



PARLIAMENTARY FORUM  
ON SMALL ARMS AND LIGHT WEAPONS

# European Parliamentary Oversight and Scrutiny of Arms Transfers

## Seminar

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## REPORT



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## Opening Session

(11:00 – 11:15)

- Hon. Katja Keul, Member of Parliament, Germany
- Hon. Ala Talabani, Member of Parliament, Iraq  
President of the Parliamentary Forum on SALW

*Moderator: Peter Weiderud, Secretary General Parliamentary Forum on SALW*

**MP Katja Keul** opens the session and welcomes the participants. She explains that due to the current transitional governmental phase in Germany, the parliament has not been working the last six months and consequently only few parliamentarians are able to attend the seminar. She continues introducing the different groups present and gives the floor to Ala Talabani, President of the Parliamentary Forum on SALW and Member of Parliament (Iraq) as well as to Secretary General and moderator for this session, Peter Weiderud.

**MP Ala Talabani** begins her introduction by stressing the importance of the meeting and the relevance of an international parliamentary forum on SALW which crosses party lines. She outlines the problems parliamentarians world-wide have in assessing information on national security and defence sectors and reminds the participants that this is particularly problematic for non-democratic states. Mrs Talabani further explains that private security companies pose an immense threat to human security in her home country Iraq, as they are frequently involved in lethal incidents. She informs the participants that there is almost no information available on the number of companies operating in Iraq as well as on the number of personnel and amount of weapons brought into the country. Consequently, Mrs Talabani stresses the need for developing better data gathering systems in order to be able to control these actors with parliamentary means. She reminds the participants that for this to be done international standards and rules such as the recently adopted Arms Trade Treaty (ATT) are of utmost importance. Finally, Mrs Talabani draws attention to the current situation in Syria and argues that any resolution to the conflict must be of a peaceful nature. On the same note, she condemns any weapons transfer into the country and recalls that legally traded weapons will eventually diffuse into the illicit market and in the hands of civilians, where they are able to cause tremendous harm.

**Peter Weiderud** reminds the participants that small arms control is a area of parliamentary action that is extremely complex and needs to take several perspectives into account. While supplying countries need to have an arms industry in order to guarantee economic welfare and national security, they bear at the same time the responsibility to support recipient countries in assuring that legally traded weapons are not endangering human security and development. He further refers to his home country Sweden and explains that public perception towards arms trade has changed in the course of the Arabic Spring, when a broader public realized that arms exporting countries have a responsibility to prevent the diffusion of SALW into illicit markets. Consequently, pleas for stronger legislation on arms control were posed from experts and civil society. He ends his comment by introducing the seminar's topic and background and presents the discussants of the first session, Dr Sibylle Bauer (SIPRI) and Lord Desmond Browne (MP, UK).

# Session I: European Parliamentary Oversight and Scrutiny of Arms Transfers

(11:15 – 13:00)

- Dr Sibylle Bauer, Stockholm International Peace Research Institute (SIPRI)
- Lord Desmond Brown, MP United Kingdom and former Defence Minister

*Moderator:* Peter Weiderud, Secretary General Parliamentary Forum on SALW

**Dr Sibylle Bauer** (SIPRI) begins her presentation by stressing that working towards a better regulated and controlled arms export lies in the responsibility of both parliamentarians from recipient and exporting countries. She explains that she will focus on the issue of transparency in relation to arms export reporting practices as well as on the role played by parliamentarians in overseeing and scrutinizing these practices.

She continues and explains that since the end of the Cold War, transparency and information availability with regard to arms transfer control have constantly been increasing. This is particularly true for Europe, where norms of transparency have gradually been replacing the secrecy which was characteristic for the Cold War era. At the same time she reminds the participants that out of 35 countries producing public reports on arms exports worldwide, 30 are European states and 21 are members of the European Union (hereafter EU). Thus, she argues that further increasing transparency in European arms export is of utmost importance in order for parliaments to be able to control the trade.

Dr Bauer then refers to the ATT and argues that developments at UN level might be able to push a broader international trend towards norms of transparency given the reporting obligations of the Treaty. She states that this might encourage even those countries that have not (yet) signed or ratified the treaty to produce reports on their arms exporting practices.

With regard to the EU she explains that reports have been published since 1999. She describes the increase in transparency by recalling that while the first EU report consisted of one page, it is nowadays approximately over 400 pages long. Consequently, she stresses that progress has been made and that even if current European arms reporting practices are far from perfect, this development should be acknowledged. Dr Bauer continues by stressing that the current variety of reports produced by European governments in terms of length and information availability should be seen as an advantage that allows for cross-national comparison of reporting standards, and shows the broad range of the types and depth of information that states include in their national report.

She further reminds the participants that mere quantity in terms of length and amount of information compiled in a report does not necessarily equal usefulness for parliamentary scrutiny. Rather, so her argument, the importance of a report lies in its ability to answer relevant questions, for example in order to assess the impact of an arms export on human security in the recipient country. Particularly, information on what types of weapons have been exported is of utmost importance. She expresses her concern that exactly this kind of information is mostly not given in European reports. Dr Bauer then outlines relevant evaluation criteria when analysing the quality of an arms export report:

- *Comprehensiveness*: are all categories of weapons and other military equipment and all types of transfers captured?
- *Time limit of reporting*: the sooner the better. Example of Germany, where the report is published late (November for previous year) and Sweden and Italy, where the report is published comparatively early (March for previous year).
- *Comparability over time and between countries*: if methods change or differ between years or countries, it is difficult to make assessments.

Dr Bauer continues her presentation by recalling that even if all needed information is given in a report, it is of utmost importance that parliamentarians do not only take interest in the issue, but also understand the complex methodology and technical issues. She expresses her concern that this is often not the case due to the lack of resources needed for building up necessary capacities. She gives the positive example of the UK where resources have been dedicated to staff members in order to make it possible for them to read into the issue and to gather the technical understanding needed. Consequently, she urges the Forum to investigate how expertise can be systematically built independently from political agendas. She further reminds the participants that possibilities for parliamentarians to get involved differ from country to country due to different parliamentary systems. However, Mrs Bauer argues that looking at the basic functions of parliaments, all of them can be applied to the scrutiny of arms export:

1. Control of governments by vote of confidence
2. Legislative power and approval of laws
3. Oversight of individual exporting decisions (for example in the UK)
4. Parliamentary debate
5. Scrutiny through parliamentary norms and measures, such as inquiry
6. Joint decision making (only in US)
7. Budgetary powers

Dr Bauer continues by expressing her astonishment that whilst European governments are discussing arms export licenses with each other, no comparable discussion is ongoing amongst parliamentarians from different countries. She finds that surprising, since both governments and parliaments are looking at the same pieces of a puzzle. She explains that the lack of inter-European communication is a disadvantage, since some issues might already be solved in some countries, while others still try to find a solution. Thus, cross-national cooperation could make an enormous impact in legislating, regulating and scrutinising arms trade in a more efficient and substantive manner.

Dr Bauer informs the participants about different reporting models within the EU. While some countries have an annual reporting system, others have quarterly or even monthly ones. She further explains that some governments have included data on prosecutions in their report, which she perceives as being highly important in order to effectively scrutinize export practices. She mentions the example of the UK where parliamentary scrutiny works extremely well and refers to Lord Desmond Browne's presentation to be held after hers. She further mentions some interesting developments in other European countries, such as Spain, where the Secretary of State for Trade is obliged by law to report to the Defence Committee of the Parliament; and the Netherlands, where the government decided itself to introduce a financial threshold of arms export licences to be reported to parliament. Once this threshold is crossed for a licence, the government is

obliged to report this to parliament within two weeks. And finally, she refers to Sweden that started to produce arms export reports already in the 1980's and that has a parliamentary advising body that meets once a month and includes members from all parties represented in the parliament.

Mrs Bauer concludes with these positive examples and gives the floor to moderator Peter Weiderud.

**Mr Weiderud** thanks Dr Bauer for her presentation.

**Mrs Keul** welcomes Ute Finkh-Krämer (MP Germany, SPD) who joins the seminar. She introduces the next discussant Lord Desmond Browne.

**Lord Desmond Browne** (Labour Peer, former Defence Secretary, UK) begins his presentation by acknowledging the important work of his colleague Sir John Stanley, Chairman of the Committees on Arms Export Controls of the UK Parliament, in motivating parliamentarians to become active and to use their powers and possibilities to make a change. He strongly highlights the importance of political leadership, as has been the case with Sir John.

He agrees with Dr Bauer on the importance of the Parliamentary Forum and stresses the fact that any decision on arms export made in Europe affects human security in other parts of the world. He argues that this is further strengthened by globalization and the electronic age. He expresses his concern with regard to 3D printing technology and emphasizes how important it is to find an adequate regulation in order to prevent harm. He then refers to his home country and agrees with Dr Bauer that the UK can be seen as a best practice example. He explains the structure of parliamentary control in the UK and refers to the so-called Committees on Arms Export Controls (CACE), a committee of committees that scrutinizes arms export. It consists of a combination of four subcommittees with approximately three representatives from each subcommittee and has currently a majority in favour of the opposition parties. He further outlines the UK's reporting practice and informs the participants that the reports are around 900 pages long and available online.

Lord Browne continues by outlining the UK's export practices and reports that his home country is not supposed to issue any licenses to countries where the export (1) might provoke or prolong regional or internal conflicts or where it (2) might be used for internal repression. Due to parliamentary scrutiny, it was discovered that the total number of extant arms export licences approved by the UK Government to countries of human rights concern was just over 3,000, among them Iran, Russia, and Sri Lanka. The value of those licences is £12 billion (20 billion US Dollar). Hence, while exporting arms to countries being in an armed conflict is relatively easy to control, Lord Browne argues that exports to countries where weapons might be used for internal repression represents a more difficult test for governmental exporting practices. He ends his presentation by summarizing the main aspects of parliamentary action in the UK with regard to arms control: 1) He stresses the major service parliamentary action has done to politics in terms of exposure the utter relevance of arms control to the UK's foreign policy. 2) He emphasizes that parliamentary work on the issue has created an effective model of scrutiny and transparency, and 3) that parliamentary debate in the House of Representatives has created an important vehicle for informed discussion.

**Mr Weiderud** opens the floor for discussion and hands the word to **Christer Winbäck**, who stresses that the development of 3D printing technology poses an immense risk that needs to be minimized through parliamentary action and strong legislation.

**Lord Browne** responds to that and argues that this type of technology has gone well beyond the present state of regulation.

**Dr Bauer** responds that the quality and detail of government reporting on arms exports varies considerably from country to country. Complementary data provided by importing countries (e.g. through the UN Register of Conventional Arms) might reveal some interesting facts. She further explains that most European countries have a system where an open license can be given, usually to trusted exporters for trusted end-users, for specified items, while individually licenced exports are checked more closely, for example for complex or unclear cases.

**Dr Bauer** responds that while information on exports can sometimes not be found in the governmental reports, import register might reveal some interesting facts. She further explains that most European countries have a system where an open license is given to trusted end-users, while individual exports are checked more closely for complex and unclear cases.

**Lord Browne** offers Mrs Keul to give her an explanatory document on the structure of UK licensing system. He explains that due to commercial confidentiality, names of arms producing companies are not given in the UK reports. He perceives that as non-transparent and problematic.

**MP Dušanka Majkić** (Bosnia and Herzegovina)<sup>1</sup> stresses the importance to listen to practitioners, but recalls that there are two fundamentally different perspectives on the issue of SALW control and scrutiny of arms export.

1. Those of countries standing at the very beginning of the development of norms of transparency and scrutiny, such as her home country Bosnia and Herzegovina.
2. More advanced countries, such as the UK.

She suggests establishing two subcommittees within the Parliamentary Forum, one for more advanced and one for rather developing countries in order to account for different needs. Mrs Majkić explains her motivation to suggest such subcommittees and reports from the extremely difficult situation in her home country and the Western Balkans, where no substantive parliamentary control systems have been established yet. She further informs the participants on the enormous amounts of SALW and ammunition circulating in the region and expresses her concern that no data is available to evaluate and analyse the issue. Mrs Makjić continues by reporting that a special parliamentary committee has been formed in Bosnia and Herzegovina order to investigate the destruction of arms and ammunition between 2006 and 2010. This committee identified several abuses of procedures, among others illegal weapons exits from military storage sides. She informs the participants that most of these weapons were sold to the USA and European countries. Furthermore, the committee revealed that the military continued to

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<sup>1</sup> Mr Jasmine Probić translates for Mrs Majkić throughout the seminar.

export weapons worth millions of dollar. Since weapon export in Bosnia and Herzegovina is extremely non-transparent, there is no basis for parliamentarians to control and scrutinize.

**MP Mark Pritchard** (UK) comments that he perceives the ATT as an interesting legal paradox, since it is clearly a success that we have reached an agreement. At the same time it leaves an important responsibility for the individual countries to solve. He further states that for European countries, the UK represents the most effective model of parliamentary control on SALW.

**Mr Weiderud** refers to Mrs Majkić concerns and promises that the Forum will respond to them immediately. This issue should be discussed in more detail during the Board meeting on Saturday.

**Lord Browne** stresses again the value of the Forum in terms of dialogue and cooperation. He further emphasizes the importance of Mrs Majkić comment and urges everyone to bring the issue back to his or her home parliaments.

**Dr Bauer** responds to Mrs Majkić comment and agrees that the issue of hidden exports is of utmost importance and needs to be discussed more detailed in the afternoon session.

**Mrs Keul** thanks everyone for the session.

**Mr Weiderud** concludes. Lunch is served.

## **Session II: Responsibilities of European countries to limit the misuse of arms**

(14:00 – 15:30)

- Albrecht von Wittke, Deputy Head of Export Control Division 414 Conventional Arms and Dual-Use Goods, German Federal Foreign Office
- Jan Grebe and Sebastian Roßner, Bonn International Centre for Conversion

*Moderator: Daisy Tourné, Member of Parliament, Uruguay; Board Member of the Parliamentary Forum on SALW*

**Mr von Wittke** begins his presentation by explaining the EU- Member States Export Control Regulations. He informs the participants that the EU Common Position (EU-CP) 2008/944 CFSP (8 December 2008) defines common rules of governing the control of exports of military technology and equipment. At the same time, this Common Position might be supplemented by national rules in accordance with Article 3 stating that “this Common Position shall not affect the right of Member States to operate more restrictive national policies.” Mr von Wittke further outlines that this will additionally be supplemented by ATT rules and obligations in the future. However, he recalls that the main points on export assessment are already covered by similar or even more restrictive rules of the EU-CP.

Mr von Wittke reminds the participants that the Common Position starts with the assumption that “States have a right to transfer the “means of self-defense, consistent with the right of self-defense recognized by the UN Charter.” He continues explaining that the EU-CP has three declared aims:

1. Member States are determined to set high common standards that shall be regarded as the minimum for the management of and restraint in transfers of military technology and equipment by all Member States
2. The exchange of relevant information shall be strengthened in order to achieve greater transparency.
3. Member States are determined to prevent the export of military technology and equipment, which might be used for internal repression or international aggression or contribute to regional instability.

He recalls that the EU-CP’s principle is that Member States have individual responsibility for licensing decision.

Mr von Wittke then continues by outlining the assessment process for arms transfer and refers to Article 1, which states that the assessment of license applications shall be made on case by case basis. While this shall prevent blanked country assessments, exceptions are made for states under EU or UN arms embargoes. He continues explaining the eight general criteria for the assessment summarized in Article 2 and informs the participants that while the first four are binding criteria, the second four are optional. For the prevention of arms misuse, criterion 2, 3, 4, 6 and 7 are most important:

1. UN-SC-Embargoes and other international obligations of European Member States, e.g. under Non-Proliferation treaties, commitments in international export control regimes etc.
2. Respect for human rights and International Humanitarian Law (a) Deny license if “clear risk” of use for internal repression. Special caution, but not prohibition for exports to countries with bad human rights record. (b) Deny license if “clear risk” of use for serious violations of IHL. Basic question: what is the risk or likelihood of the specific arms in question to be used for serious violation of human rights (or IHL) by the specific end-user in question (or another end-user after potential internal transfer)? While arms such as aircraft or submarines normally do not play a role in the violation of human rights, SALW, armoured personnel carriers, communication equipment often does. Thus, initial questions before licensing might include:
  - Is there a record of this equipment being used for repression in the recipient state or elsewhere?
  - If not, what is the possibility of it being used in the future?
  - Who is the end-user?
  - What is the end-user’s role in the recipient state?
  - Has the end-user been involved in repression?
  - Are there any relevant reports on such involvements?
3. The internal situation in the country of final destination: deny if transfer would provoke or prolong armed conflicts or aggravate existing internal tensions or conflicts



4. Regional peace, security, and stability, the likelihood of inter-State conflict, territorial claims
5. National Security of Member States and friendly and allied nations (less relevant today)
6. The recipient country's attitude towards terrorism and organized crime
7. Diversion within recipient states or re-exports under undesirable conditions or to undesirable end-user. This requires a thorough check of the end-user as well as of the reliability of end-user assurances, in particular end-user certificates.
8. The impact on sustainable development of the recipient country

Mr von Wittke continues his presentation outlining the implementation of the EU-CP. He refers to the User's Guide, which includes commonly agreed upon "best practices" that spell out more detailed the concepts and processes of the Common position when applied to specific cases of export licenses. It further outlines denial exchange and consultation mechanism. Transparency is guaranteed through an annual report listing licenses, denials, arms categories and if possible the actual export according to recipient country and exporting country.

Mr von Wittke refers to the ATT and states that in the future, this international agreement will outline similar obligations on export assessments as the EU-CP. He outlines a number of main observations. First, the ATT is compatible with EU-CP and other EU rules. Second, the assessment articles 6 "prohibitions" and 7 "export assessment" are already covered for EU Member States by the combination of EU-CP and other obligations under EU and international law concerning terrorism and organized crime. Mr von Wittke hence concludes that no dramatic changes in export policies of EU Member States are to be expected. However, he stresses that the ATT establishes international and global legally binding minimum standards for transfer controls and promotes transparency, international cooperation and a number of assistance mechanisms. He continues by listing a number of other international obligations and commitments in respect to small arms, such as the UN PoA, the ITI, the UN Firearms Protocol, the EU small arms strategy, and the OSCE documents on SALW and ammunition stockpiles.

He then refers to the specific case of his home country Germany and the "Political Principles of the Federal Government for Exports of War weapons and other Military Equipment" (2000). These national rules include similar rules to EU-CP, but are slightly more restrictive. He ends his presentation by summarizing the German national policy on small arms and light weapons. He states that it applies to all relevant SALW instruments, that it is a rather restrictive policy on SALW and SALW ammunition, that it prohibits the export license for SALW of the war weapons category (purely military and/or security forces use, e.g. automatic rifles, machine guns etc.) for private end users and that it includes the principle of "no new production lines for SALW" in countries other than NATO and/or EU as well as the "new for old principle" wherever feasible in order to prevent the increase in SAL circulation worldwide.

**Jan Grebe** takes the floor and begins his presentation outlining the three main topics he will focus on during his presentation.

1. Recent Trends in International Arms Transfers and the Challenges for National and European Arms Export Control
2. Defence Industry in Times of Austerity
3. Challenges ahead for arms export control

In terms of recent trends (1) Mr Grebe continues by stressing that the previous years have shown a sharp decrease in arms acquisitions in Europe and the US due to the ongoing financial crisis. He argues that as a result, large European and US defence companies are looking for other markets to compensate for the loss. At the same time, some aspects of the global arms trade have changed quite substantially. Mr Grebe mentions as examples the type of products being traded, technology transfer and the relation between supplier and recipient. He explains that these examples are increasingly dominated by recipient states. Strong competition on the defence market allows these actors to dictate the conditions of arms deals up to a certain extent.

He continues by informing the participants that the global arms market has increasingly become a buyers' market with states being able to acquire weapons from all around the world. He further claims that this not only leads to the transfer of military goods and weapons, but also to the provision of services and training as well as the support in establishing own production capacities in the recipient countries. Thus, so his conclusion, competition for new customers outside the traditional markets is steadily increasing.

Arms export control is confronted with the desire of emerging economies to acquire new defence technologies in order to enhance their defence industry and thereby trying to decrease their dependency on arms imports. As a result, competition among export nations has become increasingly intense over the years and defence companies have worked towards utilizing flexible financing options, co-production, licensed production and co-assembly in new arms sale deals.

Mr Grebe continues by explaining that since the global arms market becomes a buyer's market with the recipient of weapons being able to increasingly set the conditions of arms deals, the question arises whether states or defence industries are forced to reduce the level of control over arms exports. He recalls that military technology, spare parts or components are much more difficult to control than the actual transfer of a major weapon system.

He then offers a quick look at recent data on European arms exports and outlines that these show the importance of so called third countries for European defence companies. In 2011 countries in Latin America, the Middle East, Asia and Africa accounted for 47 percent of all EU countries' arms exports. Of that alone, Asia and Oceania accounted for 17 percent of all EU countries' arms exports in 2011, while countries from the Middle East accounted even for 21 percent in 2011 (up from only 8 percent in 2007).

Based on this facts and his presentation so far, Mr Grebe gives a first summary. Besides the general importance of the European market for the defence industry he argues that his overview shows the growing importance of external markets to European defence

companies both for their general business and for compensating reductions in domestic demands. He further states that given the fact that defence companies are under severe pressure due to austerity measures, export success will be a vital factor for the future of defence producers in the EU.

With regard to his second main aspect, the defence industry in times of austerity (2) Mr Grebe argues that the financial crisis has not led to more coordination among EU member states, but that they continue to adhere to national prerogatives. He argues that contrasting positions among EU member states on increasing Europeanization prevent steps towards a better coordination of the defence industry. Yet, pressure by the defence industry to ease export restrictions will most likely increase in the future in order to compensate for the revenue losses due to decreased spending on military procurement by EU member states. In order to give the participants a rough idea of what this means, he informs them that between 2009 and 2011, the expenditure on military equipment by European NATO countries dropped by more than 6 billion US-Dollar amounting to 52 billion US-Dollar in 2011. As a result of that, European defence companies are pushing towards markets outside the EU.

Mr Grebe continues explaining that the rise of military spending and large military modernization programs in Latin America, the Middle East and Asia has helped the defence companies in difficult times and furthermore helped companies to uphold or even increase their annual turnover. He argues that success on these markets will be a decisive factor for a number of European defence companies to avoid a downturn in sales. Particularly the competition on markets in emerging economies, such as India is likely to increase in the future. He informs the participants that the size of the US defence industry and its innovation potential is a competitive advantage over European defence firms. In contrast to many European defence companies, the US firms rely on political support by the administration.

Mr Grebe explains that as a consequence, European defence companies came under pressure in the wake of the financial and economic crisis. They are trying to compensate the losses on the European market by gaining more access to markets in the Middle East and Asia. This puts states and their export control systems under pressure to allow exports to third countries, which they probably would not have licensed before. He expresses his concerns that countries in these regions show poor human rights records, face regional tensions and have difficulties with implementing a strong export control system that favours the risk of diversion (e.g. re-export).

Finally, he refers to the challenges ahead for arms export control (3) and argues that a transparency is the necessary condition to discuss effects of arms exports and important changes of the export control systems. He explains that problems in reporting on arms exports on EU as well as on national level will continue to exist. To make a full assessment of EU Member States' arms exports and their policies, the EU report would need to include more detailed information on the actual exports, such as the number of items exported, the end-user, as well as a breakdown of denials by recipient and criterion applied. He suggests that in a first step a more regular reporting system on EU level would increase transparency and consequently enable parliaments and civil society to scrutinize governmental decisions on arms exports.

He continues by outlining that different implementation of the EU Common Position into national law as well as diverging interpretation of the Criteria currently impede a better

harmonization at the European level. Mr Grebe further suggests that EU member states should use the current review of the EU Common Position as an opportunity to create stronger criteria and limit the room for interpretation. Parliaments could play an important role in supervising such a process and demand governments to provide information on the implementation of the criteria to a broader audience.

Mr Grebe continues by explaining that in 2004, the EU Council discussed the idea of introducing a new instrument to the EU Code of Conduct to assess arms exports to post-embargo countries – a post embargo toolbox. While the introduction of such an instrument was not successful in the end, discussion about this instrument started again in the wake of the Libyan crisis in 2011. Mr Grebe explains that this was planned to pay special attention to countries where an embargo had recently been lifted and that EU Member States should regularly hold consultations on national arms export policies towards post embargo countries. Such consultations, which go beyond the existing consultation mechanism on denials, he explains further, offer the opportunity to carefully assess if any of the Criteria of the EU Common Position is of particular relevance to the decisions of EU Member States. He suggests that EU Member States should consider introducing such an instrument, as it would offer the opportunity to regularly exchange information on a three-monthly basis not just on denials, but also the issued licenses, the goods as well as the category of the EU Common Military List, the total number of items and the end-user. This would create a better understanding of the criteria's interpretation among EU Member States when assessing a license application.

Finally Mr Grebe draws attention to the important role of parliaments to stimulate a general discussion juxtaposing the importance of the criteria of the EU Common Position with the security interests of EU member states. He argues that there is the danger that ambiguous national interests weaken certain criteria of the Common Position, particularly human rights. Thus, so his final statement, it is vitally important that parliaments demand stronger public justifications and explanations of governmental decisions in order to be able to hold governments accountable for their arms export practices.

**Dr Roßner** takes the word and starts his presentation on parliamentary arms trade control in Germany by claiming that a reform is urgently needed.

He informs the participants that the parliamentary control of arms export in Germany is rather weak. While this type of democratic control is strongly needed, decisions on weapons exports are commonly made in a non-transparent manner excluding the public. Furthermore, these export decisions are usually published very late, giving parliamentarians no leverage to demand changes. Thus, increasing transparency is a premise for the improvement of parliamentary control of weapon exports in Germany. Referring to different national control practices, Mr Roßner outlines three main models of public weapons export control. All of these are dependent on governmental duty to inform on export decisions:

1. Ex post control via parliamentary committees (UK)
2. Ex ante control via external, but nevertheless closely with the parliament connected committees (Sweden)
3. A combination of well-regulated information and veto rights of parliament (USA)

With regard to Germany, Dr Roßner states that weapons export lies within the responsibility of the Federal Government, which is at the same time the only actor being extensively informed on the issue.

He continues by arguing that the current legislation on arms export in Germany is problematic, as it forbids the German Parliament to demand an equal decision right. Furthermore, the dual regulation of weapons of war and other arms makes a clear distinction between them at times difficult. Other critical issues involve the lack of information offered by the German government as well as European legislation, which partly assign control responsibilities to private companies. Thus, Dr Roßner concludes that any effective reform of public control of arms export needs to consider two aspects. First, increased transparency in order to enable public debate, and second appropriate procedures allowing the parliament to deal with questions of arms export. Premise for these two aspects is the improvement of arms export reporting practices, and in particular the improvement of the quality of the annual export report.

Mr Roßner continues stressing that it is insufficient to publish reports a year after the end of the reporting year and argues that the German Parliament itself shall determine how often and what type of information the government should publish.

Although claiming that the introduction of legal rights to sue export licenses could be a potential instrument to control weapons export, Dr Roßner emphasizes that the most efficient way of democratic and systematic control is via parliamentary action. Consequently, adequate procedures need to be established in order to enable a qualified minority to force the government to explain its decision. Such a decision does not only have to include the Foreign and Security policy related aims of weapons export, but also how such an export can serve the policies. Furthermore, such decisions need to be supplemented by explaining why the planned export is not expected to have a negative impact on human security in the recipient state.

Dr Roßner further argues that different institutional arrangements for parliamentary control could be possible, preferably an ex post committee as in the UK without any secrecy stipulation limiting public discourse and parliamentary debate on the issue.

Finally, Mr Roßner ends his presentation by suggesting that the selection of cases to be controlled by parliament could be done using a financial threshold of export sums as in the United States, or a country list including the most problematic states in terms of human rights and democracy situation.

**MP Daisy Tourné** (Uruguay) questions the market approach to parliamentarism and argues that parliamentary control is considerably more complex.

**MP Talabani** thanks the discussants for interesting presentations and stresses the importance of NGO's in providing impartial and non-biased data on arms control. She further reports from her home country Iraq, where a law has passed in 2012 that allows each of the 7.200.000 Iraqi households to own a weapon. Mrs Talabani refers to her experience as a member of parliament and to the fact that each new parliamentarian has the legal right to obtain five pistols and 20 Kalashnikovs in order to protect him- or herself. She explains that these weapons enter the illicit market once the parliamentary

period is over and questions the policies behind this practice. She further emphasizes the importance of the ATT and international norms and standards of SALW control.

**Mrs Majkić** recalls Dr Roßner's words and states that both ex- and post ante control mechanisms are important. She refers to her home country Bosnia and Herzegovina and reports that ex-ante mechanisms for licensing exist, while post-ante control mechanisms are missing. Mrs Majkić further suggests establishing a parliamentary committee merely dedicated to the issue of arms control in her home country Bosnia and Herzegovina. She encourages the other participants to share their experiences and knowledge on such a committee.

**MP Betty Amongi** (Uganda) expresses her concern that the ongoing discussion focuses primarily on exporting countries and neglects the problems importing countries have to deal with. She reports from her work as a parliamentarian in Uganda and stresses the fact that exporting countries need to take more responsibilities. She refers to Mr von Wittke's presentation and argues that arms control needs to go beyond his definition. She demands that importing states prove that their imports are merely for external self-defence and that weapons are not used for internal repression. Mrs Amongi reports from the situation in the Great Lake Region in Eastern Africa, where security forces frequently abuse their powers in order to suppress the population. Consequently, she urges exporting countries to monitor more closely non-democratic countries in order to make an informed decision of whom to sell arms to.

**Mrs Tourné** agrees with Mrs Amongi's comments and further argues that the economic market approach does not sufficiently capture the issue of both legal and illicit small arms trade and its control.

**Mr Weiderud** makes a follow up comment to Mrs Majkić question concerning a separate committee for arms control. He stresses the difference between countries and asks Dr Sibylle Bauer to share more examples from her research. He mentions the examples of Sweden and the UK, who both has well developed committees on arms control matters but differ significantly in form and features. He informs Mrs Majkić that one disadvantage of the Swedish system is that it is not transparent, as members of the committee are not allowed to talk about their work. Finally, he stresses the importance of timing and argues that parliamentary action is most effective in the early stages of the licensing process.

**Mr von Wittke** takes the word and responds to the questions being posted and comments made on his presentation. He urges the participants to not judge any policies they do not have substantial knowledge on. He further argues that it is not a contradiction in itself if some governments issue exporting licenses to countries to which other governments have denied the export. He further claims that the possibilities of parliamentary oversight depend heavily on legal systems and the national context. With regard to Germany, Mr von Wittke explains that a clear division of power between the legislative and executive branch characterizes the German arms export system. Arms licenses clearly refer to the executive power and the current CDU government is very strict about this. Mr von Wittke further informs the participants that the German parliament has basically not used its legislative powers to give guidance to the government. He argues that any claim that the German government would not play within the rules does not apply, since no rules have been established yet.

## **Session III: Establishing a European Parliamentary Network for Oversight and Scrutiny of Arms Transfers – discussion on how to take the project forward**

(16:00 – 17:30)

**Mr Winbäck** opens the session and stresses the necessity of working towards a harmonized European oversight of arms exports. He mentions the example of his home country Sweden, where he is a member of the ex-ante control committee. He asks all participants to join the discussion and to give their perspectives on such a European oversight network.

**Dr Bauer** reminds the participant that the UK is the only European country with a dedicated parliamentary body to arms export control and thus dedicated resources. She compares it to the Swedish system and outlines the issue of confidentiality of deliberations in the Export Control Council. She further suggests that effective parliamentary control requires information on the recipient states etc., which requires dedicated resources in parliament to analyse these issues.

**Mr Weiderud** agrees with Dr Bauer's. He adds that the Parliamentary Forum has been growing and expanding during the last years and that it has started to work regionally. In this regard, he stresses that regional work on Europe is still embryonic, but urgently needed. He further argues that developing a European network requires special attention and dedication from European parliamentarians. He further refers to the issue of funding, which has been rather problematic for the Forum in 2013. Finally, he refers to his home country Sweden and stresses that even if a country such as Sweden has clear legal standards of not exporting to countries displaying bad human rights practices, the issue of defining what a violation of human right actually is still remains. Should the restrictions apply to weapons which can be used in direct violations of human rights or should restrictions apply to all export to the country on question.

**Mr Winbäck** refers to Mr Weiderud's comment and informs the participants that Sweden has a commission that is looking into human rights abuses in order to facilitate licensing decisions. He further stresses the issue of regime changes and the question of what happens to weapons that are traded to unproblematic countries once they turn problematic in terms of human rights violations. He agrees to Mr Weidrud's statement on the necessity of a Europe focused regional chapter and urges all present parliamentarians to motivate colleagues in their parliaments to dedicate themselves to the issue of arms export control.

**Mr Grebe** agrees that it is important to expand to Europe. He suggests a yearly conference of European parliamentarians to meet with experts and NGO's in order to learn from each other and to share information.

**Mrs Majkić** supports Mr Grebe's idea and suggest that all present parliamentarians should become active and spread the word within their parliament and to neighbouring countries. She further suggests developing a comparative study on legislation types in European countries that could help to assess possibilities and alternatives for parliamentary action. Mrs Majkić further proposes establishing a pool of experts as well as approaching the EU for funding.

**Lord Browne** takes the word and makes a few points. He informs the participants of the European network called the “European Leadership Network” of which he is the chair. Hence, he reports from his experiences and stresses a number of issues. First, he emphasizes that a network is organic and grows, which makes it difficult to control. Second, he recalls that arms control is not a common field for parliamentarians to be active in, since it is difficult to build a career upon it. Thus, he argues that two challenges need to be overcome in order to build up a network on arms control: First, this area of politics must be made less complex in public debate. This correlates with his experience that political will is more important than technical expertise. A virtual relationship space needs to be created. Instead of having conferences where parliamentarians are forced to be physically present, a virtual space should be generated that facilitates information exchange. Furthermore, analysis and research should be a fundamental part of this network and being provided to anyone included. Finally, he gives the advice to include Russia in order to increase effectiveness.

**Mr Winbäck** replies that he considers conferences of utmost importance, since personal encounters lie at the heart of information exchange and knowledge sharing. He further informs the participants that the Swedish parliament regularly invites civil society groups and that the Forum has a civil society representative on its board.

**Dr Bauer** agrees with Mr Winbäck and argues that personal encounters are very important in order to build relationships. She also supports Mrs Majkić’s proposal to conduct a comparative analysis of legislation in different countries, but suggests that this should be done using parliamentarians to draft it, as proper research on the issue would be expensive and time consuming, also given the language issues/translation requirements. She further poses the question whether a European Network on arms control should be focused on SALW or on all types of weapons.

**Mr Weiderud** responds that the Forum is primarily concerned with SALW, but that regulation of arms in general is very similar.

**Mrs Tourné** shares her experience on the Model Law in Latin America and reminds the participants that this law is a best proactive example of parliamentary action on SALW. She explains that the law was produced in cooperation with the civil society and represented a response to escalating armed violence in the region. She further stresses the importance of an inter-parliamentary body such as the Latin American Parliament (Parlatino) in Latin America.

**Mrs Talabani** reminds all participants that saving human lives represents the core issue of any work on SALW, its regulation and control. She urges the participants that this aim should not be forgotten when discussing technical issues of arms control.

**Mr Winbäck** concludes the session by referring to the Forum’s board meeting being held the next day and promises to continue discussing all important comments and suggestions.



## Annex:

### 1. Participant List

#### Board Parliamentary Forum on Small Arms and Light Weapons

Ala	Talabani	Iraq
Christer	Winbäck	Sweden
Konstantin	Samofalov	Serbia
Betty	Amongi	Uganda
Drissa	Sanogo	Burkina Faso
Daisy	Tourné	Uruguay

#### Members Parliamentary Forum

Desmond	Browne	United Kingdom
Dužanka	Majkić	Bosnia and Herzegovina
Mark	Pritchard	United Kingdom

#### German Parliamentarians

Katja	Keul	Germany (Bündnis 90/Die Grünen)
Roderich	Kiesewetter	Germany (CDU)
	Finkh-	
Ute	Krämer	Germany (SPD)

#### Parliamentary Forum Secretariat

Peter	Weiderud	Sweden
Annekatrin	Deglow	Germany
Teresa	Dybeck	Sweden

#### Experts

Sibylle	Bauer	Germany (SIPRI)
Jan	Grebe	Germany (BICC)
Sebastian	Roßner	Germany (University of Düsseldorf)
Albrecht	von Wittke	Germany (German Foreign Office)
Mathias	John	Germany (Amnesty International)
Judith	Kaiser	Germany (Institute for Human Rights)
Hauke	Friederichs	Germany
Katja	Böttcher	Germany European Leadership Network
		Bosnia and Herzegovina (Advisor Committee Defence & Security)
Željko	Grubešić	
Jasmin	Porobić	Bosnia and Herzegovina (UNDP Expert)

#### Advisors Green Group

Birte	Gäth	Germany (Green Group)
Florian	Schöppe	Germany (MdB Keul)
Christoph	Nensa	Germany (MdB Keul)
Andreas	Körner	Germany (MdB Keul)