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Ministry of Defence

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Compliance and Integrity in International
Military Trade



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Foreword

Traditionally the Netherlands Defence Academy (NLDA) each year publishes a volume in this series reflecting on a particular research topic. This year's topic is related to both research and the MSc programme on Compliance and Integrity in International Military Trade (CIIMT). They both focus on a wide variety of scientific ingredients like economics, export control, ethics, and legal aspects. With this point of view the volume distinguishes itself from what it is common in the literature on this subject, namely, a monodisciplinary approach. The same breadth of expert areas is also offered in the corresponding education programme at the NLDA.

A substantial number of contributions deal with Export Control, which is a subject of increasing interest for the Ministry of Defence (MOD). A violation of trade legislation may result in negative consequences like limited access to military-strategic items and financial claims. The strictest body of regulations is a United States regime for controlling and restricting the export of military technologies called the US International Traffic in Arms Regulations (ITAR), which will of course be considered in this volume.

Although it may seem a relatively new topic, regimes of modern export control date back to the "Trading with Enemies Act" (USA, 1917) and the "Import, Export and Customs Power Act" (UK, 1939). ITAR was enacted at a later date during the Cold War (1976). ITAR's prominence has increased over the years, leading to the implementation of export compliance programmes by US exporters. Also for the MOD this prominence and the possible negative consequences gave rise to the development of more research and education programmes by the NLDA.

Case studies of non-compliance are presented in this book, including its causes, consequences and ways of working around the control. I am convinced that besides the theoretical discussions these kinds of analyses provide a better understanding of the topic, making it more valuable for everyone dealing with the compliance and export control.

I am very pleased that the authors also included a chapter on the Dutch history of arms exports in which a historian elaborates on arms exports and arms export control in the Dutch Republic, from 1585–1621. By then there was already a strong

need for arms export control, far before the US and UK Acts were enacted in the last century. The interests and benefits yielded by the Republic are analysed in the last chapter.

Finally I want to congratulate all the authors and editors for this extensive and thorough overview of this very important topic, which will definitely serve as a very good background in compliance and integrity in international military trade.

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