Export Control of Military Equipment

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Sweden in an international export control context

- Manufacturer, exporter and importer
- Average yearly export – 10 BSEK
- Wide range of defence equipment (limited SALW export)
- "Medium sized" export control organization
- Appr. 1500 export cases per year (mil.)
- Around 40 persons directly involved in export control (including dual-use)
Inspectorate of Strategic Products (ISP)

- An independent administrative authority outside of the government
- Civil servants – not politically appointed
- Established in 1996
- Budget 43 MSEK
Division of responsibility

• Government (MFA) :
  – Policy
  – Legislation
  – Budget

• ISP :
  – Decision making
  – Licensing
  – Enforcement
Military Equipment Section

Head of Section

- Defence Policy Specialist (1)
- Foreign Policy Specialists (2-3)
- License Officers (2-3)
Legislation

- National legislation:
  - Law
  - Ordinance

- National and international assessment criteria:
  - National guidelines
  - EU Common Position
  - Arms Trade Treaty (ATT)
The Law on War Materiel

• License required to:
  – Manufacture
  – Supply (broker)
  – Export
  – Enter into international agreements

• Information provided regarding:
  – Marketing
  – Tender
  – Actual deliveries (statistics)
Exports assessed against three sets of guidelines

- National guidelines
- EU Common Position
- Arms Trade Treaty
Comparison between the three sets of guidelines

- Several commonalities (arms embargoes, human rights, end-user certificates)
- Differences:
  - Structure (check-list vs overall assessment)
  - Materiel specific vs general country assessment
  - Material scope
  - Assessment of IHL-violations
  - Gender based violence
Decision-making process

1. Application from industry (electronically)
2. Country of destination – determines the process?
3. Standard case – processed by license officer and decided by head of section
4. Sensitive case – in-depth analysis by specialist and memo written in relation to the guidelines
5. Memo discussed at internal meeting with all desk officers – DG decides or consults with the ECC/Govt
6. Reply to applicant (electronically)
Assessment – general approach

• Combination country/materiel
• Limited resources – focus on sensitive cases
• Limited resources – focus on criteria of concern
• Avoid information gaps (products, end-user, route)
• Combine different information sources
• End-user certificate
• What type of knowledge/understanding is required?
Example of aspects raised in memo

- Proposed export, type of materiel, end user/consignee
- Export history
- Country analysis
  - Arms embargoes/sanctions? Other international obligations?
  - Conflict situation – today and tomorrow
  - Human rights, IHL
  - Diversion
  - GBV
  - Other: terrorism/transnational organized crime, etc
- EUC and other mitigating measures, e.g. post-shipment verification
- Conclusion with recommendation for decision
Sources of information

- Ministry for Foreign Affairs
- Ministry of Defence
- Intelligence information
- Multilateral export control regimes
- Governmental research institutions
- International orgs (UN reports, EU reports, etc)
- Think-tanks
- Media
- NGO:s
Current issues

• Changing trade patterns – new recipient countries
• International co-operation — who will make the export control assessment?
• Transfer of technology/license production
• Leasing
• New and changing demands on security related export controls