



# **The Complexities of Small Arms Control:**

## Sweden, the US, and an Arms Trade Treaty

Hildur H. Sigurðardóttir

**Lokaverkefni til MA-gráðu í alþjóðasamskiptum**

**Félagsvísindasvið**

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**HÁSKÓLI ÍSLANDS**

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Ritgerð þessi er lokaverkefni til MA-gráðu í alþjóðasamskiptum og er óheimilt að afrita ritgerðina á nokkurn hátt nema með leyfi rétthafa.

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## Útdráttur

Markmið ritgerðarinnar er að auka skilning á hegðun ríkja á alþjóðavettvangi, einkum þegar kemur að samvinnu í alþjóðlegum regluverkum. Til að varpa ljósi á málið notar ritgerðin alþjóðaregluverk um vopnaviðskipti, með áherslu á smá- og léttvopn sem tilvik, sem hefur verið lagt til og unnið að innan Sameinuðu Þjóðanna. Leitast er við að útskýra hvers vegna slíku regluverki hefur ekki enn verið komið á fót þrátt fyrir langan aðdraganda, herferðir frjálsra félagasamtaka og þrýsting ákveðinna landa. Ritgerðin veltir því upp hvort að skýra megi fjarveru regluverksins með kenningum raunhyggju fyrst og fremst, eða hvort aðrir þættir komi til. Litið er nánar á tvö ríki, Bandaríkin og Svíþjóð, afstöðu þeirra og hegðun í tengslum við smá og léttvopn og alþjóðavopnaviðskiptasamning. Tvær tilgátur eru settar fram. Annars vegar að jákvætt viðhorf Svíþjóðar til slíks samnings megi rekja fyrst og fremst til þátta eins og gilda, áhrifa frjálsra félagasamtaka og mjúks valds (soft power approach) sem nátengdir eru kenningum mótunarhyggju. Hins vegar að neikvætt viðhorf Bandaríkjamanna til samningsins megi skýra fyrst og fremst með þáttum í ætt við kenningar raunhyggju t.d. áhyggjum af eigin hagsmunum og stöðu í formgerðinni.

Byrjað er á að gera grein fyrir megininntaki kenninga raunhyggju og mótunarhyggju. Að auki er litið nánar á smá- og léttvopn sem slík, einkenni og afleiðingar þeirra, bæði innan landa og alþjóðlega. Einnig eru þær reglur og ferlar sem þegar eru til staðar innan landa, svæðisbundið og alþjóðlega skoðuð og virkni þeirra metin. Þá eru kynnt gögn og tölur um útflutning vopna, almenningsálit og gildismat almennings. Þessi gögn liggja til grundvallar þegar gerð er grein fyrir mismunandi stöðu og viðhorfi Bandaríkjanna og Svíþjóðar og rætt verður hvort og þá hvernig þessir þættir hafa áhrif. Niðurstöðurnar eru að þættir sem rekja megi til raunhyggju, t.d. staða í formgerðinni hafi umtalsverð áhrif á viðhorf til smá og léttvopna og vopnaviðskiptasamningsins sjálfs, einkum í tilviki Bandaríkjanna. Þrátt fyrir að margt bendi til að tilgáturnar tvær standist, er málið mun flóknara. Ljóst er að ferlar innanlands, sem mótunarhyggjan leggur áherslu á, hafa áhrif á viðhorf og hegðun ríkja, þrátt fyrir staðhæfingar raunhyggjunnar um hið gagnstæða. Slík áhrif eru greinilegri í tilviki Svíþjóðar en eru einnig til staðar í tilviki Bandaríkjanna og þau gætu, ásamt öðrum þáttum, kallað fram breytingar á afstöðu Bandaríkjanna í framtíðinni.

## **Abstract**

The purpose of this thesis is to advance an understanding of state behaviour internationally, particularly when it comes to participation in international regimes. For this purpose the thesis examines the issue of small arms and light weapons and their regulation through a possible international regime - the proposed Arms Trade Treaty (ATT) under the auspices of the UN - as a case study. It seeks to shed light on why such a regime has not yet become a reality despite heavy campaigning on its behalf by NGOs and certain states. The question is posed whether the absence of such a regime can be explained by realism alone, or whether other factors may affect states' positions. To explore this, the thesis looks at the conduct of two states, the United States of America and Sweden, regarding the matter of SALW and the ATT process. Two hypotheses are put forward: firstly that Sweden's positive stance on the ATT is shaped by factors that are constructivist in nature, mainly norms, NGO influence and a soft power approach; and secondly, that the US's negative stance on the treaty is driven mainly by self-interest and efforts to maintain its position - factors that align well with realism.

The thesis starts off by summarizing the theoretical foundations of Realism and Constructivism. Additionally the role, influence and approaches of NGOs are discussed; an overview is given of the problems related to SALW; the already existing mechanisms at domestic, regional and international level that deal with SALW are presented, and their efficiency is assessed. Data on exports, public opinion and values that may influence the different stance of the two states are presented to provide a factual basis for assessing how far these factors may shed light on Sweden's and the US's stance on the matter.

The main findings are that realist logic and position in the international structure do seem to affect national positions on SALW and the ATT, and concerns about security are still important, particularly for the US. There is, thus, evidence to support the two hypotheses: but the matter is much more complex, since domestic factors also appear to impact states' behaviour - contrary to what realism maintains. Although the impact of such factors may be more evident in the Swedish case, they are also present in the US case and (among other things) leave room for US positions to evolve in future.

## Preface

This thesis is the final assignment in the MA programme in International Relations at the University of Iceland. It accounts for 30 ECTS credits. It was written under the supervision of Alyson Bailes, adjunct professor at the department of political science.

The issue of small arms and light weapons and the absence of a regime dealing with the matter was a one of many topics in a course on security challenges I attended at the undergraduate level. This caught my attention and puzzled me, although I did not give it any serious thought until the matter was brought back to my attention through an NGO in summer of 2011 in the midst of my MA-studies. I thought it would provide for an interesting master thesis topic, since it could be approached from a variety of perspectives.

Political Science Theories have been a subject of interest for me, and this interest was revived during a course I attended on International Relations theories where the debate on state behaviour way was subject to much, and at times heated discussion. This course evoked the idea of approaching the small arms and light weapons problematic from a state perspective, rather than a more obvious development, humanitarian or conflict perspective. The choice of the US for study was straightforward as it often serves as a poster-child for a realist weapon producer's role on the world scene. What sparked the idea of including the Swedish case was an unfortunate comment by the Swedish minister Annie Lööf about weapon sales to China, a realist remark from a minister in a country that perceives and experiences itself as being neutral. This ignited substantial reactions in Sweden, where I was on an exchange at the time.

The idea developed and came to life, in large part thanks to Alyson Bailes whose comments and advice have been of the utmost value and kept me on track during this process, which at times has been a winding road.

Furthermore I would like to thank my cousin, Haraldur Þór Egilsson, who has when asked always been willing to provide motivation and feedback on my work. Last I would like give thanks to the various friends and family members who have kept me company, had me over, invited me out to eat and nourished me through the course of my studies and at trying times. This has been invaluable for my economic, physical and psychological wellbeing.

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## List of Abbreviations

ATT	Arms Trade Treaty
DDR	Disarmament, Demobilisation and Reintegration
EU	European Union
GDP	Gross Domestic Product
IANSA	International Action Network on Small Arms
MANPADS	Man-portable Air Defence Systems
MNC	Multinational Companies
NATO	North Atlantic Treaty Organization
NGOs	Non-governmental Organizations
NISAT	Norwegian Institute of Small Arms Transfers
NRA	National Rifle Association
PMC	Private Military Companies
PSC	Private Security Companies
SALW	Small Arms and Light Weapons
SIPRI	Stockholm International Peace Research Institute
The US	United States of America
UN	The United Nations
UN POA	The United Nations Programme of Action
UNROCA	United Nations Register of Conventional Arms
WA	Wassenaar Arrangement
WMD	Weapon of Mass Destruction

## **1. Introduction**

It is estimated by non-governmental organizations (NGOs) that 500,000 people are killed in incidents involving small arms and light weapons each year. 200,000 of these deaths are estimated to be victims of homicide, violence and suicide in the developed world, while 300,000 are victims of conflicts in the developing world.<sup>1</sup> For this reason small arms and light weapons have been called “the real weapons of mass destruction.” Not only do these weapons of this kind cause deaths among civilians in conflicts but their usage also causes harm in non-conflict environments. Small arms and light weapons (SALW) are linked with matters of increasing global concern like civil wars, state fragility, corruption, violence, organized crime, trafficking with drugs and humans along with various human rights violations, all of which compound the challenges of development and democratization. The uses made of small arms and light weapons have negative repercussions for people around the globe and particularly those who are already affected by civil wars, oppressive governments, famine or poverty. The problems related to small arms and light weapons intensify and complicate many problems on which Western states and governments focus their assistance and outreach efforts, such as disarmament and good governance programmes. Despite the fact these weapons obstruct Western efforts to fight terrorist networks, hinder development, lead to rights violations and can have costly implications, there are no global or comprehensive international treaties and regimes in place to restrict their flow or trade across borders.

A convention seeking to agree on a treaty and a regime for the trade in conventional weapons, including small arms and light weapons, was held at the United Nations in July 2012. That conference, however - along with previous related efforts - continues to yield insufficient and disappointing results for those fighting for reform of the weapons trade. Several NGOs have been fighting for restrictions and an international treaty on small arms and light weapons. Among them are Amnesty International, Oxfam, and research organizations like the Small Arms Survey. These organizations work on the international level and aim for universal restrictions on the arms trade and SALW in particular. Also a number of states and regional organizations have taken a positive, active stance towards an arms trade treaty. The UK, Kenya, Argentina and Australia are among those actively working towards an international

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<sup>1</sup> Small Arms Survey, 2002: 155. Some NGOs estimate this number to be even higher

arms trade treaty.<sup>2</sup> Regional organizations have also been involved: for example, the EU wants a robust and effective international treaty setting the highest common standards possible.<sup>3</sup> Economic Community Of West African States (ECOWAS) has a common position on the matter and has submitted proposals for an effective arms trade treaty.<sup>4</sup>

The absence of a regime is noteworthy when looking at the recent developments internationally where humanitarian values and the responsibility to protect innocent civilians have become increasingly grounded in international law and custom. States have already established regimes that restrict and/or prohibit certain types of weapons like nuclear weapons and landmines. This therefore begs the question why a regime regarding small and light weapons is absent internationally and what makes small arms and light weapons different. Is the absence of an international arms trade treaty a classic case of realism in international relations?

### **1.1. Characteristics of Small Arms and Light Weapons**

Small Arms refer to weapons that can be carried by a single person, including revolvers, shotguns, military, sporting and assault rifles, craft produced firearms and several types of machine guns. Light weapons usually refer to weapons that can be carried by two persons or a small team and transported by conventional modes of transport, e.g. grenade launchers, heavier guns, and portable launchers of all sorts. By definition the small arms and light weapons include ammunitions and explosives like cartridges, shells and missiles, grenades, and landmines.<sup>5</sup> The difference between small arms and light weapons and other 'conventional' weaponry lies in several factors. First of all, it remains the case today that small arms extend across two spheres, the official and private. While other weapons are primarily used by armed forces in warfare small arms are used by armed forces in warfare, and the forces of order such as police officers, but are also used by civilians for protection, sport and hunting. A majority of small arms produced are meant for civilian use.<sup>6</sup> This means that a regime involving SALW would differ somewhat from other disarmament regimes and is more likely to evoke widespread and varied reactions. Small and light weapons are as a result less state- centric than other weapons, and non-state actors

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<sup>2</sup> Foreign and Commonwealth Office, 2012

<sup>3</sup> United Nations Department of Public Information, News and Media Division, 5 July 2012

<sup>4</sup> Targeted News Service, 21 July, 2010

<sup>5</sup> Greene and Marsh, 2012(a): 2-3

<sup>6</sup> Kreutz, Marsh and Torre, 2012: 79

play more active roles both as their suppliers and recipients.<sup>7</sup> For that reason a simple ban prohibiting their use altogether is unrealistic.<sup>8</sup>

Furthermore small arms are cheap, easy to produce, acquire and maintain and can be handled by a variety of actors without special expertise. Their small size makes it easy to transport them across state boundaries and they are a form of global currency that can be traded almost anywhere at any time.<sup>9</sup> The production of small arms and light weapons is widely spread around the globe when compared to other weapons: small arms are produced by over 1,000 companies in some 90 countries.<sup>10</sup> This fungibility is a relevant factor as it usually means that small arms and light weapons production create a secure basis for revenues and employment. On the other hand, due to their low individual value, the production of SALW is a very low proportion of the total share of weapons production worldwide, both in volume and in terms of value and earnings.

These features underline the relative cost-efficiency and usefulness of small arms compared with other types of weapons. Further, they give states that possess and produce large stocks of these weapons leverage vis-à-vis those states that do not. Weapons of this kind can be used not just domestically but as a foreign policy tool to advance states' interests. Even if states are not the only actors to produce and trade in SALW, they are the only responsible subjects under international law, and thus have both the duty and opportunity to shape the internal and international legal framework to be applied.<sup>11</sup> Establishing a small arms and light weapons regime can only be done by the states themselves – meaning, also, that the full potential range of state interests and attitudes may be reflected in the process.

## **1.2. Purpose of the Thesis**

The overall objective of this thesis is first and foremost to advance the understanding of states' behaviour internationally. This will be approached through a twofold enquiry using SALW and their international regulation through a possible Arms Trade Treaty as a case-study. The first question concerns why an arms trade treaty covering SALW is still absent, which means asking what shapes states' attitudes towards such a proposition: is it a classic case of state-centrism where states choose to advance their

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<sup>7</sup> Bourne, 2005: 159

<sup>8</sup> Erickson, 2007: 2

<sup>9</sup> Stavrianakis, 2010: 49

<sup>10</sup> Small Arms Survey 2004: 7

<sup>11</sup> Ahmed and Potter, 2006: 70

own interests and maximize their own security? To explore this the thesis will examine several factors.

- *The impact of an arms trade treaty for states and their interests, according to state-centric theories. Does the proposed treaty go against or contradict state interests?*
- *States' possible concern for their image, both internationally and domestically.*
- *Evaluate to what extent non-state actors have the potential to shape states' attitudes.*

Secondly, the thesis will use the SALW issue to test and explore theories from International Relations literature, primarily realism and constructivism. The aim in this context is to:

- *Evaluate realism and its relevance as a theory when it comes to modern day international relations.*
- *Enquire whether realism can singlehandedly explain and account for the behaviour of states in a system that is made up by a multitude of actors.*
- *Enquire whether other theories allowing room for non-state actors are relevant or necessary.*
- *Make a contribution to the debate between problem-solving, systematic theories, such as realism, and critical, more interpretative theories such as constructivism.*

To shed a more detailed light on both questions, two countries have been chosen for detailed investigation, Sweden and the United States of America (the US). These two cases were chosen due to their different roles and contradictory approaches internationally. At first glance these countries do not seem to have a lot in common. Their political systems, foreign policies and capacities are immensely different, as addressed briefly in the next section.

### **1.3. Presentation of cases**

When reflecting upon Sweden and the US it is beneficial to keep in mind the distinction between hard and soft power approaches in foreign policy. Soft powers align with liberalism and idealism. They rely on cooperation, ideology and common values in relation to other states. Hard powers on the other hand behave in line with realistic theories and rely more on enforcement measures using mainly military and

economic tools to advance their interests.<sup>12</sup> This contrast is in many ways expressed through the two countries' foreign policies, both in terms of action and words.

The US has for the majority of the 20<sup>th</sup> century been one of the world's leading powers. Although a being a democracy and claiming high principles, for many it does not reflect the same idealistic picture as Sweden. It is a country that has the potential to use and does use hard power to advance its interests. Sanctions and military invasions can be named as examples of this. The US's history is marked by conflicts, both domestically and internationally. The discourse of US foreign policy is essentially inward-looking, i.e. it asks how external action can benefit the US and can contribute to national security and advance American interests, rather than putting other countries in focus.<sup>13</sup> However, US strategies also express a will to promote basic good values like peace through the auspices of US leadership.<sup>14</sup> The US seeks by its high norms to promote peace and security while being a role model for other countries.<sup>15</sup> Yet the US Administration has on several occasions in the last years violated standard practices of international relations, violated human rights and even customary international law, especially through its actions in the war on terror.<sup>16</sup>

The US military industry has strong ties with the economy, society and to power elites. Military expenditure is around 4.7% of GDP,<sup>17</sup> and while this is not the world's highest rate as a proportion of GDP, the US far outspends any other state in real cash terms, being responsible for around 41% of the world total in military spending.<sup>18</sup> It is also the biggest exporter of arms, accounting for about 30% of total world exports.<sup>19</sup> All this makes arms contractors a powerful interest group as they create jobs and revenues for the state but also profit from their sales. Importantly they also support the military dominance of the US, partly due to their superior level of R+D (research and development) and weapons technology.<sup>20</sup> This, up to a point, makes US foreign policy objectives dependent on the US arms industry. All of this provides the arms industry with ample tools to lobby the government. Also some of the large contractors have established networks to those who are influential in arms governance, e.g. by

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<sup>12</sup> Wagner, 2005: 2

<sup>13</sup> The White House, 2012

<sup>14</sup> The White House, 2010: 7

<sup>15</sup> The White House, 2010: 10

<sup>16</sup> See Rehman, 2010: 912-13, 915

<sup>17</sup> World Bank, 2012

<sup>18</sup> Stockholm International Peace Research Institute (SIPRI), 2012(a)

<sup>19</sup> Stockholm International Peace Research Institute (SIPRI), no year

<sup>20</sup> Dunlap, 2011: 136-7

strategic contributions to congressmen.<sup>21</sup> The resulting vast US military spending is said to have a snowball effect internationally, as it raises security alarms and encourages other states to increase their military expenditure, often affecting other public services in a negative way.<sup>22</sup>

Sweden due to its size, population and geographic position has limited abilities to be a leading state in military or economic terms. It does, however, carry considerable soft power potential. Having been a Nordic powerhouse Sweden turned to neutrality in the early 19<sup>th</sup> century, seeking security by this means largely due to lack of military resources and declining relative power in Europe.<sup>23</sup> It has been more or less neutral ever since, although terminology has evolved and since joining the EU Sweden has preferred the terms of non-alignment and non-allied.<sup>24</sup> This history of neutrality has influenced Swedish experiences and views on security.<sup>25</sup> Sweden managed to stay neutral for the better part of the 20<sup>th</sup> century,<sup>26</sup> including both world wars and the Cold War. It accordingly has fewer foes than many states and therefore has a possibility to be a mediator or advance certain issues with credibility. Up to the present Sweden has refrained from joining NATO (North Atlantic Treaty Organization), but cooperates with NATO to the extent thought compatible with the policy of military non-alignment,<sup>27</sup> and also has growing military collaboration with Nordic neighbours.

More generally, Sweden's foreign policy prioritizes soft power and seeks to maximize collaboration through international institutions. It expresses concern for and unity with the global community through what is termed as "solidaritetspolitik", solidarity politics.<sup>28</sup> Humanitarian issues, equality, development assistance and environmental issues are placed high on the foreign policy agenda, which has a very international outlook and focuses on Sweden's projects abroad.<sup>29</sup> The dominant discourse of Swedish foreign policy is about how Sweden can make its presence felt internationally and help other countries build more humane, peaceful and democratic societies around the world. Human rights and respect for international law are of

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<sup>21</sup> Watson, October 13, 2010

<sup>22</sup> Choudry, 2008

<sup>23</sup> Hopper, 1945: 436

<sup>24</sup> Herolf, 2006: 69

<sup>25</sup> Vaahtoranta and Forsberg, 2000: 7-8

<sup>26</sup> It has been discussed up to what extent Sweden really has achieved this. For more on Sweden's neutrality see e.g. Löden, 2012

<sup>27</sup> Government Offices of Sweden, 2009

<sup>28</sup> Anderson, et al., 2012: 25

<sup>29</sup> Bildt, 16 February 2011



primary importance to Swedish foreign policy and provide a linking theme through most other policy areas, aiming at the enjoyment of basic human rights for people internationally.<sup>30</sup> As one reflection of this, Sweden has decided to run for a seat in the UN Human Rights Council for the period 2013-2015.<sup>31</sup> Apart from this Sweden is one of the few countries that contribute more than 1 percent of GDP to development aid in accord with the standards set by the UN.<sup>32</sup>

Sweden's military expenditure is 1.3% of its GDP. It has a large arms industry in proportion to its population and sizeable arms exports, making it responsible for about 2% of global military exports and ranking 11<sup>th</sup> on SIPRI's (Stockholm International Peace Research Institute) list of arms exporters.<sup>33</sup> Although data on SALW export and productions are scanty, it has already been noted that they typically represent a small proportion of the total value of production and exports.<sup>34</sup> None of the world's top 100 arms producers specializes only in SALW, confirming that SALW production as such is less profitable than conventional arms production.<sup>35</sup> In line with this, SIPRI estimates that in 2005 the Swedish value of exports of small arms was around 28 million dollars<sup>36</sup> or 2.17% of the total arms exports value of 1,289 million. In the same year the value of US arms exports was reported to be 13,148 million<sup>37</sup> whereof small arms exports were worth 426 million dollars or 3.2% of the total.<sup>38</sup> Data on light weapons is less accessible and tends to be underestimated, but in 2008 light weapon exports were assessed to be worth around 3.5-5% of the total arms export value in these countries.<sup>39</sup>

In sum, although being at the opposite ends of a spectrum in terms of international posture, both of these countries do produce and export small arms and light weapons along with other more conventional weaponry. The US's role and philosophy in international affairs is relatively straightforward: it is commonly known that it is a strategic power with a strong emphasis on its own interests, as is reflected in its

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<sup>30</sup> Government Offices of Sweden, 2004

<sup>31</sup> See Bildt, 16 February 2011

<sup>32</sup> Organization for Co-operation and Development (OECD), no year. GDP stands for Gross Domestic Product

<sup>33</sup> Stockholm International Peace Research Institute (SIPRI), no year

<sup>34</sup> Dimitrov and Hall, 2012: 209

<sup>35</sup> Dimitrov and Hall, 2012: 211

<sup>36</sup> Bromley, Holtom, Perlo-Freeman and Wezeman, 2009: 11

<sup>37</sup> Stockholm International Peace Research Institute (SIPRI), 2012(b). The total export value, excluding export licences or agreements. Excel document (The financial value of national arms exports, 2001-2010, in constant US\$) on SIPRI's website:

[http://www.sipri.org/research/armaments/transfers/measuring/financial\\_values](http://www.sipri.org/research/armaments/transfers/measuring/financial_values)

<sup>38</sup> Bromley, Holtom, Perlo-Freeman and Wezeman, 2009: 11

<sup>39</sup> Small Arms Survey, 2011: 11

military expenditure. To the extent that certain uses of SALW may be a political tool for promoting those interests, and that this outweighs ethical considerations, US reservations about a global arms regime may easily be understood. The Swedish case is harder to grasp, since some aspects of its role are more puzzling. It has been one of the keenest supporters of international SALW regulation, yet its military spending exceeds its development aid allocations.<sup>40</sup> When arms exports are viewed on a per capita basis, Sweden exports more weapons for each citizen than any other country.<sup>41</sup> These points seem contradictory to Sweden's neutrality and soft power approach on the international scene. While promoting humanitarian values, it also produces and exports weapons that in indirect ways augment humanitarian suffering around the globe. The facts of Swedish weapon production appear more in line with the hard power, realist approach of many superpowers, like the US.

This may be an oversimplification, since there are other factors than the purely state-centric that can affect the stance of a given state on an arms trade treaty and particularly small arms. For example, economic/societal factors like employment in small arms and light weapons production, NGO pressure and mobilization, public opinion, or simply the self-image or the perceived image that the state itself or other states may have can potentially be decisive for a country's position on the matter. In light of this, the following two hypotheses are put forward and will be carefully tested in the following analysis:

*Hypothesis 1: Sweden's positive position towards an arms trade treaty is shaped mainly by global norms, including NGO influence, and by soft power approaches.*

*Hypothesis 2: The US negative position towards an arms trade treaty is shaped mainly by self-interest and efforts to maintain its position within the international structure.*

#### **1.4. Methodology and structure of the thesis**

The thesis will primarily be based on pre-existing, published literature and sources that will be analysed and evaluated in accord with the study's aims. The thesis will rely on some primary sources, mainly statistical information related to small arms and light weapons where it can be found. The data used here derive from the Small Arms Survey and SIPRI, Stockholm International Peace Research Institute, along with

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<sup>40</sup> World Bank, 2012 and Organization for Co-operation and Development (OECD), no year. According to those sources in 2010 Sweden's military expenditure was 1.3% and its foreign aid was 0.97%

<sup>41</sup> Svenska Freds- och Skiljedomsföreningen, 2011

NISAT, the Norwegian Institute of Small Arms Transfers. All have through the years gathered information related to the production, trade and potential consequences of weapons, including small arms and light weapons. It must be noted that statistics and information regarding SALW are not as commonly available as numbers on conventional arms and systematic data is lacking.<sup>42</sup> Due to lack of transparency and gaps in the small arms and light weapons reporting by many states, disaggregated data are not always available and therefore the thesis will in some instances have to rely on data on conventional arms transfers, which on many occasions include small arms and light weapons. It must also be mentioned that small arms are sometimes distributed as part of defence aid programmes and these numbers are seldom accessible.

The main international system for reporting on arms exports and acquisitions, the UN Register of Conventional Arms (UNROCA), does not currently include SALW: Where SALW reporting systems exist countries may submit data in an inconsistent manner or may be unwilling to submit data at all. It must also be noticed that there can be differences in the definition of small arms and light weapons that can also lead to some variation in the data. Also since the level of illicit flows of small arms and light weapons is difficult to map or to get information on, a systematic underestimation of the number and values of small arms is more likely than overestimation.<sup>43</sup> Additional statistical information related to arms trade will come from government offices, surveys and opinion polls where appropriate.

To put these primary data into context the thesis will use a variety of secondary sources, e.g. articles from academic journals, reports, yearbooks from the Small Arms Survey and news articles, which can provide information on states' SALW policies including their attitudes towards a global treaty at a given point in time.

To evaluate what strategic interests a state may have from small arms transfers the thesis will look at flows of small arms and light weapons, by direct or indirect means, to areas that can be said to be of concern internationally: i.e. countries where exports are likely to have a negative impact either on a domestic or international basis. These may include countries with high levels of conflicts, countries under weapons embargoes and countries with a history of serious human rights violations.

To evaluate the impact of societal and domestic factors on a possible arms trade treaty the essay will take certain societal factors into account, like the importance of the

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<sup>42</sup> Dimitrov and Hall, 2012: 226

<sup>43</sup> Small Arms Survey, 2006: 67

small arms sector in terms of employment, public views on the matter in hand and other more general opinions, with a view to considering whether public views or events at the domestic level may in fact shape state views and behaviour internationally. It will also be assessed to what extent NGOs can help shape state and/or public views that then go on to impact other states' and institutions' positions.

The thesis will start (in Chapter 2) by establishing a theoretical framework, including the realist and constructivist theories that are to be tested against the SALW case. Chapter 3 will review the problems and issues that arise from the unrestricted flow of SALW on a global scale, both in strong and weak states. It will consider the matter in a broader North/South perspective and define different types of markets for small arms and light weapons. Chapter 4 then addresses those mechanisms that are already in place on various levels to control SALW and discusses recent international attempts to establish some sort of international regime regarding SALW, including the roles played by NGOs. It is complemented by a chapter summarizing and commenting upon the data that provides the basis for analysis. Following this is the sixth chapter where the different views of states like Sweden and the US on efforts for SALW regulation including an Arms Trade Treaty are discussed and possible explanations will be considered. The conclusions will return to and give a final view on the hypotheses set out at the start.

## **2. Theoretical framework**

In light of the research question and the hypothesis put forward in the previous chapter the thesis will make use of two major theories from the international relations literature, realism and constructivism. The coverage of these theories will be based mainly on the writings of Kenneth Waltz and Alexander Wendt, respectively, along with other, more recent, theories, i.e. regime theory, and theories on non-state actors, primarily NGOs. The relevance of this last issue is to establish whether other actors possess certain resources giving them a chance to influence states' interests and their relations with other states at a given point in time. The thesis will not focus on specific NGO actions as case-studies but rather on the behaviour of NGOs in general and their possibilities and limitations in a structure that is made up by states. The wide range of NGO types and activities means that there is no one theory on NGOs nor a body of NGO literature that can be fitted perfectly into mainstream theories.<sup>44</sup> In such instances certain theories encounter problems. When discussing non-state actors for the present purpose, a theoretical framework will be drawn from a variety of literature reflecting upon their role. Regime theory and theories of non-state actors are interconnected with constructivism, which takes their potential influence into account where realism sees them as irrelevant. Realism and constructivism contradict in their approach towards international relations and can be said to symbolize an older and newer way of approaching international relations and states' interaction, as discussed in the next chapter.

### **2.1 The foundations of realism and constructivism**

Realism and constructivism find themselves at different ends of the spectrum in most aspects. Their theoretical, ontological and epistemological foundations vary tremendously. The foundations of constructivism are rooted in what has come to be known as the third debate in International Relations. That debate revolved around rationalism and relativism and the necessity to challenge the positivistic foundations of classic international relations theory that realism bases itself on.<sup>45</sup> In this debate attention shifted more towards the field of thematic premises and assumptions.<sup>46</sup> Constructivism draws upon a reflectivism/relativism that is critical of applying the methods of natural sciences when seeking to explain international relations. Rationalists emphasize that there are certain phenomena that exists and will continue

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<sup>44</sup> Ahmed and Potter, 2006: 9

<sup>45</sup> Zalewski and Enloe, 1995: 298

<sup>46</sup> Lapid, 1989: 242

to do so regardless, meaning the ontology of the international system is fixed and only certain things can be analysed,<sup>47</sup> relativists maintain that certain things only exist because we have established an understanding of them.<sup>48</sup> Rationalists lean towards theories that are in essence problem solving and claim to be objective. These theories take the world as it comes, accept existing power relations and political structures, and do not doubt or question its foundations. Theories of this kind assume a level of stability. Reflectivists rely on a more interchangeable ontology and speculate over how the current order came about and whether existing power relations may be in the process of change. These theories are more normative in nature, and instead of focusing on establishing a causal relationship in a limited area, reflectivism tries to establish a bigger picture that accounts for whole and not just parts of the whole.<sup>49</sup> According to Joseph Lapid, we should allow for pluralism in the methodology of international relations instead of a one-size-fits-all scientific method such as rationalists like to apply.<sup>50</sup> These views are reflected in the writings of other scholars, e.g. Robert O. Keohane.<sup>51</sup>

Constructivists would align themselves with critical theorists. Critical theories do not deny the dominance of realism but intend to challenge it. The aim is to change the fundamental norms to alter the way that states think and behave by creating collective norms. States should think of themselves as a part of a bigger world picture. Humanitarian values and responsibility can be held in common within the state, i.e. among leaders and the general population.<sup>52</sup> While identity and interest formation is crucial to constructivists, these factors are seen as fixed by realism and are therefore not seen as significant in international relations.<sup>53</sup> Lastly the difference lies in the level of analysis between the two theories. Realism seeks to explain state behaviour by structure as an ontological fact, whereas constructivists see no ontological facts but rather that things exist because of the knowledge of the agents that construct the world.<sup>54</sup>

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<sup>47</sup> Aalberts and van Munster, 2008: 724-5

<sup>48</sup> Lapid, 1989: 242

<sup>49</sup> Cox, 1986: 208-9

<sup>50</sup> Lapid, 1989: 246

<sup>51</sup> See: Keohane, 1986 (1983)

<sup>52</sup> Mearsheimer, 1995: 38-9

<sup>53</sup> Wendt, 1992: 392-3

<sup>54</sup> Wight, 2006: 143

## **2.2.Realism**

Realism has been dominant in IR since its emergence in the 1940's.<sup>55</sup> One of realism's goals is to make the study of international relations more objective and scientific. International relations should build on the same principles as natural sciences.<sup>56</sup> The emphasis is placed explaining and predicting rather than understanding international relations.<sup>57</sup> By making causal theories about states' behaviour it is possible to predict and foretell how they will behave in the future. When faced with the same situation or a decision, states are likely to behave in the same manner. State preferences and behaviour are stable and relations characterized by a level of continuity, consistency and predictability in a stable system.<sup>58</sup> Realism has developed and had to adapt in some ways since but its essence remains: states act according to their interests. In Waltz's words: "The individual unit acts for itself." (Waltz, 1986 (1979)(a), p. 83)

### **2.2.1. Realism's approach to International Relations**

When investigating International Relations it is necessary to make a clear distinction between what happens internationally at the structure level and what happen within states, at the unit level. These are two separate and distinct domains. International politics and the interaction between states should not be entangled with domestic politics or internal factors within the state. For most realists this means that a country's ideology, political leaders and the institutional structure do not affect state behaviour or relations with other states. A state's behaviour is determined by its place in the state structure and is not affected by agency. A state is a property of the system itself.<sup>59</sup> The structure can change if capabilities are redistributed among its units.<sup>60</sup> In short this means that state agency is limited and states can be seen as string puppets whose interests are subject to the structure of the system. The structure of the international system ensures that it renders the same results even though the composition of units within the system may change. This is caused by the fact that the system is anarchic in nature, decentralized and without a government.<sup>61</sup> This anarchy limits trust and the willingness to cooperate even though states may have common

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<sup>55</sup> The theoretical framework bases mainly on neo-realism. The term realism will be used and no distinction will be made between realism and neo-realism.

<sup>56</sup> Hollis and Smith, 1990: 24

<sup>57</sup> Hollis and Smith, 1990: 45

<sup>58</sup> Grieco, 1997: 180

<sup>59</sup> Waltz, 1986 (1979)(a): 70-1

<sup>60</sup> Waltz, 1986 (1979)(b): 106

<sup>61</sup> Waltz, 1986 (1979)(a): 81

interests or gains from cooperation.<sup>62</sup> The structure shapes states' interests and thereby what happens at the unit level.<sup>63</sup>

This leads to the observation that all states are self-dependent and have to rely on their own efforts. Security and survival becomes their primary goal, and security becomes a necessary condition for other interests that a state may have.<sup>64</sup> When making decisions, national interest always comes first and outweighs the interest of any segment or group of society no matter how powerful it may be. This means that when deciding upon action, the decision maker - regardless of who that may be - will act on behalf of the interest of the nation-state, not segments of it.<sup>65</sup> Since states have the same interests and strive for the same things they are highly sceptical of each other's intentions and tend to worry about other states gaining leverage. A state always wants to gain more than its competitor. Gains are relative but never absolute. A state is not willing to give up some of its capabilities unless it is sure that it is relative compared to other states.<sup>66</sup> This results in a high level of distrust among states, so that the possibility of war is always present and the struggle for power comes to take up most of the state's efforts.<sup>67</sup> This sets boundaries for the possible cooperation between states.<sup>68</sup> The structure rewards certain forms of behaviour while it punishes others. Behaviour that produces material returns is most likely to bring results. Complying with the successful and accepted practices is likely to bring and keep a state at the top of the structure.<sup>69</sup>

### **2.2.2. Importance of other actors**

Realism acknowledges that states are not the only actors internationally, and others too can be important. However this does not mean that state-centric theories are obsolete. The state still sets the framework and determines how influential such actors are. As long as non-state actors do not have the capabilities of surpassing the major powers of the system no additional theory is needed to explain state interaction.<sup>70</sup> States decide whether to cooperate or commit to other actors in the system.<sup>71</sup> States have to control regimes and non-state actors, let them develop or reshape those that do

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<sup>62</sup> Grieco, 1988: 485

<sup>63</sup> Grieco, 1988: 488

<sup>64</sup> Waltz, 1986 (1979)(a): 85

<sup>65</sup> Grieco, 1997: 165-6

<sup>66</sup> Waltz, 1986 (1979)(b): 101

<sup>67</sup> Mearsheimer, 1995: 9

<sup>68</sup> Waltz, 1986 (1979)(b): 103

<sup>69</sup> Waltz, 1986 (1979)(a): 86

<sup>70</sup> Waltz, 1986 (1979)(a): 88-9

<sup>71</sup> Waltz, 1986 (1979)(a): 90



not fit their interests at a given time.<sup>72</sup> It is primarily up to states with great capabilities to deal with those tasks needed for the world's survival. Only nations have the agency to deal with and tackle global problems. The hope that ideology and awareness would change international life is optimistic, although the intention may be good. The only thing that can change states' behaviour is a structural change.<sup>73</sup> The possibilities for cooperation are limited by the insecurity and anarchy built into the system, and according to Waltz this also limits the possible extent of arms agreements and of the jurisdiction of international organizations.<sup>74</sup> In strict realist logic, since arms regimes and agreements limit state capacity, they should be virtually non-existent. The powers/capabilities of states may have negative affects for weaker states, since the difference in capabilities may discourage weaker states from voicing their claims least when they bring negative consequences.<sup>75</sup>

### **2.2.3. Importance of position**

Major states are the most important actors in the system and they therefore define the structure.<sup>76</sup> Any form of cooperation is always on these states' terms and to their advantage.<sup>77</sup> The most powerful states define the structure of international politics and set the scene for everyday affairs. Military power and economic powers are the most valuable capabilities and are interdependent: economic means are used for political and military goals and political means are used to advance economic interests.<sup>78</sup> Rank/status in the system is also dependent upon other factors like population, territory, resources, stability and competence.<sup>79</sup> These factors largely determine power and thereby status in the structure. Most states seek not to maximize their power but to retain their position. Their position in turn comes to affect their behaviour.<sup>80</sup> Although traditional interstate wars have been rare since the end of the Cold War this does not mean that realism has become irrelevant as a theory. States are still in competition with each other but in different spheres such as the economy and military preparedness.<sup>81</sup> Positional status and superiority is still of vital importance vis-à-vis other states. The focus may simply have switched to other areas than before, like economics. Economic means can be used to promote other factors of vital importance

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<sup>72</sup> Waltz, 1986 (1979)(a): 88

<sup>73</sup> Waltz, 1986 (1979)(b): 107-8

<sup>74</sup> Waltz, 1986 (1979)(b): 114

<sup>75</sup> Waltz, 1986 (1979)(b): 111

<sup>76</sup> Waltz, 1986 (1979)(a): 89

<sup>77</sup> Mearsheimer, 1995: 11

<sup>78</sup> Waltz, 1986 (1979)(a): 89

<sup>79</sup> Waltz, 1993: 50

<sup>80</sup> Waltz, 1986 (1979)(b): 128

<sup>81</sup> Grieco, 1997: 180

to the state, e.g. security.<sup>82</sup> Economic interests and competition have come to take the place of security interests.<sup>83</sup> According to Waltz economic capacity is a necessary condition for a state to be able to maintain its leading role.<sup>84</sup> Therefore minimizing dependency and maximizing their economic welfare may now be among the primary interests of states.<sup>85</sup>

According to realism, those international organizations and regimes that exist reflect the distribution of power and are based on the interests of the great powers.<sup>86</sup> In this context, a higher positioned state that possesses more capabilities may be less eager to cooperate or join a regime where it sees potential limits on its own capabilities. States positioned lower are however more willing to join regimes or cooperate since they are likely to experience less restraint on their capabilities but gain proportionately more since their relative position vis-à-vis the hegemonic states is improved. If this theory is applied to a small arms and light weapons regime, it could be concluded that the US reluctance is caused by a relative gains problem, where it is likely to have to give up the most compared to other states.

### **2.3.Constructivism**

Constructivism is concerned primarily with identity and interest formation.<sup>87</sup> Where liberal theories see the structure as fixed constructivists see it interchangeable and socially constructed. Where realisms see state interests as fixed, constructivism sees societal factors as major contributing factors in determining state behaviour.<sup>88</sup> Like other critical theories, constructivism takes non-structural factors into account when explaining state behaviour. Norms, identities and meaning created by language are incorporated into constructivism.<sup>89</sup> According to constructivists the identities and interests of actors are created by society. According to those ideas states redefine their interests over time and state behaviour can and does vary. Ideas and interests are shaped by a discourse that is not fixed but changeable, therefore everything, including interests and ideology is subject to change.<sup>90</sup> How the world is experienced is largely

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<sup>82</sup> Waltz, 1993: 59-60

<sup>83</sup> Waltz, 1993: 66

<sup>84</sup> Waltz, 1993: 63

<sup>85</sup> Baldwin, 1993: 7

<sup>86</sup> Mearsheimer, 1995: 7

<sup>87</sup> Wendt, 1992: 393

<sup>88</sup> Mearsheimer, 1995: 15

<sup>89</sup> Ruggie, 1998(a): 884

<sup>90</sup> Mearsheimer, 1995: 41

dependent on interactions with others and the actions they take. This implies that experience and views towards the surrounding environment are not fixed and behaviour can be changed/adjusted according to how other actors are understood and experienced at a given time. Identities and interests are shaped by the social context,<sup>91</sup> ideas, discourse and even experiences shape the world of humans' perceptions. Since language is only within the reach of individuals, they are primarily responsible for shaping interactions between states.<sup>92</sup> People act according to the meanings objects have for them. State interaction depends on previous experience with that particular state rather than its position in the structure. A country that has been subject to an attack will behave differently towards the attacker than other states.<sup>93</sup>

### **2.3.1. Devaluing the importance of structure and position**

Constructivism goes one step further than previous theories and diminishes the importance of structure as an explanatory variable for state behaviour. Constructivists do not deny the presence of structure but does not see it as a natural unchangeable phenomenon: it is socially constructed rather than being an ontological fact.<sup>94</sup> The normative elements and identities that shape state interests and behaviour can originate from domestic or international factors.<sup>95</sup> States make their circumstances.<sup>96</sup> Structural change is ultimately caused by changes at the unit level.<sup>97</sup> Constructivists claim that ideas and language can affect and change the preferences of actors in the system. Ideological power and influences, rather than just material capabilities, impact upon politics – meaning that system level and unit level factors are both influential. According to constructivism, states' objectives are not known beforehand but they become clear and gain meaning through social acts, interpretation, gesture and signalling.<sup>98</sup> Therefore it cannot be assumed that all states are self-interested unless some previous behaviour or signalling on their behalf gives reason to.

### **2.3.2. Emphasizing the importance of norms**

The uniqueness of constructivism resides in its emphasis on agency, not structure. Agency belongs to individuals that can have ideas or beliefs that shape interests or identity through a common understanding or values. A sense of collective intentionality that is a collective framework shaped by concepts, rules or ideas gains

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<sup>91</sup> Guzzini, 2000: 148-149

<sup>92</sup> Mearsheimer, 1995: 40

<sup>93</sup> Wendt, 1992: 397

<sup>94</sup> Guzzini, 2000: 165

<sup>95</sup> Ruggie, 1998(a): 864

<sup>96</sup> Ruggie, 1998(a): 877

<sup>97</sup> Grieco, 1997: 179

<sup>98</sup> Wendt, 1992, 405

meaning through sharing. Concepts like sovereignty gain meaning through a collective intentionality of people who have agreed on the meaning of the concept. Understanding of these concepts can in turn affect how a state perceives itself. This applies not only within states but also in relations between states. At state level it appears that states today are increasingly developing a common understanding of concepts, e.g. concerning human rights. Individuals seem to have developed a collective understanding that these rights are conditional only upon being a human being, a principle that in turn is reflected in the relations between states.<sup>99</sup> If no collective intentionality existed creating common values the conduct of international relations would not be mutually comprehensible. A collective intentionality can lead to the fact that states have to limit their self-interested behaviour or it can create some rights and responsibilities that are not determined by the leading powers of the system.<sup>100</sup> This implies that even states, which do not possess capabilities in the traditional realist sense, can nonetheless possess power when it comes to creating norms among states. What a state conceives as interests at a given time depends on its self-image/identity. This means that interests can be defined differently and a state can have several identities at a given point in time. Those identities are not inherent to the state but build on the collective ideas of the actors about themselves, other actors and the structure of society. Identities and roles connected to those identities are a prerequisite for building interests.<sup>101</sup> Identities and interests are reproduced through practice.<sup>102</sup> The self-sense of a nation impacts the choices it makes which in turn can work towards strengthening that self-sense or image. Sweden's running for the UN Human Rights Council is a prominent example of this interplay.

## **2.4. New emerging international system?**

The end of the Cold War marked a new beginning for both political science and international relations theory. Although the end of the bipolar balance shattered some of realism's premises it cannot be said to have undermined realism altogether. This may in part be due to the fact that there was no clear successor in place and though there have been many theories that have made important contributions, no theory appears yet to have stolen realism's crown. Even so, its foundations would need to be premised on other pillars than before.

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<sup>99</sup> Ruggie, 1998(a): 870

<sup>100</sup> Ruggie, 1998(a): 879

<sup>101</sup> Wendt, 1992: 398-9

<sup>102</sup> Wendt, 1992: 411

It is clear that things have changed since realism was at its prime. Firstly the number of states in the international structure has grown enormously. Secondly the challenges facing states are of a different nature than before. States now pose little danger to each other and the number of interstate wars has decreased rapidly. Wars are now increasingly fought within states. The danger that states now face is mainly due to factors that can only, at best, be controlled to a limited extent. These are issues of environmental character, terrorism, population growth, development, epidemics, political instability that may lead to collapse or state failure and so on.<sup>103</sup> This goes against the conventional realist understanding since the states that have limited capacities may now pose the greatest danger to the order of the international system, rather than vice versa. All these issues can have tremendous effects on single states and the state structure as a whole. It is evident that these problems can hardly be resolved on a state-to-state basis. These problems have the possibility to transcend traditional geographical boundaries, which makes them hard for a single state to deter.<sup>104</sup>

States' actions have a collective dimension, so that decisions made in one country can and affect others, and this collective dimension to state behaviour is further magnified by globalization.<sup>105</sup> Without spending too much time on defining a now widely embraced concept, globalization may be said to involve the diminishing importance of distance on a global scale mainly through thickening of environmental, economic and social networks, and it has implications for all these spheres. Globalization as such is not new, but the intensity of it has changed.<sup>106</sup> Today's increased interdependence means that what happens in one corner of the world spills over and influences other corners of the world due to improved technology, improved shipping and travel routes and the flow of people, goods and finance. Rosneau claims that in the light of such changes, it is no longer useful to make a distinction between the domestic and the international. The dichotomy should rather be global/local.<sup>107</sup> In his understanding, globalization has the possibility to end up as a phenomenon where social relations are characterized by placeless, borderless and distanceless qualities.<sup>108</sup> Globalization does change previous features of the international structure but it does not replace them altogether. Important in this aspect is the ambiguity of globalization:

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<sup>103</sup> Mathews, 1997: 51

<sup>104</sup> Krahmann, 2005(a): 7

<sup>105</sup> Ruggie, 1998(b): 49

<sup>106</sup> Keohane, 2001: 1

<sup>107</sup> Rosneau, 2000: 11

<sup>108</sup> Rosneau, 2000: 12-13

it maximizes opportunities for states while simultaneously maximizing risks and insecurity.<sup>109</sup>

Increased globalization calls for a collective cooperation between states.<sup>110</sup> There is a degree of interdependence that exists between institutionalization and globalization and they can be seen to enforce and supplement each other. States prefer working on a bilateral basis, but some objectives are unachievable without collective arrangements.<sup>111</sup> Cooperation between states has as a result become increasingly institutionalized. Cooperation is founded on adherence to the norms and rules the institutions are founded on.<sup>112</sup> Institutionalization directs states' behaviour in one direction rather than all the other theoretically possible alternatives.<sup>113</sup> This is commonly done through regimes and/or the rules and proceedings of international institutions. Despite being global in character, the problems facing states will not be solved unless each state takes up and implements domestic measures according to the collective arrangement of that regime or institution.<sup>114</sup> Institutions can create new norms among states or enforce and strengthen already existing norms by creating a framework around them.<sup>115</sup> The collective arrangements that institutions pursue also serve to create common values between states. Increased globalization and institutionalization has also benefited NGOs since institutions and summits give NGOs a target and a platform to advance their efforts. Treaties and declarations emerging from these international processes set standards for states and give NGOs a benchmark which they can use to compare and challenge the actual behaviour of states, as a basis for mobilizing public opinion.<sup>116</sup>

The end of the Cold War and increased globalization have triggered an increasing attention to humanitarian values. The citizenry is more aware, more active and morally engaged in what takes place elsewhere and demands the articulation of global norms.<sup>117</sup> In 1994 the notion of Human Security was advanced by the UN Development Programme, which put the individual at the forefront when addressing matters of security.<sup>118</sup> In 1991 the UN Security Council approved a Resolution that

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<sup>109</sup> Coker, 2002: 20-1

<sup>110</sup> Milner, 2009: 19

<sup>111</sup> Ruggie, 1998(b): 55

<sup>112</sup> Milner, 2009: 19

<sup>113</sup> Ruggie, 1998(b): 54

<sup>114</sup> Ruggie, 1998(b): 144

<sup>115</sup> Mitchell, 2009: 79

<sup>116</sup> Florini, 2000: 224-5

<sup>117</sup> Coker, 2002: 27

<sup>118</sup> Coker, 2002: 52

legally allowed other nations to intervene in a state's internal affairs for humanitarian purposes, for example to build refugee camps and to demand that the state in question allow foreign aid agencies to operate within its territory. This resolution marks the beginning of so-called humanitarian interventions, of which many examples have followed since. It also added heat to the debate on state sovereignty versus human rights, which has been on going up to the present. The UN Secretary-General at the time, Javier Perez de Cuellar, emphasized that there was a shift in world public opinion whereby human rights should be seen as superior to the arbitrary boundaries of a map.<sup>119</sup>

Since then humanitarian interventions have become relatively common and the concept of sovereignty is interlinked with a humanitarian obligation.<sup>120</sup> Human rights and humanitarian values are becoming increasingly connected with sovereignty in international contexts so that the latter is often conditioned upon complying with basic human rights.<sup>121</sup> This view has been further strengthened within the UN, e.g. in Kofi Annan's report in a larger freedom, issued in 2005 where the concept of 'responsibility to protect' was proposed for UN adoption.<sup>122</sup> Overall, this new system calls for different approaches to shaping international norms and decisions, where non-state actors, first and foremost NGOs, given their expertise may be assigned a larger role than before.<sup>123</sup> Non-state actors and international cooperation through international regimes will be discussed further in the next two sections.

## **2.5. Non-state actors**

As pointed out by scholars and academics, the role of non-state actors in international relations seems to be expanding as never before. Non-state actors can be grouped into private actors, with benign or malign intentions, and international organizations. The former group, which is the matter of concern in this context, includes e.g. companies, charities, pressure groups, national or transnational networks and non-governmental organizations whether working on a local or global scale. Non-governmental organizations can address matters of international concern in cooperation with governments or independently.<sup>124</sup> Non-state actors can have or promote objectives

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<sup>119</sup> Gallant, 1992: 881-3

<sup>120</sup> Small Arms Survey, 2002: 177

<sup>121</sup> Holsti, 1995: 78

<sup>122</sup> United Nations, no year

<sup>123</sup> Krahmann, 2005(a): 8

<sup>124</sup> Krahmann, 2005(a): 8

that counter state objectives and be seen as illegitimate actors. Such non-state actors are commonly viewed as a part of transnational global problems given their proven and growing capacity for engagement in terrorism, intra-state conflicts or drug trafficking. On the other hand certain non-state actors, i.e. NGOs can also play a pivotal part in combating these problems. Here NGOs will be defined narrowly, as actors with benign intent that work to relieve suffering, promote certain interests - often related to particular groups or segments of society - or deliver services to those in need.<sup>125</sup> The focus in related studies has to a large extent been on the role of NGOs in international development and service delivery, on how NGOs have influenced international development assistance, and the effects of NGOs on the recipient state.<sup>126</sup> Here the focus will be on two particular types of non-state actors, international NGOs advocating for an arms trade treaty, and to a lesser extent companies involved in the production of small arms and light weapons domestically.

Multinational companies (MNCs) have been gaining increased attention within the field of international relations, but there seems to be little focus on domestic companies and their potential for influencing states by their impact on the domestic level, which can be important from a constructivist viewpoint. Companies link the state and society in a certain way; they create revenues for the state and provide employment. This should open up the possibility to influence states. The objective is to investigate whether these non-state actors are influential on other areas and see if they have the potential to (re)shape or affect states' interests or behaviour in relations with other states.

### **2.5.1.Fitting NGOs into International Relations Theory**

The role of NGOs is seldom discussed in or integrated into mainstream and classic international relations theory. By and large, this has to do with the dominance of realism in IR theory and its state-centric approach.<sup>127</sup> The difficulty of fitting NGOs within traditional International Relations theory is in many ways understandable, since their position is somewhat unique. First of all they do not possess the status or resources of states. They do not possess sovereignty or territory nor do they have the economic power that many companies are able to use as leverage vis-à-vis the state.<sup>128</sup> NGOs do

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<sup>125</sup> Duke University Libraries, 2007

<sup>126</sup> See e.g. Ahmed and Potter, 2006, ch. 6 pp. 101-124

<sup>127</sup> Ahmed and Potter, 2006: 9-10

<sup>128</sup> Ahmed and Potter, 2006: 11



not want to join the international society of states as equal entities<sup>129</sup> but many want to have an impact on the international society.

According to realism NGOs are of little importance, for NGOs are only influential up to the point that states allow them to be.<sup>130</sup> Other, later emerging theories, like constructivism have given more room for other actors than states, while emphasizing that NGOs do not possess the same traditional powers that states do. They can nonetheless shape the interests and behaviour of states through their influence on discourse, informative measures and communication.<sup>131</sup> NGOs can affect the views of the individual, which can in turn affect the state action. There are those who like to maintain that NGOs have played a leading role in changing popular views and thereby driving states to re-think their approaches, making them lean more towards ethics than interests.<sup>132</sup>

NGOs are by definition undemocratic, since they are not elected or are not accountable to democratic processes in any way.<sup>133</sup> Despite this it seems that NGOs are strengthening their position and becoming a chosen political platform for many individuals, perhaps at the cost of traditional party politics. In Moses Naím's opinion the appeal of NGOs resides in several factors. Firstly they represent a few, clearly defined ideological goals; they are more globally inclined and have an international agenda; they are less hierarchical in nature and often more transparent and less corrupt than traditional governments.<sup>134</sup> Political identities are becoming less linked to territories,<sup>135</sup> and NGOs give the electorate a chance to pick and choose a field that fits their interests.

### **2.5.2 The role of NGOs and limitations to that role**

In his 1998 article P.J. Simmons proclaims that NGOs can hardly be kept out of the international system altogether. The consequent challenge is how to incorporate NGOs into the system so that their knowledge and expertise can be used in a constructive way. According to Simmons NGOs are moving into new spheres by addressing issues like arms control that have previously only been in the realm of the state. NGOs have the possibility of affecting governments, institutions and corporations in four ways. Firstly they have the ability to identify or bring issues on to

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<sup>129</sup> Holsti, 1995: 65

<sup>130</sup> Rutherford, 2000: 108

<sup>131</sup> Ahmed and Potter, 2006: 14-15

<sup>132</sup> Chandler, 2004: 59

<sup>133</sup> Jarvik, 2007: 220

<sup>134</sup> Naím, 2002: 100

<sup>135</sup> Mathews, 1997: 62

political agendas. NGOs encourage and mobilize people and politicians to take action. NGOs use their expertise; networks and ever-growing communication channels to seize the attention of the public and politicians and thereby increase the pressure to take action in certain matters.<sup>136</sup> Their capacity for the formation of an international public opinion creates a new force globally that can be extraordinarily influential in getting things done.<sup>137</sup> Secondly they negotiate outcomes. NGOs can be of great importance when it comes to designing international treaties and related regimes. They provide advice and expert understanding in the matters being addressed, e.g. environmental challenges. Their neutrality can also give them a certain advantage that can help them participate in or initiate negotiations between parties. Thirdly they can confer a level of legitimacy. NGOs can play a key role in promoting or retaining public and political support. Fourthly they have the possibility of implementing solutions. When it comes to implementing, mainstreaming and adhering to international treaties, human rights NGOs have been instrumental for example in pointing out violations that are often disregarded by governments.<sup>138</sup> Holsti (1995) puts forward a similar framework for non-state actors in general but additionally mentions lobbying and working for solutions through direct action.<sup>139</sup>

Powerful state actors are typically cautious in their approaches to NGOs, reluctant to share their space with NGOs and may in some instances see them threatening their sovereignty. Though NGOs have the possibility to advance certain matters and bring results their impact can also be negative. According to Simmons there is also the risk that NGOs begin to participate in traditional interest-group politics, which may aggravate political gridlocks rather than being part of the solution. Since NGOs can no longer be overlooked, the question rather revolves around how NGOs will be incorporated than on whether they will be.<sup>140</sup> NGOs find themselves on a competitive market and have to compete for funding while at the same time they may run the risk of having to compromise their ideology.<sup>141</sup> Resource issues can pressure NGOs towards approaches that sacrifice ideology for methods of survival to keep their operations going. In this sense and in a realist light NGOs are to some extent like states, competing to survive on a global market place. NGOs are subject to a cycle that requires gaining and mobilizing public attention and hopefully that way receive

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<sup>136</sup> Simmons, 1998: 83-4

<sup>137</sup> Mathews, 1997: 64

<sup>138</sup> Simmons, 1998: 86-7

<sup>139</sup> Holsti, 1995: 64

<sup>140</sup> Simmons, 1998: 82-3

<sup>141</sup> Glennie, 13 March, 2012

increased funding. This means focusing on matters that catch public opinion mainly in the North<sup>142</sup> - the principal source of funds - rather than what may be most urgent from the South's perspective. Many NGOs use states and the infrastructure created by them as targets to bring attention to their causes and advance their interests.<sup>143</sup> Some have argued that NGOs have thus become so over-preoccupied with the mechanics of pressuring governments (which in many instances are also donors) that they lose sight of their initial purpose.<sup>144</sup> Anderson (2000) points out that NGOs operate on a horizontal basis rather than vertical, i.e. their legitimacy is not bottom-up and they do not represent the world-population they claim to serve. NGOs are according to Anderson a platform where the international elites can discuss their own concerns.<sup>145</sup>

Recent developments seem to support statements regarding the growing impact and abilities of NGOs at the international level. The role of NGOs in the process of banning landmines, resulting in the Ottawa Treaty on anti-personnel mines, illustrates the power potential of NGOs versus the state. In that case it is considered that NGOs were able to get the matter on the agenda by premising the debate on humanitarian aspects, thereby gaining media and public attention<sup>146</sup> and encouraging the public to participate more in the discourse.<sup>147</sup> At that stage states could hardly choose to ignore the matter. This corresponds well with the assumptions of constructivism and the discourse interplay that takes place between state and society. It can be said that in this instance a common, shared understanding, a form of collective intentionality,<sup>148</sup> on the inhumanity of landmines was created and influenced the formation of a treaty. The success of the Ottawa process is however not so straightforward that it can be ascribed to NGOs alone. Being a small proportion of the munitions sector, the economic importance of landmines for arms producers was minimal. The decision to ban landmines was at a low cost to states themselves, since the likelihood of war among major suppliers was implausible and the products were technologically out of date.<sup>149</sup> The matter was also advanced by certain states and regional organizations, e.g. Canada and the European Union, particularly the smaller states to begin with.<sup>150</sup> The more powerful states, e.g. France and the UK, changed their position along the

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<sup>142</sup> Pearce, 2000: 23

<sup>143</sup> Florini, 2000: 224

<sup>144</sup> Pearce, 2000: 22

<sup>145</sup> Anderson, 2000: 118

<sup>146</sup> Rutherford, 2000: 77

<sup>147</sup> Rutherford, 2000: 98

<sup>148</sup> Concept from Ruggie, 1998(a): 870

<sup>149</sup> Anderson, 2000: 106-7

<sup>150</sup> Long, 2002: 431

way.<sup>151</sup> Shortly before the treaty was signed the EU took a common position on the matter and member states committed to signing the treaty.<sup>152</sup> This was largely due to campaign pressure where a humanitarian norm that originally was only supported by a fragment of the Union won over more traditional norms.<sup>153</sup> Finland however chose to remain outside the treaty so that it could stockpile and rely on landmines for its own border security until an alternative technology was in place. As a EU member Finland is meanwhile bound by the common position and cannot transfer or produce landmines.<sup>154</sup> In this instance it can be questioned whether humanitarian norms did in fact prevail over security concerns since Finland chooses to rely on landmines for security.

NGOs increasingly make their own way, by establishing and implementing norms that gain public recognition and adherence. Public opinion and public awareness can put pressure on governments or private parties to act on certain matters or to change their previous methods.<sup>155</sup> This view is supported by Jessica Mathews who says that “Even the most powerful states find the marketplace and international public opinion compelling them more often to follow a particular course.” (Mathews, 1997: p. 50)

### **2.5.3. The NGO–State relationship**

The increasing role of NGOs is discussed further by Mathews (1997). She goes so far as to declare the Westphalian structure of power has come to an end. States are no longer the only actors in the system and have to come to terms with the fact that they will have to share their powers with a variety of actors. The role of NGOs is ever growing. Mathews also brings attention to the fact that the concept of security itself has shifted. It is no longer based on realist notions of state capacity and military strength but rather focuses on the security of the individual. Individual security does not necessarily stem from the state’s security or even from the state's actions generally. Basic needs like food, shelter and water can be lacking even though the state as such is secure.<sup>156</sup>

NGOs now have the possibility to put pressure on governments in matters that have previously been handled by the state. By using public opinion NGOs can put pressure

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<sup>151</sup> Long, 2002: 433

<sup>152</sup> Long, 2002: 437

<sup>153</sup> Long, 2002: 444

<sup>154</sup> Long, 2002: 438-9

<sup>155</sup> Simmons, 1998: 87-8

<sup>156</sup> Mathews, 1997: 50-52

on governments where they operate.<sup>157</sup> NGOs have managed to make their way into several international negotiations and into the day-to-day operations of several intergovernmental organizations, like the UN ECOSOC, taking advantage also of changing state priorities and accountability measures.<sup>158</sup>

States and NGOs can supplement each other and cooperate or they can work against each other.<sup>159</sup> States can use NGOs as facilitators, e.g. for delivering services<sup>160</sup> or advancing views or norms that states cannot do themselves. States may also use NGOs to their advantage by having them take on projects that the state is either unwilling or unable to take on,<sup>161</sup> something that underlines the difference in the level of accountability between NGOs and states. NGOs may not have the legitimacy of governments, but since there is no clear chain of command from the public to NGOs they have greater freedom of action than most governments.<sup>162</sup> This may lead states to use NGOs for working on sensitive and novel assignments or for indirectly mobilizing public views in their interest. As previously mentioned NGOs are dependent on funding and many NGOs, though with varying degrees of dependence, receive subsidies from states.<sup>163</sup> As already noted, this is one obvious way for states to exert some influence over NGOs.

States remain the only involuntary units in the world system, with certain exclusive powers as taxation; imposing order; and fulfilling certain welfare and infrastructure duties, as well as making international alliances and treaties.<sup>164</sup> These duties secure the nation state from coming obsolete or unneeded but the emergence of other actors and new problems may have shaken their foundations. As noted, new transnational problems require increased cooperation and expertise, but at the same time states remain concerned about how the increased reliance on and participation of other actors will affect them and their sovereignty. The natural preference of most states is to accept cooperation to a certain degree as long as there is no interference into their domestic affairs.<sup>165</sup> Interference in domestic affairs may nevertheless be unavoidable and has already gone to great lengths in the more tightly integrated regions, notably the European Union.

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<sup>157</sup> Mathews, 1997: 54

<sup>158</sup> Mathews, 1997: 56

<sup>159</sup> Ahmed and Potter, 2006: 57

<sup>160</sup> Ahmed and Potter, 2006: 62

<sup>161</sup> Ahmed and Potter, 2006: 54

<sup>162</sup> Florini, 2000: 232-3

<sup>163</sup> Ahmed and Potter, 2006: 61

<sup>164</sup> Mathews, 1997: 64-5

<sup>165</sup> Mathews, 1997: 58

At the non-state level, NGOs also increasingly have the power to bring attention to matters that can come to affect domestic policies. In determining the consequences, the traditional powers and status of a state can be relevant. Great powers are more likely to be affected by domestic events and foreign policy decisions elsewhere in the world than minor powers that have limited interests in other regions and can therefore ignore trends in other regions to a larger extent.<sup>166</sup> This need not undermine the nation-state system. NGOs may in fact, by creating solutions to problems that governments alone cannot handle, be helping the state-based order to survive amidst new globalized conditions.<sup>167</sup> Similarly, while EU member states face intrusion to domestic spheres, membership also provides them with areas for activism that can in turn serve to strengthen their image. The interaction of these two new contexts may be seen in the processes leading up to the EU's Code of Conduct on arms exports where Sweden, mostly along with other smaller members of the EU, participated in seminars organized by NGOs. This was done with a view to building consensus among NGOs and governments so that the sympathetic governments could rally other EU members to join the cause. This also allowed these states to get transnational support for their position<sup>168</sup> and lastly to make progress in getting the larger states on board. This served to strengthen Sweden's image overall as a supporter of peaceful international relations.<sup>169</sup>

## **2.6. International Regimes and Regime theory**

The concept of an international regime implies the on going interaction between states within a given area.<sup>170</sup> There does not seem to be total agreement upon what constitutes a regime. In its widest understanding it implies a form of cooperation between states grounded on common principals, norms or procedures in an area where states have common expectations. Regimes aim to control certain forms of behaviour and limit possible consequences from that behaviour.<sup>171</sup> Regimes build on different foundations and can be institutionalized but also exist without an institutional framework. Regimes rely on cooperation between parties to the regime and states give up independent decision making powers with in that specific area.<sup>172</sup> Regimes strive

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<sup>166</sup> Holsti, 1995: 254-5

<sup>167</sup> Mathews, 1997: 65

<sup>168</sup> Anders, 2005: 185-6

<sup>169</sup> Anders, 2005: 184

<sup>170</sup> Stein, 1993: 29

<sup>171</sup> Krasner, 1982: 186

<sup>172</sup> Stein, 1993: 46

for predictability and regularity in state behaviour.<sup>173</sup> Although regimes need not necessarily be grounded upon an institutional framework they are more than just temporary arrangements, which use one-off measures to maximize short-term interests. Rather, regimes establish a level of commitment and reciprocity among states that reduces the importance of short-term interests. The aim is to create a level of stability and predictability in state behaviour.<sup>174</sup>

Regimes are interesting because they establish a platform where states and non-state actors interact and cooperate. In many instances non-state actors and NGOs have played crucial roles when it comes to establishing new international regimes.<sup>175</sup> Realism and constructivism account for state participation in international regimes very differently. According to realism states create or join international regimes for the sake of their own leverage.<sup>176</sup> States mainly join regimes to enhance their capabilities. A state's position within the structure shapes its views towards cooperation. According to realism cooperation is difficult both to achieve and maintain.<sup>177</sup> A state that believes its relative gains will suffer by entering a regime or institution is likely to leave or limit its commitment to that regime.<sup>178</sup> This does not necessarily reflect the actions or behaviour of other states within the regime but rather the fear that a state is giving up proportionally more in comparison to other states in the regime and that this may threaten its position in the international structure.<sup>179</sup> For constructivists the relationship between a state and a regime is more interdependent. The changing values and ideology of actors can create regimes or shape the existing ones.<sup>180</sup> The knowledge embedded in regimes can alter states' preferences and interests along the way. Regimes do not just reflect the existing power structure but can also be structures with a more social and socializing purpose.<sup>181</sup>

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<sup>173</sup> Haggard and Simmons, 1987: 493

<sup>174</sup> Krasner, 1982: 187

<sup>175</sup> Ahmed and Potter, 2006: 11

<sup>176</sup> Mearsheimer, 1995: 13

<sup>177</sup> Baldwin, 1993: 5

<sup>178</sup> Grieco, 1988: 499

<sup>179</sup> Grieco, 1988: 487

<sup>180</sup> Haggard and Simmons, 1987: 499

<sup>181</sup> Haggard and Simmons, 1987: 510

### 3. Identifying the Problem

It is estimated that around 600 million small arms are circulating in the world and their impact is extensive.<sup>182</sup> The Small Arms Survey estimates this number to be even larger, around 800-900 million,<sup>183</sup> and around 8 million new units are produced annually.<sup>184</sup> The implications of this increased SALW availability are felt almost everywhere, although differently from region to region and country to country.<sup>185</sup> Second hand weapons and the durability of small arms and light weapons are especially problematic. In addition to the millions of new weapons produced every year there are abundant stocks of weapons in circulation: meaning that nearly every country is a potential supplier,<sup>186</sup> even though they are not producers of small arms or light weapons. This is part of the problem to be dealt with. In many instances and regardless of a state's position, there seems to be a prevalent fear that destroying weapons will damage security. This means that small arms and light weapons do not get destroyed in the quantity they should and as a result these weapons make their way back onto the market.<sup>187</sup>

The approaches to SALW control discussed above tend to focus on the impact of SALW from a developmental/conflict perspective. It must also be acknowledged that small arms and light weapons cause substantial harm in non-conflict, developed and western societies. However, incidents like suicide, homicide and robberies are more an issue of domestic gun control than international gun control and will not be further analysed here. As argued below, while including some very serious incidents, they are unlikely to have effects outside of the home state's borders. As this thesis has a more international focus it will concentrate for the most part on issues related to the diffusion of small arms and light weapons where their repercussions are likely to be global in character.<sup>188</sup> The next sections provide more detail on the different roles and perspectives towards this international challenge that typically belong to weak states, and to strong states, respectively.

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<sup>182</sup> Krahmann, 2005(a): 6

<sup>183</sup> Small Arms Survey, no year

<sup>184</sup> United Nations Office for Disarmament Affairs, 2012

<sup>185</sup> Greene, 1999

<sup>186</sup> Bourne, 2005:159

<sup>187</sup> Greene, 1999

<sup>188</sup> Greene and Marsh, 2012(b): 85



### 3.1. Weak states

The strength of states cannot solely be measured in traditional realist terms, like military, economy and population. Weak states tend to be characterized by the absence of effective government, lack of basic services and infrastructure; the state's monopoly of force tends to be threatened and it does not have effective control of its territory. However, a state can be somewhat effective and maintain relative control in many of these aspects while still being considered weak.<sup>189</sup> This means that governance in weak states tends to be unstable and incidents that would not be of concern elsewhere can pose serious threats to weak states.

As opposed to heavy weapons' proliferation it is in the hands of weak states that SALW accumulation poses the greatest threat. Small arms are most likely to be misused in weak states either by security forces or non-state actors.<sup>190</sup> The possibility for non-state actors to acquire weapons, on black or grey markets, can pose serious threats to the state's survival. Certain non-state actors that feel they have claim to a share in government, resources or geographical area can acquire and use small arms and light weapons to challenge state control over these assets and functions. More often than not this grows into long-lasting disputes and civil wars, where the repercussions are multiplied. It is safe to say that the availability of weapons magnifies violent situations or structures, as well as the extent and duration of violence<sup>191</sup> and increases the lethality of these kinds of conflicts. The wide availability of SALW can lead to insecurity that in turn leads to a greater demand for weapons, also for personal protection.<sup>192</sup> It is also likely that the state's inability to control legitimate uses of violence<sup>193</sup> undermines its legitimacy further and drives increasing numbers of people to turn to insurgent groups for security, thereby strengthening the latter's positions vis-à-vis the government and creating a conflict cycle that may be hard to break.

The proliferation of SALW tends to have even more implications for weak states within the wider, multi-functional definition of security, often due to high death and injury rates that can be traced to the use of such weapons. The proportion of those injured tends to be high and leads to increased strains and cost on the health

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<sup>189</sup> Rotberg, 2004: 15-16

<sup>190</sup> Greene, 1999

<sup>191</sup> Bourne, 2005: 157

<sup>192</sup> Kreutz, Marsh and Torre, 2012: 66

<sup>193</sup> Greene and Marsh, 2012(c): 165

system,<sup>194</sup> or the system may in fact be so weak that it cannot handle the magnitude of such injuries, leading to unnecessary suffering, disability and death. High levels of injury and deaths have a negative impact on the economy as younger people tend to be victims and productivity is lost.<sup>195</sup> Conflicts and a high level of armed violence also reduce the level of foreign investment within a country and are likely to result in a decline in overseas development assistance. Government spending on security has to be increased, reducing investments in other services, e.g. education, which is likely to have long-term effects on development.<sup>196</sup> The estimated loss of GDP due to civil conflict tends to be estimated somewhere from 2-10%.<sup>197</sup>

The ability of weak states to control the overall flow and non-legal diversion of SALW is limited. The first problem is that the capacity of these states to maintain effective control over their borders is often limited because trained and equipped law enforcement officers and public officials are scarce. Even in instances where some sort of regulation is in place it is difficult to implement. Many countries share large borders with several states so maintaining effective control is complicated and very costly. This, along with the high level of corruption that is often prevalent in weaker states, makes them ideal as transit states for grey or black market transfers. Given this inability of many states to deal with small arms demand it would be logical to start at the source, i.e. the export side. The responsibility for control should fall on the states that are most capable of controlling the outward flow of weapons, or their transit across non-conflict territories.<sup>198</sup>

However, when discussing arms proliferation in weaker states it is often and correctly underscored that it is not simply a matter of supply, but equally the demand for SALW within these states. It should for that reason be seen as an internal matter of state incapability, and fragility, corruption and bad governance.<sup>199</sup> Reducing the availability of arms is only one factor which does not for instance affect existing stocks of weapons or the local ability to make them: for a real solution, simultaneously the local government and its legitimacy must be strengthened so that it

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<sup>194</sup> Small Arms Survey, 2002: 164

<sup>195</sup> Small Arms Survey, 2006: 191

<sup>196</sup> Small Arms Survey, 2003: 144

<sup>197</sup> Small Arms Survey, 2006: 194

<sup>198</sup> Efrat, 2010: 101-2

<sup>199</sup> Greene, 1999

is seen as a viable security provider, and the demand for security has to be met by the state.<sup>200</sup>

While these factors certainly play a part in regulating SALW, it is interesting to note in this context that weapon transfers are first and foremost a North/South phenomenon. Almost 2/3 of all weapons transfers flow from North to the South.<sup>201</sup> Furthermore the capacity and know-how needed to produce and develop weapons and technology is mainly concentrated to the North and especially the US.<sup>202</sup> In consequence, the superiority of the Northern hemisphere is evident in SALW transfers as in other areas of international relations. Analysis of the problem should therefore focus just as much on other disparities in international relations and between the North and South<sup>203</sup> that serve to type-cast and perpetuate the South as a site of intervention, while ignoring other dynamics.<sup>204</sup> This discrepancy is evident in other spheres of international relations, where weak states tend to have little agenda-setting power within international institutions. The capacity of the weak for influence and innovation within international institutions is limited; Western States, and/or other great powers, control most international organizations and regimes. Positions of authority have been assigned to certain states regardless of how the composition of the institution may change, and such states are naturally unwilling to change the power composition.<sup>205</sup>

### **3.2. Stronger states**

Small arms and light weapons do not pose a similar threat to the infrastructure or the general system of public security in stronger states. Civilian gun possession is common and may lead to one-on-one, or even gang-on-gang, violence but it does not create problems that are likely to undermine the entire state and government. Small arms may impact certain societies or segments of the population more so than others but their use is not a direct threat to the state. The state's monopoly of force is not threatened, the legal or illegal status of various uses of weapons is not in dispute, and law enforcement and security is seen as sufficiently effective to handle the problems relating to uses of SALW with no overall breakdown. Although gun injuries are

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<sup>200</sup> Greene, 1999

<sup>201</sup> Stavrianakis, 2010: 41

<sup>202</sup> Stavrianakis, 2010: 43

<sup>203</sup> Stavrianakis, 2010: 58-9

<sup>204</sup> Stavrianakis, 2010: 59

<sup>205</sup> Cogan, 2009: 212

costly, the humanitarian and economic impacts due to SALW remain relatively low in stronger states. The health system is more equipped to deal with and mend injuries due to gun wounding; levels of social productivity are high, so the economic impact is minimal. Also, although being a small industry in terms of export value and employment, SALW production can nonetheless often have positive effects on certain segments of the economy. It is difficult to disaggregate employment in the defence sector so as to define the share of SALW production, but since production of or related to SALW often involves factories in smaller towns, it may have a proportionally larger impact on employment and social conditions than it would elsewhere. The town of Karlskoga in Sweden, which is a relevant producer of weapons, can be named as an example.

Stronger states tend to bolster their security versus outside threats, rather than threats coming from within. Weapons like biological or nuclear weapons are considered to pose more of a threat for strong states, since they could severely threaten their security. As a result international regimes that constrain the use and development of such weapons are already in place. International treaties were negotiated some time ago on each type of Weapon of Mass Destruction (WMD) <sup>206</sup> and nations remaining outside the regimes tend to be subject to international condemnation or be on the periphery of in state relationships and cooperation networks. The US has in many instances taken the initiative and led the creation of related regimes and treaties, e.g. for nuclear disarmament and non-proliferation. The reasons for this are most likely twofold. First, as noted, the US sees the use of such weapons as threatening its own security and core interests. Secondly, the agreements in question – most obviously the Non-Proliferation Treaty - have granted the US exceptions and therefore do not constrain it in the same way as other states. The same tendency can be seen in proposals for future arms control being considered in the US, which emphasize preventing the proliferation of dangerous technologies and weapons that pose a threat to national security even in the strongest states – cyber-security being one clear example. <sup>207</sup>

Another special case is that of Man-portable Air Defence Systems, commonly known as MANPADS, a type of light weapon. MANPAD diffusion is subject to many of the same dynamics as SALW in general, bad governance and weak economies. <sup>208</sup> Similar

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<sup>206</sup> Levi and O'Hanlon, 2005: 10-11

<sup>207</sup> Levi and O'Hanlon, 2005: 17

<sup>208</sup> Bevan, 2007: 44

to other weapons MANPADS are primarily produced in Western states. Since the early 2000s there has been a rising concern among stronger states over terrorist acquisition and use of MANPADS. Not only have such weapons been used for terrorist attacks on government buildings, but they have the ability to shoot down planes and their use poses a threat to civilian aviation.<sup>209</sup> The US regards this as a threat to its security and particularly to civilian aviation and helicopter operations. As a result the US has established a bilateral regulation system where recipients of MANPAD exports have to accept certain administration mechanisms decided on by the US. After pressure from the US Secretary of State,<sup>210</sup> export controls on MANPADS were also agreed upon by all partners in the Wassenaar Arrangement ("Elements for Export Control of MANPADS").<sup>211</sup> Subsequently, a more global, multilateral control effort was initiated by the US, along with Israel, Australia and Russia. This involves technical advice and negotiations aimed at reaching agreements on several levels,<sup>212</sup> plus assistance programmes where certain countries advise others on safe stockpiling and security of MANPADS.<sup>213</sup> The overall result has been a reduction in the number of MANPADS around the world.<sup>214</sup> MANPADS were included in UNROCA in 2003,<sup>215</sup> thus signalling the integration of MANPADS in a national security paradigm, at least for stronger states within the system.<sup>216</sup> Additionally the US fought for a greater focus on the MANPADS issue at the 2006 review conference for the SALW programme of action, but it was not included, although the conference agreed that there was an issue to be worked on.<sup>217</sup>

The US does not seem to view other types of SALW in a similar manner. Yet networks of violent non-state actors that operate, whether domestically or internationally, in non-conflict mode – such as terrorists, kidnappers, pirates and major criminal gangs - can and do increasingly pose threats to the security of stronger states: and access to small arms is often important for their operations. For many terrorist networks with political agendas, e.g. the ERA in Spain, small arms are increasingly becoming a form of currency to fund terrorist operations. These groups facilitate weapons flows to other extremist or terrorist organizations in the region and

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<sup>209</sup> Small Arms Survey, 2004: 90

<sup>210</sup> Small Arms Survey, 2004: 92

<sup>211</sup> Wassenaar Arrangement, 2003

<sup>212</sup> Schroeder, 2007: 629

<sup>213</sup> Schroeder, 2007: 635

<sup>214</sup> Schroeder, 2007: 629

<sup>215</sup> Bevan, 2007: 45

<sup>216</sup> Bevan, 2007: 47

<sup>217</sup> Bevan, 2007: 44-5

even around the world.<sup>218</sup> The Basque terrorist group ETA has received and sold weapons in return for drugs from FARC in Colombia.<sup>219</sup> This opens access to funding for their operations, therefore preventing SALW diffusion can also be seen as a matter of impeding the terrorists' access to funding. Further, given the US's manifest concern about MANPADS, it is interesting to speculate whether small arms acquisition of non-state actors is likely to be a prelude to or facilitate the acquisition of MANPADS as well. It is likely that the same sources, routes and methods of transport can be used for the latter as for SALW, while trafficking in SALW can serve to strengthen non-state actors financially and help them to access more ambitious weapons. An effective Arms Trade Treaty could therefore also be seen as a step towards more efficient control of MANPADS.

In this context at least, the diversion of SALW and weak border control in other states is increasingly posing problems for stronger states. The unrestricted flow of weapons between the US and certain Latin American countries creates a cycle that has the potential to spill over to the US. Around 87% of weapons confiscated in Mexico stem from the US black market and are increasingly being used in gang-related violence and drug wars. This poses problems for the US since the violence can easily spread across the border, and already provides a new incentive for illegal immigrants to cross it. The US government has recently spent 700 million dollars on law enforcement measures in Mexico.<sup>220</sup> This also indicates that despite having what is considered to be the world's most efficient national export control mechanism, the US still does not seem to have efficient control over private possession or diffusion of small arms across its borders. This reflects a more general problem whereby countries have limited control over re-exports of their weapons, and current systems for end-user certification<sup>221</sup> relate only to the original importing state. Unless some specific agreement has been made e.g. in the context of a multi-national industrial project, the first importer does not have to approach the original exporter when weapons are re-exported on to a third state. As every state has national responsibility for regulating SALW, there is always a risk that the receiving state will evaluate re-exports on

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<sup>218</sup> Stohl and Hogendoorn, 2010: 5-6

<sup>219</sup> Stohl and Hogendoorn, 2010: 10

<sup>220</sup> Stohl and Hogendoorn, 2010: 23-4

<sup>221</sup> End-user controls in short mean that the recipient will be the user/responsible party for the legitimate use of weapons within its legislation. Usually include a form of statement or certificate by the receiving party/states where the intended use is disclosed or if the weapons are intended for certain projects, their names are given. It should also include the number of weapons, final destination among other things.

An EU end-user form can be seen here:

[http://trade.ec.europa.eu/doclib/docs/2009/june/tradoc\\_143395.en08.pdf](http://trade.ec.europa.eu/doclib/docs/2009/june/tradoc_143395.en08.pdf)

different premises than the original export state. In 2005 only 28 states had retransfer notification clauses in their export controls.<sup>222</sup> Although many states claim that they do impose strong end-use controls, every state is a possible transit state and exporter for SALW and should therefore provide information on end-use.<sup>223</sup>

Given that the importance of SALW for strong states' traditional security and for their mutual military competition is minimal, production or stockpiling of SALW is unlikely to result in deterrence in the same way as possession of other certain other weapons or technology. It can also be argued that deterrence is less important overall in a globalized world where other states pose little threat. Yet, still today, the majority of the biggest exporting states (most of which are also the largest importers) of small arms and ammunition are states that would be classified as strong.<sup>224</sup> As a result strong states are likely to control the majority of world stocks of small arms and have the ability to re-export weapons where they choose. This further underlines the dichotomy between weak/strong and north/south in the global context as addressed above. Due to this superiority of stronger states, both in financial and productive terms, they have the ability to control the shaping of international arms control and export control regimes, or indeed to decide against creating them. This is a classic example of the trade-off that international regimes and institutions face. For regimes to have the legitimacy needed they rely on a wide membership, but also the financial support and engagement from stronger states for a regime to be effective. Without participation of stronger states, which are in control of the industry, the credibility and the effectiveness of any regime to control SALW will be limited.<sup>225</sup> Regimes are often forced to make trade-offs in return for inclusion of the stronger states, and for arriving at the necessary compromises between them.

Additionally, delegation of assignments from states to Private Military Companies and Private Security Companies affects the ability of even strong states to control the possession and use of weapons. PSCs and PMCs are in most instances carrying out functions traditionally reserved to the state such as provisions of armed guards, military training and sometimes actual combat, yet they cannot be held accountable by normal political procedures for the outcome of the processes they take part in.<sup>226</sup>

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<sup>222</sup> Biting the Bullet, 2006: 54 (table 2)

<sup>223</sup> Greene and Krikham, 2007: 16

<sup>224</sup> Norwegian Initiative on Small Arms Transfers (NISAT), no year (by selecting 20 biggest exporters and importers)

<sup>225</sup> Cogan, 2009: 236-7

<sup>226</sup> Krahmann, 2005(b): 204

States are responsible for managing and controlling the weapons and stocks that these actors are allowed to use and have access to, but it varies from state to state how this is managed and how effective this control is.<sup>227</sup> Using private security/military companies can have implications for both weak and strong states. For stronger states private military companies may serve to weaken the chain of authority from state to military and their control over weaponry, as PSCs often have to be licensed in the country where they operate.<sup>228</sup> In weaker states the often irresponsible use of SALW by these actors augments the already present problems and further undermine state authority.<sup>229</sup>

These actors commonly report inaccurate numbers on the number of weapons they hold to the hiring party who is in the last instance responsible for the weapons. Additionally these actors have been known to lend or rent out their weapons while not on duty. In the cases of PMCs/PSCs the intended use of small arms is well intentioned, i.e. solving problems or increasing security but not the other way around.<sup>230</sup> The surplus weapons can then be diverted on to the black market. Private security companies are therefore often a part of SALW related problems. In instances these companies have also participated in criminal activities or committed severe human rights violations.<sup>231</sup> Private armed contractors have been accused of mistreating civilians.<sup>232</sup> Although in many instances performing actions in the name of the state, such actors can create or add on to existing problems rather than solve them.

### **3.3. Black and grey markets → legal/illegal transfers**

Trafficking has posed problems internationally for a long time. As defined by the UN Office on Drugs and Crime, Human Trafficking “involves an act of recruiting, transporting, transferring, harbouring or receiving a person through a use of force, coercion or other means, for the purpose of exploiting them.” (United Nations Office on Drugs and Crime, 2012(a)) Trafficking in drugs usually refers to distribution, manufacturing and sale of materials that are illegal according to laws.<sup>233</sup> Small arms and light weapons differ, since their production, transport and sales are not illegal

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<sup>227</sup> Biting the Bullet, 2006: 193-4

<sup>228</sup> Small Arms Survey, 2011: 120

<sup>229</sup> Krahmann, 2005(b): 202

<sup>230</sup> Rogers 2009: 235

<sup>231</sup> Biting the Bullet, 2006: 231

<sup>232</sup> Amnesty International USA, 2012

<sup>233</sup> United Nations Office on Drugs and Crime, 2012(b)



according to law. Several measures have been taken up to combat trafficking internationally, and several international treaties exist to deal with the matter, UN Convention against Transnational Organized Crime and the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, but none is applicable directly to SALW.

A distinction between three types of SALW markets and transfers is usually made. Small arms and light weapons can circulate interchangeably between these types of markets. The focus here is primarily on transfers stemming from states, often with their knowledge, and possibly with the objective to advance their interests or enhance their capabilities.

A majority of SALW are transferred on a legal market where the legality of transfers is undisputed and is in accordance with legal standards. Secondly is the grey market where the legality is uncertain, and lastly an illegal black market that exists solely without state involvement i.e. between private actors, often arms brokers. The two last mentioned make up what has been called the illicit trade.<sup>234</sup> The legality of transfers is commonly measured by state involvement and authorization. A definition of the grey market is most uncertain. In most instances it does involve state awareness, participation or (one-sided) authorization of transfers. This includes or illicit arms transfers by states, state officials or actors sponsored by the government who bend or find loopholes in the existing structures and framework.<sup>235</sup> Such cases involve covert aid to non-state actors, e.g. insurgent groups (a common trend during the Cold War) or transfers to governments that have no legal authority or are not recognized as being sovereign. The grey market is seen as the primary challenge in controlling the arms trade.<sup>236</sup> A commonly cited example is the US support to the Angolan rebel group UNITA, where weapons were transported to the insurgents via regional allies by private companies or disguised as military assistance.<sup>237</sup> Similar issues have arisen very recently over supplies to combatants in the 'Arab Spring' countries, notably Syria. Re-exports of older shipments of arms also fall under this category, mainly because there tends to be an ambiguity as to what extent such transfers are allowed or specified in end-user controls by the original exporting state.<sup>238</sup>

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<sup>234</sup> Small Arms Survey, 2001: 165

<sup>235</sup> Bourne, 2005: 158-9

<sup>236</sup> Small Arms Survey, 2001: 166

<sup>237</sup> Bourne, 2012: 32

<sup>238</sup> Greene and Kirkham, 2007: 20

The grey market is the sphere where states can use the degree of ambiguity to their advantage, so there may be some reluctance from states to control this. The grey market can however be a double-edged sword for states that use such routes to their advantage, since the durability of SALW often leads to the fact that weapons transferred this way can later end up working against the very state that provided them to begin with.<sup>239</sup> It is common that weapons, ammunition and explosives provided as covert aid end up being sold on the black market.<sup>240</sup> Seen as a part of the bigger picture the illicit trade of SALW is only a small proportion of the overall trade in SALW: by estimation illegal transfers amount to 10% or less.<sup>241</sup> It is estimated that total illicit trade, i.e. black and grey markets together, is worth around one billion US dollars on a yearly basis out of the total USD 5-7 billion trade in SALW each year. According to the Small Arms Survey grey market transfers continue to exist, although less common than during the time of the Cold War and rooted in other interests than previously: financial and commercial, as distinct from strategic or ideological, interests are mentioned as common grounds.<sup>242</sup>

It is also common for states to export weapons to fragile states or areas of conflict despite sanctions. According to Bourne around 90% of states have obtained SALW on the global market during conflict. Up to one third of them have been subject to an arms embargo by the UN but have nonetheless accessed the market by illicit means, for instance by facilitating transports or false documentation through networks accepted or established by states.<sup>243</sup> End-user certificates, whether falsified or not, enable these transfers to clear customs, after which they flow to the third country where no certificate is in place,<sup>244</sup> often in areas of security concern. In this context the grey market, and to an extent also the legal market, is of primary interest. Most weapons start out on the legal market but are then diverted onto illicit market.<sup>245</sup> The policy challenge thus focuses on transfers stemming from states themselves or with their knowledge to these markets and areas of conflict. Secondly, grey market transfers seem to have the greatest impact on armed conflict while black market

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<sup>239</sup> Small Arms Survey, 2002: 131

<sup>240</sup> Hartung, 2008: 355

<sup>241</sup> Bourne, 2005: 161

<sup>242</sup> Small Arms Survey, 2001, 169. In the yearbook these motivations are said to be common for Eastern European states and post Soviet (CIS) states, but it may also be common for other countries since the international system does not rest now on the same ideological pillars as it did in the Cold War.

<sup>243</sup> Bourne, 2012: 41

<sup>244</sup> Hartung, 2008: 356

<sup>245</sup> Stohl, 2005: 61-2

transfers rather tend to affect criminality within societies.<sup>246</sup> Those fighting for better regulation within the area note that the focus should not solely be on legality of the transfer but just as much on the end-use of the transfer.<sup>247</sup>

The black market is harder to comprehend, as information on it is not readily available. It is based on networking and powerful individuals. Those parties involved in black market transfers are knowingly violating laws. The purpose of such transfers is usually for personal gain, often with knowledge or participation by corrupt officials. The Small Arms Survey (2001) rates the black market as a small proportion of the illicit market, since transfers seldom occur without some level of awareness.<sup>248</sup> Once weapons enter the black market they become nearly impossible to recover or trace, and are likely to be transferred and retransferred while they still operational. Weapons can wind up on the black market by a variety of ways. Weapons tend to flow from the grey market to the black market: thus, insurgents who have been supplied by ally governments sell them on, they can be sold or stolen from stockpiles, or they can be bought legally by civilians and then resold.<sup>249</sup>

It is mainly adherence to the law that determines the nature and legality of the trade, but these laws tend to be unclear and therefore the transfers from one type of market to the other are all too easy. Action should thus be taken to strengthen the legal framework to prevent weapons from diverting from the legal market.<sup>250</sup> The role of grey market and its links to black market transfers seems to point to the fact that the illicit market is primarily a matter of government control, accountability measures and policy-making.<sup>251</sup> There seems however to be a general reluctance by some states to tackle this on an international basis. It appears that the ambiguity may in many instances be preferred as it works to states' advantage.

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<sup>246</sup> Small Arms Survey, 2001: 167

<sup>247</sup> Small Arms Survey, 2002: 111

<sup>248</sup> Small Arms Survey, 2001: 166

<sup>249</sup> Marsh, 2002: 223-4

<sup>250</sup> Marsh, 2002: 226

<sup>251</sup> Small Arms Survey, 2001: 191

## **4. Dealing with small arms and light weapons**

This chapter will shortly address what previous efforts have been made to control the flow of SALW, what is being and has been done on an international basis, regional and national basis in the two countries that are subject to this thesis.

### **4.1. Controlling SALW internationally**

Transparency and reporting on SALW is still lagging behind compared to other types of weapons. Several measures have been mentioned as important to counter the diffusion of SALW, discussed by Stohl,<sup>252</sup> Bourne<sup>253</sup> and others. By and large these measures can be categorized into three: reduction of small arms, especially in post-conflict situations, stockpile management, and controls over transfers of SALW.<sup>254</sup> Regarding legal transfers three aspects of governance are mentioned as relevant when it comes to preventing flows of SALW to fragile areas: national legislation, brokering control and tracing and record keeping. This is to prevent conflicts from exacerbating and increasing illicit flows. Two factors are normally mentioned as important when it comes to preventing illicit flows: border controls and arms embargos.<sup>255</sup> This can be said to put positive obligations both on exporting states and importing states. A need is also seen to establish and make visible a clearer difference between legal and illegal/illicit transfers.<sup>256</sup> Internationally there tends to be a wide interpretation of legal transfers, while illegal transfers tend to be defined narrowly, some states would define illegal transfers as referring to just the black market. Such views tend to restrict the possible approaches to restraining transfers of SALW.<sup>257</sup>

### **4.2. Approaches to Small Arms and Light Weapons**

The proliferation of small arms and light weapons, as noted, has so far been seen mainly as a matter of conflict prevention and development efforts. Further, those fighting for a comprehensive UN arms trade treaty tend to focus on the implications of these weapons rather than larger conventional systems. This is by and large reflected in their requirements set for an arms trade treaty, which reflect four main angles and approaches:

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<sup>252</sup> Stohl, 2005

<sup>253</sup> Bourne, 2012

<sup>254</sup> Based on Bourne and Greene, 2012: 190

<sup>255</sup> Bourne and Greene, 2012: 195-6

<sup>256</sup> Bourne, 2005: 161

<sup>257</sup> Small Arms Survey, 2001: 167

1. The supply side approach → Constraining weapons exports to areas that violate human rights by stricter supplier controls and end-user conditionality. States are obligated to be guided by and respect international humanitarian law. Many NGOs follow/support this approach to prevent SALW from coming into hands of abusers. A concern for supporters of this approach is whether to focus on the legal or illegal market, since it is hard to evaluate which adds more to human suffering. The emphasis is placed on improving codes of conduct and improving oversight from production to end-user.<sup>258</sup>
2. The new humanitarian approach → Focuses on mitigating the impacts of SALW on civilians and non-combatants. Advocates of this approach tend to correlate the availability of arms to the conflict intensity. It also emphasizes that humanitarian law should serve as a normative basis for the use of SALW.<sup>259</sup>
3. The operational perspective → The focus is mainly on the impact of SALW in service delivery, i.e. effects on aid workers and peacekeepers. A large number of casualties in this sector are caused by small arms. A response at the field level is sought.<sup>260</sup>
4. The law enforcement approach → There are those who see the SALW related issues mainly as a problem of law enforcement, focusing on international crime and illicit trafficking as the focus of attention for a possible treaty.<sup>261</sup>

The supply side and the new humanitarian approach are dominant in the discourse for many supporters of an Arms Trade Treaty. Many of those leaning towards the law enforcement approach interlink SALW with more transnational problems like organized crime and illicit trafficking, while not emphasizing the development dimension.<sup>262</sup>

#### **4.3. Overview of processes to control SALW**

Disarmament has been on the international agenda regularly throughout history. Leaving aside the modern WMD-related measures discussed above, the focus tends to be on controlling trade in conventional arms trade in general, including small arms and light weapons. In the late 19th century the Bruxelles convention put forward a

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<sup>258</sup> Small Arms Survey, 2002: 182-3

<sup>259</sup> Small Arms Survey, 2002:184

<sup>260</sup> Small Arms Survey, 2002: 186

<sup>261</sup> Small Arms Survey, 2001: 277

<sup>262</sup> Small Arms Survey, 2001: 283

suggestion for international efforts to control arms trafficking to Africa. The League of Nations had the objective of reducing armaments to the lowest number possible and additionally the league was to supervise trade in arms and ammunition.<sup>263</sup> The League's St. Germain programme from 1919 focused on controlling transports to certain areas through an exporting, licensing and international supervision office that was to gather information. Certain areas were subject to stricter export controls. These controls had more to do with protecting colonial powers than humanitarian aspects as such.<sup>264</sup> The St. Germain proposal failed, by and large due to the US decision to abstain.<sup>265</sup> (Some might say that although nearly a century has passed, the same political reality is reflected in today's discussions on an arms trade treaty). The League made several additional attempts to establish an agreement on arms trade and the negotiation was well underway when international circumstances prevented it from being concluded.<sup>266</sup>

At the time of the Cold War conventional weapons control gained little attention at global level, all serious negotiations being carried out locally as between NATO and the Warsaw Pact in Europe. Although several NGOs tried to launch projects related to small arms in the late 1970's, a common normative area for states or NGOs to pursue such efforts was non-existent.<sup>267</sup> In 1988 the first step was taken when a UN General Assembly resolution was approved that recognized the effects of arms transfers on fragile areas, development and illegal transfers. In 1991 a panel of experts appointed by the UN Secretary-General issued a study, which among other things recommended that an international arms registry for weapons would be established. The UN Registry of Conventional Arms (UNROCA) began operating in 1993 but was based on voluntary cooperation from nations, many of whom (e.g. in the Arab world) have never supplied data; and it left out SALW.<sup>268</sup> In the following years several resolutions were adopted that emphasized the importance of disarmament, national legislation and confidence building measures in the field of conventional arms.<sup>269</sup> In 1999 a formal international campaign on the matter was launched with the formation of IANSA (International action network on small arms) which represents hundreds

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<sup>263</sup> Stone, 2000: 214-15

<sup>264</sup> Stone, 2000: 217-18

<sup>265</sup> Stone, 2000: 219

<sup>266</sup> Anderson, 1992: 763-4

<sup>267</sup> Krause, 2001: 11

<sup>268</sup> Anderson, 1992: 769-70

<sup>269</sup> United Nations General Assembly, December 18 2006, resolution 61/89

NGOs taking interest in disarmament, arms control and human rights.<sup>270</sup> IANSA does not run a single campaign but is rather an umbrella organization for a variety of campaigns on SALW control.<sup>271</sup> The number of NGOs advocating controls on SALW had mushroomed in the 1990's, going from two in 1992 to over 200 in 2000.<sup>272</sup> Several NGOs took part in drafting the Framework Convention on International Arms Transfers, which provided the foundation for further coordination among a variety of NGOs striving towards a treaty.<sup>273</sup> The steering committee of the NGO coalition launched the Control Arms Campaign to build support around a possible arms trade treaty, with Amnesty and Oxfam in the forefront and IANSA later joining the campaign.

NGOs have been active in publishing general opinions and benchmarks for the scope of a possible treaty. In 2003 when the campaign was launched only three states openly supported a treaty Costa Rica, Mali and Cambodia. That number increased substantially over the next years. In 2006 a group of 50 states had voiced their support of a possible treaty, seven of those went on to draft what became the foundation for resolution 61/89 "Towards an Arms Trade treaty". The most of the states that drove this process, UK, Argentina, Australia, Kenya, Finland, Japan, Austria and Costa Rica can be said to be middle powers in strategic terms, perhaps with the exception to the UK. The approval of resolution 61/89 by 153 states at the UN general assembly in 2006<sup>274</sup> marked an important step towards a more binding international-legal document aiming for an international arms trade treaty. The resolution gave the UN mandate to draft an international legally binding instrument and establish standards for imports, exports and transfer of arms.<sup>275</sup> Mack and Wood maintain that this broad support was owing to the mobilization efforts by NGOs working on the matter, through the Control Arms Campaign.<sup>276</sup> While there was only one vote against the resolution, from the US, the powerful countries outside of Europe, Russia, China, and India abstained along with many countries in the Middle East.<sup>277</sup> Many of which can be said to be allies of the US.

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<sup>270</sup> Rogers, 2009:173

<sup>271</sup> Rogers, 2009: 177

<sup>272</sup> Stavrianakis, 2010, 137

<sup>273</sup> Framework Convention on International Arms Transfers, 2001

<sup>274</sup> Mack and Wood, 2009-10. A UNDIR Research Project conducted in February 2009- August 2010.

<sup>275</sup> United Nations, General Assembly, December 18 2006, resolution 61/89

<sup>276</sup> Mack and Wood, 2009-10. A UNDIR Research Project conducted in February 2009- August 2010.

<sup>277</sup> United Nations General Assembly, December 6 2006, see annex XL

In 2001 the UN Programme of Action (PoA) was agreed upon in the General Assembly. The programme states in its preamble the importance of civil society including NGOs in assisting states towards preventing and stopping the illicit trade in small arms.<sup>278</sup> The programme expresses the severity of the situation regarding small arms and light weapons. It emphasizes the connection of these weapons to human suffering and development and the need to reduce the suffering that these weapons cause. While it also confirms what is stated in the UN Charter - the principles of sovereignty, the right to self-defence and the right to produce and import and retain small arms and light weapons for such purposes – it stresses that these rights also place a certain responsibility on states to combat and prevent the illicit trade in weapons. Most importantly it stresses the need for increased international cooperation. Additionally it lays out certain recommendations for improving the legislation of states on a national level.<sup>279</sup> The programme establishes norms and provides a framework; but in many ways it is ineffective and dependent upon states' willingness, as a politically binding document without formal treaty force. This means that implementation is up to the states, and since there is no monitoring unit in place they can choose only to implement parts of the programme that suits them.<sup>280</sup> Two review conferences have been held for the PoA, in 2006 and 2012. In 2012 the conference renewed its commitment to prevent, combat and eradicate the illegal trade in small arms. This was a major improvement from the first conference where consensus on a final outcome failed and the conference came close to collapsing.<sup>281</sup> The programme on its own is not enough according to those advocating for an ATT.<sup>282</sup> The POA is seen as a starting point and a good normative framework and a catalyst for those working on SALW matters rather than a robust regime.<sup>283</sup> The NGOs fighting for a binding treaty say that vital subjects were left out in order to reach a consensus on the PoA.<sup>284</sup>

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<sup>278</sup> Rogers, 2009: 181

<sup>279</sup> United Nations Programme of Action Implementation Support System, 2008

<sup>280</sup> Biting the Bullet, 2006: 25

<sup>281</sup> Holtom and Bromley, 2012

<sup>282</sup> Biting the Bullet, 2006: 4

<sup>283</sup> Greene and Marsh, 2012(c): 176

<sup>284</sup> International Action Network on Small Arms, 2012



In 2008 a majority of countries in the General Assembly voted in favour of drafting a resolution for an arms trade treaty. 133 countries approved, while some countries abstained, the US was the only country voting against the drafting.<sup>285</sup>

The US reversed its stance in 2009 when the newly elected Obama administration voted to support negotiations for control of the conventional arms trade.<sup>286</sup> Following the approval of the proposal by the General Assembly further preparation towards a treaty began. Member countries were asked to present their views on a possible treaty, and a group of experts was appointed to report on its feasibility,<sup>287</sup> which they did in 2008. In 2009 the General Assembly decided to call a conference in 2012 to develop an international treaty and formal preparation began.<sup>288</sup>

#### **4.4. What would an Arms Trade Treaty add?**

A comprehensive Arms Trade Treaty (ATT) would be the first international legally binding instrument to provide common international standards on arms control and exports<sup>289</sup> for all categories of conventional weapons, including small arms, light weapons and ammunition.<sup>290</sup> The final draft for an Arms Trade Treaty was presented and submitted before UN General Assembly the Conference on the Arms Trade Treaty July 26, 2012. The draft deals mainly with strengthening import and export controls, transits and brokering. There might be some overlap with the PoA, but an arms trade treaty would serve to strengthen, reinforce and create certain benchmarks, while making some of the PoA's politically binding commitments legally binding.<sup>291</sup> Certain points e.g. stockpile management, tracing, marking, disposal and DDR (Disarmament, Demobilisation and Reintegration) programmes would be left to the PoA.<sup>292</sup> The following discussion will reflect on some factors that have been addressed in the final draft of the arms trade treaty that was presented at the 2012 conference.

An arms trade treaty would require states to strengthen their legislation and surveillance in accord with the treaty's provisions and would establish legally binding common criteria and a frame for assessment for states to go by.

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<sup>285</sup> Foreign and Commonwealth Office, 2012

<sup>286</sup> Charbonneau, 2009

<sup>287</sup> UN General Assembly, December 18 2006, resolution 61/89

<sup>288</sup> United Nations Programme of Action Implementation Support System, 2008

<sup>289</sup> Amnesty International and the International Action Network on Small Arms (IANSA), 2012: 5

<sup>290</sup> Amnesty International and the International Action Network on Small Arms (IANSA), 2012: 12

<sup>291</sup> Parker, 2012: 3

<sup>292</sup> Parker, 2012: 2

An arms trade treaty should cover all small arms, light weapons, parts, components and ammunition.<sup>293</sup> According to the draft treaty a national control system would be established to control and oversee all exports of these parts, including ammunition.<sup>294</sup>

The arms trade treaty would create a level of responsibility and promote joint action between the states associated with the transfers<sup>295</sup> to make an assessment of ways to prevent exports of the arms to locations where they may be used to violate humanitarian or human rights law.

Record-keeping and information exchange would become mandatory. States would keep records of exports containing information on transfers, quantity, models and end-users among other things. Such records should be kept for 10 years. State should also provide information on any measures taken to deal with diversion of weapons. There would be a Reporting Mechanism where states would once a year report on actual transfers or authorization, and this then should be available to all state parties.<sup>296</sup> This would be a step forward from the patchy pattern of reporting so far to the UN Register.<sup>297</sup>

#### **4.5.The 2012 ATT conference**

The special conference held in July 2012 focussed its work on a treaty based on a paper by the chairman of the preparatory committee, Roberto Moritán. This draft included all seven groups of weapons covered by the UN Register of Conventional Arms and additionally, small arms and light weapons.<sup>298</sup> The conference disappointingly ended without consensus, by and large due to opposition from the US who thought more work was needed on the treaty. The US also opposed to the inclusion of tracing, marking and reporting mechanisms for ammunition in the treaty. Many claim that the inclusion of ammunition is crucial for a successful treaty and preventing the damage cause by small arms. While it may be disputable to place the blame for the failure of the conference solely on the US, Washington's attitude did provide other reluctant states, like Russia, with a window of opportunity to follow

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<sup>293</sup> Parker, 2012: 2

<sup>294</sup> United Nations General Assembly, 26 July, 2012 (Final Draft), see article 6

<sup>295</sup> United Nations General Assembly, 26 July, 2012 (Final Draft), see article 4

<sup>296</sup> United Nations General Assembly, 26 July (Final Draft), see article 10

<sup>297</sup> United Nations General Assembly, 2012, sixty-sixth session, First Committee 2012. See p. 4-14 for conventional reporting and pp. 16-20 for reports on SALW. (can be found online at: <http://www.un.org/disarmament/convarms/Register/DOCS/20120312-Register%20Fact%20sheet.pdf>)

<sup>298</sup> Zughni, 2012

suit.<sup>299</sup> Establishing an Arms Trade Treaty is not simply a matter of halting transfers but also a matter of creating and putting in place a framework for those states that have little capacities to do so themselves.<sup>300</sup> It could be questioned whether objecting states, primarily the US, fear that strengthening controls in other countries could affect their own interests regarding arms transfers in a negative way.<sup>301</sup> Such national interests will be explored further in the case-studies provided below.

NGOs expected to play a more influential role at the 2012 conference but were disappointed to find out that half of the negotiation meetings would be closed.<sup>302</sup>

As a result of the failure of the July 2012 conference, the flow of small arms and light weapons is still unregulated on an international scale and remains unrestricted. There are nevertheless some regional and national mechanisms in place to restrict their flow, as will be discussed in the next section.

#### **4.6. Existing SALW governance**

Although an ATT remains absent internationally the trade of SALW and other conventional weapons is restricted both by national legislation and some international frameworks. This chapter will shortly review what efforts are relevant and possible for controlling SALW, and list the forms of governance currently in place that impact upon the two countries discussed here. First international and regional frameworks will be listed briefly, followed by a short discussion about national governance within each country.

##### **4.6.1. UN mechanisms**

Within the UN there are mainly three mechanisms worth mentioning. Sweden and the US both participate in the UN Programme of Action, which is the most wide-reaching international framework so far devoted to SALW but does not cover ammunition - one of the gaps remaining to be filled by an arms trade treaty.<sup>303</sup> As mentioned above, while the PoA formulates and draws attention to the principal problems regarding SALW, it has weak formal status and no tools to address these problems. NGOs played a significant role in the process leading up to the 2001 Small Arms Conference, taking a large part for instance in gathering and presenting relevant

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<sup>299</sup> Kmentt, 2012

<sup>300</sup> Erickson, 2007: 1

<sup>301</sup> Holsti, 1995: 254-5

<sup>302</sup> Control Arms, July 9, 2012

<sup>303</sup> Parker, 2012: 2

information. At the conference itself NGO participation was limited. NGOs did in a number of instances meet regularly with state delegations and in some cases also served on countries' delegations.<sup>304</sup> Within the framework of the role of NGOs it can be said that they had some agenda setting power but hardly had any negotiating power in this case.

The UN Register of Conventional Arms strives to strengthen confidence among states by increasing transparency in weapons transfers through improved access to information. It covers seven categories of arms that are considered to be most lethal. In 2006 it was made possible for contributing nations to additionally report on small arms and light weapons.<sup>305</sup> UNROCA does not attempt to steer or hinder transfers to certain areas.<sup>306</sup> All submitted reports are seen as important for the register and weapons control, but it is up to the states themselves how and to what extent they choose to report. So it is not uncommon for states to report on irregular rather than regular basis, leading to a very inaccurate picture of transfers. This reduces the trustworthiness of the register and the only measures it can really lead to are condemnations by other states based on very subjective reporting. The register remains even weaker in reporting on small arms exports than other exports and the number of submitted reports on SALW remains substantially lower than for other weapons. Both states have been consistent in its reporting on conventional weapons and have reported yearly from 1993 excluding the year 2011 in the case of Sweden. As regards SALW the reporting on behalf of both states has been less stringent. The US has not reported on SALW transfers at all, and Sweden has handed in reports in 2004 and 2007-2010.<sup>307</sup>

Lastly there is the UN protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, from 2001, which was designed as a supplement to the treaty on transnational organized crime. So far it is the only legally binding treaty regarding small arms and light weapons. By ratifying the treaty states commit themselves to penalizing illegal manufacturing and trafficking in arms. It furthermore establishes a national licensing, marking and tracing system. Signatory states remain few and even fewer have ratified the treaty.

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<sup>304</sup> Laurance and Stohl, 2002: 29

<sup>305</sup> Government Communication, March 2011: 30

<sup>306</sup> Yanik, 2006: 374

<sup>307</sup> General Assembly, sixty-sixth session, First Committee 2012. See p. 4-14 for conventional reporting and pp. 16-20 for reports on SALW. (see: <http://www.un.org/disarmament/convarms/Register/DOCS/20120312-Register%20Fact%20sheet.pdf>)

The US has neither signed nor ratified it. Sweden signed the treaty in 2002 but ratified it only in 2011.<sup>308</sup>

#### **4.6.2. Wassenaar Arrangement**

Sweden and the US are both parties to the Wassenaar Arrangement (WA), a similar framework designed originally for Western partner states that aims to enhance regional and international security and stability by promoting responsibility and transparency in arms and technology transfers among the participating states. In the agreement it is stated that transfers should not undermine the primary goals of enhancing stability and security,<sup>309</sup> and countries should refrain from issuing licenses to states in which they consider that these weapons might be used for repression or violations of basic human rights and freedoms.<sup>310</sup> Export controls to these ends remain on a national basis and are implemented through states' legislation. Members also agree to exchange and share information.<sup>311</sup> The WA covers seven categories of weapons, with small arms and light weapons as an additional category.<sup>312</sup> Reporting is voluntary and each state is responsible for any decisions on transfers; states are simply encouraged to take the agreed guidelines into account.<sup>313</sup>

The problem with WA and similar multilateral export control groupings is that by and large they provide guidance and set a normative framework that states can choose to follow as and when it suits them. The wording of the WA text is ambiguous and therefore open to interpretation depending on context. There has been great inconsistency in actual export practice among WA members. Weapons transfers by certain member states continue, despite the fact that there may be embargoes in place by other member states.<sup>314</sup> It also remains problematic that there is no comprehensive, mandatory registration system for SALW which tend to be excluded from other datasets,<sup>315</sup> as the case of the UN register shows. A further problem with these frameworks is they have no clear enforcement mechanisms or verification processes in place.<sup>316</sup> It seems that NGOs did not play a role in the establishment of the WA in 1996. NGOs only seem to occasionally participate in so-called outreach seminars that are held to increase knowledge of and support for the arrangement in commerce and

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<sup>308</sup> United Nations, Treaty Collection, 2012

<sup>309</sup> Wassenaar Arrangement, 2012(a)

<sup>310</sup> Wassenaar Arrangement, 2002

<sup>311</sup> Wassenaar Arrangement, 2012(b)

<sup>312</sup> Government Communication, March 2011: 30

<sup>313</sup> Yanik, 2006: 376

<sup>314</sup> Holtom and Bromley, 2010: 13

<sup>315</sup> Davis, 2002: 12

<sup>316</sup> Stohl and Hogendoorn, March 2010: 36

civil society; here NGOs can at least present their opinions.<sup>317</sup> Given the West-centric nature of Wassenaar membership it is possible that NGOs in many of the concerned countries have chosen to focus their lobbying efforts on the EU policy-making system instead.

#### **4.7. National and regional control**

It is first and foremost governments themselves who should bear primary responsibility for regulation and control of SALW flows. Governments may have differing capacities to do so<sup>318</sup> as discussed later on. In the present case, both our selected countries have national export legislation and licensing systems in place. Sweden and the US both have national export systems including legally binding human rights criteria as well as security considerations.<sup>319</sup>

Swedish exports are controlled by the military equipment law. The law covers control over production, export and manufacture of weapons, it also states that exports must be government approved.<sup>320</sup> The export policy states that licenses are only granted for security and defence purposes and if exports do not contradict Swedish foreign policy.<sup>321</sup> Licenses will not be granted to states violating human rights, those that are engaged in international conflicts, or those that are the scene of internal disturbances.<sup>322</sup> A special agency covers export matters and is responsible for sales of surplus equipment.<sup>323</sup>

Being a member of the EU Sweden is a part of the EU Common Position on arms and military technology exports that in 2008 replaced the 1998 EU Code of Conduct on Arms Exports. According to the Common Position technical transfers are regulated at the EU level but weapon exports are still subject to national control.<sup>324</sup> It is still the only legally binding (regional) instrument dealing with global arms transfers, and is therefore worth further inspection.<sup>325</sup>

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<sup>317</sup> Danielsson, 2005:12

<sup>318</sup> Greene and Marsh, 2012(c): 164

<sup>319</sup> Amnesty International, 2010: 6

<sup>320</sup> Stockholm International Peace Research Institute (SIPRI), 2004

<sup>321</sup> Government Communication, March 2011: 85

<sup>322</sup> Government Communication, March 2011: 88

<sup>323</sup> Government Communication, March 2011: 11

<sup>324</sup> Depauw, 2010: 7

<sup>325</sup> Poitevin, 2011: 49

The Common Position is designed to ease the flow of weapons within the EU internal market while strengthening the outer border controls on exports.<sup>326</sup> The Common Position lists certain benchmarks for members to follow when exporting weapons. These criteria are the only factors states are obligated to consider when deciding on exports.<sup>327</sup> They include considering the national, regional and international context and effects of exports, thereby seeking to reduce the potential for weapons exports to aggravate existing problems, such as human rights violations, conflict, or damage to the security of the state itself and other states. Also the importing state's views on terrorism, its conduct internationally and its international alliances should be evaluated before exporting. The possible risk of reversion and re-transfers should be evaluated. The technical capacity of the importing state should be compared to the weapons being exported, along with an evaluation of military expenditure versus social expenditure.

There are further provisions on implementation within national policies. The EU benchmarks are to serve as the minimum normative standards. Exports must be evaluated on a case-to-case basis. The Common Position emphasizes the importance of information sharing and establishes a mechanism where states can seek consultation and information from other member states that have previously denied exports.<sup>328</sup> National reports on arms and technology exports are now an obligation.<sup>329</sup> The biggest differences between the Common Position and the earlier 1998 Code of Conduct are, firstly, the clarity and reduction in ambiguity, especially regarding the scope of trade activities that must be evaluated according to the criteria set out in the text. Each member state may also implement stricter guidelines than the conduct proposes if it deems so necessary.<sup>330</sup> Second, the Common Position is now legally binding upon member states, so national legislation or regulation must be adapted to bring its provisions into law.<sup>331</sup>

Additionally, a guide for the implementation of the Common Position has been issued to ease and clarify the work of licensing committees.<sup>332</sup> Even though states follow the same criteria when licensing exports outside the EU the outcome of these assessments

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<sup>326</sup> Depauw, 2010: 18

<sup>327</sup> Bromley, 2011: 42

<sup>328</sup> Depauw, 2010: 10-11

<sup>329</sup> Bromley, 2011: 43

<sup>330</sup> Depauw, 2010: 10-11

<sup>331</sup> Depauw, 2010: 12. This is according to article 15 of the former treaty of the EU (TEU), now article 29 under the Lisbon Treaty.

<sup>332</sup> Depauw, 2010: 13

tends to vary. The sole responsibility for exports remains with the state, so member states can nonetheless export against the wishes of other states<sup>333</sup> and a degree of subjectivity can be expected when making such decisions. The absence of a common export policy, licensing authority, or shared interpretation of common standards results in a lack of coordination among member states regarding exports.<sup>334</sup> In this light it is debatable whether the Common Position has indeed affected the export-related norms of states. According to research findings quoted by Bromley (2011), better harmonization between exports of member states was not measurable a few years after the document's adoption, but common norms did seem to have been strengthened, as there was a measurable drop in the number of countries violating norms. The Common Position has thus improved the degree of restrictiveness in exports. In sum, the Common Position has failed to harmonize export practice where domestic decision-making remains sovereign, and as a result exports of SALW to areas of concern have not decreased markedly.<sup>335</sup>

Interestingly, NGO activism in this field at the EU level began early. Saferworld, a UK-based NGO, began advocating arms trade restrictions already in 1995 – i.e. before the establishment of the Code of Conduct – by such means as holding press conferences and collecting signatures domestically. This led to further NGO participation and activism. NGOs and governments interacted through seminars that seem to have played some part in preparing the way for adoption of the Common Position.<sup>336</sup> NGO activism forced governments to take note of the issue and provided allies for sympathetic governments.<sup>337</sup> NGOs continued to push for common standards and promote revisions for what became the Common Position.<sup>338</sup>

For its part, when deciding on exports, Sweden applies a restrictive approach towards all countries outside the EU. In such instances export licenses may only be issued to states, government entities or companies that have been authorized for such transfers.<sup>339</sup> That is not to say that the Swedish legal environment is clear-cut and no loopholes for transfer are to be found. Every application for exports is evaluated on case-to-case basis so if a buyer in a specific case has been denied it does not mean

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<sup>333</sup> Depauw, 2010: 15-16

<sup>334</sup> Depauw, 2010: 17

<sup>335</sup> Bromley, 2011: 44-5

<sup>336</sup> Anders, 2005: 185

<sup>337</sup> Anders, 2005: 190

<sup>338</sup> Mack and Wood, 2009-10. A UNDIR Research Project conducted in February 2009- August 2010.

<sup>339</sup> Davis, 2002: 203



that that buyer will be excluded from Swedish transfers altogether.<sup>340</sup> Secondly Swedish law allows exports of weapons parts, including parts for small arms and ammunition, to countries where there have been previous exports with required permissions. This allows for exports of ammunitions or parts that can be linked to previous exports or in cases where denial of exports would be unreasonable.<sup>341</sup> The term “unreasonable” is subjective and open to interpretation. In theory this could result in ammunition being exported to areas of conflict based on previous exports, i.e. before the conflict arose.

Sweden has been the site of considerable NGO activism regarding SALW controls on the national level. Svenska Freds- och Skiljedomsföreningen (The Swedish peace and arbitration society) has directed public attention to and issued material on Swedish exports. *Four things you didn't want to know about Swedish arms exports (2007)* sheds light on Swedish exports of weapons, including light weapons, to areas that are problematic in terms of development, human rights violations and dictatorial regimes.<sup>342</sup> Svenska Freds also campaigns for an international arms trade treaty, both in collaboration with other Swedish NGOs and through the arms control campaign known as OFOG<sup>343</sup> which is an informal peace organization campaigning against Swedish exports among other things. Everybody is free to participate or plan action under OFOG's name.<sup>344</sup> Furthermore OFOG plans discussions, workshops and other activities for people interested in disarmament and other matters.<sup>345</sup>

Avrusta (disarm) is a subsection under OFOG which actively campaigned (from 2008-2010) against Swedish weapon exports by direct actions, e.g. by intruding into factories producing weapons - such as Saab Bofors which produces the Carl Gustaf rifle -and disarming or disfunctioning these weapons.<sup>346</sup>

The Swedish fellowship of reconciliation (SWEfor) has also drawn attention to the matter by e-mail campaigns addressed to the party leaders in the Export Control Committee.<sup>347</sup> In fact the SWEfor has been active in campaigning against Swedish weapon exports since the early 1980s.<sup>348</sup> While there are thus a range of NGOs campaigning toward better regulation of Swedish arms exports and pushing for an

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<sup>340</sup> Government Communication, March 2011: 25-6

<sup>341</sup> Government Communication, March 2011: 87

<sup>342</sup> See: Svenska Freds- och Skiljedomsföreningen et. al., 2007

<sup>343</sup> Svenska Freds- och Skiljedomsföreningen, 2012

<sup>344</sup> OFOG, no year (a)

<sup>345</sup> OFOG, no year (b)

<sup>346</sup> OFOG, no year (c)

<sup>347</sup> Sveriges Kristna Råd, 2010

<sup>348</sup> Lindahl, 2001: 36

international treaty, there seem to be no organizations campaigning *against* Sweden's participation in an Arms Trade Treaty.

It is commonly considered that the US has one of the best national frameworks in place regarding export, user-monitoring and brokering.<sup>349</sup> These laws concern both foreign military sales from the states and commercial sales from companies. The frequently mentioned strength of the US legal framework may give rise to a school of opinion that sees no need for the US to submit itself to an Arms Trade Treaty, since – as the world's single largest arms exporter - it has its own sufficient framework in place. This demands more reflection, however, on what precisely a universal treaty could add. Would it not help precisely by structuring these commitments into an international regime and highlighting the dedication of the US to maintaining effective control of SALW? The US's own stated views on this will be reverted to below.

Some of the relevant US legal frameworks are worth mentioning in more detail. Military assistance is controlled by the Foreign Assistance act from 1961. It clearly states that military aid should not be granted to governments that violate human rights. In the act the president is also given permission to make exceptions to these criteria when necessary. The primary document regarding arms control in the US is probably the Arms Export Control Act from 1976.<sup>350</sup> The act is comprehensive and e.g. includes subchapters on transfers to Sub-Saharan Africa and to less developed regions and on end-use monitoring.<sup>351</sup> The Act rests substantial powers in the hands of the President who controls imports and exports and should provide foreign policy advice to those involved in exports and imports.<sup>352</sup> Lastly there is what is known as the Leahy Law, which allows for prohibition of exports if there is credible evidence that point to human rights violations by a body within that country. It allows, however, for continuation of transfers if it appropriate measures have been taken against those responsible for these violations or if corrective steps are being taken.<sup>353</sup> This example reveals some of the complexities involved when it comes to controlling weapons transfers. The phrasing of the text tends to be ambiguous and is therefore open to interpretation depending on the context. Terminology, for instance on what

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<sup>349</sup> Stohl, 2005: 60

<sup>350</sup> Yanik, 2006: 368-9

<sup>351</sup> US Department of State, 2009

<sup>352</sup> Cornell University Law School, Legal Information Institute, no year

<sup>353</sup> Yanik, 2006: 369

amounts to a human right violation, is hard to define. What in one instance is deemed as a violation to human rights may be seen differently in another case. This can open up loopholes for weapons exports in certain instances. Allowing the President to make exceptions is also questionable.

At regional level, the US helped to negotiate the Organization of American States (OAS) Convention against the illicit manufacturing of and trafficking in firearms, ammunitions, explosions and other related materials.<sup>354</sup> The Convention commits states to penalize illicit production, share information, and strengthen their export and licensing systems. The US has signed the convention but has yet to ratify it, although the existing legal framework is by and large in accordance with the convention, so changes need to be made would be minimal.<sup>355</sup>

The picture of NGO involvement in the US case is quite different from Sweden. There seem to be relatively few domestically based NGOs that are actively campaigning for improved export policies or working towards an arms trade treaty. The small arms working group is a network working towards better domestic and international gun legislation. However, most of the domestic NGOs in the alliance are working towards reducing domestic violence and improving domestic gun control rather than focusing on the impact of American arms exports abroad. There are some organizations that are less involved in direct activism and tend to be more academic in their approach, informing the public by publishing reports and other related material (Arms Control Association, Arms Security Initiative). Physicians for Social Responsibility have pushed for an arms trade treaty but have not addressed SALW proliferation as such.<sup>356</sup>

On the opposing side, the National Rifle Association (NRA) has been active and internationalized its position and is actively campaigning against an arms trade treaty.<sup>357</sup>

Both states are also considered to have established rigorous end-user controls. Sweden's end-user control depends on what is being exported, thus exports of certain weapons require stricter end-use than others. The government itself has published a document with a number identifying each transfer that the end-user has to sign; it is then sent on to the Swedish embassy in the country where the end-user is located. In

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<sup>354</sup> Rogers, 2009: 183

<sup>355</sup> Federation of American Scientists, 2011

<sup>356</sup> Physicians for Social Responsibility, 2012

<sup>357</sup> Stavrianakis, 2010: 149

certain cases the recipient may be required to permit on-site surveillance by the Swedish authorities to make sure that restrictions are complied with.<sup>358</sup> Instances of unauthorized re-exports of SALW may result in withdrawal of an export license and possible sanctions in cooperation with other EU members.<sup>359</sup> However, Swedish evaluation of re-exports is not clear-cut or objective. It depends among other things on the identity of the product, so that if the product is primarily considered Swedish it will be subject to Swedish guidelines. On the other hand if the identity of the product is foreign, cooperation agreements with the relevant partners may allow for re-exports; or if an agreement serves Sweden's foreign policy interests, re-exports are allowed in accordance with the export regulation framework of the cooperating state.<sup>360</sup>

If the US authorities notice something in the export process that is considered suspicious, e.g. the company is unknown, data on end-use are unclear or the destination is considered insecure, the authorities can investigate the matter further through their own end-use checks. This can be done either prior to shipment, or to perform a delivery verification to verify the end-use. If the end-user has violated the stated use, Congress and officials are informed and the breach can result in policy denials or even sanctions. If a private party violates re-export provisions they can be prohibited from further trading or exports in the defence field.<sup>361</sup>

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<sup>358</sup> Greene and Krikham, 2007: 18-19

<sup>359</sup> Greene and Krikham, 2007: 22

<sup>360</sup> Davis, 2002: 204

<sup>361</sup> Greene and Krikham, 2007: 17-18

## **5. Presentation of National Data**

This chapter will present data that will provide the foundations for the analysis of the two national case-studies to be discussed in the subsequent chapter.

In view of the hypothesis and the theoretical framework of this thesis, it is relevant and important to provide two different types of data: more objective statistical data on defence and commercial transactions that relate to the positivistic essence of realism, but also data on more subjective aspects of the issue, covering for instance norms, values and opinions that are important from a constructivist point of view. Data on the financial value of SALW exports and numbers of weapons will be presented first. The tables will cite the financial value of this trade in US dollars as reported by the Small Arms Survey and SIPRI. Breaking down exports by geographical regions is important since it can be expected that weapon exports to certain geographical areas may be an indication of strategic or regional interests, where the exporter is using them for leverage or strengthening alliances. In many instances separate figures for SALW exports were not accessible, therefore much of the data relies on numbers of total weapon exports while additionally taking data from NISAT's database on Small Arms Transfers into account. Following this, figures on employment in SALW production will be presented, to give an idea of the importance of employment in SALW at the domestic level and its possible impact on the way states behave or conduct their arms exports. Constructivism focuses mainly on the internal interplay between collective norms and other unit-level factors and on how they may affect states' perception of themselves and thereby their behaviour or decisions on the international level. To better assess whether and how this may apply to the given states' attitudes on the ATT process, data on public views of weapon exports will be presented, followed by a general discussion on public norms and perceptions both in and outside the state.

### **5.1. Exports**

The US is a major producer and exporter of small arms, light weapons and ammunition.<sup>362</sup> Sweden is not considered a major producer of small arms, but is a relevant producer in light weapons and ammunition. According to the Small Arms.

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<sup>362</sup> According to statistics presented the Small Arms Survey 2009 yearbook USA is among the top ten exporters in every category, see chapter 1 in the 2009 yearbook.

Survey both Sweden and the US are categorized as major exporters of SALW, with an export value of authorized transfers reaching 10 million US dollars or more.<sup>363</sup>

**Table 1. Value of SALW exports in 2005**

Table Based on Annexe 4.1 in the Small Arms Survey 2008 Yearbook. Value as % of total export is based on division of the total export value given by SIPRI for the year in question.<sup>364</sup>

Exporting state	Export value in US dollars (2005)	Value as percentage of total exports	Recipient states (by value)
United States	426 million	3.2%	Canada, Japan, Australia, South Korea, Israel
Sweden	28 million	2.17%	US, Norway, Germany, Denmark, France

As a comparison with these 2005 figures the total value of SALW exports for these countries had almost doubled three years later, in 2008. At that time the US was still the world's main exporter of SALW. It is however interesting to note that increased production had moved Sweden from being a major exporter in the second tier to being a major exporter in the first tier, placing it in a group with substantially larger states like the United Kingdom and Japan and ahead of other states like France and Poland.<sup>365</sup>

**Table 2. Value of SALW exports in 2008.**

Table based on Annexe 1.1. in the Small Arms Survey 2011 Yearbook. Value as % of total export is based on division of the total export value given by SIPRI for the year in question.<sup>366</sup>

Exporting state	Export value in USdollars (2008)	Value as percentage of total exports	Recipient States
United States	715 million	5.9%	Canada, South Korea, Australia, Israel, UK
Sweden	69 million	3.5%	Denmark, Canada, US, Norway, Finland

<sup>363</sup> Small Arms Survey, 2009. See Annexe 4.1.

<sup>364</sup> Stockholm International Peace Research Institute (SIPRI), 2012(b). The total export value, excluding export licences or agreements. Excel document (The financial value of national arms exports, 2001-2010, in constant US\$) on SIPRI's website:

[http://www.sipri.org/research/armaments/transfers/measuring/financial\\_values](http://www.sipri.org/research/armaments/transfers/measuring/financial_values)

<sup>365</sup> Small Arms Survey, 2011: 11

<sup>366</sup> Stockholm International Peace Research Institute (SIPRI), 2012(b). The total export value, excluding export licences or agreements. Excel document (The financial value of national arms exports, 2001-2010, in constant US\$) on SIPRI's website:

[http://www.sipri.org/research/armaments/transfers/measuring/financial\\_values](http://www.sipri.org/research/armaments/transfers/measuring/financial_values)

Although export values of SALW increased substantially from 2005 to 2008 this does not seem to reflect a lasting trend, but rather the fact that the value of exports varies considerably from year to year.

It is not possible to identify the recipients of weapons with strict reference to SALW alone; but in the case of Sweden there are some very interesting trends in the recipient countries from year to year. In 2008 a majority of Swedish arms transfers went to European states, followed by sub-Saharan countries and South Asia.

**Table 3. Exports of Swedish weapons by region 2008**

Table based on Government Communication, 2009: 44

Area	Percentage (as value)
Europe (EU/Non-EU)	58.9%
Sub-Saharan Africa	15%
South Asia	10.7%
North America	7.3%

The table is based on exports of all military equipment from Sweden that year, not just SALW alone since disaggregated numbers on SALW exports are not widely available, especially by region. To acquire more information on SALW exports to certain countries the NISAT database is helpful, as it provides information on whether SALW were exported exclusively or along with conventional weapons. It can be assumed from the government report and information on small arms transfers reported in the NISAT database that SALW were exported along with other types of weapons in a majority of the cases.<sup>367</sup>

From these figures, based on exports by geographical area, it would be questionable to maintain that authorized transfers of SALW were generally adding to the risks of human rights violations or other existing global problems, since the major recipients are all relatively stable democracies that are not engaged in wars or conflicts. However, according to the Small Arms Survey, during 2002-2004 Sweden did export

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<sup>367</sup> For further information on this see Government Communication, March 2009: 43, additionally the NISAT database provides good information on where SALW was exported, if SALW was exported along with other types of weapons, what types of SALW and the financial value, where available. A few transfers of SALW were unclassified by country. For this a query can be made at: [http://balder.prio.no:8080/PublicQuery\\_SQL.aspx](http://balder.prio.no:8080/PublicQuery_SQL.aspx)

SALW to countries that were known to be violating human rights or were engaged in conflict at the time of exports, including Turkey, Indonesia, Israel.<sup>368</sup> Svenska Freds has also reported on exports of military equipment to nine other countries during the period 2000-2005.<sup>369</sup> Export licences for SALW, or actual transfers of ammunition, part of weapons or particular types of light weapons were exported to many of these same countries in 2008 e.g. Bahrain, Saudi Arabia, United Arab Emirates, Indonesia, India, Pakistan, Kuwait, Egypt and Oman.<sup>370</sup> Interestingly enough it seems that despite NGO criticisms and the ever-tightening joint EU standards, Swedish exports to these countries have not been reduced.

**Table 4. Exports of Swedish weapons by region 2010**

Table based on Government communication, March 2011: 56

Area	Percentage (as value)
Europe (EU/Non-EU)	42.5%
South Asia	14.8%
North America	12.6%
Middle East	8.1%

What is interesting here is the decreasing value of exports to Europe, while there is a rise in exports to countries in South Asia (identified as India and Pakistan) and then the Middle East. Licences were issued for exports, or actual exports of SALW were made, to known dictatorships and countries that have violated the rights of citizens, including Bahrain, Egypt, Oman and Saudi Arabia.<sup>371</sup> Additionally the NISAT database reports on SALW transfers to Brunei, Jordan, and Kuwait.<sup>372</sup>

Accounting for US exports can be somewhat more complex since, in contrast to Sweden, weapon transfers are not reported on in a single report but in several reports by different categories, and tend not to be divided up by geographical area. For simplicity's sake the statistics presented here will be based on an overview of the largest weapon suppliers during the periods 2003-2007 and 2007-2011 as reported in the SIPRI Yearbooks 2008 and 2012, the numbers presented there present all types of weapons, not just SALW. Like previously mentioned disaggregated numbers of SALW exports are hard to come across, but exports of weapons as such do usually

<sup>368</sup> Small Arms Survey, 2007, see annexe 2

<sup>369</sup> Svenska Freds- och Skiljedomsföreningen et. al., 2007

<sup>370</sup> See: Government Communication, March 2009: 43

<sup>371</sup> Government Communication, March 2011: 55-6

<sup>372</sup> Norwegian Initiative on Small Arms Transfers, NISAT Database (a), Exports from Sweden to all Countries 2010



include SALW. For the purpose of the thesis it is beneficial to get some idea where the majority of weapons is exported to since it can be an indicator of regional or strategic alliances or interests in certain areas.

**Table 5. US weapon exports by region during 2003-2007**

Table based on Holtom, Bromley and Wezeman, 2008: 296

Region	Percentage (of weapons supplied)
Middle East	32%
Asia	31%
Europe	27%

**Table 6. US exports by region during 2007-2011**

Holtom, Bromley, Wezeman and Wezeman, 2012: 264

Region	Percentage (of weapons supplied)
Asia	35% (Asia and Oceania accounted for 45%)
Middle East	27%
Europe	18%

In this context it is noticeable that for these interval, e.g. from 2003-7 and 2007-2011 the largest recipients of American weapons during both periods included South Korea and the United Arab Emirates.<sup>373</sup> According to NISAT's database on small arms transfers, during the year 2008-9 there were reported US exports of SALW to over 60 countries. Including Pakistan, India, Bahrain, Egypt, Colombia, Iraq, Israel, Jordan, Saudi Arabia, Thailand, Philippines and United Arab Emirates.<sup>374</sup> The US is known to have exported weapons to states committing human rights violations or states that have internal conflicts. During the period 2002-2004, for instance, there were known exports of SALW to Afghanistan, Angola, China, Cambodia, Colombia, Indonesia, Iraq, Israel, Liberia, Pakistan and Uganda.<sup>375</sup>

<sup>373</sup> Holtom, Bromley and Wezeman, 2008: 294 and Holtom, Bromley, Wezeman and Wezeman. 2012: 262

<sup>374</sup> Including authorisation and exports. All these countries had three or more reported transfers of SALW. Norwegian Initiative on Small Arms Transfers, NISAT Database (b), Exports from the United States.

<sup>375</sup> Small Arms Survey, 2007, see annexe 2

## 5.2 Employment data

It is hard to pinpoint the level of employment in the small arms industry, since there may also be companies that produce parts or certain materials for such arms that may not be accounted for or fall under other sectors. The US census bureau has issued some numbers on employment in small arms production and ammunition production. Sweden has not published disaggregated numbers for employment in weapons manufacturing as such, but some of the companies producing SALW publish information about employment on their websites, thus give some indication of the importance of SALW production. In both cases the level of employment related to SALW can only be roughly estimated.

Data from the US Census Bureau provides information about employment in the small arms production and small arms ammunition manufacturing sectors in 2007.

**Table 7. Employment in Small Arms Industry in the US**

Based on US Census Bureau, 2012 (a) and 2012 (b)

Sector	Number of employees
Small Arms Production	11,399
Small arms ammunition manufacturing	9,644
Total	21,043

According the US Census Bureau, there were 9,644 employees involved in small arms ammunition manufacturing in 2007. Interestingly enough most of the companies producing ammunition are small in size, most of them employing only 1-19 workers.<sup>376</sup>

Employment in small arms production in 2007 was 11,399. Interestingly enough, although most establishments were in two states in the south - Texas and Arizona - the number of employees involved in production was highest in the North-East, e.g. the state of New York, New Hampshire and Maine.<sup>377</sup>

Weidacher (2005) reveals that little is known about the overall SALW industry in Europe, both in terms of employment and production. It can however be assessed that employment in SALW exceeds what is needed for the demands of the domestic and

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<sup>376</sup> US Census Bureau, 2012(a)

<sup>377</sup> US Census Bureau, 2012(b)

European markets, thereby creating a dependency on markets outside of Europe.<sup>378</sup> According to Weidacher there are about 14,000 employees involved in arms production in Sweden. She provides a list of Swedish companies who are known to produce SALW, including Saab Bofors dynamics, Nammo and Eurenco.<sup>379</sup> To estimate employment, the figures on employees in these companies are presented here, drawing on Weidacher's data for Saab Bofors and upon company websites in the cases of Nammo and Eurenco. It should be noted that the numbers on Saab Bofors date back to 2003.

**Table 8. Estimated employees in SALW production in Sweden**

Company	Saab Bofors	Nammo	Eurenco	Total (estimated)
Number of employees	1700 <sup>380</sup>	430 <sup>381</sup>	240 <sup>382</sup>	2,370

Further, in the case of Saab Bofors Dynamics the number of employees related specifically to SALW production is unknown.<sup>383</sup> The case is similar for Eurenco. These factories produce other military equipment so it is likely that only one portion of the employees are involved in SALW production. Regarding the regional significance of this employment, Örebro County in Sweden is home to three of Nammo's four factories, along with Eurenco's factories and Saab Bofors Dynamics which are also located in Örebro County, in a small town called Karlskoga.

### 5.3. Public views

No opinion polls have been published for the countries under study that measure public views towards an Arms Trade Treaty or exports/production of small arms and light weapons. But public views towards arms exports and production can give a fairly good indication, since it is unlikely that the general public is too much concerned with the specifics of weapons being exported. This section will consider findings from several surveys conducted at the domestic level.

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<sup>378</sup> Weidacher, 2005: 7

<sup>379</sup> Weidacher, 2005: 65-6

<sup>380</sup> Weidacher, 2005: 67

<sup>381</sup> See Nammo, 2012 (a), 2012 (b), 2012 (c) and 2012 (d)

<sup>382</sup> Eurenco, no year

<sup>383</sup> Weidacher, 2005: 67

**Table 9. US public views on weapon exports and regulations**

Based on Chicago Council on Global Affairs, 2006: 20

Increasing UN Regulatory power over arms trade	In Favour	Opposed
	60%	36%

See Ericksson, 2007: 7-8

US weapon sales to other countries	In favour	Opposed
	18%	77%

A survey conducted by the Chicago Council on Global Affairs 2006 measured views on giving the UN more regulatory power over the arms trade. The general reluctance of the US government to join an arms trade regime does not seem to reflect the views of the public. In 2006 only 36% were opposed to giving the UN regulatory power over the international arms trade, while 60% were in favour, an increase of 3% from the survey conducted in 2004.<sup>384</sup> Interestingly enough a majority of Americans seem to oppose weapon sales to other nations in general: in both 1995 and 2002 77% were against selling weapons to other countries, while those supported such sales were 15% and 18% respectively.<sup>385</sup> The survey by the Chicago Council also indicates that American prefer cooperation through multilateral and international institutions, where the UN's role would be strengthened.<sup>386</sup>

**Table 10. Swedish public views on weapon exports**

	Yes	No
Should Sweden allow exports to other countries	37%	55%
Should Sweden export weapons to countries violating Human Rights	5%	92%

According to a survey by the conducted for Svenska Freds, 55% of the Swedish public were against arms exports to other countries. Furthermore a majority were against exports of weapons to countries where serious violations of human rights

<sup>384</sup> Chicago Council on Global Affairs, 2006: 20

<sup>385</sup> Erickson, 2007: 7-8

<sup>386</sup> Chicago Council on Global Affairs, 2006: 5, 17

occurred.<sup>387</sup>

#### **5.4. Data on perceptions, values and self-image**

Neutrality has shaped Sweden's image, both domestically and internationally. The Swedes by and large seem to perceive themselves as a non-aligned, peaceful state and continue to support Sweden's non-alignment while the support for NATO or other defense cooperation is limited.<sup>388</sup> Neutrality today is more an ideological than a strategic posture as it is tied to the normative beliefs of the citizens.<sup>389</sup> This stance also influences the views of the public towards international affairs more generally, making them inclined towards promoting international values rather than defending national interests. This is for example represented by a positive attitude towards development aid. Research has shown that a majority of Swedes think that assistance should be provided to the third world, even if domestic prospects were bad.<sup>390</sup> Neutrality has also become a tool for Sweden to promote and advance its core domestic values of equality and solidarity internationally. Support for humanitarian actions, development and mediation has resulted in Sweden being recognized as a moral actor and norm trailblazer in international relations.<sup>391</sup>

The American public is also inclined towards promoting humanitarian values and finding solutions to international problems in cooperation with other states.<sup>392</sup> On the other hand the majority (56%) also seems to lean towards realistic approaches towards other states and, for example, regards the maintenance of superior power - especially in military terms - as an important foreign policy goal for the US.<sup>393</sup> Interestingly enough Americans do not see protecting human rights as a long-term priority for their state. It seems that the majority of Americans tend to see domestic matters and the associated interests as being more important components of their foreign policy: thus a majority ranked protecting the rights of US workers, protecting the US from terrorism and improving relationships with allies as more important than the promotion of human right<sup>394</sup>

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<sup>387</sup> Baarman, May 2010

<sup>388</sup> Herolf, 2006: 70 (see footnote 7)

<sup>389</sup> Herolf, 2006: 70

<sup>390</sup> Karre and Svensson, 1989: 259-260

<sup>391</sup> Agius, 2011: 375

<sup>392</sup> Chicago Council on Global Affairs, 2010: 52-3

<sup>393</sup> Chicago Council on Global Affairs, 2010: 40

<sup>394</sup> Pew Research Center, June 10, 2011

The self-perception and values of American and Swedish citizens are reflected well in the World Value Survey, data from 2006. When asked to evaluate whether reducing global poverty or focusing on national problems should be a priority for their government, 34.6% of Americans regarded solving national problems as a top priority of their government whereas only 8.3% of Swedes saw it the same way.<sup>395</sup> Furthermore, 50.6% of Swedes said they would be willing to take on increased tax burdens to increase foreign aid as opposed to 25.3% of Americans.<sup>396</sup> Also a larger percentage of Swedes saw themselves as world citizens than Americans, and Swedes had more confidence in the UN.<sup>397</sup>

All in all these opinion data portray Swedes as internationalists, more cosmopolitan, inclined to the promotion of human rights and equality, and willing to cooperate; whereas Americans tend to see internal domestic matters taking primacy over international matters. This is by and large reflected in the countries' approach to international relations.

Among other countries, a common opinion reflected in surveys is that the US acts in a unilateral manner internationally, and it is generally felt that the US does not take the interests of other countries into account. Its international actions such as military attacks carried out recently within foreign countries are seen as disproportionate.<sup>398</sup> The BBC world survey has further demonstrated that the global role of the US increasingly seen in a more negative manner.<sup>399</sup>

Surveys on Sweden have not been equally extensive. In interviews among 45 foreign representatives conducted in 2003, in connection to an investigation on the Swedish image abroad, most of them considered the greatest assets of Sweden being non-alignment, the ability to mediate, stressing the importance of human rights and international cooperation.<sup>400</sup>

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<sup>395</sup> World Values Survey, 2011, indicator V178

<sup>396</sup> World Values Survey, 2011, indicator V 177

<sup>397</sup> World Values Survey, 2011, indicator V 210 views on world citizenry and V 147 for views on the UN

<sup>398</sup> Pew Research Center, June 13, 2012

<sup>399</sup> BBC News, 2007

<sup>400</sup> Ministry for Foreign Affairs Sweden, 2005: 47

## **6. Analysis**

This chapter will seek to investigate to what extent the approach of Sweden and the US towards increased SALW controls and the ATT can be said to be a case of realism in international relations. This chapter will rely on and interpret the data presented in the previous chapter, while taking other structural and unit-level variables into account, and will discuss how far and in what way these variables may account for the differing behaviour of the US and Sweden - respectively - towards the proposed Arms Trade Treaty. In line with the hypothesis stated in the beginning of the thesis, the analysis will in each case start with the theory that, according to the hypothesis, should be most logical and have more explanatory value. It will then go on to make a critical analysis using the theory that appears to have less value, to see how and to what extent it may come into play and affect state behaviour.

### **6.1. Sweden**

Sweden has been an active supporter of an Arms Trade Treaty and voted in favour of all resolutions on the matter. Sweden as a member of the EU is bound by the EU's Common Position on arms and military technology exports from 2008. Furthermore Sweden ratified in 2011 the UN protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. Sweden has also reported on small arms transfers to UNROCA, although at irregular intervals.

#### **6.1.1. Explaining Sweden's position from a constructivist standpoint**

Sweden seems to be a prominent example of a state that adheres to and is shaped by a soft power approach that is strengthened and reinforced by normative factors at the unit-level. It does not possess military or economic means that could align it with the most powerful states. What it does possess is soft power beyond its military and economic capabilities, and a perception among other states that gives it an amount of leverage in certain matters.<sup>401</sup> Internationally, Sweden has had agency to mobilize support for certain standards and policies that have gained widespread adherence.<sup>402</sup> Sweden's strength lies in its power to collaborate and to advance general norms of good international behaviour. What partly strengthens Sweden's influence is that the policies it promotes are followed through or strengthened at the domestic level, e.g. efforts for sustainable development are visible at the unit level<sup>403</sup> as well as

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<sup>401</sup> Keohane and Nye, 1998:86

<sup>402</sup> Ingebritsen, 2002: 12

<sup>403</sup> Ingebritsen, 2002: 16

internationally, both in terms of norms and actions. According to Ingebritsen the Nordic agency is most relevant in policy areas such as environment, international security and global welfare. This has been seen by some as a strategic approach by small states to maximize their power,<sup>404</sup> a form of small state realism. True or not, it does not change the fact that Sweden has been rather successful in directing attention to issues such as conflict prevention, leading to their becoming internationalized on the UN agenda. Thus its power is more normative while it has to cooperate to get the ideas it promotes into action.<sup>405</sup> This has put Sweden in a power-position that allows it more impact than might be expected from its realistically defined status. What allows Sweden to punch above its weight is the fact that other states see its culture, values and institutions as assets.<sup>406</sup> Sweden's extensive cooperation with NGOs is also an important factor in its status since establishing a credible connection with NGOs is a vital element of the soft power approach<sup>407</sup>

Soft power approaches are shaped by culture, policies, ideas and values. Viewed from the constructivist point of view there seems to be a convergence, a collective intentionality, between the public and the government on what Sweden's international role should be and what actions it should support. This is shaped in turn by its history and by the self-definition and awareness of what it means for Sweden to be a non-aligned/non-allied state. The model is further strengthened by a public policy discourse that does not emphasize advancing Sweden's interests, but rather advancing the position of the less fortunate: a clear indication of how deeply the law of Jante<sup>408</sup> is engraved in the Swedish public consciousness and affects public views and Sweden's behaviour internationally. Societal factors such as public discourses, identity and values form a reproductive cycle that enforces state behaviour and self-perception; however this also means that the latter can change as a result of changes elsewhere in the cycle.

Sweden's stance on SALW and arms trade treaty reflects this model well, and the issue has been framed to coincide with other Swedish objectives and stated norms in its foreign policy. Sweden regards the Arms Trade Treaty as a matter of human

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<sup>404</sup> Ingebritsen, 2002: 13

<sup>405</sup> Björkdahl, 2007: 546-7

<sup>406</sup> Nye, 2008: 95

<sup>407</sup> Nye, 2008: 100

<sup>408</sup> In Swedish Jantelagen and Janteloven in Danish/Norwegian. The law is based on 10 commandments, stemming originally from a novel by the writer Aksel Sandemose, and has become an important element of the Scandinavian self-perception. It emphasizes putting the collective first and limiting the individual. The individual should preferably not praise him/herself or regard him/herself as being superior to others. Humbleness is a virtue, but arrogance is not. (Adapted from Gyldendal, Den Store Danske).



security and conflict prevention and focuses on the challenges that SALW pose for sustainable development. Sweden has emphasized its participation in several related projects, mainly DDR programmes in post-conflict situations.<sup>409</sup> There has also been an interactive relationship with NGOs on arms control matters in general. NGOs and government meet on a regular basis to support NGO efforts on raising awareness on the matter, facilitated through the Swedish Network on Small Arms (SANSA), while Sweden contributes financially to various NGOs and research organizations involved in disarmament matters.<sup>410</sup> According to a representative from Amnesty International Sweden, agitating for an ATT was not a high priority for the national branch since the government already had taken a positive stance towards the treaty; nevertheless 7000 people signed a petition brought forward by Amnesty.<sup>411</sup> This normative convergence is likely to bring credibility to Sweden's official stance, since soft power is dependent on norms. Working for an ATT is calculated to further strengthen Sweden's positive image in international relations and give it leverage among certain nations, facilitating cooperation with them in other areas. In the ATT process it behaves in a way that reinforces its image, in line with its previous behaviour and what other states expect. However, Sweden's international approach on SALW control, and the norms it promotes, present some puzzling contrasts with its actual behaviour in SALW and other arms exports: contrasts that deserve further scrutiny.

#### **6.1.2 Pattern of Swedish exports: their rationale, contradictions and implications**

Swedish weapon exports to Africa are now marginal, which does seem to reflect the value of reducing conflict and advancing development, in accordance with NGOs' approaches to the matter. Yet other areas like South Asia, North America and the Middle East are now receiving a considerable proportion of Swedish weapon exports. These are some of the same states that have been subject to considerable criticism for human rights violations, both by NGOs and in reports on human rights by the Swedish ministry for foreign affairs. These exports seem very contradictory to Sweden's international approach. Further, the increase in arms exports to the US means that the Swedish authorities have less control over for what purposes Swedish exports are used, e.g. by US troops in Iraq,<sup>412</sup> an invasion which Sweden opposed. Although Sweden has taken a critical stance on some of the US's international approaches it nonetheless continues to license exports, even in cases where the end-

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<sup>409</sup> United Nations Office for Disarmament Affairs, Delegation of Sweden, 2008

<sup>410</sup> United Nations Programme of Action Implementation Support System, 2011(a)

<sup>411</sup> Personal communication with a representative from Amnesty International Sweden, November, 2012.

<sup>412</sup> Svenska Freds- och Skiljedomsföreningen et al., 2007

use may contradict the goals of Swedish foreign policy. US protocols are not as effective as they should be when it comes to rigorous end-use control use of SALW, as it seems that reporting and inspection on end-use in recipient states has not been common. Similarly there have been many instances where weapons have been smuggled across the border and diverted to South American countries, to end up in the hands of terrorists and criminal gangs among others.<sup>413</sup>

When discussing the importance of cooperation in arms production there seem to be two tendencies in the discourse of the Swedish elite. On the one hand it is claimed that cooperation or exports can pave the way for better diplomatic relationships with the customer nations, opening up the possibility to discuss and impact the human rights situation in these countries.<sup>414</sup> On the other hand the justification lies in serving Swedish national interests, by advancing and keeping the Swedish arms industry technically competent and maintaining its position as a hi-tech weapon producer.<sup>415</sup> However, as shown by the data above, sustaining a high level and stable level of small arms and light weapon production does not seem to be of crucial importance to nourish the technical superiority of the Swedish (or any other) arms industry. Hence it is likely that unit-level factors, especially employment and regional policy considerations, are involved in the divergence of Swedish norms and actions. There are several indications of this. What differs from the US case is that the factories concerned in Sweden are less versatile in their production; they often only produce SALW or certain components and are more segregated from other branches of the company, so that reducing SALW exports could collapse these entities. Secondly there is the indication that Swedish SALW producers are more dependent on getting their products to foreign markets. The US has a relatively large domestic market, both in private and military terms, but this is far less the case in Sweden, which has recently seen a steep decline in its standing army to just over 21,000.<sup>416</sup>

Although the importance of SALW production in economic terms is marginal, it is nonetheless important at the societal level. It is likely that the employment factor carries heavy weight in the Swedish decision to maintain SALW exports. Most factories involved in SALW production are located in one county, Örebro, with a population of roughly 280,000 people. Karlskoga, where the majority of the factories are located, has a population of only 29,600 people, and reducing exports is likely to

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<sup>413</sup> Lumpe, 1997

<sup>414</sup> Manga, 2010: 6

<sup>415</sup> Lindahl, 2005: 37

<sup>416</sup> International Institute for Strategic Studies, 2011: 148

cause employment to suffer substantially in this one area. Örebro County is already suffering from higher levels of unemployment than the rest of Sweden.<sup>417</sup> As a result the government is likely to be cautious in taking up actions that may come to have negative local effects. Apprehension for the industry is also revealed in discussions about transfers to non-state actors, but Sweden has pointed out that the industry is also a non-state actor so the definition should be unambiguous.<sup>418</sup>

These concerns seem to cut across the traditional left-right cleavage in Swedish politics, since both the biggest parties on each side of the centre have both supported defence industrial cooperation and granted export licences to countries that are said to violate human rights; thus missile production in Saudi Arabia was promoted by both of the biggest parties when serving in administration.<sup>419</sup> As both major political camps seem to see the matter similarly, a level of diplomatic support for the industry and SALW cooperation and production is therefore likely to remain, except in the event of a dramatic change in the political landscape, which is unlikely.

Swedish state subsidies to production of weapons are now less common than they were, since most of the companies have been privatized completely or to a large extent. But there are incidents where the Swedish government has provided operational support for buyers of light weapons to facilitate the export of small arms. The willingness to facilitate can be seen as part of creating a favourable and cooperative environment for the companies involved.<sup>420</sup> If the government was to restrain companies too much, compared with other European practice, the Swedish owners could relocate their production and along with it the related jobs.<sup>421</sup> So some form of equilibrium has to exist, which can mean compromising between concrete interests and normative policies, to keep arms producers happy and secure domestic interests and employment. The policy of selling Swedish weapons to questionable countries is likely to remain, as long as it does not prove too costly for Sweden's image.

### **6.1.3 Implications for Sweden's international posture on SALW**

Sweden is increasingly faced with what Agius terms a situation of “post-neutrality”. This means that while Sweden continues to privilege and promote the neutrality

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<sup>417</sup> Riksdagen, 2011

<sup>418</sup> Sears, 2012: 46

<sup>419</sup> Sveriges Radio, March 31, 2012

<sup>420</sup> Brzoska, 2004: 164

<sup>421</sup> This premisis on Ingebritsens sector mobility theory, put forward in her book *The Nordic States and European Unity* (1998). According to Ingebritsen mobility of certain sectors did encourage some of the Nordic states to join the EU.

discourse when it suits its interests,<sup>422</sup> both for maintaining its ‘soft’ image with domestic and international opinion and preserving values seen as basic for the Swedish identity, at the same time it is being driven by new global circumstances towards actions and partnerships that call in question old normative positions.<sup>423</sup> This can cause conflict between the collective intentionality and the actions of the state internationally. The government chooses to advance a discourse that reflects the neutrality and internationalism while in principle and action it seems to be drifting away from it. What is likely to explain this trend is a divergence between the population and the elite-decision makers. The fact seems to be that Sweden is torn between trying to preserve its stance and image as a neutral state advancing a certain kind of security, and leaning more towards realist premises in its international behaviour. It has done what it can to try to rationalize this turn from neutrality towards enhanced collaboration in security (e.g. joining NATO operations in Kosovo and Afghanistan, giving partial guarantees to Nordic and Baltic neighbours) by referring to other core values, such as solidarity and cooperation.<sup>424</sup>

The risk in this posture lies in what may happen when the gap between traditional norms and current action is exposed. Given the very idealistic picture that Swedes have of themselves, when something comes to their attention that contradicts or fails to coincide with this self-perception e.g. by appearing “too realist”, it is likely that this will have consequences and prove costly at the domestic level. Recent evidence of this is the resignation of the defence minister, Sten Tolgfors, when it was revealed that there were ongoing plans to build a weapon factory, producing light anti-tank weapons, in Saudi Arabia with Swedish assistance<sup>425</sup> - something that brought a strong emotional reaction in parliament and the public. It is interesting to note that Sweden has been supplying SALW to Saudi Arabia and countries with a similar reputation for some length of time<sup>426</sup> without triggering domestic implications or apparently attracting much domestic attention. But direct cooperation and support to dictatorships seems to have been viewed as a step too far.

As long as the Swedish public believes that Sweden’s actions on SALW and position on the ATT are in accordance to its image and are supported by its international approach, its image will stay strong at the international level too and will provide it

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<sup>422</sup> Agius, 2011: 371

<sup>423</sup> Löden, 2012: 275

<sup>424</sup> Agius, 2011: 381

<sup>425</sup> Aftonbladet, March 6, 2012

<sup>426</sup> Lindahl, 2005: 27

with leverage. There are indications that simultaneous official support for maintaining the production of SALW primarily has to do with employment reasons, driving Sweden to sell to countries that do not adhere to the same values that it does. When confronted, however, politicians tend not to justify exports by referring to domestic factors but rather by the normative argument that weapon exports can serve as premises for building diplomatic relations and thus opening the way to influence on behalf of rights and reform.<sup>427</sup> This aligns better with the internationalist image Sweden wants to promote, but it is not far away from some of the rationales used by US policy makers for retaining national flexibility over the choice of export partners.

As long as the majority of the population remains relatively uninterested or unaware of the contradictions in official Swedish behaviour on SALW and weapons exports in general, the government can go on facilitating production and export of SALW and will not have to explain its actions or mediate with the public. But if cases arise where the domestic audiences are aware and condemn the actions taken, the consequences will have to be dealt with at the domestic level if they are not to harm the Swedish image in the long term. In other words, compromises will have to be made to maintain a consistent and agreed identity formation at the unit-level, as the recent resignation of the defence minister indicates.

#### **6.1.4. Explaining Sweden's stance from realism's standpoint**

It cannot be entirely excluded that there are some realistic or strategic factors that may contribute to understanding Sweden's approach to SALW. According to the Swedish government, the reason for Sweden's production of weapons to begin with was the pressure for self-sufficiency in national security, due to their neutrality in the Cold War.<sup>428</sup> After the end of the Cold War the level of production has remained and even increased, even though the country in principle had nothing to defend itself from, resulting in a need for Sweden to find markets for its excess production of weapons, SALW and others. It does not seem that export of SALW serves a particular political agenda in Sweden's case, since it also appears that the main importers tend to vary from year to year. It therefore seems that Sweden is willing to export weapons to those willing to buy.

It is also the case that if Sweden was successful in achieving an Arms Trade Treaty, its conduct of exports of SALW or other weapons would be unlikely to be impacted

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<sup>427</sup> Manga, 2010: 6

<sup>428</sup> Government Communication, March 2011: 13

severely. Sweden is already legally bound by the EU Common Position, which is in many ways a model for the UN process, so it must be considered unlikely that the ATT would change Swedish export patterns from what they are now; hence this can hardly be seen as a relative gains problem. From a strategic point of view the close cooperation with the US in terms of production and development of military equipment is extremely beneficial to the Swedish arms industry and its technology base, also in terms of competitive advantage vis-à-vis other Europeans.<sup>429</sup>

### ***Keeping friends close?***

The US is an important ally to have against the threats that states face today and still provides the ultimate strategic umbrella for stability in Europe's Northern regions. Since this bilateral cooperation serves Swedish foreign policy interests in so many ways, any Swedish restriction of exports to the US is unlikely despite well-founded concerns about end-use control. As mentioned by Stavrianakis, it may also be significant that the complexity of technical cooperation and high classification of much related information makes it unlikely to evoke a high level of public opposition.<sup>430</sup>

Even so, the cooperation has yielded some challenges for Sweden. US soldiers have been known to sell the Swedish AT4 rifle into the hands of private security guards and mercenaries in Iraq, in exchange for cigarettes and other commodities. This goes against an agreement between Sweden and the US<sup>431</sup> and paves the way for Swedish small arms to enter the global black market. Although such action contravenes an agreement between the two nations, the Swedish government does not seem to have taken any concrete action to stop it, nor has it evoked much public response. A similar case of diversion occurred in Venezuela where light weapons got into the hands of FARC in Colombia. In that case it was decided that all further exports to Venezuela should be stopped.<sup>432</sup> This indicates that the close cooperation with the US is valued on different terms from other, less powerful customers; Venezuela had been a rather large importer of Swedish weapons up to the point when this occurred.<sup>433</sup> It also

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<sup>429</sup> GlobalSecurity.org, 2011

<sup>430</sup> Stavrianakis, 2010: 107

<sup>431</sup> Holmbäck, February 16, 2012

<sup>432</sup> Baarman, May 2010

<sup>433</sup> Lindahl, 2005: 12

provides further evidence that the desire to maintain a good, strategic relationship with the US seems to outweigh ethical concerns that Sweden should have.<sup>434</sup>

It can be questioned whether the currently increasing arms exports to South Asia and the Middle East are a strategic move on Sweden's part, since these are not as much under the spotlight as other areas and it is unlikely that these exports will attract attention and diminish Sweden's image together with the international leverage it conveys. It can also be questioned whether these exports relate in any way to the cooperation with the US, since Sweden now exports to many of the same areas that the US does without having any obvious direct interests in these areas. A more general argument has been made that the strong advocacy for an ATT by EU members has to do with economic and trade interests, as without a treaty EU member states will remain subject to higher control standards than other states, reducing their competitiveness.<sup>435</sup> This does provide further reason to think that the pattern of Swedish weapon exports is a matter of industrial rather than strategic concerns.

In a system that is largely unipolar, the importance of Sweden's role as a neutral mediator is becoming less important than in Cold War times. As part of its adaptation to post-neutrality Sweden may have chosen to cooperate and align increasingly with the US, to play a role and be a part of a new security order that the US seems to be pioneering.<sup>436</sup> In realistic terms this can be seen as a form of bandwagoning on Sweden's part. As a result Sweden can be said to be part of a new quasi-imperial military order where the US is largely in control of contents and direction.<sup>437</sup> However since it aligns with the US in principle, rather than through any formal mechanisms, this still in theory allows Sweden to hang on to the neutrality doctrine that has endowed it with international influence and is important to its image, both domestically and internationally.

#### **6.1.5 Sweden's influence and credibility: a European paradigm?**

All in all, despite some double-dealing Sweden has been a strong and credible advocate of stricter SALW controls and an international ATT. It has been open to substantial participation by NGOs in the process, further underpinning its soft power

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<sup>434</sup> Stavrianakis, 2010: 107. Stavrianakis's statement refers to cooperation between US and the UK, but it can also be applied to the US Sweden cooperation.

<sup>435</sup> Sears, 2012: 44

<sup>436</sup> Manga, 2010: 6

<sup>437</sup> Stavrianakis, 2010: 108. Stavrianakis's statement refers to cooperation between US and the UK, but it can also be applied to the US Sweden cooperation.

approach. It can be said that as long as the post-neutrality identity crisis is not experienced or transferred to domestic audiences, it does not affect the collective intentionality that shapes much of Sweden's credibility. As long as this is the case, its influence as a soft power is not questioned internationally. Hence it appears that as long as the projected international image and the norms and values at the unit level coincide and are strengthened by the discourse of the elite and public, Sweden's influence remains intact. Even if Sweden is somewhat contradictory in its approach, its SALW exports have not so far posed serious threats to its image nor had a great negative influence on actual conflicts or international order. In a sense it can be said that the strong pro-peace image Sweden has built up provides room for some elements of realism in its approach, simply because based on previous experience, others do not look out for or question such contradictions.

If SALW or weapon exports should in future have a negative impact or come into conflict with Sweden's international credibility, the issues that are in play for Sweden's general power-position make it most likely that Sweden would chose to amend the pattern of its exports to fit better its image and retain its soft power influence, and credibility in its advocacy for the ATT rather than privileging exports where purely domestic (and quite limited) interests are at stake.

There is a certain parallel here with the approach of the whole EU towards the ATT process, where the Union has presented itself as a unitary credible actor and managed to exert some influence. It took a strong position on the normative dimension, emphasising the humanitarian and developmental aspects, with NGOs rallying behind it. The goal of the EU was to gain leverage and improve its visibility globally.<sup>438</sup> By presenting an image of unity among its members it managed to be seen as a credible actor in the process, despite the fact that its members include several of the world's top arms exporters and that there are internal differences and contradictions in their control practices.<sup>439</sup>

Overall, we may conclude that Sweden's contradictory behaviour does not originate from realist factors such as concern about position or relative capabilities in the international power structure. For Sweden, exerting soft power and an idealistic image is more important. The aberrant aspects of its conduct on arms trade demonstrate, rather, that a state's conduct and what is prioritized as interests at a given time are not

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<sup>438</sup> Depauw, 2012: 11-12

<sup>439</sup> Depauw, 2012: 14



shaped by the structure alone, but are equally affected by unit-level factors that may seem trivial or incomprehensible to outside audiences unfamiliar with domestic conditions.

## **6.2. The United States**

The US has historically been one of the most reluctant states to accept international control mechanisms for SALW; its range of current commitments are strictly political, not legally binding. Public reporting on SALW exports is close to non-existent. The US has commonly stood in the way of, or has at least taken the leading position in voicing opposition to, stricter international regulation, especially regarding particular components of SALW. This is reflected in the US actions on the UN stage, e.g. at the 2001 PoA conference where it strongly opposed discussion of legal trade and transfers to non-state actors;<sup>440</sup> its repeated votes against resolutions aiming to strengthen or address stronger regulation of weapons; its total lack of reporting on SALW to the UN register, and its insistence at the 2012 conference that more time was needed before proceeding to a treaty.

### **6.2.1. Explaining the US stance from a realist standpoint**

If one accepts Waltz's assumptions that competition between states has switched to other spheres and is now more about economic rather than strategic superiority, it can very well be assumed that SALW production and export as such is not of pivotal importance for the economic position of the US. As seen from the data presented above SALW exports are only a small percentage of total weapon exports. This is further supported by the fact that while most of the largest weapon producers are based in the US, none of them is solely dependent on SALW production. Moreover, as the majority of small arms produced enter the civilian market,<sup>441</sup> an international regime regulating SALW would not affect the standing of the companies producing these weapons in a drastic way. Decreasing levels of production and exports of large conventional weapons would more significantly affect the economy. However, conventional weapon transfers are already much more out in the open than transfers of SALW, being conducted mostly on a state-to-state basis and seldom for covert purposes/actions.

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<sup>440</sup> Stavrianakis, 2010: 144

<sup>441</sup> Dimitrov and Hall, 2012: 211-12

There is already much more willingness among states for regulation and reporting on major arms transfers, as seen by reporting to the UNROCA; thus an Arms Trade Treaty is likely to have a smaller impact on the size or profitability of conventional weapons sales. Many weapon producers in the US also see increased regulation as a positive thing, as it would put them on equal footing with other producing states<sup>442</sup> this in the long run could even improve the economic benefits from SALW production for the US. Therefore, resistance to regulation of SALW production and export is more likely to be explained by considerations of strategic importance than by any possible impact on the economic capacity of the US.

If viewed in traditional realist terms, i.e. a matter of securing position versus other states in an anarchic system in the constant fear of attack, small arms and light weapons are of marginal importance as conventional interstate wars are almost extinct among the stronger powers. A state's possession of abundant stocks or technical knowledge of small arms or light weapons is unlikely to deter other states or non-state actors from aggression in a similar manner as possession of other types of weapons or even more, of technical know-how. In this field the US already has a superior position, as it can integrate modern information systems technology and is set to retain its superiority in all hi-tech fields.<sup>443</sup> Also, it is one of the few states that are allowed to maintain nuclear weapons in its arsenal.

In any case, the proposed Arms Trade Treaty would not impose any restrictions on production, possession of SALW or other arms.<sup>444</sup> It would certainly allow other states to access information through the regime, but it would in a similar manner allow the US to access information on other states and their exports. It is likely that an ATT would constrain US rivals e.g. Russia and China more acutely than the US itself, given that Russia and China hardly reveal any information at present on SALW or other weapon exports.<sup>445</sup> An ATT would open a window of opportunity for the US to keep a closer eye on these countries and their exports and evaluate whether they run counter to US interests or security. As the US already has one of the strongest national export controls frameworks, an Arms Trade Treaty would change very little in terms of domestic practice, except perhaps to encourage decision makers to enforce the law in a more consistent manner.<sup>446</sup> An Arms Trade Treaty as such would not

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<sup>442</sup> Erickson, 2007: 9

<sup>443</sup> Keohane and Nye, 1998: 89

<sup>444</sup> Sears, 2012: 43

<sup>445</sup> Amnesty International, 11 June, 2012

<sup>446</sup> Hartung, July 13, 2012

affect the strategic or economic position of the US in traditional terms, as it would still be able to maintain the present high level of production and technical know-how, an area in which its superiority goes almost unquestioned. Thus the reluctance of the US to incorporate certain types of SALW under the ATT cannot be a simple question of maintaining its own military capacity. It is doubtful whether such a regime would pose a relative gains problem for the US in realist parlance.

The matter thus appears to be more complex than just constraining supposed rivals in the international structure or keeping an advantage in certain capabilities, as realism posits. When it comes to SALW in particular the matter is not about state acquisition as it is with many other weapons. It is more about what purposes SALW serve and how a possible treaty would affect these uses. The negotiating position the US has taken in the Arms Trade Treaty process reflects elements both of self-perception and strategic interests. Firstly the US emphasizes that a treaty should be premised first and foremost on security concerns rather than humanitarian concerns.<sup>447</sup> Despite having reversed its previous general opposition to the Arms Trade Treaty in 2009 it chose to do so with certain preconditions, e.g. that the treaty would base on consent by all member states and that it would not affect domestic gun laws. Specifically, the US has declared that it will not support a treaty that is inconsistent with its national law and which may hinder its ability to import, transfer and export weapons that are crucial to security or foreign policy interests.<sup>448</sup> In other words it seems that the US wants to be able to justify future exports that serve its foreign policy purposes by referring to these conditions. What is considered a legitimate threat to security is, however, subjective as between one state to another.

More generally, the US would prefer to see strengthening of embargoes by the UN to prevent irresponsible end-users from acquiring weapons. This view is interesting and could be seen as a further element in line with a realist approach. It implies that at international level, it should not be up to the majority of states or an independent UN mechanism to define or decide the parameters of arms transfers. It should be within the power of the relatively small and exclusive Security Council, where the US has a veto, to prevent weapons from getting into the wrong hands.<sup>449</sup>

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<sup>447</sup> Bromley, Cooper and Holtom, 2012: 1041

<sup>448</sup> US Department of State, no year

<sup>449</sup> Peartree, January 24, 2002

### *Uses of SALW for self-interest: aims and complications*

Even if the importance of SALW in economic terms is marginal, these weapons have often served as sweeteners for American political and military interests abroad or facilitated deals in other, more conventional weaponry, which can be of substantial financial importance. Analysts have concluded that the US uses SALW to advance its security and political objectives.<sup>450</sup> Firstly, by exporting or providing SALW as aid or support to one element within a foreign state, the US can have a level of influence without engaging directly. The position taken by the US through the ATT process that a treaty should not prohibit arms transfers to non-state actors further reflects its realistic position and the fact that considerations of the US's own security matter more than the possible human impacts of such transfers on the states in question. The US does not see this as a clear-cut matter, where non-state actors are automatically threats to security and the current order, since there are instances where transfers of weapons to 'good' non-state actors – e.g. those seeking a pro-Western regime change - may be justified. It should not be within the purview of any one institution to decide when such transfers are an option or are required. The US would like to be able to retain as much control as it can when it comes to final say on transfers, including supplying non-state actors with weapons or overlooking other objections to specific regimes when the US perceives its own security interests as being at stake.<sup>451</sup> Supplying SALW to certain states or actors can serve security interests, not only by helping non-state actors to stand up against repressive governments, but also by helping authoritarian partner states with the repression of terrorist networks that the US perceives as a threat at a given time. These are realistic security motivations, but they do not necessarily deserve to be called strategic: the US has clearly failed in a number of cases – as will be seen below - to take the long-term impact of such transfers into account.

Secondly, the US can and does use SALW to maintain regional allies and certain regional balances and even to secure its position vis-à-vis certain rivals. One of the more obvious examples is Taiwan. Without recognizing Taiwan as a state, the US is according to bilateral agreements responsible for providing necessary equipment for its defence. From a strategic point of view, the close defence relationship with Taiwan and the ability to arm Taiwan can be seen as a tool for leverage against China, a state that threatens the US position within the global and the Asian regional structure. The

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<sup>450</sup> Erickson, 2007: 8-9

<sup>451</sup> Bromley, Cooper and Holtom, 2012: 1043

ability to maintain Taiwan as an ally is also important from a geopolitical viewpoint, since it provides a proximity to US allies in the region.<sup>452</sup> The impact of an Arms Trade Treaty has been mentioned in official US analyses as a possible difficulty in relation to regional and country interests, including the Middle East as well as Taiwan, China and South Korea.<sup>453</sup> The cooperation between Saudi Arabia, Oman, the United Arab Emirates and Washington revolves around restraining Iran's influence in the region,<sup>454</sup> and Saudi Arabia and the United Arab Emirates (along with other countries in the region) continue to be among the largest receivers of US arms exports. An ATT would be likely to establish standards that would not exempt the US from explaining its dealings with such regimes, which in turn would not be convenient for US security interests.<sup>455</sup>

A third factor is the impact of US dependence on oil from the Middle East, notably Saudi Arabia, which is currently rising. This helps to motivate US arms exports to the region, seen as a way to contain possible regional conflict or internal turmoil that would affect oil prices.<sup>456</sup> The US also uses SALW as tools for facilitating such broader kinds of interests and building alliances and friendships. In the Middle East weapon exports have long been a classic way to maintain friendly ties with governments, and this is increasingly important to the US at a time when events in Iraq, Iran and the Arab Spring have redoubled concerns about regional instability.

The stance of the US towards the ATT is likely to affect have an impact on weaker states, who in the long run suffer from unrestrained flow of SALW. Several things point to the fact that weapons transferred to non-state actors have made their way onto the black market or have been used to undermine security,<sup>457</sup> in states that are already fragile or face implications. In such instances short-term interests may turn into long-term problems or can even come to pose threats to state security. In one egregious case, the US provided covert aid to the Mujaheddin in Afghanistan (many of whom later headed the Taliban movement) in the 1980s, supplying Chinese and Soviet produced weapons, and most of these weapons are still in circulation<sup>458</sup> along with advanced types of Stinger missiles/MANPADS.<sup>459</sup> These weapons did help the

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<sup>452</sup> Bromund and Cheng, June 8, 2012

<sup>453</sup> US Department of State, 2010: 2

<sup>454</sup> Shanker, August 26, 2012

<sup>455</sup> US Department of State, 2010: 2

<sup>456</sup> Krauss, August 16, 2012

<sup>457</sup> Marsh, 2002: 223-4

<sup>458</sup> Small Arms Survey, 2012: 333

<sup>459</sup> Small Arms Survey, 2012: 348

Taliban gain status and prestige and are still today being used in Afghanistan, notably to attack US soldiers. A country/regime that now poses a major security threat to the US largely came into being because of small arms covert aid from the US itself.

The US has the capacity to mobilize other countries against what it perceives as threats to the current order, to US interests and to Western ideology whether it be from Communism or Terrorism. Small arms and light weapons are used for this on many occasions. A recent example is transfers of weapons to the governments of India and Pakistan, which had previously been subject to sanctions for illegal nuclear development but are now seen as allies in the war on terror.<sup>460</sup> Weapons are transferred despite the fragile situation in the relations between those countries and how they may serve to fuel conflict in the area. This can also come back to bite the US. Besides this the US has exported SALW and other weapons to regimes, especially in the Middle East, that are known to violate human rights. These are countries that are seen to be allies of the US in the region, so weapon exports are likely to be a matter of maintaining relations with these friends of the US - despite the fact that these weapons may be used for repression, ironically enough also against groups fighting to promote what is stated to be one of the core values of the American foreign policy, democracy.

For the US, retaining freedom to use SALW as tools for strategic purposes and the advancement of security has so far been more important than anything it might expect to gain from a global regime. While smaller states must pin their hopes on the latter, the US has shown its ability to lead or force other actors into restraint on specific points when it sees necessary, as in the case of MANPADS. This freedom of action, however, also allows the US unmatched scope for inconsistency and tactical shifts, which in the end may conflict with the country's strategic interests under a strict realist calculation. MANPADS in terrorist hands have been targeted by the US as a plain danger to national interests, while the power to give non-state actors other weapons has been seen as potentially helpful.<sup>461</sup> Yet as has been discussed, it is hard to separate the kind of markets where SALW are trafficked from those that facilitate illegal access to MANPADs, and indeed to other technologies that can all too easily leak from 'good' to less acceptable users.

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<sup>460</sup> Yanik, 2006: 359

<sup>461</sup> Cooper, 2006: 122

### **6.2.2. Explaining the US stance from a constructivist standpoint**

Overall, it seems that the absence of an ATT has served the US interest rather well hitherto, at least in a short-term perspective and in terms of freedom of action. Even after withdrawing its general opposition in 2009, the US still remains somewhat apprehensive in its approach and continues to be a main factor in delaying and derailing the process, as was reflected at the 2012 conference. If viewed in terms of agency it is interesting to note that despite having reversed its basic stance towards the ATT, the US Administration has nonetheless prevented the treaty from becoming a reality.

The inclusion of certain types of SALW still seems to be one of the primary reasons as to why the US is opposed to an ATT.<sup>462</sup> Realists would point to this as proof of the fact that interests drive state behaviour and that such interests persist regardless of agency. The strategic importance of maintaining control over SALW and other exports is crucial to US interests, regardless of individuals, governments or party politics at a given point in time. Why then did the US choose to change its position on the matter in the first place? And having accepted the idea of a treaty, why did it not go all the way in advocating a robust ATT? Here constructivism may help to shed some light on this change of events, by identifying certain factors at the unit level that could offer a better understanding.

In normative terms, public opinion and the foreign policy goals of the US seem to coincide at certain points. There seems to be a collective intentionality that puts national interest before internationalism, e.g. humanitarian or global interests, although it is difficult to be sure whether public opinion has preceded foreign policy or whether the long-term status of the US as an international power has impacted public opinion.

Although public opinion and the behaviour of the US internationally seem to coincide in the belief that ensuring national security and hindering terrorist threats matters more than promoting norms or advancing human rights around the world, it is another question whether the US public sees international regulation on arms as standing in the way of these goals. As seen in the last chapter, the majority seems to be in favour of attributing more powers to the UN and the majority is opposed to exporting weapons to other countries. This may have had an effect in leading the US government to reverse its basic position on the ATT. Furthermore it seems that there

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<sup>462</sup> Peartree, January 24, 2002; see also US Department of State, 2012

are several factors that indicate that views of the elite are leaning more towards to stricter international arms controls, especially in academia and in some political circles.

### ***Political factors and NGO influence***

The US switch of stance on the ATT can be regarded in terms of agency, if one accepts that agency is within the reach of individuals within states - as constructivism emphasizes - but not states themselves. In 2008 there was a change of government in the US and a new government took over the process. The Obama Administration set out quite explicitly to approach international relations on new terms, redefining what is in the interest of the US. This, along with other actions taken and statements<sup>463</sup> by the Obama Administration, can possibly be seen as a step towards a more flexible and responsive approach, signalling that US definition of interests are not necessarily an ontological fact that is fixed, but is adjusted to the current environment. Among other things, Obama's America presented itself as being more willing to advance soft power, strengthen international institutions, and generally cooperate more than the previous regime. Whether this redefinition of interest was itself rooted in US self-interest or not is beside the point, but it does provide a pointer that states' behaviour is not purely related to changes in the international system and that states respond to other changes than the purely structural.

In this perspective, supporting an ATT could be a step for the US towards improving its image, which seemed to have reached a low point through George W. Bush's refusal to cooperate on a range of softer issues such as climate change, development etc. In passing scholars like Joseph Nye did point out that US soft power was at an all-time low and it could not continue to push its way through due its position in a structure where new threats and new orders increasingly call for cooperation. Thus the US is becoming increasingly reliant on being seen as a state that has attractive and inclusive policies and can and is willing to cooperate with others.<sup>464</sup> In a new globalized and cooperative order, exerting soft power is as important as exerting hard power. The US has taken steps since the new Administration took over to project itself as a state that is more willing to cooperate and to use the means of institution building and regulation, as it has perhaps realized that it cannot take on the challenges of a globalized world on its own.

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<sup>463</sup> Nye, 2009: 7 Secretary of state Hillary Clinton stated that the US cannot solve global problems on its own and has to rely on smart power. Which Nye defines as a combination of hard and soft power.

<sup>464</sup> Nye, 2004: 16-17



A final factor that may explain much is that public gun possession is common and an emotional subject in the US, and there is a strong social force, mainly the NRA, fighting against the ATT. The ATT conference was held close to the 2012 presidential election.<sup>465</sup> Agreeing on an Arms Trade Treaty at that point in time would have been inconvenient for the Obama Administration as it would have provided the Republican Party and its close affiliate the NRA with a tool that would work well during the campaign. Since there are few NGOs taking the other side and correcting the NRA's misleading rhetoric, agreeing on an ATT at this point in time could have proven costly for the Obama administration, perhaps explaining why the US chose to stall at the UN conference as a tactical approach leading up to the elections. This hypothesis has further been strengthened by the fact that shortly after Obama's victory in the Presidential election, the UN General Assembly passed a resolution where a date for resuming talks on the treaty were approved.<sup>466</sup>

What complicates the matter domestically is the status that arms have at the societal level, where there is a positive bias and, at times, a discourse towards weapons as tools of freedom and protection. What is particularly interesting in the US case is the level and nature of NGO activism. As noted previously, the pattern of such activity is different in the US, since most NGOs and civil society groups tend to focus on domestic issues while NGOs and groups in Western Europe - where domestic gun violence is marginal - tend to focus more on the global South and impacts of small arms.<sup>467</sup> This is likely to result in more public awareness on the ATT. More importantly the US is one of the few countries where there is a strong advocacy against the ATT, first and foremost driven by the National Rifle Association (NRA). These two points are particularly important in illustrating how societal factors and discursive practices, of the kind emphasized by constructivism, can impact politics and serve to influence or even reinforce state behaviour and positions on certain matters. The NRA's campaign against the ATT has to an extent dominated the debate domestically and is likely to have had an impact on policy choices, both by its discourse and even more by its economic lobbyism, subsidizing several campaign funds for politicians. This certainly opens pathways for the NRA to put its views across in a way that other NGOs do not. This along with other factors has allowed the NRA to become directly involved in processes regarding the ATT. At the 2001 PoA

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<sup>465</sup> Bromley, Cooper and Holtom, 2012: 1030

<sup>466</sup> Charbonneau, 2012

<sup>467</sup> Stavrianakis, 2010: 152

conference the US delegation included three NGO representatives, all from the NRA.<sup>468</sup>

The NRA relies on a discourse that portrays the UN as wanting to interfere with citizens' gun ownership rights and the right to protect themselves. This, combined with weak advocacy for the treaty, has led to a very one-sided debate on the matter in the US. As the NRA largely controls the debate the ATT has come to be discussed as a domestic matter, infringing rights of US citizens,<sup>469</sup> rather than as an international initiative that could help to alleviate human suffering and combat global conflict, terrorism and violence. What poses problems for the US in this regard is what appears to be the divergence in domestic and international views towards regulation, with the result that using a approach and discourse designed to bring the US maximum international leverage and soft power could be harmful vis-à-vis its domestic audiences.<sup>470</sup>

However, the survey reproduced above from the Chicago Council on Foreign Relations calls in question how far this discourse and dominating position of the NRA has really had an impact on public opinion towards the ATT. A majority seems willing to give more regulatory power over the arms trade to the UN. But this strong advocacy combined with the strong support overall for advancing national interests does indicate that the collective intentionality within the US is uncertain and not as strong as in Sweden, where the convergence in public values and foreign policy is much stronger. The cautious approach taken by US towards the matter may thus also reflect a level of concern about to what extent collective intentionality exists and how costly taking a polarized position either way towards the ATT could prove on the unit-level. It is also possible that the participation of the NRA and the latter's emphasis on civilian rights to bear firearms supports the official school of thought in favour of SALW exports to non-state actors, as it provides an ethical discourse equating access to arms with the freedom of the individual at both national and international level. This provides an alternative way for the US to justify its position, by arguing that avoiding or limiting an ATT is not just about self-interest but a recognition of the interests of others.

Although reversing the US stance on the ATT in 2009 may have been a deliberate signal by the Obama team, the USA's subsequent actions have not followed through

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<sup>468</sup> Stavrianakis, 2010: 154

<sup>469</sup> Stavrianakis, 2010: 154

<sup>470</sup> Nye, 2008: 104

by becoming more cooperative in the ATT process or by moderating its demands. To an extent the US move could be interpreted as a strategic precaution against the ATT process being taken out of the UN context and put into an independent regime by strong advocates of an ATT,<sup>471</sup> who could claim the US was derailing the process. Creation of such a regime could limit the US. If the US in fact used a well-timed cooperative gesture to prevent this from happening and secure its negotiating position, it could also be interpreted as a sign that it will resort to occasional soft power tactics when this seems to be the most effective. Soft power is an option for high positioned states, but differently from many lower positioned states, it is not their only option.

### **6.2.3. An influential, powerful, agenda-setting actor**

Even if the US is not a key actor in putting a matter forward in a multilateral framework it nonetheless often has the power to enter and shape the regime according to its interests. The US was able to secure certain limitations protecting its interests before it would even enter the regime negotiations<sup>472</sup> and has been relatively successful in getting its parameters included in the process towards an ATT, reflected for example in by the fact that the draft treaty under discussion in 2012 did not mention arms transfers to non-state actors.<sup>473</sup> The reason why it has been relatively successful in doing so is due to its international position. According to realism it is powerful states that shape international politics and their processes.<sup>474</sup> These parameters and preconditions laid down by the US have reduced other states' leeway and ambitions in framing an ATT provides a more general reflection of the US's realist power in the world today. The superiority and capabilities of the US both in terms of military capability and economic power works to its advantage. Any form of international cooperation tends to take place on the US's terms and in its interest,<sup>475</sup> especially regarding security regimes. In light of this the US has been able to take a *à-la-carte* approach to most security regimes, which in turn underlines both its own power and its will to preserve an exceptional position.

In the ATT case, by being able to draw a line in the sand and dictate key limitations, the US projects itself as a state that can set the standards for others to follow, which is true to an extent. The fact is that the superior standing as the main producer and

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<sup>471</sup> Bromley, Cooper and Holtom, 2012: 1045

<sup>472</sup> Bromely, Cooper and Holtom, 2012: 1047

<sup>473</sup> Bromley, Cooper and Holtom, 2012: 1041

<sup>474</sup> Waltz, 1986 (1979)(a): 89

<sup>475</sup> Mearsheimer, 1995: 11

exporter of weapons means that an arms control regime without the participation of the US would be weak.<sup>476</sup> Secondly the economic capacity of the US makes most international institutions and regimes somewhat financially dependent on contributions from the US. The fact that the US wants a treaty only under the aegis of the UN<sup>477</sup> further underlines the awareness and the ability of the US to use its superior position within the UN for its leverage. As already argued, the US is generally less dependent on international regimes for regulation than most other states, as it can have large impact by unilateral action and also make bilateral or multilateral agreements with a variety of partners. Weaker states by contrast must be ready to sacrifice some of their interests to join up for action with powerful states. It is not just the economic leverage that the US wields within the UN that helps to understand why it can so often get its way and may end up doing so in this regime formation as well. The superior leverage of the US is reinforced and reproduced by practice and, namely how other states and NGOs recognize and adjust to this superiority by their discourse and practices towards the US.<sup>478</sup> In the present case this is seen e.g. in the number of others who have emphasized how important the participation of the US is to a successful treaty.

### **6.3. The NGO-state relationship**

To what extent have NGOs been influential in the SALW control and ATT processes? It has been pointed out that it was mainly states that first advocated action on small arms on an international basis.<sup>479</sup> However since then NGOs have played important roles in keeping the matter alive and on the agenda. It can be said that states and even NGOs in the global North, Sweden and the US included, use a posture of concern for the challenges of the South to construct and promote themselves and their image. The matter of small arms control is no different. While the issue is largely regarded as a matter of development, activism is focused mainly on Sub-Saharan Africa; Asia and the Middle East are not subject to the same attention since they have not come under the same focus in terms of ‘new wars’ and the humanitarian impact of conflict. Secondly Asia and the Middle East have not been the focus weapons-cleaning projects of the major exporters. The removal of weapons through disarmament programmes and governance reforms are carried out mainly in Africa. Removing

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<sup>476</sup> Amnesty International, 11 June, 2012

<sup>477</sup> US Department of State, 2010: 3

<sup>478</sup> Stravianakis, 2010: 21

<sup>479</sup> Damien, 2009: 186

weapons from Southern/African societies is legitimized politically in a way it would not be legitimized or permissible elsewhere.<sup>480</sup> States are unlikely to run programmes or limit exports to areas where they have export or strategic interests, thus the Middle East and Asia are not subject to weapon removal in a similar manner as Southern/African states. Weapon removal programmes endorse a level of pragmatism, both on behalf of the governments in exporting states, as it serves to present them as benign actors working to promote peace in the South. This focus the South suits NGOs well.<sup>481</sup> The level of suffering and results from endorsed NGO programmes work well to appeal to public consciousness and can help to mobilize the public around their cause. This results in certain aspects of the arms trade being pushed aside, as it does not align well with the interests of many exporting states, while simultaneously reproducing the hierarchical order that has caused much of the problem to begin with.<sup>482</sup>

Although NGOs have been included in the shaping of SALW and ATT initiatives and detailed negotiating positions, more so in the Swedish case than the US case, it can be questioned to what extent they have actually swayed state policies, as neither state has changed its position in principle since the process began. We have seen that Sweden, despite working towards an arms trade treaty in cooperation with and under pressure from domestic NGOs, has maintained exports of SALW and weapons in general albeit to regions that the NGOs focus less on - whether this is a strategic move or just a coincidence is difficult to evaluate. What also limits the potential impact of NGOs regarding SALW, when compared to other weapons such as landmines, is that the former cannot be approached entirely in humanitarian ('inhumane weapons') terms since small arms and light weapons are also used for legitimate purposes for maintaining security. This complicates the range of possible arguments for advocating a treaty.<sup>483</sup>

When it comes to NGO cooperation in this field, it cannot be said that they provide a link between the societal level and the state or have led to a more ethical approach towards arms control, as sometimes claimed by constructivists. The US seems more or less pragmatic in its approach towards working with NGOs in matters regarding the arms trade: to the limited extent that it has partnered with NGOs at all, it has simply aligned with those taking a similar sceptical position on the matter. The US has not

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<sup>480</sup> Stavrianakis, 2010: 158-9

<sup>481</sup> Stavrianakis, 2010: 161-2

<sup>482</sup> Stavrianakis, 2010: 164

<sup>483</sup> Stavrianakis, 2010: 146

been keen to collaborate with NGOs on matters of weapon control, as the PoA implementation support system clearly shows. Dealings with NGOs in that context have been limited to research grants, but NGOs are not consulted on SALW matters at a regular basis.<sup>484</sup>

NGOs campaigning for stricter regulations are caught between a rock and a hard place, between inclusion, mobility and credibility. They want to be included in the political processes to the largest extent possible, which can also help them mobilize the public for their cause. On the other hand this is largely what prevents them from taking a critical stance on the matter that could possibly advance it more.<sup>485</sup> NGOs fail to tackle or criticize the elements of the structure they reside in.<sup>486</sup> It is not just states that are pragmatic in their approach: NGOs themselves tend to focus on pressuring like-minded, middle-power states that are already willing to campaign on SALW, i.e. primarily medium sized governments that identify their own interests with successful internationalism and expect to enhance their own image and influence by engaging with NGOs.<sup>487</sup> There are several indicators that - at least when it comes to security regimes - soft power only goes so far. Regarding the ATT process and inclusion of particular types of SALW, it does seem that soft power, even if it is pooled among many states as in the case of EU, often has to give in to the more powerful states. Even though it maintained a united front on the ATT and its views were reflected among many other states and regions, the EU still had to cede on many points to the demands of the more powerful states.<sup>488</sup>

It seems that, in terms of security regimes, where NGOs cannot generally be used by the state for purposes such as service delivery, powerful states in particular are more reluctant to include NGOs into the process. In practice, NGOs' chances of involvement depend more on whether they can serve as a middleman in the state's approach to strengthen its image as a benevolent actor.<sup>489</sup> Thus on SALW, states seem to cooperate with NGOs if and only if it serves to strengthen their image and is in accordance with what other states expect of them in light of their previous approaches. Similarly NGOs choose to approach states that are likely to take up their cause. The level of NGO state interaction and activism in the present case seems to

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<sup>484</sup> United Nations, Programme of Action Implementation Support System, 2011(b)

<sup>485</sup> Stavrianakis, 2010: 169

<sup>486</sup> Damien, 2009: 196

<sup>487</sup> Damien, 2009: 186-7

<sup>488</sup> Depauw, 2012: 12-13

<sup>489</sup> Stavrianakis, 2010: 162

support this, as it is high in countries that have taken a positive and active stance towards the ATT, e.g. Sweden and the UK.

## **7. Returning to the hypotheses: Discussion and conclusion**

### **7.1 Theoretical lessons: the limitations of realism**

Having investigated the possible factors behind the different positions of Sweden and the US, it is doubtful whether the absence of an Arms Trade Treaty can be seen simply as a classic case of realism in international relations. According to realism all states strive for the same things. What they seek to promote and maximize internationally is position and security, which in turn are highly reliant on possession of certain capabilities. Promoting national interest takes primacy in relations with other states.

Although there are clues that point to the generally negative position of the US on SALW control and the ATT being driven largely by security concerns, self-interest and national interests, the reasons for it taking this position are nevertheless not a classical case of realism, inasmuch as these interests do not revolve around gaining or maintaining military or economic capacity or superiority in relative terms compared to other states. The US case has complexities that cannot be explained by realism alone: on the one hand because free flows of SALW can and do damage some broader US security interests, and on the other hand because the near-term political handling of an ATT seems unduly affected by a non-state lobby – the NRA – and their domestic supporters.

Sweden's positive position on the matter meanwhile seems to be driven not by any realist self-interest but by common norms and values that are present at the unit level, together with concerns for its external image, complicated, however, by particular societal/regional factors. There are indications that both states have chosen a particular position towards the ATT due to factors that are not structural in the realist sense, i.e. determined by the international structure. While realism maintains that only such structural changes can produce changes in state behaviour, our study of both national cases has shown that unit-level factors are not irrelevant when it comes to explaining state discourse and action.

Having said that, there is no other single theory seems able to explain or understand state behaviour when it comes to an Arms Trade Treaty. Realism's claim to provide a causal, objective analysis and the primary theory for explaining international relations is clearly out-dated, and Joseph Lapid's argument in favour of pluralism<sup>490</sup> in

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<sup>490</sup> See: Lapid, 1989: 246



international relations methodology seems justified when accounting for Sweden's and the US's position on the ATT. Realism is still relevant as a theory when accounting for state behaviour, and the ability to incorporate certain realistic elements is important for establishing an understanding of international relations.<sup>491</sup>

Thus there are indications that security and strategic concerns continue to take primacy for most states when it comes to arms control regimes, including the ATT. Further, position in a global power structure does seem to affect the way states evaluate their interests and adapt their behaviour in the international field. Position brings possibilities and leverage; higher positioned states like the US have more means to assert their interests directly, have a choice on what terms to approach cooperation, and have more chance of dictating the terms of cooperation themselves. At the same time, our analysis of the ATT process and the factors that drive states' approaches towards it has shown that state behaviour is not as uniform and predictable from state to state as realism maintains, and relying on theories that are problem-solving in nature is not adequate. Some of the theoretical complications that have presented themselves will now be discussed, before returning to reflections and conclusions on this thesis's original hypotheses.

Aspects of the ATT process that realism cannot account for include, firstly, the enlarged range of options open to states in the modern global system and its institutions. Realism ignores that fact that some, often lower positioned, states may come to focus on promoting other agendas than just security, while other similar positioned states are perfectly satisfied with bandwagoning with the ruling states and letting them set the agenda.

Secondly, some states do behave in a way that is not premised upon maximizing security, or on gaining or receiving material returns. Sweden's advocacy of the ATT is one example. According to realism norm advancement is not a valuable possession. It should not reward Sweden with capabilities or material resources that are prerequisites for security, or with increased capabilities. Despite this it can be said that Sweden's behaviour, although not premised on gaining materially, has nonetheless endowed Sweden with a certain status, respect and international leverage. This indicates that what states consider to be significant or important capabilities is not limited to the material and traditional instruments of power.

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<sup>491</sup> Keohane, 1986 (1983): 159

If such high-profile campaigning is regarded as a form of small-state realism, as a way for states that have little capacities to advance their position, why is this route then not chosen by more states? Firstly, this route is not possible for all states, as it depends on how a particular state is perceived by others and whether it is seen as credible. States do not always approach each other in the same way, i.e. as competitors and threats. States are far more subjective in their approaches to other states and tend to be less cautious and more cooperative towards those that they have previous experience with or with whom they share some of the same norms or values. Norms cannot be advanced internationally if they are not taken up and supported by other states. As a result, a given state's image is reproduced and strengthened through practice and reception, i.e. constructed.

In addition the concept of power is more complex than realism assumes: it is not just contingent on position in the structure and on capacities. Power and resources are distributed differently in different issue-areas.<sup>492</sup> The new emerging international order increasingly emphasizes cooperation more so than competition. In such a structure it is complicated to signal primacy. Therefore states are becoming more dependent on signalling their identity outwards and creating images.<sup>493</sup> As a result a state that possess and signals soft power capabilities can be influential. Put in a Bourdieu-an framework, the fact is that states possess different amounts of economic, social and cultural capital,<sup>494</sup> and how valuable or useful this capital is depends on the context at a given time.<sup>495</sup> Thus possessing power in one issue area need not be directly convertible to other issue areas. Smaller states or even other actors like NGOs can therefore have considerable powers in certain issue-areas where they can have more impact in light of their expertise, history etc. There are several states that possess resources within softer issue areas and can therefore have an impact on such processes.<sup>496</sup>

Different issues and systemic conditions will result in different behaviour and definition of interests; thus softer issues are unlikely to revoke the same responses as security issues.<sup>497</sup> The problem for these actors is that linking issues that are inherently soft issues, grounded in humanitarian concerns, to a potential effect upon

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<sup>492</sup> Keohane, 1986 (1983):195

<sup>493</sup> Weber, 1997: 234

<sup>494</sup> Military or arms capital could easily be included, although it is not in Bourdieu's framework

<sup>495</sup> Guzzini, 2000: 165

<sup>496</sup> Keohane, 1986 (1983):187

<sup>497</sup> Keohane, 1986 (1983):194

outcomes in other areas - particularly ones that are hard-power in nature like security - is extremely complicated.<sup>498</sup> When it comes to the ATT, what poses problems for states like Sweden (and even NGOs) that expect to wield soft power on humanitarian and peace issues is the fact that SALW control and the ATT is also a hard policy area related to weaponry, strategy and national security. More specifically it is an issue where the US has substantial interests and power resources at stake and will therefore seek first and foremost to protect its interests. If the issue could be framed and approached from a humanitarian standpoint only, the US would be less likely to stand in the way of a regime formation since – as has been shown – it has no major economic concerns and might even profit when restrictions bite upon rival powers and non-state enemies. When, however, issue-areas like humanitarianism come into conflict or contradict with perceived national security interests, the impact of humanitarian values will be decreased and the regime will come to be shaped mostly by security concerns of more powerful and/or deviant states. Higher positioned states want to remain in control of how they advance their security and are reluctant to join regimes that may be seen as an intrusion into matters belonging to the state, as shown by the very limited nature of global weaponry controls up to now. Historically the few arms control regimes that do exist tend to have been led by or established by the ruling states in the structure to fit their own interests and premises.<sup>499</sup> A flagrant example is the Non-Proliferation Treaty that grants exceptional rights of nuclear weapon possession to certain leading states.

These results are well in line with realism's tenet that security is a priority: yet turning to the constructivist approach, it seems that norms and interaction with the unit-level are also relevant. It must be considered likely that state interest and identity formation spring from and are strengthened by bottom-up internal processes rather than deriving from structural factors alone. The dichotomy between what happens at the unit level and at the structural level cannot be maintained as there are indications that what happens domestically does affect how states conduct their international relations. Both the US and Sweden to some extent take the interests and opinions of certain segments of society, whether gun-owners or employees into account when deciding how to approach SALW internationally. Thus neither state is simply giving primacy to a realistically defined national interest: and the differences and contradictions in their approaches can be explained to a remarkable extent by variances present at the

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<sup>498</sup> Keohane, 1986 (1983):187

<sup>499</sup> Bromely, Cooper and Holtom, 2012: 1030

unit-level. The fact that Sweden has been able to take a relatively straightforward and positive position towards the ATT is in accordance with the norms and values that its public supports; there is a clear collective intentionality and there is little opposition towards an ATT. The benefits of entering the regime are therefore undeniable at both levels. In addition NGOs and the public support a treaty, through their discourse and actions. Correspondingly, the US stance of working on an ATT treaty but setting certain limitations has so far not only served the nation's perceived strategic interests but has built upon common doctrinal ground with powerful domestic constituencies, while signalling that the Administration means to keep the ultimate judgement on the balance of US interests in its own hands.

Our analysis has suggested that Sweden's stance is quite stable so long as contradictions in the actual Swedish arms export policy are not publicly highlighted. For the US, however, the prospects are more complex. There is a high level of support for moving arms control to the UN, as well as a mainstream view that wants the US to prioritize power and strategic influence rather than ethical concerns. The strong rhetoric of the NRA along with the culture and status of privately owned weapons has made the overall calculation of public norms and a collective intentionality confusing thus far. But while the rhetoric of freedom to bear arms has seemed to fit the US well up to this point in time, it is possible that a stronger level of public activism in the other direction might have an impact. Recent events involving small arms in the US, especially a shooting that took place in an elementary school in Newton in December 2012 where 26 children and teachers were shot to death, have evoked massive criticism of the NRA and of the present gun laws in the US. President Obama has encouraged Congress to discuss amendments to domestic gun control.<sup>500</sup> The publicity and increased consciousness of arms control evoked by these events may strengthen support for more effective domestic and international controls. The debate has been very critical of the NRA's position, and if this decreases the NRA's influence at the domestic level, that may have an impact on public views towards the ATT. Amnesty International USA has used this current debate and negative framing of arms usage and possession to focus attention and awareness upon the Arms Treaty, hoping to exert some pressure in the run-up to the next ATT conference, e.g. by bringing forward a petition encouraging the NRA to drop its opposition to the ATT.<sup>501</sup>

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<sup>500</sup> BBC News, 2012

<sup>501</sup> Amnesty International USA, 2013

## **7.2. Further lessons about the international system**

The rival theories of international relations may also be tested against the way the international system itself operates in the fields that have been addressed. We have seen that position and influence in the system, at least when it comes to working on international regimes, are largely socially constructed and enforced, as constructivism maintains. In reality this applies to all states regardless of their position in the structure. It is primarily states that shape and reflect the position of other states by how they receive and respond to their views, demands, norms and values. This need not only apply to superior states but can also apply to states that have minor capabilities in the traditional sense. This sheds some light on why Sweden has been seen as a credible actor in the ATT process and softer issue areas. The same goes for the US, which has been able to get its demands met not solely due to its superior position and capabilities but also due to how others have responded to its demands. If looking at the states that come closest to the US structural position in the world order, i.e. China and to an extent Russia, it is interesting to note that there does not seem to be as much weight placed by international society on the inclusion of these states in the ATT, although their SALW exports are just as, if not more problematic in the global context. Although both China and Russia have supported a short and easily implementable ATT text, like the US<sup>502</sup> it could be questioned how successful China and Russia would have been in imposing similar limitations and exclusions if they had promoted them alone. These states tend to wait for the US to take a negative stance and then follow suit.

The fact seems to be that there is an inbuilt bias towards the influence of Western states both when it comes to international institutions and regulatory regimes, which are shaped largely by and according to the interests and values of Western actors. Much the same is true in terms of NGO activity. It appears that how proposals are received is also largely dependent on who advances them, and how credible the initiators are. Increased weapon control is a cause promoted by mostly Western states and a process controlled by Western states, at what appears to come at a greatest cost for the South. As previously mentioned the South rarely manages to get its voice heard in international institutions and regime formations, and this also seems to be the case for the ATT. Thus although SALW diffusion has the largest impact in the South, there is a possibility that the ATT will be watered down to meet the demands and interests of Western states, and/or will include measures that are unduly restrictive or

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<sup>502</sup> Bromley, Cooper and Holtom, 2012: 1041

burdensome for well-intentioned Southern actors. This is likely to reduce the effectiveness of the regime overall but will carry the greatest direct cost for Southern states.

While there are indications that regimes, especially in terms of security, do reflect state power and are shaped by national interests. Existing power relations are not a structural, ontological fact and should not be accepted as such. It is necessary to take a more critical, interpretive approach and consider how these relationships came about. Power relations can be regarded in terms of agency and how agents regard and respond to each other. Who has the power to shape the regime is dependent on practice, previous behaviour and also the context and the issue at hand. International order is largely constructed by how agents behave. This is by and large shaped by experience, discourse, previous practices and history. Not all states are regarded in a similar manner: how they are evaluated is contingent in history, i.e. how they have behaved and previous successes and failures. Culture, history and values do matter for states both in terms of signalling and reception. States view other states also by how close they appear to be to themselves in these respects. As a result states in the Middle East and states in Europe are not necessarily likely to regard the US in similar terms and vice versa. It may be due to distance in normative factors and the need for more material leverage that the US relies on strengthening its relations with states in the Middle East and other areas by acts like SALW/weapon exports.

### **7.3. Final judgement on the hypotheses**

Returning to the two hypotheses stated at the beginning (1.3 above), it was posited that Sweden's positive stance towards the ATT has been shaped by soft power approaches and global norms. This would relate well to the theoretical foundations of constructivism, namely that norms are an important and self-perpetuating factor when it comes to state behaviour. This is supported by the evidence of Sweden's willingness to cooperate on the matter, both with other states and NGOs. What has come across in the analysis above as influencing Sweden's position are, however, primarily factors that are present at the unit level. One of the largest contributing factors to Sweden's positive position is the reproductive cycle between norms, discourse and the issues/policies it promotes, resulting in a collective intentionality that is enforced and strengthened through this reoccurrence. The Arms Trade Treaty is framed in a normative, humanitarian, internationalistic way that coincides well with

Sweden's international approach and objectives, including the norms that are upheld, adhered and promoted at the unit-level by the public, government and NGOs. The ATT is approached in a way that fits its image as a cooperative mediator and facilitates successful relations with other states. This underpins its soft power approach and lends it a credibility that is rooted in and further strengthened by Sweden's history of neutrality. Taking all this into account it appears that Sweden does advance soft power in the ATT process.

Strategic factors and realist elements appear to be of minimal explanatory value when it comes to accounting for Sweden's position towards the Arms Trade Treaty. There seems no reason to argue that its position on the ATT is a matter of improving its relative position against the more powerful states. To an extent, however, ATT advocacy can also be seen as a way to secure a level playing field for arms producers and retain favourable conditions to protect certain domestic sectors. The analysis above of Swedish SALW trade has shown that the interests of certain segments of society can influence state behaviour to some extent, although they by no means take primacy. Overall, Sweden's stance on SALW control may be seen more as a matter of striking a balance between the local and global spheres, and striving to remain credible at both levels, than it is about strategic interests or structural position. Thus far, Sweden has managed to use the ATT issue as a further way to exert and retain its soft-power capital and image domestically and internationally - in spite of the practical contradictions present. Taking a different path that would more openly acknowledge its national (primarily economic) interests in the arms trade would be likely to be contested and cause greater problems both domestically and internationally and could prove costly to Sweden's international image, policies and the normative relationships it has built with other like-minded nations.

The negative stance of the US, by contrast, does seem to be driven to an extent – as suggested in the original hypothesis - by structural concerns, self-interest and efforts to maintain its primacy in the international structure. This in turn makes its posture on the issue more relatable to realism and its theoretical context. Previous actions and practice do not endow the US with an idealistic image. Up to this point the US does not seem to have regarded soft power as an important tool for advancing its interests, and maintaining strategic relationships. Being able to provide covert aid, maintain regional balances and signal its power and intent in certain regions remains important for Washington. Being the most convenient tools for these purposes, SALW are still a

crucial foreign policy instrument. Moreover, while trying to introduce a normative note with ‘freedom to bear arms’, US actions and discourse regarding SALW as part of an ATT indicate that promoting and maintaining American interests in this case takes primacy over humanitarian concerns.

However, the reasons for the US refraining from a treaty cannot be explained entirely by such a state-centric and predictive theory as realism. While the ATT does contradict the US’s perceived interests, these interests are neither traditional in the realist sense nor pursued in a wholly coherent and consistent way. To start with, one of the largest contributing factors for the US taking this stance seems to be concerns about non-state actors, mainly terrorist networks and their possible repercussions. This confirms that non-state actors must today be accommodated into international relations theory and that states do not possess the control over non-state actors that realism asserts.<sup>503</sup> At the same time, the US’s insistence on being allowed to supply its favoured non-state actors with SALW ignores past lessons about how this may subsequently favour terrorism and conflict.

Secondly, we have seen that the US does take unit-level factors and the interests of certain groups/segments of society into account when justifying and accounting for its position. While these groups’ aims coincide with the position the US has taken, they should not for that reason be disregarded or seen as themselves merely reflecting strategic concerns. Relying singlehandedly on a theory that is purely state-centric would be reductionist in accounting for the US position on the ATT and would fail to reflect the complex - now possibly changing - ways in which actors and societal practices at the unit-level have influenced its position.

The fact appears to be that state behaviour is not just driven by interests or image alone but is dependent on context, the type of regime and the issues to be dealt with. This further suggests that state interests are not fixed but variable from state to state. The stance of the US and Sweden on the ATT reveals that states can be confronted with the same issue but come to evaluate and frame their interests and stance on the matter in very different terms. Sweden has approached the regime prioritizing humanitarian concerns and advancing soft power, while the US has approached it first and foremost as a matter of national security and behaved accordingly.

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<sup>503</sup> See e.g. Waltz, 1986 (1979)(a): 88



The complexity that we have found in each country's case conveys some broader truths about the international system. The behaviour of both states denotes that they still seek security from threats, but are also struggling with how exactly to take hold and adjust to the emerging global order.

While the US has certainly been able to use its position for leverage, exerting too much hard power can undermine soft-power credibility and its international appeal in a structure where power is more widely diffused and security is becoming more complex. Its behaviour could have some implications for further cooperation in a globalized world.

In conclusion, in today's interactive world a state's behaviour is likely to be path-dependent and affected by both realist and constructivist elements, external security and domestic political factors. States tend to act in a manner that is according to their preferred image, is expected by others in the light of previous experience, and serves to signal how the same state is likely to approach certain forms of cooperation in the future. The image a state has is not fixed but interchangeable, over a period of time and to an extent depending on the issue-area at hand. States are not static entities formed simply by the structure but living entities that shape the structure they reside in.

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