

COOPERATION, DEVELOPMENT AND ARMS SALES: AN IMPOSSIBLE RELATIONSHIP

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The initiative put forward by FRIDE under the AOD Forum is an opportunity to bring our attention to one of the greatest contradictions in Spanish foreign policy. Despite the declared support of the current government for the improvement of Spanish development cooperation policies and instruments, prevention of conflicts, and multilateral negotiation environments for conflict resolution, as well as some initiatives implemented in this sense, the Spanish arms trade is still rising.

In the past years, advances have been made regarding transparency and control, but the system is still highly deficient, and is far from guaranteeing that arms do not reach the wrong places. Furthermore, it is difficult to access relevant information, trading interests still have considerable weight, and arms are still sold to countries in conflict, where human rights are violated or where these sales absorb large funds otherwise destined to the provision of social services. This situation is scarcely consistent with the peace and development discourse mentioned above, and attests to a lack of coordination between policies of trade, defence, foreign affairs, and development cooperation. This may compromise the effectiveness of Spanish assistance and that of its development cooperation policies.

Concepts on the Rise: Conflict Prevention and Fragile States

The political significance of conflict prevention grew in the 1990s as a result of a combination of factors, including the emergence of the concepts of human development and human security, and the questioning of the absolute sovereignty of the state in cases where it is either unwilling or unable to meet its obligations towards its citizens; or when it is behind massive violations of human rights.

Another determining factor was the increase in intrastate armed conflicts after the end of the Cold War, which became a major threat to international security. These conflicts usually occur in the so-called fragile or failed State, where genocide or serious violations of human rights are common, and are generative of substantial levels of violence, significant fluxes of refugee and displaced-persons, and economic and environmental destruction, amongst other pernicious social effects. Moreover, in weak or non-existent State, arises the trafficking of: weapons and firearms, minerals, drugs, and other illicit goods, sometimes extending even to human trafficking. Furthermore, a new concern has developed in the post-9/11 international context: the possibility for these areas to become havens for terrorist groups, as with Afghanistan and Al-Qaeda. Nevertheless, these developments attracted the attention of various spheres of international power, albeit with hesitant and diversified approaches.

In light of this, it is good news that the Master Plan for Spanish Cooperation identifies the prevention of conflicts and the building of peace amongst its seven sectoral priorities, which will then turn into strategic goals. Having more interdepartmental coordination is also a positive addition, as is the support for a

higher level of coherence amongst all government areas.¹ There is, however, much room for concern. To date, results are nowhere near the ambitious goals set, and a few basic mechanisms for advancement in this matter have yet to be implemented. Beyond specific implementation concerns, the disparity between these criteria and practices in other areas leads us to question the coherence of governmental policies and, ultimately, the existence of a political will: arms sales are a clear example of this.

The Proliferation of Arms and the Spanish Case

Their lethal character and the high number of civilian victims in modern armed conflicts reveal the fatal consequences of arms proliferation, particularly, that of light arms. This may not be the principal cause of violence, but it does assist in its aggravation, since the low price of light arms makes it possible for broader sectors of the population to have access to them. This may turn latent conflicts within societies into violent events, worsen and extend war situations, generate deep insecurity among citizens, and add to the already complex reconstruction processes.

There is an arsenal of 640 million light arms in the world, that is, one for every ten persons – and there is one death each minute as a result.² Estimates for authorised arms exports amount to, approximately, US\$ 21 billion per annum. The problem is graver still: between 80 and 90 percent of all illegal arms originally come from state-authorized and approved purchase-and-sale transactions, which later reach the black market in various ways. Every year, some 8 million new arms enter the market. Every year, around 1 million arms are lost or stolen. And every year, 7.5 to 8 million munitions are manufactured.

Spain plays a part in this problem. In the past years, she has ranked 15th amongst world arm exporters, and exports have increased since the year 2000. In 2005, they reached €419.5 million (approx. US\$ 551 million), 3.3 percent more than the previous year. This increase is partly due to the involvement of Spanish corporations in European joint arms production programmes. In that year, 62 percent of exports of defence, security and double-use materials were made to North Atlantic Treaty Organisation (NATO) or European Union (EU) members. The remaining 38 percent was distributed among 33 other non-members.³

In the past decade, recipient countries of Spanish arms include: Saudi Arabia, Colombia, Indonesia, Israel, Morocco, the Philippines, Sri Lanka, Zimbabwe, and Sudan amongst others. These countries would hardly meet the requirements of the EU Code of Conduct on arms exports.⁴ Colombia, for instance, has constantly purchased arms from Spain since 1993. That country is stricken by a bitter armed conflict, characterised by its grave and systematic violations of human rights. What

1 The so-called 'whole-of-Government approach'.

2 See Amnesty International-Oxfam- Control Arms, 'Vidas destrozadas. La necesidad de un control estricto del comercio internacional de armas' [Destroyed Lives. The Need for a Tougher Control on International Arms Trade], United Kingdom, 2003. See subsequent reports of the campaign 'Control Arms' at <http://www.controlarms.org>

3 Amnesty International -Greenpeace-Intermón Oxfam, 'Análisis de las exportaciones españolas de armamento 2005' [Analysis of Spanish arms exports 2005], Madrid, June, 2006. This and all other data regarding Spanish arms exports come from the aforesaid reports, and all other reports from the campaign.

4 The [Code of Conduct](#) establishes eight criteria that justify the denial of an export operation, for instance: the export is made to a country undergoing an armed conflict, to a country where human rights are violated, where there are serious socio-economic difficulties, or where it can affect regional stability, etc. The Code is not binding, although there are talks for a Common Agreement in relation thereto.

is more, this takes place despite the motion passed by the Spanish Parliament in June 2004, which effectively suspended the military cooperation agreement with Colombia. How is it possible that arms are still being exported to countries like Colombia, Indonesia, and Sri Lanka, which, on the other hand, receive significant humanitarian aid from the Spanish Agency for International Development Cooperation (AECI) and other actors?

Moreover, Spain is the world's main exporter of ammunition to Sub-Saharan Africa. In 2004, more than 37 million hunting cartridges were exported to Ghana, a product that is not subject to controls despite its potential use for military purposes. In 2005, more than 25 million cartridges were sold. For a country with a population of little over 21 million, undergoing socio-economic problems and presents a serious risk to regional stability, these figures seem disproportionate. Also, Ghana is a member of the Economic Community of Western Africa States (ECOWAS), a body that established, in 1998, a moratorium on the import, export, production, and distribution of small and light arms, and also of small and light arms ammunition. Furthermore, international bodies have warned of the proliferation of small and light arms in this country, as well as of the risk of their illicit traffic to and from neighbouring countries, some undergoing conflicts or in post-conflict situations. For their part, Sudan and Zimbabwe have purchased ammunition from Spain despite being under an arms embargo.

An Opportunity: The Arms Trade Law

Regarding Spanish arms exports, there are two principal concerns. The first regards the levels of control, which, in light of the examples above, are not efficient in preventing arms from reaching the wrong recipients. The second problem is the lack of transparency. Decisions in this respect are made by the General Secretariat for Foreign Trade, after receiving the mandatory and binding report of the Interministerial Commission for Defence and Double-Use Materials (JIMMDU).⁵ The following ministries are represented in this Board: the Ministry of Industry, Tourism and Trade; the Defence Ministry; the Ministry of Foreign Affairs and Cooperation; the Ministry of Economy and Treasury; and the Ministry of Internal Affairs. Not only is there a disproportionate balance of influence, which tilts most heavily towards the Ministry that heads this list (indicative of the priority sphere in which this issue resides), but also, the minutes of the meetings are secret. This makes it impossible to know in due time whether or not a given operation is in breach of the Code of Conduct. Moreover, although produced twice a year, export statistics are usually delayed for months, and the Secretary of State appears only once a year in Parliament for due accountability. This lack of transparency prevents an effective control from taking place before operations are carried out.

Amnesty International, Greenpeace and Intermón Oxfam have been working since 1994 towards achieving a better control and transparency in this type of exports. Progress has been made in the past years, but it is necessary go much further. The recent passing of an arms trade bill, by the Council of Ministers, in December 2006, now presents itself as a significant opportunity.⁶ The bill, which will be sent to Parliament for debate in February, introduces some advances, and answers, for instance, a long-sought petition from the aforementioned Non-governmental

⁵ The JIMMDU was created in 1988 and is charged with authorising or denying licenses for exporting defence and double-use materials requested by operators.

⁶ Until this is passed, [the present Royal Decree 1782/2004](#) of July 30th will remain in force. This law regulates all aspects regarding the foreign trade of defence materials, other materials and double-use products and technologies. Unfortunately, the draft that was presented fails to incorporate important advances in relation to this law.

Organisations (NGOs): that hunting and sports ammunition be considered, in the very least, double-use materials (since it is possible to give a military use to them). In general terms, however, it is still far from being at a desirable level regarding transparency and control: if approved as it stands at the moment, it will not prevent Spanish arms from continuing to damage the development and stability of many countries.⁷

A clear example is cluster ammunition, whose victims are civilians in 98 percent of cases – Spain manufactures and sells them. What is more, the Spanish army also has its own limited arsenal. These arms do not distinguish between civilian and military targets, and can kill people for a long time after the end of conflict. The deactivation of these arms is, for instance, one of the most dangerous tasks currently faced by Spanish soldiers in Southern Lebanon, and will hinder the reconstruction and recovery of that country for a long period of time. The Spanish government, however, has stated that it has no intention of banning cluster ammunition.⁸

The Need for Political Coherence and Integrated Approaches

The fact that the lack of coherence between policies in aspects such as assistance, trade, or security, may give rise to contradictory results or threaten the effectiveness of the aid policies is widely known. To avoid that, we need to work towards achieving consistency between aid policies and non-aid policies; that is, ensuring coherence between the different departments and ministries.⁹ This is particularly true in complex environments, such as fragile State, and in conflict prevention, where achieving goals depends on the capacity to implement a wide variety of intersectoral and interrelated measures in economic, political, and security terms. Tools related to security, diplomacy, development and humanitarian action, migrations, trade, and investment amongst others, are to be used for this purpose.

Some States have adopted measures to advance in this direction. For instance, Canada's '3D' model coordinates the areas of Defence, Diplomacy and Development at a strategic level. In 2003, Sweden passed a law that requires important political areas (security and defence, trade, migration, investments, agriculture) to contribute to a fair and sustainable global development. Other initiatives have also sprung within the European Union.

In Spain, however, advances seem to be more theoretical than tangible, and the inconsistency of policies developed by different ministries is revealed when the arms sale issue is approached. This is a question where trade interests seem to have more weight than the priorities of development and peace.

It is critical that development cooperation bodies have more weight in the decision-making process regarding arms trade, so that it is not subject exclusively to the interests of trade, and the pressures and interests of arms manufacturers. It is also crucial that the General Directorate for Planning and Evaluation of Development

⁷ In this sense, it should be noted that the draft was discussed with the *Asociación de Fabricantes de Material de Defensa* (Spanish Association of Defence Material Manufacturers, AFARMADE, for its Spanish abbreviation), and not with the NGOs that have been working on this issue for more than 12 years.

⁸ Written response to Parliament, No. 184/094151, Series D, No. 484, December 20, 2006.

⁹ Clare Lockhart, 'From aid effectiveness to development effectiveness: strategy and policy coherence in fragile States', document prepared for the Senior Level Forum on Development Effectiveness in Fragile States, Overseas Development Institute. Also, Department for International Development (DFID), 'Why we need to work more effectively in fragile States', January 2005. See full text:

<http://www.dfid.gov.uk/pubs/files/fragilestates-paper.pdf>

Policies (DGPOIDE) have some degree of influence over matters of trade, so that the priorities and goals of Spanish development cooperation and humanitarian action are taken into account when the authorisation of arms exports is under analysis.

The enforcement of greater transparency in future arms trade legislation would be a clear advance on this matter. It would avoid the current situation of belated awareness of sales that have already materialised; in other words, when nothing else can be done it. It would also be a major step for society and the remaining State bodies to be able to exert tighter control and influence on these sales. At the same time, this would have to be linked to an integrated approach regarding governmental policies, where development and conflict prevention were considered not only as a matter concerning development cooperation policies, but also as a general goal in all of Spanish Policy. Otherwise, not only will the goals be at risk, but also the credibility of the government itself as it reaffirms its support for dialogue and peace.

Foroaod – Spanish Development Aid

FRIDE organised the project “Spanish Development Aid - Mid-term Review and a Proposal for a Participative Consultation” between June 2006 and April 2007. This project aims to develop a consultation process about the current Spanish government’s development cooperation policy. We have created a forum for participation and debate, in order to assess the Spanish development cooperation reform agenda and to identify the main achievements and shortcomings in operationalising the initiatives based on the principle of “More Aid, Better Aid”. A set of recommendation guidelines were developed, through participative methods, with the objective of putting into practice the aspirations of the Spanish development cooperation policy.

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