

# alert 2002!

Report of Human Rights,  
Armed Conflicts and  
Arms Transfers



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# Glossary

**BICC:** Bonn International Center for Conversion  
**CFSP:** Common Foreign and Security Policy  
**CPI:** Corruption Perceptions Index  
**DAC:** Development Assistance Committee  
**ECOMOG:** Economic Community of West African States Monitoring Group  
**ECOSOC:** United Nations Economic and Social Council  
**ECOWAS:** Economic Community of West African States  
**EFTA:** European Free Trade Association  
**EU:** European Union  
**FAO:** Food and Agriculture Organization of the United Nations  
**FATF:** Financial Action Task Force  
**GDP:** Gross Domestic Product  
**GNP:** Gross National Product  
**HIPC:** Heavily Indebted Poor Countries  
**ICRC:** International Committee of the Red Cross  
**IDP:** Internally Displaced Persons  
**IISS:** International Institute for Strategic Studies  
**IMF:** International Monetary Fund  
**IRIS:** Institut de Relations Internationales et Stratégiques  
**NATO:** North Atlantic Treaty Organisation  
**NCCT:** Non-Cooperative Countries or Territories  
**NGO:** Non-governmental Organization  
**LDC:** Least Developed Countries  
**OECD:** Organisation for Economic Co-operation and Development  
**OSCE:** Organization for Security and Co-operation in Europe  
**PIOOM:** The Interdisciplinary Research Program on Root Causes of Human Rights Violations  
**PRIO:** Peace Research Institute of Oslo  
**RRI:** Reproductive Risk Index  
**RUF:** Revolutionary United Front  
**SIPRI:** Stockholm International for Peace Research Institute  
**UAB:** Universidad Autónoma de Barcelona  
**UN:** United Nations  
**UNAIDS:** Joint United Nations Programme on VIH/AIDS  
**UNAMSIL:** United Nations Mission in Sierra Leone  
**UNCTAD:** United Nations Conference on Trade and Development  
**UNDP:** United Nations Development Programme  
**UNESCO:** United Nations Educational, Scientific and Cultural Organization  
**UNHCHR:** High Commissioner for Human Rights  
**UNHCR:** United Nations High Commissioner for Refugees  
**UNIDIR:** United Nations Institute for Disarmament Research  
**UNITA:** União Nacional para a Independência Total de Angola  
**USA:** United States of America  
**USD:** United States of America dollars  
**WB:** World Bank  
**WFP:** World Food Programme  
**WHO:** World Health Organization



# Summary

**Alert 2002: Report on Human Rights, Armed Conflicts and Arms Transfers** is a set of instruments addressed to decision-making bodies within the States of the European Union to help direct their policy on arms transfer, as well as their policy on cooperation for development and rehabilitation after a war. In May 1998 the EU Council passed a Code of Conduct on arms exports, in which eight common criteria were established appealing for responsibilities in arms-exporting countries. According to these criteria, no arms should be exported to embargoed countries or countries that violate human rights, are unstable or in conflict, or when the transfer material risks to be resent or is incompatible with the country's economy and technology.

**Alert 2002** aims to be a tool for the prevention of armed conflicts as it promotes the implementation of the EU Code of Conduct. The lack of instruments for the control and compliance of the established criteria on individual arms transfers has encouraged the *UNESCO Chair on Peace and Human Rights/School of Peace Culture at UAB* to write this report. As a means of helping provide these instruments, the report combines 34 warning indicators extracted from prestigious sources, which are being used in surveys on armed conflicts prevention. The indicators show the situation of States and territories according to six thematic categories: international commitment, human rights, conflictivity, militarization, attitude before the international community and development.

This analysis shows that, by the end of 2001, 19 countries were under an embargo, although in some instances, embargoes were only applied to opposition armed forces. 55 States have a very poor human rights record, according to both United Nations and the EU, and 25 countries have open armed conflicts. This figure, however, does not tally with the overall amount of conflicts worldwide. This is due to the fact that some countries undergo more than one armed conflict. 18 countries have reached extremely worrying militarization levels, and public military expenditure outweighs education and health care budgets in 24 countries. Finally, reports from the Security Council Sanctions Committees warn about 17 countries which might fail to comply with international commitments and international law principles.

Intergovernmental organizations have expressed their concern about the human rights situation in most countries in armed conflict or under an arms embargo. Non-governmental organisations, such as Amnesty International and Human Rights Watch, have provided information on cases not included in the above sources. Out of all the countries which are under an embargo, 13 have a self-evident militarization level and 5 of them have reached an extremely serious situation. In countries with high levels of militarization —except for those where no reliable data is available—, military expenditure outweighs social investment.

Shere unobservance of any one of the criteria established by the EU Code of Conduct ought to instantly cancel any arms transfer to the country in question, or to, at least, increase security measures. Arms exports, despite their sometimes being used for self-defence, may trigger tension and lead to more violent conflicts. Promoting peace, safety and stability must be the leitmotiv for EU governments. A responsible policy on arms exports is crucial to reach the objectives. Thus, a comprehensive, open minded, and in-depth analysis on a case to case basis is needed.

Fortunately, the international community is gradually getting aware of this need. The United Nations Conference on Illicit Arms Trade in All its Aspects, held in New York in July 2001 is a clear example. For the first time, the world has recognised that uncontrolled arms proliferation is a problem to be included in the political agenda, which does not only apply to illegal trade but also to illicit trade —that is, legal

but ethically reprehensible. Likewise, the Conference dealt with the problem «in all its aspects», implying by that, that arms are not the only root of the problem, but also underdevelopment, lack of governability and disrespect for human rights.

The data included in this report —which is based on a detailed monitoring of international events— offers both governmental and intergovernmental organizations, NGOs and other social agents, some guided information on arms transfers and cooperation.

## Sumario

El propósito de **Alerta 2002: Informe sobre derechos humanos, conflictos armados y transferencias de armas** es ofrecer a los centros de decisión política de los Estados de la Unión Europea un conjunto de instrumentos que ayuden a orientar su política de transferencias de armamento, así como de cooperación para el desarrollo y de rehabilitación postbélica. En mayo de 1998, el Consejo de la UE aprobaba un Código de Conducta en materia de exportación de armas, por el que se establecen ocho criterios comunes que apelan a la responsabilidad de los países exportadores de armas. Según dichos criterios, por ejemplo, no se tendría que exportar armamento a países embargados, a países que violen los derechos humanos, que sean inestables o estén en conflicto armado, cuando exista riesgo de que el material transferido se reenvíe, o cuando la transferencia sea incompatible con la capacidad económica y técnica del país receptor.

**Alerta 2002** pretende ser una herramienta que contribuya a la prevención de conflictos armados, promoviendo la aplicación concertada del Código de Conducta de la UE. La falta de instrumentos que permitan ver si en cada transferencia de armas se cumplen o no los criterios establecidos por dicho Código ha llevado a la Cátedra UNESCO sobre Paz y Derechos Humanos/Escuela de Cultura de Paz de la UAB a la elaboración de este informe. Así, con el propósito de contribuir a la creación de dichos instrumentos, se han sintetizado 34 indicadores de alerta provenientes de fuentes de reconocido prestigio, habitualmente empleados en los estudios de prevención de conflictos armados. Estos indicadores sirven para analizar la situación de los Estados y territorios del mundo sobre la base de seis categorías temáticas: compromisos internacionales, derechos humanos, conflictividad, militarización, comportamiento frente a la comunidad internacional y desarrollo.

A partir de este análisis, se puede concluir que, al finalizar el año 2001, había 19 países sometidos a embargo (aunque en varios casos dichos embargos sólo son aplicables a fuerzas armadas de oposición o tienen otras especificidades); 55 Estados presentan una situación de alerta en términos de derechos humanos, según las Naciones Unidas y la propia Unión Europea. En 25 países se han constatado conflictos armados abiertos, cifra que no corresponde al número total de conflictos armados, ya que en diversos estados se da más de un conflicto armado. Los niveles de militarización se han considerado extremadamente preocupantes en 18 países, y en 24 el gasto público militar es superior al gasto en educación y salud. Por último, a partir de los informes del Comité de Sanciones del Consejo de Seguridad, se alerta sobre 17 países que incumplirían o podrían estar incumpliendo compromisos internacionales y principios del derecho internacional.

La práctica totalidad de los países en conflicto o sobre los que pesa algún tipo de embargo de armas también tienen una situación de derechos humanos preocupante, según los organismos intergubernamentales. Los casos no mencionados por estas fuentes son señalados, en cambio, a partir de los informes y análisis de organizaciones no gubernamentales, como Amnistía Internacional y Human



Rights Watch. Entre los países embargados, además, hay 13 casos donde se da una clara situación de militarización, alcanzando en 5 de ellos un nivel extremadamente preocupante. Todos los países con muy elevados índices de militarización —a excepción de los que no presentan datos numéricos fiables— priorizan el gasto militar a la inversión social.

El mero incumplimiento de uno de los criterios que establece el Código de Conducta tendría que ser motivo suficiente para cancelar las transferencias de armas a ese país, o, como mínimo, para extremar las medidas de control y vigilancia. Las exportaciones de armamento, si bien en ocasiones pueden argumentarse a partir de las necesidades de autodefensa, a menudo pueden generar o alimentar tensiones y facilitar que los conflictos sean canalizados de manera violenta. El fomento de la paz, la seguridad y la estabilidad con un carácter preventivo y proactivo tiene que ser el criterio que guíe a los centros de decisión política de la Unión Europea. Una política de exportación de armamento responsable es fundamental para el logro de estos objetivos. Para ello es imprescindible un análisis exhaustivo de cada caso, con una óptica amplia y tratando las raíces profundas de los conflictos armados.

Afortunadamente, la sociedad internacional cada vez va tomando más conciencia sobre esta necesidad. Prueba de ello es la Conferencia de las Naciones Unidas sobre Tráfico Ilícito de Armas Ligeras en Todos sus Aspectos, que tuvo lugar en Nueva York en el mes de julio de 2001. Por primera vez, la sociedad internacional ha reconocido que la proliferación sin control de armamento es una problemática que debe tratarse en la agenda política. Y esta cuestión no se restringe al tráfico ilegal, sino que va más allá y también trata el tráfico ilícito (es decir, el que es legal, pero éticamente condenable). Asimismo, la Conferencia abordó la problemática en «todos sus aspectos», entendiendo que la raíz del problema no es únicamente el armamento, sino también el bajo nivel de desarrollo, de gobernabilidad y de respeto de los derechos humanos.

Con los datos del presente informe, elaborado sobre la base de un seguimiento pormenorizado de la coyuntura internacional, tanto los organismos gubernamentales como las organizaciones intergubernamentales, ONG y otros agentes sociales podrán contar con una información sistematizada que podrá servirles de guía para sus actuaciones y opiniones con relación a las transferencias de armas y a la cooperación.

## Sumari

La intenció d'**Alerta 2002: Informe sobre derechos humanos, conflictos armados y transferencias de armas** és oferir als centres de decisió política dels Estats de la Unió Europea un conjunt d'instruments que ajudin a orientar la seva política de transferències d'armament, així com de cooperació per al desenvolupament i de rehabilitació postbèlica. El maig del 1998, el Consell de la UE va aprovar un Codi de Conducta en matèria d'exportació d'armes, pel qual s'estableixen vuit criteris comuns que apel·len a la responsabilitat dels països exportadors d'armes. Segons aquests criteris, per exemple, no s'hauria d'exportar armament a països embargats, a països que violin els drets humans, que siguin inestables o estiguin en conflicte, quan hi hagi risc que el material transferit es reenvii, o quan la transferència sigui incompatible amb la capacitat econòmica i tècnica del país receptor.

**Alerta 2002** pretén ser una eina que contribueixi a la prevenció de conflictes armats, que promogui l'aplicació concertada del Codi de Conducta de la UE. La manca d'instruments que permetin veure si en cada transferència d'armes es compleixen o no els criteris establerts per l'esmentat Codi ha portat a la

Càtedra UNESCO sobre Pau i Drets Humans/Escola de Cultura de Pau de la UAB a l'elaboració d'aquest Informe. Així, amb el propòsit de contribuir a la creació d'aquests instruments, s'han sintetitzat 34 indicadors d'alerta de fonts de reconegut prestigi, habitualment utilitzats en els estudis de prevenció de conflictes armats. Aquests indicadors serveixen per analitzar la situació dels Estats i territoris del món en relació amb sis categories temàtiques: compromisos internacionals, drets humans, conflictivitat, militarització, comportament enfront la comunitat internacional i desenvolupament.

A partir d'aquesta anàlisi, es pot concloure que en finalitzar l'any 2001, hi havia 19 països sotmesos a embargament (si bé en diversos casos aquests embargaments només són aplicables a grups armats d'oposició o tenen altres especificitats); 55 estats presenten una situació d'alerta pel que fa als drets humans segons Nacions Unides i la mateixa Unió Europea. A 25 països s'han constatat conflictes armats oberts, xifra que no correspon al nombre total de conflictes armats, ja que a diversos estats es dona més d'un conflicte armat. Els nivells de militarització s'han considerat extremadament preocupants a 18 països i a 24, la despesa pública militar és superior a la despesa en educació i salut. En darrer terme, arran dels informes del Comité de Sancions del Consell de Seguretat, s'alerta sobre 17 països que no compleixen o podrien no estar complint compromisos internacionals i principis del Dret Internacional.

La pràctica totalitat dels països en conflicte o sobre els que pesa algun tipus d'embargament d'armes també tenen una situació de drets humans preocupant segons els organismes intergovernamentals citats. Els casos no esmentats per aquestes fonts són assenyalats, en canvi, mitjançant els informes i les anàlisis d'organitzacions no governamentals com Amnistia Internacional i Human Rights Watch. Entre els països embargats, a més, hi ha 13 casos on es troba una clara situació de militarització, la qual assoleix en 5 d'aquests un nivell extremadament preocupant. Per altra banda, tots els països amb elevats índexs de militarització —amb l'excepció d'aquells dels quals no hi ha dades numèriques fiables— prioritzen la despesa militar a la inversió social.

El simple fet de no complir un dels criteris que estableix el Codi de Conducta hauria de ser motiu suficient per cancel·lar les transferències d'armes a aquest país o, com a mínim, per extremar les mesures de control i vigilància. Les exportacions d'armament, si bé en ocasions poden argumentar-se a partir de les necessitats d'autodefensa, sovint poden generar o alimentar tensions i facilitar que els conflictes siguin canalitzats de forma violenta. El foment de la pau, la seguretat i l'estabilitat amb un caràcter preventiu i proactiu ha de ser el criteri que guïï els centres de decisió política de la Unió Europea. Una política d'exportació d'armament responsable és fonamental per assolir aquests objectius. Per aquest motiu és imprescindible una anàlisi exhaustiva de cada cas, amb una òptica àmplia que tracti les arrels profundes dels conflictes armats.

Afortunadament, la societat internacional cada cop va prenent més consciència pel que fa a aquesta necessitat. Una mostra d'això és la Conferència de Nacions Unides sobre Tràfic Il·lícit d'Armes Lleugeres en Tots els seus Aspectes que es va dur a terme a Nova York el mes de juliol del 2001. Per primer cop la societat internacional ha reconegut que la proliferació sense control d'armament és una problemàtica que cal ser tractada dins l'agenda política. I aquesta qüestió no es limita al tràfic il·legal, sinó que va més enllà i també tracta el tràfic il·lícit (és a dir, el que és legal, però èticament condemnable). Així mateix, la Conferència va abordar la problemàtica en «tots els seus aspectes» i va entendre que l'arrel del problema no és únicament l'armament, sinó també el baix nivell del desenvolupament, de governabilitat i de respecte dels drets humans.

Amb les dades de l'informe, tant els organismes governamentals com les organitzacions intergovernamentals, ONG i altres agents socials podran disposar d'una informació sistematitzada que podrà servir-los de guia per a les seves actuacions i opinions pel que fa a les transferències d'armes i a la cooperació.

# Sommaire

L'objectif d'**Alerta 2002 : Informe sobre derechos humanos, conflictos armados y transferencias de armas** c'est d'offrir aux centres de décision politique des États de l'Union Européenne un ensemble d'instruments qui les aident à orienter leur politique de transfert d'armement, ainsi que leur politique de coopération pour le développement et de réhabilitation à l'issue d'une guerre. Au mois de mai 1998 le Conseil de l'UE avait approuvé un Code de Conduite en matière d'exportation d'armement. Ce Code établissait huit critères communs qui appelaient à la responsabilité des pays exportateurs d'armes. D'après ces critères, par exemple, on ne devrait pas exporter des armes à des pays frappés d'embargo, à des pays qui violent les droits de l'homme, qui soient instables ou bien qui se trouvent dans une situation de conflit, lorsqu'il existe le risque que le matériel transféré soit renvoyé ou bien lorsque le transfert soit incompatible avec la capacité économique et technique du pays recepateur.

**Alerta 2002** veut être un outil pour contribuer à la prévention des conflits armés tout en promouvant l'application concertée du Code de Conduite de l'UE. Le manque d'instruments qui permettent de constater lors d'un transfert d'armes l'accomplissement ou le non accomplissement des critères établis par ce Code a amené la Chaire UNESCO sur la Paix et les Droits de l'Homme / École de la Culture de la Paix de la UAB à l'élaboration de ce rapport. Par conséquent et dans le but de contribuer à la création de tels instruments on a synthétisé 34 indicateurs d'alerte de sources d'un prestige reconnu, utilisés de manière habituelle dans les études de prévention de conflits armés. Ces indicateurs servent à analyser la situation des États et des territoires du monde en fonction de six catégories thématiques : les compromis internationaux, les droits de l'homme, les conflits armés, la militarisation, le comportement face à la communauté internationale et le développement.

À partir de cette analyse on peut conclure qu'à la fin de l'an 2001 il y avait 19 pays frappés d'embargo (même si dans certains cas ces embargos sont seulement appliqués à des forces armées d'opposition ou bien ils ont d'autres spécificités). Par ailleurs, 55 États présentaient une situation d'alerte par rapport aux droits de l'homme, d'après les Nations Unies et l'Union Européenne, elle-même. Ainsi, on a constaté des conflits armés ouverts à l'intérieur de 25 pays, ce chiffre ne correspondant pas au nombre total de conflits armés car dans plusieurs États on trouve plus d'un conflit armé. Dans 18 pays les niveaux de militarisation ont été classés d'extrêmement préoccupants et dans 24 pays la dépense publique militaire est supérieure à la dépense en éducation et santé, et cela est aussi très inquiétant. Finalement, d'après les rapports du Comité de Sanctions du Conseil de Sécurité on met en garde sur le fait que 17 pays manqueraient ou pourraient être en train de manquer aux compromis internationaux et aux principes du Droit International.

Presque la totalité des pays en conflit ou bien ceux sur lesquels pèse quelque sorte d'embargo ou saisie d'armes présentent également une situation du point de vue des droits de l'homme alarmante selon les organismes intergouvernementales. Les cas non mentionnés par ces sources sont recensés en revanche dans les rapports et les analyses des organisations non gouvernementales telles qu'Amnistie Internationale et Human Rights Watch. Parmi les pays frappés d'embargo on trouve de plus 13 cas où la situation de militarisation est évidente, atteignant dans 5 de ces pays des niveaux extrêmement alarmants. Tous les pays avec des taux très élevés de militarisation, à l'exception de ceux dont on ne dispose pas de données numériques de confiance, donnent la priorité à la dépense militaire en détriment des investissements sociaux.

Le manque d'un seul des critères qui sont établis par le Code de Conduite devrait suffire pour annuler les transferts d'armes à ce pays, ou du moins, pour renforcer les mesures de contrôle et de surveillance. Les exportations d'armement, bien que parfois puissent être justifiées à partir des besoins

d'autodéfense, souvent peuvent générer ou nourrir des tensions et faciliter la canalisation des conflits de manière violente. L'encouragement à la paix, la sécurité et la stabilité avec un caractère préventif et proactive doit être le critère qui guide les centres de décision politique de l'Union Européenne. Une politique d'exportation d'armement responsable est fondamentale pour la réussite de ces objectifs. Pour cela est indispensable une analyse exhaustive de chaque cas, avec une perspective large tout en examinant les racines profondes des conflits armés.

Heureusement la société internationale est en train de prendre conscience de plus en plus de cette nécessité. On le constate par exemple avec la Conférence des Nations Unies sur le Trafic Illicite d'Armes Légères dans Toutes leurs Modalités qui a été célébrée à New York le mois de juillet 2001. La société internationale avait, pour la première fois, reconnu que la prolifération sans contrôle de l'armement est un problème qui doit être traité dans l'agenda politique. Et cette question n'est pas restreinte au trafic illégal mais elle va plus loin et aborde également le trafic illicite (c'est-à-dire, celui qui est légal mais condamnable par des raisons éthiques). Pareillement la Conférence a abordé la problématique dans « tous les aspects », car la racine du problème n'est pas seulement l'armement mais aussi le faible niveau de développement, de capacité de gouvernement et de respect des droits de l'homme.

Grâce aux données de ce rapport, qui a été élaboré sur la base d'une poursuite détaillée de la conjoncture internationale, les organismes gouvernementales aussi bien que les organisations intergouvernementales, ONG et d'autres agents sociaux pourront disposer d'une information systématisée qui les guidera dans toutes leurs procédures concernant les transferts d'armes et la coopération.

# Introduction

The study *2002 Alert: Report on Human Rights, Armed Conflict and Arms Transfers* done by the Càtedra UNESCO sobre Pau i Drets Humans/Escola de Cultura de Pau, belonging to the Universitat Autònoma de Barcelona, consists of an analysis of the States and territories throughout the world and is based on a series of indicators linked to the Code of Conduct on Arms Exports,<sup>1</sup> approved by the Council for the European Union on 25 May 1998.<sup>2</sup> The Càtedra UNESCO sobre Pau i Drets Humans has been putting out this report yearly since 1997, although under a different format and name: *Report on Criteria to Authorise and Refuse Arms Exports*.<sup>3</sup>

**Table 1. Criteria from the European Union Code of Conduct on Arms Exports<sup>4</sup>**

1. Respect for the international commitments of EU member states, in particular the **sanctions** decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations.
2. The respect for **human rights** in the country of destination.
3. Internal situation in the country of final destination as a function of the existence of **tensions and armed conflicts**.
4. Preserving **regional** peace, security and **stability**.
5. The national **security** of the member States and the territories whose external relations are the responsibility of a member State, as well as that of a friendly and allied country.
6. The **behaviour** of the buyer country **with regard to the international community**, as regards in particular to its attitude to terrorism, the nature of its alliances and respect for international law.
7. The existence of a risk that the equipment will be **diverted** within the buyer country **or re-exported** under undesirable conditions.
8. The compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with **the least diversion for armaments of human and economic resources**.

While the approval of this Code has been greatly important as a starting point in the attempt to control arms exports, the Code needs to become more specific. The vague nature of the current drafting of its eight current criteria favours overly lax interpretation. The Council of the EU has reached an agreement on the commitment to establish principles in order to achieve<sup>5</sup> «a commitment by exporting countries to supply small arms only to governments (...) in accordance with appropriate international and regional restrictive arms export criteria, as provided in particular in the EU code of conduct (...)» and «the commitment to challenge and reverse “cultures of violence”, by enhancing public involvement through public education and awareness programmes.»

1. We define arms as all defence and dual use material used by the armed forces and forces of law and order. The restrictive criteria should also be applied to transfers of personnel, training and technology, including economic and logistic support.

2. The EU Code of Conduct was adopted on 8 June 1998 by the Member States as well as the associate countries in Central and Eastern Europe, Cyprus, the EFTA countries (Norway, Iceland, Switzerland and Liechtenstein), members of the European Economic Area and Canada. Turkey and Malta have also agreed to the principles of the Code of Conduct.

3. See <[www.pangea.org/unescopau/campanya/informes/pdf/criterios2001.pdf](http://www.pangea.org/unescopau/campanya/informes/pdf/criterios2001.pdf)>

4. For the complete text of the Code of Conduct see Appendix III.

5. TITLE I, Article 3, paragraphs b and g of the JOINT ACTION of 17 December 1998 adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons [1999/34/CFSP].

In this report 34 indicators (see table num. 2), grouped together in six categories, sanctions, human rights, armed conflicts, militarisation, behaviour with regard to the international community and development, are analysed. A list based on the results of the analysis is presented for each one of the categories of the States and territories deserving special attention because they have alerts in that category. Taken together, all of the tables indicating countries with alert situations provide systematised information allowing for orientating both arms transfer policies and development co-operation and post-war rehabilitation policies.

- (a) Insofar as the **export of arms and military equipment**, the report enables determining the contexts in which arms exports licences should be refused (or at least when caution should be taken) in order for these exports do not have a negative effect either on development or the building of peace in the recipient States or territories.
- (b) Insofar as **development co-operation and post-conflict rehabilitation**, the report also enables agencies and partners involved in development strategies to detect potential needs, particularly with a view to contextualise their work.

In short, *2002 Alert* aims to be a tool contributing to armed conflict prevention. In this sense, it is important to recognise that any aid can have a bearing, particularly in situations of armed conflict, as an incentive or disincentive to the building of peace. This report is aimed at both governmental and intergovernmental bodies, NGOs and other social partners.

**Table 2. List of Indicators**

**A. SANCTIONS**

1. Countries embargoed by the United Nations Security Council.
2. Countries embargoed by the EU or the OSCE .

**B. HUMAN RIGHTS**

3. Countries that have not ratified the International Covenant on Civil and Political Rights and/or the International Covenant on Economic, Social and Cultural Rights.
4. Countries that have not ratified the Convention Against Torture.
5. Countries that have not signed the Rome Statute of the International Criminal Court.
6. Countries with serious and systematic violations of human rights according to non-governmental sources.
7. Countries with serious violations of human rights and fundamental freedoms according to the EU.
8. Countries with negative or critical reports from Special Rapporteurs or Representatives of the United Nations Commission on Human Rights and/or Special Representatives or independent Experts appointed by the Secretary General of the United Nations.
9. Countries for which the United Nations Commission on Human Rights has adopted negative resolutions.
10. Countries which apply or maintain the death penalty.
11. Countries using child soldiers.
12. Countries of origin of persons obtaining political asylum.

**C. ARMED CONFLICTS**

13. Countries with high intensity armed conflict.
14. Countries with intermediate armed conflict.
15. Countries of origin where at least 1 of every 1,000 persons is a refugee.
16. Countries of origin where at least 1 of every 1,000 persons is internally displaced.

**D. MILITARISATION**

17. Countries which have not informed the United Nations Register of Conventional Weapons.
18. Countries which have not informed the United Nations Military Expenditure Register.
19. Countries with military spending of more than 4% of their GDP.
20. Countries with a percentage of soldiers of more than 1.5% of the population.
21. Countries with heavy conventional weapons imports greater than 0.5% of their GDP.
22. Militarised countries according to the BIC3D index.

**E. BEHAVIOUR WITH REGARD TO THE INTERNATIONAL COMMUNITY**

23. Countries mentioned for having violated international commitments or for not properly co-operating.
24. Countries that have not ratified the Ottawa Treaty on Anti-personnel Mines.
25. Countries subscribing to a moratorium on weapons imports.
26. Countries that are Tax Havens.
27. Countries not co-operating with the Financial Action Task Force (FATF) on Money Laundering.

**F. DEVELOPMENT**

28. Countries whose military spending is equal to or greater than their public spending in health and/or education.
29. Countries whose foreign debt is greater than their GNP and Highly Indebted Poor Countries (HIPC)
30. Countries with Food Emergency Alert.
31. Countries with WFP emergency operations.
32. Countries with a high risk of mortality among women due to a lack of reproductive health.
33. Countries belonging to the group of Less Developed Countries (LDC).
34. Countries with negative values in the corruption perception index.





# Category Analysis

## A. Sanctions

### Criterion 1 of the Code of Conduct

**Criterion one.** Respect for the international commitments of EU member states, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations.

Because this report is aimed at guiding arms export policy and because there could be a host of underlying reasons behind all of the different types of sanctions, no other type of sanctions decreed by international organisations (i.e. economic sanctions, air space restrictions, etc.) were taken into account in the analysis of this section other than **arms embargoes**.

There are currently 19 countries subject to arms embargoes decreed either by the United Nations (indicator num. 1) or the European Union or OSCE (indicator num. 2). In several cases, the embargoes apply to armed opposition groups acting within a country or neighbouring countries, as is the case with Afghanistan, Angola, Rwanda and Sierra Leone. In any event, the fact that there is an embargo—although it may be limited to armed opposition groups—illustrates the situation of this given context and serves to identify the existence of an armed conflict or a situation of high political tension. Therefore, the adoption of embargoes is a decisive, determining factor in prohibiting any arms transfers. It is understood that no territory or armed group sanctioned will receive arms transfers, meaning that the participation or complicity in the non-compliance with these international commitments deserves special analysis in the section on behaviour with regard to the international community.

These two indicators are particularly significant because, as noted over the entire report, the States subject to embargo are also those with the greatest number of alerts. As a general rule, the embargoed States are subject to political tension and devastated by prolonged armed conflict with high mortality rates, and have led to humanitarian crises. This shows the link between an irresponsible policy of amassing arms and the degradation of a given context.

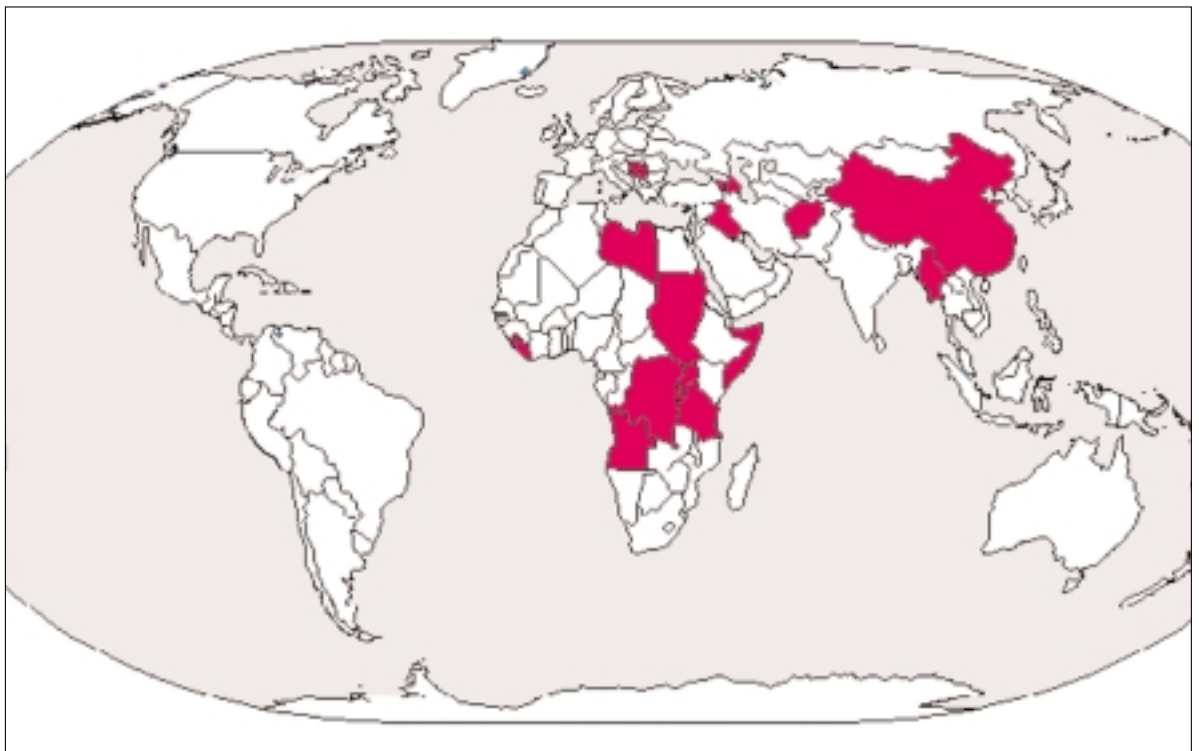
The following could serve as a brief description of the characteristics of the embargoes in force<sup>1</sup>. In the case of Afghanistan, the embargo imposed by the Security Council took a turn at the end of the year 2000 when it was limited to the territory controlled by the Taliban. The EU also modified its embargo on Afghanistan in October 2001 along the lines of the United Nations after international intervention coalition in that country by an international. Other contexts where embargoes are limited to armed opposition forces are: Angola—where the embargo applies to UNITA—, Sierra Leona—RUF—, and also Rwanda. In this case, the embargo applies to the armed opposition forces within the country as well as neighbouring countries (Burundi, Dem. Rep. of the Congo, Uganda and the United Rep. of Tanzania) if the military equipment in question is to be used within Rwanda. In the case of Sierra Leona and Liberia, the embargo does not apply to ECOMOG forces.

1. References to official documents appear in Appendix I.

There are many different reasons leading to imposing an arms embargo. Proof of this fact is that China has been under an EU embargo since the events of Tiananmen Square in 1989, Iraq due to the invasion of Kuwait, and the Libyan Arab Jamahiriya for not co-operating with the investigations regarding the blowup of a Pan Am flight in 1988. The Security Council has lifted the embargo on the Fed. Rep. of Yugoslavia —although the country remains under the embargo of the EU— despite the fact that the very resolution lifting the embargo acknowledges that the situation of extreme tension continued in the Kosovo region. The EU embargo on Bosnia and Herzegovina has excluded light weapons for the police and the mine-clearing team since 1999. The OSCE embargo on Armenia and Azerbaijan applies to the forces deployed in the area of Nagorno-Karabakh.

Arms embargoes are envisaged so that a situation does not worsen in certain contexts. This is why the cases of Myanmar and Sudan are attention drawing. There, although the existence of armed conflict is acknowledged and arms embargoes are therefore applied, these embargoes do not include contracts that have already been signed, meaning that previously contracted equipment can continue to fuel armed conflict.

**Map 1. Embargoed countries and countries with embargoed armed groups**



**Table 3. Embargoed countries and Countries with embargoed armed groups**

Afghanistan (Taliban)	Burundi*	Liberia	Sudan
Angola (UNITA)	China	Myanmar	Tanzania, U. Rep. of*
Armenia	Congo, Dem. Rep.	Rwanda*	Uganda*
Azerbaijan	Iraq	Sierra Leone (opposing forces)	Yugoslavia, Fed. Rep.
Bosnia and Herzegovina	Lybia, Arab Jamahiriya	Somalia	

\* These arms embargoes apply to non-governmental forces in Rwanda as well as Uganda, the U. Rep. of Tanzania, Burundi and the Dem. Rep. of the Congo, in the event that the arms could be used in Rwanda.

## B. Human Rights

### Criterion 2 of the Code of Conduct

**Criterion Two.** The respect for human rights in the country of destination.

Ten human rights indicators were analysed within this category based on Criterion 2 of the Code of Conduct. According to the Code of Conduct, after evaluating the attitude of each country based on the respect for the principles established in international human rights instruments, situations where there are grave violations of these principles should be analysed.

In line with this guideline, the indicators in this category have been divided into three groups. The first refers to the ratification of international legal instruments for the protection of human rights. The second to grave or very grave human rights violations by government agents, and finally, the third category refers to other aspects that deserve special attention. What has mainly been included in this category of indicators are the so-called first generation rights, that is, civil and political rights (i.e. the right to life, to liberty, to security of person, not to be discriminated against or subjected to torture or other degrading treatment, to equality before the law, not be subjected to arbitrary detention, to an impartial trial, to the freedom of movement, freedom of thought, conscience and religion, freedom of peaceful assembly and association, to participate in elections and occupy public positions.).

### ***Ratification of legal instruments for human rights protection***

After the Second World War and the adoption of the Universal Declaration of Human Rights in 1948 and the European Convention for the Protection of Human Rights and Fundamental Freedoms in 1951, a set of legal instruments for the protection of human rights was gradually built on both a world-wide and a regional scale. This internationalisation of the human rights protection system established over the 20<sup>th</sup> century puts the accent on States' responsibility to ensure the protection and promotion of human rights under international control. Later, as a reflection of the current notion of human rights, more than 170 countries ratified the universality, indivisibility and interdependence of all human rights in the International Conference in Vienna in 1993.

The basic core of human rights treaties that are legally binding for party States are the **International Covenant of Civil and Political Rights** and the **International Covenant on Economic, Social and**

**Cultural Rights**, both from 1966. When observing the ratification of these covenants (indicator num. 3), one can see that 41 States have not ratified either of the two.

Another basic tool for the protection of fundamental human rights is the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment**, which was not signed by 54 States, while another 11 States have signed but not ratified (indicator num. 4). Also, the Rome Statute of the International Criminal Court, approved in 1998 to try crimes of genocide, war, and against humanity, is a tool which aims to independently and permanently put an end to impunity for this type of human rights violations. The Statute establishing the **International Criminal Court** (indicator num. 5) has been signed by 139 States of which only 52 have ratified, while entry into force requires ratification by 60 States.

### ***First generation human rights violations***

Four indicators were established to reflect the situation of first generation human rights in each country. The first indicator is based on non-governmental sources while the other three are based on data from the EU and the United Nations. Only those human rights violations committed by the State or its security forces have been considered. Those violations perpetrated by other agents or armed opposition groups are not reflected.

The first indicator (indicator num.6) includes those countries where, according to the situation described in **Amnesty International and Human Rights Watch reports**, very grave human rights violations have been recorded. This refers to abuses regarding the right to life and security of person in a systematic or generalised fashion due to the action or the omission of the State, particularly extra-judicial executions, forced disappearances, deaths in custody, torture, arbitrary detention and generalised impunity.

The following three indicators highlight countries regarding which the European Union has made statements (indicator num. 7), or regarding which the competent bodies of the United Nations have informed of serious violations of human rights (indicators num. 8 and 9). The Code of Conduct calls for, «special caution [...] in countries where serious violations of human rights have been established by the competent bodies of the UN, the Council of Europe or by the EU». This information from intergovernmental sources has therefore been considered definitive in drawing up the list of the 55 countries with human rights alerts given their human rights situations. (table num. 4).

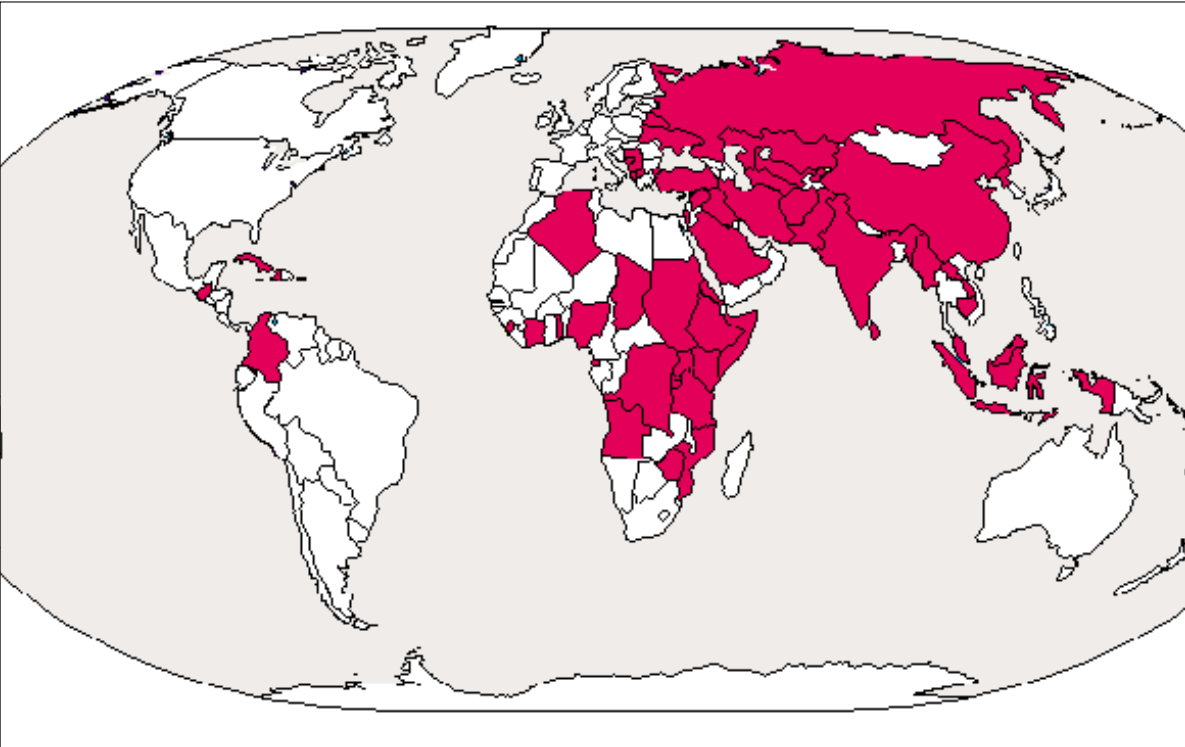
In the case of the European Union (indicator num. 7) those countries that are reason for the **concern of the European Council**<sup>2</sup> have been indicated. Regarding the United Nations, both negative reports issued by **Special Rapporteurs or Representatives** of the United Nations Commission on Human Rights and/or Special Representatives or independent Experts appointed by the United Nations Secretary General (indicator num. 8) were considered as well as negative resolutions adopted by the 57<sup>th</sup> Session of the United Nations Commission on Human Rights (indicator num. 9). Among these resolutions, what is particularly highlighted is those countries whose human rights situation has been expressly condemned by the **United Nations Commission of Human Rights** in its 57<sup>th</sup> Session<sup>3</sup>: Afghanistan (Taliban controlled zones), the Russian Federation (Chechnya), Iraq, Israel and Somalia. It must also be considered that the resolutions on Croatia, Western Sahara and Rwanda acknowledge certain progress.

2. Council of the European Union, European Union Annual Report on Human Rights 2001, Luxembourg, October 2001..

3. Geneva, 19 March - 27 April 2001.

It is worth noting here that because these bodies are intergovernmental, their decisions are often skewed due to the need to reach a given political consensus. This accounts for potential divergences in the various bodies' appraisal of cases such as Equatorial Guinea. While the United Nations Commission on Human Rights acknowledges positive aspects, the report by the Special Representative to the Commission, who was not authorised by the government to visit the country, concludes that the grave situation did not improve in any of its aspects as compared with the year 2000.

**Map 2. Countries with Human Rights Alerts according to the UN and the EU**



**Table 4. Countries with Human Rights Alerts according to the UN and the EU**

Afghanistan	Cuba	Korea, Dem. P. Rep.	Somalia
Albania	Equatorial Guinea	Kyrgyzstan	Sri Lanka
Angola	Eritrea	Lao, Dem. P.R.	Sudan
Algeria	Ethiopia	Macedonia, F.Y. Rep.	Syria, Arab Rep.
Belarus	Fiji	Malaysia	Tanzania, U. Rep.
Bosnia and Herzegovina	Guatemala	Mozambique	Togo
Burundi	Haiti	Myanmar	Turkmenistan
Cambodia	India	Nigeria	Turkey
Chad	Indonesia	Pakistan	Ukraine
China	Iran, Islamic Rep.	Palestine, N.A.	Uganda
Colombia	Iraq	Russian Fed.	Uzbekistan
Congo, Dem. Rep. of	Israel	Rwanda	Yugoslavia, F. Rep.
Côte d'Ivoire	Kazakhstan	Saudi Arabia	Zimbabwe
Croatia	Kenya	Sierra Leone	

When comparing the list of countries denounced by non-governmental sources<sup>4</sup> (indicator num. 6) with the list from regional or international bodies (table num. 4), one can observe eleven countries that are not in the latter list. These countries are Bangladesh, Brazil, Cameroon, Ecuador, Egypt, The Phillipines, Jamaica, Liberia, Nepal, Tunisia and Zambia.

### ***Other aspects deserving special attention***

The right to life is one of the fundamental rights that is denied by the application of the **death penalty**, still in force in the legislation of nearly half of the countries around the globe despite not only the call for establishing an international moratorium on executions, but also the fact that two international instruments prohibit this practice<sup>5</sup>. According to figures published by Amnesty International, the death penalty is applied in 87 countries (indicator num.10). The number of executions continues to be high in a group of six countries: Saudi Arabia, China, Dem. Rep. of Congo, U.S.A., Islamic Rep. of Iran, and Iraq accounted for 88% of the executions carried out in the year 2000.

The recruiting of **child soldiers** in armed conflicts is another grave violation that deserves special attention (indicator num.11). The Convention on the Rights of the Child adopted in 1989 in its Optional Protocol<sup>6</sup> categorically prohibits governmental armed forces from recruiting minors under the age of 18 or using them in hostilities. In addition, the Rome Statute of the International Criminal Court typifies as a war crime the use of girls and boys under the age of 15 as soldiers. In this report, and regarding the *Coalition to stop the use of child soldiers*, child soldier is understood in its most restrictive definition, that is, persons under the age of 18 who voluntarily or forcibly form part of the government armed forces and directly participate in combat. According to this definition, the governments of 17 countries continue recruiting child soldiers.

Finally, the issue of **political asylum**, a fundamental right of persons who are persecuted in their own countries<sup>7</sup>, is address. There are currently 26 countries in the world whose situation has triggered more than 1,000 grants of the statute of political asylum to persons from that country, while another 42 countries have triggered between 100 and 1,000 grants in the year 2000 (indicator num.12). Although the decision to grant the statute of asylum is sometimes based on considerations which have nothing to do with the asylum-seeker's condition, it does involve an acknowledgement on the part of the host country that the asylum-seeker's security and freedom are under threat in his or her home country. In other words, it is a governmental acknowledgement of some sort of human rights violation in a given country.

As can be observed, only grants of the statute of political asylum are considered while requests are not. This study can thus refer to governmental acknowledgement of a situation of persecution. Most countries granting statutes of asylum are industrialised countries producing and exporting arms. In order to be coherent with what is established in the Code of Conduct, the EU member States should attach the utmost importance to this indicator when carrying out their arms export policies since it does not seem either prudent or congruous to grant asylum to persons and transfer arms to their countries at the same time.

4. The authors of this study are responsible for the selection of the countries and not Amnesty International or Human Rights Watch, which do not compile these lists or rankings.

5. The Second Optional Protocol of the International Covenant on Civil and Political Rights, and Protocol Six of the European Convention on Human Rights and Fundamental Freedoms.

6. On 25 May 2000 Optional Protocol A/55/163-S/2000/712 was approved by the Assembly General and on 5 June it was declared open for the signature of any State having signed or ratified the Convention of the Rights of the Child. This protocol came into force on 12 February 2002.

7. This right is recognised in article 14 of the Universal Declaration of Human Rights as well as in the 1951 Convention on the Statute of Refugees.

## C. Armed Conflicts

### Criteria 3 and 4 of the Code of Conduct

**Criterion Three.** Internal situation in the country of final destination as a function of the existence of tensions and armed conflicts.

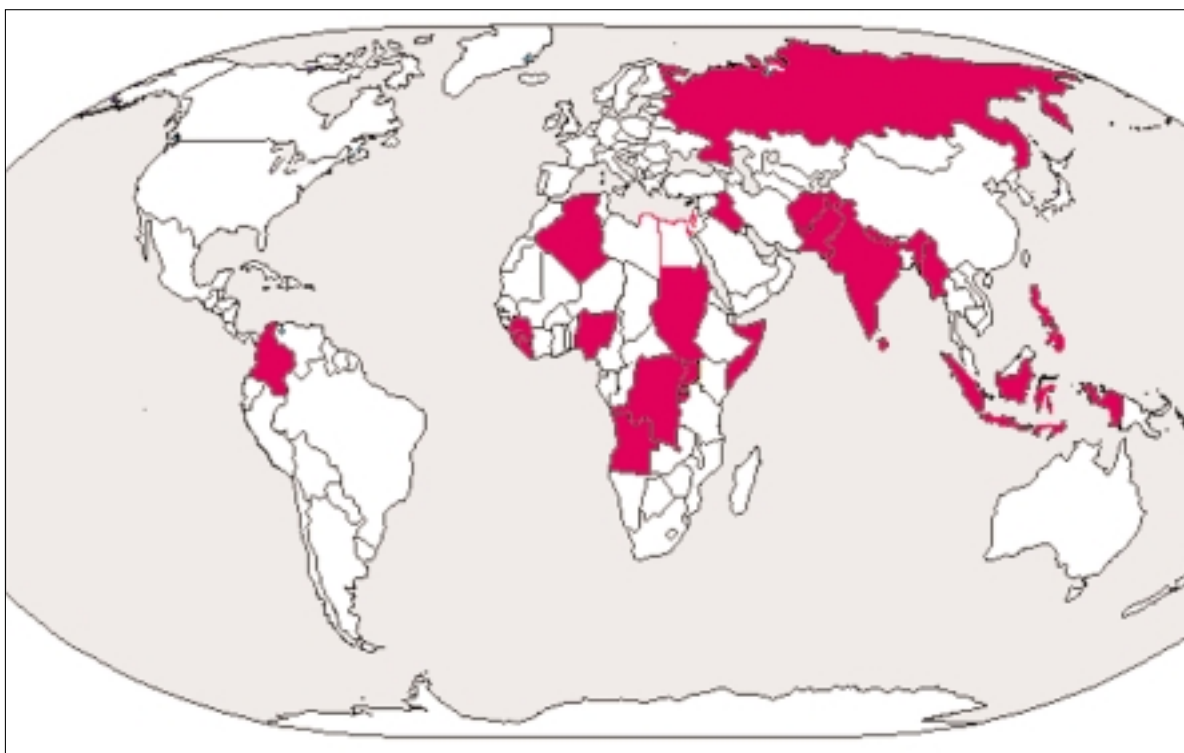
**Criterion Four.** Preserving regional peace, security and stability

This third category is based on criteria 3 and 4 of the Code of Conduct, which make reference to tensions and armed conflict as well as to maintaining regional peace, security and stability. Although the EU makes direct reference to tension and armed conflict in its Code of Conduct, it does not define them. Therefore, this section attempts to identify these situations by using four indicators. The first two indicators, which are definitive, indicate countries affected by **high and medium intensity armed conflict** (indicators num.13 and num.14), while the remaining two indicators refer to contexts triggering **flows of refugees** (indicator num.15) or **internally displaced persons** (indicator num.16).

Situations of armed conflict and forced displacement of the population have been analysed because it has been observed that the indiscriminate sale of arms foments political instability and prolongs armed conflict, thereby prolonging the suffering of the civilian population. Although the restriction and prohibition of the sale of arms will not automatically reduce the lethality of armed conflict, it is an element that can significantly contribute to preventing conflict from escalating and becoming more destructive.

Several centres for the study of conflicts, including the University of Uppsala, define high intensity armed conflict or war as «an incompatibility involving a government and/or territory where force is used between two or more parties, at least one of which is the government or a State, and which provokes at least 1,000 deaths over the course of a year». In other words, the emphasis is placed on the virulence of armed conflict, setting a scale of intensity based on the number of deaths produced by the armed conflict over a given period of time. The difference between the definition of intermediate armed conflict is that in the latter, the number of victims is between 25 and 1,000 deaths per year.

### Map 3. Countries with armed conflicts



**Table 5. Countries with armed conflicts**

Afghanistan	India	Nigeria	Somalia
Angola	Indonesia	Pakistan	Sri Lanka
Algeria	Iraq	Palestine, N.A.	Sudan
Burundi	Israel	Philippines	Uganda
Colombia	Liberia	Russian Federation	
Congo, Dem. Rep.	Myanmar	Rwanda	
Guinea	Nepal	Sierra Leone	

According to data from the University of Uppsala, updated by follow-up information provided by the Alert Unit on the international situation, there are currently 14 countries in **high intensity armed conflict** and an additional 15 countries with **intermediate armed conflict**. Also, in certain countries there are several concurrent armed conflicts, although armed conflict is only counted once per country. Such is the case in India (owing to both tension between India and Pakistan due to the border dispute in Cashmere, and to the tension between the government of India and Cachmeri armed opposition groups); in Indonesia (where there is confrontation in Aceh, on the island of Borneo and on the Molucca Islands); and in Nigeria (where there is inter-religious confrontation in the northern states in addition to several interethnic conflicts).

The high intensity armed conflict between Eritrea and Ethiopia entered into a phase of distension due to the signing of the peace accords in December 2000, which explains why this armed conflict does not appear. Contrarily, the development of events between Israel and the Palestine N.A. as of October 2000 with the increase of hostilities and fatal victims has led to classification as high intensity armed



conflict. In addition, regional instability in the area of Guinea, Liberia<sup>8</sup> and Nigeria has led these situations, as well as that of Nepal, to be considered intermediate armed conflict. Despite the fact that there had been intermediate armed conflict over the course of the year in the F. Y. R. of Macedonia, the improvement of the situation in the last quarter of the year that came with the cease in hostilities and the agreements reached explains why this situation has not been counted as armed conflict in this report.

Although the centres specialised in following armed conflict do not take into account contexts of terrorism or internal political violence, the seriousness of the 11 September attack on the United States and the subsequent military strike on Afghanistan by the United States with the support of other allies highlights the shortcomings in the definitions and accounting of armed conflicts in cases of high intensity attacks without any formal declaration of war when the nature of the reprisal can at the same time be considered an aggression and not a defensive act. Moreover, and this would apply to the recent attack by the U.S. and the United Kingdom on Afghanistan and on Iraq for the last several years, despite the fact that these countries might have the implicit or explicit support of the Security Council, this type of military intervention has been rejected by many countries. It therefore remains to be clarified whether countries such as the U.S. or the United Kingdom should be included on the table of countries with armed conflict.

The second group of indicators used makes reference to the countries where at least one out of every 1,000 persons has had to seek refuge outside the country (indicator num.15) and countries where at least one of every 1,000 persons is internally displaced (indicator num.16).

Armed conflicts, situations of grave tension or political violence, authoritarian regimes and serious human rights violations suffered by the civilian population in these contexts, as has been mentioned, leads to the forced displacement of a great number of persons. The 1951 UN Convention on Refugees, together with its 1967 Protocol on the Statute of Refugees, comprise the groundwork of international law on refugees. A **refugee** is understood to be «any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fears, is unwilling to avail himself of the protection of that country; or who not having a nationality and being outside the country of his former habitual place of residence as a result of such events, is unable, or owing to such fear, unwilling to return to it»<sup>9</sup>. In short, a refugee is a civilian who has crossed the border between his or her country of origin and, for that reason, no longer has the protection of his or her government.

Also, the definition of **internally displaced persons (IDP)** is «persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.»<sup>10</sup>. The difference between the internally displaced and refugees is that internally displaced persons have been forced to leave their place of residence without crossing an international border, and therefore do not have protection under international law on refugees. In principle, the displaced population is still protected by their own national law, however it is often action by the State that may be the cause of their displacement. In situations of armed conflict, the civilian po-

8. According to resolution S/RES/2001/1346 dated 30 March 2001 the UNAMSIL is extended for six months with a greater military component due to tension on the border between Sierra Leone, Guinea and Liberia.

9. Article 1.A(2) of the 1951 UN Convention on Refugees.

10. Deng, Francis M., *Guiding Principles on Internal Displacement*, Addendum to the Report of the Representative of the Secretary General for Internally Displaced Persons, document E/CN.4/1998/53/Add.2, dated 11 February 1998, from 54<sup>th</sup> Session of the United Nations Commission on Human Rights. Although they do not constitute a binding instrument, these Principles are compatible with international humanitarian law, human rights and analogous refugee rights.

pulation is legally protected by International Humanitarian Law, which covers both international and internal armed conflict.

The rights and obligations set out in the 1951 Convention on the Statute of Refugees constitutes the core of the mandate of the UNHCR, an organisation created by the United Nations in order to assist forced displacements of the population and facilitate voluntary repatriation or reception in a host country. The UNHCR offers the most complete figures on forced migrations throughout the world and is the source of indicators num.15 and num. 16. The first of the two indicators shows the number of refugees out of the total population of the country of origin. Here, the figures show that in 17 countries, at least one out of every 100 persons has been forced to seek refuge while in an additional 22 countries, this ratio is one out of every 1,000 inhabitants. It is important to highlight that although they do not appear in the indicator due to their great demographic weight, China, Ethiopia, the Russian Federation, Philippines and Turkey are the countries of origin of more than 20,000 refugees (due to tension and armed conflicts within their borders). Mention is also made of the Saharawi refugees (165,808) located in Tindouf (Algeria). Finally, insofar as the situation of internally displaced persons (indicator num. 16), in 13 countries at least 1 out of every 100 persons has been forcibly displaced, while in an additional four countries, the figure is 4 out of every 1,000.

In 23 of the 29 countries undergoing armed conflict, both the EU and the United Nations warn about the human rights situations. In 21 of these 29 countries, there are widespread movements of the population, turning these already catastrophic situations into large-scale humanitarian crises. There is also a close link between forced migration and human rights violations: of the 47 countries generating large movements of population with alerts in the year 2000, 30 are of concern for the United Nations and EU due to their human rights situations.

In conclusion, regarding these three elements, 23 of the 29 countries undergoing armed conflict suffer serious human rights violations according to the United Nations and the EU, while 21 of these countries are experiencing wide scale forced displacement of the population.

## D. Militarisation

### Criteria 5 and 8 of the Code of Conduct

**Criterion Five.** The national security of the member States and the territories whose external relations are the responsibility of a member State, as well as that of a friendly and allied country.

**Criterion Eight.** The compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources.

The fourth category of indicators refers to levels of rearmament and militarisation. The EU Code of Conduct makes reference to the notion of security as well as the compatibility of the purchasing of arms with the technical and economic capacity of the purchasing country, in the sense that arms acquisitions should neither hamper nor impede development in the purchasing country.

The notion of security mentioned here encompasses the meaning of *human security* as a crucial element for creating a framework for sustainable development and action in favour of preventing violent conflict. *Human security* is understood as put forward in 1994 by the UNDP, which takes into account two fundamental aspects: security vis-a-vis chronic threats such as hunger, disease or repression, and the protection from sudden disruptions in ways of life. Threats of loss of human security may be classified as economic, food, health, personal, environmental, community, cultural or political threats. Thus, in addition to the conventional meaning of defensive military capability in the face of a potential military attack, the meaning of security has been broadened out to the protection of the life and guaranteeing of the rights of persons.

All of these issues have been dealt with based on the conviction that it is political, economic, demographic, environmental factors, not to mention militaristic excesses, that truly provoke insecurity on a regional or international scale, and that these problems cannot be solved by the conventional tools of military force. The current challenge is therefore to proceed to gradually demilitarise security in order to bring the notion further in line with the true factors that trigger insecurity and violence and to tackle them using new, non-military means.

## Map 4. Countries with Militarisation Alerts



**Table 6. Countries with Militarisation Alerts**

Afghanistan	Ethiopia	Korea, D.P.R.	Saudi Arabia
Angola	Iran, Islamic Rep.	Kuwait	Uzbekistan
Armenia	Iraq	Maldives	Yemen
Congo, Dem. Rep.	Israel	Oman	
Eritrea	Jordan	Qatar	

We have used five indicators to analyse this section. Two have to do with the policy on transparency and the other three with the amount of resources allocated to military purposes.

The first two indicators show the degree of transparency in arms transfers and military spending, which to a certain extent points toward the degree of political will to foster confidence building measures. Although these tools are voluntary, only 54 States have informed the United Nations **Register of Conventional Weapons** (indicator num.17), while only 55 States have provided some type of information to the United Nations **Military Expenditure Register** (indicator num.18). As can be appreciated from these figures, the custom of informing on military issues remains incipient and is limited to a small group of countries, something which should be of concern to the international community.

The next three indicators show the **percentage of militarisation in economic terms**, specifically, **the percentage of military spending as compared to GDP, the percentage of soldiers out of the whole population**, and trends towards militarisation or demilitarisation since the end of the Cold War.

The first of these indicators shows the percentage of resources that a country allocates to military spending, enabling detection of a State's level of militarisation. There are 46 States whose levels of militarisation are cause for concern (indicator num.19),<sup>11</sup> 18 of which have extremely high levels. Most

of these States are in the area of the Persian Gulf. While overall military spending world-wide has experienced slight growth over the year prior, the forecasted increases for the year 2002 are alarming. According to what has been announced by countries like the U.S. and China, the level of military spending could once again be similar to what it was during the 1990s.

Insofar as the **percentage of soldiers** (indicator num. 20), in seven countries more than 2% of the population is a soldier, while in 11 countries, the range is from between 1.5 and 2%. Although this indicator allows us to see military mobilisation in a given country, it does not fully express a country's militarisation since the forces of law and order in some countries perform military functions and are not included in this report.

In terms of the significance of the **purchase of heavy conventional weapons out of GDP** (indicator num. 21), the percentage is greater than 1% in nine cases, while in seven others it ranges from between 0.5 and 1% of GDP. This is also an interesting indicator given that it shows a State's intention to begin an arms race and can therefore have fundamental as a preventive indicator should the trend be confirmed over a period of time. However, this indicator does not reflect transfers of all types of weapons, for instance there are still no reliable international registers of transfers of light weapons although these weapons are the most lethal in contemporary armed conflicts.

This indicator is biased against countries that do not have their own arms industries since they must necessarily seek suppliers of their military equipment on the international market. Conversely, countries with their own military industries do not have to realise such a high volume of imports thanks to their own domestic supply.

It is noteworthy to mention an indicator that has been included in this report and which corrects to a large extent the shortcomings of the previous indicators: the **BIC3D militarisation index**. Drawn up by the Bonn International Center for Conversion, it analyses trends towards militarisation or demilitarisation processes (indicator num. 22<sup>12</sup>). The BIC3D index is the result of the combination of four series of data: military spending, arms reserves, personnel in the armed forces, and personnel employed in the productions of arms. In any event, the fact that this index is the result of weighting makes it advisable to take its results with caution. According to BIC3D data, there are 45 countries in the world that have been militarising since the end of the Cold War, including 16 countries where the militarisation process is particularly significant due to the levels reached.

Another limitation of this group of indicators is that they are based on an analysis of numerical militarisation. Issues such as the degree of influence of military power on the structure of the State and its decision making or the military power's ability to coerce civil society are not included as an indicator in the table.

11. The description of this indicator, as well as its sources, appears in Appendix I.

12. The values of the BIC3D index range from +100% to -100% and are interpreted as the percentage change in the levels of these data between the average since the end of the Cold War and the BIC3D for that year. The positive range indicates a process of demilitarisation while the negative range indicates militarisation. For further information see Appendix I.

## E. Behaviour with regard to the International Community

### Criteria 1, 6 and 7 of the Code of Conduct

**Criterion One.** Respect for the international commitments of EU member states, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations.

**Criterion Six.** The behaviour of the buyer country with regard to the international community, as regards in particular to its attitude to terrorism, the nature of its alliances and respect for international law.

**Criterion Seven.** The existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions.

The EU Code of Conduct leaves no room for interpretation when requiring proper international behaviour in meeting international obligations and commitments. This means export licenses must be refused when UN, OSCE and even EU arms embargoes are not respected. However, the potential recipient's attitude and behaviour towards the international community and particularly in issues linked to illegal activities must be taken into account.

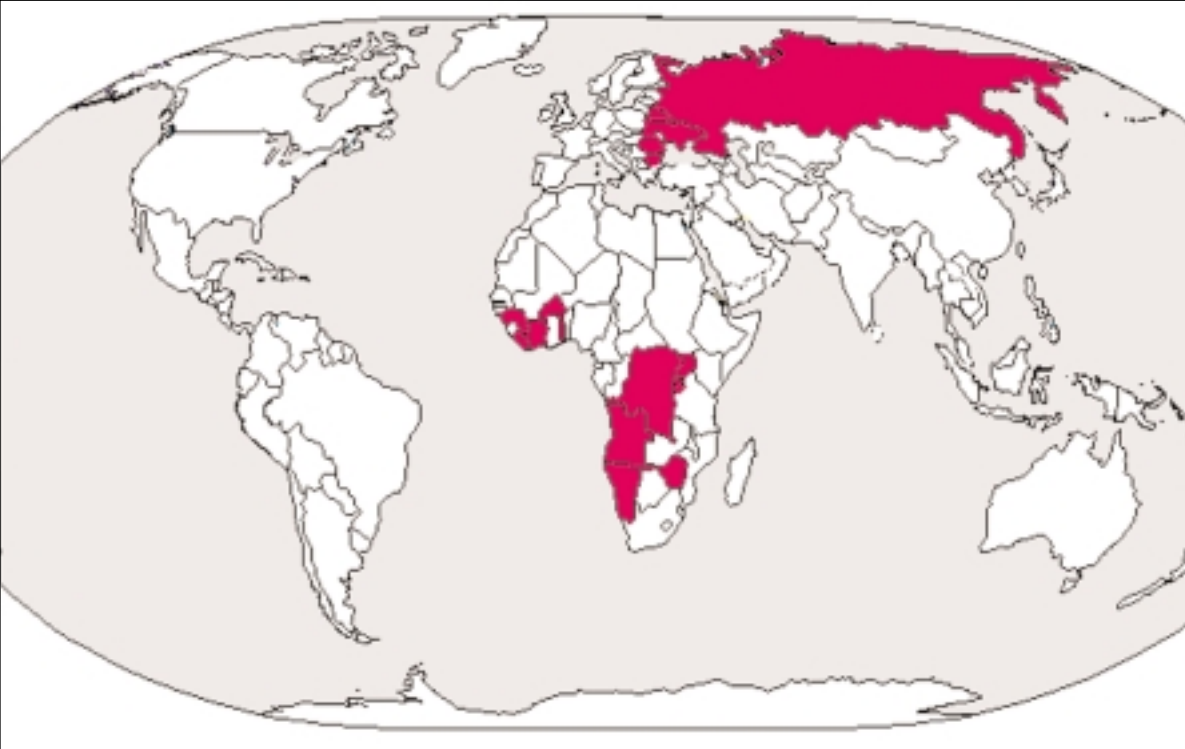
Likewise, the EU member States must take into account the background of the purchasing country insofar as its support or fomenting of terrorism and international organised crime (letter (a) of Criterion 6); as well as its compliance with its international commitments—including the non-use of force, whether the conflicts are international or not—and their commitment to non-proliferation, disarmament and arms control (letters (b) and (c) of Criterion 6). Once again, in this section it would be advisable to consider those countries, particularly the permanent members of the Security Council, who have used force to respond to a perceived threat or a true aggression without there being international consensus or enough of a legal framework to justify the use of force. The extreme politisation of this issue will undoubtedly oblige academic centres devoted to the study of conflicts to develop better analytical tools so that certain aggressions that may violate the very United Nations Charter and other international commitments are not left by the wayside.

The members of the EU must also evaluate the repercussions exports will have in the importing country as well as the risk that the exported products may be diverted to a non-desirable final recipient. This means that among other aspects, the following factors must be taken into account: the legitimate interests of defence and security in the recipient country; its ability to exercise effective control over exports; and the risk of the arms being re-exported or diverted (letters (a), (c) and (d) of Criterion 7).

Five indicators have been used to interpret these aspects. The first refers to the **countries mentioned by the United Nations Security Council Committee on Sanctions**, as well as reports from the Secretary General on the infringement of these international commitments or for not properly co-operating with these institutions. There are also two indicators to assess the attitude vis-a-vis the international community on disarmament and arms control: the **ratification of the Ottawa Treaty** and the

**adoption of regional moratoria.** Lastly, it was also deemed advisable to identify the countries and territories accused of being **tax havens** and of carrying out **money laundering**, thereby serving as a shelter for certain illegal activities.

**Map 5. Countries with Alerts for Behaviour with regard to the International Community**



**Table 7. Countries with Alerts for Behaviour with regard to the International Community**

Angola	Congo, Dem. Rep.	Rumania	Ukraine
Belarus	Côte d'Ivoire	Russian Federation	Zimbabwe
Bulgaria	Guinea	Rwanda	
Burkina Faso	Liberia	Togo	
Burundi	Namibia	Uganda	

The most relevant indicator is the one making reference to the **countries mentioned by the United Nations Security Council Sanctions Committee** either for the infringement of international commitments or for not properly co-operating with its investigations (indicator num. 23). Only recently have the reports from the Security Council Sanctions Committee begun to be made public, but this practice has made a more than significant difference in the improvement of the control mechanisms and compliance with the sanctions. Unfortunately, the only public reports thus far are in the context of the African continent and a world-wide analysis can therefore not be done. This limits the vision of how those violating these sanctions operate.

According to United Nations reports, the way in which arms embargoes are being violated (in the cases of UNITA, Sierra Leone and Liberia) could be summarised in the following manner. Bordering countries, allies of armed groups or embargoed countries issue false end use certificates requesting arms which, in their overwhelming majority, come from Eastern Europe and the former Soviet area. Thus, countries such as Burkina Faso, The Rep. of Congo, Rwanda, Togo and the former Zaire had been issuing false end use certificates—for at least five years—in order to attain arms which ended up in the hands of UNITA. The arms came from the Ukraine, Bulgaria and Rumania, although there are also suspected arms transfers from the Russian Federation and Belarus. It is worth noting that Bulgaria, a country that has been singled out repeatedly for having carried out this type of activity, seems to have brought about a notable change in these practices over the last few months.

Other countries mentioned for serving as intermediaries in arms acquisitions by embargoed groups or countries are Côte d'Ivoire, Guinea and Liberia. There is also a group of countries such as Kyrgyzstan, The Rep. of Moldova and Slovakia that have appeared in certain of the previously mentioned United Nations reports. In these cases, the responsibility of the government is not as clear and rather seems to be due to illicit action on the part of companies or citizens of these countries. In any event, bearing in mind the Code of Conduct's stipulations on the capacity to exercise effective controls on exports and the risk that the arms be re-exported or diverted, special attention should be paid to this aspect so that an individualised and particularly strict licence issuing process towards these countries can be implemented.

Also taken into account—in reference to the condemning of armed interference in third countries—are the conclusions of the report by the Group of Experts on the Illegal Exploitation of Natural Resources in the Dem. Rep. of Congo (S/2001/357). According to this report, the conflict in the Dem. Rep. of Congo is self-sustainable due to the looting of the country's mineral resources and raw materials by foreign troops (from Angola, Burundi, Namibia, Rwanda, Uganda and Zimbabwe). This report is extremely significant because it very clearly points to the States that foment lethal armed conflict which has generated one of the worst humanitarian crises in history.

Even so, as was mentioned, there are still very few cases in which the Security Council has made statements in this regard, meaning that only a portion of the cases of armed interference, collaboration with the perpetration of armed conflict, and violation of international sanctions appear in this report. For the purposes of this study, the aim was to limit the scope to intergovernmental accusations, which explains why other types of reports drawn up by Human Rights Watch or other research centres have not been taken into account.

Other activities which could also be included in this scope are those ascribable to triangular trade, irregular sale or illegal practices. Unfortunately, there are no recent, reliable sources performing periodical, international monitoring of these practices. In 1998, for instance, UNIDIR did a study on the transit areas of illicit arms traffic—particularly of light weapons—focusing on Latin America. The Latin American locations indicated in this study were the border between Brazil and Paraguay, the Colombian borders with Venezuela, Equator and Brazil, the border between Peru and Equator, and the Puerto Iguazú (Argentina) area<sup>13</sup>.

Insofar as evaluating behaviour vis-a-vis the international community, ratification of the Convention on the Prohibition of the Use, Storage, Production and Transfers of Antipersonnel Mines and for their Destruction, better known as Ottawa Treaty, was used. In addition to the express engagement in the Code of Conduct not to export any type of antipersonnel mine (letter (d) under criterion 1), ratification of the Ottawa Treaty is also a demonstration of the will to progress along the lines of non-proliferation

13. Gasparini Alves, Péricles; Cipollone, Daiana Belinda (eds.), *Represión del tráfico ilícito de armas pequeñas y tecnologías sensibles*, UNIDIR, New York and Geneva, 1998, p. 37



of arms and of disarmament. This treaty has been ratified by 122 States (indicator num. 24). Ratification has been considered instead of signature since the Convention is from 1997 and the period for the ratification of its 142 signatories is considered sufficient.

On a positive note, it is worth making mention of the 16 countries belonging to the Economic Community of West African States (**ECOWAS**) which signed a **moratorium** on the import, export, distribution and production of light weapons and munitions (indicator num. 25). This engagement marks an effort to bolster domestic security via mutual trust, disarmament and demilitarisation. The ECOWAS moratorium stands as an international example and point of reference for other regions of the world since the member States have shown the international community their intent on beginning a process of regional development that includes the control of this type of military material. The ECOWAS member States are Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo. It was deemed advisable to mention this group of countries expressly in order to remind arms exporting countries of the call to not send any more military material to this part of West Africa.

The last portion of this section refers to those countries which are tax havens or which do not co-operate in the fight against money laundering. According to the OECD there are 29 States or territories considered to be **tax havens** (indicator num.26) which do not adapt their legislation to deal with adverse practices. Another 11 tax havens have engaged to adapt their legislation. Being considered a tax haven means that the country or territory does not apply taxes on capital, nor does it monitor financial transactions or exchange information between its jurisdictions and financial institutions. Tonga is the only country which has ceased to be considered a tax haven due to change in behaviour.

Insofar as **money laundering** is concerned, the Financial Action Task Force (FATF), established by the G-7 in 1989, indicates the countries and territories which do not properly co-operate with its recommendations to prevent, detect and punish money laundering (indicator num. 27). According to the last annual report, there are 19 non-co-operative States and territories. Dominica, Granada, the Marshall Islands, the Cook Islands, Nauru, Niue, Saint Vincent and Grenadines, and Saint Kitts and Nevis are particularly of concern since in addition to being non-co-operative, they are also tax havens. On a positive note, the Bahamas, the Caiman Islands, Liechtenstein and Panama, no longer appear in this year's annual report. On a more negative note, however, Egypt, Guatemala, Hungary, Indonesia, Myanmar, Nigeria, the Ukraine and Grenada are now considered non-co-operative.

Both indicators point towards these States and territories' potential involvement in the illegal arms trade due to the facilities they provide for illegal practices and for sheltering criminal organisations and activities. The fact that several intermediary or brokerage companies are located in these territories repeatedly appears in the accusations of illegal transfers ratifies this assumption and points towards the responsibility of the authorities of these territories due to their omission in the monitoring and surveillance of these activities.

## F. Development

### Criterion 8 of the Code of Conduct

**Criterion 8.** The compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources.

In its eighth criterion, the Code of Conduct considers «the technical and economic capacity of the recipient country» and also establishes that «member States will take into account, in the light of information from relevant sources such as UNDP, World Bank, IMF and OECD reports, whether the proposed export would seriously hamper the sustainable development of the recipient country.»<sup>14</sup> Therefore, seven indicators on development have been analysed in this section.

Development is a third generation Human Right based on the Declaration on the Right to Development adopted by the United Nations General Assembly in 1986. This Declaration, a historical landmark providing international recognition of the interdependence of human rights, sets out, in article 1.1 that «the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.»

Thus, what is vindicated as a human right is not economic development accompanied by growing inequalities and an increasing concentration of wealth, but rather the right to a process of development understood as what is set out in article 2.3 of the Declaration: «the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.» This statement does not only denote a progressive exercise, it also requires specific policies to be implemented by States which «have the right and the obligation to formulate adequate national development policies» to that end. What is needed for the realisation of the right to development is to foster or improve the realisation of human rights, be they civil, political, economic, social or cultural, without detriment to the other rights. What is sought is not a mere realisation of each of these rights separately, but rather their joint exercise so that their reciprocal influence can be taken into account.<sup>15</sup>

The various indicators in this category have been placed into two groups. The first is made up of indicators showing conditions of vulnerability, economic dependence and impoverishment that are not considered to be the automatic result of the practices of the governments in these countries (indicators num.29 to 33). The second group of indicators has to do with government practices censurable for their direct negative impact that thwarts development (indicators num.28 and num. 34).

Insofar as the first group is concerned, it is worth noting that although implementing development policy is the responsibility of States, the conditions of vulnerability, economic dependency and impoverishment cannot be explained solely by domestic causes, but that world structures and dynamics also play a basic role. Therefore, that fact that a given country is affected by an indicator does not constitute a negative sign in and of itself, nor does it indicate government culpability. This study does not

14. Consult the complete Code of Conduct document in Appendix III.

15. Third report by an independent expert on the right to development dated 2 January 2001 E/CN.4/2001/WG.18/2

analyse governmental policies triggering these situations. It simply shows that, according to the eighth criterion of the Code of Conduct, although their right to legitimate defence is recognised, it does not reasonably seem that countries in these social and economic conditions would devote their spare resources to the purchase of arms.

The Code establishes that arms exports must be compatible with the technical and economic capacity of the recipient countries. This is why the high **foreign debt** indicator, pointing to the 30 countries where debt is greater than GNP and which are recognised as Highly Indebted Poor Countries (HIPCs) was also considered (indicator num.29). The WB and IMF consider HIPC countries to be those countries whose situation of indebtedness is unsustainable and for whom special credit programmes are foreseen. This should be a cause for consideration for exporting countries in order not to feed the cycle of indebtedness with the sale of arms to these countries.

Insofar as **food security** it should be remembered that the existence of the right to food is recognised in article 25 of the Universal Declaration of Human Rights and further developed at the World Food Summit held in Rome in 1996. As in the case of all human rights, obligations for States are generated, specifically, the respect of the right to food must be protected and complied with. Here it is understood that when there is food vulnerability, in other words, «...whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) [the right to food] directly».<sup>16</sup>

That is to say that countries on food security early warning should attach priority to fulfilling the right to food instead of diverting resources to military expenses. This is the case of 18 countries that the FAO has included on an early warning system because they face **food shortages** as well as the threat of poor crops (indicator num.30). In addition, there are 36 countries with **World Food Programme emergency operations** underway, in other words with emergency situations that have led to a governmental request for food aid (indicator num. 31). This indicator also points toward a catastrophe that would make it advisable to channel as many resources as possible both to the population affected and to reconstruction. The WFP operations mentioned cover four types of emergencies: disasters (be they natural or technological, affecting food shortage), subsequently occurring disasters (floods or poor harvests), refugee population crises and complex emergencies (armed conflict and generalised economic and social crises requiring special United Nations co-ordination). As can be observed, the fact that a country is included in the FAO early warning system does not necessarily mean that emergency food programmes are underway there.

In addition, in order to foster development based on human needs, close attention must be paid to the social, economic and health conditions of women who make up half the world population and are its most impoverished group due to inequality in opportunities and access to resources. This is why universal access to a package of basic **reproductive health** services is necessary, and 179 States engaged to provide this at the International Conference on Population and Development in Cairo in 1994. In the light of this commitment, this study used the Reproductive Risk Index (RRI)<sup>17</sup> (indicator num.32), a weighted value based on the following reproductive health indicators: teenage mothers (15 to 19 years old), women's use of contraceptives, abortion policies, anaemia among pregnant women, prenatal medical care, childbirth assisted by trained personnel, level of AIDS among men and among women, average number of births per women, and deaths of women during childbirth. According to this index, there are 19 countries in the world where women have a very high risk of dying

16. General Comment No.12 adopted in May 1999 by the Committee on Economic, Social and Cultural Rights, Opus cit.HRI/GEN.1/Rev.4, p.58, para.6 in *The right to food: Report by the Special Rapporteur on the right to food, submitted in accordance with Commission on Human Rights resolution 2000/10*, 7 February 2001.

17. The Reproductive Risk index is drawn up by Population Action International based mainly on data from the WHO and other organisations in the United Nations System such as the Population Division, UNAIDS and the World Bank. [www.populationaction.org](http://www.populationaction.org)

due to poor reproductive health care. This reflects women's living conditions and illustrates the gender bias in the level of human development.

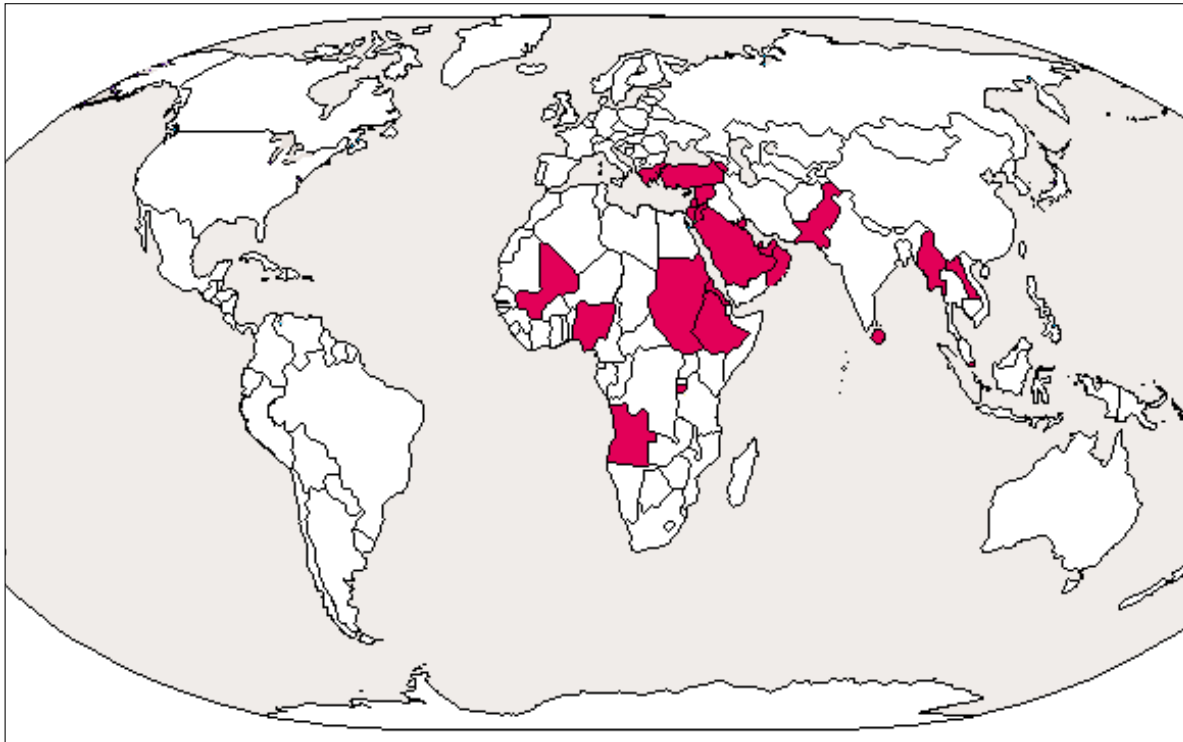
Finally, the 49 countries in the group of **Less Developed Countries**, also known by the acronym LDC, [indicator num.33] deserve special attention. This was recognised by the United Nations member States at the Third Conference on LDCs held in Brussels in May 2001 where a programme of action was approved to alleviate foreign debt and increase official development aid. Every three years, the ECOSOC updates the list of countries classified as LDCs based on three major variables: low income (GNP per capita); low human resources (quality of life index based on life expectancy, calories per capita, schooling, and literacy); and low level of economic diversification (index based on several macroeconomic indicators). What is sought by including this indicator is not to penalise Less Developed Countries so that they cannot acquire arms, but rather to appeal to the responsibility of the arms exporting States not to thwart the sustainable development of the recipient country. Exporting countries should therefore consider these countries' technical and economic capacity. In this sense, with the restriction of arms exports to LDC countries, implementation of public investment with a positive impact on development could be promoted instead of the diverting of resources to the military sector. It is illustrative to note that since 1971, the number of LDC countries has doubled, jumping from 25 to 49 currently.

Conversely, other indicators imply governmental practices that are censurable because they are the direct responsibility of each State and have to do with the **priorities in public spending** [indicator num.28] and corruption [indicator num.34]. The indicator referring to public spending reflects the fact that 24 countries spend more public resources on military affairs than on education and health and even that half of these countries have military spending which is greater than both education and health together. This indicator, considered to be definitive for drawing up a list of countries with alerts in this category, is a highly useful tool in illustrating the countries clearly not complying with the eighth criterion in the Code. These countries do not achieve their legitimate need for security and defence with the least diversion of funds for armament.

Lastly, the issue of governability, an area intrinsically linked to development, is dealt with using a sole indicator deriving from the Index of Perceived **Corruption**<sup>18</sup>, due to the lack of quantifiable information on the issue. This index reflects the degree of corruption in the public sector defined as the abuse of power to the benefit of a private party. The situation in 15 countries is considered to be very serious. This is interpreted as a factor that not only thwarts the process of development in these countries but also facilitates the lack of control over the arms trade.

18. The Index of Perceived Corruption (IPC) is drawn up by Transparency International and is a weighted value of between 10 and 0 (reflecting lesser and greater degrees of corruption, respectively), calculated based on 14 surveys of seven independent institutions (data from 1999 to 2001). This source only offers figures from 91 countries.

## Map 6. Countries with Military versus Social Spending Alerts



**Table 8. Countries with Military versus Social Spending Alerts**

Angola	Greece	Mali	Singapore
Armenia	Israel	Myanmar	Sri Lanka
Bahrein	Jordan	Nigeria	Sudan
Burundi	Kuwait	Oman	Syria, Arab. Rep.
Eritrea	Lao, P.D.R.	Pakistan	Turkey
Ethiopia	Lebanon	Saudi Arabia	United Arab Emirates

Of the 24 countries indicated as having alerts in this category, in other words those States which attach priority to military spending over and above their combined spending in education and health (table num. 6), 16 also show signs of have militarisation alerts while 14 have human rights alerts. By combining this with indicators on poverty or lack of food security, one can see the link between several development-related issues. For instance, 16 out of 29 countries in armed conflict have a debt indicator that suggests the link between war, poverty and indebtedness. It is equally significant that nearly all countries whose military spending is higher than that of health and education taken together are also indebted. When condoning foreign debt for certain countries, factors such as armed conflict or militaristic policy would therefore have to be taken into consideration. In other words, there is a need to analyse whether or not policies to alleviate or condone foreign debt should depend on demilitarisation, or even whether these policies could be direct peace-building tools instead of leading to savings on certain payments (repayment of the debt) which can then be used to acquire new batches of weapons. Also noteworthy is the fact that two thirds of indebted countries have serious human rights situations. Once again, it could be argued that human rights improvements could serve as an incentive for alleviation of the debt and for obtaining additional advantages in development co-operation policies.



## Table of Countries and Indicators

The following table was drawn up with a selection of 34 indicators based on the EU Code of Conduct on Arms Exports. The table offers figures on the States and territories as a function of these indicators, grouped into six categories: sanctions, human rights, armed conflict, militarisation, behaviour with regard to the international community, and development.<sup>1</sup> The same table can therefore give way to several readings, for instance a country's behaviour in the light of the various indicators, or the world situation regarding armed conflict, for instance, for each one of the indicators. A bookmark with the titles of the 34 indicators, also appearing in Table 2, is attached to make for easier reading. Ten of the 34 indicators have been considered definitive when drawing up the list of countries with alerts in each one of the categories,<sup>2</sup> which are shaded on the table.

Different signs appear on the table. For most indicators, a distinction was drawn between what are considered «serious situations» (appearing with a white bullet point) and «very serious situations» (appearing with a black bullet point). In certain cases where figures shed light and add information of interest, the bullet points are accompanied by numerical data (see appendix I). Two of the indicators have been differentiated because of their different reading. The first refers to the ECOWAS moratorium, appearing with an M because it indicates positive behaviour of the countries who signed. The second is a group of Less Developed Countries, indicated with their acronym LDC. The aim is to point towards their internationally recognised vulnerability and to serve as a reminder of the commitment to attach priority to poverty reduction strategies in these countries. Unfortunately, the sources of information do not always provide data on all countries. The sign «—» is used to indicate this lack of information.

1. For further information see the indicator descriptions (Appendix I) and Methodology and Sources of Information (Appendix II).  
2. Consult chapter 2: Category Analysis.









Country	Sanctions					Human Rights					Armed Conflicts					Militarisation					International Commitment					Development										
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34		
Guinea						○			●		○	299		●		●	●						●					○	98	○	●	○		LDC		
Guinea-Bissau			○	○		○											●	●				○		M				○	456			-	LDC			
Guyana			○	●		○		●									●	●										-	246					LDC		
Haiti			○	●		○	●				○	901					●	●										-		●	●	●				
Honduras						○											●	●										●	102	○	●					
Hungary											○	339					●	●									●									
Iceland						-											●	●																		
India				○	●	●	●	●	●	●	●	1,479	●	●			●	●									○				●	●				○
Indonesia			●		●	●	●	●	●	●	○	930	●	●			●	●									○	113	○	●	●					●
Iran (Islamic Republic of)				●		○	●	●	●	●	●	5,627	●	●	○	74,594		●	●								○									
Iraq	●	●		●	●	●	●	●	●	●	●	14,812	●	●	●	497,351		●	●	○	1,96							-		●	○					
Ireland				○													●	●																		
Israel				●		●	●	●	○	●		●	●				●	●	●	2,89							●									
Italy																																				
Jamaica				●		●			●								●	●																		
Japan					●				●	3																										
Jersey (UK)			-	-	-	-																														
Jordan						○			●	10								●	○	1,65								●	113	○	●					
Kazakhstan			●		●	●	●		●		○	171								1,55																○
Kenya				●		●	●		●		○	148					●	●			○	-5						○	63	○	●	○			●	
Kiribati			●	●	●												●	●																		LDC
Kuwait						○			●		○	113					●	●																		
Kyrgyzstan						○	●		●		●						●	●																		
Lao People's Democ. Republic			●	●	●	○	●	●	●	●				○	17,154		●	●			2,57							●	145	●	●	○			LDC	
Latvia									○																											○
Lebanon				●	●	○			●		○	249			○	3,940	●	●	●	2,12							●									







Country	Sanctions			Human Rights			Armed Conflicts			Militarisation			International Commitment			Development																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Thailand				●		○				●	1											○	-13											
The Former Yugoslav Republic of Macedonia					○	○	●								○							○	3.826											
Togo					●	○	●		○		488													●	M				●	109				
Tonga					●	-			○															●										
Trinidad and Tobago				●					●													○	-17											
Tunisia					●	●	●		●		211											○	-3											
Turkey					●	●	●		○		3.528				36.612				○			○	-22					●						○
Turkmenistan					●	○	●												○															
Turks and Caicos Islands (UK)					-	-			-																		●							
Tuvalu					●	-	●																	●										
Uganda		○				●	●		●		185				○									○				○	64		○			●
Ukraine						○	●				396													○										
United Arab Emirates						○	●		●															○										
United Kingdom of Great Britain and N. Ireland																																		
United Republic of Tanzania						○	●		●																									
United States of America			○			○			●		85													●										
Uruguay																																		
Uzbekistan						●	●		●		139													○										○
Vanuatu					●	-																		○										
Venezuela					●	●																												
Viet Nam					●	○			●		131				○									○										
Virgin Islands (USA)					-	-			-																									
Yemen						○			●		134													○				○	75					
Yugoslavia						○	●		●		1.442				○									○										
Zambia						●			●																									
Zimbabwe						●	●		●															○				○						





## Comments and final recommendations

As has been mentioned, this report aims to provide a tool to contribute to transforming a culture of reaction into a culture of armed conflict prevention, as is set out in the United Nations Charter. The aim is to promote a concerted application of the Code of Conduct by the EU Member States, thereby guiding in strategies of development co-operation with an aim towards armed conflict prevention.

While the adoption of the Code of Conduct marked a basic step in the control of military transfers, it is also true that improvements must still be made in this Code. All tools for arms transfer control must be considered as highly dynamic, requiring ongoing revision and bolstering. These mechanisms for control must take into account acknowledgement of the right to legitimate defence, as established in the United Nations Charter. Therefore, it is considered that States are entitled to acquire arms for the defence of their territories. However, States should also be guided by a sense of caution and principles of prevention. In other words, the potential for risks must be taken into account and a proactive approach must be taken to reduce these risks before they occur.

In accordance with this, those responsible for authorising arms transfers must always consider the consequences of the potential impact of their decisions in the recipient country. Therefore, no arms transfers should take place when there is the slightest suspicion that the end use of the product transferred could be put to illegitimate use. By illegitimate what is understood in the context of the transfer of military material is all illegal transfers as well as those which are legal but do not meet the criteria in the Code of Conduct.

This last aspect has yet to be sufficiently safeguarded in the EU. One of the reasons that the door remains open to the potential sale of arms for illegitimate uses is the fuzziness of the criteria guiding arms export policy. The extremely interpretative nature of some of these criteria, such as respect for human rights or lack of conflict in the recipient country, thwarts effective control.

The authors of this study do not wish to incriminate any country, but rather to establish a principle of prevention and thereby identify recipient countries that could incur in the illegitimate use of arms transfers. The daily follow-up of the contexts indicating an alert situation must be the responsibility of the political decision making centres. Decision-making on the prevention of armed conflict, arms transfers and international co-operation must not only be based on the principles of fostering peace, security and stability, so often invoked by the Member States of the European Union. Specific tools for follow-up and evaluation, developed by internationally recognised research centres, must also be used.

The following recommendations for the European Union, the Member States, Regional<sup>1</sup> and Local Governments and social partners, have been formulated based on these considerations. Some of the recommendations have been formulated by the OECD, the Development Aid Committee (DAC), the European Council, the European Commission, the European Parliament and the High Representative for the CFSP.<sup>2</sup>

1. In Spain this refers to the *Comunidades Autónomas*.

2. In the following documents: DAC Guidelines *Conflict, Peace and Development Co-operation on the Threshold of the 21<sup>st</sup> Century* May 1997 and the supplement to the Guidelines *Helping Prevent Violent Conflict*; Joint Action 1999/ 34/CFSP dated 17 December 1998 on the EU's contribution to combatting the destabilising accumulation and proliferation of small arms and light weapons adopted by the European Council; Communication COM(2001)211 dated 11 April on conflict prevention adopted by the Commission; the Annual Report A5-0309/2001 dated 19 September on compliance with the Code of Conduct drawn up by the European Parliament; and Report 14088/00 dated 30 November 2000 presented to the European Council of Nice by the High Representative for the CFSP and the European Commission.

## ***Recommendations for the European Union (European Commission and Parliament)***

- To develop practical programming tools that help to set priorities for **armed conflict prevention** policies in **co-operation programmes** with countries at risk. The EU should avail itself of its role as a co-operation donor. The Cotonou Agreements<sup>3</sup> offer a framework for doing so, since they call for a policy of commitment towards countries in conflict by attaching priority to political dialogue, the prevention of armed conflict and relations with non-State actors. **A more proactive approach** must be taken guided by the principle that prevention must begin in situations of unstable peace where problems are manifest but have not yet derived into open violence. This requires establishing indicators and early warning mechanisms suited to analyse those potential situations of violent conflict. Moving from early warning to early action requires a much greater effort at all levels of the EU, as recommended by the High Representative of the CFSP.
- To use the tools available that can contribute to prevention, thereby treating the **underlying causes of armed conflict** as well as its consequences. To increase co-ordination between available sources of information and the periodical publishing of **reports on armed conflict prevention issues** by the Policy Unit and the Commission so that these issues can be considered and dealt with by the appropriate decision-making bodies, as recommended by the High Representative of the CFSP.
- To **periodically identify areas of priority**, stepping up dialogue and support to partners and other actors (OSCE, Council of Europe, ICRC, the academic and NGO communities) in order to design EU plans of action, as recommended by the High Representative of the CFSP.
- To increase **the role of Parliament and the European Commission** in the task of armed conflict prevention, specifically in monitoring of the application of the Code of Conduct.

## ***Recommendations to Member States of the European Union (individually and within the Council)***

All of the recommendations mentioned in the previous section are incumbent upon the Member States given that they fall within their responsibility and jurisdiction.

- To improve armed conflict prevention through development co-operation **policies that are co-ordinated and congruous** with other relevant policies, such as trade, foreign affairs and defence. It must be understood that the goals, design and implementation of the various policies, particularly vis-à-vis trade practices between North and South, interact with local policies and economics and have effects on poverty. The quantity and quality of official development aid must therefore be increased, with a view to broaden out co-financing and attach priority to **development policies that reduce or prevent armed conflict**, in synch with the Cotonou Agreements. Donators should explicitly analyse the underlying causes behind the conflicts within development co-operation strategies, as recommended by the DAC.
- To improve human security by reducing military spending and favouring **social spending**. This would provide the executive power the wherewithal to better provide public services, to promote transparency and the eradication of corruption, and to bolster **civil institutions' control** over political and economic affairs and the armed forces (including military budgets and spending), as re-

3. The Cotonou Agreements can be consulted on the EU web site: <[http://europa.eu.int/comm/development/cotonou/agreements\\_es.htm](http://europa.eu.int/comm/development/cotonou/agreements_es.htm)>

commended by the DAC. Along these lines, States should pay special attention to **initiatives to overhaul** the military industry so that a lack of funding will not hamper companies choosing to produce goods for civilian use.

- To adopt the **Code of Conduct as a regulation** whose compliance is mandatory for all Member States, and to make adoption a requisite for countries aspiring to become members of the EU. The criteria for applying the Code should be harmonised and public, and need to periodically be made more stringent. An effective tool for monitoring compliance is also required, as the European Parliament has recommended.
- To increase the **level of information and transparency** in the European Council's annual report on the application of the Code of Conduct. The level of information in this report must be equivalent to what the European Parliament recommended for the annual reports of each one of the Member States, who are called upon to furnish the following minimum data: crossed information on recipient countries, final destination, products and imports of each one of those products, and information on the companies involved. Information on export licences denied must also be included with the country of destination, the purchaser, a detailed description of the products in question, a description of the end use, the grounds for denying the license, and the dates of both the request and denial.
- To **politically and publicly control** arms transfers **through national Parliaments**.
- To bolster **control mechanisms of the arms trade**, particularly of small arms and light weapons. These measures should control the activity of traders, arms shipping agents and the final destination and end use of the arms exports, as recommended by the European Parliament. A **common list of military material** adopted by the Council of the European Union in June 2000 must therefore be improved and extended. Another list including police and security or paramilitary equipment must also be drawn up. A **public registry** of arms products, exporters, distributors and shipping agents who have EU passports or those whose activities take place in the EU providing information on the countries and trade volumes, also as recommended by the European Parliament. Production under license and industrial co-operation agreements should also be controlled to prevent the violation of the provisions on arms exports by **EU companies operating in non-community countries**.
- To clarify and bolster **bilateral consultation mechanisms** with other Member States, developing an exchange of information on policies to control arms exports to certain countries or regions considered as requiring special monitoring, as recommended by the European Parliament.
- To foster **technical co-operation with third countries** in customs, policing, and armed and security forces in armed conflict prevention, arms trade control, and the respect for human rights, as recommended by the European Parliament.
- To destroy arms surpluses in the hands of the armed forces or police or security forces and to foster these programmes in third countries. To promote programmes for the **collection and destruction of arms**, with special attention paid to small arms and light weapons in the hands of the civilian population of third countries, as recommended by the European Council and the United Nations.

## ***Recommendations to Regional and Local Governments***

- To increase the **quantity and quality of decentralised development co-operation**, attaching priority to long-term strategies including armed conflict prevention and the support for civil organisations and research centres working to defend human rights, peace and governability.
- To promote, availing themselves of the framework provided by the municipal framework for social participation, **municipal initiatives** for co-operation as instruments between municipalities that can make critical situations visible and accompany local experiences in building peace and development.
- To demand that the central government **comply with the previously mentioned recommendations**, both on a national and supra-national level, and to promote and defend the international treaties to which they are parties.
- To use their role as regional and local governments in order to **bolster supra-national frameworks**, such as the European Committee of Regions, by placing debate on armed conflict prevention and development co-operation on the agenda.

## ***Recommendations for Social Partners***

- To carry out **awareness raising** campaigns on the **causes and impact of armed conflict** and the need for its prevention, the consequences of the arms trade, and the respect for human rights. In order to do so, civil research centres and associations must be endowed with greater funding from both the public and private sector in order to improve both their work in research and their capacity to influence the public.
- To demand greater information and transparency on activities relating to the arms trade and development co-operation as a first step towards monitoring and calling for the **accountability** of relevant decision-making bodies.
- To promote the **responsible behaviour** of the **transnational companies** operating in developing countries, according to the proposed OECD code of conduct, as recommended by the Commission. Private sector intervention in fostering employment must be made compatible with improvement in labour rights and legislation, as considered by the DAC.
- The media should **contrast information** from official sources regarding the issues in the present report with information from civil organisations. It should also take into account guidelines in communications and the use of images put forward in the Code of Conduct of the Liaison Committee of Development NGOs to the EU. Specifically, news about situations in the South should not be simplifying, should respect the dignity and cultural identity of the persons and communities there, and should refer to both internal and external causes. Both catastrophic and idealistic pictures triggering gut reactions rather than reflection should be avoided, while priority should be attached to positive news about the South.

# Appendix I. Indicator Descriptions

## A. Sanctions

**1. Countries embargoed by the United Nations Security Council.** SOURCES: United Nations Security Council Resolutions <[www.un.org/documents/](http://www.un.org/documents/)> up to 31 December 2001; and Foreign & Commonwealth Office <[www.files.fco.gov.uk/und/sanctions/list.pdf](http://www.files.fco.gov.uk/und/sanctions/list.pdf)> (on 01 October 2001).

The fact that the United Nations Security Council imposes an embargo is understood as the acknowledgement of a situation of emergency. Therefore, for the purposes of this study, there is no discrimination between binding and non-binding embargoes.

- Embargoed countries. *Iraq* (S/RES/687 de 8 April 1991); *Liberia* (S/RES/1343 dated 7 March 2001); *Rwanda* (S/RES/1011 dated 16 August 1995, where restrictions on arms transfers are established, although the embargo is lifted for certain points of entry); *Somalia* (S/RES/733 de 23/01/92).
- Sanctions imposed on armed opposition forces. In the case of Afghanistan, there is a sanction imposed on the Taliban (S/RES/1333 dated 19 December 2000); in the case of Angola sanctions are imposed on UNITA by (S/RES/1173 dated 12 June 1998). Sierra Leone (S/RES/1299 de 19 May 2000, except for the UNAMSIL forces and the Government of Sierra Leone, provided they are used in national territory). Reference is also made to S/RES/1011 dated 16 August 1995, maintain the arms embargo for non governmental forces in Rwanda, as well as for Uganda, Tanzania, Burundi and the DR of Congo for cases in which arms may be used in Rwanda.

**2. Countries embargoed by the EU or the OSCE.** SOURCES: European Union <[www.ue.eu.int](http://www.ue.eu.int)>, Committee of Senior Officials, Journal No. 2, Annex 1, Seventh Committee on Senior Officials meeting, Prague, 27-28 February 1992; and Foreign & Commonwealth Office <[www.files.fco.gov.uk/und/sanctions/list.pdf](http://www.files.fco.gov.uk/und/sanctions/list.pdf)>, (dated 01 October 2001).

The fact that there is an embargo imposed by the EU or the OSCE is understood as an acknowledgement that there is a state of emergency. Therefore, for the purposes of this study, there is no discrimination between binding and non-binding embargoes.

- For the **EU** (in decreasing order of importance: Regulations –R–, Common Positions –CP– and Declarations –D–): *Bosnia Herzegovina* (CP 96/184/CFSP dated 13 March 1996, confirmed in CP 98/240/CFSP dated 19 March 1998; except for light arms transfers to the police as of 19 July 1999); *China* (Declaration dated 27 June 1989); *D. R. Congo* (Declaration 07 April 1993); *Iraq* (R 2465/96 dated 27 December 1996); *Libyan Arab Jamahirya* (PC 99/261/CFSP dated 16 April 1999); *Liberia* (PC 2001/357/CFSP dated 7 May 2001); *Myanmar* (CP 2001/284/CFSP dated 9 April 2001); *Sudan* (CP 94/165/CFSP dated 16 March 1994); *F. R. Yugoslavia* (R 926/98 dated 1 May 1998). By the **OSCE**: *Armenia* (28 February 1992), *Azerbaijan* (28 February 1992).
- Sanctions imposed on armed opposition forces. In the case of Afghanistan (CP 2001/425/CFSP dated 29 October 2001); in Angola there is a sanction imposed on UNITA (R 1705/98 CFSP dated 1 August 1998). In the case of Sierra Leone there is a sanction

imposed on the armed opposition forces operating in the country (PC 98/409/CFSP dated 29 June 1998).

## B. Human Rights

**3. Countries that have not ratified the International Covenant on Civil and Political Rights and/or the International Covenant on Economic, Social and Cultural Rights.** SOURCE: United Nations High Commission for Human Rights <[www.unhchr.ch](http://www.unhchr.ch)> (as of 8 February 2002).

To date, 148 States are party to the Covenant on Civil and Political Rights while 7 States have signed it, while the Covenant on Economic, Social and Cultural Rights has been ratified by 145 States and signed by 7.

- Have not ratified either of the two Covenants
- Have ratified only one of the Covenants

**4. Countries that have not ratified the Convention against Torture.** SOURCE: United Nations High Commission for Human Rights. <[www.unhchr.ch](http://www.unhchr.ch)> (as of 8 February 2002).

The indicator shows the countries that have neither signed nor ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as those which have signed but not ratified the Convention: to date, there are 128 States party to the Convention, 11 have signed but have not ratified and 54 have not even signed.

- Have not signed the Convention against Torture
- Have not ratified the Convention against Torture

**5. Countries that have not signed the Rome Statute of the International Criminal Court.** SOURCE: United Nations at <[www.un.org/law/icc/statute/status.htm](http://www.un.org/law/icc/statute/status.htm)> (as of 8 February 2002).

The indicator shows the States that have not signed the Rome Statute of the International Criminal Court. Signature is used instead of ratification because this is a relatively recent international legal instrument. To date it has been signed by 139 States and ratified by 52. Although Dominica has not signed the Statute of Rome of the International Criminal Court, it has not been assigned a black dot because it accepted the Statute via ratification on 12 February 2001.

- Have not signed the Statute of Rome of the International Criminal Court

**6. Countries with grave and systematic violations of human rights according to non-governmental sources.** SOURCE: Amnesty International, *Annual Report 2001*; Human Rights Watch, *World Report 2001*, as well as our own follow-up on international current events (the country ratings are the responsibility of the authors of this study and not Amnesty International which does not rate countries on their human rights violations).

Based on the methodology used for the P100M, **very grave human rights violations** are considered to be those affecting the right to life and personal security in a systematic and generalised fashion due to a State's action or omission. They refer particularly to extrajudicial executions, forced disappearances, deaths under custody, torture, arbitrary detention, and generalised impunity. **Grave human rights violations** are considered to be the previously mentioned abuses when occurring frequently as well as abuses of personal, political and civil rights, specifically trials without the minimum guarantees of due process or the existence of political prisoners or prisoners of conscience.

- Situation considered very grave
- Situation considered grave

## **7. Countries with grave violations of Human Rights and fundamental liberties according to the EU.**

SOURCE: European Union Council, *European Union Annual Report on Human Rights European Union 2001*, Luxembourg, 8 October 2001 <[ue.eu.int/pesc/human\\_rights/es/HR2001ES.pdf](http://ue.eu.int/pesc/human_rights/es/HR2001ES.pdf)>

This indicator refers to countries where the human rights situation is reason for concern on the part of the European Council. The European Union has made declarations on the human rights situation in various parts of the world at the 57<sup>th</sup> Session of the Commission on Human Rights and the Third Commission of the 55<sup>th</sup> Session of the General Assembly. At the General Assembly, the French Presidency, on behalf of the EU, and in the Commission on Human Rights, the Swedish Presidency, also on behalf of the EU, presented a declaration on the world human rights situation with a list of countries where the human rights situation was still of grave concern for the EU.

- States mentioned in the Annual Report. The countries highlighted by the French Presidency, appearing in Appendix 5 (Chad, Côte d'Ivoire, Fiji, Guatemala, Haiti and Kazakhstan), which did not appear in the Annual Report, have been included along with the countries highlighted by the Swedish Presidency appearing in Appendix 8 (Chad, Côte d'Ivoire, Guatemala, Cuba, Kenya, Mozambique, Nigeria and U. Rep. Tanzania).

## **8. Countries with negative or critical reports from Special Rapporteurs or Representatives of the United Nations Commission on Human Rights and/or Special Representatives or Independent Experts appointed by the Secretary General of the United Nations.**

SOURCE: UNHCHR.<[www.unhcr.ch](http://www.unhcr.ch)>

Within the «Special Procedures» of the United Nations Commission on Human Rights this indicator refers to the «country mandates» carried out by special rapporteurs, special representatives or independent experts of the Commission on Human Rights as well as the «country mandates», entrusted to the Secretary General. This system, via monitoring and presenting reports, aims to promote the compliance by authorities with human rights standards. In the case of Afghanistan, Equatorial Guinea, Iran and Iraq, the Rapporteur or Representative has not received authorization from the respective governments to visit the country. The United Nations does not have reports for the year 2001 on Myanmar, Somalia and Sudan due to the resignation or the late appointment of the Rapporteur. The report on the D. R. of Congo (E/CN.4/2001/40) has been taking into account insofar as its reference to Burundi, Rwanda and Uganda.

- Negative or critical reports. Afghanistan (E/CN.4/2001/43; E/CN.4/2001/43/Add.1); Bosnia Herzegovina, Croatia, F.R. Yugoslavia (E/CN.4/2001/47; E/CN.4/2001/47/Add.1); Burundi (E/CN.4/2001/44); Cambodia (E/CN.4/2001/103) Congo, R.D. (E/CN.4/2001/40; E/CN.4/2001/Add.1); Equatorial Guinea (E/CN.4/2001/38); Haiti (E/CN.4/2001/106);

Islamic Rep. Iran [E/CN.4/2001/39]; Iraq [E/CN.4/2001/42]; Myanmar [E/CN.4/2000/38]; Rwanda [E/CN.4/2001/45; E/CN.4/2001/45/Add.1]; Somalia [E/CN.4/2000/110; E/CN.4/2001/105]; Sudan [E/CN.4/2000/36; E/CN.4/2001/48]; and Occupied Palestinian Territories since 1967 [E/CN.4/2001/30].

**9. Countries for which the United Nations Commission on Human Rights has adopted negative resolutions.** SOURCE: UNHCHR <[www.unhcr.ch](http://www.unhcr.ch)>

This indicator shows countries which have received condemnatory, negative or critical resolutions 57<sup>th</sup> Session of the United Nations Commission on Human Rights. The resolutions on Croatia («The Human Rights Situation in Certain Parts of Southeastern Europe» in E/CN.4/RES/2001/12), Equatorial Guinea («The Human Rights Situation in Equatorial Guinea and Assistance in the Sphere of Human Rights» in E/CN.4/RES/2001/22), Western Sahara («The Issue of Western Sahara» in E/CN.4/RES/2001/1) and Rwanda («The Human Rights Situation in Rwanda» in E/CN.4/RES/2001/23) acknowledge some progress. The resolutions on Afghanistan, The Russian Federation, Iraq, Israel and Somalia are condemnatory.

- Condemnatory or negative resolutions; «Situation in Occupied Palestine» in E/CN.4/RES/2001/2; «Human Rights in the Occupied Syrian Golan» in E/CN.4/RES/2001/6; «The issue of human Rights in the Arab Occupied Territories, Including Palestine» in E/CN.4/RES/2001/7; «Israeli settlements in the Arab Occupied Territories» in E/CN.4/RES/2001/8; «The Human Rights Situation in Certain Parts of Southeastern Europe» in E/CN.4/RES/2001/12; «The Human Rights Situation in Afghanistan» in E/CN.4/RES/2001/13; «The Human Rights Situation in Iraq» in E/CN.4/RES/2001/14; «The Human Rights Situation in Myanmar» in E/CN.4/RES/2001/15; «The Human Rights Situation in Cuba» in E/CN.4/RES/2001/16; «The Human Rights Situation in Iran» in E/CN.4/RES/2001/17; «The Human Rights Situation in Sudan» in E/CN.4/RES/2001/18; «The Human Rights Situation in the Democratic Republic of the Congo» in E/CN.4/RES/2001/19; «The Human Rights Situation in Sierra Leone» in E/CN.4/RES/2001/20; «The Human Rights Situation in Burundi» in E/CN.4/RES/2001/21; «The Situation in the Republic of Chechnya in the Russian Federation» in E/CN.4/RES/2001/24; «The Human Rights Situation in Cambodia» in E/CN.4/RES/2001/82; «Human Rights Assistance in Somalia» in E/CN.4/RES/2001/81.

**10. Countries which apply or maintain the death penalty.** SOURCE: Amnesty International *Annual Report 2001* and <[www.a-i.es/temas/pmuerte/pm\\_hechos.htm](http://www.a-i.es/temas/pmuerte/pm_hechos.htm)>.

This indicator includes countries that apply the death penalty as well as those that maintain it for common crimes even though they may not have carried out any executions during the last ten years, or for exceptional crimes, for instance under military law or during armed conflict. The figures are based on confirmed executions during the year 2000.

- Apply the death penalty
- Maintain the death penalty for common and/or exceptional crimes



**11. Countries using child soldiers.** SOURCE: Coalition to stop the use of child soldiers in *Global Report on Child Soldiers 2001*, <[www.child-soldiers.org](http://www.child-soldiers.org)> [as of 12 June 2001].

The term child soldier has been considered in its most restrictive sense, that is, any person under the age of 18 who voluntarily or forcibly forms part of the Armed Forces and directly participates in combat.

- Use child soldiers

**12. Countries of origin of persons obtaining political asylum.** SOURCE: UNHCR, *Provisional statistics on refugees and others of concern to UNHCR for the year 2000*. <[www.unhcr.org](http://www.unhcr.org)>

This indicator includes provision data on the issuing of political asylum. The figures indicate asylum status granted during the year 2000 when greater than 100.

- Have originated more than 1, 000 grants of political asylum status
- Have originated between 100 and 1,000 grants of political asylum status

## C. Armed Conflicts

**13. Countries with high intensity armed conflict.** SOURCES: SIPRI, *Yearbook 2001*; Peter Wallensteen & Margareta Sollenberg, «Armed Conflict 1989-99» in *Journal of Peace Research*, PRIO, September 2001. The source information corresponds to 2000 and our own study of the international situation was used to complement it with events occurring up to December 2001.

- High Intensity armed conflict

**14. Countries with intermediate armed conflict.** SOURCES: SIPRI, *SIPRI Yearbook 2001*; Peter Wallensteen & Margareta Sollenberg, «Armed Conflict 1989-99» in *Journal of Peace Research*, PRIO, September 2001. The source information corresponds to 2000 and our own study of the international situation was used to complement it with events occurring up to December 2001.

- Intermediate armed conflict

**15. Countries of origin where at least 1 of every 1,000 persons is a refugee.** SOURCE: UNHCR, *Provisional Statistics on Refugees and others of Concern to UNHCR for the year 2000 Statistical Overview*, [as of 11 April 2001] and United Nations Division of the Population for total inhabitants for 1999. The figures on Guinea are from S/2001/513.

This indicator shows the percentage of persons who are refugees out of the total population of their country of origin. The numbers correspond to the absolute values for refugees in the year 2000 (provisional statistics).

- Situation considered very grave: at least 1 of every 100 persons is a refugee
- Situation considered grave: at least 1 of every 1,000 persons is a refugee

**16. Countries where at least 1 of every 1,000 persons is internally displaced.** SOURCE: UNHCR, *Provisional Statistics on Refugees and others of Concern to UNHCR for the year 2000 Statistical Overview*, (as of 11 April 2001) and United Nations Division of the Population for total inhabitants for 1999.

This indicator shows the percentage of internally displaced persons out of the total population of the country and the numbers correspond to the absolute values for displaced persons in the year 2000 [provisional data].

- Situation considered very grave: at least 1 of every 100 persons is internally displaced
- Situation considered grave: at least 1 of every 1,000 persons is internally displaced

## D. Militarisation

**17. Countries which have not informed the United Nations Register of Conventional Weapons.** SOURCE: United Nations Register of Conventional Weapons (A/56/257 dated 31 July 2001) <[www.un.org/Depts/dda/CAB/register.htm](http://www.un.org/Depts/dda/CAB/register.htm)>

As provided by the Assembly General resolution 46/36 L, the Secretary General of the United Nations established in 1992 a Register of Conventional Weapons whereby all member States are invited to provide information annually on the imports and exports of conventional weapons in the seven categories established in the Register (battle tanks, armoured vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships and missiles/missile launchers). Although this information is to be offered on a voluntary basis, it is an indication of a member State's will to respect a level of transparency.

- Have not informed the Register of Military Expenditure in 2000

**18. Countries which have not informed the United Nations Register of Military Spending.** SOURCE: United Nations Register of Military Spending (A/56/267 dated 3 August 2001) <[www.un.org/Depts/dda/CAB/military.htm](http://www.un.org/Depts/dda/CAB/military.htm)>

In its resolution 54/43 dated 01 December 1999, the General Assembly called upon its member States to annually inform the Secretary General of their military expenditures according to the reporting instrument recommended in resolution 35/142 B dated 12 December 1980. Although this information is to be offered on a voluntary basis, it is an indication of a member State's will to respect a level of transparency.

- Have not informed the Register of Military Expenditure in 2000

**19. Countries with military spending of more than 4% of their GDP.** SOURCES: SIPRI, *SIPRI Yearbook 2001*; IISS, *The Military Balance 2001-2002* and World Bank, *World Development Indicators 2001*.

This indicator includes the budget of the Ministry of Defence, together with all of the military items with the exception of civil defence items such as demobilisation, conversion or destruction of weapons. The definition of military expenditure is the definition accepted by NATO, although this is not

applicable in all cases. For this reason, and given that on many occasions a homogenous calculation is not done, several sources of data were used in order to obtain the most reliable results. The economic situation in several contexts –particularly when subject to monetary fluctuations— means there is an added difficulty in doing this calculation when converting to US dollars.

- Very grave situation: military spending of more than 6 % of GDP
- Grave situation: military spending of between 4% and 6% of GDP

**20. Countries with a percentage of soldiers of more than 1.5% of the population.** SOURCE: IISS, *The Military Balance 2001-2002* (data from 2000) and UNDP, *Report on Human Development 2001*

Only members of the government Armed Forces are included in this definition. Armed opposition forces as well as paramilitary forces have been excluded due to the difficulty in estimating their numbers in a great number of countries. The figure of 1.5% soldiers out of the total population is internationally considered to be an indicator of a high level of militarisation. The numbers indicate the number of soldiers out of the total population.

- Very grave situation: percentage of soldiers greater than 2% of the population
- Grave situation: percentage of soldiers between 1.5 and 2 % of the population

**21. Countries with heavy conventional weapons imports greater than 0.5% of their GDP.** SOURCES: SIPRI, *SIPRI Yearbook 2001* and World Bank, *World Development Indicators 2001*. (data from 1999)

This indicator was calculated using the imports of the six categories of heavy conventional weapons usually used by the SIPRI: war aircraft, armoured vehicles, artillery, radar and vigilance\* systems, missiles and warships. Because there are no statistical sources available, other types of weapons, that is, light conventional weapons and arms of massive destruction (nuclear, chemical and biological) have not included. The figures indicate the percentage of imports of heavy conventional weapons out of the GDP and values over 0.5% are considered a high level of militarisation.

- Very grave situation: percentage of heavy weapons imports greater than 1% of GDP
- Grave situation: percentage of heavy weapons imports between 0.5 and 1% of GDP

**22. Militarised countries according to the BIC3D index.** SOURCE: Bonn International Centre for Conversion, *Conversion Survey 2001*, Nomos Verlagsgesellschaft, Baden-Baden, 2001.

The BIC3D index is obtained by combining four series of data: military expenditures, weapons reserves, personnel in the armed forces and personnel employed in arms production. The BIC3D index values range from between +100% to –100% and are interpreted as the percentage change in the levels in these figures since the end of the Cold War and the BIC3D index for that year. Positive figures indicate a process of demilitarization, while negative figures indicate militarisation.

- In the process of very significant militarisation: BIC3D index greater than or equal to –30
- In the process of militarising: BIC3D index between –1 and –29

## E. Behaviour with regard to the International Community

**23. Countries mentioned for having violated international commitments or for not properly co-operating.** SOURCES: Reports by the Group of Experts in violations of sanctions imposed on UNITA by the Security Council (S/2000/203) and the Group of Experts on the illegal export of natural resources in the D. R. of Congo (S/2001/357); Reports of the Secretary General on Liberia (S/2001/424) and the D. R. of Congo (S/2001/373).

This indicator refers to the violation of international commitments such as arms embargoes, technical, financial or logistical aid to sanctioned countries, or to countries that have not properly co-operated with the bodies in charge of these reports. Although the Security Council has only recently begun to make these Sanctions Committee reports public, there are certain centres with recognised prestige that have denounced these violations.

- Mentioned by the Security Council Sanctions Committee and the reports by the United Nations Secretary General

**24. Countries that have not ratified the Ottawa Treaty on Anti-personnel Mines.** SOURCE: International Campaign to Ban Landmines <[www.icbl.org/ratification/](http://www.icbl.org/ratification/)> (as of 10 October 2001).

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, also known as the Ottawa Treaty, come into force on 1 March 1999, although it has been open for signatures since 3 December 1997. As of 11 September 2001 there were 142 signatures/accessions and 122 ratifications.

- Have not ratified the Ottawa Treaty

**25. Countries subscribing to a moratorium on weapons imports.** SOURCE: ECOWAS On 1 November 1998, the 16 ECOWAS member States adopted a moratorium on the import, export and production of light weapons and ammunition in their territories.

- M ECOWAS member States that have subscribed to the moratorium.

**26. Countries that are Tax Havens.** SOURCE: OECD, Forum on Harmful Tax Practices, *Towards Global Tax co-operation, Report to the 2000 Ministerial Council Meeting and Recommendations by the Committee on Fiscal Affairs, Progress in Identifying and Eliminating Harmful Tax Practices* <[www.oecd.org/daf/fa/harm\\_tax/Report\\_En.pdf](http://www.oecd.org/daf/fa/harm_tax/Report_En.pdf)>, Advance Commitment Letters > (as of 23 August 2001).

In 1998, the OECD created the Forum on Harmful Tax Practices in order to deal with harmful preferential regimes in the member States. There are four determining factors in order to be considered a tax haven: non-existence or non-enforcement of a tax on capital; no effective exchange of information between various jurisdictions and financial institutions; no transparency in the jurisdiction; and no control over financial transactions.

- Tax Havens that have not adopted the Guidelines
- Tax Havens that have engaged to adopt the Guidelines

## 27. Countries not co-operating with the Financial Action Task Force (FATF) on Money Laundering.

SOURCE: FATF <[www1.oecd.org/fatf/](http://www1.oecd.org/fatf/)> [as of 07 September 2001].

The FATF, established by the G-7 in 1989, has unified international criteria for the prevention, detection and punishment of money laundering based on 40 recommendations. It annually publishes a report on Non Co-operating Countries or Territories (NCCT) based on these recommendations.

- Non-co-operating States or territories

## F. Development

### 28. Countries whose military spending is equal to or greater than their public spending in health and/or education.

SOURCE: UNDP, *Human Development Report 2001* [data on spending in education as a percentage of GDP refers to the most recent year available between 1995 and 1997]; SIPRI, *SIPRI Yearbook 2001* [data on military spending as a percentage of GDP refers to 1999]; and World Bank, *World Development Indicators 2001* [data on health spending as a percentage of GDP refers to 1998 or, if not available, to 1997].

The fact that military spending (defined in the eighth indicator) is equal to or greater than spending on health and/or education is a clear indication that public spending priorities place militarisation above the basic needs of the civilian population which are likely to be seriously jeopardised.

- Military spending equal to or greater than spending in health and education
- Military spending equal to or greater than spending in health or education

### 29. Countries whose foreign debt is greater than their GNP and Highly Indebted Poor Countries (HIPC).

SOURCE: World Bank, *Global Development Finance 2001* <[www.worldbank.org/prospects/gdf2001](http://www.worldbank.org/prospects/gdf2001)> and <[www.worldbank.org/hipc](http://www.worldbank.org/hipc)>; UNDP *Report on Human Development* [data from 1999].

The fact that a country's foreign debt exceeds its GNP is evidence of serious difficulties in facing the repayment of its debt. Also, the initiative for Highly Indebted Poor Countries (HIPC) approved by the World Bank and International Monetary Fund in 1996, considers the indebtedness of 41 countries to be unsustainable and has planned special credit programmes for them. The figures represent foreign debt as a percentage of GNP.

- Countries whose foreign debt is greater than their GNP. Amongst these countries, the following are HIPC: Angola, Burundi, Cameroon, D. Rep. Congo, Congo, Côte d'Ivoire, Gambia, Ghana, Guinea-Bissau, Guyana, Honduras, Lao P.D.R., Madagascar, Malawi, Mali, Mauritania, Mozambique, Nicaragua, Sierra Leone, Sao Tome and Principe, Sudan, Togo, Zambia.
- Highly Indebted Poor Countries (HIPC) whose foreign debt is lower than their GNP.

### 30. Countries with Food Emergency Alert.

SOURCE: FAO, *Crops and Food Shortages num. 4, September 2001* <[www.fao.org/giews/spanish/ce/cetoc.htm](http://www.fao.org/giews/spanish/ce/cetoc.htm)>

The FAO early warning system indicates the countries facing extraordinary food emergencies (due

either to drought, flooding, civil disruption, displacement of the population, economic problems or sanctions), that is to say, situations in which the current food supply is insufficient and in which exception need is needed for the current crop year. They also indicate countries which, in addition to a food shortage, are affected or threatened by successive poor crops.

- Food deficit and poor prospects for crops
- Food deficit

**31. Countries with WFP emergency operations.** SOURCE: WFP, <[www.wfp.org](http://www.wfp.org)> (as of 13 February 2001)

This indicator shows emergency situations triggered by a government demand for food aid due either to sudden disasters, subsequently occurring disasters, refugee population crises, or complex emergencies.

- WFP emergency operations.

**32. Countries with a high risk of mortality among women due to a lack of reproductive health.** SOURCE: Population Action International, *PAI Report 2001, Different Worlds: health and sexual and reproductive risks*. Washington, 2001 <[www.populationaction.org](http://www.populationaction.org)>.

The Reproductive Risk Index (RRI) is a weighted value out of 100 based on the following indicators of sexual and reproductive health: teenage mothers (between the ages of 15 and 19); use of contraception among women; abortion policies; anaemia among pregnant women; prenatal medical care; childbirth assisted by trained personnel; rate of AIDS among men and among women; average births per woman; and deaths of women during childbirth.

- Very grave situation: RRI higher than 60
- Grave situation: RRI between 45 and 59

**33. Countries belonging to the group of Less Developed Countries (LDC).** SOURCE: United Nations, <[www.unctad.org/lcds](http://www.unctad.org/lcds)>

Every three years, the ECOSOC updates the list of countries classified as Less Developed Countries (LDC) based on three major variables: low income (GNP per capita); low human resources (quality of life index based on life expectancy, calorie intake per capita, schooling and literacy); and low level of economic diversification (index based on several macroeconomic indicators).

**LDC**     Group of Less Developed Countries

**34. Countries with negative values in the Corruption Perception Index.** SOURCE: Transparency International, *Corruption Perception Index 2001*, <[www.transparency.org](http://www.transparency.org)>.

The Corruption Perception Index (IPC) reflects the degree of corruption perceived in the public sector, defined as the abuse of power to benefit of a private party or parties. The IPC is a weighted value of

between 10 and 0 (indicating lower and greater degree of perception of corruption, respectively), and is calculated based on 14 surveys of seven independent institutions (data from 1999 to 2001). The source only offers data from 91 countries.

- Very grave situation: IPC lower than 2.5
- Grave situation: IPC between 2.5 and 4





## Appendix II. Methodology and sources of information

Given that the basic purpose of this report is to contribute to orientating decision-making on the approval of arms exports, the aim was to establish a series of indicators on sanctions, human rights, armed conflict, militarisation, behaviour with regard to the international community, and development. This set of indicators is inspired on the EU Code of Conduct for Arms Exports.

The next step is to develop these indicators with objective, recognised and comparable source information. Because the aim is to influence governmental policy, the information used in this report makes reference to governments' sphere of responsibility. A distinction is made between the violations and abuses committed by governments, armed opposition groups, and organised criminal groups.

### Indicators considered definitive

When drawing up the final conclusions, the indicators were considered in their ensemble. The following indicators were considered to be definitive in and of themselves and therefore had specific weight attached to them.

#### **A. SANCTIONS**

1. Countries embargoed by the United Nations Security Council
2. Countries embargoed by the EU or the OSCE

#### **B. HUMAN RIGHTS**

7. Countries with serious violations of human rights and fundamental freedoms according to the EU
8. Countries with negative or critical reports from Special Rapporteurs or Representatives of the United Nations Commission on Human Rights and/or Special Representatives or independent Experts appointed by the Secretary General of the United Nations.
9. Countries for which the United Nations Commission on Human Rights has adopted negative resolutions.

#### **C. ARMED CONFLICT**

13. Countries with high intensity armed conflict
14. Countries with intermediate armed conflict

#### **D. MILITARISATION**

19. Countries with military spending of more than 4% of their GDP

#### **E. BEHAVIOUR WITH REGARD TO THE INTERNATIONAL COMMUNITY**

23. Countries mentioned for having violated international commitments or for not properly co-operating

#### **F. DEVELOPMENT**

28. Countries whose military spending is equal to or greater than their public spending in health and/or education.

For a large number of indicators, there are two categories, one for situations considered to be *serious* (indicated with a white bullet point) and another for those considered to be *very serious* (indicated with a black bullet point). Only the situations considered to be *very serious* were taken into account in the final conclusions. Also, for some indicators on the table there are numerical data to flesh out the information that the bullet points summarise. In each case, this data refers to the figures for that indicator and is explained in the descriptions of the indicators (appendix I). However, the mere fact that a situation is considered to be «serious» already reflects cause for concern in and of itself.

Unfortunately, there are difficulties of analysis stemming from the lack of information available, as is duly indicated in the table (with the sign «-»). One can therefore not deduce a positive reading on the situation in a given country because it does not appear on the list of countries with an alert, but one must rather refer back to the table of indicators to see whether there is simply a lack of information on that country.

The nomenclature used for the States and territories is that of the United Nations in the English language.

## Sources of information

All of the sources of information used to draw up this report are internationally recognised in the area of research of violent conflict prevention. In addition, the information from all of these sources is public.

One of the main challenges when selecting sources is to ensure that there is periodical information, at least annually, in order to trace the developments in each one of the countries. Nevertheless, because this document aims to serve as an alert, certain sources published on a one-off basis were taken into consideration due to their relevance, such as certain United Nations Security Council resolutions. The most recent version available of each source was always used.

### **United Nations**

According to its founding charter, establishing international peace and security falls within the jurisdiction of the United Nations. For this reason, United Nations activity and resolutions, mainly those issued by the Security Council, have been examined. Instruments such as embargoes are definitive for what should be a policy of the control of arms exports.

The existence of other instruments which are not yet binding such as the *Register of Conventional Weapons* (A/56/257 dated 31 July 2001), or the *Military Expenditure Register* (A/56/267 dated 3 August 2001), show that much remains to be improved. The fact that only very few countries inform these registers on a volunteer basis, while not offering too much information, does serve as an indication of the degree of will for transparency on these issues.

This year there have been several exceptional sources of information from the United Nations. Several important sources to highlight are the *Report of the Panel of Experts on violations of Security Council Sanctions against UNITA* (S/2000/203), the *Final Report of the Monitoring Mechanism on Sanctions on Angola* (S/2000/1225); the *Complementary Report of the Monitoring Mechanism on the Sanctions against UNITA* (S/2001/966), and the *Panel of Experts on Arms and Diamonds in Sierra Leone* (S/2000/1195) which provide a small sampling of how easy it is to violate arms trade control mecha-

nisms, including embargoes, when there is no firm will to combat these practices. The report drawn up by the Commission for Investigation on Rwanda (S/1998/1096) was not used because it was not deemed to be recent enough.

### **United Nations Agencies and Bodies**

In addition to the information from the UN, data from the other United Nations System organisations was also used. These specialised bodies and agencies offer highly useful information on all aspects that lead to building Peace. The following sources have therefore been used:

- UNHCR: *Provisional Statistics on Refugees and others of Concern to UNHCR for the year 2000 Statistical Overview*, 11 April 2001 ([www.unhcr.ch/pubs/fdrs/my2001/my2001toc.htm](http://www.unhcr.ch/pubs/fdrs/my2001/my2001toc.htm))
- World Bank:
  - *World Development Indicators 2001*, The World Bank, Washington D.C., April 2001
  - *Global Development Finance 2001*, The World Bank, Washington D. C., 2001 ([www.worldbank.org/data/wdi2001/index.htm](http://www.worldbank.org/data/wdi2001/index.htm))
- United Nations Commission of Human Rights:
  - *Report on the 57<sup>th</sup> Session*, Office of the High Commissioner for Human Rights, Geneva, 19 March - 27 April 2001 ([www.unhchr.ch/html/menu2/2/57chr/57main.htm](http://www.unhchr.ch/html/menu2/2/57chr/57main.htm))
  - *The Right to Food: Report prepared by the Special Rapporteur on the Right to Food* according to the Commission on Human Rights resolution 2000/10 dated 7 February 2001.
- FAO: United Nations Food and Agriculture Organisation, *Harvests and Food Shortages num. 3*, FAO, Rome, June 2001 ([www.fao.org/gIEWS/spanish/ce/ceoc.htm](http://www.fao.org/gIEWS/spanish/ce/ceoc.htm))
- WFP: World Food Programme ([www.wfp.org](http://www.wfp.org))
- PNUD: Human Development Report 2001, PNUD, New York, 2001 ([www.undp.org/hdr2001/](http://www.undp.org/hdr2001/))
- UNAIDS: Report on the Global HIV/AIDS Epidemic June 2000, UNAIDS, Geneva, 2000 ([www.unaids.org/hivaidsinfo/statistics/fact\\_sheets/index\\_en.htm](http://www.unaids.org/hivaidsinfo/statistics/fact_sheets/index_en.htm))
- UNCTAD: ([www.unctad.org/ldcs](http://www.unctad.org/ldcs))
- UNESCO: Statistical Yearbook, UNESCO Publishing & Bernan Press, Paris y Lanham, 2000 (<http://unescostat.unesco.org/en/stats/stats0.htm>)

### **Other International Organisations and Governmental Sources of Information**

Because this report aims to target political decision-making centres, an ongoing follow-up of current events and decisions made by the European Union, the OSCE and the OECD was done:

- Council of the European Union ([ue.eu.int/newsroom](http://ue.eu.int/newsroom))
- OECD, *Helping Prevent Violent Conflict, Orientations for External Partners. Supplement to the DAC Guidelines on Conflict, Peace and Development Co-operation on the Threshold of the 21<sup>st</sup> Century*, OECD, Brussels, 2001. ([www.oecd.org/oecd/pages/document/displaywithoutnav/0,3376,EN-document-notheme-1-no-no-2141-0,00.html](http://www.oecd.org/oecd/pages/document/displaywithoutnav/0,3376,EN-document-notheme-1-no-no-2141-0,00.html))
- Ministry of Foreign Affairs of Spain, *Conflicto, paz y cooperación para el desarrollo en el umbral del siglo XXI* (DAC Guidelines) OECD and AECE, Madrid, November 1999 ([www.mae.es/conflictocad](http://www.mae.es/conflictocad))
- Ministry of Foreign Affairs of Spain, *Estrategia para la cooperación española*, SECIPI, Madrid, June

1999. ([www.mae.es/estrategiace](http://www.mae.es/estrategiace))

- Ministry of Foreign Affairs of Sweden, *European Union Programme for the Prevention of Violent Conflicts*, Ministry of Foreign Affairs of Sweden, Gothenburg, June 2001 ([www.eu2001.se](http://www.eu2001.se))
- Report 14088/00 dated 30 November 2000 presented to the European Council of Nice by the High Commissioner for CFSP and the European Commission.

The information that governments themselves offer on their Web sites can also be accessed. While the practice of providing this information has not yet become generalised, and the information provided must be taken with a certain measure of caution, this information will probably improve over the years<sup>1</sup>. Web sites consulted include those of the following countries: Australia, Canada, Denmark, Finland, France, Ireland, South Africa, Sweden, the United Kingdom and the United States of America.

## Research Centres

There are a group of prestigious research centres internationally recognised for their work. The year-books and publication that these centres publish on the various aspects dealt with in this study were consulted, including:

- Balencie, Jean-Marc; de La Grange, Arnaud, *Mondes rebelles. Guérillas, Milicies, Groupes Terroristes. L'Encyclopédie des Acteurs, Conflits & Violences Politiques*, Éditions Michalon, Paris, 2001
- Bonn International Center for Conversion (BICC), *Conversion Survey 2001*, Bonn, 2001 ([www.bicc.de](http://www.bicc.de))
- Carnegie Commission: *Preventing deadly conflict, 1997*, ([www.ccpdc.org](http://www.ccpdc.org))
- Center for International Development and Conflict Management, University of Maryland. *Peace and conflict 2001. A global survey of armed conflicts, self-determination movements and democracy*, ([www.bsos.umd.edu/cidcm/peace.htm](http://www.bsos.umd.edu/cidcm/peace.htm))
- INCORE: Initiative on Conflict Resolution and Ethnicity ([www.incore.ulst.ac.uk](http://www.incore.ulst.ac.uk))
- Institut de Relations Internationales et Stratégiques (IRIS), *L'Année stratégique 2001*, Éditions Michalon, 2000 ([www.iris-france.org](http://www.iris-france.org))
- Instituto del Tercer Mundo, *Informe Control Ciudadano 2001*, Uruguay, 2001, ([www.socialwatch.org](http://www.socialwatch.org))
- International Crisis Group, *EU Crisis Response Capability*, ICG Issues Report N°2, Brussels, 26 June 2001. ([www.intl-crisis-group.org](http://www.intl-crisis-group.org))
- Jongman, Albert J., *The World Conflict and Human Rights Map 2000, Mapping Dimensions of Contemporary Conflicts and Human Rights Violations*, Interdisciplinary Research Programme on Root Causes of Human Rights Violations (PIOOM), Leiden University, Leiden, 2000 ([www.fsw.leidenuniv.nl/www/w3\\_liswo/map\\_2000.htm](http://www.fsw.leidenuniv.nl/www/w3_liswo/map_2000.htm))
- Observatori del CIDOB ([www.observatorio.barcelona2004.org/observatorio/home\\_e.htm](http://www.observatorio.barcelona2004.org/observatorio/home_e.htm))
- Peace Research Institute of Oslo (PRIO), *Journal of Peace Research*, vol. 38, n°5, Oslo, September 2001 ([www.prio.no/publications/publication.asp?PublicationID=580](http://www.prio.no/publications/publication.asp?PublicationID=580))
- Ramsbotham, Alexander (ed.), *UN & Conflict Monitor*, Issue 9, UN & Conflict Unit, UNA-UK, London, autumn 2000 ([www.brad.ac.uk/acad/confres/monitor/UNCmonitor9.pdf](http://www.brad.ac.uk/acad/confres/monitor/UNCmonitor9.pdf))
- Schmid, Alex P.; Jongman, Albert J., *Monitoring Human Rights Violations*, Center for the Study of Social Conflicts, Faculty of Social Sciences, Leiden University, Leiden, 1992
- Stockholm International Peace Research Institute (SIPRI), *SIPRI Yearbook 2001*, Oxford University Press Inc., New York, 2001 ([www.sipri.se](http://www.sipri.se))

1. The SIPRI web site offers a wide range of web sites with governmental information on arms transfers at: <http://projects.sipri.se/armstrade/atlinks.html>

- The International Institute for Strategic Studies (IISS), *The Military Balance 2000-2001*, Oxford University Press, London, October 2000 ([www.iiss.org/pub/milbal1.asp](http://www.iiss.org/pub/milbal1.asp))

### **Civil Organizations**

Several non-governmental civil organisations working in the area of conflict prevention, human development, the respect for human rights and demilitarisation have been consulted as sources of information:

- Amnesty International, *2001 Report*, Amnesty International Publications, London, 2001 ([www.amnesty.org](http://www.amnesty.org))
- Coalition to stop the use of child soldiers ([www.child-soldiers.org](http://www.child-soldiers.org))
- European Platform for Conflict Prevention and Transformation ([www.oneworld.org/euconflict](http://www.oneworld.org/euconflict))
- Instituto del Tercer Mundo, *Guía del mundo 2001/2002. El mundo visto desde el Sur*, Fundación Santa María and IEPALA, Montevideo, 2001 ([www.guiadelmundo.org.uy](http://www.guiadelmundo.org.uy))
- International Campaign to Ban Landmines ([www.icbl.org](http://www.icbl.org))
- Human Rights Watch, *World Report 2001*, Human Rights Watch, Nueva York, diciembre 1999 ([www.hrw.org](http://www.hrw.org))
- Rädde Barnen ([www.rb.se](http://www.rb.se))
- Saferworld ([www.saferworld.co.uk](http://www.saferworld.co.uk))
- Save the Children ([www.savethechildren.net](http://www.savethechildren.net))
- Transparency International ([www.transparency.de](http://www.transparency.de))

### **Specialised Feature Publications**

Specialised feature publications were also used to methodologically orient the scope of the study. Among the major publications consulted, the following can be noted:

- Davies, John L.; Gurr, Ted Robert (eds.), *Preventive Measures. Building Risk Assessment and Crisis Early Warning Systems*, Rowman and Littlefield Publishers, Inc. Maryland, 1998
- Gasparini Alves, Péricles; Cipollone, Daiana Belinda (eds.), *Represión del tráfico ilícito de armas pequeñas y tecnologías sensibles*, UNIDIR, New York and Geneva, 1998

### **International Press and Information Centres**

In order to update the source information, a daily follow-up using internationally available major information centres, press and news agencies was also used.

- Agence France Press ([www.afp.com](http://www.afp.com))
- Alertnet-Reuters ([www.alertnet.org](http://www.alertnet.org))
- AllAfrica Global Media ([allafrica.com](http://allafrica.com))
- Arabic Media Internet Network ([www.amin.org](http://www.amin.org))
- BBC ([news.bbc.co.uk](http://news.bbc.co.uk))
- Central Europe on line ([www.europeaninternet.com/centraleurope](http://www.europeaninternet.com/centraleurope))
- CNN ([www.cnn.com](http://www.cnn.com))

- Defense News ([www.defensenews.com](http://www.defensenews.com))
- El País ([www.elpais.es](http://www.elpais.es))
- El Periódico ([www.elperiodico.com](http://www.elperiodico.com))
- Financial Times ([www.ft.com](http://www.ft.com))
- Humanitarian Times ([www.humanitarianimes.com](http://www.humanitarianimes.com))
- Inter Press Service ([www.ips.link.no/IPS](http://www.ips.link.no/IPS))
- International Herald Tribune ([www.iht.com](http://www.iht.com))
- La Vanguardia ([www.lavanguardia.com](http://www.lavanguardia.com))
- Le Matin ([www.lematin.ma](http://www.lematin.ma))
- Le Monde ([www.lemonde.fr](http://www.lemonde.fr))
- Le Monde diplomatique ([www.monde-diplomatique.fr](http://www.monde-diplomatique.fr))
- Oneworld ([www.oneworld.net/news](http://www.oneworld.net/news))
- Reliefweb ([www.reliefweb.int](http://www.reliefweb.int))
- The Economist ([www.economist.com](http://www.economist.com))
- The Washington Post ([www.washingtonpost.com](http://www.washingtonpost.com))
- UN Integrated Regional Information Network ([www.irinnews.org](http://www.irinnews.org))
- UN news ([www.un.org/News](http://www.un.org/News))

## Appendix III

# EU Code of Conduct on Arms Exports

The Council of the European Union,

BUILDING on the Common Criteria agreed at the Luxembourg and Lisbon European Councils in 1991 and 1992,

RECOGNISING the special responsibility of arms exporting states,

DETERMINED to set high common standards which should be regarded as the minimum for the management of, and restraint in, conventional arms transfers by all EU Member States, and to strengthen the exchange of relevant information with a view to achieving greater transparency,

DETERMINED to prevent the export of equipment which might be used for internal repression or international aggression, or contribute to regional instability,

WISHING within the framework of the CFSP to reinforce their cooperation and to promote their convergence in the field of conventional arms exports,

NOTING complementary measures taken by the EU against illicit transfers, in the form of the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms,

ACKNOWLEDGING the wish of EU Member States to maintain a defence industry as part of their industrial base as well as their defence effort,

RECOGNISING that states have a right to transfer the means of self-defence, consistent with the right of self-defence recognised by the UN Charter, have adopted the following Code of Conduct and operative provisions:

### CRITERION ONE

**Respect for the international commitments of EU Member States, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations.**

An export licence should be refused if approval would be inconsistent with, inter alia:

- a) the international obligations of Member States and their commitments to enforce UN, OSCE and EU
- 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) their commitments in the frameworks of the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Wassenaar Arrangement;
- d) their commitment not to export any form of anti-personnel landmine.

## **CRITERION TWO**

### **The respect of Human Rights in the country of final destination.**

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

- a) not issue an export licence if there is a clear risk that the proposed export 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 the equipment, to countries where serious violations of human rights have been established by the competent bodies of the UN, the Council of Europe or by the EU;

For these purposes, equipment which might be used for internal repression will include, inter alia, equipment where there is evidence of the use of this or similar 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 operative paragraph 1 of this Code, 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.

## **CRITERION THREE**

### **The internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts.**

Member States will not allow exports which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination.

## **CRITERION FOUR**

### **Preservation of regional peace, security and stability**

Member States will not issue an export licence if there is a clear risk that the intended recipient would use the proposed export aggressively against another country or to assert by force a territorial claim.

When considering these risks, EU Member States will take into account inter alia:

- a) the existence or likelihood of armed conflict between the recipient and another country;
- b) 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) whether the equipment would be likely to be used other than for the legitimate national security and defence of the recipient;
- d) the need not to affect adversely regional stability in any significant way.



## **CRITERION FIVE**

**The national security of the Member States and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries.**

Member States will take into account:

- a) the potential effect of the proposed export on their defence and security interests and those of friends, allies and other Member States, while recognising that this factor cannot affect consideration of the criteria on respect of Human Rights and on regional peace, security and stability;
- b) the risk of use of the goods concerned against their forces or those of friends, allies or other Member States;
- c) the risk of reverse engineering or unintended technology transfer.

## **CRITERION SIX**

**The behaviour of the buyer country with regard to the international community, as regards in particular to its attitude to terrorism, the nature of its alliances and respect for international law.**

Member States will take into account inter alia the record of the buyer country with regard to:

- a) its support or encouragement of terrorism and international organised crime;
- b) its compliance with its international commitments, in particular on the non-use of force, including under international humanitarian law applicable to international and non-international conflicts;
- c) its commitment to non-proliferation and other areas of arms control and armament, in particular the signature, ratification and implementation of relevant arms control and disarmament conventions referred to in sub-para b) of Criterion One.

## **CRITERION SEVEN**

**The existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions.**

In assessing the impact of the proposed export on the importing country and the risk that exported goods might be diverted to an undesirable end-user, the following will be considered:

- a) the legitimate defence and domestic security interests of the recipient country, including any involvement in UN or other peace-keeping activity;
- b) the technical capability of the recipient country to use the equipment;
- c) the capability of the recipient country to exert effective export controls;
- d) the risk of the arms being re-exported or diverted to terrorist organisations (anti-terrorist equipment would need particularly careful consideration in this context).

## **CRITERION EIGHT**

**The compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources.**

Member States will take into account, in the light of information from relevant sources such as UNDP, World Bank, IMF and OECD reports, whether the proposed export would seriously hamper the sustainable development of the recipient country. They will consider in this context the recipient country's relative levels of military and social expenditure, taking into account also any EU or bilateral aid.

### **Operative Provisions**

1. Each EU Member State will assess export licence applications for military equipment made to it on a case-by-case basis against the provisions of the Code of Conduct.
2. This Code will not infringe on the right of Member States to operate more restrictive national policies.
3. EU Member States will circulate through diplomatic channels details of licences refused in accordance with the Code of Conduct for military equipment together with an explanation of why the licence has been refused. The details to be notified are set out in the form of a draft pro-forma at Annex A. Before any Member State grants a licence which has been denied by another Member State or States for an essentially identical transaction within the last three years, it will first consult the Member State or States which issued the denial(s). If following consultations, the Member State nevertheless decides to grant a licence, it will notify the Member State or States issuing the denial(s), giving a detailed explanation of its reasoning.

The decision to transfer or deny the transfer of any item of military equipment will remain at the national discretion of each Member State. A denial of a licence is understood to take place when the Member State has refused to authorise the actual sale or physical export of the item of military equipment concerned, where a sale would otherwise have come about, or the conclusion of the relevant contract. For these purposes, a notifiable denial may, in accordance with national procedures, include denial of permission to start negotiations or a negative response to a formal initial enquiry about a specific order.

4. EU Member States will keep such denials and consultations confidential and not to use them for commercial advantage.
5. EU Member States will work for the early adoption of a common list of military equipment covered by the Code, based on similar national and international lists. Until then, the Code will operate on the basis of national control lists incorporating where appropriate elements from relevant international lists.
6. The criteria in this Code and the consultation procedure provided for by paragraph 3 of the operative provisions will also apply to dual-use goods as specified in Annex 1 of Council Decision 94/942/CFSP as amended, where there are grounds for believing that the end-user of such goods will be the armed forces or internal security forces or similar entities in the recipient country.
7. In order to maximise the efficiency of this Code, EU Member States will work within the framework of the CFSP to reinforce their cooperation and to promote their convergence in the field of conventional arms exports.
8. Each EU Member State will circulate to other EU Partners in confidence an annual report on its defence exports and on its implementation of the Code. These reports will be discussed at an annual meeting held within the framework of the CFSP. The meeting will also review the operation of the Code, identify any improvements which need to be made and submit to the Council a consolidated report, based on contributions from Member States.

9. EU Member States will, as appropriate, assess jointly through the CFSP framework the situation of potential or actual recipients of arms exports from EU Member States, in the light of the principles and criteria of the Code of Conduct.
10. It is recognised that Member States, where appropriate, may also take into account the effect of proposed exports on their economic, social, commercial and industrial interests, but that these factors will not affect the application of the above criteria.
11. EU Member States will use their best endeavours to encourage other arms exporting states to subscribe to the principles of this Code of Conduct.
12. This Code of Conduct and the operative provisions will replace any previous elaboration of the 1991 and 1992 Common Criteria.



## Appendix IV.

# UNESCO Chair on Peace and Human Rights / School of Peace Culture at UAB

Since it was founded in 1997, the Càtedra UNESCO sobre Pau i Drets Humans has been working on the application of UNESCO recommendations and projects in the field of a culture for peace. The founding in 1999 of the Escola de Cultura de Pau marked a commitment to enhance this work both in university teaching and research and general awareness raising. The fields of study include disarmament, prevention and transformation of armed conflicts, peace education and action for a peace culture.

The Càtedra UNESCO sobre Pau i Drets Humans/Escola de Cultura de Pau, whose chaired professor is Vicenç Fisas, is basically financed by the Generalitat de Catalunya (regional government), through its Departament per Universitats, Investigació i Societat de la Informació, i de la Secretaria de Relacions Exteriors. It also receives funding from city and town councils, foundations and other institutions.

The main activities include a degree in Peace Culture and the related course, awareness programmes and intervention in conflicts, co-ordination of disarmament campaigns, granting of fellowships on peace research, and the training of various working groups.

In order to put together this report, one of our own research programmes, the **Alert Unit on Armed Conflicts, Human Rights and Arms Transfers**, established in January 2001, follows up on international current events related to militarisation, armed conflict, the human rights situation and human development.

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