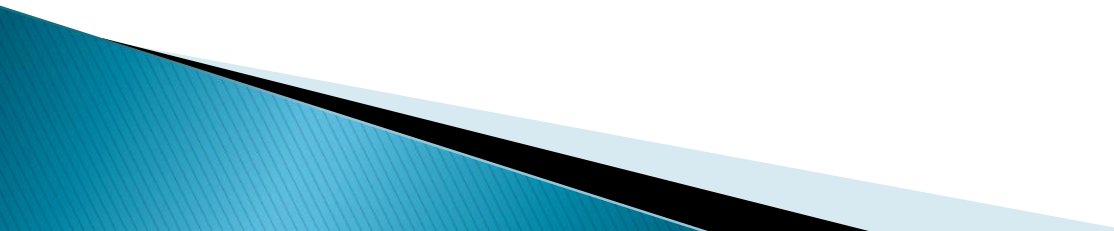


Arms trade: a balancing act between transparency and national security

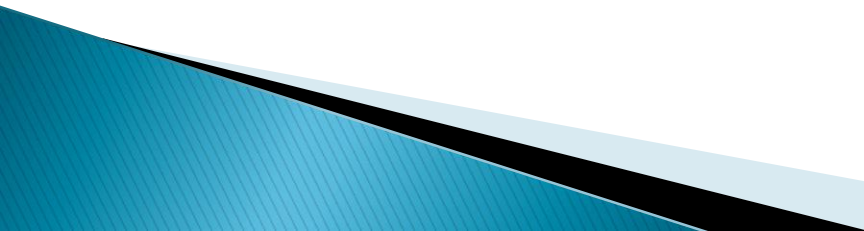
21st Asian Export Control Seminar



Transparency: the prerequisite for accountability

- ▶ Recent trend: first public reports on arms exports at EU level 1999, at national level Sweden 1984
 - ▶ Prerequisite for responsibility of arms transfer decision makers: public data about governmental decisions = can be traditionally questioned through usual checks and balances (national parliaments and civil society possibly asking governments about their arms export decisions...).
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EU transparency standards, an improving endeavour

- ▶ EU standards on transparency in arms trade are based on EU Common Position 2008/944/CFSP of 8 December 2008:
 - ▶ Formalisation of a politically binding Code of Conduct in place since 1998;
 - ▶ Code of Conduct and Common Position mandate annual report on arms exports based on contributions from all EU Member States;
 - ▶ First report published in November 1999: 4 pages!
 - ▶ Fifteenth EU annual report published in January 2014: 438 pages!
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How much is the EU transparent?

- ▶ Recent reports provide information on:
 - Number of licences granted;
 - Value of the licences granted (e.g value of 2 frigates);
 - Value of actual exports (what has actually been exported, e.g one frigate only following order cancellation by new recipient government) – for the Member States able to report such data
 - Aggregated number of licence denials (e.g how many denials on country X by EU Member States, without specifying which EU Member State has denied)
- No indication of the denying Member State: where transparency stops?

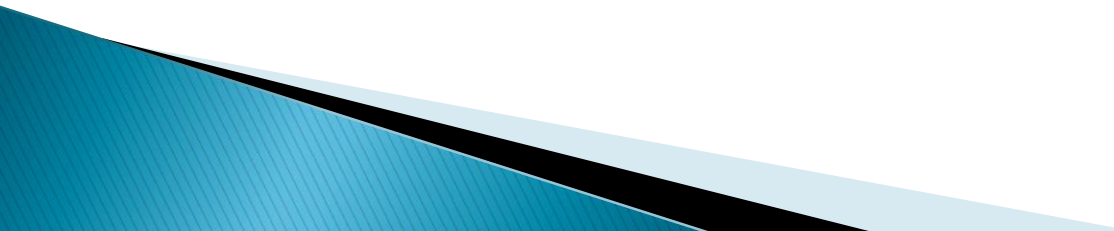
National security vs transparency

- ▶ Arms data imply security considerations:
 - For the exporting State: relationship with its client (cf issue of denial reported in the EU report: if Member State-related, can raise diplomatic issues with the denied recipient)
 - For the importing State: information on its military procurement (partly or totally shrouded in secrecy in most States) and reputation as an element of security of supply

Commercial confidentiality vs transparency

- ▶ Arms transfer data imply commercial confidentiality considerations:
 - Competition among arms suppliers : information on pricing and value of licences = commercial information possibly used by competitors in future business opportunities;
 - Arms industry and commercial data protection: extensive transparency to collide with personal data protection (name of recipients), commercial protection (performance and specifications of defence items...)

A balancing act finally...

- ▶ Depending on checks and balances in the country: national reports of EU Member States vary in this regard;
 - ▶ Depending on interaction between governments and industry;
 - ▶ Depending on resources available: bear in mind statistical burden both for industry and public authorities;
 - ▶ What's the right transparency: the one that enables accountability
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More information

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- ▶ All EU annual reports and more general information available at:

http://www.eeas.europa.eu/non-proliferation-and-disarmament/arms-export-control/index_en.htm