

Research Briefing

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An introduction to UK arms exports



Summary

- 1 Overview of the UK export control system
- 2 The legislative framework
- 3 Parliamentary scrutiny
- 4 Commentary and topical issues
- 5 Relevant international treaties, agreements and forums

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Summary

What are arms exports?

Arms exports are the export of military and dual use items (that could be used for military or civilian use) to other nations.

The UK is one of the largest exporters of arms in the world. According to one estimate, provided by the [Stockholm International Peace Research Institute](#), the UK was the seventh largest exporter of major conventional weapons between 2018 and 2022 (behind the US, Russia, France, China, Germany and Italy).

What is the process for exporting military items?

Any company wanting to export military or dual-use (that could have military or civilian use) goods to other nations must apply for a licence from the Government to do so.

These are referred to as controlled goods or items, and include not just physical goods but also software and technology.

A list of the controlled goods which require a licence for export are listed in the UK [Strategic Export Control Lists](#) (also known as the consolidated list).

The [Export Control Joint Unit](#) (ECJU) is responsible for processing licence applications. The unit sits within the Department for Business and Trade and draws together expertise from the Foreign, Commonwealth and Development Office and the Ministry of Defence.

The ECJU assess licence applications against [the Strategic Export Licencing Criteria](#). These reflect, among other things, the UK's obligations under international law, and the risk that the goods might be used in the violation of human rights, for example torture, or for internal repression.

The legislative framework for the UK's export controls is found in the Export Control Act 2002 and the Export Control Order 2008. A body of retained EU legislation and current EU legislation is also relevant.

The Government [says its policy on export control](#) is “not to frustrate or hamper the ability of companies to trade, but to make the world a safer

place for us all by operating a clear, proportionate, and robust system of controls.”

Parliamentary oversight

Until early 2024, the [Committees on Arms Export Controls](#) (CAEC) scrutinised UK arms export policy and implementation. CAEC drew on the membership of four select committees: the Defence, Foreign Affairs, Business and Trade and International Development Committees.

In early 2023 CAEC [called on the Government to support the establishment of a dedicated select committee](#) on arms export controls.

However, in January 2024, the Business and Trade, Foreign Affairs and International Development Committees [announced they would no longer meet as CAEC](#). Rather, the Business and Trade Committee would take the lead scrutinising strategic export control policy, with other committees able to examine strategic exports as part of other work. The Defence Committee [disagreed with this approach \(PDF\), arguing CAEC had “offer\[ed\] balanced scrutiny”](#).

Arms exports and human rights: An inherent conflict?

A perennial concern in this field is the inherent tension between supporting, encouraging and facilitating the export of arms and concerns about what the end user intends to do with them.

Notwithstanding the Government’s view that it [“operates one of the most robust arms export control regimes in the world”](#) there are many who question the export of military equipment to countries with poor human rights records or who may be involved in conflict.

Campaign against Arms Trade (CAAT), a UK group that calls for an end to the international arms trade, says [“the majority of UK arms exports continue to go to highly autocratic regimes”](#) and countries that are “actively engaged in armed conflict” and are not defending themselves from foreign invasion.

CAAT has twice taken the Government to court to obtain a Judicial Review of arms sales to Saudi Arabia. Following the outbreak of the [Israel-Hamas conflict in Gaza](#) in October 2023, several Members have [called on the Government to suspend arms exports](#) to Israel; Zarah Sultana (Lab) has [introduced a Private Members Bill](#) calling for the suspension of arms sales to countries “where it cannot be demonstrated that arms sold will not be used in violation of international law.”

The [Government has resisted](#) suggestions from the Committees on Arms Export Controls to introduce a post-shipment verification system to monitor the end-use of military equipment exported from the UK.

1 Resources on arms export controls

UK Government

- [Strategic export controls: Licensing data](#) Information from the ECJU on published reports, data, and methodology. Including:
 - [Licensing statistics quarterly reports](#) ECJU data.
 - [Licensing data annual reports](#) ECJU data. These include information by country.
 - [Searchable ECJU database](#)
- [UK Defence and Security Exports data](#) provides information on UK defence export based on new orders or contracts signed.

Parliamentary scrutiny

- [Committees on Arms Export controls](#) UK Parliament Committees

Commons Library

- [UK arms exports: statistics](#) Commons Library paper

External sources

- [UK export licence data](#) provided by Campaign Against Arms Trade. Information is drawn from the Government's online database.
- [UK export licence data by country](#) provided by Campaign Against Arms Trade
- [Annual reports](#), Campaign Against Arms Trade
- [SIPRI](#), the Stockholm International Peace Research Institute, which provides data and analysis of the global arms trade, including an annual yearbook

1 Overview of the UK export control system

Any company or individual wanting to export or transfer military or dual-use (that could have military or civilian use) goods to other nations must apply for a licence from the Government to do so. The term “goods” includes equipment, software and technology.

1.1 List of items that require an export licence

Items that are controlled and therefore need a licence for export can be found in the [UK Strategic Export Control List](#). This list contains all the military and dual-use items that require export authorisation. It is also known as the consolidated list because it brings into one document all the items that require export authorisation from wherever they originate.

How do items get on the list?

International bodies, to which the UK belongs, provide specialist advice in identifying items that need to be controlled. The Wassenaar Arrangement, for example, identifies conventional arms and dual-use goods and technologies. The Missile Technology and Control Regime, a voluntary group of countries, collates and provides information on items and materials that relate to missiles, rockets and space launch vehicles. Information on these bodies can be found in the annex. Prior to the UK leaving the EU in January 2020, the list also drew on the EU’s Common Military list.

How does this work in practice?

To give an example. In 2017 the Wassenaar Arrangement amended its [list of dual-use goods and technologies and munitions list](#). In the UK these changes were brought into effect by amending the Export Control Order 2008 by a statutory instrument: [Export Control \(Amendment\) Order 2018](#) (S.I. 2018 no 165). This came into force on 5 March 2018. The Consolidated List was then updated to reflect the changes.¹

Understanding the list

Codes are assigned to each category of goods on the consolidated list. For example, all control entries beginning ML are for military goods and drawn

¹ “[Notice to exporters 2018/4: Export Control Order 2008 amended and 4 four OGELS](#)”, Export Control Joint Unit, 5 March 2018

from the UK Military List: ML10 means aircraft, components and related equipment and ML4 is bombs, missiles and related equipment. The Government's quarterly and annual statistics on export licences will use these codes rather than an explicit reference to specific items.

Licences for goods not on the consolidated list

Some goods may still require a licence even if they are not on the consolidated control list. These are called end-use controls. End-use controls may apply if the goods may have a military use and they are intended for export to a country under arms embargo, or if there is a risk they may be used for purposes connected to weapons of mass destruction.²

In May 2022, a revised military end-use control (MEUC) came into force. The Government explained the revisions were introduced to allow the UK to "address threats to national security, international peace and security, and human rights arising from the use of non-listed items by the military, police or security forces, or entities acting on their behalf, in an embargoed destination."³ Current embargoed destinations include China (and the Special Administrative Regions of Hong Kong and Macao), Iran, Iraq, Somalia and Sudan.⁴

1.2

Assessing licence applications and the criteria

The Export Control Joint Unit (ECJU) is responsible for issuing licences. The ECJU is part of the Department for Business and Trade, and brings together expertise from the Foreign, Commonwealth and Development Office (FCDO) and the Ministry of Defence (MOD).⁵

The ECJU assess licence applications on case-by-case basis against [the Strategic Export Licencing Criteria](#). There are eight criteria in all (a shortened version is contained in box 2). These reflect, among other things, the UK's obligations under international law, and the risk that the goods might be used in the violation of human rights, for example torture, or for internal repression.

² Department for Business and Trade, [UK strategic export controls guidance](#), 21 November 2023

³ Department for Business and Trade, [UK Strategic Export Controls Annual Report 2022](#), HC 1681 2023-24, 19 July 2023

⁴ A full list can be found on: Department for Business and Trade, [End-use controls applying to military related items guidance](#), 19 May 2022

⁵ Department for Business and Trade, [UK Strategic Export Controls Annual Report 2022](#), HC 1681 2023-24, 19 July 2023

Criteria 1-4 and Criterion 6a are mandatory, which means that if the risk threshold under these criterion are met, the licence application must be refused.⁶ To illustrate, this means a licence will not be granted if:

- There is an arms embargo on the destination country (criteria 1a)⁷
- There is a clear risk that the items might be used to “commit or facilitate” internal repression or a serious violation of international humanitarian law (Criteria 2a and 2c).
- There is a clear risk that the items would, overall, undermine internal peace and security (Criterion 3) or regional/international peace and security (Criterion 4).
- The items could be used to commit or facilitate an offence under international conventions or protocols to which the United Kingdom is party relating to terrorism or transnational organised crime (Criterion 6a).⁸

Licences will be revoked “if extant licences are found to be no longer consistent with the Criteria.”⁹

Evolution of the Criteria

The criteria have developed over several decades.

The need for greater controls over the export of arms came to the fore in the 1990s. In the UK, the recommendations of the 1996 Scott Report into the ‘arms to Iraq’ scandal prompted a thorough review of the existing framework. The incoming Labour Government in 1997 pledged not to permit the sale of arms to regimes that might use them for internal repression or international aggression; to increase transparency and accountability and support an EU code of conduct governing arms sales.¹⁰

At the same time, EU Member States recognised there was a considerable divergence about the standards applied to arms exports.

These moves resulted in the adoption of [new UK export licensing criteria](#) in 1997 and the creation of a voluntary EU Code of Conduct on Arms Exports in

⁶ Committees on Arms Export Controls, [Developments in UK Strategic Export Controls](#) [PDF], HC 282 2022-23, 28 October 2023, [written evidence UKA0019](#), 4 July 2023

⁷ A list of countries with arms embargoes in place is available on Gov.uk: [Trade sanctions, arms embargoes and other trade restrictions](#). They are also listed in [Schedule 4](#) of the [Export Control Order 2008](#) (SI 2008/3231).

⁸ Committees on Arms Export Controls, [Developments in UK Strategic Export Controls](#) [PDF], HC 282 2022-23, 28 October 2022, [written evidence UKA0019](#), 4 July 2022

⁹ [PQ51982 \[Israel: West Bank\]](#), 29 September 2023

¹⁰ Labour party election manifesto 1997

1998 (which later became the 2008 Common Position on arms exports).¹¹ The Government subsequently brought the two sets of criteria together in 2000 in what it called the Consolidated EU and National Arms Export Licensing Criteria (more commonly known as the Consolidated Criteria).

In March 2014, the Coalition Government published a revised set of eight criteria.¹² The Government said there was not any “substantive change” to the policy. Rather, the criteria reflected new legislation and regulations (both UK and EU) and reflected updates to the list of the UK’s international obligations and criteria. An explicit reference to international humanitarian law was added to criterion 2.

At the time, the Government said they will not refuse a licence “on the grounds of a purely theoretical risk of a breach of one or more of those criteria.”¹³

New Criteria published in 2021

On 8 December 2021, the then Secretary of State for International Trade, Anne-Marie Trevelyan, announced a revised version of the criteria, which would now be known as the Strategic Export Licensing Criteria.¹⁴ The UK’s exit from the EU was cited by the International Trade Secretary as one of the reasons for the revised criteria.¹⁵

Secondary legislation was not required to enact the criteria; the guidance is given under section 9 of the [Export Control Act 2002](#). The criteria were applied with immediate effect to all licence decisions from the date of the written statement (8 December 2021).

Main changes and concerns

The Government told the Committees on Arms Export Controls that the main changes are to criteria 3 and 4: criterion 4 was amended to “address ambiguities in the previous formulation” and criterion 3 was amended to track Criterion 4. The Government said both criteria “provide a more holistic assessment of peace and security.” In addition, criterion 6a has become mandatory, along with criteria 1-4.¹⁶

¹¹ [HC Deb 28 July 1997 c27](#); “EU rules on control of arms exports”, European Parliament Research Service, 7 November 2018 (accessed 21 February 2022)

¹² [HC Deb 25 March 2014 c14WS](#). Further detail of the evolution of the Consolidated Criteria can be found in Commons Library paper [The legal and regulatory framework for UK arms exports](#), SN02729, 4 September 2017

¹³ [HC Deb 25 March 2014 c14WS](#)

¹⁴ [HCWS449](#), 8 December 2021

¹⁵ [HCWS449](#), 8 December 2021

¹⁶ Committees on Arms Export Controls, [Developments in UK arms exports](#) [PDF], HC 282 2022-23, 28 October 2022, [written evidence UKA0019](#), 4 July 2022

References to the European Union and the EU 2008 common position have also been removed.

Whilst not a numbered criterion, the written statements from 2014 and 2021 both included “other factors”. This allows the Government “in exceptional circumstances” to not grant a licence for reasons other than those set out in criteria 1 to 8 “where the items may have a significant impact on the UK’s international relations.”

The Committees criticised the lack of consultation on the revised criteria and heard concerns from experts for its report on developments in UK arms exports published in October 2022.¹⁷

Campaign Against Arms Trade (CAAT), a UK group which seeks the end of the global arms trade, said some of the changes are positive, such as the inclusion of references to gender-based violence in several of the criteria. However, it said other changes were concerning, including the insertion of the phrase “it determines” in several criteria. CAAT said this might make it harder to bring legal challenges to decisions to issue licences.¹⁸

A more detailed analysis of all the changes made to the criteria, and reaction, can be found in Commons Library briefing [UK amends its criteria for arms exports](#) (CBP 9494).

¹⁷ Committees on Arms Export Controls, [Developments in UK arms exports](#) [PDF], HC 282 2022-23, 28 October 2022

¹⁸ Campaign Against Arms Trade, [UK arms exports in 2022](#), 10 May 2023. CAAT has previously bought two judicial reviews of arms export licences to Saudi Arabia for use in Yemen.

2 The strategic export licensing criteria

Criterion 1

Respect for the UK's international obligations and relevant commitments, in particular sanctions adopted by the UN Security Council, agreements on non-proliferation and other subjects, as well as other international obligations.

Criterion 2

Respect for human rights and fundamental freedoms in the country of final destination as well as respect by that country for international humanitarian law.

Criterion 3

The Government will not grant a licence if, having assessed the potential that the items would either contribute to or undermine internal peace and security, it determines there is a clear risk that the items would, overall, undermine internal peace and security.

Criterion 4

The Government will not grant a licence if, having assessed the potential that the items would either contribute to or undermine peace and security, it determines there is a clear risk that the items would, overall, undermine peace and security.

Criterion 5

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.

Criterion 6

The behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism and transnational organised crime, the nature of its alliances and respect for international law.

Criterion 7

The existence of a risk that the items will be diverted to an undesirable end-user or for an undesirable end-use

Criterion 8

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.¹⁹

¹⁹ [HCWS449](#), 8 December 2021

1.3 The different types of licences

There are several different types of export licence. They can be broadly split into two categories, standard or open licences. Open licences can be used with fewer restrictions than standard licences.

The UK Strategic Export Controls Annual Report 2022 describes the different types of licences and requirements and provides data on the number of applications for licences and the number of licences issued, refused or withdrawn.²⁰

The UK licenced over 13,000 standard individual export licences in 2022, the most common type of licence.

The most common type of licence is the standard individual export licence (SIELS). SIELS allow shipments of specified items to an end-user up to a quantity specified in the licence. SIELS are generally valid for two years. In 2022, over 13,000 standard individual export licences were issued.²¹

The next most common type of licence issued in 2022 was the open individual export licence (OIELs). OIELs cover multiple shipments of specified items to specified destinations. It is a tailored and flexible licence and generally valid for five years. The applicant does not need to specify quantities or name end-users before a licence is issued, although they do need to provide that information over the lifetime of the licence. In 2022, 387 open individual export licences were issued.²² The Government does not publish data on the value of goods exported under open licences.

Open General Export Licences (OGELs) are pre-published licences that permit the export of specified items to specified destinations. They remove the need for an exporter to apply for individual licences, as long as they can meet the terms and conditions set out in the licence. Examples of OGELs include licences for export overseas for exhibition and demonstration purposes; the transfer of most military goods to UK armed forces operating overseas; exports in support of certain aircraft (A400M, Typhoon and F-35 Lightning II) and the export of vintage military vehicles and artillery pieces to EU countries. All OGELs are published on Gov.uk: [Open general export licences](#).²³

There are also licences specific to a named UK trader or broker who is selling or facilitating the sale of goods from one country to another, not including

²⁰ Department for Business and Trade, [UK Strategic Export Controls Annual Report 2022](#), HC 1681 2023-24, 19 July 2023

²¹ Department for Business and Trade, [UK Strategic Export Controls Annual Report 2022](#), HC 1681 2023-24, 19 July 2023

²² Department for Business and Trade, [UK Strategic Export Controls Annual Report 2022](#), HC 1681 2023-24, 19 July 2023

²³ Department for Business and Trade, [Open general export licences](#), 11 August 2023 [accessed 30 November 2023]

the UK. These are the standard and open individual trade control licences (SITCLs and OITCLs). 121 SITCLs and 16 OITCLs were issued in 2022.

Lastly, an open general transshipment licence (OGTCL) is a pre-published licence that permits the supply of specified goods from specified source countries outside the UK to specified destinations. There are [currently four licences available](#), including for the provision of maritime anti-piracy services in the Indian Ocean.²⁴

Data on licences issued is collated by the Commons Library in [UK arms exports: statistics](#) (CBP 8310). This briefing is updated on an annual basis.

Data on licences granted, refused and revoked

The Department for Business and Trade publishes data on the number of licences issued, refused, rejected or revoked on a quarterly basis: [Strategic export controls: licensing statistics quarterly reports](#).

The Department also provides an annual overview in its [UK strategic export controls annual reports](#).

The following table provides a summary of application outcomes for 2022.²⁵

Table 1 Summary of application outcomes 2022					
Outcome	SIELs	SITLs	OIELs	SITCLs	OITCLs
Issued	13,188	3	387	121	16
Refused/ Rejected	423	0	73	10	3
No licence required	2,373	0	4	14	1
Withdrawn, stopped or unsuitable	1,220	9	123	60	39
Revoked	103	0	1	3	1

Source: [UK strategic export controls annual report 2022](#), Department for Business and Trade, 19 July 2023, table 2.1

²⁴ Department for Business and Trade, [Open general export licences](#), 11 August 2023 [accessed 30 November 2023]

²⁵ Department for Business and Trade, [UK Strategic Export Controls Annual Report 2022](#), 19 July 2023, HC 1681 2023-24

1.4 Penalties for exporting without a licence

HM Revenue & Customs (HMRC) is responsible for enforcing export and trade controls, sanctions and embargoes, and works with the Border Force to prevent detect and investigate breaches.²⁶

HMRC issues penalty fines to UK exporters for the unlicensed export of military and dual-use goods, or for breaching licence conditions.

HMRC publishes information on the amount fined but does not publish information on the exporter, the items nor the destination.

In February 2022, a fine of £2.7 million was paid relating to an unlicensed export of military goods.²⁷ The size of the fine prompted the Committees on Arms Export Controls to seek further details. However, the Government told the Committees: “HMRC do not consider that disclosing the company name would drive compliance, promote voluntary disclosure or be proportionate. Therefore, we do not believe that disclosure is in the public interest in this case.”²⁸

The Government did tell the Committees it would include data on convictions for export control violations in future annual reports.²⁹ The 2022 strategic export controls annual report includes, in table 8.6, information on convictions. Four convictions are listed, dating back to 2018.³⁰

1.5 Gifting equipment to foreign governments

Gifting equipment is when the Government decides to give equipment to another country “in support of its wider security and foreign policy aims.”³¹

Gifted military equipment is exported under a Crown exemption letter and therefore does not require an export or trade licence. However, the Government says all proposals to gift military equipment are assessed

²⁶ Department for Business and Trade, [UK Strategic Export Controls Annual Report 2022](#), 19 July 2023

²⁷ Department for International Trade, [NTE 2022/12: UK exporters fined for unlicensed strategic exports](#), 4 April 2022

²⁸ Committees on Arms Export Controls, [Developments in UK arms exports](#) [PDF], HC 282 2022-23, 28 October 2022, para 72

²⁹ Department for Business and Trade, [Developments in UK Strategic Export Controls: Government response](#), 9 January 2023, CP 775

³⁰ Department for Business and Trade, [UK Strategic Export Controls Annual Report 2022](#), HC 1681 2023-24, 19 July 2023

³¹ Department for Business and Trade, [UK Strategic Export Controls Annual Report 2022](#), HC 1681 2023-24, 19 July 2023

against the criteria in the same way as commercial applications “and with the same degree of rigour.”³² Parliament is notified when gifts exceed £300,000 in value.

The strategic export controls annual reports provides information on equipment gifted or sold to foreign governments.

Licences are required for equipment sold abroad

The Defence Equipment Sales Authority is responsible for the disposal of equipment no longer needed by the UK armed forces. Equipment exported outside the UK are subject to normal UK export licence regulations.³³ All surplus equipment sold into the commercial marketplace is demilitarised and declassified.

³² Department for Business and Trade, [UK Strategic Export Controls Annual Report 2022](#), HC 1681 2023-24, 19 July 2023

³³ HC Deb 8 July 2008 c1461W

2 The legislative framework

The legislative framework for arms exports consists of the Export Control Act 2002 and the Export Control Order 2008. A body of retained EU legislation and current EU legislation is also relevant.

The [annual UK strategic export controls reports](#) provide updates on legislative changes made during the preceding year.

2.1 The Export Control Act 2002 and Export Control Order 2008

The Export Control Order 2008 implements the strategic export controls of the UK. Secondary legislation will usually amend the 2008 Order. For example, the [Export Control \(Amendment\) Order 2022](#) (SI 2022/491) moved China into the list of countries that are embargoed destinations and subject to transit controls for military goods.

2.2 EU retained legislation

EU retained legislation includes regulations that relate to dual-use equipment, firearms and goods which could be used for torture or capital punishment.

These were retained in UK law by the European Union (Withdrawal Act) 2018 and apply to exports from Great Britain.³⁴

The Dual-Use Regulation

Retained [Council Regulation \(EC\) 428/2009](#) provides the legislative framework of controls on dual-use items and controls their export, transfer, brokering and transit.

³⁴ Department for Business and Trade, [UK strategic export controls annual report 2022](#), 19 July 2023

The “Firearms” Regulation

Retained [Council Regulation \(EU\) 252/2012](#) establishes export, import and transit measures for firearms, their parts and components, and ammunition.

The “Torture Regulation”

Retained [Regulation \(EU\) 2019/125](#) applies to the trade in certain goods which could be used for capital punishment, torture or other cruel and inhuman or degrading treatment or punishment.

2.3 Exports from Northern Ireland and current EU regulations

For exports from Northern Ireland, EU legislation governing firearms, dual-use and torture exports continue to apply under the terms of the Northern Ireland Protocol.³⁵

This means updates to regulations apply to Northern Ireland. Dual-use [Regulation \(EU\) 2021/821 updates](#) and consolidates the earlier EU dual use regulation and applies in Northern Ireland from May 2021.³⁶

Kemi Badenoch, the Secretary of State for Business and Trade, provided further information on the impact of the Windsor Framework in a letter to CAEC in May 2023, referencing the dual-use, torture and firearms regulations:

Under the Windsor Framework Regulation (EU) 2021/821, Regulation (EU) 2019/125, and Regulation (EU) 258/2012 will continue to govern the export from Northern Ireland of, respectively, dual-use items, goods usable for capital punishment or torture, and civilian firearms, as they do now.

However, if the EU adopted new Regulations to replace any of these, then those new Regulations would be within the scope of the “Stormont Brake” established in Article 13(3a) of the Windsor Framework, provided the Northern Ireland Executive had been restored and become operational and the Northern Ireland Assembly had been in regular session.³⁷

A more detailed explanation of the system used by the UK when a member of the EU can be found in Commons Library briefing [the legal and regulatory framework for UK arms exports](#) (SN02729), published in 2017.

³⁵ Department for Business and Trade, [UK strategic export controls annual report 2022](#), 19 July 2023

³⁶ Department for Business and Trade, [UK strategic export controls annual report 2022](#), 19 July 2023

³⁷ Committees on Arms Export Controls, [Letter from Secretary of State for Business and Transport \[PDF\]](#), 12 May 2023

3 Parliamentary scrutiny

Until January 2024 the Committees on Arms Export Controls scrutinised UK arms export policy and implementation.

Members of Parliament can also raise concerns about arms exports via the usual Parliamentary methods, including debates, written and oral questions, and early day motions.

3.1 The Committees on Arms Export Controls

Four committees have an interest in arms exports as part of their responsibility to scrutinise their respective Government department. The four committees are the Defence, Foreign Affairs, Business and Trade and International Development Committees. From 1999 to 2024 these committees collectively formed the Committees on Arms Export Controls, also known as CAEC. Members of CAEC were drawn from each of these committees.

In January 2024, having called for a dedicated select committee the previous year, three of the committees announced new arrangements for the scrutiny of UK arms exports. This means the Committees on Arms Exports will no longer continue. The Business and Trade Committee will take the lead for scrutinising strategic arms exports.

The evolution of the Committees on Arms Export Controls

Since 1999, four committees have worked together to scrutinise the Government's policies and processes relating to arms exports.³⁸ Previously known as the Quadripartite Committee, since 2008 it has been known as the Committees on Arms Export Controls (CAEC).³⁹

³⁸ Committees on Arms Export Controls, [Developments in UK arms exports](#) [PDF], HC 282 2022-23, 28 October 2022

³⁹ The powers of the four departmental select committees to work together and agree joint reports are set out in [Standing Order No. 137A](#).

CAEC was not a committee in its own right; it functioned by virtue of Standing Order No. 137A which enables select committees to meet concurrently to take evidence and consider draft reports.⁴⁰

During Sir John Stanley's chairmanship (2011-2015), CAEC tended to conduct a single inquiry each year, examining exports over the preceding year and the main developments in export policy.⁴¹

This changed during the 2015-17 Parliament.⁴² CAEC launched two thematic inquiries, on the Arms Trade Treaty and the UK's approach to defence export promotion, and a country-based report on UK arms exports to Saudi Arabia.

The CAEC hit an impasse and ceased to function in 2016 after the leak of a draft report exposed splits within it on the key issue of whether to endorse the suspension of UK arms exports to Saudi Arabia that could be used in Yemen, until the UN had carried out its own investigation into alleged violations of International Humanitarian Law. This led to the publication of two separate reports, one by the [International Development committee and the then Business, Innovation and Skills Committee](#) (PDF), and one by the [Foreign Affairs committee](#) (PDF). An account of the division within CAEC can be found in Library briefing paper [The legal and regulatory framework for UK arms exports](#), CBP2729.

CAEC was re-formed after the 2017 election and again after the 2019 general election.

Calls for a dedicated select committee

In January 2023, the chair of the Committees, Mark Garnier, and the chairs of the four constituent committees, wrote to the Leader of the House to seek the Government's support to establish a dedicated select committee on arms export controls.⁴³

The chairs explained how the current rules governing the structure of how CAEC operates, in particular the minimum number of Members required to attend meetings (the quorum), had made it "increasingly difficult for CAEC to function effectively." The chair said this reduced the level of parliamentary

⁴⁰ Only Commons select committees may meet concurrently under the Standing Order to consider draft reports; Business and Trade, Foreign Affairs and International Development Committees, [Scrutiny of Strategic Export Controls](#) [PDF], 23 January 2024, HC 436 2023-24

⁴¹ These can be found in the [Publications](#) section of CAEC's webpage. The Government response to the 2015 report can be found on the Gov.uk website: [Consolidated government response to the Committees on Arms Export Controls annual report 2015](#), 31 July 2015

⁴² Sir John Stanley stood down as an MP in 2015. The new chair was Chris White MP.

⁴³ Committees on Arms Export Controls, [CAEC Chairs write to Leader of the House and publish Government response](#), 12 January 2023

scrutiny of Government activity of the licencing and control of arms exports.⁴⁴

The chair called on the Leader of the House, Penny Mordaunt, to support the establishment of a dedicated select committee.⁴⁵ However, Ms Mordaunt said she was “not convinced” that the change was needed, saying the structure then in place “means that the expertise garnered by the constituent Committee members can be applied to the question of arms exports.” She did express willingness to discuss the issues relating to the quorum.⁴⁶

The proposal to establish a dedicated select committee on arms export controls was supported by several individuals and organisations who advocate for greater scrutiny of UK arms exports, including CAAT,⁴⁷ Saferworld, Oxfam and Amnesty International UK.⁴⁸

Activity in 2022 and 2023

The Committees published their report [Developments in UK Strategic Export Controls](#) in October 2022. In December 2022, the Committees held a one-off [oral evidence session on strategic export controls and Russia](#). In 2023, the Committees also [corresponded with the Government](#) over certain aspects of strategic export controls, including on the work of the ECJU, the new IT system, and the outcome of the judicial review brought by CAAT. Information on CAEC’s activities is available on Parliament’s website: [Committees on Arms Export Controls](#).

CAEC discontinued in 2024: Business and Trade committee to lead scrutiny of strategic arms exports

On 23 January 2024 three committees (Business and Trade, Foreign Affairs and International Development) published a report announcing a new approach to scrutinising strategic export controls.⁴⁹

Arguing the practical difficulties cited above in forming a quorum, and the perception that the Government “appears to treat accountability to CAEC as secondary to accountability to individual select committees”, the

⁴⁴ Committees on Arms Export Controls, [CAEC Chairs write to Leader of the House and publish Government response](#), 12 January 2023

⁴⁵ Committees on Arms Export Controls, [CAEC Chairs write to Leader of the House and publish Government response](#), 12 January 2023

⁴⁶ Committees on Arms Export Controls, [Correspondence from the Leader of the House relating to the CAEC Chairs’ request for a stand-alone arms export committee, dated 1 February 2023](#) [PDF], published 9 February 2023

⁴⁷ Campaign Against Arms Trade, [UK arms exports in 2022](#), 10 May 2023

⁴⁸ Committees on Arms Export Controls, [Correspondence from Control Arms UK supporting a stand-alone Committee on Arms Export Controls dated 20 January](#) [PDF], published 4 April 2023

⁴⁹ Business and Trade, Foreign Affairs and International Development Committees, [Scrutiny of Strategic Export Controls](#) [PDF], 23 January 2024, HC 436 2023-24

committees concluded “more fundamental changes are required” in the approach to scrutiny of strategic export controls.

A new model for future scrutiny

The three committees set out a new model for future scrutiny.

The three committees said scrutiny of [strategic export controls annual reports](#) “must continue”, but on a “more secure footing”. They said the Business and Trade Committee would take on the “core responsibility for scrutiny” of strategic exports controls annual reports. It may invite members of the other committees to these oral evidence sessions.

The Business and Trade Committee will also be able to raise policy concerns with the Secretary of State for Business and Trade in correspondence or in oral evidence sessions as part of its normal work. The committees argued:

This would entrench direct accountability of the Business Secretary, as decision-maker for overall strategic export controls policy and export licensing decisions, to the departmental Select Committee.⁵⁰

The report also notes that other committees could still explore aspects of strategic export policy and implementation as part of their programme of work, noting that such scrutiny will “become even more vital in the near future.”⁵¹

However, the Defence Committee disagreed with the other committees about this approach. In a letter to the chairs of the three committees, the Defence Committee said it felt there was a continuing need for a cross-committee model that offered “balanced scrutiny”:

The CAEC model, while procedurally and logistically difficult to operationalise, has balanced the different perspectives of the four select committees involved, and ensured through consensus that no one point of view is dominant. At this time of growing global insecurity, a thriving UK defence industrial base needs all the more to be a prime consideration in export control decisions. In our view there is an ongoing requirement for a cross-committee model that offers balanced scrutiny, but one that focuses more on export control decision-making, and that offers less of a platform for interest groups.⁵²

⁵⁰ Business and Trade, Foreign Affairs and International Development Committees, [Scrutiny of Strategic Export Controls](#) [PDF], 23 January 2024, HC 436 2023-24

⁵¹ As above

⁵² Defence Committee, [Letter, dated 11 January 2024, from the Defence Committee to Chairs of Committee on Arms Export Controls \(CAEC\), relating to parliamentary scrutiny of arms export controls](#) [PDF], published 23 January 2024

4 Commentary and topical issues

The Committees on Arms Export Controls, Campaign Against Arms Trade and international arms trade experts have raised concerns about the UK's arms export system. Some have questioned the decision-making process, called for greater transparency and more accessible data on licences issued, and suggested the Government pilot a project for post-shipment verification of the end use of items exported from the UK.

4.1 External scrutiny

Several organisations scrutinise UK arms exports, advocate for effective controls of the international arms trade, and issue reports into aspects of the arms trade.

As well as Campaign Against Arms Trade (CAAT), which this briefing has already referred to, organisations in the UK include [Oxfam](#), [Saferworld](#), [Action on Armed Violence](#) and [Amnesty International](#).

Control Arms UK is the national platform of the [Control Arms Coalition](#), which describes itself as an international coalition of nongovernmental organisations, research institutions and other civil society organisations working for effective controls on the international arms trade. Control Arms UK has [submitted evidence to CAEC](#) on behalf of several groups, such as Amnesty UK, Action on Armed Violence, Oxfam and Saferworld.

ENAAT, the [European network against arms trade](#), describes itself as an informal network of groups opposing arms trade and militarisation.

SIPRI, the [Stockholm International Peace Research Institute](#), has an internationally respected database of information covering many aspects of the arms trade.

4.2 Arms exports and human rights: an inherent conflict?

A perennial concern in this field is the inherent tension between supporting, encouraging and facilitating the export of arms and concerns about what the end user intends to do with them.

Notwithstanding the Government's view that it "operates one of the most robust arms export control regimes in the world"⁵³ there are many who question the export of military equipment to countries with poor human rights records or who may be involved in conflict.

During 2010-15, the Committees on Arms Export Controls questioned the Government's view that it can both export arms to and criticise the human rights record of a country:

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".⁵⁴

The Committees called on the Government to "apply significantly more cautious judgements when considering export licence applications for goods to authoritarian regimes which might be used for internal repression."⁵⁵

"The majority of UK arms exports continue to go to highly autocratic regimes".

Campaign Against Arms Trade

In 2022, CAEC heard from witnesses about the export of controlled items to, and their use by, various countries of concern. The Committees included commentary on and made recommendations relating to Saudi Arabia and Yemen, Afghanistan, Hong Kong, Turkey, Russia and Ukraine, and Israel.⁵⁶

The Committees also noted the lack of reference to the FCDO's human rights priority countries (which can be found in the annual [Human Rights and Democracy Reports](#)) in strategic export control annual reports. The Committees recommended future export control reports "demonstrate, by including examples, how the Government takes the list of human rights priority countries into account in licensing decisions and exercising export controls."⁵⁷

Professor Anna Stavrianakis, Professor of International Relations at the University of Sussex, who specialises in the international arms trade, says that the "mantra that the UK has one of the most robust control regimes in the world is not a plausible description of the realities of UK export policy".⁵⁸ She argues that the outbreak of war or conflict "has had little or no

⁵³ See for example HL 3497 [[Yemen: Military intervention](#)], 7 December 2017. Campaign Against the Arms Trade [created a blog specifically to track Government](#) uses of this phrase.

⁵⁴ Committees on Arms Export Controls, *Scrutiny of Arms Exports and Arms Controls* (2015), HC 608 2014-15, 20 March 2015, para 88

⁵⁵ Committees on Arms Export Controls, *Scrutiny of Arms Exports and Arms Controls* (2015), HC 608 2014-15, 20 March 2015, para 144

⁵⁶ Committees on Arms Export Controls, [Developments in UK arms exports](#) [PDF], HC 282 2022-23, 28 October 2022

⁵⁷ Committees on Arms Export Controls, [Developments in UK arms exports](#) [PDF], HC 282 2022-23, 28 October 2022

⁵⁸ Stavrianakis A, [Debunking the myth of the "robust control regime": UK arms export controls during war and armed conflict](#), *Global Policy* 14(1): 121-130, 20 February 2023

restraining effect on UK arms exports” even where violations of human rights and humanitarian law are documented.⁵⁹

Campaign against Arms Trade (CAAT) actively lobbies to end the international arms trade, arguing the arms trade “supports conflict and human rights abusing regimes.”⁶⁰ CAAT points out that applications for licences are assessed against the criteria on the basis of the potential use of the item, rather than the nature of the recipient government:

The fact that the recipient is a highly repressive regime is not in principle a bar to an export licence, so long as the specific equipment is not considered likely to be used for internal repression.⁶¹

CAAT says “the majority of UK arms exports continue to go to highly autocratic regimes” and countries that are “actively engaged in armed conflict” and are not defending themselves from foreign invasion.⁶²

In its 2022 annual report CAAT called on the Government to:

End the issuing of Open Licences to countries engaged in armed conflict or with serious and persistent patterns of human rights abuses.

Introduce a “presumption of denial” for arms export licences to countries involved in high intensity armed conflict, and/or which persistently violate fundamental human rights.⁶³

Other organisations like Oxfam and [Saferworld](#) similarly raise concerns about exports to countries which are considered to have questionable human rights records. Both organisations have regularly contributed evidence to CAEC and other Parliamentary select committees.

Licences are not granted when the destination is under embargo or subject to sanctions. The UK [applies arms embargos to several countries](#) including Armenia, Azerbaijan, China, Myanmar (Burma), Iran and Russia.

3 UK arms exports to Israel

Several MPs have called on the Government to suspend arms sales to Israel, in relation to the [2023 Israel-Hamas conflict](#). Zarah Sultana (Lab), who led a debate on arms exports to Israel on 12 December 2023, explained her new Private Members Bill, the [Arms Trade \(Inquiry and Suspension\) Bill](#), would seek the suspension of arms sales to Israel and Saudi Arabia.⁶⁴ The Bill would

⁵⁹ Stavrianakis A, [Debunking the myth of the “robust control regime”: UK arms export controls during war and armed conflict](#), Global Policy 14(1): 121-130, 20 February 2023

⁶⁰ Campaign Against the Arms Trade, [Introduction to the arms trade](#), August 2015

⁶¹ Campaign Against Arms Trade, [UK arms exports in 2022](#), 10 May 2023

⁶² Campaign Against Arms Trade, [UK arms exports in 2022](#), 10 May 2023

⁶³ Campaign Against Arms Trade, [UK arms exports in 2022](#), 10 May 2023

⁶⁴ [HC Deb 12 December 2023 c242WH](#)

launch an inquiry into the end use of arms sold to foreign states to determine whether they have been used in violation of international law and suspend arms to any country that might use them in violation of international law.

Further information on arms exports to Israel and Parliamentary commentary can be found in Commons Library briefing [Arms exports for sales to Israel](#) (CDP-2023-0223).

4.3 Judicial reviews of Government decisions

Campaign Against Arms Trade (CAAT) has twice sought a judicial review of the UK Government's licensing of arms to Saudi Arabia. Saudi Arabia has been accused of committing violations of International Humanitarian Law (IHL) during its military operations in Yemen.

In June 2019, the Court of Appeal concluded the Government's decision-making process, under the criteria that applied at the time, for granting export licences was "irrational" and therefore "unlawful".

In response, the Government announced it would review all licences and not grant any new licences while it considered the implications of the judgement.⁶⁵ However, the Government then admitted it had breached this undertaking, by granting two licences, and commissioned an independent review to assess how this occurred.⁶⁶ The outcome of that review was published in a written ministerial statement in February 2020; internal processes to share information have been improved, as has governance and risk management within the ECJU.⁶⁷

In July 2020 the then-International Trade Secretary, Liz Truss, said the Government had concluded there was "not a clear risk" that the export of arms and equipment to Saudi Arabia might be used to commit a serious violation of international humanitarian law and announced the resumption of licences.⁶⁸

The Government resumed issuing licences for export to Saudi Arabia. Commons Library paper [UK arms exports to Saudi Arabia: Q&A](#) (CBP 8425) provides further background on these developments.

In April 2021, the Campaign Against Arms Trade group was given permission to bring a judicial review of the Government's decision to recommence arms

⁶⁵ [HC Deb 20 June 2019 c374](#)

⁶⁶ HCWS1833 [[Export update](#)], 26 September 2019

⁶⁷ HCWS101 [[Export Licences: Saudi Arabia](#)], 6 February 2020

⁶⁸ [HCWS339 Trade Update](#), 7 July 2020

sales to Saudi Arabia the previous July.⁶⁹ The judicial review was dismissed by the High Court in June 2023.⁷⁰

In December 2023 two organisations, the [Palestinian human rights organisation Al-Haq](#) and the UK-based [Global Legal Action Network](#) (GLAN), commenced legal proceedings against the UK Government over the export of arms to Israel.

4.4 End-use monitoring

The risk that items will be “diverted to an undesirable end-user” or for an “undesirable end-use” is considered by the Export Control Joint Unit when assessing licence applications (Criterion 7). When assessing this risk, the Government will consider several factors, including the risk of re-export to undesirable destinations or to terrorist organisations or transnational organised crime.⁷¹

The Government has resisted suggestions from the Committees on Arms Export Controls to introduce a post-shipment verification system to improve decision-making on granting licences and address questions about enforcement and compliance.

The Government also pledged to “consult on the targeting of end uses and end-users of concern” in the [Atlantic Declaration](#), an agreement signed with the US on a wide-range of economy-related issues in June 2023.

Concerns about the risk of diversion

Criterion 7 has been the most common reason given for refusing a licence in the last three years data is available (2020 to 2022). 199 applications for an export licence were refused in 2022 on the basis of criterion 7.⁷²

In its annual report for 2022, the Export Control Joint Unit gave Belarus as a case study and explicitly said that applications for exports to Belarus are considered against criterion 7 because of the risk of diversion to countries of concern, for example, Russia.⁷³

CAAT has raised specific concerns about the risk of diversion of arms sent to Ukraine. CAAT says this is a particular risk “after the war ends” and says the

⁶⁹ [High court to hear legal battle over UK arms sales to Saudi Arabia](#), The Guardian, 22 April 2021

⁷⁰ [Campaign group loses legal fight with Government over arms sales to Saudi Arabia](#), The Independent, 6 June 2023; CAAT, [CAAT’s legal challenge](#), accessed 8 December 2023

⁷¹ HCWS449 [[Trade Policy Update](#)], 8 December 2021

⁷² Department for Business and Trade, [UK strategic export controls annual report 2022](#), 19 July 2023

⁷³ Department for Business and Trade, [UK strategic export controls annual report 2022](#), 19 July 2023

Government has “refused to confirm or deny” if it has any measures to address this risk.⁷⁴

Committees on Arms Export Controls recommends post-shipment verification system

The Committees on Arms Export Controls has repeatedly suggested to the Government that it undertakes some end-use monitoring.

In a report published in 2018, the Committees suggested such a system would help the Government in “making better, more informed, export licensing decisions, as well as in addressing questions around compliance and enforcement.”⁷⁵

The Government said end-use monitoring of the thousands of licences it issues every year would be “unnecessary and unfeasible.” The Government went on to explain even a targeted system focusing on a selected group of goods or countries would be a “complex and resource intensive task” and would require permissions from each country before a visit.⁷⁶

The Committees returned to the question of end-use monitoring in a report published in 2022. The Government told the committee that its current and preferred approach was to focus on a rigorous risk assessment before a licence was issued, adding that “end-use monitoring cannot replace [the risk assessment] process and limitations of scale and locations mean that the benefits of end-use monitoring will be limited.”⁷⁷

The Committees thought a post-shipment system would complement rather than replace the existing pre-licence checks and suggested the Government pilot a programme to verify the end-use of controlled items exported from the UK, using the practices of other countries as a starting point. The Committees recommended the Government instigate a pilot programme by 2025 of post-shipment verification.⁷⁸

In its response, the Government said that it had yet to see “any clear evidence” that post-shipment verification programmes by other countries are “effective in reducing diversion.”⁷⁹ The Government further argued that “introducing such a system would incur significant costs, require additional resource and expertise, and raises legal, diplomatic and practical issues

⁷⁴ Campaign Against Arms Trade, [UK arms exports in 2022](#), 10 May 2023

⁷⁵ Committees on Arms Export Controls, [UK Arms Exports during 2016](#) [PDF], 18 July 2018, HC 666 2017-19, para 61

⁷⁶ Committees on Arms Export Controls, [UK Arms Exports during 2016: Government Response to the Committees’ First Joint Report](#) [PDF], 29 November 2018, HC 1789 2017-19 (responses to para 61)

⁷⁷ Committees on Arms Export Controls, [Developments in UK Strategic Export Controls](#) [PDF], 28 October 2022, HC 282 2022-23

⁷⁸ Committees on Arms Export Controls, [Developments in UK Strategic Export Controls](#) [PDF], 28 October 2022, HC 282 2022-23

⁷⁹ Department for Business and Trade, [Developments in UK Strategic Export Controls: Government response](#), 9 January 2023, CP 775

which must be balanced against any perceived benefits.” The Government would not commit to implementing a pilot programme by 2025.⁸⁰

4.5 Transparency and data

Both CAEC and CAAT have called for greater transparency on arms exports.

The Government provides an online [searchable database of export licences](#) for military and dual-use goods, searchable by country and type of licences. The Export Control Joint Unit also publishes statistics on licences granted by type and destination on a quarterly and annual basis.

Campaign Against Arms Trade has created its [own database based on ECJU statistics](#) to populate its own online searchable databases. CAAT says its database provides a “much more detailed picture of export licences, and is much more accessible and user-friendly than the ECJU database.”⁸¹

Transparency of data

The Committees on Arms Export Controls (CAEC) heard from witnesses that the “UK provides considerably more data on its arms exports than many other countries.”⁸² However, witnesses also told the Committees that they remained concerned about the content and transparency of the annual report and licensing data, in particular on open individual export licences (OIELs), and the lack of information on the content and quantities of actual exports. The CAEC called on the Government to provide more data on items exported, the destination of arms exports and the number of convictions and penalties to “help enable more effective scrutiny and increase public confidence in export controls.”⁸³

Professor Anna Stavrianakis questions whether the data provided by the Government really allows transparency. In evidence to CAEC, she said much of the data provided in the strategic export controls annual report “does not really allow for meaningful transparency” in that it does not allow “independent observers to understand what happened”.⁸⁴ She suggests the “Government is gaming the system and attempting to appear transparent.”

⁸⁰ Department for Business and Trade, [Developments in UK Strategic Export Controls: Government response](#), 9 January 2023, CP 775

⁸¹ CAAT explains how it developed its database in section 3 of its [UK arms export in 2022](#) report.

⁸² Committees on Arms Export Controls, [Developments in UK Strategic Export Controls](#) [PDF], 28 October 2022, HC 282 2022-23

⁸³ Committees on Arms Export Controls, [Developments in UK Strategic Export Controls](#) [PDF], 28 October 2022, HC 282 2022-23

⁸⁴ Committees on Arms Export Controls, [Developments in UK Strategic Export Controls](#) [PDF], 28 October 2022, HC 282 2022-23, [Oral evidence: Arms export controls: initial review](#) [PDF], 2 February 2021

CAAT makes several recommendations regarding transparency, including:

- A requirement for companies holding SIELs and OIELs to provide data on the financial values and quantities of actual transfers and for that data to be available on the Government database
- Provide information on companies in receipt of and who have been refused SIELs and OIELs
- Publish licence-specific information on the incorporation destinations of incorporation licences.
- For UK Defence & Security Exports to provide information on equipment and services provided, the recipient, data and the value of contracts, and country recipient as well as geographic region.⁸⁵

New IT system and a temporary reduction in data available

The Government is developing a new system for making licence applications called LITE (Licensing for International Trade and Enterprise), to replace the existing SPIRE system. This should increase the amount of information available and therefore should help increase transparency.

The CAEC has expressed concern over the continued delays in delivering the new LITE IT system and called for urgent progress.⁸⁶

The Government confirmed in its response to the Committees that the delivery of LITE is a priority for the department.⁸⁷

In September 2023, the Minister for International Trade informed the Committees that during the crossover period between SPIRE and LITE, reduced data will be available on the searchable database website, though “the vast majority” will still be included in published official statistics.⁸⁸ The Minister said this will be a temporary situation “only for the minimum time required”, and anticipates a “return to current transparency levels by March 2025 at the latest”. The Minister also said the searchable database function will be improved. The Minister will provide updates every six months on the implementation of LITE to the Committees.

⁸⁵ Campaign Against Arms Trade, [UK arms exports in 2022](#), 10 May 2023

⁸⁶ Committees on Arms Export Controls, [Developments in UK Strategic Export Controls](#) [PDF], 28 October 2022, HC 282 2022-23

⁸⁷ Department for Business and Trade, [Developments in UK Strategic Export Controls: Government response](#), 9 January 2023, CP 775

⁸⁸ Committees on Arms Export controls, [Correspondence from the Minister for International Trade on the impact of the LITE IT System on the Official Strategic Exports Licensing Statistics](#) [PDF], dated 6 September 2023, published 21 September 2023

4.6 Calls for a register of arms brokers

There have been calls for the establishment of a pre-licensing register of arms brokers in the UK. This was a subject pursued by the Committees on Arms Export Controls during the 2010-15 Government. Having considered arguments for and against establishing a pre-licensing register of arms brokers in 2014 during a consultation, the Government decided not to proceed with one in July 2015.⁸⁹

Baroness Jolly (Liberal Democrat) introduced a private member's bill in May 2016 that would make provision for the establishment, maintenance and publication of a register of arms brokers. The [Register of Arms Brokers Bill \[HL\]](#) had Second Reading in the House of Lords on 10 June 2016. The Government rejected a suggested register of brokers, arguing it would make the system "considerably more complex."⁹⁰ The Bill made no further progress before the 2016-17 session of Parliament was prorogued. A House of Lords Library briefing paper on the Bill is available: [The Register of Arms Brokers Bill \(HL\): Briefing for Lords Stages](#), 6 June 2016.

The Committees on Arms Export Controls revisited this issue in its report on arms exports in 2016, published in July 2018. The Committees reiterated the previous Committees' advocacy of a pre-licensing register of arms brokers.⁹¹

There have been no further demands for a register made in Parliament.

⁸⁹ [UK Strategic Arms Export Controls Annual Report 2015](#), 7 July 2016, p3; Department for Business, Innovation and Skills, [A pre-licensing register of arms brokers: Government response](#) [PDF], July 2015

⁹⁰ [HL Deb 18 November 2016 c1685](#)

⁹¹ Committees on Arms Export Controls, [UK arms exports during 2016](#) [PDF], 18 July 2018, HC 666 2017-19, para 193

5 Relevant international treaties, agreements and forums

A wide range of multilateral treaties, agreements and forums have significantly shaped, and will continue to shape in future, the UK's regulatory framework for arms exports. Several are UN-based; others are not. Below is a summary list.

- In 1968, the [Nuclear Non-Proliferation Treaty](#) (NPT) was signed. The treaty came into force in 1970. The UK is a State Party.
- In 1971, what came to be known as the [Zangger Committee](#) was established. The Zangger Committee, named after its first Chairman, Professor Claude Zangger, was formed to serve as the 'faithful interpreter' of Article III, paragraph 2, of the NPT, which provides for the harmonisation of the interpretation of nuclear export control policies amongst NPT States Parties.
- In 1972, the [Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological \(Biological\) and Toxin Weapons and on Their Destruction](#) was signed. It entered into force on 26 March 1975. The UK is a State Party.
- In 1974, the [Nuclear Suppliers Group](#) was established. Closely coordinated with the NPT process, it is a group of nuclear supplier countries which seeks to contribute to the non-proliferation of nuclear weapons through the implementation of Guidelines for nuclear exports and nuclear related exports. The Guidelines are implemented by each Participating Government in accordance with its national laws and practices.
- In 1980, a [UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects](#) (henceforth, the Convention on Certain Conventional Weapons) was adopted. It is legally binding. There are currently five Protocols to the Convention on Certain Conventional Weapons (the UK has signed but not ratified the Protocol V on explosive remnants of war, which has not yet come into force. The UK [presented a treaty for ratification of Protocol V](#) in November 2023).
- In 1985, the [Australia Group](#) was established. It is an informal forum of countries which, through the harmonisation of export controls, seeks to ensure that exports do not contribute to the development of chemical or biological weapons. Coordination of national export control measures

assists Australia Group participants to fulfil their obligations under the Chemical Weapons Convention and the Biological and Toxin Weapons Convention to the fullest extent possible.

- In 1987, the [Missile Technology and Control Regime](#) (MTCR) was established. It is an informal and voluntary association of countries which share the goals of non-proliferation of unmanned delivery systems capable of delivering weapons of mass destruction, and which seek to coordinate national export licensing efforts aimed at preventing their proliferation. The UK is a founding partner of the MTCR.
- In 1991, the [Guidelines for Conventional Arms Transfers agreed by the Permanent Five Members of the UN Security Council and other UN Security Council Resolutions](#) were agreed. These began a process of establishing a set of criteria for assessing whether to approve arms exports. They are not legally binding.
- In 1992, the UN General Assembly agreed to establish the [UN Register on Conventional Arms](#), a voluntary reporting mechanism for participating states which covers seven categories of major conventional arms.
- In 1993, the [Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction](#) (Chemical Weapons Convention) was signed. It came into force in 1997. The Convention aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by States Parties. States Parties, in turn, must take the steps necessary to enforce that prohibition in respect of persons (natural or legal) within their jurisdiction. The UK is a State Party.⁹²
- In 1996, the [Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies](#) was established by a group of States which included most of the world's major conventional arms exporters and importers. A voluntary arrangement, 40 countries currently participate, including the US and Russia, which have often been sceptical about or hostile to legally binding agreements. There is a strong correspondence between the EU's regulatory framework (see above) and the voluntary arrangements that apply under the Wassenaar Arrangement.
- In 1997, the [Convention on the Prohibition of Anti-Personnel Mines](#) (Mine Ban Treaty) was signed in Ottawa, Canada. It has been in force since 1999. It is legally binding. The UK has been a strong supporter and

⁹² The Chemical Weapons Convention builds upon and extends the provisions of the 1925 [Geneva Protocol](#), which banned the use of chemical and biological weapons in war. However, some States that signed the 1925 Protocol have not signed or ratified the Convention – including Syria.

in 1998 the Landmines Act was passed, incorporating the Convention's provisions into national law.

- In 2001, at a UN Conference, Member States agreed a [Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects](#). It is not legally binding. The Programme of Action is a non-legally binding political agreement that proceeds on the basis of consensus.
- In 2005, the UN [Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition](#) entered into force. It was the first legally binding instrument on small arms adopted at the global level.
- Also in 2005, the UN General Assembly agreed an [International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons](#). It is not legally binding. There have also been discussions about a similar instrument that would cover [illicit brokering](#).
- In December 2008, a new [Convention on Cluster Munitions](#) was signed in Oslo, Norway. It bans the production, use, stockpiling or trade in cluster munitions. In 2010 the Cluster Munitions (Prohibitions) Act was passed, incorporating the Convention's provisions into national law. The Convention came into force in 2010.
- In April 2013, the final text of the [Arms Trade Treaty](#) (ATT) was adopted by the UN General Assembly in April 2013. It came into force on 24 December 2014. The treaty provides an international legal and regulatory framework for the arms trade based on respect for international law and human rights.

The treaty does not establish a system of international enforcement, monitoring or verification. Rather, States Parties oversee their national implementation efforts. The specifics of how the ATT is implemented in a country depends on the country's national institution and legal framework.⁹³

The UK [ratified the treaty](#) on 2 April 2014 and the Treaty entered into force on 24 December 2014. At the time of writing it has 113 States Parties.⁹⁴ A further 28 countries, including the United States, are signatories to the treaty but have not ratified it. 54 countries, including Russia, have not joined the treaty. Library briefing paper [The Arms Trade Treaty](#) provides further background.

⁹³ [“Arms Trade Treaty Implementation Toolkit”](#), UN Office for Disarmament Affairs, accessed 5 February 2018, para 21


⁹⁴ Arms Trade Treaty, [Treaty Status](#), accessed 29 November 2023. Andorra became the 113th State Party to the treaty on 2 March 2023.

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