Arms Export Regulations

Edited by Ian Anthony



Contents

Preface		xiv
Acknowled	gements	χv
Acknowledgements Acronyms Introduction Ian Anthony I. Introduction II. Definitions III. Governmental assistance IV. The importance of arms transfer regulation V. Import regulation VI. Future research Table 1. Values of exports of major conventional weapons by the 68 exporting countries, 1981–90 Part I. Country studies 1. Australia Ian Anthony I. Introduction II. Principal legislation Weapon list III. Governmental guidelines IV. The decision-making process V. Official policy VI. SIPRI data Table 1.1. Values of exports of major weapons by Australia, 1981–90 2. Austria Herbert Wulf I. Introduction II. Principal legislation Weapon list—End-user certificate—The role of Parliament III. Governmental guidelines IV. The decision-making process V. Official policy VI. SIPRI data Table 1.1. Values of exports of major weapons by Australia, 1981–90 2. Austria Herbert Wulf I. Introduction II. Principal legislation Weapon list—End-user certificate—The role of Parliament III. Governmental guidelines IV. The decision-making process V. Official policy V. Official policy V. The decision-making process	xvi	
Introduc	tion	1
Ian Anthon	у	
I.	Introduction	1
	Definitions	3
	Governmental assistance	4
IV.	The importance of arms transfer regulation	8
V.	Import regulation	10
VI.	Future research	12
Table 1.		6
Part I. (Country studies	
		17
Ian Anthon	•	
		17
11.	• •	18
		19
		20
V.		21
		23
Table 1.1.	Values of exports of major weapons by Australia, 1981–90	23
2. Austri	a	24
Herbert W	ulf	
I.	Introduction	24
II.	Principal legislation	25
	Weapon list—End-user certificate—The role of Parliament	
III.		27
IV.	The decision-making process	28
V.	Official policy	28
VI.	SIPRI data	29
Table 2.1.	Values of exports of major weapons by Austria, 1981-90	29

vi ARMS EXPORT REGULATIONS

3. Belgiu	m	30
Agnès Cou	rades Allebeck	
I.	Introduction	30
II.	Principal legislation	31
Ш.	Governmental guidelines	33
	Country list	
IV.	The decision-making process	34
V.	Official policy	35
VI.	SIPRI data	36
Table 3.1.	Values of exports of major weapons by Belgium, 1981-90	36
4. Brazil		37
Agnès Cou	rades Allebeck	
I.	Introduction	37
II.	Principal legislation	38
	Weapon list	
П.	The decision-making process	39
III.	Official policy	41
IV.	SIPRI data	42
Table 4.1.	Values of exports of major weapons by Brazil, 1981-90	42
5. Canad		43
Ian Anthon	₹	
I.	Introduction	43
II.	Principal legislation	43
	Weapon lists	
Ш.	Governmental guidelines	45
IV.	The decision-making process	46
	The role of Parliament	
V.	Official policy	48
VI.	SIPRI data	49
Table 5.1.	Values of exports of major weapons by Canada, 1981–90	49
6. Czech	oslovakia	50
Jiří Matou	sek	
I.	Introduction	50
II.	Principal legislation and governmental guidelines	51
III.	The decision-making process	52
IV.	Official policy	53
. V.	SIPRI data	54
Table 6.1.	Values of exports of major weapons by Czechoslovakia, 1981–90	54

7. Denma	ırk	55
Espen Gull	ikstad	
I,	Introduction	55
П.	Principal legislation	55
	Weapon list	
III.	Governmental guidelines	56
IV.	The decision-making process	57
V.	Official policy	57
VI.	SIPRI data	58
Table 7.1.	Values of exports of major weapons by Denmark, 1981-90	58
8. Finlan	d	59
Espen Gull	likstad	
I.	Introduction	59
П.	Principal legislation	59
	End-user certificate—Weapon list	
Ш.	Governmental guidelines	61
IV.	The decision-making process	61
V.	Official policy	62
VI.	SIPRI data	63
Table 8.1.	Values of exports of major weapons by Finland, 1981-90	63
9. France	<u>.</u>	64
Agnès Cou	rades Allebeck	
I.	Introduction	64
II.	Principal legislation	65
	Weapon list—End-user certificates	
III.	The decision-making process	67
IV.	Official policy	68
V.	SIPRI data	70
Table 9.1.	Values of exports of major weapons by France, 1981–90	70
10. The I	Federal Republic of Germany	72
Herbert W	ulf	
I.	Introduction	72
II.	Principal legislation	73
	The principles and implementation of the law—The	
	weapon and export lists	
III.	Governmental guidelines	70
IV.	The decision-making process	78
	The formal procedure—The informal decision-making	
	process	
V.	Official policy	8
VI.	SIPRI data	8

viii ARMS EXPORT REGULATIONS

	. Values of exports of major weapons by the FRG, 1981–90 l. The decision-making process of the FRG	85 80
11. Israe		86
Ian Anthon		
I.	Introduction	86
II.	Principal legislation	87
	Weapon list	
III.	Governmental guidelines	87
IV.	01	89
V.	- 1 <i>-</i>	90
VI.		91
Table 11.1	. Values of exports of major weapons by Israel, 1981–90	91
12. Italy		92
Paolo Mig		00
I.	Introduction Disciplification	92
П.	Principal legislation	94
	Royal and Republican decrees—The law of 1990—Weapon	
111	list—End-user certificates—The role of Parliament	07
III. IV.	Governmental guidelines	97 98
1V. V.	The decision-making process Official policy	
V. VI.	• •	100 101
	. Values of exports of major weapons by Italy, 1981–90	101
14016 12.1	. Values of exports of major weapons by Italy, 1961-90	
13. Japa	n	103
Ian Anthor	ıy	
I.	Introduction	103
II.	Principal legislation	104
	Recent amendments—Weapon lists	
III.	Governmental guidelines	106
IV.	The decision-making process	107
V.	Official policy	108
VI.	SIPRI data	109
Table 13.1	. Values of exports of major weapons by Japan, 1981-90	109
	Netherlands	110
Ko Colijn	and Paul Rusman	
I.	Introduction	110
II.	Principal legislation	110
III.	Governmental guidelines	112
IV.	The decision-making process	113
V.	Official policy	115
VI.	SIPRI data	118

	CONTENTS	ix
Table 14.1. Values of exports of major weapons by the Netherlands, 1 1981–90		
Figure 14.	1. The Ministry of Economic Affairs	114
Figure 14.	2. The Ministry of Foreign Affairs	115
Appendix	14A. Changes in the arms export policy of the Netherlands	119
15. Norv	vay	121
Espen Gul		
I.	Introduction	121
П.	Principal legislation	122
	End-user certificates—Weapon lists	
Ш.	<u> </u>	124
IV.		126
V.	1 7	127
VI.		128
Table 15.1	. Values of exports of major weapons by Norway, 1981–90	128
16. Polar		129
-	Zukrowska Introduction	120
I.		129 130
II.	1 0	130
III.	Weapon list—End-user certificate	132
ш.	The decision-making process The role of Parliament	132
IV.		133
V.	SIPRI data	134
	. Values of exports of major weapons by Poland, 1981–90	134
17. Port		135
_	ırades Allebeck	
I.		135
II.	Principal legislation	136
	Weapon list	
III.	The decision-making process	137
IV.	Official policy	137
V.	SIPRI data	138
Table 17.1	. Values of exports of major weapons by Portugal, 1981-90	138
	18. Singapore	
lan Antho	· -	
I.	Introduction	139
II.	Principal legislation	140
	Weapon lists	
III.	Governmental guidelines	140
IV.	SIPRI data	141

x ARMS EXPORT REGULATIONS

Table 18.1.	Values of exports of major weapons by Singapore, 1981–90	141
19. Spain	ı	142
	Loose-Weintraub	
I.	Introduction	142
п.	Principal legislation	143
	End-user certificate	
ш.	Governmental guidelines	144
IV.	The decision-making process	144
V.	SIPRI data	145
Table 19.1.	. Values of exports of major weapons by Spain, 1981-90	145
20. Swed	en	147
Espen Gull	likstad	
I.	Introduction	147
II.	Principal legislation	149
	Weapon list—End-user certificates	
III.	Governmental guidelines	151
IV.	The decision-making process	152
V.	Official policy	154
VI.	SIPRI data	155
	. The Swedish decision-making process	153
Table 20.2	. Values of exports of major weapons by Sweden, 1981-90	155
21. Switz	verland .	156
Herbert W	ulf	
I.	Introduction	156
II.	Principal legislation	157
	The Constitution—The national law—Government	
	ordinances—End-user certificate—The role of Parliament	
III.	Governmental guidelines	159
	COCOM regulations	
IV.	The decision-making process	160
	Quantitative aspects	
٧.	Official policy	161
VI.	SIPRI data	163
Table 21.1	. Values of exports of major weapons by Switzerland, 1981-90	163
	Union of Soviet Socialist Republics	165
Herbert W		
I.	Introduction	165
II.	Principal legislation	167
	End-user certificate	

	ONTENTS	X
III. Governmental guidelines		169
IV. The decision-making process		170
V. Official policy		171
VI. SIPRI data		173
Table 22.1. Values of exports of major weapons by the USSR, 1	981–90	173
23. The United Kingdom		175
Ian Anthony		
I. Introduction		175
II. Principal legislation		175
Weapon and restricted-country lists—End-user cert	ificates	
III. Governmental guidelines		178
IV. The decision-making process		178
V. Official policy		180
VI. SIPRI data		181
Table 23.1. Arms export licence applications and approvals in the 1987-91	ie UK,	176
Table 23.2. Values of exports of major weapons by the UK, 198	31–90	181
24. The United States		183
Ian Anthony		
I. Introduction		183
II. Principal legislation		184
Executive authority—Legislative authority—Weapor End-user certificate—The Enhanced Proliferation C Initiative—The proposed International Co-operation	ontrol	
1991		
III. The decision-making process		188
The State Department—The Department of Comme	rce—	
The Department of Defense—Recent changes in lice		
procedures—The role of Congress—Congressional		
since 2 August 1990		
IV. Governmental guidelines		195
V. Official policy		19:
The Carter Administration—The Reagan Administra	ations	
The Bush Administration		
VI. SIPRI data		202
Table 24.1. Recent legislative initiatives in the US Congress		194
Table 24.2. Values of exports of major weapons by the United 5	States	200

1981-90

Part II. International regimes

25. The C	Co-ordinating Committee on Multilateral Export	207
Controls	•	
Ian Anthon	y	
I.	Introduction	207
II.	The guidelines	208
	The country and weapon lists	
III.	The decision-making process	210
IV.	Official policy	211
	Curopean Community and arms export regulations	212
	rades Allebeck	
I.	Introduction	212
II.	Past EC experience with arms export control	213
III.	The amendment of the Treaty of Rome	214
IV.	The framework for an EC arms transfer regime	217
27. The N	Aissile Technology Control Regime	219
Ian Anthon		
I.	Introduction	219
II.	The guidelines	221
	Weapon list	
III.	The decision-making process	223
	The character of the regulation	
IV.	Reactions to the MTCR	224
	Suppliers—Recipients	
V.	Future prospects for the MTCR	227
Table 27.1.	Membership of and support for the Missile Technology Regime, 1991	220
	d Nations deliberations on the arms trade	228
Herbert Wi	•	
I.	Introduction	228
II.	The issues	229
	Arms transfer register and transparency—Discrimination— Economic and social consequences, disarmament and	
III.	development—Unilateral and regional initiatives The Security Council debate on an arms embargo during	234
ш.	the Iraq-Iran War	234
IV.	The 1990 Security Council arms embargo against Iraq	235

	CONTENTS	xiii
29. Unit	ed Nations embargoes against the Republic of	238
South A	frica	
Herbert W	/ulf	
I.	Introduction .	238
П.	The UN embargo resolutions	238
	Resolution 181 adopted on 7 August 1963 (voluntary)—	
	Resolution 182 adopted on 4 December 1963 (voluntary)—	
	Resolution 418 adopted on 4 November 1977 (mandatory)—	
	Resolution 421 adopted on 9 December 1977 (voluntary)—	
	Resolution 558 adopted on 13 December 1984 (voluntary)—	
	Resolution 591 adopted on 28 November 1986 (voluntary)	
III.	Implementation into national laws	241
IV.	Reactions in South Africa and circumvention of the embargo	242
V.	Effectiveness	243
Annex	es	
regulation	A. List of national legislation on arms export on by Ian Anthony	247
	B. Bibliography of works on arms trade control by Ian Anthony	253
Index		261