



JÖNKÖPING INTERNATIONAL BUSINESS SCHOOL
JÖNKÖPING UNIVERSITY

**The Swedish Arms Trade and the Politics of Human Rights:
A Comparative Case-study of Swedish Weapon Exports to the Islamic Republic of Pakistan
and the Russian Federation in the year of 2006**

Bachelor Thesis within	Political Science
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Titel: The Swedish Arms Trade and the Politics of Human Rights: A Comparative Case-study of Swedish Weapon Exports to the Islamic Republic of Pakistan and the Russian Federation in the year of 2006

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Sammanfattning

Uppsatsens problemområde behandlar den nuvarande debatten och påståendena om hur svensk vapenexport står i strid med kriterierna för mänskliga rättigheter och icke beväpnade konflikter, vilka är fastställda i riktlinjerna för export. Eftersom dessa är faktorer av avsevärd vikt gällande mottagarländerna vid beslutsfattandet av export, så har denna uppsats syftat till att undersöka situationerna och empiri i förhållande till de två fallen av vapenexport till Pakistan och Ryssland under 2006. Det primära syftet har således varit att undersöka om dessa fall är i samspel med svenskt regelverk för vapenexport. Undersökningen bygger på en deduktiv metod av logiskt resonemang som har etablerat 4 hypoteser, vilka är deducerade från svenskt regelverk. Allt som allt, efter att ha testat hypoteserna, så påvisar resultatet av studien att besluten för export står i klar strid med kriterierna för mänskliga rättigheter och icke beväpnade konflikter. Detta förklaras emellertid av andra punkter i regelverket, vilket ger slutsatsen att besluten är i linje med svenskt regelverk.

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Subject terms: Human Rights, weapon export, Sweden.

Abstract

The problem area of the study concerns the current debate and claim that much of the Swedish weapon export contradicts the Human Rights criterion and condition for non-armed conflicts set down by the Swedish regulatory framework governing weapon exports. Since these factors are crucial aspects pertaining to recipient countries in granting of exports, this Bachelor Thesis investigate the context and facts relating to the two cases of munitions export to the Islamic Republic of Pakistan and the Russian Federation in 2006. With the primary purpose of investigating if these cases pertain to the regulatory framework governing Swedish weapon exports, the study has been based on a deductive method of logical reasoning deriving 4 hypotheses from the regulatory framework. Over all, after testing the hypotheses, the findings show that the decisions are in clear conflict with the Human Rights criterion of the Swedish regulatory framework, but not in conflict with the framework as a whole. Thereby, the study concludes that the decisions to grant export accord the regulatory framework.

Acronyms and Abbreviations

ACDA	Arms Control and Disarmament Agency
ATT	The Arms Trade Treaty
CECPT	The Council of Europe Committee for the Prevention of Torture
CFSP	Common Foreign and Security Policy
COREPER	The Committee of Permanent Representatives
CWC	Chemical Weapons Convention
EC	European Community
ECC	Export Control Council
ECHR	The European Court of Human Rights
EU	European Union
EUC	End User Certificate
FAAC	Foreign Affairs Advisory Council
GA	General Assembly
HR	Human Rights
IISS	International Institute for Strategic Surveys
ISI	The Pakistan National Intelligence Service
ISP	The Swedish Inspectorate of Strategic Products

KMI	War Materiel Inspectorate
KRUT	The Military Equipment Enquiry
LoI	The Letter of Intent – The Framework Agreement
MEC	Military Equipment for Combat Purposes
MP	Member of Parliament
MS	Member States
NATO	The North Atlantic Treaty Organization
OME	Other Military Equipment
OPD	Own Production Declaration
OSA	The Official Secrets Act
PRIO	International Peace Research Institute in Oslo
SC	Security Council
SIPRI	Stockholm International Peace Research Institute
TVR	The Technical Scientific Council
UDHR	The Universal Declaration of Human Rights
UD-NIS	Department for Disarmament and Non-Proliferation
UN	United Nations
WMD	Weapons of Mass Destruction

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1 Introduction

On April 16, 1987 Swedish Radio broke the story about how the Swedish armament company Bofors had smuggled munitions and paid bribes to key Indian leaders and defense officials. Through secret Swiss bank accounts transfers amounting to a total of \$1.3 billion had been detected, money which was intended to secure a howitzer guns contract with the Indian Army. That volatile report has subsequently triggered what today is known as the Bofors Corruption Scandal. Consequently, dogging the reputation of the Swedish weapon industry and the political landscape of India ever since.¹

A few years after the scandal, on February 17, 1992, the New York Times published a controversial article about the shrinking revenues made in arms exports by the Swedish defense industry. Under the heading “Sweden Pursues Weapon Exports” the article outlined how Sweden was now gearing up for business. By advantage of the transformative global environment in the wake of the Cold War, Sweden, with its largely oversized military and defense industrial sector, was now turning the table for profits. Plans were made for relaxations of export prohibitions while abandoning its previous defense and security related strategies of neutrality and military independence. According to that article, the Swedish Government along with the country’s largest industries were now aggressively aiming for lucrative contracts by advancing exports of munitions and turning toward an emerging European market.²

Today, nearly two decades after the Bofors Corruption Scandal and almost 16 years after the New York Times article, the debate about the Swedish arms trade is hotter than ever. Despite the country’s prohibitive legislation in regards to export of munitions, the today largely privatized and foreign owned Swedish defense sector has turned its shrinking revenues into immense profits. In 2006, with deliveries to 57 countries³, the aggregated value of exports broke all previous records when mounting to SEK 10 372 million, the equivalent of roughly \$1.6 billion.⁴ These numbers present a noticeable increase of 20% since last year.⁵

¹ Krishnan, Murali. Boloji News, (April 15, 2007), “*Bofors: The Scandal that Refuses To Die After 20 Years*”.

² Schmidt, William E. The New York Times, (February 17, 1992), “*Sweden Pursues Weapons Exports*”, In: *Business*.

³ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication 2006/07:114*, section: “*Military equipment*”.

⁴ The Swedish Government, (November 26, 2007), *Ministry for Foreign Affairs*.

⁵ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication 2006/07:114*, section: “*Military equipment*”.

Ranked as the world's 8th largest exporter of arms⁶ and on 6th place within the European Union (EU), Sweden, a country with only 9 million people, is now experiencing its most expansive phase of munitions exports ever.⁷ In focus is the high-tech fighter aircraft Jas 39 Gripen, which has attracted international attention by orders from countries like Hungary, the Czech Republic,⁸ South Africa⁹, and just recently this year from Thailand¹⁰. However an expensive piece, the fighter aircraft only presents a part of military equipment produced for exports. On the list you also find items like the airborne surveillance system Erieye, Hägglund's Combat Vehicle 90, the Carl Gustav medium anti-tank weapon, field artilleries, field howitzers, AA cannons, ammunitions and AT4 light anti-tank weapons, to mention a few.¹¹

As the recent trend of augmented exports has initiated a political divide between and across political parties, as well as aggravated a strong strike-back by civil-society organizations working for Human Rights (HR), peace, and international sustainable development, the debate is now reaching a deliberative boiling point. On one side of the divide, civil-society organizations and many leftist representatives claim that the current export-oriented trend is generating and contributing to war, international insecurity, instability, conflict and HR violations. Especially, when exporting to dictatorial regimes that are known to violate HR, is the scene of internal turmoil, or armed conflicts. Whereas, on the other side of the spectrum, representatives in support for an extended and more liberalized export claim the opposite, i.e. that weapon exports support principles of Sovereignty, helps maintain control over territory and relax potential conflict and illegitimate uprisings against state power. Accordingly, export advocates argue that Swedish exports contribute to regional stability, protection of freedom and sequential peace.¹² All by upholding international law in accordance with article 51 of the United Nations (UN) Charter.¹³ This they say is a fundamental right that it would be hypocritical to deny other countries.¹⁴

⁶ Olsson, Lotta. Utrikespolitiska föreningens radio (UPF), (November 18, 2007), "*Vapenexport, vart då?*".

⁷ The Swedish Government, (November 26, 2007), *Ministry for Foreign Affairs*.

⁸ Swedish Defense Materiel Administration (FMV), (December 13, 2007), "*Sweden delivers final Hungarian Gripen fighter aircraft to Hungary*".

⁹ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114, section: "*Military equipment*".

¹⁰ The Swedish Riksdag, (November 13, 2007), "*17 § Svar på interpellation 2007/08:59 om försäljning av JAS Gripen till Thailand: Anf. 112 Statsrådet Ewa Björling*".

¹¹ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114, section: "*Military equipment*".

¹² Olsson, Lotta. Utrikespolitiska föreningens radio (UPF), (November 18, 2007), "*Vapenexport, vart då?*".

¹³ Charter of the UN, (June 26, 1945), *Article 51*.

¹⁴ Olsson, Lotta. Utrikespolitiska föreningens radio (UPF), (November 18, 2007), "*Vapenexport, vart då?*".

On the contrary, many recent news clips and debate articles published in media has gone under the heading “The Hypocrisy of Swedish Weapon Exports”. In pointing toward the secrecy of confidentiality clauses in the decision-making process and severe flaws in the praxis of the regulatory framework of Swedish arms exports, the articles chiefly claim the same thing. Namely, that much of the current export contradicts both the HR criterion and condition for non-armed conflicts set down by the regulatory framework for recipient countries in granting of exports.¹⁵

As the situation has not passed unnoticed within the Government Offices, measures to gain updated transparency and information have been necessary. Therefore, an investigation regarding the prospects of the Swedish export-control framework has been initiated. As a result, in February of 2005, the Military Equipment Enquiry (KRUT), a reformed regulatory framework for the trade of munitions was presented.¹⁶

In addition, to achieve public legitimacy for the current trend of augmented exports, the present Government in 2007 extended the access to information in their annual Communication to Parliament. Concerning exports made in 2006, the report goes above and beyond the information previously submitted by any other Government.¹⁷

1.1 Problem Area and the Aim of the Study

The problem area of the study concerns the current debate and claim that much of the Swedish weapon export contradicts the HR criterion and condition for non-armed conflicts set down by the regulatory framework for recipient countries in granting of exports. Especially, when exporting to totalitarian regimes that are known to violate HR and are the scene of internal turmoil or armed conflict. With regards to this debate and confusion surrounding Swedish weapon exports in relation to HR and situations of conflict, the aim of this Bachelor Thesis is to clarify and investigate the context and facts relating to two actual export cases. The selection of cases has therefore been based on exports to countries that are known to violate HR and are experiencing armed internal disturbances or armed conflicts. The countries are the Islamic Republic of Pakistan (Pakistan)¹⁸ and the Russian Federation (Russia)¹⁹.

¹⁵ Sydsvenskan, (December 30, 2007), *A series of articles published under the heading: “Det svenska vapenbyckleriet”*, author’s own translation: *“The Hypocrisy of Swedish Weapon Exports”*.

¹⁶ The Swedish Government, (November 26, 2007), *Ministry for Foreign Affairs*.

¹⁷ Tolgfors, Sten. (Mars 29, 2007), “Ökad öppenhet kring svensk vapenexport”, In: *Sundsvalls tidning*.

¹⁸ Amnesty International, (n.d.), *“2007 Annual Report for Pakistan”*.

¹⁹ *Ibid*, In section: *“2007 Annual Report for Russian Federation”*.

1.2 Demarcation

Suitably then, as the year of 2006 has exceeded any previous year in regards to aggregated value of exports and served as a prelude to the present debate, the cases for investigation are derived from that year. Considering the scope and time frame of this thesis work, a year-based demarcation and sequential case-selection has been particularly necessary. By studying the cases of exports to Pakistan and Russia in 2006, a clear demarcation is made. With regards to the HR aspect and condition for conflict and armed internal disturbances, these countries are well-motivated selections.

Moreover, as the last Government Communication submitted to parliament has been extended and entails more information than any previous report, it becomes further motivated to place two cases from 2006 under scrutiny. In particular, as it provides more insight and information of the cases concerned. Furthermore, with regards to the present debate as well as the investigation KRUT, recent cases also provides for more topical and appropriate analysis.

1.3 Purpose

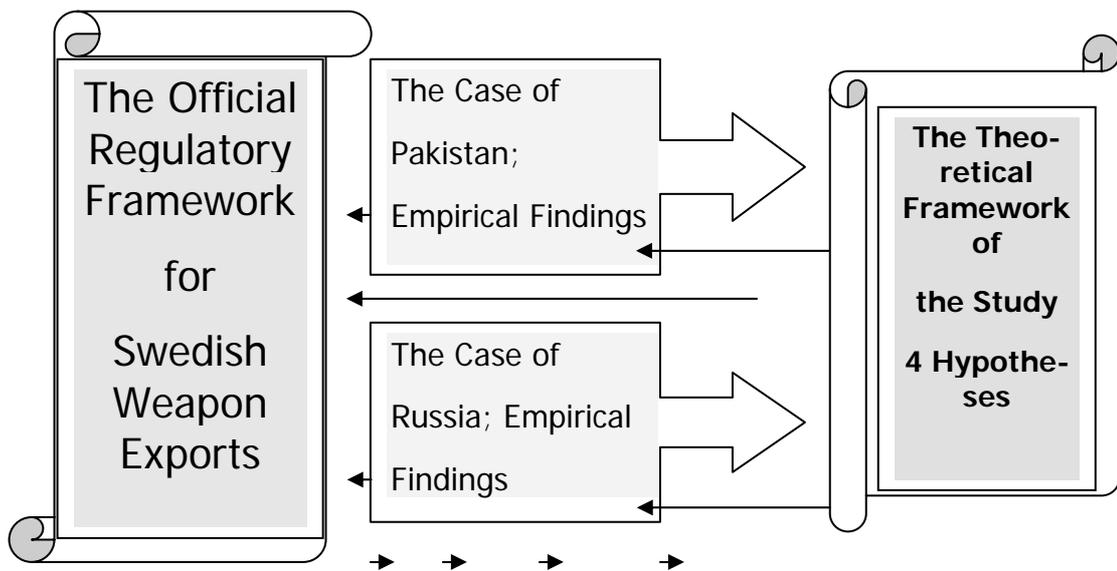
Since the study is empirically grounded in the cases of Swedish exports of munitions to Pakistan and Russia in 2006, the purpose is to investigate if these cases pertain to the regulatory framework governing Swedish exports. In particular, attention will be paid to the HR criterion set down by the regulatory framework. Thereby, the main intention of this study will be to answer the following inquiry:

- As the recipient country is known to violate HR and is experiencing internal armed disturbances or a situation of armed conflict, how does the regulatory framework explain the decision to grant export?

1.4 Method

Since the empirical section of this study is grounded in the cases of Swedish exports of munitions to Pakistan and Russia in 2006, to fulfill the purpose the empirical findings have been used to test the theoretical framework of the study. The theoretical section of this study has been developed by a deductive method of logical reasoning. This has been accomplished by deriving 4 hypotheses from the official regulatory framework governing Swedish weapon exports. As the ordinary framework stipulates plenty of principles that concerns general conditions for export of munitions, which could be applied to countries that have a very high degree of respect for HR and peaceful internal and external relations, the deducted framework intend to serve the specific focus of the HR-criterion and non-conflict condition of this study. The deductive method of logical reasoning used for constructing the theoretical section is visualized underneath.

Figure 1.4



The deductive method of logical reasoning has been based on two fundamental understandings. Firstly, it is understood from the outset that the countries in question have a very low degree of respect for HR. Secondly, it is also understood that the countries in question are experiencing some kind of armed turmoil, either internally or in an external relation. Based on these two criteria, the theoretical framework consisting of 4 hypotheses has been constructed. These, hypotheses, which are listed in theoretical section of Chapter 5, have subsequently been tested against the empirical findings of the two cases respectively. In so doing, the answer to the purposing inquiry of the study is progressively developed in the analysis, in which it has been necessary to refer to previous chapters of Swedish Foreign Policy to come to grasp with the different contexts of the two cases. Finally, the concluding findings are summarized as a brief answer to the inquiry in the conclusion.

1.5 Data and Material

The data and material used in this thesis have mainly consisted of official Government documents and excerpts from Swedish legislation. This has been necessary because the area of research has demanded for a reliance on such information. Where it has been possible, scholarly literature, articles, journals and books as well as Internet based sources have been used.

1.6 Previous Areas of Research

In regards to previous research of Swedish Weapon Exports, it is worth mentioning two studies in particular. These are "*Weapon Export – Swedish Steel Bites -*"²⁰, (1995), by Henrik Westander and "*Neutrality and Foreign Military Sales*", (1990), by Björn Hagelin.

Westander has studied the consistency between the regulatory framework of Swedish weapon exports and cases of actual export. In conducting his research Westander collected information concerning all wars between the years 1950 – 1983, which in all presented 107 cases. These cases were subsequently matched against data of Swedish weapon exports to the recipient countries directly involved in these wars. The results showed that in 39 cases export had been pursued during the same year as the war had commenced and the following year as well. Often, the export had been concluded during actual war. At 6 occasions the Government had concurrently granted export to both sides of the conflicting parties. As the findings generated an increased interest for further investigations, Westander continued to research cases between the years 1980 – 1994, which resulted in findings of 33 cases of export to countries in war. Only in the case of the Bosnian-war had the export been concluded prior to the commencing conflict. Westander also, points to interesting symmetries between weapon export and violations of HR, poverty and refugee patterns, as 2 out of 3 individuals applying for asylum in Sweden have left recipient countries of Swedish weapons exports.²¹

Hagelin's research concerns the consistency between foreign policy and weapon exports among neutral states. By looking at the cases of Austria, Finland, Sweden and Switzerland during the period 1971 – 1986, Hagelin concludes that neutrality in foreign policy creates expectations of a restrictive foreign military sales policy. While at the same time an advanced and independent national defense creates economic strains that are difficult to sustain without continued and increased military sales. This is what Hagelin refers to as the dilemma of neutral states. In short, the study stresses the long-term aspects of low credibility

²⁰ The author's own translation of the original title: "*Vapenexport – svenskt stål biter*".

²¹ Westander, Henrik. (1995), "*Vapenexport – svenskt stål biter*".

and lack of public legitimacy of armed neutrality. Hagelin concludes that a change in policy ought to be particularly desired from a perspective of national security, as “*an indefinite continuation of neutral armament, if assumed to be possible, is no long-term guarantee of national security.*”²²

Other studies that are related to the area of research includes: “*Arms Export Regulations*”, (1991), by Ian Anthony, “*Controlling the Arms Trade: The West versus the Rest*”, (1996), by Paul Cornish, “*Peace and Fear: The history of Sweden’s security policy 1918 - 2000*”²³, (2000), by Wilhelm Agrell, “*The big lie: A security-political doubles game in too many acts*”²⁴, (1991), also by Wilhelm Agrell, “*People States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*”, (1991), by Barry Buzan, and “*Critical Security Studies and World Politics*”, (2005), by Ken Booth.

International Institutes working with research and compilation of data and information that relates to weapon exports are: Stockholm International Peace Research Institute (SIPRI) and Arms Control and Disarmament Agency (ACDA), located in Washington. Also, the International Peace Research Institute in Oslo (PRIO) and the International Institute for Strategic Studies (IISS), located in London, perform work and research that relates to the field of Peace and Security studies as well as Weapon exports.

1.7 Disposition

Because HR is such a central concept of the study, the next Chapter will shortly outline the definition of the concept. It is followed by Chapter 3, which provides a brief historical outline of Swedish foreign policy and current challenges presented by the transformative global political environment, as well as details of specific interest for the year of 2006. Chapter 4 provides a description of the decision-making process and regulatory framework that governs Swedish weapon exports. Thereafter, the theoretical framework is derived in a deductive manner and presented in Chapter 5. Subsequently, Chapter 6 and 7 outlines the cases of Russia and Pakistan respectively. Chapter 8 presents the analysis that tests the theory in view of the empirical findings. Lastly, the conclusion envelopes the relevant findings of the study with respect to certain aspects also presented in previous chapters, which is followed by a concluding discussion in Chapter 9.

²² Hagelin, Björn. (1990), “*Neutrality and Foreign Military Sales*”.

²³ The author’s own translation of the original title: “*Fred och Frukten: Sveriges säkerhetspolitiska historia 1918-2000*”.

²⁴ The author’s own translation of the original title: “*Den stora lögnen: Ett säkerhetspolitiskt dubbelspel i alltför många akter*”.

2 Defining Human Rights

*“Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, ... All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.”*²⁵

The General Assembly (GA) of the UN established the above passages in 1948. It is a citation from the *preamble* and *Article 1* of the Universal Declaration of Human Rights (UDHR). This pledge stems from the reaffirmation of the fundamental HR enshrined in the UN Charter, which was created following the holocaust in 1945.²⁶ Since HR comprises such a central concept of this study, this chapter is in its brief entirety dedicated to its definition.

In essence, the principle of HR shoulders on a particularly essential philosophical assertion. This claim presupposes the existence of a rational and identifiable moral order. Legitimately, this order precedes conditionally based social and historical circumstances and concerns all human beings ubiquitously and incessantly. The current doctrine of HR is inextricably connected to the advancement of moral universalism.²⁷

Throughout history, the normative concept of HR has been present in different forms and contexts at a variety of places. One of the earliest egalitarian articulations of universal tolerance is found in the writings of Emperor Ashoka, who in the third century B.C. ruled the largest Indian Empire known in history. The values and public ethics of Ashoka stems from his own revelation and insight after the repulsion and bloodshed he saw when commanding the conquest against the King of Kalinga. In the edicts of Ashoka universal and unrestricted tolerance is emphasized as indivisible and should be applied both by government and citizens toward one another.²⁸

²⁵ Universal Declaration of Human Rights, (December 10, 1948), *United Nations*, In section: “*Second paragraph of the preamble and Article 1*”.

²⁶ *Ibid.*

²⁷ Fagan, Andrew. (2006), *Human Rights Centre University of Essex*, In: “*The Internet Encyclopedia of Philosophy: Human Rights*”.

²⁸ Sen, Amartya. (1997), *Sixteenth Morgenthau Memorial Lecture on Ethics and Foreign Policy*, In: “*Human Rights and Asian Values*.”

Today, however, the concept of natural rights is most commonly known to have its origin in the idea of the individual as the possessor of undeniable natural rights. It is also largely viewed as a product of 18th century western political thought, which occurred through the evolution of contractual theories and theories of democracy.²⁹ In short, these theories stem from the idea that the validity of natural rights pre-exists any form of human rule or contract. The natural right of every individual simply stems from the spiritual nature of mankind.³⁰ Clearly, this concept has a resemblance with the modern belief in HR as being an elemental right attached to human life. In addition, it is also linked to the contractual theories in that political authority is established upon a rights foundation through a social contract.³¹ And, it is this fundamental connection that currently persists through the establishment of the UDHR, which provides a political responsibility for the sovereign members of the UN to endorse.

While rights and freedom have been articulated at many occasions, they have not always been intended for everyone without distinction. In this respect, what makes the UDHR significant is the universality and egalitarian notion embedded as an intrinsic value of human life. Independent of race, class, sex, color, social origin, nationality, religion or any other distinction, these rights are fundamental and belong to everyone.³² In this appearance, the present-day doctrine of HR has come to centre in geo-political contexts. All over the world, people recognize and exploit the language of HR in various states of affairs. The current concept of HR have become vital to the existing perception of how human beings ought to be treated, both in their relations with one another and by national and international political organizations.³³

With respect to the work of this thesis, the aspects concerning HR are founded on the articles established in the UDHR. In particular as it also forms the basis for the necessary aspects relating to the legal and regulatory frameworks referred to in this study. Therefore, in order to provide the reader with a greater illustration of the contemporary HR doctrine, the UDHR is attached as an addendum to this thesis.

²⁹ Björklund, Stefan. (1981), *Demokratins Problem: Motiveringar*, In: *Politisk teori*.

³⁰ Ross, Alf. (1948), *Demokratins teoretiker: 1. Det naturrättsliga beviset för demokratins absoluta rättvisa*, In: *Varför demokrati?*

³¹ Fagan, Andrew. (2006), *Human Rights Centre University of Essex*, In: “*The Internet Encyclopedia of Philosophy: Human Rights*”.

³² Universal Declaration of Human Rights, (December 10, 1948), *United Nations*, In section: “*Article 2*”.

³³ Fagan, Andrew. (2006), *Human Rights Centre University of Essex*, In: “*The Internet Encyclopedia of Philosophy: Human Rights*”.

3 Swedish Foreign Policy and a Transformative Global Political Environment

Since 1814 Sweden has been in continuous peace with the rest of the world. In part, this can be explained by fortunate historical events, but there has also been a determined and conscious strive to remain outside of armed conflicts. This aim rests on principles that commonly are referred to as policies of non-alignment and neutrality. In practice, the overarching objectives of these policies have always been to uphold peace and freedom, with particular respect to the national interest. Consequently, an oscillating balance between realism and idealism has colored the country's foreign policy. In declared measures the idealistic view predominates. Whereas, measured in undertaken actions the realist approach prevails.³⁴

The time since the end of the Second World War is the longest of unbroken peace in the history of Europe. It is tinted with alliances and cooperation, with the EU on centre stage. Nevertheless, the Swedish policy of non-alignment has remained solid and also functioned as one of the major arguments for a strong defense-industry. Concurrently, Sweden has also developed a strong international engagement in issues relating to disarmament and non-proliferation. Such contradictions are explained by the country's position in the world order. Often, the national interests of small and neutral states coincide with the international system. In this respect, the ultimate objective for a small and non-aligned state like Sweden is to influence the international system at large so as to minimize and eradicate potential conflicts. All in the benefit of ensured national security. As this may seem as an impossible task, in practice the foreign policy has been translated into realistic agreements and cooperation in order to minimize suspicions and tensions from other states.³⁵

Decreased tensions between larger powers are also of interest to small neutral states.³⁶ This brings out one major reason for the expansive phase of the Swedish defense-industry during the Cold War. As the threat from the Soviet and its organized satellites had increased, and as Sweden remained a non-aligned country, a natural increase in defense-expenditure had proceeded. At one point during the arms race Sweden was ranked as having the world's 3rd largest defense expenditure. The estimates were based on per capita expenditure and the countries ahead of Sweden were the U.S.A, Soviet and Israel. The high costs for such a strong defense was at the time to some extent compensated by exports through Saab and Bofors.³⁷

³⁴ Andréén, Nils & Möller, Yngve. (1990), *Från Undén till Palme: Svensk Utrikespolitik efter andra världskriget*,

In section: *Det historiska perspektivet*.

³⁵ *Ibid*, and section: *Utrikespolitik och försvar*.

³⁶ *Ibid*.

³⁷ Hägg, Göran. (2005), *Värfördsåren*, In section: *Neutraliteten och nedrustningen*.

In short, the aftermath of the Second World War and the Cold War era contributed to the reinforcement and indoctrination of two fundamental principles constituting Swedish Foreign Policy: non-alignment in peacetime and neutrality in times of war. As the recent progressions within the EU have altered the power balances in the region, the Foreign Policy of Sweden has also experienced some changes. In particular, Sweden has become actively engaged to increased European security.³⁸

3.1 Swedish Foreign Policy in 2006

“Today’s globalized world creates new threats – and opportunities. The Government’s foreign policy proceeds from the recognition that security, development and human rights presuppose and reinforce one another.”³⁹

The above statement is an excerpt from the 2006 Statement on Government Policy in the Parliamentary Debate on Foreign Affairs. The Swedish foreign policy directives that were outlined in the statement entailed several aspects concerning HR and national security that are worth noting in this thesis. To begin with, it was clearly emphasized that Sweden continues to be a non-aligned country, but that the security policy nevertheless remains active and rests on a perception of solidarity. In short, the country’s foreign policy rests on the conviction of the necessity to have an interconnected approach to security, development and human rights.⁴⁰

Despite the prolongation of non-alignment, however, a great desire to strengthen the EU as a global foreign and security policy actor was expressed. Especially, as the EU is considered to be an extension of Swedish security when Sweden partakes in the shaping of its foreign and security policies. Thereby, the EU is viewed as a means to reinforce the nation’s own security through the EU Common Foreign and Security Policy (CFSP) program. Accordingly, the enlargement process is also regarded as an enlargement of the nation’s security, and the EU as a peace project at large. Overall, the statement transcended a pro-

³⁸ Andrén, Nils. (1996), *Maktbalans och alliansfrihet*, In section: *Svensk utrikespolitik under 1900-talet*.

³⁹ The Swedish Government, (November 26, 2007), *Ministry for Foreign Affairs*, In: *the 2006 Statement on Government Policy in the Parliamentary Debate on Foreign Affairs*.

⁴⁰ *Ibid.*

claimed message and general aspiration for increased participation in international missions.⁴¹

In particular, the fight against terrorism was regarded to have the highest priority, given that it is performed with reverence for HR and humanitarian law. The importance of fighting terrorism was supported by a decision to double the presence in Afghanistan, also reflecting the Governments strong concern over the unstable situation in the vicinity. Moreover, an increased awareness of potential future terrorist threats such as possible attacks as well as the possibility of terrorist organizations attaining Weapons of Mass Destruction (WMD) was noted. Along with this concern was also a clear recommendation for increased preparedness. In this respect, the EU and UN were particularly emphasized as important bodies for international cooperation and extensions to strengthen the national security.⁴²

Particular attention concerned Sweden's veneration for HR and international law, as it is said to pervade the countries entire foreign policy. In this regard, a successful global legal system is considered a crucial guarantee for Sweden's security. In addition, the foreign policy enhances deference for collective rules as vital prerequisites for development and individual freedom. Sweden therefore supports a world order that adheres to international law. With respect to this fundamental admiration to the international legal system, acts of terrorism are always considered as breaches of international law. With this said, the Government also emphasized the necessity of the UN as a medium for global concurrence in the fight against terrorism.⁴³

Relationships of specific importance for 2006 that Sweden wished to broaden its cooperation with, besides from the EU and the UN, concerned the North Atlantic Treaty Organization (NATO), the U.S.A. and Russia. In this respect, a desire to further develop the transatlantic link as well as to promote Sweden in Russia was expressed. In particular, the aim of increased dialogue with Russia concerned the conflicts in Chechnya. Also of concern were Sweden's relations with the neighboring countries of the bordering EU and Russian region. Moreover, the disturbing situation in Russia related to NGO's and media, along with the conflicts in Moldova and Georgia were particularly enhanced, as well as for peace and democracy to prevail in Asia and Belarus.⁴⁴

⁴¹ The Swedish Government, (November 26, 2007), *Ministry for Foreign Affairs*, In: *the 2006 Statement on Government Policy in the Parliamentary Debate on Foreign Affairs*.

⁴² *Ibid.*

⁴³ The Swedish Government, (November 26, 2007), *Ministry for Foreign Affairs*, In: *the 2006 Statement on Government Policy in the Parliamentary Debate on Foreign Affairs*.

⁴⁴ *Ibid.*

3.2 The Military Equipment Enquiry (KRUT)

Since the Military Equipment Act came into effect in 1993, the international political environment has demonstrated great changes and challenges. To a certain degree, these changes have affected and contributed to a modified foreign, defense and security policy. Essentially, this has also altered the view of the Swedish defense, its role and duties.⁴⁵

Concurrently, this has changed the opportunities for the defense industrial sector on global, regional and local levels. Therefore, in order to gain updated transparency regarding the prospects of the Swedish export-control framework, the Government called on a Commission for investigation, which in June of 2003, started to map out changes relating to international cooperation and development of the industry.⁴⁶

As a result, in February of 2005, the Commission presented KRUT, a reformed regulatory framework for the trade of munitions (SOU: 2005:9). The Enquiry is currently being circulated and considered at the Government Offices.⁴⁷

⁴⁵ The Swedish Government, (November 26, 2007), *Ministry for Foreign Affairs*.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

4 Understanding the Decision-making Process of Swedish Weapon Exports

According to the Swedish Ministry for Foreign Affairs it is of a great security and defense oriented interest to Sweden, as a non-aligned and military independent country, to preserve and advance competence and production capacity within the defense industrial sector. Accordingly, from a perspective of national security, it is in the nation's interest to cooperate with other countries to ensure the provision of munitions. Therefore, in order to guarantee that the long-term requirements are met a certain degree of export is necessary.⁴⁸

This export is controlled in order to guarantee that the countries receiving the materiel are, to Sweden, acceptable countries for this type of export. Consequently, Sweden has a prohibitive legislation in regards to export of munitions. In practice, this means that all export is prohibited unless a specific license or permit is granted. Permission for export is regulated by the Military Equipment Act (1992:1300), which in praxis is supplemented with guidelines provided by the Swedish Government. This law and its accompanying guidelines are used as benchmarks in the decision-making process of exports, which is the primary responsibility of the Swedish Inspectorate of Strategic Products (ISP). In addition to this praxis, in 1998, the Member States of the EU signed the EU Code of Conduct on Arms Exports. The Code outlines the least common denominator for granting of weapon exports, which should be applied by the ISP in the decision-making process of exports on the national level.⁴⁹

4.1 The Military Equipment Act and Ordinance

On January 1, 1993 the current Military Equipment Act (1992:1300, last amended by 2000:1248)⁵⁰ and the commensurate Ordinance (1992:1303, last amended by 2000:64)⁵¹ replaced the two preceding acts that used to regulate Swedish exports of munitions.⁵² Previously, it was the Control of the Manufacture of Military Equipment etc, Act (1983:1034)

⁴⁸ The Swedish Government, (October 12, 2007), *Ministry for Foreign Affairs*.

⁴⁹ *Ibid*.

⁵⁰ The Swedish *Riksdag*, The Military Equipment Act, herein and after referred to as (1992:1300), the complete Act is accessible via the official web page of the Swedish *Riksdag*.

⁵¹ Notisum, The Ordinance for the Military Equipment Act, herein and after referred to as (1992:1303), the complete Ordinance is accessible via the official web page of *Rättsnätet*.

⁵² The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication 2006/07:114*, section: "*Annex 5: Regulatory framework: The Military Equipment Act*".

and the Prohibition of Exports of Military Equipment etc, Act (1988:558), and their respective ordinances, that fulfilled this function.⁵³

Essentially, the current Act is founded on the preceding legislation and prior practice. Nevertheless, it covers a wider classification of munitions. Also, it explains the updated requirements concerning the control of manufacturing and foreign collaboration. In this regard, it specifies that military equipment only can be manufactured by the agreement of a granted license.⁵⁴

The license requirement pertains to all types of foreign collaboration with the defense industry.⁵⁵ It concerns aspects that relates to both export sales and other preparations for supply of military equipment, such as “instance transfer of ownership or brokering.”⁵⁶ License requirements also pertain to funding or reallocation of manufacturing rights. In addition, it holds for joint production and compacts with a party abroad on the advancement of military equipment. Likewise, it also holds for methods of manufacturing for such equipment either with or in the interest of that party. The only exception to the license prerequisite could, in some rare cases, be granted for the providing of military-oriented exercise.⁵⁷

Further, the Act categorizes military equipment into two classes: Military Equipment for Combat Purposes (MEC) and Other Military Equipment (OME). The current Military Equipment Ordinance (1992:1303) specifies the types of equipment that fit into the two groups respectively. In short, MEC represents destructive munitions that include sights and firing control equipment. Whereas, OME embody parts and components for military equipment, as well as other equipment, that is not directly destructive in situations of combat.⁵⁸

The complementary Ordinance also lists equipment for which a license is requisite. Moreover, it stipulates thorough conventions regarding the various license procedures and lists

⁵³ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114, section: “Annex 5: Regulatory framework: The Military Equipment Act”.

⁵⁴ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114, section: “Annex 5: Regulatory framework: The Military Equipment Act”, see also § 3 of (1992:1300).

⁵⁵ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114.

⁵⁶ *Ibid*, In section: “Annex 5: Regulatory framework: The Military Equipment Act”, page cited: 93.

⁵⁷ *Ibid*.

⁵⁸ *Ibid*.

the products and substances that have to be declared in accordance with the United Nations (UN) Chemical Weapons Convention (CWC). Accordingly, as the ISP is the primary agency for decisions pertaining to licenses and exports, the inspectorate also holds the main responsibility for the implementation of CWC in Sweden.⁵⁹

In September of 2000 the European Community Regulation (EC Regulation) on the control of exports of dual-use items came into effect. With respect to this regulation, some cases of export, that can be associated with military equipment, requires a license for items that do not fall within the conventional classification of military equipment or munitions.⁶⁰

Until January 31, 1996 the Government made decisions on export licenses.⁶¹ As of February 1, 1996, however, this has become the primary task of the ISP, except in specific cases that are considered as principle matters, or of unusual importance for other reasons, which then are referred to the Government for ruling.⁶² As the Act establishes the ISP as the primary body to examine cases for granting of licenses and export,⁶³ the preamble also states that permission for export only can be given if: there is security or defense related reasons for it, given that such a decision does not contradict the official foreign policy of Sweden.⁶⁴

4.1.1 The Supplementary Government Guidelines

The Swedish Government with the support of the legislative branch, the Swedish named *Riksdag*, has determined the guidelines for export of munitions⁶⁵ (cf. Gov. Bill 1991/92:174, p. 41 ff., Gov. Bill 1995/96:31UU1). These guidelines have at a few occasions been updated and are, with the most recent update included, articulated in the latest Government's Official Communication (2006/07:114) to the Swedish *Riksdag*.⁶⁶

⁵⁹ Swedish Inspectorate of Strategic Products (ISP), (April 12, 2007), section: "Act and Ordinance".

⁶⁰ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114.

⁶¹ *Ibid*, page 94.

⁶² *Ibid*, see also § 1 a, and § 1 a (2) of (1992:1300).

⁶³ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114, see also § 1 a, and § 1 a (2) of (1992:1300).

⁶⁴ The Swedish Government, (October 12, 2007), *Ministry for Foreign Affairs*, See also § 1 (2) of (1992:1300).

⁶⁵ The Swedish Government, (October 12, 2007), *Ministry for Foreign Affairs*.

⁶⁶ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication*

Normally, when examining applications for export licenses the ISP interprets the guidelines in combination with the Military Equipment Act (1992:1300) and the Military Equipment Ordinance (1992:1303). Accordingly, as the guidelines are supported by the legislature, it is commonly understood that the guidelines are interpreted by wide parliamentary support.⁶⁷

Under the Act, the guidelines consist of two general criteria for the granting of licenses. In general, these criteria may be regarded as a clarification of § 1 (2) of the Act as it reinforces that permission for export only can be given if: there are security or defense related reasons for it, given that such a decision does not contradict the Swedish official foreign policy.⁶⁸

However, the guidelines also incorporate crucial stipulations of factors that should be taken into account when reviewing individual applications. One fundamental requirement is that all the pertinent conditions in each specific case must be considered. This always holds even if the circumstances in question are not explicitly stated in the guidelines.⁶⁹ When the different guidelines for export of military equipment are relatively measured against each other in balance, the security of the nation will always give weight. Ultimately, the long-term prospects of national security must always be a priority.⁷⁰

Generally, there is no hindrance for export to the traditionally neutral countries of Europe or the Nordic countries, since this kind of trade and cooperation is in line with both the security and foreign policy of Sweden. When the cooperation with other Member States of the EU expands, the same principles, as holds for export and cooperation with foreign allies will be applied to these countries as well.⁷¹

The guidelines also state that the granting of licenses only concerns governments, central government organizations or government-authorized recipients. Also, an End User Certificate (EUC) or an Own Production Declaration (OPD) should always be presented in relation to the relevant agreement or transaction. If a recipient state tolerate, or fails to avert,

2006/07:114, section: "Swedish guidelines on exports of military equipment and other cooperation with foreign partners".

⁶⁷ *Ibid*, In section: "General and assessment criteria".

⁶⁸ *Ibid*.

⁶⁹ *Ibid*.

⁷⁰ The Swedish Government, (October 12, 2007), *Ministry for Foreign Affairs*.

⁷¹ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication*

2006/07:114, section: "Full text of the Swedish guidelines".

illicit re-exportation of Swedish munitions, then, that country should principally not be qualified as a recipient as long as the unlicensed status persists.⁷²

Moreover, the guidelines also identify two types of hindrances to export⁷³ and other co-operation arrangements with foreign partners.⁷⁴ These are absolute obstacles to exports and conditional obstacles to exports.⁷⁵

4.1.1.1 Absolute Obstacles to Exports

The guidelines identify three forms of absolute obstacles to export. If these conditions are present the possibility of exports is considered inconceivable.⁷⁶ The conditions for absolute obstacles to exports are: “decisions by the UN Security Council (SC), international agreements to which Sweden has acceded (e.g. EU sanctions), and bans imposed under international law on exports from neutral states during war.”⁷⁷

4.1.1.2 Conditional Obstacles to Exports

Other conditions that denote that a license ought not to be given are considered as conditional obstacles to export.⁷⁸ Examples of such conditions are: “where the state in question is involved in an armed conflict with another state, regardless of whether or not war has been declared, is involved in an international conflict that may lead to an armed conflict or is the scene of internal armed disturbances.” The only exception to the risk-assessment of potential progression of armed conflicts concerns exports of OME products.⁷⁹

⁷² The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication 2006/07:114*, section: “Full text of the Swedish guidelines”.

⁷³ The Swedish Government, (October 12, 2007), *Ministry for Foreign Affairs*.

⁷⁴ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication 2006/07:114*, section: “Full text of the Swedish guidelines”.

⁷⁵ The Swedish Government, (October 12, 2007), *Ministry for Foreign Affairs*.

⁷⁶ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication 2006/07:114*, section: “General and assessment criteria”.

⁷⁷ *Ibid*, page cited: 95.

⁷⁸ The Swedish Government, (October 12, 2007), *Ministry for Foreign Affairs*.

⁷⁹ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication*

4.1.1.3 Exceptional Cases and Revocation of Licenses

The supplementary guidelines also treat the possibilities of revoking a previously granted license. Circumstances that denote such a revocation are absolute obstacles to export, as well as if the country in question enters into armed conflict with another country, or becomes the prospect of domestic armed turmoil.⁸⁰

Unusually, revocation of a license may be refrained from despite existing conditions pertaining to the abovementioned examples. However, this is only appropriate if the decision to do so is coherent with the principles and objectives of Swedish foreign policy and international law.⁸¹

4.1.1.4 The Human Rights Criterion

In particular, the guidelines accentuate the significance of the HR conditions in the recipient country.⁸² Permits for exports of munitions or collaboration activities with foreign partners must not be granted if the recipient country allows for extensive and severe infringements on HR. Reverence for HR is an elemental requirement for the issuance of licenses.⁸³ This aspect should always be regarded in relation to the assessment of the foreign policy aspects of each application. The HR criterion must always be considered, even if the items exported cannot be used to breach HR.⁸⁴ This last criteria became modified in 1993. Previously, it was merely necessary to consider the HR condition if the exported equipment could be deployed to contravene HR.⁸⁵

2006/07:114, section: "General and assessment criteria", page cited: 95.

⁸⁰ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114, section: "General and assessment criteria", page 97.

⁸¹ *Ibid.*

⁸² *Ibid.*, In section: "General and assessment criteria".

⁸³ *Ibid.*, In section: "Full text of the Swedish guidelines".

⁸⁴ *Ibid.*, In section: "General and assessment criteria".

⁸⁵ *Ibid.*, In section: "Military equipment for combat purposes and other military equipment".

4.1.1.5 Conditions that Prohibit Export of MEC

Licenses for export of MEC should not be granted: “where the state in question is involved in an armed conflict with another state, regardless of whether or not war has been declared, is involved in an international conflict that may lead to an armed conflict or is the scene of internal armed disturbances.”⁸⁶

4.1.1.6 Conditions that Prohibit Export of OME

Licenses for export of OME should not be granted if: the recipient country is involved in an armed conflict with another state or becomes the scene for internal armed turmoil, or if severe infringements of HR occur, or an absolute obstacle exists.⁸⁷

4.1.1.7 Follow-on Provisions and Item Identity

As regards follow-on deliveries, the guidelines state that licenses should be granted for exports of ammunition, spare parts, and other items linked to equipment previously exported under a license, unless an absolute obstacle exists.⁸⁸ Also, this holds for cases where it would be unreasonable to deny a license.⁸⁹

In regards to collaboration with foreign partners on joint development of production, exports under an agreement should be allowed except if an absolute obstacle emerges.⁹⁰ If cooperation with a foreign partner is linked to sequential exports to a third country of items with primarily Swedish identity, then, the issue should be evaluated in unity with the Swedish guidelines. However, if the identity of the export is principally foreign, or if Sweden has an important defense policy interest in collaboration, then, the export policy of the foreign partner state may be applied.⁹¹

⁸⁶ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114, In section: “Full text of the Swedish guidelines”.

⁸⁷ *Ibid.*

⁸⁸ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114, In section: “Follow-on deliveries and “Swedish identity””.

⁸⁹ *Ibid.*, In section: “Full text of the Swedish guidelines”.

⁹⁰ *Ibid.*

⁹¹ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114, In section: “Follow-on deliveries and “Swedish identity””.

4.2 The European Union Code of Conduct on Arms Exports

The EC Treaty formulates an exemption in regards to arms trade. According to Article 296 of the Treaty, every Member State has the sovereign authority to decide in these matters. Nevertheless, the Member States of the EU has on a voluntarily basis decided to cooperate within this field. In order to yield greater influence in preventing equipment from reaching inappropriate destinations, the collaboration is based on a consensus of how and where munitions are exported.⁹²

The EU consensus for cooperation was agreed upon on June 5, 1998 at the Brussels Council as a further development of the previously established Common Criteria governing exports of munitions. This recent development resulted in the present EU Code of Conduct on Arms Exports. As the cooperation is voluntary the Code has no legal status. But, it is however considered to be politically binding.⁹³

In principle, the Code of Conduct outlines the least common denominator of the EU for granting of licenses regarding weapon exports. In Sweden it is the responsibility of the ISP to consider these criteria in the decision-making process of exports at the national level. However, the Code does not hinder single Member States from choosing a more restrictive policy or to try cases against other criteria than the ones stated in the Code.⁹⁴

During 2004 and the spring of 2005, a considerable undertaking to update and modernize the text of the Code was performed. Accordingly, the suggested revision of the text provides elucidation to the previous one and, in some cases, more restrictive regulations for application. The EU Committee of Permanent Representatives (COREPER) adopted the revised version in June 2005. General agreement on adoption of the Code as a common standpoint of the EU exists at present time, but the time frame for such an adoption is not yet determined.⁹⁵

In general, the Code emphasizes the importance of reverence for HR as a pre-condition for procurement of export licenses. Also, the Code encloses stipulations concerning previously denied applications for licenses, or negative notifications at a first stage, which often results in a contract not being settled. In circumstances like these the Code specifies that the Member State, which has turned down a license application, should inform all other Member States of the situation. Consequently, if another Member State nevertheless con-

⁹² The Swedish Government, (October 12, 2007), *Ministry for Foreign Affairs*.

⁹³ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114, section: "The European Union Code of Conduct on Arms Exports".

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

siders granting a license for basically the same arrangement, the first Member State should be contacted to confer about the affair.⁹⁶ Ideally, this will circumvent situations of under-bidding, where one State could attempt to profit on another country's denial for export.⁹⁷

Other aspects included in the criteria of the Code concerns the overall situation in the recipient country. Examples of such are tensions or armed conflicts, the potential risk for weapons to deviate from the export route or become re-exported, as well as if the exported equipment would seriously harm the sustainable development of the recipient country. Moreover, the overall situation in the region of the recipient country should also be regarded in the process. In particular, as the stability in the area and the potential risk for the recipient country to utilize the equipment in regional conflict has to be considered. Also, the international relations of the exporting and importing countries are of utmost importance. Arms sanctions have to be respected. Considerable deference should be paid to the national security of the Member States and its allies, as well as to how the recipient country acts in its relations with the international community.⁹⁸

Currently, there is an agreement in effect among the Member States to prepare a list on military equipment and annual trade, as well as on dialogue concerning the implementation of the Code on national levels.⁹⁹

4.2.1 EU and the Letter of Intent (LoI) - The Framework Agreement

During the past years, a rapid internationalization has influenced the defense-industrial sector. In order to ensure the survival of the Swedish defense industry, the Swedish Government and the *Riksdag* has determined to maintain an extensive international cooperation. Also, since the end of the 1990's the EU has made increased efforts to improve reorganization and management of the European defense industry.¹⁰⁰

In 2000 the six EU countries of France, United Kingdom, Germany, Italy, Spain and Sweden, signed The Framework Agreement. Essentially, the accord originates from previous declarations of intent, frequently referred to as the Letter of Intent (LoI).¹⁰¹

⁹⁶ Swedish Inspectorate of Strategic Products (ISP), (April 12, 2007), section: "EU's Export Control".

⁹⁷ The Swedish Government, (November 26, 2007), *Ministry for Foreign Affairs*.

⁹⁸ *Ibid.*

⁹⁹ Swedish Inspectorate of Strategic Products (ISP), (April 12, 2007), section: "EU's Export Control".

¹⁰⁰ The Swedish Government, (November 26, 2007), *Ministry for Foreign Affairs*.

¹⁰¹ *Ibid.*

The Framework Agreement entails core-sections governing the security of delivery, procedures for export, security of information, research and development, treatment of technical information and harmonization of military demands.¹⁰²

As the EU has followed the development within the LoI-circle with great interest, a political desire has been expressed to expand the circle to include all Member States. Moreover, there is currently an ongoing process within the export-control sector to develop global licenses for common projects.¹⁰³ By a British initiative the EU has started to work on the matter for the UN in order to develop an internationally and legally binding treaty for control of the arms trade, the Arms Trade Treaty (ATT).¹⁰⁴

¹⁰² The Swedish Government, (November 26, 2007), *Ministry for Foreign Affairs*.

¹⁰³ *Ibid.*

¹⁰⁴ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication 2006/07:114*, section: “*An International Arms Trade Treaty*”.

4.3 The Swedish Inspectorate of Strategic Products (ISP)

On February 1, 1996 the *Riksdag* initiated the ISP following an official pronouncement. Its inception merged the former War Materiel Inspectorate (KMI) and the Government unit for strategic export control (Gov. Bill 1995/96:31). As a result, the Inspectorate formed a coherent organization for export control with the intention to better assimilate aspects of national security policy.¹⁰⁵

In short, the Inspectorate has three main areas of concern. It controls the export of military equipment and dual-use products, which are products that can be used for both civilian and military purposes, and it manages the national implementation of the CWC.¹⁰⁶

The function of the Inspectorate is to decide on substantial issues within its field. Matters of fundamental or exceptional importance are, however, decided upon by the Government. Accordingly, the Government also determines policy whilst the ISP implements it when making case-by-case decisions. In this regard, the Department for Disarmament and Non-Proliferation (UD-NIS), within the Ministry for Foreign Affairs, together with the Minister for Trade has the main responsibility for the Inspectorate.¹⁰⁷

The Director General of the ISP is always appointed by the Government and has the final say in granting of licenses and decisions for exports.¹⁰⁸ All employees working for the Inspectorate are subject to confidentiality clauses.¹⁰⁹

4.3.1 Financial Resources

Annual fees paid by the manufacturing industry of military equipment and dual-use items finance the operations of the Inspectorate. Fees are levied on the aggregated value of controlled products delivered that exceeds SEK 2.5 million per company and annum. As the fees are derived from both domestic and exported deliveries, there is no direct correlation linking the size of the levies and export orders. In order to evade direct association be-

¹⁰⁵ Swedish Inspectorate of Strategic Products (ISP), (November 22, 2007), section: “*About ISP*”.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*, In section: “*New Director General of ISP*”.

¹⁰⁹ *Ibid.*, In section: “*About ISP*”.

tween the Inspectorate's operations and the levies paid by the industry, payments are made directly to the Ministry of Finance.¹¹⁰

In 2006 a working group reviewed the current system, which resulted in a report advocating a change in the financial structure of the Inspectorate. After having been circulated for comments, the report is now at the Government Offices for consideration.¹¹¹

4.3.2 Classifications and the Technical Scientific Council (TVR)

With regard to technical assessments, the Technical Scientific Council (TVR), consisting of technical specialists, aids the Inspectorate in its work.¹¹² As the ISP also classifies products, in order to decide which category of military equipment the product belongs to, classifications are regularly presented to the Technical-Scientific Council for consultation.¹¹³ Members of the Council are appointed by the Government and consist of technical specialists that hold leading positions within different academies and technical establishments.¹¹⁴

4.3.3 The Export Control Council (ECC)

A distinct parliamentary advisory body engaged with export control issues has been in effect since 1985. Originally, this body was known as the Advisory Board for Military Equipment Export Issues. On February 1, 1996, when the ISP was established, the Advisory Board's work became extended to reflect the larger scheme of the Inspectorate. Concurrently with this enlargement process, the board adopted the name of the Export Control Council (ECC).¹¹⁵

¹¹⁰ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114, section: "Financing".

¹¹¹ *Ibid.*

¹¹² The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114, section: "Financing".

¹¹³ Swedish Inspectorate of Strategic Products (ISP), (February 7, 2005), section: "Classification".

¹¹⁴ *Ibid.*, In section: "The technical scientific Council (TVR)".

¹¹⁵ *Ibid.*, In section: "The Export Control Council".

At present, the ECC consists of a parliamentary cross-party advisory board with eleven members.¹¹⁶ The main task of the body is to assist the Inspectorate in interpretation of the guidelines for individual cases. Since 1985, the aspiration has been to generate consistent and sustainable interpretations by applying the same standards to all country-cases. Changes in attitude to specific cases are based on changes in the potential recipient country.¹¹⁷

At most, the Council has eleven members. The Chairman of the Council is the Director General of the ISP. In contrast to the ISP, however, the operations of the Council are not regulated by legislation but have developed progressively.¹¹⁸

As the guidelines advise exports of munitions to be evaluated with regard to the needs of the Swedish Armed Forces, civil servants from the Ministry of Defense partake in Council meetings. Likewise, since specific demands are placed on conditions in the recipient countries, the Ministry for Foreign Affairs also participates in Council sessions. Suitably, for each individual case an account of the defense policy needs is given, along with an assessment of the potential recipient country. In regards to these accounts previous interpretations of relevance are discussed. Subsequently, Council members state a position, which the Director General of the ISP considers when formulating advance notifications and decisions in export matters.¹¹⁹

All export cases treated by the ISP are reported to the ECC, and all Council members are subject to the same confidentiality clauses as are the civil servants working for the Inspectorate.¹²⁰

¹¹⁶ Swedish Inspectorate of Strategic Products (ISP), (February 7, 2005), In section: *“About ISP”* & *“Members of the ECC”*.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

4.3.4 The Foreign Affairs Advisory Council (FAAC)

Even if the decision-making responsibility for exports of munitions is coordinated to the ISP, the Government still maintains its Political responsibility. Since the Military Equipment Act and Ordinance, along with the parliamentary anchored guidelines regulate the activities of the ISP, the Government maintains the possibility to command directives in issues relating to the operations of the Inspectorate.¹²¹

As the legislation states that the Inspectorate should transfer cases of principal importance to the Government for ruling, the ISP is naturally obligated to do so. Appropriately, in such cases, the ECC should also be notified for consultation before the case is confined to the mandate of the Government.¹²²

Moreover, the Government has a constitutional binding obligation according to the Instrument of Government Chapter 10 §6 (*In Swedish called Regeringsformen*), which is one out of four fundamental laws, to consult with the Foreign Affairs Advisory Council (FAAC) before ruling in matters of significant importance.¹²³

The chairman of the Council is the Swedish King and the Secretary of the Council holds a position within the Ministry for Foreign Affairs, while, the rest of the council consists of ten representatives that are elected by parliament. The Council summons upon the request of the Government. However, the Government is obligated to summon the FAAC for discussion if more than four of its members find it necessary. Although, it should be noted that the Council only maintains a deliberative function as it has no executive power.¹²⁴

Cases treated by the Inspectorate for decision may have such implications that it is consistent with the clauses of the Instrument of Government. In such instances, it is the formal responsibility of the General Director of the Inspectorate to assess when a matter should be transferred to the Government and the FAAC for consideration. However, the possibility to recommend for such a transfer is also maintained by the ECC.

¹²¹ Swedish Inspectorate of Strategic Products (ISP), (February 7, 2005), In section: "*Innebär delegeringen av exportkontrollen till den fristående myndigheten ISP att regeringen har frånsagt sig sitt ansvar för vapenexporten?*".

¹²² *Ibid.*

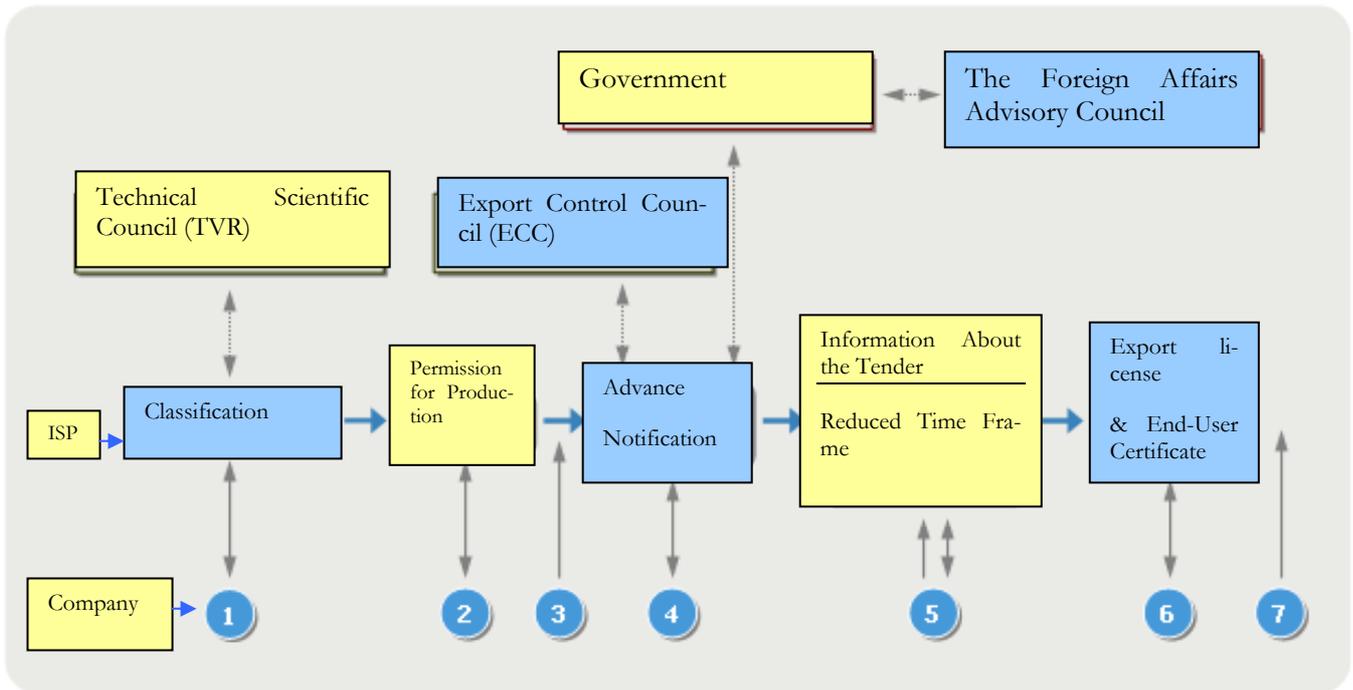
¹²³ *Ibid.*

¹²⁴ The Swedish Government, (November 9, 2007), *Ministry for Foreign Affairs*, section: "*Vad är Utrikesnämnden?*".

4.3.5 Mapping the Authorization and Decision-making Procedure

An export issue's process from development to permission for export is an extensive procedure. While the different aspects of decision-making performed by accredited institutions have been outlined, there is also a part in which the industry is consulted and communicated with for up-dated information. The chart below outlines these aspects of the process as they occur concurrently.

Figure 4.3.5 The Export Control Process for Munitions



Documents and issues of communication between companies and the ISP: throughout the process regular meetings are hold with the industry and companies concerned:

1. Classification
2. Application for permission of production and provision
3. Marketing reports
4. Requesting advance notification
5. Information about the tender and reduced time frame
6. Export license and end-user certificate
7. Delivery declaration and levy information¹²⁵

¹²⁵ Swedish Inspectorate of Strategic Products (ISP), (n.d.), section: "Exportkontrollprocessen för krigsmateriel",

4.3.6 The Polarizing Tension of Secrecy and Transparency

As all export cases treated by the ISP and the ECC is subject to confidentiality clauses, Swedish weapon exports have become a field cloaked in secrecy. Naturally, there are several reasons for this.¹²⁶ To begin with, export decisions are a sensitive subject with respect to affairs conducted with other countries. Sweden maintains good relations with several countries to which export of military equipment do not occur.¹²⁷ Confidentiality, is therefore of great concern since the assessment process may entail sensitive information.¹²⁸ Occasionally, military equipment production also becomes subject to regulations concerning defense secrets of overseas countries. In addition, many companies conduct export for which details need to be confidential from a business perspective.¹²⁹ Because if plans were made public before a deal was to be concluded, it could potentially harm the industry. Ultimately, these aspects reflect the underlying reasons for why discussions within the ECC and the ISP need to remain confidential.¹³⁰ With respect to these reasons, the Official Secrets Act (OSA) provides regulations restricting public access to information. In short, this is the case when information regarding the type of items and its destination is not made public.¹³¹

On the other side of the spectrum, public access to information is viewed as a cornerstone of Swedish democracy. Since the export of munitions positions a clear tension in this regard, various measures have been taken to increase transparency. By enabling as much access as viable, given the restrictions stipulated by the OSA, a move toward greater transparency has been initiated. For example, since 1986 the Government has submitted annual reports of munitions exports to Parliament. Containing a public description of conducted exports, the reports outline a statistical account of the previous year.¹³² Also, as the ECC has access to all information concerning exports, Members of Parliament (MP) are ensured insight in the decision-making process. Especially, since it provides them with the possibility to discuss potential export transactions in advance.¹³³

entailing information about the organization chart and steps 1-7 of the authorization process.

¹²⁶ Swedish Inspectorate of Strategic Products (ISP), (n.d.), In section: “*Secrecy vs. Transparency*”.

¹²⁷ *Ibid.*

¹²⁸ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication 2006/07:114*, section: “*The Export Control Council (EKR)*”.

¹²⁹ Swedish Inspectorate of Strategic Products (ISP), (n.d.), section: “*Secrecy vs. Transparency*”.

¹³⁰ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication 2006/07:114*, section: “*The Export Control Council (EKR)*”.

¹³¹ Swedish Inspectorate of Strategic Products (ISP), (n.d.), section: “*Secrecy vs. Transparency*”.

¹³² *Ibid.*

¹³³ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication 2006/07:114*, section: “*The Export Control Council (EKR)*”.

Recently, however, there has been an additional improvement to yield greater insight into the process. In an article published in the Swedish newspaper named *Sundsvalls tidning* on 29 of Mars, 2007, the Minister for Trade Mr. Sten Tolgfors discusses the increased measures taken to enhance transparency. In order to achieve public legitimacy for the current trend of augmented exports, Mr. Tolgfors claims that the present Government has extended access to information in their annual Communication to Parliament. Evidently, these measures concerns five central areas and goes above and beyond the information previously submitted by any other Government. According to Mr. Tolgfors this increased transparency will from now on become a standard procedure.¹³⁴

¹³⁴ Tolgfors, Sten. (Mars 29, 2007), "Ökad öppenhet kring svensk vapenexport", In: *Sundsvalls tidning*.

5 Theorizing Swedish Weapon Exports

Since the purpose of this study is to investigate how the regulatory framework governing Swedish exports explains the decision to grant munitions export to Pakistan and Russia in 2006, it is necessary to derive a theoretical framework to fulfill this aim. Swedish Weapon Exports are thereby theorized in this chapter. With particular respect to the HR aspect of this study, the following theoretical framework is based on the information provided in the previous chapter. This framework will subsequently be tested against the empirical findings in the analysis of the respective cases.

5.1 The Theoretical Framework of the Study

The theoretical framework presented below is based on a deductive system of logical reasoning that provides 4 possible hypotheses.¹³⁵

- **H 1).** It can be assumed that **no absolute obstacles were present** at the time of the decision to grant exports.¹³⁶

- **H 2).** **As there were conditional obstacles present at the time** of the decision to export and¹³⁷ as the recipient country is known to violate HR, and considering that reverence for HR is an elemental requirement for the issuance of licenses, both with respect to the Swedish regulatory framework¹³⁸ and the politically binding EU Code of Conduct on Arms Exports¹³⁹, the export may have: **consisted of follow-on deliveries of OME products**, as it is permitted unless an absolute obstacle exists.¹⁴⁰

¹³⁵ Svenning, Conny. (2003), *Metodboken*, In section: "Teori och begrepp: Från data till teori eller tvärtom?".

¹³⁶ See section: 4.1.1.1 *Absolute Obstacles to Exports*, In: this thesis.

¹³⁷ See section: 4.1.1.2 *Conditional Obstacles to Export*, In: this thesis.

¹³⁸ See section: 4.1.1.4 *The Human Rights Criterion*, In: this thesis.

¹³⁹ See section: 4.2 *The European Union Code of Conduct on Arms Exports*, In: this thesis.

¹⁴⁰ See section: 4.1.1.7 *Follow-on Provisions and Item Identity*, In: this thesis.

- **H 3).** Or, if follow on-deliveries are not the case, then, the explanation may be that it would be **unreasonable to deny export**¹⁴¹ because of **pertinent conditions that were considered for each specific case.**¹⁴²
- **H 4).** Or, alternatively to **H 3**, there could have been reasons that pertain to the **national security interest, either in the short term or long-term perspective;** i.e. the decision to export to Russia and Pakistan may have had defense and security related reasons, which accord the Swedish official foreign policy.¹⁴³ In short, it is in the nation's interest to cooperate with other countries to ensure the provision of munitions. Therefore, in order to guarantee that the long-term requirements are met a certain degree of export is necessary.¹⁴⁴ Ultimately, it is clearly stated that the long-term prospects of national security must always be a priority.¹⁴⁵

¹⁴¹ See section: *4.1.1.7 Follow-on Provisions and Item Identity*, In: this thesis.

¹⁴² See section: *4.1.1. The Supplementary Government Guidelines*, In: this thesis.

¹⁴³ See section: *4.1.1. The Supplementary Government Guidelines*, In: this thesis.

¹⁴⁴ See section: *4 Understanding the Decision-making process of Swedish Weapon Exports*, In: this thesis.

¹⁴⁵ See section: *4.1.1 The Supplementary Governments Guidelines*.

6 The Case of the Russian Federation

In 2006, the total value of exports to Russia mounted to SEK 3.1 million, the equivalent of roughly \$0.5 million.¹⁴⁶ Out of the 57 countries receiving Swedish military equipment Russia was 1 out of 10 countries that only took delivery of ammunitions for hunting, sport shooting and competition shooting.¹⁴⁷

6.1 Case Specifics

Overall, as shown in table 6.1 below, 2 export licenses were granted for Russia in 2006.¹⁴⁸ Out of these, all concerned ammunition for hunting, sport shooting and competition shooting.¹⁴⁹ All of the exported material belonged to the OME category.¹⁵⁰ None of the issued licenses regarded follow-on deliveries. In total, the value of licensed items for exports mounted to SEK 8 million. However, the actual export only totaled to SEK 3.1 million.¹⁵¹

Table 6.1 Exports to Russia in 2006

*m = million

Number of licenses	Description	Value of licensed items	Value of exported items	Serial
0	Follow-on deliveries from previously concluded contracts	SEK 8 m*	SEK 3.1 m*	OME
2	Ammunition for hunting, sport shooting and competition shooting			
Total Number of licenses				
2				

¹⁴⁶ The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication*

2006/07:114, section: "Export licenses and actual exports in 2006 by recipient region and country, including statement of product categories".

¹⁴⁷ *Ibid*, In section: "Military equipment".

¹⁴⁸ *Ibid*, In section: "Export licenses and actual exports in 2006 by recipient region and country, including statement of product categories".

¹⁴⁹ *Ibid*, In section: "Military equipment".

¹⁵⁰ *Ibid*, In section: "Export of military equipment 2004-2006 by country and broken down into MEC and OME".

¹⁵¹ *Ibid*, In section: "Export licenses and actual exports in 2006 by recipient region and country, including statement of product categories".

6.1.1 Country Conditions in 2006

As the regulatory framework that governs Swedish exports of munitions stipulates HR conditions and issues of conflict prior to granting of licenses, it is necessary to outline some relevant facts as they pertain to the country in question. These aspects will then be further elaborated on in the analysis.

6.1.1.1 The Conflict Situation: Russia - Chechnya

The former Soviet Union consisted of several republics, with the Republic of Russia being the largest. Within the republics, there were subcategories of self-governing republics. At the time, the Autonomous Republic of Chechen-Ingush was under the rule of the Russian Republic. Nevertheless, in 1991 several former Soviet republics became independent. Consequently, this has inspired local political leaders in Chechnya to strive toward full self-determination. As a result, in October of 1991, the Chechen people elected Dzhochar Dudayev president. Being the newly elected president, Dudayev ordered his forces to overhaul state-power in the regional capital Grozny, and thereby declaring the independent Republic of Chechnya (Ichkeria).¹⁵²

The Russian leadership, however, never recognized the elections or Chechnya's independence. Accordingly, when the Soviet Union officially dissolved on December 25, 1991, Chechnya became incorporated into the territorial borders of the independent Russian Federation. In general, the Russian leadership viewed the activities in Chechnya as illegal uprisings headed by criminals. Moreover, the common understanding was that these armed units posed a threat to the territorial integrity, general stability and security of the Russian Federation.¹⁵³

In the years following Chechnya's independence, Chechnya was repeatedly invited by Russia to become a republic within the Russian Federation. But as Dudayev only was willing to accept full independence, in December of 1994 the conflict spiraled drastically. Consequently, after having fruitlessly tried to back up Chechen opposition to Dudayev, President Boris Yeltsin ordered a large-scale military offensive into Chechnya.¹⁵⁴

¹⁵² Stockholm International Peace Research Institute (SIPRI), (December, 2005), *Department of Peace and Conflict Research: Uppsala Conflict Database*, In: "The list of armed conflicts in Russia".

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

Despite some years of relative peace between 1996 and 1999, in late 1999, with Vladimir Putin attaining the presidency, the conflict, once again, started to escalate. At the time, Putin constantly referred to the Russian involvement in Chechnya as actions to deter terrorism.¹⁵⁵

Ever since it's self-declared independence in 1991, Chechnya has been obscured by internal power struggles. When the conflict was intensified in 1999, Akhmad Kadyrov, one of Dudayev's former military commanders switched sides and united with the Russian forces. Subsequently, in 2000, Kadyrov was appointed acting head of the local administration and in late 2003 he was elected president of the region. Because of Kadyrov's assassination in May 2004, Alu Alkhanov obtained the presidency. In turn, Akhmad's son Ramzan Kadyrov replaced Alkhanov, in February of 2007.¹⁵⁶

With a significantly lower number of battle-related deaths than in 2004 and 2005 armed conflicts over territory were still occurring during 2006. As the rebels appeared to have been greatly weakened, no extensive or large-scale attacks occurred. One potential reason for this is the casualties of key figures within the Chechen leadership. As of the end of 2006, Russia controlled parts of the Chechnya territory as well as the country's political status by means of the local administration.¹⁵⁷

6.1.1.2 The Human Rights Situation

The Russian and Chechen conflict has from the outset been conveyed by violence against civilians and random killings. The Russian army has performed indiscriminate air bombings and artillery attacks. Severe infringements on HR have occurred by counterinsurgency activities, including allegations of torture and executions of civilians. The Chechen forces have used guerrilla warfare, hostage-taking and suicide bombings. Until date, several thousands of enforced disappearances have been recorded in the region.¹⁵⁸

The situation has received strong criticism from the Parliamentary Assembly of the Council of Europe. The Council continues to condemn abuses both by Russian troops and Chechen rebels. In December 2004, the Council of Europe Committee for the Prevention of Torture (CECPT) carried out its seventh visit to the region. Subsequently, in February

¹⁵⁵ Stockholm International Peace Research Institute (SIPRI), (December, 2005), *Department of Peace and*

Conflict Research: Uppsala Conflict Database, In: "The list of armed conflicts in Russia".

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*

2005, the European Court of Human Rights (ECHR) found the Russian government guilty of violating the right to life and the prohibition of torture. The ruling concerned a number of Chechen civilians who had been executed by Russian troops in 1999 and 2000.¹⁵⁹

Besides from the conflict between Chechen and Russian forces, in 2005 increased pressure was put on NGOs. By means of a newly proposed law, Russian government power was increased to interfere with the work of foreign NGOs. People engaged in HR work increasingly faced administrative and judicial persecution. In some severe cases, the harassment even involved threats and physical attacks. In a number of regions, officials used listings and audits as well as legislation that prohibit extremism to shut down NGOs.¹⁶⁰ In 2006, the HR defender and journalist Anna Politkovskaia was suspiciously murdered when working on an article relating to the severe HR abuses in Chechnya. People associated with Politkovskaia's work have no doubt that the killing is related to her efforts as a HR activist.¹⁶¹

¹⁵⁹ Human Rights Watch, (April 2006), "*World Report 2006*".

¹⁶⁰ *Ibid.*

¹⁶¹ Human Rights Watch, (October 9, 2006), "*Russia: Courageous Journalist Mourned*".

7 The Case of the Islamic Republic of Pakistan

In 2006, Pakistan was the second largest recipient country of Swedish military equipment. In total, the value of exports to Pakistan mounted to SEK 1 201 million, the equivalent of roughly \$188.81 million. Essentially, the large export originates from a concluded contract concerning deliveries of the airborne surveillance system Erieye. SAAB concluded the contract in the spring of 2006. Moreover, as Pakistan in the 1970's and 1980's was an important export market for the Swedish defense industry, follow-on deliveries of spare parts still occur today. These follow-on deliveries mainly concern the air defense system RBS70, marine command and control systems, torpedoes and the Swedish Giraff Radar.¹⁶²

7.1 Case Specifics

Overall, as shown in table 7.1 below, 4 export licenses were granted for Pakistan in 2006.¹⁶³ Out of these, 3 licenses concerned follow-on deliveries.¹⁶⁴ The new license that was granted regarded the export of Erieye, 6 radar reconnaissance aircrafts.¹⁶⁵ All of the exported material belonged to the OME category.¹⁶⁶ In total, the value of licensed items for exports mounted to SEK 8 296 million. However, the actual export only totaled to SEK 1 201 million.¹⁶⁷

Table 7.1 Exports to Pakistan in 2006

*m = million

Number of licenses	Description	Value of licensed items	Value of exported items	Serial
3	Follow-on deliveries from contracts concluded during 1970's and 1980's	SEK 8 296 m*	SEK 1 201 m*	OME
1	Erieye, 6 radar reconnaissance aircrafts			
Total Number of licenses				
4				

¹⁶² The Swedish Government, (May 7, 2007), *Ministry for Foreign Affairs*, In: *Government Communication* 2006/07:114, section: "Military Equipment".

¹⁶³ *Ibid*, In section: "Export licenses and actual exports in 2006 by recipient region and country, including statement of product categories".

¹⁶⁴ *Ibid*, In section: "Follow-on deliveries in 2006".

¹⁶⁵ *Ibid*, In section: "Military Equipment".

¹⁶⁶ *Ibid*, In section: "Export of military equipment 2004-2006 by country and broken down into MEC and OME".

¹⁶⁷ *Ibid*, In section: "Export licenses and actual exports in 2006 by recipient region and country, including statement of product categories".

7.1.1 Country Conditions in 2006

Since the regulatory framework for Swedish exports of munitions stipulates HR conditions and issues of conflict prior to granting of licenses, it is necessary to outline some relevant facts as they pertain to Pakistan. These aspects will then be further elaborated on in the analysis.

7.1.1.1 Country Background

In 1947, Pakistan became independent by separation from British India. At the time two wings, West and East Pakistan, which was separated by 1000 miles of Indian-territory, comprised the country. In 1971, as East Pakistan separated and became Bangladesh, civil war and clashes commenced with India.¹⁶⁸

The Pakistani military has since 1958 played a key role in the country's government configuration. In addition, the government has repeatedly been associated with the religious right at the cost of secularized parties. Between the years 1973 – 1977, the country had a brief democratic interlude with Zulfikar Ali Bhutto as Prime Minister.¹⁶⁹ It ended, however, with the hanging of Bhutto and the swearing in of General Zia ul-Haq as military head of state in 1978.¹⁷⁰ General Zia subsequently perished in a plane crash in 1988.¹⁷¹ Benazir Butto, whom subsequently was replaced by Nawaz Sharif, replaced Zia. Currently, Pervez Musharraf holds the Presidency. Musharraf came to power in a 1999 coup against the elected Prime Minister Sharif.¹⁷²

By means of the Pakistan National Intelligence Service (ISI), the military is known to have supported the Taliban regime in Afghanistan, funded and trained mercenaries against Indian-administered Kashmir, and disregarded nuclear proliferation.¹⁷³ Moreover, despite in-

¹⁶⁸ International Crisis Group, (November, 2005), *Conflict Prevention and Resolution*, In: “*Conflict history:*

Pakistan”.

¹⁶⁹ *Ibid.*

¹⁷⁰ Tunbäck-Hanson, Monika. Göteborgs-Posten, (January 5, 2008), “*Protesterna växer I Pakistan*”, In: *Kultur*

och Gränsöst.

¹⁷¹ Rashid, Ahmed. (December, 1999), *Current History*, In: “*Pakistan's Coup: Planting the Seeds of*

Democracy?”.

¹⁷² International Crisis Group, (November, 2005), *Conflict Prevention and Resolution*, In: “*Conflict history:*

Pakistan”.

¹⁷³ Miller, Judith & Risen, James. The New York Times, (October 29, 2001), “*Pakistani intelligence had links to*

cessant counter-operations in the tribal areas of South Warzistan, the area is still considered a safe haven for al Qaeda and the Taliban.¹⁷⁴

Following the 9/11 terrorist attacks against the U.S.A in 2001, Pakistan joined the U.S.-led “war on terror”.¹⁷⁵ Pakistan’s support for the international coalition against terrorism has generated great support from both the UN¹⁷⁶ and the EU. In December 2006, the Council of the EU called on Afghanistan and Pakistan to extend relations and cooperation in order to deal with the insecurity in border areas. Pakistan was also urged to increase efforts to avert the Taliban from using its territory.¹⁷⁷

Besides from Pakistan’s internationally recognized measures against terrorism, however, domestically, political parties have been severely neutered. In October 2002, a coalition of six major religious parties won majority in two provinces bordering to Afghanistan.¹⁷⁸ Consequently, Sharia law was enacted in the same provinces in June of 2003.¹⁷⁹ By means of a referendum criticized as illegal, in April of 2002 Musharraf gained five more years in office.¹⁸⁰ In 2002, Musharraf also amended the constitution, enabling him to dissolve parliament if he wishes.¹⁸¹

7.1.1.2 The Conflict Situation: Pakistan – Balochistan

The conflict between the Pakistani government and nationalist groups in the Pakistani region of Balochistan has a long history. It originates in the claim by Balochistan-nationalists of forced accession to Pakistan in 1948. Several different ethnic groups populate the region, out of which many minorities, Balochistan-nationalists included, have been both eco-

Al Qaeda, U.S. Officials say”.

¹⁷⁴ International Crisis Group, (November, 2005), *Conflict Prevention and Resolution*, In: “*Conflict history: Pakistan*”.

¹⁷⁵ *Ibid.*

¹⁷⁶ The Swedish Government, (January 2, 2008), *Ministry for Foreign Affairs*.

¹⁷⁷ European Commission External Relations, (April, 2007), *The EU’s relations with Pakistan*.

¹⁷⁸ International Crisis Group, (November, 2005), *Conflict Prevention and Resolution*, In: “*Conflict history: Pakistan*”.

¹⁷⁹ BBC News, (June 2, 2003), “*Sharia Law for Pakistan Province*”.

¹⁸⁰ BBC, News,(January 10, 2008), *Timeline: Pakistan, “A chronology of key events”*

¹⁸¹ International Crisis Group, (November, 2005), *Conflict Prevention and Resolution*, In: “*Conflict history: Pakistan*”.

nomically and politically marginalized since the centralized creation of Pakistan. Since then several conflicts have erupted, with the largest recorded in the early 1970s. Currently, Balochistan's ethno-nationalists claim larger access to resources and greater influence in the decision-making structure of the Pakistani state, as they feel severely suppressed by the present neo-liberal policies of the military regime.¹⁸²

In 2006, the conflict between the army and Balochistan-nationalists exaggerated greatly. In the tribal areas of the Balochistan province the government settled a peace accord with the Taleban and local elders. The agreement permitted tribal units to set up quasi-governmental compositions, collect taxes, impose their own penal codes and employ quasi-judicial systems. Concurrently, groups aspiring to enforce their own version of Islamic norms commenced with public executions. In the tribal areas, decapitated bodies were found with notes advising others not to collaborate with the government.¹⁸³

7.1.1.3 The Human Rights Situation

Alongside Pakistan's turbulent political events, sectarian violence between the majority population of Sunnis (77%) and minority Shias (20%) has afflicted the country.¹⁸⁴ In 2006, a multitude of people endured random detentions and forced disappearances, including journalists, terror suspects and Balochistan and Sindhi nationalists. Honor killings continued to be reported and different interpretations of Islamic laws were used to discriminate against members of religious minorities. Unlawfully exercised judicial methods and enforced brutal, inhuman and humiliating punishments were accompanied by 446 death sentences. Reported executions mounted to 82 victims.¹⁸⁵

¹⁸² Sajjad Akhtar, Aasim. (November 17, 2007), *Economic and Political Weekly (EPW)*, "Balochistan versus Pakistan".

¹⁸³ Amnesty International, (n.d.), "2007 Annual Report for Pakistan".

¹⁸⁴ International Crisis Group, (November, 2005), *Conflict Prevention and Resolution*, In: "Conflict history: Pakistan".

¹⁸⁵ Amnesty International, (n.d.), "2007 Annual Report for Pakistan".

8 Analysis

The table summarizes the empirical findings of the two cases respectively. The findings are used in the next section to test the theoretical framework of the study.

Table 8.1 Exports to Russia and Pakistan in 2006

Case	HR violations	Absolute Obstacles to Export	Conditional Obstacles to Export	Value of licensed items	Value of exported items	Serial	Follow-on deliveries	New licenses	Total licenses
Russia	Yes	No ¹⁸⁶	Yes	SEK 8 m*	SEK 3.1 m*	OME	0	2	2
Pakistan	Yes	No ¹⁸⁷	Yes	SEK 8 296 m*	SEK 1 201 m*	OME	3	1	4

*m = million

8.1 Testing the Theoretical Framework

All Member States (MS) of the EU are obligated to accord the CFSP of the EU. In practice this entails implementations of sanctions imposed by the SC of the UN under Chapter VII of the UN Charter on the national level. The EU may, however, undertake stricter measures if it is considered necessary.¹⁸⁸

- **H 1).** As there were no EU sanctions against Russia or Pakistan during 2006, it is reasonable to conclude that no absolute obstacles were present at the time of the decision to grant exports.¹⁸⁹ = **Empirical findings are consistent with the theoretical framework.**

¹⁸⁶ European Commission External Relations, (May, 2006), *The EU's relations with Russia*.

¹⁸⁷ European Commission External Relations, (April, 2007), *The EU's relations with Pakistan*.

¹⁸⁸ European Commission External Relations, *Common Foreign and Security Policy (CFSP)*.

¹⁸⁹ See section: 4.1.1.1 *Absolute Obstacles to Exports*, In: this thesis.

- **H 2). As there were conditional obstacles present at the time** of the decision, the export and¹⁹⁰ as the recipient country is known to violate HR, and considering that reverence for HR is an elemental requirement for the issuance of licenses, both with respect to the Swedish regulatory framework¹⁹¹ and the politically binding EU Code of Conduct on Arms Exports¹⁹², the export may have: **consisted of follow-on deliveries of OME products**, as it is permitted unless an absolute obstacle exists.¹⁹³ = **Only part of the empirical findings is consistent with the theoretical framework.**

Comment: With respect to **H 2**, only Pakistan is partly consistent with the theoretical framework, as 3 out of 4 licenses concerned follow-on deliveries of OME. This provides the remaining task to explain the 4th license of OME to Pakistan and the 2 licenses of OME granted for export to Russia.

The theoretical framework provides for the following possible explanations:

- **H 3).** Or, if follow on-deliveries are not the case, then, the explanation may be that it would be **unreasonable to deny export**¹⁹⁴ because of **pertinent conditions that were considered for each specific case.**¹⁹⁵ = **The empirical findings could possibly be regarded as consistent with the theoretical framework.**

Comment: With respect to **H 3**, it could be said that it would be unreasonable to deny export of ammunitions for hunting, sport shooting and competition shooting to Russia, especially as the Government has expressed a desire to deepen its cooperation and relations

¹⁹⁰ See section: *4.1.1.2 Conditional Obstacles to Export*, In: this thesis.

¹⁹¹ See section: *4.1.1.4 The Human Rights Criterion*, In: this thesis.

¹⁹² See section: *4.2 The European Union Code of Conduct on Arms Exports*, In: this thesis.

¹⁹³ See section: *4.1.1.7 Follow-on Provisions and Item Identity*, In: this thesis.

¹⁹⁴ *Ibid.*

¹⁹⁵ See section: *4.1.1. The Supplementary Government Guidelines*, In: this thesis.

with Russia.¹⁹⁶ But, on the other hand such an argument is inconsistent with the HR criterion of the regulatory framework.¹⁹⁷ Therefore, **the answer to the test of H 3 is dubious.**

- **H 4).** Or, alternatively to **H 3**, there could have been reasons that pertain to the **national security interest, either in the short term or long-term perspective**; i.e. the decision to export to Russia and Pakistan may have had defense and security related reasons, which accord the Swedish official foreign policy.¹⁹⁸ In short, it is in the nation's interest to cooperate with other countries to ensure the provision of munitions. Therefore, in order to guarantee that the long-term requirements are met a certain degree of export is necessary.¹⁹⁹ Ultimately, it is clearly stated that the long-term prospects of national security must always be a priority.²⁰⁰ = **The empirical findings are consistent with the theoretical framework.**

Comment: With respect to **Russia** and in regards to **H 4**, it could be argued that it would be in the nation's interest to have a certain export to Russia, i.e. it is necessary in the long-term prospect. Especially, with regard to Russia's position in the world order. Moreover, considering that the export only consisted of ammunitions for hunting, sport shooting and competition shooting, it could be viewed as an unnecessary tension in the relations with Russia to deny for this type of export. In particular as the Government has, in the Statement of Government Policy in the Parliamentary Debate on Foreign Affairs in 2006, expressed a desire to strengthen its cooperation with Russia and to promote Sweden in Russia.²⁰¹

Moreover, since the Government has expressed a desire to intensify the dialogue with Russia concerning Sweden's relation to the neighboring countries of the EU and Russian region. As well as concerning the conflicts in Chechnya, including the disturbing situation related to NGO's and media and the conflicts in Moldova and Georgia. Along with, for peace and democracy to prevail in Asia and Belarus, it could be argued that a certain degree of export is necessary in order to nurture a fruitful dialogue and diplomatic relations when mediating in conflict situations.²⁰² Thereby, the decision to grant export to Russia could actually be viewed as part of coordinated measures to increase regional security, reverence for HR, as well as the national security in the long-term perspective. In particular, as intensifications and spreads of conflicts evidently will generate tensions on the nation's security

¹⁹⁶ See section: *3.1 Swedish Foreign Policy in 2006*, In: this thesis.

¹⁹⁷ See section: *4.1.1.4 The Human Rights Criterion*, In: this thesis.

¹⁹⁸ See section: *3.1 Swedish Foreign Policy in 2006*, In: this thesis.

¹⁹⁹ See section: *4 Understanding the Decision-making process of Swedish Weapon Exports*, In: this thesis.

²⁰⁰ See section: *4.1.1 The Supplementary Governments Guidelines*.

²⁰¹ See section: *3.1 Swedish Foreign Policy in 2006*, In: this thesis.

²⁰² *Ibid.*

in the long-term perspective. This finds support in the proclaimed foreign policy being based on an interconnected approach to security, development and HR.²⁰³

Also, as Sweden has expressed a wish to strengthen and partake in the shaping of the security and foreign policies of the EU²⁰⁴, a fruitful dialogue with Russia may also be viewed as a means to do so. Therefore, this analysis of testing **H 4** concludes that by the means of maintaining good exchange and trade relations with Russia, with respect to the type of OME products exported in this specific case, the decision to grant export could be viewed to accord the official regulatory framework.

With respect to **Pakistan** and in regards to **H 4**, it could also be argued that there are defense and security related reasons for the 4th license to Pakistan. Concerning the support that Pakistan has received from the EU, UN and the U.S.A for its measures against terrorism in the bordering areas of Afghanistan²⁰⁵, it could be argued that the type of equipment, the 6 Erieye radar reconnaissance aircrafts, will contribute to combat the terrorist related insecurities and instabilities in the area. Also, as Sweden has expressed a desire to increase and broaden the cooperation with the U.S.A and the EU, with specific regards to the CFSP, it is legitimate to assume that the decision to export also accords the official Swedish foreign policy. In particular, with respect to the articulated concern of the unstable situation in Afghanistan, as well as the Governments emphasis on the fight against terrorism being of utmost priority. Thereby, the decision to grant export to Pakistan could actually be viewed as a measure to increase the nation's security in the long-term perspective.²⁰⁶ As a result, this analysis of testing **H 4** concludes that the decision to grant export is in accordance with the official regulatory framework for Swedish weapon exports.

²⁰³ *Ibid.*

²⁰⁴ See section: *3.1 Swedish Foreign Policy in 2006*, In: this thesis.

²⁰⁵ See section: *7.1.1.1 Country Background*, In: this thesis.

²⁰⁶ See section: *3.1 Swedish Foreign Policy in 2006*, In: this thesis.

9 Conclusion

The main intention of this study has been to answer the following inquiry:

- As the recipient country is known to violate HR and is experiencing internal armed disturbances or a situation of armed conflict, how does the regulatory framework explain the decision to grant export?

Based on the pursued test of the hypotheses in the previous chapter the answer is summarized as follows:

- In both cases of export, the decision is in conflict with the HR criterion and the non-conflict conditions of the regulatory framework governing Swedish weapon exports. It is however, not in conflict with the regulatory framework as a whole. On the contrary, it is concluded that the decisions to grant export to Pakistan and Russia accords the regulatory framework. The regulatory framework explains this decision by means of security and defense related reasons that support the official Swedish Foreign Policy.

9.1 Summary: Pakistan

- **H 1** is consistent with the findings.
- In the case of Pakistan **H 2** was found to be consistent with the theoretical framework, as 3 out of 4 licenses concerned follow-on deliveries of OME
- The last license for Pakistan is consistent with **H 4**.

9.2 Summary: Russia

- **H 1** is consistent with the findings.
- In the case of Russia **H 3** and **H4** combined provides for a logical explanation.

10 Discussion

This brings us to the question of whether or not this study has brought us closer to an objective truth of the issue concerned and investigated. At this point, it should be put forward that two underlying and fundamental assumptions has formed the basis of this study from the outset. Firstly, from an ontological perspective, it is assumed that a reality that is separated from our own consciousness does exist. Secondly, from an epistemological viewpoint, it is believed that systematical observations of this reality yield knowledge about the reality observed.²⁰⁷ With this said, critique could of course be directed toward the study because of its positivistic approach. The discussion that follows, however, concerns the empirical results and findings of the study, which assumes the same ontological and epistemological approach as has formed the basis of the study to begin with.

This study has concluded that the decisions to grant export are, in both cases, in conflict with the HR criterion of the Swedish regulatory framework. Although not in conflict with the legal framework as a whole, this apparent contradiction deserves attention. In my opinion the findings present a concrete example of how the normative notion of HR is intrinsically attached to the idea of individual security. The problem lies in that individual security in effect is inferior to the elevated political compositions of states and the international system. This becomes particularly prevalent when the decisions to grant export occur to ensure state security on the expense of HR in the recipient countries. Consequently, also directing the focus to how respect for HR and individual security is depending on state structures to begin with.

Accordingly, despite the recipient state's incapability to ensure and uphold reverence for HR, export still occur. One may argue that although the idea of HR is stated as fundamental for the international community through conventions and treaties, the whole concept is both in conflict with and depending on present state structures. This is a dilemma that seems unavoidable. But the question of whether or not the decisions to grant export are legitimate remains two sided. On the one hand, the decision may be viewed as immoral and as an actual breach against the HR doctrine, whereas on the other hand, the decisions seem legitimate from a security perspective, which also enhances the centrality of the state in international relations. Or as Steve Smith expresses it in Ken Booth's edited work on critical security studies "*Security is what states make it*".²⁰⁸ By this one can conclude that there is a highly constructivist notion underpinning the Swedish weapon export system. In particular as the decisions are path-dependent in relation to follow-on deliveries and international agreements, but also as it is based on social constructs of security politics among states.²⁰⁹

²⁰⁷ Esaiasson, Peter. Gilljam, Mikael. Oscarsson, Henrik & Wägnerud, Lena. (2007), *Metodpraktikan*, In section:

"Vad är forskning?".

²⁰⁸ Booth, Ken. (2005), "*Critical Security Studies and World Politics*".

²⁰⁹ *Ibid.*

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Appendix

Universal Declaration of Human Rights

Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.