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# Masters of War – Sweden’s Dual Role as a Humanitarian Superpower and Arms Exporter

- A Stakeholder Analysis on Sweden’s Export of  
Military Equipment to Saudi Arabia

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# Abstract

**Context/Purpose/Material:** Sweden, portrayed as a humanitarian superpower, has been widely criticised for the export of military equipment to Saudi Arabia, a state on the other side of the spectrum, as a human rights-violating authoritarian regime. Sweden is still continuing the export to Saudi Arabia, despite Saudi Arabia's human rights violations both within and outside the country. The purpose of this thesis is to study, by analysing regulation and policy documents, whether Sweden is acting as a primary agent of justice, and by analysing Saab's Code of Conduct, whether it is acting as a secondary agent of justice, as is described in the theory I have framed. **Theory/Method:** My theoretical framework is framed from a few substantive chapters in the "Global responsibilities" book, edited by Andrew Kuper. The framed theory establishes the state as the primary agent of justice, responsible for promoting and defending cosmopolitan principles, and corporations as secondary agents of justice, with the possibility to do more for justice than the local legislation demands. Furthermore, I framed, and subsequently utilised, a stakeholder analysis in order to identify and map the key stakeholders and study their interests and how directives, guidelines, and the trade affects them respectively, and what the key stakeholders should do in order to endorse cosmopolitan principles. **Conclusion:** I come to the conclusion that the Swedish government and Saab do not act as agents of justice, despite having the capability and officially promoting cosmopolitan principles.

*Key words: Sweden, Saudi Arabia, Saab, arms export, cosmopolitanism, global responsibilities, CSR, stakeholder analysis, human rights, democracy, dictatorship, foreign policy*

# Abstrakt

**Kontext/Syfte/Material:** Sverige, som skildras som en humanitär supermakt, har blivit kritiserat för vapenexporten till Saudiarabien, som är en stat på andra sidan spektrumet, som en människorättskränkande och auktoritär stat. Sverige fortsätter fortfarande vapenexporten till Saudiarabien, trots Saudiarabiens människorättskränkningar både i, och utanför Saudiarabien. Syftet med denna uppsats är att undersöka, genom att analysera regelverk och policydokument, ifall Sverige agerar som en ”primary agent of justice” och genom att analysera Saabs uppförandekod, studera ifall Saab agerar som en ”secondary agent of justice”, som beskriven i teorin jag har formulerat. **Teori/Metod:** Mitt teoretiska ramverk är formulerat från några väsentliga kapitel i boken ”Global responsibilities”. Den formulerade teorin fastställer staten som ”primary agent of justice”, ansvarig för att tala för och försvara kosmopolitiska principer och företag som ”secondary agents of justice”, med möjligheten att göra mer för rättvisa än vad den lokala lagstiftningen kräver. Dessutom, formulerade och använde jag en ”Stakeholder analysis”, för att identifiera och kartlägga de huvudsakliga intressenterna och studera deras intressen och hur direktiv, riktlinjer och handeln påverkar respektive intressenter och vad de huvudsakliga intressenterna borde göra för att förespråka kosmopolitiska principer. **Slutsats:** Jag drar slutsatsen att den Sveriges regering och Saab inte agerar som ”primary/secondary agents of justice”, trots att de är kapabla och officiellt förespråkar för kosmopolitiska principer.

*Nyckelord: Sverige, Saudiarabien, vapenexport, kosmopolitism, global responsibilities, CSR, stakeholder analysis, mänskliga rättigheter, demokrati, diktatur, utrikespolitik*

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# 1. Introduction

Saudi Arabia is, according to the Swedish government website, Sweden's most important trading partner in the Middle East since way back.<sup>1</sup> Especially the arms export from Sweden to Saudi Arabia has been criticised a lot, inter alia, for legitimising Saudi Arabia's actions by the export of military equipment. The biggest Swedish arms manufacturer, Saab, has sold the antitank robot Bill, airborne early warning & control systems etc. to Saudi Arabia. The arms export soared in 2011 but decreased after 2015 to some 7 million SEK (Swedish Krona) and has been approximately the same for the past three years. The Inspectorate of Strategic Products (ISP) has not granted any new export permits to Saudi Arabia since the start of 2015. The export today consists of follow-up deliveries, such as spare parts and maintenance to previously sold ordnance systems. The chief economist at Business Sweden, Lena Sellgren, says that the termination of export to Saudi Arabia would not affect Sweden much financially, the export only constituting 0,7% of the total export.<sup>2</sup>

Applications for military equipment export licences in Sweden are assessed on the basis of three regulations: Swedish law, EU regulations and the UN's International Arms Trade Treaty.<sup>3</sup> In June of 2017, the Swedish Government referred a proposal to the Council on Legislation encompassing stricter regulation on the export of military equipment to "non-democratic"

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<sup>1</sup>Regeringskansliet, *Saudi arabien*, <https://www.regeringen.se/sveriges-regering/utrikesdepartementet/sveriges-diplomatiska-forbindelser/mellanostern-och-nordafrika/saudi-arabien/> [15.10.2018]

<sup>2</sup>Augustsson, Tomas & Hedelius, Patricia, "Nu måste Sverige avbryta export till Saudi arabien", *Svenska Dagbladet*, 22.10.2018 <https://www.svd.se/kritik-trots-minskad-svensk-vapenexport-bor-avbrytas> [13.12.2018]

<sup>3</sup>Svenska freds, *Lagar och riktlinjer för svensk vapenexport*, 12.01.2018,

<https://www.svenskafreds.se/upptack/vapenexport/lagar-och-riktlinjer-for-svensk-vapenexport/>

states. The purpose of the new regulation was to pay attention to the democratic status and human rights violations of the receiving country, and accordingly, to thwart the export to states of the kind mentioned above. Great deficiencies in a country's democratic status or the occurrence of serious human rights violations were to be an "unconditional" obstacle for the export of military equipment, according to the renewed legislation. The proposal was adopted in April of 2018.<sup>4</sup> Sweden, however, still exports military equipment to such non-democratic states as Saudi Arabia, United Arab Emirates, Qatar and Pakistan.<sup>5</sup>

Germany, Finland and Denmark have in November 2018, following the killing of the Saudi journalist Jamal Khashoggi and the worsening of the situation in Yemen, halted arms sales to Saudi Arabia.<sup>6</sup> Sweden is, despite its humanitarian values, the new regulations by the ISP, the Saudi involvement in Yemen, and the murder of Jamal Khashoggi (and countless other human rights violations), still continuing and "defending" the export of follow-up deliveries to the authoritarian repressive regime, by saying it is "limited" and not of much significance.<sup>7</sup>

## 1.1 Problem definition, purpose and research question

## 1.2 Problem definition

*Sweden* became the first country to launch a *feminist foreign policy*, championing and striving to strengthen women's rights, representation and

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<sup>4</sup>Utrikesutskottets betänkande 2017/18:UU9, *Skärpt exportkontroll av krigsmateriel* [https://www.riksdagen.se/sv/dokument-lagar/arende/betankande/skarpt-exportkontroll-av-krigsmateriel\\_H501UU9/html](https://www.riksdagen.se/sv/dokument-lagar/arende/betankande/skarpt-exportkontroll-av-krigsmateriel_H501UU9/html)

<sup>5</sup>Svenska fredes, *Snabba fakta om vapenexport*, <https://www.svenskafreds.se/vad-vi-gor/vapenexport/snabba-fakta-om-vapenexport/>

<sup>6</sup>Noack, Rick, "Finland and Denmark join Germany in halting arms sales to Saudi Arabia", *The Washington Post*, 22.11.2018, [https://www.washingtonpost.com/world/2018/11/22/denmark-joins-germany-halting-arms-sales-saudi-arabia/?utm\\_term=.fa6eac7e8514](https://www.washingtonpost.com/world/2018/11/22/denmark-joins-germany-halting-arms-sales-saudi-arabia/?utm_term=.fa6eac7e8514) [9.12.2018]

<sup>7</sup>Bolling, Anders, "Grannar stoppar vapenexport till Saudiarabien – Sverige fortsätter", *Dagens Nyheter*, 25.11.2018, <https://www.dn.se/nyheter/politik/grannar-stoppar-vapenexport-till-saudiarabien-sverige-fortsatter/> [9.12.2018]

resources globally.<sup>8</sup> There lies however a contradiction between Sweden's feminist foreign policy agenda and reputation as a "humanitarian superpower", and the export of military equipment to an authoritarian regime – which is the problem I aspire to tackle in this thesis.

### 1.3. Purpose

My goal is not to resolve the fundamental reasons for Sweden's export of military equipment to Saudi Arabia, since that would likely result in a number of guesses/hypotheses and self-drawn conclusions, considering I do not have access to the inside information – within a narrow research as this, one could only speculate. The purpose with this thesis is instead to explore who can affect, or who is affected by, the export of military equipment and moreover, how Sweden is doing as a primary agent of justice in realising, defending and promoting the cosmopolitan human rights principles, and how Saab is doing as a secondary agent of justice.

### 1.4. Research questions:

1. Who are the *stakeholders* and what are their respective roles in the context of export of military equipment?
2. How is Sweden doing as a *primary agent of justice*, as defined by the Global responsibilities theory?
3. How is Saab, the main weapons manufacturer, doing as a *secondary agent of justice*?
4. What should these two stakeholders respectively do in order to act like primary and secondary agents?

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<sup>8</sup>Ministry of Foreign Affairs, *Handbook – Sweden's feminist foreign policy*, 23.08.2018, <https://www.government.se/4abf3b/contentassets/fc115607a4ad4bca913cd8d11c2339dc/handbook-swedens-feminist-foreign-policy>



## 2. Background

### 2.1. Saudi Arabia

Saudi Arabia has become one of the wealthiest countries in the Middle East, thanks to vast oil resources and the West's dependency of these resources. Due to the strict and conservative interpretation of Sunni Islam, called Wahhabism, the country enforces harsh punishments such as public beheadings for a range of crimes and is also widely criticised for the discrimination of women and restrictions to freedom of expression/speech.<sup>9</sup> Moreover, according to a research conducted by the Financial Action Task Force, an independent inter-governmental body, Saudi Arabia faces high and diverse risk of terrorism financing, linked to terrorism (organisations such as Al Qaeda and ISIS) committed both within the Kingdom, and to countries in conflict within the region. Despite this, Saudi Arabia mainly focuses on domestic offences.<sup>10</sup>

The Economist Intelligence Unit's Democracy Index provides a snapshot of the state of democracy for 165 independent states and two territories. It is based on five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture. Based on these aforementioned categories, countries are then classified as one of four types of regime: "full democracy"; "flawed democracy"; "hybrid regime"; and "authoritarian regime". A special focus of the report of 2017 was on the state of media freedom and freedom of speech and expression. Saudi Arabia was, according to the research, the 9<sup>th</sup> least democratic country in the world and therefore, an "authoritarian regime" – circumstances defined as:

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<sup>9</sup>BBC, *Saudi Arabia profile – overview*, 24.09.2015, <https://www.bbc.com/news/world-middle-east-14703476> [19.12.2018]

<sup>10</sup>The Financial Action Task Force, *Anti-money laundering and counter-terrorist financing measures – Kingdom of Saudi Arabia*, June 2018, <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/MER-Saudi-Arabia-2018.pdf> p. 4 & 8.

In these states, state political pluralism is absent or heavily circumscribed. Many countries in this category are outright dictatorships. Some formal institutions of democracy may exist, but these have little substance. Elections, if they do occur, are not free and fair. There is disregard for abuses and infringements of civil liberties. Media are typically state-owned or controlled by groups connected to the ruling regime. There is repression of criticism of the government and pervasive censorship. There is no independent judiciary.<sup>11</sup>

On a scale of 0-10, Saudi Arabia scored 0, on the media freedom ranking, meaning it is unfree.<sup>12</sup> The killing of the Saudi journalist and critic of the Saudi government, Jamal Khashoggi, at the Saudi consulate in Istanbul on 2 October, has highlighted this issue.<sup>13</sup>

## 2.2. Yemen

Yemen's (one of the poorest countries in the Arab world) conflict has its roots in the failure of a political transition following an Arab spring uprising that forced its long-time authoritarian president, Ali Abdullah Saleh, to relinquish the power to Abdrabbuh Mansour Hadi in 2011. The rise of the Houthi movement, a Shia Muslim minority group, and Iran's backing of the movement, alarmed Saudi Arabia and eight other mostly Sunni Arab states to begin an air campaign aimed at restoring Hadi's government in the Saada province, where Houthis had taken control in 2014-2015. In 2017, Saudi Arabia led the forming of a coalition to tighten its blockade of Yemen and to, allegedly, halt the smuggling of weapons to the rebels by Iran, regardless of the UN saying the restrictions could trigger "the largest famine the world has seen for many decades". Over half of the dead and wounded have been caused by Saudi-led coalition air strikes and the UN says that Yemen is the world's

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<sup>11</sup>Democracy Index 2017, Free speech under attack, A report by The Economist Intelligence Unit, [http://www.eiu.com/Handlers/WhitepaperHandler.ashx?fi=Democracy\\_Index\\_2017.pdf&mode=wp&campaignid=DemocracyIndex2017](http://www.eiu.com/Handlers/WhitepaperHandler.ashx?fi=Democracy_Index_2017.pdf&mode=wp&campaignid=DemocracyIndex2017) p. 64.

<sup>12</sup>Democracy Index 2017, p. 2, 9, 42.

<sup>13</sup>BBC, *Jamal Khashoggi: All you need to know about Saudi journalist's death*, 11.12.2018, <https://www.bbc.com/news/world-europe-45812399> [19.12.2018]

worst man-made humanitarian disaster – about 75% of the population, so 22,2 million people, are in need of humanitarian assistance, including 11,3 million people in acute need who urgently require immediate assistance to survive, and some 8,4 million people are considered at risk of starvation.<sup>14</sup>

## 2.3. Sweden

Sweden is a welfare state and a constitutional democracy with a well-established parliamentary democracy.<sup>15</sup> Sweden is according to the Economist Intelligence Unit's Democracy Index, the third most democratic country in the world and hence a "full democracy".<sup>16</sup> Sweden is maintaining diplomatic relations with Yemen from the consulate in Riyadh, Saudi Arabia, and due to the situation in Yemen, Sweden contributed with humanitarian aid worth 363 million SEK in 2018 to the war-torn country.<sup>17</sup> In 2014, Sweden became the first country in the world to launch a "feminist foreign policy".<sup>18</sup> According to the Swedish government's Handbook on Sweden's Feminist Foreign Policy, this means, among other things:

The work with the feminist foreign policy is structured according to three Rs: Rights, Representation and Resources. [...] One important starting point for our work is that gender equality is not a separate women's issue – it benefits everyone. Research shows that gender equal societies enjoy better health, stronger economic growth and higher security. It also shows that gender equality contributes to peace, and that peace negotiations in which women have taken part have a better chance of being sustainable. [...] Religion, culture, customs or traditions can never legitimise infringements of women's and girls' human rights.<sup>19</sup>

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<sup>14</sup>BBC, *Yemen crisis: Why is there a war?*, 18.12.2018, <https://www.bbc.com/news/world-middle-east-29319423> [19.12.2018]

<sup>15</sup>Encyclopaedia Britannica, *Sweden*, <https://www.britannica.com/place/Sweden>

<sup>16</sup>Democracy Index 2017, p. 5.

<sup>17</sup>Regeringskansliet, *Jemen*, <https://www.regeringen.se/sveriges-regering/utrikesdepartementet/sveriges-diplomatiska-forbindelser/mellanostern-och-nordafrika/jemen/>

<sup>18</sup>Ministry of Foreign Affairs, *Handbook – Sweden's feminist foreign policy*, 23.08.2018

<sup>19</sup> Ibid. p. 6-7, 21.

A document by the Swedish government on the 8th of December 2016 called “Human Rights, Democracy and the Constitutional State’s principles in Swedish Foreign Policy (2016/17:62)”, sets out the Swedish government’s ambitions and priorities concerning the work for human rights, democracy and the principle of the rule of law in Swedish foreign policy. The document states that the aforementioned “elements” must underlie the Swedish foreign policy in its entirety and are of highest priority and comprise of the foreign and security policies, the international development cooperation, and trade policies.<sup>20</sup>

The government acknowledges that non-democratic states are the ones lacking rule of law and respect for human rights. The strengthening of human rights, democracy and rule of law brings greater freedom and a better status for women and thus, the whole society. The government recognises that abolishing all legislation that discriminates against women would have major positive economic impacts and, subsequently, the significance of improving social, economic and other practical prerequisites for achieving actual equality.<sup>21</sup>

## 2.4. The ISP

The ISP is an independent Swedish Administrative Authority. The Department for Disarmament and Non-Proliferation within the Swedish Ministry for Foreign Affairs is the department responsible for ISP.<sup>22</sup> The ISP’s tasks are, inter alia, to control and ensure compliance with legislations concerning military equipment<sup>23</sup> and dual-use products – which in practice means that ISP is responsible for the export licencing procedure, production permits and, moreover, the ISP visits companies and checks that current

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<sup>20</sup> Skr. 2016/17:62, *Mänskliga rättigheter, demokrati och rättstatens principer i svensk utrikespolitik*, p. 1 & 6.

<sup>21</sup> *Ibid.* p. 4-5.

<sup>22</sup> Inspectorate of Strategic Products, *About the ISP*, 19.04.2018, <https://isp.se/eng/about-the-isp/>

<sup>23</sup> “Military equipment (ME) refers to products such as weapons, ammunition, surveillance and monitoring equipment as well as security equipment or other products developed for military use.” – Inspectorate of Strategic Products, *Annual Report 2017*, [https://isp.se/media/1269/isp\\_annualreport2017\\_web.pdf](https://isp.se/media/1269/isp_annualreport2017_web.pdf) p. 6.

regulations are incorporated in companies' work process.<sup>24</sup> ISP summarises its cooperation/regulative network:

The ISP exercises active cooperation with several authorities as well as with European and multilateral institutions, while maintaining a constant dialogue with Swedish industrial and technology companies and organisations. The ISP works according to the laws passed by the Swedish Riksdag [parliament], EU regulations and the commitments associated with international cooperation.<sup>25</sup>

As an independent authority, the ISP is tasked with assessing license applications independently in accordance with the whole regulatory framework.<sup>26</sup>

## 2.5. Saab AB

Saab AB is a Swedish public limited liability company “serving the global market of governments, authorities and corporations with world-leading products, services and solutions from military defence to civil security.” They claim to be contributing to society by providing products, services and solutions that make society and people feel safe – their slogan being “It’s a human right to feel safe”.<sup>27</sup>

The background chapter will give context and help me in mapping and identifying the respective roles of the stakeholders. In the next chapter I will introduce some previous research on the topic, before finally getting to actual research – in the following chapters I will, step by step, introduce everything between material, theory and method, until I finally reach the

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<sup>24</sup>Inspectorate of Strategic Products, *Annual Report 2017*, p. 6. & Inspectorate of Strategic Products, *Assignments*, 19.04.2018, <https://isp.se/eng/assignments/>

<sup>25</sup> Inspectorate of Strategic Products, *Annual Report 2017*, p. 6.

<sup>26</sup>Comm. 2017/18:114, *Strategic Export Controls in 2017 – Military Equipment and Dual-Use Items*, <https://www.government.se/4af0bf/contentassets/04dd1926300f41088b86238154b7708e/skr-2017-18-nr-114-eng-popularversion-002.pdf>

<sup>27</sup>Saab, *Products that Contributes to Increased security*, <https://saabgroup.com/responsibility/contr/products-contributing-towards-greater-security/> & Saab, *Mission, Vision and Values*, <https://saabgroup.com/about-company/mission-vision-and-values/>

analysis chapter, where I will analyse and come to a conclusion and then, subsequently, discuss the results and compare them with previous research on the topic.

### 3. Literature review & previous research

I will now introduce some previous research on the topic that will give some further context and that I will subsequently refer to later on in the discussion chapter.

#### 3.1. “Humanitarian superpowers” as arms exporters

“A nation of feminist arms dealers? Canada and military exports”, written by Srdjan Vucetic, studies and analyses Canada’s arms export to Saudi Arabia. What Vucetic, firstly, finds is that liberal governments are as likely to support and grant export permits for military goods going to human rights-abusing buyers, such as Saudi Arabia, as conservative governments. Secondly, Vucetic claims that Canada’s “arms export behaviour” is similar to that of two countries, Sweden and the Netherlands, also considered to have a progressive foreign policy and to be “humanitarian superpowers” and “international do-gooders”. Trudeau’s feminist foreign policy is similar to that of Margot Wahlström’s, but both states still cooperate and do business with a country with misogynistic politics.

In the period under study, 15 percent of Canada’s military deals were with buyers with “bad” or “very bad” human rights records; the figures for the other two countries are 10 percent and 14 percent, respectively. In other words, when it comes to arms exports, Canadian, Dutch, and Swedish ethically driven foreign policies are suspended one or two times out of ten.<sup>28</sup>

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<sup>28</sup>Vucetic, Srdjan. “A Nation of Feminist Arms Dealers? Canada and Military Exports”, *International Journal*, vol. 72, no. 4, Dec. 2017.

## 3.2. Sweden as an exporter of military equipment

A study conducted by Diederik Cops, Nils Duquet and Gregory Gourdin at the Flemish Peace Institute called “Towards Europeanized arms export controls? – Comparing control systems in EU Member States”, has included Sweden as one of the countries being compared with other EU member states. The research summarises the historical-political context of the Swedish defence industry – it says that (armed) neutrality formed the basis of Swedish foreign policy before, during and after the Second World War. Sweden remaining neutral resulted in the development of a strong national defence industry and in Sweden imposing strict restrictions on countries to which arms could be exported, thus enabling the Swedish government to give priority to normative principles in the assessment of export license applications. In the study they acknowledge the Swedish political and social debates considering the arms export, and they bring up Saudi Arabia as an example.<sup>29</sup> They recapitulate the relations with Saudi Arabia:

In 2005 the Swedish government had signed a memorandum of understanding (MoU) with the Saudi government for military cooperation. In 2012 it was revealed that within this framework the Swedish government had been negotiating to provide support for the construction of a factory for the production of anti-tank missiles in Saudi Arabia. In 2015 the government formally decided against renewing this preferential agreement with Saudi Arabia, although many aspects of it were already no longer active. Arms exports to Saudi Arabia are still possible, however.<sup>30</sup>

They also mention the controversy regarding the resignation of Sten Tolgfors, the competent minister, in March 2012, following the reported MoU with Saudi Arabia and how much the topic weighs in Swedish politics. The

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<sup>29</sup>The Flemish Peace Institute, *Towards Europeanized arms export controls? Comparing control systems in EU Member States*, Brussels, 15.06.2017,

[https://www.vlaamsvredesinstituut.eu/sites/vlaamsvredesinstituut.eu/files/files/reports/rapport\\_wapenexp\\_eur\\_def.pdf?fbclid=IwAR1WHRMCHddh\\_jFHGd1YT8H\\_NhCGjvOBfc\\_7wcJZQbnaUJFfaWUsKAQUpFI](https://www.vlaamsvredesinstituut.eu/sites/vlaamsvredesinstituut.eu/files/files/reports/rapport_wapenexp_eur_def.pdf?fbclid=IwAR1WHRMCHddh_jFHGd1YT8H_NhCGjvOBfc_7wcJZQbnaUJFfaWUsKAQUpFI)

<sup>30</sup>*Ibid.* p. 69.



research also gives some context on how extensive the Swedish defence industry is and its main actors, Saab, BAE Systems Bofors, BAE Systems Hägglunds, Kockums and Nammo Sweden. Saab is the only Swedish company on SIPRI's 2015 list of the top 100 arms producers. In the period 2006-2016, Sweden accounted for 1,6% of global export of conventional arms systems and this puts Sweden in 12<sup>th</sup> place globally. Sweden's arms export reached a high point in 2009-2011, as the result of supplies of larger systems to, inter alia, the UAE, Pakistan, Saudi Arabia and Thailand, but since most of these orders have been completed, the value of Swedish exports declined in the period 2012-2015. Albeit the export declining by 40% to the Middle East and North Africa between 2014 and 2015, many types of defence-related products are still exported to Qatar, the UAE, Saudi Arabia, Kuwait, Algeria and Tunisia.<sup>31</sup>

The authors of the research claim that the most important reason for governments to develop arms export control systems is to assess the legitimacy of the export or transfer of defence-related goods – these considerations are central to their assessment of licence applications. An additional aspect of restrictive measures is the possibility of amending the conditions of licenses that have already been issued, for example due to the situation or conditions on the basis of which the original licence application was approved to have changed. Sweden has mandatory grounds for the withdrawal of an issued licence.<sup>32</sup>

### 3.3 Sweden's "Feminist Foreign Policy"

"Swedish Feminist Foreign Policy in the Making: Ethics, Politics, and Gender", is an essay by Karin Aggestam and Annika Bergman-Rosamond in which the authors depict the "Swedish Feminist Foreign Policy" and some of its ambitions and dilemmas. They recapitulate and summarise the descent and content of the feminist foreign policy: Sweden formed the world's first

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<sup>31</sup>The Flemish Peace Institute, *Towards Europeanized arms export controls? Comparing control systems in EU Member States*, p. 69-70.

<sup>32</sup>*Ibid.* p. 147.

self-defined feminist government in 2015 and as a part of that, they publicly adopted a feminist foreign policy. This entailed an ambition to become the “strongest voice for gender equality and full employment of human rights for all women and girls.” They write that said policy contains a normative reorientation of foreign policy that is guided by an ethically informed framework based on broad cosmopolitan norms of global justice and peace. Some of the government’s prioritised areas for policy actions are promoting the rule of law, combating gender-based and sexual violence, addressing sexual and reproductive health and rights, the economic empowerment of women and advocating sustainable development and according to the authors, these principles have normative positions<sup>33</sup>:

These are (1) a commitment to feminist ethical principles of inclusion and human security, (2) gender cosmopolitanism, and (3) empathetic cooperation.<sup>34</sup>

The authors claim that the feminist foreign policy redefines security with a greater focus on women and girls and reflects a cosmopolitan ethics and “gender cosmopolitanism” that challenges embedded patriarchal power relations and practices beyond borders – and this is interwoven with Sweden’s sense of self-identity as a “humanitarian superpower”. Some of the Ministry of Foreign Affairs’ ambitions are to listen to stories of women and other marginalised groups subjected to violence and conflict and to endorse women’s inclusion and participation in peace processes.<sup>35</sup>

Aggestam and Bergman-Rosamond also take up some challenges with declaring a feminist foreign policy, such as the inconsistency between the promotion of gender, justice, and peace while exporting arms to authoritarian states. Sweden has been seen as a strong advocate of preventive

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<sup>33</sup>Aggestam, Karin & Bergman-Rosamond, Annika (2016). “Swedish Feminist Foreign Policy in the Making: Ethics, Politics, and Gender”, *Ethics & International Affairs*, <https://www.cambridge.org/core/journals/ethics-and-international-affairs/article/swedish-feminist-foreign-policy-in-the-making-ethics-politics-and-gender/FEE6103E38181D831DA1BEBE8861C289/core-reader>

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

diplomacy and supporting international actions that strive to prevent and address root causes of conflict – yet, Sweden is one of the leading arms exporters in the world. Sweden has been exporting arms to Saudi Arabia for a long time, however, in 2015 there was a diplomatic crisis between the two countries following the Swedish foreign minister's, Margot Wallström's, public criticism against the Saudi regime for its poor human rights record, including calling the sentencing of the Saudi blogger, Raif Badawi, outrageous and "medieval". Consequently, Saudi Arabia recalled its ambassador and accused Wallström of criticising the religion of Islam. Subsequently, the Arab world, the Gulf Cooperation Council, and the Organisation of Islamic Cooperation responded with similar harsh statements against the Swedish government. Concurrently, EU member states kept a low diplomatic profile and distanced themselves from the Swedish position. Albeit these diplomatic repercussions, the Swedish government cancelled the arms deal with Saudi Arabia, which was criticised by many figures in the Swedish financial and diplomatic sectors.<sup>36</sup>

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<sup>36</sup> Aggestam, K. & Bergman-Rosamond, A. (2016). "Swedish Feminist Foreign Policy in the Making: Ethics, Politics, and Gender".

## 4. Material and limitations

In order to conduct this research, I will be using material publicly available. Considering the fact that I am doing a stakeholder analysis, one might question the objectivity and lack of inside information (which I am aware of), but as I state in the “Method” part later on, it is possible to do it from an outside perspective. I will be using regulation documents from the Swedish government and the ISP, and Saab’s Code of Conduct as primary material that I will then analyse in a later chapter, by applying the Global responsibilities theory in the analysis.

### 4.1. Primary material

My primary material consists of the two main stakeholders’, the Swedish state (ISP included) and Saab, guidelines, regulations and policies concerning the export of military equipment.

#### 4.1.1. Government proposal 2017/18:23

I will summarise the government proposal 2017/18:23 (and technically the commission report 2017/18:UU9, issued by the Swedish parliament’s Committee on Foreign Affairs endorsing the government proposal – the content is more or less the same) for the purpose of portraying Sweden’s guidelines and regulations concerning the export of military equipment, as well as the ISP’s proposal regarding end-use control, since ISP is the government body conducting the licencing procedure and, therefore, granting license permissions. I will try to translate the integral parts from Swedish into English and conclude them, without leaving out anything of major significance, to the best of my ability. I will also take a look at Saab’s, very limited, “Responsibility” policy in their Code of Conduct, which sets out Saab’s ethical standards in a number of areas.

On 19.10.2017, the Swedish government presented a proposal regarding the licensing procedure and control of the export of military equipment and on 28.02.2018, the Swedish parliament's Committee on Foreign Affairs issued a commission report (2017/18:UU9) proposing that the parliament would pass the proposal, and subsequently the proposal took effect 15.04.2018. In the proposal, the government suggests an adjustment regarding the principles for the licensing procedure and more comprehensive control of export of military equipment, striving to meet the Swedish national objectives and international obligations, in order to assure that the receiving country is acceptable to Sweden. The proposal states that the democratic status of the receiving country is to be a central proviso in the licensing procedure and that there will be tougher demands considering the respect of human rights in the receiving country. Furthermore, it is stated that Sweden ought to think in terms of whether the export and collaboration would thwart a just and sustainable development in the receiving country.<sup>37</sup> Since the commission report embraced the proposal and is essentially a summary of the integral parts of the proposal, I will not recapitulate that separately.

The ISP's designated task is to independently consider applications regarding export permits pursuant to the legal framework in its entirety. The ISP shall hand over a matter to the government to scrutinise if the case has principled significance or is of particular importance. Matters of principled significance or of greater importance are to be handed over to the government for determination since the existing regulations do not always provide enough guidance. The aggregative content of article 2 in the EU's common position and article 7 in The UN's Arms Trade Treaty is that export is out of question if there is an apparent or overwhelming risk for the exported military equipment to be used or contribute to severe violations of human rights or international humanitarian law, or to commit or aid grave acts of violence or serious act of violence against women and children.<sup>38</sup>

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<sup>37</sup> Prop. 2017/18:23, *Skärpt exportkontroll av krigsmateriel*  
& Utrikesutskottets betänkande 2017/18:UU9, *Skärpt exportkontroll av krigsmateriel*.

<sup>38</sup> Prop. 2017/18:23, p. 17.

The Swedish licensing procedure is built upon an overall assessment with a premise in the government's guidelines and established praxis. These regulations constitute the principles that the government has established in praxis, and that shall be indicative in the licensing procedure. Furthermore, the criteria in the EU's unified stance and the UN's Arms Trade Treaty will be taken into account. The Swedish licensing procedure regarding the export of military equipment and other foreign cooperation builds upon the division of the foreign policy obstacles into unconditional and conditional obstacles. An unconditional obstacle entails that export or other foreign cooperation is out of question. The unconditional obstacles are thus obstacles that prohibit export, despite it possibly being called for out of security or defence policy reasons. Licenses shall, aside from when international obligations imply that a license should not be granted, be based on a gathered assessment of the safety, defence and foreign policy grounds that are either for or in favour of a license being granted.<sup>39</sup>

The proposal, in light of the defence industry's internationalisation, includes clarifications regarding which principles should apply when it comes to "follow-up deliveries" and international cooperation. Sweden chose to have a positive presumption, if there are no unconditional obstacles, on the permits considering follow-up deliveries, but not an unconditional guarantee. Furthermore, the assessment should be made case by case. These clarifications are of significance in this thesis, since the export to Saudi Arabia today consists of follow-up deliveries to previously sold military equipment-systems. It is stated in the proposal that the termination of the follow-up deliveries to a previously delivered system is a noticeable sanction and consequently, an effective incentive for the receiving country to abstain from re-exporting.<sup>40</sup>

It is stated in the government's proposal, that changes will not have retroactive effects. The government considers this to be in line with the reasons that it adduces for the principle regarding follow-up deliveries, that is, an endeavour for balance between the states' justified expectations for

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<sup>39</sup> Prop. 2017/18:23, p. 26.

<sup>40</sup> Ibid.

security of supply and the Swedish interest to maintain a strict export control policy. The existing instructions should, therefore, continue to be enforced in the licensing procedure of follow-up deliveries concerning export that has already been approved. The tightening measures that the government estimates are to be done are expected to have an impact in the long run.<sup>41</sup>

Attention should also be paid to whether the country is involved, or risks getting involved in, an armed conflict in the receiving country. In case serious or extensive violations of human rights occur, like participating in war crimes, that constitutes an unconditional obstacle for a licence to export military equipment, or other foreign cooperation relating to military equipment. The government can cancel a granted permit if the receiving country gets involved in an armed conflict. Sweden can desist from cancelling a permit only if it is compatible under international law and Sweden's foreign policy goals. The government deems it unnecessary to institute a separate humanitarian criterion due to Sweden's restrictiveness regarding export to countries that are involved in armed conflict.<sup>42</sup>

#### 4.1.2. ISP's commission

The Swedish government expressed a need for a system with a possibility for end-use control (actions taken in order to make sure that military equipment exported from a country to another is used in the receiving country and not re-exported etc.) of military equipment abroad on the 19<sup>th</sup> of October 2017, and instructed the ISP to investigate and present proposals for a system for ex-post checks of military equipment abroad, following the proposal 2017/18:23 mentioned above. According to the ISP's assessment, the system should concentrate on end-use control of five different types of light weapons and, if necessary, ammunition systems manufactured and exported from Sweden. The system should only include states as end-users. End-use control will be conducted via "verification visitations" on-site in the country. The

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<sup>41</sup> Prop. 2017/18:23, p. 62.

<sup>42</sup> Ibid. p. 48-54.

system of end-use control should only cover deliveries of the five types of light weapons with related ammunition that occur after the new system takes effect and after the receiving country has signed and committed to the obligations according to an end-use certification, hence, only concerning new contracts. An appropriate date to institute the system is 1<sup>st</sup> of January 2019, and since the end-use control system only applies to deliveries for which the receiving country has signed the contract, it is not likely any control visitations will take place abroad before 2020-2021.<sup>43</sup>

The ISP will consider, inter alia, whether the military equipment in question is for the country's own needs, the impact the military equipment would have on the country's military potential and thus, an estimation can be made regarding whether the country in question has an actual military need for the military equipment. Following things, inter alia, should be taken into account: 1. The receiving country's legitimate defence interests, 2. The receiving country's technical capability to use the technology or equipment in question, 3. The receiving country's capacity to exercise effective export control, 4. The risk for the technology or equipment to be re-exported to unwanted destinations and whether the receiving country has previously respected regulations regarding re-export, 5. The risk for the technology or equipment to be diverted to terrorist organisations or individual terrorists.<sup>44</sup>

The ISP claims that, depending on the development on the defence market in general, the proposal might have an impact on the sale and profitability of products affected by the proposed regulations, but will not lead to major financial consequences for the defence industry.<sup>45</sup>

The ISP summarises the two main reasons for why a country exporting military equipment would not want the equipment to be re-exported to unwanted recipients: a threat to the safety of the exporting country or that it contravenes with the exporting country's foreign policy principles and goals. An example of the latter is that the exporting country does not want the exported equipment to be used to violate human rights or international

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<sup>43</sup>Inspectorate of Strategic Products, *Utredning om efterkontroller i utlandet*, [https://isp.se/media/1261/utredning\\_ud2917-17135-nis.pdf](https://isp.se/media/1261/utredning_ud2917-17135-nis.pdf), p. 6-8.

<sup>44</sup> Ibid. p. 13-15.

<sup>45</sup> Ibid. p. 66.



humanitarian law – this reason is the dominating reason in the public debate in Sweden.<sup>46</sup>

### 4.1.3. Saab's Code of Conduct

Saab emphasises in their Code of Conduct that all Saab's business dealings are based on trust and that all of Saab's stakeholders rely on Saab as a long-term partner. They also acknowledge that in today's global environment, companies are an important part of enhancing ethical business conduct, and claims to be very supportive of these efforts, saying that to be a responsible company means to behave ethically in all aspects of business, and to be participating actively in international associations to encourage this development. Saab claims that their vision and values can only be fulfilled if they all understand that they must represent the company in a way that meets high ethical standards, and this way they will gain respect on the market and in the societies where they are active. Saab emphasises the importance of following local laws and regulations where they operate or do business. They also point out that if laws and regulations are less restrictive than their own standards, they will always apply the Saab standards unless other instructions are given. Saab has, however, specific responsibilities towards the Swedish Government and other governments.<sup>47</sup>

Saab claims in its Code of Conduct to strive to contribute to the social development of the communities where they operate, always in accordance with Saab's business ethics principles. Saab mentions human rights twice in its Code of Conduct: "Saab believes that companies have an obligation to respect human rights. That is why Saab has endorsed the UN Global Compact which contains two principles concerning human rights." (Those principles being: 1. Businesses should support and respect the protection of internationally proclaimed human rights, and, 2. make sure that they are not

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<sup>46</sup> Inspectorate of Strategic Products, *Utredning om efterkontroller i utlandet*, p. 13-15 & 31-32.

<sup>47</sup> Saab, *Code of Conduct*, <https://saabgroup.com/globalassets/corporate/responsibility/governance/code-of-conduct-in-english.pdf>

complicit in human rights abuses. – These principles are mentioned at the bottom of the last page with small letters in a table/chart of sorts.)<sup>48</sup>

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<sup>48</sup>Saab, *Code of Conduct*.

## 5. Theory and method

I have opted for the “Global Responsibilities theory” that I have framed from the book edited by Andrew Kuper, called *Global Responsibilities – Who Must Deliver on Human Rights*. I chose to frame my theory from a few substantive chapters in the book, and call it the Global Responsibilities theory, in order to illustrate how the Swedish government is doing as a primary agent of justice, and how Saab is doing as a secondary agent of justice, in the promotion and defence of human rights globally, by exporting military equipment to such dictatorships as Saudi Arabia. The framed theory is used in the analysis to come to a normative conclusion and, in short, proposes that states should act as primary agents of justice in enforcing cosmopolitan principles globally. In order for Sweden to be able to call itself a primary agent of justice in the world, either its foreign policy has to live up to the expectations of a primary agent of justice and its designated obligations, or it has to somehow legitimise the export of military equipment to a human rights-abusing dictatorship. I will, then, have as a presumption that exporting military equipment to Saudi Arabia is harmful, since it can be interpreted as legitimising the Saudi actions both in and outside the Kingdom. Furthermore, the Swedish military equipment could potentially be used against civilians.

I will also touch on the subject of the corporate social responsibility of the main Swedish arms manufacturer, as a secondary agent of justice, that chooses to export military equipment to, inter alia, Saudi Arabia.

I decided to use stakeholder analysis as method, since it can be used to map the substantive stakeholders and display the interests of different stakeholders and how directives, guidelines and, in this case, the trading affects them respectively. This method will help to illustrate, together with the above-mentioned theory, to what extent the Swedish foreign policy regulations are compatible with the Swedish de facto actions and export, and whether Sweden acts like a primary agent of justice considering how its actions may affect other stakeholders.

I will be framing a relatively simple stakeholder analysis from different articles that have explained and utilised said analysis in different contexts. I will select some key tools and means in order to formulate an analysis that is applicable for my thesis.

## 5.1. Global responsibilities theory

I have formulated my theoretical framework from the book “*Global Responsibilities – Who Must Deliver on Human Rights*”, written by several different authors, and edited by Andrew Kuper. The theory I’ve framed establishes that states ought to be the primary agents of justice and will henceforth be referred to as the “Global responsibilities theory”. Conceptions of justice are acknowledged to be cosmopolitan, and most theories propose the scope of justice to be universal or cosmopolitan, encompassing all humans, according to Onora O’Neill, who is the most central author for my theory, introducing the concept of primary and secondary agents of justice.<sup>49</sup> David Held, who in this theory provides moral substance for what agents of justice should promote, further elaborates on the concept of cosmopolitanism:

I take cosmopolitanism ultimately to connote the ethical and political space that sets out the terms of reference for the recognition of people’s equal moral worth, their active agency, and what is required for their autonomy and development.<sup>50</sup>

He adds that it builds on principles that all could reasonably assent to in defending basic ideas that emphasise equal dignity, equal respect, the priority of vital need, and so on. It is the idea that human well-being is not defined by geographical or cultural location, that national, ethnic or gendered boundaries should not determine the limits of rights or responsibilities for the satisfaction

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<sup>49</sup> O’Neill, Onora, *Agents of Justice*, in Kuper, Andrew (red.), *Global responsibilities: who must deliver on human rights?* Routledge, New York, 2005, p. 37.

<sup>50</sup> Held, David, *Globalization, Corporate Practice, and Cosmopolitan Social Standards* in Kuper, Andrew (red.), *Global responsibilities: who must deliver on human rights?* Routledge, New York, 2005, p. 194.

of basic human needs, and the fact that all human beings require equal respect and concern are notions embedded in aspects of contemporary regional and global legal and political thinking, and in some forms of transnational governance.<sup>51</sup>

O'Neill is sceptical about attempts to realise these cosmopolitan principles through cosmopolitan or global institutions. She argues that a more realistic approach that might play a part in institutionalising cosmopolitan principles of justice includes the view of the plurality of agents of justice – those being primary agents of justice, mainly referring to states, and secondary agents of justice, mainly referring to corporations.<sup>52</sup> Melissa Lane, in her chapter, emphasises the moral accountability of corporations, that is, calls for both greater legal and social accountability.<sup>53</sup>

O'Neill proposes that the primary agents of justice have capacities to determine how principles of justice are to be institutionalised within a certain domain from other, secondary agents of justice. "Primary agents of justice may construct other agents or agencies with specific competencies: They may assign powers to and build capacities in individual agents, or they may build institutions – agencies – with certain powers and capacities to act."<sup>54</sup> The primary agents of justice can reassign or adjust tasks and responsibilities among existing agents and agencies, and limit and control the ways in which they may act without incurring sanctions. Primary agents of justice typically have some means of coercion, through which they at least partially control the action of other agents and agencies, which, therefore, are secondary agents of justice. Secondary agents of justice are thought to contribute to justice mainly by meeting the demands of primary agents, presumably by

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<sup>51</sup> Held responds to potential criticism of his theory being "a part of Western dominance": "It is a mistake to throw out the language of equal worth and self-determination because of its contingent association with the historical configurations of Western power. The origins of principles should not be confused with their validity." – Held, D., *Globalization, Corporate Practice, and Cosmopolitan Social Standards*, 2005, p. 200.

<sup>52</sup> O'Neill, O., *Agents of Justice* & Held, D., *Globalization, Corporate Practice, and Cosmopolitan Social Standards* in Kuper, Andrew (red.), *Global responsibilities: who must deliver on human rights?* Routledge, New York, 2005, p. 37-38 & 194-195.

<sup>53</sup> Lane, Melissa, *The Moral Dimension of Corporate Accountability* in Kuper, Andrew (red.), *Global responsibilities: who must deliver on human rights?*, 2005, p. 233-234.

<sup>54</sup> O'Neill, O. *Agents of Justice*, 2005, p. 38.

conforming to any legal requirements they establish.<sup>55</sup> In other words, and in the context of my topic, Sweden as a primary agent of justice could control Saab and regulate or ban its export of military equipment to Saudi Arabia.

There is no fundamental reason why the primary agents of justice should be states instead of, for example, individuals or groups with little formal structure, but in modern societies, institutions with a considerable measure of formal structure, and pre-eminently among them states, have been seen as the primary agents of justice. O'Neill also points out that states, all too often, have been agents of injustice but despite this, they are the best primary agents of justice available and, therefore, essential for the institutionalisation of justice.<sup>56</sup> She, however, writes that states have never been exclusively motivated by self-interest. States as they exist today are committed by numerous treaty obligations and to restrictions on the ways in which they may treat other states.<sup>57</sup>

Since we have not found a better way of institutionalising justice, the solution for state injustice is not dismantling of states and of the exclusion their borders create, but a degree of reform and democratisation coupled with interstate agreements. O'Neill refers to states that fail as primary agents of justice due to not using their power to achieve justice, but for other ends that cause injustice, as *rogue states*.<sup>58</sup> Saudi Arabia, considering its human rights violations, could be considered a rogue state.

O'Neill criticises the Universal Declaration of Human Rights for only proclaiming rights, from a recipient's perspective (although cosmopolitan), hence, focusing rather on recipients and rights than on action and obligations. Not all universal rights can be delivered by universal action, such as rights to goods and services, to status and participation. Accordingly, some means of designing and enforcing effective allocations is required if any ascription of rights is to have practical import. O'Neill claims, however, that the UDHR does view states as primary agents of justice, but simultaneously rights appear to legitimately be differentiated at boundaries: "My rights in my own state

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<sup>55</sup> O'Neill, O. *Agents of Justice*, 2005, p. 38.

<sup>56</sup> *Ibid.* p. 38.

<sup>57</sup> *Ibid.* p. 44.

<sup>58</sup> *Ibid.* p. 39.

will not and need not be the same as my rights in another state.”<sup>59</sup> She also says that since states cannot implement justice, never mind global justice, without constructing and coordinating many other agents and agencies, it is a matter of deep regret that the UDHR is so faint about allocating the obligations of justice. In the end, obligations rather than rights are the active aspects of justice. O’Neill concludes that a proclamation of rights will be indeterminate and ineffective unless obligations to respect and secure those rights are assigned a specific, identifiable agents and agencies that are able to discharge those obligations.<sup>60</sup>

Considering the topic of my thesis, Swedish arms export, not only is the Swedish government a pivotal agent of justice regarding the implementation of cosmopolitan principles, but also the companies manufacturing, providing and selling military equipment to, particularly, rogue states. These “non-state actors”, O’Neill considers to be secondary agents of justice, consequently they are to be, to some extent, regulated by the primary agents of justice, state governments, via laws and regulations, but can also in fact choose among a range of policies and actions, meaning that they can do more good than the state regulation actually demands.<sup>61</sup>

“The notion of the responsible company or responsible corporation is no more incoherent than the notion of the liberal state; equally the notion of the rogue company or rogue corporation is no more incoherent than that of the rogue state.”<sup>62</sup>

Multinational company or corporation (MNC) action can be judged for its contribution to justice – or injustice. O’Neill suggests that it is more important to consider the capabilities rather than the (supposed) motivation of MNCs, since corporations can go further to advance justice, in ways that local legislation does not require. She also points out that MNCs are evidently capable of throwing their considerable weight in the direction either of greater

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<sup>59</sup> O’Neill, O. *Agents of Justice*, 2005, p. 40-42.

<sup>60</sup> *Ibid.* p. 42.

<sup>61</sup> *Ibid.* p. 48-49.

<sup>62</sup> *Ibid.* p. 49.

justice, or of the status quo, or of greater injustice. MNCs, despite perhaps being ill constructed to substitute for the full range of contributions that states can (but often fail to) make to justice, can contribute to justice. O’Neill concludes that any firm distinction between primary and secondary agents of justice has a place only where there are powerful and relatively just states, which successfully discipline and regulate other agents and agencies within their boundaries.<sup>63</sup>

David Held, in his chapter “Globalisation, Corporate Practice, and Cosmopolitan Social Standards”, emphasises the principle of the avoidance of serious harm and the enhancement of urgent need. He says it is a principle for allocating priority to the most vital cases of need and, where possible, trumping other, less urgent, public priorities until all human beings enjoy the status of equal moral value, reciprocal recognition, and have the means to participate in their respective political communities and in the overlapping communities of fate that shape their needs and welfare.<sup>64</sup>

It is only too clear that within many, if not all, countries, certain needs, particularly concerning health, education, and welfare, are not universally met. The “harm” that follows from a failure to meet such needs can be denoted as “serious harm”, marked as it often is by immediate, life-and-death consequences. Accordingly, if the requirements specified by the principle of the avoidance of serious harm are to be met, public policy ought to be focused, in the first instance, on the prevention of such conditions; that is, on the eradication of severe harm inflicted on people “against their will” and “without their consent”.<sup>65</sup>

Held notes that cosmopolitanism, in certain respects, defines a set of norms and legal frameworks today – it is embedded in rule systems and institutions that have transformed the sovereign states system in a number of important respects (UDHR, for example). Human rights entitlements can trump, in principle, the particular claims of national polities – these entitlements can

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<sup>63</sup> O’Neill, O. *Agents of Justice*, 2005, p. 49-50.

<sup>64</sup> Held, David, *Globalization, Corporate Practice, and Cosmopolitan Social Standards*, 2005, p. 193.

<sup>65</sup> *Ibid.* p. 193-194.



potentially set down universal standards against which political communities can be judged. Held points out that the human rights commitment to the equal worth of all human beings, finds reinforcement in the acknowledgment of the necessity of a minimum of civilised conduct on specific limits to, inter alia, violence found in the laws of war and weapons diffusion.<sup>66</sup>

However, Held stresses that despite there being some cosmopolitan elements to existing international law, these have not generated a new deep-rooted structure of cosmopolitan accountability and regulation – the widely recognised principle of egalitarian individualism barely structures much political or economic policy. He further points out that the cosmopolitan reach of contemporary regional and global law rarely comes with a commitment to establish institutions with the resources and influence to make declared cosmopolitan intentions and objectives effective.<sup>67</sup>

The focus of cosmopolitan political initiatives has been on the domain of the political – the efforts have only had a tangential impact on the regulation of economic power and market mechanisms – the emphasis has been on checking the abuse of political power, not economic power. Held highlights the need to systematically transform the rules of the game at regional and global levels (e.g., at the level of the EU and the WTO), in order for the economic interaction to be entrenched in a set of mechanisms and procedures that allow markets to flourish in the long run within the constraints of cosmopolitan principles and processes. Held distinguishes two interrelated sets of transformations: 1. The entrenchment of revised rules, codes, and procedures – concerning health, child labour, trade union activity, environmental protection, stakeholder consultation, and corporate governance, among other matters – in the articles of association and terms of reference of economic organisations and trading agencies. The key groups and associations of the economic domain will have to adopt, within their *modus operandi*, a structure of rules, procedures, and practices compatible with cosmopolitan social requirements in order for the latter to prevail. 2.

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<sup>66</sup> Held, David, *Globalization, Corporate Practice, and Cosmopolitan Social Standards*, 2005, p. 194-195.

<sup>67</sup> *Ibid.* p. 196.

Institutionalisation of cosmopolitan principles as the basis of rightful public authority, at local, national, regional, and global levels. Held claims that an enduring settlement between business interests, regulatory capacity, and cosmopolitan concerns can be created only by introducing new rules, standards, and mechanisms of accountability throughout the global economic system, as a supplement and complement to collective agreements and measures in national and regional contexts.<sup>68</sup>

Melissa Lane is disputing the exhaustive distinction between public power and private corporations in her chapter. She claims it overlooks important senses in which corporations can be considered “public”, more public than ordinary “private” individuals. She points out that corporations are constituted by public power of the state that grants them incorporation and incorporation itself, exists to further general public purposes, invented as a literal privilege reserved for those bodies whose incorporations would serve the state or public interest.<sup>69</sup>

Lane asserts that accountability in its fullest sense can only be demanded of corporations by and through the law. Laws, however, are not always enough since they might not demand accountability for certain wrongs that corporations do and thus, calls for social, rather than legal, “corporate accountability” can be appealing. According to Lane, social pressure risks falling into the trap of opposing static invocations of virtue and hence, and objective criterion is needed, and this is where moral accountability comes in – it underpins calls for greater legal and social accountability alike by providing a standard of expectation and assessment, while in the meantime opening the door to corporate initiative as well as activist pressure.<sup>70</sup>

To conclude: States should act as primary agents of justice, in other words, states should promote and defend cosmopolitan principles. These cosmopolitan principles (may) entail: 1. Equal worth, respect and concern for human rights, 2. That human well-being is not defined by geographical

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<sup>68</sup> Held, David, *Globalization, Corporate Practice, and Cosmopolitan Social Standards*, 2005, p. 198-199.

<sup>69</sup> Lane, Melissa, *The Moral Dimension of Corporate Accountability*, 2005, p. 230.

<sup>70</sup> *Ibid.* p. 233-234.

or cultural location and that gender or ethnicity should not determine the limits of rights, 3. The avoidance of serious harm, amelioration of urgent need and (if possible) trumping of other, less urgent, public priorities until all human beings enjoy the status of moral value, reciprocal recognition and democratic practices. States can endorse, promote and defend these principles through, inter alia, legislation, regulations and sanctions. In cases where a corporation's ethical/moral standards are higher than the legislation, said corporations can act as secondary agents of justice and promote human rights by setting out own regulations, hence, corporate moral accountability.

## 5.2. Stakeholder Analysis

I have formulated a relatively simple stakeholder analysis and the stakeholder analysis I have coined can be used as a tool to identify and map stakeholders and their interests, decisions and actions, and groups and individuals who can affect, or are affected by, the aforementioned. Stakeholder analysis can be conducted without the active participation of the stakeholders themselves, I am however aware of the necessity of research objectivity, and potential lack of comprehensive knowledge, since I do not have access or insights to all the information that some of the stakeholders might have, as I am doing my research from an outside perspective, and not in cooperation with them, and relying on material publicly available (especially considering that some material is classified and not available to the public due to security reasons).

Stakeholder analysis can be defined as an approach for understanding a system by identifying and mapping the key actors, in other words stakeholders, in the system, and assessing their respective interests, influence and how they are affected by decisions and actions in that system.<sup>71</sup> Freeman defines stakeholder as “any group or individual who can affect, or is affected by, the achievement of a corporation's purpose.”<sup>72</sup> Stakeholders are defined

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<sup>71</sup> Ramirez, Ricardo, *Stakeholder Analysis and Conflict Management*, in Buckles, Daniel (red.), *Cultivating peace: conflict and collaboration in natural resource management*, International Development Research Center, Ottawa, 1999, p. 102.

<sup>72</sup>Ibid. p. 101.

as active if they can affect a corporation's decision or action and passive, if they are affected by said decisions or actions.<sup>73</sup>

I will conduct the stakeholder analysis in two parts: part A with four "themes" and, subsequently, part B with four "themes", to which I will apply the Global responsibilities theory. Part A is a more descriptive part, where all material from previous chapters will be utilised in order to identify and contextualise the circumstances in which all stakeholders operate. This part consists of four themes and I will, briefly, describe the stakeholders with the help of the following themes: 1. Examine how groups and individuals can affect, or are affected by, a corporation's purpose, 2. Develop an understanding of the system and decision-makers in the system, 3. To investigate stakeholder interests, characteristics, and circumstances, 4. Identify patterns and contexts of interaction between stakeholders. This stakeholder analysis seeks to differentiate and study stakeholders relevant in the Swedish arms export. I will fill in the information within these four themes from all the previous chapters in order to map the key stakeholders and elaborate on the contexture of how they are related. Via these four aforementioned themes, I will then subsequently move on to part B – the normative part. This is where the theory will be applied and, due to it being normative, only includes the primary stakeholders. I will include the following four "themes": 1. The relative power and interest of each primary stakeholder; 2. The importance and influence they have; 3. The multiple roles they have; and 4. The networks and coalitions to which they belong.<sup>74</sup> To these four themes, I will apply the Global responsibilities theory and study, whether Sweden, including the ISP, is acting like a primary agent of justice and respectively, whether Saab is acting like a secondary agent of justice. What is more, I will examine what they should do in order to act like primary or secondary agents of justice, given that both the theory and the method are normative, as further elaborated in the following paragraph.

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<sup>73</sup> Reed, Mark S. et al. "Who's in and why? A typology of stakeholder analysis methods for natural resource management", *Journal of Environmental Management*, [s. l.], v. 90, p. 1933–1949, 2009, p. 1934.

<sup>74</sup>Ramirez, Ricardo, *Stakeholder Analysis and Conflict Management*, 1999.

I will be conducting a normative stakeholder analysis. This entails the identifying of who decision-makers are morally responsible to in their legal and institutional context. Instrumental stakeholder research is more pragmatic, and largely devoted to understanding how organisations, projects and policy-makers can identify, explain, and manage the behaviour of stakeholders to achieve desired outcomes. Despite conducting a normative stakeholder analysis, normative justifications for stakeholder analysis may lead to instrumental outcomes. The normative basis suggests that stakeholders should be involved in decision-making processes and thus feel some level of ownership of these processes. By doing this, stakeholder analysis may serve instrumental ends if it leads to the transformation of relationships and the development of trust and understanding between participants.<sup>75</sup> The objective with utilising a normative stakeholder analysis in part B is to demonstrate, in the Global responsibilities context, what the primary stakeholders are doing, or ought to do, in order to act as primary or secondary agents of justice.

Within this narrow research, it is not possible to include all stakeholders, I will, therefore, limit the number of stakeholders to include primary stakeholders (the Swedish government, including ISP, and Saab) and secondary stakeholders (Saudi Arabia, people in and outside Saudi Arabia and the EU and the UN) because they are the most substantial considering the subject of this thesis. Another criterion for stakeholders could be the one used in conflict assessment for example, where four types of stakeholders are expected: those with claims to legal protection, those with political clout, those with power to block negotiated agreements, and those with moral claims to public sympathy.<sup>76</sup> I differentiate between primary and secondary stakeholders due to there being so many steps and so many stakeholders, and so that I can focus on the most substantial ones in the context of the export of military equipment and chosen theory and method. An additional reason for the primary and secondary divide is that within this thesis' topic and the

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<sup>75</sup> Reed, Mark S. et al. "Who's in and why? A typology of stakeholder analysis methods for natural resource management", 2009, p. 1936.

<sup>76</sup>Ramirez, Ricardo, *Stakeholder Analysis and Conflict Management*, 1999, p. 103.

chosen theory and method, the stakeholders actually capable and responsible for acting as agents of justice are the primary stakeholders, which is why only they will be included in part B.

I will mainly be focusing on the primary stakeholders, since they are the main focus in my research and germane in this context. I will, however, also include how other stakeholder may be affected etc. in part A.

## 6. Analysis

### 6.1. Stakeholder analysis part A

Within this analysis, and within the defined limitations, regarding the number of stakeholders I will include, above, I can identify the following primary stakeholders: 1. The Swedish government, 2. The ISP, 3. Saab AB, and the following secondary stakeholders: 4. Saudi Arabia, 5. People, 6. The UN and the EU. Part A is a descriptive part, in which I will map the stakeholders and briefly explore their respective interests etc., via the following four “themes”:

1. Examine how groups and individuals can affect, or are affected by, a corporation’s purpose,
2. Develop an understanding of the system and decision-makers in the system,
3. To investigate stakeholder interests, characteristics, and circumstances,
4. Identify patterns and contexts of interaction between stakeholders.

#### 6.1.1. Primary stakeholders

##### 6.1.1.1. The Swedish government

The Swedish government has political clout and can block negotiated agreements, by providing the legislation and regulations for the export of military equipment, and can, therefore, affect a corporation’s export and purpose in general. Sweden is a very democratic and well-governed state and is also bound to follow interstatal treaties and therefore, were the UN or the EU to pass a law against export to certain countries, Sweden would respect those regulations.

The Swedish government, as is stated in the proposal, commission report, and the foreign policy goals document, claims to pursue a feminist and

humane foreign policy and is considered to be a “humanitarian superpower” – Sweden is officially interested in human rights. Sweden is, however, publicly criticised for doing business with Saudi Arabia.

The Swedish government is obviously interacting with its government body, the ISP, by for example setting out the guidelines for their export license procedures. Sweden is also a member state in both the UN and the EU and has representatives in both. Furthermore, Sweden has foreign aid programmes to Yemen and does business with Saudi Arabia as well as has diplomatic relationships with the country.

### 6.1.1.2. The ISP

The ISP is relevant as a stakeholder due to the fact that it is the administrative authority regulating the arms export from Sweden, by being responsible for the licencing procedure and can, hence, exercise extensive influence concerning to whom arms can be exported. The ISP considers each permission case by case and follows the regulations set out by the Swedish government and can, via the licensing procedure, affect the export by permitting or refusing licenses to export military equipment to a certain country. Given that the ISP is a government body, it is bound to follow the regulations and portrayed agendas of the government and can hence be said to have similar interests to the government. Not only does the ISP interact with the government, it deals with the export applications and controls manufacturing of military equipment.

### 6.1.1.3. Saab AB

Saab AB, as the biggest arms manufacturer in Sweden, is a substantive stakeholder, since the company concretely manufactures and sells arms to states. Simultaneously, it has the ability to refuse to sell military equipment and hence, block the export.



Saab is presumably interested in making profit and selling products but also, at least according to their website, in following laws and regulations. Furthermore, they do emphasise responsibility and trust but hardly mention human rights in their Code of Conduct or on their website. Saab, as it states, has specific responsibilities to the Swedish government, including the ISP, and follows local laws and regulations and furthermore, the UN principles and EU regulations. In addition, Saab claims to strive to contribute to the social development of the communities where they operate.

## 6.1.2. Secondary stakeholders

### 6.1.2.1. Saudi Arabia

Saudi Arabia is the receiver and user, in this case, of the military equipment made and sold by Saab, and can affect Saab's business purposes by either wanting, or not wanting, to buy military equipment. It is characterised by being an undemocratic state that violates human rights within and outside its own state borders including, but not limited to, the use of arms against civilians. The state also has a lot of political interests and influence, often not compatible with cosmopolitan principles, and the cooperation with the dictatorship might be interpreted as legitimising its national policies.

Saudi Arabia is very relevant since there would not be an export to said country if there is no demand for military equipment from the state. Alternatively, if Saudi Arabia in practice promoted cosmopolitan principles and was not involved in armed conflict, there would not need to be an issue with the cooperation with the Kingdom. Furthermore, Saudi Arabia has diplomatic relations with Sweden and is very influential due to its oil and overall power, especially in the Middle East region.

### 6.1.2.2. People

People are potentially, both within and outside Saudi Arabia, affected by the weapons used by said state. These people may include, for example, civilians in Yemen, where Saudi Arabia is conducting war, or vulnerable people in Saudi Arabia, such as women. Victims of Saudi Arabia's abusive actions have a moral claim to public sympathy.

People (civilians) cannot really affect the export of military equipment but they are potentially affected by it, if the arms are for example used against them, or if the export legitimises Saudi actions. People in and outside Saudi Arabia are affected by Saudi Arabia's actions and, receive humanitarian aid from Sweden.

A lot of people are characterised by suffering, war, and supposedly, the desire for the war, killings and discrimination by Saudi Arabia to end. The civilians are not very included in the dialogue between stakeholders, but the Swedish government helps people with financial aid and personnel in Yemen.

### 6.1.2.3. The UN and the EU

The UN and the EU are very relevant since Sweden is bound to follow the regulations set out by both the UN and the EU, and they can therefore, block the export by introducing new restrictive regulations. The UN and the EU can affect Saab's purposes as well, through regulating legislation that may even thwart the export in its entirety.

The UN and the EU are characterised as multinational institutions, the UN with only a few countries not being UN member states, whilst the EU has members from Europe. There is interaction between the two of them and initially, just about, all the other stakeholders, either through laws, regulations, guidelines (that countries are more or less bound to follow) or humanitarian aid. This makes the UN and the EU very influential, especially

given Sweden's commitment to following those regulations. Both institutions also promote the respect of human rights.

I have now presented and briefly described the stakeholders and their respective "roles" in the system (arms export context), with the help of the four themes mentioned above. Through these four themes, I can now tackle the next four themes in part B and apply the Global responsibilities theory. The theory primarily provides normative guidelines for how to act as a primary or secondary agent of justice.

In part B I will, through the following four themes, contextualise my primary material and apply the Global responsibilities theory: 1. The relative power and interest of each stakeholder; 2. The importance and influence they have; 3. The multiple roles they have; and 4. The networks and coalitions to which they belong. As this is a normative stakeholder analysis, I will study who stakeholders are morally responsible to, both with the help of the method but also by applying the theory. My main focus will remain on the primary stakeholders, the Swedish government, the ISP and Saab (since they fit the profile of potential primary and secondary agents of justice and are of focus in this thesis).

## 6.2. Stakeholder analysis part B

### 6.2.1. Primary stakeholders:

As stated earlier, the Swedish government is very powerful in this case, as it should, according to O'Neill, as it is able to thwart the export through laws and regulations. According to the Global responsibilities theory, primary agents of justice usually have some means of coercion, through which they can control the actions of other agents, that is, secondary agents of justice. As the proposal determines, it is the Swedish government, together with the ISP, who regulate and control the export of military equipment from Sweden.<sup>77</sup>

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<sup>77</sup>Prop. 2017/18:23.

This is all still in accordance with the theory of agents of justice, as it is the state that is regulating the corporations' export of military equipment. Sweden's role within the stakeholder analysis is being the one who controls and establishes the rules for the export – this is compatible with its role as a primary agent of justice, since it can draw up and implement guidelines restricting or denying export to non-democratic states.

Whether the regulations by the Swedish government are restrictive enough to actually meet the criteria for promoting and protecting cosmopolitan principles is, however, questionable. Although the proposal emphasises the importance of the democratic status and human rights in the receiving country, and hence indicates an interest for promoting cosmopolitan principles, Sweden is still exporting military equipment to Saudi Arabia and has chosen to have a positive presumption regarding follow-up deliveries. Sweden has not cancelled the export to Saudi Arabia, despite there not being an unconditional guarantee for the follow-up deliveries, and the government pointing out that it can cancel a granted permit if the receiving country gets involved in an armed conflict. In the proposal they state that Sweden can desist from cancelling a permit only if not cancelling it is compatible under international law, the EU's unified stance and the UN's Arms Trade Treaty, and Sweden's foreign policy goals. The aggregative content of article 2 in the EU's common position and article 7 in The UN's Arms Trade Treaty is that export is out of question if there is an apparent or overwhelming risk for the exported military equipment to be used or contribute to severe violations of human rights or international humanitarian law, or to commit or aid grave acts of violence against women and children. The proposal states that the termination of follow-up deliveries is a noticeable sanction and can be an effective incentive for the recipient of the deliveries to abstain from re-exporting and hence, presumably, also to abstain from other violations, such as human rights violations.<sup>78</sup>

Sweden does, nonetheless, publicly express a commitment to international treaty obligations and its foreign policy goals, which are purportedly cosmopolitan. The de facto actions, i.e., the continued export and

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<sup>78</sup>Prop. 2017/18:23.

not restrictive enough regulations, are not compatible with the cosmopolitan principles and pursuit thereof, as they are defined by Held. According to him, the principle of the avoidance of serious harm and the enhancement of urgent need should trump other public priorities until all human beings enjoy the status of equal moral value etc. This, because the failure of meeting certain needs that can be denoted as serious harm, can have immediate, life-and-death consequences – accordingly, public policy should be focused on the prevention of such conditions, i.e., on the eradication of severe harm inflicted on people, as Held says. The government, however, deems it unnecessary to institute a separate humanitarian criterion, considering Sweden’s restrictiveness regarding export to countries that are involved in armed conflict.<sup>79</sup>

The ISP’s task is to consider applications regarding export permits, in accordance with the legal framework in its entirety. The ISP shall however, hand over a matter to the government to scrutinise if the case has principled significance or is of particular importance, since the existing regulations do not always provide enough guidance.<sup>80</sup>

O’Neill says that instead of dismantling of states and borders, justice should be institutionalised through a degree of reform and democratisation combined with interstatal agreements. Sweden being both a UN and an EU member is, thus, in accordance with the Global responsibilities theory. Held writes that the human rights obligations to the equal worth of all human beings finds reinforcement in the acknowledgment of the necessity of a minimum of civilised conduct on specific limits to violence found in the laws of, inter alia, war and weapons diffusion. This has, however, not been enough. What both the Swedish government and the UN and the EU lack, is a legal framework restrictive enough to actually prohibit the export of military equipment to authoritarian regimes, and thereby not being indirectly complicit in inflicting serious harm upon people, within and outside Saudi Arabia, in this case. O’Neill criticises the UDHR for not allocating the obligations of justice, because the principles in the UDHR are cosmopolitan

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<sup>79</sup>Prop. 2017/18:23.

<sup>80</sup>Ibid.

and it does view states as primary agents of justice, but for ascription of rights to have practical import, some means of designing and enforcing effective allocations is required.

Held says that human rights entitlements can trump, in principle, the particular claims of national polities. He further states that political communities can then be judged by their human rights entitlements since these entitlements set down universal standards. One of Sweden's main reasons for export control could be interpreted to derive from a reluctance to be judged.

Conclusion: Sweden is, thus, in an institutional sense, a potential agent of justice as well as in the sense that it is publicly promoting cosmopolitan principles. What Sweden lacks in order to live up to the expectations of a primary agent of justice, is a restrictive enough legal framework for export of military equipment – entailing making it impossible to export to countries committing gross human rights violations.

### 6.2.2. ISP

The ISP, by being a government body and being responsible for the licencing procedure is also very powerful in the military equipment export context. In addition to the Swedish government, its role in this context is to be a primary agent of justice, by working with the Swedish government and following the legislation in the assessment of export applications.

The ISP got the task from the Swedish government to present a proposal for a system for ex-post checks of military equipment abroad. The system will concentrate on light weapons and on states as end-users only. A few things are being taken into account when estimating whether the country has an actual military need for the military equipment, the most relevant in this case being: The receiving country's legitimate defence interests, the receiving country's capacity to exercise effective export control, the risk for the technology or equipment to be re-exported to unwanted destinations and whether the receiving country has previously respected regulations regarding

re-export and the risk for the technology or equipment to be diverted to terrorist organisations or individual terrorists.<sup>81</sup>

The desire of the ISP to regulate by whom, where, and how the military equipment exported from Sweden is being used implies that the ISP is interested in making sure that, for example, terrorists cannot get hold of these products and misuse them. This is compatible with O'Neill's definition of a primary agent of justice, the ISP having some means of coercion through which they can, at least partially, control the action of other agents – the ISP is regulating arms manufacturers and demanding receiving countries to sign a contract. What, as with the Swedish government, can be questioned is whether the regulations are restrictive enough to have an impact on the realisation of cosmopolitan principles. The proposal passed even though the ISP acknowledges that it may affect the sales and profitability of some products. This could be interpreted as business principles getting trumped by the principle of the avoidance of serious harm – which would be in accordance with Held's take on the promotion of cosmopolitan principles. Nevertheless, the proposed system of end-use control will only cover deliveries of the five types of light weapons with related ammunition that occur after the new system takes effect (1<sup>st</sup> of January 2019), and after the receiving country has signed and committed to the obligations according to an end-use certification, hence, only concerning new contracts. In practice, this means that Saudi Arabia will likely not be affected by the system, since the export consists of follow-up deliveries to previously sold ordnance-systems.<sup>82</sup>

The main reason for Sweden, in public debate, not to want the exported military equipment to be re-exported is that it may contravene with the foreign policy principles and goals, in other words, Sweden does not want the exported equipment to be used to violate human rights or international law. However cosmopolitan this sounds; the reality is that this will most likely not have an impact on the export to Saudi Arabia since they have not signed the certification. Like Held points out, the cosmopolitan reach of

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<sup>81</sup>Inspectorate of Strategic Products, *Utredning om efterkontroller i utlandet*

<sup>82</sup>Ibid.

contemporary regional and global law rarely comes with a commitment to establish institutions with the resources and influence to make declared cosmopolitan intentions and objectives effective, as is the case with ISP's proposal.

Conclusion: The ISP, being an administrative authority and working very closely with the Swedish government, is also a potential primary agent of justice. The ISP has the capacity to through proposals and the licencing procedure to affect the export. However, just like the government, it lacks restrictive enough regulations that would make it impossible to cooperate with dictatorships.

### 6.2.3. Saab

Saab, in the context of the Global responsibilities theory, is a potential secondary agent of justice, as it has to obey the laws and regulations set out by the Swedish government when it comes to the manufacturing and export of military equipment. In Saab's Code of Conduct, they emphasise that all Saab's business dealings are based on trust and that all of Saab's stakeholders rely on Saab as a long-term partner. They also claim to acknowledge how companies are an important part of enhancing ethical business conduct, and claim to be very supportive of these efforts, including behaving ethically in all aspects of business and representing the company in a way that meets high ethical standards and consequently, gain respect where they operate. In Saab's Code of Conduct they emphasise the importance of following local laws and regulations and further, it says that if laws and regulations are less restrictive than their own standards, they will always apply the Saab standards unless other instructions are given. Moreover, Saab has specific responsibilities towards the Swedish Government and other governments.<sup>83</sup>

Saab has not chosen to have their standards above the government regulations, since they still export military equipment to authoritarian

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<sup>83</sup>Saab, *Code of Conduct*.



regimes. O'Neill argues that companies can choose, among a range of policies and actions, to do more good than the state regulation demands. Considering Held's principle of the avoidance of serious harm and how it should trump other public priorities, one could contend that Saab is not acting like a secondary agent of justice in this case, and one could question their priorities. Moreover, O'Neill says that it is more important to consider the capabilities rather than the supposed motivation of MNC's, since companies have the capability to go further in advancing justice, or injustice, even though they might be ill constructed to substitute for the full range of contributions that states can.

Due to the aforementioned, one could argue, like Held, that there is a need to systematically transform the rules of the game at regional and global levels (e.g., at the level of the EU and the WTO). The focus of cosmopolitan initiatives has been on the domain of the political, the emphasis has been on checking the abuse of political power, not economic power, and Held hence suggests two interrelated sets of transformations: 1. In the articles of association and terms of reference of economic organisations and trading agencies, the key groups and associations of the economic domain will have to adopt, within their *modus operandi*, a structure of rules, procedures, and practices compatible with cosmopolitan social requirements. 2. Institutionalisation of cosmopolitan principles as the basis of rightful public authority, at local, national, regional, and global levels.

Lane disputes the exhaustive distinction between public power and private corporations – she claims corporations can be considered “public” since they are constituted by public power of the state that grants them incorporation, which exists to further public purposes. O'Neill says that primary agents of justice could have capacities to determine how principles of justice are to be institutionalised, by, for example, building institutions/agencies, with certain powers and capacities to act. The Swedish government is regulating an agency that has certain powers and capacities to act – Saab follows the government's regulations and laws and conducts business in accordance with the legal framework. The government has hence, already assigned this agency tasks and responsibilities concerning the export

of military equipment, but the government is still controlling the ways in which they may act via laws and regulations. This is, to a large extent, compatible with O'Neill's suggestion regarding the dynamics between primary and secondary agents of justice. However, like Lane asserts, despite the fact that accountability in its fullest sense can only be demanded of corporations by and through the law, that is not enough. Like in the case of Swedish export of military equipment, laws are not always enough and there is thus, a need for "moral accountability", since it endorses calls for greater legal and social accountability alike by providing a standard of expectations and assessment, but still allowing corporate initiative as well as activist pressure.

Conclusion: Saab is powerful, since it is the one selling military equipment to Saudi Arabia – it could technically just refuse to export military equipment to Saudi Arabia and thus take a side in the clash of priorities – cosmopolitan principles versus other public priorities. Saab is, however, still a secondary agent of justice because it has to obey the laws and regulations set out by the Swedish government, when it comes to the export of military equipment. As O'Neill puts it: "Secondary agents of justice are thought to contribute to justice mainly by meeting the demands of primary agents, presumably, by conforming to any legal requirements they establish." O'Neill also points out that even though secondary agents of justice, a corporation in this case, have to follow the regulations set out by the state, they can in fact do more good than the state regulation demands. It is therefore, more important to consider the capabilities rather than the motivation of MNC's. Despite Saab's claims considering "always applying the Saab standards", they have not chosen to have their standards above the government regulations, since they still export military equipment to authoritarian regimes, and are hence, not acting like secondary agents of justice and one could question their priorities.

## 7. Discussion

The purpose of this thesis was to examine some key stakeholders in the arms export context. What I believe I have contributed to the field and topic is a closer look on relatively, or very new, regulation documents on a very timely topic. After analysing the primary material of the primary stakeholders through the lens of the Global responsibilities theory and its designated agents of justice, I came to the conclusion that none of the primary stakeholders acted as agents of justice, despite their capabilities to do so.

On paper, Sweden and its policies are compatible with cosmopolitan principles, but given the Global responsibilities theory and what it entails and endorses, Sweden's actions are questionable to say the least. It appears there is some reluctance to establish regulations strict enough to actually in practice thwart the export to authoritarian regimes. Sweden is, however, not unique in this sense. Vucetic, who researches Canada's arms export to Saudi Arabia, finds that Canada's "arms export behaviour" is similar to that of two countries, Sweden and the Netherlands, also considered to have a progressive foreign policy and to be "humanitarian superpowers". He also points out the hypocrisy of Canada and Sweden, with their "feminist foreign policies", cooperating and doing business with a country that discriminates against women. He states that when it comes to arms export, Canadian, Dutch, and Swedish are suspended one or two times out of ten, due to military deals where the buyers had "bad" or "very bad" human rights records.<sup>84</sup>

In the study conducted by the Flemish Peace Institute, the authors write that Sweden has imposed strict restrictions on countries to which arms could be exported, thus allowing the Swedish government to give priority to normative principles in the assessment of export license applications. Normative principles are admittedly very present in Swedish legislation and regulations, but the realisation of these principles has not

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<sup>84</sup>Vucetic, Srdjan. *A Nation of Feminist Arms Dealers? Canada and Military Exports*, 2017.

been as successful, as can be concluded from the fact that Sweden is still exporting defence-related products to Qatar, the UAE, Saudi Arabia, Kuwait, Algeria, and Tunisia.<sup>85</sup>

The authors of the abovementioned study give the same reason as the ISP in its proposal, for governments to develop arms export control systems, namely, the legitimacy of the export. The Swedish government does not want the exported equipment to be used to violate human rights or international law, according to the ISP.<sup>86</sup> This, however, does not show enough in the de facto actions.

Sweden and Saab are in the position to be primary, respective secondary agents of justice. The “hierarchy” is compatible with O’Neill’s model, with Sweden being a primary agent of justice, regulating Saab, the secondary agent of justice, and the UN and the EU regulating Sweden via interstatal agreements. They are all also, officially on paper, endorsing cosmopolitan principles, albeit the de facto actions and lack of sufficiently restrictive regulations are not in accordance with the role designated to a primary and secondary agent of justice respectively. All substantive stakeholders have the same thing in common, publicly and officially endorsing cosmopolitan principles, but in reality, not necessarily acting on the basis of these principles.

One could argue that Sweden, and other stakeholders alike to some extent, is playing a dual role. On one hand, Sweden is virtue signalling by portraying itself as a “humanitarian superpower” and having a “feminist foreign policy”, but on the other hand, Sweden is exporting military equipment to human rights-violating authoritarian regimes. It is ultimately Sweden’s responsibility, if it wants to be a de facto “humanitarian superpower”, to consistently act as one by trumping other public priorities and not to sell arms to repressive regimes.

Bob Dylan’s song “Masters of War” from 1963, is unfortunately still accurate today and concludes this appropriately:

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<sup>85</sup>The Flemish Peace Institute, *Towards Europeanized arms export controls? Comparing control systems in EU Member States*.

<sup>86</sup>Ibid.

*Come you masters of war  
You that build all the guns  
You that build the death planes  
You that build all the bombs  
You that hide behind walls  
You that hide behind desks  
We just want you to know we can see through your masks [...]  
Let me ask you one question  
Is your money that good?  
Will it buy you forgiveness?  
Do you think that it would?  
Oh, I think you will find  
When your death takes its toll  
All the money you made will never buy back your soul  
(Bob Dylan – Masters of War, 1963)*

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