Mr. Chairman, as this is the first time I take the floor, allow me to associate myself with the many previous speakers who have congratulated you on your skilful stewardship of the ATT process. Indeed, I feel we all in this room have every reason to congratulate ourselves as well. I would also like to thank you for the two papers you have prepared for this meeting. I feel they are an excellent basis for our deliberations. Sweden associates itself fully with the statements made by the EU on behalf of all Member States. The comments that I will now be making on a national basis may be seen as complementary.

In Sweden’s view, the implementation section of your text contains some of the most important elements of the future Treaty.

It is the strengthening of controls on not just exports, but all types of transfers of arms that will allow us to collectively address the problem of unregulated flows that fuel conflicts and armed violence.

By including controls on other types of transfers than exports, this section also highlights the balanced nature of the Treaty and the important contribution that can be made by all countries, not just those that are major producers of arms, but also those who are mainly importers and potential transit and transhipment destinations.

Roman I, paras 2-3:
We share the view of others that the subject matter in these two paragraphs cannot be described as obligations of a legal nature, but rather as political undertakings related to the day to day operation of national systems. As such, they belong in a different part of the text. In fact, they already are.

In this context, it is important to underline that while fully recognizing the right to self defence of all States Parties, we as producers of military equipment do not accept that this right places upon us an obligation to export.

Section A (Exports) Para 3:
Many have expressed their appreciation for the fact that the text in the implementation section is not too detailed or prescriptive, and leaves ample room for
implementation in widely differing national settings. We feel that this paragraph is an exception to that rule, because it does contain a much greater level of detail than the surrounding paragraphs. It might be worthwhile to try to formulate this important obligation in more general terms, in order not to hamper implementation.

Section A (Exports) Para 4:
We agree with others who have pointed out that strictly speaking, a guarantee against diversion is beyond the power of any exporter, as there are other links in the chain of possible diversion that lies outside the exporter’s national control. And that point is underlined by the fact that the same concept of a guarantee against diversion is also included in the import and transit sections of this text. So it is more a matter of wording than of substance - each government involved in a chain of transfer should be held accountable for its own link, and the handover to the next link.

Section A (Imports) Para 2:
This appears to be intended as a parallel to paragraph 3 under Exports, because it is about requirements for documentation. But the actual implications of the text are less clear. Is the intention that import documentation should accompany shipments during relocation within the country of final destination? Or should documents related to a possible import license be sent to the point of origin before shipment? Or is the text about end user assurance documentation? The substance of this text, and how it fits with other obligations, would benefit from further development.

Section A (Imports) Para 3:
This is actually the main obligation in the imports section. It is the obligation for governments to exercise the necessary degree of control over arms entering the country as imports so that they are not diverted for illegal purposes. Perhaps this should be the first paragraph of the section, rather than the last.

Section A (Transit)
General comment: as others, we too have asked ourselves why there is no mention of transhipment in the text, either as a part of this section or under a separate heading. From the point of view of addressing illegal trade, the possibility to exercise control over transhipment cargoes is as important as with transit cargoes.

Section A (Transit) Para 2
We very much support the approach here, that States Parties should have the legislative means to inspect or seize shipments that appear not to be legitimate. In several respects there could be a bit more detail, though. We think it is important to mention that these powers should extend also to goods in bonded warehouses, duty-free zones, special economic zones and the like, where exceptions to national legislation normally apply. Shipments to be seized are defined as transfers “in violation of this Treaty” which is quite an vague way of putting it. We think a more operational definition is needed, preferably relating to the relevant legislation at the national level.

Section B (Transfer Denials)
Many have commented on this section of the text, in both negative and positive terms. At first glance, a system of notification of denials might seem very attractive. For licensing authorities, the knowledge that another government has denied a
transfer to a certain destination can be a signal to approach exports to that
destination with particular care. But as many others before me have already pointed
out, there are significant issues of confidentiality related to a system of mandatory
and global notifications, as well as a very real potential to unduly complicate relations
between sovereign states. We need to think very carefully about the consequences
of adopting a system like the one described here. That being said, the system of
national contact points foreseen for this Treaty could very well be used to facilitate
bilateral exchanges in this area, which would pose far fewer problems than a system
of general notifications.

Section B (Transfer Denials) Para 5
The concept of dispute settlement is introduced in relation to denials. We would have
no problem with a dispute settlement mechanism relating to the implementation of
Treaty obligations, but would oppose the idea of a dispute settlement mechanism for
the transfer control decisions taken by sovereign nations. That would introduce a
supranational element into this Treaty that so far has not been entertained by anyone.

Section C (Record Keeping, Reporting and Transparency)
This is an important section, because it is basic to the kind of orderly, rule-based
system of controls that we feel is necessary in a sensitive area such as arms
transfers. It is also important to enable the kind of international cooperation and
mutual support that is required in controlling transfers which by definition straddle
several different national territories. And finally, it is important as a basis for the
enforcement efforts without which national control systems will be nothing more than
paper tigers.

We support the separate emphasis on national record keeping as opposed to
international reporting. But we think more work is required on this section to strike a
good balance between detailed and more general requirements, not just to provide
better flexibility for national implementation, but because, sometimes, a general
formulation captures more than a detailed one.

With regard to international reporting, we don’t think that the same reporting
requirements should necessarily apply to all control activities. The emphasis should
be on the full and detailed reporting of exports. For imports, transit and transhipment,
where obligations will be on a different level, we think reporting requirements should
be less ambitious. For small importing states, detailed reporting of imports could
reveal more about national defence capabilities than might be appropriate.

Section C (Information Exchange)
We believe that this type of exchange has the potential of being a valuable tool in
many different kinds of situations, and that the text is appropriately encouraging. We
wonder, however, if it is wise to specify that exchange of information “shall” include a
long list of things. We then risk a very rigid format that countries will go a long way to
avoid, which would seem to defeat the purpose of this facility. A very much more
flexible approach to the content of information exchange would be welcome.

Section D (Enforcement)
Yet another important section of the text, for reasons I have already mentioned. But
throughout this section, reference is systematically made to “authorizations in
accordance with this Treaty”, “violations of this Treaty”, etc. We wonder if this is appropriate. This Treaty is intended to be legally binding, but implementation will be at the national level and infringements will be breaches of national law, not of the Treaty itself. For the enforcement obligations to be effective, all these references should be to national legislation rather than to the Treaty.

Section D (Brokering and Corruption)
Like others, we feel that the brokering paragraph of this section belongs in Section A, among the other national controls. Brokering per se is not an illegal activity, but national rules are needed to curb brokering activities that lead to irresponsible or illegal transfers.

Section D (Brokering and Corruption) Para 2
We belong to those who believe corruption is a particularly dangerous phenomenon in the area of arms transfers, because it can seriously weaken even the best national transfer control system and cause significant harm not only nationally, but to neighbors near and far. We think the text in this paragraph is a good basis for further discussion, but would like to add one thought: in the area of arms transfers, corruption can undermine not only transfer control systems, but also procurement processes. In that context, it can lead not only to a waste of national resources, which is not the business of this Treaty, but to over-procurement and subsequent leakage to the illegal market, which is. We would therefore suggest that one element of this text could be to recommend that States Parties should ensure that national anti-corruption legislation is applicable also to arms procurement processes. This is not always the case today, because procurement processes are in many cases covered by different forms of national security exceptions.

Section D (Law Enforcement and Cooperation) Para 1
Another important section that we strongly support. But it is not clear to us what the intention is behind paragraph 1 here. It seems very similar in content to paragraph 1 under the heading “Activities inconsistent with the Treaty obligations”. It would be good to avoid duplication where possible.

Section E (Implementation Support Unit)
We belong to those that believe that an ISU should be limited in size, and have limited functions. We think it should be independent and funded by the States Parties themselves. We should therefore be cautious of assigning many functions to the ISU in the Treaty itself, but rather provide for a possibility of adding functions later, when we will collectively be forced to weigh benefits against costs for each new function, and to check if there are other alternatives, allowing us to for instance outsource some desired functions. Implementation assistance is a good example of that, since the expertise needed for such assistance will normally have to come from individual States Parties or organizations anyway. We feel that building a separate organization of experts within the ISU for implementation assistance would be hugely expensive and inefficient.

Core functions for an ISU could be to act as a repository for reports, to be responsible for the practical arrangements surrounding meetings of States Parties, updating lists of national contact points and the like, and perhaps acting as a clearing house for implementation assistance, as a complement to other existing channels.
Thank you, Mr. Chairman