



PARLIAMENTARY FORUM
ON SMALL ARMS AND LIGHT WEAPONS

Seminar
30 June 2015
Venue: Visby, Sweden

“Arms Export Investigation – what happens next?”

The annual event ‘Almedalen Week’ takes place every summer on the Island of Gotland, and is considered an important forum in Swedish politics. During the week, politicians, organizations and representatives from the business community hold speeches, seminars and participate in activities.

During the Almedalen Week this year, on Tuesday June 30th, [Amnesty International](#), [Bilda Study Association](#), [Church of Sweden](#), [Fredens Hus](#), Parliamentary Forum on Small Arms and Light Weapons (SALW), [Swedish Fellowship of Reconciliation](#), [Swedish Peace and Arbitration Society](#) and [United Nations Association of Sweden](#), arranged a seminar to discuss these new proposals for Swedish arms export.

A parliamentary inquiry on Swedish arms export, called the [KEX-committee](#), was set up by the Swedish government in 2012 with the aim of developing proposals for new arms export legislation, including sharper control on export to non-democracies. The committee presented its report to the government on June 26th.

For the seminar, three members of the committee were invited to discuss their work and the presented results, and also to answer questions from the gathered audience. The seminar was moderated by Anna Ek, President of the Swedish Peace and Arbitration Society and the panel consisted of Lars Ohly (Left party), Bodil Valero (Green party), and Ulrik Nilsson (Moderate party). The mix of the panelists, with one representative from a government party, and one representative each from left respectively right of the opposition, contributed to a fruitful discussion of the strengths and weaknesses of the presented report.

Anna Ek facilitated the seminar and began by giving a brief background to the KEX-committee and its work before she turned to the panelists and asked why it was deemed necessary to strengthen legislation on Swedish arms export. The panelists agreed that strengthened regulations were a necessity and also that the later years of arms deals with non-democracies such as Saudi Arabia, which had featured frequently in the media and public debate, have also played a role. Ulrik Nilsson argued that the committee provided a good opportunity to include the [Arms Trade Treaty](#) (ATT) and the [EU Common Position](#) in Swedish legislation. Bodil Valero highlighted the democracy criterion, i.e. that arms should not be exported to non-democratic states, as a main rule. Lars Ohly explained that the previous inquiry, presented in 2005, had major weaknesses that now have been addressed by the KEX-inquiry.

A special focus was then given to the ‘democracy criterion’ and the panelists discussed how the criterion is phrased in the report and what consequences it might have for possibilities to export arms to certain ‘non-democratic’ countries. Bodil Valero stated that she and her party would have

liked to see an even stronger language regarding this criterion but argued at the same time that a government that decides against this criterion and choose to export to non-democracies will pay a heavy price. Lars Ohly further stated that this criterion most certainly will not be enough to prevent export to non-democracies. Ulrik Nilsson, agreed with Valero that a government will have to pay heavily for deciding against this criterion, but further stated that it is not always black or white when it comes to exporting to non- or semi-democratic states. He also stated that there are states that do not completely fulfill the requirements for being deemed a democracy but still might need to buy materials for being able to develop, hence it is not always black or white.

The panelists further discussed the question of equipment for battle and other equipment. The discussion brought up the issue of material specific approach and country specific approach. Lars Ohly argued that dividing equipment in categories of battle equipment and other equipment is inconsistent with Sweden's country specific approach to arms export as exporting any type of equipment to non-democracies might legitimize these states. Ulrik Nilsson responded that all kind of export (including civilian export) might lead to the legitimizing of states.

Anna Ek brought up the human rights aspect of arms export, and asked whether this issue has been valued differently in the report compared to previous legislation. She explained that in the new report the wording around the human rights aspect and when arms export should not be allowed to states, has been changed from 'gross violations' to 'serious violations'. The panelists seemed to agree that this formulation was an adoption to the EU Common Position and that all human rights should be indivisible and universal when considering export authorization. Lars Ohly explained that in this regard it is important to use updated information before making a decision whether or not to authorize arms export; and this was a reason why the committee did not compile a list of countries that are deemed non-democratic, but rather has left it for the decision makers to make an assessment on a case by case basis. Ulrik Nilsson continued on the topic and argued that the way a country's approach towards women's rights is a good litmus test for how a government treats its people.

The question of 'follow on deliveries', i.e. state's right to continue to buy arms and components after an initial deal has been reached, was then brought up by Anna Ek. Lars Ohly stated that follow on deliveries should be reassessed and that the democracy criterion in the initial proposal means that the democratic status of buyer states should be followed up on before allowing follow on deliveries. Ulrik Nilsson explained that existing agreements, made under the previous regulations, cannot be terminated but should proceed. Bodil Valero argued that if the democratic situation in the buyer state changes the agreement can be cancelled.

A recurring question when discussing arms export concerns transparency and accountability, and the facilitator asked whether this will increase with the new framework. Bodil Valero argued that this will indeed increase and explained how the parliament will be better informed through enhanced reporting. Further she stated that decisions should be made public, and by lifting the decision making responsibility to government level accountability will increase. Lars Ohly added that the government's responsibility is made clear in the report, which allows for increased accountability. Ulrik Nilsson claimed that the government will have to be active in the debate and defend their decisions and judgments.

Before opening up for questions from the audience Anna Ek stated that all three panelists had made it clear that also with this new regulatory proposal presented in the report, arms export can and will be authorized based on defense policy reasons. She then asked panelists whether there is a risk that this also slides into economic policy reasons, which has previously been made clear should not form the basis for export. Bodil Valero argued here that the economic policy aspect has been toned down in the report, it is not completely removed from the regulations but it is a step

forward. Her intention as a member of the committee was to give economic policy reasons as limited space as possible, but this was also a major challenge. She further stated that defense policy reason does not mean the defense industry should set the agenda for which countries to export to. Ulrik Nilsson replied that it is important that Sweden also should benefit from the products we export, and that export is important for the defense industry to share the costs of production and development of new products. Lars Ohly claimed that the concern about employment and economic policy possibly shaping decisions is well founded, but he further argued that the committee has tried and also succeeded in formulating this as unacceptable reasons.

Anna Ek opened up for brief round of questions from the audience before turning to the panel again to ask when a government proposal based on the report can be expected. Lars Ohly argued in favor for the possibility to have a proposal some time next winter and a new regulatory framework in place sometime in July, 2016. It is difficult, he stated, but not impossible. Ulrik Nilsson stated that all parties have agreed on this report, and that the industry has already began to adapt to stricter regulations. Bodil Valero agreed and said that decisions are already being made with the new stricter regulations in mind so in that sense we have already seen improvement, but there is still a lot to be done.

Before the end of the seminar, Lars Ohly took the opportunity to propose an inquiry on Swedish arms import, since, he argued, there are no restrictions in this area.

Anna Ek declared the seminar over and thanked the panelists and the audience.