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Tough UK Arms Controls

Over four years have passed since the Scott Report into the arms to Iraq affair highlighted serious flaws in the current system of arms export controls. The Report recommended a thorough review of the 1939 Import, Export and Custom Powers (Defence) Act, which was introduced as an emergency measure at the start of the Second World War. Amnesty International and Oxfam are concerned that, despite publishing a White Paper on Strategic Export Controls in July 1998, the Government has yet to introduce such new legislation.

The quadrapartite parliamentary committee inquiring into the Annual Reports on Strategic Export Controls share this concern. Their recent report states "We are dismayed that the Government should not have afforded greater priority to bringing forward a Bill to implement the recommendations made four years ago in the Scott Report"ⁱ.

Public opinion is also very strongly behind the need for a new law. A recent opinion poll conducted by Gallup International reveals that 87% of the public believe the Government should introduce tighter controls on UK arms sales as soon as possible ⁱⁱ. In addition, 77% think the Government has not done enough to stop the sale of arms to governments which abuse human rights.

Loopholes in the Law

Amnesty International and Oxfam welcome the progress already made by this Government to strengthen strategic export controls. However, without new legislation to close the following loopholes in the current control regime, the Government cannot ensure that UK arms transfers do not contribute to human rights violations, fuel conflict or undermine development.

Brokering

There is now growing evidence that significant quantities of arms entering the worst affected conflict and human rights crisis zones have been transferred by brokering and shipping agents. In the UK, no export controls apply to individuals or companies brokering arms, as long as the goods themselves do not touch UK soil. Although Amnesty International and Oxfam welcome White Paper proposals to ban the brokering of torture equipment and brokering to countries subject to UN, EU, OSCE and national embargoes, they do not go far enough. They would not be effective in preventing UK involvement in arms supplies even to embargoed destinations as brokers often ship arms to recipients located in neighbouring countries which are not embargoed, for subsequent transfer.

Licensed production

Licensed production deals, in which a UK company sells a foreign company the right to manufacture its arms or equipment under licence, are not subject to UK export controls. Channel Four's Dispatches programme in December 1999 revealed that a Turkish company has made Heckler and Koch UK submachine guns under licence and sold 500 to the Indonesian police during the height of the East Timor crisis ⁱⁱⁱ.

Oxfam and Amnesty International Parliamentary Briefing

End-use monitoring

The government has itself admitted that “no formal mechanisms exist at present for systematically monitoring the use of British defence equipment once it has been exported.” The implications of this failing were highlighted on 15 July 1999, when the Chief of the Indonesian Armed Forces admitted that a British-made Hawk jet flew over Dili, despite assurances from the Indonesian authorities to the UK Government that Hawk jets would not be used in East Timor.

New Legislation

Amnesty International and Oxfam are calling on the Government to announce tough new legislation on strategic export controls in the next Queen’s speech. The Bill should make provisions to:

- **control the activities of all arms brokers, and not just brokering to embargoed destinations.** A central database of UK arms brokers should be established and arms transfers arranged by UK brokers should be subject to the licensed approval of the Government, as is currently the case with direct arms exports.
- **bring licensed production under UK arms export controls.** All licensed production deals should be treated as standard ‘physical’ arms transfers that require an export licence. The licence determination procedure must be as rigorous as for standard exports.
- **introduce a robust system for monitoring the end-use of UK arms exports.** Suppliers should be responsible for obtaining verification of delivery from the named end-user and submitting this to the DTI within a given timeframe. All arms contracts and end-use certificates should require customers never to use the goods for human rights abuses. Where end-use assurances are broken, contracts should be rendered null and void and further deliveries and repair services cancelled.

Having been so critical of the previous Government’s record on this issue, it would seem inconceivable that this Government could enter the next election without having introduced tough new legislation on strategic export controls.

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ⁱ ‘Annual Reports for 1997 and 1998 on Strategic Export Controls’, Defence Committee Third Report, Foreign Affairs Committee Second Report, International Development Committee Third Report, Trade and Industry Committee Fourth Report, 2/02/00, HC 225. pviii.

ⁱⁱ The Poll was commissioned by the UK Working Group on Arms and conducted by Gallup International Association in January 2000. A total of 1005 people were polled.

ⁱⁱⁱ *Licensed to Kill*, Channel Four Dispatches documentary, broadcast 9/12/99.

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