

Arms Trade

Final report from the 2nd
ecumenical conference in Gothenburg

This is no 7 in the Christian Council of Sweden's series of booklets.

Previous publications:

No 1 *Charta Oecumenica*

No 2 *Solidaritetsens globalisering*

No 3 *Arms Trade*

No 4 *Pilgrimsteologi*

No 5 *Ekumeniska riktlinjer vid sexuella övergrepp i kyrkliga miljöer*

No 6 *Tro-dop-medlemskap ur ett ekumeniskt perspektiv*

Published in cooperation with
SweFOR and The Swedish Mission Council.

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Layout: Charlotte Persson

Printed by Perssons Offsettryck AB, Solna 2004

ISSN: 1650-9196

First printing

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Introduction

Gothenburg is a beautiful city on the West Coast of Sweden, especially in May when there are flowers, freshly green trees and the sea is coloured brightly blue by the open skies. This was a deliberately chosen time for the second Gothenburg conference on arms trade at the venues of Johannesgården, a conference centre owned by the Roman Catholic Church of Sweden and located in Gothenburg.

The first conference on arms trade in this series was held here in June 2001 which coincided with the EU summit in Gothenburg that concluded the half year of Swedish EU presidency. The first ecumenical conference was attended mainly by European delegates and the recommendation from it was to broaden the international perspective in finding constructive ways for interaction with churches on both sides of the Atlantic. It became obvious that there was a need of another Gothenburg conference on arms trade with that broader arrangement.

It took the organisers three years preparing the Gothenburg II conference. The Christian Council of Sweden, the Swedish Fellowship of Reconciliation and the Swedish Mission Council were all behind the invitation. A planning group, chaired by Bishop William Kenney, finally welcomed 25 participants who came to Gothenburg well prepared and motivated to share the fellowship with others concerned about the role of the Churches in the arms trade. Surrounded by the beauty of Swedish spring, they listened to different inputs and discussed export control, non-proliferation, human security, codes of conduct, arms versus development, corporate social responsibility and many other matters related to the arms trade.

The texts included in this booklet were selected to reflect the range of themes covered at the conference, and the various participants coming from different backgrounds and parts of the world. All participants made interesting and valuable presentations and were extremely

important in making the conference a success. We regret that we are unable to include all the presentations in the booklet. The choice of articles included is directed by the need of expertise and reflection we anticipate among the expected readers. We are happy to be able to publish all contributions to the conference available at www.swefor.org.

The idea of this booklet is to give a summary of the main outcome of the Gothenburg II conference. We want to give a contribution from a faith-based position on ethical implications of the arms trade and its consequences on sustainable development. We also want to give examples of what the churches are doing in this area and at the same time to influence the churches in re-committing their involvement in the public discourse on arms trade.

Stockholm in September 2004

From Gothenburg I to Gothenburg II

M. Rev. William Kenney CP
Auxiliary Bishop of Stockholm
and Chairperson of Gothenburg II

We met in this room three years ago at the first ecumenical conference on the arms trade. At that time it was a new idea for all of us, and we had no guidelines or anything else to lead us. It was just a feeling to see if this was the right moment to begin a work for the Churches and their policies concerning the trade in armaments.

You will remember that the leadership of the EU, who were then meeting in Gothenburg, had agreed to meet us but we could not present the results of the conference to them because of the riots which took place. In the long term that has proved to be a blessing, even if it has also meant that we have had to go more slowly than otherwise might have been the case.

At that first meeting there were representatives present from the Churches, from the government inspection authorities and also from the producers.

We who organised the first conference, but also the participants were left with four recommendations. There were also two verbal recommendations which for various political reasons were not included in the formal recommendations and we have also discovered at least one other major need during the journey to this second conference.

Let me begin with the four recommendations which the first conference made.

The first was to raise understanding and awareness of the issues. This is very much a matter of what the various churches have done themselves during the intervening period. There has in fact been an increasing number of statements on this situation in the various churches. Even my own very small Bishops' conference in the Nordic area has issued a statement on the issue.

I have a sense in other words that the issue has begun to be one to which some attention is being paid. It is not dramatic work but perhaps

that is a strength that we are not looking as churches for an immediate change but trying to work solidly for lasting results. It can be safely said that the government authorities in many countries and also the legal producers of weapons have become more aware of the Churches interest in this question and slowly a new climate of discussion is being created.

We also recommended that more should be done concerning the expert groups which were then just being built. This is work that has continued on a very solid basis and more information will be given to those who are interested. The groups are becoming more professional and solidly founded particularly in Germany and Sweden.

Sybille Bauer's report, The Joint Report on the Review Process of the European Code of Conduct, is a major achievement that has come from this work. This document is so far unique as a document on the arms trade from the Churches. So far reactions and thanks for this report have been received from the Governments of Ireland, Sweden and the United Kingdom.

Concerning Europe progress is very slow in France, Italy and Spain in getting the Churches to be more active in these questions. One of the things that I hope will come out of this conference is a renewed determination to push forward the work in the south European producer countries.

Not as many of the producers of arms have come to this conference as we had hoped. That, however, is not as negative as it might seem. After Gothenburg I we were invited to Brussels in order to meet Chris Patten's staff and report on the conference. This we did, and met again in Brussels, The European Defence Industry Group who attended the first conference.

One of the unwritten recommendations from the first conference was also that we should make sure that we have a transatlantic dimension to the work. As is obvious, this is something that we have succeeded with. Lennart Molin, Peter Brune and myself (I apologise for the lack of female participation in this visit but Sibylle Bauer should have been with us but she had to pull out at the last minute) visited New York and Washington last year, and among many other things had a very friendly, respectful and I think fruitful discussion with agents for the producers and also with a direct representative of the producers.

Up until the last minute we thought that a representative was coming, but the channels are open for further discussion. The same has happened with Brussels where the channels of communication are open and functioning. We give, therefore, a very warm welcome to Kjell Möller, who is Deputy Managing Director of Gripen International, and has come to the conference

This has taken me into the third recommendation which was the dialogue which has to continue with government and producers. I have already mentioned this above, but different countries and churches have in various ways been carrying this on. Again I am quite sure that much information on such will be exchanged informally during the conference.

The fourth recommendation was to take part in the small arms conference of the UN which Peter Brune did for us, and we have also been active in taking part in other conferences. During our visit in America we visited the FN and carried on various discussions there.

I can almost say “thank God” that we have not produced so much paper! Our other unofficial recommendation was to give out some documentation from the first conference and we have done that. It is not a complete documentation, as not everyone wished that their lectures should be published. There have been various articles and newspaper reports. These are useful but our thrust has been to try and establish relations with new actors.

This led us to a long discussion as to whether we should not only be talking across the Atlantic, but also as to whether we should be talking to what is now sometimes called the South, and also whether we had the financial and personnel resources for this. We have made some moves in that direction particularly Peter and Lennart. This has proved very successful, and some of the results can already be seen in participation at this conference. One of the questions that needs discussion is what the future is for arms sales in these countries, as so many armaments are sold to the countries in the South.

What have been our weaknesses during these three years?

One clear one is that we could not always do everything. Peter has managed to work very hard and long at this work but the rest of us do this work as part of other work. Thanks in large part to funding from

various agencies of the Swedish government we have managed to continue this work and also organise this conference. The support has not just been financial from the Swedish government but it has judged this work to be so important that we have had political support for this work.

More seriously a second weakness is that we are still not in touch with the “users” of the weapons that are sold. This has to do with serious political questions as we as Churches are hardly competent to decide which weapons systems are required by a certain country at a certain time for a certain purpose. Difficulties are there we feel to become opportunities, and we would appreciate any help we can get in this regard to be able to open a proper dialogue with the armed services and other users of armaments.

Thirdly we as Churches probably need even more theological reflection on what the trade in weapons means. This is something that is not that easy to organise. I have hope, however, that the work done for this conference by various participants will be the beginning of future work in this field.

Fourthly we need better planning of our contacts from this conference and the work that it generates with government, producers and the Churches. Encouragement is given from all sides; from our own governments and politicians and not least the EU in Brussels. We are beginning to foster contacts also with the United States government. We have deepened our contact with the Churches. The Protestant churches are here as is the Vatican and COMECE. The US Catholic Bishops’ conference had promised to come but have at the end not done so, but many of the protestant and orthodox churches in the States have done so. The Conference of European Churches, CEC, is here and we have had contact with Vatican representatives in various countries not least Archbishop Migliore the Vatican permanent representative to the UN.

Fifthly we are often asked what we do about the illegal trade in arms. The simple answer is nothing. The type of dialogue which we have managed to achieve with government, inspectorate authorities, the Churches and legal producers is probably impossible with people involved in the illegal sale of arms. Also we just cannot manage to do everything.

A sixth question which we might like to reflect over is what can ordinary people do? There are ordinary people who see the value of what we do, and want to be part.

I, in other words, believe that we have tried to fulfil the recommendations of the first conference. We have attempted to maintain and expand the contacts with the various parties. During these days together we will no doubt find out what other things should have been done as this is one of the purposes of this conference.

We must, however, also continue to plan what our future action is to be. Chris Patten's staff suggested, among other things, that as this is a long term project that these conferences should always be called Gothenburg conferences so that in time it becomes clear that this is the Churches' voice on the arms trade. So another question that we may wish to consider is whether Gothenburg III, should there be one, should be held in the South or in the USA.

I pay tribute to the work that has been done by many during these three years. We have seen this project as long term, and therefore three years represents only the beginning. I hope that our conference enables us to network and to continue the work we are all engaged in. These three years has convinced me, in a way I did not believe before I was involved in this dialogue, that all of us who are here, government and inspectorate, producers and the Churches wish for and try to work for a peaceful world even if we are not always in agreement on how to create it.

Theological reflections on security and vulnerability

Dr. Antonios Kireopoulos

Associate General Secretary for International Affairs and Peace,
National Council of the Churches of Christ in the USA

As I begin my presentation, please allow me first to say a word of thanks to the Swedish Fellowship of Reconciliation, the Christian Council of Sweden, and the Swedish Mission Council for organizing this important conference on the subject of arms trade. Indeed, the importance of this conference cannot be lost when we see war being waged in Iraq, genocide beginning in Sudan, tribal conflicts reviving in Afghanistan, systematic violence destroying any chance for peace in Israel/Palestine, terrorism erupting in Europe, and all manner of violence claiming victims around the world.

Arms – their production, proliferation, and elimination – have occupied the minds of people of goodwill for many years. Whether the discussion be of nuclear arms or small arms, weapons of mass destruction or conventional weapons, the problem is clear: the abundance of arms in the world directly threatens the stability, if not the very life, of this planet. The theme of this conference – the trade in conventional weapons – is a critical component of this problem.

To all of this, what can a theologian say?

As a Christian theologian, I will attempt to articulate here some of the theological principals from which to assess trade in conventional weapons. My argument shall be drawn from Roman Catholic and ecumenical texts, the latter of which assume a consensus of largely Protestant, Anglican, and to a lesser extent Orthodox views, that have dealt squarely with arms issues in general over the last 50 years. (I say “to a lesser extent” with regard to the Orthodox since the Orthodox Churches have not systematically approached the subject of arms. But listener should assume that I nevertheless filter these texts through an Orthodox lens.) Methodologically, then, I will take from earlier texts,

assess their theological treatment of the subject, and then extrapolate from them for use on the issue of conventional arms. It is my hope, then, that this will lead to a coherent theology that can be claimed by all Christian traditions.

In the 1963 encyclical, *Pacem in Terris*, Pope John XXIII stated: “[P]eople are living in the grip of constant fear. They are afraid that at any moment the impending storm may break upon them with horrific violence. And they have good reasons for their fear, for there is certainly no lack of such weapons. While it is difficult to believe that anyone would dare assume responsibility for initiating the appalling slaughter and destruction that war would bring in its wake, there is no denying that the conflagration could be started by some chance and unforeseen circumstances” (par. 111). Of course, the pope was speaking about nuclear weapons. But if one did not know the speaker or the date of these remarks, could not one mistake these words for someone speaking out on the situation of today’s world?

The 1950s and 1960s were a time when the fear of nuclear annihilation paralyzed much of the world. That fear seemed to lessen in the 1970s and 1980s, when the unfortunately-named political doctrine of Mutually Assured Destruction ironically brought about a relative sense of calm. What is most strange is that this same fear – of an “impending storm [that] may break upon [us] with horrific violence” – characterizes the world once again, with the difference now being that, instead of nuclear annihilation – though that possibility is still present – terrorism may destroy the world with a combination of small and conventional weapons.

John XIII called for the end of the arms race based on the principles of “justice, right reason, and the recognition of [human] dignity” (par. 112). To do this, he believed that states had to base their relations, and even the peace that is the goal of these relations, on trust and cooperation (par. 113, 114). It would seem, perhaps only in hindsight, to be that the world missed an opportunity to reorder their relations along these lines in the decade between the fall of the Soviet Union in 1991 and the new era of terrorism inaugurated on September 11, 2001.

By the end of the 20th century, a representative of the Catholic Church could state that it was just this opportunity to learn from the past and change for the future – in essence, repent, in the sense of the

Greek notion of *metanoia* – that was needed to avoid the errors of that century. Archbishop Renato Martino, the Permanent Observer of the Holy See to the United Nations, in a 1999 speech before the First Committee of the General Assembly on General and Complete Disarmament, cited the horrifying statistics: 110 million dead from war during the 20th century, with 2 million children killed in armed conflicts in the final decade of the century alone. In the face of these and other statistics, he repeated the Catholic Church’s call for the regulation of small arms and light weapons to control their sale and transfer, and to stem illicit trade in such weapons, as well as for the elimination of landmines and nuclear weapons.

This call, as well as the political accountability necessary to implement such regulation, is reflected in the Catechism of the Catholic Church: “The production and the sale of arms affect the common good of nations and of the international community. Hence public authorities have the right and duty to regulate them. The short-term pursuit of private or collective interests cannot legitimate undertakings that promote violence and conflict among nations and compromise the international juridical order” (part 3, sec. 2, chap. 2, art. 5, par. 2315).

Martino repeated these points in July 2001, both the theological foundation in the dignity of the human person, and the need for regulations in the arms trade, though specifically with regard to the trade in small arms. In those remarks, before the United Nations International Conference on Illicit Trade in Small Arms and Light Weapons in all its Aspects, he distinguished between a “culture of peace and life” and a “culture of violence” in highlighting the two options available to the world.

That was before 9/11. It was one month after that fateful day that Martino articulated what had long been an assertion of the Catholic Church, namely that the perpetuation of the culture of violence is integrally linked to development issues. Careful not to justify acts of terrorism by focusing on its root causes, Martino rightly stated: “Though poverty is not by itself the cause of terrorism, we cannot successfully combat terrorism if we do not address the worsening disparities between the rich and poor. We must recognize that global disparity is fundamentally incompatible with global security” (United Nations, 15 October 2001). It would not be too much of a jump to specifically link

the pursuit of arms and the profit inherent in this pursuit to the issue of disparity. In fact, the Catechism of the Catholic Church does so in no uncertain terms: “Spending enormous sums to produce ever new types of weapons impedes efforts to aid needy populations; it thwarts the development of peoples” (par. 2315). The type of justice to which these statements allude is the same type of justice that informed John xxiii’s thinking nearly 40 years earlier.

Like the Vatican, the World Council of Churches has deplored the arms race. And also like the Vatican, its attention has been focused on either weapons of mass destruction (nuclear, chemical, and biological) as well as small arms and light weapons. In a policy document adopted in 2001, the wcc stated the rationale as to why churches were compelled to enter into the arms debate. Although this document specifically addresses the dilemma posed by small arms, it could equally be applied to the discussion of conventional arms: “Churches...have a policy role to play, bringing theological insights and moral and ethical perspectives to bear upon the social and political pursuit of small arms control and demand reduction” (Policy Framework and Guidelines on Small Arms and Lightweight Weapons, 18 May 2001).

Among the theological insights the wcc brings to this debate is that “militarism must be recognized as an idolatry” (Report of the Consultation on Militarism and Disarmament, Geneva, 16-19 October 1989). If, in fact, the build up of arms feeds militarism, then disarmament is a theological necessity to avoid the dangers of this type of idolatry.

When this statement was made, in 1989, the wcc also spoke directly to the conventional arms situation at the time: “We are encouraged by developments related to conventional arms reductions in Europe, particularly by the stated intention of the parties to move toward less provocative military postures and to eliminate the possibility of surprise attack. Throughout the 1990s, churches should urge governments to reduce conventional weapons down to radically low levels and to advance the principles of non-provocative defense and to explore options for non-violent defense or security options” (ibid). Judging by the lack of documentation on conventional arms since then, it would appear that the churches did not follow through on this recommendation. And judging by the fact that this second Gothenburg conference is being held, it would seem that

other relevant parties did not heed the call to reduce trade in conventional arms.

One emphasis of the wcc has been the reduction of weapons to a minimum necessary and sufficient for defense. This is important, in that it recognizes the legitimate need for nations to keep arms necessary for the defense of their people. The question of morality and immorality primarily has to do with an abundance of arms, which threatens stability and ultimately deprives poorer nations of resources for general economic development. In a letter on the subject, dated 1 October 1990, the General Secretary of the wcc stated the organization's "continuing support for initiatives leading to the limitation or reduction of armaments to minimal defensive levels, and to building a new security order." Cognizant of the fact that such limitation and reduction would lead to "shrinking markets in Europe," the General Secretary also noted that arms manufacturers "will be looking eagerly for new markets to which to divert their surplus and future arms production [and thus] is more likely to lead to a massive increase in arms sales to the developing world." The negative implications of this are clear.

Documents from as early as 1948 through as recently as this year articulate the wcc's position on various related themes: nuclear arms, nuclear weapons testing, chemical and biological arms, landmines, small arms, etc. The most comprehensive statement on the subject came during the organization's World Convocation on Justice, Peace and the Integrity of Creation, which took place in Seoul in 1990. As stated in the convocation's declaration, the participants called: "For the demilitarization of international relations and the promotion of non-violent forms of defense: through a defensive, non-threatening and non-offensive posture of security measures and the development of civilian-based defense; through radical reduction and eventual abolition of all nuclear weapons and while nuclear weapons still exist, a progressive development of international control and thorough verification measures; through reduction and limitation of conventional weapons and elimination of chemical and biological weapons; through immediate cessation of all nuclear weapon testing and stopping the proliferation of nuclear weapons by strengthening the Non-Proliferation Treaty (NPT) and ensuring that the nuclear weapon states fulfill their obligation of disarmament under the NPT; through unilateral

steps of disarmament as well as bi- and multi-lateral steps and processes of disarmament; through preventing an arms race in space through observance of the Anti-Ballistic Missile Treaty; [and] through denuclearization of the navies of the world and encouraging states not to allow to come into their harbors and waters ships which cannot convincingly indicate that they have no nuclear weapons on board.”

For its part, the National Council of Churches USA has addressed the issue of arms in as broad a manner as the WCC. Observing the start of the arms race in the early years of the Cold War, the NCC stated: “History offers convincing evidence that the kind of peace for which Christians pray cannot be achieved by piling gun upon gun and bomb upon bomb. We warn the people of our churches that the civilization which they treasure may be destroyed unless the nations agree on a plan for the control of armaments on a global scale” (“International Regulation and Reduction of Armaments,” November 28, 1951).

The specter of global nuclear annihilation, complete with visions of the explosions over Hiroshima and Nagasaki, had already been contemplated by the time this was written. Talk of nuclear annihilation has seemed by 2004 to have died down – the possibility of WMD’s possessed by rogue states, the contemplation of bunker busters and other “useable” nuclear weapons, and the rhetoric surrounding nuclear programs in North Korea and Southeast Asia notwithstanding. Nevertheless, the fear of the destruction of civilization is still alive in the United States, if not throughout the entire world, now through the onslaught of terrorism. Nuclear weaponry still figures into the equation, through apprehension over the possible use of “dirty bombs” or the fall of unstable nuclear states into terrorist hands, but as the terrorists themselves have shown us, their ability to carry out horrific acts of mass killing is not limited to the use of nuclear materials. (For an analysis of the possibility of the use of nuclear material by terrorists, see the Friends Committee on National Legislation publication, “At the Crossroads: Disarmament or Re-Nuclearization,” March 2004, 7-8).

Since the only end that can be foreseen in a world that considers security in terms of armaments is death and destruction, there is a theological imperative for people of faith to oppose the excessive production and proliferation of arms. This was recognized by NCC when the arms race intersected with the race to outer space. To wit: “We declare

that the present crisis with its dangers and opportunities, while partially military and scientific, is of broader and deeper nature. It is also educational, political, psychological, economic, diplomatic, and cultural. Even more fundamentally, it is moral and spiritual. It is related to...the understanding of God and His will, the nature of man and his destiny. In this new era God is still sovereign, Lord of men and nations. God continues to rule over history with judgment and with grace. Still 'the earth is the Lord's and the fullness thereof, the world and those who dwell therein.' These new powers of man have been discovered and developed under the Creator's sovereignty. God's will for justice, freedom, and peace has been revealed in Jesus Christ. We believe...that God wills for man to live in love and reconciliation" ("Some Hopes and Concerns of the Church in the Nuclear-Space Age, December 5, 1957).

The Christian theological position on arms, then, according to the NCC, is God's sovereignty over a world in which he desires peace and reconciliation among people. Anything contrary to this principle would be considered antithetical to the Christian Gospel. Indeed, after stating this article of faith, the statement in which it is expressed goes on to say: "We hold that military might provides no sufficient security. While most of us think that our nation should maintain an adequate national defense, some of us feel that all armament is futile, but we all agree that even if there is a shield of arms, larger constructive work must be undertaken on many lines for peace with justice and freedom" (ibid).

The juxtaposition of this same theological principle and call to rational thinking vis-à-vis arms formed the basis of what the NCC issued in 1960 as an "Agenda for Action for Peace" ("Toward a Family of Nations Under God: Agenda of Action for Peace, June 2, 1960). This agenda included proposals to infuse morality into political action, to eliminate weapons through enforceable agreements, to improve the standards of life in less developed countries, to promote human rights and freedoms, and to pursue reconciliation among nations. For the purposes of our discussion here, disarmament – whether it be weapons of mass destruction, conventional arms, or small arms – was seen as crucial to the achievement of peace, the kind of peace with justice that God has deemed right for the world. This principle and call also came

to serve as the basis for asking Christians, in the midst of the Vietnam War, to “examine seriously the questions raised by the United States emphasis on military power in the pursuit of security” (“Defense and Disarmament: New requirements for Security,” September 12, 1968). Similar themes ran through subsequent statements throughout the 1980s and 1990s.

The 20th century ended with a NCC statement that included the following among the seven “pillars of peace” in the coming century: “Peace rooted in justice requires the nurturing of a culture of peace in homes, communities, religious institutions, nations and across the world; the use of non-violent means of resolving conflict; appropriate systems of common security; and the end of the unrestrained production, sale and use of weapons worldwide” (“Pillars of Peace for the 21st Century”: A Policy Statement on the United Nations,” November 11, 1999). These pillars – having to do with political accountability, economic justice, legal standards, liberation and empowerment, conflict resolution, human rights, and environmental stewardship – were set with the cement of a half-century of thinking on what makes for peace. Four years into the new century, and where are we?

The theological principles upon which the Christian Churches over the years have worked to reduce and eliminate weapons are principles quite fundamental to the Christian Faith itself. These theological principles demand that adherents of the faith live their lives through actions reflective of these principles. The belief in God demands that believers turn away from the idolatry of militarism, and not engage in pursuits that support it. The belief in the sovereignty of God requires believers to find their security in God, and not in armaments. The belief in the abundant love of God calls upon believers to love their neighbors, not actively seek or even passively allow things that would harm their neighbors. The belief in the dignity of the human person requires that believers seek equity for all, not the advantage of one over another. The belief in God’s overriding justice demands that believers seek justice, reconciliation, and peace among nations, and not conflict or policies that breed conflict.

In current discussions, these theological principles and behavioral imperatives find their voice in the general appeal to the moral and ethical leadership that religious communities can offer. It is up to the

Churches to articulate as effectively as possible the morals and ethics involved in the disarmament debate. For example, the Churches could better help draw the distinction between legitimate defense needs and superfluous stockpiling of weapons. The Churches could better help point out when the sensible appeal to defense is manipulated, especially through fear, in order to justify unbridled military expenditure. The Churches could better help demonstrate the dangers of the porous boundary between the licit and illicit arms trade. The Churches could better help raise a red flag when weapons are being sold to regimes that imperil human rights through the oppression of their peoples. The Churches could better help expose the irrationality of policies such as “useable” nuclear weapons. And, as in the case of landmines, the Churches could better help call attention to the senseless destructiveness of certain types of weaponry.

Admittedly, the largest gap in this analysis, due to the gap in attention given it over the years, not only by the Churches, but also by governments and non-governmental agencies as well, is in the area of conventional weapons. This is no doubt due to a number of factors: the reliance on such weapons for legitimate defense needs; the relative absence of the kind of overwhelming destruction as represented by nuclear weapons; the non-comparison to the sheer insanity of the small arms epidemic. Nevertheless, the same principles that have been applied to the analyses of other types of weapons can be applied to conventional weapons.

Do legitimate defense needs really require the huge stockpiling of conventional weapons? Are transfers of conventional weapons to developing countries contributing to the instability of the world? Is insufficient regulation of licit arms trading allowing for the illicit trade in conventional weapons? Do the resources spent on conventional weapons negatively impact development of impoverished nations? I think we know the answers to these questions.

In the Hebrew and Christian Scriptures, both of which comprise the very heart of the Churches, we find several references to the dichotomy between war and peace, between the pursuit of tools for war and pursuit of tools for peace, between the situation before God of those who make war and the situation before God of those who make peace. In the Pentateuch, we find that this dichotomy comes down to a choice.

It is a choice put before all human beings: “I call heaven and earth to witness against you this day, that I have set before you life and death, blessing and curse; therefore choose life, that you and your descendants may live, loving the Lord your God, obeying his voice, and cleaving to him; for that means life to you and length of days” (Deut. 30:19-20a, RSV). Choose life. This is the covenant God makes with human beings. This is the choice put before us today. Choose life, and all that makes for life.

As we look at weaponry in all its forms, we must contemplate the choices before us. In all the decisions involving the development, trade, and use of weapons, do we...choose life?

Thank you.

Codes of conduct – ethical challenges

Lennart Molin

Director and Associate General Secretary
Christian Council of Sweden

We live in a world of hard facts. To rough realities we adjust ethical considerations and moral conclusions. Financial profits, efficiency and strong governance are prioritised to mercy, humility and adaptability. Some would still call such soft ethical standards important but rather old-fashioned. Even if they are valuable and important people seems not to know how to use them, because if we want to meet the challenges of what is called “real life” we must not be meek and weak. There is in our time an ethical ambivalence that often creates a so-called double standard in moral life between a more pragmatic line of action and what sometimes is labelled “idealistic and romantic values”.

The philosopher Friedrich Hegel from the 18th and 19th century once said, “progress is above morality”. That is what we can see when we reflect upon what differs the successful from the less successful. The one who has a delicate conscience, is hesitant and easily comes up with moral doubts and apprehensions seldom get easy advancements in working life. If it tends to be like this on a personal level it is even more relevant to political and commercial spheres where progress and financial growth are prioritised goals in all political areas.

Harald Ofstad, a Swedish philosopher of the 20th century, is in line with Hegel when he said that in our time there is a much cherished “myth on impersonal decisions”. Our determination is to have a scientific rationality in making decisions for example to ethical issues and dilemmas, like when we solve equations and draw conclusions from laboratory experiments as made in chemistry lessons at school.

If we look upon decision making like that conscience easily becomes a burden, an annoying factor that complicates our calculations. What is called rationality, according to Ofstad, is in fact often a denial of complications and of personal accountability. Ofstad often talked

about the importance of people having agony. He called agony “a constructive uncertainty” because it “creates a valuable tension between different possibilities of explanation and helps us to shatter our conventional lines of thought and clichés”.

Christian ethics and the vulnerability of life

Let us now ask ourselves, can insights like this be of use in commercial areas or are they nothing but idealistic and unrealistic ideas that people like philosophers and theologians have time to develop and foster, while businessmen and politicians have to make harsh and straightforward decisions based on hard facts? In other words, is there room for the kind of values that help us to secure the dignity of every human being in competitive commercial life? Can we expect from arms producing corporations that they support the so-called “preferential option of the poor”? That is what liberations theologians taught us to be a contextual interpretation of the words of Jesus according to Matt. 25: “Inasmuch as you did to one of the least of these my brethren, you did it to me” (Matt. 25, 40). Can we ask businessmen and political decision makers to protect the most vulnerable of human beings or “the least of the brethren”, like it is preached from church pulpits and taught in classes of Christian ethics?

To answer such questions we need to ask ourselves, what would Christian ethics be like when it is practised in areas of arms trade and export of military equipments? What kind of moral theology and applied Christian ethics can we rely upon in matters of arms trade?

One concept often used in classical theological and ethical thinking is the idea of stewardship, that human beings are stewards of God’s creation. The idea includes care, nurture and also being accountable for how this stewardship is carried out. The concept of stewardship can be developed in the following way:

1. Every human being is created in the image of God. Therefore it is a duty to defend life as God creates it and to promote human dignity
2. Christian ethics also calls us to promote a world order based on justice
3. It is a Christian responsibility to work for a reconciled and healed world, to restore broken relationships between human

beings and to work faithfully for the peace that comes with the kingdom of God

What happens if we use these basic theological doctrines as ethical criterias on arms trade? I am not the first one to ask that. One example is an article in the Swedish Christian newspaper *Nya Dagen* (February 2000) that tried to do exactly this. The conclusion of the article was that churches should object to having shares at least in Volvo and Ericsson. The article was signed by two bishops, one was William Kenney, well known to us in this conference, and the other was Biörn Fiärstedt, president of the board of the Life and Peace Institute.

Their argument was that any action that counteracts these very basic theological convictions should be renounced for being against the will of God and therefore sinful towards God and human beings. It is sin because it contradicts God's purpose with creation. As stewards of that creation it is our duty to obstruct such actions.

Behind this argumentation is the conception that God's creation is damaged. It contains broken relations including the one between God and human beings. Even courageous and well-considered human behaviour is affected by this brokenness. It means that none of us can proclaim to be only good. Borders between good and evil does not go between human beings and fellowships. Instead every one of us has these borders inside us and they run through communities and fellowships we share with other imperfect human beings.

Agony, doubt, criticism, and uncertainties are tools to be used in disclosing where goodness and good life is contradicted. Instead of giving after to sin we should engage ourselves as individuals as well as in our fellowships to defend human dignity, promote a just world order and work for peace.

It seems to me that such a point of departure is essential to a solid ethical and theological treatment of arms trade issues as well as to the codes and regulations that relates to this area. However a point of departure is not a place to stay at. Christian ethical reflection on arms trade must proceed to more practical arguments. In doing so the churches have a great opportunity to be a communicator or a mediator to all the different stakeholders in this arena: suppliers, controllers, buyers, political decision makers, the military, researchers and peace activists. In the best of worlds one would wish the churches to take a

lead in combining a value-based orientation with a practical constructive realism, because churches proclaim faith in a loving Creator and an awareness of human sinfulness.

Human security and the EU code of conduct

I would like to give some very limited comments to the EU code of conduct on arms export. The code contains 8 criteria and I will not comment all of them. Instead, let me out of what I have said so far reflect on overall ethical aspects that most of all refer to what I consider to be fundamental to the code.

One of the most important single issues for ethical reflection I find to be the security aspect. Like many others I prefer to call it human security. The term security is directly mentioned in criterion 4 (where it is about regional peace and security) and 5 (on national security). When I chose to call it human security I give a hint to include at least criterion 2 (on human rights) in what is necessary for human security.

During the cold war military strategies in the east-west conflict were to a large degree based on deterrence. That caused an enormous escalation of arms holdings, especially in the super-states. Today the situation is different in many ways. However it seems like deterrence still is present, now as a part of how to meet the threat of global terrorism. It is slightly different from earlier but at the same time very much like a remnant from those days when deterrence was the keyword in military strategic planning. In both cases it is a goal to create or use the fear that is already there. By frightening the enemy the intention is to create an advantage over the adversary. Deterrence is seen as a mean of reaching domination. Much could be said both about the danger of such a strategy and the demoralisation it creates, that we have seen on horrible pictures from prisons in Iraq lately.

European churches (through the Conference of European Churches and the Council of European Bishops Conference) have at different occasions repeated the following: "There are no situations in our countries and on our continent, in which the use of violence would be required or justified". This witness of the churches to peace of course also relates to what kind of methods there are to create and uphold human security in our area. Violence can neither be required nor justified in Europe, according to the churches.

What is then needed? In a number of ecumenical documents security is compatible to "a culture of non-violence". By that is meant that security cannot be guaranteed by means of dominance. It cannot be established over or against someone else who is considered to be the enemy. We must critically ask ourselves how much security we can create by domination and the use of force. Are we safer when the police or military are watching over us? To a certain degree and under some circumstances that is true. But on the other side, can we eliminate all risks by means of force and domination? Will there not always be risks? The position of the churches is then often that we rather should talk about "risking peace" like Dietrich Bonhoeffer did. As it is sometimes said, "peace is a risky business".

There was a time in most of the European countries when churches were participators of the establishment seeking to influence people by dominating them. The role of church and religion is nowadays very different from that. Churches in a post-secular society can only fulfil their role by accepting plurality and tolerance. Does not this also seem to include non-violent settlements of conflicts and the support of a culture of non-violence?

If our answer on such a question is yes and we have to adjust to a life without the kind of security that is built on domination and use of force we need to develop other means for securing human security. One such mean is to create a culture of non-violence that is different from just passivity and abstention. Like peace, non-violence could and maybe should be regarded as an expression of cultural, social and political activity and not just absence of direct violence or the opposite of war. To work for a culture of non-violence then means to overcome oppression, social injustices, lack of freedom, violation of human rights and such things that prevent people from living a life in human dignity.

What does this mean to arms trade?

With this analysis of what human security is and what is necessary when we want to obtain human security churches need to find a role as mediator and dialogue partner. Their ethical and theological positions would be their contribution opening for a continuing critical evaluation of the ethical standards of the codes of conduct and also of the practical ethical application of these codes.

In this situation I find it an advantage that there always is a certain amount of doubt and hesitation to “world orders” in the teaching of the churches. This of course goes back to sayings of Jesus like, “My kingdom is not of this world” (John 18,36) and “But seek first the kingdom of God and His righteousness” (Matt. 6, 33). If the Churches and Christian participators in dialogues on arms trade stay to such a critical world-view they would have a solid base for being independent from “worldly” interests, political influence and financial pressure.

Conclusions

Let me finally give some ethical reflections and recommendations on three areas of ethical consideration in relation to Sibylle Bauers paper and the tree points that the planning group of the conference found central to Christian involvement in arms trade:

1. Consistency

- a. There should be a continued re-evaluation of the codes and regulations. It is consistent because changes always occur and rules must be re-considered. If upgrading of rules is not continually done legislation as well as moral standards will soon be outdated and they will not meet present needs and requirements.
- b. Likely it is necessary to carry out critical studies and evaluations continually on how codes and regulations are interpreted and implemented.
- c. There must be consistency and coherence on all levels of arms trade. It needs to be emphasised that all parts in arm deals - from supplier to user – must be accountable to a consistent and coherent policy.
- d. Criterion 8 is especially important in order to meet the challenges of the Millenium declaration on eradication of poverty.

2. Accountability

- a. Transparency is important when the accountability issue is taken to the forefront. In order to be able to monitor arms trade efficiently there must be a strong awareness of the importance of openness.
- b. In order to avoid double standards there must also be an open dialogue on ethics, values and moral conduct remembering, that ethics is not equivalent to jurisdiction and can never be summarized

as only codes of conduct. Ethics is to a large degree built on the ability to enter unconditional dialogues where solutions to moral dilemmas cannot be predicted since they come as the result of the dialogue. We must recognize and maybe even celebrate the need of an ethics of grey areas. We fool ourselves when we only think in black and white.

- c. One specific contribution from the churches is to emphasise that conflict prevention in the best sense of the word means defending basic human rights including respect, tolerance and mutual understanding. The recognition of the dignity of all human beings is indeed fundamental to human rights, and consequently an inescapable background for sustainable conflict prevention. Since so much violence is caused by fear it should also be pointed out that crossing human borders to meet “the other” who is different from me is basic to peace building.

3. *Sustainability*

- a. Human Rights as expressed in the UN charter of basic human rights already plays a significant role to codes for arms trade. So does the new EU constitution, but in the case of the latter it could have been more clear and specific what human rights means to arms trade. Sustainable conflict prevention needs consistent and specific implementations of human rights.
- b. Democracy should be added as a criterion
- c. Criterion 8 need to be developed and operationalised
- d. The role of arms trade to “sustainable development”, in all ecological, social and financial aspects, should be made clearer. Once again we can refer to the millennium goals and Agenda 21.

The EU Code of Conduct on Arms Exports – much accomplished, much to be done

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1. Introduction

The EU Code of Conduct on Arms Exports was adopted in May 1998. Five years into its operation and at the door to 2004 enlargement, governments have decided to fundamentally review the Code and its operation. The review procedure began in early 2004 and is expected to be concluded by autumn 2004.¹ Both the contents and the legal status of the Code will be reconsidered. Currently, the Code is a Council Declaration which contains political commitments but is not legally binding. Eight criteria for export licensing refer to considerations such as human rights violations, regional stability and the risk of diversion. The operative provisions outline reporting procedures as well as inter-governmental denial notification and consultation mechanisms in cases where governments hold different views when applying the EU criteria to a licence application.

Since the Code's adoption, a distinct European dimension of arms export policy has emerged, which revolves around the Code but extends far beyond its original scope, although the document itself has not been modified. The development of what could be called a Code regime has been achieved through a process of dialogue, negotiation and review based on practical experience, as Member States have increasingly felt comfortable discussing arms export control in the EU context and have gained more confidence in the Code as a policy tool.

At the same time, the question arises as to what the Code has actually achieved: Has it contributed to more consistent, effective, transparent and restrictive export controls in the EU? How has it impacted licensing processes and decisions? This paper evaluates the EU Code of Conduct five years after its adoption. First, it identifies driving forces, actors and interests that have shaped the Code agreement as well as its implementation and further development. Second, it examines the

development of the Code document into an export control regime over the past five years, reviews progress made and identifies remaining shortcomings. Third, it examines national implementation of the Code, seeking to outline broader trends rather than analysing individual cases. The conclusion evaluates the Code's effectiveness. Finally, recommendations address gaps and inconsistencies that continue to hamper the establishment of a consistent, effective and transparent European arms export policy. It should be added that the goal is to identify priorities for short-term improvements, rather than a broad discussion over fundamental revisions and long-term objectives.

2. Interests and actors shaping the EU Code of Conduct

The Code was agreed against the background of an industrial restructuring process that fundamentally altered arms production structures to the extent that national industries can no longer be clearly distinguished. Whether a company is, say, Swedish or not, depends on whether you consider the ownership (companies may be subsidiaries of foreign companies or may include foreign shareholders), the workforce (which may include foreign nationals), the location (since companies may have foreign subsidiaries) and the degree of foreign sourcing (as subcontractors often supply key components and technologies). The Europeanisation and internationalisation of industries has taken the form of acquisitions, mergers, joint ventures, consortia and increased reliance on foreign-produced components and sub-systems. While arms producers have always relied on foreign subcontractors, there has been a qualitative and quantitative change due to increased cross-border industrial integration, procurement and investment.

With changed production structures, the question emerged for governments and non-governmental organisations alike of how national policies need to, and can be adapted to effectively control a decreasingly nationally structured industry. For transnationally operating companies, the key question was how to deal with nationally structured control systems and differing policies across the EU.

Another crucial condition for the Code agreement was a major policy shift in the UK and France following the 1997 elections. Previously, the French and British governments had resisted a common European policy on armaments, security and defence. The UK's policy shift on

export policy was also motivated by a domestic scandal, which led to the publication of national export criteria. These formed the basis of a joint Franco-British proposal, which was the point of departure for the Code negotiations.

Agreement of the EU Code of Conduct was pushed by a variety of actors, each with distinct agendas, but an overlapping interest in a EU-wide approach to arms export controls. While there was consensus in 1998 that there should be a EU Code, the contentious question related to its contents and goal. This is important to keep in mind, as these forces continue to shape the implementation and further development of the Code.

The European defence industry's interest in European-wide harmonisation of export policy lies in increased predictability and increased export opportunities for companies located in countries with a comparatively restrictive export policy, although differences remain between larger companies with foreign subcontractors or transnational ownership structures and smaller, domestically oriented and structured suppliers. Companies naturally seek to maximise profit, their *raison d'être*, and thus to minimise export restrictions and red tape. At the same time, the concept of corporate social responsibility (CSR) has become an increasingly important component of company identity and policy in a number of countries and production sectors. CSR is based on a broad definition of producer responsibility as extending beyond those reaping financial benefits and has drawn attention to the impact of company activities on armed conflict.² It remains to be seen to what extent this debate will spill over into the defence sector, in particular since the lines between armaments and civilian production are increasingly blurred.

Civil society representatives from the development, human rights and conflict prevention sectors and a number of Christian churches and church-related organisations have pushed for a restrictive, effective and transparent arms export policy in Europe. While some organisations have focused on improvements in export control, others have highlighted abolition of the arms trade as their goal.

While EU governments share development, human rights and conflict prevention goals, officials also see the need to balance the control interest linked to security, conflict prevention and non-proliferation against goals of free trade and competitiveness, both to maintain

domestic industrial capacities and to remain a player in European armaments policy negotiations.

While agreeing on the need for an EU Code, national governments pursued distinct agendas, which is reflected in the wide scope for interpretation of both criteria and operative provisions. The UK government, for example, for domestic reasons introduced export guidelines and an annual reporting system and sought to extend these self-imposed constraints to other countries, for obvious reasons. One of if not the key goal of the Code was therefore to prevent being undercut by another EU country, that is an export licence is issued by another EU country that had previously been denied by the UK. In Sweden, the need to Europeanise and internationalise arms production and thus to coordinate export destinations with other countries collided with a relatively restrictive national policy rooted in the non-aligned stance and general political direction, which was partly addressed through both the EU Code and the LOI/Framework Agreement³ processes. In Germany, a European context for export policy facilitates a redirection of responsibility away from national policy-makers, given the political constraints of an (openly) liberal export policy, which are rooted in national history. While the French government has supported the EU Code in line with its broader integrationalist policy stance, it resisted a number of proposals put forth by other EU countries, for example those relating to public and intergovernmental transparency.

Finally, while 'the national position' is frequently referred to, one should not gloss over the range of intra-governmental, intra-departmental and intra-party views, as such discrepancies help explain and predict the Code's interpretation and development. Similarly, there is no 'NGO position' as such. Moreover, the positions of government officials, civil servants, industry, parliaments and NGOs can vary considerably from country to country, and also within each country. The EU Code was, and continues to be promoted by a coalition of interests, whose members pursue differing or even contradictory objectives and priorities but share the common aim of harmonising arms export policies.

3. Evaluation of the EU Code's evolution 1998-2003

The Code has been transformed from a Council Declaration containing political commitments into a policy coordination tool far beyond

its original scope. Information exchange, consultation and reporting procedures have become part of licensing officials' day-to-day routine. This applies to current Member States and, since 2003, also future EU Member States. This transformation is the result of both an unintended 'spillover', and a deliberate strategy to develop the Code without revising the document but rather create the political equivalent of 'case law'. This means that new norms emerge from current practice, rather than vice versa.

The Code has 'spilled over' into national law (in Austria, Belgium, Finland and the UK) and other policy areas. The Dual-Use Regulation of 2000⁴ refers to the EU Code criteria as one element to be considered when evaluating an export licence for dual-use items (i.e. items with both civil and military applications). The LOI/Framework Agreement to facilitate defence industry restructuring agreed between six of the EU's biggest arms producers⁵ also refers to the EU Code, as do small arms initiatives such as the EU Joint Action on Small Arms⁶.

Regular meetings of officials in the Council's Working Group on Arms Exports COARM, the Users' Guide to the EU Code of December 2003⁷ and the annual reports on implementation of the EU Code⁸ have been used as tools to harmonise the Code's application and to narrow the scope for national interpretation of the criteria and of the operative provisions. The annual reports contain an overview of COARM discussions, decisions and future priorities. Since 2003, the reports also include a compendium of previous decisions, thus making it easier to monitor progress on stated intentions and on-going projects. The Users' Guide published in November 2003 further defines and interprets the terms and procedures of the 1998 Code.

Since 1998, a number of the criticisms voiced by NGOs, MEPS and some governments have been addressed, although most of them still can be considered work-in-progress. Criticisms which have to some extent been addressed include the initial lack of: public reporting on the EU Code, involvement of the European Parliament, a common military list, and a common approach to brokering controls. In some areas, the need to act has been acknowledged and steps have been taken to address shortcomings, but no concrete results have been achieved. It should be pointed out that the very fact that these developments can be documented illustrates the increase in transparency of export policy processes and decisions.

At the meta-level, the Code effectively narrowed the discussion to the criteria and procedures included in the Code. Criticism and proposals largely focused on improvements within the given document, rather than a broader discussion, such as introducing new criteria. The review process may open the discussion again for new export criteria, such as armed conflict and democracy in the recipient country, and violence prevention as an explicit goal.

Agreement of common lists to which the Code is applied: In 2000, EU Member States agreed a Common List of Military Equipment to which the Code is to be applied and which is to be the basis of data submitted. A revised version of the list was published in December 2003. The EU Dual-use Regulation's reference to the Code extends the scope of the criteria to decision-making on dual-use exports. Agreement of a common list of torture equipment is still in process, in part because of disagreement on whether there should be an outright ban or application of the Code criteria. The Proposal for a Council Regulation on Trade in Equipment Related to Torture and Capital Punishment put forth by the European Commission in December 2002⁹ combines the two approaches. It proposes a ban on the import and export of controlled equipment that could be used exclusively for torture or capital punishment, and a licensing system for equipment that also has uses considered legitimate. By February 2004, there has been no agreement on this proposal.

Annual report: An annual report on the Code's implementation is publicly available, although there was no agreement on publishing such a report when the Code was first agreed. In addition, the reports have become more comprehensive and consistent over the years. The statistical annex has been expanded from one page to almost forty pages, mainly because data is broken down by recipient country since the fourth Code report published at the end of 2002. The report still falls far short of making implementation of the EU Code transparent, however (see below).

Role of parliament: The Council report on the Code's implementation is submitted to the European Parliament (EP), and the EP's response in form of a parliamentary report¹⁰ has in turn been referred to in subsequent Council reports. Moreover, the Council included development of the dialogue with the EP in its priorities for 2004.

While the means by which the EP can hold national governments to account for the Code's implementation are very limited, the EP has actively used the instruments at its disposal. However, national parliaments have not necessarily chosen to question their government on the Code's national interpretation and application. For example, neither the Council reports nor the European Parliament's reports and resolutions have been the subject of substantive discussions in the German Bundestag. On the other hand, the UK House of Commons Quadripartite Committee on Strategic Export Controls has questioned the Government on the EU Code on a number of occasions.

Brokering controls: A Council Common Position on the control of arms brokering was adopted in June 2003.¹¹ It contains a series of measures to be implemented at the national level. Currently, the scope and effectiveness of brokering controls varies a lot across the EU.

Information and consultation on denials and undercuts: The denial notification mechanism has been formalised with the decision to establish a central database of denial notifications in at the Council Secretariat in Brussels. The information shared by all Member States does not extend to consultations on denials and undercuts. To date, the Council's annual report fails to include information on the outcome of intergovernmental consultations on undercuts. According to the British Government, there were 15 undercuts in 2002, one third of which by the UK.¹² Submitting information about an undercut to all Member States has been encouraged 'to the extent compatible with national considerations and on a confidential basis'. The Code requires only the government that is undercut to be informed about the decision and its reasons, although a mechanism involving all Member States and the Commission was agreed for dual-use goods. There is no agreement on multilateral consultations on an intended undercut so far.

End-use controls: EU Member States have agreed on required and recommended elements of end-use certificates. More could be done regarding co-operation and harmonisation of post-shipment checks, re-export clauses and enforcement. For example, the Code does not require agreements with EU companies to produce military equipment under licence in third countries to include clauses to prevent re-exports that would violate Code criteria. NGOs that are based or operating in recipient countries could play a useful role in alerting governments to violations of human rights and end-use agreements.

Expansion of geographical scope: The Acceding Countries, the EFTA countries members of the EEA (Iceland, Liechtenstein and Norway), Bulgaria, Romania, Turkey, Croatia and Canada have aligned themselves with the principles of the EU Code. The ten new EU members will be fully involved in the EU Code regime from May 2004, but already began participating in COARM meetings and information exchange a year previous.

Intangible technology transfers (ITT): Technology which can be electronically transmitted plays an increasingly important role in modern warfighting capabilities, but poses a challenge to traditional export control measures. The necessity to tighten controls of ITT such as software has been raised, but no progress achieved so far in the European framework.

Criteria: Much of the discussion in the lead-up to the 1998 Code agreement related to the wording of the criteria. Following the Code negotiations, criticism focused on references in the human rights criterion that: required a 'clear risk', rather than only 'a risk' that equipment be used for human rights violations; and referred to internal repression, thus excluding human rights violations committed by a government's armed forces outside of its national borders and using a term not used in international law. Instead, NGOs proposed to use the terms 'international human rights standards' and 'international humanitarian law'.¹³ The government of the Netherlands unilaterally decided to interpret the criterion relating to the behaviour of the recipient country towards the international community to include participation in the UN Register.¹⁴ An EU-wide interpretation along these lines would not only exert leverage on non-participating countries (among them notably most of the Middle East) but would also strengthen aspects of democracy contained in the EU Code.

Anti-corruption measures: The armaments sector is particularly prone to corruption, which can be attributed to both the secrecy and the high sums involved. Corruption has been surprisingly absent from the Code debate, however. In 2002, Transparency International (TI), an anti-corruption NGO, proposed a number of supply-side measures to reduce incentives to use bribes to secure export contracts. First, export permits and export credit guarantees would require companies to provide 'annual sign-off letters' and 'rigorous contract-specific no-bribery

warranties'. Second, companies would be required to provide evidence of internal compliance systems. Third, penalties for the use of bribes by companies or brokers would include denial of export licences. Fourth, including brokers in a register, as recommended by the EU Common Position on Brokering, would be conditional upon signing a no-bribe warranty.¹⁵

Legal status: A major concern raised by NGOs in particular relates to the Code not being legally binding. The Code or certain of its criteria have become legally binding through their incorporation in other documents, however. First, it is referred to in legally binding documents, namely the Dual-use Regulation and the Framework Agreement, both of 2000. Second, at least four countries have integrated certain aspects of the criteria and/or operative provisions into their national legislation. In addition, some countries have included the Code in political guidelines, which are binding on the administration.

At this point in time, a step-by-step integration of the criteria into national norms and laws may be more feasible than a transformation of the Code into European law, which would make it subject to Community competence and thus give the European Commission, Parliament and Court of Justice key roles in its implementation. This would require a revision or re-interpretation of Article 296 of the Treaty Establishing the European Community (former Article 223)¹⁶, which Member States have used to exempt armaments from Community competence and therefore from the common commercial policy, including common export, import and competition policies. To date, licensing decisions remain restricted to the national level.

One could also argue that the political nature of the Code agreement has given it the very flexibility that has permitted the development into an effective export control instrument and has increased transparency and intergovernmental exchange across the EU. A legal document is far more rigid, and typically incurs more resistance to change. In addition, courts may not be perceived as the most competent authorities to review licensing decisions.

Already at the national level, most EU countries do not include elaborate export criteria in their legislation but rather, in political guidelines. This has been problematic in Germany and Austria where the right to trade applies to certain armaments, and exceptions have to be justi-

fied by the government. In countries such as Sweden, arms exports are banned in principle, and government can permit exceptions through an export licence. This means that a government decision to deny a licence cannot be challenged in court, as has been the case in Germany and Austria.

4. National implementation

The Code provides a framework for national implementation but leaves considerable room for subjective interpretation. Enforcement mechanisms are limited to public transparency, parliamentary scrutiny and peer pressure among Member States, the latter in particular where confidentiality of information exchanges precludes parliamentary or public scrutiny. Anecdotal evidence indicates that some Member States have been very creative in circumventing the provisions of the EU Code by not breaking the letter but certainly the spirit of the agreement. The Users' Guide seeks to restrict such violations.

The same EU Code has different implications for different countries, and is implemented in different ways depending on:

- a. national export policy
- b. industrial interests
- c. the structure of exports (those competing with other EU countries on certain products naturally are more likely to receive denials than those producing niche items or for different destinations).
- d. the structure of licensing decision-making, usually involving different ministries (and, in the case of Belgium, regional governments since 2003).
- e. legal secrecy provisions (in Austria no denials were circulated by the Interior Ministry, which deals with 'war material', until a change of law in 2001).
- f. the status of the Code within domestic export control legislation.

Code criteria

How has the Code impacted on export policy in the EU? Whether the EU Code has prevented exports that would otherwise have taken place is difficult to establish with existing empirical data. Even where licence applications were refused on the basis of the EU Code, one

cannot prove that national export policy would not have prevented that very export.

While it is difficult to trace a direct impact on licensing decisions, it is certain that other Members' evaluations and interpretations have become a factor in decision-making. These may weigh differently depending on the case in question. Nevertheless, the consultation mechanism means that an undercut carries a political price, and has thus added political costs to be factored into the decision-making process, in particular given that an undercut must be formally justified vis-à-vis the government concerned. In addition, socialisation has created a certain degree of peer pressure. Regular COARM discussions and increased informal contacts also mean that the shared pool of information on which decisions are based has increased. It can therefore be reasonably assumed that a certain degree of harmonisation has taken place, even though this cannot be empirically proven with existing data.

EU and national reports show differences in eligible export destinations, which can at least in part be attributed to different interpretations of the EU Code, for example concerning exports to China, Columbia, Indonesia, Israel, Nepal, Pakistan, Sierra Leone and Turkey. The lack of detailed information on the national interpretation of export criteria makes it impossible to systematically and comprehensively evaluate the interpretation of, and compliance with, the criteria. The EU Council's reporting on reasons for refusing exports to specific recipient countries permits an aggregate assessment of the interpretation of certain criteria. However, the fact that reasons for refusing an export are rarely broken down by importing and exporting country makes it difficult to compare the national application of the criteria to specific cases. Currently, only the Dutch and German national export reports indicate which of the Code criteria were invoked when denying an export licence to a specific country.

The Code reports show that the Code criteria have not been equally relevant in licensing decisions. Criterion eight, which considers the compatibility of the export with a country's technical and economic development, has played a minor role across the EU. A large share of the denials refer to the risk of armed conflict and regional stability, whereas the human rights criterion has been invoked less frequently.

Operative provisions

While the operative provisions leave less room for interpretation than the export criteria, they still permit national discretion. Implementation of these mechanisms illustrates potential loopholes. For example, the term “essentially identical transaction” can be interpreted in different ways. What constitutes an essentially identical transaction can be defined in terms of the type of equipment, the type of recipient, the number of items or the financial volume, or all of the above. Governments can either take the wording ‘essentially identical transaction’ literally, or take the spirit of the agreement into account, which includes the goals of ‘convergence’, ‘high common standards’ and ‘restraint’. The same applies to the question of what it means to inform and to consult.

The obligation to notify denials is also subject to interpretation. Informally notifying a company about the chances of a licence approval – a common procedure in a number of Member States – has not necessarily been treated as a denial and circulated accordingly in the past. Even where provisions are clear, implementation is up to individual Member States and cannot be verified or enforced by the public, parliaments or other Member States unless a high degree of public transparency allows for cross-checks.

The 2003 User’s Guide to the Code defines what constitutes a denial notification, when to submit information and engage in consultations, what information exactly to provide and how to perform such consultations. However, no accountability mechanism is built into the information and consultation procedure. Thus, cheating may not be uncovered, at least not immediately. This risk is enhanced through national reporting procedures, which do not account for individual licensing decisions in sufficient detail. The time delay in reporting of up to two years further adds to the lack of clarity. Moreover, even if the denying country knows or finds out about a breach of the Code provisions, confidentiality provisions require that it does not make this public.

Reporting

A limited harmonisation of reporting and thus increased comparability has been achieved, especially through the breakdown by recipient country since the 2001 report. However, only eight out of fifteen countries report on both licences issued and actual deliveries. Seven

EU Member States provide only one of the two data sets, or only partial data sets in some cases. Germany, for example, only reports actual exports for weapons of war, as defined in its Weapons of War List,¹⁷ not other armaments as defined in its Foreign Trade List. In addition, national data collection is a lengthy process in some countries. For that reason, the German and French governments did not supply data on exports to the fifth annual report, even though the report was published almost one year following the end of the reporting year 2002.

In addition, a number of other data categories are not included in the EU report, although some Member States provide them in their national reports. These include a break-down by military list category (common practice in many Member States), by number of items (included by all Member States in their submissions to the UN Register for major conventional weapons), and types of recipient within the country such as military, police, industry (included in the Belgian and Danish reports, which use different categorisations), and break-down of denials by recipient and criterion applied (as done by Germany, Sweden and the Netherlands, the latter providing the most detailed information). Finally, countries only report on direct exports, although the re-export of components and sub-systems, once integrated into a weapon system, is common practice. Where suppliers require their permission for a re-export, this may even involve formal issuing of a licence to a third country. Current reporting does not permit conclusions about a consistent application of the Code criteria to direct and indirect exports.

5. Evaluation of the Code's success

Whether the EU Code can be considered a success depends on the measuring stick. The Code has indeed lead to increased information exchange between governments and increased transparency. For some countries, no information on arms exports was publicly available previous to the EU Code report other than the UN Register submissions. In some cases, the EU report is published before the national report or contains data not included in the national report. In relatively transparent countries such as Sweden, the EU Code dynamic and comparison with other countries' practice has prompted an increase in national transparency.

The Code reporting system has also introduced a crucial element of accountability, making intergovernmental negotiation, consultation and decision-making processes more transparent by documenting decisions, unresolved issues and future agenda items, and making them available to parliaments and the public. This makes it more difficult for governments to back down from established and documented positions, even if they are not formally included in the text of the Code.

Less clear is the precise impact on export decisions and on undercuts, as only limited conclusions can be drawn from the number of undercuts because countries have different production structures and export policies and therefore do not necessarily receive applications for essentially identical products. In addition, exporters may be deterred from submitting applications in certain countries because it is clear that a denial would be the result. Finally, it is not known to what extent Member States have fully complied with the operative provisions.

As regards the impact on transparency, the EU Code has increased transparency of arms export policy processes and decisions in the EU. Nevertheless, in spite of the exponential increase in data, the report's statistical annex still falls far short of making EU governments' export policies fully transparent. For example, it does not specify the quantity and types of weapons for which export licences were requested and/or denied, or the recipients within the country, nor are denials broken down by supplier and recipient country.

Motivations for secrecy are rarely discussed and challenged as to whether they hold up under scrutiny or when compared to other countries established practice. Reasons range from commercial confidentiality, national security, interest of recipient country, legal provisions, the non-availability of information (which is in fact a non-argument since it does not explain why the information is not available) and cost (which is really a question of prioritisation in resource allocation) to 'relative transparency' (when compared to other EU countries in particular, an argument which has become increasingly important).

Finally, the discussion in the context of the EU Code has focused on export policy, while import policy has largely been ignored. The UN Register includes both import and export data for seven major categories of major conventional weapons, thus permitting cross-check-

ing of data. The provision of detailed reports on arms imports by EU countries would permit better conclusions about indirect exports since components and subsystems for export could more easily be identified. It would also enhance the consistency of arguments and support the logic of transparency.

Recommendations

Consistency

1. Consistency within arms export policy
 - a. Require supplier authorisation before re-export by the recipient
 - b. Apply the same standards to components and complete systems included in the military list¹⁸
 - c. Provide numbers of equipment units in national and EU reports, consistent with UN register submissions
2. Consistency between different policy areas
Implement criterion 8 consistent with development policy and the millennium goals, and their explicit aim to reduce poverty.
3. Consistency across the EU
 - a. Include information about undercuts in the annual report.
 - b. Establish the principle of a legal ban on exports, to which the government can grant exceptions, across the EU

Accountability

4. Submit comparable, disaggregated, comprehensive, timely and accurate data to the Council Secretariat, including
 - a. Data disaggregated by military list category and subcategory
 - b. Denial notifications broken down by supplier country, recipient country and criterion applied
 - c. Data on both export licences and actual exports for all items on the EU Military List
 - d. Information on both direct and indirect exports.
5. Explicitly add the regular, complete and timely participation in the UN Register on Conventional Arms to criterion 6 (the 'behaviour of the buyer country with regard to the international community') as criterion 6d.
6. Provide both export and import reports.

Sustainability

- 7) Operationalise criterion 8 and agree a harmonized set of sub-guidelines that each country would have to take into account in its national licensing system.
- 8) Require companies to sign a no-corruption agreement to obtain export permits.
- 9) Strengthen criterion 2 to take into account the full scope of its title ('the respect for human rights in the country of final destination') and the recipient's commitment to international humanitarian law according to criterion six.
- 10) Add criteria of democracy and armed conflict in the recipient country and the goal of violence prevention.

Footnotes

1. House of Commons, Minutes of Evidence taken before Quadripartite Committee, Strategic Export Controls, 25 Feb. 2004, URL <<http://www.publications.parliament.uk/pa/cm200304/cmselect/cmdfence/uc390-i/uc39002.htm>>.

2. See the forthcoming book on business and conflict to be published by Oxford University Press and SIPRI (<http://www.sipri.org>).

3. Document available at URL <<http://projects.sipri.se/expcon/loi/lointent.htm>>.

4. Council Regulation (EC) no. 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology, Official Journal of the European Communities (OJ) L 159, 30 June 2000, pp. 1-215.

5. France, Germany, Italy, Spain, Sweden and the United Kingdom.

6. Document available at URL <<http://projects.sipri.se/expcon/eujointact.htm>>.

7. Council of the European Union document 1428/03, 6 Nov. 2003, available via URL <<http://www.europa.eu.int>>.

8. Most recently OJ C 320, 31 Dec. 2003, pp. 1-42, available at URL <<http://www.europa.eu.int/eur-lex/en/index.html>>. The annual reports are also available at URL <<http://projects.sipri.se/expcon/annrep.htm>>.

9. COM(2002) 707 final, 30 Dec. 2002.

10. Most recently: 'Report on the Council's Fourth annual report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports.' Document reference A5-0244/2003, Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, Rapporteur Karl Von Wogau, 19 June 2003. All reports are available via <<http://www.europarl.eu.int>>.

11. OJ L 156, 25 June 2003, p. 79.
12. House of Commons, Minutes of Evidence taken before Quadripartite Committee, Strategic Export Controls, 25 Feb. 2004, URL <<http://www.publications.parliament.uk/pa/cm200304/cmselect/cmdfence/uc390-i/uc39002.htm>>.
13. An initiative for an international Arms Trade Treaty highlights governments' existing obligations and commitments under international law, URL <<http://www.armstradetreaty.org>>.
14. Dutch Ministry of Economic Affairs. 2002. Annual Report: The Netherlands Arms Export Policy in 2001, URL <<http://www.minez.nl>>.
15. Courtney, C., Corruption in the Official Arms Trade – a policy research paper, ed. Cockcroft, L. and Murray, D (Transparency International UK: London, April 2002).
16. “The provisions of the Treaty shall not preclude the application of the following rules: (a) No Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security; (b) any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material; such measures shall not adversely affect the conditions of competition in the common market regarding products which are not intended for specifically military purposes.”
17. The Act only covers items considered to ‘serve as tools for the use of force in armed conflicts between states’ (translation S.B.: Gegenstände die ‘bei bewaffneten Auseinandersetzungen zwischen Staaten’ ‘als Mittel der Gewaltanwendung’ ‘dienen’, para.1 (2) Weapons of War Control Act ‘kwkg’).
18. Simplified procedures would apply to intra-EU trade.

Defence in a democracy

A church perspective on the postapartheid defence review process

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Introduction

In a first section this article consecutively outlines the Defence Review Process in South Africa since the dawn of democracy a decade ago, the consequent policies, actions and involvement in arms deals of our government and the responses of South African churches. The second section entails a theological evaluation of the responses of the churches and in a last section some suggestions are made with regard to the future role of churches.

A. The first decade – from 1994 to 2004

1. The Defence Review Process

The transition of South Africa from an apartheid to a non-racist democratic state where peace and justice reign supreme asked for transformation in all walks of life. Our defence philosophies, policies and practices also had to come into alignment with the broader transformation process. The South African Constitution, section 198(a) spelled out the direction that defence in a democracy is to take. “National security must reflect the resolve of South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life.” The purpose of South Africa’s defence force was clearly no longer to suppress opposition of citizens to illegitimate apartheid governments and to intimidate neighbouring countries. Hence, an extensive Defence Review Process, articulated in the White Paper on Defence that was first published in June 1995 and adopted by parliament in May 1996, was initiated by the new government. The negotiations on the purchasing of arms that was initiated by the apartheid government was halted in the light of this Review Process.

The White Paper stated that the greatest threat to South Africa's security does not come from any external aggressor, but rather from poverty and inequality within the country². Against this background the White Paper argued for containment of military spending, linking of defence policy to the aims of the Reconstruction and Development Programme of government, and for parliamentary oversight over major weapons procurement projects. The Defence Review Process that was instituted by the White Paper aimed to develop long-range proposals for the rationalisation of South Africa's military resources in a manner consistent with the new understanding of our security needs. The Review was tabled in parliament in April 1998. It recommended ways in which to cope with the fact that the defence budget has decreased from 4.5% of GDP in 1989 to 1.3% in 1999³, i.e. the down-sizing of personnel. It paved the way for the financing of new weapon systems to meet proposed "core force" requirements. Consequently capital expenditure, as a share of defence expenditure, were therefore scheduled to rise.

2. The decisions and actions of government

Even before the White Paper was published the government had announced plans to modernise an aging naval fleet by buying four corvettes from a Spanish supplier at a cost of R1,7 billion. The deal prompted a public outcry as well as protests from the German government, which felt that the tender had been given to Spain with undue haste. The Ministry of Defence withdrew the proposal in June 1995 pending a reassessment of the country's defence needs.

In September and October 1997, as the Defence Review neared completion, the South African government circulated a fresh Request for Proposals (RfP) inviting tenders on:

- 4 corvettes
- 4 submarines
- 48 fighter aircraft
- 6 maritime helicopters
- 60 light utility helicopters
- 108 main battle tanks.

The notice emphasised the importance of associated defence and industrial participation (IP) commitments ("offsets"). A shortlist of

preferred options was compiled in December 1997. Early in 1998, Armscor invited a second round of proposals on a “Best and Final Offer” (BAFO) basis from the short-listed tenderers, to be submitted by May. This time, the size of the package was trimmed slightly and the IP requirements stiffened to 100%, to be split 50/50 between defence and civilian industries. Meanwhile, the SA Air Force initiated a tender process for 24 lead-in fighter trainers in late March.

The Cabinet announced the preliminary results of the tender process in mid-November 1998. The government proposed to enter into contracts reaching about R29771 billion with the promise of obtaining certain offsets.⁴

On 15 September 1999, the Cabinet announced a final package little changed from the preliminary configuration. The four maritime helicopters were dropped, and the utility helicopters cut by 25%. It was decided to take options on half of the Hawk trainer jets and 19 of the 28 Gripen fighters. This enabled the deal, initially expected to cost R21,3 billion over eight years, to be portrayed in the media as “a 30% leaner arms-for-investment package.” (*Business Day*, 16/9/99) In fact, Defence Minister Mosiuoa Lekota was quick to point out that the government would “most probably” exercise its option on the additional R8,5 billion in aircraft before the 2004 deadline.

In a meeting with the SACC in October 2001 Mr. Lekota, explained the background of and motivation for the arms deal. He mentioned that the last major weapons acquisition in South Africa occurred in 1966. Consequently much of this equipment was obsolete by the 1990s. By the late 1990s this was even more so. In the same meeting Mr. Lekota explained why a well-equipped military is important. They should enhance South Africa’s peacekeeping role in especially the Southern African region, protect the country’s marine and other resources, and play a bigger role in social delivery, e.g. during natural disasters, and in delivering books to schools and reinforcing the police.

3. The responses of South African churches

South African churches responded⁵ on a continuous and sustained basis to the arms deal during the past decade. Individual church leaders and especially the South African Council of Churches responded in this time.

In June 1998 and in April 1999 Archbishop Emeritus Desmond Tutu and his successor Archbishop Njongonkulu Ndungane, respectively

expressed opposition to the arms deal. Last mentioned specifically focused on the potential negative consequences of the deal.

The South African Council of Churches (SACC) has a long record of support for peace and disarmament campaigns that includes a series of statements in 1993, 1994, 1995 and 1998. The SACC's witness has focused on four key concerns:

- Converting the South African arms industry to create sustainable employment that does not depend on the export of weapons;
- Prohibiting the sale of South African arms to countries in conflict;
- Banning the development, production, stockpiling and use of landmines; and
- Reducing the military budget and using the resulting "peace dividend" responsibly, with particular emphasis on the need to prioritise social development and investment.

The SACC has consistently acknowledged the duty of the State to protect the integrity of its territory and to safeguard its citizens from external aggression. Although the SACC includes amongst its members the Religious Society of Friends (the Quakers), a denomination that has historically adopted a pacifist position, the Council accepts that this responsibility includes – but is not limited to – the maintenance of a defence force and the capacity to wage war for defensive purposes.

Nonetheless, the SACC has repeatedly raised a number of concerns about the arms deal. The Council's objections have focused on a few key themes: the cost of the weapons and the deal's budgetary implications, the deal's developmental impact, the appropriateness of the weapons package in the context of South Africa's new understanding of national security, the ramifications for regional security, and, to a lesser extent, the potential for corruption. During the past eight years, the Council has worked with domestic and international partners, specifically the Christian Council of Sweden and the Swedish Fellowship of Reconciliation, to place these concerns on the public agenda through statements, public forums and advocacy (cf. appendix 1).

B. The reponse of South African churches in theological perspective

In this section of the paper we offer a theological evaluation of the role of South African churches until now and in the last section we make recommendations about our public theological⁶ role in future.

1. The response of South African churches to both the arms review process and the consequent decisions and actions of government can be commended. How we responded in the first ten years give helpful directives on our future role. It might be helpful to describe and evaluate the role of South African churches in terms of the well known distinction of the North American ethicist, James Gustafson, on how churches in the international ecumenical movement deal with social issues. Gustafson distinguishes between the prophetic, narrative, technical and policy discourses.⁷

The ecumenical movement in South Africa spoke *prophetically* by spelling out a vision of a society where arms deals are not done at the expense of the most vulnerable in society. Moreover, they courageously voiced their opposition to actions of the current government that they did not agree with. Churches fulfilled their prophetic role by indicating that security of people is served in a sustainable way where challenges like poverty and unemployment are adequately addressed.

The thorough engagement of our churches in the *technical* discourse was also clear. From the outline in section A of this presentation it is clear that we have done detailed scientific and technical analyses of the arms review process and the deals that government eventually signed. We also considered the views of other institutions of civil society like the Institute for Democracy in South Africa (IDASA).⁸ Our own position take cognizance of how Christians respond elsewhere in the world. In this regard it is encouraging to recognize the similarities of our vision and strategies with that of brothers and sisters in other contexts. The proceedings of the first Gothenburg conference on arms trade bears witness to this.

We also engaged in the so-called *policy* discourse. In a very responsible way we engaged in dialogue and consultation with government. Direct talks took place with amongst others the ministers of defence and public works. Presentations were tabled and individual leaders made public appeals as indicated above. All of this occurred to influence eventual policies and to ensure that they are in line with provisions in the Constitution and the vision of the Arms Review Process. This engagement on the policy level did not convince government to cancel the arms deal. Some successes, however, were achieved. The way was paved, for instance, for greater participation of churches and other

institutions of civil society in future arms deals regarding determining whether it is essential, transparency, oversight by parliament, contracts and off-sets, and especially regarding the building of a culture of peace and security. Moreover, how we dealt with the challenges posed by the arms deal convinced government and other partners that South African churches can be taken seriously as dialogue partners. Not only do they spell out clear moral visions, but they also engage in the complex and technical process of formulating policies and actions that coincide with that vision. This engagement in the technical process, however, does not suggest that churches pretend that they are experts in the fields of weaponry, economics and politics who can formulate blueprints on these matters. They know that their contribution is a theological one. However, to make that contribution adequately and faithfully they need to inform themselves on the complex technical factors to take into consideration.

It is to be appreciated that we engaged in all of these discourses. We used these discourses in a *complimentary* way. Our clear prophetic vision of a peaceful society informed our technical analysis. It namely prevents us from limiting our solutions to what we view as military, politically and economically possible. It rather challenged us to search for innovative alternatives in an imaginary and creative way. Simultaneously the insights of technical analyses enabled us to speak prophetically and critically in a well argued and therefore credible manner. In the end our well founded prophetic speaking and technical analyses enabled us to influence public policy on the arms deal. The vibrant and clear prophetic vision and sound technical analysis enabled us to influence policy decisions positively.

Thorough technical analysis enabled us to be sober and to make essential compromises. Compromises namely entailed that although we ideally would like to see that the world is peaceful and free from arms and weapons of all kinds, we know that in a world of sin we have to make compromises. Where the dignity of people, especially the most vulnerable members of society, is threatened, we namely have to use less than ideal means, namely violence in extreme cases, to protect potential victims from perpetrators. Awareness of and inspiration by a clear prophetic vision of a peaceful society where all life flourishes prevented us from making morally unjustifiable compromises.

2. Looking back on the way we fulfilled our task with regard to the arms deal during this first decade I think it is not pretentious to say that we guard against two real dangers that threaten churches in young democratic societies. These dangers are those of, on the one hand, Constantinianism⁹, which means we are co-opted by the agenda of the state so that we merely become their mouthpieces and the danger, on the other hand, of sociological sectarianism¹⁰, which means that we withdraw ourselves as churches from our public responsibility.

3. In the arguments that churches offered in the arms deal debate, the one central guiding criterium for our positions was the traditional Christian conviction, of which Liberation Theology reminded us again since the 1960s, namely that God is in a very special way the God of the poor, the wronged and the suffering and vulnerable¹¹. Standing where God stands entails asking what the impact of our policies and actions are on these vulnerable ones. This question surfaced continuously in the responses of churches to the arms trade.

At the end of this section we can conclude that many lessons can be learned from how we engaged theologically with the arms deal until now. There is, however, hard work to be done.

C. Where do we go from here?

The last part of this presentation makes some suggestions on our future public theological role. This role is to be fulfilled in cooperation with churches in other parts in the world as well as with local and international partners in civil society, politics, economics and the media.

1. We are called to play a continuous monitoring role in cooperation with local and international partners. This might entail that we ask for regular defence review processes, that we participate in the debates on whether arms deals are unavoidable at specific times, and that we ensure that where deals are unavoidable, transparency and accountability are adhered to and oversight by parliament and civil society occurs. With regard to current and future arms deals we need to act responsibly, i.e. we need to act pro-actively and not in a predetermined, reactionary way. This implies that we pay attention, that we are aware of what is going on around us. A potential important instrument of advocacy is the 2003 Final Report of the Commission on Human Security of the United Nations (www.humansecurity-chs.org/finalreport/index.html). This document emphasizes that security is centered on

humans and not on states in the first place. This human-centered security involves more than providing security through violent action. Security prevails where people enjoy economic security , reconciliation, health care, education and employment. This broader definition of security coincides with the approach of South African churches as outlined above. Former speaker of national parliament, Frene Ginwala served in this Commission, whilst fellow-South African Vivienne Taylor served in its secretariat. The report was also handed to president Thabo Mbeki. Hence this document with its international vision and policy suggestions on security is of high relevance for South Africa. This view of security coincides with that of the original Arms Review Process and with the South African Constitution.

2. More can be done by churches to influence public opinion, and to conscientise, mobilise and organise civil society . This would entail that churches do not only deal with public issues on the denominational and ecumenical levels as has mainly occurred in the past decade, but that congregations and individuals Christians also be involved.¹² The church in all its forms¹³ are to be involved in addressing the challenge of arms trade.

3. The afore-mentioned proposals imply a more inclusive approach to addressing the challenges posed by arms trade. We should function with a more inclusive understanding of security and we should view the church in a more inclusive way.

In the evaluation of the responses of churches in terms of Gustafson's discourses it was remarkable that nothing was said about the narrative discourse which deals with the identity of Christians. The identity questions on who Christians are, what stories they read and are formed by, what role models they adhere to, what values they embody, are articulated more explicitly in the worship services and the rest of the congregational life. This avenue should be utilized more in order to ensure that Christians are equipped to participate in various ways in the public discourse on arms deals and the building of a society of human security, but also for the sake of embodying in the micro and personal facets of life the values that enhance human security. Last mentioned practice asks for processes of moral formation in and through worship services and congregations. And exploring the potential of the liturgy and local congregation for personal and social

transformation was one of the prime practices of churches in the years of the struggle for democracy in South Africa.¹⁴

The inclusive approach implies that all forms of the church should participate in all walks of life – in partnership with role players in the political and economic spheres of society, as well as with other institutions of civil society and the public media - in building a society of human security where every human being and all of creation experience life in abundance, life of dignity, life of peace, justice and joy – shalom¹⁵.

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Appendix I¹⁶

A Chronology of SACC Responses to the Arms Deal

In *January 1996*, an SACC delegation, led by former General Secretary Hlope Bam, met with Minister Kader Asmal, Chair of the National Conventional Arms Control Committee (NCACC), to raise these issues. On that occasion, church leaders called on the government to abandon permanently the proposed purchase of four Spanish corvettes. The General Secretary also wrote to President Mandela and other key officials on several occasions during 1996 and 1997 to oppose the sale of South African weapons to Rwanda. (Later, the SACC Parliamentary Office also wrote to Minister Asmal to commend him for the NCACC's March 1999 decision to destroy South Africa's surplus stocks of small weapons.)

In *May 1998*, at the conclusion of the second round of tenders for current strategic defence procurement package, the SACC was invited by the Swedish Fellowship of Reconciliation and the Christian Council of Sweden to submit a statement on the deal for use at a church- and NGO-sponsored international hearing on Swedish arms sales to developing nations. This statement noted that South Africa faces no external military threat, but could encounter internal instability if the government is unable to deliver better living standards to those systematically impoverished by apartheid. It also strongly criticised attempts to justify the arms deal as a job-creation initiative. The SACC called on Sweden and all European nations to reconsider the deal in light of the obligations imposed by the recently-adopted European Code of Conduct on Arms Exports.

In *October 1998*, on the basis of press reports on the progress of the negotiations, General Secretary Charity Majiza wrote to President Mandela and Defence Minister Joe Modise to reiterate SACC objections to the purchase of sophisticated weaponry in the current economic climate.

As the cabinet neared a preliminary decision in *November 1998*, the SACC prepared a press statement on the deal, which was issued jointly with the Swedish Christian Council. This was circulated to the political and business correspondents of major media outlets in South African and Sweden. Meanwhile, the General Secretary Majiza addressed a Ceasefire Campaign workshop scheduled to coincide with the DEXA international arms exhibition in Gauteng.

In response to a *February 1999* invitation from the Campaign Against the Arms Trade in the UK, the SACC and other religious and secular organisations wrote members of the European Parliament requesting that they block the arms deal on the grounds that it was inconsistent with Criteria Four and Eight of the EU Code of Conduct on Arms Exports. (Criterion Four obliges vendors to assess a sale's impact on regional peace, security, and stability. Criterion Eight requires vendors to take into account "the technical and economic capacity of the recipient country" and "the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources".) SACC President Mvume Dandala, then Presiding Bishop of the Methodist Church, also took part in the campaign, as did Anglican Archbishop Njongonkulu Ndungane, former Anglican Archbishop Desmond Tutu and Catholic Bishop Kevin Dowling. CAAT used the letters as a mobilising tool during its "Stop the Arms Trade" week of actions.

Following the election of South Africa's second democratic government in *June 1999*, the SACC worked with partners in the Coalition for Defence Alternatives to prepare a briefing paper on defence issues for presentation to the new Minister and Deputy Minister of Defence, calling for the abandonment of the arms deal and the conversion of defence industries.

In *November 1999*, the SACC, Diakonia Sweden, and the Christian Council of Sweden organised a seminar on defence expenditure and poverty alleviation as part of the "Civil Society Encounter" sponsored by the Swedish government to coincide with the visit of Swedish Prime Minister Göran Persson. The seminar was addressed by the Deputy Minister of Defence, the Hon. Nozizwe Madlala-Routledge, and church representatives. After the seminar, the convening organisations issued a joint statement calling on the South African government to publish details of the offset agreements associated with the arms procurement package, to establishing a broadly representative review committee to assess the offsets' potential for reducing poverty and unemployment, to initiate an independent judicial inquiry into the allegations of corruption and to declare a moratorium on implementation of the deal until both the commission of inquiry and the review committee have completed and published their reports.

Following the announcement of an inquiry into the arms deal, the SACC President and Acting General Secretary Donald Cragg took part in a religious leaders' meeting with President Mbeki in *January 2001*. In a post-meeting statement, the SACC emphasised the need to ensure "that honesty and integrity are the basis for conducting the business of the nation."

In *August 2001* SACC triennial national conference adopted a resolution on national security that states:

Affirming that poverty constitutes the greatest threat to the security of most South Africans and recalling that "freedom from fear and want" is central to the definition of national security found in the South African Constitution, Conference:

EXPRESSES strong opposition to the expenditure of billions of rands on sophisticated and unnecessary weapons in the midst of such staggering human need; and

CALLS on the South African government to decline all optional purchases associated with the current strategic defence procurement package and to explore the total abandonment of the deal.

Two months later, in *October 2001*, the SACC invited Defence Minister Lekota to attend an extended National Executive Committee meeting in order to discuss the arms deal. The NEC presented the Minister (who was also accompanied by the Minister of Public Enterprises, Jeff Radebe) with a memorandum expressing concern about the costs and implications of the arms deal and calling on the government to decline the optional components of the package. At a press conference following the meeting, the SACC President's expression of appreciation for the government's willingness to help churches to understand their position was misrepresented by some journalists as a statement of the SACC's support for the arms deal.

In conjunction with the World Summit on Sustainable Development in *September 2002*, the SACC prepared a memorandum for the Swedish Prime Minister, Göran Persson, calling on the Swedish government to press for a restructuring of the "front loaded" financing arrangements associated with the purchase of 28 Saab JAS Gripen fighters to ensure that the South African government could decline its option on 19 fighters without incurring a unit cost penalty. This memorandum was presented by the SACC General Secretary, Dr. Molefe Tsele, to the

Prime Minister's foreign policy advisor, Mr. Roger Halhag, in a meeting arranged by Diakonia Sweden. The SACC and its People's Budget partners (COSATU and SANGOCO) subsequently reiterated this request in an open letter to the people of Sweden, which ran as a newspaper ad (sponsored by Diakonia Sweden) in a major Swedish daily.

For the past four years – and most recently in *February 2004* – the People's Budget (published jointly by the SACC, COSATU and SANGOCO) has consistently called on the government to abandon the optional tranches of the arms deal and reallocate the savings to poverty eradication and job creation initiatives.

Footnotes

1. This paper is the result of consultations of the Beyers Naudé Centre with various other role players, amongst others the Public Policy Liaison Offices of both the South African Council of Churches and the South African Catholic Bishops Conference, the Justice and Peace Department of the SACBC, the economic desk of FOCCISA (The Fellowship of Councils of Churches in Southern Africa), and the Quaker Peace Centre. A pre-conference consultation took place on Friday 7 May 2004 in Stellenbosch in which almost all of these partners participated. The technical information regarding the South African arms deal and the outline of the responses of the SACC were mainly provided by the Public Policy Liaison Office of the SACC.

2. Renowned South African economist, Sampie Terreblanche (2002:383,412), is of opinion that a lot is still to be done about poverty and economic justice in South Africa. According to him the gap between rich and poor has increased rather than decreased during the first decade of democracy with a few black faces joining the elite. Terreblanche refers to the 2000 report of Statistics South Africa which states that in 1996 at least 41,4% of all households lived in poverty, i.e. they have to live with an income of between 601 and 1000 rand per month. He quotes various statistics to make the point that unemployment has increased in democratic South Africa. He, for instance, refers to the fact that in 1995 65% of black people between the ages of 16 and 24 were unemployed.

3. Defence spending decreased from 9,9 % of the national budget in 1993 to 6,1% in 2001.

4. The costs and potential offsets and job opportunities can diagrammatically be presented as follows:

Product	Supplier	Cost (Rm)	Offsets (Rm)	Jobs
4 Meko 200SA frigates	consortium (Germany)	6 001	16 007	10 153
3 Type U209 submarines	consortium (Germany)	5 212	30 274	16 251
4 Super Lynx m'time helicptrs	GKN Westland (UK)	787	2 720	2 536
40 A109 light utility helicptrs	Agusta (Italy)	2 168	4 685	4 558
28 JAS-39 Gripen fighters	Saab/BAe (Sweden/UK)	10 875	48 313	23 195
24 Hawk lead-in trainers	BAe (UK)	4 728	8 580	7 472
TOTALS		29 771	110 579	64 165

A further R1,3 billion in additional costs (provisions for price escalations, taxes, export credit guarantees, and administrative fees) would have brought the total package to R31 billion.

5. Responses should be differentiated from reaction. Response refers to responsible action, i.e. a situation is analysed carefully and appropriate action is taken well in advance, not in a predetermined and therefore reactionary way, and courageously.

6. The role of churches in the public sphere is unique in the sense that it is theological, i.e. it asks questions about God, specifically the questions on what the significance of faith in the triune God entails for the various public issues that we are dealing with. Dealing theologically with the issue of arms trade entails that we ask what faith in God means for this issue. Public theology is practiced in a variety of modes and styles and different approaches can be identified. I to a high extent coincide with the definition of public theology that is offered by the two US theologians Max Stackhouse and Dennis McCann. They acknowledge the confessional and particularistic character of theology, but plead that we go public in appropriate ways with our convictions. "Any theology able to address the future must reach beyond confessional particularities, exclusive histories and privileged realms of discourse... theology adequate to the cosmopolitan challenges that await us must have another dimension as well: it must develop a social ethic of the emerging world in which democracy, human rights, and a mixed economy are acknowledged as universal necessities. It must address a world linked by technology, trade and a host of new interdependencies. This agenda for Christian thought requires a 'public theology', a way of speaking about the reality of God and God's will for the world that is intellectually valid in the marketplace of ideas and morally effective in the marketplace of goods and services" (A postcommunist manifesto: public theology after the collapse of socialism 1995:951).

7. Gustafson has studied the various ways in which Christians in the ecumenical movement all over the world deal with social issues. In the end he identifies four varieties of moral discourse, namely the prophetic, narrative, technical and policy discourses. According to Gustafson (1988a:269;1988b:7-17) prophetic speaking has two dimensions. It firstly refers to the task of formulating a vision of the good life. What people are supposed to aim at and strive towards is portrayed in almost sloganlike utopian language. In the second instance prophetic speaking has the task of indictment. Evil and its roots has to be unmasked and exposed in confrontative, vivid and clear language. The second discourse that Gustafson (1988a:269;1988b:19-27) refers to is the narrative discourse. The focus is on people, their identity, the communities that they belong to, the narratives that form them, and the significant others, role models and moral heroes that inspire them.

Gustafson's (1988a:269;1988b:31-44) third discourse is the technical discourse. Scientific analyses of a situation are made. Meta-ethical and philosophical questions are asked. Positions are supported by means of arguments that pass the test of coherence, logic and consistency.

The policy discourse, according to Gustafson (1988a:269; 1988b:45-53), involves dialogue with decisionmakers and people in positions of responsibility. Attempts are made to influence their decisions and policies. In the process the public opinion on an issue is also influenced.

8. The response of IDASA and South African churches show remarkable resemblances. The issues that IDASA highlights in a 2001 document titled Democracy and the arms

deal bear witness to this. They raise questions like (15-25): 1. Was the Department of Defence correct in assuming that parliament has approved the arms deal with all its implications by her approval of the Defence Review? According to the IDASA document parliament did not approve a procurement package, but a vision that would change over time and be subject to parliamentary oversight. The democratic issue of the relationship between the executive and the legislative arms of government is at stake here. 2. The fact that the arms deal might exceed the original amount of R29.9 billion and actually be over R50 billion, prompts questions on parliamentary oversight and the accountability of the executive to parliament, specifically to the Standing Committee on Public Accounts (SCOPA). 3. How can it be ensured that SCOPA, the Auditor-General and other institutions of democratic and constitutional accountability be insulated from party politics, especially since members of political parties, who are under the pressure of the caucus politics of their party, serve in these institutions that exercise oversight? The IDASA document (22) also questions the off-sets of the arms deal: "Or put differently, if it is possible, by spending R29.992 billion to achieve economic benefits of R104 billion, why does every developing country in the world not spend its entire budget on arms? The answer lies in the fact that off-sets are an internationally discredited manner of promoting arms transactions. The document (25-31) poses critical questions with regard to sub-contracts, conflict of interests and tendering procedures and the potential for corruption.

9. Churches in a young democracy like South Africa run the risk of being co-opted by the agenda of the state. Former struggle churches that opposed apartheid run the risk of being too loyal to former comrades in the liberation struggle, who are now in government. In fact, we can be so passionate to see that the new government is successful that we lose the appropriate critical distance. On the other hand, former status quo churches that supported apartheid might, in feeling the need to compensate for former morally wrong positions, run the risk of overcompensating for the sake of gaining credibility in the new political, economic and social context.

As churches we should perhaps pay attention to those voices that appeal to us to strive to be faithful and not relevant, to let the gospel determine our agenda and not the state or the corporate sector or even other sectors of civil society

10. Former so-called struggle churches and former so-called status quo churches are tempted to withdraw themselves from the public sphere in post apartheid South Africa. Churches wrestle so much with issues like financial survival, the vast social problems of their members, structural renewal, re-orientation with regard to their role in a fastly changing and democratising context, that they in practice make themselves guilty of withdrawing from their social responsibilities. Moreover, former status quo churches, fearing that they might make the same mistakes as in the past, rather opt for disinvolvement in societal affairs.

11. Liberation theologian Gustavo Gutierrez (Theologie van Bevrijding 1974:25-26) in a very illuminating way indicates that this option for the vulnerable does not imply the exclusion of the so-called stronger ones. They have first, but not exclusive, right to our solidarity. He pleads that we simultaneously confess the universality of God's love and his special identification with the vulnerable. If we fail to do this, we do grave injustice to the Christian message.

12. Dutch theologian Gerrit de Kruijf (1994:241-246) makes a valuable suggestion about the way that churches should participate in the democratic public sphere. He

namely pleads that we be cautious and alert on a continuous basis. Being cautious entails that we stay true to our most basic convictions about the moral foundations of society and that we, through participation in democratic processes like the public moral debate ensure that these basis values are not violated. Sober means that we acquire the technical sophistication to engage constructively in these debates. The participation of churches occur mainly through individual church members who are assisted in congregations to make appropriate choices. The church as institution provide the beacons and crucial points that should be considered in the decisionmaking process. It does not provide final blueprints, neither to congregants nor to the government. The institutionalized church speaks out publicly only in circumstances where she believes that the government has lost all sobriety, where the government does not engage in sober, rational dialogue anymore and where obedience to the state and obedience to God are in conflict. One can of course Although I disagree with De Kruijff's view that the institutionalized church should only speak out publicly in extreme cases (I reckon the institutionalised church should speak out publicly on a frequent basis and in constructive and appropriate ways), I agree with his plea that individual Christians be equipped in congregations to also participate in the public discourses.

13. South African theologian Dirkie Smit, who is also chairperson of the Management Board of the Beyers Naudé Centre, identifies six forms of the church, namely the worship service, local congregation with all her practices, denomination, ecumenical bodies, individual Christians in normal daily roles in family, work and neighbourhood, and individual Christians in voluntary institutions in civil society, e.g. peace movements (1996:120-121).

14. A number of South African theologians, including a growing number of postgraduate students in the Department of Systematic Theology at the University of Stellenbosch are currently doing research on these themes.

15. The Decade To Overcome Violence (2001-2010) of the World Council of Churches provide ample of opportunity for South African churches, and churches elsewhere in the world to jointly participate in God's work of just peacebuilding in the world.

16. This appendix was supplied by the Public Policy Liaison Office of the sacc in Cape Town.

Churches on Latin America's arms trade

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The first chapter of this text, Arms or development, is not included.
Read it at www.swefor.org.

Arms Trade and Conflicts in Latin America

According to Stockholm International Peace Research Institute, between 1993 and 2002, the estimated military expenditure for Central America oscillated between \$2.8 billion and \$3.5 billion, whereas for South America it ranged from \$17.6 to \$21.5 billion.¹ Expenditures as percentage of the gross domestic product for the entire region in the same period varies from 0.0 in the case of Costa Rica, to 3.8 in the case of Colombia², higher than that of the United States. Approximately 60% of weapons imported in Latin America come from the United States.³

Estimates for 2002 reveal that, when compared with 1993, Central America experienced an increase of 18 per cent while South America showed an increase of 20 per cent in military expenditures.⁴ The data, however, excludes Cuba, Honduras and the Caribbean countries. The countries with the sharpest reductions in military expenditure in 2002 in Latin America were Argentina, Guatemala and Venezuela. The reduction in Guatemala may result from the fulfilment of its goal of reducing military expenditure to 0.66 per cent of GDP as stipulated in the 1996 peace accords, whereas the decrease in Argentina is a result of the economic crisis.⁵

The highest figures in military expenditures in 2002 correspond, in that order to: Brazil, \$9,957 million, highest since 1993 (\$5,320m); Colombia, \$3,127 million, slightly lower than 2001 (\$3,184m); Mexico, \$2,956 million, lower than 2001 (\$3,113m); and Argentina, \$2,875 million, lowest since 1993.⁶

In terms of percentage of GDP in Latin America, the highest expenditures in 2001 correspond to the following countries: Colombia, 3.8; Peru, 1.7; Bolivia, 1.6; Venezuela, 1.5, and Brazil, 1.5.⁷

In Central and South America there have been four major armed conflicts in great scale during 1990-2000, seeking control of government, in Colombia, El Salvador, Guatemala and Peru. The situation improved in Peru by 2000 but remained or worsened in Colombia until now.⁸

During the last quarter of the 20th century, South America suffered military dictatorships and foreign intervention, responsible for a high rate of military spending. Central America was the scenario of armed confrontations between governments and the guerrilla in El Salvador, Guatemala and Nicaragua; incursions by armed groups in Costa Rica and Honduras; and military interventions and invasion of Panama by the United States. In the eighties, armed conflicts reached new dimensions with the help of the Soviet bloc and the United States.

With the peace agreements (Acuerdo de Esquipulas) in 1987, a process of negotiations put an end to wars in Nicaragua (1990), El Salvador (1992) and Guatemala (1996).⁹ But the region was saturated with small arms and light weapons. In spite of significant control efforts, there still remains a large arsenal throughout the region, which too frequently reaches the hands of non-state actors such as organized crime, the paramilitary or the guerrilla in Colombia. Such was the case when in 2001, 3,117 AK-47 assault rifles and 2.5 million cartridges of ammunition bought by two Israelis from the Nicaraguan police to be sent to the Panamanian Police, never reached Panama.

The arsenal showed up in the hands of the Colombian paramilitary (AUC). Investigations demonstrated that false Panamanian documents and seals were used in the transaction.¹⁰

The impact of small arms and light weapons in the region has been summarized by IANSA as follows:

”Small arms and light weapons play a significant role in Latin America, both in terms of their role in internal warfare and as a contributing factor in the increasing pattern of armed criminal violence. Civil wars and military dictatorships over a number of years have encouraged the development of a culture of violence, which has led to a situation where SALW circulate through all levels of society. Traditionally,

the military and police were the primary groups using SALW. However, now many non-state actors such as guerrilla groups, drug cartels, private militia forces and criminal gangs also possess SALW. These developments have contributed to the establishment of private security companies and the acquisition of SALW for self-defence by individuals. The increasing presence of drug trafficking in the region has in many cases intimately interlinked the illegal trade of SALW with the business of narcotics smuggling.”¹¹

In brief, as Edward Lawrence has been quoted in the “Report from the Round Table on Small Arms and the OAS (April 28, 2000)”, the key factors in the excessive accumulation and transfer of small arms and light weapons in the Hemisphere are: (1) supply of weapons close to civil conflicts, (2) the conflict in Colombia and (3) international trade in narcotics.”¹²

Colombia is a case in point, which may be understood in the following words:

“Paradoxically, for a bellicose mentality to speak of peace is more dangerous and subversive than proposing war openly. Each one understands peace according to his own interests. The huge industry of weapons and their dependent institutions are too powerful, and they enjoy great influence in international politics. For them, peace is the problem. Our countries have received more easily ‘military assistance’ to repress than support to carry out the profound reforms we need. All this expresses and reinforces the ideology of violence, common to the two systems that pretended to rule the world. Drug trafficking is condemned, but production and sales of armaments, more costly today, are justified. The welfare of our countries firmly demands us to stop the purchase of weapons.”¹³

With the advent of Plan Colombia and intervention by the United States to support the antidrug effort with military technology, “Colombia’s neighbors (Venezuela, Brazil, Peru, Ecuador and Panama) deem it necessary to improve the operational capacity of their armed forces and border patrols. They buy weapons and prepare for the challenge of displaced persons and refugees coming from Colombia.”¹⁴

There are approximately two million small arms and light weapons in Central America, but it is difficult to even reach an estimate in the case of South America, particularly Colombia. The Interamerican

Bank of Development estimates that the direct and indirect costs of violence by small arms in Latin America ranges from \$140 to \$170 billion annually.¹⁵

Efforts to control proliferation of armaments, whether WMD or small arms and light weapons, are not exempt from problems of different nature, such as the one now confronting Europe and the Latin American trading bloc Mercosur, arising over armaments: "Brussels is pushing a non-proliferation clause into the pact, insisting Mercosur countries commit to not produce or trade atomic, biological or chemical weapons. But the Latin Americans (Brazil, Argentina, Paraguay and Uruguay) are not prepared to play ball, and Europeans are divided as to how to word the clause."¹⁶

On the other hand, the United States and Panama signed an agreement on May 12, 2004, based on the Proliferation Security Initiative (PSI) and, allegedly, also on UN Security Council Resolution 1540, whereby U.S. may board ships of Panamanian registry – over 13,000 – in the high seas if suspected of carrying WMD, their delivery systems and related materials.¹⁷ This agreement, which departs from S.C. Resolution 1540, the Canal neutrality treaty and international law, also flagrantly violates Panama's Constitution and national legislation insofar as both governments convened not to submit the accord to Panama's National Assembly for approval.¹⁸

II. Churches on Latin America's arms trade

The Holy See, an observer at the UN, represents the Catholic Church and influences over one billion people, while no less than fifty States frequently follow its guidelines.¹⁹ On the topic under discussion, John Paul II has stated that: "The culture of solidarity is intimately linked to peace... The alarming increase of weapons runs the risk of fuelling and broadening a culture of competition and conflict, a culture involving not only States but also non-institutional entities, such as paramilitary groups and terrorist organizations".²⁰

As regards the Fifth Commandment ("You shall not kill"), the Catholic Church has declared: "The production and the sale of arms affect the common good of nations and of the international community. Hence public authorities have the right and duty to regulate them. The short-term pursuit of private or collective interests cannot legiti-

mate undertakings that promote violence and conflict among nations and compromise the international juridical order (2316).”²¹

Mons. Celestino Migliore, Chief of Delegation of the Holy See, on the occasion of the UN Conference on Illicit Traffic in Small Arms and Light Weapons (July 2001), emphasized the close links between arms and violence, destruction and social disintegration. He said that arms may be useful to deter but they can also cause serious damages and destroy lives.

During the Conference, the Church suggested different measures and objectives in order to reduce the illicit traffic of arms and weapons such as: systems to mark, track and keep registrations of weapons; the definition of criteria for arms exports; the regulation of commercial activities; methods of gathering and destroying weapons during peace processes; security standards for the safety of arms deposits; application of educational activities and promotion of a culture of peace and life.

The Holy See called on the international community to take a firm stand on the subject of children in situations of conflict around the world, who should lead a normal life in society.²²

The Pontifical Council for Justice and Peace exposes the position of the Church on weapons in a key document: *The International Arms Trade – An Ethical Reflection*. On the topic of “The Arms race”, it states that: “One factor seriously paralyzing the progress of many nations in America is the arms race”. The Churches in America must raise a prophetic voice to condemn the arms race and the scandalous arms trade, which consumes huge sums of money that should instead be used to combat poverty and promote development.²³ On the other hand, the accumulation of weapons is a cause of instability and a threat to peace.²⁴ For this reason the Church remains vigilant in situations where there is a risk of armed conflict, even between sister nations. As a sign and instrument of reconciliation and peace, she must seek “by every means possible, including mediation and arbitration, to act in favor of peace and fraternity between peoples”.²⁵

The position of the Holy See may be summarized as follows: It is necessary to stop illegal traffic and legal trade with specific recommendations. It is essential to take into account the moral dimensions of the problem, because too many civilians, particularly women and children, are killed or wounded. The Pontifical Council for Justice and Peace holds that “the welfare of people must always precede any

other national interest. However, in some developing countries, military expenditures are higher than those devoted to health and education as a whole.”²⁶

Indeed, non-proliferation efforts and military expenditures cannot be divorced from the social scenario. Msgr. Víctor Manuel López Forero, Archbishop of Nueva Pamplona, denounced the new economic and social order during the Special Assembly for America of the Synod of Bishops (16 November-12 December 1997).

In his words, the new economic and social order which is developing in the world, particularly in Latin America and the Caribbean, is contributing enormously to the impoverishment of the peoples of these countries in open contrast with the plan and will of the Creator who “has destined the earth and all it contains for the use of all men and peoples” (Gs 69)²⁷.

Hence, the Church is “obliged to make a serious effort of discernment” (s.d. 19) and “public powers” are called upon to undertake “concrete action” so that “the market economy does not turn into something absolute to which everything must be sacrificed, thus highlighting the inequality and marginalization of the vast majority” (s.d. 195).

In Latin America and the Caribbean, the social and economic models characterized by inequality and exclusive development, have deprived immense multitudes of a decent life. Over recent decades this depressing situation, the result of “structures of sin”, has been sustained by an unjust, inhuman economic model called neo-liberalism which leads to problems of structural poverty so that the “poor distribution of wealth”, the “precariousness of social capital”, “markets without social control”, and the growing, suffocating “external debt” have led to “a serious general social crisis” in our societies.²⁸

According to the Social Doctrine of the Church, “the imbalances between rich and poor countries can only be overcome by setting up a new international socio-economic order” based on solidarity and justice. The ethical and spiritual core of the real, complete development of peoples lies in solidarity and social justice (s.r.s. 38, 39). It is therefore a matter of promoting a new social order based on ethical values and the Gospel.

“In the face of the ‘salvage’ economy – Lopez Forero continues – which involves serious phenomena of marginalization and unemploy-

ment, if not forms of intolerance and racism” (John Paul II to young people at the UN IV International Congress on 25-3-97), “it is necessary to take new paths which lead to a culture of solidarity.”²⁹

The cry of millions upon millions of poor and marginalized people in our Latin American and Caribbean societies due to this unjust economic system with its “face of suffering” (s.d. 179), must be heard by the Church in the Americas, and must be faced with evangelical courage and a desire to promote, for everyone’s benefit, this “new international socio-economic order” based on solidarity and justice.³⁰

Illicit traffic and misuse of small arms and light weapons originate conflicts that produce great human and socioeconomic losses, but the causes of conflicts do not lie in the arms themselves but in the underlying problems linked to political, economic and religious differences and injustices.

What, now, shall we say about “terrorism”, that elusive and fragile concept in whose name true wars of aggression have been declared invoking an “anticipated right of self defence” or “preventive wars”?

In his address to the Diplomatic Corps, Pope John Paul II warned: “The legitimate fight against terrorism, of which the abhorrent attacks of last 11 September are the most appalling expression, has once again let the sound of arms be heard. Barbarous aggression and killings raise not only the question of legitimate defence but also issues such as the most effective means of eradicating terrorism, the search for the factors underlying such acts, and the measures to be taken to bring about a process of “healing” in order to overcome fear and to avoid evil being added to evil, violence to violence.”³¹

Conclusions

Military expenditures tend to increase arbitrarily and without sufficiently effective international, regional, national and local controls by either church or civil society, frequently at the expense of the social agenda, and with an unclear relation to national defense.

Small arms and light weapons are linked to armed conflicts, criminality, drug trafficking, corruption at all levels, violence, violation of human rights and terrorism. They circulate at all levels of society and are increasingly the object of illicit trade.

Reduction in military spending and arms control in general must go hand in hand with poverty-reduction and conflict prevention strategies and development, as well as efforts to promote a culture of peace.

Recommendations

Churches and civil society must cooperate in the task of alerting public opinion on the need to control military expenditures and the illicit trade in small arms and light weapons.

States, nations, governments and churches must work jointly to conclude a comprehensive Arms Trade Treaty and ratify and/or implement existing conventions, such as the OAS Convention Against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (1997); the Antigua Declaration of 29 June 2000 on small arms in Central America; the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects on 9-20 July 2001 and its Action Programme, and they must also participate in current network arrangements such as the Ecumenical Network on Small Arms (ENSA) and IANSA.

In Central America, States, churches and civil society must be invited to cooperate with the regional project for the Control of Traffic in Small Arms and Light Weapons, adopted 6 June 2003 in Panama by the Security Commission of Central America, as well as with the First Central American Workshop for the creation of National and Multi-disciplinary Commissions for the Control of Traffic in Small and Light Weapons, designed to produce the basic mechanism that will allow us to develop proposals and sectorial policies in favour of the substantial reduction of such trade in Central America.

Finally, North-South and South-South dialogues must develop in order to move forward to a better understanding of the problems posed by military expenditures and arms proliferation, prioritizing multilateral approaches over unilateral actions. In this context, it is suggested that the next Gothenburg Conference or regional meetings take place in the Southern Hemisphere; i.e., in Latin America.

The desired goals cannot be conquered overnight, but we must persevere as if they were possible tomorrow. Until then, we must believe with Pope John Paul II, that “Peace is either for everybody or it is for nobody”.

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Footnotes

1. SIPRI, Table 10^a.1, p. 335.

2. *Ibid.*, Table 10A.4, p. 351. Defense budgets in Latin America are low when compared to other regions.

3. *Vidas Destrozadas – La necesidad de un control estricto del comercio internacional de armas*. Amnesty International and Oxfam International 2003. Colibri Press Ltd. 2003, p. 59.

4. SIPRI, p. 302.

5. *Ibid.*, p. 307.

6. *Ibid.*, p.347.

7. *Ibid.*, p. 353.

8. *The Study of Armed Conflicts and their Prevention...*

9. *El Arsenal Invisible...*, p. 4.

10. *Vidas Destrozadas...*, p. 63.

11. *Implementing the Programme of Action 2003. Action by States and Civil Society*. IANSA, p. 69.

12. <<http://www.sand.miiis.edu/about/news/oas-discussion.pdf>>

13. Pbro. Jaime de J. Díaz C., *De la Violencia a la Paz, la Responsabilidad de la Iglesia en América Latina*. Bogotá, s.f.

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15. See other estimates: www.cnn.com, www.bbc.com, www.state.gov.

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21. *Catechism of the Catholic Church*. www.vatican.va

22. *Ibid.*

23. Cf. Pontifical Council for Justice and Peace, *The International Arms Trade*. An

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24. Cf. *Propositio* 76.

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27. *Synodus Episcoporum Bulletin of the Commission for information of the Special Assembly for America of the Synod of Bishops* (16 Nov.-12 Dec. 97). www.vatican.va

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The current global disarmament agenda: Trends & obstacles

Agnès Marcaillou

Chief of the Regional Branch, Department
for Disarmament Affairs, United Nations

The author wishes to point out that the views expressed in the article are hers and not necessarily those of the United Nations or its member nations.

Introduction

History, nuclear weapons, and the arms build-up of the cold war, as well as the principles inscribed in the UN Charter, have made disarmament and arms regulation a core priority of the UN in the maintenance of international peace and security.

Disarmament is as realistic a goal as other cross-cutting issues, such as the promotion of human rights, good governance and poverty reduction, and as desirable.

Its basic aims are the elimination of weapons of mass destruction and the regulation of conventional weapons.

UN disarmament efforts over the second part of the last century have led to over twenty international and regional disarmament and arms regulation treaties and agreements, especially on weapons of mass destruction.

While the immediate goal of these instruments was to ensure security, stability and peace, they have simultaneously led to the improvement of human and environmental health (Partial Test Ban Treaty); the avoidance of huge military costs associated with nuclear weapons development, production, stockpiling and deployment (Nuclear Non-Proliferation Treaty – NPT); and the preservation of vast tracts of populated territory from nuclear-weapon testing and development (nuclear-weapon-free zones cover the entire southern hemisphere).¹

In the last decade of the twentieth century, the relief from the Armageddon mentality of the cold war was palpable. The reduction in tension created an atmosphere which allowed, among other things, for

massive reductions – and destruction – of nuclear weapons by the two major powers (from a high of 60,000 to around 30,000 today); the end of nuclear testing with the adoption in 1996 of the Comprehensive Nuclear-Test-Ban Treaty (CTBT); the inclusion in a 1993 legally-binding convention (the Chemical Weapons Convention) of the long-held conviction that the use of chemical weapons in war was inhumane, complementing the total ban on germ warfare contained in the Biological Weapons Convention; and, in another gesture for humanitarian conduct of war, the banning of the use of laser weapons, the sole purpose of which was to blind enemy combatants.

The post-cold war period also opened the field for co-operative action to tackle the arms trade. A vital role was given to the UN in transparency on military matters with the adoption of the 1992 Register of Conventional Arms.

The 1997 Anti-Personnel Landmine Convention gave an even greater focus to humanitarian disarmament law, launching a close partnership of Governments, the UN and civil society, not only in advocacy for the global elimination of anti-personnel landmines, but also in the implementation of the disarmament agreement.

Over the last several years, however, multilateral solutions to disarmament and arms regulation have made little headway.

While the very welcome bilateral Moscow Treaty adopted on 24 May 2002 by the Russian Federation and the United States, ushered in deep reductions of deployed nuclear weapons (1,200-1,700 by each side), this Treaty bears little resemblance to earlier nuclear arms regulation agreements. For instance, weapons are shelved, not destroyed, there is no verification and the agreement ends in 2012. Furthermore, since it was adopted just as the UN stated its intention to withdraw from the Anti-Ballistic Missile Treaty in order to develop its national missile defence, the Treaty quickly lost the veneer of serving the collective interest.

Similarly, the rejection by the US, after seven years of negotiations, of a verification protocol to solidify the international ban on biological weapons and its rejection of the Test-Ban Treaty have been taken as steps backwards in achieving cooperative security. In the same vein, recently, the USA reiterated its position to not ratify the Mine Ban Convention for national security reasons.

Current trends and obstacles

1. From general and complete disarmament to non-proliferation: MWD

The disarmament landscape has changed dramatically since the General Assembly held its historical special session devoted to disarmament in 1978 (SSOD I) and adopted its final document by consensus.

General and complete disarmament was the ultimate objective of what could be foreseen as a series of multilateral disarmament negotiations aimed at concluding legally binding instruments: nuclear disarmament would be the priority and free humanity from Armageddon; a safer nuclear-free world would be based on a balance of reduced and controlled armed forces; and, following the theory of wise economists – and visionaries – such as Inga Thorsson, the resources freed from disarmament, reduced armaments and armed forces would support development and the conditions for durable peace.

The terrorist attacks of 11 September 2001 and the “not if, but when?” factor have led to a re-evaluation of the dangers of weapons of mass destruction and the need to achieve universality in key disarmament treaties such as the NPT, the CTBT, the Chemical Weapons Convention and the BWC, all four of which are under threat in one form or another.

Iraq’s and the DPRK’s violations of their obligations under the NPT, the testing of nuclear devices by India and Pakistan in 1998, the recent discovery of Libya’s efforts to develop a clandestine nuclear programme, and the failure of the nuclear-weapon States to move quickly enough to implement the 13 steps leading to the elimination of their nuclear stockpiles, are real setbacks to progress in nuclear disarmament and non-proliferation.

Today’s trend in recent negotiations and deliberations points towards consolidating the status of the Permanent 5, controlling WMD non-proliferation, and criminalizing unauthorized possessors, including non-State actors. There is no longer any explicit reference to nuclear disarmament.

States Parties to the NPT left the 3rd session of the PrepCom, two weeks ago, unable to reach an agreement and take decisions on issues such as the agenda and background documents. A number of countries and civil society representatives felt that the NWS attempted to sideline their commitments of 2000, in particular their “unequivocal undertaking to accomplish the total elimination of their nuclear arsenals”.

During two weeks, the 3rd and last PrepCom before the 2005 NPT Conference served simply as a forum for stated positions, and was not used for negotiations, the search for agreements, or progress.

A few weeks earlier, in the UNDC, countries of the NAM fought to retain the UN focus on nuclear disarmament, whilst the Permanent 5 emphasized the non-proliferation of WMD and the dangers that terrorists might acquire such weaponry. States came close to accepting a Chair's compromise on the nuclear issue - "guidelines for nuclear disarmament and non-proliferation of nuclear weapons in all its aspects, including, in particular, strategies for dealing with illicit activities that undermine nuclear disarmament and non-proliferation objectives".

2. From multilaterally negotiated treaties to ad hoc arrangements: WMD

In Geneva, since the completion of the CTBT in 1996, a lack of political will and the de facto veto right of each one of the 66 members of the Conference on Disarmament operating by consensus, prevented this body to begin negotiations on a fissile material ban, or any other business, including its programme of work.

Meanwhile, leaving multilateral disarmament and stringent verification measures aside, groups of like-minded countries have recently been pursuing their own interests by establishing partnerships and coordinating actions through initiatives such as the Proliferation Security Initiative, and the EU Plan of Action and Strategy for WMD, for the most recent initiatives.

In the absence of progress within the traditional frameworks of WMD-related treaties, on 28 April 2004, the Security Council acted on the criminalization of the proliferation of WMD in adopting Resolution 1540, a resolution in which the States of the Council decided unanimously that all States shall refrain from supporting by any means non-State actors that attempt to acquire, use or transfer nuclear, chemical or biological weapons and their delivery systems. These States also affirmed their resolve to take appropriate and effective actions against any threat to international security.

The emphasis is, therefore, no longer on the negotiation of multilaterally agreed legal norms. Critics argue that the search for quick and effective solutions prevails over the negotiation of consensual approaches to eradicate the threat of WMD, and that references to the Charter are now used in lieu of internationally negotiated instruments.

Promoting the universalization, full implementation and strengthening of multilateral treaties aimed at preventing WMD proliferation are still advocated, but “law enforcement measures”, taken at national level in co-operation with, and with the assistance of a few “enforcers” have become today’s approach.

In a subtle way, the priority has shifted from the complete elimination of WMD and their means of delivery to criminalization of activities, and the elaboration of law enforcement mechanisms.

A number of developing countries, active in the non-aligned movement (NAM), have for some time objected to what they see as the definition of world security by a few. Decisions taken by manufacturers/suppliers’ groups, such as the Wassenaar arrangement, and the imposition on buyers of export control criteria, such as those included in the OSCE Final document which some NAM countries feel affect “legal trade”, are resented.

Discussions of end-user certificates might address the concerns of both sides and the objection to “a new form of interference in internal affairs of developing countries”.

It seems that the world is moving from strengthening international security with confidence-building measures, dialogue and positive incentives to a concept of security shared by a few and imposed on the majority of others through friendly peer pressure, and convincing arguments, such as allowing access to economic markets and peaceful technologies, coercive diplomacy, and even consideration of use of force.

3. From military security to human security: the multidimensionality of disarmament

During the decades of the Cold war, arms control and disarmament treaties on Conventional Forces were considered only in the Euro-Atlantic context, whether between military alliances (MBFRS) or, later, as co-operative security arrangements between countries. The early 1990s saw a codification of the balance of power in Europe with the 1990 CFE (adapted in 1999), the Open-Skies Treaty and CFE-IA on Personnel strength of CFE, concluded in 1992, and the persistence of peaceful security approaches with the CSBMs Vienna document, and its many revisions. In other regions in the world, NAM countries were standing very strong on nuclear disarmament being the priority, and the rights to self-defence and self-determination being inalienable rights.

Meanwhile, everything changed: the Warsaw Pact was dissolved and most of its former members became members of NATO and/or the EU, or have applied to join, and the end of bipolar management of regional crisis, during the cold war, opened the way for local and regional conflicts.

With the explosion of intra-State conflicts during the 1990s came the realization that the weapons being used were not major weapons systems, but small arms and light weapons and anti-personnel landmines, that these weapons were maintaining and exacerbating the violence of conflicts, and that they continued to kill and maim long after the conflict was over.

Increasingly, from Asia to the Balkans to Africa, the Security Council found itself confronted by the human reality, impact and cost of conflicts. The list is long, including: lost civilian lives, maimed populations; life-long trauma of child soldiers ; exodus of refugees and displaced persons; and, the less obvious :destruction of health care infrastructure; spread of diseases; propagation of HIV/AIDS; devastation of entire ecosystems; and the impossible challenges posed by post-conflict reconstruction.

a. The anti-personnel landmines ban convention

The signature in 1997 in Ottawa of the anti-personnel mine-ban Convention was the first example of a disarmament Convention elaborated in response to humanitarian concerns. This process elevated civil society to the level of diplomatic player with great power and influence. It also introduced humanitarian, and socio-economic terminology and consideration into the traditional jargon and minds of arms control and disarmament experts.

In this regard, it is my view that the contacts established between the two communities –humanitarian and disarmament- facilitated further communication, understanding and progress during the negotiation of the UN Programme of Action to eradicate the illicit trade in small arms and light weapons (SALW) in all its aspects.

b. Illicit trade in salw in all its aspects

Approximately 639 million small arms circulate around the globe. The toll on civilian lives, especially women and children, mounts daily. Illicit gun markets and unscrupulous gun barons continue to take

advantage of tensions, weak national laws, porous borders and little international co-operation in this field to reap large profits, extending wars and conflicts.

To address this global scourge, the UN General Assembly requested a global tool not used since 1987 – an international conference – not limited to UN membership but opened to all States, which would consider the illicit trade in SALW, in all its aspects. That Conference was held in July 2001.

In July 2003, the 1st Biennial Meeting of States provided an opportunity for States, international and regional organizations and civil society to exchange information on the first two years of implementation of the Programme of Action. One hundred national reports were submitted.

States identified areas of greatest concern and need for further work:

- a. The need to address systematically the root causes that drive the demand for, and promote the illicit trade in small arms and light weapons;
- b. The need to address the close link between terrorism, organized crime, trafficking in drugs and precious minerals and the illicit trade in small arms and light weapons;
- c. The need to develop international norms, standards and instruments to guide the efforts against illicit small arms and light weapons, particularly in the areas of tracing, brokering, and transfers and export controls;
- and d. The need for more effective international co-operation and assistance to build/strengthen the capacity of the most affected States to address the problem, especially in respect of enforcing applicable laws and regulations.

In addition, many States, particularly those from Africa, insisted on the need to address civilian possession and transfer to non-State actors. Other States, especially the US (which had already opposed this issue during the 2001 SALW Conference) rejected such measures.

Consideration is also being given to developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

c. Explosive Remnants of War

After 2 years of discussions and negotiations by a group of governmental experts, the States parties to the CCW adopted Protocol V on Explosive Remnants of War (ERW), in November 2003. It will enter

into force once 20 States Parties have consented to be bound by the protocol, and to-date, no consent has been deposited with the UN Secretary-General. The Protocol addresses the post-conflict humanitarian problems caused by ERW, by proposing remedial measures of a generic nature, as well as generic preventive measures. It also addresses issues such as: clearance, removal and destruction of ERW, recording, retaining and transmission of information on the (potential) location of ERW, protection of civilians and humanitarian missions, and co-operation and assistance. Its technical annex also includes preventive measures aimed at minimizing the occurrence of ERW. States Parties are encouraged to apply these measures when manufacturing, storing, and transferring munitions.

It is worth noting also that Protocol V and its technical annex reflect the concerns raised by the United Nations and the ICRC during the negotiations and includes language proposed by the UN.

d. Major conventional systems

On average, military expenditures have been rising by approximately 4% per year since 1998, and has currently reached US\$ 1 Trillion, according to conservative estimates. Though not all States agree, there is in this issue a fundamental link to development concerns. Not only do questions of global security and stability arise, but also one might well ask what are the opportunity costs of military expenditure – to sustainable development and to social programmes? The answers to such questions are obvious and the UN can only continue to argue in favour of a more rational apportionment of the world's resources and expose these expenditures to international scrutiny.

e. The un Register of Conventional Arms

The Register of Conventional Arms is a transparency measure. Maintained by DDA in New York, it was established by the GA in 1991 as a universal and non-discriminatory instrument to include data on international arms transfers, as well as information provided by Member States on military holdings, procurement through national production and relevant policies. It incorporates voluntary declarations of imports, exports and holdings of 7 categories of major weapons systems, namely, battle tanks, armoured combat vehicles, large calibre artillery systems,

combat aircraft, attack helicopters, warships (including submarines) as well as missiles and missile-launchers. It has been in operation since 1992. Thus far, a total of 167 Member States have reported to the Register one or more times.

The 2003 group of governmental experts, dealing with the subject, agreed on substantive technical adjustments to 2 of the 7 categories of conventional arms covered by the Register. This technical decision might have gone unnoticed. However, the human impact of these weapons appears to have supported this move:

- The lowering of the reporting threshold for large-calibre artillery systems would enhance the Register's relevance to a number of sub-regions around the world, particularly in Africa.
- The other significant recommendation, endorsed by the GA in its resolution 58/54, was to include Man-Portable Air-Defence Systems (MANPADS) in the Register under the category of missiles and missile launchers. This has significantly strengthened international efforts to stem illicit transfers, particularly in preventing these short-range ground-to-air systems from falling into the hands of terrorists, and civilian aircrafts to be shot down too easily.

Supporters of human security, States and academic researchers alike, are still debating a common understanding of the concept. Some States oppose it, and object to its use in UN fora, since they perceive this new concept as another way for developed countries to interfere in their internal affairs and violate their sovereignty. Nevertheless reality speaks for itself. Human security is no longer just a concept, it is a reality and we are participating in its evolution.

Where to focus your efforts and make a difference?

1. Support multilateralism and the central role of the United Nations in disarmament and arms control

Last year's military intervention in Iraq has intensified the on-going debate about the crisis of multilateralism for disarmament, arms control and non-proliferation.

The past decades have been challenging times for disarmament. Recent international developments, however, may actually provide new food for thought, and reaffirm the relevance of this unique glo-

bal institution in the resolution of multilateral complex problems. Without the United Nations, which supports and promotes dialogue, consultations and cooperation, disarmament, arms control, non-proliferation, and ultimately peace, cannot succeed.

Disarmament is the most effective way to diminish the threats, and to prevent and reduce armed conflicts.

Multilateral disarmament fora are in place and will provide excellent tools if utilized effectively. There is no need to reinvent what already exists. Only working procedures may need to be revisited with a view to reflecting better today's world.

While at this year's session of the UN Disarmament Commission the US followed its earlier proposal made at the GA last October, and offered to consider "measures for improving the effectiveness of the UN disarmament machinery", progress will be made and stalemates overcome only when all States abide by their legal and moral commitments.

2. Putting People first

a. Support the Nairobi Summit for a Mine Free world

As of today, 141 States are party to the Convention, and some 100 States Parties have destroyed their stockpiles. The latest country that reported to have done so is Romania (20 April 2004), one year ahead of its deadline of 1 May 2005. Tajikistan has confirmed that it has met its April 1st deadline and has destroyed all of its APM stockpiles.

The 1st Review Conference, also called the Nairobi Summit for a Mine Free world, will be held at the UN Office in Nairobi from 29 November to 3 December 2004. The Summit will be chaired by Ambassador Petritsch of Austria.

The Nairobi Summit will focus on 4 main issues:

- Comprehensive review and action plan of the operation and status of the Convention, focusing on mine clearance, victim assistance, stockpile destruction, universalization and resource mobilization of the convention.² The outcome should include an action plan to address the difficulties that will have been identified in the comprehensive review;
- Conclusions regarding various articles of the convention that would be similar to a commentary on these articles. States Parties could agree on the interpretation of articles that are more controversial;³

- Frequency, timing and format of future meetings. The convention does not contain a provision on how Meetings of States Parties after the first review conference. States Parties will have to agree if they intend to continue to meet annually in November/December and what the format of future meetings of States Parties will be. They will also agree on the future of the inter-sessional meetings and the timing of the next review conference.⁴
- Preparation of a high-level political declaration in which States Parties will confirm their political commitment to free the world of anti-personnel landmines.

b. Mines Other than Anti-Personnel Mines – Ongoing Discussion

While States Parties had agreed to negotiate a protocol on ERW, they could not agree on the necessity to negotiate an instrument on mines other than anti-personnel mines (MOTAPM), which are mainly anti-vehicle mines (AVM). The United Nations has highlighted the humanitarian impact of such mines at various occasions at the meetings of governmental experts and at the 2003 meeting of States Parties. In April 2004, all UN departments and agencies involved in Mine Action presented a joint position on issues such as the need for self-destruction mechanisms for MOTAPM, detectability of MOTAPM, and the prohibition of anti-handling devices and sensitive fuses that can detonate by human contact or proximity.

The United States and the European Union are the strongest proponents of an international instrument addressing MOTAPM, while other countries, including Pakistan, Russia and China, are still sceptical regarding the necessity for such an instrument.

The governmental group of experts will continue to address this issue throughout its meetings in 2004.

c. Cluster Munitions

Following a call by UN humanitarian agencies to freeze the use of cluster munitions, States Parties agreed to continue to consider the implementation of principles of humanitarian law. They also agreed to further study possible preventive measures aimed at improving the design of certain specific types of munitions, including sub-munitions. Military and technical experts will address the issue in the coming year.

d. Security Council Resolution 1325

Support full implementation of Security Council Resolution 1325 on “Women, Peace and Security” with the same vigour that is being demonstrated by States in support of the implementation of sc Resolution 1540.

e. Regional disarmament efforts and initiatives

Regional disarmament concerns range from the proliferation of weapons of mass destruction to cooperation in curbing illicit arms trading. There is hope that the Central Asian States will agree to declare their region a zone free of nuclear weapons, joining the regions of Africa, Latin America, Southeast Asia, and the South Pacific. Regional efforts at controlling the illicit manufacturing and trade in small arms have been developed by the EU, the Organization of American States and the Economic Commission of West African States. The New York-based Regional Disarmament Branch of the Department for Disarmament Affairs, together with the United Nations Regional Centres for peace and disarmament operating in Latin America and the Caribbean, Africa, and Asia and the Pacific are continuing to seek to translate global disarmament norms at the regional and sub-regional level.

It needs support.

Conclusion

In the words of Edmund Burke, “The only thing necessary for the triumph of Evil is for good men to do nothing”

Footnotes

1. Latin American and Caribbean (Tlatelolco), South Pacific (Rarotonga); South East Asia (Bangkok Treaty) Africa (Pelindaba Treaty)
 2. Canada, Mozambique and Nicaragua have the lead on preparatory work on these issues.
 3. Norway is responsible for a draft commentary on the articles of the convention.
 4. Germany and Malaysia are leading the preparatory discussion on this issue.
- Compliance with the ccw: At their last annual meeting in November 2003, States Parties agreed that Croatia, the President-designate of the next meeting in 2004, will hold consultations on options how to promote compliance with the convention and its protocols and submit a report on this issue to the States Parties at their next meeting.

Final document, Gothenburg II

Ecumenical Conference on the Arms Trade
20-23 May 2004

Conclusions and recommendations

"I call heaven and earth to witness against you this day, that I have set before you life and death, blessing and curse; therefore choose life, that you and your descendents may live" (Deut. 30:19).

On 20-23 May 2003 the Christian Council of Sweden, Swedish Mission Council and Swedish Fellowship of Reconciliation organised an ecumenical conference on the arms trade in Gothenburg, Sweden. This conference brought together a diverse range of people from around the world and from different professional backgrounds. This conference was a successor to the first ecumenical conference on the arms trade held in Gothenburg, 15-17 June 2001.

Summary of recommendations of Gothenburg I:

The churches should re-commit themselves to raising understanding both within their communities and in the wider society of the ethical challenges posed by the trade in arms.

In order to keep both government and industry accountable, the churches should intensify their co-operation on this issue.

The churches should engage in an intensive dialogue with industry and government, seeking new opportunities to meet and more creative and constructive ways to exchange information and explain our positions to one another.

The final recommendation was adopted in relationship to the then upcoming first UN conference on small arms and light weapons in July 2001, stating that the churches should engage actively in awareness-raising and practical efforts to stop the proliferation of small arms as an essential contribution to building a culture of peace.

Implementation of recommendations

The participants of Gothenburg II took note of the very positive development since Gothenburg I. The government authorities in many countries as well as the producers of weapons have become more aware of the Churches' interest in the ethical dimensions of arms trade, and a new climate of discussion has been created. The co-operation at the European level has been strengthened. The Joint Report on the Review Process of the European Code of Conduct is an example of that, with active participation from national expert groups. Furthermore, the dialogue with industry and government has been intensified. In 2003, for example, some of the participants of Gothenburg I met with representatives of arms producers in the United States. Also, the fourth recommendation was implemented, through enhanced church participation in the UN process on Small Arms.

However, it is important to note that as organisers, we are not only looking for immediate change, but rather trying to work solidly for lasting results.

Conclusions, Gothenburg II

The Conference noted that the defence industry has become increasingly international and integrated. Developing an ethically responsible policy on export control and nonproliferation has become more complicated. Churches need to respond to this new reality from a theological imperative by encouraging moral and ethical leadership to public policy debates.

Recognizing the increasing global inter-dependency and the fact that security is about ensuring the global common good, we affirm that the kind of peace for which churches pray cannot be achieved by militarization and militarism. The excessive proliferation of arms puts people at risk by increasing insecurity, vulnerability and fear.

Recognizing our common vulnerability as human beings we affirm the need to create and strengthen relationships of mutual trust in order to achieve true and sustainable security. Human security necessitates freeing people from pervasive threats to their lives, safety and rights. As Christians we therefore remain committed to the belief that peace with justice is possible.

Recommendations

We affirm and reiterate the recommendations of Gothenburg I and the process that has led to Gothenburg II. We recognize that in continuing the “Gothenburg Process” further efforts need to be made in exploring and articulating the ethical and theological foundations underpinning the churches’ engagement in the issue of production and trading in arms. This would also assist in the development of educational tools for use within our churches so as to raise public awareness.

Whilst recognizing the expertise provided by existing national ecumenical groups working on the arms trade, we encourage the establishment of additional ecumenical bodies in differing national contexts. A greater number of such meeting places would strengthen the monitoring of the behavior of state and non-state actors in the area of arms trade. It would further strengthen the creation, implementation and revision of codes of conduct and other mechanisms of control and restriction, as well as the development of early warning systems.

We affirm the need for continued dialogue with different actors, including users and producers of weapons. There is also a need for increased exchange and cooperation in these issues with partners from the global South and among countries on either side of the Atlantic. It is only through such an inclusive dialogue that it is possible to develop a comprehensive security that is compatible with sustainable development.

Building on the Gothenburg I recommendation with regard to small arms and light weapons, we commit ourselves to further strengthening the ecumenical network on small arms (ENSA).

We have gathered together as Christians to explore these matters. In order for a global code of conduct to be fully reflective of common norms of justice, reconciliation and peace, this discussion must be expanded to include representatives of the differing faith communities so that the common good of all may find a common idiom based on shared religious principles.

The Christian Council of Sweden, the Swedish Mission Council and the Swedish Fellowship of Reconciliation will present these recommendations to the churches and church organizations, represented at this meeting with a view to developing an action programme on the arms trade.

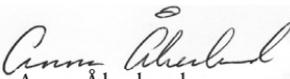
Sundbyberg the 2nd of June 2004



Göran Sturve
Secretary General
Swedish Mission Council



Sven-Bernhard Fast
Secretary General
Christian Council of Sweden



Anna Åkerlund
Secretary General
Swedish Fellowship of Reconciliation

Program

Second Ecumenical Conference on Arms Trade
Gothenburg 20th- 23rd of May 2004

Thursday 20th of May

From 14.00 hrs Reception desk opens
18.00 Dinner

Evening

From Gothenburg I to Gothenburg II

Presentation Bishop William Kenney
From Gothenburg I to Gothenburg II
Comments by: John Coughlan, COMECE
Lennart Molin, CCS

Friday 21st of May

Morning session

The transatlantic security co-operation in a global context

Moderator Peter Brune
Presentations Anna Åkerlund, SweFOR
Church response to conflict and war
Agnes Marcaillou,
UN Department for Disarmament Affairs
*Trends and obstacles: current agendas for global
disarmament*
Comments
Coffee
Robert Smylie,
World Conference on Religion and Peace
*Security in the third millennium – Armaments
as an option or obstacle for a peaceful future.*

General discussion

12.30

Midday Lunch

1st Afternoon session

Early afternoon Helen Hughes, Saferworld
Export control and nonproliferation
– *what can civil society do?*

Lars Hjalmar Wide, Head of National
Inspectorate on Strategic Products of Sweden
Export control from a European perspective

Coffee

2nd Afternoon session

Presentations Kjell Möller, Gripen International
Corporate ethics – an industry perspective

Reinhilde Weidacher, Ethix
Corporate Social Responsibility and the arms industry

Patricia Wolf, ICCR
Corporate responsibility – a faith based position

Comments and General Debate

Evening Boat Excursion to Gothenburg archipelago

Saturday 22nd of May

1st Morning session

Theological reflections on security and vulnerability

Moderator Kishore Jayabalan,
Justice and Peace Commission

Presentations Antonius Kireopoulos, National Council
of Churches of Christ in the USA
Madeleine Fredell, Justice and Peace
Commission of Sweden
Charles Reed, Church of England, UK

Coffee

Comments and general debate

2nd Morning Session

Moderator Bishop William Kenney
General discussion on the churches response to the arms trade, presentation of the German and Swedish expert groups, discussion on common goals and enhanced co-operation

Midday Lunch

1st Afternoon session

Ethics and global development

Presentations Lennart Molin, Christian Council of Sweden
Codes of conducts – ethical challenges

Peter Brune, SweFOR
The review of the EU Code of Conduct, proposals for improvement

Comments

Coffee

2nd Afternoon session

Development and Disarmament, ways forward for the churches

Moderator Christina Oskarsson, Swedish Mission Council

Presentations Nico Koopman, Stellenbosch University, South Africa
Defence in a democracy, a church perspective on the postapartheid defence review process

Julio Yao, University of Panama
The Latin American churches on the arms trade

Bernhard Moltmann, Joint Conference on Church and Development, Germany
Development versus arms, criterion 8 in the EU Code of Conduct

General debate

Resolution Presentation of possible recommendations/final
document, discussion, closing of conference

Evening Gala Dinner

Sunday 23rd of May

11.00 hrs Ecumenical service in Gothenburg Cathedral

Lunch

List of participants

B

Brune, Peter SweFOR, Swedish Fellowship
of Reconciliation, Sweden

C

Carlsson, Peter Justitia et Pax, Sweden
Coughlan, John Commission of the Catholic Bishop's
Conferences of the European Community,
COMECE, Brussels

F

Fredell, Madeleine General Secretary, Justitia et Pax, Sweden

H

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- Wide, Lars-Hjalmar Head of National Inspectorate on Strategic
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- Wolf, Patricia Executive Director, Interfaith Centre on
Corporate Responsibility, United States

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- Yao, Julio University of Panama, SERPAJ, Panama

Å

- Åkerlund, Anna Secretary General, SweFOR

Presentation of the organisers

Christian Council of Sweden

“Churches Together” – this is the statement we use to explain what the Christian Council of Sweden (CCS) is, that is to say, an open ecumenical forum for churches in Sweden.

Each church brings to CCS its own special identity, experiences and priorities. The churches meet in the council to search for, express and deepen their Christian unity, share experiences and together show the world that they have a faith that unites and challenges.

As “Churches Together”, the CCS is a common resource for the churches. At the same time, the CCS encourages the churches to be resources for each other – in their main activities of theological reflection, evangelism, church development, diaconia and social responsibility. The CCS is also able to express a united opinion from the churches concerning important issues in society.

The member churches and observers of the Christian Council of Sweden are divided into four church families – the Lutheran, the Catholic, the Orthodox and the Free Church family.

The concept of the church families offers a way to acknowledge to each other and to the world at large the different traditions and the close fellowship that exists within each family. The church families also form the basis for the representation in the decision-making bodies of the Council.

The CCS has the important task of linking together the activities of its member churches within different areas. This is carried out by the Council organising meetings for exchange of ideas, creating networks, making available a communication service and giving support for ecumenical processes, publishing material and coordinating joint activities.

Principal Areas of Ministry

The nucleus of the CCS's ministry is where the churches together highlight the most central areas for ecumenical reflection and cooperation.

These core areas are:

- Ecumenical theology
- Mission and Evangelism
- Ecumenical diaconia/ Church – Society

The Swedish Fellowship of Reconciliation

The Swedish Fellowship of Reconciliation has a long history of working for peace and reconciliation through active nonviolence. We are an ecumenical member-based civil society organisation, founded in 1919. Our three thousand members come from all denominations.

Within our Human Security and Disarmament Program, we work with government officials, parliaments and civil society to stop the proliferation of arms and prevent armed conflict. One of our subprograms is aimed at inspiring the religious community to get involved in the public discourse on human security and arms trade. The Secretary General of SweFOR is represented in the Expert Group on Arms Trade of the Christian Council. In May 2002, SweFOR signed a Memorandum of Understanding with the Department of Disarmament Affairs (DDA) on co-operation in the field of Small Arms in Latin America and the Caribbean. We co-ordinate the Swedish Action Network on Small Arms.

In our other programs, we give courses in nonviolence, conflict resolution and peaceful conflict management. We send volunteers to conflict areas, where they support local peace-building efforts and protect human rights defenders. Through advocacy work, we promote peace and reconciliation in the Middle East.

SweFOR is the Swedish branch of the International Fellowship of Reconciliation, IFOR, which has consultative status at ECOSOC.

The Swedish Mission Council

The Swedish Mission Council, SMC, was founded in 1912 with the purpose of being a forum with a wide ecumenical base for reflection concerning mission and the responsibility of the Churches and the Christian agencies with regard to international solidarity.

Today the SMC is an association of Swedish denominations, mission organisations and other Christian agencies who collaborate between them and with partners overseas.

SMC wants to express the presence of God through testimony, service and fellowship, and strives for a holistic view of mankind and its task in the world.

SMC works for increased awareness and knowledge of the injustices in the world, of their causes and how they can be overcome.

This is how SMC works

SMC works in different ways to achieve its overall task through:

- Being a meeting place for promoting cooperation, exchange of experience and dialogue between the member organisations and with other national and international organisations. These meeting places are for example seminars, courses, working groups, networks, various publications, a website and the magazine “Missionsforum”.
- Expressing the role of Christian organisations within the development sector.
- Pursuing an active role in the development of policy and strategy issues, especially on the principal themes of reconciliation, transformation, vulnerability and mutuality.
- Regularly discussing relevant issues within mission theology, development theory and development practice together with the member organisations and their partners in the south and east.
- Being a party to the agreement with the Swedish International Development Agency, Sida, on behalf of its members, and to ensure that the interventions carried out by these members are in agreement with the criteria and the guidelines of the contract.
- Representing the member organisations in different contexts.

