
Delay in Treaty Approval Frustrates United Kingdom Officials and United States Defense Industry

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Pressure is building on the Senate to ratify a treaty designed to bolster American and British military cooperation by removing red tape that critics say delays the transfer of defense technologies and products between the two countries. The Senate's inaction has frustrated leaders in the United Kingdom (U.K.) and spurred a strong lobbying push from the American defense and aerospace industry, which stands to benefit from the treaty. *The Defense Trade Cooperation Treaty*, signed in June 2007 by then-Prime Minister Tony Blair and President George Bush, was trumpeted as deal that would make joint U.S.-UK operations in Iraq and Afghanistan run more smoothly. The U.K. ratified the treaty in early 2008, but Congress has yet to act.

The United States already provides fast-track approval for arms-export applications from the U.K. but British officials and industry executives have long complained that each application license still takes weeks to approve.

The treaty would permit the export of specific U.S. defense equipment and services to the British government and to select British companies without U.S. export licenses or other prior approval. The treaty also would ensure the continuation of Britain's policy of not requiring a license for the export of U.K. defense equipment and services to the United States.

The treaty was expected to win easy passage in the Senate, which per the Constitution must ratify it. Instead, more than two years later, the Senate Foreign Relations Committee finds itself at odds with the DOS and Justice Departments as well as the industry supporters of the treaty.

The sticking point is that the Foreign Relations panel, chaired by Senator John Kerry (Democrat-Massachusetts), is considering adding language providing for additional oversight of the treaty implementation. The details of the legislation are unclear and are still a matter of debate within the committee.

The Obama Administration opposes any accompanying legislation, arguing that the Department of State (DOS) already has sufficient enforcement authority through the *Arms Export Control Act* to ensure that U.S. security interests and sensitive technologies don't fall into dangerous hands. But Kerry told *The Hill* that his panel is still considering additional legislation.

We are talking about implementation language with the DOS, Kerry said in a short interview. They are not convinced that we need it. We think that we do in order to pass [the treaty], and we are talking about that language.

However, Kerry added that he hoped the treaty would come up for a vote soon in the Senate. In a letter to Kerry on April 29, 2009, Secretary of State Hillary Rodham Clinton made her opposition to additional congressional interference clear.

I believe that imposing, through either legislation or a resolution of advice and consent, further oversight requirements on implementation of the treaties would frustrate their purpose, Clinton wrote.

In the same letter, Clinton also committed to give Kerry's panel thirty days' prior notice of making a defense article eligible for export under the treaty, thirty days' prior notice of major procedural changes to the implementing arrangements as part of the treaty, immediate notification of major treaty violations, and an annual briefing and report on the implementation of the treaty. Without any additional legislation, the treaty could be ratified by a simple vote in the Senate. But new legislation would also require the approval of the House—which traditionally has been harder to convince that the United Kingdom should be given a special exception. With the clock ticking on the two-year treaty agreement, additional processes would add to the tension, according to sources.

“We are pushing to see this [treaty] ratified as quickly as possible,” said Cord Sterling, Vice President of the Aerospace Industries Association, which has been advocating for the ratification of the treaty without any additional legislation. The treaty is self-executing, he said. “Legislation can always be complicated,” he said, adding that the treaty and the existing administrative regulations already ensure that the technology will not end up in the hands of a third party outside of the U.S. and Britain. He also expressed some concern that legislation would be tied up in the House.

Whatever needs to be done, let's do it, because it is beginning to be a sore point between two good friends [the U.S. and UK]. It is becoming a point of contention, Senator Lindsey Graham (Republican-South Carolina), a member of the Armed Services Committee, told *The Hill*. I am ready to vote right now. This is the time to show your friends and your allies support, and it would mean a lot to our ally Great Britain. It's been sitting around way too long.

Senator Jim DeMint (Republican-South Carolina), a member of the Foreign Relations panel, has also been vocal about the need to ratify the treaty.

Gerald Howarth, the Defense Procurement Minister for the opposition party in the U.K., expressed frustration with Congress at the delay.

We've been pressing for this for two years, and it's a pretty poor show that Congress has failed to accord more support to its No. 1 ally, he said, according to the *Financial Times*. It sends the wrong signals, he added. The British government has been hugely supportive of the U.S. Government.

Australia, meanwhile, is also awaiting Senate ratification of a similar treaty.