

# EUROPEAN UNION COUNTRIES' POLICY ON ARMS EXPORTS TO AFRICA (2002-2010)

EDUARDO MELERO ALONSO  
THE STUDY CENTRE FOR PEACE J.M. DELÀS

RESEARCH RESULTS 04/2012

INSTITUT  
CATALÀ  
INTERNACIONAL

PER LA PAU

# EUROPEAN UNION COUNTRIES' POLICY ON ARMS EXPORTS TO AFRICA (2002-2010)

SPECIAL CONSIDERATION GIVEN TO SPANISH  
EXPORTS

EDUARDO MELERO ALONSO  
THE STUDY CENTRE FOR PEACE J.M. DELÀS

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The European Union has become the world's main arms exporter, at least according to the estimates on heavy weapons exports from the Stockholm International Peace Research Institute (SIPRI). See table below.

**Table 1. Main exporters of conventional heavy weapons during the 2006-2010 period according to SIPRI (estimates in millions of dollars)<sup>2</sup>**

<b>RANKING POSITION</b>	<b>TOTAL EXPORTS 2006-2010</b>	<b>PERCENTAGE OF THE TOTAL</b>
<b><i>European Union</i></b>	<b><i>41,659</i></b>	<b><i>34</i></b>
<b>1. United States</b>	37,043	30
<b>2. Russia</b>	28,088	23
<b>3. Germany</b>	13,033	11
<b>4. France</b>	8,768	7
<b>5. United Kingdom</b>	4,931	4
<b>6. The Netherlands</b>	4,091	3
<b>7. China</b>	4,035	3
<b>8. Spain</b>	3,554	3
<b>9. Italy</b>	2,744	2
<b>10. Sweden</b>	2,441	2

<sup>1</sup> Anna Sánchez Andreo is the author of the tables included in Chapter 3 and the annexe. The author of the text wishes to thank Pere Ortega Grasa and Anna Sánchez Andreo for their comments and suggestions and for their help in finishing this study.

<sup>2</sup> These figures do not represent the exports' financial value but is based on an estimate made by SIPRI. In any case they are used to show trends in the international arms trade at certain periods of time. For more details see Paul HOLTOM, Mark BROMLEY, Pieter D. WEZEMAN and Simon T. WEZEMAN: 2011, 294-297.



11. <b>Israel</b>	2,297	2
12. <b>Ukraine</b>	2,132	2
13. <b>Switzerland</b>	1,460	1
14. <b>Canada</b>	1,214	1
15. <b>South Africa</b>	699	1
16. <b>South Korea</b>	652	1
17. <i>Poland</i>	580	0
18. <i>Belgium</i>	554	0
19. <b>Norway</b>	449	0
20. <b>Brazil</b>	398	0
22. <i>Finland</i>	268	0
24. <i>Austria</i>	236	0
30. <i>Portugal</i>	133	0
31. <i>Czech Republic</i>	131	0
38. <i>Denmark</i>	54	0
43. <i>Rumania</i>	44	0
44. <i>Slovakia</i>	33	0
45. <i>Bulgaria</i>	30	0
46. <i>Greece</i>	23	0
51. <i>Hungary</i>	6	0
53. <i>Ireland</i>	5	0
<b>TOTAL</b>	<b>122.415</b>	<b>100</b>

Source: HOLTOM, BROMLEY, WEZEMAN and WEZEMAN: 2011, 302-303.

These data only refer to conventional heavy weapons (tanks, fighter planes, warships etc.) and do not include small, light weapons (that can be used and moved by one person or a group of people, such as guns, machine guns, grenade launchers etc.). Despite this, they are indicative of the trend with regards to weapons exports and the importance of transfers carried out by European Union countries, which are a third of the world's total.

This represents a special responsibility for the EU, since the weapons exports are previously authorised by the governments of the States that comprise it. An irresponsible policy in this regard may encourage the emergence or flare-up of armed conflicts, give rise to violations of human rights or cause situations of instability. Africa is the most impoverished continent on the planet and many of its countries are known for human rights violations and for the existence of conflicts. Therefore, an analysis of weapons exports to this continent would seem to be a good touchstone to assess the European policy in this regard.

The control policy for weapons exports is analysed in this study starting from the European Union legal regulation and Spanish legislation (chapters 1 and 2). Within the legal framework the importance of the criteria that have been established to award export authorisations in the /944/CFSP Common Position must be highlighted. Then the quantitative data on weapons exports from European Union countries to Africa are examined, separately analysing Spanish exports and pointing out the trends that are observed on how the European legislation criteria are being applied (chapter 3).

## 1.1. ARMS TRADE CONTROL IN THE EUROPEAN UNION

The importance that the European Union adopt a common policy on weapons exports control was clearly demonstrated after the revelation that several European countries had sold arms to Iran and Iraq whilst both countries were at war and later only to Iraq a short while before the start of the first Gulf War<sup>3</sup>.

The first control measure on weapons exports was adopted by the Council of Europe at Luxembourg in June 1991, where seven criteria were established in relation to the policies of the Member States with regards to arms exports<sup>4</sup>. An eighth additional criterion was adopted by the Council of Europe at Lisbon in June 1992<sup>5</sup>. These refer to criteria of a political nature and are not binding for the Member States. In addition, due to the vagueness of their wording they could be subject to very different interpretations<sup>6</sup>.

In June 1998, the European Union Code of Conduct with regards to arms exports was approved, which developed the content of the eight criteria adopted by the Council of Europe in 1991 and 1992. Approval of the Code of Conduct was due, to a large extent, to the campaigns carried out by various non-governmental organisations<sup>7</sup>. The Code, ap-

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<sup>3</sup> SAFERWORLD: 2008, 1 and 2. Mark BROMLEY and Michael BRZOSKA: 2008, 334, in addition to the foregoing they also point out the consolidation and internationalisation of the European defence industry and the drive to prevent the conflicts experienced since the end of the cold war as factors for the emergence of this policy.

<sup>4</sup> European Communities Gazette No. 6-1991, page 20.

<sup>5</sup> European Communities Gazette No. 6-1992, page 18.

<sup>6</sup> According to Vicenç FISAS: 1997, 61, the criteria adopted by the Council «are not sufficiently precise and specific and there is no agreement on how they should be interpreted».

<sup>7</sup> See Vicenç FISAS: 1998, 97-104; Dietmar PIETSCH: 2002, 2358; and SAFERWORLD: 2008,2.

proved within the framework of Foreign Policy and Common Security, was no more than a political agreement, in principle, lacking legal effectiveness<sup>8</sup>.

Finally on 8th December 2008 the 2008/944/CFSP Common Position was approved through which common regulations that govern the control of technology and military equipment<sup>9</sup> exports were defined. Adoption of this Common Position, whose content is practically identical to the Code of Conduct, was difficult, as since 2005 this had been a draft project<sup>10</sup>. The difficulties were due to the rejection from France that attempted to make its affirmative vote dependent on the abolition of the existing arms embargo on China<sup>11</sup>. France could veto approval of the Common Position, since, as a general rule, the decisions within the framework of the CFSP are adopted through unanimous agreement of the Member States<sup>12</sup>.

The Common Position «updates and replaces the Code of Conduct on arms exports adopted by the Council on 8th June 1998» (Common Position article 15). Therefore, all the legislative references made to the Code of Conduct must be understood as referring to the 2008/944/CFSP Common Position.

The Common Position has a binding nature, since the Member States must ensure compliance in their national policies with the common positions (article 29 TEU, formerly article 15). However, the main issue is to determine to what extent the Common Position is binding. In other words, what decision margin the States are allowed when applying it, which depends on its specific content rather than the legal format that is used for its approval.

The changes that the Common Position introduced to the Code of Conduct are very limited. A new paragraph b) was introduced into Criterion 2, to assess the clear risk from which serious violations of international humanitarian law can be committed. Two new paragraphs [(d) and (f)] were established within Criterion 7 with regards to unwanted re-exports or transfers. Other changes, of lesser importance, refer to the controls on the final use of the exported weapons (article 6), the obligation of the Member States to publish a report on their exports annually (article 8.3), the Member States'

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<sup>8</sup> Jaime FERRER LLORET: 1999, 286; Katharina EIKENBERG: 2000, 137; Dietmar PIETSCH: 2002, 2359; and Mark BROMLEY and Michael BRZOSKA: 2008, 334 y 337.

Which does not prevent it being binding in the Spanish legal system by virtue of various regulatory references, see Eduardo MELERO ALONSO: 2008, 109.

<sup>9</sup> EUROPEAN UNION OFFICIAL REPORT L 335, dated 13 December 2008.

<sup>10</sup> The «Tenth Annual Report in accordance with the Operational Regulation No. 8 of the European Union Code of Conduct with regards to Weapons Exports» (2008/C 300/01), expressly points out that «On a technical level the debates on the Code review concluded, in June 2005» [EUROPEAN UNION OFFICIAL REPORT C 300, dated 22-11-2008, page 1].

<sup>11</sup> Raúl Romeva Conference within the «Europe and Arms Conferences» organised by the Foundation for Peace and by For Justice and Peace (Barcelona, 30th May 2009).

<sup>12</sup> Article 31 TEU, formerly article 23.

commitment that their legislation involve control over exports of equipment included in the European Union Common Military List (article 12) and mention of the User's Guide (article 13).

When applying the Common Position what is called the User's Guide to the Council Common Position must be considered<sup>13</sup>. The «purpose of the User's Guide is to help the Member States apply the Common Position. It does not replace the Common Position in any way, but summarises the agreed aspects for interpreting its criteria and applying its articles»<sup>14</sup>. The Guide determines the factors that must be considered for interpreting the eight criteria in the Common Position. The sources of information to which they refer are included. Different issues are also established that must be or, as the case may be, can be considered when assessing the criteria. Sometimes it develops the criteria or defines any of their concepts. The User's Guide also develops the format in which the information on rejections must be reported to the other European Union Member States and how the consultation procedure is carried out.

The legal value of the Guide is rather limited since, although it serves as a guide for applying the 2008/944/CFSP Common Position, it is an informative document. In this regard in the Guide itself it points out that it does not try to establish a set of instructions and that the Member States have the full right to apply their own interpretations<sup>15</sup>.

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<sup>13</sup> According to Common Position article 13 the Guide «shall serve as a guide». The Common Position complies with the «User's Guide of the European Union Code of Conduct with regards to military equipment export» whose latest edition has changed to be named « The Council's 2008/944/CFSP Common Position User's Guide through which the common standards that govern the control of technology and military equipment exports are defined». The latest version of the User's Guide is dated 29 April 2009. Document 9241/09 of the European Union Council (CFSP 545, COARM [EU Council Working Party on Conventional Arms Exports 25). Its text can be consulted through the search engine on the Council of Europe web site (<http://www.consilium.europa.eu>).

<sup>14</sup> User's Guide to Council Common Position 2008/944/CFSP, page 2.

<sup>15</sup> 2008/944/CFSP User's Guide to the Council Common Position, page 24.

## 1.2. CRITERIA FOR AUTHORISING ARMS EXPORTS

The Common Position's most important content is the establishment of the criteria that the Member States must consider when granting administrative authorisations for weapons exports. The criteria for assessing exports are included in article 2 (see box 1)<sup>16</sup>.

The Common Position also recognises the right of Member States to apply stricter national standards (article 3). It establishes a system for reporting the rejected export licence applications and a consultation system between States (article 4). And it also makes it possible for the States to consider their own economic, social, commercial and industrial interests (article 10). As will be analysed later it may be considered that this is the Common Position's ninth criterion. Reference to economic interests poses the problem of whether priority can be given to them over the eight criteria.

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<sup>16</sup> These criteria must be considered in connection with the weapons included on the European Union Common Military List (article 1.1). The latest version of the list was adopted by the Council on 21st February 2011 (it was published in the European Union Official Report, series No. 86, dated 18th March 2011). The Common Position's criteria are also applicable to the export of dual-use goods and technology (civil and military), when the final recipient is the armed forces or security forces of the recipient country (article 6).

**Box 1. 2008/944/CFSP Common Position criteria through which the common standards that govern control of technology and military equipment exports are defined**

- Criterion 1. Regarding the international obligations and commitments of Member States, in particular the sanctions adopted by the UN Security Council or the European Union, agreements on non-proliferation and other subjects, as well as other international obligations.
  - a) United Nations, European Union and the Organisation for Security and Cooperation in Europe arms embargoes.
  - b) Obligations imposed by different treaties relating to arms.
- Criterion 2. Regarding human rights in the country of final destination as well as respect by that country of international humanitarian law.
  - a) A clear risk that the technology or military equipment that is going to be exported could be used for internal repression purposes.
  - b) Verification of serious human rights violations.
  - c) A clear risk that the arms could be used to commit serious international humanitarian rights violations.
- Criterion 3. Internal situation in the country of final destination, as a result of the existence of tensions or armed conflicts.  
Causing or prolonging armed conflicts or aggravating tensions or armed conflicts existing in the final destination country.
- Criterion 4. Maintenance of regional peace, security and stability.  
A clear risk that the arms could be used to attack another country or to impose territorial recognition through force.
- Criterion 5. National security of the Member States and of territories whose foreign relations are the responsibility of a Member State, as well as that of friendly and allied countries.
- Criterion 6. Behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law.
- Criterion 7. Existence of a risk that the military technology or equipment will be diverted within the buyer country or re-exported under undesirable conditions.
- Criterion 8. Compatibility of the exports of the military technology or equipment with the technical and economic capacity of the recipient country, considering the desirability that states should meet their legitimate security and defence needs with the least diversion of human and economic resources for armaments.
- *Criterion contained in article 10. Own economic, social, commercial and industrial interests of the Member States.*

The way in which these Common Position criteria are drawn up enables very different weapons exports control policies to be carried out<sup>17</sup>. This is because the criteria are subject to different interpretations. This possibility of putting into practice own policies with regards to weapons exports is something that the European Union Member States wish to keep. In this regard the User's Guide to the Council Common Position, in the introduction to ideal practices for interpretation of the criteria, expressly acknowledges that «the individual assessment continues to be an essential part of the process, *and the Member States have the full right to apply their own interpretations*» (our italics).<sup>18</sup>

The uncertainty of the Common Position criteria, that is, the possibility of extensive interpretation, has also been pointed out by experts<sup>19</sup>. In Spain, the then General Assistant Director of Foreign Trade in Defence and Dual-Use Goods, Ramón MURO MARTÍNEZ, considered that the criteria 2, 3, 4, 5 and 6 «have a political nature and may be, therefore, subject to different interpretations»<sup>20</sup>.

The possibility of carrying out differing interpretations of the Common Position criteria in the first place is because this includes contradictory objectives, since it is proposed on one hand to limit weapons exports but also suggests the importance of the defence sector<sup>21</sup>.

The criteria are drawn up with a different degree of compulsion. In some cases it is clearly set out that the authorisation should be denied if the provisions of the criteria are breached. This is the case with criteria 1, 2 [paragraphs a) and c)], 3 and 4. Whilst in other cases it is pointed out that the States should consider different elements and circumstances, without expressly establishing a duty to deny the weapons export authorisations: criteria 2 [paragraph b)], 4, 5, 6, 7 and 8.

In addition the criteria are plagued by ambiguous expressions that are known from a legal viewpoint as «undetermined regulation concepts»; for example, the existence of a «risk». These concepts enable a certain margin of interpretation.

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<sup>17</sup> For a detailed analysis of this issue, see Eduardo MELERO ALONSO: 2010, 245-253.

<sup>18</sup> Chapter 3, page 24 of the User's Guide to the Council Common Position.

<sup>19</sup> See, Lerna K. YANIK: 2006, 376-377, with regards to the Code of Conduct, points out that being open to interpretation limits its effectiveness.

<sup>20</sup> Ramón MURO MARTÍNEZ: 2005, 37, referring to the Code of Conduct. In his opinion criteria 1, 7 and 8 are not subject to different interpretations «given that criterion 1 prevents export to an embargoed county, the Administrations of the Member States have the necessary instruments available to appropriately comply with the contents in criterion 7 (risk of diversion) and, finally, criterion 8 (financial and technical alteration to the export in the destination country) can include accurate economic indicators that are uniformly applicable by the countries».

<sup>21</sup> See articles 2, 3, 4 and 15 on the one hand and articles 12, 13 and 14 on the other.



Ambiguity of the Common Position criteria does not imply absolute freedom for the Member States with regards to weapons exports. There are legal limits that must be respected. In other words, if an export clearly breaches the criteria it must be denied.

### 1.3. MOST PROBLEMATIC ELEMENTS OF THE COMMON POSITION

#### 1.3.1. VERIFICATION OF SERIOUS HUMAN RIGHTS VIOLATIONS

According to paragraph b) of Criterion 2: Regarding human rights in the final destination country, the Member States, after assessing the attitude of the recipient country towards the principles established by the international instruments on human rights:

*«shall consider with special care and attention the granting of licences, case by case and according to the nature of the military technology or equipment, to countries in which the competent bodies of the United Nations, the European Union or the Council of Europe have recorded serious human rights violations.»*

It is worth noting that paragraph b) of Criterion 2 does not expressly or totally forbid weapons exports to countries in which serious violations of human rights have been verified. It seems possible, in principle, that exports to countries in which serious human rights violations have been verified are authorised.

The User's Guide establishes criteria to determine when we are faced with serious human rights violations. In the first instance, systematic and generalised violations are serious although human rights violations where these circumstances do not occur can also be considered as serious. The Guide specifies what the competent bodies of the United Nations, European Union or Council of Europe are for establishing that serious human rights violations have occurred<sup>22</sup>; among these the UN Secretary-General re-

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<sup>22</sup> Included within the United Nations: The General Assembly, included its resolution on specific countries; the Security Council; the Council on Human Rights and the Economic and Social Council; the Office of the United Nations High Commissioner for Human Rights; special procedures and other holders of mandates; and the organisations created by the treaties. Within the Council of Europe: the Council of Europe Committee of Ministers; the Parliamentary Assembly; the European Human Rights Tribunal; the Council of Europe Commission for Human Rights; the European Commission against Racism and Intolerance; and the European Committee for Prevention of Torture and Punishments and Inhuman or Degrading Treatment. Within the European Union; the European Council; the Declarations of the organisations in the CFSP; the Common Positions and European Union declarations relating to specific countries; the Europe-

ports are not included. If these organisations have only recorded the existence of violations without qualifying them as serious, the decision on their qualification will be the responsibility of the States. Finally, if the aforementioned organisations have not taken any decision the Member States can carry out an independent assessment on the existence of serious human rights violations.

In this way the User's Guide recognises the possibility that the Member States are more restrictive when granting export authorisation if serious human rights violations are verified. However, it does not specifically prohibit all exports in these circumstances.

Any interpretation considered of this criterion should give priority to the protection of human rights, considering that in the country where arms are proposed to be exported serious human rights violations have occurred and are also verified. That is why the export authorisation should be denied. It can only be authorised if there is an interest carrying enormous weight favouring export, which will happen in very exceptional cases. Granting the authorisation demands that the Administration clearly explains its decision and in this way fulfils its obligation to consider «with special care and attention» that established in the Common Position.

### 1.3.2. ECONOMIC, COMMERCIAL AND INDUSTRIAL INTERESTS OF THE EXPORTING COUNTRY

The Common Positions article 10 establishes that:

*«Although the Member States, where appropriate, can also consider the effect of the proposed export on its own economic, social, commercial and industrial interests, these factors will not affect the application of the aforementioned criteria.»*

It could be maintained that this is the ninth Common Position criterion<sup>23</sup>; a criterion that clearly enters into conflict with the other eight aforementioned criteria.

The Common Position article 10 poses two important problems of interpretation. Firstly, under what circumstances the exporting States can consider their own economic, social, commercial and industrial interests when authorising the weapons exports; in

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an Union Annual Report on Human Rights; the reports on human rights from the European Union heads of mission and European Union descriptive records with regards to human rights; the Resolutions and Declarations of the European Parliament (see Annexe III of Chapter 3, section 2; page 49 of the User's Guide).

other words, in what cases this criterion is applicable. Secondly, how to interpret that the economic, social, commercial and industrial interests «shall not affect application of the criteria» of the Common Position, that is, what effect these interests may have on the application of the Common Position's eight criteria.

It is very noticeable that the User's Guide to the Council Common Position has not developed this circumstance, defining when these interests can be considered and what effects they may have in relation to the export criteria. In our opinion, this lack of development implies that they did not wish to restrict its field of application, which is consistent with the States' policy of maintaining an extensive margin of assessment in applying the Common Position.

In the opinion of a German lawyer, Dietmar PIETSCH, the exporting States' economic, social, commercial and industrial interests cannot prevail over the eight Common Position criteria. In his opinion these interests may be used to complete the criteria on foreign policy and security, but under no circumstances may they replace or prevail over them<sup>24</sup>.

This interpretation is too optimistic and does not relate to the way in which the European Union Member States are applying the Common Position in reality<sup>25</sup>. Express inclusion of these interests in the Common Position articles implies that they did not wish to restrict its field of application too much. If they were only going to be used as a complementary criterion their express inclusion would not have been necessary.

The great hazard that taking these interests into consideration entails is that it could make the application of the eight criteria established in the Common Position ineffective. The economic, social, commercial and industrial interests could be used as a Trojan horse in relation to the other criteria of the Common Position, especially if it is considered that the governments usually put into practice support policies for the defence industry, policies that include the promotion of exports<sup>26</sup>. Weapons exports are also used by developed countries as a bargaining chip to ensure the supply of raw materials and energy sources<sup>27</sup>. For Michael T. KLARE, the African States are «especially susceptible to this type of diplomacy on weapons, because generally they lack the capacity to

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<sup>23</sup> See Eduardo MELERO ALONSO: 2010, 255. The Code of Conduct, in its tenth operational stipulation, included practically identical drafting.

<sup>24</sup> Dietmar PIETSCH: 2002, 2361, referring to the Code of Conduct.

<sup>25</sup> See chapter 3, in relation to European Union exports to Africa.

<sup>26</sup> See chapter 2, paragraph 3.2, about Spanish policy on promotion of weapons exports.

<sup>27</sup> Michael T. KLARE: 2008, 291-303.

manufacture the weapons themselves and, in the majority of cases, they cannot be allowed to buy all they are looking for on the open market»<sup>28</sup>.

### 1.3.3. EXPORTS «FOR HUMANITARIAN PURPOSES»

The clearest example of flexibility with which the Common Position criteria are interpreted, is found in the so-called «exports for humanitarian purposes», expressly included in the User's Guide in the following way:

*« There are occasions on which Member States consider permitting the export of items on the EU Common Military List for humanitarian purposes in circumstances that might otherwise lead to a denial on the basis of the criteria set out in Article 2 of the Common Position. In post-conflict areas, certain items can make important contributions to the safety of the civilian population and to economic reconstruction. Such exports are not necessarily inconsistent with the criteria. These exports, like all others, will be considered on a case-by-case basis. Member States will require adequate safeguards against misuse of such exports and, where appropriate, provisions for repatriation of the equipment».*<sup>29</sup>

It must be noted that the possibility of carrying out arms exports «for humanitarian purposes» is not expressly included in the Common Position, but it is one interpretation that has been introduced by the User's Guide. This interpretation is based on the fact that it refers to exports that, in principle, are contrary to the Common Position criteria, but that they are considered valid for said humanitarian purpose.

Arms exports «for humanitarian purposes» are no more than the translation in this sphere of humanitarian intervention doctrine in armed conflicts. According to the defenders of humanitarian intervention doctrine it is understood that in situations of human rights violations against which the Security Council has been inactive, a military intervention would be justified without the council, stemming from the idea that the protection of human rights is a principle that prevails over state sovereignty<sup>30</sup>. In short, it refers to another protest of military logic which covers international relations. In any case, express recognition of humanitarian weapons exports shows the great flexibility

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<sup>28</sup> Michael T. KLARE: 2008, 293-294.

<sup>29</sup> Section 4: Exports of controlled material for humanitarian purposes, page 22.

<sup>30</sup> On humanitarian wars see Danilo ZOLO: 2007, 67 to 85. An analysis of possible inclusion of humanitarian interference in Spanish law is found in Eduardo MELERO ALONSO: 2009, 104-106.

with which the Member States are interpreting the Common Position criteria, as is demonstrated by the delivery of arms to Libyan rebels by France.

## **Box 2: Exports for humanitarian purposes in reality: the Libyan rebels are armed by France**

In June 2011, at the height of the Libyan conflict, the French newspaper *Le Figaro* revealed that the French army had been supplying weapons to the Libyan rebels for weeks. The weapons delivered included machine guns, rocket launchers, ammunition, assault rifles and anti-tank missiles. In total it could entail an amount of 40 tons of weapons, including light tanks. According to *Le Figaro*, the arms had been delivered with the objective of creating a new war front, so that the rebels would approach Tripoli and the city would rise against Gaddafi (see *El País* dated 30th June 2011).

The weapons delivery was confirmed by a spokesman for the French army, who affirmed that «there were humanitarian deliveries because the humanitarian situation was deteriorating and at one time it seemed that the security situation threatened civilians who could not defend themselves»; «Therefore France sent equipment, among which were light arms and ammunition, enabling them to defend themselves». In addition to the weapons, food and medicines were also supplied (*rtve.es*, 29th June 2011).

Therefore, this is a real case in which the humanitarian argument was used to legitimise sending weapons to one of the parties in an armed conflict. The French government's support of the Libyan rebels through the delivery of arms was totally consistent with France's role in the military intervention against the Gaddafi government; a military intervention that was justified by using humanitarian arguments. France was one of the most aggressive countries in this intervention, being the first country to initiate military attacks against Gaddafi's army, by destroying an armoured tank on 19th March (see *El País* dated 20th March 2011).

The weapons delivery to the Libyan rebels was done completely within the margin of that established in the 2008/944/CFSP Common Position. It clearly breached criterion 1 of the 2008/944/CFSP Common Position, as the United Nations had agreed an arms embargo to Libya in its Security Council resolution 1970 on 26th February 2011 and also criterion 3 of the Common Position, as there was an armed conflict. In this way the flexibility with which the Common Position criteria are interpreted is revealed.

Another noteworthy aspect has to do with how the European Union countries envisage the obligatory nature of the community regulations on arms trade. No European Union Member country publicly criticised France for breaching the 2008/944/CFSP Common Position. A representative from the United Kingdom government, a country that did not share in the arms delivery, limited itself to pointing out «this is something that concerns France and it is not our intention to criticise France who is our ally in Libya» (see *El País* dated 30th June 2011). The issue arose in terms of political convenience, not regarding whether a European Union binding standard had been breached.

## 1.4. CONTROL MECHANISMS

### 1.4.1. REPORTS

The Common Position compels three types of reports (article 8). In the first instance the Member States must prepare an annual report, of a confidential nature that will be sent to the other Member States, on their weapons exports and application of the Common Position. Secondly, the European Union prepares an annual report that is published in the European Union Official Report. This report is based on Member State contributions. In 2011 the thirteenth annual report was prepared<sup>31</sup>. Finally each Member State must publish a national report on their exports.

In theory the reports that must be published by the authorities form a control mechanism for the Administration through public opinion<sup>32</sup>. However, in the case of reports on weapons exports it is rather debatable that they fulfil this function. The confidential reports are not made public and therefore their real content is unknown. With regards to the reports published by the European Union they include very general data without specifying the specific type of weapon that is being exported. No analysis or assessment of the exports is done, nor is a study conducted on the long-term trends; nor are complete data included of the deliveries made<sup>33</sup>.

### 1.4.2. COMMUNICATIONS AND CONSULTATIONS BETWEEN STATES

The Member States must notify each other of the data on applications for export authorisations that have been denied on the basis of the Common Position criteria, explaining the reason for the denial (article 4.1). If a State proposes to authorise an export when one or more Member States have denied an essentially identical transaction in the previous three years the first State must consult the State or States that had denied the export (article 4.2).

In practice there is a database, prepared by the Council Secretary from the notifications of denial made by the Member States<sup>34</sup>. This database, whose information is classified as «restricted», must be consulted by the States before granting weapons exports authorisations. If it is recorded in the database that within the previous three years an-

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<sup>31</sup> European Union Official Report C 382, dated 30th December 2011.

<sup>32</sup> In this regard, Eberhard SCHMIDT-ASSMANN: 2003, 368-369.

<sup>33</sup> Reviews formulated by Giorgio BERETTA in his article «EU: A record of 40 million euros in arms exports in 2009», an article published on the web site [www.centredelas.org](http://www.centredelas.org), on 3rd February 2011.

<sup>34</sup> Notifications of denial must be done in accordance with the formula laid down in the annexe to the 2008/944/CFSP User's Guide to the Council Common Position.

other State has denied authorisation for an essentially similar export, an enquiry must be sent to that State or States that have denied the authorisation<sup>35</sup>.

According to the User's Guide «the exchange of information on denials forms one of the main resources for reaching the objectives of the Member States' policies with regards to export control *and achieving convergence of these policies*» (our italics)<sup>36</sup>. However, this idea is refuted both by the real application of conduct and by legal regulation.

A summary analysis of the data on the consultations made during the period 2003-2010 demonstrates the disparity regarding the frequency with which the Member States carry them out (these data are included in table 2, in which the countries are organised according to their position within the main exporters in accordance with table 1). Logically, the States that export more carry out more consultations. However, it is noticeable that the Netherlands, despite exporting more weapons than Italy have carried out far fewer consultations than this country. It is also noticeable that there are countries that have not done any consultations during these ten years; Spain and Sweden.

**Table 2. Enquiries made by the EU main exporters (period 2001-10)<sup>37</sup>**

	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Germany	9	19	33	34	23	12	11	4	12	10
France	13	17	13	18	20	1	4	9	12	8
United Kingdom	5	11	17	20	9	5	10	13	18	15
The Netherlands	1	1	2	10	7	4	4	7	6	1
Spain	0	0	0	0	0	0	0	0	0	0
Italy	7	2	11	28	14	7	12	22	15	16
Sweden	0	0	0	0	0	0	0	0	0	0
Poland	-	-	-	0	1	2	0	0	1	2
Belgium	4	3	3	1	4	7	15	10	11	15
<b>EU total</b>	<b>47</b>	<b>68</b>	<b>100</b>	<b>151</b>	<b>133</b>	<b>75</b>	<b>125</b>	<b>101</b>	<b>105</b>	<b>109</b>

Source: own preparation from the annual reports on the EU Code of Conduct and 2008/944/CFSP Common Position.

According to the Common Position, if one or more countries have denied an essentially identical weapons export, the only legal consequence is the obligation to do the consultation, but it does not imply that the other States should also deny the export authorisation.

<sup>35</sup> The notification procedure for denials and making enquiries is included in Section 4 Chapter 1 of the 2008/944/CFSP User's Guide to the Council Common Position (pages 13 to 16).

<sup>36</sup> User's Guide to the Council Common Position 2008/944/PESC, page 5.

<sup>37</sup> The data regarding the questions asked among Member States are included based on the Fourth Annual Report on the Code of Conduct, which includes the data related to 2001.



tion. In this regard, Common Position article 4.1 established that once the consultation is done the State can authorise the weapons export provided that the States that denied the export are notified, explaining their reasons in detail.

This possibility of authorising exports that other States have previously denied demonstrates that the exchange of information on denials is an imperfect mechanism for coordinating the European Union Member States control policies on weapons exports. In addition this regulation does not favour the Member States carrying out a strict interpretation of the Common Position criteria since the possibility is always open that the exports denied by one State can be later authorised by another. In this way an interpretation can occur downward of the Common Position criteria, even more so if they consider that the States usually apply support policies for the weapons industry established within their territory.

The figures for consultations that affect African countries are included in table 3. The majority of consultations during the 2002-2010 period affected Egypt (18), Algeria (14), Libya (14) and Kenya (11). It does not appear that they have had much effect as an instrument to restrict exports. Kenya is in eighth place of African countries receiving weapons from the European Union: 55,477,510 euros; Libya fifth: 333,581,440 euros; Egypt fourth: 544,005,950 euros; and Algeria third: 652,083,820 euros.

The limited consultations that were done in relation to those most questionable destinations is also remarkable: Nigeria (5), Rwanda (3), Chad (2), Ethiopia (2) and Angola (1). During the 2002-2010 period Nigeria received weapons worth 147,070,380, Rwanda 16,455,600 euros, Chad 24,375,030 euros, Ethiopia 37,325,060 euros and Angola 43,997,970. These figures are lower than those of Kenya, Libya, Egypt and Algeria but quantitatively are also quite significant.

**Table 3. Consultations on African countries (2005-2010 period)<sup>38</sup>**

	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>TOTAL</b>
Angola						1	<b>1</b>
Algeria		1	5	4	2	2	<b>14</b>
Burkina Faso	1				3		<b>4</b>
Cameroon						1	<b>1</b>
Chad		2					<b>2</b>
Egypt		3	3	5	3	4	<b>18</b>
Ethiopia		1	1				<b>2</b>
Equatorial Guinea						2	<b>2</b>
Kenya	5		2	2	2		<b>11</b>
Libya			4	4	3	3	<b>14</b>
Morocco	1					2	<b>3</b>
Namibia	4				1		<b>5</b>
Nigeria		1		1	2	1	<b>5</b>
Democratic Republic of the Congo	1	1					<b>2</b>
Rwanda						3	<b>3</b>
Senegal	1	1					<b>2</b>
South Africa	1	1	2	2	1		<b>7</b>
Tanzania			2		1		<b>3</b>
Tunisia			3		3	1	<b>7</b>
Uganda	1	2				1	<b>4</b>
Zambia	5	1	1			1	<b>8</b>
<b>Africa total</b>	<b>20</b>	<b>14</b>	<b>23</b>	<b>18</b>	<b>21</b>	<b>22</b>	<b>118</b>
<b>Worldwide total</b>	<b>133</b>	<b>75</b>	<b>125</b>	<b>101</b>	<b>105</b>	<b>109</b>	<b>648</b>

Source: own preparation from the annual reports on the EU Code of Conduct and 2008/944/CFSP Common Position.

#### 1.4.3. LACK OF CONTROL OVER WEAPONS EXPORT POLICY BY THE EUROPEAN COMMISSION

The European Commission has been assigned a very important responsibility: control that the Member States comply with the obligations imposed by community law. The public can submit complaints or formal reports in this regard. It is even possible that the Commission could bring the States which do not comply with European law before

<sup>38</sup> The data on consultations done by country of destination are included from the eighth annual report on the Code of Conduct which includes the data relating to 2005.

the European Union Justice Tribunal<sup>39</sup>. This is a rather efficient mechanism for guaranteeing correct application of European Union law.

Foreign and Common Security Policy is a field of community activity that has remained outside of European Commission control and European Union Justice Tribunal responsibility<sup>40</sup>. In practice this means that the binding content of the Common Position is going to be limited to that content the Member States are obliged to comply with in good faith, but there are no ways in community law to demand their compliance. Therefore it is not possible to go before the Commission to demand that a State does not breach the 2008/944/CFSP Common Position. Even if this non-compliance was clear, the European Union Justice Tribunal would not be able to analyse the issue.

## 5. CONCLUSIONS

The 2008/944/CFSP Common Position is the main European Union instrument to control weapons exports. This is a very defective instrument, at least in terms of an effective control mechanism. Its content shows tension between the elements that restrict such exports and the elements that benefit them. In the last instance, there is a certain predominance of elements that promote them, especially through the possibility of considering the economic, social, commercial and industrial interests.

Far from benefitting a restrictive policy on weapons exports the Common Position encourages a non-rigorous interpretation of its criteria by making it possible for a State to authorise a weapons export that has been denied by another Member State.

The Common Position fundamentally leaves the community policy on control of weapons exports in the hands of the States. It demonstrates that the Member States are only weakly committed to a common policy on the control of weapons transfers. The main European Union weapons exporters are the least interested in putting restrictive policies on weapons exports into practice.

In this regard, one of the provisional conclusions which a study on the application of the European Union Code of Conduct reached is that the countries which do not have an important weapons industry are those in which the restrictions on exports have increased, starting from the adoption of the Code of Conduct. Another of the provisional

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<sup>39</sup> Within the procedure for breaching community law, regulated in articles 258 to 260 from the TFEU (Treaty on the Functioning of the European Union).

<sup>40</sup> Article 24 of the TEU and 275 of the TFEU. There are a couple of exceptions where control by the CJEU (Court of Justice of the European Union) is possible, although they do not seem applicable to the arms trade: see Eduardo MELERO ALONSO: 2010, 260-261.

conclusions reached is that the European Union States, together, apply the criteria relating to serious human rights violations and prevention of conflicts more strictly than the other criteria.<sup>41</sup>

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<sup>41</sup> See Mark BROMLEY and Michael BRZOSKA: 2008, 355-356.

## 2.1. ARMS TRADE CONTROL IN SPAIN

In Spain, for a company to be able export weapons that it manufactures it needs administrative authorisation from the Ministry of Industry, Tourism and Trade. The authorisations are granted by the Secretary General for Foreign Trade. However, the body that makes the decision is the Interministerial Regulatory Board on Foreign Trade in Dual-Use and Defence Material (JIMDDU)<sup>42</sup>. JIMDDU is a collegiate body, made up of representatives from different ministries.

The most important regulations in Spain with regards to arms trade are: the 53/2007, Act, dated 28th December, on the control of foreign trade of foreign trade and dual-use goods<sup>43</sup>; and Royal Decree 2061/2008, dated 12th December through which the Regulations on the control of foreign trade in defence material, other material and dual-use goods and technologies<sup>44</sup> were approved

The legislation uses the concept of defence material defined as «weapons and all products and technologies designed especially for or modified for military use such as instruments of force, information or protection in armed conflicts, as well as those destined for development, production or use of them *and that are included in the regulatory development standards that the government approves*» (article 3 paragraph 10 of the 53/2007 Act). Specification of defence material is made through a list<sup>45</sup> in such a way that it only requires administrative authorisation to export the weapons that are included on the list of defence material.

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<sup>42</sup> Through a preceptive and binding report; article 14 of the 53/2007 Act.

<sup>43</sup> Official State Gazette (BOE) dated 29th December 2007.

<sup>44</sup> BOE dated 7th January 2009; rectification of errors in the BOE dated 24th January 2009. Royal Decree 2061/2008 was modified by Royal Decree 844/2011, dated 11th June (BOE dated 2nd July 2011).

<sup>45</sup> Currently the list of defence material is included in annexe 1 of Royal Decree 844/2011, dated 17th June, which modified Royal Decree 2061/2008, dated 12th December (BOE dated 2nd July 2011).

## 2.2. CRITERIA FOR AUTHORISING WEAPONS EXPORTS

The criteria that must be considered when denying, suspending or revoking administrative authorisations for arms trade in defence material, materials for police or security use and dual-use goods and technologies, are regulated in article 8 of the 53/2007 Act. According to this article:

*«applications for authorisation shall be denied and authorisations [...] suspended or revoked, in the following circumstances:*

- a) Where there are reasonable signs that the defence material, the other material or the dual-use goods and technologies may be used in actions that disturb the peace, stability and security within a global or regional sphere, may exacerbate latent tensions or conflicts, may be used in a manner contrary to the respect and dignity inherent to a human being, for the purposes of internal repression and in situations of human rights violation, are destined for countries with evidence of diversion of transferred materials or may breach international commitments contracted by Spain. To determine the existence of these reasonable signs the reports on defence material transfers and final destination of these operations that are issued by international organisations in which Spain participates, reports from human rights and other United Nations organisations, information provided by organisations and research centres of recognised prestige in the field of development, disarmament and human rights, as well as the most updated best practices described in the User's Guide of the European Union Code of Conduct with regards to weapons export shall be considered.*
- b) When general interests in national defence and the State's foreign policy are contravened.*
- c) When guidelines agreed under European Union protection are breached, in particular the Code of Conduct criteria, dated 8th June 1998, with regards to weapons exports and the criteria adopted by the OSCE in the document on Small and Light Weapons, dated 24th November 2000 and other relevant international regulations to which Spain is a signatory. To apply the criteria in the Code of Conduct the most updated best practices described in the User's Guide shall be complied with.*
- d) When the limits that are derived from international law, such as the need to respect the embargoes decreed by the United Nations or the European Union, among others, have been contravened.»*

Essentially Spanish legislation reiterates several criteria established in the 2008/944/CFSP Common Position (see box 3). In any case, by referring to a binding standard, the Common Position criteria must be applied by the Spanish government when deciding whether it authorises the weapons exports.

### **Box 3. Connection between the 2008/944/CFSP Common Position criteria and Spanish legislation (art. 8 53/2007 Act)**

- Criterion 1. Respecting Member States' international commitments and obligations, in particular the sanctions adopted by the United Nations or European Union Security Councils, non-proliferation agreements and on other topics, as well as other international obligations.
  - Breach of the international commitments contracted by Spain.
  - Contravention of the limitations that are derived from international Law, such as the need to respect embargoes decreed by the United Nations and the European Union, among others.
- Criterion 2. Respecting human rights in the final destination country and international humanitarian law by this country.
  - They may be used for the purposes of internal repression.
  - They may be used in situations of human rights violations.
- Criteria 3. An internal situation in the final destination country in connection with the existence of tensions or armed conflicts.
  - They may exacerbate latent tensions or conflicts.
- Criteria 4. Maintenance of regional peace, security and stability.
  - They may be used in actions that disturb the peace, stability or security in a global or regional sphere.
- Criteria 5. National security of the Member States and of the territories whose foreign relations are the responsibility of a Member State, as well as friendly and allied countries.
  - Not to contravene the general national defence interests.
- Criteria 6. Behaviour of the purchasing country towards the international community, especially referring to their attitude towards terrorism, nature of their alliances and regards for International Law.
- Criteria 7. Existence of the risk that the military technology or equipment will be diverted within the purchasing country or re-exported in undesirable conditions.
  - To be destined for countries with evidence of diversion of transferred materials.
- Criteria 8. Compatibility of the military technology or equipment exports with the economic and technical capacity of the recipient country, considering the desirability that the States meet their legitimate security and defence needs with the minimum diversion of human and economic resources for weapons.
- *Criterion contained in article 10. Member States own economic, social, commercial and industrial interests.*
  - Not to contravene the general interest of the State's foreign policy.

There are two criteria in the 53/2007 Act that are not found in the 2008/944/CFSP Common Position, or not included in the same terms. This refers, on the one hand, to the fact that the exported material could be used «in a manner contrary to due respect and dignity inherent to the human being»; and on the other, that they do not contravene «the State's general national defence interests and foreign policy».

The first is incomprehensible, unless its application is limited to materials for police or security use. Defence material and to a certain extent dual-use goods and technologies are instruments that are used for killing people. From this criterion it could be deduced that there are ways of killing that respect the dignity inherent to human beings.

Interpretation of the State's general national defence interests and foreign policy poses more problems. With regards to general national defence interests the supposition is related to criterion 5 of the 2008/944/CFSP Common Position, Member States' national security. In Spain the *Spanish Security Strategy* dated June 2011 made an extensive interpretation of national security interests, including within vital interests, of the wellbeing and development of Spaniards, as well as economic security; and within the strategic interests, preservation of freedom of exchanges and communications<sup>46</sup>. In such a way that the reference to general national defence interests that the 53/2007 Act makes, recognises a wide margin of policy decision by authorising exports of defence material. On the other hand the Ministry of Defence considers that institutional support to weapons exports forms part of the industrial defence policy<sup>47</sup>.

The same can be said with regards to the State's general foreign policy interests, that is, it recognises a policy decision margin. In this case, in addition, it expressly recognises that the arms trade is just another foreign policy instrument. Reference to foreign policy is also related to economic, social, commercial and industrial interests that are included in article 10 of the Common Position, although the foreign policy is more extensive since it can include diplomatic interests.

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<sup>46</sup> SPANISH GOVERNMENT: 2011, 16. Previously the 2002 *Strategic Defence Review* considered the prosperity of Spaniards within vital interests and maintaining freedom for exchanges and communications within strategic interests; see MINISTRY OF DEFENCE: 2003, 129-135.

<sup>47</sup> See paragraph 3.2 of this chapter.



#### **Box 4. Foreign policy and weapons: arms donations to Morocco in 2008**

On 18th January 2008 the Council of Ministers authorised the transfer to Morocco of eight sets of aerial bomb launchers for a symbolic price of one euro, despite them being valued at 86,848 euros. According to the Council of Ministers' reference, «the agreement is within the context of collaboration between both countries and its purpose is to strengthen the sibling relationship that exists between the armed forces of Spain and Morocco» ([www.lamoncloa.gob.es](http://www.lamoncloa.gob.es)). According to different sources (*El País* and [infodefensa.com](http://infodefensa.com), both dated 19th January) the transferred weapons consisted of Rompedoras 30 bomb launchers (CLB-30), equipment that enables the use of free-falling bombs weighing 250 kilos that would be included in the Mirage F-1 fleet of the Moroccan armed forces.

On 27th June 2008 the Council of Ministers authorised the transfer of six MK-46 class 2, light torpedoes, destined for the Royal Moroccan Navy for the symbolic price of one euro. According to the Council of Ministers' reference class 2 MK-46 torpedoes were no longer to be used by the Spanish navy, which uses class 5; meaning that «the transfer will be beneficial for the Spanish navy through savings of demilitarisation costs on the torpedoes and will also help to improve bilateral relations with the Kingdom of Morocco» ([www.lamoncloa.gob.es](http://www.lamoncloa.gob.es)). The European Press Agency reported that the MK46 torpedoes were equipped with a warhead made up of 44 kilograms of PBXN-103 high strength explosive; they can be used from surface escort ships, anti-submarine helicopters or patrolling airplanes and can be guided by a homing head ([europapress.es](http://europapress.es), 27th June 2008).

These donations make it clear that weapons transfers are used as an instrument in foreign policy, for the purposes of improving bilateral relations. These transfers at a symbolic price must have had the approval of the JIMDDU, but agreed by the government, which revealed their political nature (see Royal Decree 1638/1999, dated 22nd October, through which the Ministry of Defence personal property and defence products is regulated, published in the Official State Gazette, dated 4th November 1999).

In this case weapons exports are justified on the basis of foreign policy arguments which reveal that this criterion makes authorisation for the transfer of weapons easier.

## 2.3. THE MOST PROBLEMATIC ELEMENTS OF SPANISH REGULATIONS

The most critical aspects of the 2008/944/CFSP<sup>48</sup> Common Position have now been analysed. As the Common Position must be applied by the Spanish government such aspects are also problematic in Spain. In this section two typical questions about the national regulations are analysed; the existing secrecy and Spanish policy on the promotion of weapons exports.

### 2.3.1. SECRECY WITH REGARDS TO THE ARMS TRADE

In Spain information on defence material exports is a state secret. By a Council of Ministers' agreement, dated 28th November 1986, it was agreed «to grant, generically, the classification of reserved to [...] production, acquisition, supply and transport of weapons, ammunition and warlike materials» (section B.5)<sup>49</sup>. Another Council of Ministers' agreement, dated 12th March 1987, classified the actions of the Interministerial Regulatory Board on Foreign Trade in Dual-Use and Defence Material (JIMDDU) as secret<sup>50</sup>. It appears that classification of JIMDDU actions is the result of a petition by the CDS and Izquierda Unida, for the creation of a parliamentary commission to investigate the possible existence of illegal arms sales<sup>51</sup>.

The actions of the JIMDDU have been classified as secret because it is considered that their public knowledge can «damage or put at risk the State's security and defence»<sup>52</sup>. There are enough reasons to consider that this classification is illegal<sup>53</sup>. In practice secrecy is used to prevent the public from knowing to which countries weapons are being sold and what type of defence material is being exported. It also makes it impossible to know in what way the JIMDDU interprets the Common Position criteria. Secrecy is also an instrument that favours exports (or, at least, certain exports), as has been made clear with the exports of Spanish cluster bombs to Libya. Therefore, secrecy can be considered as an instrument rather than a policy supporting Spanish government exports.

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<sup>48</sup> See section 3 of chapter 1.

<sup>49</sup> The agreement was published because of a parliamentary question to the government, in the General Courts Official Gazette, Congress D, Series D, No. 122, dated 6th November 1987, page 6243.

<sup>50</sup> This agreement is mentioned in the «Report on Spanish foreign trade of defence and dual-use goods. 1991-1994», *Economic Bulletin of the ICE, No. 2478 (dated 13th to 19th November 1995)*, page 67.

<sup>51</sup> See Vicenç FISAS: 1989, 88.

<sup>52</sup> This is by virtue of article two of the 9/1968 Act, dated 5th April, on official secrets.

<sup>53</sup> See Eduardo MELERO ALONSO: 2008, 182-209.

### **Box 5. Secrecy in practice: the case of Spanish cluster bomb exports to Libya**

In April 2011 the Spanish press reported that the army of Muammar Gaddafi had used cluster bombs manufactured in Spain in Misrata; according to the NGO *Human Rights Watch* at least three cluster bombs had been used in the bombings of 14th April on this city (see *El País* dated 16th April 2011). The bombs used relate to the MAT-120 model, as shown in the photographs taken by the *New York Times* newspaper. The MAT-120 bombs were manufactured by the Spanish company Instalaza.

According to «Spanish export statistics on defence material, other material and dual-use goods and technologies», in 2007 export of defence material to Libya was authorised, within the category of «Bombs, torpedoes, rockets and missiles» worth 3,823,500 euros; exports that were carried out during 2008. The official statistics do not detail, however, whether the exported weapons were cluster bombs. In any case the fact that the export of cluster bombs to Libya was authorised is not denied by the Spanish government.

State secrets are an instrument that must be used, according to the law on official secrets, to protect the State's security and defence. In the case of the arms trade secrecy is used as a mechanism that favours weapons exports. The case of the MAT-120 cluster bombs is a clear example in this regard. State secrets have been used to prevent the public knowing that Spain had exported cluster bombs to Libya.

In May 2007 Justice and Peace requested the Ministry of Industry, Tourism and Trade for information on weapons exports made to Morocco, Ghana and China during the period 2005 and 2006. The Ministry denied the request, using the legal protection that the actions of the JIMDDU were secret and that confidentiality of the exporting companies must be maintained. This decision was appealed by Justice and Peace but was confirmed by the Ministry. Finally the Madrid Supreme Court of Justice, in their ruling of March 2010 (appeal number 523/2009), agreed with the Ministry of Industry, Tourism and Trade<sup>54</sup>.

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<sup>54</sup> In April 2012 several NGOs requested from the Ministry of Industry, Tourism and Trade information on the weapons exports authorised to Morocco, requesting the granted export licences be revoked. The matter is awaiting a ruling in the Administrative Department of the National Assembly in connection with the weapons exports that Spain carried out to Morocco. The associations that appealed are: The Association of Saharan Prisoners and Missing (AFAPREDESA), The Spanish Pro Human Rights Association (APDHE), The International Association of Lawyers for Western Sahara (IAJUWS), The Asturian Observatory of Human Rights for Western Sahara, the Aragon Observatory for Western Sahara and the Canary Island Association of Lawyers for Peace and Human Rights (JUPADEHU).

### 2.3.2. SPANISH POLICY FOR PROMOTION OF WEAPONS EXPORTS

The Ministry of Defence considers that the defence and security industrial sector is an element that contributes to the application of defence policy. According to the *Strategic Defence Review* defence policy requires suitable technological and industrial support. That is why the Ministry of Defence supports the defence industry. Thanks to this support it is understood that «equipping our armed forces will be made easier and Spain can efficiently contribute to the development of European Security and Defence Policy and transatlantic cooperation in this regard». Ministerial support is carried out using three routes: 1) institutional, which consists of facilitating integration of Spanish companies into the international market through governmental agreements with other countries; 2) industrial cooperation made under the cover of weapons and foreign equipment acquisition programmes, and 3) by supporting exports<sup>55</sup>. In the same regard the National Defence Directive, dated July 2012, points to support of internationalisation of the defence industry as one of its goals.

Institutional support for weapons exports is considered as part of the weapons and material policy. Exports enable the costs that the weapons development programmes<sup>56</sup> represent to be recovered. On the other hand, according to the arms industry, exports are fundamental for its preservation<sup>57</sup>. The production percentage for export varies between 20 and 30% depending on the year<sup>58</sup>.

The Ministry of Defence has spent years promoting a policy on defence material exports development. This policy consists of the search for markets and supporting the military industry's presence abroad, the signing of cooperation protocols with different States<sup>59</sup>, the establishment of contacts and the negotiation of contracts, the representation of the industry interests in different forums and meetings and even in the insurance of export operations if a non-payment occurs.

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<sup>55</sup> MINISTRY OF DEFENCE: 2003, 298-300, the text in inverted commas relates to page 298.

<sup>56</sup> MINISTRY OF DEFENCE: 2011, 42.

<sup>57</sup> In this way, at the appearance before the Parliamentary Defence Committee held on 13th September 2004 the Director General of AFARMADE, Carmen García-Valdés de Yrizar, pointed out that «today there are no industrial defence sectors that can live without exports. As powerful as the defence proposals of a country are they are always insufficient to maintain an important industrial sector and acceptable prices and competition. Consequently, exporting is something that of necessity must be considered» (Senate Sessions Report, dated 13th September 2004. Commissions, No. 45, page 5).

<sup>58</sup> In 2009 the sales from the Spanish military industry amounted to 6,564 billion euros, with exports being 1,346 billion euros. (See the Delàs Centre web site, [www.centredelas.org/Statistics](http://www.centredelas.org/Statistics) section, military industry in Spain).

<sup>59</sup> For example, the cooperation protocol signed with the Bolivarian Republic of Venezuela, through which in 2005 the Venezuela government agreed to acquire four patrol boats and four coastguard service vessels from Navantia, as well as ten CASA 295 type planes and twos CN-235 planes from EADS-CASA. See the appearance of the then Minister of Defence, José Bono Martínez, before the Defence Committee of the

### **Box 6. The policy supporting the arms industry: documents and statements**

«Acquisitions of military equipment tend to be made between governments that are players as important as the supplying companies themselves. On the other hand the countries acquiring the weapons demand **support of their armed forces using** these systems for their own training in their use and for maintenance during their lifecycle. Under these premises only support from the Ministry of Defence can enable long-term maintenance of the presence of our companies abroad».

*Strategic Defence Review*, (2002), pages 299-300 (original in bold).

«Finally the defence of Spain demands drive from the national industry in the sector, an ideal supplier of our armed forces' requirements. Currently *its permanence and development makes assisting it with an international presence necessary, especially in penetration into markets* that by their specificity observe greater guarantees with State to State support»

*National Defence Directive*, July 2012, (section 4.5, our italics).

«transfer and sale of defence material and services to other countries for equipping their armed forces constitutes a form of collaboration between the Ministries of Defence, also shown as a tool contributing to our industrial defence policy that can beneficially affect the national industry and the armed forces themselves»

*In agreement with the management assignment between the Ministry of Defence and the Sociedad Mercantil Estatal Ingeniería de Sistemas para la Defensa de España S. A. (ISDEFE) for carrying out activities and assistance and help works in the development of an arms policy and defence material in the international sphere* (from 24th July 2009; BOD (Official Defence Bulletin) dated 6th August 2009).

[The Ministry of Defence's support to the Spanish arms industry is shown] «in exports. And there government support is extremely important. We have started a very strong initiative to support and open markets for our industry throughout the world, even in areas in which we are not present.»

Constantino Méndez, Secretary of State for Defence, interview in the Spanish Defence Review, No. 272 (April 2011), page 22.

«We must explore new areas of collaboration with defence industries, a strategic sector for national interests, both from an economic and technological point of view, and from the intrinsic and specific defence point of view. As a result, we will give institutional support to the industry and their need for internationalisation. [...] It is clear that in the current situation *we have to proceed to an export model*. Our industry, in the current situation, cannot maintain itself only with the expectation of having the captive client that is national defence.»

The appearance of Pedro Morenés Eulate, Minister of Defence, at the Defence Committee, Spanish Parliamentary Sessions Report, Defence Committee, X Legislature number 28, 26th January 2012, page 7 (our italics).

This support policy on exports is put into practice through a fairly complex organisation, made up of two types of administrative units: the Office of Foreign Support and the Defence Attaché Office; and through three public owned companies: DEFEX S.A., Compañía Española de Créditos a la Exportación, S. A., and ISDEFE.

The Foreign Support Office, created in 1993<sup>60</sup>, is part of the General Subdirectorate of International Relations in the General Directorate of Arms and Material at the Ministry of Defence<sup>61</sup>. Its objective is «to assist Spanish defence companies in their export ef-

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Spanish Parliament on 18th April 2005 (Spanish Parliamentary Sessions Report, No. 249, on 18th April 2005, Defence Committee, especially pages 2 and 3).

<sup>60</sup> Through the Directive 78/1993, dated 27th July, from the Ministry of Defence, to «Support the presence abroad of Spanish defence companies». A directive that has not been published.

<sup>61</sup> Therefore it reports to the Director General of Weapons and Material, who forms part of the organisation responsible for authorising weapons exports, the JIMDDU.

forts, by obtaining and disseminating information and the selection of countries that by their expectations could be interesting for them»<sup>62</sup>. The office usually collaborates with the Defence Attaché Office, both providing it with information<sup>63</sup> and obtaining information from it<sup>64</sup>.

The Defence Attaché Office makes up part of the Spanish Diplomatic Missions<sup>65</sup>. It reports to the Secretary General of Defence in the Ministry of Defence, specifically the General Director of Defence Policy. Among the duties attributed to the Attaché's Office, developing weapons exports is not expressly mentioned. In practice it is dedicated to this task<sup>66</sup>. Currently there are Defence Attaché Offices in 37 Spanish diplomatic missions and consular offices abroad that, thanks to multiple accreditations, are expanding their presence to 82 countries<sup>67</sup>. In Africa, there are Defence Attaché Offices in Algeria, Egypt, Morocco, Mauritania and Tunisia.

The public company DEFEX S.A. was created in 1972 for the purpose of promoting Spanish defence companies' exports. Its main task is to represent Spanish companies dedicated to the manufacture of weapons and defence products, for the purpose of marketing their activities and facilitating export of their products<sup>68</sup>. We have little information on this company<sup>69</sup>. According to the data from 1989, DEFEX had offices in Lagos, Nigeria<sup>70</sup>.

The «Compañía Española de Seguros de Crédito a la Exportación, Sociedad Anónima, Cía. de Seguros y Reaseguros» (CESCE), is a public company whose majority shareholding is held by the Spanish State. The country's main banks and insurance compa-

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<sup>62</sup> *Ministry of Defence, Record of Legislature V (1993-1996)*, page 306. The article «Searching for markets» can also be seen in the *Spanish Defence Review No. 75 (May 1994)*, pages 52 and 53. On the specific duties performed by the Office, see Juan Luis GALEANO: 1994, 19.

<sup>63</sup> *Record of Legislature VI (1996-2000)* of the Ministry of Defence (page 327).

<sup>64</sup> Eladio FERREIRO DÍAZ and J. Ángel TABOADA RODRÍGUEZ: 1998, 25.

<sup>65</sup> Its legal system is set out in Royal Decree 959/2005, dated 29th July, through which the Defence Attaché Office and the Order DEF/783/2007, dated 22nd March, on the organisation and functioning of the Offices of the Defence Attaché, are regulated.

<sup>66</sup> Francisco Javier BLASCO ROBLEDÓ recognises it this way. He considers that the Defence Attaché Office is «one of the best representatives of the weapons and dual-use goods industry»; The Defence Attaché Office «serves as an element of support and introduction for the national industry on defence materials». Francisco Javier BLASCO ROBLEDÓ: 2006, 85 y 87. This author is an Infantry Colonel, Graduate of the Staff College. See also the *Record of Legislature VII (2000-2004)* of the Ministry of Defence, (page 225) and the *Record of Legislature VI (1996-2000)* of the Ministry of Defence (page 327).

<sup>67</sup> According to Víctor HERNÁNDEZ: 2007, 17, and the information updated by the author.

<sup>68</sup> Hermann RANNINGER: 1985, 485. See also Eduardo MELERO ALONSO: 2008, 55-57.

<sup>69</sup> Its share capital is fixed at 2,555,500 euros. This is set out in art. 5 of its Corporate Statutes, registered in the Madrid Company Register (volume 2463, section 8, sheet A-43103, entry 183). According to Pere ORTEGA: 2007: 181. 51% of its capital is in the hands of the State; both Instalaza and the Spanish Explosives Union each own 10.8% of its capital and Sapa Plasencia has 8.2% (data updated in September 2006).

<sup>70</sup> In addition to that in the United States (DEFEX-USA in Washington), Singapore (for the eastern market), Bogota (for the Latin American market) and Abu Dhabi, they are present in thirty-eight countries through representatives in private organisations; Vicenç FISAS: 1989, 50.

nies also make up part of its shareholding<sup>71</sup>. Its corporate purpose is to insure the risks of non-payment originating from sales of their products and services both in the national and foreign market<sup>72</sup>. Although its operation is confidential with regards to insurances<sup>73</sup>, the participation of CESCE in weapons and dual-use goods material export to Ecuador<sup>74</sup> has been documented.

«Ingeniería de Sistemas para la Defensa de España, S. A.» (ISDEFE) is a state-owned company, reporting to the Ministry of Defence and presided over by the Secretary of State for Defence. Within it, the International Consultancy for Defence and Security (CIDyS) is responsible for providing institutional support to the military industry. Among its objectives are: «Support for promoting international presentation of the Spanish Defence Industry and particularly, for expanding the foreign market for our defence products and services» and «Support for the establishment and improvement of industrial and technological relations with potential clients for defence material»<sup>75</sup>. The International Defence and Security Consultancy in ISDEFE has become the main instrument of institutional support for weapons exports<sup>76</sup>. According to the Secretary of State for Defence, CIDyS is «a first step towards specialising in an essential activity within the whole system, which is the activity of institutional support for exports»<sup>77</sup>

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<sup>71</sup> According to Pere ORTEGA: 2007: 181, 50.25% of its capital is in the hands of the State, BBVA owns 14.28%, BSCH 13.95%, Banesto 6.42%, Banco de Sabadell 3.4%, Banco Popular 1.8%, and Banco Pastor, Deutsche Bank and Barclays Bank each own 1% (data updated in September 2006).

<sup>72</sup> Data taken from the web site [www.cesce.es](http://www.cesce.es).

<sup>73</sup> See article 2 from the Order ECO/180/2003, dated 22nd January, on cover by the State of risks derived in foreign trade from foreign investments and from financial transactions abroad.

<sup>74</sup> In August 2000 a vehicle fleet destined for the police in Ecuador was exported (total purchase and insurance cost was 5.7 million dollars); in May 2004 an entire control system was exported for the police (total purchase and insurance cost was 14.3 million dollars); in September 2003 a CASA CN-235-300 plane was sold to the army to patrol the coast (total purchase and insurance cost was 24 million dollars); and in October 2003 three ocean-going launches were sold to the army to patrol the coast (total purchase and insurance cost was 36 million dollars). Miguel ORTEGA CERDÁ: 2004, 2.

<sup>75</sup> See Resolution 300/12557/09, dated 24th July 2009, from the Secretary of State for Defence, through which ISDEFE is commissioned for the preparation of activities and tasks of assistance and support in the development of a policy on weapons and defence material within the international sphere (BOD dated 6th August 2009). It can also be seen on the web site [www.isdefe.es](http://www.isdefe.es).

According to the ISEDEFEE 2010 Annual Report (page 24), during this year CIDyS intervened in signing specific Collaboration Agreements with countries such as Peru, Columbia and Malaysia and extended access to new markets such as Brazil, India, Vietnam and the Philippines.

<sup>76</sup> The importance of CIDyS as a part of the support policy for weapons exports was pointed out by the then Secretary of State for Defence, Constantino Méndez, in an interview in *El País (business section)*, dated 9th March 2010.

<sup>77</sup> Spanish Parliamentary Sessions Report, No. 838, IX Legislature, Defence Commission, dated 21st September 2011, page 9.

The Secretary of State's speech continued in this way: «Its creation [CIDyS] answers a series of strategic needs closely related to the model's structural weaknesses and, particularly, with those that affect our industries. This does not refer to only promoting the exporting activity of our companies or explore the ministry's international relations but to assisting the restructuring of our industrial base, to obtain the maximum return from investments made with the national programmes and generally optimise the resources that the ministry has invested in these processes».

**Box 7. The Ministry of Defence acts as a commercial agent for the weapons companies: negotiation of the sale of Leopard tanks to Saudi Arabia**

In October 2010 the *El País* newspaper (25/10/2010) reported that Spain was negotiating the sale of Leopard combat vehicles to Saudi Arabia. The operation would include between 200 and 270 tanks and could exceed 3 billion euros, which would make it the largest weapons export in Spanish history. The Leopard is made in Spain by the private company, General Dynamics–Santa Bárbara Sistemas. The news provided few data on how the negotiation had been carried out, except that it started in May 2008, with a visit by King Juan Carlos to this country. It also pointed out that the Saudi military had already inspected the Leopard functioning at the manoeuvres camp at San Gregorio, in Zaragoza.

In March 2011 *elEconomista.es* (28/3/2011), stated that there had been contact between staff at the Ministry of Defence and the Saudi Arabian army to break the stalemate in the negotiation on the sale of Leopard tanks. It was pointed out that the public company, Isdefe, would be leading the conversations and that if the transaction was completed the company Santa Bárbara Sistemas would seek to partner with Indra, Amper, TecnoBit, Navantia or Sapa.

At the beginning of April 2011 (*Infodefensa.com* 8/4/2011), The Director General of Weapons and Material at the Ministry of Defence travelled to Saudi Arabia to continue advancing with the negotiations on the sale of the Leopard combat vehicles. He was accompanied by consultants from the public company, Isdefe, the company commissioned for the day to day contact on the possible contract and by some representatives of the Spanish companies.

In July 2011, according to *Infodefensa.com* (5/7/2011), the German Federal Security Council authorised the sale of more than 200 Leopard 2A7+ combat vehicles to Saudi Arabia and therefore the German government was also negotiating with Saudi Arabia for the sale of Leopard tanks (see *Infodefensa.com* 15/02/2002).

In December 2011 the then Secretary of State for Defence, Constantino Méndez, sent a letter to the Saudi government saying that «instructions have now been given so that the preparation of a definitive offer on the Leopard vehicle can be made, in accordance with the requirements demanded by the Kingdom of Arabia». The new Secretary of State, Pedro Argüelles, would be preparing a combined meeting with the Saudi executive to present a final proposal, according to the ABC newspaper (see *Infodefensa.com* 15/02/2002).

In May 2012 the Ministry of Defence travelled to Saudi Arabia to promote defence agreements and the sale of the Leopard tanks; one week before a delegation from the Saudi Advisory Council (*Infodefensa.com* 14/05/2012 and *El Mundo.com* 14/05/2012).



On 25th May the Council of Ministers approved Royal Decree Act 19/2012, which made it possible for the Ministry of Defence to sign weapons supply contracts with governments of other countries, taking responsibility for management and execution of the contract. The Secretary of State for Defence recognised that Saudi Arabia was one of the countries that demanded these types of contracts be signed to acquire weapons (Infodefensa.com 14/06/2012)

In June 2012 the Ministry of Defence held a meeting in Madrid with his counterpart from Saudi Arabia to deal with, among other topics, the sale of combat vehicles (see Infodefensa 7/06/2012). The Ministry of Defence reported that Spain was «on the short list» for this contract (Infodefensa 8/06/2012).

According to the Secretary of State for Defence: «Support from the Ministry of Defence, the President of the Government and His Majesty the King for this project is unquestionable», when referring to the possible sale of Leopard tanks to Saudi Arabia (Infodefensa.com 14/06/2012).

There is little news on the activities that the Ministry of Defence is carrying out to benefit weapons exports, activities that are generally carried out, in total confidentiality and secrecy. The case of Saudi Arabia, regardless of the final result, reveals the strong involvement of the Spanish Ministry of Defence in the negotiation phase for the contracts. It acts as an intermediary and as a commercial agent for the private weapons companies.

The most innovative instrument for benefitting exports consists of enabling the Spanish government, through the Ministry of Defence, to sign weapons exports contracts with a foreign government. This possibility was laid out in the Royal Decree Act 19/2012, dated 25th May, on urgent measures for releasing trade and certain services<sup>78</sup>. The Ministry of Defence will sign two contracts: one with the foreign government; a contract through which the Ministry of Defence agrees to guarantee the supply of weapons manufactured by a Spanish company, supervising the contract execution and material supply. In this first contact the Ministry of Defence acts in name and representation of the foreign government. The second contract will be signed between the Ministry of Defence and the company supplying the weapons<sup>79</sup>.

This measure represents a qualitative leap in the policy of promoting weapons exports, since it will be the Ministry of Defence that signs the contracts and will agree to guarantee the supply of weapons manufactured by a Spanish company, supervising the con-

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<sup>78</sup> Published in the Official State Gazette on 26th May.

<sup>79</sup> Royal Decree Law 19/2012 also enables the Ministry of Defence to supervise compliance with the weapons supply contracts signed between foreign governments and companies with their address within Spanish territory; it plans and administers the programmes for obtaining weapons in favour of other governments; it transfers operational and technological knowledge on defence material to foreign governments; it provides technical and operational advice for executing a programme of defence material; or it carries out quality-control activities.

tract execution and material supply. The Ministry of Defence becomes the representative of the military industry. It has been estimated that this type of government to government agreement could reach a value of 900 million euros a year<sup>80</sup>. It seems that the Ministry of Defence is planning some more ambitious objectives, since it plans to use this instrument in a more generalised manner in all the export operations it can<sup>81</sup>.

Finally it must be considered that the relationship between the Ministry of Defence and the weapons industry is fluid, as revealed by the cases of «revolving doors» between the private and public sector, including both politicians and the military. The most noteworthy case is that of Pedro Morenés Eulate, Secretary of State for Defence between 1996 and 2000 and subsequently director at the bomb and ammunition company, Instalaza, executive president of the missile company, MBDA España and appointed Minister of Defence in December 2011. Therefore, it can be confirmed that in Spain there is an industrial military complex, a strong lobby made up of the military, industrialists and some politicians<sup>82</sup>.

The same government that drives this policy of weapons promotion is that responsible – through the JIMDDU – for controlling the arms trade, by authorising exports to other countries. There is no doubt that the JIMDDU is another part of the policy of arms export promotion. As the data shows, the JIMDDU is not interpreting the legal criteria that the authorisation of weapons exports must comply with very rigorously.

## 2.4. CONTROL MECHANISMS

The 53/2007 Act established two instruments for controlling weapons exports: the preparation of official statistics and the appearance at the Spanish Parliament of the Secretary of State for Tourism and Trade. The secrecy that exists in the arms trade prevents these instruments from fulfilling an effective role since it is not known which specific weapons have been exported.

### 2.4.1. OFFICIAL STATISTICS

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<sup>80</sup> That is the opinion of Inés de Alvear, lawyer at the office of Uría Menéndez and expert in contracts and investments with regards to defence: see Infodefensa.com dated 14th September 2012.

<sup>81</sup> According to statements from the Secretary of State for Defence, Pedro Argüelles; see Infodefensa.com dated 8th October 2012.

<sup>82</sup> About this question see Pere ORTEGA and Camino SIMARRO: 2012, 19-21.

The government must send the Spanish Parliament the information on dual-use and defence material on a monthly basis. The information must include, at least «the value of the exports by countries of destination and product categories, technical assistance, final use of the product, the public or private nature of the final user, the rejections made, the changes to legislation and Spanish actions in the related international regimes» (article 16.1 of the Act)<sup>83</sup>.

This obligation is specified in the «Spanish Statistics on Exports of Defence Material, other Material and Dual-Use Goods and Technologies», prepared by the Secretary of State for Tourism and Trade that are published through the Ministry's web site<sup>84</sup> and the *Economic Bulletin of the ICE (Spanish Trade Information)*<sup>85</sup>.

The information contained in the statistics is too generic. They include tables on the value of the authorised exports by destination countries, by product categories and they also indicate the nature of the final user and the product's final use, pointing out whether it is public or private. It distinguishes between defence material, material for police and security use and dual-use goods and technologies. However they do not show the type and model of weapon that is exported. In short, with the information contained in the reports it is impossible to know what specific weapons have been sold by the Spanish military industry to other countries<sup>86</sup>. In essence, the statistics maintain the confidentiality of the weapons exports. In this way the exports benefit and at the same time the government does not have to assume the political costs of making public the weapons exports that it authorises<sup>87</sup> meaning that the value of the official statistics as an instrument of control is very limited, which was made clear in the case of the cluster bomb exports to Libya.

#### 2.4.2. PARLIAMENTARY CONTROL

One of the basic functions exercised by the General Courts is to control the government's action, which includes the arms trade. In practice, parliamentary control is the only inspection mechanism that is really exercised on weapons exports. This parliamentary control can be carried out through parliamentary questions and challenges and above all, with the appearance of the Secretary of State for Tourism and Trade.

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<sup>83</sup> In this way, legal standing is granted for a practice that the government is carrying out based on an agreement of the Spanish Parliament plenary session on 18th March 1997.

<sup>84</sup> See statistics and reports within the section relating to foreign trade (<http://www.comercio.mityc.gob.es>).

<sup>85</sup> The *Economic Bulletin of the ICE* can be consulted on the web site [www.revistasice.com](http://www.revistasice.com).

<sup>86</sup> Tica FONT: 2007, 203-204.

<sup>87</sup> Tica FONT and Francesc BENÍTEZ: 2011, 11.

The Secretary of State for Tourism and Trade must appear once a year before the Spanish Parliament's Defence Committee to report on the dual-use and defence material exports (art. 16.2 of the LCCEMDDU – Act on the control of Foreign Trade in Defence and Dual-Use Goods)<sup>88</sup>.

This refers to an *a posteriori* control after the export authorisations have been granted and is limited to only one annual appearance. It is a fairly ineffective control as its real operation shows. The debate is focused on general questions, to a large extent because the parliamentarians do not have more information than that included in the official statistics since no additional document is given to them. And, if any specific operation is focused upon, the Secretary of State can answer evasively or with generalities<sup>89</sup>. Also, appearances are limited to a couple of hours, insufficient time to analyse in depth the exports carried out throughout the entire financial year.

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<sup>88</sup> This appearance is made based on the Spanish Parliament Plenary Session agreement on 11th December 2001.

<sup>89</sup> For example, questions can be asked about the position of the government in relation to the arms embargo in China. See the Spanish Parliamentary Sessions Record, Defence Committee, No. 241, dated 5th April 2005, pages 10, 16 and 17.

### 3.1. GENERAL EXPORT FIGURES

#### 3.1.1. EUROPEAN UNION

Between 2002 and 2010 European Union countries exported weapons to Africa valued at 5.1615 billion euros<sup>90</sup>. It represented 7.08% of the total of the weapons transfers carried out by European Union countries (see table 4).

By destination regions the exports are somewhat higher in the case of Sub-Saharan Africa: 2.861 billion euros, which represented 55.4% compared to 2.3 billion in weapons exported to North Africa, representing 44.6%. However, these figures are somewhat misleading, since the majority of weapons exports to Sub-Saharan Africa have South Africa as their destination. Weapons sales to South Africa amounted to 2.397 billion euros during the period 2002-2010. In other words South Africa alone acquired 83.78% of the weapons exported to Sub-Saharan Africa by the European Union; 46.44% if all the continent's countries are taken into account.

Progression in the volume of exports shows a clear trend in the increase of the arms trade between the European Union and Africa.

During the period 2002-2010 European Union countries exported weapons to forty-nine of the fifty-three African countries. The main clients for the European weapons industry were: South Africa (2.397 billion euros), Morocco (655 million euros), Algeria (652 million euros), Egypt (544 million euros), Libya (333 million euros), Nigeria (147 million euros) and Tunisia (106 million euros) [see table 5].

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<sup>90</sup> In current euros. All the statistics included in this report refer to current euros.

Despite the export figures being modest in their quantity, Africa has become a good market for European weapons. Many countries receive European weapons every year, which shows that relationships have been strengthened with these countries.

**Table 4. European Union exports to Africa 2002-2010: global figures and percentages (in thousands of current euros)**

Year Countries	2002		2003		2004		2005		2006	
	Total	%	Total	%	Total	%	Total	%	Total	%
<b>N. Africa</b>	35,611.02	1.03%	88,825.20	2.75%	80,133.98	0.81%	278,083.38	3.12%	224,806.95	2.35%
<b>Sub-Saharan Africa</b>	50,322.89	1.45%	325,439.77	10.07%	477,661.08	4.81%	433,418.45	4.86%	425,242.64	4.45%
<b>Africa total</b>	85,933.91	2.48%	414,264.97	12.82%	557,795.06	5.61%	711,501.83	7.98%	650,049.59	6.80%
<b>Total worldwide</b>	3,465,605.55	100%	3,232,232.02	100%	9,937,798.20	100%	8,911,553.41	100%	9,555,322.12	100%

Year Countries	2007		2008		2009		2010		Period 2002-2010	
	Total	%	Total	%	Total	%	Total	%	Total	%
<b>N. Africa</b>	20,371.39	0.20%	376,234.90	4.45%	695,157.44	6.79%	501,255.58	5.77%	2,300,479.84	3.16%
<b>Sub-Saharan Africa</b>	244,904.95	2.36%	337,200.84	3.99%	373,666.24	3.65%	193,195.90	2.22%	2,861,052.76	3.93%
<b>Africa total</b>	265,276.34	2.56%	713,435.74	8.43%	1,068,823.68	10.44%	694,451.48	7.99%	5,161,532.60	7.08%
<b>Total worldwide</b>	10,378,566.19	100%	8,461,119.61	100%	10,240,719.21	100%	8,694,273.05	100%	72,877,189.34	100%

In this way exports are strengthened in all the North African countries (Morocco, Algeria, Egypt, Libya, Tunisia and Mauritania, in the order of the volume of their acquisitions) and in many from Sub-Saharan Africa. Sub-Saharan countries that have received European weapons for at least five years in the 2002-2010 period are: south Africa, Nigeria, Kenya, Botswana, Angola, Ethiopia, Chad, Mali, Cameroon, Equatorial Guinean, Ghana, Burkina Faso, Gabon, Republic of the Congo, Eritrea, Senegal, Uganda, Malawi, Namibia, Democratic Republic of the Congo, Sudan, Djibouti, Mauritius, Liberia, Zambia, Togo and Cape Verde.

Although in many cases the exported amounts are small it must be considered that weapons export is just another phase within the weapons cycle. These exports contribute to the maintenance of the weapons industry, for which exports have a fundamental importance.

A final significant piece of data is the exports to Libya. In 2009, weapons were exported for a value of 173.9 million euros and in 2010 for a value of 100.8 million. This shows

that there are no preventive policies for human rights protection with regards to the arms trade.

**Table 5. 2002-2010 European Union exports to Africa by destination countries (in thousands of current euros)**

<b>Countries</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>TOTAL</b>
Morocco	7,560.34	4,175.30	17,593.11	36,364.69	36,981.87	3,986.17	139,864.08	198,981.43	209,884.67	<b>655,391.67</b>
Algeria	14,993.41	17,491.00	20,398.47	136,016.59	33,748.73	7,059.69	103,932.99	212,586.76	105,856.18	<b>652,083.82</b>
Egypt	12,840.89	63,633.04	36,949.19	78,353.55	121,009.10	6,749.94	75,666.02	75,692.01	73,112.20	<b>544,005.95</b>
Libya			1,080.49	196.98	738.77	1,762.39	54,983.43	173,947.51	100,871.87	<b>333,581.44</b>
Tunisia	216.37	3,525.85	4,112.72	27,058.06	30,360.86	804.62	1,527.85	33,714.96	5,182.05	<b>106,503.35</b>
Mauritania				93.51	1,967.62	8.58	260.53	234.77	6,348.61	<b>8,913.62</b>
<b>North Africa total</b>	<b>35,611.02</b>	<b>88,825.20</b>	<b>80,133.98</b>	<b>278,083.38</b>	<b>224,806.95</b>	<b>20,371.39</b>	<b>376,234.90</b>	<b>695,157.44</b>	<b>501,255.58</b>	<b>2,300,479.84</b>
South Africa	45,212.61	312,465.23	460,977.48	421,168.85	399,376.22	175,636.44	230,321.93	211,045.40	141,028.82	<b>2,397,232.98</b>
Nigeria	375.00	4,963.46	1,194.53	110.00	936.12	23,947.57	36,798.05	59,469.44	19,276.21	<b>147,070.38</b>
Kenya	724.00	733.00	529.48	752.91	6,039.43	6,887.94	14,491.37	13,215.26	12,104.12	<b>55,477.51</b>
Botswana	416.11	274.62	6,370.00	293.96	5,973.56	112.20	393.54	37,583.76	1,998.98	<b>53,416.73</b>
Angola	1,561.20	55.47	185.00	779.99	6,795.07	9,274.16	23,714.22	1,470.86	162.00	<b>43,997.97</b>
Ethiopia		1,486,08	2,648.66	1,727.91	2,806.51	11,896.77	7,183.48	7,668.24	1,907.41	<b>37,325.06</b>
Chad	179.37	1,199.81	439.52	929.93	110.00	5,432.08	9,448.87	3,854.41	2,781.03	<b>24,375.03</b>
Rwanda				173.00		933.15	174.45	15,175.00	0.00	<b>16,455.60</b>
Mali				422.00	3.00	5,836.09	2,292.20	5,527.27	673.51	<b>14,754.07</b>
Cameroon		462.99	1,000.00	3,274.08	26.73	475.74	3,073.84	2,143.38	335.93	<b>10,792.69</b>
Equatorial Guinea				642.52		2,408.83		1,585.33	2,643.40	<b>7,280.08</b>
Ghana	1,635.13	953.90	63.59	84.91	16.35	287.69	18.64	2,803.60	0.00	<b>5,863.81</b>
Burkina Faso			659.89	169.77	2.21		734.22	1,936.14	2,247.84	<b>5,750.07</b>
Gabon	0.89	1,102.04	1,320.05	933.79	298.61	327.85	488.74	1,226.68	No data	<b>5,698.65</b>
Benin	30.00						440.30	4,362.23	33.95	<b>4,866.48</b>
Rep. of the Congo				105.80	54.18		2,317.16	248.61	1,828.00	<b>4,553.75</b>
Eritrea	60.00	31.67	888.84	16.00	638.52		2,249.20		0.00	<b>3,884.23</b>
Central African Re- public					615.92		204.48		2,685.62	<b>3,506.02</b>
Senegal		66.00	402.00	316.48		30.28	20.68	2,401.72	175.53	<b>3,412.69</b>
Niger						618.97	1,607.84	934.70	5.78	<b>3,167.29</b>
Uganda		6.80	384.72	396.00	130.44		151.45	6.67	1,502.41	<b>2,578.49</b>
Malawi			101.00	347.16	134.56	159.92	148.81	91.09	369.74	<b>1,352.28</b>
Namibia		635.00	1.08	25.00	103.67	14.93	67.37	155.99	238.96	<b>1,242.00</b>
Dem. Rep. of Congo		992.00	43.76	16.56	38.80	78.00	24.93		10.61	<b>1,204.66</b>
Sudan		11.70	36.13	47.23	565.34		293.67	108.61	141.85	<b>1,204.53</b>



<b>Countries</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>TOTAL</b>
Tanzania			25.71	96.71	255.27	80.15	267.00	62.40	371.95	1,159.19
Djibouti			200.00	184.13	9.88	281.07	19.14	30.00	420.90	1,145.12
Mauritius	30.00		103.00	255.02	197.06	115.50	151.78	74.64	63.56	990.56
Liberia			10.80	67.86	8.76		0.00	342.00	12.58	442.00
Zambia	98.57		26.92		24.57	17.12	15.72		40.88	223.78
Somalia				26.19		0.59	0.00	112.73	28.50	168.01
Togo				5.63	51.62	9.60	0.00	8.35	35.33	110.53
Mozambique							67.55		0.00	67.55
Cape Verde				5.00		1.90	16.01	10.39	30.50	63.80
Sao Tomé and Príncipe			20.00				0.35		36.20	56.55
Madagascar						37.30	0.00		0.00	37.30
Guinea-Bissau			27.42			3.11	3.85		No data	34.38
Guinea					30.24				0.00	30.24
Ivory Coast				29.00			0.00		0.00	29.00
Seychelles								11.74	3.80	15.54
Burundi				11.00			0.00		No data	11.00
Sierra Leone				4.06			0.00		0.00	4.06
Zimbabwe			1.50						0.00	1.50
Gambia							0.00		0.00	0.00
Comoro Islands									No data	0.00
Lesotho									0.00	0.00
Swaziland							0.00		0.00	0.00
<b>Sub-Saharan Africa total</b>	<b>50,322.89</b>	<b>325,439.77</b>	<b>477,661.08</b>	<b>433,418.45</b>	<b>425,242.64</b>	<b>244,904.95</b>	<b>337,200.84</b>	<b>373,666.64</b>	<b>193,195.90</b>	<b>2,861,053.16</b>
<b>TOTAL AFRICA</b>	<b>85,933.90</b>	<b>414,264.97</b>	<b>557,795.06</b>	<b>711,501.83</b>	<b>650,049.59</b>	<b>265,276.34</b>	<b>713,435.74</b>	<b>1,068,824.08</b>	<b>694,451.48</b>	<b>5,161,533.00</b>

Source: European Commission: Annual Report according to operative provision 8 of the EU Code of Conduct on Arms Exports, n.5-13

### 3.1.2. SPAIN

Between 2002 and 2010 Spain exported weapons to African countries worth 402.6 million euros. This represented 6.04% of the total worldwide exports carried out by Spain (see table 6); this figure is somewhat lower than the entire European Union (7.08%). Of all the weapons transfers from the European Union to Africa, Spanish exports represented 7.85% of the total (405,299,650 euros out of a total of 5,161,533,000).

According to the destination regions the exports were directed mainly to North African countries: 335.8 million euros, which represented 83.41% of Spanish exports to Africa, compared to 66.8 million euros exported to Sub-Saharan African countries, in other words, 16.59%. This large difference is explained by the closer geographical and political relations between Spain and the North African countries.

The trend shows an increase in Spanish weapons exports to Africa, with strong fluctuations depending on the years.

Spanish weapons exports to Africa are concentrated in fewer countries than those of the European Union as a whole; nineteen, of which twelve have received exports worth more than a million euros. The main clients have been: Morocco (191.8 million euros)<sup>91</sup>, Algeria (117.8 million euros), Botswana (44.9 million euros), Rwanda (15.2 million euros), Libya (15.1 million euros), Egypt (6 million euros), Ghana (3.2 million euros), Mauritania (2.9 million euros), South Africa (1.4 million euros) and Tunisia (1.1 million euros) [see table 7]. Spain exports hardly any weapons to South Africa, the main client for the European weapons industry.

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<sup>91</sup> It must be considered that in 2008 the Spanish government gave Morocco eight aerial bomb launchers valued by the government at 86,848 euros for the price of one euro. In this year Morocco was also given six light torpedoes for the price of one euro, whose valuation by the Spanish government is not recorded. For more information on these transfers see section 2 of Chapter 3.

**Table 6. 2002-2010 Spain-Africa exports: global figures and percentages (in thousands of current euros)**

Countries Years	2002		2003		2004		2005		2006	
	Total	%	Total	%	Total	%	Total	%	Total	%
N. Africa	8,152.84	2.97	863.33	0.23	4,288.90	1.06	120,313.32	28.68	17,018.59	2.01
Sub-Saharan Africa	1,176.55	0.43	1,407.37	0.37	186.50	0.05	163.78	0.04	6,475.96	0.77
<b>Africa total</b>	<b>9,329.39</b>	<b>3.40</b>	<b>2,270.70</b>	<b>0.59</b>	<b>4,475.40</b>	<b>1.10</b>	<b>120,477.10</b>	<b>28.72</b>	<b>23,494.55</b>	<b>2.78</b>
<b>Total world-wide</b>	<b>274,709.81</b>	<b>100</b>	<b>383,098.25</b>	<b>100</b>	<b>405,880.90</b>	<b>100</b>	<b>419,451.80</b>	<b>100</b>	<b>845,074.3</b>	<b>100</b>

Countries Years	2007		2008		2009		2010		2002-2010 period	
	Total	%	Total	%	Total	%	Total	%	Total	%
N. Africa	11,499.39	1.23	119,746.02	12.81	34,518.46	2.56	19,418.07	1.72	335,818.91	5.03
Sub-Saharan Africa	15.51	0.00	876.08	0.09	56,468.92	4.19	3.72	0.00	66,774.39	1.00
<b>Africa total</b>	<b>11,514.90</b>	<b>1.23</b>	<b>120,622.10</b>	<b>12.91</b>	<b>90,987.38</b>	<b>6.76</b>	<b>19,421.78</b>	<b>1.72</b>	<b>402,593.30</b>	<b>6.04</b>
<b>Total world-wide</b>	<b>932,941.36</b>	<b>100</b>	<b>934,450.43</b>	<b>100</b>	<b>1,346,515.87</b>	<b>100</b>	<b>1,128,302.78</b>	<b>100</b>	<b>6,670,425.5</b>	<b>100</b>

As a whole the African continent is not a consolidated market for Spanish weapons exports. Morocco and Egypt are the countries that acquired Spanish weapons for the most years: Morocco received Spanish weapons over the nine years studied, whilst in the case of Egypt the transfers took place over eight years. Angola bought Spanish weapons for five years; Algeria, Mauritania, South Africa and Cameroon for four years.

The exports to Libya should also be stressed in the case of Spain. The arms embargo finished in 2004 and the first exports took place in 2005, amounting to 25,950 euros. However, in 2008, the amount exported reached 3.8 million euros and in 2010 it was 11.2 million euros.

**Table 7. 2002-2010 Spain-Africa exports by destination countries (in thousands of current euros)**

<b>Countries</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>TOTAL</b>
Morocco	6647.95	433.38	3,637.98	9,229.49	16,824.34	11,113.80	113,900.26	31,118.34	2,512.00	<b>191,779.56</b>
Algeria				110,578.80			690.16	3,394.21	3,116.63	<b>117,779.80</b>
Libya					25.95		3,839.22		11,247.10	<b>15,112.26</b>
Egypt	1504.89		628.47	136.73	168.30	385.59	1,316.38	4.20	2,539.84	<b>6,055.93</b>
Mauritania		429.95		0.30				1.71	2,507.00	<b>2,938.96</b>
Tunisia			22.45	368.00					778.48	<b>1,146.48</b>
<b>North Africa total</b>	<b>8152.84</b>	<b>863.33</b>	<b>4,288.90</b>	<b>120,313.32</b>	<b>194.25</b>	<b>385.59</b>	<b>119,746.02</b>	<b>34,518.46</b>	<b>22,701.04</b>	<b>334,812.98</b>
Botswana					5,973.56			37,499.26	1,404.20	<b>44,877.02</b>
Rwanda								15,175.00		<b>15,175.00</b>
Ghana	15.35	888.90						2,293.80		<b>3,198.05</b>
Kenya				162.88				511.00	1,985.91	<b>2,659.79</b>
Angola	1161.2	55.47	185.00				857.22		9.58	<b>2,268.47</b>
South Africa					501.50		4.00	900.00	9.98	<b>1,415.48</b>
Cameroon		462.99		0.90	0.90				1.00	<b>465.79</b>
Gabon								89.86	305.33	<b>395.19</b>
Equatorial Guinea							14.56			<b>14.56</b>
Tanzania						12.00				<b>12.00</b>
Guinea-Bissau						3.12	0.30			<b>3.42</b>
Zimbabwe			1.50							<b>1.50</b>
Senegal						0.39				<b>0.39</b>
<b>Sub-Saharan Africa total</b>	<b>1,176.55</b>	<b>1,407.37</b>	<b>186.50</b>	<b>163.78</b>	<b>6,475.96</b>	<b>15.51</b>	<b>876.08</b>	<b>56,468.92</b>	<b>3,716.00</b>	<b>70,486.67</b>
<b>TOTAL</b>	<b>9,329.39</b>	<b>2,270.70</b>	<b>4,475.40</b>	<b>120,477.10</b>	<b>6,670.21</b>	<b>401.10</b>	<b>120,622.10</b>	<b>90,987.38</b>	<b>26,417.04</b>	<b>405,299.65</b>

Source: Font and Benítez (2011): the Controversial Spanish Arms Trade, a Secret Business (2001-2010), Report No. 9. Centre Delàs: Barcelona.

## 3.2. ANALYSIS FOR APPLICATION OF THE CRITERIA 1, 2, 3, 4 AND 8 OF THE COMMON POSITION

In this section an analysis will be conducted on the application of the criteria 1, 2, 3, 4 and 8 of the Common Position, taking as a basis the data collected on weapons exports. Therefore, this refers to a fundamentally quantitative analysis. This type of analysis has its limitations. On the one hand the fact that exports have not been made to a specific country can be the result of applying the Common Position criteria. But it can also be due to other factors, such as the absence of a commercial relationship with this country. If weapons have been exported this can signify that the criterion has not been applied or that it has been interpreted in a way that does not prevent the export being authorised. In any case, quantitative analysis is useful to point out general trends in the weapons exports policy to African countries.

### 3.2.1. CRITERION 1. REGARDING INTERNATIONAL COMMITMENTS AND OBLIGATIONS; ARMS EMBARGOES

#### REGULATIONS OF THE CRITERION WITH THE COMMON POSITION AND INDICATORS USED

In this study only the ban on weapons exports to countries on which there is an arms embargo agreed by the United Nations, the European Union or the Organisation for Security and Cooperation in Europe (OSCE) [section a) of criterion 1, whose wording is included in the text box below] will be considered.

**Box 8. Criterion 1: Regarding the international commitments and obligation of the Member States, particularly the sanctions adopted by the United Nations or European Union Security Council, the non-proliferation agreements and on other topics, as well as other international obligations.**

The export licence will be denied if approval would be inconsistent with, among other things:

- a) the international obligations of Member States and their commitments to enforce United Nations, Organisation for Security and Cooperation in Europe and European Union arms embargoes;
- b) the international obligations of Member States under the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention
- c) the commitment of Member States not to export any form of anti-personnel landmine
- d) the international obligations of Member States under the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention, the commitments of Member States in the framework of the Australia Group, the Missile Technology Control Regime, the Zangger Committee, the Nuclear Suppliers Group, the Wassenaar Arrangement and The Hague Code of Conduct Against Ballistic Missile Proliferation

In connection with the arms embargoes this is one of the Common Position criteria that gives fewer interpretation problems. If an arms embargo has been agreed, the Common Position establishes, in principle, a total ban on weapons exports. However, it must be under the specific terms of an agreed embargo to determine the embargo's specific range. In this way the Security Council's Resolution 1970, dated 26th February 2011, in which the arms embargo against Libya was established, excluded from this embargo «supplies of non-lethal military equipment exclusively for humanitarian or protection purposes» [section 9.a)].

Table 8 includes the agreed arms embargoes in connection with African countries, in accordance with the information in the SIPRI database on arms embargoes<sup>92</sup>. It must be considered that the OSCE (Organisation for Security and Cooperation in Europe) did not agree any embargo. The initials AG refer to the embargo being related to an armed group and therefore not considered for the purposes of analysing this criterion.

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<sup>92</sup> SIPRI arms embargoes database: <http://www.sipri.org/databases/embargoes>.

**Table 8. Arms embargoes**

Countries	Embargoes	
	ONU	UE
<b>North Africa</b>		
Libya	1992-2003	1986-2004
<b>Sub-Saharan Africa</b>		
Angola	1993-2002 (UNITA – National Union for the Total Independence of Angola.)	
Ivory Coast	2004	2004
Eritrea	2009	2010
Guinea		2009
Liberia	1992 (AG** from 2009)	2001
Republic of the Congo	2003 (AG)	1992 (AG from 2003)
Rwanda	1995- 2008 (AG)	
Sierra Leone	1998-2010 (AG)	1998-2010 (AG)
Somalia	1992	2002
Sudan	2004 (Darfur)	1994
South Sudan		2011
Zimbabwe		2002

Source: *SIPRI arms embargoes database*

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The ban on exporting to countries on which there is an arms embargo has been fulfilled in all cases. No exports were made to Eritrea, Guinea, Somalia or Zimbabwe.

With regards to Libya in 2004 there were European exports, although not Spanish. This can be explained by the fact that the European Union embargo ended on 11 October 2004. The case of Angola is more problematic as arms transfers were made to this country by the European Union and Spain during 2002, despite the fact that the UN arms embargo did not end until 9th December 2002, under the Security Council's Resolution 1448. During 2002 the European Union exported arms to Angola worth 1,561,200 euros, of which 1,161,200 euros relate to Spain. Either the embargo was breached or the exports were carried out very promptly, also considering that the export required an administrative authorisation.

### 3.2.2. CRITERION 2. INTERNAL REPRESSION AND RESPECT FOR HUMAN RIGHTS IN THE FINAL DESTINATION COUNTRY

#### REGULATION OF THE CRITERION IN THE COMMON POSITION AND INDICATORS USED

The specific content of criterion 2 is included in the text box below. In this study only the first two sections, relating to internal repression and serious human rights violations, will be considered. As already mentioned, reference to serious violations of international humanitarian law was introduced in 2008 by the 2008/944/CFSP Common Position.

#### **Box 9. Criterion 2: Respecting human rights in the final destination country and respecting international humanitarian law by this country**

- Having assessed the recipient country's attitude towards relevant principles established by international human rights instruments, Member States shall:

a) deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used for internal repression.

b) exercise special caution and vigilance in issuing licences, on a case-by-case basis and taking account of the nature of military technology or equipment, to countries where serious violations of human rights have been established by the competent organisations of the United Nations, by the European Union or by the Council of Europe;

For these purposes, military technology or equipment which might be used for internal repression will include, *inter alia*, military technology or equipment where there is evidence of the use of this or similar technology or equipment for internal repression by the proposed end-user, or where there is reason to believe that the equipment will be diverted from its stated end-use or end-user and used for internal repression. In line with Article 1 of this Common Position, the nature of the equipment will be considered carefully, particularly if it is intended for internal security purposes. Internal repression includes, *inter alia*, torture and other cruel, inhuman and degrading treatment or punishment, summary or arbitrary executions, disappearances, arbitrary detentions and other major violations of human rights and fundamental freedoms as set out in relevant international human rights instruments, including the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

- Having assessed the recipient country's attitude towards relevant principles established by instruments of international humanitarian law, Member States shall:

c) deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used in the commission of serious violations of international humanitarian law.



The Common Position identifies internal repression with serious human rights violations<sup>93</sup>, in such a way that it is not possible to differentiate the two circumstances. Therefore, in order to deny an export authorisation it is enough that there is a clear risk of the exported weapons being used for the purposes of internal repression, without the need for serious human rights violations to have been established. The User's Guide of the Council Common Position points out, on page 38, that «special attention must be given to exports of military technology or equipment to countries where there are indications of human rights violations»<sup>94</sup>.

The indicators that we will use are the classification of human rights violations carried out by the School of Peace Culture at the Autonomous University of Barcelona, according to the 2010 Alerta report (table 9), complemented by the conflicts database at the University of Uppsala<sup>95</sup> (table 10). With regards to the latter, cases of one-sided violence must be considered<sup>96</sup>, a category which in this study we assimilate into internal repression. Only the cases when the government uses violence against the civil population are analysed, not the circumstances of repression exercised by non-governmental armed groups, since by applying criterion 2 the nature of the final destination must be considered<sup>97</sup>.

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<sup>93</sup> The second paragraph of section b) of criterion 2 in the Common Position expressly states that «Internal repression includes, inter alia, torture and other cruel, inhuman and degrading treatment or punishment, summary or arbitrary executions, disappearances, arbitrary detentions and other major violations of human rights and fundamental freedoms as set out in relevant international human rights instruments, including the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.»

<sup>94</sup> With regards to the type of weapons that are expected to be exported, the User's Guide to the Council Common Position mentions, on page 42, that «a wide variety of equipment has a track record of use to commit or facilitate repressive acts. Items such as Armoured Personnel Carriers (APCs), body armour and communications/surveillance equipment can have a strong role in facilitating repression».

<sup>95</sup> <http://www.pcr.uu.se/research/ucdp/database/>.

<sup>96</sup> According to the Information Programme on Conflicts at the University of Uppsala, internal repression or one-sided violence is defined as «the use of armed force against civilians by the government of a state or by a formally organised armed group that gives rise to a minimum of 25 deaths in a year».

**Table 9. Serious human rights violations in Africa**

Countries	Human rights violations	
	Systemic	Non-systemic
<b>North Africa</b>		
Algeria	x	
Egypt		X
Libya		X
Morocco		X
Tunisia		X
<b>Sub-Saharan Africa</b>		
Angola		X
Burundi		X
Cameroon		X
Ivory Coast		X
Chad		X
Eritrea		X
Ethiopia	x	
Gambia		X
Guinea		X
Equatorial Guinea		X
Guinea-Bissau		X
Kenya		X
Niger		X
Nigeria	x	
Central African Republic		X
Republic of the Congo		X
Democratic Republic of the Congo	x	
Rwanda		X
Senegal		X
Somalia	x	
Sudan	x	
Uganda	x	
Zimbabwe		X

Source: ECP (School of Peace Culture) (2011): *Alerta, 2010*.

<sup>97</sup> See Common Position criterion 2 and page 42 of the User's Guide.

**Table 10. Internal repression in Africa: (one-sided violence)**

Countries	One-sided violence (internal repression)	
	Government-civilians	AG-civilians
Algeria		1993-2003 y 2004-2009
Egypt	2010-2011	2004-2005
Libya		
Mauritania		
Tunisia	2011	
Angola	1997-2003	1989-2002
Burundi		
Ivory Coast	2002-2004	2002-2003
Chad		
Eritrea		
Eritrea-Djibouti		
Ethiopia (Ogaden)		
Ethiopia (Oromia)		
Ethiopia	1989-2008	
Guinea	2007-2009	
Kenya	2007-2008	2007-2009
Liberia	1990-2003	
Madagascar	2009	
Mali (Azawad)		
Niger		
Nigeria	1990-2008	
Central African Republic	2001-2007	
Republic of the Congo		1998-2002
Dem. Rep. of the Congo	1989-2009	1989-
Rwanda	1990-2009	1989-
Senegal (Casamance)		
Somalia		2008-
Sudan	1989-2008	1989-
Togo	1991-2005	
Uganda		1989-
Djibouti - Eritrea		
Zimbabwe	2008	

Source: Uppsala Conflict Database (latest review: 29th July 2011). Data on Egypt, Libya and Tunisia inserted by the Delàs Centre due to lack of updated data from Uppsala. AG: non-governmental armed group. The conflict's starting data is stated as the year in which the first conflicts arose and not the year in which the first armed conflicts were recorded. The dates normally match, but not always.

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## ANALYSIS OF EUROPEAN UNION EXPORTS

Application of this criterion is, in principle, contradictory. On the one hand there are countries where there has been internal repression and human rights violations to which European weapons have not been exported. Considering the period of time studied in this study, this is the case with the Ivory Coast (2002-2004), Guinea (2007-2009), Liberia (2002-2003), Madagascar (2009), the Central African Republic (2002-2007) and Togo (2002-2005).

In some of these countries weapons exports are practically non-existent: the Ivory Coast (where exports worth only 29,000 euros occurred in 2005), Guinea (in 2006 worth only 30,240 euros) and in Madagascar (in 2007 worth only 37,300 euros).

In Togo, a country where internal repression occurred between 1991 and 2005, no exports were made from 2002 to 2004, whilst in 2005 exports amounted to a very low sum: 5,630 euros. From this year onwards, the flow of weapons is almost constant, reaching an amount of 110,530 euros between 2005 and 2010.

In the case of Liberia no arms were exported in 2002 and 2003 (in this country internal repression occurred between 1990 and 2003). From 2004 onwards a continuous flow of weapons occurred that reached the figure of 442,000 euros in the period 2004-2010. Finally in the Central African Republic, a country where repression took place between 2001 and 2007, no exports were made during the period 2002-2005, nor in 2007, nor in 2009. However, in 2006 weapons exports occurred worth 615,920 euros. Total exports made between 2006 and 2010 reached a value of 3,506,020 euros. This puts the Central African Republic in a mid-low situation among the African countries.

In these cases it seems that a more rigid interpretation of the Common Position criterion relating to the human rights is being made. A more rigid interpretation must be due, at least in part, to the fact that they are not preferential destinations for weapons exports.

There is another set of countries where there appears to be an opposite trend. The fact of no internal repression or human rights violations occurring does not prevent them from receiving weapons from the European Union. This is the case with Angola, Ethiopia, Kenya, Nigeria, the Democratic Republic of the Congo, Rwanda and Sudan.

Angola, Ethiopia, Kenya and Nigeria received a constant flow of European weapons during the period 2002-2010<sup>98</sup>. The situation in Ethiopia and Nigeria should be highlighted, as countries where the governments practiced activities of internal repression during the years 1989 to 2008 in the case of Ethiopia and 1990 to 2008 in the case of Nigeria. Human rights violations in these countries are systematic. This did not prevent weapons exports to these countries. Ethiopia received weapons worth 37,325,060 euros, which made it number eleven in the African countries receiving weapons from the European Union, whilst Nigeria acquired weapons worth 147,070,380 euros, making it the number seven for African countries receiving weapons from the European Union.

Angola and Kenya have the same trend, considering that the internal repression took place during a shorter time period than that analysed in this report. In the case of Angola this was between 1997 and 2003, whilst in Kenya in 2007 and 2008. Angola received weapons worth 43,997,970 euros during the period 2002-2010, taking tenth place among African countries who received weapons from the European Union. During the same period exports to Kenya reached a value of 55,477,510 euros, making it number eight of African countries who received weapons from the European Union.

Finally, the Democratic Republic of the Congo, a country where there was internal repression between 1989 and 2009 must be mentioned: the human rights violations were systematic. This country received a constant flow of weapons, except in the years 2002 and 2009. The total volume of weapons received during the 2002-2010 period amounted to 1,204,660 euros, which put it into thirtieth place among the African countries that received weapons from the European Union.

The exports made to Rwanda and Sudan are also questionable, although to a lesser degree. In Rwanda internal repression occurred between 1990 and 2009. Although the flow of weapons to this country has not been constant there has been certain continuity, since exports were made in 2005, 2007, 2008 and 2009. Total exports during the 2002-2010 period represented a total of 16,455,600 euros, which puts it in thirteenth place among African countries that purchased weapons from the European Union. In Sudan, a country affected by internal repression between 1989 and 2008, exports were made in every year during the 2002-2010 period, except in 2002 and 2007. The total weapons received by Sudan during this period reached 1,204,530 euros, which places this country in thirty-first position within African countries.

In short, the most questionable circumstances are Nigeria, Kenya and Ethiopia, both because of the continued flow of weapons to these countries and because of the signifi-

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<sup>98</sup> With the one exception of Ethiopia in 2002.

cant amount. These countries are in seventh, eighth and eleventh place for countries receiving weapons from the European Union.

A trend is deduced from the quantitative analysis that reveals the Common Position criterion 2 is interpreted less rigidly in connection with those countries that receive a continuous flow of weapons. This could be a sign that in these cases the European Union countries give priority to their economic, social, commercial and industrial interests rather than the protection of human rights. On the other hand no change has been observed in applying the criterion since the 2008/944/CFSP Common Position came into effect on 8th December 2008.

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## ANALYSIS OF SPANISH EXPORTS

Spain has not exported weapons to the Ivory Coast, Ethiopia, Guinea, Liberia, Madagascar, Nigeria, the Central African Republic, the Democratic Republic of the Congo, Sudan and Togo.

Exports were made to Kenya, Rwanda and Angola, although of little importance. No weapons were exported to Kenya in 2007 and 2008, when internal repression acts occurred; exports were made to this country in 2005, 2009 and 2010, worth 2,659,790 euros. In the case of Rwanda, affected by internal repression from 1990 to 2009, exports were only made in 2009 worth 15,175,000 euros; this represented 92% of the European Union transfers to this country between 2002 and 2010. Finally, exports were made to Angola in 2002, 2003, 2004, 2008 and 2010, despite the fact that internal repression occurred in this country between 1997 and 2003. Angola is the country affected by internal repression with the highest continuous weapons flow.

Generally, it seems that criterion 2 was considered. However, the fact that exports were not made could be due to several factors, such as the fact that there are no fluid relations between the Spanish weapons industry and these countries. This would be the case in the majority of countries to which no exports have been made.

The only negative circumstances occurred in Angola in 2002 and 2003 and in Rwanda in 2009, countries to which there was no continuous weapons supply but with sporadic supplies.

### 3.2.3. CRITERION 3. INTERNAL SITUATION OF THE FINAL DESTINATION COUNTRY

#### REGULATION OF THE CRITERIA IN THE COMMON POSITION AND INDICATORS USED

The exact wording of the criterion in the Common Position is included in the text box below. This refers to a very moderate regulation. The criterion refers to armed conflicts or tensions of an internal nature<sup>99</sup>. Therefore the «internal situation» of the final destination country for the weapons must be considered. According to the User's Guide the internal situation «refers to the economic, social and political developments and stability within the borders of the final destination country»<sup>100</sup>.

**Box 10. Criterion 3: Internal situation of the final destination country with regards to the existence of tensions or armed conflicts.**

The Member States shall deny any military technology or equipment export licences that provoke or prolong armed conflicts or that aggravate the tensions or conflicts existing in the final destination country.

The User's Guide does not interpret this criterion as a ban on weapons exports but as the obligation to carry out a careful risk analysis, adopting a restrictive criterion if it is considered that the weapons transfer may provoke or prolong conflicts or aggravate existing tensions<sup>101</sup>.

This study will use the conflicts database at the University of Uppsala. Cases of internal conflicts, internationalised internal conflicts<sup>102</sup> and also the circumstances of internal repression when it refers to violence exercised by armed groups on the civil popula-

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<sup>99</sup> The User's Guide defines tensions as «unfriendly or hateful relations between different groups, or groups of individuals, of the society based either on race, colour, sex, language, religion, political or other opinion, national or social origin, interpretation of historic events, differences in economic wellbeing or ownership of property, sexual orientation, or other factors. Tensions could lead to disturbances or violent actions, or the creation of private militia not controlled by the State». Armed conflicts are defined as «escalation of the tensions between above mentioned groups to the level in which any of the groups uses arms against others». See page 56 of the User's Guide to the Council Common Position.

<sup>100</sup> User's Guide to the Council Common Position, page 56.

<sup>101</sup> According to page 55 of the User's Guide: «these best practices follow the principle that if there is an armed conflict or if there are internal tensions in the country of destination, a careful analysis should be carried out of the risk of this proposed export provoking or prolonging the conflict or aggravating the existing tensions and escalating them into a wider conflict. If the analysis shows a risk of this happening, a restrictive approach should be adopted towards the export licence under consideration».

<sup>102</sup> The University of Uppsala Information Programme on Conflicts defines internationalised internal conflict as «Armed conflict between a government and a non-governmental group in which the government party or opposing party or both, receive a supply of troops from other governments that actively participate in the conflict».

tion<sup>103</sup> (see table 11) are considered. In this latter case we consider that repression carried out by armed groups on the civil population is included in the definition of tensions that is included in the User's Guide to the Council Common Position.

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## ANALYSIS OF EUROPEAN UNION EXPORTS

With regards to the countries where there is an armed conflict, of a minor nature, the relevant cases are Angola (from 1991), Burundi (1965-2008), Chad (from 1966), Niger (1991-2008), Nigeria (1966-2009), Central African Republic (from 2001), Democratic Republic of the Congo, Rwanda (from 1990) and Sudan (from 1971).

The existence of these minor internal conflicts did not prevent exports being made, with the one exception of Burundi, a country to which weapons were transferred in 2005 worth 11,000 euros.

Four of these countries have received weapons with a value that did not exceed four million euros in the 2002-2010 period. They were Sudan (€1,204,530), the Democratic Republic of the Congo (€1,204,660), Niger (€3,167,290) and the Central African Republic (€3,506,020).

The most questionable cases given the amount of exported weapons are Rwanda, Chad, Angola and Nigeria.

Exports to Rwanda during the 2002-2010 period amounted to 16,455,600 euros, taking thirteenth position among the African countries. The transfers took place over four years; 2005, 2007, 2008 and 2009.

In the case of Chad transfers were made for 24,375,030 euros, which places this country in twelfth position. The flow of weapons was continuous throughout the whole period.

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<sup>103</sup> To classify a case as internal repression at least twenty-five deaths must have occurred over one year, according to the University of Uppsala.



**Table 11. Internal conflicts, internationalised internal conflicts and internal repression in Africa**

Countries	Internal conflicts		Internationalised internal conflicts		Internal repression or one-sided violence	
	Minor	War	Minor	War	Government-civilians	Armed group-civilians
Algeria				1991-		1993-2003 y 2004-2009
Egypt					2010-2011	2004-2005
Libya				2011		
Mauritania			2008-			
Tunisia					2011	
Angola	1991-			1975-2002	1997-2003	1989-2002
Burundi	1965-2008					
Ivory Coast	2002-2004				2002-2004	2002-2003
Chad	1966-					
Eritrea	1993-2003					
Ethiopia (Ogaden)	1963-					
Ethiopia (Oromia)	1974-2009					
Ethiopia					1989-2008	
Guinea					2007-2009	
Kenya					2007-2008	2007-2009
Liberia		1980-2003			1990-2003	
Madagascar					2009	
Mali (Azawad)	1990-					
Niger	1991-2008					
Nigeria	1966-2009 y 2004				1990-2008	
Central African Republic	2001-				2001-2007	
Republic of the Congo	1993-2002					1998-2002
Democratic Republic of the Congo	1963-2008				1989-2009	1989-
Rwanda	1990-				1990-2009	1989-
Senegal (Casamance)	1982-2003					
Somalia				1981-		2008-
Sudan	1971-				1989-2008	1989-
Togo					1991-2005	
Uganda			1971-			1989-
Zimbabwe					2008	

Source: Uppsala Conflict Database (latest review: 29th July 2011). Data on Egypt, Libya and Tunisia inserted by the Delàs Centre due to lack of updated data from Uppsala. AG: non-governmental armed group. The conflict's starting data is stated as the year in which the first conflicts arose and not the year in which the first armed conflicts are recorded. The dates normally match, but not always.

Angola received weapons worth 43,997,970 euros, taking tenth place among African countries receiving weapons from the European Union. The flow of weapons was continuous throughout the entire period.

Exports to Nigeria totalled 147,070,380 euros, which puts this country in seventh position. It also continuously received weapons throughout the entire period.

The countries where there were internationalised internal conflicts of a minor nature were Mauritania (from 2008) and Uganda (from 1971). The European Union exported weapons to Uganda worth 2,578,490 euros and Mauritania between 2008 and 2010 worth 6,843,610 euros.

Exports to countries that suffered internationalised internal conflicts classified as war, are more worrying<sup>104</sup>: Somalia (from 1981) and Algeria. In Algeria internal repression also occurred through non-governmental armed groups during the years 1993-2003 and 2004-2009.

Exports to Somalia only amounted to 168,010 euros, with an intermittent flow for four years.

However, exports to Algeria totalled 652,083,820 euros. Algeria is the third in the European Union's weapons industry's African clients that has received a constant flow of weapons during the 2002-2010 period.

Exports to Algeria show that a restrictive interpretation on the granting of authorisation to export weapons has not been maintained. Something similar happened, although to a lesser extent, in the case of transfers to Rwanda, Chad, Angola and Nigeria. All these examples can be explained because European Union countries gave preference to their economic, social, commercial and industrial interests. No change has been observed in the application of this criterion since the 2008/944/CFSP Common Position came into force.

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## ANALYSIS OF SPANISH EXPORTS

With regards to Spain, no weapons transfers have been made to Burundi, Chad, Niger, Nigeria, Central African Republic, Democratic Republic of the Congo and Sudan; all these countries were affected by internal conflicts of a minor nature. It did export weapons to Angola worth 2,268,470 euros and Rwanda worth 15,175,000 euros. In the case of Rwanda, Spanish exports represented 92% of the European Union transfers to this country during the 2002-2010 period.

No exports were made to Uganda either, a country where there has been an internationalised internal conflict of a minor nature since 1971. However, there were exports to Mauritania, a country to which exports worth 2,508,710 euros were made from 2009-2010.

Finally, with regards to the countries affected by internationalised internal conflicts classified as a war, no exports were made to Somalia, but weapons were transferred to Algeria worth 117,779,800 euros, 18 per cent of the total exported by European Union countries. Algeria is second in African clients for the Spanish weapons industry.

The same as with the European Union as a whole, Algeria is the most questionable case, since it shows an undemanding interpretation of Common Position criterion 3. Like the exports to Rwanda they can be explained because the Spanish government has prioritised its economic, social, commercial and industrial interests.

No change in the interpretation of this criterion has been observed since the 53/2007 Act, dated 28th December came into force, on the control of foreign trade in defence and dual-use goods.

#### 3.2.4. CRITERION 4: MAINTAINING REGIONAL PEACE, SECURITY AND STABILITY (ARMED CONFLICTS)

##### REGULATION OF THE CRITERION ON THE COMMON POSITION AND INDICATORS USED

The wording of this criterion in the Common Position is included in the text box below. The focus is on the situation of the region in which the final destination country is located<sup>105</sup>; not its internal situation as in the previous criterion.

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<sup>104</sup> For an armed conflict to be classified as a war there must have been at least 1,000 deaths in a year.

<sup>105</sup> According to the User's Guide, page 60, «where there is a greater risk of regional conflict, greater scrutiny of criterion 4 is required».

**Box 11. Criterion 4: Maintenance of regional peace, security and stability**

Member States shall deny an export licence if there is a clear risk that the intended recipient might use the proposed export of military technology or equipment aggressively against another country or to assert by force a territorial claim. When studying these risks the Member States shall consider, among other things:

- a) the existence or likelihood of armed conflict between the recipient and another country;
- b) a claim against the territory of a neighbouring country which the recipient has in the past tried or threatened to pursue by means of force;
- c) the likelihood of the military technology or equipment being used other than for the legitimate national security and defence of the recipient;
- d) the need not to adversely affect regional stability in any significant way.

According to the interpretation made by the User's Guide, criterion 4 does not ban weapons exports to countries that are potential victims of attacks or threats to attack<sup>106</sup>. In any case if there is a clear risk that the exported weapons might be used to attack another country the authorisation must be denied<sup>107</sup>.

In this study the analysis will be limited to the first section of criterion 4: the existence of armed conflicts between the recipient country and another country. Therefore it refers to interstate conflicts<sup>108</sup>. According to the University of Uppsala conflicts database, the only interstate conflict occurred between Djibouti and Eritrea from 1996 to 2008, classifying it as a minor interstate conflict.

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<sup>106</sup> In this regard the User's Guide mentions on page 60 that « The purpose of Criterion Four is to ensure that any export does not encourage, aggravate, provoke or prolong conflicts or tensions in the region of the intended recipient country. The criterion makes a distinction between the intention to use the proposed export for aggressive as opposed to defensive purposes. The criterion is not intended to preclude exports to countries that are (potential) victims of aggression or a threat of aggression. A careful assessment would need to be carried out as to whether there are sound indications of an intention by the intended recipient country to use the proposed export to attack, potentially attack or threaten to attack another country».

<sup>107</sup> The User's Guide states on page 62: «The wording 'shall deny' in this criterion means that if in the assessment of a licence application it has been established that there is a clear risk that the proposed export would be used aggressively against another country or to assert by force a territorial claim, the export licence must be denied regardless of the outcome of the analysis with respect to the other criteria set out in Article 2 of the Common Position, or any other considerations».

<sup>108</sup> The University of Uppsala defines an interstate conflict as «a conflict between two or more governments», considering that the main opposing parties that started the incompatibility must be governmental.

The only interstate conflict, of a minor nature, occurred between Eritrea and Djibouti, between 1996 and 2008. It is noticeable that both countries received weapons originating from the European Union. Exports to Eritrea during the 2002-2010 period reached the total figure of 3,884,230 euros, which puts it in twenty-third position among the African countries that received weapons from the European Union. The flow of weapons to this country was quite continuous, since except for 2007, 2009 and 2010 it received arms in all the other years during the period. For its part, exports to Djibouti reached a value of 1,145,120 euros in this period, making it thirty-third among African countries receiving weapons from the European Union. In 2002 and 2003 no exports were made to this country but from 2004 the flow has been constant.

Although this refers to a minor interstate conflict, it seems that the clear risk has been interpreted as undemanding, especially if we consider that the flow of weapons to both countries has been constant, although not too significant from a quantitative point of view.

Spain did not export weapons to Eritrea or Djibouti during the 2002-2010 period and therefore it complied with the demands of this criterion.

### 3.2.5. CRITERION 8. COMPATIBILITY OF THE EXPORTS WITH THE ECONOMIC AND TECHNICAL CAPACITY OF THE RECIPIENT COUNTRY

#### REGULATION OF THE CRITERION IN THE COMMON POSITION AND INDICATORS USED

The exact wording of this criterion in the Common Position is included in the text box below. No ban on weapons exports to countries on a development track is established, but the obligation to consider whether the export may represent an important obstacle to the development of the country receiving the weapons is established. In this regard the User's Guide of the Council Common Position states: «because Criterion Eight establishes a link with the sustainable development of the recipient country, special attention should be given to arms exports to developing countries»<sup>109</sup>.

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<sup>109</sup> User's Guide to the Council Common Position, page 94. On page 99 it states that the development level of the recipient country and the financial value of the proposed export must be considered. Established as economic and social indicators to be considered are: The level of military expenditure relative to public expenditure on health and education, military expenditure as a percentage of Gross Domestic

**Box 12. Criterion 8: Compatibility of the exports of the military technology or equipment with the technical and economic capacity of the recipient country, considering the desirability that states should meet their legitimate security and defence needs with the least diversion of human and economic resources for armaments.**

Member States shall consider, in the light of information from relevant sources such as United Nations Development Programme, World Bank, International Monetary Fund and Organisation for Economic Cooperation and Development reports, whether the proposed export would seriously hamper the sustainable development of the recipient country. They shall consider in this context the recipient country's relative levels of military and social expenditure, considering also any EU or bilateral aid.

It seems that from these criteria the principle is deduced that fewer weapons should be exported to those countries with a lower level of development. This principle is derived from the purpose of this criterion, which is not to prevent development in those countries through weapons exports.

In practice however, this criterion does not appear to have been considered very deeply. At least there is no clear guideline on its application that can be deduced from the data, since there are countries with a low level of development to which little is exported but there are also others to which a lot of weapons are exported. See the table below that takes the human development index (HDI) prepared by the United Nations Development Programme (UNDP) as a reference. The function of the HDI distinguishes four development levels: very high (1-42), high (43-85), medium (86-127) and low (128-169).

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Product (GDP), aid dependency as a proportion of GNI, fiscal sustainability, debt sustainability and Performance against Millennium Development Goals (post-2005). See page 100 of the User's Guide.

**Table 12. HDI of the African countries and European Union and Spanish exports (in thousands of euros)**

<b>Countries</b>	<b>HDI (2010)</b>	<b>EU exports (2002-2010)</b>	<b>Spanish exports (2002-2010)</b>
Zimbabwe	169	1.50	1.50
Democratic Republic of the Congo	168	1,204.66	
Niger	167	3,167.29	
Burundi	166	11.00	
Mozambique	165	67.55	
Guinea-Bissau	164	34.38	3.42
Chad	163	24,375.03	
Liberia	162	442.00	
Burkina Faso	161	5,750.07	
Mali	160	14,754.07	
Central African Republic	159	3,506.02	
Sierra Leone	158	4.06	
Ethiopia	157	37,325.06	
Guinea	156	30.24	
Sudan	154	1,204.53	
Malawi	153	1,352.28	
Rwanda	152	16,455.60	15,175.00
Gambia	151		
Zambia	150	223.78	
Ivory Coast	149	29.00	
Tanzania	148	1,159.19	12.00
Djibouti	147	1,145.12	
Angola	146	43,997.97	2,268.47
Senegal	144	3,412.69	0.39

Uganda	143	2,578.49	
Nigeria	142	147,070.38	
Lesotho	141		
Comoro Islands	140		
Togo	139	110.53	
Mauritania	136	8,913.62	434.47
Madagascar	135	37.30	
Benin	134	4,866.48	
Cameroon	131	10,792.69	465.79
Ghana	130	5,863.81	3,198.05
Kenya	128	55,477.51	2,659.79
Sao Tome and Principe	127	56.55	
Republic of the Congo	126	4,553.75	
Swaziland	121		
Cape Verde	118	63.80	
Equatorial Guinea	117	7,280.08	14.56
Morocco	114	655,391.67	195,417.54
South Africa	110	2,397,232.98	1,415.48
Namibia	105	1,242.00	
Egypt	101	544,005.95	6,684.40
Botswana	98	53,416.73	44,877.02
Gabon	93	5,698.65	395.19
Algeria	84	652,083.82	117,779.80
Tunisia	81	106,503.35	1,168.93
Mauritius	72	990.56	
Somalia	No data	168.01	
Seychelles	No data	15.54	
Eritrea	No data	3,884.23	
Libya	No data	333,581.44	15,112.26



Two African countries with a high HDI which receive a lot of weapons exports are Tunisia and especially Algeria. Tunisia, with an HDI of 81, received European weapons during the 2002-2010 period worth 106,503,350 euros. It therefore stands in seventh position among African countries receiving weapons from the European Union. Tunisia received an uninterrupted flow of arms during the 2002-2010 period. For its part, Algeria, with an HDI of 84, received European weapons during the 2002-2010 period worth 652,083,820 euros. It is in third position among the African countries receiving weapons; with an uninterrupted flow of arms during the 2002-2010 period.

Exports to Tunisia, Algeria and South Africa comply with the principle that arms exports are permitted to countries with a greater level of development by virtue of the Common Position criterion 8.

African countries with a low development index to which no exports were made are Gambia, Lesotho and the Comoro Islands. Swaziland also received no weapons, a country with a medium development index.

The exports to Zimbabwe, Burundi, Mozambique, Guinea-Bissau, Liberia, Sierra Leone, Guinea, Zambia, Ivory Coast, Togo and Madagascar have had limited importance; all these countries have a low development index. Exports to Sao Tomé and Príncipe and Cape Verde must be included in this same group; these countries have a medium development index.

Non-existent exports or those of limited importance are in accordance with the principle that fewer weapons must be exported to countries with a lower development level.

Although this refers to countries with a medium development level, exports to Egypt, Morocco and South Africa, countries which received a constant flow of weapons throughout the 2002-2010 period, must be highlighted in relation to this criterion. Egypt, with an HDI of 101, received weapons worth 544,005,950 euros, taking fourth place among the African countries receiving weapons from the European Union. Morocco, with an HDI of 114, received weapons worth 655,391,670 euros, taking second position. And South Africa received weapons worth 2,397,232,980 euros, having received arms in all the years of the 2002-2010 period and is the European Union's main African client.

In any case the most problematic cases, in relation to the countries with a low development level are Chad, Ethiopia, Angola, Nigeria and Kenya. Especially worrying are

the exports to Chad and Angola due to the high military expenditure of both countries, especially Chad.

Chad, with an HDI of 163, received European weapons worth 24,375,030 euros. It is in twelfth position among the African countries receiving weapons, having received a constant flow of arms during the 2002-2010 period. Chad spends 6.65 of its GDP on military spending, far above the 1.9% of GDP on education and the 2.75% of GDP on health and its accumulated external debt amounts to 28.6% of GNI.

Ethiopia, with an HDI of 157, received European weapons worth 37,325,060 euros in the 2002-2010 period. It is in eleventh position among the African countries receiving weapons. Except for 2002, the flow of exports has not been interrupted during this period. Ethiopia spends 1.4% of its GDP on military spending, using 5.5% of GDP for education and 2.7% of GDP for health, with its accumulated external debt being 17.6% of GNI.

Angola, with an HDI of 146, received European weapons between 2002 and 2010 worth 43,997,970 euros. It holds tenth position among the African countries receiving weapons, having received an uninterrupted flow of weapons during this period. Angola spends 3% of its GDP on military expenditure, above the 2.6% of GDP on education and 2% of GDP on healthcare; its accumulated external debt amounts to 28.2% of GNI.

Nigeria, with an HDI of 142, received European weapons between 2002 and 2010 worth 147,070,380 euros. It is in sixth position among the African countries receiving weapons, having received an uninterrupted flow of weapons during this period. Nigeria spends 0.8% of its GDP on military expenditure, lower than the 1.7% of GDP that it spends on healthcare: its accumulated external debt is 5.1% of GNI.

Kenya, with an HDI of 128, received European weapons between 2002 and 2010 worth 55,477,510 euros. It is in eighth position among the countries receiving weapons, having received an uninterrupted flow during this period. Kenya spends 1.95% of its GDP on military expenditure, lower than the 7% of GDP it spends on education and 2% of GDP it spends on healthcare; its accumulated external debt amounts to 26.5% of GNI.

These five countries show a very similar pattern. They are countries with a low development index but, despite this, they are among the main recipients of European Union weapons exports. Therefore, they are good clients for the European weapons industry. In these cases it seems that the Common Position criterion 8 is interpreted in a less rigorous way, depending on the economic and commercial interests of the European Union exporting countries. Neither does approval of the 2008/944/CFSP Common Position seem to have caused a change in the interpretation of the criterion.

## SPANISH EXPORTS ANALYSIS

With regards to Spanish exports no transfer was made to the majority of African countries. Exports were made, of a very limited amount, to Zimbabwe (€1,500), Guinea-Bissau (€3,420), Tanzania (€12,000) and Senegal (€390), countries with a low development index; and also to Equatorial Guinea (€14,560), a country with a medium development index.

Although they are countries with a medium development index, Botswana and Morocco must be mentioned. Botswana, with an HDI of 98, received weapons worth 44,877,020 euros and is the third country destination for Spanish exports; exports that represent 84% of all the weapons exported to Botswana through European Union countries. For its part Morocco, with an HDI of 114, received weapons worth 191,779,560 euros, which represented 29.8% of the transfers from the European Union to this country, having obtained a continuous flow of weapons throughout the 2002-2010 period.

Within the countries with a low development index, the most questionable exports are those made to Rwanda, Angola, Mauritania, Ghana and Kenya, especially those made to Angola and Mauritania due to their high military expenditure.

Rwanda, with an HDI of 152, received weapons of Spanish origin during the 2002-2010 period worth 15,175,000 euros, which relates to the exports made only in 2009; this represents 92% of the transfers made by all European Union countries within this period. Rwanda is the fourth major destination among African countries. Rwanda spends 1.5% of its GDP on defence spending, lower than the 4.1% of GDP on education and the 4.9% of GDP on healthcare; its accumulated external debt amounts to 14.9% of GNI.

Angola, with an HDI of 146, received Spanish weapons during the 2002-2010 period worth 2,268,470 euros. It is in tenth position among the African countries receiving Spanish weapons, having received weapons in 2002, 2003, 2004, 2008 and 2010. Angola spends 3% of its GDP on military expenditure, above the 2.6% of GDP on education and 2% of GDP on healthcare; its accumulated external debt amounts to 28.2% of GNI.

Mauritania, with an HDI of 136, received Spanish weapons during the 2002-2010 period worth 2,938,960 euros. It is in ninth position among the African countries, having bought imported weapons in 2003, 2005, 2009 and 2010. Mauritania spends 3.7% of its GDP on military expenditure, whilst 4.4% of its GDP is spent on education and 1.6% of GDP on healthcare; its accumulated external debt amounts to 66.6% of GNI.

Ghana, with an HDI of 130, received Spanish weapons during the 2002-2010 period worth 3,198,050 euros, which represented 54.5 per cent of weapons transferred by the

European Union to this country. Ghana is in seventh position among African countries receiving Spanish weapons, having received arms in 2002, 2003 and 2009. Ghana spends only 0.7% of its GDP on defence, 5.4% of GDP on education and 4.3% on healthcare. However, its accumulated external debt amounts to 75.3% of GNI.

Kenya, with an HDI of 128, received Spanish weapons during the 2002-2010 period worth 2,659,790 euros. It is in ninth position among African countries receiving Spanish weapons, having received arms in 2005, 2009 and 2010. Kenya spends 1.9% of its GDP on military expenditure, lower than the 7% of GDP on education and the 2% of GDP on healthcare; its accumulated external debt amounts to 26.5% of GNI.

A positive aspect with regards to these five countries is that they did not receive continuous flows of weapons from Spain, with the exception of Angola, which did receive weapons for five years throughout the 2002-2010 period. In any case, the exports to Rwanda worth 15,175,000 euros are highlighted because of their value, especially if it is considered that they were only made for one year. This reveals that criterion 8 is applied less rigorously by the Spanish government. Neither did approval of the 53/2007 Act, of 28th December, have any effect when applying this criterion, on the control of foreign trade in defence and dual-use goods.

## CONCLUSIONS

The arms trade is a legally regulated issue. Throughout the European Union governments are given a controlling role. The regulations that govern the transfer of defence material establish that weapons exports must be compatible with the protection of human rights, must prevent the emergence of conflicts or aggravation of those already existing and it cannot represent an obstacle to sustainable development of the countries purchasing the weapons.

At the same time, the legal framework grants the authorities a wide margin of interpretation and assessment when granting the export authorisations. The 2008/944/CFSP User's Guide to the Council Common Position maintains this margin. The regulations include different clauses that make it possible to carry out less rigorous policies to control weapons exports. The most important of these clauses consists of the possibility of considering the economic, social, commercial and industrial interests of the exporting countries.

Africa is not an important market for the European Union weapons industry, including Spain. Exports to this continent represent 7% of the total weapons transfers to the European Union, 6% in the case of Spain. This is not the result of applying demanding policies by the Member States of the European Union. These countries prefer to maintain their commercial relations in this regard by applying strict human rights protection criteria, prevention of conflicts or promotion of sustainable development. This is shown in the exports to Angola, Algeria, Chad, Ethiopia, Kenya, Nigeria and Rwanda. In other words, the exporting countries have put their priority on their economic, social, commercial and industrial interests. This is consistent with the public policies of support for the weapons industry that includes promoting exports, which these countries put into practice, as has been studied in the case of Spain.

Another significant aspect is that neither the adoption of the 2008/944/CFSP Common Position, within the sphere of the European Union, or approval of the 53/2007 Act of 28th December, on the control of foreign trade in the defence or dual-use goods seem to have had any effect.

This is, up to a certain point, noticeable in the case of the Common Position. Although the Code of Conduct was not an obligatory standard, its application to exports to Africa is identical to that conducted after the Common Position, which is binding. At least the quantitative analysis does not indicate a change in the trend of weapons transfers to African countries.

With regards to the 53/2007 Act it is not surprising that no change has occurred. At the end of the day, the previous regulation was very similar in that it was included in regulatory standards approved by the Spanish government. The application of these standards is not connected to their scope, but to the willingness of the public powers to apply them correctly.

For all of these reasons the most important conclusion in this report is that the Member States of European Union, Spain included, are not prepared to apply demanding policies on the control of their weapons exports.

## ANNEXE. INDIVIDUAL RECORDS OF COUNTRIES

The sources used for preparing the records are:

- EUROPEAN UNION: *Annual Report in accordance with the operative stipulation No. 8 in the European Union Code of Conduct on weapons export material*, reports five to thirteen: (\*).
- STOCKHOLM INTERNATIONAL PEACE RESEARCH INSTITUTE (SIPRI), *Arms Transfers Database*: (\*\*).
- SCHOOL FOR PEACE CULTURE, *Alerta 2010! Report on conflicts, human rights and construction of peace*, Icaria, Barcelona: (\*\*\*)
- UPPSALA CONFLICT DATA PROGRAM, *Conflict Database*: (\*\*\*\*).
- UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP), *Report on Human Development*, 2009 and 2010: (\*\*\*\*\*).

## Angola

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	43,997.97
	<b>% of the Africa total (2002-2010)</b>	0.85%
	<b>Spain (2002-2010)</b>	2,268.47
	<b>% of the Africa total (2002-2010)</b>	0.56%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	1993-2002
	<b>EU</b>	no
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	no
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal armed conflict (minor): 1991-	
	Internal internationalised AC (armed conflict) (war): 1975-2002	
	Internal repression by armed group: 1989-2002	
	Internal government repression: 1997-2003	
<b>Public spending on education (2007)*****</b>		2.60%
<b>Public spending on health (2007)</b>		2%
<b>Defence spending (2008)</b>		3%
<b>GDP (Gross Domestic Product) per capita (2009) (in current dollars)</b>		\$4081
<b>HDI (2010)</b>		146
<b>Accumulated external debt (% of the GNI – Gross National Income) (2009)</b>		28.20%



## Algeria

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	652,083.82
	<b>% of the Africa total (2002-2010)</b>	12.63%
	<b>Spain (2002-2010)</b>	117,779.80
	<b>% of the Africa total (2002-2010)</b>	28.93%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	Yes
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internationalised internal conflict (war): 1991-	
	Internal repression or one-sided AG violence: 1993-2003 and 2004-2009	
<b>Public spending on education (2008) (% GDP)*****</b>		4.3%
<b>Public spending on health (2008) (% GDP)</b>		5.4%
<b>Defence spending (2008) (% GDP)</b>		3%
<b>GDP per capita (2009) (in current dollars)</b>		\$4,022
<b>HDI (2010)</b>		84
<b>Accumulated external debt (% of GNI) (2009)</b>		3.9%

## Benin

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	4,866.48
	<b>% of the Africa total (2002-2010)</b>	0.09%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007)*****</b>		3.6%
<b>Public spending on health (2007)</b>		2.5%
<b>Defence spending (2008)</b>		1.1%
<b>GDP per capita (2009) (in current dollars)</b>		\$745
<b>HDI (2010)</b>		134
<b>Accumulated external debt (% of GNI) (2009)</b>		16.1%

## Botswana

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	53,416.73
	<b>% of the Africa total (2002-2010)</b>	1.03%
	<b>Spain (2002-2010)</b>	44,877.02
	<b>% of the Africa total (2002-2010)</b>	11.02%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		8.1%
<b>Public spending on health (2007) (% GDP)</b>		4.3%
<b>Defence spending (2008) (% GDP)</b>		2.7%
<b>GDP per capita (2009) (in current dollars)</b>		\$6,064
<b>HDI (2010)</b>		98
<b>Accumulated external debt (% of GNI) (2009)</b>		14.1%

## Burkina Faso

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	5,750.07
	<b>% of the Africa total (2002-2010)</b>	0.11%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		4.6%
<b>Public spending on health (2007) (% GDP)</b>		3.4%
<b>Defence spending (2008) (% GDP)</b>		1.4%
<b>GDP per capita (2009) (in current dollars)</b>		\$517
<b>HDI (2010)</b>		161
<b>Accumulated external debt (% of GNI) (2009)</b>		22.9%

## Burundi

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	11.00
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal conflict (minor): 1965-2008	
<b>Public spending on education (2007) (% GDP)*****</b>		7.2%
<b>Public spending on health (2007) (% GDP)</b>		5.2%
<b>Defence spending (2008) (% GDP)</b>		4.0%
<b>GDP per capita (2009) (in current dollars)</b>		\$160
<b>HDI (2010)</b>		166
<b>Accumulated external debt (% of GNI) (2009)</b>		38.9%

## Cape Verde

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	63.80
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		5.7%
<b>Public spending on health (2007) (% GDP)</b>		3.4%
<b>Defence spending (2008) (% GDP)</b>		0.5%
<b>GDP per capita (2009) (in current dollars)</b>		\$3,064
<b>HDI (2010)</b>		118
<b>Accumulated external debt (% of GNI) (2009)</b>		47.2%

## Cameroon

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	10,792.69
	<b>% of the Africa total (2002-2010)</b>	0.21%
	<b>Spain (2002-2010)</b>	465.79
	<b>% of the Africa total (2002-2010)</b>	0.11%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		2.9%
<b>Public spending on health (2007) (% GDP)</b>		1.3%
<b>Defence spending (2008) (% GDP)</b>		1.5%
<b>GDP per capita (2009) (in current dollars)</b>		\$1136
<b>HDI (2010)</b>		131
<b>Accumulated external debt (% of GNI) (2009)</b>		1.5%

## Chad

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	24,375.03
	<b>% of the Africa total (2002-2010)</b>	0.47%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal conflict (minor): 1966-	
<b>Public spending on education (2007) (% GDP)*****</b>		1.9%
<b>Public spending on health (2007) (% GDP)</b>		2.7%
<b>Defence spending (2008) (% GDP)</b>		6.6%
<b>GDP per capita (2009) (in current dollars)</b>		\$610
<b>HDI (2010)</b>		163
<b>Accumulated external debt (% of GNI) (2009)</b>		28.6%



## Ivory Coast

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	29.00
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	2004
	<b>EU</b>	2004
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal conflict (minor): 2002-2004	
	Internal repression or one-sided government violence: 2002-2004	
	Internal repression or AG one-sided violence: 2002-2003	
<b>Public spending on education (2007) (% GDP)*****</b>		4.6%
<b>Public spending on health (2007) (% GDP)</b>		1.0%
<b>Defence spending (2008) (% GDP)</b>		1.5%
<b>GDP per capita (2009) (in current dollars)</b>		\$1106
<b>HDI (2010)</b>		149
<b>Accumulated external debt (% of GNI) (2009)</b>		53.0%

## Egypt

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	544,005.95
	<b>% of the Africa total (2002-2010)</b>	10.54%
	<b>Spain (2002-2010)</b>	6,684.40
	<b>% of the Africa total (2002-2010)</b>	1.64%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal repression or one-sided government violence: 2011	
	Internal repression or AG one-sided violence: 2004-2005	
<b>Public spending on education (2008) (% GDP)*****</b>		3.8%
<b>Public spending on health (2008) (% GDP)</b>		4.8%
<b>Defence spending (2008) (% GDP)</b>		2.3%
<b>GDP per capita (2009) (in current dollars)</b>		\$2,371
<b>HDI (2010)</b>		101
<b>Accumulated external debt (% of GNI) (2009)</b>		17.6%

## Eritrea

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	3,884.23
	<b>% of the Africa total (2002-2010)</b>	0.08%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	2009
	<b>EU</b>	2010
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal conflict (minor): 1993-2003	
	Inter-state conflict (minor): Eritrea-Djibouti 1996-2008	
<b>Public spending on education (2007) (% GDP)*****</b>		2.0%
<b>Public spending on health (2007) (% GDP)</b>		1.5%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		\$369
<b>HDI (2010)</b>		No data
<b>Accumulated external debt (% of GNI) (2009)</b>		58.6%

## Ethiopia

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	37,325.06
	<b>% of the Africa total (2002-2010)</b>	0.72%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	Yes
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal conflict (minor): Ogaden 1993-2003	
	Internal conflict (minor): Oromia 1996-2008	
	Internal repression or one-sided government violence: 1989-2009	
<b>Public spending on education (2007) (% GDP)*****</b>		5.5%
<b>Public spending on health (2007) (% GDP)</b>		2.2%
<b>Defence spending (2008) (% GDP)</b>		1.4%
<b>GDP per capita (2009) (in current dollars)</b>		\$344
<b>HDI (2010)</b>		157
<b>Accumulated external debt (% of GNI) (2009)</b>		17.6%

## Gabon

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	5698.65
	<b>% of the Africa total (2002-2010)</b>	0.11%
	<b>Spain (2002-2010)</b>	395.19
	<b>% of the Africa total (2002-2010)</b>	0.10%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		3.8%
<b>Public spending on health (2007) (% GDP)</b>		5.0%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		\$7502
<b>HDI (2010)</b>		93
<b>Accumulated external debt (% of GNI) (2009)</b>		22.3%

## Gambia

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	no
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		2.0%
<b>Public spending on health (2007) (% GDP)</b>		2.6%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		\$430
<b>HDI (2010)</b>		151
<b>Accumulated external debt (% of GNI) (2009)</b>		75.3%

## Ghana

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	5,863.81
	<b>% of the Africa total (2002-2010)</b>	0.11%
	<b>Spain (2002-2010)</b>	3,198.05
	<b>% of the Africa total (2002-2010)</b>	0.79%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		5.4%
<b>Public spending on health (2007) (% GDP)</b>		4.3%
<b>Defence spending (2008) (% GDP)</b>		0.7%
<b>GDP per capita (2009) (in current dollars)</b>		\$430
<b>HDI (2010)</b>		151
<b>Accumulated external debt (% of GNI) (2009)</b>		75.3%

## Guinea

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	30.24
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	2009
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal repression or one-sided government violence: 2007-2009	
<b>Public spending on education (2007) (% GDP)*****</b>		1.7%
<b>Public spending on health (2007) (% GDP)</b>		0.6%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		\$407
<b>HDI (2010)</b>		156
<b>Accumulated external debt (% of GNI) (2009)</b>		48.3%



## Equatorial Guinea

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	7,280.08
	<b>% of the Africa total (2002-2010)</b>	0.14%
	<b>Spain (2002-2010)</b>	14.56
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>		no
<b>Public spending on education (2007) (% GDP)*****</b>		0.6%
<b>Public spending on health (2007) (% GDP)</b>		1.7%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		\$15,397
<b>HDI (2010)</b>		117
<b>Accumulated external debt (% of GNI) (2009)</b>		No data

## Guinea-Bissau

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	34.38
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	3.42
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>		No
<b>Public spending on education (2006) (% GDP)*****</b>		5.2%
<b>Public spending on health (2007) (% GDP)</b>		1.6%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		\$519
<b>HDI (2010)</b>		164
<b>Accumulated external debt (% of GNI) (2009)</b>		253.2%

## Union of the Comoros

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		7.6%
<b>Public spending on health (2007) (% GDP)</b>		1.9%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		\$833
<b>HDI (2010)</b>		140
<b>Accumulated external debt (% of GNI) (2009)</b>		51.00%

## Seychelles

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	15.54
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		5.0%
<b>Public spending on health (2007) (% GDP)</b>		3.6%
<b>Defence spending (2008) (% GDP)</b>		1.3%
<b>GDP per capita (2009) (in current dollars)</b>		\$8,688
<b>HDI (2010)</b>		No data
<b>Accumulated external debt (% of GNI) (2009)</b>		247.8%

## Kenya

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	55,477.51
	<b>% of the Africa total (2002-2010)</b>	1.07%
	<b>Spain (2002-2010)</b>	2,659.79
	<b>% of the Africa total (2002-2010)</b>	0.65%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>*Conflicts****</b>	Internal repression or one-sided government violence: 2007-2008	
	Internal repression or AG one-sided violence: 2007-2009	
<b>Public spending on education (2007) (% GDP)*****</b>		7%
<b>Public spending on health (2007) (% GDP)</b>		2%
<b>Defence spending (2008) (% GDP)</b>		1.9%
<b>GDP per capita (2009) (in current dollars)</b>		\$378
<b>HDI (2010)</b>		128
<b>Accumulated external debt (% of GNI) (2009)</b>		26.5%

## Lesotho

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		12.4%
<b>Public spending on health (2007) (% GDP)</b>		3.6%
<b>Defence spending (2008) (% GDP)</b>		1.6%
<b>GDP per capita (2009) (in current dollars)</b>		\$764
<b>HDI (2010)</b>		141
<b>Accumulated external debt (% of GNI) (2009)</b>		33.2%

## Liberia

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	442.00
	<b>% of the Africa total (2002-2010)</b>	0.01%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	1992 (AG from 2009)
	<b>EU</b>	2001
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>	Internal conflict (war): 1980-2003	
	Internal repression or one-sided government violence: 1990-2003	
<b>Public spending on education (2007) (% GDP)*****</b>		2.7%
<b>Public spending on health (2007) (% GDP)</b>		2.8%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		\$222
<b>HDI (2010)</b>		162
<b>Accumulated external debt (% of GNI) (2009)</b>		257.5%

## Libya

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	333,581.44
	<b>% of the Africa total (2002-2010)</b>	6.46%
	<b>Spain (2002-2010)</b>	15,112.26
	<b>% of the Africa total (2002-2010)</b>	3.71%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	1992-2003 and 2011
	<b>EU</b>	1986-2004 and 2011
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internationalised internal conflict (war): 2011	
<b>Public spending on education (2007) (% GDP)*****</b>		No data
<b>Public spending on health (2007) (% GDP)</b>		3%
<b>Defence spending (2008) (% GDP)</b>		1.2%
<b>GDP per capita (2009) (in current dollar)</b>		\$9,957
<b>HDI(2010)</b>		No data
<b>Accumulated external debt (% of GNI) (2009)</b>		No data



## Madagascar

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	37.30
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>	Internal repression or one-sided government violence: 2009 <sup>110</sup>	
<b>Public spending on education (2007) (% GDP)*****</b>		2.9%
<b>Public spending on health (2007) (% GDP)</b>		2.7%
<b>Defence spending (2008) (% GDP)</b>		1.1%
<b>GDP per capita (2009) (in current dollars)</b>		\$461
<b>HDI (2010)</b>		135
<b>Accumulated external debt (% of GNI) (2008)</b>		22.2%

<sup>110</sup> A contradiction is observed between human rights violations and conflicts, which is explained by the different sources.

## Malawi

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	1,352.28
	<b>% of the Africa total (2002-2010)</b>	0.03%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		4.2%
<b>Public spending on health (2007) (% GDP)</b>		5.9%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		\$326
<b>HDI (2010)</b>		153
<b>Accumulated external debt (% of GNI) (2009)</b>		24.7%

## Mali

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	14,754.07
	<b>% of the Africa total (2002-2010)</b>	0.29%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>	Internal conflict (minor): Azawad 1990-	
<b>Public spending on education (2007) (% GDP)*****</b>		3.8%
<b>Public spending on health (2007) (% GDP)</b>		2.9%
<b>Defence spending (2008) (% GDP)</b>		1.9%
<b>GDP per capita (2009) (in current dollars)</b>		\$691
<b>HDI (2010)</b>		160
<b>Accumulated external debt (% of GNI) (2009)</b>		29.6%

## Morocco

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	655,391.67
	<b>% of the Africa total (2002-2010)</b>	12.70%
	<b>Spain (2002-2010)</b>	195,417.54
	<b>% of the Africa total (2002-2010)</b>	48.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		5.6%
<b>Public spending on health (2007) (% GDP)</b>		5.3%
<b>Defence spending (2008) (% GDP)</b>		3.3%
<b>GDP per capita (2009) (in current dollars)</b>		\$2,842
<b>HDI (2010)</b>		114
<b>Accumulated external debt (% of GNI) (2009)</b>		26.5%

## Mauritius

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	990.56
	<b>% of the Africa total (2002-2010)</b>	0.02%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	no
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		3.6%
<b>Public spending on health (2007) (% GDP)</b>		2.0%
<b>Defence spending (2008) (% GDP)</b>		0.2%
<b>GDP per capita (2009) (in current dollars)</b>		\$6,735
<b>HDI (2010)</b>		27
<b>Accumulated external debt (% of GNI) (2009)</b>		8.4%

## Mauritania

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	8,913.62
	<b>% of the Africa total (2002-2010)</b>	0.17%
	<b>Spain (2002-2010)</b>	434.47
	<b>% of the Africa total (2002-2010)</b>	0.11%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>	Internationalised internal conflict (minor): 2008-	
<b>Public spending on education (2007) (% GDP)*****</b>		4.4%
<b>Public spending on health (2007) (% GDP)</b>		1.6%
<b>Defence spending (2008) (% GDP)</b>		3.7%
<b>GDP per capita (2009) (in current dollars)</b>		\$921
<b>HDI (2010)</b>		136
<b>Accumulated external debt (% of GNI) (2009)</b>		66.6%

## Mozambique

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	67.55
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		5.0%
<b>Public spending on health (2007) (% GDP)</b>		3.8%
<b>Defence spending (2008) (% GDP)</b>		0.8%
<b>GDP per capita (2009) (in current dollars)</b>		\$428
<b>HDI (2010)</b>		165
<b>Accumulated external debt (% of GNI) (2009)</b>		43.0%

## Namibia

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	1,242.00
	<b>% of the Africa total (2002-2010)</b>	0.02%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		6.5%
<b>Public spending on health (2007) (% GDP)</b>		3.2%
<b>Defence spending (2008) (% GDP)</b>		3.5%
<b>GDP per capita (2009) (in current dollars)</b>		\$4.267
<b>HDI (2010)</b>		105
<b>Accumulated external debt (% of GNI) (2009)</b>		No data



## Niger

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	3,167.29
	<b>% of the Africa total (2002-2010)</b>	0.06%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal conflict (minor): 1991-2008	
<b>Public spending on education (2007) (% GDP)*****</b>		3.7%
<b>Public spending on health (2007) (% GDP)</b>		2.8%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		\$357
<b>HDI (2010)</b>		167
<b>Accumulated external debt (% of GNI) (2009)</b>		18.8%

## Nigeria

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	147,070.38
	<b>% of the Africa total (2002-2010)</b>	2.85%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	Yes
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal conflict (minor): 1966-2009 y 2004	
	Internal repression or one-sided government violence: 1990-2008	
<b>Public spending on education (2007) (% GDP)*****</b>		No data
<b>Public spending on health (2007) (% GDP)</b>		1.7%
<b>Defence spending (2008) (% GDP)</b>		0.8%
<b>GDP per capita (2009) (in current dollars)</b>		1118\$
<b>HDI (2010)</b>		142
<b>Accumulated external debt (% of GNI) (2009)</b>		5.1%

## Central African Republic

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	3,506.02
	<b>% of the Africa total (2002-2010)</b>	0.07%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal conflict (minor): 2001-	
	Internal repression or one-sided government violence: 2001-2007	
<b>Public spending on education (2007) (% GDP)*****</b>		1.3%
<b>Public spending on health (2007) (% GDP)</b>		1.4%
<b>Defence spending (2008) (% GDP)</b>		1.6%
<b>GDP per capita (2009) (in current dollars)</b>		\$454
<b>HDI (2010)</b>		159
<b>Accumulated external debt (% of GNI) (2009)</b>		20.00%

## Republic of the Congo

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	4,553.75
	<b>% of the Africa total (2002-2010)</b>	0.09%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal conflict (minor): 1993-2002	
	Internal repression or AG one-sided violence: 1998-2002	
<b>Public spending on education (2007) (% GDP)*****</b>		1.8%
<b>Public spending on health (2007) (% GDP)</b>		1.7%
<b>Defence spending (2008) (% GDP)</b>		1.1%
<b>GDP per capita (2009) (in current dollars)</b>		\$2061
<b>HDI (2010)</b>		126
<b>Accumulated external debt (% of GNI) (2009)</b>		83.8%

## Democratic Republic of the Congo

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	1,204.66
	<b>% of the Africa total (2002-2010)</b>	0.02%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	2003 (AG)
	<b>EU</b>	1992 (AG from 2003)
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	Yes
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal conflict (minor): 1963-2008	
	Internal repression or one-sided government violence: 19989-2009	
	Internal repression or AG one-sided violence 1989-	
<b>Public spending on education (2007) (% GDP)*****</b>		No data
<b>Public spending on health (2007) (% GDP)</b>		1.2%
<b>Defence spending (2008) (% GDP)</b>		1.4%
<b>GDP per capita (2009) (in current dollars)</b>		\$160
<b>HDI (2010)</b>		168
<b>Accumulated external debt (% of GNI) (2009)</b>		121.4%

## Rwanda

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	16,455.60
	<b>% of the Africa total (2002-2010)</b>	0.32%
	<b>Spain (2002-2010)</b>	15,175.00
	<b>% of the Africa total (2002-2010)</b>	3.73%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	1995-2008 (AG)
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>*Conflicts****</b>	Internal conflict (minor): 1990-	
	Internal repression or one-sided government violence: 1990-2009	
	Internal repression or AG one-sided violence: 1989-	
<b>Public spending on education (2007) (% GDP)*****</b>		4.1%
<b>Public spending on health (2007) (% GDP)</b>		4.9%
<b>Defence spending (2008) (% GDP)</b>		1.5%
<b>GDP per capita (2009) (in current dollars)</b>		\$506
<b>HDI (2010)</b>		152
<b>Accumulated external debt (% of GNI) (2009)</b>		14.9%

## Sao Tome and Principe

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	56.55
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		No data
<b>Public spending on health (2007) (% GDP)</b>		5.3%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		\$1184
<b>HDI (2010)</b>		127
<b>Accumulated external debt (% of GNI) (2009)</b>		94.8%

## Senegal

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	3,412.69
	<b>% of the Africa total (2002-2010)</b>	0.07%
	<b>Spain (2002-2010)</b>	0.39
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal conflict (minor): Casamance 1982-2003	
<b>Public spending on education (2007) (% GDP)*****</b>		5.1%
<b>Public spending on health (2007) (% GDP)</b>		3.2%
<b>Defence spending (2008) (% GDP)</b>		1.6%
<b>GDP per capita (2009) (in current dollars)</b>		\$1023
<b>HDI (2010)</b>		144
<b>Accumulated external debt (% of GNI) (2009)</b>		27.1%



## Sierra Leone

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	4.06
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	1992-2010 (AG)
	<b>EU</b>	1992-2010 (GA)
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		3.8%
<b>Public spending on health (2007) (% GDP)</b>		1.4%
<b>Defence spending (2008) (% GDP)</b>		2.4%
<b>GDP per capita (2009) (in current dollars)</b>		\$341
<b>HDI (2010)</b>		158
<b>Accumulated external debt (% of GNI) (2009)</b>		23.4%

## Somalia

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	168.01
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	1992
	<b>EU</b>	2002
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	Yes
	<b>Non-systematic</b>	Yes
	Internationalised internal conflict (war): 1981-	
<b>Conflicts****</b>	Internal repression or AG one-sided violence: 2008-	
<b>Public spending on education (2007) (% GDP)*****</b>		No data
<b>Public spending on health (2007) (% GDP)</b>		No data
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		No data
<b>HDI (2010)</b>		No data
<b>Accumulated external debt (% of GNI) (2009)</b>		No data

## Swaziland

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		7.9%
<b>Public spending on health (2007) (% GDP)</b>		3.8%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		\$2533
<b>HDI (2010)</b>		121
<b>Accumulated external debt (% of GNI) (2009)</b>		15.4%

## South Africa

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	2,397,232.98
	<b>% of the Africa total (2002-2010)</b>	46.44%
	<b>Spain (2002-2010)</b>	1.415.48
	<b>% of the Africa total (2002-2010)</b>	0.35%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		5.1%
<b>Public spending on health (2007) (% GDP)</b>		3.6%
<b>Defence spending (2008) (% GDP)</b>		1.3%
<b>GDP per capita (2009) (in current dollars)</b>		5,786\$
<b>HDI (2010)</b>		110
<b>Accumulated external debt (% of GNI) (2009)</b>		15.1%

## Sudan

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	1,204.53
	<b>% of the Africa total (2002-2010)</b>	0.02%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	2004
	<b>EU</b>	1994
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	Yes
	<b>Non-systematic</b>	Yes
	Internal conflict (minor): 1971-	
	Internal repression or one-sided government violence: 1989-2008	
<b>Conflicts****</b>	Internal repression or AG one-sided violence: 1989-	
<b>Public spending on education (2007) (% GDP)*****</b>		No data
<b>Public spending on health (2007) (% GDP)</b>		1.3%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		\$1294
<b>HDI (2010)</b>		154
<b>Accumulated external debt (% of GNI) (2009)</b>		40.5%

## Tanzania

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	1,159.19
	<b>% of the Africa total (2002-2010)</b>	0.02%
	<b>Spain (2002-2010)</b>	12.00
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		6.8%
<b>Public spending on health (2007) (% GDP)</b>		3.5%
<b>Defence spending (2008) (% GDP)</b>		1.1%
<b>GDP per capita (2009) (in current dollars)</b>		\$509
<b>HDI (2010)</b>		148
<b>Accumulated external debt (% of GNI) (2009)</b>		34.00%

## Togo

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	110.53
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>	Internal repression or one-sided government violence: 1991-2005	
<b>Public spending on education (2007) (% GDP)*****</b>		3.7%
<b>Public spending on health (2007) (% GDP)</b>		1.5%
<b>Defence spending (2008) (% GDP)</b>		1.9%
<b>GDP per capita (2009) (in current dollars)</b>		\$341
<b>HDI (2010)</b>		139
<b>Accumulated external debt (% of GNI) (2009)</b>		57.5%

## Tunisia

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	106,503.35
	<b>% of the Africa total (2002-2010)</b>	2.06%
	<b>Spain (2002-2010)</b>	1,168.93
	<b>% of the Africa total (2002-2010)</b>	0.29%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal repression or one-sided government violence: 2011	
<b>Public spending on education (2007) (% GDP)*****</b>		6.9%
<b>Public spending on health (2007) (% GDP)</b>		6.2%
<b>Defence spending (2008) (% GDP)</b>		1.3%
<b>GDP per capita (2009) (in current dollars)</b>		\$4.169
<b>HDI (2010)</b>		81
<b>Accumulated external debt (% of GNI) (2009)</b>		52.6%



## Uganda

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	2,578.49
	<b>% of the Africa total (2002-2010)</b>	0.05%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	Yes
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internationalised internal conflict (minor): 1971-	
	Internal repression or AG one-sided violence: 1989-	
<b>Public spending on education (2007) (% GDP)*****</b>		3.8%
<b>Public spending on health (2007) (% GDP)</b>		1.6%
<b>Defence spending (2008) (% GDP)</b>		2.3%
<b>GDP per capita (2009) (in current dollars)</b>		490\$
<b>HDI (2010)</b>		143
<b>Accumulated external debt (% of GNI) (2009)</b>		16.2%

## Djibouti

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	1,145.12
	<b>% of the Africa total (2002-2010)</b>	0.02%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>	Interstate conflict (minor): Djibouti-Eritrea 1996-2008	
<b>Public spending on education (2007) (% GDP)*****</b>		8.7%
<b>Public spending on health (2007) (% GDP)</b>		5.5%
<b>Defence spending (2008) (% GDP)</b>		3.7%
<b>GDP per capita (2009) (in current dollars)</b>		\$1214
<b>HDI (2010)</b>		147
<b>Accumulated external debt (% of GNI) (2009)</b>		67.2%

## Zambia

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	223.78
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	0
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	No
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	No
<b>Conflicts****</b>		No
<b>Public spending on education (2007) (% GDP)*****</b>		1.4%
<b>Public spending on health (2007) (% GDP)</b>		3.6%
<b>Defence spending (2008) (% GDP)</b>		2.0%
<b>GDP per capita (2009) (in current dollars)</b>		985\$
<b>HDI (2010)</b>		150
<b>Accumulated external debt (% of GNI) (2009)</b>		26.8%

## Zimbabwe

<b>Arms exports* (in thousands of current euros)</b>	<b>UE (2002-2010)</b>	1.50
	<b>% of the Africa total (2002-2010)</b>	0.00%
	<b>Spain (2002-2010)</b>	1.50
	<b>% of the Africa total (2002-2010)</b>	0.00%
<b>Embargoes (2002-2010)**</b>	<b>UN</b>	No
	<b>EU</b>	2002
<b>Human Rights violations (2009)***</b>	<b>Systematic</b>	No
	<b>Non-systematic</b>	Yes
<b>Conflicts****</b>	Internal repression or one-sided government violence: 2008	
<b>Public spending on education (2007) (% GDP)*****</b>		4.6%
<b>Public spending on health (2007) (% GDP)</b>		4.1%
<b>Defence spending (2008) (% GDP)</b>		No data
<b>GDP per capita (2009) (in current dollars)</b>		No data
<b>HDI (2010)</b>		169
<b>Accumulated external debt (% of GNI) (2005)</b>		131.4%

## BIBLIOGRAPHY

- BLASCO ROBLEDO, Francisco Javier (2006): «La acción de las FAS en el extranjero», *Ejército de tierra español*, No 783 (June 2006), pages 85 to 87.
- BROMLEY, Mark and BRZOSKA, Michael (2008): «Towards a Common, Restrictive EU Arms Export Policy? The Impact of the EU Code of Conduct on Major Conventional Arms Exports», *European Foreign Affairs Review*, No 13 (3), pages 333 to 356.
- EIKENBERG, Katharina (2000): «Article 296 (ex 233) E.C. and external trade in strategic goods», *European Law Review*, Vol. 25 (No 2), pages 117 to 138.
- FERREIRO DÍAZ, Eladio and TABOADA RODRÍGUEZ, J. Ángel (1998): «El Comercio Exterior de Material de Defensa (MD) y de Doble Uso (DU) en el ámbito del Ministerio de Defensa», *Economic Bulletin of the ICE*, No 2594-2596 (from 9th to 22nd November 1998), pages 21 to 25.
- FERRER LLORET, Jaime (1999): «La aplicación de medidas de embargo de armas adoptadas por la Unión Europea», *revista de derecho comunitario europeo*, No. 6 (July-December 1999), pages 279 to 321.
- FISAS, Vicenç (1989): *Las armas de la democracia. Exportaciones españolas de armamento 1980-1988*, Crítica, Barcelona.
- FISAS, Vicenç (1997): «El control del comercio de armamento», *la revista Internacional de filosofía política*, No 9, 1997, pages 56 a 69.
- FISAS, Vicenç (1998): *El lobby feroz. Las ONG ante el comercio de armas y el desarme*, Icaria, Barcelona.
- FONT, Tica (2007): «Balance de la política española de exportaciones de armas 1998-2005», in OLIVERES, Arcadi and ORTEGA, Pere (eds.): *El militarismo en España. Balance del ciclo armamentista español hasta 2007*, Icaria, Barcelona, pages 191 a 222.
- FONT, Tica and BENÍTEZ, Francesc (2011): *El controvertido comercio de armas español, un negocio secreto. 2001-2010*, The Study Centre for Peace J.M. Delàs – Justice and Peace, Barcelona.

- GALEANO, Juan Luis (1994): «Actividades del Ministerio de Defensa en relación con el comercio exterior de Material de Defensa y Productos y Tecnologías de Doble Uso», *Economic Bulletin of the ICE*, No 2409 (from 18th to 24th April 1994), page 19.
- SPANISH GOVERNMENT (2011): *Estrategia Española de Seguridad. Una responsabilidad de todos*, National Print of the Official State Gazette, Madrid.
- HOLTOM, Paul, BROMLEY, Mark, WEZEMAN, Pieter D. and WEZEMAN, Siemon T. (2011): «International arms transfers», in *SIPRI Yearbook 2011. Armaments, Disarmament and International Security*, Oxford University Press, Oxford, pages 271 to 318.
- KLARE, Michael T. (2008): *Planeta sediento, recursos menguantes. La nueva geopolítica de la energía*, Urano, Barcelona.
- MELERO ALONSO, Eduardo (2008): *Régimen jurídico del control de las exportaciones de material de defensa y de doble uso. El secreto negocio de la industria de guerra*, Dykinson, Madrid.
- MELERO ALONSO, Eduardo (2009): «¿Se han legalizado las “guerras de agresión” en España?», *Revista Vasca de Administración Pública*, No 83 (January-April 2009), pages 91 to 114.
- MELERO ALONSO, Eduardo (2010): «La Posición Común 2008/944/PESC sobre control de las exportaciones de tecnología y equipos militares: Análisis crítico», *Revista española de Derecho Europeo*, No 34 (April-June 2010), pages 235 to 264.
- MINISTERIO DE DEFENSA (2003): *Revisión Estratégica de la Defensa*, Ministerio de Defensa. Secretaría General Técnica, Madrid.
- MINISTERIO DE DEFENSA (2011): *Propuestas para una estrategia industrial de defensa. Los intereses industriales de la Defensa en España*, Ministerio de Defensa. Secretaría General Técnica.
- MURO MARTÍNEZ, Ramón (2005): «El Código de Conducta de la Unión Europea en materia de exportación de armas. Siete años de experiencia», *Boletín económico del ICE*, No 2858 (from 10th to 16th October 2005), pages 33 to 42.
- ORTEGA, Pere (2007): «La ineficacia de la industria de guerra», en OLIVERES, Arcadi y ORTEGA, Pere (editores): *El militarismo en España. Balance del ciclo armamentista español hasta 2007*, Icaria, Barcelona, pages 159 to 189.
- ORTEGA, Pere y SIMARRO, Camino (2012): *El complejo militar-industrial. Un parásito en la economía española*, Report No. 12, The Study Centre for Peace J.M. Delàs.
- PIETSCH, Dietmar (2002): «Verhaltenskodex der Europäischen Union für Waffenausführen», in HOHMANN, Harald and JOHN, Klaus [editores]: *Ausfuhrrecht. Kommentar mit EG-Dual-Use-Verordnung, EG-Ausfuhrverordnungen*,

*Außenwirtschaftsgesetz, Außenwirtschaftsverordnung, Kriegswaffenkontrollgesetz*, C. H. Beck, Múnich, pages 2353 to 2363.

RANNINGER, Hermann (1985): *La transferencia internacional de tecnología: teoría y evidencia. El caso de la industria militar española*, Doctoral Thesis, Economic and Business Sciences Faculty, Madrid Computense University.

SAFERWORLD (2008): *Good conduct? Ten years of the EU Code of Conduct on Arms Exports*, June 2008 [available on the web site: [www.saferworld.org.uk](http://www.saferworld.org.uk)].

SCHMIDT-ASSMANN, Eberhard (2003): *La teoría general del Derecho administrativo como sistema. Objeto y fundamentos de la construcción sistemática*, Marcial Pons, Madrid.

YANIK, Lerna K. (2006): «Guns and Human Rights: Major Powers, Global Arms Transfers, and Human Rights Violations», *Human Rights Quarterly* 28 (2006), pages 357 to 388.

ZOLO, Danilo (2007): *La justicia de los vencedores. De Nuremberg a Bagdad*, Trotta, Madrid.

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