

SENATE QUESTION

(Question No. 1901)

Senator David Shoebridge asked the Minister representing the Minister for Defence, upon notice, on 11 April 2023.

With reference to Defence exports:

1. What is the process for ensuring the Department of Defence considers and adheres to the Australian Government's international obligations - including under relevant treaties, international human rights law and international humanitarian law - when granting defence export permits.
2. What process is undertaken to review export permit applications to countries that have violated international law. Are such applications subject to a more stringent review or oversight process.
3. When considering applications for defence export licences to Saudi Arabia and the UAE, what processes are in place to consider and ensure adherence to Australia's obligations under the Arms Trade Treaty, specifically Article 6 on the prohibition of exports to States that have (among other offences) committed grave breaches of the Geneva Conventions of 1949, attacks directed at civilian objects or civilians, or other war crimes.
4. Does the Department of Defence agree with the findings from the UN, specifically the Group of International and Regional Eminent Experts on Yemen, that actions by Saudi Arabia and the UAE have amounted to violations of international law; if not, why does the Department disagree.
5. How many defence export licenses have been granted by the Department of Defence for exports to the following countries for the period 2017 to date, disaggregated by year:
 - a. Democratic Republic of Congo;
 - b. Iraq;
 - c. Israel;
 - d. Somalia;
 - e. South Sudan;
 - f. Syria;
 - g. Burkina Faso;
 - h. Colombia;
 - i. Central African Republic;
 - j. Mali;
 - k. Nigeria;
 - l. Philippines;
 - m. Somalia;
 - n. Sudan; and
 - o. Yemen.

The Minister representing the Minister for Defence has provided the following answer to the Senator's question:

1. Each export application is assessed against 12 legislative criteria (Subregulation 13(4) of the *Customs (Prohibited Exports) Regulations 1958* and section 8 of the *Defence Trade Controls Regulation 2013*).

These criteria include consideration of foreign policy, human rights, national security, regional security and Australia's international obligations, including the Arms Trade Treaty.

2. Every export permit decision must assess any relevant human rights risks and Australia's compliance with its international obligations. If Defence identified an export might be used to facilitate human rights abuses, a permit would be refused.
3. See response to question 1.
4. This question should be addressed to the Department of Foreign Affairs and Trade as the lead agency responsible for Australia's interaction with the United Nations and its associated entities.
5. The number of Permits for military or dual-use exports to the requested destinations disaggregated by year since 2017. Permit approvals should not be conflated with weapons sales. Permits are required for a broad range of goods and technologies such as software, radios or chemicals that have legitimate civilian and commercial applications.

Number of permits for military or dual-use exports issued since 1 January 2017							
	2017	2018	2019	2020	2021	2022	As of 31 March 2023
Burkina Faso	13	9	7	10	10	3	4
Colombia	4	4	6	2	6	8	-
Central African Republic	1	4	2	2	4	2	-
Democratic Republic of Congo	1	1	3	3	-	3	2
Iraq	2	2	2	3	4	-	-
Israel	47	57	54	30	62	49	23
Mali	7	8	16	9	14	13	3
Nigeria	1	3	5	3	3	3	1
Philippines	25	20	23	16	32	30	12
Somalia	2	1	4	2	6	-	1
South Sudan	1	2	-	-	1	-	-
Sudan	1	4	4	-	2	1	-
Syrian Arab Republic (THE)	-	-	-	-	-	-	-
Yemen	-	-	-	-	-	-	-