



ARMS TRANSFERS TO ZIMBABWE: IMPLICATIONS FOR AN ARMS TRADE TREATY

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I. Introduction

Since 2000, Zimbabweans have suffered from high levels of political violence, human rights violations and intimidation perpetrated by security forces loyal to President Robert Mugabe and supporters of the governing Zimbabwe African National Union–Patriotic Front (ZANU-PF).¹ In response, a number of states and the European Union (EU) have imposed arms embargoes on Zimbabwe and targeted sanctions on Mugabe and members of his regime. However, such sanctions have not been universally adopted. For example, a clear divide separates the permanent members of the United Nations Security Council. Three of the permanent five members of the council have imposed arms embargoes on Zimbabwe: France and the United Kingdom (under an EU arms restriction) in 2002, and the United States in 2003.² In contrast, China and Russia have voiced no concerns about the situation in Zimbabwe and continue to supply arms and military equipment. Indeed, in 2008 both states vetoed a draft UN Security Council resolution that would have imposed a UN arms embargo on Zimbabwe.³

Zimbabwe thus provides a useful case study that illustrates the diverging opinions among major international arms exporters regarding the circumstances that justify a restriction on the supply of arms and military equipment. Specifically, it allows an examination of the efficacy of unilateral and multilateral embargoes in stemming political violence and human rights

¹ Human Rights Watch (HRW), *'Bullets for Each of You': State-Sponsored Violence since Zimbabwe's March 29 Elections* (HRW: New York, 2008), pp. 14–28; Amnesty International, 'Zimbabwe: A trail of violence after the elections', June 2008, <<http://www.hrw.org/en/reports/2008/06/19/bullets-each-you>>; Human Rights Watch (HRW), *Diamonds in the Rough: Human Rights Abuses in the Marange Diamond Fields of Zimbabwe* (HRW: New York, July 2009); and Tibaijuka, A. K., UN Special Envoy on Human Settlements Issues in Zimbabwe, Report of the fact-finding mission to Zimbabwe to assess the scope and impact of Operation Murambatsvina, July 2005, p. 2.

² Hagelin, B., Bromley, M. and Wezeman, S., 'International arms transfers', *SIPRI Yearbook 2006: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2005).

³ Holtom, P. and Kelly, N., 'Multilateral arms embargoes', *SIPRI Yearbook 2009: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2009), pp. 484–85.

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SUMMARY

● Zimbabwe has suffered from high levels of political violence since 2000. While some states and the European Union (EU) have responded by imposing arms embargoes, other states have expressed no concerns about the situation.

The most prominent supplier of arms to Zimbabwe has been China, which supplied more than one-third of the volume of Zimbabwe's major weapons between 1980 and 2009. Russia has identified Zimbabwe as a potential market for its arms, but has yet to make many deliveries. While the United Kingdom was a major supplier in the 1980s and 1990s, it has since stopped selling arms to Zimbabwe.

The UK's change in behaviour is linked to unilateral and regional arms embargoes by EU member states, the United States, Australia, Canada and Switzerland. These states justify their embargoes as a response to the human rights violations in Zimbabwe. However, in 2008 China and Russia vetoed a UN arms embargo.

The case of Zimbabwe illustrates the difficulties in maintaining responsible export principles when key members of the international community are not convinced that internal repression is a sufficient reason to interfere with a country's sovereign right to buy arms. The question of how human rights considerations should affect arms export policies is of current relevance to the discussions on an arms trade treaty.



abuses when the restriction is not imposed by all major supplier states. In relation to the ongoing discussion on an arms trade treaty (ATT), the utility of arms embargoes targeting Zimbabwe is of timely relevance as elections may take place in 2011, raising legitimate concerns regarding the possibilities for yet another round of political violence.⁴ A tenuous power-sharing agreement, brokered by international mediators following the violence of the 2008 elections has held until now, mitigating the political tension between ZANU-PF and the Movement for Democratic Change (MDC), led by Morgan Tsvangirai. However, Zimbabwe's continued access to arms and military equipment from major supplying countries warrants a closer examination of dissenting views on international responsibility and interference in intrastate conflicts.

This paper continues in section II by providing an overview of the main suppliers of arms and military equipment since Zimbabwe's independence in 1980. Section III considers the aims of the various unilateral and multilateral arms embargoes imposed on Zimbabwe since 2002 and the impact of these targeted sanctions on arms flows and Zimbabwe's behaviour. It also considers moves to impose a UN arms embargo. Section IV concludes the paper by considering some of the implications for an ATT arising from the case of Zimbabwe and international agreement on what should constitute 'responsible arms transfers'.

II. Zimbabwe's arms suppliers

Zimbabwe has never ranked among the major arms importers, despite the fact that its domestic arms production capabilities are and have been very limited.⁵ During the first two decades of independence, 1980–99, China accounted for 35 per cent of Zimbabwean imports of major conventional weapons, followed by the UK (26 per cent), Brazil (11 per cent), Italy (9 per cent) and Spain (8 per cent).⁶ The overall volume of imports for the period 2000–2009 is much lower than for the periods 1980–89 and 1990–99. For the period 2000–2009, China remained the largest supplier, accounting for 39 per cent of Zimbabwean imports of major conventional weapons, followed by Ukraine (35 per cent) and Libya (27 per cent). Bulgaria, the Czech Republic and Slovakia have exported a small volume of major conventional weapons to Zimbabwe since 2000, while Czechoslovakia was an exporter during the early 1990s.

Although China has been Zimbabwe's main arms supplier for the past decade, it is not exactly clear what has been delivered. For example, in 2004 it was reported that Zimbabwe was in the process of acquiring 12 Chinese FC-1 combat aircraft and more than 100 Dongfeng military vehicles in a deal worth an estimated \$200 million.⁷ However, while it is believed that Zimbabwe took delivery of Chinese-produced armoured vehicles, assault

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⁴ Ncube, N., 'Violence in the age of elections', *Financial Gazette* (Harare), 28 Jan. 2011.

⁵ Mandizvidza, S., 'ZDI broke, sends staff on forced leave', *The Standard* (Harare), 24 Oct. 2009.

⁶ Unless otherwise stated, data in this paper on arms transfers is obtained from the SIPRI Arms Transfers Database, <<http://www.sipri.org/databases/arms/mtransfers/>>.

⁷ Manyukwe, C., 'Mugabe spends \$200m on new fighter jets', *New Zimbabwe*, 6 June 2004; and 'Zimbabwe reveals China arms deal', BBC News, 14 June 2004, <<http://news.bbc.co.uk/2/hi/africa/3804629.stm>>.



rifles and support materiel via the Mozambican port of Beira in early 2005, the FC-1 deal was not completed.⁸ Also in 2005 Zimbabwe received six K-8 trainer aircraft with a second batch of six arriving in 2006.⁹ The Permanent Secretary of the Zimbabwean Ministry of Defence, Trust Maphosa, reported these acquisitions to the Zimbabwean Parliament, and China also reported its delivery of the second batch of six K-8 aircraft to the UN Register of Conventional Arms (UNROCA). It is unclear how Zimbabwe is paying for its imports of arms from China, although some have speculated that China is being paid in kind with mining rights and farmland.¹⁰ The most widely discussed arms transfer from China was the attempted shipment of arms aboard the Chinese vessel *An Yue Jiang* in the lead-up to the 2008 Zimbabwean elections as detailed in box 1.

It is unclear how Zimbabwe is paying for its imports of arms from China

The Russian state arms trader, Rosoboronexport, has identified Zimbabwe as a sub-Saharan African state with which a promising trade relationship is developing.¹¹ However, the only reported Russian exports of major conventional weapons to Zimbabwe in recent years are six Mi-24P Hind combat helicopters, financed in 1999 by the Government of the Democratic Republic of the Congo (DRC) to be used by Zimbabwe in their joint fight against Congolese rebel forces in the DRC. Russia was also said to have sold 21 000 rifles to Zimbabwe before the elections in 2000.¹² Other East European countries have also been active in exporting arms to Zimbabwe. Ukraine provided the engines for the 12 K-8 trainer aircraft supplied by China discussed above. Zimbabwe imported a small volume of major conventional weapons from Bulgaria, the Czech Republic and Slovakia in 2000 and 2001.

The UK was one of Zimbabwe's major arms suppliers until the EU arms embargo came into force. During 1980–92, the Zimbabwean Air Force received a number of planes from the UK, including 13 Hawk-60 trainer aircraft, 2 Canberra B-2 bombers and 9 Hawker Hunter combat aircraft. Other West European countries, such as Spain, Italy and France, had much smaller roles to play in arming Zimbabwe.

Since 2000 it has been a challenge to clearly identify transfers of arms and military equipment to Zimbabwe. For example, several states' data in the United Nations Commodity Trade Statistics Database (UN Comtrade) list Zimbabwe as the destination for small arms and light weapons (SALW) and ammunition, but it does not identify whether the items are destined for civilian or security force use. For example, Brazilian customs data shows the export of shotgun ammunition worth \$2.3 million to Zimbabwe in 2003, but

⁸ 'Zimbabwe reportedly receives new consignment of arms from China', BBC Monitoring Africa, 22 Feb. 2005.

⁹ Heitman, H.-R., 'Zimbabwe set to acquire more K-8s', *Jane's Defence Weekly*, 6 Sep. 2006 p. 19.

¹⁰ 'Weapons for ivory: the illegal trade between Beijing and Zimbabwe', AsiaNews.it, 17 Nov. 2004, <<http://www.asianews.it/news-en/Weapons-for-ivory:-the-illegal-trade-between-Beijing-and-Zimbabwe-1918.html>>.

¹¹ Rosoboronexport, 'Rosoboronexport State Corporation at Africa Aerospace and Defence 2006', 19 Sep. 2006, <<http://www.defense-aerospace.com/article-view/feature/73297/russia-details-african-marketing-strategy.html>>.

¹² Polikanov, D., 'Russian arms sales to Africa seen conflicting with its international image', *Moskovskiy Novosti*, 16 Jan. 2001, Translation from Russian, Foreign Broadcast Information Service (FBIS), 13 Feb. 2002.

**Box 1. The *An Yue Jiang* incident**

Immediately before the 2008 Zimbabwean elections, the *An Yue Jiang*, a Chinese cargo vessel, attempted to deliver a shipment of weapons and ammunition. This widely reported arms transfer involved the planned export of 3 million rounds of ammunition, 1500 rocket-propelled grenades and more than 3000 mortar rounds and mortar tubes to be unloaded in the harbour of Durban, South Africa, and then transported by land to Zimbabwe.

After this transfer was exposed by South African investigative journalist Martin Welz, Durban's dock workers refused to unload the cargo. Following this, a court ruling rescinded the initial transfer authorization.^a In response to international criticism, Chinese officials reportedly justified the attempted export of ammunition during the political crisis to be 'business as usual'.^b

Whether the arms ever reached Zimbabwe remains unknown. Some sources claim that the weapons were unloaded in Pointe Noire, Republic of the Congo, and then flown to Harare, Zimbabwe, by transport aircraft. The same sources also claim that a South African ship assisted in the transfer by refuelling the *An Yue Jiang*.^c This story is in line with the initial remarks made by the Zimbabwean Deputy Information Minister, Bright Matonga, who claimed that the weapons were unloaded in Pointe Noire.^d This version of the story was denied by both the South African and Chinese governments, the latter claiming that the weapons had been returned to China.^e

^a Fritz, N., *People Power: How Civil Society Blocked an Arms Shipment for Zimbabwe*, Occasional Paper no. 36 (South African Institute for International Affairs (SAIIA): Johannesburg, July 2009), p. 5.

^b Scharf, D., Voice of America 'China denies Zimbabwe received arms shipment', GlobalSecurity.org, 22 May 2008, <<http://www.globalsecurity.org/military/library/news/2008/05/mil-080522-voa03.htm>>; and 'Zimbabwe: China clears air on arms shipment', *The Herald* (Harare), 24 Apr. 2008.

^c SAPA, 'Controversial Chinese arms arrive in Harare', *Mail & Guardian* (Johannesburg), 17 May 2008.

^d 'Arms from China's "ship of shame" reach Mugabe', *The Herald* (Glasgow), 17 May 2008.

^e Chinese Embassy in South Africa, 'Chinese Foreign Ministry Spokesperson: "An Yue Jiang" now on its way home, "weapons delivered" utterly groundless', Press release, 23 May 2008, <<http://www.chinese-embassy.org.za/eng/zxxx/t457666.htm>>.

it is uncertain if this was used by hunters, the police or the military.¹³ It is also difficult to identify the purpose for particular acquisitions, such as three MiG-23MS combat aircraft that were supplied by Libya in 2003 but which were never used operationally by Zimbabwe.

III. Arms embargoes on Zimbabwe

Unilateral and regional arms embargoes

The European Union began to put pressure on Mugabe's government following the elections in 2000. In 2001 the European Commission and the European Council requested that Zimbabwean Government representatives act in line with Article 96 of the 2000 Cotonou Agreement, and more specifically, to end the political violence, allow for EU election monitors, support free media, establish an independent judiciary and stop the illegal occupation of farmland.¹⁴ In February 2002 the Council of the EU imposed targeted sanc-

¹³ Norwegian Initiative on Small Arms Transfers (NISAT), Small Arms Trade Database, <<http://www.prio.no/NISAT/Small-Arms-Trade-Database/>>.

¹⁴ The Cotonou Agreement regulates the EU's external relationship with a number of developing countries, among them Zimbabwe. Article 96 allows treaty partners to apply economic sanctions in case of a violation of human rights, democratic principles or the rule of law and a failed consultation process. Partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed 23 June 2000, 23 June 2000, *Official Journal of the European Communities*, L317, 15 Dec. 2000; and Eriksson, M., *Targeting the Leadership of Zimbabwe: A Path to Democracy and Normalization?* (Uppsala University, Department of Peace and Conflict Research: Uppsala, 2007), p. 18.



tions in response to an EU observer mission report which concluded that the 2002 elections would not be free and fair.¹⁵ The goal of the EU targeted sanctions, which included an arms embargo, was primarily to stop the Zimbabwean Government from further human rights abuses. The arms embargo explicitly prohibited the transfer to Zimbabwe of ‘military vehicles and equipment, paramilitary equipment, and spare parts’ along with weapons and ammunition (Article 1(1)) and any equipment which might be used in suppressive acts (Article 2).

US sanctions began in March 2003 with an asset freeze against certain members of the Zimbabwean leadership, followed on 17 April 2003 by a unilateral arms embargo applicable to US entities and foreign entities in the USA.¹⁶ Australia and Switzerland, both in 2002, and Canada, in 2008, have also imposed unilateral arms embargoes on Zimbabwe with similar goals to those of the EU and the USA: all sanctions regimes, except for Canada’s, call for an end to serious violations of human rights (see table 1), while Canada, the EU and the USA also stress the need to reverse the anti-democratic actions of the Zimbabwean Government.¹⁷ Furthermore, Canada, citing Section 4 of its 1992 Special Economic Measures Act, stated that ‘the situation in Zimbabwe constitutes a grave breach of international peace and security that has resulted or is likely to result in a serious international crisis’.¹⁸

The proclaimed goals of the regional sanctions imposed by the EU and the unilateral sanctions imposed by a number of states are to stop the serious violations of human rights and to end the political violence. To achieve these ends, the various sanctions regimes employ a variety of measures to exert pressure and change the behaviour of the Zimbabwean Government. Arms embargoes represented one of the measures used to influence this change in behaviour. They constitute a means of depriving the Zimbabwean Government of tools for political violence. On the political level the arms embargoes signalled a change in policy with regard to the acceptability of Zimbabwe as a recipient of arms and military equipment and by extension a loss of political support from supplying countries. Both of these aspects need to be analysed.

The various arms embargoes on Zimbabwe have had mixed impacts on arms flows. As noted above, only a limited number of those states imposing arms embargoes on Zimbabwe had been significant suppliers of major conventional weapons. However, there have been no notable violations of the embargoes. According to a US diplomatic cable released by WikiLeaks, the UK denied an arms export worth approximately \$60 million to Swaziland because British authorities feared that the country was acting as an intermediary for arms transfers to a third party such as Zimbabwe or a Middle

The various arms embargoes on Zimbabwe have had mixed impacts on arms flows

¹⁵ Council Common Position of 18 Feb. 2002 concerning restrictive measures against Zimbabwe (2002/145/CFSP), *Official Journal of the European Communities*, L50, 18 Feb. 2002.

¹⁶ Bomba, B. and Minter, W., ‘Zimbabwe: sanctions and solidarity’, *Foreign Policy in Focus*, 21 Apr. 2010, <http://www.fpif.org/articles/zimbabwe_sanctions_and_solidarity>; and US Department of State, ‘Suspension of munitions export licenses to Zimbabwe’, *Federal Register*, vol. 67, no. 74 (17 Apr. 2002).

¹⁷ Smith-Höhn, J., ‘Zimbabwe: are targeted sanctions smart enough? On the efficacy of international restrictive measures’, *Situation Report*, Institute of Security Studies, 4 June 2010, <<http://www.iss.co.za/uploads/4Jun2010.pdf>>.

¹⁸ Canadian Government, *Special Economic Measures (Zimbabwe) Regulations*, SOR/2008-248, 4 Sep. 2008.

Table 1. Arms embargoes on Zimbabwe

Embargoing country or group	Date	Stated reasons	Goals
Australia	Sep. 2002	Human rights abuses	End human rights abuses
Canada	4 Sep. 2008	Grave breach of international peace and security Human rights breaches Denial of democratic development Worsening humanitarian situation	Force ZANU-PF to reach agreement with opposition Send a strong message to government, holding them accountable
European Union	18 Feb. 2002	Failure to comply with Cotonou Agreement Serious violations of human rights Disrespect for political rights Internal repression	Force Zimbabwe into ending human rights violations
Switzerland	19 Mar. 2002	Internal repression	Stop internal repression
United States	17 Apr. 2003 (other sanctions started on 7 Mar. 2010)	Subversion of democracy by government in presidential elections Campaign of violence against opposition Disregard of rule of law Human rights abuses Political and economic instability in Southern Africa	End the subversion of democracy, the campaign of violence against the opposition, the disregard of rule of law and human rights abuses

Sources: Australian Ministry of Foreign Affairs and Trade, 'Zimbabwe: targeted sanctions regime', <http://www.dfat.gov.au/un/unsc_sanctions/zimbabwe.html>; Government of Canada, Special Economic Measures (Zimbabwe) Regulations' SOR/2008-248, 4 Sep. 2008; Council Common Position of 18 February 2002 concerning restrictive measures against Zimbabwe (2002/145/CFSP), *Official Journal of the European Communities*, L50, 18 Feb. 2002.; Swizz Parliament, 'Verordnung über Maßnahmen gegenüber Simbabwe vom 19. März 2002 (Stand am 11. März 2010) [Ordinance on measures towards Zimbabwe, effective 19 March 2002 (as of 11 March 2010)], <http://www.admin.ch/ch/d/sr/946_209_2/index.html>; US Department of State, 'Suspension of munitions export licenses to Zimbabwe', *Federal Register*, vol. 67, no. 47, 17 Apr. 2002; and US President, 'Blocking property of persons undermining democratic processes or institutions in Zimbabwe', Executive Order 13288, *Federal Register*, vol. 68, no. 46 (10 Mar. 2003).

Eastern country.¹⁹ There is anecdotal evidence that arms dealers based in the EU and the USA have been willing to breach the arms embargo, which implies that Zimbabwe could also find Western supplies.²⁰ However, it could be argued that the arms embargoes were effective in forcing Zimbabwe to phase out military equipment previously acquired from suppliers based in the EU, such as the BAE Hawk 60 light attack aircraft for which Zimbabwe either did not seek or was unable to acquire spare parts or maintenance. Therefore, despite differences within the EU on the most appropriate policy for influencing Zimbabwe's behaviour, upholding the arms embargo appeared to pose few problems.²¹ With the enlargement of the EU in 2004

¹⁹ US Embassy in Swaziland, 'Swaziland arms purchase attempted', Cable to US State Department, no. 09MBABANE141, 11 June 2009, <<http://www.wikileaks.ch/cable/2009/06/09MBABANE141.html>>.

²⁰ Evans, R. and Hencke, D., 'Comic has last laugh over illicit arms trade with Zimbabwe', *The Guardian*, 1 May 2002; and US Immigration and Customs Enforcement, 'Counter Proliferation Investigation—Russian Attack Helicopters to Zimbabwe', 8 Apr. 2008.

²¹ Grebe, J., 'Zehn Jahre Krise in Simbabwe—die Rolle der Europäischen Union, der USA und Chinas im Kontext der Krise' [Ten years of crisis in Zimbabwe—the role of the European Union, the United States and China in the context of the crisis], eds F. Stehnen, A. Daniel and R. Öhlschlager, *Afrika und externe Akteure—Partner auf Augenhöhe?* [Africa and external actors—equal partners?] (Nomos: Baden-Baden, 2010), pp. 217–38.



and 2007, smaller suppliers to Zimbabwe from Central and South Eastern Europe have joined the EU arms embargo. The embargoes might have also added pressure on South Africa's arms export policy towards Zimbabwe as South Africa has frozen all pending arms sales to Zimbabwe since 2009.²²

However, the EU and the USA were incapable of decisively minimizing flows of arms and paramilitary equipment to Zimbabwe from other countries, in particular China. As noted above, China has continued to provide arms and military equipment to Zimbabwe, even following the violence of the 2008 elections. The Chinese official position on the *An Yue Jiang* incident contrasted with the resulting international consternation among other major arms suppliers in the EU, North America and Oceania. Also, by demonstrating a willingness to continue supplying the Zimbabwean security forces with arms and military equipment, mainly China and Ukraine have weakened the impact of the arms embargoes on arms flows and target behaviour.

Proposals for and opposition to a United Nations arms embargo

Concerns relating to the final round of presidential elections to be held in June 2008 led the UN Security Council to pass a resolution asking the Zimbabwean Government to postpone the run-off.²³ In July 2008 the UK and the USA tabled a draft UN Security Council resolution to impose targeted sanctions on Mugabe's government, including an arms embargo in response to the serious human rights violations and political violence that accompanied the 2008 elections.²⁴ The British foreign minister, David Miliband, suggested that the decision to table a draft resolution was in part influenced by Russia's agreement at a G8 meeting to impose targeted sanctions on Zimbabwe.²⁵ However, China and Russia vetoed the draft resolution, while South Africa, Libya and Viet Nam also voted against the resolution.²⁶

China and Russia justified the use of their vetoes on three counts. First, they stated that the situation in Zimbabwe did not represent a threat to international peace and therefore rejected the invocation of Chapter VII of the UN Charter, which allows the Security Council to determine the 'existence of any threat to the peace, breach of the peace, or act of aggression' and to decide or recommend which measures shall be taken in order to 'maintain or restore international peace and security.'²⁷ Both Russia and China stressed the policy of non-interference in internal matters of other states enshrined in Article 2 of the UN Charter. Second, they expressed concerns that the talks between President Mugabe and the opposition, organized by South African President Thabo Mbeki, could be seriously hindered by the imposition of international sanctions. Third, they stressed that the most relevant regional

²² Wezeman, P. D., 'South African arms supplies to sub-Saharan Africa', SIPRI Background Paper, Jan. 2011, <http://books.sipri.org/product_info?c_product_id=419>.

²³ United Nations, Security Council, Statement by the President of the Security Council, S/PRST/2008/23, 23 June 2008.

²⁴ United Nations, News Centre, 'No consensus in Security Council on Zimbabwe sanctions', 11 July 2008, <<http://www.un.org/apps/news/story.asp?NewsID=27358>>.

²⁵ Nasaw, D., 'China and Russia veto Zimbabwe sanctions', *The Guardian*, 11 July 2008.

²⁶ United Nations, Security Council, 5933rd meeting, S/PV.5933, 11 July 2008.

²⁷ Charter of the United Nations, signed 26 June 1945, entered into force 24 Oct. 1945, <<http://www.un.org/en/documents/charter/>>.



organizations, the African Union and the Southern African Development Community (SADC), had not pushed for UN sanctions but had asked for more time to conduct negotiations, and that therefore the Chinese and Russian positions were taking African wishes into account.²⁸ The South African ‘no vote’ is therefore also notable in this regard. At the same time, however, as discussed above, both China and Russia have regarded Zimbabwe as a market for their exports of arms and military equipment, and China has a range of economic interests in Zimbabwe.

IV. Conclusions

Zimbabwe provides an excellent case study that demonstrates how members of the international community diverge in opinion regarding when to restrict international arms transfers. Reports of human rights violations have led the EU, the USA and a number of other states to place restrictions on the supply of arms and military equipment to the security forces of Zimbabwe. In contrast, China and Russia have claimed that Zimbabwe does not merit a policy of arms export restrictions and thus continue to supply arms and military equipment.

Consideration for international human rights and humanitarian law in decision making on arms exports has featured prominently in ongoing discussions on an ATT. Control Arms, a coalition of non-governmental organizations campaigning for an ATT, has drafted five golden rules for such a treaty. The first rule requires that states do not authorize exports of arms and ammunition if they will ‘be used or are likely to be used for gross violations of international human rights law or serious violations of international humanitarian law’.²⁹ This proposal is grounded on existing international treaties such as articles 1 and 55 of the UN Charter, Principle 14 of the Principles on the Prevention of Human Rights Violations Commit-

The international community diverges in opinion regarding when to restrict international arms transfers

ted with Small Arms and a number of regional agreements, such as the EU Common Position on military exports, the Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials and the Organization for Security and Co-operation in Europe (OSCE) Document on Small Arms and Light Weapons (SALW) and the Wassenaar Arrangement.³⁰ While these all seem to apply to the situation in Zimbabwe, it is also worth noting that, during discussions on an ATT, the ‘inherent right of all States to individual or collective defence in accordance with Article 51 of the UN Charter’ and ‘non-interference in the internal affairs of States, as embodied by Article 2 of the UN Charter’ have also been emphasized.

China’s and Russia’s narrow interpretations of Chapter VII of the UN Charter, specifically what constitutes international peace and security with regard to the situation in Zimbabwe, demonstrate the difficulties of imposing UN arms embargoes and sanctions in relation to intrastate con-

²⁸ United Nations (note 26).

²⁹ Control Arms, ‘“Golden rules” for an arms trade treaty’, <<http://www.controlarms.org/en/arms-trade-treaty/golden-rules-for-an-arms-trade-treaty>>.

³⁰ Arms Trade Treaty Steering Committee, *Compilation of Global Principles for Arms Transfers*, revised and updated edn (Amnesty International: London, 2007).



flicts, despite the past invocation of Chapter VII in response to a number of intrastate political conflicts in Africa since the end of the cold war.³¹ Past experience suggests that a global moratorium on the provision of arms, ammunition and other military and paramilitary equipment to Zimbabwe during an election year would have signalled to President Mugabe the international community's condemnation of political violence. However, such moves are unlikely to be put on the international agenda. At present, there are diverging interpretations of existing obligations by UN members with regards to the provision of arms and military equipment to states that use such materiel in internal disputes. Nevertheless, this is an issue that many in the international community would like to address within an ATT. What needs to be further developed is the construction of an ATT that can effectively tackle arms transfers to countries with internal conflicts and human rights abuses. The pattern of arms transfers to Zimbabwe along with the vetoing of UN sanctions illustrates the differing views of major arms suppliers. For some it is 'business as usual' and for others embargoes and sanctions help restrict human rights violations. The Zimbabwe case also reveals another reason why an ATT is desirable: the current situation, in which the Zimbabwean Government is capable of bypassing European and US efforts by buying and attracting investment elsewhere, exposes the limits of unilateral embargoes. Only a global ban could have restricted Zimbabwe from importing arms legally, thereby potentially leading to a change in the country's critical political situation.

Only a global ban could have restricted Zimbabwe from importing arms legally

³¹ Fruchart, D. et al., *United Nations Arms Embargoes: Their Impact on Arms Flows and Target Behaviour* (SIPRI/Uppsala University: Stockholm/Uppsala, 2007).



ABBREVIATIONS

ATT	Arms trade treaty
ECOWAS	Economic Community of West African States
EU	European Union
MDC	Movement for Democratic Change
OSCE	Organization for Security and Co-operation in Europe
SADC	Southern African Development Community
SALW	Small arms and light weapons
UN Comtrade	United Nations Commodity Trade Statistics Database
UNROCA	UN Register of Conventional Arms
ZANU-PF	Zimbabwe African National Union–Patriotic Front



THE SIPRI ARMS TRANSFERS DATABASE

The data included in this fact sheet is taken from the SIPRI Arms Transfers Database. The database contains information on all transfers of major conventional weapons from 1950 to 2009.

SIPRI data on transfers of major weapons are based on actual deliveries of major conventional weapons defined by SIPRI as: aircraft, armoured vehicles, ships over 100 tonnes, guided weapons, larger radars and other sensors, artillery over 100-mm calibre, missile and gun air-defence systems, and engines and turrets for selected larger platforms.

The information in the database is collected from a wide variety of sources: newspapers and other periodicals; annual reference books; monographs; official national and international documents; information from industry; and blogs and other Internet publications. The common criterion for all these sources is that they are open, that is, published and available to the public.

The SIPRI Arms Transfers Database is available online at <http://www.sipri.org/databases/armstransfers/>.

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