

Written evidence from The Campaign Against Arms Trade (ACB 1)

Public Administration and Constitutional Affairs Committee

The role and effectiveness of ACoBA and the Independent Adviser on Minister's interests

1. The Campaign Against Arms Trade (CAAT) in the UK is working to end the international arms trade and promote progressive demilitarisation in arms-producing countries. The arms business has a devastating impact on human rights and security, holds back economic development, and reinforces a militaristic approach to solving international problems.
2. CAAT welcomes your Committee's inquiry into the role of the Advisory Committee on Business Appointments (ACoBA) and the Independent Adviser on Ministers' interests. The ever increasing blurring of boundaries between public and private sectors brings great challenges; potentially damaging trust as it can be unclear whether a politician or civil servant is acting in the public interest or with an eye to private gain. The implications of encouraging movement of people between the sectors, negative as well as positive, should be openly acknowledged.

The wider issues

3. This "revolving door" is only the most public manifestation of the way in which commercial interests have inserted themselves into the very heart and machinery of government. It is of concern that such interests seem to be prevailing at the expense of others. For example, and despite official denials, there has been the widely perceived down-grading of human rights in the Foreign and Commonwealth Office (FCO) in favour of the prosperity agenda.
4. The arms industry is generally considered to have one of the closest relationships with government. The commercial interests of arms companies are not the same as the public interest, but the integration of government, the arms industry and the military means that the interests of the companies are assimilated by government, warping public policy and harming us all. This reinforces the narrow view of threats to security as being military, requiring equipment purchases to address them. It also means that arms sales take priority over the prevention of conflict or the promotion of human rights.
5. ACoBA's remit covers just one part of the wider picture of close relationships between government and commercial interests that give rise to concern. CAAT is developing an online browser that will allow those interested to explore some of the many meetings which ministers and civil servants have had with arms company executives. Freedom of Information (FoI) requests - for the meetings of just a few government officials - show that BAE Systems alone enjoyed over 600 meetings over recent years, and these are only the meetings for which information has been obtained.
6. To give one example, the meetings expose the government resources devoted to helping BAE secure contracts to sell Eurofighter Typhoon jets. From November 2011, when BAE was invited to pitch to the repressive United Arab Emirates, to December 2013 when negotiations broke down, Susanna Mason, the former Director General Commercial at the Ministry of Defence (MoD) met with BAE to discuss UAE 40 times. Other meetings show officials from the Prime Minister's Office, the UK government's arms exports unit the Defence and Security Organisation (DSO), and the FCO working to secure the deal and secure ministerial engagement at key moments in the campaign.

7. Similarly, the browser shows how the machinery of government was mobilised at key moments in the effort to secure the most recent deal for Eurofighter Typhoon sales to Saudi Arabia. For example, after negotiations stalled in October 2012 when Saudi Arabia was 'insulted' by the Foreign Affairs Committee inquiry into UK relations with Saudi Arabia and Bahrain, then Prime Minister David Cameron visited Saudi Arabia. This was followed within a month by an emergency, unpublicised visit by Philip Hammond, then Defence Secretary, after a succession of internal meetings between key players in the deal, including Susanna Mason and Guy Griffiths, the BAE Group Managing Director International.
8. Another area of privileged access enjoyed by commercial entities is the high-level joint government-industry initiatives which often drive policy in their areas. In the military sphere, one such body is the Defence Suppliers' Forum which brings arms company chief executives together with MoD heads, including the Defence Secretary. A second example is the Defence Growth Partnership which describes itself as "Government and Industry working together to meet the needs of customers around the globe."
9. There is significant public suspicion regarding this close relationship between government, both elected politicians and civil servants, and commercial interests. It is the cumulative effect which gives companies an influence over government not accorded to other interested parties. The wider picture of government-industry links needs to be examined alongside the specific role of ACoBA to bring greater transparency and understanding regarding access and potential influence in government. Without this, there will never be confidence that decisions are being made in the public interest.

The revolving door, ACoBA and the Business Appointment Rules

10. An opinion poll published in May 2016 by the Centre for Crime and Justice Studies showed strong public opposition to 'revolving door' appointments, with over 73% saying they should be banned. This shows public opinion at odds with the trend for closer greater movement between the public and private sectors. It also means that stronger and enforceable regulations would be welcomed by the public.
11. The revolving door has been built into the arms exporting system. The UK government arms export agency, now DSO with its 140 staff within the Department of International Trade, was set up fifty years ago as the Defence Sales Organisation in the MoD. From the start, it was designed to bring commerce into the civil service. Many, though not all, its Heads have come from arms companies and, after leaving, returned to them.
12. In practice, the "revolving door" is mostly one way: from the public sector to the commercial. It is particularly striking in the military sector, with many high ranking officials and military personnel moving into employment with arms companies. Fol requests made by the *Guardian* ([15.10.12](#)) found that 3,500 senior military officers and MoD officials had been approved for arms company jobs since 1996.
13. In addition to those leaving one employment for another, there are also dozens of arms company employees on secondment within the MoD. ([Guardian, 16.2.15](#))
14. ACoBA is a non-statutory body which records rather than controls, let alone restricts, movements by public servants into the commercial sector. Angela Browning, its Chair, when giving [evidence](#) to your Committee on 19th April 2016, displayed a thorough understanding of the challenges ACoBA faces. Her awareness of the implications of a growing pattern of careers which move in and out of public service is particularly welcome as is her attempt to achieve a definition of lobbying that goes well beyond "representations to Ministers". However, even the Chair's understanding of the issues cannot make ACoBA effective.

15. In her evidence session, Angela Browning pointed out that ACoBA is dealing with a growing number of applications from former ministers and top civil servants wishing to move into outside employment specifically pertinent to their former public service. It is argued that it is beneficial to the public and commercial sectors that individuals should have experience in both. However, this benefit is heavily dependent on the individuals concerned accepting that public service should operate with a very different ethos and principles. The individual must act with the public good in mind and with no thought to personal gain.
16. While individuals should be able to use their skills and professional expertise as they wish, it needs to be acknowledged that these former ministers and civil servants are being recruited by the companies for access. The Business Appointment Rules do not currently reflect these realities or ensure that former public servants cannot work commercially on a project with regards to which they had been developing policy, let alone reflect the relationships they are likely to have established with former colleagues.
17. Angela Browning also drew attention to the increase in numbers of former public servants becoming consultants. The current Register of Consultant Lobbyists is completely inadequate, as in-house lobbyists and consultants are not included and because it only covers communications with ministers and the most senior civil servants.

Recommendation: definition of lobbying

18. The definition of "lobbying" should be strengthened. Angela Browning said that ACoBA had begun using: "Communication with public office holders, including Ministers, special advisers, civil servants and military personnel, with a view to influencing a Government decision or policy, including competitions for contracts, awards or grants, in relation to their own interests or the interests of the organisation for which they are employed or for which they are contracted or for which they hold office. For the avoidance of doubt, lobbying includes any such communication, even if it takes place in a social or other non-professional context." This definition is helpful.

Recommendations: the revolving door

19. ACoBA should be replaced with a statutory independent body with the power and resources to properly investigate the risks of business appointments and breaches of its conditions. It should report its evidence and assessments in detail. It should be mandatory for ministers and senior civil servants to obtain permission for private sector employment and enforcement mechanisms should be established.
20. CAAT would endorse a 2012 [Transparency International report](#) that said: "The new body should begin its work by carrying out a thorough audit of all positions under its remit, to assess potential risk areas. New rules could then be drafted to reflect the severity of risk associated with particular roles."
21. Ministers and senior civil servants who have been closely involved with the arms and security sectors should be excluded from moving to arms, security and military service companies or carrying out work or lobbying related to those sectors in a consultancy or lobbying company. This approach may also be appropriate for other sectors, but is essential for the high-risk, long-term military and security procurement sectors. This would not prevent the former public servants using their managerial, procurement or other skills in another sector, but it would prevent impropriety and, importantly, be seen to do so.
22. Government bodies and political parties should publish details of all secondments in and out of their organisations.

Recommendations: the open door

23. A comprehensive statutory register of lobbyists should be established that includes in-house lobbyists and consultant lobbyists. It should provide information on clients and an indication of the level and type of work carried out for them. The register should be mandatory with enforcement mechanisms.
24. All meetings which ministers and senior civil servants have with people outside government (including lobbying consultants, companies, civil society organisations, MPs and Lords) should be placed in the public domain. The data should be consistent and meaningful (including information on who someone is representing if not themselves), accessible (that is, in an open data format) and published in a timely fashion.
25. The same information should be available for MPs (especially shadow ministers and committee chairs) and Lords. This would not be intended to capture information on individual constituents.
26. Meetings of advisory bodies should be in the public domain. This should include the terms of reference, membership and attendees, agenda and minutes. Currently, some bodies, such as the Defence Suppliers Forum provide this, but many do not.

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