Transparency in Export Licensing - Response Form

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I am responding on behalf of an organisation.
I consulted with others within the organisation.
The response can be published with the respondent's details.

Reporting on Open Licences

Q1. What information do users consider should be collected and published? Is 'item description' (or rating), quantity and destination sufficient? Do you think it would also be desirable to publish generic information about end-users (eg to identify the end-user as 'government', 'commercial entity' etc)? Would exporters be content to provide and to have this information published?

CAAT thinks that the more detailed the information routinely made public, the better the likely scrutiny. The information should include:
* details provided for each individual licence;
* the name of the licence applicant or holder;
* the end-user, preferably specifically, for example, “Saudi Arabian National Guard”, “coastguard”, named media organisation. Where this is not possible, the description needs to be as specific as is possible, the general terms of "government" or "commercial entity" are too vague. It should, for example, to say "mining company" or "private military company" or similar;
* the item description and rating of the equipment exported;
* when the licence stops being extant;
* the value of the actual exports as and when these take place.

Against the cost to the Export Control Organisation for the collection of the additional data, must be set the benefit of informed scrutiny and an end to the need to rebuff reports about innocuous licences. For example, the ECO would no longer be forced to answer media inquiries about high-technology exports to a country with a controversial government if the information routinely provided showed that the particular item in question was going to an environmental research organisation tracking wildlife.

Q2. How often should the data be provided and/or published? Would it be easier for exporters if data could be supplied in "real time" (or at least, "when convenient") rather than at specified times?

The details of the licences issued and the exports which took place during a calendar month should be published not more than two weeks after the end of the month. The exporters should be asked to report in "real time" to facilitate this; it should not be left to them to decide when is convenient.

Q3. What would be the burden (in number of hours) on exporters in providing data on item description (or rating), quantity and destination? If this could not be achieved within current resources please provide an indication of what extra resources would be required, including an estimate of the cost of providing them?

Q4. How do we ensure consistency of the information provided by different exporters?
Q5. Is there a "technical solution" to data collection, rather than simply asking exporters to manually key data into a form on SPIRE? What would such a solution look like - for example, could there be an interface to businesses' internal software (e.g., Enterprise Resource Planning (ERP) software) - and what are the obstacles to achieving this?

Q6. Is there a trade-off or synergy between the provision of this data and the compliance process which might provide a compensatory reduction in burdens for business?

These questions are for exporters.

**Making more routine licensing information public**

Q7. What additional information should be made public?

The information routinely published should include:

* details for each individual licence. This is fundamental as a full understanding of the export licences granted is not possible when they are aggregated;
* each item within each licence should have a specific rating and value rather than the current, confusing aggregated form;
* the name of the licence applicant or holder;
* the end-user, as specifically as possible (see Question 1);
* the purpose of individual temporary licences;
* source countries for transshipment licences.

As with open licences, this information should be published on a monthly basis.

In addition, details of the quantities actually exported should be published not more than two weeks after the end of the month in which the export took place. The consultation document says the differences between licensed and actual quantities exported are likely to be small. However, it also admits to limitations with CHIEF so any differences cannot be accurately known. This would make the collection of such data useful for proper export licensing scrutiny.

Q8. What should be routinely published in the Quarterly/Annual Reports and what should be available "on request" e.g. in response to a request under the Freedom of Information Act?

All the information should be routinely published. If the ECO is willing to make information public, only releasing it after a FoI request would simply cause a delay and add to the ECO's workload. It would also needlessly obstruct commitments to openness and transparency and be at odds with the Government's open data statements.

Q9. What information is truly sensitive and should continue to be withheld? Why? Is there a time-factor after which data is no longer sensitive?

Q10. What are your views on a system whereby applicants are required to "tick the box" on a licence application and provide a justification for any information they wish to be withheld (see, for example, the confidentiality statement on p9 of this document)?

For the reasons given in answers above, CAAT thinks that the presumption that information should be released would be a great improvement on the current system. Given the strong public interest in transparency regarding export controls, ideally, no information would be withheld. If any is to be, the acceptable grounds for withholding information would need to be set out and the applicant company should have to demonstrate that publication would result in specific harm. CAAT envisages that the withholding of information about a licence would be very rare, and become even rarer as exporters adjust to the culture of transparency.
With regards to the "time factor", the exporters who have, exceptionally, been granted confidentiality for their original application should be asked at the expiry of the licence if the information can be released. This should be checked annually thereafter. The decision to continue to withhold licence details should be made at ministerial level.

In all cases where information is withheld, the details should be reported to the Committees on Arms Export Controls which should also be told the justification for the secrecy.

Q11. How could the presentation of the existing data be improved?
For CAAT, the priority is to have the complete data published regularly in a raw, machine-readable format as a single download. It should not be necessary for the user to log-in, fill out a form or make a specific search; the download should be accessible from a public link.

The ideal format would be relational, hierarchical, and both human- and machine-readable, eg. XML, JSON, or YAML. Less desirable, but acceptable formats would be a raw SQL dump, or CSV. If CSV were provided, individual entries must be uniquely identifiable by ID numbers so as to be able to cross check relational or hierarchical data (eg. licences containing multiple items, licences containing multiple ratings, items being classed as multiple ratings - all relationships need to be preserved.)

For the ECO to develop a set of different applications could be costly and would almost certainly not meet all the users' varying requirements. The ECO should provide a basic searchable system, but the priority should be to make the raw data available.

Q12. Do you have any comments on the role of the Independent Reviewer, such as on the terms of reference or on the content and means of publication of the reports?
Q13. Should the Independent Reviewer be able to investigate complaints from individual companies or members of the public? If so, what should be the criteria for agreeing to investigate?
CAAT remains to be persuaded of the benefit of the proposed Independent Reviewer. The "public perception that the export licensing process had not worked as it was meant to" during the Arab Spring was nothing to do with the export licensing processes and procedures. The failures were, rather, a result of a political decision that the maintenance of military-commercial relationships with repressive regimes is more important than sending a signal that the UK government values human rights and democracy.

As the export licensing failures are political, not procedural, the response needs to be a political one. The Committees on Arms Export Controls are responsible for holding the Government to account on export controls. Other MPs, the media and campaigning organisations also play a role in this and will be greatly assisted if full information about export licensing, as discussed in the earlier questions of this consultation, is put into the public domain.