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THE GLOBAL ARMS TRADE AND SOUTH AFRICA'S INVOLVEMENT*

1. INTRODUCTION

The international arms trade is so diffused that it is difficult to establish who supplies what to whom. Arms producers and arms dealers have good reason to ensure that there is no exact and reliable information as to the real value and detail of the international arms trade. The trade has strong opposition from elements in civil society in most democratic countries. The media is critical of the trade in weaponry and the criticism is widely supported by many religious groupings, as well as by human rights movements who regard it as basically immoral.

To gain control over the arms trade particularly in the case of small arms transfers, the United Nations (UN) convened a Conference on the Illicit Trade of Small Arms and Light Weapons in July 2001. Six key principles for the global transfers of small arms emerged from these deliberations.¹⁾

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- All international transfers of arms had to be authorised by recognised states and had to be executed in accordance with their national laws and procedures, as well as the state's obligations under international law.
- States were not to authorise international transfers of arms which would violate their obligations in respect of international law such as UN arms embargoes.
- Other factors such as the likely impact on development and security had to be accounted for before arms transfers were authorised.
- States had to submit annual reports on arms transfers. An international UN registry would then annually publish a comprehensive international report.
- States had to establish common standards for ways to control arms transfers. The standards had to control all aspects of the transfers which included the brokering, licensing and production of arms.

In spite of the adoption of the above principles, the implementation of the UN system to trace the illegal small arms trade was slow. In 2006 a review by non-governmental organisations (NGOs) indicated that as many as 30 to 40 per cent of states still did not have laws and procedures to control the production and export of small arms. Less than 50 per cent of states had controls over the transit of small arms, and a mere 20 per cent of states had strategies to tighten up the overall control of small arms.²⁾

Additional UN meetings have been held over the years, leading to more resolutions to close loopholes in the non-proliferation plans adopted to achieve control over the arms trade. Where resolutions were specifically aimed at control of the trade in weapons of mass destruction (WMD), countries in sub-Saharan Africa showed little interest, pointing out that the trade in small arms and light weapons was of more concern for African countries. The reporting required by the UN from African countries to measure and control arms trade resolutions has been disappointing. Most lack the means to report effectively and some probably have what is described as 'reporting fatigue'.

2. THE GENERAL STATE OF THE ARMS TRADE

In the third quarter of 2008 the world entered into a period of reduced economic activity commonly described as recession. The recession may well lead to a lack of money to finance the buying of weaponry, but most arms deals already entered into will have to be honoured, and suppliers will have all the more reason to attempt to make new sales. Theoretically, priorities should shift to the purchase of basics such as foodstuffs, but the continuation of wars and upheavals in Africa and the Middle East, indicate that belligerents will continue to maintain the high level of demand for weapons and ammunition.

For example, it is reported that the missile trade is booming. Raytheon said to be the world's largest missile producer, announced that in the third quarter of 2008 its profits rose by 12 per cent to US\$427 million, as result of the increased sales of radar and missile systems. The firm indicated that its 2008 profits had been higher than previously forecast and sales had risen by 12 per cent to US\$5,86 billion.³⁾

The sale of missiles has thus clearly increased, consequently the overall sale of weapons is thus likely to increase as well, or at least remain constant at previous levels. As long ago as 2006, the international community evidently spent roughly US\$1 200 billion on their military sectors. This generates business for the arms industry where the 100 leading arms manufacturing firms sold US\$290 billion worth of arms to both domestic and foreign buyers, and global exports amounted to US\$39,56 billion in 2005.⁴⁾

In 2006 military expenditure in Africa amounted to US\$15,5 billion. From 1997 to 2006 total military spending increased by 51 per cent in the region. Sub-Saharan Africa which consists of most of the African states, spent 58 per cent of Africa's military expenditure. The remaining 42 per cent was spent by the North African countries.⁵⁾

The purpose of the procurement of large amounts of weaponry by the North African countries is not relevant to this article. However, it is not realistic to imagine that the arms trade in sub-Saharan Africa consists wholly of legitimate requirements for the countries' national defence. The trade also satisfies the requirements of internal factions aiming to overthrow governments, as well as domestic repression by some repugnant regimes, and for the power and ability to force weaker states to allow the exploitation of their natural resources. Zimbabwe

has been guilty of the latter two uses of military might.

It is thus clear that to postulate that the arms trade is much like the trade in any other product is not realistic. Its products and their use by the recipients of military hardware can be, and often are employed for unacceptable activities particularly in the poverty-stricken parts of the world. In spite of the continuously reported misuse of arms, efforts to control and limit the trade in military equipment have not generally been successful. This is hardly surprising since major weapon suppliers, some of the leading developed nations of the world, vie with each other in the field of trade and influence by supplying weapons to the less developed countries they desire to influence and exploit. This can also lead to discrimination against some other less well developed countries.

3. THE EFFECT OF THE ARMS TRADE ON SUB-SAHARAN AFRICA

Many sub-Saharan states are conflict-ridden and poverty-stricken. Millions of their inhabitants have been killed as a result of internal political suppression; insurgencies, either criminal or political; as well as in intra-state and inter-state wars. The majority of African wars can best be described as ethno-political and/or criminal conflicts. They tend to be prolonged and often come to no definite resolutions, to simply flare up again and again.

As mentioned previously, the UN has principles laid down to control the sale of weaponry. At regional level in Africa the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (UN POA) has provided the framework for the regional implementation of measures to limit the increase of small arms on the continent. Various protocols, declarations and national laws have been published and agreed upon to achieve that end. This includes the *Bamako Declaration* in which the international community and arms supplying countries were asked amongst other things to "(e)nact appropriate legislation and regulations to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents".⁶⁾

An international workshop on Global Principles for Arms Transfers was held in Tanzania in February 2005. Another conference was held in Kenya in April 2006 which resulted in the *Nairobi Protocol* which

confirmed the principles which had to be adhered to governing the import, export, transfer and transit of small arms and light weapons. The Southern African Development Community (SADC) Member States drafted and signed a *Firearms Protocol* which came into force in November 2004. It laid down that states should "establish firearms databases to facilitate the exchange of information on firearms imports, exports and transfers".⁷⁾

In spite of all the protocols concerning light weapons, large calibre weaponry and the arms trade, relatively modern armoured vehicles are being used to wage wars in Africa. In late 2008 the media, both written and television, reported about the outbreak of another civil war in the Democratic Republic of the Congo (DRC). Armoured vehicles were shown employed by the rebel forces led by General Laurent Nkunda, who rebelled against the government of the DRC. Government forces also employed heavy calibre weapons.

In the Sudan a peace agreement concluded in 2005 between the National Congress Party (NCP) in the north, and Sudan People's Liberation Army (SPLA) in the south, led to the establishment of a power-sharing central government after 21 years of civil war. The SPLA with the help of United States (US) State Department funds is training to transform itself from a rebel army into a conventional professional military. The peace agreement laid down a ban on rearming without the approval from a north and south defence board. However, a World Bank report of July 2008 stated that there was a tendency to militarise, that it was excessive, and that brinkmanship between south and north was on the rise.⁸⁾

The London-based Jane's Information Group stated that southern Sudan may have imported as many as 100 tanks in 2008 *via* Mombassa, the Kenyan port. The SPLA denied that a shipment of 33 tanks seized by Somali pirates in September 2008, and which had been given wide international media coverage, had been ordered by the south. The south had also rejected accusations from the north that it received illegal arms shipments from Ethiopia.⁹⁾

The 21-year civil war with little law enforcement, porous borders and chaotic conditions has resulted in the Sudan being flooded by no less than 3.2 million light weapons, two-thirds of which are in the hands of the civilian population. The people are reluctant to surrender their weapons since they need them to protect themselves, their families

and the livestock from their enemies. Guns are evidently so cheap that an AK-47 can be bought for US\$50 while a cow can fetch up to US\$1 000. The result is that robbery and violence in the rural areas is commonplace and a Small Arms Survey warned that outsiders may be supporting lawlessness to derail the fragile north-south peace process. Disarmament is essential to rebuild the south, which is scheduled to hold a referendum in 2011 to decide whether or not to secede from the north.¹⁰⁾

As already mentioned, in 2006 military expenditure in Africa amounted to US\$15.5 billion of which only 58 per cent was spent by sub-Saharan African countries. However, even if sub-Saharan's military expenditure is not high when compared to other regions, the economic burden on countries is considerable. In 2005 Angola and Burundi spent 5.7 per cent and 6.2 percent of the Gross Domestic Product (GDP) on their militaries. These figures are extremely high when compared to world averages and these countries like many other African countries, should rather provide more for the social needs of their populations.

The high military expenditure levels of sub-Saharan states when compared to the GDPs, has sometimes occurred because of their need to keep their states stable and their governments in power. But states such as Angola, Zimbabwe, Namibia, Uganda and Rwanda, to name but a few, have become involved in conflicts beyond their borders. In a number of those wars relatively modern aircraft and armoured vehicles were used to wage war.

Lack of finances may not stop developing states from acquiring weaponry and equipment using some advanced technologies. The cost of electronic chips is reported to have been decreasing for some time, and this makes the acquisition of some revolution in military affairs (RMA) technologies available and affordable. Although the ability to integrate the weapon systems into most African militaries is probably internally lacking, the providers of the equipment will have the knowledge, assuming that they are prepared to make their experience available. From time to time military sources have reported that few really new weapon systems have been acquired by African states, but most of the atrocities and killings widely covered in the international media, are carried out using automatic weapons such as the AK-47s, hand grenades and even machetes.

Rifles, particularly AK-47s, have been available in many sub-

Saharan countries. Even South Africa which has introduced laws requiring weapons which are in the possession of private firms or the public to be licensed every five years, has failed to stop the use of AK-47s by criminal gangs and hired killers. In January 2009 two cases of murder using AK-47s were reported in the South African media two days in succession. A man killed his wife using such a rifle. A Zulu chief of the Zondi clan was gunned down while travelling in his car. The car was riddled with bullets from AK-47 assault rifles and pistols. As many as 50 spent cartridges were found at the scene.¹¹⁾ The use of automatic weapons in taxi wars has also been a common topic in the media for some time.

4. THE ARMS SUPPLIERS

The rank order of the suppliers of major conventional weapons in the period 2002-2006 expressed in US\$ millions at constant 1990 prices shows that the US ranked number one with US\$32 128 million and Russia number two, with US\$30 764 million. Germany is next at US\$9 164 million, France follows with US\$8 888 million and the United Kingdom (UK) fifth at US\$4 488 million.¹²⁾ Major conventional weapons here refer to aircraft, armoured vehicles, artillery, air defence systems, missiles, ships, engines for large systems such as aircraft and ships, guns with large calibres and turrets for armoured vehicles, to name most but not all of the equipment included under the term. The list of suppliers is long and includes many countries but the lower price rankings are far smaller, and not comparable to the leading suppliers obviously led by the US and Russia.

In 2005 it was reported that the UK proposed that there should be a global arms treaty to stop African nations from spending billions on weapons. At the time the source revealed that Britain was the second biggest arms supplier to Africa between 1996 and 2003, worth about US\$4.3 billion. The US export to Africa was estimated to value US\$15.18 billion over the same period. It was also reported by the same source that Russia sold more arms to sub-Saharan Africa between 2000 and 2003 than any other G8 nation. The source published the above information in a document entitled *Russia blocks plan to stop African states buying arms*. If the information is correct then Africa has decreased its military spending somewhat, and the US was the second biggest arms supplier to Africa between 2000 and 2003.¹³⁾

Although the amount of money spent by countries on weaponry, and the amount earned by suppliers of arms are listed in quite reliable sources, the information about the types and numbers of arms actually supplied is not so readily available. These published lists do indicate the type of weaponry which is used in the combat units, but the arms deals which made them available are not common knowledge.

South Africa has made its arms deals and suppliers known, as well as the finances involved in its procurement of weaponry. The famous, or some may say infamous, arms deal to re-equip the South African Air Force and Navy was finally signed in December 1999. It consists of the procurement of four corvettes from the German Frigate Consortium who provide the ship platform, while Thomson-CSF from France and the African Defence Systems from South Africa provide the combat suite. Three submarines are supplied by the German Submarine Consortium. Twenty-eight advanced light fighter aircraft (Gripens) are supplied by SAAB (a Swedish firm), and British Aerospace, forming a joint British-Swedish consortium. Twenty-four lead-in fighter trainer aircraft (the Hawk) are supplied by British Aerospace and 30 light utility helicopters (Augusta A109M) are bought from Augusta, Italy. The total cost in billions of rand in 1999 was to have been R29 992 but by the end of the financial year on 31 March 2008 it had escalated to R43 097.¹⁴⁾

Ever since the above arms contracts were concluded they have been the subject of media and parliamentary debate in South Africa. Criticism has been levelled at the authorities from various sources, who maintain that the money could have been better spent on education, low cost housing or national health schemes, and that the country needs no conventional weapons since it has no known enemies. That type of criticism is common in many countries between the groups sometimes referred to as the 'hawks' or the 'doves', but the debate continues unabated in South Africa because of the alleged corruption that was involved in the choice of suppliers and the final contracting. Some of the alleged corruption has been proven, resulting in jail sentences for a member of parliament, as well as a business associate of the president of the African National Congress (ANC).

On the supply side of the arms deal it is noteworthy that the British Serious Fraud office requested assistance from South African authorities in 2006 to investigate allegations that British Aerospace had

concluded a consultancy agreement for a retainer of one million pounds sterling per annum, with an adviser to the South African Minister of Defence during the arms deal process. The adviser was to have been paid eight million pounds at the conclusion of the Gripen project. A businessman was alleged to have been paid R77 million in commission for assisting British Aerospace in South Africa, while another may have received as much as R350 million. The British Serious Fraud office was still to prove the allegations in August 2008, but it seems certain that large amounts were paid to agents in South Africa to help close the Gripen and Hawk contracts.

The British government accepts that commissions were paid and together with British Aerospace, argues that they were paid in the normal process of doing business and that the payments were not in any way corrupt. The British Trade Minister stated in the UK House of Commons that commissions had been paid to agents in South Africa but that British Aerospace had supplied the details to the British government to follow its "due diligence procedures". The "due diligence procedures were followed and no irregularities were detected".¹⁵⁾

The Gripen and Hawk contracts were worth billions of rands to the suppliers. It is thus obvious that it was sound business practise to pay agents big sums of money, even amounting to millions of rands, in order to conclude the contracts successfully. It is acceptable to do so when contracts are to be made in other fields such as major engineering projects, or merchant navy shipbuilding, so why not in the arms trade? The moral question seems to be whether agents involved in the arms trade should be paid so much for their dealings.

Many arms deals, particularly involving small arms, leave no paper trail. Most of them also involve small numbers of weapons at a time and are thus difficult to discover. In November 2008 a Nigerian military court sentenced six soldiers to life imprisonment for selling more than 7 000 weapons to militants operating in the Niger Delta. The weapons which they stole included machine guns, rifles and other weaponry which the group led by a major, must have removed from military stocks. They sold the weapons over a period of six years from 2000 to 2006. Had they stolen fewer weapons they may have not been discovered but the numbers involved must have led to discrepancies when stocktaking was done. In this case the six soldiers may also have had support, as many Nigerians probably support the militant groups who profit from the illegal trade in crude oil. There is a conviction that

the populace does not profit from the crude oil trade as it should. In consequence they take it upon themselves to steal oil worth millions of dollars a day and members of the security forces and local politicians are said to be involved in the trade.¹⁶⁾ In the same way there must obviously be many arms dealers in Africa who supply weapons to various militias and informal armed groups, who either fight for a cause, or who are simply criminal gangs operating to survive or dominate the local population.

5. SOUTH AFRICA'S ROLE IN THE ARMS TRADE

In the 1970s and 1980s South African forces were involved in a protracted war on the northern border of South West Africa/Namibia, and mainly in the southern sectors of Angola. The war often referred to as the 'Border War', was fought between South Africa and Union for the Total Independence of Angola (UNITA) forces on one side, and South West African People's Organisation (SWAPO) and Popular Movement for the Liberation of Angola (MPLA) forces, together with the Soviet Union and Cuban forces on the other side. During this so-called Border War, South Africa built an arms industry which specialised in the South African Defence Force's (SADF) requirements at the time. This resulted in the production of technologically advanced weapons and equipment which included long range field artillery pieces, mine protected infantry fighting vehicles and armoured personnel carriers, and a range of communication equipment, to name but a few.

5.1 South African arms trade control mechanisms

After the war ended in 1989 and into the 1990s, the South African government attempted to maintain the arms industry by entering the international arms trade. In the period 2002-2006 South Africa managed to sell US\$258 million worth of major conventional weapons.¹⁷⁾ The accuracy of the figure is debatable since it was reported in the media in mid-2008 that the National Conventional Arms Control Coordinating Committee (NCACC) which is charged with supervising the South African arms trade, had failed to supply quarterly reports to Parliament as it is required to do, for three years. The NCACC reports should provide detail regarding South Africa's arms exports and imports, as well as any conventional arms permits which were granted.¹⁸⁾

The NCACC is reported to have excused itself on the grounds that it lacked the personnel to carry out its reporting function routinely. Some observers are of the opinion that the Committee membership is unwieldy since it consists of the Ministers of Defence (the chairperson), Intelligence, Trade and Industry, Local and Provincial Government, Public Enterprises, Safety and Security, and Science and Technology, as well as the Deputy Ministers of Finance and External Affairs. To expedite their meetings the directors general of the departments are meant to meet to scrutinise, screen and refer applications to the NCACC. Although the legislation governing the NCACC procedures lays down that a quorum of the chairperson or deputy chairperson, plus three members representing any of the departments may approve applications, the committee evidently meets far too seldom to be effective.

The NCACC is tasked to ensure that exported weapons do not land in the possession of armed groups in countries which are subjected to intra-state conflicts, and that weapons are not supplied to countries subjected to international sanctions. The Committee is also to see to it that arms are not transferred to governments that suppress human rights and fundamental freedoms.

Clearly the NCACC and the whole system of sales approval must support the South African arms industry in the sale of arms, while UN regulations and South African laws must be adhered to in the selling of arms. The process and the committees meant to achieve efficient lawful merchandising simply fail to achieve that end. In October 2008, 79 applications for weapons export permits valued at R1,2 billion had been awaiting approval for some months and the NCACC had not met since June of that year.¹⁹⁾ This occurs in spite of the fact that the South African arms industry has very stiff international competition and that the government has had to supply funds to keep it afloat.

5.2 The organisation and viability of the South African internal arms industry

Arm Scor/Denel is the state-owned company which exists to manage acquisition, production and merchandising of military equipment. Arm Scor which reports to the Department of Defence (DoD) is responsible for procurement on behalf of the DoD, while Denel regulates the South African defence industry. The latter reports to the Ministry of Public En-

terprises.²⁰⁾ Over and above the NCACC there are a number of committees and personnel within the state departments who are tasked to ensure that arms acquisition is done to the state's best advantage, and that merchandising is done within the law.

The government regards Denel, the state's arms manufacturer, as a strategic asset, and has supported the firm financially to ensure that the industry can continue to exist, and do business both locally and abroad. Denel suffered a loss of R1,67 billion in 2005, R1,36 billion in 2006, R549,1 million in 2007 and R347 million in 2008 according to various media reports. It requested that the state provide a final capital injection of R1,7 billion of a total of R5,2 billion which the company had initially requested, to conclude its restructuring in order to make itself viable in the competitive defence industry.²¹⁾

Over and above its external weapon sales projects abroad, Denel is also involved in internal South African defence equipment projects which to a large extent keeps it operational. The South African National Defence Force (SANDF) has a number of acquisition projects either already being executed, or being considered. They include project Hoefyster in which Denel is to provide the Defence Force with 264 infantry fighting vehicles at a cost of R8 billion over ten years. The vehicle is to be built locally under licence. It will have a Finnish Patrice platform with a Denel designed turret, and will be a 8x8 wheeled vehicle in the 25 ton class. This is intended to give the industry a capital injection particularly after all efforts to sell the Rooivalk attack helicopter abroad have failed. The Rooivalk project evidently resulted in the loss of about R8 billion and has proved to be unsustainable commercially.

Another major acquisition project is known as project Continental. It involves the procurement of between eight and 14 Airbus A400 strategic transport aircraft to replace the C-130s currently in service. This is also a costly project on which the government will spend more than R8 billion for eight A400Ms. Denel has been involved in the acquisition since it was reported in mid-2008 that it had been contracted to design and build fuselage sections for the aircraft.²²⁾ Whether this has proved to be viable is not clear since the project may have been found to be a losing proposition for Denel. It is, however, probably irrelevant since the A400 Loadmaster project is in a state of disarray. It may be delayed for as much as four years before the aircraft is available for long distance military strategic operations. The producers are

even considering changes to the technical characteristics of the aircraft, the production schedule and the contracts in early 2009.²³⁾

There are many SANDF acquisition projects which could well involve South Africa's arms production industry. These include a project to acquire a new fleet of five ton and ten ton trucks, the acquisition of a new generation of armoured personnel carriers, and the procurement of amphibious ships, to name but a few. Recently it has been reported that the South African Navy is to establish a "Maritime Reaction Squadron" to conduct operations in coastal and riverine areas. This will result in a project to acquire 16 boats and trailers plus a floating jetty. A Cape Town based company, Vee Craft Marine, is to supply the boats over a period of three years.²⁴⁾ The squadron is to be able to operate in major African rivers and lakes, and it will require more than just the boats to make it operational. There are thus many projects in which the arms industry will be involved as long as the funds can be made available.

5.3 South African arms sales to foreign buyers

The South African government informed the UN in a NCACC 2007 report, that South Africa had sold 427 armoured combat vehicles to the US for employment in Iraq and Afghanistan. An additional 30 mine-resistant vehicles were sold for use by private security companies and/or the Iraqi National Army. Evidently 51 armoured personnel carriers (APCs) were supplied to Saudi Arabia and the United Arab Emirates.²⁵⁾

Indonesia's 2007 report to the UN revealed that it had imported 210 5,56mm automatic rifles from South Africa, as well as eight recoil-less anti-tank guns and four 20mm canons. Why a country with such a large population and a big military component should buy such small numbers of specific equipment is not clear.²⁶⁾

The functioning of the arms industry is relatively complicated. In South Africa, for example, sophisticated military technological equipment is produced by wireless communication companies known as Omnipless and Cobham. They include in their products "international friend or foe" IFF electronics for F-16 and F-18 jet fighters, neither of which are used by the South African Air Force. They also produce mine detection and detonation equipment which are used in APCs. These products do not require to be reported on by the NCACC since they are non-lethal military items.

A German firm Rheinmetall has bought itself into the state manufacturer Denel and is thus involved in supplying the North Atlantic Treaty Organisation (NATO) with arms and ammunition. Evidently the NCACC did not report the sale of these items in 2007. The parliamentary committees tasked with such matters are reported to have stated that greater transparency regarding foreign arms sales is needed, and that amendments to the *Conventional Arms Control Act* must be made to ensure it.²⁷⁾

The existence of foreign based firms in South Africa is no secret. They like those mentioned above, and for example, SAAB International for Sub-Saharan Africa located in Highveld Technopark in Centurion, which employs about 2 200 people, advertise their locality and their products openly. They do business with both South Africa and other sub-Saharan African countries, as is obvious from SAAB's choice of its African title.

Since the NCACC has failed to report arms imports and exports to Parliament and the public for some time, suspicions that South Africa exported weapons to Iran and Myanmar (Burma) exist. According to the Auditor General's report weapon permits for Iran and Myanmar were on the NCACC's agendas from December 2006 to March 2007. Thereafter no further reference is made to these subjects. It is quite possible that nothing came of it but suspicions persist because South Africa supported China in a UN Security Council meeting to oppose a resolution to introduce firmer measures against the military junta in Burma. The junta had come to power by means of a military *coup* and which led to a violent change in government. South Africa and China argued that the situation in Myanmar was no threat to world peace.²⁸⁾ As far as Iran is concerned, South Africa did support sanctions against Iran because of its nuclear programmes but has sympathies with some of the latter's policies in the Middle East, not least Iran's support for the Palestinian cause.

5.4 South Africa's role in arms for Zimbabwe

The South African government was prepared to authorise the transfer of three million rounds of AK-47 ammunition, 1 500 rocket-propelled grenades and more than 3 000 mortar rounds together with mortar barrels/tubes from Durban to Harare in 2008. The shipment was exported to Zimbabwe from China by a Chinese government-controlled

conglomerate. Armscor's transport section was to have moved the consignment to its objective. A conveyance permit was issued by the Secretary for Defence who argued that there was no arms embargo in place against Zimbabwe, and that trade between Zimbabwe and South Africa was normal.²⁹⁾

On 18 April 2008 a legal team on behalf of what was widely reported in the media to be 'civil society', brought an application to court that it was not in the interest of the South African people, that the arms should be conveyed over South African territory. It was argued that the arms would most probably be used to suppress the Zimbabwean population and to violate human rights and fundamental freedoms. The court ordered that the conveyance permit be suspended, that the transport company was prohibited from taking delivery of and conveying the arms, and that the port authorities were prohibited from allowing the arms from leaving Durban harbour.³⁰⁾

The civil society organisations then took measures to ensure that the arms would not be offloaded in any southern African port. The measures were successful since the Chinese ship left Durban soon after the South African court order was served, and around 6 May 2008 left Luanda to return to China without offloading its cargo of arms.³¹⁾

6. CONCLUSION

In spite of international agreements and UN resolutions control over the arms trade is limited. Reporting about major conventional arms such as aircraft, ships and tanks is more accurate than reporting about light weapon transfers, but it is still open to all forms of deception. The trade in light weaponry such as rifles is virtually uncontrollable.

The arms merchants and agents who sell on behalf of the arms industries of their countries, are able to earn millions in bonuses and commissions when they are instrumental in closing large-scale arms deals. The government officials who are appointed to purchase weaponry are more prone to investigation, however, if their governments condone corruption for whatever reason, they are seen to be above the law.

South Africa has been open and transparent in respect of its conventional arms deals to obtain aircraft, ships and armoured vehicles. It is no secret what has been purchased and from whom, but

suspensions regarding corruption involved in the choice of suppliers persists. How much and who the suppliers paid to get the contracts has become a major party political issue in South Africa.

The fact that the ANC has been loath to allow detailed investigations into the conventional arms deals, and that the few people found guilty of corruption have been treated extremely leniently by the ruling party, has highlighted suspicions that illegalities occurred. This has led to an added suspicion in some circles that the ANC itself as a political party and movement, has gained large amounts of money from the weapon producers for allocating the contracts to them.

Lastly, the lax reporting by the NCACC to both Parliament and the UN due ostensibly to lack of personnel, as well as the manner in which the Chinese shipment of arms for Zimbabwe was handled, have raised concerns and suspicions that South Africa has supplied arms to regimes which have doubtful and even poor human rights records.

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