



House of Commons

Committees on Arms Exports Controls

**Scrutiny of Arms Exports and Arms Controls (2015):
Scrutiny of the Government's Strategic Export
Controls Annual Report 2013, the Government's
Quarterly Reports from October 2013 to June 2014,
and the Government's policies on arms exports and
international arms control issues**

**Second Joint Report of the Business, Innovation and
Skills, Defence, Foreign Affairs and International
Development Committees of Session 2014–15**

Tenth Report of the Business, Innovation and Skills Committee of Session 2014-15

Ninth Report of the Defence Committee of Session 2014-15

Eleventh Report of the Foreign Affairs Committee of Session 2014-15

Eleventh Report of the International Development Committee of Session 2014-15

Volume I: Report, together with formal minutes

A Memorandum from the Chair of the Committees is contained in Volume II, and Oral and Written Evidence is contained in Volume III, available on the Committees' website at www.parliament.uk/caeccomm

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The Committees on Arms Export Controls

The four House of Commons Select Committees that comprise the Committees on Arms Export Controls (CAEC) are: the Business, Innovation and Skills Committee, the Defence Committee, the Foreign Affairs Committee and the International Development Committee. The CAEC's task is to scrutinise the UK Government's arms export control procedures and legislation, individual arms export licence decisions, arms export policies, and the UK's role in international arms control agreements.

Current membership

BUSINESS, INNOVATION AND SKILLS: Mr Adrian Bailey*§, William Bain, Mr Brian Binley, Paul Blomfield, Katy Clark*, Mike Crockett*, Caroline Dinéage, Rebecca Harris, Ann McKechnin*, Mr Robin Walker, Nadhim Zahawi

DEFENCE: Rory Stewart§, Richard Benyon*, Rt Hon Jeffrey M. Donaldson, Mr James Gray*, Mr Dai Havard, Dr Julian Lewis*, Mrs Madeleine Moon, Sir Bob Russell, Bob Stewart, Ms Gisela Stuart, Derek Twigg, John Woodcock

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INTERNATIONAL DEVELOPMENT: Rt Hon Sir Malcolm Bruce*§, Hugh Bayley, Fiona Bruce, Sir Tony Cunningham, Fabian Hamilton*, Pauline Latham, Jeremy Lefroy, Sir Peter Luff*, Mr Michael McCann, Fiona O'Donnell, Chris White*

* Member who participated in the inquiry leading to this Report
§ Chair of a participating Committee

Powers

The Committees are departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in Standing Order No 152. The powers of the Committees to work together and agree joint reports are set out in Standing Order No. 137A. These Standing Orders are available on the Internet via www.parliament.uk.

Publication

The Reports and evidence of the Committees are published by The Stationery Office by Order of the House. All publications of the Committee (including news items) are on the internet at www.parliament.uk/parliament.uk/caeccomm.

Committee staff

The current staff of the Committees are Keith Neary (Clerk), Su Panchanathan (Committee Assistant), and Alex Paterson (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Committees on Arms Export Controls, House of Commons, Committee Office, Palace of Westminster, London SW1A 0AA. The telephone number for general enquiries is 020 7219 2420; the Committee's email address is caeccom@parliament.uk.

Contents

Volume I	<i>Page</i>
Glossary of Acronyms	12
Definition of Export Control Organisation licences	13
Report	15
The Committees' inquiry	15
Introduction	15
The Government's "United Kingdom Strategic Export Controls Annual Report 2013" (HC 480)	16
The Committees' Report of 2013–14 (HC 186)	17
The Committees' Report (HC 186) and the Government's Response (Cm8935)	17
The Committees' questions on the Government's quarterly information on arms export licences	17
Arms export control legislation and procedures	17
Extra-territoriality	17
"Brass Plate" companies	18
Arms brokers	18
EU dual-use controls	18
EU end-use control of exported military goods	18
Torture end-use control and end-use control of goods used for capital punishment	19
Re-export controls and undertakings	19
Licensed production overseas	19
Use of UK subsidiaries to export arms	19
The Consolidated Criteria and EU Council Common Position	20
Organisational and operational issues	20
Export Control Organisation (ECO) – Remit, responsibilities, structure and staffing	20
Charging for processing arms export licences	20
Performance	20
Export Control Organisation's computer system (SPIRE)	21
Export Control Organisation's website	21
Transparency of arms export licensing	21
Powers to create new categories of export licences	22
Priority Markets for UK arms exports	22
Trade exhibitions	22
Enforcement	23
Compound penalties	23
Crown Dependencies and Dependent Territories	23
Combating bribery and corruption	23
International Development	24
Arms Exports Agreements	24
UK/US Defence Trade Cooperation Treaty	24
US International Traffic in Arms Regulations (ITAR)	24

UK-France Defence and Security Co-operation Treaty	24
The Intra-Community Transfer (ICT) Directive on arms transfers within the EU	25
Arms Control Agreements	25
Arms Trade Treaty (ATT)	25
EU Council Common Position	25
Cluster Munitions	25
Small Arms and Light Weapons (SALW)	26
Landmines	26
Barrel bombs	26
The Wassenaar Arrangement	26
The UN Register of Conventional Arms (UNROCA)	27
The Convention on Certain Conventional Weapons (CCW)	27
The Fissile Material Cut-Off Treaty (FMCT)	27
The Missile Technology Control Regime (MTCR)	28
The Intermediate-Range Nuclear Forces (INF) Treaty	28
The G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction	28
The Nuclear Suppliers Group	29
The Nuclear Security Summit	29
The Australia Group	30
The Academic Technology Approval Scheme (ATAS)	31
The Chemical Weapons Convention (CWC)	31
The Biological and Toxin Weapons Convention (BTWC)	31
The Nuclear Non-Proliferation Treaty (NPT)	32
The Comprehensive Nuclear Test Ban Treaty (CTBT)	32
Sub-strategic and tactical nuclear weapons	32
A Middle-East Weapons of Mass Destruction Free Zone	33
The National Counter-Proliferation Strategy	33
Arms export control policies	34
Arms exports and human rights	34
Overseas Security and Justice Assistance (OSJA) Human Rights Guidance	34
Surveillance technology and equipment	34
Cryptographic equipment, software, technology and components	35
Sniper rifles	35
Tasers	35
Unmanned Aerial Vehicles (UAVs) “Drones”	35
Arms exports to counter piracy	36
The licensing of security services	36
Arms exports and internal repression	36
The Government’s Arab Spring arms export policy review	37
Arms export licence revocations	37
Arms export licence suspensions	37
Exports of gifted equipment	37
Transfers from Standard Individual Export Licences to Open Individual Export Licences	38
Arms exports to Countries of concern	38
Extant arms export licences to the Foreign and Commonwealth Office’s	

(FCO) Countries of Human Rights concern worldwide, and to the Additional Countries and Territories of concern to the Committees	38
Extant arms export licences to certain individual countries within the FCO's list of 28 Countries of Human Rights concern	39
Afghanistan	39
China	40
Iran	40
Iraq	41
Israel and the Occupied Palestinian Territories	41
Libya	43
Russia	44
Saudi Arabia	44
Sri Lanka	45
Syria – Conventional arms exports and gifted equipment	45
Syria – Dual-use chemical exports	46
Syria – Continuing use of chemical weapons	47
Uzbekistan	47
Yemen	47
Extant arms exports licences to the 7 Additional Countries and Territories of concern to the Committees	48
Argentina	48
Bahrain	48
Egypt	49
Hong Kong	49
Qatar	50
Tunisia	51
Ukraine	51
Arms exports to authoritarian regimes and Countries of concern worldwide	52
Formal Minutes	53
List of Reports from the Committees during the current Parliament	56

Volume II: Memorandum from the Chairman of the Committees

(published on the Committees' website: www.parliament.uk/caeccomm)

	<i>Page</i>
Glossary of Acronyms	5
Definition of Export Control Organisation licences	6
1 Introduction	8
2 The Government's "United Kingdom Strategic Export Controls Annual Report 2013" (HC 480)	11
3 The Committees' Report of 2013–14 (HC 186)	13
The Committees' Report (HC 186) and the Government's Response (Cm8935)	13
4 The Committees' questions on the Government's quarterly information on arms export licences	14
5 Arms export control legislation and procedures	15
Extra-territoriality	15
"Brass Plate" companies	17
Arms brokers	18
EU dual-use controls	20
EU end-use control of exported military goods	22
Torture end-use control and end-use control of goods used for capital punishment	23
Re-export controls and undertakings	27
Licensed production overseas	28
Use of UK subsidiaries to export arms	29
The Consolidated Criteria and EU Council Common Position	30
6 Organisational and operational issues	38
Export Control Organisation (ECO)	38
Remit, responsibilities, structure and staffing	38
Charging for processing arms export licences	38
Performance	39
Export Control Organisation's computer system (SPIRE)	46
Export Control Organisation's website	48
Transparency of arms export licensing	49
Powers to create new categories of export licences	63
Priority Markets for UK arms exports	68
Trade exhibitions	70
Enforcement	76
Compound penalties	81
Crown Dependencies and Dependent Territories	83
Combating bribery and corruption	84
International Development	84
7 Arms Exports Agreements	87

UK/US Defence Trade Cooperation Treaty	87
US International Traffic in Arms Regulations (ITAR)	89
UK-France Defence and Security Co-operation Treaty	91
The Intra-Community Transfer (ICT) Directive on arms transfers within the EU	92
8 Arms Control Agreements	95
Arms Trade Treaty (ATT)	95
EU Council Common Position	100
Cluster Munitions	100
Small Arms and Light Weapons (SALW)	102
Landmines	103
Barrel bombs	105
The Wassenaar Arrangement	107
The UN Register of Conventional Arms (UNROCA)	112
The UN Convention on Certain Conventional Weapons (CCW)	114
The Fissile Material Cut-Off Treaty (FMCT)	116
The Missile Technology Control Regime (MTCR)	117
The Intermediate-Range Nuclear Forces (INF) Treaty	120
The G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction	122
The Nuclear Suppliers Group	123
The Nuclear Security Summit	127
The Australia Group	130
The Academic Technology Approval Scheme (ATAS)	132
The Chemical Weapons Convention (CWC)	134
The Biological and Toxin Weapons Convention (BTWC)	135
The Nuclear Non-Proliferation Treaty (NPT)	138
The Comprehensive Nuclear Test Ban Treaty (CTBT)	139
Sub-strategic and tactical nuclear weapons	140
A Middle-East Weapons of Mass Destruction Free Zone	143
The National Counter-Proliferation Strategy	144
9 Arms export control policies	146
Arms exports and human rights	146
Overseas Security and Justice Assistance (OSJA) Human Rights Guidance	147
Surveillance technology and equipment	148
Cryptographic equipment, software, technology and components	154
Sniper rifles	158
Tasers	159
Unmanned Aerial Vehicles (UAVs) "Drones"	160
Arms exports to counter piracy	161
The licensing of security services	171
Arms exports and internal repression	173
The Government's Arab Spring arms export policy review	175
Arms export licence revocations	176
Arms export licence suspensions	191
Exports of gifted equipment	194
Transfers from Standard Individual Export Licences to Open Individual Export	

Licences	196
10 Arms exports to Countries of concern	214
Extant arms export licences to the Foreign and Commonwealth Office's (FCO) countries of Human Rights concern worldwide, and to the Additional Countries and Territories of concern to the Committees	214
Extant arms export licences to certain individual countries within the FCO's list of 28 Countries of Human Rights concern	220
Afghanistan	220
China	222
Iran	224
Iraq	225
Israel and the Occupied Palestinian Territories	227
Libya	239
Russia	241
Saudi Arabia	257
Sri Lanka	259
Syria	261
Uzbekistan	270
Yemen	271
Extant arms export licences to the 7 Additional Countries and Territories of concern to the Committees	272
Argentina	272
Bahrain	276
Egypt	279
Hong Kong	284
Qatar	292
Tunisia	294
Ukraine	295
11 Arms exports to authoritarian regimes and Countries of concern worldwide	300
Annex 1: The Committees' quarterly licence questions and the Government's answers (2013 Q4, 2014 Q1 and 2014 Q2)	302
The Committees' 2013 Quarter 4 (October – December) questions and the Government's answers	302
The Committees' 2014 Quarter 1 (January – March) questions and the Government's answers	324
The Committees' 2014 Quarter 2 (April – June) questions and the Government's answers	337
Annex 2: The Committees' questions on the Government's Strategic Export Controls Annual Report 2013 (HC 480) published in July 2014 and the Government's answers	344
Annex 3: The Committees' letters to and from Ministers	362
Annex 4: Extra-territoriality (Offences)	364

Annex 5: The UK Consolidated Criteria (2000–2014)	367
Annex 6: The revised UK Consolidated Criteria (2014)	373
Annex 7: EU Council Common Position (2008/944/CFSP)	379
Annex 8: The text of the Arms Trade Treaty	387
Annex 9: National Counter Proliferation Strategy 2012–2015	401
Annex 10: Companies registered with Export Control Organisation to use the Open General Trade Control Licence (Maritime Anti-Piracy)	407
Annex 11: Arms export licence revocations	411
Annex 12: Department Minutes for the gifting of equipment July 2014–February 2015	439
Annex 13: Extant arms export licences to Countries of concern	450
The FCO’s Countries of Human Rights concern—extant licences	450
Countries and Territories of concern to the Committees—extant licences	584
Annex 14: Selected arms export licence approvals of arms or components of arms which might be used to facilitate internal repression in the period 1 October 2013 to June 2014	631
Annex 15: Export licences to Argentina in the period 1 October 2012 to June 2014	636

Volume III

(published on the Committees' website: www.parliament.uk/caeccomm)

Oral evidence

Monday 10 November 2014

Roy Isbister, Team Leader, Small Arms and Transfer Controls, Saferworld, **Oliver Sprague**, Programme Director, Military Security and Police, Amnesty International UK, and **Martin Butcher**, Policy Adviser, Arms Campaign, Oxfam GB Ev w1

Paul Everitt, Chief Executive, ADS Group, **David Wilson**, Export Compliance, Hewlett-Packard Enterprise Services and Chairman of EGAD, **Sue Tooze**, Deputy Head of Trade Controls, Compliance and Assurance, BAE Systems, and **Bernadette Peers**, Compliance Manager, Strategic Shipping Company Ltd Ev w16

Monday 1 December 2014

Rt Hon Vince Cable MP, Secretary of State for Business, Innovation and Skills, **Edward Bell**, Head and **Chris Chew**, Head of Policy, Export Control Organisation, Department for Business, Innovation and Skills Ev w27

Rt Hon Philip Hammond MP, Secretary of State for Foreign Affairs, **Jessica Hand**, Head, Arms Export Policy Department, Foreign and Commonwealth Office, and **Peter Jones**, Director, Defence and International Security, Foreign and Commonwealth Office Ev w42

Written evidence

1	Export Group for Aerospace and Defence (AEC0001)	Ev w56
2	Paul Holtom and Ioannis Chapsos (AEC0003)	Ev w60
3	Campaign Against Arms Trade (AEC0004)	Ev w66
4	Privacy International (AEC0005)	Ev w73
5	UK Working Group on Arms (AEC0006)	Ev w83
6	Campaign Against Arms Trade (AEC0007)	Ev w159
7	Export Group for Aerospace and Defence (AEC0009)	Ev w160

Ministerial correspondence

Date	From	To	Subject	Evidence reference
21/07/2014	Chairman	Philip Hammond	Russia – suspensions and revocations	Ev w164
23/07/2014	Chairman	David Cameron	Russia – arms export policy	Ev w165
23/07/2014	Chairman	Vince Cable	Russia – extant arms exports	Ev w166
24/07/2014	Philip Hammond	Chairman	Ukraine – arms export policy	Ev w167
07/08/2014	Chairman	Philip Hammond	CAEC questions on the Government's Annual Report	Ev w167

Date	From	To	Subject	Evidence reference
			on Strategic Exports	
07/08/2014	Chairman	Philip Hammond	Israel – arms exports	Ev w175
14/08/2014	Chairman	Vince Cable	Israel – extant arms exports	Ev w175
19/08/2014	Philip Hammond	Chairman	Israel – arms exports	Ev w176
19/08/2014	Philip Hammond	Chairman	Russia – extant arms exports and arms exports policy	Ev w178
20/08/2014	Philip Hammond	Chairman	Russia – arms export policy	Ev w181
02/09/2014	Chairman	Philip Hammond	CAEC questions on the Government's Annual Report on Strategic Exports	Ev w182
03/09/2014	Vince Cable	Chairman	Israel – extant arms exports	Ev w183
03/09/2014	Chairman	Philip Hammond	Russia – compliance with INF Treaty	Ev w183
10/09/2014	Vince Cable	Chairman	Russia – end-users of UK arms exports	Ev w184
10/09/2014	Philip Hammond	Chairman	CAEC questions on the Government's Annual Report on Strategic Exports	Ev w185
30/09/2014	Philip Hammond	Chairman	Russia – compliance with INF Treaty	Ev w185
06/10/2014	Philip Hammond	Chairman	CAEC questions on the Government's Annual Report on Strategic Exports	Ev w186
21/10/2014	Chairman	Vince Cable	Hong Kong – arms exports	Ev w209
28/10/2014	Vince Cable	Chairman	Hong Kong – arms exports	Ev w210
13/11/2014	Tobias Ellwood	Chairman	Russia – arms exports	Ev w211
13/11/2014	Tobias Ellwood	Ann McKechin	The Wassenaar Arrangement and the EU Dual-Use Regulation	Ev w213
13/11/2014	Tobias Ellwood	Jeremy Corbyn	Sri Lanka – arms exports policy	Ev w214
17/11/2014	Chairman	Vince Cable	Extant arms export licences to Countries of Concern	Ev w215
17/11/2014	Chairman	Vince Cable	Spyware export controls	Ev w216
25/11/2014	Vince Cable	Chairman	Egypt – arms exports policy	Ev w217
25/11/2014	Chairman	Philip Hammond	Syria – chlorine chemical weapons	Ev w218
02/12/2014	Chairman	Vince Cable	Revocations reporting by the Export Control Organisation, Uniformity of arms export licensing between countries, The Transparency Initiative, Pre-licence registration of	Ev w218

Date	From	To	Subject	Evidence reference
			arms brokers, and Extra-territoriality	
10/12/2014	Philip Hammond	Chairman	Syria – chlorine chemical weapons	Ev w219
15/12/2014	Vince Cable	Chairman	Defence and Security Equipment International (DSEI), Maritime Anti-Piracy, EU Torture Regulation, Reporting on revocations, Uniformity in export licensing systems, Transparency Initiative, pre-licence registration of arms brokers, Extra-territoriality, Surveillance technology, Israel licences and Extant arms export licences to Countries of Concern	Ev w220
06/01/2015	Chairman	Philip Hammond	Ukraine – arms exports	Ev w433
06/01/2015	Chairman	Vince Cable	Arms export revocations since 7 June 2014	Ev w433
08/01/2015	Chairman	Vince Cable	EU User's Guide	Ev w433
12/01/2015	Chairman	Vince Cable	Qatar – extant arms exports	Ev w434
16/01/2015	Philip Hammond	Chairman	EU User's Guide	Ev w434
19/01/2015	Chairman	Vince Cable	Duration of OIELs	Ev w434
21/01/2015	Vince Cable	Chairman	Arms export licence revocations since 7 June 2014, and Qatar – extant arms exports	Ev w435
27/01/2015	Philip Hammond	Chairman	Ukraine – arms exports	Ev w458
04/02/2015	Vince Cable	Chairman	Duration of OIELs	Ev w459
04/02/2015	Tobias Ellwood	Chairman	Nuclear Non-proliferation Treaty Review Conference	Ev w459
19/02/2015	Desmond Swayne	Chairman	DFID – Criterion 8 update	Ev w459

Glossary of Acronyms

ATAS	Academic Technology Approval Scheme
ATT	Arms Trade Treaty
BIS	Department for Business, Innovation and Skills
BTWC	Biological and Toxic Weapons Convention
CAAT	Campaign Against Arms Trade
CAEC	Committees on Arms Export Controls
CBRN	Chemical, Biological, Radiological, and Nuclear
CBW	Chemical and Biological Weapons
CCM	Convention on Cluster Munitions
CCW	Convention on Certain Conventional Weapons
CTBT	Comprehensive Nuclear Test Ban Treaty
COARM	EU Council of Ministers Working Group on Conventional Weapons
CWC	Chemical Weapons Convention
DFID	Department for International Development
DSEi	Defence and Security Equipment International (Trade Exhibition)
DTCT	UK/US Defense Trade Cooperation Treaty
ECO	Export Control Organisation (within the Department for Business, Innovation and Skills)
EGAD	Export Group for Aerospace and Defence
EU	European Union
FAC	Foreign Affairs Committee
FCO	Foreign and Commonwealth Office
FMCT	Fissile Material Cut-off Treaty
GTRP	Global Threat Reduction Programme
ICT	Intra-Community Transfer (ICT) Directive on arms transfers within the EU
ITAR	(US) International Traffic in Arms Regulations
MoD	Ministry of Defence
MTCR	Missile Technology Control Regime
NPT	Nuclear Non-Proliferation Treaty
NSG	Nuclear Suppliers Group
NWFZ	Nuclear Weapons Free Zone
OGEL	Open General Export Licence
OGTCL	Open General Trade Control Licence
OIEL	Open Individual Export Licence
OITCL	Open Individual Trade Control Licence
OPCW	Organisation for the Prohibition of Chemical Weapons
OPTs	Occupied Palestinian Territories
OSCE	Organisation for Security and Co-operation in Europe
OSJA	Overseas Security and Justice Assistance
PMSC	Private Maritime and Security Company
PQ	Parliamentary Question
PSC	Private Security Company
P5	The 5 permanent members of the UN Security Council
SALW	Small Arms and Light Weapons
SIEL	Standard Individual Export Licence
SIPRI	Stockholm International Peace Research Institute
SITCL	Standard Individual Trade Control Licence
SITL	Standard Individual Transshipment Licence
UAV	Unmanned Aerial Vehicles
UKTI DSO	United Kingdom Trade & Investment Defence & Security Organisation
UKWG	United Kingdom Working Group on Arms
UNROCA	United Nations Register of Conventional Arms
WA	Wassenaar Arrangement
WMD	Weapons of Mass Destruction
WMDFZ	Weapons of Mass Destruction Free Zone
WMS	Written Ministerial Statement

Definition of Export Control Organisation licences

SIEL—Standard Individual Export Licence

SIELs generally allow shipments of specified items to a specific consignee up to the quantity specified by the licence. Licences permitting permanent export are generally valid for two years from the date of issue. Where the export is temporary, for example for the purposes of demonstration, trial or evaluation, the licence is generally valid for one year only and the items must be returned before the licence expires.¹ The Government supplies the value of SIEL licences.

OIEL—Open Individual Export Licence

OIELs are specific to an individual exporter and cover multiple shipments of specified items to specified destinations and/or, in some cases specified consignees. Licences permitting permanent export are generally valid for up to 5 years from the date of issue. However, OIELs covering the export to EU Member States of items entered on the Military List and Dealer to Dealer OIELs are generally valid for 3 years.² The Government does not supply the value of OIEL licences.

SITCL—Standard Individual Trade Control Licence

A Standard Individual Trade Control Licence is specific to a named trader and covers involvement in trading of a set quantity of specific goods between a specific source and destination country with a specified consignor, consignee and end-user. SITCLs will normally be valid for two years.³

OITCL—Open Individual Trade Control Licence

An OITCL is specific to a named trader and covers involvement in trading or specific goods between specific source and destination countries and/or specified consignors, consignees and end-users. OITCLs are generally valid for two years.⁴

OGTL—Open General Transshipment Licence

This licence allows, subject to conditions, any goods to be imported for transshipment and subsequently exported within 30 days of entering the UK.⁵

OGEL – Open General Export licence

1 Department for Business, Innovation and Skills, Strategic Export Controls: Country Pivot Report 1st April 2014–30th June 2014, p 4

2 Ev w459 – Letter from Vince Cable to The Chairman of the Committees on Arms Export Controls dated 4 February 2015

3 Department for Business, Innovation and Skills, Strategic Export Controls: Country Pivot Report 1st April 2014–30th June 2014, p 5

4 Department for Business, Innovation and Skills, Strategic Export Controls: Country Pivot Report 1st April 2014–30th June 2014, p 5

5 Department for Business, Innovation and Skills, Transshipment licences, <https://www.gov.uk/transshipment-licences>

Open General Licences (OGLs) are pre-published export, trade or transshipment licences in the public domain.⁶

SITL—Standard Individual Transshipment Licence

A SITL is specific to a named transit/transshipment provider, and covers a set quantity of specific goods between a specific source and destination country with a specified consignor, consignee and end-user. SITLs are normally valid for 2 years.⁷

6 Department for Business, Innovation and Skills, *Open General Licences: an overview*, <https://www.gov.uk/open-general-licences-an-overview>

7 Department for Business, Innovation and Skills, *Transshipment licences*, <https://www.gov.uk/transshipment-licences>

Report

1. The four House of Commons Select Committees that comprise the Committees on Arms Export Controls (CAEC)⁸ are: the Business, Innovation and Skills Committee, the Defence Committee, the Foreign Affairs Committee and the International Development Committee. All members of the four Select Committees are entitled to attend Committee meetings of the CAEC, although for practical purposes each of the four Committees usually nominates four members to serve on the CAEC. The CAEC's task is to scrutinise the UK Government's arms export control procedures and legislation, individual arms export licence decisions, arms export policies, and the UK's role in international arms control agreements.

2. Volume I contains the Committees' Report, including the Committees' Conclusions and Recommendations. Volume II contains the Memorandum from the Chairman of the Committees and associated annexes. Volume III contains oral and written evidence to the inquiry and ministerial correspondence. Volumes I, II and III are all published on the Committees' webpages.⁹

The Committees' inquiry

3. The Committees have continued their intensive and detailed scrutiny of all aspects of the Government's arms exports and arms control policies. In addition, the Committees have given comprehensive scrutiny to the Government's policies on a wide range of international arms control agreements, and have also continued to provide detailed information about the UK's extant strategic export licences for military and dual-use goods going to the 28 countries named by the Foreign and Commonwealth Office as being Countries of Human Rights concern, as listed in its 2013 Human Rights and Democracy Report.¹⁰

Introduction

4. The Committees conclude that the decision in each of the last three years of the present Parliament of the Foreign Secretary and the Secretary of State for Business, Innovation and Skills to give Oral Evidence themselves to the Committees is welcome. The Committees continue to conclude that the giving of Oral Evidence to the Committees by the Secretary of State for Business, Innovation and Skills and the Foreign Secretary at the last three annual Oral Evidence sessions of the Committees reflects the importance that the Government rightly attaches to arms export and arms control policies. (See paragraphs 1 to 7 of Volume II of this Report)

8 From April 1999 to March 2008 the Committees were known as the "Quadripartite Committee".

9 Volumes I, II and III of this Report are published on the Committees' webpages at www.parliament.uk/caecomm

10 Foreign and Commonwealth Office, *Human Rights and Democracy: The 2013 Foreign & Commonwealth Office Report*, Cm8842, April 2014

5. The Committees continue to recommend that given the far-reaching significance of arms export and arms control decisions for the Government's foreign, trade, defence and international development policies, Oral Evidence should continue to be given to the Committees on Arms Export Controls by both Secretaries of State. (See paragraphs 1 to 7 of Volume II of this Report)

The Government's "United Kingdom Strategic Export Controls Annual Report 2013" (HC 480)

6. The Committees conclude that the Government has produced no reason for refusing to accept the Committees' Recommendation in their last Report that the Government's United Kingdom Strategic Export Controls Annual Report should include the Government's policies on all, rather than just some, international arms control measures, all of which raise strategic export or proliferation issues, either directly or indirectly, and require parliamentary scrutiny. (See paragraphs 8 to 13 of Volume II of this Report)

7. The Committees therefore recommend that the Government's Report should include the Government's policies and performance on the following international arms control measures, references to all of which were omitted from the Government's last Annual Report (HC 480):

- The Fissile Material Cut-off Treaty;
- The G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction;
- The Chemical Weapons Convention;
- The Biological and Toxin Weapons Convention;
- The Nuclear Non-Proliferation Treaty;
- The Comprehensive Nuclear Test Ban Treaty;
- Sub-Strategic and Tactical Nuclear Weapons;
- A Middle-East Weapons of Mass Destruction Free Zone; and
- The National Counter-Proliferation Strategy for 2012–2015. (See paragraphs 8 to 13 of Volume II of this Report)

8. The Committees further conclude that, regardless of the Government's Response to the Committees' Recommendation in their last Report, in view of the importance of the international arms control measures listed immediately above, the Committees will continue to scrutinize the Government's policies and performance in relation to each of them. (See paragraphs 8 to 13 of Volume II of this Report)

9. The Committees continue to recommend that the title of the Government's Annual Report should be widened accordingly. (See paragraphs 8 to 13 of Volume II of this Report)

The Committees' Report of 2013–14 (HC 186)

The Committees' Report (HC 186) and the Government's Response (Cm8935)

10. The Committees conclude that the fact that the Government's Response (Cm8935) to the Committees' 2014 Report (HC 186) contained no deferred responses is welcome. (See paragraphs 14 to 17 of Volume II of this Report)

11. The Committees recommend that the Government continues to provide timely and detailed responses to the Committees' Report. (See paragraphs 14 to 17 of Volume II of this Report)

The Committees' questions on the Government's quarterly information on arms export licences

12. The Committees conclude that the Government's acceptance of the Committees' conclusion that the Government's answers to the Committees' questions on the Government's published quarterly reports of arms export licences granted, refused or appealed should provide the maximum disclosure of information on a non-classified basis consistent with safeguarding the UK's security and trade interests is welcome. The Committees recommend that the Government continues to do so. (See paragraphs 18 to 21 of Volume II of this Report)

Arms export control legislation and procedures

Extra-territoriality

13. The Committees continue to conclude that it is not justifiable to enable a UK person to escape UK criminal jurisdiction by engaging in arms export or arms brokering activity overseas which would be a criminal offence if carried out from the UK. (See paragraphs 22 to 28 of Volume II of this Report)

14. Though the Government has now been obliged, in order to achieve compliance with the terms of the Arms Trade Treaty, to extend extra-territoriality to brokering by UK persons worldwide of battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, and certain missiles and their launchers, the Committees continue to recommend that extra-territoriality is extended to the remaining military and dual-use goods in Category C. (See paragraphs 22 to 28 of Volume II of this Report)

15. The Committees further recommend that the Government in its Response lists the goods in the Military List and the Dual-Use List which remain in Category C and therefore outside the ambit of extra-territorial legal proceedings. (See paragraphs 22 to 28 of Volume II of this Report)

“Brass Plate” companies

16. The Committees recommend that the Government states in its Response whether it is aware of any UK registered “Brass Plate” companies with no or minimal staff permanently based in the UK and which are, or have been, carrying out arms exporting and arms brokering activities overseas in contravention of UK Government policies, and, if so, what action it will take. (See paragraphs 29 to 31 of Volume II of this Report)

Arms brokers

17. The Committees conclude it is regrettable that by the time of the Committees’ approval of this Report on 9 March 2015 the Government had still not published the results of its ‘call for evidence’ on the introduction of a pre-licensing register of arms brokers with the Government’s response which was expected by the end of 2014 or, at the latest, in January 2015. The Committees recommend that the Government does so as soon as possible and in any event no later than in its Response to this Report. (See paragraphs 32 to 37 of Volume II of this Report)

EU dual-use controls

18. The Committees recommend that the Government states in its Response why it has not made, and will not be making, a formal response to the EU Commission’s report on Council Regulation (EC) 428/2009 (the so-called “Dual-Use Regulation”). (See paragraphs 38 to 44 of Volume II of this Report)

19. The Committees further recommend that the Government states in its Response whether the amended Annex 1 of the EU Dual-Use Regulation has now come into force, and, if so, on what date, and whether any amendments to Annex 1 of the EU Dual-Use Regulation will require amendments to either the UK Military List or the UK Dual-Use List, or amendments to either UK primary or secondary legislation, in order to achieve UK compliance. (See paragraphs 38 to 44 of Volume II of this Report)

20. The Committees further recommend that the Government keeps the Committees closely informed of amendments or changes of policy it wishes to see to the EU Dual-Use Regulation. (See paragraphs 38 to 44 of Volume II of this Report)

EU end-use control of exported military goods

21. The Committees recommend that the Government states in its Response what specific steps it is taking to rectify the particular limitations of EU end-use control of exported military goods set out in Articles 4(2) and 4(4) of EU Council Regulation 428/2009 (the so-called “Dual-Use Regulation”) which it highlighted in its Response to the Committees’ 2013 Report, namely the need to ensure that military end-use controls:

- a) can be applied to the export of complete items which are to be used as complete items;
- and

- b) will permit preventing the export of unlisted items that are to be modified for military purposes, either in the destination country or in an intermediate destination. (See paragraphs 45 to 47 of Volume II of this Report)

Torture end-use control and end-use control of goods used for capital punishment

22. The Committees recommend that the Government states in its Response what is the latest position on:

- a) the EU's consideration and implementation of the European Commission's proposals to amend Council Regulation (EC) No. 1236/2005 (known as the "EU Torture Regulation"); and
- b) the EU's consideration of a torture and capital punishment end-use control. (See paragraphs 48 to 57 of Volume II of this Report)

Re-export controls and undertakings

23. The Committees recommend that the Government states in its Response whether, apart from the sniper rifles to France case in 2012, it remains unaware of controlled goods with export licence approval from the UK Government having subsequently been re-exported for undesirable uses or to undesirable destinations contrary to the Government's re-export controls and undertakings which became compulsory from July 2010. (See paragraphs 58 to 60 of Volume II of this Report)

Licensed production overseas

24. The Committees once again recommend that the Government states whether it is still the case that the Government has no evidence that, during the lifetime of the present Government, breaches of UK arms control policies may have occurred as a result of the export of UK-designed goods, including components, from licensed production facilities overseas. If this is no longer the case, the Committees further recommend that the Government provides details of such breaches in its Response to this Report. (See paragraphs 61 to 63 of Volume II of this Report)

Use of UK subsidiaries to export arms

25. The Committees continue to conclude that it is a significant loophole in UK arms export controls that a UK company can circumvent those controls by exporting military and dual-use goods using an overseas subsidiary. (See paragraphs 64 to 67 of Volume II of this Report)

26. The Committees recommend that the Government considers how it could deter a UK parent company from utilising an overseas subsidiary in this way. (See paragraphs 64 to 67 of Volume II of this Report)

The Consolidated Criteria and EU Council Common Position

27. The Committees continue to conclude that, notwithstanding the Government's statement to the contrary, the Government's dropping from its revised Consolidated Criteria of March 2014 for arms exports of the statement in the previous Government's Consolidated Criteria of October 2000 that: "An export licence will not be issued if the arguments for doing so are outweighed...by concerns that the goods might be use for internal repression" represented a substantive change of policy. (See paragraphs 68 to 78 of Volume II of this Report)

28. The Committees recommend that this wording is re-instated into its current Consolidated Criteria. (See paragraphs 68 to 78 of Volume II of this Report)

29. The Committees further conclude that as the Government attaches no policy significance to this wording, it can have no objection to accepting the Committees' recommendation on policy grounds. (See paragraphs 68 to 78 of Volume II of this Report)

Organisational and operational issues

Export Control Organisation (ECO) – Remit, responsibilities, structure and staffing

30. The Committees recommend that the Government states in its Response:

- a) whether it remains satisfied that staffing levels at the Export Control Organisation (ECO) remain adequate; and
- b) whether the Government is continuing to meet its export licensing targets, and, if not, to specify which targets are not now being met. (See paragraphs 79 to 81 of Volume II of this Report)

Charging for processing arms export licences

31. The Committees continue to conclude that it would be undesirable to make the Export Control Organisation financially dependent on fee income from arms exporters. (See paragraphs 82 to 85 of Volume II of this Report)

32. The Committees recommend that the Government states in its Response whether it has given any consideration to options for chargeable export licensing services since the publication of its previous Response (Cm8935). (See paragraphs 82 to 85 of Volume II of this Report)

Performance

33. The Committees recommend that the Government states in its Response:

- a) what specific steps it will take to achieve its target of processing 70% of export licence appeals within 20 working days from receipt of all relevant information from the appellant and 99% in 60 working days;
- b) whether it has decided to adjust its appeals target, and, if so, what that adjusted target now is; and
- c) whether it will engage in detailed and constructive discussions with EGAD to establish whether EGAD's frustrations in dealing with ECO, as recounted to the Committees, are historic or current, and, if the latter, whether it will take the earliest possible steps to try to resolve them. (See paragraphs 86 to 98 of Volume II of this Report)

Export Control Organisation's computer system (SPIRE)

34. The Committees recommend that the Government states in its Response:

- a) how it reconciles its assertion in its Response (Cm8935) that Government staffing levels within the Export Control Organisation are adequate with the statement made to the Committees by Edward Bell, Head of ECO, on 1 December "we want to replace it [the control classification system] but within the current resource that we have available, it is just not practical"; and
- b) what specific lessons, with particular reference to ECO, have the Business, Innovation and Skills Department learnt from the faulty introduction of the new departmental computer system in June 2014. (See paragraphs 99 to 104 of Volume II of this Report)

Export Control Organisation's website

35. The Committees recommend that the Government states in its Response:

- a) what specific steps it will take to make the Export Control Organisation's website more user-friendly for Small and Medium Enterprises (SMEs) in particular; and
- b) whether it will include a reference on ECO's website to the Export Group for Defence and Aerospace's website. (See paragraphs 105 to 107 of Volume II of this Report)

Transparency of arms export licensing

36. The Committees recommend that the Government states in its Response:

- a) whether it has concluded from its review of the Transparency Initiative that took place in the first quarter of 2015 that changes are necessary or justified, and, if so, what those changes are and when they will be implemented;
- b) what was the outcome of its consideration of the feasibility of seeking and reporting on estimates of the value of goods exporters propose to ship against Standard Individual Trade Control Licences (SITCLs); and

c) whether it has now decided to make public the number of Weapons of Mass Destruction (WMD) technical assistance licences issued and refused each quarter. (See paragraphs 108 to 120 of Volume II of this Report)

37. The Committees conclude that the Government's argument that it cannot provide details of end-users of arms exports from the UK because the Government would be laid open to challenge for breach of confidentiality by the exporters does not have validity because it is open to the Government to advise exporters in advance what information on their licence applications will be made public. (See paragraphs 108 to 120 of Volume II of this Report)

38. The Committees recommend that on both transparency and human rights grounds the Government makes public the end-use, as well as the country of destination, of UK Government approved export licences for both military and dual-use goods. (See paragraphs 108 to 120 of Volume II of this Report)

Powers to create new categories of export licences

39. Given that Article 26 of the Export Control Order 2008 enabling the Secretary of State to create new types of arms export licences without Parliamentary approval could be used in a way that would significantly diminish the ability of Parliament to scrutinise the Government's arms export policies, the Committees continue to recommend that the Government should amend the Export Control Order 2008 to safeguard Parliament against this possibility. (See paragraphs 121 to 123 of Volume II of this Report)

Priority Markets for UK arms exports

40. The Committees recommend that the Government states in its Response:

- a) what are its priority markets for UK arms exports in 2015/16 with an explanation of why each country is included in the list; and
- b) whether it will adopt a policy of explaining to Parliament and the wider public more fully why certain countries, such as Saudi Arabia, are listed by the Business Department as a Priority Market for arms exports whilst simultaneously being listed by the Foreign and Commonwealth Office as being a country of major human rights concern. (See paragraphs 124 to 126 of Volume II of this Report)

Trade exhibitions

41. The Committees recommend that the Government states in its Response what has been the outcome of the Government's review of its 2013 Memorandum of Understanding between Clarion Events and the Export Control Organisation prior to the next DSEi exhibition due to take place in September 2015. (See paragraphs 127 to 139 of Volume II of this Report)

Enforcement

42. The Committees recommend that the Government states in its Response:

- a) whether it is satisfied that it has eliminated completely its double-counting of compliance audit visits resulting in the scale of effort being put into this aspect of enforcement being inadvertently exaggerated to Parliament and the public;
- b) what are the categories now adopted to help inspectors to identify more precisely the extent of business non-compliance; and
- c) whether, following the finding of the Government's compliance review team "that there were unacceptable levels of non-compliance by first time users of open licences", the new processes introduced by the Government have resulted in significantly improved compliance by first time users of open licences. (See paragraphs 140 to 144 of Volume II of this Report)

Compound penalties

43. The Committees recommend that the Government states in its Response what are the internal guidelines used by HMRC for determining whether exporters making breaches of strategic export controls or strategic trade controls can be offered a compound penalty rather than having their case referred to the Crown Prosecution Service for a decision on prosecution. (See paragraphs 145 to 148 of Volume II of this Report)

Crown Dependencies and Dependent Territories

44. The Committees conclude that all aspects of strategic exports have an international relations dimension, whether in relation to their financing, transit or export. (See paragraphs 149 to 153 of Volume II of this Report)

45. The Committees therefore recommend that any such activities being carried out in the UK Crown Dependencies or in the UK Dependent Territories should be monitored by the Government and any breaches of the Government's arms export controls and policies be notified to the Committees on Arms Export Controls and to Parliament. (See paragraphs 149 to 153 of Volume II of this Report)

Combating bribery and corruption

46. The Committees recommend that the Government in its Response to this Report states, since its last Response in Cm8935, the names of any individuals and any companies against whom it has taken action under the provisions of the Bribery Act 2010 in relation to their arms export dealings or financing. (See paragraphs 154 to 156 of Volume II of this Report)

International Development

47. The Committees conclude that they welcome the Government's commitment to consider periodically whether the Department for International Development (DFID) should be involved formally in arms export licence assessments in addition to those under Criterion 8 ("whether the proposed export would seriously hamper the sustainable development of the recipient country") for example those under Criterion 3 ("Internal situation in the country of final destination") and Criterion 4 ("Prevention of regional peace, security and stability"). The Committees also conclude that they welcome the Government's commitment to update the Committees if the assessments change. (See paragraphs 157 to 161 of Volume II of this Report)

48. The Committees further conclude that the Government's policy decision to strengthen the application of Criteria 8, as set out in the letter of the International Development Minister Desmond Swayne to the Chairman of the Committees of 19 February 2015, is welcome. (See paragraphs 157 to 161 of Volume II of this Report)

Arms Exports Agreements

UK/US Defence Trade Cooperation Treaty

49. The Committees recommend that the Government states in its Response:

- a) the reasons, in the Government's view, as to why as at the time of the Government's Response (Cm8935) no UK Industry-to-US Government transactions had taken place under the UK/US Defence Trade Cooperation Treaty; and
- b) the specific changes in the Exempted Technologies List (ETL) that the UK Government wants to be made. (See paragraphs 162 to 164 of Volume II of this Report)

US International Traffic in Arms Regulations (ITAR)

50. The Committees recommend that the Government in its Response states whether it has any evidence to date that either the US Government's Export Control Reform (ECR) process or the movement of items from the US Munitions List (USML) to the Commerce Control List (CCL) has resulted in a net benefit to UK exports. (See paragraphs 165 to 167 of Volume II of this Report)

UK-France Defence and Security Co-operation Treaty

51. The Committees recommend that the Government in its Response to this Report provides a further update on the specific steps the Government is taking to ensure that the UK/France Defence and Security Co-operation Treaty is working to the benefit of the UK defence industry. (See paragraphs 168 to 170 of Volume II of this Report)

The Intra-Community Transfer (ICT) Directive on arms transfers within the EU

52. The Committees recommend that the Government states in its Response:

- a) whether any UK companies in addition to Roxel (UK Rocket Motors) Ltd and Honeywell UK Ltd have achieved certification for a general licence under the Intra-Community Transfer (ICT) Directive on arms transfers within the EU;
- b) whether English versions of the complete general licences with details of their goods coverage and conditions shown to facilitate their use have now been published, and, if not, by what date this is expected to be done; and
- c) whether the EU Commission has now adapted CERTIDER (the Commission database established for certification arrangements) to include a public area showing a centralised database of all ICT general licences, and, if not, by what date this will be done. (See paragraphs 171 to 173 of Volume II of this Report)

Arms Control Agreements

Arms Trade Treaty (ATT)

53. The Committees recommend that the Government states in its Response:

- a) whether it considers that China, Russia and the USA intend to ratify the Arms Trade Treaty or not;
- b) what steps it will be taking to help ensure that those countries who have ratified the Arms Trade Treaty comply with the Treaty's provisions; and
- c) what is the latest position on the updating of the EU User's Guide in line with the Arms Trade Treaty which the Foreign Secretary rightly described as an essential component and what is the expected publication date of the EU User's Guide. (See paragraphs 174 to 186 of Volume II of this Report)

EU Council Common Position

54. The Committees continue to recommend that the Government when considering its future policy towards the EU should have in mind the significance of the EU Common Position on Arms Exports in helping to maintain a fair competitive position in the EU for UK defence industry exports. (See paragraphs 187 to 190 of Volume II of this Report)

Cluster Munitions

55. The Committees recommend that the Government states in its Response when it will be updating the Committees as to how the Government will be taking forward the development of a Code of Conduct on the indirect financing of cluster munitions. (See paragraphs 191 to 195 of Volume II of this Report)

Small Arms and Light Weapons (SALW)

56. The Committees conclude that the Government's commitment to ensuring full implementation of the UN Programme of Action (UNPoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (SALW) in All its Aspects, together with the International Tracing Instrument, is welcome. (See paragraphs 196 to 199 of Volume II of this Report)

57. The Committees recommend that the Government states in its Response what is the specific assistance and support that the UK Government is providing to implement the UNPoA effectively. (See paragraphs 196 to 199 of Volume II of this Report)

Landmines

58. The Committees recommend that the Government states in its Response:

- a) whether the UK mine action programme for 2014–17 has now been developed and made public, and, if not, when it will be; and
- b) precisely what are the UK Government's other obligations, in addition to the development of the UK mine action programme for 2014–17, under the Anti-Personnel Mine Convention. (See paragraphs 200 to 203 of Volume II of this Report)

Barrel bombs

59. The Committees conclude that they do not agree with the Government's view that "Barrel Bombs, air-delivered improvised explosive devices, unlike antipersonnel mines or cluster munitions, are not of themselves inherently indiscriminate nor necessarily excessively injurious." The Committees consider that they are reinforced in this Conclusion by the Foreign Secretary's letter to the Committees of 10 December 2014 in which he said: "The Government believes that the Assad regime's armed forces have used chlorine as a chemical weapon on several occasions. There is no reason to believe that the chlorine used in these attacks had been subject to any specialist processing. The evidence suggests that chlorine cylinders were placed inside crude barrel bombs and delivered to targets in Syria." (See paragraphs 204 to 207 of Volume II of this Report)

60. The Committees continue to recommend that as the use of cluster munitions and anti-personnel landmines has been banned under international Conventions, the Government should reconsider its position that "it does not currently have any plans to bring the issue of barrel bombs to the UN Convention on Certain Conventional Weapons or any other fora." (See paragraphs 204 to 207 of Volume II of this Report)

The Wassenaar Arrangement

61. The Committees recommend that the Government states in its Response:

- a) what is the present position on Brazil, China, India, Israel and Serbia becoming members of the Wassenaar Arrangement (WA);

- b) whether the UK Government's paper on consideration by states participating in the Wassenaar Arrangement of the link between membership and outreach as well as ways to encourage adherence by non-members has now been accepted by WA participating states, and, if so, whether it will be made public;
- c) whether the Wassenaar Arrangement's new export controls on surveillance and law enforcement/intelligence gathering tools and on Internet Protocol network surveillance systems or equipment have now been implemented through amendment of Annex 1 of the EU Dual-Use Regulation, and, if not, the date by which they will be;
- d) whether the comprehensive review of the Wassenaar Control List is still on-going; and
- e) whether the changes to the Wassenaar Arrangement Munitions List have now been implemented in the UK through an amendment to the UK Military List, and, if not, the date by which they will be. (See paragraphs 208 to 220 of Volume II of this Report)

The UN Register of Conventional Arms (UNROCA)

62. The Committees recommend that the Government states in its Response which UN Member States do not provide the information required for the UN Register of Conventional Arms under UN General Assembly Resolutions 46/36L and 58/34, and what steps the UK Government is taking to encourage them to do so. (See paragraphs 221 to 224 of Volume II of this Report)

The Convention on Certain Conventional Weapons (CCW)

63. The Committees recommend that the Government in its Response states:
- a) whether it is aware of countries that are developing, or have developed, Lethal Autonomous Weapon Systems, and, if so, which those countries are;
 - b) to what weapons systems it is referring to when it describes Lethal Autonomous Weapons Systems or systems which are able to comprehend higher-level intent and which once activated may choose from a range of options to deliver lethal force;
 - c) whether the report on the informal discussions at the UN Convention on Certain Conventional Weapons (CCW) in May 2014 has now been made public; and
 - d) what were the Government's objectives at the UN CCW Meeting of High Contracting Parties in November 2014 and whether these were achieved. (See paragraphs 225 to 228 of Volume II of this Report)

The Fissile Material Cut-Off Treaty (FMCT)

64. The Committees conclude that the Government's Response that the Fissile Material Cut-Off Treaty (FMCT) is a "necessary step towards disarmament" is welcome. (See paragraphs 229 to 233 of Volume II of this Report)

65. The Committees continue to recommend that the Government should agree with other like-minded Governments an alternative method of getting the FMCT negotiations started if the impasse at the Conference on Disarmament continues, notwithstanding the work of the Group of Government Experts in which the Committees welcome the UK's participationof . (See paragraphs 229 to 233 of Volume II of this Report)

The Missile Technology Control Regime (MTCR)

66. The Committees recommend that the Government states in its Response:

- a) whether it expects Belarus, China, India, Israel, Malaysia, Pakistan, Singapore and any other states to become members of the Missile Technology Control Regime in the foreseeable future; and
- b) whether the UK paper at the Rome MTCR Plenary in 2013 to explore ways in which adherence to the MTCR could be formally recognised and to identify states that adhere to the MTCR guidelines has been adopted, implemented and made public. (See paragraphs 234 to 238 of Volume II of this Report)

The Intermediate-Range Nuclear Forces (INF) Treaty

67. The Committees conclude that it is a matter of utmost concern that “the United States has determined that the Russian Federation is in violation of its obligations under the INF Treaty not to possess, produce, or flight-test a ground-launched cruise missile (GLCM) with a range capability of 500km to 5,500km, or to possess or produce launchers of such missiles.” (See paragraphs 239 to 241 of Volume II of this Report)

68. The Committees recommend that the UK Government gives the highest possible priority to helping to ensure that Russia returns to full compliance with the INF Treaty in a verifiable manner in accordance with the NATO Secretary General's statement of 30 July 2014, and further recommends that the Government states in its Response whether Russia has now done so. (See paragraphs 239 to 241 of Volume II of this Report)

The G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction

69. The Committees recommend that the Government in its Response to this Report states:

- a) its estimated expenditure under the Global Threat Reduction Programme in FY 2016–17 and subsequent years for which estimates are available;
- b) whether the Government is currently engaged in co-operative work with Russia to reduce Russian stockpiles of chemical weapons and chemicals for chemical weapons; and
- c) whether the Government has now found the resources to compile a summary report of activities and funding contributions under the Global Threat Reduction Programme,

including details of projects, and. If so, when the summary report will be made public. (See paragraphs 242 to 244 of Volume II of this Report)

The Nuclear Suppliers Group

70. The Committees recommend that the Government in its Response states:

- a) whether it is supporting prospective membership of the Nuclear Suppliers Group (NSG) for India, Israel and Pakistan, notwithstanding they are not members of the Nuclear Non-Proliferation Treaty, and, if so, what specific steps the Government is taking to progress their membership;
- b) which were the seven non-NSG members who attended the NSG technical outreach meeting in Vienna in April 2014; and
- c) whether the UK–Netherlands joint paper presented at the 2014 NSG Plenary in Buenos Aires exploring options to encourage non-NSG members to adhere unilaterally to the NSG Guidelines has been made public. (See paragraphs 245 to 249 of Volume II of this Report)

The Nuclear Security Summit

71. The Committees conclude that the 12 commitments made by the UK Government at the 2014 Nuclear Security Summit – detailed immediately below – are welcome:

- To host an International Atomic Energy Agency (IAEA) International Physical Protection Advisory Service Mission in 2015-16. This follows a 2011 Mission that reviewed security at our biggest site - Sellafield.
- To continue our Global Threat Reduction Programme of financial and expert assistance for nuclear and radiological security improvements overseas. Since 2010, our experts have assisted more than 20 countries, embedding high standards worldwide.
- To contribute £3.4 million to the IAEA Nuclear Security Fund in 2014, bringing the total UK contribution since 2010 to over £12 million.
- To contribute £500,000 to Interpol's Operation Fail Safe to track the movements of individuals involved in the illicit trafficking of radioactive or nuclear material.
- To continue to support the work of the Global Initiative on Combating Nuclear Terrorism.
- To extend outreach and assistance work to at least 16 countries that have yet to ratify or implement key international instruments in the nuclear security field, including the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, and the International Convention for the Suppression of Acts of Nuclear Terrorism.
- To develop and share best practice on nuclear security and work to strengthen international nuclear security culture, including:

- As Sponsor of the 2012 Multinational Statement on Nuclear Information Security, to lead international action to ensure the effective protection of sensitive nuclear information.
- To continue to work with the IAEA and other States to develop and test security guidance on nuclear material accountancy and control, facilitating a roll out of this where States would find it beneficial.
- To co-host, with the US, a workshop on Enhancing the Security of the Maritime Supply Chain.
- To continue to take forward the development of options for the future management of the UK's inventory of separated civil plutonium.
- To continue to prioritise security of our non-civil nuclear material, in line with our commitment in the UK's recent UNSCR1540 National Implementation Action Plan.
- To continue to develop our National Strategic Framework for nuclear emergency planning and response.
- With France, to continue the UK-France framework for cooperation on civil nuclear security to facilitate the exchange of good practice.
- In partnership with the US and France, and engaging with others, to continue to develop appropriate responses to the threat of nuclear terrorism including render-safe capability. (See paragraphs 250 to 253 of Volume II of this Report)

72. The Committees recommend that the Government states in its Response:

- a) on what dates and where the UK Government will be hosting the International Atomic Energy Agency (IAEA) International Physical Protection Advisory Service Mission in 2015–16; and
- b) which are the 16 countries to which the Government referred to in its previous Response (Cm8935) that “have yet to ratify or implement key international instruments in the nuclear security field, including the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, and the International Convention for the Suppression of Acts of Nuclear Terrorism.” (See paragraphs 250 to 253 of Volume II of this Report)

The Australia Group

73. The Committees recommend that the Government states in its Response which are the Australia Group non-member countries playing a strategically significant role in the chemicals industry or hosting important chemical transshipment hubs that the Government is actively supporting in becoming members of the Australia Group. (See paragraphs 254 to 259 of Volume II of this Report)

The Academic Technology Approval Scheme (ATAS)

74. Given that the Home Secretary, Theresa May MP, stated on 29 August 2014 that “We face a real and serious threat in the UK from international terrorism” when announcing a change in the threat level from substantial to severe,¹¹ the Committees conclude that it is extraordinary that the Government continues to reject the Committees’ recommendation in successive Reports that the Government should extend the Academic Technology Approval Scheme (ATAS) to prevent students, not merely from abroad but also from the UK, who pose the greatest risk from studying potential Weapons of Mass Destruction (WMD) proliferation subjects at UK Institutions of Higher Education. (See paragraphs 260 to 264 of Volume II of this Report)

75. The Committees once again recommend the extension of the Academic Technology Approval Scheme (ATAS) to prevent students from the UK, and not just from abroad, who pose the greatest risk, from studying potential Weapons of Mass Destruction (WMD) proliferation subjects at UK Institutions of Higher Education. (See paragraphs 260 to 264 of Volume II of this Report)

The Chemical Weapons Convention (CWC)

76. The Committees conclude that the Government’s decision to reach out to 5 of the 6 countries that have still to accede to the Chemical Weapons Convention (CWC), namely Angola, Burma, Egypt, Israel and South Sudan (though not North Korea), to urge their adherence to the CWC is welcome. (See paragraphs 265 to 268 of Volume II of this Report)

77. The Committees recommend that the Government states in its Response:

- a) why so far, it had not reached out to North Korea to urge its adherence to the CWC; and
- b) what it assesses the prospects to be of realising the aim of achieving universality of the CWC through the accession of the remaining 6 countries, namely Angola, Burma, Egypt, Israel, North Korea and South Sudan, by the time of the 100th anniversary in 2015 of the first large-scale use of chemical weapons during World War I. (See paragraphs 265 to 268 of Volume II of this Report)

The Biological and Toxin Weapons Convention (BTWC)

78. The Committees conclude that the Government’s statement that: “The Government’s main long-term objective is to seek agreement on a verification regime for the Biological and Toxin Weapons Convention (BTWC)” is welcome. (See paragraphs 269 to 272 of Volume II of this Report)

79. The Committees recommend that the Government states in its Response:

11 Home Office, Press Notice, “Threat-level from international terrorism increased”, 29 August 2014

- a) whether it is seeking to get the issue of a verification regime for the Biological and Toxin Weapons Convention (BTWC) placed on the agenda for the BTWC Eighth Review Conference scheduled to take place in 2016;
- b) what options the Government has identified so far that could be agreed at the Eighth Review Conference and which could lead to further substantive strengthening of the Convention;
- c) which of the following 10 states that have signed but not ratified the BTWC according to the Government's last Response (Cm8935), namely: Central African Republic; Côte d'Ivoire; Egypt; Haiti; Liberia; Burma; Nepal; Somalia; Syrian Arab Republic; and the United Republic of Tanzania, have now done so; and
- d) which of the following 16 states that have neither signed nor ratified the BTWC according to the Government's last Response (Cm8935), namely: Andorra; Angola; Chad; Comoros; Djibouti; Eritrea; Guinea; Israel; Kiribati; Mauritania; Micronesia (Federated States of); Namibia; Niue; Samoa; South Sudan; and Tuvalu, have now done so. (See paragraphs 269 to 272 of Volume II of this Report)

The Nuclear Non-Proliferation Treaty (NPT)

80. The Committees recommend that the Government in its Response states the specific actions on which it will be seeking agreement at the Nuclear Non-Proliferation Treaty Review Conference being held at the UN in New York on 27 April to 22 May 2015 in relation to each of the "Three mutually reinforcing pillars" it cited in its last Response (Cm8935), namely:

- i. "further progress towards a world free from nuclear weapons";
- ii. "action that will help to contain any threat of proliferation or non-compliance with the NPT"; and
- iii. "support the responsible global expansion of civil nuclear industries". (See paragraphs 273 to 276 of Volume II of this Report)

The Comprehensive Nuclear Test Ban Treaty (CTBT)

81. The Committees again recommend that the Government states in its Response what specific steps it has taken, or intends to take, since its last Response (Cm8935) with each of the remaining 8 countries whose signature and ratification is necessary to enable the Comprehensive Nuclear Test Ban Treaty to enter into force—namely China, Egypt, India, Iran, Israel, North Korea, Pakistan and the USA—to try to persuade them to ratify the CTBT. (See paragraphs 277 to 279 of Volume II of this Report)

Sub-strategic and tactical nuclear weapons

82. The Committees conclude that they welcome the Government's statement in its last Response (Cm8935) that "both its and NATO's policy remains that NATO Allies would

consider further reducing NATO's requirement for so-called 'tactical nuclear weapons' in the context of reciprocal steps by Russia, taking into account Russia's larger stockpile" and that the UK Government "would be supportive of the eventual elimination of tactical nuclear weapons, including those held by the US and Russia in Europe, provided that this is achieved in a manner that does not risk compromising the security of the UK and its Allies". (See paragraphs 280 to 283 of Volume II of this Report)

83. The Committees recommend that the Government states in its Response on what specific aspects of "further progress against NPT commitments and other nuclear issues" it intends to continue to work with Russia as part of the P5 process during the UK Government's Presidency of the P5 in November 2015. (See paragraphs 280 to 283 of Volume II of this Report)

A Middle-East Weapons of Mass Destruction Free Zone

84. The Committees conclude that the Government's statement in its last Response (Cm8935) that: "The Government is committed to convening a Conference on a Middle East WMD Free Zone as soon as regional States agree on arrangements to allow that to happen, and preferably by the end of 2014", is welcome, though it was most disappointing once again that no such conference was held before the end of 2014. (See paragraphs 284 to 287 of Volume II of this Report)

85. The Committees recommend that the Government states once again, and subsequent to its last Response (Cm8935), what is now the latest position on the holding of a Conference on a Middle East Weapons of Mass Destruction Free Zone, and on the willingness of Iran and Israel to attend. (See paragraphs 284 to 287 of Volume II of this Report)

The National Counter-Proliferation Strategy

86. The Committees conclude that as the Government's National Counter-Proliferation Strategy for 2012–15 published in 2012 was a stand-alone document and quite separate from the Government's "United Kingdom Strategic Export Controls Annual Report", the Government's Response in Cm8935 to the Committees' Conclusions and Recommendation with regard to the National Counter-Proliferation Strategy is irrelevant. (See paragraphs 288 to 291 of Volume II of this Report)

87. The Committees further conclude that as the present Strategy is now 3 years out of date and as the key Government policy area of Counter-Proliferation is in constant change, the Committees once again recommend that the Government updates its National Counter-Proliferation Strategy annually as a stand-alone document. (See paragraphs 288 to 291 of Volume II of this Report)

Arms export control policies

Arms exports and human rights

88. The Committees continue to conclude that, whilst the promotion of arms exports and the upholding of human rights are both legitimate Government policies, the Government would do well to acknowledge that there is an inherent conflict between strongly promoting arms exports to authoritarian regimes whilst strongly criticising their lack of human rights at the same time rather than claiming, as the Government continued to do in its last Response (Cm8935), that these two policies “are mutually reinforcing”. The Committees further conclude that it is a statement of the obvious that vigorous, sustained and public criticism by the British Government of an authoritarian regime’s abuses of basic human rights is likely to be prejudicial to British arms exports success with that regime in the highly competitive international arms exports market, and that the Government should acknowledge this inherent conflict. (See paragraphs 292 to 296 of Volume II of this Report)

89. The Committees conclude that in its previous Response (Cm8935) the Government has produced no valid or relevant justification for not accepting the Committees’ Recommendation that it “will report to the Committees all breaches of its human rights policies and its international human rights commitments with the use of British Government approved exports of controlled goods, software, technology and components as and when any such breaches occur”, and the Committees recommend that the Government now accepts this same Recommendation. (See paragraphs 292 to 296 of Volume II of this Report)

90. The Committees further recommend that the Government states in its Response whether it is aware of any breaches of its human rights policies and its international human rights commitments that have taken place with the use of British Government approved exports of controlled goods, software, technology and components during the lifetime of the present Parliament. (See paragraphs 292 to 296 of Volume II of this Report)

Overseas Security and Justice Assistance (OSJA) Human Rights Guidance

91. The Committees recommend that the Government states in its Response whether it is aware of any use of goods exported from the UK in an Overseas Security and Justice Assistance (OSJA) programme which have been in breach of UK or international human rights policies during the lifetime of the present Parliament. (See paragraphs 297 to 299 of Volume II of this Report)

Surveillance technology and equipment

92. The Committees recommend that the Government states in its Response:

- a) whether having looked at the German model of taking national action to tighten up its export controls over surveillance technology and equipment, the UK Government will now do likewise; and

- b) whether the Government is satisfied that the EU's recent amendment of its Dual-Use Regulation provides sufficiently comprehensive legislative controls over the export from the UK of surveillance technology and equipment which might be used contrary to the Government's human rights and freedom of expression policies. (See paragraphs 300 to 308 of Volume II of this Report)

Cryptographic equipment, software, technology and components

93. The Committees conclude that as the Government has now acknowledged that the export of some items of cryptographic equipment, software, technology and components to the Government's principal Countries of Human Rights Concern and to the Committees on Arms Export Controls' additional countries of concern may raise human rights issues, and that in virtually all of these countries there is no clear divide between the commercial and Government sectors, the Committees recommend that the Government adopts a more cautious policy towards approving export licences for these items to these particular countries. (See paragraphs 309 to 315 of Volume II of this Report)

94. The Committees further recommend that the Government in developing "guidance to address the risks posed by exports of information and communications technology that is not subject to export controls but which might have impacts on human rights including freedom of expression online" should work not only with industry but with human rights organisations also. (See paragraphs 309 to 315 of Volume II of this Report)

Sniper rifles

95. The Committees conclude that the Government's Response (Cm8935) to the Committees' previous Recommendation on the export of sniper rifles, namely that "given the utility of sniper rifles for internal repression, particularly in situations of conflict or potential conflict, the Government should give closer scrutiny to export licence applications for sniper rifles to countries where human rights abuses are prevalent or are likely to increase" is welcome. (See paragraphs 316 to 318 of Volume II of this Report)

Tasers

96. The Committees recommend that the Government states in its Response whether, since its previous Response (Cm8935), there have been any breaches of export controls in relation to Tasers and, if so, provides the Committees with details relating to prosecutions, confiscation proceedings, seizures, disruptions and compound penalties. (See paragraphs 319 to 321 of Volume II of this Report)

Unmanned Aerial Vehicles (UAVs) "Drones"

97. The Committees recommend that the Government states in its Response whether it is willing in principle to give export licence approval, subject to its export control Criteria, to weaponised Unmanned Aerial Vehicles (UAVs), their software, technology and components, as well as to surveillance UAVs, their software, technology and components. (See paragraphs 322 to 325 of Volume II of this Report)

Arms exports to counter piracy

98. The Committees conclude that the Government's acknowledgement that it "is not a satisfactory situation" that exporters of arms for counter-piracy operations "have routinely been applying for licences to cover volumes of exports vastly in excess of what is actually exported" is welcome. (See paragraphs 326 to 336 of Volume II of this Report)

99. The Committees recommend that the Government states in its Response:

- a) whether the Government's new licensing arrangements for supplies of automatic weapons and small arms for counter-piracy purposes to Private Maritime Security Companies (PMSCs) designed to align closely the volumes licensed and the volumes actually exported, following the Committees on Arms Export Controls' concerns that the numbers being approved for export were vastly in excess of the numbers actually needed, are now fully in place, and, if not, when they will be;
- b) whether these new arrangements limit the number of weapons that can be exported under the licence;
- c) the operating area or approximate location of each of the 31 vessels being used as floating armouries for weapons for counter-piracy purposes with Government approval from the UK as listed at paragraph 118 of the Government's last Response (Cm8935);
- d) whether the revised version of the Open General Trade Control (Marine Anti-Piracy) licence will be put in place as scheduled by the end of the first quarter of 2015 with the Committees receiving the Government's promised letter confirming this;
- e) whether it is still the case that the Government has "no evidence of diversion" of the weapons it has approved for export for counter-piracy purposes being diverted for use for other purposes; and
- f) what steps the Government is taking to stop Private Maritime Security Companies (PMSCs) sharing weapons in breach of their licence conditions. (See paragraphs 326 to 336 of Volume II of this Report)

The licensing of security services

100. The Committee recommend that the Government states in its Response whether it will consider making the export of security services, as opposed to goods, that raise human rights issues subject to export controls. (See paragraphs 337 to 339 of Volume II of this Report)

Arms exports and internal repression

101. The Committees adhere to their previous Conclusion that the previously applied broad policy test for arms exports that: "An export licence will not be issued if arguments for doing so are outweighed [...] by concern that the goods might be used for internal

repression”, which had been Government policy since October 2000 until deleted by the present Government in March 2014, provides an important safeguard against military and dual-use goods, components, software and technology being exported from the UK from being used for internal repression. The Committees, therefore, repeat their previous Conclusion and Recommendation (as also stated in paragraphs 27 and 28 above) that the broad test is re-instated into the Government’s revised Consolidated Criteria alongside the existing narrow “clear risk” test in Criteria 2 as had been the case from October 2000. (See paragraphs 340 to 342 of Volume II of this Report)

The Government’s Arab Spring arms export policy review

102. The Committees recommend that the Government states in its Response whether its Arab Spring arms export policy review is now completed, and, if not, the areas in which it is continuing. (See paragraphs 343 to 345 of Volume II of this Report)

Arms export licence revocations

103. The Committees recommend that the Government states in its Response to this Report:

- a) whether it is satisfied that the powers it has under the Export Control Order 2008 (as amended) to vary or revoke export licences and the procedure it is currently following enable the Government to vary or revoke UK arms export licences with sufficient speed to take account of fast-moving military events or human rights violations in UK arms export destination countries; and
- b) whether the Government’s project to classify export licensing data as “Official Statistics” under The Statistics and Registration Service Act 2007 will result in any diminution in the extent and timeliness of arms export licensing data becoming publically available. (See paragraphs 346 to 353 of Volume II of this Report)

Arms export licence suspensions

104. The Committees recommend that the Government states in its Response to this Report whether it is satisfied that the powers it has under the Export Control Order 2008 (as amended) to vary or revoke export licences and the procedure it is currently following enable the Government to suspend UK arms export licences with sufficient speed to take account of fast-moving military events or human rights violations in UK arms export destination countries. (See paragraphs 354 to 360 of Volume II of this Report)

Exports of gifted equipment

105. The Committees recommend that the Government states in its Response the outcome of its review of the Committees’ previous Recommendation that “the Departmental Minutes relating to gifts that require Parliamentary approval state in respect of each item to be gifted which are on the Government’s export controls Military List or Dual-Use List”. (See paragraphs 361 to 365 of Volume II of this Report)

Transfers from Standard Individual Export Licences to Open Individual Export Licences

106. The Committees conclude that there is a risk of an increase in breaches of the Government's arms export control policies as a result of its strategy to encourage exporters to transfer from Standard Individual Export Licences (SIELs) to Open Individual Export Licences (OIELs) where possible. Notwithstanding the fact that the Government has stated that this policy will only be applied to arms exports which do not raise significant concerns against the Consolidated Criteria, the Committees further conclude that their own concerns about this policy are reinforced by the fact that since the start of the so-called Arab Spring in December 2010 the Government has had to revoke or suspend a total of 52 Open Licences including to Bahrain, Central African Republic, Egypt, France, Libya, India, Italy, Russia, Thailand and Ukraine, and with regard to a further 47 multiple-destination OIELs the Government has had to remove Russia as a destination. (Details of each of these 52 Open Licences and 47 multiple-destination OIELS can be found in Volume II, paragraph 368). (See paragraphs 366 to 372 of Volume II of this Report)

107. The Committees recommend that the Government states in its Response what specific safeguards it will put in place to ensure that its policy of encouraging exporters to transfer from SIELs to OIELs where possible, does not result in breaches of the Government's arms export control policies. (See paragraphs 366 to 372 of Volume II of this Report)

108. The Committees conclude that as the Business Secretary has now acknowledged in his letter of 4 February 2015 to the Chairman of the Committees that his Department's information that the length of the validity of OIELs was generally two years was incorrect and that "generally open licences are valid for five years", the Government's policy of encouraging exporters to transfer from SIELs to OIELs, where possible, is likely to increase the risk of breaches of the Government's arms export control policies. The Committees further conclude that the Government's policy of transferring SIELs to OIELs must inescapably reduce the transparency of the scale of the Government's approved arms exports given that the Government discloses the financial value of SIELs but not of OIELs. The Committees recommend that the Government states in its Response whether it will disclose the value of controlled goods actually shipped under each open licence in its Quarterly reports. (See paragraphs 366 to 372 of Volume II of this Report)

Arms exports to Countries of concern

Extant arms export licences to the Foreign and Commonwealth Office's (FCO) Countries of Human Rights concern worldwide, and to the Additional Countries and Territories of concern to the Committees

109. The Committees recommend that the Government states in its Response whether it is satisfied that each of the 3,298 extant arms export licences to the Foreign and Commonwealth Office's 28 Countries of Human Rights concern, valued at £5.2 billion (SIELs only), and each of the 833 extant arms export licences to the Committees' Additional 7 Countries of concern, valued at £356.1 million (SIELs only), are currently compliant with all of the Government's Arms Export Licensing Criteria namely:

- a) Criterion One (Respect for the UK's international obligations and commitments, in particular sanctions adopted by the UN Security Council or the European Union, agreements on non-proliferation and other subjects, as well as other international obligations);
- b) Criterion Two (The respect for human rights and fundamental freedoms in the country of final destination as well as respect by that country for international humanitarian law);
- c) Criterion Three (The internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts);
- d) Criterion Four (Preservation of regional peace, security and stability);
- e) Criterion Five (The national security of the UK and territories whose external relations are the UK's responsibility, as well as that of friendly and allied countries);
- f) Criterion Six (The behaviour of the buyer country with regard to the international community, as regards in particular to its attitude to terrorism, the nature of its alliances and respect for international law);
- g) Criterion Seven (The existence of a risk that the items will be diverted within the buyer country or re-exported under undesirable conditions); and
- h) Criterion Eight (The compatibility of the transfer with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources). (See paragraphs 373 to 377 of Volume II of this Report)

Extant arms export licences to certain individual countries within the FCO's list of 28 Countries of Human Rights concern

Afghanistan

110. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Afghanistan for all-wheel drive vehicles with ballistic protection, assault rifles, body armour, components for body armour, components for all-wheel drive vehicles with ballistic protection, components for assault rifles, components for electronic warfare equipment, components for machine guns, components for military combat vehicles, components for pistols, cryptographic software, electronic warfare equipment, equipment employing cryptography, equipment for the use of electronic warfare equipment, machine guns, military helmets, military support vehicles, pistols, small arms ammunition, software for electronic warfare equipment, software for equipment employing cryptography, technology for electronic warfare equipment, technology for equipment employing cryptography and technology for military communications equipment are currently compliant with the following of the

Government's Arms Export Licensing Criteria: One, Two, Three, Four and Six. (See paragraphs 379 to 382 of Volume II of this Report)

China

111. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to China for components for body armour, components for equipment employing cryptography, components for equipment for the use of military communications equipment, components for military communications equipment, components for military electronic equipment, cryptographic software, equipment employing cryptography, equipment for the development of equipment employing cryptography, equipment for the production of body armour, equipment for the production of equipment employing cryptography, equipment for the use of military communications equipment, military communications equipment, military electronic equipment, small arms ammunition, software for cryptographic software, software for equipment employing cryptography, software for military communications equipment, software for the development of equipment employing cryptography, software for the use of equipment employing cryptography, technology for body armour, technology for cryptographic software, technology for equipment employing cryptography, technology for equipment for the production of military electronic equipment, technology for military communications equipment, technology for military electronic equipment, technology for software for equipment employing cryptography, technology for software for the use of equipment employing cryptography, technology for the development of equipment employing cryptography, technology for the production of military communications equipment, technology for the use of equipment employing cryptography, technology for the use of cryptographic software, technology for the use of software for the use of equipment employing cryptography and weapon sights are currently compliant with the following of the Government's Arms Export Licensing Criteria: One, Two, Three and Four. (See paragraphs 383 to 387 of Volume II of this Report)

112. The Committees again recommend that the Government states in its Response whether it remains the Government's policy to continue to support the maintenance of the EU embargo on China but not to widen the UK Government's interpretation of the military and dual-use goods to which the EU embargo applies. (See paragraphs 383 to 387 of Volume II of this Report)

Iran

113. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Iran for components for military electronic equipment are currently compliant with the following of the Government's Arms Export Licensing Criteria: One, Two, Three, Four and Seven. (See paragraphs 388 to 390 of Volume II of this Report)

Iraq

114. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Iraq (these include those to Kurdistan) for all-wheel drive vehicles with ballistic protection, anti-riot/ballistic shields, assault rifles, body armour, components for all-wheel drive vehicles with ballistic protection, components for assault rifles, components for body armour, components for pistols, components for weapon mountings, cryptographic software, equipment employing cryptography, equipment for the production of military helmets, equipment for the use of weapon sights, military helmets, pistols, software for equipment employing cryptography, technology for anti-riot/ballistic shields, technology for body armour, technology for equipment employing cryptography, technology for equipment for the use of weapon sights, technology for military communications equipment, technology for military helmets, technology for the use of cryptographic software, technology for the use of equipment employing cryptography and weapon night sights are currently compliant with the following of the Government's Arms Export Licensing Criteria: One, Two, Three, Four, Six and Seven. (See paragraphs 391 to 396 of Volume II of this Report)

Israel and the Occupied Palestinian Territories

115. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Israel and the Occupied Palestinian Territories for anti-riot/ballistic shields, body armour, components for body armour, components for equipment employing cryptography, components for military combat vehicles, components for military communications equipment, components for military support vehicles, components for small arms ammunition, components for unmanned air vehicles, components for all-wheel drive vehicles with ballistic protection, components for military electronic equipment, cryptographic software, equipment employing cryptography, equipment for the development of equipment employing cryptography, equipment for the use of military combat vehicles, equipment for the use of military electronic equipment, equipment for the use of weapon sights, general military vehicle components, military communications equipment, military electronic equipment, military helmets, small arms ammunition, software for the use of equipment employing cryptography, software for equipment employing cryptography, software for the development of equipment employing cryptography, technology for cryptographic software, technology for equipment employing cryptography, technology for military communications equipment, technology for small arms ammunition, technology for the development of equipment employing cryptography, technology for the use of cryptographic software, technology for the use of equipment employing cryptography, technology for the use of software for the use of equipment employing cryptography, technology for the use of weapon sights and technology for unmanned air vehicles are currently compliant with the following of the Government's Arms Export Licensing Criteria: One, Two, Three and Four. (See paragraphs 397 to 414 of Volume II of this Report)

116. The Committees recommend that the Government states in its Response:

- a) the reasons why it decided to provide the Committees in the Business Secretary's reply of 15 December 2014 with the information for which the Committees had asked about the 12 arms export licences the Government had approved for Israel where, in the Government's own words, "in the event of a resumption of significant hostilities, and on the basis of information currently available to us, there could be a risk that the items might be used in the commission of a serious violation of international humanitarian law", when the Business Secretary and the Foreign Secretary had previously refused to provide the Committees with this same information 4 months earlier in August 2014. The information concerned is set out immediately below:

Application Type	Country Outcome (Direct Export)	Goods Summary	Total Goods Value (£)
SIEL (Permanent)	Israel	components for military aero-engines	3187.50
SIEL (Permanent)	Israel	components for targeting equipment	16000.00
SIEL (Permanent)	Israel	components for targeting equipment	30000.00
SIEL (Permanent)	Israel	components for targeting equipment	18000.00

Application Type	Destination country for incorporation before export to Israel	Goods Summary	Total Goods Value (£)
SIEL (Permanent)	Germany	components for military radars	6210.00
SIEL (Permanent)	United States	technology for military aero-engines, technology for naval engines	100.00
SIEL (Permanent)	United States	components for combat aircraft	49797.60
SIEL (Permanent)	Germany	components for military radars	6831.00
SIEL (Permanent)	Germany	components for tanks	330000.00
SIEL (Permanent)	United States	components for military radars	2388.44
SIEL (Permanent)	United States	components for combat aircraft	45000.0
SIEL (Permanent)	United States	launching/handling/control equipment for munitions	104000.00

- b) whether the Government considers there could be a risk that the UK components, technology and equipment in the 12 weapons systems in the table above might already have been used "in the commission of a serious violation of international humanitarian law" in Gaza. (See paragraphs 397 to 414 of Volume II of this Report)

117. With regard to the Government's approval in the first quarter of 2013 of a licence for the export to Israel and the Occupied Palestinian Territories of equipment employing cryptography and software for equipment employing cryptography to the value of £7.7 billion, the Committees conclude that it is regrettable that the Government has not been more forthcoming as to why the exporter took the unprecedented step of surrendering in August 2014 an export licence of this magnitude granted to one of the Foreign and Commonwealth Office's top 28 Countries of Human Rights Concern within 18 months of

it receiving Government approval. The Committees recommend that the Government states in its Response:

- a) whether the export licence application to export to Israel and the Occupied Palestinian Territories equipment employing cryptography and software for equipment employing cryptography to the value of £7.7 billion was put to Ministers for approval and, if not, whether such licence applications will be put to Ministers in future;
- b) whether it is its policy to encourage exporters to surrender approved licences, both SIELs and OIELs, that they no longer intend to use rather than wait until they become time-expired;
- c) whether, in order to see that any appropriate lessons are learnt, the Government has now established from the exporter in question the reason for its surrender of its unused £7.7 billion export licence 18 months after it received Government approval; and
- d) what changes it will be making to its export control procedures in the light of the surrender of this unused £7.7 billion export licence 18 months after it received Government approval. (See paragraphs 397 to 414 of Volume II of this Report)

Libya

118. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Libya for anti-riot/ballistic shields, assault rifles, body armour, combat shotguns, components for all-wheel drive vehicles with ballistic protection, components for assault rifles, components for body armour, components for pistols, cryptographic software, equipment employing cryptography, hand grenades, military helmets, military support vehicles, pistols, small arms ammunition, smoke/pyrotechnic ammunition, smooth-bore weapons, software enabling equipment to function as military communications equipment, software for equipment employing cryptography, software for the use of equipment employing cryptography, technology for equipment employing cryptography, technology for software enabling equipment to function as military communications equipment and technology for the use of equipment employing cryptography are currently compliant with the following of the Government's Arms Export Licensing Criteria: One, Two, Three, Four and Seven. (See paragraphs 415 to 419 of Volume II of this Report)

119. The Committees further recommend that the Government states in its Response what action the Government and the Crown Prosecution Service have taken in relation to the licence applicant who submitted the application for the export to Libya of body armour and military helmets that the Export Control Organisation determined in April-June 2014 was not a legitimate order and that the end-user undertaking was a forgery, and, if no action has been taken, the reason why not. (See paragraphs 415 to 419 of Volume II of this Report)

Russia

120. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Russia for components for military helicopters, cryptographic software, equipment employing cryptography, equipment for the use of military helicopters, small arms ammunition and software for equipment employing cryptography are currently compliant with the following of the Government's Arms Export Licensing Criteria: One, Two, Three and Four and with EU sanctions on arms exports to Russia. (See paragraphs 420 to 437 of Volume II of this Report)

121. The Committees recommend that the Government states in its Response:

- a) what is now the Government's policy on the revocation or suspension of the 248 extant Government approved Military and Dual-use goods export licences to Russia valued at £168,536,910 (SIELs only) and on determining new licence applications for Military and Dual-use goods to Russia; and
- b) what use has been made by Russian forces, and by those in Ukraine whom Russia is supporting, of UK Government export licence approved weapons, components, technology and software for weapon systems, in military operations in Crimea and in other areas of Ukraine. (See paragraphs 420 to 437 of Volume II of this Report)

Saudi Arabia

122. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Saudi Arabia for anti-riot/ballistic shields, assault rifles, ballistic shields, body armour, command and control vehicles, command communications control and intelligence equipment, command communications control and intelligence software, components for all-wheel drive vehicles with ballistic protection, components for assault rifles, components for body armour, components for general purpose machine guns, components for ground vehicle military communications equipment, components for machine guns, components for machine pistols, components for military auxiliary/support vehicles, components for military combat vehicles, components for military communications equipment, components for military electronic equipment, components for military support vehicles, components for pistols, components for rifles, components for semi-automatic pistols, components for sniper rifles, components for submachine guns, components for weapon night sights, components for weapon sight mounts, crowd control ammunition, CS hand grenades, equipment employing cryptography, equipment for the production for machine guns, equipment for the use of military communications equipment, equipment for the use of sniper rifles, equipment for the use of weapon night sights, equipment for the use of weapon sights, general military vehicle components, general purpose machine guns, gun mountings, gun silencers, hand grenades, machine guns, machine pistols, military communications equipment, military electronic equipment, military helmets, military support vehicles, night vision goggles, pistols, radio jamming equipment, rifles, semi-automatic pistols, simulators for military communications equipment, small arms ammunition, smoke/pyrotechnic ammunition, sniper rifles, software enabling equipment

to function as military communications equipment, software for equipment employing cryptography, software for ground vehicle military communications equipment, software for radio jamming equipment, software for the use of command and control vehicles, software for the use of equipment employing cryptography, software for the use of equipment for the use of military communications equipment, software for the use of military communications equipment, submachine guns, tear gas/irritant ammunition, technology for command communications control and intelligence software, technology for equipment employing cryptography, technology for ground vehicle military communications equipment, technology for military communications equipment, technology for military electronic equipment, technology for military support vehicles, technology for software enabling equipment to function as military communications equipment, technology for the use of command and control vehicles, technology for the use of command communications control and intelligence equipment, technology for the use of equipment employing cryptography, technology for the use of equipment for the use of military communications equipment, technology for the use of equipment for the use of weapon sights, technology for the use of military communications equipment, technology for the use of weapon sight mounts, technology for the use of weapon sights, technology for unmanned air vehicles, technology for weapon night sights, wall/door breaching projectiles/ammunition, weapon night sights, weapon sight mounts and weapon sights are currently compliant with the following of the Government's Arms Export Licensing Criteria: Two, Three and Four. (See paragraphs 438 to 440 of Volume II of this Report)

Sri Lanka

123. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Sri Lanka for acoustic devices for riot control, all-wheel drive vehicles with ballistic protection, assault rifles, body armour, combat shotguns, components for assault rifles, components for body armour, components for combat shotguns, components for pistols, components for rifles, components for sniper rifles, cryptographic software, equipment employing cryptography, military helmets, pistols, rifles, small arms ammunition, sniper rifles, software for equipment employing cryptography, technology for equipment employing cryptography and weapon sights are currently compliant with the following of the Government's Arms Export Licensing Criteria: One and Two. (See paragraphs 441 to 444 of Volume II of this Report)

Syria – Conventional arms exports and gifted equipment

124. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Syria for body armour, components for body armour, cryptographic software, equipment employing cryptography and military helmets are currently compliant with the following of the Government's Arms Export Licensing Criteria: One, Two, Three and Four. (See paragraphs 445 to 450 of Volume II of this Report)

125. The Committees recommend that the Government states in its Response what further items which would be categorized as controlled goods if exported commercially, the Government has gifted to end-users in Syria since those listed in its previous Response (Cm8935) stating in each case:

- a) the quantity;
- b) the recipient to whom it was gifted; and
- c) whether the Government has any information as to whether the item has been on-sold or transferred to a third party

together with the answer to c), not previously answered by the Government in Cm8935, in relation to the controlled goods listed in paragraph 124 above. (See paragraphs 445 to 450 of Volume II of this Report)

Syria – Dual-use chemical exports

126. The Committees continue to conclude that the Government's decision to give 2 export licence approvals for dual-use chemicals, sodium fluoride and potassium fluoride, to Syria in January 2012 when:

- a) Syria was a known holder of chemical weapons;
- b) Syria was, at the time, a known non-signatory of the Chemical Weapons Convention;
- c) given the nature of the Assad regime;
- d) a civil war was raging in Syria;
- e) sodium fluoride and potassium fluoride were both listed by the Australia Group and by the EU in its Dual-Use Regulation as precursor chemicals in the manufacture of chemical weapons; and
- f) the company granted the licences appeared to be a "Brass Plate" one

was irresponsible. (See paragraphs 451 to 454 of Volume II of this Report)

127. The Committees continue to recommend that the Government should adopt a policy of a very strong presumption against approving applications for dual-use chemical exports to countries that:

- a) are known holders of chemical weapons;
- b) have not signed and ratified the Chemical Weapons Convention; and
- c) are not participating in an Organisation for the Prohibition of Chemical Weapons-verified destruction programme

and that any proposals to approve such licence applications should be put to Ministers for decision. (See paragraphs 451 to 454 of Volume II of this Report)

Syria – Continuing use of chemical weapons

128. The Committees recommend that the Government states in its Response:

- a) whether there have been any further chlorine, or other, chemical weapon attacks in Syria since the Foreign Secretary's reply to the Committees of 10 December 2014, and, if so, by whom and with what number of deaths and serious injuries as a result;
- b) in what specific ways the Government considers that Syria is failing to comply with its obligations under the Chemical Weapons Convention; and
- c) in what specific ways the Government continues to work to bring the perpetrators of these and other atrocities in Syria to account. (See paragraphs 455 to 457 of Volume II of this Report)

Uzbekistan

129. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Uzbekistan for cryptographic software, equipment employing cryptography, small arms ammunition, software for equipment employing cryptography, software for the use of equipment employing cryptography, technology for equipment employing cryptography and technology for the use of equipment employing cryptography are currently compliant with the following of the Government's Arms Export Licensing Criteria: Two. (See paragraphs 458 to 460 of Volume II of this Report)

Yemen

130. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Yemen for assault rifles, body armour, components for assault rifles, components for body armour, components for military support vehicles, cryptographic software, equipment employing cryptography, military support vehicles, software for the use of equipment employing cryptography, technology for military electronic equipment, technology for military support vehicles, technology for the use of cryptographic software, technology for the use of equipment employing cryptography and technology for the use of software for the use of equipment employing cryptography are currently compliant with the following of the Government's Arms Export Licensing Criteria: Two. (See paragraphs 461 to 464 of Volume II of this Report)

131. The Committees recommend that the Government states in its Response whether in the light of the insurgency by Shi'a Houthi rebel group, the Government has reviewed its arms and dual-use exports policy to Yemen, together with the extant licences for both, and, if so, with what results. (See paragraphs 461 to 464 of Volume II of this Report)

Extant arms exports licences to the 7 Additional Countries and Territories of concern to the Committees

Argentina

132. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Argentina for anti-riot/ballistic shields, artillery ammunition, components for artillery, components for combat naval vessels, components for launching/handling/control of equipment for missiles, components for military electronic equipment, components for military helmets, components for naval guns, components for sniper rifles, components for weapon control systems, cryptographic software, equipment employing cryptography, equipment for the development of equipment employing cryptography, gun mountings, launching/handling/control equipment for missiles, military communications equipment, small arms ammunition, sniper rifles, software for equipment employing cryptography, software for the development of equipment employing cryptography, technology for artillery, technology for equipment employing cryptography, technology for launching/handling/control equipment for munitions, technology for military communications equipment, technology for naval combat vessels, technology for naval guns, technology for the development of equipment employing cryptography, technology for weapon control equipment, weapon control equipment and weapon sights are currently compliant with the following of the Government's Arms Export Licensing Criteria: Four and Five, and with the Written Ministerial Statement of the Business Secretary on 26 April 2012. (See paragraphs 467 to 471 of Volume II of this Report)

133. The Committees continue to conclude that it is reprehensible that the Government, given the relatively recent history of British ships being sunk in the Falklands War by missiles supplied by a fellow NATO member and the statement by the Argentinian Foreign Minister, as reported on 5 February 2013, regarding Argentinian control of the Falkland Islands, when he said "I don't think it will take another 20 years", is unwilling to lobby other Governments to make the same change in arms exports policy to Argentina as that announced by the British Government on 26 April 2012. The Committees continue to recommend that the Government should do so. (See paragraphs 467 to 471 of Volume II of this Report)

Bahrain

134. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Bahrain for anti-riot/ballistic shields, assault rifles, command communications control and intelligence software, components for assault rifles, components for body armour, components for gun mountings, components for machine guns, components for military communications equipment, components for military support vehicles, components for small arms ammunition, components for sniper rifles, cryptographic software, equipment employing cryptographic software for the use of equipment employing cryptography, equipment employing cryptography, equipment for the use of assault rifles, equipment for the use of

machine guns, equipment for the use of military communications equipment, equipment for the use of weapon night sights, general military vehicle components, gun mountings, gun silencers, hand grenades, machine guns, military communications equipment, military electronic equipment, military helmets, military support vehicles, military utility vehicles, small arms ammunition, sniper rifles, software for telecommunications jamming equipment, software for the use of equipment employing cryptography, tear gas/riot control agents, technology for command communications control and intelligence software, technology for equipment employing cryptography, technology for military communications equipment, technology for military electronic equipment, technology for military support vehicles, technology for the use of equipment employing cryptography, telecommunications jamming equipment, weapon night sights and weapon sights are currently compliant with the following of the Government's Arms Export Licensing Criteria: Two, Four and Seven. (See paragraphs 472 to 478 of Volume II of this Report)

Egypt

135. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Egypt for acoustic devices for riot control, assault rifles, body armour, combat shotguns, components for assault rifles, components for body armour, components for military auxiliary/support vehicles, components for military communications equipment, components for military electronic equipment, components for pistols, components for sniper rifles, cryptographic software, equipment employing cryptography, equipment for the use of military communications equipment, general military vehicle components, military combat vehicles, military communications equipment, military helmets, military support vehicles, pistols, small arms ammunition, sniper rifles, software for equipment employing cryptography, software for military communications equipment, software for the use of equipment employing cryptography, technology for equipment employing cryptography, technology for the use of cryptographic software, technology for the use of equipment employing cryptography, technology for the use of software for the use of equipment employing cryptography, telecommunications jamming equipment and weapon sights are currently compliant with the following of the Government's Arms Export Licensing Criteria: One, Two and Three, and with the EU's arms exports suspension Criterion applying to Egypt requiring suspension of exports "which might be used for internal repression". (See paragraphs 479 to 483 of Volume II of this Report)

Hong Kong

136. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Hong Kong for anti-riot/ballistic shields, ballistic shields, body armour, components for anti-riot/ballistic shields, components for ballistic shields, components for body armour, components for military communications equipment, components for military electronic equipment, components for military helmets, components for small arms ammunition, components for the use of military communications equipment, components for weapon night sights, cryptographic software, CS hand grenades, equipment employing cryptography, equipment for the

development of equipment employing cryptography, equipment for the use of military communications equipment, gun mountings, gun silencers, hand grenades, handcuffs, military communications equipment, military helmets, military utility vehicles, small arms ammunition, smoke ammunition, smoke canisters, smoke hand grenades, software enabling equipment to function as equipment employing cryptography, software for cryptographic equipment, software for equipment employing cryptography, software for the development of equipment employing cryptography, software for the use of equipment employing cryptography, stun grenades, tear gas/irritant ammunition, tear gas/riot control agents, technology for equipment employing cryptography, technology for ground vehicle communications equipment, technology for military communications equipment, technology for military electronic equipment, technology for the development of equipment employing cryptography, technology for the use of cryptographic software, technology for the use of equipment employing cryptography, technology for the use of software for the use of equipment employing cryptography, technology for weapon night sights, thunderflashes, weapon night sights and weapon sights are currently compliant with the following of the Government's Arms Export Licensing Criteria: Two and Three. (See paragraphs 484 to 491 of Volume II of this Report)

137. The Committees recommend that the Government in its Response states whether, given that there has been repeated use by the Hong Kong police of pepper sprays, and at least one use of tear gas, against those demonstrating peacefully, it remains its policy to be willing to grant licence approval for these items to be exported to the Hong Kong Police Force. (See paragraphs 484 to 491 of Volume II of this Report)

Qatar

138. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Qatar for anti-riot/ballistic shields, assault rifles, ballistic shields, body armour, combination rifle-shotguns, command communications control and intelligence software, components for assault rifles, components for body armour, components for combination rifle-shotguns, components for general purpose machine guns, components for machine guns, components for machine pistols, components for military combat vehicles, components for military communications equipment, components for military electronic equipment, components for pistols, components for rifles, components for semi-automatic pistols, components for shotguns, components for small arms ammunition, components for submachine guns, components for weapon night sights, cryptographic software, CS hand grenades, equipment employing cryptography, equipment for small arms ammunition, equipment for the use of assault rifles, equipment for the use of grenade launchers, equipment for the use of machine guns, equipment for the use of sniper rifles, equipment for the use of weapon night sights, general purpose machine guns, grenade launchers, gun mountings, gun silencers, machine guns, machine pistols, military communications equipment, military helmets, pistols, rifles, semiautomatic pistols, shotguns, small arms ammunition, smoke ammunition, smoke canisters, smoke hand grenades, sniper rifles, software enabling equipment to function as military communications equipment, software for radio jamming equipment, software for the use of equipment employing cryptography, stun

grenades, submachine guns, tear gas/irritant ammunition, tear gas/riot control agents, technology for assault rifles, technology for command communications control and intelligence software, technology for equipment employing cryptography, technology for machine guns, technology for software enabling equipment to function as military communications equipment, technology for the use of equipment employing cryptography, technology for the use of weapon sights, telecommunications jamming equipment, unmanned air vehicles, weapon night sights, weapon sight mounts and weapon sights, are currently compliant with the following of the Government's Arms Export Licensing Criteria: Two, Four, Six and Seven. (See paragraphs 492 to 496 of Volume II of this Report)

139. The Committees recommend that the Government states in its Response whether it is aware of any military or dual-use goods exported to Qatar under UK Government approved licences subsequently being transferred to Islamist militants in Libya, Iraq, Syria or other countries. (See paragraphs 492 to 496 of Volume II of this Report)

Tunisia

140. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Tunisia for body armour, command communications control and intelligence software, components for body armour, components for military communications equipment, cryptographic software, equipment employing cryptography, military communications equipment, military electronic equipment, military support vehicles, small arms ammunition, software enabling equipment to function as military communications equipment, software for equipment employing cryptography, software for radio jamming equipment, technology for command communications control and intelligence software, technology for equipment employing cryptography, technology for military electronic equipment, technology for military support vehicles, technology for software enabling equipment to function as military communications equipment, telecommunications jamming equipment, weapon night sights, weapon sight mounts and weapon sights are currently compliant with the following of the Government's Arms Export Licensing Criteria: Two and Seven. (See paragraphs 497 to 499 of Volume II of this Report)

Ukraine

141. The Committees recommend that the Government states in its Response the reasons it considers its approved extant arms export licences to Ukraine for body armour, command communications control and intelligence software, components for body armour, components for sniper rifles, cryptographic software, equipment employing cryptography, equipment for the use of weapon sights, gun silencers, military electronic equipment, military helmets, military support vehicles, rifles, small arms ammunition, sniper rifles, software for equipment employing cryptography, software for the use of equipment employing cryptography, technology for command communications control and intelligence software, technology for equipment employing cryptography, technology for the use of equipment employing cryptography, weapon night sights and weapon sights

are currently compliant with the following of the Government's Arms Export Licensing Criteria: One, Two, Three, and Four. (See paragraphs 500 to 508 of Volume II of this Report)

142. The Committees recommend that the Government states in its Response what is now its policy on the export of military and dual-use goods to Ukraine, and on the extant export licences to Ukraine for both categories of goods. (See paragraphs 500 to 508 of Volume II of this Report)

143. The Committees further recommend that the Government states in its Response:

- a) whether, when it gave export licence approval in December 2014 for the export of 75 Saxon Armoured Personnel Carriers valued at £2,075,000, it was aware that they were likely to be armed after their delivery to Ukraine, and
- b) whether it remains the Government's policy to export or gift only non-lethal goods to Ukraine. (See paragraphs 500 to 508 of Volume II of this Report)

Arms exports to authoritarian regimes and Countries of concern worldwide

144. The Committees conclude that events worldwide relating to internal repression since the Committees' last Report was published in July 2014 provide compelling support for their previous Recommendation that the Government should apply significantly more cautious judgements when considering arms export licence applications for goods to authoritarian regimes which might be used for internal repression. (See paragraphs 509 to 512 of Volume II of this Report)

145. The Committees, therefore, adhere to, and repeat, their previous Recommendation that the Government should apply significantly more cautious judgements when considering arms export licence applications for goods to authoritarian regimes which might be used for internal repression. (See paragraphs 509 to 512 of Volume II of this Report)

Formal Minutes

Monday 9 March 2015

The Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees met concurrently, pursuant to Standing Order No. 137A.

Members present:

<i>Business, Innovation and Skills Committee</i>	<i>Defence Committee</i>	<i>Foreign Affairs Committee</i>	<i>International Development Committee</i>
Katy Clark	Richard Benyon	Ann Clwyd	Fabian Hamilton
Ann McKechin	Mr James Gray	Mike Gapes	Sir Peter Luff
Mike Crockart	Dr Julian Lewis	Sir John Stanley	Chris White

Sir John Stanley was called to the Chair, in accordance with Standing Order No. 137A(1)(d).

Draft Report: Scrutiny of Arms Export Controls (2015): Scrutiny of the Government's UK Strategic Export Controls Annual Report 2013, the Government's Quarterly Reports from October 2013 to June 2014, and the Government's policies on arms exports and international arms control issues.

Draft Report (*Scrutiny of Arms Export Controls (2015): Scrutiny of the Government's UK Strategic Export Controls Annual Report 2013, the Government's Quarterly Reports from October 2013 to June 2014, and the Government's policies on arms exports and international arms control issues*) proposed by the Chair, brought up and read.

Ordered, That the draft Report be considered concurrently, in accordance with Standing Order No. 137A (1)(c).

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 142 read and agreed to.

Paragraph—(Sir John Stanley)—brought up, read the first and second time, and inserted (now paragraph 143)

Paragraph 144 and 145 read and agreed to.

The Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees further deliberated.

Ordered, That the Memorandum of the Chair to the Committees be reported to the House for publishing on the Internet.

[The Committees adjourned.]

BUSINESS, INNOVATION AND SKILLS COMMITTEE

Katy Clark
Mike Crockart

Ann McKechin

In the absence of the Chair, Katy Clark was called to the chair

Draft Report (*Scrutiny of Arms Export Controls (2015): Scrutiny of the Government's UK Strategic Export Controls Annual Report 2013, the Government's Quarterly Reports from October 2013 to June 2014, and the Government's policies on arms exports and international arms control issues*), proposed by the Chair, brought up and read.

Resolved, That the draft Report prepared by the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees be the Tenth Report of the Committee to the House.

Ordered, That the provisions of Standing Order No. 137A(2) be applied to the Report.

Ordered, That Sir John Stanley make the Joint Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No.134 (Select committees (reports)).

[Adjourned till Tuesday 10 March at 10.00 a.m.]

DEFENCE COMMITTEE

Richard Benyon
Mr James Gray

Dr Julian Lewis

In the absence of the Chair, Mr James Gray was called to the chair

Draft Report (*Scrutiny of Arms Export Controls (2015): Scrutiny of the Government's UK Strategic Export Controls Annual Report 2013, the Government's Quarterly Reports from October 2013 to June 2014, and the Government's policies on arms exports and international arms control issues*), proposed by the Chair, brought up and read.

Resolved, That the draft Report prepared by the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees be the Ninth Report of the Committee to the House.

Ordered, That the provisions of Standing Order No. 137A(2) be applied to the Report.

Ordered, That Sir John Stanley make the Joint Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No.134 (Select committees (reports)).

[Adjourned till Tuesday 17 March at 2.00 p.m.]

FOREIGN AFFAIRS COMMITTEE

Ann Clwyd
Mike Gapes

Sir John Stanley

In the absence of the Chair, Ann Clwyd was called to the chair

Draft Report (*Scrutiny of Arms Export Controls (2015): Scrutiny of the Government's UK Strategic Export Controls Annual Report 2013, the Government's Quarterly Reports from October 2013 to June 2014, and the Government's policies on arms exports and international arms control issues*), proposed by the Chair, brought up and read.

Resolved, That the draft Report prepared by the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees be the Eleventh Report of the Committee to the House.

Ordered, That the provisions of Standing Order No. 137A(2) be applied to the Report.

Ordered, That Sir John Stanley make the Joint Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No.134 (Select committees (reports)).

[Adjourned till Tuesday 10 March at 3.15 p.m.]

INTERNATIONAL DEVELOPMENT COMMITTEE

Fabian Hamilton
Sir Peter Luff

Chris White

In the absence of the Chair, Fabian Hamilton was called to the chair

Draft Report (*Scrutiny of Arms Export Controls (2015): Scrutiny of the Government's UK Strategic Export Controls Annual Report 2013, the Government's Quarterly Reports from October 2013 to June 2014, and the Government's policies on arms exports and international arms control issues*), proposed by the Chair, brought up and read.

Resolved, That the draft Report prepared by the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees be the Eleventh Report of the Committee to the House.

Ordered, That the provisions of Standing Order No. 137A(2) be applied to the Report.

Ordered, That Sir John Stanley make the Joint Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No.134 (Select committees (reports)).

[Adjourned till Wednesday 18 March at 10.00 a.m.]

List of Reports from the Committees during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–11

First Joint Report	Scrutiny of Arms Export Controls (2011): UK Strategic Export Controls Annual Report 2009, Quarterly Reports for 2010, licensing policy and review of export control legislation	HC 686 (<i>Cm8079</i>)
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Session 2012–13

First Joint Report	Scrutiny of Arms Exports (2012): UK Strategic Export Controls Annual Report 2010, Quarterly Reports for July to December 2010 and January to September 2011, the Government's Review of arms exports to the Middle East and North Africa, and wider arms control issues	HC 419 (<i>Cm8441</i>)
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Session 2013–14

First Joint Report	Scrutiny of Arms Exports and Arms Control (2013): Scrutiny of the Government's UK Strategic Export Controls Annual Report 2011 published in July 2012, the Government's Quarterly Reports from October 2011 to September 2012, and the Government's policies on arms exports and international arms control issues	HC 205 (<i>Cm8707</i>)
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Session 2014–15

First Joint Report	Scrutiny of Arms Exports and Arms Controls (2014): Scrutiny of the Government's UK Strategic Export Controls Annual Report 2012, the Government's Quarterly Reports from October 2012 to September 2013, and the Government's policies on arms exports and international arms control issues	HC 186 (<i>Cm8935</i>)
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