

# The Spanish Arms Trade

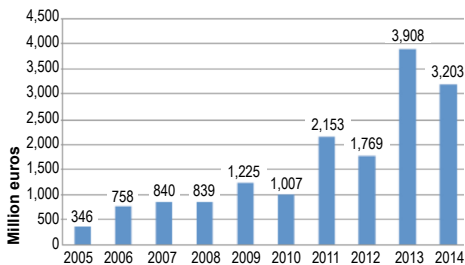
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Spain is one of the world's principal arms exporters, ranking sixth or seventh, depending on the year. In 2013, we exported 3,908 million euros worth of defence equipment, and in 2014 the trade was worth 3,203 million. In the first third of 2015, exports valued 1,727 million euros. The two most important classes of defence equipment that Spain exports are military aircraft and warships, accounting for 78% of the total amount for the period 2005-14.

**Spanish Arms Export 2005-2014**



Three basic reasons underlie such a significant presence in international arms sales: participation in international arms-systems development programmes, a less than rigorous interpretation of existing legislation, and on the political front, the seriously enthusiastic encouragement of arms exports.

## 1. The basic facts about regulation

Armaments are extremely dangerous products, and are for that reason subject to intensive governmental controls. Exports of defence equipment require official licences. Arms manufacturers must obtain permission to export, granted officially by the Secretary of State for Commerce, although the responsible body is in fact an organisation called JIMDDU (the Inter-ministerial Regulatory Commission for External Sales of Double-Use Defence Equipment).

In order to obtain licences, compliance with the legal requirements governing arms exports must be demonstrated. The Law in question is 53/2007, embodied in the EU Common Position 2008/944 and in the Treaty on Arms Sales. These stipulate that no exports be permitted to countries that are subject to sanctions or that violate Human Rights. Nor are exports allowed to war zones, or when the peace and security of a given region might thereby be endangered.

JIMDDU's principal means of implementation are the publication of official statistics and parliamentary controls. In the case of the first of these, the Secretary of State publishes export data under general headings, such that one can never identify which specific arms have been exported. Thus in 2007-08, official statistics recorded sales to Libya of «bombs, torpedoes, rockets and missiles», without mentioning that the bombs in question were cluster bombs (model MAT-120, manufactured by a Spanish firm, Instalaza, and deployed by Gaddafi in Misrata in 2011).

As to the second, the Spanish Cortes relies on parliamentary questions being asked, and on the Secretary of State for Commerce's annual appearance before the Select Committee for Defence for the purpose of explaining the previous year's official statistics. He appears, that is to say, after the sales have been authorised. The government's overall policy with respect to arms sales is never discussed.

## **2. The dark side of Spanish arms exports**

The official statistics none the less reveal that the Government applies existing legislation very laxly, and in actual fact, exports are made to war zones and to

countries that do violate human rights. In terms of the millions of euros involved, the most questionable cases of arms sales in 2104 are as follows: Saudi Arabia (293 actual exports), Bahrain (40 actual), Colombia (1,7 actual), Egypt (108 actual), Iraq (95 authorised), Israel (3 actual), and Oman (64 actual). It is noteworthy that over the period 2005-14, 16% of exports worth 511 million euros have been destined for the Middle East, now an emergent market for Spanish arms sales, despite the instability of that region.

### *2.1. The chief difficulties relating to legal regulation*

It is, first, important to observe that legal regulation does not entail the absolute prohibition of arms exports to countries where there are grave violations of human rights. In addition, EU Common Position 2008/944 includes express reference to the 'economic, social, commercial and industrial interests' of exporting countries. It is not, legally speaking, clear whether this permits European states to protect those interests rather than human rights and the prevention of conflict. But many states do behave as if this was the case, and Spain is one of them.

Lastly, it is possible to permit arms exports deemed in the pursuit of 'humanitarian aims'. This provision is found not in a legal document but in the *User's Guide to Common Positions*, according to which arms exports that run counter to legal requirements may still be permitted where that is reckoned necessary for the security of a civilian population and in order to facilitate economic reconstruction. At bottom, similar arguments are used in the attempt to justify humanitarian interventions generally. So, we notice that humanitarian

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arguments are used to justify arms exports of whatever sort. That is what happened when the French army supplied arms to Libyan rebels in 2011. One of the arguments then invoked by the French government was a humanitarian argument: that given a deteriorating situation, supplying arms would allow civilians to defend themselves.

## *2.2. Arms sales viewed by the Spanish government as a strategic sector*

Three factors to bear in mind here are these: secretiveness, the fixed purpose of encouraging arms exports, and using the arms trade as an instrument of international policy.

We run up against secretiveness and a marked lack of transparency. In addition to the merely generalised information contained in official statistics that make it impossible to know the specific kinds of weapons that are being exported, the lack of transparency has been reinforced by categorising JIMDDU's activities as secret. This classification has impeded two formal requests to the Courts for specific information, in connection with a petition for the annulment of previously granted export licences.

For years, the Government has been implementing policies encouraging the sale of arms. The defence industry is taken to be a strategic sector, and a fundamental part in implementing this policy is played by the Ministry of Defence, working through the Secretary of State for Defence, the Office for External Aid, the Defence Attachés at our embassies in eighty-two different countries, and the two public bodies, ISDEFE and DEFEX. The latter has been implicated in corruption allegations relating to the supply of anti-riot equipment to Angola, and taking the form of illegal 'commission'

paid to Angolan officials, to help the sales along. In practice, contracts between arms manufacturers and interested government enjoy official support; co-operation agreements and Memoranda of Understanding regarding defence supplies are drawn up with other countries; and the Spanish defence industry provides advice abroad...

In recent years these policies have been pursued by the Ministry for the Economy as well through its Strategic Plan for the Internationalisation of the Economy, 2014-15. The defence sector has created an Internationalisation Working Party, whose meetings are attended by two arms industry management associations, Tedae and Aesmide. In this way institutional support has been created for the industry's interests.

A qualitative leap in policy implementation has been made possible by making 'inter-governmental' contracts. By this means, it is the Ministry of Defence that signs the sales contracts with another country, thereby providing state guarantees to underpin them. Proceeding in this way was established in order to favour the acquisition by Saudi Arabia of more than 200 Leopard armoured vehicles, a contract that has been under discussion since 2010 and that could well be worth more than 3000 million euros. The Ministry of Defence seeks to extend the use of such inter-governmental contracts, since by offering greater security to the purchasing country, they favour Spanish arms sales.

It has, finally, to be recognised that the Spanish government is also using the arms trade as an instrument of international policy, and sometimes in order to further diplomatic relations, as when in 2008 Morocco acquired for the symbolic price of 1 euro six MK-46 light torpedoes

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and aircraft rocket launchers normally together costing 86,848 euros.

Exports may also be employed for less controversial military intervention abroad than 'boots on the ground'. A couple of instances of this have been when the Spanish Defence Ministry sent 300 helmets and 500 flak jackets to Ukraine in September 2014, in the context of support for that country authorised by NATO, or when a different stance was adopted towards Iraq. It is worth remembering that in June 2104, after a decade during which arms exports to Iraq were forbidden, sales were once more permitted to support that country's fight against Islamic State, in accord with a change of EU policy.

### **3. Conclusions**

Where the arms trade is concerned the Spanish government gives priority to political and economic interests, over the protection of human rights and the prevention of conflict. If this state of affairs is to alter, the control of the arms

trade must become a subject for debate, a prominent part of the political agenda and involving public opinion. There must also be support for transparency, and effective means of control of the activities of JIMDDU and the policies that favour arms exports.

This is because controlling arms sales is not simply a matter of legality. What is involved here is preventing Spanish weaponry from causing irreparable suffering and harm to millions of our fellow human beings.

### **4. For further information**

The Delàs Peace Studies Centre (Centro Delàs de Estudios por la Paz) provides a data base about arms sales and related matters at [www.centredelas.org](http://www.centredelas.org)

See also the Centre's report, «Exportaciones españolas de armamento 2005-2014. Alimentando conflictos en Oriente Medio».

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