

Australia: Exporting Weapons Is a Clear and Present Danger

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Then-Prime Minister Malcolm Turnbull pronounced in 2018 that Australia should aspire to be in the top 10 military equipment exporters in the world within the next 10 years. Turnbull committed to a \$3.8 billion loan scheme for arms manufacturers to bolster their access to international markets.

According to the [Australian Department of Defence Export Control Statistics for 2018-2019](#), the federal government has issued \$4.9 billion worth of export permits since, a 67% increase.

More detailed figures on current arms sales to foreign countries are difficult to come by. The Australian government has increased the secrecy, to dangerous levels, enjoyed by private corporations funded by huge sums of public money.

There is also an increasing lack of transparency around where the killing machines, technology and expertise officially — and unofficially — end up.

A ABC 7.30 Report revealed one contract, announced by ASX-listed manufacturer [Electro Optic Systems](#) (EOS), is worth \$410 million for a single undisclosed customer. The EOS system would be manufactured in the United States, supported by \$33 million worth of Australian government bonds. A source told the ABC the undisclosed customer was the United Arab Emirates (UAE), part of the Saudi-led coalition in Yemen.

That coalition is accused of war crimes in [Yemen](#) by a United Nations committee of experts, crimes that appear to be an [open secret](#).

The US and Britain have sold arms and provided technical and logistical assistance to Saudi Arabia and the UAE. Many ex-Australian Defence Force and ex-Australian Federal Police are in the UAE working as contractors in various support and training roles. The illegal re-transfer and/or on-selling of a variety of firepower in Yemen continues. This is a part of one of the world's worst humanitarian disasters.

Last year, the Houthis successfully bombed a Saudi oil field and have amassed an increasingly sophisticated armoury, smuggled in from wherever they can get it. Blaming Iran is the popular line, but they are far from the only source of enemy arms and everybody knows it.

Australia used to send an annual arms report to the Stockholm International Peace Research Institute, which monitors arms transfers globally, but ceased reporting to it in 2004.

The last related Department of Defence report was in 2001 and the [secrecy may be compromising our own national security](#).

Freedom of Information requests are heavily redacted or refused, citing “commercial-in-confidence”. Attempts to hold the government to account are [strongly resisted](#).

If, as it claims, the government is meeting all its international obligations, then why all the secrecy around the proof?

What we do know is that components manufactured in Australia have recently been found in [Azad drones in Armenian territory](#). We also know weapons belonging to international coalition partners — including the [Saudis](#), to whom Australia keeps selling arms — keep showing up in rebel hands in Yemen.

It is a standing criteria under all international law, including the Geneva Convention and the Arms Trade Treaty, that exporting countries must not knowingly sell arms to entities proven to be, or suspected of, committing or aiding war crimes.

Despite years of international outcry, the [2006 Arms Trade Treaty](#) and repeated [UN cooperative interventions](#), there remain major gaps in the post-delivery monitoring by exporting countries, including Australia.

Like the banks, the departments issuing export permissions are allowed to rely solely on their own risk assessments. It is those assessments on which the post-delivery phase of the obligation-critical End User Agreements are based.

Once that ink is dry, the accountability trail goes stone cold.

End game

The Deutsche Welle documentary [The End User — Yemen and the Global Arms Trade](#) demonstrates how often weapons are redirected after they reach the intended recipient.

Australia’s defence department claims every export permit is subject to rigorous assessment concerning any risk that the weapons may be used in human rights abuses. Yet, as *The Guardian* revealed, Australia is one of several countries still selling weapons to members of the Saudi coalition, who are widely suspected of war crimes.

A former Australian Secretary of Defence believes Australia may be [skirting its responsibilities](#) and he is not the only one.

Policing arms shipments is a difficult and complex task. Since the Saudi coalition launched its war in 2015, Yemen has become a site of multiple civil wars, terrorist bombings, assassinations and shootings. Apart from the Saudis, the UAE, Yemeni government troops, Shia, Sunni, Houthi rebels allegedly backed by Iran and al-Qaeda are all involved.

Compliance is difficult enough in a bank — getting full board and executive sign off, verifying decisions, paperwork for the regulators — but in a war zone? Even the UN admits there is massive signature and process fraud, and systems need to be stringent to cope.

Still, while expectations have to be realistic, it's not like Australia and its allies do not have people on the ground to provide accurate intelligence. Given [defence spending](#) is tracking to be 2% of GDP for 2020-21, it's not like they don't have the resources.

Monitoring framework

The [United Nations Institute for Disarmament Research](#) monitors end-user control systems and their efficacy, in consultation with the UN Security Council and member countries.

Arms exports are subject to an export permit that is risk assessed and issued to the manufacturer by the defence department, and an End User Agreement certifying that no-one will on-sell or transfer weapons to any third party without the seller's knowledge or consent or, in the case of embargoed countries, not at all.

End User Agreements list receipt and handling certifications and authentications, the legal handling obligations of all parties and agreed post-delivery cooperation. This includes a unilateral commitment to investigate reports of any alleged diversion or unauthorised retransfer.

So here's the thing: those investigations can be done by either the exporting or importing country itself, or by both in a joint investigation, or by an independent contractor *agreed by both countries*, who may well be a private defence contractor to either or both countries. The current system allows all three parties with vested financial interests to not only do their own risk assessments, but pick their own auditors as well.

What could possibly go wrong?

It may be this component of End User Agreements more than any other that needs to change to a genuinely independent international body able to investigate completely outside of the commercial circle of interests.

In light of the [Brereton report into Australian war crimes in Afghanistan](#) and repeated reports that the country's arms customers are committing atrocities, perhaps Australia itself has become a clear and present danger, just another country that can't be trusted to meet its obligations in a war zone.

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Featured image: Former PM Malcolm Turnbull with US Vice President Mike Pence in 2017. Photo: Wikimedia Commons

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