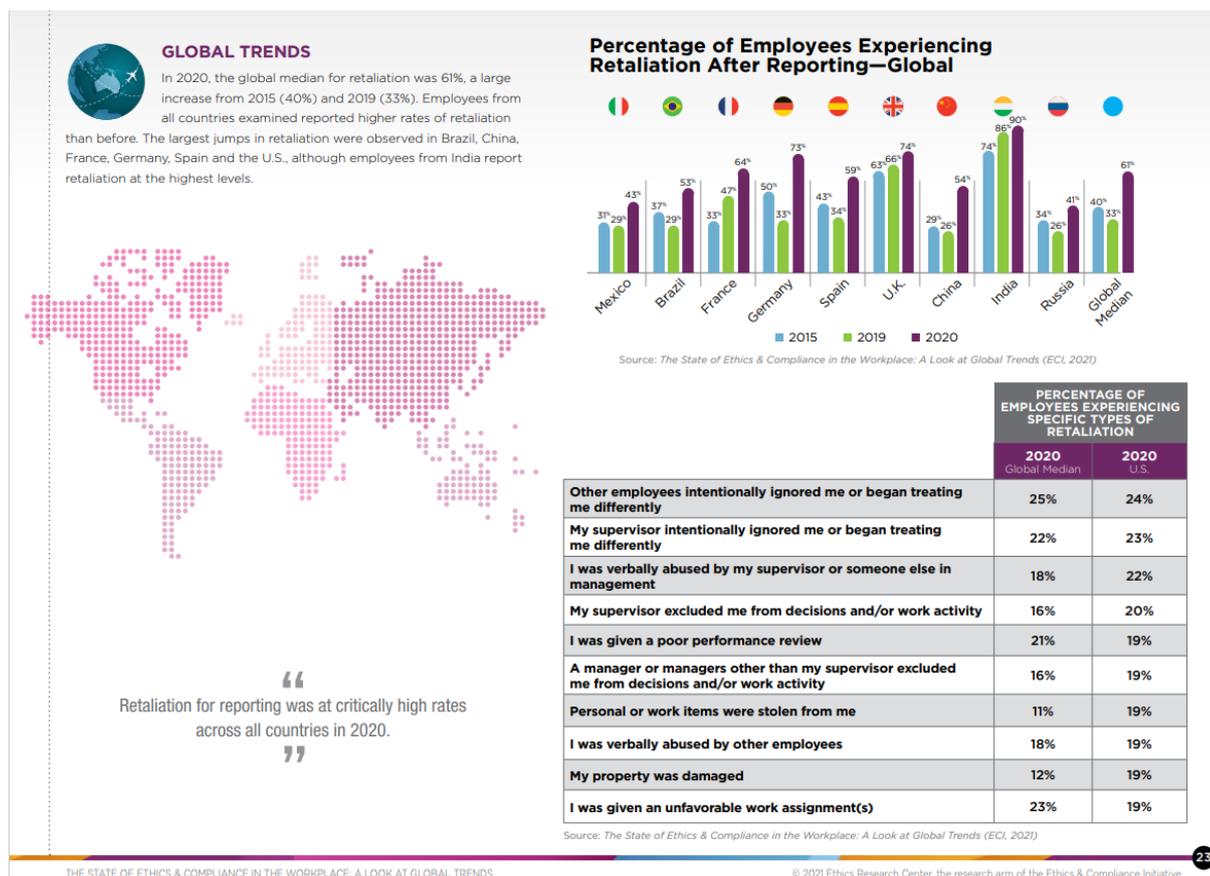
The majority of those involved within the SANGCOM Project conformed voluntarily for one or more of the reasons above and mechanisms were found to deal with or remove those who could not or would not submit themselves to the values of organisation and the processes operating to enact them. It is here that we move into the practice and mechanisms of involuntary subordination.

Involuntary subordination occurs in response to either direct or indirect coercion. Direct coercion is the active application of measures purposely designed to influence or compel an individual to act in an involuntary manner through the use of threats or force. Indirect coercion is the application of influence or compulsion through the observation of such threats upon others as a specific mechanism to create fear, and thus remove opposition or resistance and subordinate the will of the individual, or across the organisation, to the wishes of the coercers.



**Figure 11 – Involuntary subordination**

A study by Ethics & Compliance Initiative (2019) found that 1 in 5 employees across 18 countries in their research base felt pressure to compromise organisational standards. Misconduct rose according to the level of pressure applied (Range: Brazil 47%, UK/US 22% (median), Spain 10%). Employees who felt pressured to compromise ethical standards were about twice as likely to feel both pressured by others to compromise their values and to see their organisation reward unethical business practices. (ECI, 2019). Disturbingly, the trend is that pressure to compromise standards is the highest it has ever been with 29% of employees reporting pressure up from an average of 20% in 2019 (UK: 24% in 2019 and 26% in 2021). A second disturbing trend is that 61% of global employees reported retaliation with UK stats showing a significant increase of 74% up from 66% in 2019 and 63% in 2015 when the survey was initiated (ECI, 2021).



**Figure 12 – Global trends in retaliation after reporting (2021)**

Direct coercion occurs through the threat or application of reprisals specifically designed to force the individual to suppress concerns or retain information about unethical practices and comes in many forms. As we can see from the table above, the range of reprisals experienced by employees after reporting concerns or evidence of wrongdoing is broad and varied, ranging from ostracization through verbal abuse to acts of physical damage to property. Nobody reported acts of physical abuse to themselves, but incidents of such events are manifold and in some cases, lethal<sup>141</sup>. Reprisals occur for one or more of three related reasons: suppression, deterrence or revenge. I do not intend to report on the revenge motivation, because it is post-hoc to the whistleblowing experience and relevant only inasmuch as it serves as a deterrent to those who remain in post within the organisation, and

<sup>141</sup> For example, Sergei Magnitski (Browder, 2015)

as a warning of the dire consequences that might be visited upon prospective whistleblowers and the power of the organisation to bring them about. These reprisals invariably consist of longer-term measures such as disparagement of professional conduct or personal performance, career blackballing, and even gross misconduct, It is central to the DARVO concept (Freyd, 2014) serving not only to destroy the credibility and reputation of the individual but reinforce the position and legitimacy of the organisation for removing the individual for seemingly valid reasons.

Not all coercive messaging needs to be accomplished verbally or physically though. Non-verbal signalling through silence, deliberate non-response to ‘awkward’ queries, facial expressions or even through the uncomfortable reaction of knowledgeable third parties can have an intimidatory effect. This certainly happened in GPT:

*‘So, when I hear statements like that, in a board meeting, that certainly makes alarm bells ring because that’s the first inkling something is not right here. And also, even during the first meeting, you know, it’s expected that you ask certain questions for clarification, because I wanted to feel already part of that team and part of the company. So, I asked certain questions, and they were met with absolute and dead silence. So I thought now, this is the time if there’s something I’m not sure about, or maybe without saying I don’t like, at least ask the questions. And were they forthcoming? No, definitely not. Because I could tell by the MD’s body language, you know, there was something not quite right. And that was not forthcoming. It was kept quiet. The MD took over again, trying to brush this aside. And even after the meeting, when I tried to get answers to my questions from him, he was very vague and avoided and tried not to answer the questions. The others didn’t either, because I believe that they were probably I don’t know, but I could tell about body language. They were certainly intimidated, you know, they felt this was not the right time, with me being there as a rookie, you know. And looking at the MD’s face, I don’t think they wanted to say much, because that could have been a career limiting move for them. So, that was quite an intimidating an experience during the first week. (Oskar, former Programme Director of commercial entity in SANGCOM Project)*

The coercive process commences with a process of devaluing and marginalising the dissenting individual. The quality of their work is questioned, management decisions are

ignored or overridden, contributions in meetings are demeaned and the individual is belittled. It is a menu of direct coercive actions that can be used on those who might speak up and which is then escalated in severity if and when they do speak up. Dissenters are effectively ‘sent to Coventry’ and socially isolated until they conform. This stigmatisation is a deliberate means of social control (Goffman, 1963) effected to prevent or reduce deviance to recognised social norms (Cohen, 1985), albeit that the norms in the case of the SANGCOM Project were corrupt ones. It also takes place with the implicit agreement of fellow employees who, observing the adverse short-term effects and possible residual effects on their career, are cowed into not only bystander status but complicity through their co-opted silence (H1), (H2). Frequently, this deliberate marginalisation is used to build an evidential platform for exiting the ‘awkward’ individual from the organisation on grounds of poor performance, with protests or claims of constructive dismissal declaimed as the cries of an ex-employee carrying a grudge.

The message of conformance is also reinforced across the organisation, lest it gives rise to further dissent:

*‘the MD did a ‘Town Hall’ after your leaving. But apparently he just ended up giving everyone a bollocking telling them they were lousy and everything. He tried to create that feeling of fear. And I think he then used Eli<sup>142</sup> at times, as he’s sort of Bullyboy for some of that type of behaviour. (Alan, Commercial Project Manager, Head of Delivery in the commercial entity in SANGCOM Project)*

In a generally ‘Toxic’, ‘tightly controlled’ environment where ‘there’s a culture of fear, of consequence if you say the wrong thing, if you do something wrong, if you’re not compliant, if you don’t sign up to the business culture’ (**Joc, former service officer and then senior project manager in commercial entity in SANGCOM**), marginalising and isolating dissenters was a normalised process: Voice was not tolerated, unquestioning Loyalty was demanded, and Exit was the only alternative (Hirschman, 1970).

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<sup>142</sup> Name changed to protect the guilty as well as the innocent

The next stage in the directly coercive process becomes one of active aggression through double-binding and counter-accusing. Double-binding is a process wherein an individual receives conflicting messages neither of which resolve the other. It is a classic case of ‘damned if you do and damned if you don’t’ out of which the individual can foresee no escape. This creates an emotionally distressing psychic pain through cognitive dissonance (Festinger 1962), which demands that the individual makes a choice to conform or exit.

*‘The number of times I heard Eli saying, ‘You know, we had a contract for BIS so that means it’s alright’. But if I give you a contract to kill somebody, does that make it all right? That didn’t connect. So there was a bit where I think I was stuck. Information was kept away from me and probably things painted slightly differently. Plus, there was probably my reluctant, personal reluctance not to rock the boat too much because it would be ...cause a lot of personal (pain)’ (Alan, Commercial Project Manager, Head of Delivery in the commercial entity in SANGCOM Project)*

Counter-accusing is an exaggerated version of double-binding, pointing a finger of culpability back at the dissident to accomplish two effects: deflection of attention away from the truly culpable party (the offending organisation or individual) and putting the whistleblower on the defensive, thereby dissipating their time, energy and will. It is the classic tactic of ‘offence being the best form of defence’.

*‘they’ll recognise something’s gone wrong and they need to fix it. But as a general rule, they’ll always be looking for escape for who’s at fault. Who’s at fault for it and something disciplinary will happen to them, whether it’s their particular role, demoted to a more inferior role - something always happens. And the end effect of that is people are not open - they’re frightened to speak up’ (Joc, former service officer and then senior project manager in commercial entity in SANGCOM)*

‘Mobbing’ is the collective action of several individuals systematically acting in a hostile and unethical way, in order to influence, coerce or attack an individual and hold them there by means of continuous mobbing (Leyman, 1996). Within the SANGCOM Project, I can only submit my own ‘lived experience’ of a previously organized sequence of verbal attacks at a series of meetings specifically arranged to browbeat me into a submissive position after

I stopped the progress of the procurement programme whilst I was investigating the payments, product offering and supplier of Bought In Services. Led and directed by the Managing Director, I was subjected to what I can only describe as sequential mobbing by successive members of the senior management team in ‘the most horrible meeting I have ever attended’. It was a classic application of the DARVO strategy (Freyd, 2014).

Martin and Pena Saint Martin (2012) describe well the process of a preparatory phase softening up the target with failings exaggerated and achievements belittled until “the fault” is found (or cynically created) and used to justify the initiation of open attacks, including formal complaints and/or administrative inquiries or sanctions (Westhues, 2004)<sup>143</sup>. A key element of mobbing is the personal sense of disappointment and isolation when colleagues, including former friends, join the mobbing gang or avoid speaking out in protest; but they do so in order not to become co-stigmatised targets (Goffman, 1963) and remain silent bystanders muted by the implicit threat that they too will suffer the same fate if they raise an objection. The purpose of mobbing is to degrade the dissident individual to such an extent that resistance is worn down to a degree where they become totally submissive or exit the organisation in such a state of emotional, physical and psychological exhaustion they offer no prospect of subsequent threat. The underlying purpose is to (ritually) justify the perpetrator(s), reinforce their position, demonstrate their power and endorse their chosen course of actions (Thérèse & Martin, 2010; Westhues, 2004), whilst destroying the (whistleblowing) individual as a credible complainant. To this day, I can remember the shock, the feeling of betrayal by colleagues I had not suspected were in cahoots with, or who had been suborned by, the culprits and the psychological pressure to submit to the collective will. It was a clear example of the most serious of the direct coercive methods in terms of victimisation and emotional intimidation and, as a memory, only just falls short of physical violence.

The last element of active suppressive measures bridges the gap between direct and indirect coercion covering a spectrum of related actions, ranging from isolation through shunning to black-balling and is gauged by the duration and endurance of their effect. Isolation features

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<sup>143</sup> Indeed, so strong is the memory of this experience that I still remember it with horror, over a decade later.

as a component in many of the direct measures described above. It is a key tactic in the marginalisation, mobbing and stigmatisation of the individual. It seeks to make and keep the individual in a position of vulnerability, remove support structures, psychologically and physically disorientate and stigmatise them as contaminated, unclean, infected and to be avoided lest the disease infect those who come into contact with them. Isolation can be physical as well as psychological and emotional, but purposefully done in order to demean, signal disapproval and advertise to bystanders that this individual is ‘marked’ for further reprisals. *‘Patrick’* voiced his concerns about Bought in Services, and was marginalised, verbally abused, accused of disloyalty and betrayal, his professional duties were removed from him, and another employee brought into the business to take over his duties, thereby giving him no gainful employment or sense of professional achievement. He was removed from his office to a dark corner of an open office, and in effect ‘pot planted’ to the status and role of decorative office vegetation. He had sufficient documentary evidence to give him sufficient leverage to eventually negotiate a compromise position, but it is a clear example of the range of direct coercion that the organisation was prepared to invoke in order to subdue a dissenting individual and reflected well Kenny’s independent observations (2019, p110): ‘the strength of the retaliation that a whistleblower experiences, in any given setting, tends to be proportional to how deeply embedded the wrongdoing is in the system. When wrongdoing is directly related to normal, everyday ways of doing business, therefore, the resulting responses can be very aggressive because revealing it threatens the entire organisation’.

The extension of isolation across and outwith the organisation leads to ‘Shunning’ and ‘Black-balling’ as wider social and professional networks are manipulated to stigmatise the whistleblower. Shunning is an active act of social rejection, that is more extreme than just isolation. It intends to remove all contact with the individual, exiling them to a physical, emotional and intellectual wilderness, and in so doing to remove the possibility of vocalisation expressing and communicating more widely their disclosure of wrongdoing, undermine their personal credibility, degrade the validity of their evidence and ensure that they are removed as a threat to the organisation. In professional terms, it is characterised as ‘black-balling’, a process intended to destroy an individual’s inclusion in a society or career. The process is conducted informally through professional and social networks, acting to

stigmatised by association, an act which deters other potential employers from offering employment for fear of also being tainted and secondly by inducing a fear of the individual themselves.

*'I think people don't speak out, because the word gets out that an individual is dangerous, and they'd be considered dangerous. I suspect it is networking, from what I can see and from the reaction from some of the people that I've bumped into at places like DSEI<sup>144</sup> after that event, and folk asking me about you and actually saying 'well I wouldn't employ him, ... how can I trust him to be onside?'* **(Derek, former service officer in SANGCOM Project)**

The processes described above have an active coercive effect. However, those who observe the acts or hear about them indirectly, also experience a coercive effect. The direct acts serve to signal to co-workers, across the organisation, that the actions of the individual will not be tolerated, ignored or allowed in any fashion (H2). Like a stone dropped into water, the impact is immediately observed and felt, but the ripples project outwards in all directions communicating the place, size and significance of the disturbance.

But the same ripple effect happens when the whistleblower speaks up, is heard and effective (remedial) action is taken. It is this that the organisation, and its culpable individuals, fear and what lies behind the counteraction of reprisals.

*'Since you contacted me, the one thing that hit me was I think there's a few parallels here between the Harvey Weinstein affair. You think 'I bet you it was well known what he was up to amongst lots of people', but nobody had the evidence, enough evidence to be able to bring a complaint properly. But as soon as there was a justifiable complaint, the floodgates opened.'* **(Alan, Commercial Project Manager, Head of Delivery in the commercial entity in SANGCOM Project)**

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<sup>144</sup> Defence & Security Equipment International, DSEI, is the world's largest arms fair. It is a biennial event held in London to bring together arms buyers and sellers to network and do deals.

Reprisals serve not only as punitive acts to the individual, but as symbolic statements of organisational power to third parties, particularly to other members of the organisation itself. They act as exemplars and deterrents, displaying the awful power of the corporate body, and its ruling members, to tolerate no resistance to its will and they serve as a warning to others of the consequences of dissent. Like the horrific and tortuous public execution of Damians in 1757, described by Foucault (1977), such sanctions send a clear and obvious signal of unthinkable pain and savagery, purposely designed to influence observers. The gravity of the retribution thereby discourages them from acting in a similar fashion. It also creates an atmosphere of self-censorship where co-workers not only become passively cautious but conform to a collective ‘learned helplessness’ (H2). They behave in a ‘correct’ manner not questioning current practices and processes, maybe even extending to inducing inclusive behaviour as in the mobbing described above (Martin and Pena Saint Martin, 2012). Thus, not only is the whistleblower suppressed, but other bystanding members of the organisation are also suppressed both in the short term, and crucially, in the longer term as well. In so doing, they are silenced and potentially made complicit, or persuaded that they are complicit, to the act of wrongdoing (H2), (H3).

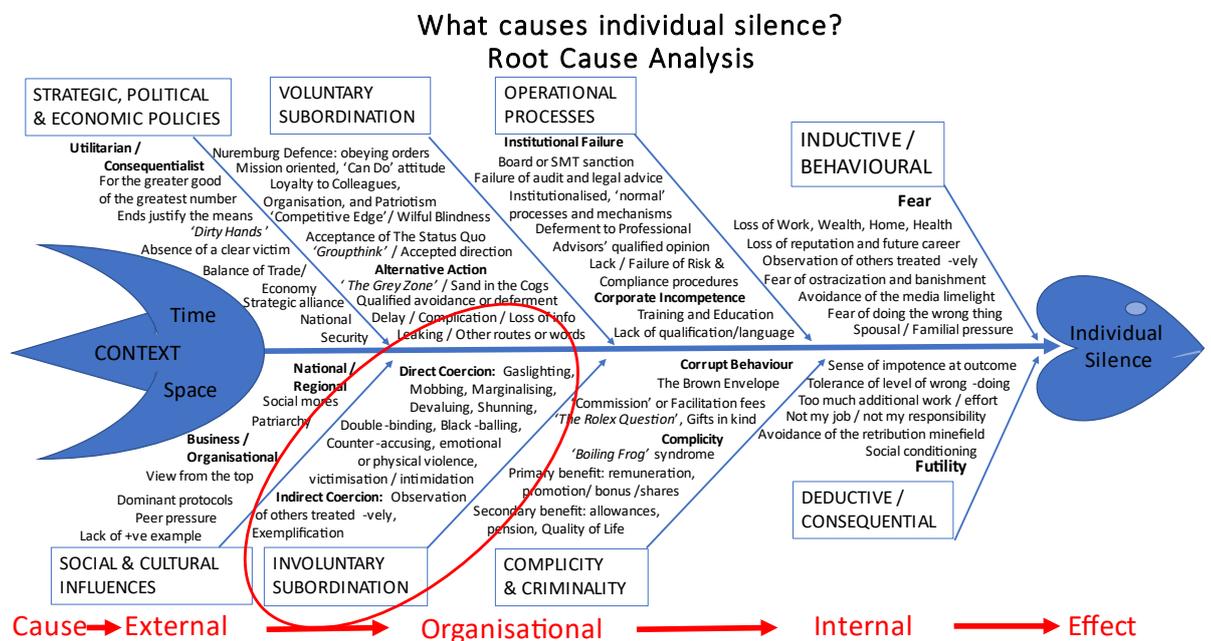


Figure 13 - Operational processes

### 6.3 Operational Processes

Moving on from active coercive measures practiced by organisations, we must also look at the processes operating within the organisation which limit speaking up through instances of institutional failure or corporate incompetence. The previous two sections describe personal reaction to organisational initiatives directed at the individual: this section describes silence arising out of organisational management processes, which may or may not have been deliberate, or rather failures in governance or operational processes which led to the maintenance of silence about wrong-doing. The explanations proffered were not necessarily explicitly stated but, rather, apparent from the context of participants' contributions and assumed a more excusatory role for their inaction and silence. Prime amongst these is a failure of institutional leadership and with it a clear failure in governance (H4) and (H5).

*'So when you get a briefing note that fronts this pile of documents, or the executive summary of whatever it is, it will say we recommend approval, it bounds our risk, it does this, it does that, we're minded to recommend approval. He's probably not going to read more than the first half page and then append his scroll on it, 'Approved' probably from the back of a car on his way to giving a speech. So, it really is the process, the Whitehall process, which protects Principals from some of this detail, but gives them a confidence that this whole machinery has done its job and driven out any gremlins, any problems, any potential Pooh traps, political or ethical for that matter? They kind of rely on that process. And it's only when, you know, someone raises their hand and says, excuse me, but actually, if you if you read subparagraph or whatever in Appendix C, you'll realise that this is absolutely appalling. And it's contrary to our Corruption Act. And, you know, obviously, I assume that nobody did that'* **(Winston, 3 \* general, former member of Executive Committee of the Army Board and Secretary to the Defence Chiefs of Staff Committee)**

Leaders act as role models within any organisation, especially those with highly structured hierarchies such as the Military and the Civil Service. Leaders' willingness to listen, with an open mind that can cope with constructive criticism, and even admit mistakes, sends very clear messages to those within the organisation about the kind of behaviours that are expected and the likely responses those raising concerns might meet. Leaders set the tone

and standards, which are rippled down and reflected by those in intermediate leadership or management positions beneath them. This then sets the culture of the organisation and affects not only the hierarchical behaviour but also that of colleagues who frame their approval or disapproval accordingly and is then reflected in peer pressure (H4). It was quite clear that the leadership in GPT was both an actively and passively coercive one: the attitude was that of 'conform or go' with no room for discussion on the niceties of commercial practice.

A characteristic of an organisation beset by complex problems is that senior leadership are likely to feel that they lack the time to attend to complex issues and address them properly. This is compounded by a natural aversity to addressing problems which are personally distasteful and unlikely to conclude in a favourable manner. Such problems consume time more hungrily the worse they get. There is the potential here for yet another vicious spiral in which problems consume the time needed to keep other matters on track, with the result that these too become time-consuming problems. The staffing process of policy generation and development serves not only to allow policy to be formulated, refined, agreed and then implemented on the 'chop' of the senior authorising officer (H4). But it also affords a cushion of oversight that can be used to excuse or explain how such things can happen. Whether that is deliberate or not is a matter of conjecture, not proven fact.

*'So I think MoD probably didn't realise or had forgotten...what was happening in MoD Centre. At that point, quite how much UK TI and before these, though, knew whether it was just a rogue person who was signing something off or whether they're assigning more widely. That will be pure speculation. I can't say. I tend not to be a conspiracy theorist; I believe more often it's a case of cockup.'* **(Colin, 1\* brigadier, former MoD staff officer in the SANGCOM Project)**

*'How do we then end up with the situation of SANGCOM, and how many other SANGCOMs are there that the default position has become so obscure that nobody is noticing what's going on? Or if they are noticing it's become comfortable not to do something about it.'* **(Keith, former Chief Command Information Systems (CIS) at Defence School of Signals and Divisional Colonel at the Defence Academy)**

To revert to Kincaid's (1997) main thesis, senior military officers serving in Defence procurement, where the SANGCOM Project firmly sits, are not best suited to such appointments. They are experts in the core business of the MoD which is defence and its requirements, but not in the actual procurement of the equipment for it. They lack the expertise and 'nous' of commercial negotiation and longevity in post to become so. Civil servants however are better suited by having longer experience in the manipulation of budgets, complex programmes and the politics that accompany them. The current process allows situations like the SANGCOM Project to arise, become normalised and then embedded to such a degree that they become obscured and lost in the complexities of procurement (H4). Unless something (a whistleblower) raises a flag, nobody else questions the propriety of what is being enacted on the taxpayers' behalf.

*'Well, I think it comes back to management or leadership, I suppose. But I think some of the people out there, they have been given free rein and not just in the SANGCOM issue but in a number of areas to do what was required to grow the business in that area. So I think it was almost 'Just go and do what you think needs to be done' and there was not a huge amount of oversight -really, really senior oversight. It was then placed above all of that in the governance layer.'* **(Humphrey, former service officer, then director business development and project management (Airbus Group))**

SANGCOM was in the 'if it ain't broke, don't fix it' bracket as well as bringing economic, strategic and political benefits – so why kick a sleeping dog? Thus, there was a failure in risk analysis and management, as part of the governance process, at the highest levels as the social / legal environment changed. An 'Optimism Bias'<sup>145</sup> took over, rationalising that the operating philosophy had been running successfully for 32 years, it had been satisfactorily controlled and any 'hiccups' had been safely managed and therefore there was every reason to suppose that it could still be controlled in the future (H4) and (H5).

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<sup>145</sup> *Optimism Bias*: The tendency for people to be optimistic about future events, especially those seen as following from their own plans and actions. Although optimism is no doubt a stimulus to enterprise, it has obvious dangers: these include increased risk taking, failure to estimate probabilities accurately, and inadequate contingency planning. In drawing up plans, schedules, and budgets there is a demonstrated tendency for managers to underestimate costs and duration and to overestimate benefits. This being so, there is now an explicit requirement for those managing government projects in the UK to include an adjustment for optimism bias. Oxford Reference: *Optimism Bias*, [<https://www.oxfordreference.com/view/10.1093/oi/authority.20110803100252318> accessed 26th august 2022]

*'Optimism Bias is a sort of people making the best of situations and maybe not so much talking it up but maybe masking problems. Not being realistic about what it will take to put things in order.'* (**Giacomo, former service officer then senior civil servant, Principal of the Civil Service Leadership Academy**)

An opportunity to act was given when the Al Yamamah scandal raised the alarm in 2007 but a poor response by the (Blair) Government of the day, driven by strategic, economic and political motivations, led to an egregious precedent. Rather than confront an awkward decision and an uncomfortable conversation with an ally, it was deferred, and the corrupt payments were continued (H5). This was a signal failure in political, professional and ethical leadership where only a whistleblowing disclosure could force a radical rethink in behaviour. It should surely have elevated the SANGCOM Project within the MoD's Risk Register to the highest level. One might also add that the necessary element of philosophical parrhesia (Foucault, 2001) and the moral courage to enact it, where a good friend or ally tells the absolute but uncomfortable truth to their friend, was also singularly lacking in our political masters at the time.

*'One would hope that those guys are, who are put in those positions, the very high-ranking officers for instance, who are deciding who to send out there and then putting that governance layer over the top of them to make sure that they adhere to the more ethical and moral way of doing business. So, you would expect that the politicians and the senior officers and senior civil servants to some degree to have put that more ethical oversight in place'.* (**Alan, Commercial Project Manager, Head of Delivery in the commercial entity in SANGCOM Project**)

It is not unusual in the operational practices of the MoD, especially within the Defence Procurement Agency, for instances of biases in caution, optimism and manipulation of the truth to be well documented and well aired through National Audit Office reports. The acquisition organisation, and its people, need to become expert at identifying the tough or contentious problems and passing them without hesitation to the level where they can properly be addressed. Part of this must be to reward personnel who identify problems. This can be difficult in a 'can-do' culture where there are powerful incentives for coping behaviours that are in fact counter-productive for the organisation as a whole (Kincaid,

1997). Given the sanction of higher authority it is not surprising that those ‘within the system’ failed to speak up when doing so would only bring opprobrium, and at worst career termination. The institutionalisation of the processes within the SANGCOM Project served to stifle the natural inclination to flag that the payments for Bought In Services were highly irregular and mirrored those extant within the Al Yamamah Project (H4) and (H5).

There was a natural reluctance to raise an unwelcome issue, but at least the question should have been asked. I found no evidence of it being formally raised, other than the five potential whistleblowers who had each been individually ‘closed down’. It appeared that the SANGCOM Project had not so much as faltered or changed step despite the political turbulence caused by Al Yamamah. LOA3 was signed on 22<sup>nd</sup> November 1997 containing terms which required the UK Government to apply the same criteria, standards, procedures and conditions as it did for its own contracts including procedures for examination, approval and audit of the Prime Contractor’s (GPT’s) accounting and costs records (Regina, 2021:64,68,70,71). There appeared to be no change in processes: successive Operations, Maintenance and Training (OMT) contracts were signed in 2007 and 2013, the extant procurement contracts (LOA3 and LOA3+) ran unhindered from 2004 – 2011 and a whole new contract (LOA3P3)<sup>146</sup> was signed in 2010 to run for the next ten years with no change in processes (H5). Indeed, the court documentation from the GPT trial states:

*‘It appears that senior individuals within the MoD introduced GPT as the new Prime Contractor to Simec which facilitated the continuation of the system of corrupt payments to SANG officials through Simec (which had been in place since the late 1970s)’* (Regina, 2021:79).

The Bought In Services elements remained a constant feature throughout the whole period. One can only conclude that there was either a complete failure of review processes, ethics and compliance procedures within the MoD, or alternatively, that there was a review and a decision taken at the highest levels to let the sleeping dog lie. The clear implication is that

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<sup>146</sup> Letter of Offer and Acceptance (LOA) was the formal title of the contract between the responsible Government Departments of the KSA and UK. The latter nomenclature of LOA3P3 signified that it was phase 3 of the earlier LOA 3 contract. In reality, it should have been LOA4, but, as an entirely new contract, that would have entailed much greater visibility of the internal processes – and possible questions as to their legitimacy.

the MoD, FCO, BEIS, Treasury and Cabinet Office were completely aware of the BIS payments to offshore bank accounts to the benefit of Saudi public officials over the 32-year lifetime of the SANGCOM Project (H4) and (H5). Indeed, in Regina (2021) there is a clear reference to an unnamed senior civil servant in the Defence Security Organisation (DSO) writing to GPT quoting what appears to be a recognised government policy for the acceptability of levels of corrupt payments within the Middle East region: “I assess that the figure you indicate for these services approximately SR 1.25m (£242, 000) per month falls within the level generally agreed for such services within the Middle East region.” (Regina, 2021:85). Whilst the identities, appointments, and departments of those who ‘generally agreed’ the levels are not revealed, this reference certainly suggests that ‘as a matter of policy’ at least there was an acceptance and standardisation of levels (of bribes) generally agreed for such ‘services’ within the UK’s political and Civil Service spheres!

*‘Or they think that there's been a period of transition and transformation across Government and the MoD in particular, and it's been going on for some time. And what I would question is, at what point were practices being reviewed? And somebody, somewhere, should have been checking the period from which practices are reviewed and reviewing of those practices. And it may be that because of all the churn going on within the MoD and Government, that that sort of thing fell by the wayside, which gave people the space in which to take part in’.* **(Greg, former MoD senior staff officer in Defence Intelligence and communications equipment procurement)**

Greg offered the possibility that pressure of work, turbulence of manpower and issues of higher priority might explain why the issue was not addressed by the senior decision-makers in the MoD. Whilst that may be so, I do not intend to pursue the wide range of possibilities within this study. We cannot ignore though a closer look at those whose particular responsibility it was to offer specialist professional advice to those decision-makers.

Leaders of large organisations do not formulate policy and make decisions in isolation. They rely on a raft of officials to conceptualise possible options, explore the advantages and disadvantages of possible courses of action, develop the policy, gauge support and advise the decision-makers of their recommended course to take. Once the decision is taken, it is up to them and further layers of bureaucratic officials to implement their policies, informing

them of successes and shortfalls so that it can be improved and repeated or downgraded, cut and replaced. This process is at the heart of government and is mirrored in large corporate organisations. Politicians do not act on their own, whether in democratic governments or authoritarian regimes – the difference is just how much freedom they allow their officials to deviate unchecked from the wishes of those who rule them.

*'Yeah, it is probably a different question. But I can still see that in the pile, the levels of apparatchiks within the ministry, there is a real arrogance of you know, this is National. I mean, first of all, National Security. I mean, it's ridiculous, but that kind of just a bunch of, you know, legal Johnny's. No, I think they would have probably taken Treasury Solicitor advice. And if you've ever dealt with them, they're completely arrogant and, you know, 'We know best for the Government', 'We know best, you know, this definitely doesn't want to come to court'. You know that always, almost always, in my experience, the answer was 'don't worry, let's just settle. It's easier, you know, just pay the money and sign the NDA and walk away'. So my guess is that, that you could have a situation: I'm not saying it wouldn't happen, but you could have a situation where senior officials let alone Ministers have not actually been given the facts. And given the judgement to say: 'Oh, come on, yet we need to be open and honest and transparent about this. Let's just release it.' Yeah, I think that there are so many wheels within wheels in that staffing chain within the ministry that civil service activity may not have raised that to a senior, senior level, and they've made the judgement call. And the answer will be, if anyone sort of says, well hang on this has been going on for three years now why haven't we released this information? This is the way these things happen: 'the lawyers are, you know, still discussing, you know, redaction, you know, it's a long process, blah, blah, blah. You don't understand, you know, that sort of thing.'*

**(Winston, 3 \* general, former member of Executive Committee of the Army Board and Secretary to the Defence Chiefs of Staff Committee)**

Amongst the ministry advisors, also found from within the Civil Service, are the professional specialists who supply the key knowledge needed for definition, selection, purchase, acquisition, implementation, maintenance, repair and disposal of equipment and services. The key elements here are the Commercial Departments, responsible for commercial negotiation, pricing and implementation to ensure that the products and services

acquired from suppliers fulfil the requirement, terms and conditions of the contract, and the Legal and Budgetary Scrutineers advising on their relevant aspects of the contract ensuring that it is both legitimate and value for money. The SANGCOM Project had two senior commercial civil servants operating within the Saudi based team and a Commercial Director overseeing the commercial support function in the strategic headquarters in the UK. All had visibility of the offshore payments and were intimately involved in their processing via scrutiny, authorisation and payment of the invoices submitted by the Prime Contractor (GPT). All three (understandably) declined to be interviewed for the case study. An interesting view offered by a participant, a senior experienced procurement specialist civil servant, was that since the SANGCOM Project was a revenue generating rather than a revenue absorbing programme, it attracted a much lower level of audit scrutiny than other programmes. Consequently, no red flags were raised because it was deemed both generally beneficial and there was no definite procedure for objection anyway.

*'If UK cash is at risk the Treasury and the auditors are going to be all over like a rash. And you will be subject to the most intense scrutiny. If UK taxpayer cash is NOT at risk and money is flowing the other way, there will not be the same degree of audit scrutiny, decision support and everything else. There will be some but nowhere, you know, orders of magnitude difference. And therefore, there's a mental attitude that we're not taking money out, we're actually bringing money in; if we propagate this endeavour, that's a good thing...There is not the same degree of scrutiny and analysis. What were the risks here? Was there a risk to UK taxpayer money, number one? Was there a risk to Ministers? You know, could this have embarrassed Ministers? Well, it sounds to me like someone failed to spot that one. You know, there are a series of generic risks that you look at when you're analysing these sorts of things. It's a risk-based process. But in the euphoria of making a lot of money, people sometimes forget that risk cuts both ways up and down. And, well there was probably no established process for this sort of thing anyway.'* **(Albert, 2\* general, then senior civil servant in the Cabinet Office)**

In the Corporate environment, it appears to be not a matter of institutional failure, but rather an active commercially driven motive to allow business to prosper. There is commercial and thus personal benefit, in repeat audit or management advisory contracts. This oversight can

be compromised in a form of corporate wilful blindness which does not declare suspicious financial activity. More accurately, they ‘rephrase their findings’ so that they do not cause alarm and further investigation. The evidence in the SANGCOM Project suggests that successive auditors (Coopers Lybrand and KPMG) of the commercial prime contractors knew of the irregular payments but had not spoken up about them as potentially illegal. On a parallel note, one has to wonder why the National Audit Office (NAO) had similarly not picked up financial discrepancies amounting to about £500 million to offshore accounts over the 32 years of the Project and raised the issue earlier.

*‘But in a corporate organisation, you're kind of muted, you can't talk. You can't... It's the so-called organisations and the people who work for them who protect these organisations internally and externally: PR companies or lawyers who are allowed to do this. There's a trade-off: if you're giving us commerce and jobs and opportunities we will tolerate some of your misconduct.’* **(Paul, former police officer and whistleblower from commercial / financial sector)**

The third professional department that appears to have catastrophically failed in its professional responsibilities is the Government Legal Department, formerly known as the Treasury Solicitor’s Department.

*‘Our morality is based on our culture and the complexities of all that. Their morality is based on their culture and the complexities or all that. So, you are dealing in a grey area, and that grey area really is where you seek legal advice, of how to operate in that grey area. Legally.’* **(Edward, former service officer and long-term commercial sales manager for a multinational defence manufacturer)**

Their responsibility is to provide legal advice and representation to ministers and, as such, should have advised the most senior civil servants, the Permanent Secretaries, and their political masters in successive governments, of the legal implications within the SANGCOM Project. Indeed, over the five iterations of contracts (Letters of Acceptance (LOA)) there would have been ample opportunity to speak up about issues which might be construed as illegitimate under UK law or come into conflict with international law as wider conventions, such as those with the United Nations and Organisation for Economic Co-

operation and Development (OECD), on Anti-Corruption, Anti-Bribery and Money-Laundering that the UK has signed and ratified. Moreover, since these issues were cross-departmental, affecting policies within the Foreign Commonwealth and Development Office, the Treasury, Ministry of Defence, Business and International Trade and Cabinet Office, such issues should have been raised on numerous occasions by the legal sections of a wide range of government departments and then co-ordinated by the Government Legal Department. It is a gross institutional failure of this key government department that they did not do so (H4) and (H5).

The more unconscionable premise is that they DID raise such issues, on each of the five occasions of contract renewal, and especially in 2010 when the Bribery Act 2010 was being passed through Parliament, and were either ignored or over-ridden by those politicians in government appointments, and / or their senior civil servant advisors at the time. The documentation covering these eventualities was requested for disclosure but was restricted under a Public Immunity Interest (PII) certificate signed off by the Foreign Secretary in June 2021.<sup>147</sup> I propose that this is an example of ‘source silencing’ as a deliberate mechanism by officialdom to prevent research and analysis of the full part played by the government in the SANGCOM commercial processes (H5). As such it is important in what it does not say, or rather is not allowed to say, than what it might (Schweiger and Tomiak, 2022).

*‘The lawyers within the procurement process should have turned round when they did the scrutiny of the contract and they should have scrutinised the contracts and said, “Are you aware that what you're about to do or are doing is illegal, by the letter of the law?”* (Graeme, 3\* general, former Director General Training and Recruitment and Head of the Defence Academy, senior consultant with a major multinational defence contractor)

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<sup>147</sup> Dominic Raab MP was the Foreign Secretary in June 2021 and the PII related to 597 documents. Mr Justice Bryan was yet to rule on their disclosure at the time of writing for the hearing in February – July 2022. He subsequently ordered a retrial to allow the defence counsel time to consider the additional documentation. The retrial is due to commence in October 2023 and thus outside the timescale of this thesis. Further post-doctoral research will therefore be required to follow up on the detail of the redacted documentation and trail of political / civil service decision-making.

There remain three possibilities: firstly, that they did raise their concerns when they offered their advice and were overruled by successive Ministers between 1978 and 2010; secondly, they did not offer appropriate legal advice and were thus negligent in their duty; or thirdly, they were incompetent. It is incredible that the latter two possibilities occurred, and horrific if it were so. Thus, we must deduce that the legal advice was offered and was noted but ‘declined’ by Ministers, or not put forward to Ministers by their most senior advisors. The complementary deduction is that those in the staffing chain formulating or receiving the advice were sufficiently constrained by their loyalty and / or the Official Secrets Act not to have spoken up about the legal advice and its political declination for over 32 years. The end effect was that those engaged within the Project felt that since the lawyers and, in a parallel process the auditors, had viewed, inspected and recommended a proper course of action to the corporate hierarchy, in both commercial and governmental entities, the resulting clearance constituted authority to proceed. The affirmation of professional advice alleviated responsibility to judge further and therefore there was no reason to question further the decisions of superior officers and political leaders (H4) and (H5). Lest we think that lawyers, internal or external, are the saints of corporate governance, we must remember that they too can be suborned to the political will to find, demonstrate and train others in how to circumnavigate corporate governance processes to allow dubious practices to take place:

*‘And so we got some, some US, consultants, legal consultants, and they were quite clear that the training they’d be providing was not how not to bribe, it’s how to introduce the corporate mechanisms to disguise the bribery, so it could still be allowed to happen’*

**(Franz: Director of Overseas and Exports, industry representative and Chairman of Business Ethics Steering Committee, Aerospace and Defence Sector)**

It appears that Spartan Law rather than English Law applied: prosecution and punishment would only be applied if you got caught! It will be interesting to see whether any department, or more specifically any named individual (civil servant or politician), will be held accountable when the inevitable Public Inquiry into the SANGCOM affair is held. If it

is not, then the propagation of the problem will continue, and the opacity of dubious government processes will not change.<sup>148</sup>

The issue of the Official Secrets Act constraining the ability to speak up, particularly for civil servants or military officers, was addressed earlier by Boot (2019) and Lepora and Goodin (2013) considering the threshold and procedural conditions that should apply. Boot's premise that civil servants have an obligation to speak up, despite the Official Secrets Act, appear to be met since the wrongdoing was:

- (1) sufficiently grave and had been committed over a prolonged period,
- (2) the civil servants had a specific professional responsibility for noting and reporting it, and
- (3) their specific contribution, or lack of reporting it, amounts to complicity since it became a causal factor in allowing the wrongdoing to continue.

However, we are in a 'grey zone' here: whilst the Nolan Principles and the Civil Service Code apply, and the MOD Whistleblowing and Raising a Concern Policy (2017) would have applied, I could find no specific equivalent process that appears to have been in place between 1978 and 2017. There is a wealth of research which has shown that organisational structures have a clear impact on whether employees will blow the whistle or not. Those with clear and proper channels for reporting, with easy access to confidential reporting lines or an independent internal 'ombudsman' and an atmosphere that encourages subordinates to speak up have a much higher likelihood that they will do so (Miethe and Rothschild 1999, Miceli and Near 1994). Thus, there also appears to have been a failure in institutional or corporate processes across the organisation of core government departments. There were no, or at best unclear and little known, processes to effect a whistleblowing system through which civil servants could speak up about corruption in programmes such as the SANGOM

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<sup>148</sup> The trial of the GPT individuals (executive directors) was halted in July 2022 and a retrial ordered to commence in October 2023 with an expected duration of 3-5 months. Full details are subject to reporting restrictions but Private Eye reports (Edition Nos: 1575, 14<sup>th</sup> - 30<sup>th</sup> July and 1576, 1-15<sup>th</sup> August 2022) alluded to additional and novel evidence that Andrew Manley, Commercial Director had assured Prince Mutaib and senior Saudi officials in 2012/ 2013 that payments would be accrued going forward (post whistleblowing disclosures) and paid by an alternative mechanism in future. A Public Inquiry subsequent to the conclusion of last trial is therefore now highly likely.

Project. However, the civil service is not alone in this regard: the Ernst and Young (EY) Fraud Survey 2017 found that 80% of employees across a wide range of activities did not know their organisation had a whistleblowing hotline. A further study by the UK whistleblowing charity, Protect (2020), found that recent, active steps to embed trust in internal whistleblowing arrangements had a very positive effect in raising disclosure of concerns rose from 78% in 2012 to 93% in 2020, even though 70% of whistleblowers were subsequently victimised, dismissed or felt that resignation was the only option open to them.

*'(Post) Iraq 2003 Chilcot report, we now instigate 'Reasonable Challenge' throughout the Defence Academy as part of Defence's approach to get people to speak truth is power. When they leave the Staff College, they're going into an environment where you've got pre-Chilcott people who are still in positions of power. And how comfortable is that challenge bedded in? How do we then end up with the situation of SANGCOM and how many other SANGCOMs are there that the default position has become so obscure that nobody is noticing what's going on? Or, if they are noticing it's become comfortable not to do something about it. (Keith, former Chief Command Information Systems (CIS) at Defence School of Signals and Divisional Colonel at the Defence Academy)*

The principle of 'Reasonable Challenge', appears to have been taught in our senior management college(s) as an overt mechanism to allow subordinates to raise uncomfortable issues, without fear of reprisal since 2003. This reflects the fundamental principle of Parrhesia, reinvigorated by Foucault (2001) in his Berkeley lectures, offering a formal mantle of protection to those who hold the truth but feel too vulnerable to voice it to their superiors. However, given that the corrupt payment mechanisms in SANGCOM appear to have remained fully functional throughout the period 2003-2010, the inevitable conclusion must be that either the message was not embedded deeply enough or did not get disseminated through post Staff Course students to take effect in this particular project. A recommendation arising out of this study therefore might be that the Defence Academy training content in this regard should be reviewed or, better still, the SANGCOM Project should be incorporated as a prime example of what could happen if the training instituted does not take effect or is ignored by more senior officers / civil servants to whom the message has not yet filtered through? Certainly, if one looked through the open curriculum

of the Civil Service Leadership Academy<sup>149</sup> one would be hard-pressed to find mention of integrity or legitimacy of actions especially in the procurement field where fraud and corruption are most likely. Nor are there any workshops or sessions on whistleblowing or appropriate responses to disclosures of wrongdoing, abuse or otherwise disreputable behaviour. One wonders of course whether this is a matter of ostrich-like behaviour or a belief that such training is not necessary for senior civil servants who should have undergone it previously in their careers? Either way, the problem does not appear to have been tackled up front, and if that remains the case, then as George Santayana said: ‘those who cannot remember the past are condemned to repeat it’.<sup>150</sup>

*‘My experience is that HR people are NOT there to support their workers, even though that is what they’re purported to be; they’re there to support the management and protect the company. And you know, it’s two different things. When it suits them, they can support, when it fits the sort of company ethos. But when it doesn’t, you know, you’re out, you’re just absolutely out, you’re cut out and it’s not obvious, but everything then is like pushing a pea uphill with your nose.’* **(Bill, former MoD Staff officer in Defence communications procurement)**

This last contribution indicates another organisational failure: speaking up will only work if it occurs in an ethical environment (Dalton and Radtke, 2013) where there is a willingness to listen and therefore a high likelihood that those receiving the spoken truth will respond positively (Miceli and Near 1992, Brown, Lewis, Moberly and Vandekerckhove 2014, Kenny, 2019). There is a broad assumption that such problems ought to be brought to the attention of the Personnel or Human Resources (HR) department, and logically most employees would concur. However, noting Bill’s contribution above, HR departments are torn in two directions to protect both the individual and the organisation for whom they both work. Like the whistleblower, they too face the dilemma of where to place their loyalty and

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<sup>149</sup> The Civil Service Leadership Academy (CSLA) ‘offers all senior Civil Service (SCS) leaders a number of workshops and events which are designed to support their leadership journeys’. ([Civil Service Leadership Academy Open Curriculum - GOV.UK \(www.gov.uk\)](https://www.gov.uk/civil-service-leadership-academy-open-curriculum))

<sup>150</sup> George Santayana, (1905), *Reason in Common Sense*, Volume 1 of [The Life of Reason](#), p.284

whether they too want to become embroiled in a direct confrontation between the Vulnerable and the Powerful.

*'Well, I think when you take over the job, a job such as that, you have to have an expectation that those above you are playing by the rules, because you acknowledge your responsibility to give cover for those people below you are doing what they're doing'* (**Henry, 1\* brigadier, former MoD Senior Staff officer in Defence Procurement, overseas defence equipment procurement experience**)

In the 'toxic' environment of GPT, and within its owning superior body Airbus Group, the HR function had been suborned to dictates of corrupted compliance processes, whereby those who tried to speak up were suppressed or dismissed. The authority of the HR Director as both an Executive Director and a senior member of the Saudi Royal family was absolute. Contradiction or opposition was professionally suicidal and therefore any attempts to speak up were highly unlikely to occur and professionally fatal if they did. Creating such an environment purposely deters others from speaking up, not only because it threatens their own livelihood and professional career, but because the effort in doing so requires additional mental, physical and emotional energy over and above the demands of their normal duties and responsibilities. Few are willing to put themselves out to such a degree, especially when the likely outcome is dismissal, career ruination, financial devastation, stress-related ill health and much domestic upset. Moreover, the observation of these detriments visited upon whistleblowing forebears acts as a forceful deterrent to anyone considering speaking up in the future: which is why organisations are so keen on retaining the status quo and discourage significant changes in whistleblowing protective reforms lest they open the floodgates (H2).

*'Yeah, so let's be totally honest, speaking up, creates a hell of a lot of work.....so if you look it..... let's look at my example. Okay, I've got to be very, very careful. I've got to clean up so much evidence before I can see it because I have to have my facts right? If you don't if you're going to start talking about what you perceive as impropriety in the business space, within the space of which I work, I have got to have all my facts. Because if I haven't, they'll destroy me. That takes time and effort. You know, my job's already full on. I'm happy to be working 12/14 hours a day but most people don't want the hassle. They know that creates a lot of*

*time and effort to whistleblow.*' (**Joc, former service officer and then senior project manager in commercial entity in SANGCOM**)

In this chapter I have tried to describe the major organisational reasons that were derived from the research interviews. None of them occur in isolation or are offered in sole explanation as to why participants remained silent. Many spanned reasons that appeared in the other realms of influence, but what marked them as a separate group was their emergence out of organisational pressures, practices and processes, or failures therein. Active coercion and the many 'techniques' quoted were much more apparent in the commercial entity, GPT, than in the SANGCOM Project team or within any of the Government Departments. In the latter two organisations, the pressures were more subtle, relying on the unspoken word, a cultivated ethos of silence and a 'need to know' born of a restricted security background (H2). The standout process was, ironically, a lack of process enabling 'insiders' to blow the whistle effectively and safely, without fear of impact on their employment and future careers. It was an institutional failure which involved all levels from the desk officers in the SANGCOM Project team, up through the levels of official scrutiny to those politicians who sat as Secretaries of State in the relevant Government Departments together with the Permanent Secretaries, and the legal and auditory professionals who advised them. However, as we will see in the next chapter, we should not be surprised at this because none of these decisions or procedural failures happened in isolation. They occurred in an environment where the social, cultural, strategic, political and economic factors influenced the origins of the practices and their continued application across the lifetime of the Project. The thought-provoking question that follows is why they did not adapt as the public acceptability of such practices altered significantly post 2007 in a changing social and political scene; why did the Overton Window not move in accordance with a changing social view on the (un)acceptability of corruption?

## **Chapter 7 - Cultural, social, strategic, political, and economic influences**

Many of the wider influences that feature within this chapter reflect issues that might also be considered to be personal or organisational factors. Besides being significant in their own right, they collectively provide the fabric of the contextual environment surrounding this case study. Whilst the organisational factors are the current in which the individual moves, this is the medium itself, a fluid setting with boundaries created by a combination of cultural, social, strategic, political and economic forces that create the environment in which these issues swim.

### **7.1 Cultural Influences**

It may sound glib, but social and cultural influences provide the contextual background to which most processes are conducted and in which most organisational and individual decisions are made. They set the 'norms' and provide the environment for what is deemed 'acceptable behaviour'. But what is normal in one part of the world is often vastly different to another. Such differences may well extend down through social strata and through geographic regions to tribal boundaries or local neighbourhoods (Davies, 1999).

There is also more than a hint of 'Dynamic Phenomenology' about the contextual background to this case study if we consider it as a 'lived experience' (Van Manen, 1996). Social and commercial factors, changed much over the over the 32 years of the SANGCOM Project, giving a temporal aspect to be considered. The widely different social and business cultures experienced between Middle Eastern and European actors brought a spatial element, whilst quasi-ethnographic routines, practices and social mores, experienced at both corporate and individual levels, clearly coloured the narratives of the personal 'lived experience'. It is against this background that explanations were offered by participants, whether working within the project in the Kingdom of Saudi Arabia or in their respective corporate headquarters in London and Paris.

*'It has the look to me of a situation where the people did what we might consider to be wrong things, but they thought they were okay things, and would excuse themselves by saying "well, that's 'the Big Picture''. ...and not being able to see the big picture is a very bad thing in the military. It's*

*considered very bad. ’ (Cuthbert, 1\* brigadier, former MoD staff officer, Head of Service Arm)*

Across the research interviews, the wider social, cultural, strategic, political and (national) economic influences were proposed predominantly by those in higher management or senior political / diplomatic offices. ‘Seeing the Big Picture’ carried with it a cachet of broader vision, an inferred superiority of thinking, vision and knowledge with a derived authority to make decisions and take actions that might not be available to those not imbued with such abilities. It also conveyed an air of privilege, arrogance and entitlement to step outside of the law for those with an understanding of such issues. There was an underlying attitude that those ‘burdened’ with high office were immune to prosecution and therefore had a wider remit to act without an element of personal accountability. This clearly underpinned the actions of both government organisations and (civil service / military) individuals in this case study. Moreover, whilst not excusing the criminal actions of their commercial counterparts in the Prime Contractor, there was an implicit official sanction of their (corrupt) processes to provide sufficient excuse for them to achieve their corporate aims in accomplishing the contract (Regina, 2021:79)<sup>151</sup>. There was an acknowledgement that such ‘dirty hands’ issues (Sartre, 1948) should not be spoken of openly and certainly not attributed to formally, lest they incur public condemnation. There are three underlying perspectives for this political philosophy: Neoclassical, ‘the ends justify the means’; Protestant / Weberian, the politician as martyr sacrificing his soul for the common good, and Catholic, the politician as penitent sinner willing to undergo a determinate penalty for a determinate crime (Walzer, 1973). The predominant view that came across from the civil service and military participants in this case study was the ‘neoclassical’ one, with a calm philosophical acceptance that these things were grubby but necessary if we wanted to achieve our overall national aims (H1) and (H2). That said, there were few, if any,

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<sup>151</sup> *‘It appears that senior individuals within the MoD introduced GPT as the new Prime Contractor to Simec, which facilitated the continuation of the system of corrupt payments to SANG officials through Simec (which had been in place since the late 1970s). The terms of the subcontracts then operated from 1998.’ (Regina, 2021; 79)*

protagonists who were willing to publicly admit to their actions and submit themselves to a purgatorial, and possibly judicial, experience.<sup>152 153</sup>

Indeed, just by signing a Public Interest Immunity certificate in June 2021, the current Government endorses the view that transparency of previous government decisions entailing questionable practices must remain restricted lest it incurs public opprobrium and ‘difficulties’ in the pursuit of international policies going forwards. Notably though, this is an endorsement issued by a regime which is unsullied by signature on any of the SANGCOM Projects contracts. Therefore, this immunity is probably sought for those preceding politicians and public servants who were complicit to the corrupt payments and the processes which facilitated them. One might observe that it takes the form of an institutionalised ‘government insurance policy’ perpetuated by successive regimes, retrospectively forgiving those who preceded them in the hope and expectation that the same largesse will be extended to them too by their successors. As such though, it acts to limit accountability, disguising past misdemeanours from public scrutiny and, in so doing, excusing current and future transgressions through a presumption of institutionalised ‘Catholic’ forgiveness for future sins. This is institutional silencing, (H4), the exercise of ‘Oracular Power’: the ability to shape social consensus about where the boundary lies between ignorance and knowledge, founded on the quasi-mystical attribution to the utterances of oracles deriving their authenticity from a seeming closeness to, and relationship with, the Gods (McGoey, 2019). In this case study we observe the reasoning of an omniscient purview of ‘the Bigger Picture’ offering greater wisdom, broader vision, and a greater understanding through which a ‘right’ to make uncomfortable decisions is derived. With it though comes a disturbingly oligarchic mentality that those in authority know better and will conceal their actions if necessary (for over 32 years) from those who put them in power in the first place – which is a decidedly unhealthy conclusion for a democratic society.

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<sup>152</sup> It makes it all the more interesting therefore to observe why participants were willing to contribute to this research. There was an element of the confessional and an attribution of the interviewing researcher (and acknowledged whistleblower) as both ‘cognoscenti’ and ‘priest’ with participation offering an element of absolution for the act of complicity in knowledge if not in action.

<sup>153</sup> Indeed, it took a proposed Judicial Review in 2019 of the Attorney General’s (3 year) refusal to grant the Serious Fraud Office consent to prosecute before the GPT case underlying this study could be brought to trial. The principal part played by the various government departments, noted collectively as Her Majesty’s Government (HMG) was only formally noted by the court as a mitigating factor to the actions of the commercial company in April 2021.

Moreover, it extends this opacity by not allowing any retrospective analysis of actions, processes and practices by government servants and, in so doing, reinforces the view that such actions are permissible and will be protected in future by an ‘officially endorsed’ silence. The implication of this is that such practices are likely to happen again, that public servants will remain silent about them, and no lessons will have been learned (H5).

## 7.2 Social Mores

It is well observed that the social structure of the Kingdom of Saudi Arabia has a direct impact on most governmental or commercial projects across the region. The elements of highly conservative governmental autocracy, allied to a historic acceptance of patriarchy and patronage, form the basis for the distribution of benevolence and wealth as a form of social welfare programming. This is alien to accepted practice in Western European organisations and there is an inevitable clash of cultures and beliefs when the two ‘systems’ meet. The SANGCOM Project was not immune to these pressures:

*‘...this is Saudi Arabia which is a benevolent autocracy: the Royal Family has all the money and dishes it out as it seems fit. If it dishes it out to see fit to pay for his princess to have gambling channels or Sky Sports, so be it: you know it's wrong when there's people starving, but hang on a minute, you know, how wrong is it?’* **(Tom, former service officer in SANGCOM Project)**

There was an air of acceptance and inevitability about Saudi cultural behaviour that acknowledged the pointlessness of baulking against it, no matter how distasteful it might be to one’s own ingrained social mores. This translated across into the business world to a tolerance of how the Saudi nationals treated, paid and imposed on immigrant (third world) and expatriate (western) workers. It also extended, importantly, to cross-cultural relationships and the way differing parties dealt with one another. Propositions such as ‘commissions’, ‘facilitation fees’, ‘fixing arrangements’ and ‘additional administrative costs’ all of which are synonymous with bribery and corruption, were purposely framed in a delicate linguistic dance in terminology designed not to cause offence or loss of face to either the proposer or recipient. Within the Arab world, the concept of ‘Wasta’, remains core to the process of task accomplishment, incorporating elements of the maintenance of a

respected public ‘face’, whilst maintaining ‘clout’, the flexing of personal networks and connections, and extends through nepotism to baksheesh. In the western world ‘baksheesh’ means bribe, whilst in the Arab world it translates as a tip or gratuity extended in return for a service or favour or even a charitable donation (OED, 2018). There is thus an immediate cultural, and thus moral, ambivalence about the practice of paying a commission or facilitation fee for ‘fixing’ services or access to those in authority. It is also apparent that even those within the Saudi hierarchy recognized this dilemma, but local power politics constrained even the most powerful on what they could or could not do, or their ability to change deeply embedded processes.

*‘Given what we’ve said about the way hierarchies work, when it comes to the House of Saud, everything had to be done by consensus in his (King Abdullah’s) time; not now obviously, with MbS<sup>154</sup> in charge, it’s much more really by diktat. But with Abdullah he wanted to rule by consensus, and actually if most of the people in the group that you want to get consensus from are actually knee deep in the muck, even the King can’t change it.’<sup>155</sup> (Colin, 1\* brigadier, former MoD staff officer in the SANGCOM Project)*

Despite official protestations that corruption is illegal within the Kingdom, this social norm extends across the working environment to the extent that whistleblowing is regarded as contrary to socially accepted behaviour. Whistleblowers are stigmatised socially and professionally outcast and their professional careers rapidly terminated within the Middle Eastern environment. Speaking up becomes invalid and open to retribution, by which others, who might also make disclosures about corruption, conclude that their whistleblowing would be unsuccessful or too risky, and thus remain silent (Miceli et al, 2012).

*‘Culture strikes me as being core to this and people in different cultures have different values and behaviours and different attitudes to power and authority as well. The thought of this is: I thought this was wrong, but it must be right because more senior people say it’s*

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<sup>154</sup> Crown Prince Mohammad bin Salman (MbS)

<sup>155</sup> King Abdullah was the Commander of the SANG prior to Prince Mutaib and the structure and practice of payments to offshore accounts was actually established and run under his rule



rule over and protect the Kingdom, by maintaining its own power, political, social and economic stability. It brooks no dissent, and whistleblowers are considered dissenters, especially when they question the policies, public or private, of the ruling family. This behaviour though extends throughout Saudi society, through all strata of personal and business life, reflecting a political patriarchal, and authoritarian, leadership that brooks no open contest. Exemplified by the King, the Leader is the Father, the Father is the Master, and the Master is the Boss: the concept of Parrhesia appears to be little known, and not often practised. He who speaks out of turn takes his life, liberty and livelihood in his own hands.

*'We had lots of dealings with Crown Prince Sultan, and he was fabulously wealthy, there's no doubt about it and that was one of those areas where the funds of the Ministry of Defence and the funds available to Crown Prince Sultan often merged and were difficult to distinguish.'* **Sir William Patey (Ambassador to Saudi Arabia, 2007-2010).**

The social and political philosophy described above is reflected throughout all levels of society and permeated the business environment. Thus, speaking out against dubious, or even obviously wrongful, abusive or corrupt, practices was seen as an act of rebellion and rejection of the authority of the governing hierarchy, be it Saudi or Expatriate, with the rejoinder that 'if you don't like it then don't work there'.

*'There is a significant cultural divide and Western norms are not their norms. In my experience, what they value is loyalty, regardless of whether something may be right or wrong, they put loyalty at the very top. And loyalty to them has a very different meaning.'*  
**(Steve, former MoD staff officer in Defence equipment procurement, overseas defence experience, and civil service experience in Defence Research)**

Discussion of the influence of social and cultural mores on whistleblowing has been well observed based on Hofstede's (1980) model of culture's influences on organisational life (Brown, Lewis, Moberly and Vandekerckhove, 2014:37-70) and I do not intend to repeat, nor could meet, the detailed examination in that study. My observation from my findings is that, in the cross-cultural context of this case study, the societal mores of the Saudi environment had a great influence on whether individuals spoke up or not. They provided a crucial element in the individual's decision-making process when balancing values, beliefs,

laws and organisational practices – especially when the expected local behaviour was at odds with deep-seated norms experienced by expatriate workers in their home environment.

Saudi Arabia is an unusual working environment: since the early 1970s when oil exports provided enormous national revenues, the Saudi economy has not been dependent on productive employment. Although the official employment rate is around 12 percent, economists estimate only 30-40 percent of working-age Saudis hold jobs or actively seek work<sup>156</sup>. The workforce is manned predominantly by expatriate foreigners, although a policy of ‘Saudisation’<sup>157</sup> is endeavouring to bring more Saudi nationals into the workforce with limited success. One of the problems is that the western work ethic, born of European and American industrialisation, is alien to a workforce who, originating out of a nomadic agricultural and herding lifestyle, have to a large extent become used to living off Governmental benevolence that devolves state funds out of petroleum revenues. This system of state patronage is reflected in tribal and familial patronage, which is often used as an excuse for acting outside the rules that govern others - particularly those from western liberal democracies where those in power are more answerable to those who elect them<sup>158</sup>. As a means of disbursing funds it is also a means of retaining and extending influence and a natural extension of personal power. If the means of gaining the wealth to do so involves stepping outside the norms that others obey, then it is deemed acceptable if a proportion of that wealth is then distributed to others less fortunate, albeit that they are family or tribal members.

*‘But when you are in a foreign country with foreign rules in a place like Saudi, and especially after the recent assassination, it makes you think that these people are very different to us. They operate in a very different way, and you’re a long way from home, you’re isolated and your passport has been taken away, it’s not easy to get back to the UK.*

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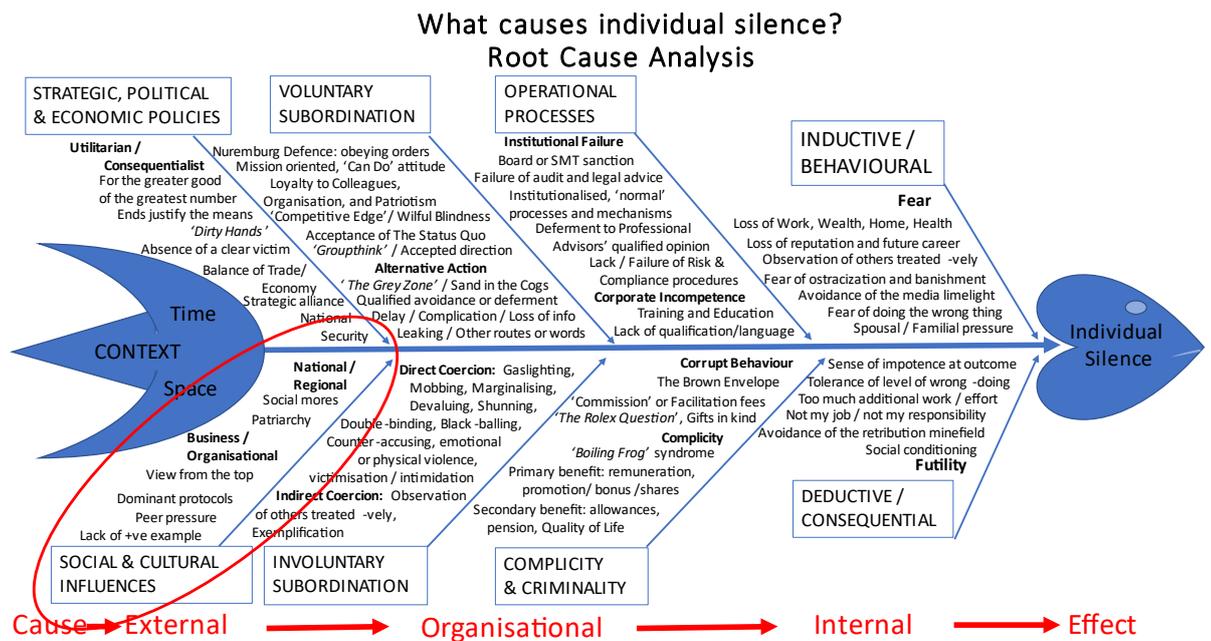
<sup>156</sup> Reuters, (2014), ‘Saudi Arabia doubles private sector jobs in 30-month period’. [<https://english.alarabiya.net/business/2014/01/20/Saudi-Arabiya-doubles-number-of-citizens-in-private-sector-jobs>, updated 20 May 2020, accessed 20<sup>th</sup> August 2022]

<sup>157</sup> Resolution 50 (December 1995) decreed that the private sector increase its Saudi staff by 5% per annum. (Rayburn R and Bush K, (1997), *Living and working in Saudi Arabia*, Oxford: How To Books Ltd.

<sup>158</sup> Saudi Arabia is not alone in this regard. It is a common tendency across the Middle East and the African continent where tribal and familial ties favour a more nepotistic dispensation of favours, contracts and appointments.

*So it is easier just to look the other way'* (Bill, former MoD Staff officer in Defence communications procurement)

In drawing a generic model out of these findings, I propose that the social and cultural mores affect the decision to speak up or not and that the Saudi (ultra-conservative and authoritarian) scenario pertinent to this case study both highlighted and exaggerated the effect. In effect, there was no popular social drive within Saudi Arabia to create a political impetus for change: the local/ regional Overton Window had not moved and, whilst the King recognized the moral niceties of stopping commissions / facilitation fees, enforcing such a policy was both impractical and politically dangerous. Superimposed on this contextual base, was the business culture found within the commercial environment and, with it, the predominant management style that existed within the organisation.



**Figure 15 – Social and cultural justification**

#### 7.4 Business / organisational culture and business ethics

*'Well, I think the other thing is you've got to compare and contrast the military ethos versus the civilian way of operating. The military ethos is about selflessness, altruism, integrity; the commercial civilian ethos is about self-preservation, getting on, in competition against*

*others, and if necessary, being flexible around things, around processes and you know, basically doing whatever it takes to be successful in business'* (**Bill, former MoD Staff officer in Defence communications procurement**)

*'You've got your project you're in or you're driving forward, you're making the wherevers and you know if it's a bit of expediency pops over. Again, it's back to risk management: what's the risk of doing this? We'll lose the contract. (Hmm). Okay. But there isn't a Bribery Act? Well anyway, everybody else is doing it.'* (**Graeme, 3\* general, former Director General Training and Recruitment and Head of the Defence Academy, senior consultant with a major multinational defence contractor**)

There are three aspects of the business culture and ethics practised in the case study which are key to why people did not speak up and they provide the three Main Excuses proffered to justify such actions:

**(a) the 'Cultural Excuse':**

*'And my take on it was that that's the way things were done over there, as in Saudi nationals, that is their culture'* (**Timothy, Liaison Officer Saudi Arabian Field Force Signal Regiment - close proximity to nationals and SANGCOM team (Military and Civil Servants)**)

This view was expressed widely across the expatriate community to explain 'local rules for local activities', regardless of personal or corporate beliefs along with a hardened view that 'if it's too hot in the kitchen then get out, nobody is forcing you to stay'. It ignores the laws of Saudi Arabia which expressly outlaw corruption, whilst recognizing that it was endemic across all strata of Saudi society under the acceptable guise of 'patronage', and thus provided an excuse for what might otherwise be identified as unacceptable behaviour in other cultural environments.

*'However, in the first board meeting I attended, there was some discussion around paying off competitors. And that was a discussion the Managing Director was leading at that time. I can still see him literally looking at me in during the meeting saying 'Oskar, don't worry*

*about it, what we are discussing here now, this is how we do business'* (**Oskar, former Programme Director of commercial entity in SANGCOM Project**)

**(b) the 'Commercial Excuse':**

*'if you don't do it then you won't get the business, and someone else WILL do it'. It's Risk, Reward and Consequence: there's potentially great reward, there's potentially little risk...and the consequences are you're going to grow the business, and in the business'* (**Alan, Commercial Project Manager, Head of Delivery in the commercial entity in SANGCOM Project**)

This was the 'pragmatic view' predominantly proposed across the expatriate corporate environment, led by the sales and marketing employees who prided themselves on their 'hard-nosed' commercial prowess, but then felt very aggrieved when they stood in the dock whilst the legal, accounting and other corporate support departments slunk silently into the background. Twinned with the Cultural Excuse, it became the 'raison d'être' for presence in the region and drove most commercial activity. Indeed, it gave birth to a second level of corporate activity purposely designed to allow corruption to take place within a compliance framework that would cover such activities on inspection.

*'So, we got some US legal consultants, and they became quite clear that the training they would be providing was not how not to bribe, it's how to introduce the corporate mechanisms to disguise the bribery, so it could still be allowed to happen. How to introduce corporate structures to ensure that damage limitation takes place'* (**Bernard, former service officer and MoD communications equipment procurement staff officer, Training Manager within commercial entity SANGCOM Project**)

The evidence supplied to the GPT prosecution central to the case study and supported by the sentencing remarks of the Judge in the Airbus Deferred Prosecution Agreement (DPA) (SFO v Airbus SE, 2020), clearly shows the subordination of the Group Compliance Department to the dictates of a specially formed unit of about a hundred people, with their own General Counsel and Compliance Officers, in Airbus Sales and Marketing International Department who managed corrupt payments to Third Party Agents which existed until

March 2016. Making disclosures to an effete Compliance Department was tantamount to professional suicide, and merely acted to deter employees from speaking out (H1) and (H2). In the context of this case study, this country, this company and this contract, the commercial view was the dominant driver:

*'If we didn't do it, then maybe the French or the Germans or the Russians or the Americans would do it instead. And therefore, whilst we absolutely detest it, that is the world in this part of the world.'* (**Bill, former MoD Staff officer in Defence communications procurement**)

**Bill** reflects the accepted view that the only way to engage in business in this part of the world was to suborn personal beliefs, values and feelings to the pursuit of profit and commercial enterprise to compete on an equal footing with those who had less scruples about doing so. It is against these pressures that organisations and individuals consider the risk of engaging in corrupt practices: local acceptance and willing participation by suppliers and customers and colleagues, who recognise and subscribe to this commercial view, lower the risk of discovery and exposure and thereby alter the balance of Pascal's Wager to a level where it becomes manageable. When the level of the perceived reward, in terms of personal and collective (organisational) profit is exaggerated, as can happen easily in the cultural environment described above, the wager becomes further distorted to an extent that the perceived reward is so great, the risk of discovery is reduced, and the personal stake remains the same or is even lowered because a high percentage of local society is following the same premise. Thus, the wager is taken, and the bribes are paid. Furthermore, if once discovered and prosecuted the perceived penalty for engaging in such activity, as a corollary to the perceived reward, is not sufficiently great or is inflicted only on the organisation not the participating individuals. Consequently, the penalty (and consequent pain) is deemed acceptable - as a *'cost of doing business'*. In these circumstances, others observing what has occurred, conclude that the personal stake factor is acceptable, or will be borne by the organisation, and thus there is no deterrent to individuals for acting in a similar fashion in future. It goes without saying therefore that until the penalty imposed, and the risk of incurring it, becomes unacceptable corruption will continue.

**(c) the ‘Strategic/ Political Excuse’:**

*‘What had become clear to me was that really from the Middle East eastwards, virtually nothing happened unless there was some form of facilitation, some support, some form of bribery, corruption, not necessarily by our employees but by subcontractors, by Government or by other MOD people, but who are in a leading role at facilitating the development of businesses into those particular regions.’* **(Harry, 2\* general, former head of Service Arm, Divisional Commander and senior staff officer in Manning and Personnel Branch)**

This was probably the most persuasive but least voiced explanation because, whilst corporate or individual corruption might be explained by the other ‘excuses’, this view implicates Government Departments in publicly unconscionable behaviour. Thus, it remained attributable privately but not publicly, and served as the one of the major drivers of civil service/ military behaviour to keep activities totally confidential.

*‘Some of the material that Ian Foxley got hold of really was explosive. So it kind of showed that centrally within this massive multinational defence company, business took priority over integrity or honesty basically’* **(Chas Freedman, US Ambassador to Saudi Arabia (1989-1992), BBC Documentary ‘House of Saud’ (2019))**

All three explanations (Cultural, Commercial, Strategic/Political) infer that individuals need to conform to the accepted norms, albeit that they entail dubious if not illegitimate actions, and that one should not speak up about such actions either. To do so breaks the accepted code: the ‘Omerta’ of working in such business environments, normally bringing with it the reprisals that accompany such perceived disloyalty (H2), (H3) and (H4).

*‘So, you already have an environment where payment is used to induce particular forms of behaviour which are nothing to do with hard work, productivity or anything like that. It’s about the purchase of allegiance and behaviour. So direct financial transfer is woven into the entire social fabric of the country.’* **(Albert, 2\* general, then senior civil servant in the Cabinet Office)**

The internal culture and ethical base upon which the organisation or business operates is crucial to whether individuals remain silent or feel that they can speak up about wrongdoing within the organisation (Miceli and Near, 1992, Skivenes and Trygstad, 2014). This is established and ‘driven’ from the top of the organisation where dubious practices are either initiated and propagated or ‘allowed’ to continue without question. Subordinates take their lead from higher management and the accepted practice of the Senior Management Team becomes the exemplar, and thus the dominant protocol, governing the actions of those further down in the organisation (Keenan, 1990). This is reflected in this case study, where the commercial entity at both Group Corporate and Subsidiary levels appears to have taken its lead from the governmental customer in a grand design to allow, and even facilitate, corrupt payments in order to smooth the overall transaction of the contract (H1), (H2), (H3) and (H4).

*‘It’s within a culture of bribery within the company (GPT) and I’m sure within Airbus, there were elements where it was an acceptable way of doing business.’* **(Mickey, former MoD Senior Staff Officer, then Director of Security, Airbus Group)**

Higher management hold the power and authority and typically shape and mould the culture, values and norms of the organisation defining the direction and standards of those subordinate to them. Thus, when questioning internal issues that are illegal, immoral or abusive, there is an obvious opportunity for a lack of positive example from above, and, dependent on the prevalent management ‘style’ in enforcing its will, a toxic atmosphere can easily arise where dissent is not only unwelcome but is actually suppressed.

*‘It’s very, very tightly controlled. There’s a culture of fear, of consequence if you say the wrong thing, if you do something wrong, if you’re not compliant, if you don’t sign up to the business culture. It’s not one of the openness and sharing ideas and thinking outside the box and all for the boys on the ground. It’s all very, very carefully controlled from Riyadh’* **(Joc, former service officer and then senior project manager in commercial entity in SANGCOM)**

In such cases, individuals are faced with Hirschman’s (1970) stark choices of Voice, Exit or Loyalty, but with the added knowledge that the Voice option will not be welcomed and

most likely be met with an intimidatory aggressive reaction bound on suppressing dissent that might well terminate their current employment, income and future career opportunities (Martin and Peña Saint Martin, 2012).

*'Toxic, I think is probably quite a good phrase. People were frequently watching their backs. There were people that were favoured, and there were 'Others', that it didn't really matter what they did, they were going to get grief. It was almost constructive bullying. There were a number of the directors and the level immediately below the directors, who were the line managers per se, who were clearly trying to intimidate people to make sure that they got what they wanted.'* **(Peter, former service officer, resource manager in SANGCOM commercial entity)**

Within GPT, the employing company in this case study, the prevailing atmosphere of the working environment was one of fear: interviewees referred to the company as 'Toxic Towers'<sup>159</sup> and the directors as 'sociopaths, bullies and control freaks'.

The focus was clearly upon driving the business to maximise profit, regardless of arrangements or practices which might have been questionable in a liberal western society or business environment. Dissent or questioning of directives was not tolerated and examples were provided of those whose employment was terminated, visas revoked<sup>160</sup>, and removal from the country effected within 24 hours. Within such a working environment, even questioning practices was dangerous, doing so without hard evidence speaking up or whistleblowing was tantamount to an act of career suicide. It is unsurprising that many did not. Given subsequent evidence of Airbus Group's knowledge<sup>161</sup> of the corrupt payments and allowance of the practice (SFO v Airbus, 2020), one can conclude that the coercive

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<sup>159</sup> GPT's offices in Saudi Arabia occupied the 16<sup>th</sup> and 20<sup>th</sup> floors of the Faisaliah Tower in the centre of Riyadh.

<sup>160</sup> Visas depended on the sponsorship of the employing company which, if removed automatically meant ejection from the country and termination of employment contact. It is frequently used as a coercive mechanism to guarantee obedience to superiors and their directives in Saudi Arabia (and other Middle Eastern countries).

<sup>161</sup> GPT was a constituent part of Airbus Military UK Ltd and 'It is agreed that the UK companies, Airbus Operations Limited and Airbus Military UK Ltd are subject, through Airbus SAS and Airbus Defence and Space SA, to the strategic and operational management of Airbus SE.' R v Airbus Statement of Facts amended. Pdf, February 2020.

regime imposed within the GPT subsidiary was purposive and deliberate in order to create an atmosphere where both individual and organisational silence dominated.

*'The real crux of it is how do you combine situation, context and individual all coming together and then making the right decision – the right ethical decision, when in many cases, the pressures in that contextual space and that situation space may be playing against where you may want to be as an individual.'* **(Keith, former Chief Command Information Systems (CIS) at Defence School of Signals and Divisional Colonel at the Defence Academy)**

Within such a coercive environment, there emerged an element of peer pressure to remain silent. Partly through a collective wish to survive and prosper within the commercial entity and partly through a shared belief in the organisation and a 'tribal' loyalty to colleagues within the military entity. Either way, there was a definite, but informal, agreement not to speak up (H1), (H2), and (H3). The two organisations operated in very different ways, held different values, different loyalties and different aims; but they shared an unwillingness to 'break ranks' in speaking up about questionable practices. Team loyalty and the pressure to suborn individual urges for the benefit of the team, and the welfare of colleagues as well as oneself, predominated.

*'I think one of the things about SANGCOM would be because it was very long running, it was very valuable. And it was in a foreign country, which tends to make people huddle together socially. I think I would speculate that there was every chance of it becoming a sort of cocoon. But with an even stronger carapace around it, because of the local environmental circumstances being in a very unusual and idiosyncratic foreign country - and because the interfaces were so infused with the local behaviours. And, because it was away and insulated from the new forces and pressures that emerged over time back home in the UK, it was largely insulated from and immune to those changes. It just carried on doing what it always done.'* **(Albert, 2\* general, then senior civil servant in the Cabinet Office)**

The tightness of the SANGCOM community created a heightened peer pressure within 'the SANGCOM Bubble', exacerbated by the geographic considerations surrounding the SANGCOM Project in its distance and relative isolation from London and Paris and its

respective superior defence and commercial headquarters. Added to the geographic aspect, was the 32 years' longevity of the overall project, which created additional historical peer pressures to protect former colleagues, well respected in the tight tribal confines of the military group, from the implications for great personal reputational damage (H4). This extended also, and perhaps more so, to peer pressures not to impact on corporate and regimental reputations. Whilst the drivers for the commercial entity might have been economic and market oriented, the drivers for the civil service entity were strategic and political whilst those for the military entity were more deeply emotive and centred on protecting 'the Regimental Name'. All aspects though created clear pressures to remain silent within each of their entities. What is interesting is how over the course of time, the wrongful processes became embedded into accepted practice as part of the 'status quo', until (practically) everybody with knowledge of them did not question their normality, and thus did not feel any overwhelming need to speak up about them (H4). But this is where the murkiness of the history of the Project overlaps the reasons for individual and collective silence from the social and cultural aspects into the strategic, political and economic realms.

## 7.5 Strategic, Economic and Political Reasons

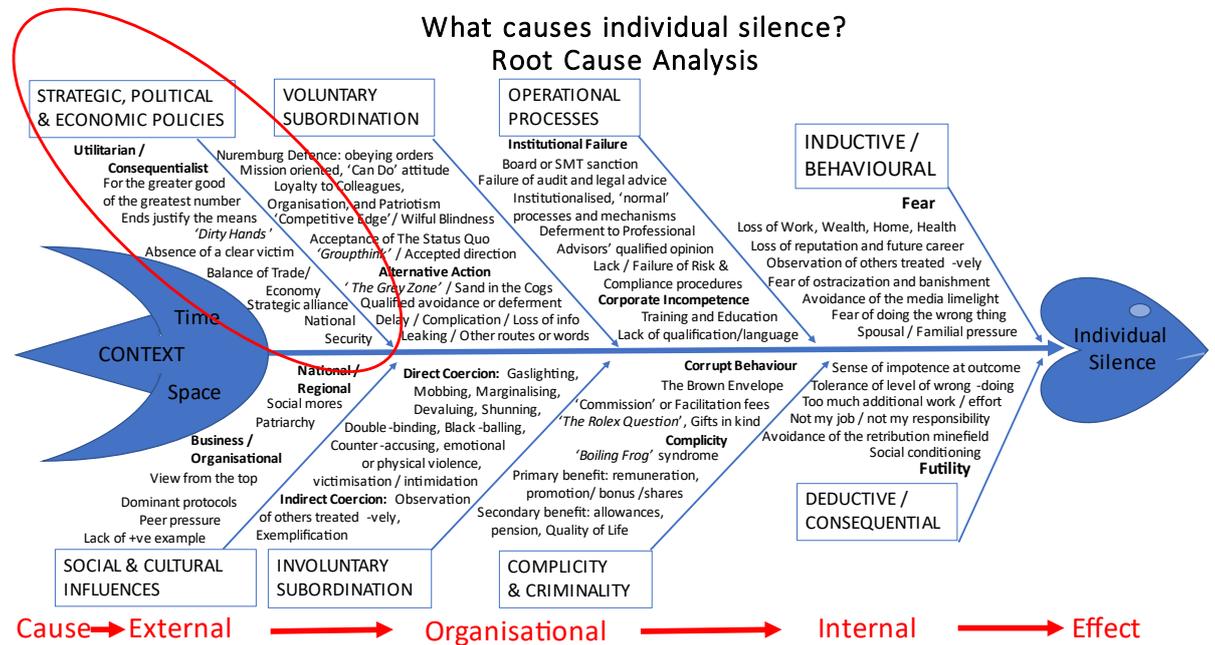


Figure 16 – Strategic, economic and political justification

*'Alright, GPT and BAe have been caught, but every other company in Saudi Arabia is paying a bribe. So why are there not more prosecutions? Because that's the model and it's quite clear to everybody working in Saudi Arabia that that's the model. So, why don't Governments do something about it? Because they don't want to. So yes, it is tolerated'.*  
**(James, former Chief Inspector MoD Fraud Squad)**

The SANGCOM case was nominally overseen, but in reality overlooked by successive Governments each of which condoned its processes as accepted practice in the region. Strategically, the origins of the UK / Saudi alliance date back to the foundation of the Kingdom under the House of Saud as a British protectorate in 1915. The region acted as a buffer zone in a wider defence of routes and access to the resources of India, but with the discovery of oil and its importance to the industrialisation of the European Powers, the alliance took on global significance and primacy for successive British Governments (Wearing, 2018). The 1973/74 Oil Crisis provided an unexpected cash boom for the

Kingdom, and neighbouring Arab states, which Britain sought to profit from as potentates were wooed to spend in and through the City of London. 'Petro-dollars' were exchanged for weaponry to equip them, afford military support to the regime and reinforce strategic and political ties. For the British Government it afforded an opportunity to exercise soft power, an ability to influence a favourable balance of power in regional affairs and provided a most welcome injection of funds into the national balance of trade. This appetite for Gulf capital was matched by a Saudi desire for strong ties with a proven Anglo/American defence capability to support, legitimise and embed their regime and a welcome outlet for the sudden wealth that flowed from the oilfields.

Economically, it was a market that could not be ignored. The base of the strategic alliance provided privileged access to a market for British arms sales. British Defence forces had repeatedly shown their capabilities in defeating the Nazis, then securing what remained of the Empire and, along with their NATO allies, facing down the Soviet Bloc. Thus the weapons they used had a proven efficacy that assured the Saudis. In exchange for arms, the Saudis offered ready access to their oil reserves, thereby securing vital resources for Western carbon-based democracies, at advantageous rates. It was a win/win situation for both parties. Commercially, the Middle East, and Saudi Arabia in particular, took on the mantle of the Klondike as arms salesmen rushed to display their wares and secure as many deals as possible while the market was hot. Corruption abounded and there is much evidence of open bribery across the arms industry (Feinstein 2011, Gilby 2014). Into this moral maelstrom, was launched the SANGCOM Project in 1978 to provide a modern communications capability, in parallel to other engineering and medical support projects, for the Saudi Arabian National Guard, who were effectively the bodyguard for the Saudi Royal Family. My research into the historical precedents as Prime Contractors across the 32 years of the SANGCOM Project (Brooks and Bousfield, 2014), showed that illicit payments had been made since the initiation of the project by all previous Prime Contractors<sup>162</sup>. Thus, within the context of the SANGCOM case study, we can see that if GPT were acting as the

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<sup>162</sup> This research was conducted collaboratively with Richard Brooks and Andrew Bousfield, investigative journalists writing for Private Eye magazine in 2014. Historical payments to Simec onwards were identified through the commercial records of Cable and Wireless, the initial Prime Contractor, in the archives of the Museum of Global Communications, Porthcurno, Cornwall.

Prime Contracting ‘agent’ within the Project making illicit secret payments or ‘commissions’ to other ‘agents’ in offshore bank accounts, they did so either with the knowledge and sanction of the Principal or through the exercise of delegated power without the knowledge of the Principal. The former possibility implies that the Principal knew and condoned such action, whilst the latter option implies that the Principal was unaware and there was insufficient governance to assure the legitimacy of the contract and the complementary payments made within it (H1), (H2).

However, this discovery was not enough to provide substantive evidence of the involvement of the Government in the intricacies of the payments. It was not until April 2021 that this assertion became substantial when our previous suspicions were supported by Justice Byrne’s sentencing remarks in the case of *R v GPT*:

*‘First, involvement of HMG. HMG was substantially involved in the historic corrupt arrangements which led to GPT’s offending conduct. That conduct arose from the long-established unlawful requirement of those at the highest levels of the SANG, with knowledge and approval of senior figures within HMG, that the Prime Contractor should engage in the Simec sub-contractual arrangements, in order to make corrupt payments as a precondition of the selection of Prime Contractor.*

*Officials within HMG introduced GPT to Simec in 1995 which facilitated the continuation of the corrupt arrangements upon GPT taking over responsibility as Prime Contractor. Officials also facilitated the process by which EADS<sup>163</sup> took over ownership and control of GPT in 2007 at the start of the indictment period and the continuation of the corrupt arrangements at that point. There is evidence to demonstrate that knowledge and at least tacit approval of the arrangements within HMG continued (even if many within HMG were*

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<sup>163</sup> The European Aeronautic Defence and Space Company (EADS) was the nomenclature previously used by Airbus Group until 2013.

*unaware of the true purpose of the BIS<sup>164</sup> payments) into the indictment period.*’ (Regina, 2021)<sup>165</sup> <sup>166</sup>.

These ‘officials within HMG’ included civil servants within the MoD, Foreign Commonwealth and Development Office (FCDO)<sup>167</sup> and key appointees within the SANGCOM Project team who had visibility of all documentation. The norm for such appointees is that they rotated in post every 2-3 years in order to gain breadth of experience and promotion within their career progression, with an occasional extension in post through personal request or for the exigencies of the service. This implies that the Principal, as superordinate, had about ten generations of key appointees with visibility of the authorising/supporting documentation, who were aware of the illicit payments made by successive subordinate Prime Contractors, but remained silent. There remains also the possibility that civil servants (including serving military officers) and/ or employees of the Prime Contractor, did speak up when they discovered such payments, but were persuaded to remain silent and did not continue on the course of becoming ‘whistleblowers’ to an external agency. The third possibility was that they had absolutely no knowledge of the payments across the 32 years of the Project, but this is an incredible premise. Indeed, this is borne out within the research interviews where historical knowledge of the payments is disclosed:

*“The itemised invoice of BIS: I inquired what BIS was and was told Bought In Services. When I inquired what that is, I was told it's the overhead of getting things done, of greasing the wheels of, easing the path, of keeping the keeping the services open, ... I asked my second in command there, who had been there a year before me, and he was aware of what BIS*

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<sup>164</sup> BIS was the abbreviated term used for Bought In Services (BIS) to disguise the corrupt payments by GPT to offshore bank accounts.

<sup>165</sup> Regina (Serious Fraud Office) -v- GPT Special Project Management Limited, Southwark Crown Court, Approved Sentencing Remarks of Mr Justice Bryan, 28 April 2021, para 173.

<sup>166</sup> This is the subject (as at time of writing) to the findings of the current trial of the GPT individuals (May - July 2022), whose defence is that HMG knew of the payment mechanisms and mandated them to the Prime Contractor (GPT) a part of its obligations in administering the contract. The implication of this is that HMG are the principal and that GPT (and its executive officers) are the agents.

<sup>167</sup> Lately renamed the Foreign, Commonwealth and Development Office (FCDO) but it will be referred to as the FCO through this thesis because that is the prime role it accomplished through the life of the SANGCOM Project (1978-2022).

*meant. Similarly, when his successor came in and asked me what BIS meant I was able to tell him clearly because I knew what BIS meant by then.” (Tom, former service officer in SANGCOM Project)*

I believe that the SANGCOM project team assumed the role of ‘regulator’, intervening between the superordinate Principal, the Secretary of State for Defence and his closest civil servant advisors, and the commercial Prime Contractor, GPT, to ensure that the services and products were delivered to time, cost and specification. However, there appear to have been, within the Bought In Services payments, additional covert arrangements which the regulator had to assure were (a) paid to a specified group of recipients (b) were at a certain level of official acceptability and (c) remained covert. As Smith (2009) notes within regulatory processes: ‘as is well documented (Boyne and Law, 2005), data are often manipulated, behaviour is changed, and sometimes completely false information is provided.’ I propose that the insertion of the SANGCOM Project team, known within project documentation as ‘the Authority’, was a specific institutional mechanism to regulate and control both the procurement and delivery of the communications systems as well as the corrupt payments whilst allowing a distancing, and thus a degree of plausible deniability, between the Principals and the Agents (H4). Indeed, the process was even specifically referred to as ‘a deniable fiddle’ by Willie Morris, a previous UK Ambassador to the Kingdom of Saudi Arabia (KSA) (Gilby, 2014:43).<sup>168</sup>

Given that the SANGCOM Project was established through a contract between the UK and Saudi Governments, overseen by an in-country UK Military / Civil Service team with visibility of all documentation, it is difficult to see how such processes could possibly be invisible to the UK MoD and other collaborative British government departments<sup>169</sup>. Indeed, at the trial of the commercial prime contractor, GPT, our findings were supported

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<sup>168</sup> Memo between FCO Jeddah to FCO London, copied to Henry Hubert, Director Sales (Army), Defence Sales Organisation 10<sup>th</sup> February 1969. Whilst it refers specifically to the sales of Saladin Armoured cars to the SANG, it establishes the principles upon which corrupt payments were to be made to Prince Abdullah, Commander of the SANG at that time. His son, Prince Mutaib bin Abdullah assumed command of the SANG in 2010.

<sup>169</sup> But belief of wrongdoing is not evidence, and certainly not sufficient to prove HMG’s departmental complicity. It remained until the release of the GPT trial sentencing remarks in April 2021 to provide concrete evidence of HMG’s facilitation of the corrupt payments. (Regina, 2021).

by the evidence presented by the SFO and the judge acknowledged ‘the involvement of Her Majesty’s Government, including the facilitating arrangements giving rise to the offending conduct’.<sup>170 171</sup> Equally, given that the government departments involved are predominantly the Ministry of Defence and the Business Department<sup>172</sup>, with subsidiary assistance and support from the Foreign, Commonwealth and Development Office, the Treasury and the Cabinet Office, the facilitation of systemic corruption appears to emanate from political decisions at the very heart of democratic government in the UK. Politically, therefore, one has to offer that the politicians of the day, and successive governments, thereafter, had decided not to adopt a deontological viewpoint, preferring a utilitarian and consequentialist stance in preference to a straightforward absolutist (and moralistic) one (H4) and (H5).

*‘The problem is that if you don't do it you won't get it. In the Defence industry, the product is pretty irrelevant to some degree and the politics is incredibly important. Any Gulf nation or Arab nation is buying a product, primarily for the politics, then the product, then the pricing.’ (Edward, former service officer and long-term commercial sales manager for a multinational defence manufacturer)*

Given the clear strategic and economic advantages of the situation, the evidence clearly indicates that the political decision was that ‘the ends justified the means’, it delivered ‘the greatest good of the greatest number’ and that, whilst it might be morally distasteful, it was worth accepting and adopting a ‘Dirty Hands’ philosophy. Moreover, given that financially the funds moved from the Saudi Ministry of Finance, through the UK Treasury accounts, via intermediary bank accounts in London and New York to offshore accounts with invisible beneficiaries, who included members of the Saudi Royal Family who would have dispensed such largesse through patronage anyway, there was no clear victim.

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<sup>170</sup> Mr Justice Bryan, Southwark Crown Court, R v GPT Special Project Management Ltd, Jeffrey Cook, John Mason and Terence Dorothy, Case Number: T20200397, dated 28<sup>th</sup> April 2021 (Regina, 2021)

<sup>171</sup> *On Her Majesty's Illicit Service*, Private Eye No 1547, 14<sup>th</sup> May – 27<sup>th</sup> May 2021, page 39

<sup>172</sup> Specifically, the Defence Security Organisation within the Business Department. Lately (2021), this has been retitled and reorganised to be the UK Defence Export Services Organisation within a separate Department of International Trade, but the function remains the same as the antecedent DSO entity.

*'Bought In Services is the term that I remember: I first encountered it on the first time that I had to sign off work being done on the maintenance side of the Comms Infrastructure, across from coast to coast and saw on the itemised invoice of BIS. I inquired what BIS was and was told 'Bought In Services'. When I inquired what that is, I was told it's the overhead of getting things done, of greasing the wheels of, easing the path of, of keeping the keeping the services open, the communication services that we were tasked with providing for the Saudis with their own money. And this is where it all gets spun round and round. It was the Saudis' money.'* (Tom, former service officer in SANGCOM Project)

In **Tom's** mind, there was no clear victim: it was Saudi money, circulated within the Saudi system back to Saudi public officials, merely using a pre-designated system ordained and sanctioned by both UK and Saudi governments for the greater good of strategic, political and economic ends. There was no recognition that he was actually part of a well-established money laundering scheme, agreed and sanctioned at the highest strategic and political levels and part of the whole 'commercial' not 'operational' package. Thus, it has been argued by participants in this research project, that there was no conscience to assuage by speaking up publicly about it or keeping it quiet. For the Civil Servants, individual and collective silence was merely a matter of loyalty in the service of the government of the day, for the military it was a matter of obeying orders and political directives from superior officers within the MoD who had (most likely) assessed and authorised it anyway, and for the commercial entities it was a matter of good business, profit, happy bosses and shareholders with the secondary benefit of well-paid personal remuneration. The problem though is that where political corruption exists in western democracies, it is usually viewed as 'an aberrant deviation from the norm' and thus public support is unlikely to be granted (Heidenheimer, 1970) and it must be hidden from public view (H5). The more cynically or pragmatically minded, might add that public support can only be given or refused if they know about the issue in the first place and, if support is unlikely to be found, then ignorance is probably the best course. When viewing the validity of the explanations offered, one also has to question why the arrangements had to be kept quiet if the proponents, and those facilitating them, were genuinely content as to their ethical and legal basis?

*'I am a public servant and a Civil Servant, and the key characteristic of a Civil Servant is that she or he works for the government of the day within the law. And if you can't do that, you can't be a British Civil Servant. So, I have no problem, I don't feel in the least compromised, even though it's not always what personally I would do. I mean, my personal feelings are beside the point. I am doing the work of the Government within the law to the best of my ability'* **Sir Simon MacDonald, Permanent Under-Secretary at the Foreign and Commonwealth Office (2015 – 2020), BBC Documentary 'House of Saud' (2019).**

Governmental participation in 'dirty hands' issues can be argued to be permissible in some circumstances: Walzer's (1973) 'ticking bomb' scenario is one such example<sup>173</sup>. But Governmental participation of facilitation of systemic (financial) corruption should be unconscionable in a liberal democracy. For responsible politicians and their civil servants public admission of such corruption is unthinkable, not only because it is embarrassing and undermines trust in political representatives and their public servants, but because it threatens to fundamentally undermine public trust in democratic institutions. The Overton Window is highly unlikely to move to encompass governmental facilitation of corruption and therefore covert action and suppression of the truth remains the only other recourse (H5). But suppression of the knowledge of the part played by government departments and public servants in corrupt acts also acts to refute claims of transparency to public accountability and contributes to the delegitimization of the body politic. Thus, individual and collective silence by public servants about such matters is doubly dangerous: keeping the public from being properly informed about government activity, especially in dubious matters such as found in this case study, adds another layer of political corruption over the base financial corruption beneath (Heywood, 1997).

Bird (1996) categorises the possible congruent and discrepant relationships between moral conviction and moral speech, defining 'stonewalling' as a case in which people deliberately avoid the use of moral terms because they do not want others to raise questions about actions they know to be debatable. Stonewalling involves an implicit moral claim that the activity

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<sup>173</sup> Walzer's scenario does also attract criticism (for example see Lukes S, (2006), *Liberal Democratic Torture*, British Journal of Political Science, 36(1), pp. 1-16), but it serves the purpose of highlighting circumstances where 'difficult' moral decisions might be taken by governments.

under consideration is legitimate in terms of accepted social practices, and therefore does not need to be subjected to overt scrutiny and debate, which would have the effect of reducing its validity. Lord McDonald (as he now is) deploys this endeavour in his response above, whilst also excusing himself personally for dirtying his hands on government business. Noting his candid admission though, one must question at what point do British Civil Servants feel that they can speak up about acts committed by the Government which are at odds with the law? Which acts do they feel they could and should keep confidential and which should they question - and to whom? When the Star Chamber of Government is content to sign off on criminal policies, to whom can Civil Servants turn in order to register well-meaning dissent with certainty that their voice will be both heard and acted upon?

One of the key aspects researched within the interviews was the temporal aspect of the case in order to understand how and why individual and collective silence had been maintained for 32 years since the commencement of the SANGCOM Project in 1978 (Kleinberg, 2016).

*‘Actually, you can see there's a sort of explanation between the lines as to how this might have come about: how it might originally have been an agreement which made some sort of sense in somewhat different circumstances around how business might be done quote 'in these places', unquote. But how time has very much moved on and the size of the Project has very much moved on and how the inertia that 'this is the way things have been done' has not then chimed with changes in belief about what is acceptable and what is unacceptable. And changes in the size of the programme and therefore the sort of the size of money which might be involved in order to do business in these places. This theory and the changed international response, you know, through things like the FCPA and UK Bribery Act, and work with people like Transparency International, very much changed the way people see all this sort of thing. And I can see in a general sense seen how, at a certain point in time, probably up to when you did what you did and things changed, that people could quite reasonably have justified this to themselves.’* **(Jim, 1\* brigadier, former head of Service Arm, the senior officer sent to pick up the pieces after whistleblowing disclosures in Saudi Arabia)**

The Institutionalisation of Corruption			
1978 – 2020	MOU between UK and Saudi Governments		
	Contract 1	June 1978	Introduction
1982	Contract 2	June 1982	Socialisation
	Contract 3	Nov 1997	Normalisation
	Contract 4	Dec 2004	Institutionalisation
2006 / 2007	Al Yamamah bribery scandal		Acceptable?
2008	The Banking / Sub Prime Crash		
2010	Contract 5	Feb 2010 – Feb 2020	
	Anti-Bribery Act enacted April 2010		Unacceptable?
2011	Anti-Bribery Act implemented July 2011		
2010	SFO Investigation initiated		Completely Unacceptable?
2021	Prosecution for corruption commenced		

**Figure 17 -The institutionalisation of corruption**

The process of institutionalisation of corruption in organisations (Ashforth and Anand, 2003) is, I believe, key to understanding how the corruption in the SANGCOM Project managed to exist with nobody speaking about it for such a long period of time. The process consists of subsidiary phases of introduction, rationalisation/socialisation, normalisation and institutionalisation. These are overlaid on the relevant contractual timelines in the chronology of the SANGCOM Project above<sup>174</sup>. As the evidence within this case study shows a process of institutionalisation of corruption appears to have occurred over the period 1978 – 2006 through a sequence of introductory, socialising and normative activities (H4). The phased timelines indicated above are somewhat arbitrary since they are part of a gradual socialising process with no clearly defined transitions, but they appear to fit with the timeline of the early part of the Project in order to allow it to be institutionalised within the early years of the Project lifetime. I am wholly open to suggestions that the institutionalisation process might well have taken place much quicker, but I found no

<sup>174</sup> A detailed chronology of the Airbus investigation may be found at Annex E.

evidence to that effect and indeed, as Sir William Patey noted, the processes seemed to become more entrenched and get bolder as the Project progressed.

*‘Over the years, the rake-offs and the bribes took off, increasing fast from seven to 10% and then to around 15% on each contract. Senior British civil servants had concluded that the bribes "Will, unless some restraint is applied become enormous." But with thousands of jobs at stake in the British arms industry. There wasn't much sign of restraint.’*

### **Sir William Patey (Ambassador to Saudi Arabia, 2007-2010)**

Since military and civil servant personnel rotated appointments on a two-to-three-year basis, the available pool of those who might have spoken up, had they known what was being accomplished, was calculated as twelve generations of public servants (gauged by the number of successive Project Directors). Given that access to the information about payments was restricted to a pool of six personnel within the Project team (Director, Head of Delivery / Deputy Director, Senior Commercial Officer, Business Manager, Staff Officer (Grade 1) Procurement Operations, Staff Officer (Grade 1) (Operations, Maintenance and Training), and a corresponding number in their superior headquarters in the UK and in the commercial Prime Contractor (GPT and its predecessors), one can surmise that there was a likely pool of about two hundred individuals (at least) who knew about the corrupt payments, and kept it quiet for over 32 years. Thus, what we are addressing is not just individual silence, but collective silence about an act of ‘collective corruption’ (Brief, Buttram & Dukerich, 2001).

*‘I mean, you could take a very kind utilitarian view and say, well, we do it because the amount of money coming in benefits the economy and, and the kind of secondary profit that everybody gets, you know, the bankers, the lawyers, the accountants, the real estate agents. The price, you know, it's quite healthy for the British economy to allow this extra money to come in and float around.’* **(Franz: Director of Overseas and Exports, industry representative and Chairman of Business Ethics Steering Committee, Aerospace and Defence Sector)**

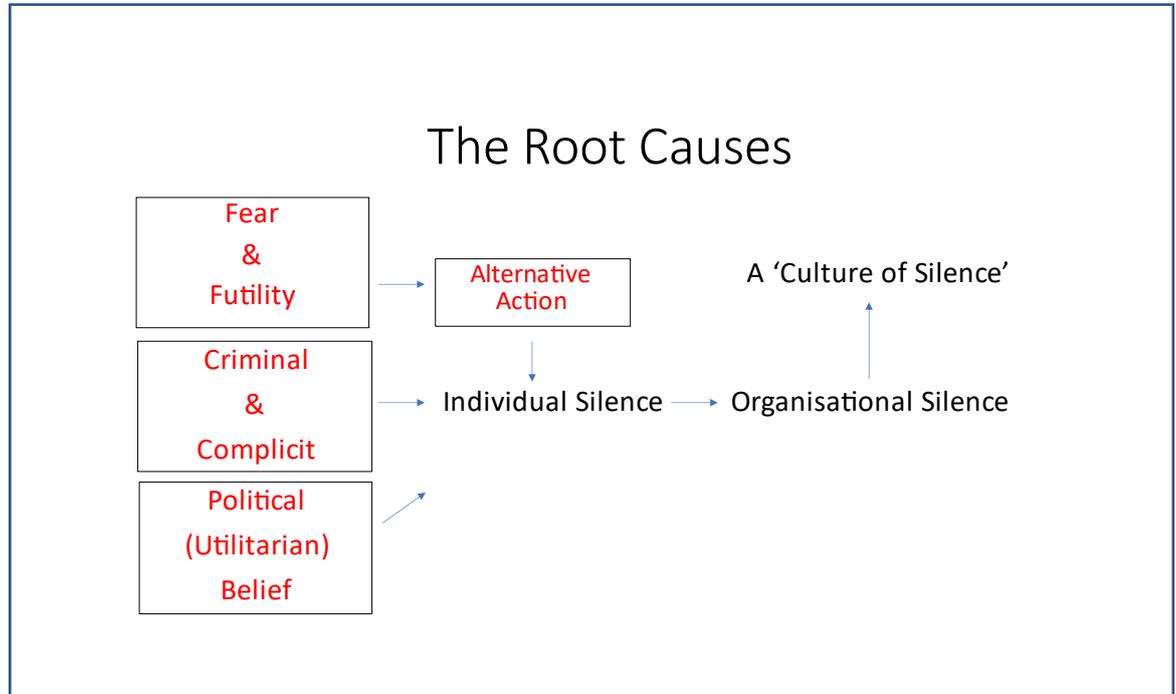
The SANGCOM Project was initiated in a ‘corruptive climate’ where the contract was ‘lubricated’ by an arrangement of ‘transactive’ corruption<sup>175</sup> through SIMEC, a third-party agent to channel funds to secret offshore bank accounts. Whilst such practices were illegitimate, they were accepted within the general sentiments of the geographic region and its business environment to the extent where they became the norm – so long as they remained an unofficially acknowledged and unspoken practice. Over time and through a process of procedural incorporation, the practices were ‘embedded’ as past decisions and assumed to have been rational and legitimate because previous incumbents and superiors had allowed them and were then incorporated into the corporate memory as part of the status quo. Thus, the processes became socialised to successive incumbents and routinized until they became the norm, and once normalised, progression to institutionalisation was a natural step, especially within a hierarchical Defence environment whose members are naturally inclined towards well-ordered organisational methodologies (H4). Newcomers experienced a process of institutionalized socialization involving an induction of common indoctrination practices of fixed duration, content, and sequencing, under the auspices of veteran members (Jones, 1986). Thus, the extant processes perpetuated until something different occurred, or somebody took an independent view which caused an inflection point whereupon the status quo was questioned.<sup>176</sup> This, I believe, fundamentally explains how and why the corruption was embedded and kept quiet over such a protracted period of time - until the advent of myself as the ‘uninitiated’, independent, defence communications procurement expert with a curious mind and an unwillingness to partake in ‘the deniable fiddle’.

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<sup>175</sup> *‘Transactive’* corruption is defined as a mutual arrangement between a donor and a recipient, actively pursued by, and to the mutual advantage of, both parties. It is contrasted by *‘extortive’* corruption in which the recipient exercises some form of power over the donor to coerce them into a payment or service (Alatas, 1968)

<sup>176</sup> Whilst values were frequently mentioned in the research interviews, the influence of a structured religious belief did NOT appear in any of the interviews as a reason for either speaking up or not doing so. This is interesting since I know from my own (empirical) experience that a deeply held religious belief is a major factor in weighing the decision to speak up or not. Since corruption, and the facilitation thereof, is commonly held to be contrary to most Christian ethical principles, it presumes therefore that those who do NOT speak up were either atheistic or had suborned any religious belief to other loyalties or reasons for remaining silent. I believe that this institutionalized socialisation of the processes and perception of the underlying economic, political and strategic necessities served to provide a rationalisation that ‘excused’ their practice, even to those who might otherwise feel morally, and thus religiously, uncomfortable with them.

## Chapter 8 – Discussion and conclusion



**Figure 18 -The root causes**

### 8.1 Key Findings

What this study has demonstrated is that although there are a reasonably large number of reasons<sup>177</sup> proffered for not speaking up, many could be described as acceptable justifications of personal behaviour rather than deeply felt, rationalised, explanations. The multiple reasons described in the earlier chapters can be aggregated into five nett 'root causes':

(1) Fear: through the threat or application of physical, economic, professional, and psychological reprisals and the secondary effects they might bring upon the current and future wellbeing of the individual and his/ her family. (H1)

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<sup>177</sup> The number offered in this study amounts to 48 or so (see Ishikawa diagram) depending on how the explanations/ reasons are individually differentiated. Some are similar but nuanced by additional or discreet factors.

(2) Futility: a perception of impotence in the face of an overwhelming power imbalance between the organisation and the individual, and a consequent belief in the ineffectiveness of action in creating remedy. (H1), (H2), (H3), (H4)

(3) Alternative Action: resistive action, falling short of whistleblowing, which assuages self-esteem, whilst retaining protection through anonymity of action. (H1), (H2)

(4) Criminality or Complicity: actual or perceived participation in wrong-doing and a resultant fear of prosecution and loss. (H1), (H3), (H4)

(5) Political (utilitarian) Belief: a positive argument for acting ‘for the greater good of the greater number’ and an acceptance of the need for ‘dirty hands’ no matter how distasteful. (H1), (H2), (H3), (H4), and (H5)

Each of these root causes, or more likely a combination of them, leads to individual, and thus, organisational, silence. Within each grouping there are composite explanations which were proposed out of a sense of retention of self-esteem, and notably, a reluctance to formally admit that knowledge of the wrongdoing incurred a further ‘duty’ to speak up about it. This is understandable: participants in a well-connected network of operatives with a relatively small circle of knowledge were being personally interviewed by an ‘insider’ from within the same ‘tribal’ group who had demonstrated behaviour contrary to their own. Whilst most interviews were not awkward, uncomfortable, or judgemental, the difficult question of personal accountability was always present waiting to be asked. In effect, the shared knowledge of (Defence Procurement) processes and procedures individuals were meant to perform, documentary proof of systematic corruption and organisational complicity to it, and a shared network of personal and professional contacts created a unique background to the interviews determining that there was little room in which to hide. Participants were remarkably candid and the root causes of Fear, Futility and Political (utilitarian) Belief emerged as the predominant reasons for individual silence with the former two emerging as negative motivators or inhibitors, whilst the latter was viewed and expressed by its protagonists as a positive force and producing beneficial outcomes for the greater good.

The political and diplomatic participants and very senior military officers and civil servants viewed the corrupt processes with an air of resigned pragmatism, wholly subscribing to the view that the situation was a political judgement and that they were doing the will of their political masters. The uniform view was that their job was to present the arguments, options and potential problems to the senior responsible politician, the relevant Secretary of State, who would consider it, decide and then it was up to them to implement it – whether it clashed with their personal views or not. As such, speaking up was not an option - as Alfred Lord Tennyson, and **Albert**, succinctly put it: ‘Ours was not to reason why....’, a view that appeared to resonate throughout all of the military and civil service participants, and which appears therefore to be embedded in the culture of government departments.

Thus, I believe that Hypothesis 1 was shown to be correct and structural agency did affect personal agency, certainly amongst the senior officers and commanders who provided the lead to others within the military and civil service teams. Whilst there does not appear to be any written instruction or policy, it does appear to have been the implied political will that silence should be maintained, and since this was the norm within these government departments, it became an unquestioned actuality. In effect, it became a silencing mechanism, that was unspoken, physically unenforced, but nonetheless very real. It was accepted through voluntary subscription, born of the idea of ‘seeing the bigger picture’, with its air of ‘star chamber confidentiality’ and thus elevation to membership of those in the know with the ability, and will, to keep their silence. This contrivance, effected at the highest levels, thus became an authorising mechanism, effecting structural agency, which was then accepted by more junior members as endorsement of policy, albeit that the policy was not officially documented, and thus prompted personal agency at the middle and lower participatory levels.

For the remaining, more junior, participants, the primary consideration appears to have been ensuring the retention of their livelihood, job, remuneration, career and personal safety. There was an understanding that in the context of Saudi Arabia with its familial, paternalistic, politically conservative, authoritarian structures such things happened. But they greatly doubted their personal ability to effect change, especially given that it was a government-to-government programme, sanctioned by their senior officers, and effectively

run by a giant multinational corporate through one of its wholly-owned subsidiaries with very close proximity to senior members of the Saudi Royal Family. To any rational gambler, the odds were heavily stacked against any involuntary change and heavily weighted in favour of career, financial and possibly physical ruination. However, there was also a sympathetic understanding, expressed by practically every participant, of the peculiar familial drivers that placed me in a particularly invidious position, offering little choice other than to speak up or to resign and disappear without contesting what was apparent before me. Those who knew me well, and who had served with me in the Army, also appeared to understand why the latter course was not going to occur and, as one senior military officer commented retrospectively: ‘It was a train wreck just waiting to happen!’ This latter circumstance gave an additional freedom to the interviews that allowed participants an opportunity for the retention of self-esteem that all appeared to fully grasp. So, the specific drivers and personal motivating factors that led me to become a whistleblower were not those experienced by other members of either the military/civil service tribal groups or my commercial colleagues. Even if they were a factor, they were then overridden by other considerations.

I approached this research project with the initial view that the three major groups of participants could be categorized into two quasi-ethnographic clusters: military / civil service and civilian commercial (Defence communications sector). In retrospect I found that this was not an entirely accurate representation of the responses I received from those invited to participate and those who did participate. In 1964 the three Armed Services and the MoD were amalgamated, with the Defence functions of the Ministry of Aviation Supply absorbed when the Defence Procurement Agency was established in 1971<sup>178</sup>. The Defence Civil Service thenceforward regarded itself as part of a fully unified department and, unofficially, as the Fourth Service invested with supporting their armed colleagues in the defence of the realm. Defence civil servants were then educated in administrative and management studies alongside their uniformed colleagues in single service Staff Colleges, and latterly the

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<sup>178</sup> History of the Ministry of Defence and the Old War Office, <https://www.gov.uk/government/publications/history-of-the-ministry-of-defence> accessed 15th October 2020.

Defence Academy<sup>179</sup>. Kincaid (1997:16,17) described the differences between the military working within the MoD environment and the civil service: ‘So what do we make of the senior military officers in the MOD? They are loyal, principled, with high standards of behaviour. In most cases they have proved themselves to have sterling qualities of leadership. They are dedicated to doing their best with unstinting effort. ...Against this, however, must be set the fact that by and large they have the wrong qualities for the posts they hold, and lack experience and expertise in most aspects of their posts so that they are no match at all for the wily civil servant.’ He goes on to describe the civil servant as ‘more intelligent, more experienced, more knowledgeable, less principled, without clear responsibility except to balance the books, they can take the military to the cleaners whenever they like.’

In my research, I found the two groups to be distinct and separate behavioural species. The military embodied most of the characteristics of a discrete (quasi-ethnographic) group: a shared ethos, uniform dress (with some minor differences between regimental tribes), routines, ceremonies and a distinct culture with primacy on integrity and honourable behaviour, a mutually understood language, terminology and a clear sense of fellowship and camaraderie.

The Civil Service displayed some of these features but there was no evidence of overt membership of a fraternity/tribe or deep ties of comradeship. There was a great sense of loyalty, ethos and commitment, but it was to the department or Government not to the tribal fellowship. It was most noticeable in the variance in responses to me as the researcher. Military participants, serving and retired, were warm, friendly and open in their offerings. Face to face and online (audio visual) interviews almost immediately became relaxed, fireside chats, interspersed with mutual recollections, anecdotes and remarkably candid observations. There was a clear sense of sharing experience, knowledge and opinions. Even those very senior officers from the very top of the Service, who might have been somewhat guarded in their responses, were remarkably frank in their views on the politics of operating

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<sup>179</sup> The Defence Academy was formed in 2002, based on the Royal Military College of Science, Shrivenham to consolidate education and training formerly delivered by a number of different establishments into a single organisational and budgetary structure.

at the highest levels, and the judgements to be made between competing strategic, economic, political and defence pressures. I ascribe much of this to the longevity and personal closeness of many/ most of the relationships, but also to the fact that all of the participants knew the background of my personal family history, its repercussions and how they viewed my ‘whistleblowing’ response in light of that. It was fascinating though, to see that they could compartmentalise me in order to explain why there might be other paths of non-disclosure which they may have chosen and why. To take a more cynical view, it might also have been that they perceived that I might be more easily persuaded of their innocence or a cloak of naivety if our interviews took a congenial, collegiate air redolent of the Club wherein secrets are shared but not repeated outside of the hallowed halls. If that was the case, they were not successful for there were sufficient admissions of knowledge of corrupt practices from across the research interviews, to be able to spot those who tried to pass over or dodge an awkward question about either their personal or the Government’s participation in the SANGCOM Project.

Civil Servant research participants were also warm and honest in their contributions but slightly more reserved. Personal and online interviews were friendly but cautious, with statements seemingly framed to protect the Department. I do not wish to seem overly or highly critical of the civil servants operating within or on the peripheries of the SANGCOM Project and I have no bias against them whatsoever: almost all of the civil servants I have encountered closely either in the SANGCOM Project or during my time as a staff officer in Whitehall have been dedicated, hard-working, honest and deeply committed to the Public Service. However, they have a different perspective of the truth, and what and how it should be told and to whom. Ian McDonald, giving evidence to the Scott Inquiry<sup>180</sup> described the ‘Truth is a very difficult concept, a multi-faceted thing’ where answers ‘consciously side-stepped the precise point of the question... but gave a truthful answer.’ Skilful evasion of the truth is viewed as an admirable quality, often practised and endemic across the civil service: as Sir Robin Butler, the Cabinet Secretary told the same Inquiry: ‘These are difficult lines to draw. It is not justified to mislead, but very often one finds oneself in a position

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<sup>180</sup> ‘Mr Ian McDonald’s evidence to the Scott Inquiry, Day 28’, 6<sup>th</sup> October 1993, pages 44-45, 56. Ian McDonald was the MOD’s Head of the Defence Sales Secretariat at the time of the Arms-to-Iraq affair.

where one has given an answer that is not the whole truth...’. As I found within this case study, the masterful shadow of ‘Yes Minister’s Sir Humphrey Appleby threw itself large across the daily operations of the SANGCOM Project and my post hoc investigative research. I do not criticise the individuals participating in this case study for manipulation of the truth, they are the product of their professional upbringing and the ethos of the Civil Service. They view their job as not merely the formulation and implementation of policy, but essentially as the protection of ministers from embarrassment as well. Nothing has changed much since Kincaid described the ‘Dinosaurs in Whitehall’ in 1997.

The third grouping was that of the civilian commercial individuals who were predominantly the employees within GPT or Airbus Group, albeit that there was also a reasonable ‘mixed ethnicity’ of ex-Services/professional commercial personnel. They did not manifest many of the quasi-ethnographic indicators evinced by the military and civil servants: there was no shared ethos, uniform dress, routines, ceremonies or any distinct culture. Of necessity in the Defence communications sector there was a shared language and terminology, but it surrounded project management and technical nomenclature and details rather than the coded speech that populated the conversation of the other two groups. There was also a distinctly different sense of collegiality that focussed much less on fellowship or comradeship and much more on achievement of the commercial aim. Their responses varied according to how they were positioned within the company at the time of my whistleblowing, how it affected them at the time, what they had done since and how they foresaw the outcome of the court case and its possible impact on them<sup>181</sup>. Predominantly, they were very defensive, sensing vulnerability to a range of negative outcomes ranging from prosecution, through adverse career impact in their current roles, to reputational damage / loss of esteem within their professional and personal networks. Teasing out answers within the interviews was much harder than within the other two groups and required positive reinforcement that their

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<sup>181</sup> Note that at the time of these interviews (2019/2020) the series of court cases was still very much a live issue, with a guilty verdict for corruption within GPT having ramifications for anyone’s CV if they had held management posts in the entities at the time. Although GPT pleaded guilty to the SFO in 2016, knowledge of it was retained until the Attorney General had consented for the SFO to prosecute, post the Airbus DPA in 2020, and GPT were brought to trial in April 2021.

position was understood and accepted as a valid stance given the context and circumstances each found themselves in – and that anonymity was assured as far as it could be.

A culture of silence was created throughout the whole SANGCOM project born of a combination of factors: an official sanction as a government to government programme, in a contextual geographical environment and culture, with a history of limited knowledge of the corrupt practices retained within a reasonably small team in both commercial contractors and the SANGCOM Project oversight team (H4). The military/ civil service members also experienced pressures born of embedded retention of confidences within the practice of divulging information on a ‘need to know’ basis that is prevalent in the Defence and security world, and an ingrained organisational loyalty more refined than ordinarily found in civilian organisations. They justified their lack of action in disclosing any perceived wrongdoing through a voluntary subservience to organisational authority, the ongoing endorsement of historic operational practices and deference to the rank, appointment and expertise of both superior officers and those professional (legal and auditory) specialists who advised them. I ascribe the main root causes of inaction for this subset of participants, which incorporates those within the superior headquarters and London based UK Government departments, to the political, utilitarian, belief to justify and legitimise what they were doing and reduce any motivation to protest about it. To an extent this was also reflected in the behaviour of the ex-military employees, but not the purely commercial employees within the commercial company, who experienced a culture of silence related more to fear of reprisals rather than a heightened sense of loyalty to the organisation and their colleagues.

Thus Hypothesis 2 was also shown to be true: the political / strategic argument communicated by the organisation gave sufficient moral reason for individuals to assent to (corrupt) policies, overriding personal qualms and giving foundation to voluntary silence. However, there was a second element to Hypothesis 1 which was also pertinent to Hypothesis 2, but particularly so in the commercial entity: that personal agency to maintain silence was necessary if he/she wished to remain part of the organisation. Overt declarations of objection to the practices brought about swift termination of professional role, grievous impact on career and rapid ejection from the country. Essentially, across all three quasi-ethnographic groupings, an involuntary silence was maintained through a combination of

fear (loss of job, remuneration, future career and direct impact on family) and futility (a recognition of personal impotence in view of the inequality of arms between the individual and the organisation).

The commercial civilian members of GPT appeared to experience a wholly different set of main drivers where fear and futility reigned paramount. In addition to the pressures brought about by the contextual Saudi social and political background, mirrored in the generally accepted commercial practices across the region, the working environment within GPT brought its own particular pressures. GPT operated as a semi-autonomous commercial entity with a highly toxic, bullying and coercive managerial regime, emanating directly from its senior management, supported by higher management within the Airbus Group. It stifled protest and disclosure by maintaining a climate of silence with harsh negative outcomes for those who resisted. Examples were made of those who commented adversely, or in one particularly notable case humorously but within the earshot of a senior Saudi member of staff, with a swift and ruthless efficiency that brooked no argument. Instant dismissal and removal from the country served as clear examples to observers of the consequences of falling foul of senior management and deterred outspokenness or questioning of operational practices. The human resources function was directed by a senior Saudi Princess who was appointed ostensibly to co-ordinate all activity with the Royal Palaces and who oversaw the issue of all passes, permits and, importantly, visas. Thus, all activity, not least sponsorship for work permits and temporary residency for business purposes, was closely controlled: sponsorship and permits for work and residency could all be revoked at very short notice with no process of appeal. Challenging the Princess was a fearful experience that many would not willingly enter into: to quote Kish-Gephart et al, (2009), 'For the low status member a confrontation with a high-status member could end in death or loss of reproductive fitness' and was therefore rarely (if ever) entertained!

Top management and organisational/ environmental characteristics give rise to implicit managerial beliefs: a belief that employees are self-interested, that management knows best, and that unity is best and dissent is bad (Morrison and Milliken, 2000). When matched with centralised decision-making, a lack of upward feedback mechanisms and a rejection of all forms of dissent, the conditions are ripe for the emergence of a climate of silence which

leads to organisational silence. All of these elements were apparent within GPT where accumulated individual silence was maintained to create an atmosphere of fear across the organisation through unconstrained disciplinary procedures against those who offered any form of resistance. Negative managerial practices reinforced the idea of futility against the will of the directors. Thus, across the two organisations, but for slightly different reasons, a culture of silence was born and maintained amongst all those who wanted to remain in post and in employment.

There were instances of covert resistance or opposition, which might be described as subsidiary instances of Alternative Action, as files were ‘misplaced’, invoices ‘delayed’, meetings postponed, and commercial proposals deferred due to requests by the SANGCOM Project team for greater staffing explanations by GPT. Thus, whilst actual exposure of perceived wrongdoing was not made, and whistles were NOT blown, there were a high proportion of delaying actions which were noticeable and indicative of individual disapproval and passive resistance – guerrilla government in action and skilfully practised by members of the military and civil service SANGCOM Project team. I believe that members of this team with clear knowledge of the corrupt payments recognised their complicity would incur disapproval in the public purview, and the possibility of subsequent prosecution, served to prevent them from speaking out. I believe they thought they were complicit, or were persuaded by others in the organisation that they might be complicit, and thus retained silence out of fear of possible prosecution. However, in the way their responses were delivered, and the number of explanations offered, it appears that it was probably a combination of the root causes nominated above that drove them to hold their silence rather than any single root cause. The likelihood of a disclosure being made is a combination of perceived seriousness and frequency of the wrongdoing with an increase when the reporter has direct evidence as opposed to just observation of it (Wortley, Cassematis and Donkin, 2008). When wrongdoing involves multiple participants and particularly the superiors or managers of the observer, disclosure is much less likely to occur. The overwhelming reason offered for not disclosing is a belief that no action would follow, but if there were a belief that the problem would be corrected, then they would report, even if there were little confidence that individuals would be supported or protected. Wortley et al’s quantitative (employee survey) findings reflect the induction of fear, and rational choice to avoid the

likelihood of reprisals with potential catastrophic effects, and the perception of futility as the main root causes of individual silence found within this empirical study. One could argue that neither of the causes cited above, alternative action and perceived complicity, constitutes a foundational cause for silence since both motivations are derived from fear. However, whilst I do subscribe to the primacy of fear as the underlying mechanism, I have purposely separated them out to distinguish them for their distinct nature from the ordinary explanations that were otherwise offered. Alternative Actions, allowed individuals to argue that they were ‘taking positive, resistive, action’ albeit that it wasn’t overt whistleblowing. It was akin to the actions of the French Resistance, partisan warfare conducted from behind enemy lines rather than uniformed troops fighting on the front line, and allowed opposition with, essential, survival. Those engaged in complicity of course could not be expected to speak up, but what was interesting was the silencing mechanism employed by the organisation to induce a perception or belief of complicity within individuals in order to ensure their ongoing silence.<sup>182</sup>

A ‘culture of silence’ is the product of unequal social relations where a negative, passive and suppressed self-image is impressed onto the vulnerable (oppressed) by those in power and authority above them. It reflects powerlessness purposely instilled to oppress (Freire,1970). A culture of silence can also cause the ‘dominated individuals [to] lose the means by which to critically respond to the culture that is forced on them by a dominant culture.’ Hypothesis 3 also appears to be correct: the aggregation of individual silence collectively became organisational silence, and structural and personal agency became indistinguishable as separate entities. Nobody mentioned the Bought In Services processes, and nobody questioned what was being bought, what exact service was being provided and exactly from whom. In effect, it became part of the fabric of the organisation. In the regime across all groupings within the SANGCOM Project, there was a culture of silence, instituted by the powerful in both the governmental and commercial bodies, which was maintained in

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<sup>182</sup> This argument was actually proposed by the cross-examining defence counsel in one of the trials of GPT / Simec individuals. It is a classical ploy, known as the ‘little hook’, used in intelligence tradecraft to capture and retain the allegiance of field operatives before the ‘big hook’ which locks them into a cycle of supplying information of greater value.

order to suppress dissent, maintain secrecy about what was truly being enacted and prevent economic, strategic and political upset (H4). Those military officers, civil servants and their civilian counterparts within GPT lost the means to critically respond to the culture imposed upon them, which was enforced by embedded, historical practices, social mores and, in GPT particularly, a highly oppressive management regime that brooked no form of resistance at all. The two ‘silencing mechanisms’ were therefore different in character and application: the public servant mechanism was implied through collegiate, institutional loyalty and there appeared to be no immediacy to sanctions, if they were applied at all, whilst the commercial mechanism rested purely on the swift imposition of professional and economic reprisal with no appeal.

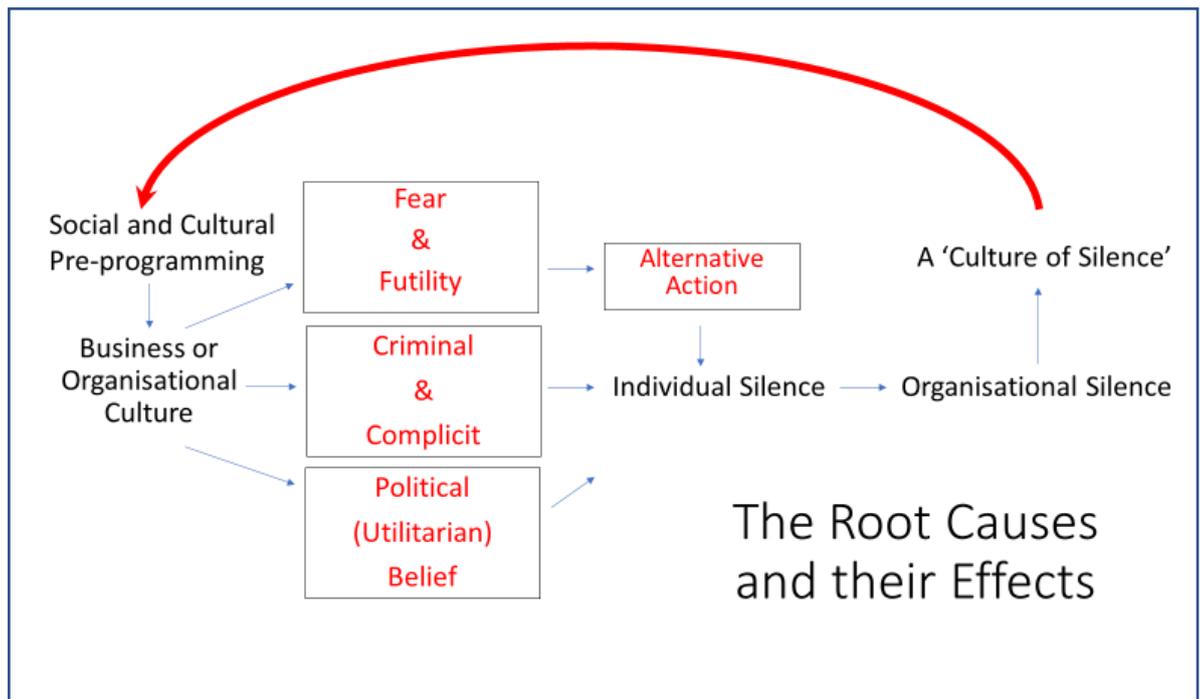
Thus, silence was maintained, both individually and organisationally over a protracted period of time. There was every prospect of it continuing until the extraordinary circumstances brought about by my recruitment, with independent ‘insider’ visibility of what was being enacted, and a judgement about speaking up shaped by values no longer confined by regimental loyalties, at odds with ‘hard-nosed commercial practices’<sup>183</sup> and honed by the familial experience of my father. The conditions were set for ‘a perfect storm’ and were triggered by the Brigadier commanding the SANGCOM Project team’s inability to break the culture of silence in order to explain and clarify the part being played by the military officers and civil servants in facilitating (corrupt) payments for strategic and political reasons. It is understandable of course that the Brigadier was not authorised to divulge what was really taking place, and nor could he openly condone secret payments to offshore bank accounts for the benefit of Saudi public officials and members of the Saudi Royal Family. Thus, he too was caught within the web of silence that was wrapped around the whole project, along with those members of his staff who were party to what was being done. Indeed, he was further constrained by instructions from the MoD to return the evidence to GPT, which prompted the Managing Director of GPT, reinforced by the Saudi Princess as HR Director, to directly threaten my life and liberty in order to maintain the

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<sup>183</sup> This was the exact term used by the Managing Director to commercially ‘legitimise’ the operation of the additional (corrupt) payments. There was no mention of the wider strategic, political or national economic arguments. To him, this was strictly a matter of bottom line and corporate profit, and, I would suggest, the accordant personal benefits accruing from it.

silence and retain access to the proof of their wrongdoing. Thus, we see the Brigadier also as a ‘dominated individual unable to critically respond to the culture that is forced on them by a dominant culture (the MoD)’. It was only when he realised that the threat made by GPT was real and life-threatening that he, and the members of the SANGCOM Project team, broke ranks to secure my safety and extraction from Saudi Arabia in one piece. In so doing, they realised that the silence had been irrevocably broken but that further attempts to cover up what had been happening might entail loss of life (mine), and that appeared to be a step further than they were prepared to go. Indeed, I propose that it served as a ‘red line’ which could not be ethically crossed and, as such, was key in breaking the culture of silence. As with similar cases, #MeToo being a classic example, once the boundaries of the culture of silence have been publicly crossed, a ripple of information starts to emerge that gradually builds to an irrefutable wave that cannot be ignored or suppressed. Reimposing the same culture of silence thereafter is impossible (H5).

When an organisation is characterised by silence, it is less a product of multiple, unconnected individual choices and more a product of forces within the organisation that systematically reinforce silence (H1) (H2) and (H3). Managerial fear of criticism, and thus restriction of effective means to communicate dissent internally, creates a climate of negative response conducive to widespread silence (Morrison and Milliken, 2000). By extension, whilst the aggregation of individual silence allows for organisational silence, the aggregation of organisational silence allows for a culture of silence across society (H3) (H4). I propose that without resistance, and those who speak up against wrongdoing, abuse and oppression, this culture of silence remains, forming a Gramscian ‘historic bloc’, an alliance between high finance, dominant classes and politicians intent on realising and maintaining strategic, political and economic relationships and the benefits they accrue. Levy and Egan (2003) describe it as exercising ‘hegemony through the coercive and bureaucratic authority of the state, dominance in the economic realm, and the consensual legitimacy of civil society’. It is this that we see woven into and throughout the fabric of the SANGCOM Project over its 32-year history and therefore I believe that Hypothesis 4 was also correct and that the organisational silence was normalised and institutionalised over time to become part of the operational status quo.



**Figure 19 - The root causes and their effects**

I further propose that through a process of rationalisation, normalisation and institutionalisation (Anand, Ashforth and Joshi, 2004) the culture of silence becomes ‘accepted behaviour’ and thus assumes a role of social and cultural pre-programming such that those inducted into the framework of the project going forwards are pre-disposed to accept the practices that are in place when they assume their appointments. In such a climate, the culture of silence prevails going forwards and a vicious circle of corruption continues with the willing complicity, or at least suppressed dissent, of those brought onboard to continue current operational processes. The Whistleblower Paradox reflects this state of affairs: politicians, leaders of public and private organisations and society in general publicly state their support for those who speak out, but in reality little is done to meaningfully break the culture of silence (H5).

*“If one fails at shaming the responsible individuals, there is still the opportunity to secure compliance by shaming the collectivity. The shamed collectivity can not only pass on this*

*shame by sanctioning guilty individuals after the event, it can also activate internal controls proactively to prevent future crimes before they occur.*” (Braithwaite, 1984)

Fraud and corruption practised by individuals are commonly recognised by most reasonable people as wrong. It gives an unfair advantage to those engaged in it, to prefer relationships or contracts for the personal gain of both parties to the detriment of competitors who might have equal or better products or services. When practised by organisations it involves not only the individuals accomplishing it on behalf of the entity, but inevitably touches and draws in others peripheral to its performance in an insidious complicity that ensnares them before they realise what they are really involved in. Thus, it has an infecting capability that spreads across the commercial and social superstructure that requires the instigation and maintenance of silence in order to protect the organisation, its directors and employees and, especially, its wider reputation. The fact that fraud and corruption happen within both individuals and organisations is recognised, disliked and Society shows its disapproval through formal judicial convictions. These publicly stigmatise the reputations of those convicted and impose punishments which seek to confiscate any illicit gains and enforce fines and prison sentences for those who practise it. The weight of the punishments is meant to recompense victims, punish the offenders and deter others from following such offensive and socially unacceptable behaviour<sup>184</sup>.

This leads me to restating Hypothesis 5: that institutionalisation of practices created a discontinuity between policies (strategic, economic and commercial) and changing social mores thus requiring practices to be retained under a cloak of silence because their continued existence was both publicly embarrassing and unacceptable if politicians wanted to retain electoral support (The Overton Window).

So what happens when Governments not only become involved in corrupt acts, but are proven to have facilitated them for significant periods of time through systematic processes that intimately involve its own military officers and civil servants? I suggest that when

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<sup>184</sup> One can argue about the efficacy of the current punishment regime when fraud and corruption have climbed to an all-time high of 47% of all global crime, with the UK reporting 56% of businesses reportedly impacted. (PWC Global Economic Crime Survey 2020). The cost to the UK in 2020 was £4.7 billion, an increase of 24% over 2019. (RT Hon Michael Ellis QC MP, Attorney General, Keynote speech to the 38<sup>th</sup> Cambridge International Symposium on Economic Crime, 8<sup>th</sup> September 2021).

publicly known, such knowledge serves to destroy trust in Government, remove moral authority, undermine democratic institutions and seriously damage international standing and relationships. The Government has form in this area: in 1992 a judicial inquiry led by Sir Richard Scott was commissioned into the sales of armaments to Iraq by British companies in the 1980s, publishing its findings (the Scott Report) in 1996. Whilst attracting some criticism for the manner, extent and complexity of its investigation, the Scott Report did strengthen the argument that civil servants have a duty to the public interest, and a duty to the State over and above that of their duty to the government of the day. (Bogdanor, 1996). Moreover, it also explored in detail the individual responsibility of Ministers to Parliament and specifically commented on the difficulty of extracting from Government Departments the required documents:

*“The main objectives of governments are the implementation of their policies and the discomfiture of opposition; they do not submit with enthusiasm to the restraints of accountability ... governments are little disposed to volunteer information that may expose them to criticism ...”*

Whilst the corrupt payments within the SANGCOM Project were instituted in an era of possibly ‘acceptable dubious practices’ in business relationships in the Middle East of the 1970s, such behaviour became outmoded as social beliefs and practices changed post the turn of the millennium. Moreover, the watershed of the Al Yamamah scandal of 2007, should have created an inflection point after which such practices were deemed unacceptable and stopped. That they were not is remarkable! That knowledge of them was further restricted, unacknowledged and actively concealed, strongly implies recognition of both their illegitimacy and their public unacceptability. To endorse such behaviour through the extension of contracts continuing corrupt payments from 2008 through to 2020 implies that the UK Government’s political philosophy, in early 2010 at least, still held that it was strategically, politically and economically necessary to continue such practices. Furthermore, despite the advances brought about by the internet and associated technology, which allow the acquisition, retention and distribution of evidential documentation much more easily, the philosophy of Whitehall appears to have been that silence and public ignorance could still be maintained, even until 2020! Moreover, in a political / diplomatic

sense, there was also a lack of recognition of the changes in the political geography within the Middle East, and particularly Saudi Arabia, as the new monarch King Sultan, with Crown Prince Mohammad bin Sultan (MbS) acting as the de facto ruler, took charge. These corrupt payments were still directed to members of the old regime of the late King Abdullah. Thus, there was a failure in diplomatic responsiveness as well as legitimacy of civil service process and operations which also served to undermine trust and confidence in the key mechanisms of government at home and abroad (H5).

*‘Corruption threatens our national security and prosperity, both at home and overseas. Unchecked, it can erode public confidence in the domestic and international institutions that we all depend upon.’ (HMSO, 2017)*

This statement forms the philosophical basis for the UK’s Anti-Corruption Strategy 2017-2022. It is one of the major challenges against which our law enforcement agencies are set: indeed, given the enormous growth in fraud and corruption over the past two years, through a combination of increased organised crime, crypto-currency, Authorised Push Payment (APP), socially engineered online crime and COVID-related fraud<sup>185</sup>, it is firmly on the agenda as one of the major problems facing the current government and a key subject within the Integrated Review conducted in March 2021<sup>186</sup> (HMSO, 2021). Equally, the UK is a signatory to the United Nations Convention on Anti-Corruption (UNCAC) and the OECD Convention on Combatting Bribery of Public Officials in International Business Transactions, which specifically set out legally binding standards to criminalise bribery of foreign public officials in international business transactions and provide for a host of related measures that make this effective. Explaining its behaviour within the SANGCOM Project, especially given the warning shot of Al Yamamah, will be an interesting political and diplomatic challenge which will considerably exercise the most senior members of the Diplomatic and Civil Service, especially since the Review of the Revised Recommendation for Further Combating Bribery of Foreign Public Officials in International Business

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<sup>185</sup> *Fraud - the facts 2020 – the definitive overview of payment industry fraud*, UK Finance

<sup>186</sup> Owen Rowland, Head of Economic Crime Reform Unit, Homeland Security Group, Home Office, address at 38<sup>th</sup> Cambridge International Symposium on Economic Crime, 6<sup>th</sup> September 2021.

Transactions (19 July – 23 August 2021) is currently on circulation for stakeholder comment. (OECD, 2021). However, if politicians feel that the political, economic and strategic arguments outweigh the moral and legal niceties, then they might conclude that leaving loopholes through which politically advantageous arrangements might be expedited is beneficial, and therefore minimal changes should be made to current processes. This might explain why there has been such a lack of governmental support for effective whistleblower protection. Similarly, one might also posit that the Civil Service, as the procedural formularies of legislation and policy, may also be advising politicians not to reform current legislation (Public Interest Disclosure Act 1998), since brokering a position whereby uncomfortable information is released in an uncontrollable manner offers the prospect of increased embarrassment over matters which might best be left undisclosed to the public. Public knowledge of corruption by western governments assists Russian and Chinese ‘cultivated nihilism’ in their efforts to disrupt European and pan-Atlantic cohesion, allowing them due cause to demean democratic government as a realistic alternative to their own regimes. Certainly, in an unstable global political scene, openly admitting corrupt acts whilst criticising other superpowers or developing nations for their lack of integrity leaves the UK Government in a very difficult position<sup>187</sup>. The Overton Window represents change in political policy driven by political recognition that continued support for the original situation would lead to electoral defeat. But such change can only occur if the public are aware of the original policy and are given the opportunity to voice their concern and disapproval of it. Thus, the requirement for silence surrounding the SANGCOM arrangements (the deniable fiddle) was essential for the Government to be able to continue the dubious practices without incurring public opprobrium and thus a need to change political policy<sup>188</sup> (H5).

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<sup>187</sup> It is quite clear from the Judge’s sentencing remarks in the GPT trial (Regina, 2021) that HMG, specifically the MoD and Business Department, were guilty of ‘joint enterprise/common design’ in creating, managing, approving and controlling the system of corrupt payments, which GPT then perpetrated. However, that does not excuse any of the culpable individuals or organisations for their actions by deferring blame to the MoD / UK Government on the grounds that it sanctioned the arrangement and therefore they were effecting government policy by acting to facilitate the payments made by GPT. Lepora and Goodin (2013) are quite clear that complicity does not excuse culpability by another party, it merely connects interacting parties through their guilty acts.

<sup>188</sup> At the time of writing, there exists a Reporting Restriction Notice covering the details of the GPT trial and the (ongoing) trial of the individuals. Thus, visibility of the HMG’s involvement and facilitation of the corrupt payments is very limited and public knowledge is accordingly restricted. Consequently, the Overton Window has not moved, but the prospects for it doing so in the future are very favourable.

In September 2020, the Cabinet Office tasked Nigel Boardman<sup>189</sup> with leading a Review into the Development and Use of Supply Chain Finance in Government, reporting to the Prime Minister in June 2021 (Boardman, 2021). The review was extended to review some COVID-19 procurement contracts reporting to the Cabinet Office in September 2021 (Boardman, (A), 2021). Boardman found that: ‘there are three main areas where processes and practice could be improved. These are:

- Existing procurement law and policy for contracting in a time of crisis.
- Cabinet Office’s own process and governance with relation to this law and guidance.
- The management of actual or perceived conflicts of interest in a procurement context.’

Whilst not specifically reviewing the SANGCOM Project, these studies were conducted in parallel to the investigation into and prosecution of GPT, with its connections into the MoD’s Defence Procurement Agency, UK Defence Export Services Organisation, and the Cabinet Office overseeing the actions of military officers and civil servants in the procurement process. We might assume therefore that the Cabinet Office should have recognised the applicability of Boardman’s remarks, recommendations and suggestions to the Project and the performance of government personnel employed within it. Boardman suggests that Government should strengthen whistleblowing processes in the Civil Service and specifically notes: *‘Some of the issues in Part 1 might have been mitigated if there had been a robust and trusted whistleblowing process. It is worth noting that in the Cabinet Office’s 2019 staff survey, one in three civil servants were unaware of how to raise a complaint under the Civil Service Code and one in four were not confident that it would be investigated properly.’* He went on to recommend that *‘whilst the Cabinet Office has taken steps to promote awareness across government of the whistleblowing arrangements’*, there was still room for improvement. It is worth noting though that none of the participants interviewed within this case study, be they civil servant, military officer or commercial employee stated that they did not know how to raise a concern, within their chain of

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<sup>189</sup> Nigel Boardman was a partner at Slaughter and May, London (1982 - 2019-2020) and is a non-executive board member of the Department for Business, Energy, and Industrial Strategy (BEIS) and the Chair of the Audit and Risk Committee.

command/ line management, or that there was no alternative mechanism within their organisation to do so. None stated that it was the absence of mechanism that stopped or dissuaded them from speaking up. It can therefore be reasonably deduced that it was other intangible factors that acted upon them to remain silent.

Boardman clearly recommended that: ‘Government should strengthen whistleblowing processes in the Civil Service’ and specifically that:

- Grounds for whistleblowing should be expanded to match private sector all-encompassing grounds.
- Whistleblowers should have the option to raise a concern with someone outside the Civil Service and the Civil Service Commission, and whistleblowing cases should not be referred back to the department to investigate unless the whistleblower consents,
- Each department should appoint a Senior Civil Servant as the whistleblowing champion for the department who should report at least once a year to the departmental board on the success of embedding a speaking up culture and use of the whistleblowing function by the department.
- There should be additional training provided by the compliance teams and a clear and consistent message from the top that it is a duty to stand up and anyone doing so in good faith will be protected from any retribution’.

I posit that if the measures recommended within both Parts 1 and 2 of Boardman’s review had been in place leading up to 2010, the highly embarrassing revelations of public servant intimate involvement and complicity in corruption in this case study might have been avoided through prior disclosure and appropriate mitigating action. Moreover, military officers and civil servants might have known about and felt more empowered to raise concerns about what they were being asked to do, without fear of losing their current jobs and blighting their future careers. Equally, given the opportunity to raise concerns with an independent, external, whistleblowing senior champion, or authority such as a prospective Office of the Whistleblower as recommended by the All Party Parliamentary Group (APPG) on Whistleblowing (APPG Whistleblowing, 2020), the perception of futility revealed within this research as a major barrier to speaking out might also be overcome. Whether such

measures will also persuade politicians and public servants that transparency, morality and legality outweigh the strategic, political and economic arguments remains to be seen.

Sarah Hardman, Chief Operating Officer, Cabinet Office noted in September 2021 that: ‘I agree with Nigel Boardman that, in relation to the areas that he has scrutinised, there are clear lessons to be learnt and improvements to be made. The Cabinet Office is strongly committed to learning lessons from these events, and as such I can confirm that we will accept and implement all 28 recommendations in full. We take our obligations to transparency, integrity, and ensuring value for money extremely seriously, and it’s important that the public has confidence in government to manage taxpayer’s money correctly’ (Hardman, 2021). At the time of writing this thesis, she has yet to publish her acceptance and implementation of Boardman’s further recommendations on whistleblowing. However, as Sue Gray’s report on the breaking of COVID restrictions in Downing Street (Cabinet Office, 2022) states: ‘Some staff wanted to raise concerns about behaviours they witnessed at work but at times felt unable to do so. No member of staff should feel unable to report or challenge poor conduct where they witness it. There should be easier ways for staff to raise such concerns informally, outside of the line management chain’. The guidance for civil servants and special political advisors (SPADs) at the core of government had yet to be updated as at January 2022. Obviously, fear of reprisals, a perception of futility and a degree of complicit involvement are still driving individual silence at the core of government in the UK. The individual still feels the *Whistleblower Dilemma* at a very personal level, and nothing will change unless real steps are implemented to effectively protect those who speak up and sanctions are taken against those who bring reprisals against them. In effect, nothing will change until the principle of Parrhesia is once again instituted in modern society.

*‘Is corruption still going on within the MoD? Absolutely. Can it be stopped? Yes, it can. What’s it going to require? A culture that allows people to be heard. Empower people, allow them to speak out. (Joc, former service officer and then senior project manager in commercial entity in SANGCOM)*

## 8.2 Contribution to knowledge

This research was born out of the ‘lived experience’ of being a whistleblower and of an intellectual urge to discover why I was apparently alone in pointing out that there was a rampant corruption going on within the government-to-government contract that we were meant to be delivering. It sought to explain how both individual and organisational silence had won over civil servants, military officers and commercial executives over a period of 32 years, what factors had influenced their decisions and, essentially, what were the root causes that drove them to a quiescent muteness. The wide range of reasons proffered yields greater insight into whistleblowing and, more importantly, into NOT whistleblowing. It also offers a greater understanding of public servants and the underlying pressures and professional cultures they experienced, which appeared to be different to those of the commercial participants and born of the sense of belonging to a well-defined quasi-ethnographic ‘tribal’ grouping with its own rituals, routines, language and uniform (be it khaki or dark suit and tie). Given that the majority of interview participants stemmed from those branches of public service (civil and military) who openly espouse adherence to the Nolan Principles<sup>190</sup> and with special emphasis on integrity, honesty and accountability, it was all the more puzzling that so many, if they had known about the illegitimate arrangements, had remained silent over such a protracted period of time.

Most importantly, it exposes the mechanics of politically initiated official corruption by government departments and the façade of acceptable ‘legitimising’ explanations used to coerce (albeit gently) institutional co-operation from its members. This is an area that is not well researched, very difficult to access and riven with organisational politics and social mores. Thus, this thesis adds to studies of public and private corporations, explaining the dynamics of how corruption becomes endemic within a workplace, whilst providing robust data and analysis from a true whistleblower case involving government corruption which responds directly to a perceived deficiency in knowledge (Brown et al, 2014; Loyens and Maesschalck, 2014; Lavena, 2016; Su, 2020).

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<sup>190</sup> Nolan Principles (HMSO, 1995): selflessness, integrity, objectivity, accountability, openness, honesty and leadership, the basis of the Civil service Code (HMSO, 2015)

It also threw up a number of subsidiary questions about whether individuals had been specially selected for their roles due to any perceived ‘malleability’ or coerced into silence through persuasion, strong-arming or even threat to future career and employment. My research firstly found that there was no indication of specific selection of individuals for roles within the SANGCOM Project based on career or personality profiling or likelihood to remain silent about ‘dubious’ commercial arrangements. Moreover, I found no evidence of active coercion, either currently or historically, of any of the civil servants or military officers involved within the Project to remain silent or uncooperative with the research project. It therefore offers a novel view on the institutional dynamics of voluntary subordination illuminating the relationship between individual silences, institutional silencing and the creation of *group-think*.

It shows the clearly contrasting presence of involuntary silence within the commercial entities and presents solid evidence of the coercive mechanisms used to impose silence upon employees. I found clear evidence of collaborative pressure to remain silent within those still active in the commercial world, whether in GPT itself or in Airbus Group who still owned GPT, or who were employed within the wider Defence procurement sector, for fear of their current and future employment and wellbeing. The views offered in interview were cross-checked with independent sources who had been within the Armed Forces personnel and postings branches at the time and are I believe wholly credible. I was not able to obtain the same correlation from Civil Service HR sources due to their poor response to participate. However, I believe them to be similar in nature to Armed Forces processes based on the information supplied during research interviews with those participants who had graduated from the military to civil service careers.

The evidence that there was no pre-selection criteria for acquiescence to dubious practices nor any evidence of coercion, leads me to conclude therefore that the behaviours of individual silence exhibited were normal to the civil service and military officers; in other words, they were born of beliefs and perceptions emanating from within the individual rather than actively imposed upon them. Thus, we needed to tunnel down to the root causes which determine these behaviours rather than the more symptomatic indicators that were proposed in an excusatory sense. But what is particularly interesting is that these beliefs

and perceptions appear to be embedded into the psyche of the public servant and were extant over a period of 40 years (32 years project duration plus 8 years to date of interview). This has great implications for the future management of the Civil Service in its formulation of policy concerning whistleblowing and the freedom of public servants to raise legitimate concerns about commercial contracts and the government policies and procedures underpinning them – without fear of detriment to their current or future careers. This thesis therefore presents an opportunity for a policy report on institutional as well as state level changes necessary to prevent corruption.

My research identifies these root causes based on empirical evidence discovered out of the case study of corruption within the SANGCOM Project. I believe it is original, novel and unique. It has uncovered the institutionalisation of corruption within a number of government departments, along with the range of explanations offered by participants as to why they did not speak up when they might have done so. It analyses and refines these reasons down to the fundamental causes of individual silence born out of both social and political causes. It therefore offers a unique, empirical contribution to literature on secrecy, and lack of oversight in military and civil service institutions.

Fundamentally, there are two primary roots: the first is Fear, encompassing loss of livelihood, remuneration, health and domestic peace, fear of being ineffective, fear of prosecution for complicity and fear of discovery which leads to resistance by alternative action falling short of whistleblowing itself. The second primary root is a politically driven utilitarian belief, which overcomes moral or legal niceties, and which excuses its silence through acting for ‘the greater good for the greater number’. My thesis proposes that these causes collectively create a culture of silence across an organisation which institutionalises these practices and feeds back into the business’ operational and social mechanisms to induct and onboard new members into a self-propagating culture of silence.

### **8.3 Contextualising whistleblowing in state institutions**

This thesis has attempted to contextualise whistleblowing in state institutions, primarily the Military and the Civil Service, based on evidence derived from public servants who participated in the case study. The root causes describe both social and political reasons for

keeping silent about wrongdoing and the behaviours they create. But it is rather more than that. The case study itself is founded firmly in institutions and describes the practices and processes employed by and within the corporate commercial bodies (Airbus Group and GPT) across governmental organisations (military officers and civil servants across a wide range of government departments) and the mechanisms which ‘institutionalised’ the silencing mechanisms creating acquiescence to the facilitation and practice of corruption (Ashforth and Anand, 2003). I believe it has shown how dubious practices could be introduced into a governmental procurement process at a time when the commercial trading mechanisms in an overseas environment were opaque, the key political players were already corrupt and the perceived strategic, political and economic gains were sufficient whilst the risks and personal stakes were low. Thus, when Pascal’s Wager was proffered, the bet was taken: individuals heard and understood the political (structural) will for silence and (personally) voluntarily subordinated themselves to it or were scared into doing so through (overt or implied) threat of reprisals. All that remained was for the process of socialisation and normalisation to occur, newcomers to be inducted and induced to believe that senior officers had diligently validated and authorised the processes on the authority of the politicians in power at the time, and the corrupt payments continued as institutional processes.

The institutions of government themselves did not appear to carefully audit or review the processes across the lifetime of the SANGCOM Project for several reasons: it was money flowing to the taxpayer, or at least through the Treasury acting as financial facilitator, rather than money out from the Exchequer to the loss of the taxpayer – and thus attracted less attention than if it were British taxpayer’s money flowing out to the offshore accounts. Audit or review might have broken the unspoken pact of silence that had dominated actions to date, but it risked embarrassing Ministers past and present and, essentially would have questioned extant policy that had been in place for a significant period of time, through successive government regimes, regardless of the political party in power. I could find no evidence, nor participant’s account, of any audit or review of processes upon renewal or re-issue of contracts. It might be of course that this did occur and evidence to the fact might well be within the 597 documents redacted under a Public Interest Immunity certificate by

the Foreign Secretary in June 2021, but they are not currently publicly available<sup>191</sup>. Notwithstanding such an eventuality, it does indicate that the government procurement processes require investigation to ensure that institutionally they are proper, legitimate, transparent, and importantly, accountable to Parliament through Select Committees. The evidence produced out of this research should form part of those discussions and assist in the reformation of future government policy.

My research explored the interests of governments, politicians, public servants, commercial entities, workplace colleagues and individuals, exposing how they compete for priority of action or suppression to propagate collective benefit or personal survival. The consequentialist view of ‘the greatest good for the greatest number’, often voiced as a ‘noble lie’ to legitimise the ‘dirty hands’ policy of governmental facilitation to the corrupt payments within this case study, appears to be a short-term political expedient based on national economic benefit, continued strategic alliances and geo-political influence in an unstable region of the world. However, one has to question whether it really is in the interest of society in the long term? Given the undermining of moral authority of the UK’s democratic government, the implications of illegality of its operations over the past 32 years, the effect it might have upon its wider global relationships and its clear contravention to international anti-corruption, bribery and money-laundering treaties and conventions, one has to question whether the greater good and long term national interest is really best served?

What is now proven is that the corruption occurred over successive regimes in both UK and Saudi Arabia over the long life of the Project, prior to the whistleblowing disclosures. Inspection of the Saudi Arabian interests show that the payments were received by successive members of the ruling branch of the royal family and a close coterie of advisors as an adjunct to appointment to specific roles within the National Guard. In the UK however, political power transferred across from Labour to Conservative governments (Callaghan (1978/1979), Thatcher (1979 - 1990), Major (1990 – 1997), Blair (1997 – 2007), Brown (2007 – 2010) and back again with no seeming change in policy. Thus, it would appear that

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<sup>191</sup> At the time of writing. The retrial of the executive directors in October 2023 might overturn this PII declaration and/or a subsequent Public Inquiry by Parliamentary Select Committee might also ask this specific question concerning contractual audit and review.

the corruption, and practice of facilitation thereof, occurred despite change of government, almost as a matter of embedded national policy. Moreover, the investigation and prosecution took twelve years, including a three year politically initiated hiatus (2016 – 2020), under successive Conservative governments upon whom culpability for enabling the processes cannot be laid since they were inheritors of the situation rather than active protagonists of it<sup>192</sup>. The only constant players throughout the period were the beneficiaries (the Saudi Royal Family and their close advisors), the enablers of the corrupt payments (the middle-men/ agents in SIMEC and Duranton International) and the civil servants and military officers in the SANGCOM Project team and superior chains of command in the MoD, FCDO, Business Ministry and Cabinet Office who were supposedly serving the National Interest at the time. I believe this case study presents a solid example of McGoeys (2019 and 2021) concept of oracular power, where silence promoted acquiescence of the processes seemingly authorised from within the state institutions so that those in authority could continue to propagate their policies without the threat of public accountability. Acquiescence also suppressed the creation of a ‘prompt’ to question the corrupt practices and thus allowed them to continue until a ‘dissenting’ element, in the form of a whistleblower, arrived to disrupt the status quo.

Each individual was confronted with a personal judgement on the relative merits of ‘the greatest good for the greatest number’ versus individual benefit, including considerations for the wellbeing of their own close family, set against a background of personal values embedded through socialisation, upbringing, education / training, and experience. Each individual decision was a balance of risk to their personal wellbeing, employment and finances, their perception of effectiveness, their degree of complicity and passive resistance, and a judgement of the merits of wider strategic, political and economic benefits. Interestingly though, each individual ‘knew what was expected of him/her’ in terms of silence and though questions might have been asked at lower level, few raised major concerns or ‘took a stand’. Silence appears to have been voluntarily offered, especially

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<sup>192</sup> The latest evidence from the ongoing trial of the individuals (as at August 2022) is that the MoD were agreeing in 2012/2013 to an alternative mechanism to continue future payments to senior Saudi officials via an alternative mechanism. (Brooks R, *GPT Bribery Scandal - Foxley Hunting*, Private Eye, edition 1576, 1 July-15 July 2022, p 40.). Thus, the inclusion of the current Government in collective blame is still a moot point.

within the public servant fraternity. As I discovered, there were instances of individuals who felt compelled to speak up<sup>193</sup>, but each appears to have been closed down through compromise and financial settlement or further alternative employment. These responses were protective mechanisms enacted by the commercial entities (Airbus Group and its predecessors) on behalf of political and commercial institutions in order to ‘shape the truth’ and maintain silence about their (illicit) activities and thus preserve the extant strategic, political and economic relationships. The silencing of public service individuals was the exercising of oracular power in practice (McGoey, 2021). The silencing of commercial individuals was more a matter of protecting corporate reputations, profit and legal liabilities.

I believe that we can now understand much more clearly how and why those within and around the case study acted the way they did. Each participant described an individual decision whether to act or not and it is not for me to say whether it was right or not: one person’s sense of impropriety and unacceptability may not be another’s. I only truly know why I acted the way I did and whether I am at peace with that decision<sup>194</sup>. But what we now know is that the seemingly easy question of ‘why do people not speak up?’ produces a very nuanced answer stemming from a complex mix of social, political, economic and personal considerations and loyalties that compete on a number of levels ranging from the governmental down to the individual.

#### **8.4 Limitations**

The methodology employed was unusual in as much as it was primarily a phenomenological investigation of the lived experience within a quasi-ethnographic group by an insider to that group imbued with a recognised equivalence in experience, training, and qualification. Moreover, the additional factors of longevity of service relationships and a knowledge, and resultant understanding, of my particular familial history, allowed me unique access to a wide range of participants that would otherwise be very difficult to put together as an

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<sup>193</sup> Only five instances that I could discover within living memory, although whilst there might have been more in earlier years, I could find no record or witness to them, even within the close regimental anecdotal boundaries that capture most unofficial narratives of ‘unusual goings-on’.

<sup>194</sup> I am. But the subsequent path was not an easy one, even though many have said ‘Could you not have found another way?’

academic research resource. It was an unusual freedom that might not be available to other researchers and would thus limit their ability to access an equivalent range of elite and well-informed participants. My background, training, military/ civil service connections and positionality as a whistleblower, still intimately involved in the investigation and criminal prosecution, also gave me unusual access to documentary evidence that might not ordinarily be available to other academic researchers. This allowed a qualification of documentary (quantitative) data with (qualitative) interview data obtained from those deeply embedded in the case study to produce a pragmatic approach to best use sources which would be of restricted access to others.

The documentary approach illuminated the structural agency of government departments and its influence on (public servant) individuals to initiate and remain silent. The phenomenological approach gave rise to an understanding of the circumstances surrounding the whistleblowing incidence ‘as lived by them’ and thus gave a distinct authenticity to their reasoning to remain silent for a prolonged period of time preceding, during, and a decade subsequent to the disclosure. Interviews were predominantly relaxed and conversational, semi-structured, and followed an approximate guideline to ensure that the key objectives were included. Indeed, the recognition of my family history was key in maintaining this last assessment since the participants recognised why the research was being conducted and did not appear to feel threatened by the interrogative research process<sup>195</sup>.

The COVID pandemic necessarily restricted some of the interviews to be conducted virtually over Zoom or Skype. However, whilst there was some loss of non-verbal signalling for these sessions, the ability to replay audio-visual recordings allowed a better analysis of participants’ responses and thus actually benefitted the research<sup>196</sup>.

The ongoing judicial process limited the range and timing of the field research and indeed has meant that the revelations of government complicity, and thus knowledge of what was

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<sup>195</sup> Only one senior civil/ military officer appeared to feel VERY vulnerable, where a number of commercial participants appeared to feel ‘legally’ vulnerable.

<sup>196</sup> The need for video-based interviews due to COVID also appeared to reduce participants’ (vulnerability) worries about the interviews being on camera.

actually being enacted is incomplete. The duration of the research was elongated to allow Phase 2 interviews to be conducted, which qualified much of what had already been discovered, but there remains more to be accomplished which will necessarily need to be done under post-doctoral research, either by myself or others. The other significant limitation was the restricted number of those with the necessary knowledge, experience or willingness to participate, especially within the civil service who were noticeably reluctant to be interviewed. Perhaps the conclusion of the last trial and exposure of the part played by HMG and its political masters might urge others to participate in future research? Equally though fear might bind them firmly into individual and collective silence in fear of guilt by association.

## **8.5 Further research**

I believe that this research project offers opportunities for the application of the findings and outcomes of this case study for further studies in this area.

Firstly, this research is necessarily focused on procurement and financial corruption in the government arena. It offers a valuable, empirical, contribution to literature on secrecy, revolving doors and lack of oversight in military and civil service institutions – areas which are notoriously difficult to access. I believe its conclusions might well be confirmed with other case studies in different sectors or in additional case studies through post-doctoral research or further PhD studies. I suggest NHS / Healthcare sector offers ample opportunities for empirical evidence from case studies with well described boundaries, offering the advantages of quasi-ethnographic inclusion, insider research and reasonably easy identification of possible participants in order to overcome / lessen the fundamental difficulties of researching this topic.

Secondly, this thesis should be offered to the Civil Service Commission and Cabinet Office Director General Ethics and Propriety with a view to assisting improvement interventions on Civil Service processes, and especially in defence procurement policy. It should be used to provide ‘lessons learned’ advice to the Civil Service Leadership Training College and Defence Academy in order to provide a worked example from real life applicable to the procurement of future defence systems.

Thirdly, this research adds to studies of corporations, including government departments explaining the dynamics of how corruption becomes pervasive, and embedded through structural normalisation. It demonstrates how corruption can be justified as the right thing for the organisation to do and for the individual to comply with, creating a *group-think* mentality which turns individual silence into organisational silence. This an area ripe for further research which might prove especially useful for Business Ethics and training of future Corporate Compliance Officers.

Fourthly, and finally, it could be the basis for a policy report on institutional as well as state level changes necessary to prevent corruption. It should be used to provide evidence to policy makers of the need for improved protection of whistleblowers in order to overcome the obstacles to whistleblowing and induce others to speak out when confronted with wrongdoing – but without fear of recrimination.

## **8.6 Concluding remarks**

My greatest wish is that this case study and the findings it has exposed can in part be used to shape remedial steps to allow future individuals to speak truth to power both safely and effectively. Having categorized the root causes of individual silence, we do ourselves a disservice if we do not follow it up with a reactive question of So What? What are we going to do about it if we want individuals to be able to speak up in future? I do not believe we can realistically change the politically driven utilitarian belief – unless we can publicly expose the moral and legal failings underpinning them to an extent that the Overton Window is forced to move.

Understanding now the primary root causes of silences, we need to implement measures and practices that reduce fear and increase effectiveness. To return once more to Pascal's Wager, we need to decrease the personal risk and stake of speaking up by safeguarding employment, income, health and wellbeing and increase the effectiveness of making the disclosure. Equally, we need to increase the risk and personal stake of the criminally culpable, and those who visit reprisals upon whistleblowers, by instigating meaningful sanctions against them. Foucault (2001) reminded us of the ancient principle of Parrhesia, the guarantee of protection offered by the Powerful to the Vulnerable in exchange for the vital information

(Truth) that only the latter can disclose. Perhaps it is time to reinvigorate such a principle and embed it into current social and political life in both public and private organisations?

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## **Glossary of Acronyms**

<b>Notation</b>	<b>Description</b>
ACFE	Association of Certified Fraud Examiners
APP	Authorised Push Payment
APPG	All-Party Parliamentary Group
BAe	British Aerospace
BBC	British Broadcasting Corporation
BCE	Before Common Era
BEIS	Department of Business, Energy and Industrial Strategy
BIS	Bought In Services
CAHR	Centre for Applied Human Rights
CEO	Chief Executive Officer
CPS	Crown Prosecution Service
CQC	Care Quality Commission
DARVO	Deny, Attack, and Reverse the Victim and Offender
DE&S	Defence Equipment and Support
DIKW	Data, Information, Knowledge, Wisdom
DISS	Defence Information Support Services
DIT	Department of International Trade

DPA	Deferred Prosecution Agreement
DSO	Defence and Security Organisation
DSPCR	Defence and Security Public Contracts Regulations
EADS	European Aeronautic Defence and Space Company
ECGD	Export Credits and Credit Guarantees Department
ECI	Ethics and Compliance Initiative
ELMPS	Economics, Law, Management, Politics and Sociology Committee
ESRC	Economic and Social Research Council
EU	European Union
FATF	Financial Action Task Force
FCDO	Foreign Commonwealth and Development Office
FCO	Foreign and Commonwealth Office
FCPA	Foreign Corrupt Practices Act
GPT	General Electric Plessey Telecommunications (Special Project Management) Limited
HMG	Her / His Majesty's Government
HMRC	Her / His Majesty's Revenue and Customs
HMSO	Her / His Majesty's Stationary Office
HQ	Headquarters
HR	Human Resources

HRD	Human Rights Defender
ICAEW	Institute of Chartered Accountants of England and Wales
IPA	Infrastructure and Projects Authority
JV	Joint Venture
KSA	Kingdom of Saudi Arabia
LOA	Letter of Offer and Acceptance
MoD	Ministry of Defence
MOU	Memorandum of Understanding
NAO	National Audit Office
NHS	National Health Service
NSA	National Security Agency
OECD	Organization for Economic Cooperation and Development
OED	Oxford English Dictionary
OHCHR	Office of the High Commissioner for Human Rights
OMT	Operations Maintenance and Training
OPEC	Organisation of Petroleum Exporting Countries
PEP	Politically Exposed Persons
PIDA	Public Interest Disclosure Act (1998)
PII	Public Immunity Interest

POCA	Proceeds of Crime Act (2002)
RCA	Root Cause Analysis
RMAS	Royal Military Academy Sandhurst
SANG	Saudi Arabian National Guard
SANGCOM	Saudi Arabian National Guard Communications Project
SEC	Securities Exchange Commission
SFO	Serious Fraud Office
SPAD	Special Political Advisor
SPV	Special Purpose Vehicle
SRA	Solicitors Regulation Authority
SRO	Senior Responsible Owners
TAP	Thesis Advisory Panel
TQM	Total Quality Management
UDHR	Universal Declaration of Human Rights
UKTI	United Kingdom Trade and Investment
UN	United Nations
UNCAC	United Nations Convention on Anti-Corruption
UOY	University of York

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## **Annex A – Condensed biographies of interviewees**

### **Open Source**

**Kevin Hollinrake MP:** Co-Chair of the All Party Parliamentary Group (APPG) on Fair Business Banking, Vice Chair APPG Whistleblowing, former PPS to Michael Gove MP as Chancellor of the Duchy of Lancaster, and thus the Minister responsible for the Cabinet Office. My own MP. Solid supporter of anti-corruption and very knowledgeable about the SANGCOM case. A willing research participant, very open and co-operative.

**Baroness Susan Kramer:** Co-Chair of the All Party Parliamentary Group (APPG) on Whistleblowing. Lib Dem Peer, and former MP for Richmond, she was Minister of State for Transport in the Cameron-Clegg coalition government. A firm supporter of whistleblowers and the need for legislative reform regarding whistleblower protection. A willing research participant, very open and co-operative.

**Sir Simon MacDonald:** Head of Her Majesty's Diplomatic Service. Featured prominently in the BBC Television documentary 'Inside the Foreign Office'. His views on juxtaposed decision-making for diplomats (and civil servants by extension) are highly pertinent. Polite but firm refusal to participate in research interviews.

**Sir William Patey:** Former Ambassador to the Kingdom of Saudi Arabia (2006 -2010).<sup>197</sup> Featured prominently in the House of Saud series, Episode Two. Signatory to SANGCOM contract LOA3P3. Along with other senior career diplomats (invited but unquoted in the text), he responded with a polite but firm refusal to participate in research interviews.

### **Anonymised Research Participants**

**Alan:** Commercial Project Manager, Head of Delivery in the commercial entity in SANGCOM Project, observed commentary of disclosure and ensuing actions. Easy friendly

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<sup>197</sup> Patey handed over the appointment to Sir Tom Phillips who was the (new) incumbent when I blew the whistle on GPT in December 2010. Phillips, who retained the role from 2010 – 2012, and then Commandant Royal College of Defence Studies 2014-2018, very gracefully declined to be interviewed.

discussion. Admission of why he didn't speak up... (threat of imminent loss of job etc). Recognition of 'opening the flood gates' once initial disclosure made - interesting observations on other personnel and whether they knew or not and why they kept quiet - primary beneficiaries with other corruption going on at the same time.

**Albert:** 2\* general, then senior civil servant, Director Operational Requirements for Land Command & Information Systems, Deputy Adjutant General, Cabinet Office sponsor for national emergency facilities and director national resilience training in the Cabinet Office, Arabist. Reticent until retired fully from government service. Extremely well informed, perspicacious, very good inside view of government at the highest political and strategic levels and the 'expediencies of the service'.

**Andrew:** former service officer with SANGCOM Project team experience, commercial project manager in Airbus Group. Good knowledge of inner workings of Airbus Group and to an extent GPT from working closely with them. Source of the 'complicit failure' process and author of 'the Rolex Question'.

**Bernard:** former service officer and MoD communications equipment procurement staff officer, Training Manager within commercial entity SANGCOM Project. Easy and friendly discussion (we'd known each other well for 40 years). Detailed knowledge of the inner workings and culture of GPT and who knew what - and the coercive effect it had on employees not to speak up.

**Bill:** Former MoD Staff officer in Defence communications procurement, much commercial and overseas defence experience. Open and easy discussion (known each other 48 years, since school). Many reasons proposed (independently) for individual silence and cited the main (personal) one as fear and survival of home, health, work and wealth. Note 'Qualified Avoidance' as a strategy practised in the commercial world to delay the decision and avoid taking action.

**Bruce:** 3\* general, Director Information Strategy and Plans, Commandant Defence College of Management and Technology, Director General Logistic Support and Equipment, Deputy Chief of Defence Staff, former Head of Service Arm, DPhil as senior defence and security

consultant. Easy and friendly discussion (known each other well since RMAS Sandhurst for 45 years). Interesting and informed view of the role of military officers and the need for an Inspector General (IG) similar to the US process to protect and counsel whistleblowers in future

**Colin:** 1\* brigadier, former MoD staff officer in the SANGCOM Project. Relaxed and easy discussion. Fully conversant with the SANGCOM Project, its strategic and operational drivers and its 'positioning' within Whitehall. An excellent 'insider' view of the wider ramifications of the affair and its potential impact on individuals, structures and policies.

**Cuthbert:** 1\* brigadier, former MoD staff officer, Head of Service Arm and current senior defence consultant. Easy and friendly discussion (know each other 30 years). Reticent until retired fully from military service. Well informed views from the centre of the MoD having worked in Army Plans and Military Operations (Centre) in close proximity to civil service and directly to Ministers. Commentary on the 'Wider Picture'

**David:** Former service officer and then civil servant. Expertise in research and procurement trials. Overseas defence sector and whistleblower experience. Easy conversation, known each other for 45 years since school. Cited examples of 'Guerrilla Government': find another way because straight whistleblowing is too dangerous personally. Masonic Lodge example: influence of 'secret societies': Military Masons example in a prestigious infantry regiment.

**Derek:** former service officer in SANGCOM Project responsible for Procurement, Personnel and Administrative matters Very friendly discussion. Useful to see just how far the detailed knowledge of Bought In Services extended within the core team in SANGCOM Project Team. Confirmed that it was known about but not spoken about.

**Dick:** Defence Attaché (in a Middle Eastern country) and former member of the British Military Mission (BMM) to the Saudi Arabian National Guard, Arabist. Very useful and friendly discussion. Wider view on culture, politics and strategy in the Middle East / UK relations. Insightful view on the changing social mores and acceptability of 'facilitation fees / bribes'.

**Edward:** former service officer and long-term commercial sales manager for a multinational defence manufacturer. Arabist with detailed knowledge of Saudi Arabia and local / international commercial practices. Experienced commercial and military Middle Eastern operative. Clear views on failures of Legal Branch in Government as the key advisors on what should and should not be done.

**Foster:** former service officer with MoD staff Defence Procurement experience and PhD on organisational management and the real-world experience. Approached me after hearing about research project. Perfect World v chaos. Error introduction in organisations, psychological aspects of organisational failure. Normalisation of deviance (corruption)

**Franz:** Director of Overseas and Exports, industry representative and Chairman of Business Ethics Steering Committee, Aerospace and Defence Sector. Excellent knowledge of Airbus, BAe, RR etc and the Defence Procurement business and adherence to ethical standards. Easy and open discussion, useful examples of both good and poor practice in the Aerospace and Defence sector

**Giacomo:** former service officer then senior civil servant, Director of Government Project Delivery, Cabinet Office, Principal of the Civil Service Leadership Academy (CSLA). Valuable insight into civil service code of conduct in theory and practise. Described leadership education for senior civil servants. Inside views on Ethics and Propriety branch, Cabinet Office.

**Graeme:** 3\* general, former Director General Training and Recruitment and Head of the Defence Academy, senior consultant with a major multinational defence contractor, NED with Audit Committee for DWP. Very useful and friendly discussion. Former head of Army's professional training and thus very clear on what should and should not have been done. Clear views on failings of auditory and other professional (legal) services to signal systemic failure within government departments

**Greg:** former MoD senior staff officer in Defence Intelligence and communications equipment procurement, much overseas Defence experience. Easy (known each other for 48 years since school), and relaxed conversation. Professional and informed view on

Defence Procurement and the role and responsibilities of incumbents in staffing / command positions AND in overseas appointments. Interesting views on the shift in norms.

**Harry:** 2\* general, former head of Service Arm, Divisional Commander and senior staff officer in Manning and Personnel Branch. Easy and friendly discussion (known each other well for 35 years). Informed view of the appointment of officers into Loan Service appointments AND roles played thereafter. Was a whistleblower himself so has a good view on the parts played by actors in difficult circumstances where organisational and individual reputations are in jeopardy.

**Harvey:** 4\* General, former Chief of the General Staff (Head of the British Army). Operated nationally and internationally at the highest international strategic and political levels. Readily accepted invitation. Known well for 40 years across a wide range of operational roles and personal connections. Great insight into the drivers of political and military decision making and personal conduct/ integrity in operations and codes of conduct (military and civil servants).

**Henry:** 1\* brigadier, former MoD Senior Staff officer in Defence Procurement, former service officer and colleague, overseas defence equipment procurement experience. Easy (known each other for 45 years), very relaxed. Professional and informed view on defence procurement and the role and responsibilities of incumbents in staffing / command positions and in overseas appointments.

**Horatio:** former MoD senior staff officer in Defence Intelligence and equipment procurement, much overseas defence experience. Easy (known for 32 years), and relaxed conversation. Professional and informed view on defence procurement and the role and responsibilities of incumbents in staffing / command positions and in overseas appointments and operational roles.

**Humphrey:** former service officer, technical communications specialist, commercial experience in business development and project management (Airbus Group). Known each other for 32 years. Reticent at first but opened up once engaged. Good deep view inside the

(Airbus) corporate group from an insider's point of view. Interesting view of commercial necessity / political expediency.

**Iain:** Former service officer in SANGCOM Project responsible for Operations, Maintenance and Training and then Procurement, Personnel and Administrative matters. Retired from public service but resident in the Middle East. In first two years at SANGCOM, had no knowledge of BIS other than as line entry on invoices (but confirmed that it was a known term and regular feature). 2nd tour in 2011, all had already been 'shaken loose' by whistleblowing disclosures, so informed on climate of knowledge and cover up.

**James:** former Chief Inspector MoD Fraud Squad. Very good understanding of (Defence Procurement corruption from investigator's aspect. Very candid and open. Views on local culture in Middle East skewed towards the Arab customer and an implicit atmosphere of fear.

**Jim:** 1\* brigadier, former head of Service Arm, the senior officer sent to pick up the pieces after whistleblowing disclosures in Saudi Arabia then advisor in Defence sector. Straightforward, polite and professional - but definitely not an easy conversation even though we'd known each other for 48 years since school. Very cagey. Relayed another prospective participant's wish to stay well clear. A very challenging interview to conduct.

**Joc:** former service officer and then senior project manager in commercial entity in SANGCOM. Civilian contractor in MoD Defence communications. Known each other 32 years, so an easy and relaxed conversation. Very good insight into GPT politics and commercial pressures (toxic environment) induction of fear and intimidation. Strong views.

**Keith:** former Chief Command Information Systems (CIS) at Defence School of Signals and Divisional Colonel at the Defence Academy. Easy (known for over 35 years). Reasonable Challenge ' as a theory and practice taught at Staff College to up and coming staff officers and civil servants.

**Lawrence:** 3\* general, High level Operational Commander, Assistant Chief of the General Staff, Deputy Chief of the Defence Staff (Operations), Prime Minister's Senior Defence Advisor on the Middle East, Arabist. Very useful and relaxed discussion. Wider view on

culture, politics and strategy in the Middle East / UK relations. Insightful view on regional culture, the changing of social mores and acceptability of 'facilitation fees / bribes' within that social and commercial context.

**Oskar:** former Programme Director of commercial entity in SANGCOM Project. Highly competent project manager with much overseas procurement and delivery experience. Easy, friendly discussion. Follow up Programme Director in GPT. Confirmed how it was set up and what knowledge of Bought in Services was made known even in the core Senior Management Team within GPT itself.

**Paul:** former police officer and whistleblower from commercial / financial sector. Known for 10 years, so relaxed and open conversation. Very good insights into why people do not speak up - from an experiential point of view of both investigator and whistleblower.

**Peter:** former service officer. Resource manager in SANGCOM commercial entity. Project manager and much overseas Defence sector experience. Detailed knowledge of SANGCOM and GPT personalities and culture. Very easy and relaxed interview (known each other over 32 years). Very inciteful observations about both Commercial and MoD teams and personnel. Saw it from both sides and experienced direct coercion to keep quiet at first hand.

**Mickey:** former MoD Senior Staff Officer and then Director of Security, Airbus Group. PhD with much overseas defence procurement experience in service and commercially. Approached me after hearing about research project. Easy (known each other for 45 years). Very clear views on propriety and what was actually going on in Defence contracts within Airbus Group at strategic and divisional levels and thus no surprises about corruption in GPT. Excellent knowledge of GPT/ Commercial management characters and atmospheres of fear.

**Rip:** former Programme Director of commercial entity in SANGCOM Project. Highly competent project manager with much overseas procurement and delivery experience. Deceased. Very wary of interview: Would not record an interview but willing to give details. Valuable insights into personnel within GPT and toxic / chaotic inner workings at GPT)

Performance bonus oriented NOT delivery oriented - endemic corruption (specific examples given) GPT working practice described as 'Combative NOT Collaborative'.

**Steve:** former MoD staff officer in Defence equipment procurement, overseas defence experience, and civil service experience in Defence Research with liaison with commercial entities. Easy (acquainted for 20 years), relaxed. Professional and informed view on defence procurement and the role and responsibilities of incumbents in staffing / command positions AND in overseas appointments.

**Timothy:** Liaison Officer Saudi Arabian Field Force Signal Regiment - close proximity to nationals and SANGCOM team (Military and Civil Servants). Lower-level management in SANGCOM but still useful to know where and how far down the circle of knowledge was held and attitudes of other team members. (It was known about but not readily or widely discussed)

**Tom:** former service officer in SANGCOM Project. Co-operative and friendly (known each other very well for 30 years) and he did tell me what a complementary participant didn't say... that it was known about as 'part of the status quo' and because the hierarchy endorsed it as part of the accepted process (and the auditors /legals didn't object), they' just got on with it' - even though they knew what was going on.

**Winston:** 3 \* general, former member of Executive Committee of the Army Board and Secretary to the Defence Chiefs of Staff Committee. Very useful, informative and friendly discussion. Very good 'insider' view on the politics and mechanics of Whitehall at the highest levels.

## **Annex B – Letter of invitation, participant information and consent form**

Participant Address

Researcher Address

Contact details

Dear (Participant name),

Date

I am conducting doctoral research, in my second year of a PhD at the University of York and would like to invite you to participate as a research interviewee. My topic is: **The Whistleblower Dilemma: an examination of the factors shaping the decision to blow the whistle or not – a case study of the Saudi Arabian National Guard Communications (SANGCOM) Project.** You will be aware, after a very brief background search, that I am also the whistleblower in this case study which, unusually, allows me the rare opportunity to conduct 'Insider Research' into this topic. I am a retired Staff College trained army officer, with experience of command and staff (MoD/PE) appointments, commercial experience and an intimate knowledge of the personnel and processes of the SANGCOM Project. I was the unfortunate Programme Director for the Prime Contractor who discovered and disclosed, to the MoD and then the Serious Fraud Office, the highly irregular covert payments being made to offshore bank accounts in the Cayman Island for which there was no discernible product or service. I was subsequently the inaugural and founding Chairman of Whistleblowers UK from 2012- 2015 and completed an MA in Applied Human Rights in 2017 before progressing directly on to my PhD.

I am conducting my research in two phases:

(1) an investigation into government standards and ethics policies and processes, in order to ascertain the corporate assurance and governance procedures that should have been operating in the SANGCOM Project, or indeed any government procurement project, and an examination of how public officials are briefed and trained on the propriety, integrity and governance required in the performance of their roles.

(2) an examination of whether these policies and processes were followed and, if not then why not? I am placing particular emphasis on why public officials did not speak up when they might have done so when they discovered possible wrongdoing in the course of their duties.

I hope that you can assist me with Phase 1 of this research. I do not want to discuss the inner machinations of the Project or the ensuing case in the interview at all. I do want to concentrate on why serving public officials don't blow the whistle when they could, or should, when they find something untoward as I did. Thus, it is a matter of discovering all the different pressures and the individual decision-making processes that occur from the wide range of interviews I am conducting this year, set against the background framework of what should have happened. Your participation and contribution would be anonymised and I would ensure that you were not identifiable, unless of course you feel it appropriate to be identified in your current appointment? The Serious Fraud Office has agreed a protocol which allows me to interview participants who have not been interviewed by them or the

MoD Police Fraud Squad and who are therefore unlikely to be called as witnesses. If you feel that you are a possible witness then we shall postpone any interview until after the conclusion of the case so that we don't prejudice the prosecution.

I have attached an information sheet that explains all in greater detail. If you are agreeable, then please could you let me know some suitable dates and place so that we can arrange the interview? We will probably need about 60 minutes of uninterrupted discussion. My research offers a rare opportunity to impact on how public officials are trained, briefed and encouraged to make key decisions in future policy and procurement appointments. (*In your current role*) this research should be of great importance and relevance to you and I would greatly appreciate your participation to allow me to expand on what I have already discovered. I would be glad to supply you with a copy of the thesis when it is completed. If you feel unable to assist then I would be obliged if you could refer me to an appropriate source within your department who could be interviewed? I look forward to hearing from you.

Yours sincerely

Ian Foxley

*Information Sheet for Participants*

**Project Title. The Whistleblower Dilemma: an examination of the factors shaping the decision to blow the whistle or not – a case study of the Saudi Arabian National Guard Communications (SANGCOM) Project.** <sup>198</sup>

I am inviting you to participate in a PhD research project that explores the experience of decision-making by public officials. The overall aim of this research is to put whistleblowing into a wider political context through addressing the moral complexity and broad spectrum of possible responses to ethical challenges in government procurement projects. From this research, I hope to develop recommendations on how future public officials are trained, briefed and encouraged to make key decisions and improve the transparency and accountability of decision-making processes.

**What will I be asked to do?** I would like to interview you for about an hour, in a quiet and private location of your choice. To minimize disruption to you, I will travel to you or we can use Skype?

**Do I have to take part?** You do not have to take part if you do not want to; your participation is entirely voluntary. If you do decide to take part and later change your mind, you can withdraw your participation at any time without any reason. Should you withdraw, any information that you have provided will be destroyed within 30 days. If you feel uncomfortable answering any specific questions, you do not have to answer them. Please let me know if you would like to skip any questions.

**How will my contribution be protected?** Efforts will be made to anonymise your identity in research outputs, if you request anonymity. Because it is a relatively small sample (10s, not 100s) there will be a limit to the extent that total anonymity can be guaranteed.

**How will data be secured and used?** Interview audio recordings and transcriptions will be labelled only by a code. I will be the only person who could link the code to a specific participant. All paper documents relating to each interview will be anonymised, coded and held in a lockable filing cabinet, separate from where the key to the code will be stored. Senior academic staff who provide me with supervision and guidance may read fully anonymised accounts of interview material during the

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<sup>198</sup> Note the project working title changed over the course of the research and thesis composition

analysis and reporting of the results, but will not have access to any information by which they could identify participants

**What will happen to the information?** To ensure the accuracy of the interview, I will audio record it and then transcribe it for further analysis. This information will be treated confidentially. Only I will have access to this information. I will store this transcript securely on the University of York's central data storage system.

I plan to publish key findings from this project in my doctoral thesis which may then be quoted in a number of ways – through Policy Briefs, journal articles, a book, newsletters, blog posts, and so on.

I would like your permission to use (anonymised) quotes from this interview in these publications.

**Legal Requirement.** If I am compelled to disclose information for legal reasons, I must act in accordance with legal requirements and, although I would have to breach my commitment to protecting your confidentiality in these circumstances, I would inform you of this before I take any further action. If there is a possibility of legal action then I will embargo release of the whole thesis until the SFO have confirmed that they are not taking further action or have completed any prosecution and subsequent appeals process. All information and data collected during this project will be destroyed 10 years after the last request for access in line with the University's regulations.

### **How to contact me**

If you have any questions about this study, you can contact me or my Research Supervisors below:

**Principal Researcher:** Ian Foxley, Phone: 01347 878191 / 07720073916 Email: [if577@york.ac.uk](mailto:if577@york.ac.uk)

**Research Supervisor:** Professor Paul Gready, Phone: 01904325831 Email: [paul.gready@york.ac.uk](mailto:paul.gready@york.ac.uk)

**Chair, Ethics Committee:** Professor Tony Royle, Email: [tony.royle@york.ac.uk](mailto:tony.royle@york.ac.uk)

**Dean York Graduate Research School:** Professor Tom Stoneham

,Email: [tom.stoneham@york.ac.uk](mailto:tom.stoneham@york.ac.uk)

Written Consent Record Form

**Project Title:** The Whistleblower Dilemma: an examination of the factors shaping the decision to blow the whistle or not – a case study of the Saudi Arabian National Guard Communications (SANGCOM) Project.

**Researcher:** Ian Foxley

Participant: \_\_\_\_\_

Has the participant heard / read the information on the Information Sheet? Yes  No

**Questions to Participants before the interview**

Can we tape record this interview? Yes  No

*(You may take part in the study without agreeing to this).*

Can we quote you? Yes  No

*(You may take part in the study without agreeing to this).*

Do you understand that the information you provide will be treated Yes  No

confidentially but that if research data is compelled to be disclosed for legal reasons then I comply?

**Questions to Participants after the interview**

Would you like us to send you a copy of the thesis sections and summary of findings where data appears, and a copy of the doctoral thesis produced from this research study?

No

If yes, what is the best way of doing so?

Email / Post / Other: \_\_\_\_\_

Has the participant received the Principal Researcher's contact details?    Yes  No

Participant signature: \_\_\_\_\_ Date: \_\_\_\_\_

Participant contact details: \_\_\_\_\_

## **Annex C - Guideline for Semi-structured Interview Questions**

Individual (Phrasing of questions is important... Open, Can you tell me about...)

- 1. Background Biography, Context, Scene Setting: >> Foundational influences: family, education, training, experiences, cultural, social, political, legal, moral/ religious**
  - a. Who are you?
  - b. What is your personal background? family, education, training, experiences, cultural, social, political, legal, moral/ religious
  - c. Can you give me a brief professional biography? [in order to find out how you got did you get to be where you were in relation to the Project] ....professional and social (group/ peer) influences
- 2. Specific Context: (the SANGCOM Project)**
  - a. What did you know about the Project before you were posted /had responsibility for it?
  - b. How did you feel about the posting? (Last post? Career move? Promotion possibility, provision of financial stability through loan service?) Overseas – Saudi Arabia? (Politics? Culture? Commercial aspects?) Defence Sales to KSA? (Yemen?) Political position in the Middle East? Strategic alliances?
  - c. What appointment did you hold in / for the SANGCOM Project?
  - d. What were your responsibilities?
  - e. How did you feel about them?
- 3. Specific Issue: Case Study – Bought In Services (BIS)**
  - a. When did you first hear the term?
  - b. When did you find out what it was? How did you hear? (formal briefing, informal mention, water cooler gossip, notice in documentation)
  - c. How was it approached and explained to you? By whom?
- 4. Reaction**
  - a. What did you think? What was your immediate reaction?
  - b. How did you cope with it? Discuss? Colleagues, Friends and family? Other references?
- 5. How did you weigh the balance?**
  - a. What Factors or Considerations did you take into account?
  - b. How was the argument explained to you? (Was it explained to you?)

c. What was the telling argument ? What swayed the balance?

**6. Was Pressure applied to you?**

- a. Actively? Superiors? Colleagues, Professional peer group, social (regimental)
- b. Passively ?
- c. 3<sup>rd</sup> Party (referred pressure?)
- d. Reflexive

**7. How did you feel? How do you feel?**

- a. At first
- b. In the job
- c. Once the whistle had been blown
- d. Now
- e. Going forward
- f. Family and friends?
- g. Professional peers
- h. British society in general
- i. Internationally?

**8. Moral and Legal implications?**

- a. Anonymity ?
- b. Responsibility?
- c. Blame? Acceptability?

**9. Whistleblower Paradox/Dilemma?**

- a. Societal: do you recognise the concept? Do you agree?
- b. Individual: did you recognise it? Did it make you fearful? Did it add to your decision-making process? Was it conscious or unconscious (hidden mind)?

**10. Compromise and Complicity**

- a. Resistance, Compromise or Compliance (Active or Passive)?
- b. Quasi-passive or partially active denial or resistance
- c. Voluntary, under pressure or enforced?

**11. Anything else you would like to say / ask / tell? Comments?**

**12. Is there anyone else you think I should talk to? (Snowballing)**

## **Annex D – List of ‘NVivo’ Coding Themes**

### **Behavioural**

#### **Fear**

Loss of home, health, work and wealth  
Loss of reputation  
Fear of doing the wrong thing  
Negative treatment  
Lack of positive example  
Avoidance of the Media Spotlight  
Unappreciative society

#### **Futility**

Qualified Avoidance  
Guerrilla Government  
Sense of impotence  
Tolerance of wrong

### **Complicit and Criminal**

Boiling Frog  
Complicit and Criminal  
Compromise  
Corrupt behaviour  
Primary benefit  
Secondary benefit

### **Operational Mechanisms**

Briefing  
Corporate incompetence  
Institutional failure  
Lack of appropriate whistleblowing channels  
Lack of evidence  
Operational mechanisms  
Lack of qualification  
Restriction of knowledge  
Training and education

### **Organisational Culture**

Acceptance of directed modus operandi  
Acceptance of status quo  
Boardroom Gender  
Corporate identity  
Lack of independent audit  
Loyalty to colleagues  
Loyalty to the Nation or patriotism  
Loyalty to the Organisation  
Operational Culture  
Mission oriented  
Short termism

### **Social and Cultural**

Culture  
Business Culture  
Dominant protocols  
Peer pressure  
Social mores  
Local environment

**Strategic and Political**

Strategic, Political and Economic  
In the National Interest  
Utilitarian or Consequentialist  
Absence of a clear victim

# Chronology of the Airbus investigation

- Dec 2010 Disclosure of corruption in GPT Special Management Limited
- Jan 2012 Business Ministry queried about roles of Defence Security Organisation and Export Credit Guarantees Dept in SANGCOM
- Mar 2012 PWC audit of GPT declares '*no improper payments by GPT.*' Ethic Intelligence certifies Airbus' anti-corruption compliance processes.
- Aug 2012 SFO launches formal criminal investigation into GPT
- Dec 2013 France creates Parquet Nationale Financier (PNF) and establishes Mutual Legal Assistance (MLA) agreements with SFO and DOJ
- Oct 2014 Airbus internal audit declares 'significant breaches of compliance policies' to the Airbus Board
- Aug 2015 UK Export Finance (UKEF) raises concerns about contracts underwritten for Airbus in Sri Lanka, withdraws export credits and contacts SFO
- Apr 2016 Airbus self-declares internal audit findings of global corruption to the SFO (UK) in arrangements with third party 'Business Partners' and existence / role of the 'Sales and Marketing Organisation International' (SMOI) group
- Mar 2017 Airbus announces co-operation with PNF'S investigations
- Jan 2020 Deferred Prosecution Agreement agreed with SFO (UK) , PNF (Fr) and DOJ (US)
- Apr 2021 GPT plead Guilty to corruption and are fined £30.2 million
- May 2022 Trial listing for GPT individuals