

CAMPAIGN AGAINST ARMS TRADE SUMMARY

The Court of Appeal has given permission to the Campaign Against Arms Trade to mount an appeal challenging a decision by the High Court in 2017 over the legality of the government's decision not to suspend export licences for the sale of arms to Saudi Arabia and its decision to grant new licences for arms exports in 2015. The High Court ruled in the Government's favour.

This is not a decision on the appeal, but simply permission to argue the appeal.

The criterion central to the case reads:

“Criterion 2(c): [Her Majesty's Government should] not grant a licence if there is a clear risk that the items might be used in the commission of a serious violation of international humanitarian law.”

This criterion was put in place by Parliament, in legislation promoted by the government under the Export Control Act 2002. The government was responding to obligations arising from the United Nations Arms Trade Treaty 2013 and from a Common Position adopted by the European Union.

The criterion does not allow the government to balance the risk of serious violation of international humanitarian law against any other, extraneous considerations, including whether the end of British arms sales to Saudi Arabia would make matters better or worse in the Yemen.

The central argument in the appeal is likely to concern whether the government reached sufficient conclusions as to past breaches of international humanitarian law when concluding that there was no real risk of future breaches.

NOTE: This summary is provided to help in understanding the Court's decision. It does not form part of the reasons for the decision.