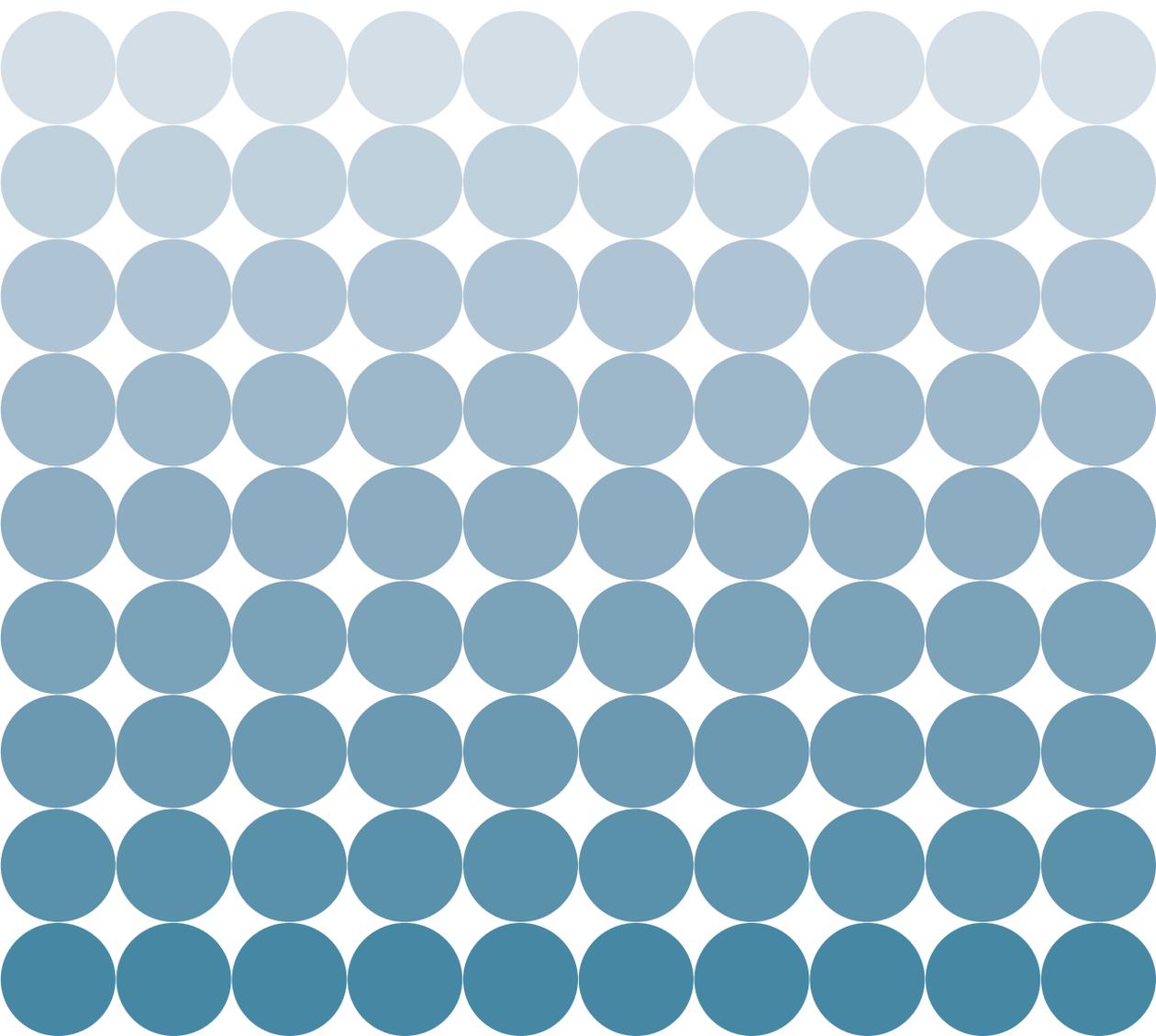


CHINA'S EXPORTS OF SMALL ARMS AND LIGHT WEAPONS

**MARK BROMLEY, MATHIEU DUCHÂTEL
AND PAUL HOLTOM**



STOCKHOLM INTERNATIONAL PEACE RESEARCH INSTITUTE

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MARK BROMLEY, MATHIEU DUCHÂTEL
AND PAUL HOLTOM



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Preface

China has been actively involved in three important processes during 2013 to prevent trafficking of small arms and light weapons (SALW) and promote greater transparency in international transfers of SALW. China played an active role in the negotiation of the 2013 Arms Trade Treaty (ATT) and accepted the inclusion of SALW in the treaty's scope. Then, in September China voted in favour of the first United Nations Security Council resolution to focus exclusively on the problems associated with the illicit trade in SALW. In contrast, the Chinese expert in the UN Group of Governmental Experts reviewing the UN Register of Conventional Arms (UNROCA) opposed the inclusion of a new category for SALW in the register. Interpreting these positions is made more challenging by the opacity of China's system for controlling SALW exports and preventing trafficking and the lack of data on the size and destinations of Chinese SALW exports.

This Policy Paper thus represents an important contribution to increasing understanding of Chinese approaches to controlling SALW exports and to mapping the recipients of Chinese SALW. The authors—Mark Bromley, Dr Mathieu Duchâtel and Dr Paul Holtom—have built on their expertise in the international arms trade and Chinese foreign policy to provide new insights in these areas. Their work provides a solid basis not only for further research on Chinese arms exports but also to enable greater engagement with Chinese counterparts to prevent illicit and destabilizing transfers of SALW and ammunition.

Thanks are due to the Norwegian Ministry of Foreign Affairs for its generous financial support for this study. Finally, I congratulate the authors for their excellent work and anticipate further fruitful research from them in this area in the future.

Professor Tilman Brück
Director, SIPRI
Stockholm, September 2013

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We would like to warmly thank all of the experts and officials who agreed to provide their time, experience and knowledge in interviews for this project. We are particularly grateful to comments received from Stephanie Lieggi and Pieter Wezeman.

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Mark Bromley, Mathieu Duchâtel and Paul Holtom
Beijing and Stockholm
September 2013

Summary

China has long been one of the world's most significant exporters of small arms and light weapons (SALW). It is also among the least transparent. At the same time, China has stated its commitment to preventing the illicit trade in SALW and formally recognizes the destabilizing effect that SALW transfers can have on peace and security, economic development and social stability.

China's development of improved transfer control systems has been driven by both domestic and international concerns. While initially reluctant to fully engage at the United Nations level, China has increasingly accepted the validity of reaching agreement on instruments to help tackle the illicit trade in SALW and to control SALW transfers. China's engagement with the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (POA) is particularly important in this regard. China has provided important information on Chinese SALW transfer controls in its reports on POA implementation. Nevertheless, there are still gaps in China's reports.

China is unenthusiastic about creating an eighth category for SALW in the UN Register of Conventional Arms and has never responded to the invitation to submit information on SALW transfers. China dropped its opposition to the inclusion of SALW in the 2013 Arms Trade Treaty after receiving assurances that its red lines in other areas would be respected. China's views on the imposition of UN arms embargoes is shaped by its wider views on non-interference in the internal affairs of states and the primacy of national sovereignty. China has a mixed record in its interactions with arms embargo reporting mechanisms.

At the end of the 1990s and in the early 2000s, China established a comprehensive system to control the export of conventional arms, including SALW. Arms exports are handled as an administrative matter. The cornerstone of the transfer control system for conventional arms is the 2002 Regulations on the Administration of Arms Exports. The regulations contain information on arms trading companies and licensing and a control list. There are currently 11 state-owned enterprises (SOE) authorized to trade in conventional arms, of which 4 are authorized to export SALW and another 2 are authorized to export man-portable air defence system (MANPADS). The Chinese Government has reportedly examined the idea of authorizing private companies to apply for export licences, but this idea never gained prominence.

The system grants the state and the military strong centralized control over arms exports to prevent illicit and destabilizing transfers. During the licence-issuing process, export control authorities examine whether the requested transfer is conducive to the self-defence capability of the recipient country, its impact on regional and world peace, stability and security, and whether it could interfere with the recipient country's internal affairs.

China exports all types of new and surplus SALW, but does not provide public information on either SALW export authorizations or deliveries. A combination

of security, political and economic drivers motivate China's exports. China is a supplier of SALW to states that struggle to gain access to supplies from a number of other major SALW producers and exporters and also benefits from the fact that many states are seeking to diversify sources of supply. It is clear that China is an important supplier of SALW to states in the developing world, and fragile and conflict-affected states in particular.

At least 46 states imported military SALW from China during 2006–10. African states account for the largest share of reported imports of military SALW. A number of exports of Chinese SALW to Africa that have involved European arms brokers have caused concern with regard to their potential impacts on peace, stability and security in the importing state. Several states in Asia have reported importing SALW from China, with Pakistan and Bangladesh the most prominent recipients, both of direct deliveries as well as licensed production arrangements and technology transfers. There has been an increase in the quantity and quality of weapons supplied by China to Latin America in recent years. In the Middle East, Egypt, Jordan, Lebanon and Qatar imported SALW from China in the period 2006–10. Iran has been a major recipient of Chinese arms, including SALW, since the 1980–88 Iran–Iraq War. But in response to concerns that Iran is an important point of diversion of arms and technology to armed non-state actors and the illicit market, China is reported to have wound down arms sales to Iran.

There is significant evidence to indicate that armed non-state actors in South and South East Asia, sub-Saharan Africa, Latin America and the Middle East are using SALW produced in China. These SALW may have been stolen from government stocks or seized from government forces on the battlefield. However, in many cases it appears that states have imported weapons from China and then re-transferred them to armed non-state actors.

There is potential for greater sharing with China of other states' experiences, policies and practices with regards to assessments of the risk of diversion, including unauthorized re-exports. Building on Chinese interest in developing and implementing robust controls on SALW exports, and given that there have been a number of cases of Chinese SALW exports being re-exported without authorization, it could be desirable for states participating in the Wassenaar Arrangement to consider conducting outreach to China on its Best Practice Guidelines on Subsequent Transfer (Re-export) Controls for Conventional Weapons Systems. States could also share their own experiences and practices in dealing with cases of unauthorized re-export and in strengthening risk assessment and post-shipment and delivery measures in this area.

Abbreviations

AAD	Africa Aerospace and Defence
ALIT	Aerospace Long March International Trade Corporation
APEC	Asia–Pacific Economic Cooperation
ATT	Arms Trade Treaty
AU	African Union
CICA	Conference on Interaction and Confidence Building Measures in Asia
CMC	Central Military Commission
COSTIND	Commission for Science, Technology and Industry for National Defense
CPMIEC	China Precision Machines Import and Export Corporation
DRC	Democratic Republic of the Congo
ECS	Electronic compliance system
EU	European Union
EUC	End-user certificate
GAD	General Armament Department
GGE	Group of Governmental Experts
ICP	Internal compliance programme
LTTE	Liberation Tigers of Tamil Eelam
MANPADS	Man-portable air defence system
MFA	Ministry of Foreign Affairs
MIIT	Ministry of Industry and Information Technology
MTCR	Missile Technology Control Regime
Norinco	China North Industries Corporation
NSG	Nuclear Suppliers Group
OAS	Organization of American States
P5	Five permanent members of the UN Security Council
PLA	People’s Liberation Army
POA	UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
PrepCom	Preparatory committee
RIO	Regional integration organization
SALW	Small arms and light weapons
SASTIND	State Administration for Science, Technology and Industry for National Defense
SCO	Shanghai Cooperation Organisation
SOE	State-owned enterprise
UN	United Nations
UN Comtrade	United Nations Commodity Trade Statistics Database
UNROCA	United Nations Register of Conventional Arms
WMD	Weapons of mass destruction

1. Introduction

China has long been one of the world's most significant exporters of small arms and light weapons (SALW).¹ It remains a key supplier for states seeking inexpensive SALW and is currently benefitting from a period in which many importing states are trying to diversify their sources of supply. It is also among the least transparent SALW exporters, as it provides official information on neither the volume nor the value of authorized SALW exports or deliveries. At the same time, China formally recognizes the destabilizing effects that SALW transfers can have on peace and security, economic development and social stability and has committed itself to preventing the illicit trade in SALW. However, some of China's decisions on SALW exports and the level of care it shows in preventing illicit transfers have raised concerns regarding their potentially negative impact on peace, security and governance.

In recent years China has undertaken a major revision of its transfer control system.² Much of the attention that has been paid to this process has focused on China's controls on transfers of dual-use goods and technologies—goods that have both civilian and military uses, particularly related to weapons of mass destruction (WMD). From being viewed as a serial proliferator of sensitive goods and technologies in the 1990s and early 2000s, China has undergone something of a paradigmatic shift and over the past 20 years has put in place all of the key elements of an effective transfer control system and has integrated itself into the main international agreements and regimes in this field.³ When it comes to China's controls on transfers of conventional arms—including SALW—the picture is different. In parallel with developments in dual-use transfer controls, China has established a transfer control system for conventional arms. However, the amount of information that China makes available about how the system works is far more limited than in the case of dual-use goods and technologies. In addition, China has been far less engaged with international instruments and regimes focused on conventional arms transfer controls.

This divergence in Chinese positions and practices can be partially accounted for by several key differences between controls on transfers of dual-use goods and technologies and those on conventional arms. First, unlike in the case of dual-use goods, all Chinese companies that are allowed to export conventional arms are state-owned enterprises (SOEs). The direct involvement of the Chinese state in the production of weapons makes China more reticent about publicly detailing the export control mechanisms that it imposes and less willing to engage in debates about how these systems can be improved. Second, requirements for maintaining controls on transfers of dual-use goods and technologies

¹ *Small Arms Survey 2002: Counting the Human Cost* (Oxford University Press: Oxford, 2002), p. 22.

² The term 'transfer controls' is used here to refer to national controls on the export, transit, trans-shipment and brokering of conventional arms and dual-use goods.

³ Davis, J. E., 'Export controls in the People's Republic of China', University of Georgia Center for International Trade and Security, Feb. 2005, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1918230>, p. 3.

Box 1.1. The United Nations definition of small arms and light weapons

In 1997 the UN Panel of Governmental Experts on Small Arms defined small arms as 'those weapons designed for personal use', and light weapons as 'those designed for use by several persons serving as a crew'.^a

The panel also offered the following subcategories of small arms and light weapons.^b

Small arms: '(i) Revolvers and self-loading pistols; (ii) Rifles and carbines; (iii) Sub-machine-guns; (iv) Assault rifles; (v) Light machine-guns'.

Light weapons: '(i) Heavy machine-guns; (ii) Hand-held under-barrel and mounted grenade launchers; (iii) Portable anti-aircraft guns; (iv) Portable anti-tank guns, recoilless rifles; (v) Portable launchers of anti-tank missile and rocket systems; (vi) Portable launchers of anti-aircraft missile systems; (vii) Mortars of calibres of less than 100 mm'.

^a United Nations, General Assembly, Report of the Panel of Governmental Experts on Small Arms, Note by the Secretary-General, annex to A/52/298, 27 Aug. 1997, para. 25.

^b United Nations, A/52/298 (note a), para. 26.

are based on prohibitions derived from international treaties—the 1968 Non-Proliferation Treaty, the 1993 Chemical Weapons Convention and the 1972 Biological and Toxin Weapons Convention—as well as UN Security Council resolutions. In the case of conventional arms transfer controls, states are obliged to implement arms embargoes imposed by the UN Security Council, but there is currently no international treaty or agreement that establishes requirements for controls on transfers of conventional arms. The process of creating the 2013 Arms Trade Treaty (ATT) was to a certain extent an attempt to fill that gap.⁴ As of 1 October 2013, 113 states had signed the ATT, including 7 that had ratified the treaty; China is not among these states.

This Policy Paper is the first attempt to comprehensively map Chinese policies and practices for controlling SALW transfers and preventing illicit and destabilizing transfers of SALW. It has been compiled using open source Chinese- and English-language materials, as well as interviews with key informants in the Chinese arms industry and government.⁵ Chapter 2 examines China's contribution to international efforts to prevent illicit and destabilizing transfers of SALW. Chapter 3 maps the laws, regulations and policies for controlling SALW transfers as well as the agencies responsible for their implementation. Chapter 4 presents available information on Chinese SALW exports as well as the main

⁴ Arms Trade Treaty, adopted 2 Apr. 2013, opened for signature 3 June 2013, not yet in force, <<http://treaties.un.org/pages/CTCTreaties.aspx?id=26>>.

⁵ The authors conducted research interviews in Beijing in Jan. 2012 and Nov. 2012. The interviewees were officials from the State Administration for Science, Technology and Industry for National Defence (SASTIND), the Arms Control Department of the Chinese Ministry of Foreign Affairs, the General Armament Department of the People's Liberation Army, representatives of the China North Industries Corporation (Norinco), and experts from CACDA, the China Institutes of Contemporary International Relations, and the department of military law of China's Political Science and Law University. In order to respect confidentiality, interviews cited in this Policy Paper remain anonymous. In addition, SIPRI co-hosted workshops with the China Arms Control and Disarmament Association (CACDA) in Stockholm in Apr. 2012 and in Beijing in Nov. 2012.

recipients of Chinese SALW exports and reported cases of diversion. Chapter 5 presents conclusions and recommendations.

The United Nations definition of small arms and light weapons is used here (see box 1.1). In addition, when discussing imports of Chinese SALW, chapter 4 uses data from the UN Commodity Trade Statistics Database (UN Comtrade), which categorizes SALW somewhat differently (see box 4.2 below).

2. Multilateral transfer control efforts

China's creation of new laws and regulations for controlling transfers of SALW—as well as its increased engagement with efforts to tackle illicit transfers of SALW—has been motivated by a mixture of internal and external factors. In particular, it has been a consequence of the elaboration of more detailed systems for controlling transfers of dual-use goods and technologies, a process driven by China's growing recognition of proliferation threats and concerns over its international image, a growing desire to improve relations with the United States, and US-led non-proliferation initiatives.⁶ Another motivating factor has been concerns conveyed by African states about the presence of Chinese-made SALW in conflict zones in Africa. In 2007, for example, China's Special Representative to Africa, Liu Guijin, stated that China would do its 'best to prevent weapons from finding their way into the wrong hands and from doing the wrong things'.⁷

China's new positions and national policies regarding illicit transfers of SALW have been developed in the context of China's increased engagement with international processes—particularly UN processes—aimed at tackling the illicit trade in SALW and developing stronger national controls on SALW transfers. Over the past decade the issue of SALW transfer controls and illicit transfers of SALW has increasingly become a valid topic for discussion in UN forums. This has forced China to develop positions and to release more information about its efforts on these issues. In the past China has been depicted as keeping a low profile when engaging with international agreements and generally seeking to maintain the status quo and align itself with the position of the majority of states.⁸ While elements of this approach are present in China's engagement with international SALW processes, it is also true that China has taken active steps to develop and formulate diplomatic positions which have in turn influenced China's national policies and control systems.

This chapter first examines China's engagement with UN-level processes that address controls on SALW transfers. It then briefly examines how the issue of improving controls on transfers of SALW has been addressed by regional forums in which China is a member and, finally, China's engagement with the multilateral export control regimes that have a mandate to address controls on transfers of SALW.

⁶ Gill, B. and Medeiros, E. S., 'Foreign and domestic influences on China's arms control and nonproliferation policies', *China Quarterly*, no. 161 (Mar. 2000), pp. 66–94; and Yuan, J., Testimony before the US–China Economic and Security Review Commission on 'China's proliferation and the impact of trade policy on defense industries in the United States and China', 12 July 2007, <http://web.archive.org/web/20110311050127/http://www.uscc.gov/hearings/2007hearings/transcripts/july_12_13/yuan.pdf>.

⁷ 'China tries to prevent weapons in Darfur', *Sudan Tribune*, 6 July 2007.

⁸ Breslin, S., 'China and the global order: signalling threat or friendship?', *International Affairs*, vol. 89, no. 3 (May 2013), pp. 615–34.

United Nations processes

China's first concrete engagement with UN processes to control transfers of conventional arms was in 1991, when the five permanent members of the UN Security Council—China, France, Russia, the United Kingdom and the USA (the P5)—drafted guidelines on conventional arms exports that define 'rules of restraint'. According to the guidelines, signatories should in particular avoid transfers likely to '(a) prolong or aggravate an existing armed conflict; (b) increase tension in a region . . . ; (c) introduce destabilizing military capabilities in a region . . . ; (e) be used other than for the legitimate defense and security needs of the recipient state; [or] (h) seriously undermine the recipient state's economy'.⁹ In the same year, China voted in favour of the creation of the UN Register of Conventional Arms (UNROCA), which was established to promote transparency in the conventional arms trade.¹⁰ However, at this time, SALW were not included in UN-level discussions on conventional weapons.

From the mid-1990s the global community began to pay greater attention to SALW, and to regard them as the most destabilizing conventional weapons. A key step in this process was the 1997 report of the UN Panel of Governmental Experts on SALW.¹¹ This led to the 2001 UN SALW Conference and the drafting of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (POA). It also led to the drafting of the 2005 International Tracing Instrument and efforts to fully include SALW in the coverage of UNROCA. In 2005 China voted in favour of a UN Security Council presidential statement encouraging 'the arms-exporting countries to exercise the highest degree of responsibility in small arms and light weapons transactions according to their existing responsibilities under relevant international law'.¹² The launching of the UN-level ATT process in 2006 indicated a shift of attention back to the broader category of conventional arms. However, determined efforts to ensure that SALW were included in the coverage of the ATT reflected the extent to which they remained central to the international security agenda. This was underlined with the adoption of UN Security Council Resolution 2117 in September 2013, the first UN Security Council Resolution to focus exclusively on the problems associated with the illicit trade in SALW.¹³

China has warily embraced each of these processes. While initially reluctant to fully engage, it has increasingly accepted the validity of discussing ways to tackle

⁹ Permanent Members of the Security Council, Guidelines for Conventional Arms Transfers, 18 Oct. 1991, reproduced in Anthony, I. (ed.), SIPRI, *Russia and the Arms Trade* (Oxford University Press: Oxford, 1998), p. 233.

¹⁰ UN General Assembly Resolution 46/36L, 6 Dec. 1991; and United Nations Office for Disarmament Affairs (UNODA), 'UN Register of Conventional Arms', <<http://www.un.org/disarmament/convarms/Register/>>.

¹¹ United Nations, General Assembly, Report of the Panel of Governmental Experts on Small Arms, Note by the Secretary-General, annex to A/52/298, 27 Aug. 1997. China was not represented on the panel.

¹² United Nations, Security Council, Presidential Statement, S/PRST/2005/7, 17 Feb. 2005.

¹³ UN Security Council Resolution 2117, 26 Sep. 2013. Of the 15 members of the Security Council, 14 voted in favour of this resolution (including China) and 1 abstained (Russia).

the illicit trade in SALW and controls on SALW transfers at the UN level, particularly when the clear will of the international community has been demonstrated.

The United Nations Programme of Action

The POA was adopted at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001.¹⁴ It outlines a set of measures for states to implement at the international, regional and national levels in order to counter the illicit trade in SALW.¹⁵ The process of agreeing the POA prompted China to formally distinguish SALW from other conventional weapons. Prior to the meetings of the conference's preparatory committee (PrepCom) the Chinese Government had not issued statements regarding transfers of SALW. During the first session of the PrepCom, the Chinese delegation acknowledged that the illicit trade in SALW 'aggravates the armed conflict and turmoil in some countries and regions, encourages terrorism and drug trafficking, adds complicated factors to some countries' post-conflict reconstruction and peace consolidation endeavour'.¹⁶

China has submitted six national reports on its implementation of the POA.¹⁷ The first report, in 2003, outlined China's 'basic stand' on the illicit trade in SALW and described it as a multifaceted problem, 'involving disarmament, security, development and humanitarian dimensions'. The report advocated a 'comprehensive solution', combining efforts made at national, regional and international levels.¹⁸ The report laid out how China's national laws and regulations fulfilled the key aspects of the POA. However, there were several gaps in key areas such as national controls over production, brokering and export activities.

From 2005 onwards China's reports contained more detailed lists of relevant 'laws and administrative regulations to exert strict controls on the import and export of SALW', including tables outlining how China's regulations fulfilled specific requirements under the POA, and information on engagement with regional and international processes.¹⁹ The reports describe China's approach to conventional arms export licensing as 'cautious and responsible'. Four points have been consistently emphasized since 2005.

¹⁴ United Nations, Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, A/CONF.192/15, 20 July 2001.

¹⁵ On the POA see Holtom, P. and Bromley, M., *Implementing an Arms Trade Treaty: Lessons on Reporting and Monitoring from Existing Mechanisms*, SIPRI Policy Paper no. 28 (SIPRI: Stockholm, July 2011), pp. 8–10.

¹⁶ Shen Guofang, Head of the Chinese Delegation, Statement at the First Session of the Preparatory Committee for the Conference on the Illegal Trade in Small Arms and Light Weapons in All Its Aspects, 29 Feb. 2000, <http://www.china-un.org/eng/chinaandun/disarmament_armscontrol/qxwq/t29280.htm>.

¹⁷ China submitted reports in 2003, 2004, 2005, 2007, 2008 and 2010. These reports are available on the POA Implementation Support System (POA-ISS) website, <<http://www.poa-iss.org/NationalReport/NationalReports.aspx>>. The POA-ISS's standardized country profiles collate information submitted by states and provide links to relevant national legislation and press releases. POA-ISS, 'Country profile: China', <<http://www.poa-iss.org/CountryProfiles/CountryProfileInfo.aspx?CoI=42>>.

¹⁸ Chinese Ministry of Foreign Affairs, 2003 Report to the UN Programme of Action (note 17), Section 1.

¹⁹ Chinese Ministry of Foreign Affairs, 2005 Report to the UN Programme of Action (note 17), Section 7.

1. Combating illicit SALW transfers is a sovereign responsibility of states, which should reinforce their transfer control capabilities.
2. International cooperation should progress in an incremental and steady manner.
3. The UN needs to play a leadership role in promoting international assistance and coordination, and developed states should assist developing states to develop export control mechanisms and train personnel.
4. Poverty and social instability are the main causes of the illicit transfer of SALW and should therefore be addressed by states.²⁰

The last two points are regularly raised in Chinese diplomatic exchanges.

China's 2008 and 2010 POA reports contained new information on China's controls on transfers of SALW. Nevertheless, there is still a lack of clarity in many areas of China's SALW transfer control system, such as the specific processes involved when applying for and receiving export licences, and the precise content and coverage of national brokering controls. China did not provide a national report in 2012 for the second POA biennial meeting of states. An official of the Chinese Ministry of Foreign Affairs (MFA) explained that this was because the Chinese system had not changed since the publication of the 2010 report.²¹

The International Tracing Instrument

The International Tracing Instrument, adopted by the UN General Assembly in December 2005, commits all UN member states to fulfil agreed standards in the marking of SALW and associated record-keeping, and to share information in order to fulfil tracing requests.²² China provided information on its marking system in its 2008 and 2010 POA reports as a special annex. Under regulations issued in 2001, all SALW produced in China are stamped with a unique marking that includes 'a country code, a code of small arms, a manufacturer's code, a year code of manufacture, and a serial number of manufacturing'.²³ Under regulations issued in 2006, all Chinese arms-trading companies are required to submit reports on their SALW exports, including 'the importing country, end user, shipper, transporter, means of transport and number of shipments, shipping manifests, product model, quantity shipped and label numbers'.²⁴ While the system identifies weapons that have been manufactured in China, only the Chinese authorities are able to identify the manufacturer and the original export destination.²⁵ Although there have been calls for the adoption of a unified global

²⁰ Chinese Ministry of Foreign Affairs (note 19).

²¹ Chinese export control officials, Interviews with authors, Nov. 2012.

²² International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument, ITI), adopted by the UN General Assembly in Decision 60/519, 8 Dec. 2005, <<http://www.poa-iss.org/InternationalTracing/InternationalTracing.aspx>>.

²³ Chinese Ministry of Foreign Affairs, 2010 Report to the UN Programme of Action (note 17), p. 17.

²⁴ Chinese Ministry of Foreign Affairs (note 23), p. 18.

²⁵ Hallowes, M., 'Marking and record-keeping systems and modalities of operation', United Nations Institute for Disarmament Research (UNIDIR) and Small Arms Survey, *The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons* (UNIDIR: Geneva, 2003).

system of marking, China maintains that each state should have its own system to enable SALW tracing.²⁶

The Chinese Government emphasizes that it actively cooperates with the International Criminal Police Organization (Interpol) and has provided assistance on several occasions in response to requests for information aimed at tracing illicit firearms.²⁷ In recent years, the Chinese Ministry of Public Security has reportedly cooperated with tracing requests filed via Interpol from Brazil, Germany, Israel, Japan and the USA relating to firearms used for criminal purposes.²⁸ However, China has never provided detailed information in a POA report on its responses to requests for information filed by UN panels of experts about SALW that have been found in destinations subject to UN arms embargoes (see table 2.1 below).

The United Nations Register of Conventional Arms

Under UNROCA, states are annually requested to provide information (using a standardized reporting form) on the import and export of seven categories of major conventional weapons: battle tanks, armoured combat vehicles, large-calibre artillery, combat aircraft, attack helicopters, warships, and missiles and missile launchers. States are also invited to provide information on military holdings and procurement from national production.

SALW were not covered by the seven UNROCA categories until the scope was expanded in 2003 to include man-portable air defence systems (MANPADS). Successive groups of governmental experts (GGE)—which are appointed by the UN Secretary-General to review the continuing operation and development of UNROCA every three years—have considered the issue of requesting states to report all SALW transfers in the same way as the seven categories of major conventional weapons. The GGEs have taken a step-by-step approach to the issue: the 2003 GGE recommended that states should be invited to provide background information on international transfers of SALW and the 2006 GGE proposed the use of a standardized reporting form for this information.²⁹ The 2009 GGE came close to recommending the adoption of an eighth category for reporting international transfers of SALW but was unable to reach consensus on the issue.³⁰ The 2013 GGE also failed to reach consensus on this issue.³¹

China suspended reporting to UNROCA in 1997 in protest at the inclusion in the USA's UNROCA submission of information on transfers to Taiwan (which

²⁶ See e.g. Berkol, I., *Marking, Registering and Tracing Small Arms and Light Weapons: Policy Options for the European Union* (United Nations Institute for Disarmament Research: Geneva, 2003); and Chinese export control official, Interview with authors, Stockholm, Apr. 2012.

²⁷ Chinese Ministry of Foreign Affairs (note 23).

²⁸ Chinese export control official, Interview with authors, Stockholm, Apr. 2012.

²⁹ Holtom and Bromley (note 15), pp. 5–7.

³⁰ United Nations, General Assembly, 'Continuing operation of the United Nations Register of Conventional Arms and its further development', Note by the Secretary-General, A/64/296, 14 Aug. 2009, para. 51; and Holtom, P., 'Nothing to report: the lost promise of the UN Register of Conventional Arms', *Contemporary Security Policy*, vol. 31, no. 1 (Apr. 2010), p. 81.

³¹ United Nations, General Assembly, 'Continuing operation of the United Nations Register of Conventional Arms and its further development', Note by the Secretary-General, A/68/140, 15 July 2013.

China considers to be a Chinese province).³² The USA first reported exporting arms to Taiwan in 1995 but stopped doing so after 2004.³³ China resumed reporting to UNROCA in 2007 and explicitly linked its decision to the end of US reports on exports to Taiwan.³⁴

China's submissions to UNROCA only deal with the seven categories of major conventional weapons. The reports include information on the final importer state and the number of items delivered but have never included a description of the items and rarely provide comments on the transfer. China has never submitted information on its transfers of SALW to UNROCA. In November 2012 a Chinese MFA official indicated that China was considering its position with regards to the inclusion of SALW in the scope of UNROCA, and that its views would be influenced by the outcome of the ATT process.³⁵ However, a Chinese expert was one of the two members of the 2013 GGE who rejected the proposal to include an eighth category for SALW.³⁶

The Arms Trade Treaty

When the text of the ATT was adopted as a UN General Assembly resolution by a vote of 156 to 3, China was among the 22 states that abstained, and as of September 2013 it had not signed the treaty.³⁷ The ATT, which outlines a number of obligations for states parties to fulfil in order to regulate international arms transfers (including SALW transfers) and combat the illicit arms trade, will enter into force after ratification by 50 states.³⁸

The ATT process began in the 1990s and was spearheaded by a group of non-governmental organizations that were seeking to extend human security principles—specifically, norms in international humanitarian and human rights law—into arms transfer control. In this sense, the ATT sought to build on previous efforts in so-called humanitarian arms control, particularly the 1997 Anti-Personnel Mine Convention and the 2008 Convention on Cluster Munitions.³⁹ The UN-level process aimed at negotiating an ATT began in 2006.⁴⁰ Throughout much of the ATT process, China was one of the sceptical states, arguing in favour of a minimalist treaty that would be limited with regards to criteria (e.g. excluding

³² Chinese Ministry of Foreign Affairs, 2007 Report to the UN Programme of Action (note 17), note.

³³ 'China to report military spending to UN, provide details on arms sales', Associated Press, 2 Sep. 2007.

³⁴ Chinese Ministry of Foreign Affairs, 'Foreign Ministry spokeswoman Jiang Yu's remarks on China's participation in the UN military transparency mechanism', 2 Sep. 2007, <<http://www.fmprc.gov.cn/eng/xwfw/s2510/2535/t357803.htm>>.

³⁵ Chinese export control official, Interview with authors, Beijing, Nov. 2012.

³⁶ Morley, J., 'UN experts call for drone reporting', *Arms Control Today*, vol. 43, no. 7 (Sep. 2013).

³⁷ The original vote in the UN General Assembly on 2 Apr. 2013 recorded 154 states in favour, 3 states against and 23 abstentions. Angola later changed its vote from an abstention to a vote in favour, while Cape Verde wished to vote yes rather than be marked as not present. Abramson, J., 'Special report: UN General Assembly adopts Arms Trade Treaty in overwhelming vote', *Arms Control Today*, vol. 43, no. 4 (May 2013).

³⁸ Arms Trade Treaty (note 4).

³⁹ Bromley, M., Cooper, N., and Holtom, P., 'The UN Arms Trade Treaty: arms export controls, the human security agenda and the lessons of history', *International Affairs*, vol. 88, no. 5 (Sep. 2012), pp. 1029–48.

⁴⁰ Holtom, P. and Bromley, M., 'Arms trade treaty negotiations', *SIPRI Yearbook 2013: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2013); and Holtom, P. and Wezeman, S. T., 'Towards an arms trade treaty?', *SIPRI Yearbook 2007: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2007).

human security concepts) and whose scope would not go beyond the seven categories of UNROCA (as SALW are already covered by the POA).⁴¹

During 2012–13 China shifted its initial position significantly, accepting the inclusion of SALW in the scope of the ATT and softening its opposition to the inclusion of humanitarian considerations in the criteria of the treaty. The first signs of this shift came at the July 2011 PrepCom when China signed on to a joint P5 statement declaring support for 'efforts aimed at establishing an international instrument on the transfer of conventional weapons that could contribute to solving key problems resulting from the illicit trafficking and uncontrolled proliferation of conventional arms on a global scale'.⁴² In early 2012 one senior Chinese diplomat indicated that, if there were a clear majority in favour of the inclusion of SALW, then China would support the move.⁴³ During the July 2012 negotiating conference a group of sceptical states—including China and India—stated that they would be willing to compromise and include SALW in the scope of an ATT as long as their concerns in other areas were addressed.⁴⁴ China also began to soften its opposition to the inclusion of humanitarian considerations in the criteria of the treaty and appeared to accept the draft texts that were circulated at the close of the 2012 and 2013 negotiating conferences.

China's apparent shift in position—particularly on the scope of the ATT—has been linked to pressure exerted by African states that pushed hard for SALW and ammunition to be included in the treaty.⁴⁵ After its decision not to become involved in the multilateral processes outside the UN to regulate landmines and cluster munitions, there was a real sense that China was unwilling to be seen as obstructing a third initiative in humanitarian arms control, particularly one that was being championed by states in Africa. However, the shift could also reflect the fact that China does not believe that the ATT will exert any real pressures on Chinese decision making or pose any real challenge to its state security interests. To the extent that China retained concerns in these areas, it was not going to defend them if it meant opposing the will of the majority of UN member states.

China was willing to defy the majority, and even block consensus if necessary, in two areas: (a) ensuring that the European Union (EU) could not sign and ratify the treaty via a clause on regional integration organizations (RIOs); and (b) ensuring that gifts were excluded from the activities covered.⁴⁶ According to one view, securing these red lines was always paramount in China's thinking, while other issues, such as the inclusion of SALW in the scope of an ATT, were of secondary importance.⁴⁷ China's opposition to the EU becoming a party to the treaty was linked to the EU's maintenance of an arms embargo on China. China's

⁴¹ Shen (note 16); and Bromley et al. (note 39), pp. 1040–44.

⁴² United Nations, Arms Trade Treaty Preparatory Committee, 'P5 statement at the 3rd preparatory committee on an arms trade treaty', 12 July 2011, <<http://www.un.org/disarmament/convarms/ATTPrepCom/Statements.html>>.

⁴³ Chinese export control official, Interview with authors, Beijing, Jan. 2012.

⁴⁴ Bromley et al. (note 39), p. 1043.

⁴⁵ Greene, O., 'Accommodating the major "sceptical" states in the ATT', *Arms Trade Treaty Monitor*, vol. 5, no. 18 (27 July 2012), p. 3.

⁴⁶ Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

⁴⁷ Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

stance ensured that the ATT does not contain a RIO clause, although there is a reference in the preamble to the fact that regional organizations can play a role in assisting with implementation of the treaty. China's position on gifts seems to be linked to the fact that this remains an area which is under the exclusive purview of the Chinese Army (the People's Liberation Army, PLA), and the PLA's insistence that the MFA ensure that all such areas were excluded from the treaty.⁴⁸ The ATT does not mention gifts as being covered by the treaty and therefore leaves the issue of whether they are excluded or included open for interpretation.

Although China abstained from the UN General Assembly vote adopting the draft treaty in April 2013, it did not raise substantive objections to the content of the treaty in its explanation of its vote. Instead, China stated that it was abstaining because it was not in favour of adopting a multilateral arms control treaty through a majority vote in the General Assembly.⁴⁹ China argued that such instruments should be agreed by consensus and that it was concerned about setting a precedent that could undermine the consensus principle. The rules and procedures adopted for the ATT negotiations could provide a precedent for other disarmament and arms control negotiations in the UN framework.⁵⁰ China's vote may be a genuine attempt to put down a marker and prevent this shift away from the principle of consensus.

United Nations arms embargoes

UN arms embargoes are imposed by resolutions adopted under the authority of the UN Charter by at least 9 of the 15 members of the UN Security Council, subject to the veto of the P5.⁵¹ SALW are included in the scope of all UN arms embargoes with the exception of the embargoes on Iran and the Democratic People's Republic of Korea (DPRK, North Korea), which are limited to the scope of UNROCA when dealing with conventional arms and therefore exclude SALW.⁵² However, in June 2009 the UN Security Council expanded the scope of the embargo on North Korea to include all arms and related materiel, while maintaining an exemption for SALW.⁵³ This exemption was reportedly kept at the insistence of China.⁵⁴

China abstained from the votes on UN Security Council resolutions to impose arms embargoes on Libya in 1992, Taliban-controlled Afghanistan in 2000, the Darfur region of Sudan in 2004 and 2005, and Eritrea in 2009.⁵⁵ It has only exer-

⁴⁸ Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

⁴⁹ 'China: UN arms trade treaty should be reached through consensus', Xinhua, 3 Apr. 2013, <http://news.xinhuanet.com/english/video/2013-04/03/c_132281188.htm>.

⁵⁰ EU Non-Proliferation Consortium, 'Implementing the arms trade treaty: next steps', Seminar report, Geneva, 17–18 June 2013, <<http://www.nonproliferation.eu/adhoc/report2.pdf>>.

⁵¹ Charter of the United Nations, signed 26 June 1945, entered into force 24 Oct. 1945, <<http://www.un.org/aboutun/charter/>>, Chapter V, Article 27(3).

⁵² UN Security Council resolutions 1718, 14 Oct. 2006; and 1737, 27 Dec. 2006.

⁵³ UN Security Council Resolution 1874, 12 June 2009.

⁵⁴ Kan, S. A., *China and Proliferation of Weapons of Mass Destruction and Missiles: Policy Issues*, Congressional Research Service (CRS) Report for Congress RL31555 (CRS: Washington, DC, 7 Nov. 2012), Summary, p. 49.

⁵⁵ UN Security Council resolutions 1556, 30 July 2004; 1591, 29 Mar. 2005; 1907, 23 Dec. 2009; 748, 19 Nov. 1992; and 1333, 19 Dec. 2000. For UN Security Council voting records see the UN Bibliographic

Box 2.1. Investigating alleged violations of the United Nations arms embargo on Libya, 2011

Documents found in Libya in 2011 appeared to show that representatives of Chinese arms manufacturers met with representatives of the regime of Muammar Gaddafi in July 2011 and offered to sell the regime conventional arms to the value of \$200 million. At the time, Libya was the subject of a United Nations arms embargo. Chinese officials have since acknowledged that the meeting took place.^a However, officials maintain that no laws were violated since the meetings only constituted contacts with Libyan officials, which does not require prior approval from the licensing authority. Chinese companies only need to apply for approval to carry out formal negotiations.^b

The individual from China North Industries Corporation (Norinco) who made contact with the Libyan representatives has since been removed from his position because he did not comply with Norinco's internal compliance programme.^c There has also been some acknowledgement by Chinese officials that the incident indicates a need for more 'stringent' interaction between the Chinese Ministry of Foreign Affairs and industry. In particular, the episode suggests a need to ensure that companies are more cautious when exporting to politically sensitive destinations.^d

^a 'China unaware arms dealers met with Gadhafi representatives', Voice of America, 4 Sep. 2011, <<http://www.voanews.com/content/china-says-it-was-unaware-arms-dealers-met-with-gadhafi-representatives-129252233/144797.html>>.

^b Chinese export control officials, Interviews with authors, Beijing, Jan. 2012.

^c Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

^d Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

cised its veto once, when the UN Security Council voted on the imposition of an arms embargo on Zimbabwe in July 2008.⁵⁶ Russia and three non-permanent members of the Council also voted against the resolution.⁵⁷ China gave three reasons for its opposition to the embargo, which echoed its opposition to a call for UN Security Council sanctions on Myanmar in 2007.⁵⁸ First, China voiced concerns at the invocation of Chapter VII of the UN Charter for situations that it regarded as not constituting threats to international or regional peace and security and which conflicted with the principle of non-interference in the internal affairs of states.⁵⁹ Second, China argued that sanctions would undermine negotiations for peaceful conflict resolution. Third, China noted that regional and subregional organizations were not seeking action from the UN Security Council. This point proved to be particularly significant when China voted in support of a UN Security Council arms embargo on Libya in response to the gross and systematic violation of human rights: China explained that its support on this

Information System (UNBISNET), <<http://unbisnet.un.org>>. See also the SIPRI Arms Embargoes Database, <<http://www.sipri.org/databases/embargoes/>>.

⁵⁶ United Nations, Security Council, Draft resolution, S/2008/447, 11 July 2008.

⁵⁷ United Nations, Security Council, 'Security Council fails to adopt sanctions against Zimbabwe leadership as two permanent members cast negative votes', Press Release SC/9396, 11 July 2008.

⁵⁸ United Nations, Security Council, 5753rd meeting, S/PV.5753, 5 Oct. 2007; and United Nations, Security Council, 5777th meeting, S/PV.5777, 13 Nov. 2007.

⁵⁹ United Nations, Security Council, 5933rd meeting, S/PV.5933, 11 July 2008, p. 9; and Charter of the United Nations (note 51), Chapter VII, 'Action with respect to threats to the peace, breaches of the peace, and acts of aggression'.

occasion was influenced by calls for sanctions by the League of Arab States and the African Union (AU).⁶⁰

However, China, along with Brazil, Germany, India and Russia, abstained from the March 2011 vote in the UN Security Council that authorized member states to take all necessary measures to protect civilians under threat of attack in Libya.⁶¹ UN Security Council Resolution 1973 was interpreted by some states as permitting the supply of arms to entities fighting against the Libyan regime of Muammar Gaddafi as part of efforts to protect civilians.⁶² China did not support this interpretation.⁶³ Moreover, China's views would later become the subject of considerable interest when a delegation from the Gaddafi regime visited Chinese arms companies in Beijing in July 2011 to discuss arms contracts (see box 2.1).

While there has not been a vote in the UN Security Council on an arms embargo on Syria, it is clear that China would veto such a resolution and that it would not be alone in taking this step. Both China and Russia vetoed a draft resolution in October 2011 that threatened the imposition of sanctions on Syria and that called on states to exercise vigilance and restraint over arms transfers to Syria.⁶⁴ In explaining the veto, China stressed the importance of the principle of non-interference in the internal affairs of states, as well as the fact that the threat of sanctions could result in a military intervention, as had occurred in Libya.⁶⁵ Although the Arab League called for UN action and even imposed an arms embargo on Syria in December 2011, China was not persuaded to change its position.⁶⁶ China also vetoed a draft resolution of July 2012 that threatened economic sanctions.⁶⁷

In terms of arms embargo reporting mechanisms, China has a mixed record. It has generally failed to notify sanctions committees of arms transfers to states subject to embargoes but has provided limited cooperation to UN groups of experts.

UN Security Council resolutions imposing arms embargoes on the Democratic Republic of the Congo (DRC), Liberia and Somalia permit the supply of arms and ammunition and military training to government forces but require the supplier to notify the relevant UN sanctions committee prior to delivery.⁶⁸ Supplier states often fail to provide a notification, and when they do submit notifications they

⁶⁰ UN Security Council Resolution 1970, 26 Feb. 2011; United Nations, Security Council, 6491st meeting, S/PV.6491, 26 Feb. 2011, p. 4.; and Holtom, P. and Kelly, N., 'Multilateral arms embargoes', *SIPRI Yearbook 2009: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2009), p. 484.

⁶¹ UN Security Council Resolution 1973, 17 Mar. 2011.

⁶² Trevelyan, L., 'Libya: coalition divided on arming rebels', BBC News, 29 Mar. 2011; and Lynch, C., 'The United States and its allies explore legal case for arming the Libyan rebels', Turtle Bay blog, *Foreign Policy*, 24 Mar. 2011, <http://turtlebay.foreignpolicy.com/posts/2011/03/24/the_united_states_and_its_allies_explore_legal_case_for_arming_the_libyan_rebels>.

⁶³ 'China avoids criticising France over Libya arms', Reuters, 30 June 2011.

⁶⁴ United Nations, Security Council, Draft resolution, S/2011/612, 4 Oct. 2011, para. 9.

⁶⁵ United Nations, Security Council, 6627th meeting, S/PV.6627, 4 Oct. 2011, pp. 3–5.

⁶⁶ League of Arab States, Council, Statement on the situation in Syria, 3 Dec. 2011, <http://www.lasportal.org/wps/wcm/connect/c38cc58049521706877cef7abaae88c3/البيان_الذنهائي+.doc,,.pdf?MOD=AJPERES> (in Arabic).

⁶⁷ United Nations, Security Council, 6810th meeting, S/PV.6810, 19 July 2012; and United Nations, Security Council, Draft resolution, S/2012/538, 19 July 2012.

⁶⁸ UN Security Council resolutions 1744, 21 Feb. 2007; 1807, 31 Mar. 2008; and 1903, 17 Dec. 2009.

Table 2.1. Examples of arms shipments from China that were not notified to a United Nations sanctions committee

Embargo	Year of delivery	Contents of shipment
DRC	2006	10 000 AK-47 magazines shipped from China via Addis Ababa on 29 Aug. 2006; there were irregularities in the customs declaration regarding the price of the content and entry point, and the cargo was reported to the Sanctions Committee by Congolese authorities only after it had arrived
DRC	2007	10 military trucks and 4 containers of helmets made in China; the UN Mission in the DRC (MONUC) was not informed of the arrival and military observers were denied access to the cargo
DRC	2008	Suspected consignment of Chinese arms from Sudan
Liberia	2008	Delivery from China of arms, ammunition and policing equipment for Liberian special security services was not reported to the Sanctions Committee or the UN Mission in Liberia (UNMIL); the consignment was described as 'spare parts and chemical products'; UNMIL was informed it was a furniture delivery

DRC = Democratic Republic of the Congo.

Sources: Reports of the respective UN groups or panels of experts, issued in UN documents S/2008/43, 13 Feb. 2008; S/2008/773, 12 Dec. 2008; S/2009/603, 23 Nov. 2009; and S/2008/371, 12 June 2008.

are often incomplete or are provided after the delivery has taken place.⁶⁹ China has yet to provide a notification to a sanctions committee in advance of delivery (see table 2.1). The 2009 report of the Group of Experts on the DRC named China as failing to provide complete and timely notifications, provoking strong criticism from Chinese officials.⁷⁰

Independent panels and groups of experts have been established to monitor UN sanctions, assess reports of alleged violations and present their findings and recommendations to UN sanctions committees. China has a mixed record of cooperating with these groups (see table 2.2). Furthermore, in 2010–11 China sought to block the publication of expert reports on sanctions on North Korea and the Darfur region of Sudan.⁷¹ The 2010 report of the UN Panel of Experts on Darfur provoked a particularly strong reaction from the Chinese MFA.⁷² The report stated that small arms ammunition used in an attack on personnel of the AU/UN Hybrid Operation in Darfur (UNAMID) appeared to be of Chinese origin. The panel did not suggest that China had supplied ammunition in violation of the

⁶⁹ E.g. United Nations, Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council Resolution 2002 (2011), 27 June 2012, annex to S/2012/544, 13 July 2012, para. 77; and Bromley, M. and Holtom, P., 'Arms transfers to the Democratic Republic of the Congo: Assessing the system of arms transfer notifications, 2008–10', SIPRI Background Paper, Oct. 2010, <http://books.sipri.org/product_info?c_product_id=415>.

⁷⁰ United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, 9 Nov. 2009, annex to S/2009/603, 23 Nov. 2009, paras 259–64.

⁷¹ Charbonneau, L., 'China stops blocking harsh North Korea report—U.N. envoys', Reuters, 9 Nov. 2010; and Charbonneau, L., 'China tries to dodge Darfur bullets report: envoys', Reuters, 20 Oct. 2010.

⁷² Morris, H. and Hille, K., 'China attacks UN linking its arms to Darfur', *Financial Times*, 21 Oct. 2010; and MacAskill, E., 'China tries to block Darfur weapons report', *The Guardian*, 21 Oct. 2010.

UN arms embargo, but criticized China for not responding to requests for information on the ammunition and for relying on Sudanese assurances that equipment supplied by China to Sudan would not be transferred into Darfur.⁷³ It was reported that China was so affronted by the report that it had considered vetoing the resolution to renew the panel's mandate.⁷⁴

Regional forums

China is a member of Asia–Pacific Economic Cooperation (APEC), the Conference on Interaction and Confidence-building Measures in Asia (CICA) and the Shanghai Cooperation Organisation (SCO). The level of SALW-related activity in these regional forums is far lower than in similar bodies in other regions, such as the Organization for Security and Co-operation in Europe (OSCE), the Organization of American States (OAS) and various subregional organizations in Africa. While some limited mechanisms for SALW control and arms transfer control have been created by APEC, CICA and the SCO—most of which are focused on combatting the illicit trade in SALW—the extent to which they are being implemented is unclear.

In 2004 CICA members agreed to exchange information on the measures they have taken to curb the illicit small arms trade and in 2008 they agreed to an action plan covering border control and trafficking issues. However, the implementation of these instruments has been limited.⁷⁵

In 2004 APEC members adopted the APEC Guidelines on Controls and Security of MANPADS.⁷⁶ The guidelines include standards in the fields of stockpile management and transfer controls, and require that exports of MANPADS are only made to authorized recipients, only upon receipt of a valid end-user certificate (EUC), and only after a receiving a guarantee that the goods will not be re-exported with the prior consent of the exporter. The guidelines were submitted to APEC by Russia and the USA and represent an adapted version of equivalent standards agreed by the Wassenaar Arrangement in 2003.

The SCO identifies fighting arms trafficking as one of its main goals in its 2002 Charter and in 2008 the members agreed a cooperation agreement on crimes related to arms trafficking.⁷⁷ This was further strengthened in 2010 with the inclusion of the illicit manufacture of and trade in arms, ammunition, and explosive devices and substances.⁷⁸ According to the Chinese Government, 'China

⁷³ 'Excerpts from UN panel Darfur arms embargo report', Reuters, 27 Oct. 2010.

⁷⁴ Charbonneau, 'China tries to dodge Darfur bullets report: envoys' (note 71).

⁷⁵ Berman, E. G. and Maze, K., *Regional Organizations and the UN Programme of Action on Small Arms (PoA)* (Small Arms Survey: Geneva, Aug. 2012), p. 102.

⁷⁶ Asia–Pacific Economic Cooperation, APEC Guidelines on Controls and Security of Man-Portable Air Defense Systems (MANPADS), 16th APEC Ministerial Meeting, Santiago, 17–18 Nov. 2004, <<http://scm.oas.org/pdfs/2007/CP17710E.PDF>>.

⁷⁷ Charter of the Shanghai Cooperation Organisation, signed 7 June 2002, entered into force 19 Sep. 2003, <<http://www.sectsc.org/EN123/show.asp?id=69>>, Article 1.

⁷⁸ Berman and Maze (note 75), pp. 78–79.

Table 2.2. Chinese cooperation with United Nations panels and groups of experts, 2008–12

Year of report	Subject of request for information or tracing assistance	Cooperation	Panel/group assessment
<i>Côte d'Ivoire</i>			
2012	Generic	Yes	Satisfactory response
2012	Type-56 rifles used by Forces Nouvelles	Partial	Incomplete response
<i>Democratic Republic of the Congo (DRC)</i>			
2007	Suspected Chinese-origin weapon transferred from Sudan to the DRC	No	Waiting for reply
2007	Shipment of 10 000 AK-47 magazines delivered to Congolese armed forces	Yes	Satisfactory response
<i>Libya</i>			
2012	Libyan officials' attempt to purchase arms	Partial	Confirmed attempt but limited information
<i>Darfur, Sudan</i>			
2007	Ongoing correspondence by the Panel	No	
2008	General-purpose W-85 machine guns	No	
2008	Anti-aircraft guns	No	
2008	Ammunition	Partial	Did not respond to tracing request but provided technical assistance
2008	MJ-1 fuses	Yes	
2009	QLZ-87 grenade launcher and HN-5 MANPADS found in Darfur	No	25 states contacted but only Bulgaria replied
2009	Rifles and ammunition	Yes	Chinese Government stated ongoing investigation
2009	MJ-1 fuses	Partial	
2009	Content of 2 containers stolen from UNAMID	Yes	
2011	Ammunition	Partial	Confirmed Chinese markings but not origin or potential source
2012	Ammunition	Partial	Confirmed Chinese markings but not origin or potential source
2012	30-mm incendiary ammunition	No	
2012	EUC compliance	Partial	China provided a template EUC, not a copy of requested EUC
2012	Visit Chinese diplomatic missions in Khartoum and Addis Ababa	No	
<i>Somalia</i>			
2008	Generic	..	No reference to reply
2011	18 RPGs found in the hands of pirates	Partial	Incomplete response
2011	2 Type-56 rifles	Yes	Response: 'no sales records'
2011	Chinese alarm systems used in IEDs	Partial	Incomplete response
2011	Chinese RPG abandoned by ONLF	Yes	Response: 'factory closed'
2011	3 Type-69 RPG launchers and 2 Type-56 rifles found left by ONLF	No	

EUC = end-user certificate; IED = improvised explosive device; ONLF = Ogaden National Liberation Front; RPG = rocket-propelled grenade; UNAMID = United Nations/African Union Hybrid Operation in Darfur.

Sources: Reports of the respective UN groups or panels of experts, issued in the following UN documents: *Côte d'Ivoire*: S/2009/521, 9 Oct. 2009; S/2012/196, 14 Apr. 2012; *Democratic Republic of the Congo*: S/2007/40, 25 Jan. 2007; S/2008/773, 12 Dec. 2008; *Darfur, Sudan*: S/2008/647, 11 Nov. 2008; S/2009/562, 29 Oct. 2009; S/2011/111, 8 Mar. 2011; *Libya*: S/2012/163, 17 Feb. 2012; *Somalia*: S/2008/769, 10 Dec. 2008; S/2011/433, 1 Aug. 2011. The entries on Darfur for 2012 are taken from a leaked letter from former members of the UN panel: 'Letter dated 24 January 2011 [sic] from former members of the Panel of Experts on the Sudan established pursuant to Resolution 1591 (2005) and renewed pursuant to resolution 1945 (2010) addressed to the Chairman of the Security Council committee established pursuant to resolution 1591 (2005) concerning the Sudan', 24 Jan. 2012, available in 'UN clash over Beijing bullets claim', *Africa Confidential*, vol. 53, no. 8, 13 Apr. 2012, <<http://www.africa-confidential.com/index.aspx?pageid=7&articleid=4417>>.

is actively participating in efforts to combat the illicit trade in SALW within the framework of the Shanghai Cooperation Organization'.⁷⁹

China has also provided financial and technical support for SALW-related activities by international and regional organizations, including the SCO, the UN, the Association of Southeast Asian Nations (ASEAN) and the OAS.⁸⁰ For example, in 2003 China gave \$10 000 to the trust fund for the UN Disarmament Information Programme to help address SALW problems, and in 2005 China gave \$21 800 to the OAS to support meetings aimed at prohibiting the illicit trade in firearms.⁸¹

Multilateral export control regimes

One of the most significant developments over the past 20 years has been China's evolving attitude towards the various multilateral export control regimes, including the Nuclear Suppliers Group (NSG), the Australian Group, the Missile Technology Control Regime (MTCR) and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. When China joined the NSG in 2004 it marked China's first accession to an export control regime whose obligations do not derive directly from treaty commitments.⁸² In its 2005 white paper on arms control and non-proliferation, China pledged more consultations and exchanges with the export control regimes, noting that 'China values the important role of the multinational export control mechanisms in the field of non-proliferation.'⁸³

It is noticeable that the regime that deals most substantively with transfer controls on conventional arms, including SALW—the Wassenaar Arrangement—is the one with which China has had the least interaction. China long viewed the Wassenaar Arrangement as a relic of the Coordinating Committee on Multilateral Export Controls (COCOM), which was established by Western countries

⁷⁹ Chinese Ministry of Foreign Affairs (note 23).

⁸⁰ Liu J., Chinese ambassador to the UN, in United Nations, Security Council, 7036th meeting, S/PV.7036, 26 Sep. 2013, p. 17.

⁸¹ Chinese Ministry of Foreign Affairs (note 17), pp. 20–21.

⁸² Although China joined the Zangger Committee in 1997, the Zangger Committee obligations are drawn directly from the 1968 Non-Proliferation Treaty.

⁸³ Chinese State Council, *China's Endeavors for Arms Control, Disarmament and Non-Proliferation*, White Paper (Information Office of the State Council: Beijing, Sep. 2005), chapter V.

during the cold war to control exports of military and dual-use items to the Communist bloc.⁸⁴ However, China's rhetoric has softened in recent years. China held its first discussions with the Wassenaar Arrangement in April 2004 and there have been annual meetings ever since.⁸⁵ The Chinese MFA website notes that 'China attaches importance to the Arrangement's role and is open to dialogues and exchanges with the Arrangement and its participants'.⁸⁶ China's transfer controls are broadly in line with those laid down in the Wassenaar Arrangement even if concerns remain in the fields of implementation and enforcement. China's control list covers almost all of the items in the Wassenaar Arrangement munitions list, although some of the categories are less detailed (see chapter 3). Nonetheless, China does not appear to have had any serious discussions regarding a membership application and it seems unlikely that any will take place in the near future.⁸⁷

⁸⁴ Davis (note 3), p. 3.

⁸⁵ Chinese Ministry of Foreign Affairs, 'The Wassenaar Arrangement', 27 May 2010, <<http://www.fmprc.gov.cn/eng/wjb/zzjg/jks/kjlc/cgjkw/t577615.shtml>>.

⁸⁶ Chinese Ministry of Foreign Affairs, 'China and multilateral non-proliferation mechanisms', 29 June 2004, <<http://www.fmprc.gov.cn/eng/wjb/zzjg/jks/kjlc/fkswt/dbfks/t141201.htm>>.

⁸⁷ Hague, W., British Secretary of State for Foreign and Commonwealth Affairs, Letter to the Chair of the British House of Commons Quadripartite Committees on Arms Export Controls, 8 Apr. 2013, <<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmquad/205/205we46.htm>>.

3. China's transfer controls

This chapter describes the legal foundations of the Chinese system of controls on SALW transfers, and describes how it works in practice. China's transfer control system displays a number of characteristics reflective of the Chinese political system in general.

First, the division of labour between different government agencies involved in decisions to grant export licences for SALW or other conventional arms is not fully formalized. This lack of formalization is particularly apparent when it comes to conducting risk assessments before authorizing exports and to defining the role and responsibilities of the MFA in this process.

Second, there is an important distinction between administrative regulations and laws in the Chinese legal system. Arms transfer controls are handled as an administrative matter, with government agencies controlling the exports conducted by authorized arms-trading companies, which are all SOEs. Gifts and donations are subject to a separate set of procedures administered by the PLA that has not been made publicly available.

Third, in part because controls are defined as an administrative matter, China's transfer control system lacks transparency. Many administrative regulations are not public, and while it is possible for analysts to identify the main actors, it is impossible to assess with certainty the role of informal politics and personal networks in the decision-making process. Party structures within arms-trading companies, the PLA and government agencies facilitate informal politics or even the circumvention of linear decision-making processes. Similarly, the influence of the PLA over arms transfer decisions is difficult to evaluate.

The foundations of the Chinese arms transfers control system

During the era of Chairman Mao Zedong (1949–76), controls on transfers of conventional arms took the form of executive decrees.⁸⁸ The introduction of market reforms in 1978 under Deng Xiaoping's Reform and Opening policy was a major incentive for Chinese companies to seek profits in international markets. In a number of cases, Chinese arms companies took advantage of the lack of a legal framework.⁸⁹ In reaction, but also as a result of China's growing international engagement, the country embarked on the construction of a legal system by 'translating past administrative practices into written regulations'.⁹⁰ While the process occurred in parallel with the elaboration of WMD-related controls, the construction of a transfer control system for conventional arms, including SALW, followed a separate track, because different institutional actors were involved, as discussed below.

⁸⁸ Medeiros, E. S. and Gill, B., *Chinese Arms Exports: Policy, Players and Process* (US Army War College, Strategic Studies Institute: Carlisle, PA, Aug. 2000), p. 26.

⁸⁹ Davis (note 3), pp. 17–18.

⁹⁰ Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

Table 3.1. China's export control system

Export control element	Law or regulation	Remarks
Definition of activities	Foreign Trade Law Customs Law Regulations on the Administration of Arms Exports	
Authorized entities	Regulations on the Administration of Arms Exports	The names of the authorized companies are not mentioned in any legal document, only the principle of 'authorized entities' is stipulated in the arms export regulations
Licensing	Regulations on the Administration of Arms Exports	
Documentation to be submitted with an application	Internal regulations	The arms export regulations mention 'valid certificates and documents' without further elaboration
Risk assessment	–	
Penalties	Foreign Trade Law Customs Law Regulations on the Administration of Arms Exports Criminal Law Administrative Penalties Law	
Enforcement	Customs Law Criminal Law	
Transit and trans-shipment	Internal regulations	
Brokering	Internal regulations	

China began constructing a legal framework to govern domestic circulation and international transfers of SALW in the second half of the 1990s. The first publicly available information on the structure and content of China's controls on transfers of conventional arms, including the principles applied when determining whether to grant or deny an export, were contained in the last four paragraphs of a November 1995 Chinese Government white paper. The white paper represented official recognition that China needed a more systematic approach to controlling the trade in sensitive goods and technologies and sketched out for the first time the institutional arrangements and decision-making processes governing conventional arms transfers.⁹¹ The paper noted that 'China consistently adheres to a series of principles on conventional weapons transfers. The export of such weapons should help the recipient nation increase its appropriate defence capacity. The transfer must not impair peace, safety or stability regionally or globally. China does not use trade in weaponry to interfere in sovereign states' internal affairs.'⁹²

⁹¹ Chinese State Council, *China: Arms Control and Disarmament*, White Paper (Information Office of the State Council: Beijing, Nov. 1995).

⁹² Chinese State Council (note 91), chapter V.

The legal framework

Since the second half of the 1990s, China has elaborated a comprehensive system to control transfers of conventional arms, including SALW. The laws and regulations governing transfers of SALW have not been amended since 2002, in contrast to legal documents governing exports of dual-use and WMD-related technologies. While internal administrative regulations seem to have evolved in reaction to international events, such as the 2008 shipment of weapons to Zimbabwe (discussed in chapter 4), China's control system was essentially finalized in the early 2000s.

China's current transfer control system is based on four laws, five administrative regulations and one control list (see table 3.1). The legal framework regulating all transfer controls for military and dual-use products is provided by the 1994 Foreign Trade Law (most recently amended in 2004) and the 1987 Customs Law (most recently amended in 2000).⁹³ The Foreign Trade Law empowers the Chinese Government to restrict or prohibit arms trade activities to safeguard national security and public interests, and to comply with international treaties and agreements signed by China (articles 16, 17, 27). Article 67 provides a legal basis for the state to adopt specific laws and regulations related to transfers of military goods. The Customs Law establishes the legal principle for the General Administration of Customs (the customs agency) to enforce export control regulations. The 1996 Administrative Penalties Law constitutes the legal basis for administrative penalties for violations of executive commands.⁹⁴ A number of other regulations govern use, storage, distribution and transport of firearms and weaponry by law-enforcement agencies and the military.

Some Chinese legal experts advocate the enactment of a transfer control or strategic trade control law to govern the trade in conventional arms.⁹⁵ However, this is currently a minority view—most export control officials regard the administrative approach as most appropriate for China because the Chinese Government in theory retains exclusive control over arms transfers. Only SOEs are authorized to conduct exports, and transfer controls are conceived as the centralized management of state capitalism in the arms trade. As one Chinese official argued, 'China would need an export law if private companies were authorized to conduct transfers of arms'.⁹⁶

⁹³ Foreign Trade Law of the People's Republic of China, adopted 12 May 1994, revision promulgated 6 Apr. 2004, <http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383624.htm>; and Customs Law of the People's Republic of China, adopted 22 Jan. 1987, revision promulgated 8 July 2000, <http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383931.htm>.

⁹⁴ Law of the People's Republic of China on Administrative Penalty, promulgated 17 Mar. 1996, <http://www.npc.gov.cn/englishnpc/Law/2007-12/11/content_1383613.htm>.

⁹⁵ 'The UN Arms Trade Treaty and its Impact on Legal Affairs', Workshop co-hosted by Saferworld and the China University of Political Science and Law, Beijing, 9 June 2012, <<http://www.junshifa.org/cn/index.php?do=caseview&caseid=20280>>.

⁹⁶ Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

The Regulations on the Administration of Arms Exports

In 1997 the Chinese Government issued the Regulations on the Administration of Arms Exports (军品出口管理条例, *Junpin chukou tiaoli*), which outline the administrative system governing exports of conventional arms and domestic management of firearms and other weaponry.⁹⁷ The regulations were amended in 2002 during a period (1998–2002) in which China elaborated its transfer control system for sensitive items related to WMD and other military programmes in line with international supplier regime standards.⁹⁸ The reform of the system also took place within the context of a wider trend towards 'rule by law' and the increasing formalization of decision-making processes. These reforms introduced a key legal distinction between conventional arms and missiles.

In 2002 China issued two further legal instruments outlining controls for MANPADS, which are categorized as light weapons in several international conventions: the Regulations on Export Control of Missiles and Related Items and Technologies, and the List of Missiles and Missile-related Technology.⁹⁹ The missile regulations specify that 'Complete ballistic missiles, space launch vehicles, sounding rockets, cruise missile and unmanned air vehicles that can be used to deliver at least a 500 kg payload to a range of at least 300 km'—items falling under the MTCR regulations, which China has not joined but has agreed to abide by—are subject to both the 2002 missiles regulations and to the arms exports regulations.¹⁰⁰ Other missiles and related technologies, including MANPADS, are exclusively controlled by the missile regulations, which request more detailed documentation to support an export application than the 2002 arms exports regulations.

The arms exports regulations is the only public document specifically addressing transfers of conventional weapons, including SALW. The regulations play a central role in organizing the licensing procedure and defining principles for the conduct of conventional arms transfers. They set the goal of 'strengthening the unified administration of arms export'.¹⁰¹ According to export control officials, the 2002 amendment of the regulations was motivated by the perceived need to strengthen them or make them more specific in three main areas related to (a) the introduction of a control list; (b) ensuring that the financial penalties

⁹⁷ Regulations of the People's Republic of China on the Administration of Arms Exports, promulgated by Decree no. 234 of the State Council and the Central Military Commission, 22 Oct. 1997, revised 15 Oct. 2002, <<http://www.fmprc.gov.cn/eng/wjw/zjzjg/jks/cjzk/2622/t70218.htm>>.

⁹⁸ Lieggi, S., 'From proliferator to model citizen? China's recent enforcement of nonproliferation-related trade controls and its potential positive impact in the region', *Strategic Studies Quarterly*, vol. 4, no. 2 (summer 2010), pp. 39–62.

⁹⁹ Regulations of the People's Republic of China on Export Control of Missiles and Missile-Related Technology (with annexed List of Missiles and Missile-related Technology), promulgated by Decree no. 234 of the State Council, 22 Aug. 2002, <http://www.gov.cn/english/laws/2005-07/25/content_L16957.htm>. MANPADS are treated as light weapons in e.g. United Nations, A/52/298 (note 11), para. 25; and International Tracing Instrument (note 22), para. 4.

¹⁰⁰ List of Missiles and Missile-related Technology (note 99), Article 1.

¹⁰¹ Regulations of the People's Republic of China on the Administration of Arms Exports (note 97), Article 1.

for transfer control violations are in line with the Foreign Trade Law; and (c) changes to the institutional arrangements for the licensing procedure.¹⁰²

China controls transfers of conventional arms and dual-use materials, including WMD and their components, through different bureaucratic channels. According to the 1997 regulations, 'leadership' over the 'relevant agencies of the State' to administer military trade was to be exercised through the National Commission on Military Products Trade Management (国家军品贸易管理委员会, *guojia junpin maoyi guanli weiyuanhui*) under the dual responsibility of the State Council and the Central Military Commission (CMC). It also stated that the National Commission on Military Products Trade Management could rely on an executive agency, the Office for Trade of Military Products (军品贸易局, *junpin maoyi ju*). Neither the commission nor the executive agency is mentioned in the amended 2002 regulations, which only refer to the dual leadership of the State Council and the CMC. According to Chinese transfer control officials, the 2002 change is cosmetic, as the same government agencies remained involved in the authorization of transfers.¹⁰³

In practice, the State Administration for Science, Technology and Industry for National Defense (SASTIND), under the Ministry of Industry and Information Technology (MIIT), is in the driving seat when it comes to issuing licences, through its Department of Military Trade and Foreign Affairs. From 2002 until the establishment of MIIT and SASTIND in 2008, the leading institution was the Commission for Science, Technology and Industry for National Defense (COSTIND).¹⁰⁴ When deciding whether to issue or deny particular arms export licences, SASTIND consults with the General Armament Department (GAD) of the PLA and, in certain cases, with the MFA. While the Ministry of Commerce is the main government organ in charge of granting licences for dual-use items and enforcing China's international commitments with regards to non-proliferation of WMD and their components, its role with regards to SALW exports is limited to enforcement of transfer controls.

The Military Products Control List

The Military Products Export Control List (军品出口管理清单, *junpin chukou guanli qingdan*) was adopted in October 2002 as an annex to the Regulations on the Administration of Arms Exports.¹⁰⁵ According to Chinese export control officials, the control list, which comprises 14 categories of defence items that are subject to export licensing requirements, incorporates elements of the control lists of both the Wassenaar Arrangement and the USA.¹⁰⁶

¹⁰² Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

¹⁰³ Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

¹⁰⁴ COSTIND was established in 1982 under dual supervision of the State Council and the CMC to coordinate interactions between the PLA and defence industries. In 1998, as part of a much larger Chinese Government organizational reform, COSTIND was put under the direct supervision of the State Council, while the newly established GAD took over COSTIND's military personnel, and organizations and responsibilities in research and development. See below.

¹⁰⁵ Regulations of the People's Republic of China on the Administration of Arms Exports (note 97), annex.

¹⁰⁶ Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

The following equipment is listed under category 1, 'Small arms':

1.1 Small arms: arms carried and used by individual or squad, including:

1.1.1 Firearms: tubular type weapons mainly using the energies by the way of powder burning gas to launch bullet of cartridge through barrel, with the caliber below 20mm (0.78 inch), including pistol, submachine gun, rifle, machine gun, and other special purpose guns.

1.1.2 Grenade weapons: infantry close combat weapons to fulfill a certain combat task by launching grenade, including grenade-discharger, mortar-type grenade launcher, recoil-less launcher, rocket launcher, grenade launcher, jet shot grenade launcher, individual guided weapons, grenades, and other types of grenade launchers.

1.1.3 Special equipment: weapons carried and used by individual or squad to fulfill the tasks of demolition, mine laying, mine detecting, mine clearing, setting on fire, setting on smoke, illumining, signaling, anti-riot action, and other special tasks.

1.1.4 Light-weight laser jamming devices.

1.1.5 Cold weapons, including bayonet, multi-purpose knife, paratrooper knife, pilot knife, and other military knives.

1.2 Sighting devices, night sighting devices, mufflers, restrainers, and flash restrainers associated with all articles enumerated in paragraph 1.1 of this category.

1.3 Parts, components, accessories, attachments, fittings, spare parts, semi-finished products, and samples associated with all articles enumerated in paragraphs 1.1 through 1.2 of this category.

1.4 Technology, manufacturing techniques, equipment, technical documents (including software), services, special raw materials and auxiliary materials directly related to the development, production, test, measurement, inspection, application, maintenance, upgrading and modification of all articles enumerated in paragraphs from 1.1 through 1.3 of this category.¹⁰⁷

The eight categories dealing with small arms are less detailed than categories 1 and 2 of the Wassenaar Arrangement munitions list.

Types of transfer and activity covered under China's administrative management system

China's administrative management system makes an important distinction between activities conducted on China's sovereign territory and activities carried out abroad or by foreigners, and this distinction forms the basis of the different types of transfer. Two further observations can be made on this point.

First, there are no simplified procedures for specific categories of SALW; in particular, SALW for police forces and hunting and sporting equipment are treated like other SALW. There is also no legal distinction between newly manufactured weapons and surplus weapons. Once a contract is approved, the authorized arms-trading company can produce the weapons or draw them from surplus military stocks.

Second, there are no specific procedures based on the final user. The fact that China's transfer control system is founded on the principle of only exporting to other states has a specific implication when it comes to transfers to countries in which civilians are authorized to purchase weapons. In the case of such transfers, China grants licences to legally authorized importing entities. Similarly,

¹⁰⁷ Regulations of the People's Republic of China on the Administration of Arms Exports (note 97), annex.

transfers to UN peace operations are treated like other exports and proceed according to the normal licensing procedure. The only exception is exhibitions, which are treated as temporary transfers with re-entry to Chinese territory. SASTIND issues a single-use temporary licence for equipment exhibited abroad.¹⁰⁸

However, there is a key distinction between commercial exports (which can include surplus) and gifts, leases and loans. Gifts and donations are carried out within the framework of China's military assistance policies. The PLA has discretionary power regarding military assistance and follows internal procedures that are not made public. Similarly, leases and loans are not covered by the 2002 regulations, as these transfers are not considered to be trade.

The 2002 regulations explicitly prohibit 'any individual to engage in any arms export business activity'.¹⁰⁹ However, conventional arms transfer control legislation does not provide a legal definition of brokering (军火中间商, *junhuo zhongjianshang*). The main reason for the lack of legal distinction between exports and brokering is that Chinese legislation focuses on the behaviour of authorized companies; brokering, therefore, falls outside its scope. In its 2010 report to the POA, the Chinese Government stated that engagement in arms exports outside of the authorized arms-trading companies 'including arms brokering, by any other entity or individual is illegal'.¹¹⁰ Nevertheless, this language leaves a number of questions unanswered. In particular, it is unclear whether representatives of Chinese arms-trading companies can carry out brokering activities. It is also unclear whether Chinese arms-trading companies can directly engage with foreign brokers. On this point the Chinese Government states that 'China exports arms only to the governments of sovereign states' and that 'China has never sold arms to non-state entities or individuals'.¹¹¹ However, open sources indicate that a number of foreign brokers have been involved in several transfers of Chinese SALW since 2000 (see box 4.3 below).

China's regulations do not address the question of monitoring transportation once cargo has left Chinese territory and there are no specific regulations regarding transit. The basis of this approach is that once a transport is approved and leaves Chinese territory, it falls outside the scope of the arms exports regulations. The transport route is at the discretion of Chinese shipping companies, such as China Ocean Shipping Group (COSCO) or foreign shipping companies, and does not require the approval of the government licensing agencies. Within Chinese territory, the Ministry of Public Security regulates transportation of arms under the 1996 Firearms Control Law.¹¹²

¹⁰⁸ Chinese export control official, Interview with authors, Beijing, Nov. 2012.

¹⁰⁹ Regulations of the People's Republic of China on the Administration of Arms Exports (note 97), Article 20.

¹¹⁰ Chinese Ministry of Foreign Affairs (note 23), p. 17.

¹¹¹ Chinese Ministry of Foreign Affairs (note 23), p. 15.

¹¹² Law of the People's Republic of China on Control of Firearms, promulgated 5 July 1996, <http://www.npc.gov.cn/englishnpc/Law/2007-12/11/content_1383600.htm>.

The licence-issuing process

The main licensing agencies

The 2002 amended Regulations on the Administration of Arms Exports place licensing decisions under the dual authority of the State Council and the CMC. The highest authorities of the state and the military are therefore the ultimate decision makers with regards to arms transfers, although the modalities of their direct involvement are not specified. No legal document details the role and the functions of the three main agencies—SASTIND, GAD and the MFA—involved in the decision-making process on behalf of the State Council and the CMC. Their division of labour is not formalized by any publicly available legal document. Similarly, while ‘important’ decisions regarding arms sales have to be approved by the State Council and the CMC, the regulations do not specify either the cases that have to be approved at this level or the agencies of the State Council that attend these high-level consultations.

SASTIND was created in 2008 under the newly established MIIT, as part of a larger reform of the organization of the State Council. It replaced and replicated most of the functions of COSTIND, which was created in 1982 under the dual leadership of the State Council and the CMC. Located at the interface between the PLA's procurement organs and the defence industry, COSTIND's main responsibility was the management of the arms industry, including scientific and technological research and development (R&D), to meet the equipment needs of the PLA. A major reform was introduced in 1998 when COSTIND was placed under the sole authority of the State Council, and its role limited to the administration of defence firms and the licensing of exports of conventional arms.

At the same time, the 1998 reforms established GAD under the CMC to centralize military procurement. While the newly reformed COSTIND was streamlined to represent the interests of the defence industry, GAD represented those of the PLA.¹¹³ The reforms intended to refine the PLA's internal defence procurement mechanism and transfer controls were not a priority. However, the extent to which the 1998 reform firmly established civilian control over arms transfers remains unclear. The relationship between GAD and SASTIND is crucial to understanding the internal politics of Chinese arms exports. In China's political system, bureaucratic rank is a key determinant of inter-agency relations, and while a three-star general heads GAD, SASTIND's director has only the rank of vice-minister (of MIIT). While from a bureaucratic perspective SASTIND is in the driver's seat when it comes to examining export licence requests (see figure 3.1 below), it is in no position to impose decisions on GAD. Article 3 of the 2002 regulations reflects this balance of power, defining the role of COSTIND as being to ‘take charge of the arms export work throughout the country and exer-

¹¹³ Mulvenon, J. and Tyroler-Cooper, R. S., ‘China's defense industry on the path of reform’, Paper prepared for the US–China Economic and Security Review Commission, Oct. 2009, <<http://www.uscc.gov/Research/china's-defense-industry-path-reform>>.

cise supervision and administration of arms export', 'under the leadership of the State Council and the Central Military Commission'.¹¹⁴

The MFA assesses the impact of arms transfers on China's international relations and ensures that such transfers respect China's legal obligations under international treaties and conventions. In certain cases, the MFA can request additional guarantees regarding the end-use of the transferred military good.¹¹⁵ However, in the absence of a formalized inter-agency mechanism to examine export licence requests, the MFA is not systematically involved in the licence-issuing process and only provides assessments at the request of SASTIND. Importantly, SASTIND can send a request either to the MFA's Department of Arms Control or to regional departments, as there is no clear definition of which departments have to be consulted on arms transfer matters.¹¹⁶ Although the Department of Arms Control is the leading MFA department for arms control diplomacy, it can in some cases provide risk assessment expertise on particular transfer requests and introduce a foreign policy perspective on arms sales. A 2012 report argues that the MFA is only involved in 'politically sensitive and potentially controversial' cases.¹¹⁷

Little is known about the way in which these three main agencies interact during arms transfer decisions. As noted above, the 1997 regulations mentioned a commission that performed inter-agency coordination. Today, it seems that coordination between agencies is not formalized, in the sense that inter-agency meetings seem to be held on an ad hoc basis.

While the PLA has historically played a central role in Chinese SALW exports, the creation of SASTIND, the rise of powerful SOEs and 1998 reforms prohibiting the military from conducting economic activities have diminished its role, although the CMC retains control over transfers under the 1998 Regulations on Arms Exports. For example, in 1999 the supervision of Poly Group, one of China's major arms trading companies, was transferred from the PLA to the State Council.¹¹⁸ The PLA continues to provide training for the use of weapons acquired by foreign militaries and now also helps to promote Chinese arms sales at international arms exhibitions.¹¹⁹ It is possible that visits by senior PLA officials help to promote Chinese arms sales, but such visits are reportedly a poor indicator of Chinese arms exports.¹²⁰ However, it can be argued that the PLA con-

¹¹⁴ Regulations of the People's Republic of China on the Administration of Arms Exports (note 97), Article 3.

¹¹⁵ Chinese export control officials, Interviews with authors, Beijing, Jan. 2012.

¹¹⁶ European diplomat, Interviews with authors, Beijing, Nov. 2012.

¹¹⁷ China Arms Control and Disarmament Association (CACDA) and Saferworld, 'The evolution of EU and Chinese arms export controls', Mar. 2012, <http://www.saferworld.org.uk/downloads/Final_Report_CACDA-Saferworld_-_English.pdf>, p. 22.

¹¹⁸ Poly Group, 'Profile', <<http://www.poly.com.cn/en/tabid/455/language/zh-CN/Default.aspx>>.

¹¹⁹ Poly Group, 'Poly Technologies, Inc. attends IDEX', 22 Oct. 2009, <<http://www.poly.com.cn/en/tabid/477/SourceId/1426/InfoID/2246/language/zh-CN/Default.aspx>>; and Holz, H. and Allen, K., 'Military exchanges with Chinese characteristics: the People's Liberation Army experience with military relations', eds R. Kamphausen, D. Lai and A. Scobell, *The PLA at Home and Abroad: Assessing the Operational Capabilities of China's Military* (US Army War College, Strategic Studies Institute: Carlisle, PA, June 2010), pp. 457–59.

¹²⁰ Holz and Allen (note 119).

Table 3.2. Chinese state-owned enterprises authorized to export arms

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1. China Electronics Import and Export Corporation (CEIEC)
 2. China National Aero-Technology Import and Export Corporation (CATIC)
 3. China North Industries Corporation (Norinco)
 4. China Shipbuilding Trading Corporation (CSTC)
 5. China Precision Machines Import and Export Corporation (CPMIEC)
 6. Poly Technologies Inc. (which incorporates the military related business of Xin Shidai-New Era Group Corporation since 2010)
 7. China Xinxing Import and Export Corporation
 8. China Jing'an Import and Export Corporation
 9. China Electro-Sci-Tec International Trading Corporation (CETC International)
 10. China Shipbuilding and Offshore International Corporation (CSOC)
 11. Aerospace Long March International Trade Corporation (ALIT)
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Source: Chinese export control official, Interview with authors, Stockholm, Apr. 2012; and Poly Group, 'Profile', <<http://www.poly.com.cn/en/tabid/455/language/zh-CN/Default.aspx>>.

tinues to play an important role in the export of second-hand SALW (see e.g. the example of military assistance to Sierra Leone in chapter 4).

Licences to manufacture and export arms

The cornerstone of China's transfer control system is the exclusive export authorization granted to 11 arms-trading SOEs (see table 3.2). Private companies and citizens are prohibited from exporting conventional arms. It is noteworthy that the 2002 arms exports regulations only state the principle of public control over arms exports without naming the authorized companies. This authorization is permanent: no temporary authorizations are granted by China to engage in arms exports.

Four of the companies—Norinco, Poly Technologies, Jing'an Import and Export Corporation, and China Xinxing Import and Export Company—are authorized to export 'firearms' (i.e. SALW).¹²¹ Two of the companies—China Precision Machines Import and Export Corporation (CPMIEC) and Aerospace Long March International Trade Corporation (ALIT)—have MANPADS in their catalogue.¹²² According to the regulations, the companies shall operate 'within the approved scope of business'.¹²³ However, China has not made the operating licences public and the extent to which their export catalogues are regulated by SASTIND and GAD is unclear.

The 11 authorized companies are allowed to conduct exports on behalf of arms-producing firms. In some cases, the arms-producing company belongs to the same conglomerate as the authorized company. In other cases, the arms-producing company is part of another industrial group. No statistics on the number of 'independent' producers and producing subsidiaries of these groups

¹²¹ Chinese Ministry of Foreign Affairs (note 23), p. 17.

¹²² Aerospace Long-March International Trade Company (ALIT), 'Defense equipment', <<http://www.alit.china.com/en/list.php?fid=59>>.

¹²³ Regulations of the People's Republic of China on the Administration of Arms Exports (note 97), Article 7.

have been made public. A former export control official estimates that, prior to the reform era, there were 'more than 100' producers of military goods.¹²⁴ As a result of subsequent restructuring of the defence sector, which resulted in mergers and bankruptcies, the number of companies producing SALW may have decreased, especially as most companies have abandoned the production of SALW—a low-tech good—in their effort to climb up the technological ladder.¹²⁵

Private firms are not legally prevented from requesting formal registration as an authorized arms-trading company. However, in practice, Chinese state capitalism, which is based on centralized control over strategic sectors of the economy, is precisely conceived to leave no room for newcomers from the private sector. When the Chinese Prime Minister, Zhu Rongji, conducted large-scale reforms of the public sector in the second half of the 1990s, he put forward the principle 'Grasp the large enterprises, release the small' (抓大放小, *zhuada fangxiao*). As a result, China has reinforced its control over major SOEs and encouraged them to develop internationally, while allowing bankruptcy or conversion of minor industrial groups. Reform of this system, which has been conceived to ensure strong central control over the arms trade, is unlikely. The one exception to this rule is ALIT, whose creation in April 2010 was widely viewed as a one-off based on a top-down decision.¹²⁶ According to one official, China assessed the possibility of authorizing private firms to conduct exports of military goods and concluded that privatization did not fit Chinese 'characteristics'.¹²⁷

Licensing procedures

The licensing procedure to export conventional weapons is known in Chinese as 'three applications, three approvals' (三包三批, *sanbao sanpi*, see figure 3.1). First, the authorized arms-trading company submits a project application (军品出口项目批准, *junpin chukou xiangmu pizhun*) to SASTIND to export a particular military item.¹²⁸ The item can be an export version of a weapon in service with the PLA and law-enforcement agencies, a new product designed for international markets, or an item in the arsenal of the PLA or law-enforcement agencies. GAD has the final word in issuing this military product export licence, while SASTIND formally leads the process of consultations.¹²⁹

Second, the authorized arms company applies for a contract approval (军品出口合同批准, *junpin chukou hetong pizhun*), following a successful negotiation with a foreign importer. According to the 2002 regulations, the relevant agencies have 20 days to examine the company's application.¹³⁰ The contract comes into

¹²⁴ Chinese export control officials, Interviews with authors, Beijing, Jan. 2012.

¹²⁵ Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

¹²⁶ Chinese export control officials, Interviews with authors, Beijing, Jan. 2012.

¹²⁷ Chinese export control official, Interview with authors, Beijing, Jan. 2012.

¹²⁸ Regulations of the People's Republic of China on the Administration of Arms Exports (note 97), Article 14.

¹²⁹ China Arms Control and Disarmament Association and Saferworld (note 117), p. 20.

¹³⁰ Regulations of the People's Republic of China on the Administration of Arms Exports (note 97), Article 15.

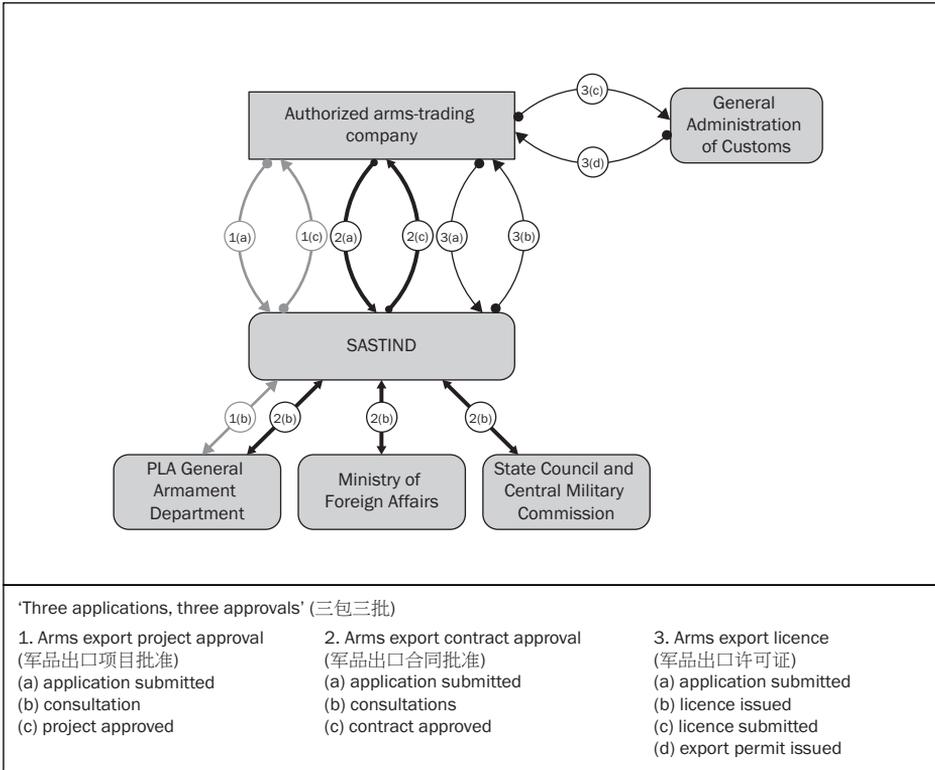


Figure 3.1. Chinese export licensing procedure for conventional weapons

force only after being approved. At this stage, the State Council and the CMC examine ‘Important proposals and contracts’.¹³¹

Third, once the contract has been approved, the company can formally apply for an export licence (军品出口许可证, *junpin chukou xukezheng*), which is issued 10 days after receipt of the application if all the provisions are met. Once these three steps have been completed, the General Administration of Customs issues an export permit after having examined the validity of the export licence.

An arms-trading company submitting an export licence application must include the following information: (a) the name of the product; (b) the quantity to be exported; (c) the name of the recipient; (d) a contract with a foreign entity; (e) an EUC or equivalent documentation issued by the recipient state; and (f) the name of the port of departure. Information regarding the end-use and the transport route are not included by arms-trading companies when they submit export licence applications.¹³² For military-use weapons (军事用途, *junshi yongtu*),

¹³¹ Regulations of the People’s Republic of China on the Administration of Arms Exports (note 97), Article 16.

¹³² Chinese export control officials, Interviews with authors, Beijing, Jan. 2012.

China requests an EUC. For civilian-use weapons, an 'import certificate' (进口许可证, *jinkou xukezheng*) issued by relevant authorities is requested.¹³³

China has not elaborated standardized language for the EUCs that exporters are required to submit with their applications; it allows recipient states to use their own wording and standards. However, SASTIND has three sets of minimum requirements for the information that any EUC or import certificate should include, depending on whether the goods are missiles and components, weapons systems, or military facilities.¹³⁴

Export criteria and risk assessment

The Regulations on the Administration of Arms Exports lists three principles governing Chinese arms exports: (a) being conducive to the self-defence capability of the recipient country; (b) not harming the peace, security and stability of the relevant region or the world; and (c) not interfering in the recipient country's internal affairs.¹³⁵ The three principles underpin China's commitment not to export to non-state actors, which is closely intertwined with the sacrosanct principle of Chinese foreign policy—non-interference in the internal affairs of states (不干涉原则, *buganshe yuanze*).¹³⁶ While China did supply arms to socialist revolutionary movements during the cold war, it did not consider this to be interference in the internal affairs of states because it perceived bourgeois governments as illegitimate. In the post-cold war era, the principle of non-interference has increasingly been deployed in opposition to Western doctrines of humanitarian intervention and has become the cornerstone of China's international discourse regarding international humanitarian and human rights law.

In addition to these three principles, three policy guidelines are listed in China's national reports on the implementation of the POA. First, transfers are denied if 'they are against the international conventions China acceded to or international commitments China made'. Second, exports are denied if 'they jeopardize China's national security and social interests directly or indirectly'. Third, exports are denied if 'the recipient party is under a [UN Security Council] arms embargo'.¹³⁷ Additional criteria stem from China's international obligations, particularly its alignment with the UN Security Council's 2005 presidential statement and the 1991 P5 Guidelines.¹³⁸ Chinese regulations contain no specific reference to international humanitarian and human rights law as criteria to be considered when examining export applications.

The 2002 arms exports regulations require exporters to 'attach the valid certification documents of the recipient country' and make the falsification and

¹³³ Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

¹³⁴ Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

¹³⁵ Regulations of the People's Republic of China on the Administration of Arms Exports (note 97), Article 5.

¹³⁶ The commitment is also linked with China's position on Taiwan, which has informed China's interaction with UNROCA. See chapter 2 in this volume.

¹³⁷ Chinese Ministry of Foreign Affairs (note 23).

¹³⁸ United Nations, S/PRST/2005/7 (note 12); and Permanent Members of the Security Council (note 9).

the forgery of those documents a criminal offence.¹³⁹ But they do not detail standard operating procedures to conduct risk assessments and contain no provision concerning the division of labour between government agencies with regards to risk assessment. In addition, the regulations do not detail at what stage of the licensing procedure a risk assessment should be conducted, although it can be assumed that each of the three steps should include such evaluations. It has been argued that risk assessment is one of the least formalized aspects of Chinese controls of SALW transfers, and that potentially increases the risks of post-shipment diversion and unauthorized re-export.¹⁴⁰

The 2002 regulations reflect China's perception that once arms are transferred to a foreign country their use is the responsibility of the recipient government. The 'non-interference' approach to international relations also means that the end-use of the weapons is 'at the discretion' of the recipient state.¹⁴¹ According to the MFA, China relies on recipient governments to ensure that there is no diversion of transferred military goods—the regulations make reference to 'explicit and strict requirements regarding the provision of the certificate of end user and purpose of exported arms by the recipient government, which shall commits [sic] not to transfer the arms imported from China to any third party without the prior consent of the Chinese Government'.¹⁴²

In practice, risk assessment is primarily the responsibility of the authorized arms-trading company. In the absence of standard EUC documentation, each Chinese company has the 'responsibility' under Chinese regulations to ensure that there will be no diversion or re-exportation.¹⁴³ Under this 'responsibility system', the companies have an 'incentive to avoid diversion' because of possible sanctions.¹⁴⁴ In addition, the government agencies examining licence applications 'assess the credibility of the EUC' based on criteria that are kept confidential, but through a procedure that includes an evaluation of the risk of diversion.¹⁴⁵ The Chinese Government seems reluctant to take direct and full responsibility for undertaking risk assessment for diversion and relies heavily on information provided by recipients and exporting companies.

In case the authenticity of the EUC is suspected and additional information is required, SASTIND has a number of options. First, it can formally request the recipient state's embassy in Beijing to verify the end-user. Second, it can request China's embassy in the recipient state to contact the local law-enforcement agencies. Third, it can request the Chinese embassy in the recipient state to pay a

¹³⁹ Regulations of the People's Republic of China on the Administration of Arms Exports (note 97), articles 15 and 22(4).

¹⁴⁰ Davis (note 3), p. 37; and Amnesty International (AI), *People's Republic of China: Sustaining Conflict and Human Rights Abuses* (AI: London, 2006), pp. 27–28.

¹⁴¹ Chinese export control officials, Interviews with authors, Beijing, Jan. 2012.

¹⁴² Chinese Ministry of Foreign Affairs, 'China's policy and regulation on arms trade', 2005, <<http://www.fmprc.gov.cn/eng/wjz/zjzg/jks/kjlc/cgjkwt/t410766.htm>>.

¹⁴³ Chinese export control officials, Interviews with authors, Beijing, Nov. 2012. The legal liabilities of authorized arms trading companies are defined in Regulations of the People's Republic of China on the Administration of Arms Exports (note 97), articles 24, 25, 27.

¹⁴⁴ Chinese export control officials, Interviews with authors, Beijing, Jan. 2012.

¹⁴⁵ Chinese export control officials, Interviews with authors, Beijing, Jan. 2012.

direct visit to the organization that issued the EUC. Fourth, as far as end-use control is concerned, SASTIND can request that the recipient state issue a delivery certificate when needed.¹⁴⁶

China does not make post-shipment verification procedures public and no case is known of. According to interviews with Chinese arms control experts, it appears that China may rely on covert intelligence collection in certain cases to conduct post-shipment verification, although these activities are by definition confidential.¹⁴⁷

Enforcement

Investigations and prosecutions

Concerns have frequently been raised about China's ability to effectively detect, investigate and prosecute violations of its transfer controls. These problems relate to difficulties with coordinating investigations, corruption and the lack of an independent judiciary.¹⁴⁸ Following a long period during which it released only limited information on the subject, the Chinese Government has recently undertaken efforts to advertise investigation and prosecution in transfer control cases. Although the number of cases where detailed information is available is small, Chinese officials have claimed that additional cases have not been publicized.¹⁴⁹ However, all of the cases publicized relate to exports of dual-use goods and technologies. To date, no information has been made available about the investigation and prosecution of any cases relating to the export of conventional arms.

Industry outreach

In the case of dual-use goods and technologies, the scale, diversity and rapid expansion of China's economy make the Chinese Government's efforts to educate companies about their responsibilities in the field of transfer controls particularly challenging.¹⁵⁰ In the case of conventional arms and SALW, these hindrances do not exist since the list of companies that manufacture and export conventional arms and SALW is well defined. Nevertheless, it is unclear the extent to which the Chinese Government has engaged in outreach activities on conventional arms transfer controls.

COSTIND and SASTIND, as well as the MFA and other government agencies, have participated in industry outreach efforts but the majority of these activities appear to focus on dual-use goods and technologies.¹⁵¹ More recently, the MFA

¹⁴⁶ Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

¹⁴⁷ Chinese export control officials, Interviews with authors, Beijing, Nov. 2012.

¹⁴⁸ Davis (note 3), p. 37.

¹⁴⁹ Lieggi (note 98), p. 52.

¹⁵⁰ Davis (note 3), p. 45.

¹⁵¹ Davis (note 3), p. 47.

has conducted 'policy explanation and briefings' with 'arms-trading companies' with regard to the ATT.¹⁵²

Internal compliance programmes

One of the more notable developments in China's transfer controls in recent years has been the creation and implementation of internal compliance programmes (ICPs) by major arms manufacturers. An ICP is a mechanism that a company puts in place to ensure that it is fully compliant with national transfer controls. At a minimum, an ICP should consist of 'operational export compliance policies and procedures . . . and a written set of guidelines that captures those policies and procedures'.¹⁵³ Concretely, ICPs should help companies to keep up to date with legislation and requirements for transfers of controlled goods, to know what goods are subject to transfer controls, to screen for concerns relating to potential customers, and to train personnel who are responsible for activities related to the transfer of controlled items.¹⁵⁴

The initial drive to develop ICPs for Chinese companies does not appear to have been provided by the Chinese Government. Rather, the impetus has been the USA's imposition of sanctions on Chinese companies, which provided incentives for Chinese companies who saw value in accessing US markets.¹⁵⁵ After the USA imposed sanctions on Norinco in 2003, the firm responded by placing more emphasis on non-proliferation and engaging more actively in ICP-related issues.¹⁵⁶ The desire to have good working relations with US and European companies is still a key motivation for the maintenance and development of Norinco's ICP.¹⁵⁷ Since 2006, Norinco has worked with the Center for International Trade and Security (CITS) at the University of Georgia, USA, on the development and implementation of its ICP.¹⁵⁸ Key elements of the system include training, record-keeping and an annually updated electronic compliance system (ECS) that is used to screen all potential exports of conventional arms and dual-use goods and technologies.¹⁵⁹ Norinco is in the process of providing its subsidiaries with access to the ECS.¹⁶⁰

Other Chinese companies have begun the process of developing ICPs.¹⁶¹ However, it is widely acknowledged that Norinco is more active in this field and that

¹⁵² Chinese export control officials, Interviews with authors, Beijing, Jan. 2012.

¹⁵³ US Department of Commerce, Bureau of Industry and Security, Office of Exporter Services, Export Management and Compliance Division, *Compliance Guidelines: How to Develop an Effective Export Management and Compliance Program and Manual* (Department of Commerce: Washington, DC, June 2011), p. 5.

¹⁵⁴ Holtom, P., Bromley, M. and Béraud-Sudreau, L., *Internal Compliance Programmes* (SEESAC: Belgrade, 2011).

¹⁵⁵ Kan (note 54).

¹⁵⁶ Lieggi (note 98), p. 45.

¹⁵⁷ Norinco officials, Interviews with authors, Beijing, 20 Nov. 2012.

¹⁵⁸ Bertsch, G. K., 'China's strategic trade controls and U.S.-China cooperation on nonproliferation', Testimony before the US-China Economic and Security Review Commission on 'China's proliferation and the impact of trade policy on defense industries in the United States and China', 12 July 2007, <http://web.archive.org/web/20110311045915/http://www.uscc.gov/hearings/2007/hearings/transcripts/july_12_13/bertsch.pdf>, p. 6.

¹⁵⁹ Norinco officials, Interviews with authors, Beijing, 20 Nov. 2012.

¹⁶⁰ Norinco officials, Interviews with authors, Beijing, 20 Nov. 2012.

¹⁶¹ China Arms Control and Disarmament Association and Saferworld (note 117), p. 22.

its ICP is the most developed and comprehensive.¹⁶² The China Arms Control and Disarmament Association (CACDA) has been providing training to industry on ICPs since 2005 and has cooperated with CITS, King's College London in the United Kingdom and the James Martin Center for Nonproliferation Studies at the Monterrey Institute of International Studies in the USA.¹⁶³

The US Government continues to impose sanctions on Chinese companies in relation to their export activities. Most recently, in February 2013 the US Government imposed sanctions on Poly Technologies in response to alleged supplies in breach of the USA's Iran, North Korea, and Syria Nonproliferation Act. These sanctions ban the US Government from procuring services from Poly Technologies and block the transfer of controlled items from the USA to the company.¹⁶⁴ It remains to be seen if such measures will serve to convince additional Chinese companies to engage more actively in the development of ICPs.

¹⁶² Chinese export control officials, Interviews with authors, Beijing, Nov, 2012.

¹⁶³ Chinese arms control experts, Interviews with authors, Beijing, Nov. 2012.

¹⁶⁴ US Department of State, 'Bureau of International Security and Nonproliferation imposition of non-proliferation measures against foreign persons, including a ban on U.S. Government Procurement', Public Notice 8184, *Federal Register*, vol. 78, no. 28 (11 Feb. 2013).

4. Mapping China's exports

China exports all types of new and surplus SALW, as defined by the UN Panel of Experts on SALW. The SALW that China exports are largely based on copies of SALW designed in other states. A significant number of Chinese SALW have either been copied without the express permission of the original producer or production has continued after permission to produce under licence has expired.¹⁶⁵ Of a sample of 24 Chinese SALW, 17 are cases of unlicensed production. In three cases China has granted a licence for production to another country.

China does not provide an annual report documenting either SALW export authorizations or deliveries of SALW. Furthermore, it does not provide UNROCA with background information on international transfers of SALW or UN Comtrade with information on exports of military SALW.¹⁶⁶ It has therefore been suggested that 'China is probably the country with the largest quantity of undocumented exports'.¹⁶⁷

This chapter first identifies some of the main drivers and trends in Chinese SALW exports since the Mao era. It then assesses the reliability of different estimates of the financial value of Chinese SALW exports. Finally, it maps the known recipients of Chinese SALW exports during 2006–12 by region, using a variety of open sources.

The main trends in Chinese exports

During the Mao era, China's arms exports consisted mostly of cost-free military aid to Communist or socialist states and non-state actors opposed to the USA and the Soviet Union.¹⁶⁸ Examples of state recipients included Albania, the Republic of the Congo, North Korea, Pakistan, Sierra Leone, Sudan, Tanzania, Viet Nam and Zaire (now the DRC).¹⁶⁹ Between 1964 and 1978 China exported an estimated 4.2 million small arms, with Viet Nam (2.2 million small arms), Albania (750 000) and North Korea (670 000) being the major recipients.¹⁷⁰ Examples of non-state recipients included Algeria's National Liberation Front (Front de Libération Nationale, FLN, 1958 onwards), the Mozambique Liberation Front (Frente de Libertação de Moçambique, FRELIMO, 1950s onwards), different Angolan rebel groups (1960s to the mid-1970s) and the Zimbabwe African National Liberation

¹⁶⁵ R. D. Jones (ed.), *Jane's Infantry Weapons, 2006–2007* (Jane's Information Group: Coulsdon, 2006); and *Small Arms Survey 2007: Guns and the City* (Cambridge University Press: Cambridge, 2007), pp. 17–19.

¹⁶⁶ China did report the export of 16 MANPADS to Malaysia in its 2010 UNROCA submission. Chinese Ministry of Foreign Affairs (note 23).

¹⁶⁷ *Small Arms Survey 2009: Shadows of War* (Cambridge University Press: Cambridge, 2009), p. 31.

¹⁶⁸ Medeiros and Gill (note 88), p. 1; and Shinn, D., 'Military and security relations: China, Africa and the rest of the world', ed. R. I. Rotberg, *China into Africa, Trade, Aid and Influence* (Brookings Institution Press: Washington, DC, 2008), pp. 155–58.

¹⁶⁹ *Small Arms Survey 2002* (note 1), p. 96.

¹⁷⁰ *Small Arms Survey 2002* (note 1), p. 96.

Army (ZANLA, 1960s onwards).¹⁷¹ China also supported armed opposition movements in the civil war in the DRC (1961–64).

China's arms transfer policy changed following Mao's death in 1976. During the 1980s, the range of recipients grew and included non-socialist states in the Middle East and South East Asia. The range of items exported expanded and arms were both given as aid and sold, although often at 'friendly prices' (e.g. to Cambodia, Myanmar and Thailand).¹⁷² China's arms transfer policies during this period were characterized by four factors: (a) the PLA and defence industries becoming more significant stakeholders in arms export policymaking, with the PLA also earning revenues from selling surplus stocks for profits; (b) arms exports being used to strengthen key bilateral interstate relationships; (c) a willingness to supply particular states when other major suppliers were unwilling; and (d) an end to the policy of support for international revolution via arms supplies during the 12th Congress of the Communist Party of China, in 1982.¹⁷³ Primarily due to China's role in supplying both sides in the 1980–88 Iran–Iraq War, China was the fifth largest exporter of major conventional weapons during 1983–87, accounting for 5 per cent of global transfers.¹⁷⁴

In the 1990s China recorded a significant decline in the volume of its exports of major conventional weapons, although it is unclear if exports of SALW also declined. During this decade attention began to focus on the appearance of Chinese SALW in conflict zones in sub-Saharan Africa. The Chinese Type-56 assault rifle was found in a number of conflicts in East, West and Central Africa, although in many cases these items had been diverted from their initial end-use by African states or recycled between conflict areas.¹⁷⁵ However, China was also a direct source of SALW supplies for conflicting parties.¹⁷⁶ During the 1990s reports also highlighted China's trading of arms for resources, particularly the role of the PLA in arms deals with Iran and Sudan linked to oil supplies.¹⁷⁷

SIPRI arms transfers data indicates that China has again emerged as an important exporter of major conventional arms.¹⁷⁸ A combination of security, political and economic drivers motivate China's exports. Attention has focused on the correlations between sources of natural resources for China's growing economy and its recipients of arms, with suggestions that China is targeting resource-rich states in the hope of securing access to energy and raw materials.¹⁷⁹

¹⁷¹ Shinn (note 168).

¹⁷² Medeiros and Gill (note 88), p. 3.

¹⁷³ Medeiros and Gill (note 88), pp. 4–5.

¹⁷⁴ SIPRI Arms Transfers Database, <<http://www.sipri.org/databases/armstransfers/>>.

¹⁷⁵ Fruchart, D. et al., *United Nations Arms Embargoes: Their Impact on Arms Flows and Target Behaviour* (SIPRI/Uppsala University: Stockholm/Uppsala, 2007).

¹⁷⁶ Wood, B. and Peleman, J., 'Brokering arms for genocide', eds B. Wood and J. Peleman, *The Arms Fixers: Controlling the Brokers and Shipping Agents* (PRIO: Oslo, 2000).

¹⁷⁷ Amnesty International (note 140), p. 1; and Roth, K. F., 'Chinese development and PLA enterprises: security prospects and implications', *Journal of Public and International Affairs*, vol. 6, no. 7 (July 1996).

¹⁷⁸ Holtom, P. et al., 'Developments in arms transfers, 2012', *SIPRI Yearbook 2013* (note 40), pp. 254–55.

¹⁷⁹ Taylor, I., 'China's oil diplomacy in Africa', *International Affairs*, vol. 82, no. 5 (Sep. 2006), p. 949; and US Department of Defense (DOD), *Military Power of the People's Republic of China 2009* (DOD: Washington, DC, Mar. 2009), p. 3. See also Wezeman, P. D., Wezeman, S. T. and Béraud-Sudreau, L., *Arms Flows to Sub-Saharan Africa*, SIPRI Policy Paper no. 30 (SIPRI: Stockholm, Dec. 2011), pp. 14–15.

Box 4.1. China's exports of man-portable air defence systems

The China Aerospace Science and Technology Corporation (CASC) and China Aerospace Science and Industry Corporation (CASIC) are the two Chinese defence industry conglomerates that have facilities that produce man-portable air defence systems (MANPADS). The Shanghai Academy of Spaceflight Technology (SAST), part of CASC, has developed and produced the HN-5 (based on the Soviet Strela-2, SA-7) and the infra-red guided FN-6 MANPADS.^a The China Precision Machines Import and Export Corporation (CPMIEC) markets these items for export and Aerospace Long March International Trade Corporation (ALIT) also offers FN-6 and FN-16 MANPADS for export.^b The Liuzhou Changhong Machinery Manufacturing Corporation is controlled by CASIC and produces the Qian Wei (QW) missile series, comparable to the Soviet Iгла-1 (SA-16).^c

Chinese-produced MANPADS have been identified in the arsenals of several armed non-state groups in recent years, most likely due to post-delivery diversion from the holdings of authorized recipients. For example, Chinese-produced FN-6 MANPADS have been found in the possession of armed insurgent groups in Chad. Since Sudan is the only known sub-Saharan African recipient of these items, it is believed to have been the source.^d More generally, there are concerns that HN-5 MANPADS have reached armed non-state groups in South Asia via post-delivery diversion and illicit markets.^e For example, the United Wa State Army (UWSA) in Myanmar reportedly acquired 100 HN-5 MANPADS in the 2012, although the source is not known.^f FN-6 MANPADS are also reported to be in the hands of armed non-state actors in Syria.^g According to rebel forces in Syria, the FN-6 MANPADS were not recovered from Syrian stocks but supplied by an unnamed source.^h Some reports have suggested that Sudan is the source of the FN-6 MANPADS used by armed non-state actors in Syria.ⁱ Sudanese Government officials have rejected the reports.^j

^a Medeiros, E. S. et al., *A New Direction for China's Defense Industry* (RAND Corporation: Santa Monica, CA, 2005), pp. 56–58.

^b Aerospace Long March International Trade Company (ALIT), 'Defense equipment', <<http://www.alitchina.com/en/list.php?fid=59>>.

^c Medeiros et al. (note a), pp. 56–57.

^d Small Arms Survey, Sudan Human Security Baseline Assessment, *Supply and Demand: Arms Flows and Holdings in Sudan*, Sudan Issue Brief no. 15 (Small Arms Survey: Geneva, Dec. 2009), p. 3.

^e Micool, B., 'Where artillery is king: arms dealers response to Sri Lanka's SOS', *Armed Forces Journal International*, vol. 137, no. 12 (2000), p. 19.

^f Davis, A., 'State of Wa', *Jane's Intelligence Review*, Feb. 2013, pp. 32–33. It has also been reported that HN-5 MANPADS were delivered earlier in the 2000s. Black, M. and Davis, A., 'Wa and peace: the UWSA and tensions in Myanmar', *Jane's Intelligence Review*, Mar. 2008, pp. 16–17.

^g Tianran, X., 'Chinese missiles steal spotlight after downing Syria army helicopters', *Global Times*, 13 Mar. 2013, <<http://www.globaltimes.cn/content/767977.shtml#UWSIqJFm3C>>.

^h 'Chinese MANPADS in Syria: does 2+2=FN-6?', Brown Moses blog, 3 Mar. 2013, <<http://brown-moses.blogspot.ch/2013/03/chinese-manpads-in-syria-does-2-2-fn-6.html>>; 'First sightings of foreign MANPADS in Syria', Brown Moses blog, 15 Feb. 2013, <<http://brown-moses.blogspot.fi/2013/02/first-sightings-of-foreign-manpads-in.html>>; and Karouny, M., 'Insight: Syria rebels bolstered by new arms but divisions remain', Reuters, 26 Feb. 2013.

ⁱ Chivers, C. J., 'Arms shipments seen from Sudan to Syria rebels', *New York Times*, 12 Aug. 2013.

^j 'Sudan denies sending arms to Syria militants', Fars News Agency, 16 Aug. 2013.

However, China also continues to be portrayed as a supplier of last resort, willing to supply any state that is not subject to a UN arms embargo and with whom it has positive relations. China also benefits from the fact that many states are seeking to diversify sources of supply and it remains one of the most likely sources for states seeking low-cost SALW.

A recent notable trend has been the significant presence of Chinese arms export companies at international arms fairs, in particular those with a focus on

markets in Africa, Asia and the Middle East. In 2010 Chinese arms export companies were present at the Eurosatory exhibition in France for the first time and had larger representations at the Africa Aerospace and Defence (AAD) exhibition in South Africa, where they promoted arms and equipment for police and para-military forces.¹⁸⁰ In 2011 Chinese companies had larger representations at the International Defence Exhibition and Conference (IDEX) in the United Arab Emirates.¹⁸¹ CPMIEC, Norinco, China Xinxing Import and Export Corporation, and Poly Technologies have presented SALW for export at these exhibitions.

Estimating the scale of Chinese exports

SIPRI ranked China as the 5th largest exporter of major conventional arms in 2008–12, accounting for 5 per cent of the volume of international transfers.¹⁸² SIPRI arms transfer data includes MANPADS and guided anti-tank weapons that fall within accepted definitions of light weapons, but no other SALW (see box 4.1 and table 4.1).

Using UN Comtrade data, the Small Arms Survey ranked China as a mid-level exporter of SALW for the period 1994–98.¹⁸³ Since 2004 the Small Arms Survey has estimated the financial value of Chinese SALW exports to be 10 per cent of the value of its conventional arms exports as reported by the US Congressional Research Service (CRS).¹⁸⁴ Based on this revised methodology, in 2004 the Small Arms Survey identified China as a major SALW exporter after the USA, Italy, Brazil, Germany, Russia and Belgium.¹⁸⁵ In the period 2000–2006, China was ranked as the sixth largest exporter of military SALW.¹⁸⁶

UN Comtrade is also a source of data on Chinese SALW exports, including data submitted by states that reported imports of any type of Chinese SALW, military SALW, or military rifles, machine guns and other items (see box 4.2). Using UN Comtrade data gives total values for Chinese SALW exports that are low for a state that is commonly regarded as a major exporter of SALW (see table 4.2). While this discrepancy could be because Chinese SALW exports are sold cheaply or are gifts of surplus, it is most likely due to the fact that a large number of major recipients of Chinese SALW do not report their imports to UN Comtrade.¹⁸⁷

¹⁸⁰ Hull, A. and Markov, D., 'Chinese arms sales to Africa', Institute for Defense Analyses Research Notes (summer 2012), p. 28.

¹⁸¹ Hopher, T. and Blamont, M., 'Chinese weapons make Europe arms fair debut', Reuters, 14 June 2010.

¹⁸² Holtom et al. (note 178).

¹⁸³ *Small Arms Survey 2001: Profiling the Problem* (Oxford University Press: Oxford, 2001), p. 148. The USA, Germany, Russia and Brazil were the only major exporters during this period.

¹⁸⁴ *Small Arms Survey 2004: Rights at Risk* (Oxford University Press: Oxford, 2004), annex 4.1. The most recent CRS report is Grimmett, R. F. and Kerr, P. K., *Conventional Arms Transfers to Developing Nations, 2004–2011*, Congressional Research Service (CRS) Report for Congress R42678 (US Congress, CRS: Washington, DC, 24 Aug. 2012).

¹⁸⁵ *Small Arms Survey 2004* (note 184), p. 100.

¹⁸⁶ *Small Arms Survey 2009* (note 167), p. 23.

¹⁸⁷ Amnesty International (note 140), p. 8.

Table 4.1. Exports and licensed production arrangements for Chinese man-portable air defence systems

Type	Recipient	Years of delivery	Estimated total delivered
HN-5A	Bangladesh	1991–92, 2001	71
	Bolivia	1995	30
	Cambodia	1988	50
	Ecuador	1994	72
	Iran	1986–88	500
	Iraq	1986–87	1 000
	Myanmar	1990–92	200
	Pakistan	1987	100
	Thailand	1987, 1988	1 150
	FN-6	Cambodia	2009
Malaysia		2009	64
Pakistan		2010	50
Peru		2010	15
Sudan		2006	50
QW-2	Bangladesh	2007	250
QW-3	Indonesia	2006–10	225 ^a
QW-18	Peru	2009	10
<i>Licensed production</i>			
HN-5A	North Korea	1985–94	1 000
	Pakistan ^b	1989–98	1 000
QW-1	Iran ^c	1996–2006	1 100
	Pakistan ^d	1994–2012	1 650
QW-11	Iran ^e	2006–12	700

^a This includes an estimated 80 QW-3 for the TD-2000B mobile surface-to-air missile launcher.

^b Pakistani designation is Anza-1.

^c Iranian designation is Misagh-1.

^d Pakistani designation is Anza-2.

^e Iranian designation is Misagh-2.

Source: SIPRI Arms Transfers Database, <<http://www.sipri.org/databases/armstransfers>>.

Irrespective of the financial value or volume of Chinese SALW exports, it is clear that China is an important supplier of SALW to states in the developing world, and fragile and conflict-affected states in particular.

Authorized recipients of Chinese exports, 2006–12¹⁸⁸

Taken together, UN Comtrade and SIPRI data identify at least 57 states that imported SALW or major conventional arms from China in the period 2006–10. Of these states, 36 reported to UN Comtrade on imports of military SALW from China, while SIPRI identified 37 importers of major conventional arms from China. Open source reports indicate that 10 of the states identified by SIPRI data also imported military SALW but did not report these imports to UN Comtrade.

¹⁸⁸ This section draws on Comtrade data for the years 2006–10 and other open sources for the years 2011–12.

Box 4.2. UN Comtrade categories

The following categories of the United Nations Commodity Trade Statistics Database (UN Comtrade) provide data on transfers of small arms and light weapons (SALW):

- Military weapons, other than revolvers and pistols (9301)
- Revolvers and pistols (9302)
- Other sporting, hunting or target-shooting shotguns (930320)
- Other sporting, hunting or target-shooting rifles (930330)
- Parts and accessories of revolvers or pistols (930510)
- Parts and accessories of shotguns or rifles (930520)
- Shotgun cartridges (930621)
- Other military weapons (930190)
- Small arms ammunition (930630)^a

The UN Comtrade categories that cover SALW do not match the definition of SALW given by the UN Panel of Governmental Experts on Small Arms (see box 1.1), since they include items for civilian use as well as use by military, law enforcement and security forces. To single out transfers of SALW to armed and security forces, the following definitions can be used:

1. *Military SALW* is defined to cover the following UN Comtrade categories: Rocket launchers, flame-throwers, grenade launchers, torpedo tubes and similar projectors (930120); Other military weapons (930190, i.e. military rifles, machine guns etc.); Other artillery weapons (930119, i.e. cannons, mortars etc.).

2. *Military rifles* refers to the category Other military weapons (930190, i.e. military rifles, machine guns etc.).

^a World Customs Organization (WCO), *Harmonized System Nomenclature*, 2012 edn (WCO: Brussels, 2012); and Rigual, C., 'Major exporters and importers', *Small Arms Survey 2013: Everyday Dangers* (Cambridge University Press: Cambridge, 2013), annexes 8.1, 8.2, pp. 9, 19.

While Asian states account for the largest share of imports of major conventional weapons from China, African states account for the largest share of reported imports of military SALW and military rifles and machine guns from China (see tables 4.3 and 4.4). This analysis tallies with those of other studies, which have concluded that the main recipients of Chinese SALW exports are African states, followed by states in Asia and the Americas.¹⁸⁹ It is also evident that China is a supplier of SALW to states that struggle to gain access to supplies from a number of other major SALW producers and exporters.¹⁹⁰

Sub-Saharan Africa

A number of observers suggest that while China does not receive significant revenues from SALW exports to sub-Saharan Africa, it is a major supplier to the region.¹⁹¹ Two factors have been highlighted to explain how China has become

¹⁸⁹ Crane, K. et al., *Modernizing China's Military: Opportunities and Constraints* (RAND Corporation: Santa Monica, CA, 2005), p. 131.

¹⁹⁰ *Small Arms Survey 2010: Gangs, Groups and Guns* (Cambridge University Press: Cambridge, 2010), p. 32.

¹⁹¹ Shinn (note 168); Saferworld, *China's Growing Role in African Peace and Security* (Saferworld: London, Jan. 2011); Amnesty International (note 140); and Barabanov, M., Kashin, V. and Makienco, K., *Shooting Star: China's Military Machine in the 21st Century* (Eastview Press: Minneapolis, MN, 2012).

Table 4.2. The value of Chinese exports of small arms and light weapon according to UN Comtrade, 2006–10

Figures are reported imports in US\$ m.

Year	SALW ^a	Military SALW ^a	Military rifles ^a
2006	53	29	12
2007	112	7	5
2008	37	5	2
2009	46	2	0.1
2010	89	18.5	7.5

SALW = small arms and light weapons.

^a For definitions of 'SALW', 'military SALW' and 'military rifles' see box 4.2.

Sources: Norwegian Initiative on Small Arms Transfers (NISAT), Small Arms Trade Database, <<http://legacy.prio.no/NISAT/Small-Arms-Trade-Database/>>; and *Small Arms Survey*, 2009–13 (Cambridge University Press: Cambridge, 2009–13).

such an important source of SALW for African states. First, China's adherence to the principle of non-interference in internal affairs means that it is willing to supply SALW, even where there is a risk that they will be used for internal repression. Second, China offers competitive pricing, including 'friendship pricing', and favourable financing options (e.g. soft loans, barter trade and mining concessions).¹⁹² China's presence at the AAD conference in South Africa in recent years and its marketing strategies targeting African military, police and para-military forces are seen as part of a concerted effort to boost arms exports in the region.¹⁹³

Little is known about the actors involved in arms deals between China and African states. It is assumed that connections are made between African states' defence ministries, militaries and defence attachés in Beijing and their Chinese counterparts.¹⁹⁴ China's 2006 African Policy notes that 'China will promote high-level military exchanges between the two sides and actively carry out military-related technological exchanges and cooperation. It will continue to help train African military personnel and support defense and army building of African countries for their own security'.¹⁹⁵ However, arms export companies such as Norinco and Poly Technologies also secure arms sales when discussing a wide range of commercial deals (see below for the example of Ethiopia). In addition, non-state intermediaries based in Africa and Europe also play a role in facilitating arrangements and their activities merit closer scrutiny (see box 4.3).

¹⁹² Chang, A., 'China expanding African arms sales', UPI Asia, 26 Jan. 2009; Gelfand, L., 'China cultivates Africa ties', *Jane's Defense Weekly*, 3 Nov. 2010; Hull and Markov (note 180); and Mahtani D., 'Nigeria shifts to China arms', *Financial Times*, 26 Feb. 2008.

¹⁹³ Endres, G., 'China takes centre stage', Africa Aerospace and Defence 2010, Exhibition News, *Jane's*, 20 Sep. 2010, <<http://home.janes.com/events/exhibitions/aad2010/sections/daily/day1/china-takes-centre-stage.shtml>>; and Hull and Markov (note 180), p. 28.

¹⁹⁴ Saferworld (note 191), p. 48; and Shinn, D., 'China's security policy in Africa and the Western Indian Ocean', *China in Africa*, 15 May 2012, <<http://www.sinoafrica.org/en/print/2063>>.

¹⁹⁵ Chinese Ministry of Foreign Affairs, 'China's African Policy', Jan. 2006, <http://news.xinhuanet.com/english/2006-01/12/content_4042521.htm>, para. 4.

Table 4.3. Major recipients of Chinese arms exports, by region, 2006–10

Region	SIPRI, major weapons ^a		UN Comtrade			
			Military SALW ^b		Military rifles ^b	
	No. of states	Share (%)	No. of states	Share (%)	No. of states	Share (%)
Americas	6	8	10	1	6	2
Asia and Oceania	10	65	9	33	8	5
Europe	–	–	4	0	3	0
Middle East and North Africa	5	14	4	0	2	0
Sub-Saharan Africa	16	13	9	66	9	93
Total recipients	37		36		28	

SALW = small arms and light weapons.

^a SIPRI measures the ‘volume’, not the financial value, of arms transfers. The regional share figures refers to the share of the total volume of Chinese exports of major conventional weapons.

^b For definitions of ‘military SALW’ and ‘military rifles’ see box 4.2. UN Comtrade measures the financial value of exports. The regional share figures refer to the share of the total value of Chinese exports of military SALW or military rifles.

Sources: SIPRI Arms Transfers Database, <<http://www.sipri.org/databases/armstransfers/>>; Norwegian Initiative on Small Arms Transfers (NISAT), Small Arms Trade Database, <<http://legacy.prio.no/NISAT/Small-Arms-Trade-Database/>>; and *Small Arms Survey*, 2009–11 (Cambridge University Press: Cambridge, 2009–11).

Table 4.4. Major recipients of Chinese arms exports, 2006–10

Rank	SIPRI, major weapons ^a		UN Comtrade			
			Military SALW ^b		Military rifles ^b	
	State	Share (%)	State	Value (US\$ m.)	State	Value (US\$ m.)
1	Pakistan	54	Ethiopia	15.8	Ethiopia	15.8
2	Iran	8	Bangladesh	7.8	Uganda	5.9
3	Bangladesh	7	Uganda	5.9	Sudan	1.8
4	Venezuela	6	Cambodia	5.3	Pakistan	1.1
5	Nigeria	4	Ghana	3.1	Namibia	0.6

SALW = small arms and light weapons.

^a SIPRI measures the ‘volume’, not the financial value, of arms transfers. For each recipient state, the share figure refers to the share of the total volume of Chinese exports of major conventional weapons.

^b For definitions of ‘military SALW’ and ‘military rifles’ see box 4.2.

Sources: SIPRI Arms Transfers Database, <<http://www.sipri.org/databases/armstransfers/>>; Norwegian Initiative on Small Arms Transfers (NISAT), Small Arms Trade Database, <<http://legacy.prio.no/NISAT/Small-Arms-Trade-Database/>>; and *Small Arms Survey*, 2009–11 (Cambridge University Press: Cambridge, 2009–11).

Box 4.3. European brokers and Chinese exports of small arms and light weapons to Africa

Open sources indicate that European arms brokers have played a role in several transfers of Chinese small arms and light weapons (SALW) since 2000. A number of these deals have caused concern with regard to their potential impacts on peace, stability and security in the importing state.

It has been alleged that Gus van Kouwenhoven, director of Liberia's Oriental Timber Company (OTC), played a central role in facilitating transfers of rifles, machine guns and rocket-propelled grenade launchers from China National Aero-Technology Import and Export Corporation (CATIC) to Liberian President Charles Taylor's forces while they were subject to the United Nations arms embargo on Liberia between 2001 and 2003.^a Kouwenhoven was arrested in Rotterdam, the Netherlands, on 18 March 2005 and charged with war crimes and breaking the UN arms embargo on Liberia.^b He was found guilty of arms smuggling, but not war crimes, and sentenced to eight years in prison.^c He successfully appealed and was acquitted in March 2008. However, in April 2010 a retrial was ordered. As part of this later trial, Chinese authorities in Hong Kong reportedly provided materials for the prosecution.^d

A Belgian national, Serge Muller, was involved in facilitating arms deals during the 1991–2000 civil war in Sierra Leone, for both military and civilian regimes.^e Muller reportedly continues to broker arms deals for Sierra Leone, without the required authorization from the Belgian authorities.^f For example, his company Amylam Sierra Leone Ltd reportedly brokered a deal for the delivery in early 2012 of \$4.5 million worth of SALW and ammunition from China for the paramilitary wing of the police, the Operational Support Division (OSD).^g The consignment reportedly included 50 heavy machine guns, 100 light machine guns, 2500 assault rifles, 100 40-mm under-barrel grenade launchers and 200 NP-18 automatic pistols.^h Political parties in Sierra Leone and Michael von der Schulenburg, Head of the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL), expressed fears that the items were inappropriate for a police force and that the deal fuelled concerns about the potential for electoral violence during the November 2012 elections.ⁱ

In recent years the United Kingdom has convicted two British nationals for brokering arms shipments from China to Nigeria without authorization from the relevant British authorities. In 2010 Ghulum Sayeed was convicted for his role in the unlicensed supply of 14 sub-machine guns from China to the Nigerian Drug Enforcement Agency via Huntingdon International Ltd.^j This was reportedly one of several deliveries of 'controlled goods' to Nigeria from China in the period 2004–2009 in which Sayeed was involved. Sayeed pleaded guilty to seven offences, was sentenced to an 18-month conditional discharge and was ordered to pay £1000 (\$1545) in costs.

In 2012 Gary Hyde was convicted for his role in the unlicensed supply of 40 000 assault rifles, 30 000 self-loading rifles, 10 000 pistols and 32 million rounds from China to Nigeria.^k The arms were sourced from Poly Technologies.^l The court case revealed that Hyde's company received a commission of more than \$450 000 for his role in the deal, which was worth \$1.3 million. Although the deal had been authorized by the relevant Chinese and Nigerian authorities, the prosecution argued that Hyde did not apply for a British brokering licence as he assumed that it would be denied.^m Hyde was given a seven-year prison sentence.

^a *Taylor-made: The Pivotal Role of Liberia's Forests and Flag of Convenience in Regional Conflict* (Global Witness and International Transport Workers Federation: London, 2001), pp. 7–8; and *The Usual Suspects* (Global Witness: London, 2003), pp. 26–27.

^b 'Dutch police arrest national for war crimes in Liberia', IRIN News Online, 22 Mar. 2005, <<http://www.irinnews.org/printreport.aspx?ReportId=53544>>. The case is also discussed in *Dead on Time: Arms Transportation, Brokering and the Threat to Human Rights* (Amnesty International: London, 2006), pp. 22–27.

^c 'Dutch national faces eight year prison sentence for arms trading in Liberia', IRIN News Online, 7 June 2006, <<http://www.irinnews.org/report/59248/liberia-dutch-national-faces-eight-year-prison-sentence-for-arms-trading-in-liberia>>.

^d Law, N., 'Evidence exposes HK link to African tyrant', *South China Morning Post*, 19 July 2012.

^e Ontario Securities Commission, 'In the matter of the Securities Act, R.S.O. 1990, c. S.5, as amended and in the matter of Rex Diamond Mining Corporation, Serge Muller and Benoit Holemans: Statement of allegations of staff of the Ontario Securities Commission', 8 Feb. 2007, <http://www.osc.gov.on.ca/en/Proceedings_soa_20070208_rexdiamond.jsp>; and Berman, E. G., *Re-armament in Sierra Leone: One Year after the Lomé Peace Agreement*, Occasional Paper no. 1 (Small Arms Survey: Geneva, Dec. 2000), p. 22.

^f Spleeters, D., 'Armes: trafiquer en toute impunité' [Arms: traffic with impunity], *Le Vif/L'Express* (Brussels), 30 July 2012.

^g 'Sierra Leone ruling party dismisses arms intimidation concerns', Voice of America, 16 Apr. 2012, <<http://blogs.voanews.com/breaking-news/2012/04/16/sierra-leone-ruling-party-dismisses-arms-intimidation-concerns/>>.

^h 'APC preparing for war? Diamond merchant Serge Muller in new arms to Sierra Leone scandal', New People Newspaper Online, 26 Feb. 2012, <http://www.thenewpeople.com/index.php?option=com_k2&view=item&id=1575>. The bill of lading and invoice are available at <<http://www.thenewpeople.com/images/pdf/apcarmsforelections.pdf>>.

ⁱ United Nations, Security Council, 6739th meeting, S/PV.6739, 22 Mar. 2012, p. 3.

^j British Department for Business Innovation and Skills, 'Exporters plead guilty to export and trade control offences', Notices to Exporters, 1 Oct. 2010, <<http://blogs.bis.gov.uk/exportcontrol/prosecution/exporters-plead-guilty-to-export-and-trade-control-offences/>>.

^k British Department for Business Innovation and Skills, 'Arms dealer convicted for seven years for illegal brokering of military goods', Notices to Exporters, 14 Dec. 2012, <<http://blogs.bis.gov.uk/exportcontrol/prosecution/notice-to-exporters-201249-arms-dealer-convicted-for-seven-years-for-illegal-brokering-of-military-goods/>>.

^l 'Arms dealer who tried to ship 80,000 guns to Nigeria jailed for seven years', *Daily Telegraph*, 5 Dec. 2012.

^m 'Gary Hyde jailed over Nigeria arms shipment', BBC News, 5 Dec. 2012.

According to UN Comtrade data and other open source reports, Angola, Chad, the DRC, Ethiopia, Ghana, Kenya, Liberia, Madagascar, Namibia, Niger, Nigeria, Sierra Leone, Tanzania, Togo, Uganda and Zimbabwe imported SALW from China in the period 2006–10.¹⁹⁶

Ethiopia reported to UN Comtrade that it imported more than \$16 million worth of military SALW from China in 2006–2007. Deliveries of military SALW took place shortly after a joint Chinese–Ethiopian declaration on the need to enhance cooperation in the fields of military technologies, peacekeeping and military training.¹⁹⁷ Military cooperation has been ongoing for some time and China exported ammunition, light mortars and rifles to Ethiopia during the latter's 1998–2000 armed conflict with Eritrea.¹⁹⁸ In August 2011 the Norinco president, Zhao Gang, met the Ethiopian Prime Minister, Meles Zenawi, to discuss cooperation in military trade as well as 'transportation, energy and urban construction'.¹⁹⁹

¹⁹⁶ No sub-Saharan African state has reported imports of SALW from China to UNROCA during 2006–10. Benin, Chad, the Republic of the Congo, Gabon, Nigeria, Rwanda, Sierra Leone, Zambia and Zimbabwe appear in SIPRI data as importers of major conventional weapons from China, but not in UN Comtrade reports. 'China sells heavy artillery to host of African nations', United Press International, 30 Jan. 2009.

¹⁹⁷ Eisenman, J. and Kurlantzick, J., 'China's Africa strategy', *Current History*, vol. 105, no. 691 (May 2006), p. 222.

¹⁹⁸ Shinn, D. H., 'China's involvement in African conflict zones', National Press Club, Washington, DC, 20 May 2009, <<https://sites.google.com/site/davidhshinn/china-s-involvement-in-african-conflict-zones>>.

¹⁹⁹ Norinco, 'Zhao Gang met with Ethiopian prime minister Meles Zenawi', [n.d.], <http://www.norinco.com/c1024/english/newscenter/content_145.html>. In Sep. 2011 the vice-president of Norinco, Yang

Uganda reported importing almost \$6 million worth of military rifles from China in 2010, but there are no public details of the items transferred or of the end-user.

Ghana reported to UN Comtrade in 2010 on the import of \$3 million worth of items from China that could be either light weapons or artillery. Military cooperation with China had been important for Ghana until the mid-1990s and has picked up again since 2004, with deliveries of K-8 combat aircraft, light transport aircraft, patrol craft and artillery.²⁰⁰

Sudan reported the import of around \$3 million worth of 'military SALW' to UN Comtrade during 2008–2009. Based on Sudan's reports to UN Comtrade, China accounted for 72 per cent of Sudanese imports of SALW, artillery and ammunition in the period 2001–2008.²⁰¹ While much has been made of the 'arms for oil' thesis with regards to relations between China and Sudan, 'much about the relationship remains obscure'.²⁰² China is also believed to have played a role in assisting with the production of light weapons, machine guns and ammunition by Sudan's Military Industrial Corporation (MIC), and in production of small arms and ammunition at the Giad Industrial Complex.²⁰³ However, there has been considerable secrecy surrounding China's involvement in items believed to have been produced by these facilities.²⁰⁴ The South Sudanese Army (the Sudan People's Liberation Army, SPLA) is also equipped with Chinese SALW and ammunition, although it is unclear if these items have been acquired directly from China.²⁰⁵

Nigeria has not reported to UN Comtrade on imports of SALW from China. However, in 2007 reports indicated that Defence Industries Corporation of Nigeria (DICON) had acquired a production line from China for 7.62-mm ammunition and machinery to produce a copy of the Kalashnikov assault rifle (the OBJ-006 rifle).²⁰⁶ It is unclear to what extent serial production has begun, although a report in late 2012 indicated that DICON had partnered with Poly Technologies and had sent engineers and technicians to China.²⁰⁷ Nigerian claims that it is able to produce RPG-7 grenade launchers and 81-mm mortars are also difficult to assess, as is Chinese involvement in these endeavours. However, considerable

Xiaoqing, met with Guinean President Alpha Condé to discuss expanding arms trade as well as deals on oil, mining and other Norinco business.

²⁰⁰ SIPRI Arms Transfers Database (note 174).

²⁰¹ Small Arms Survey, Sudan Human Security Baseline Assessment, *Supply and Demand: Arms Flows and Holdings in Sudan*, Sudan Issue Brief no. 15 (Small Arms Survey: Geneva, Dec. 2009), p. 1.

²⁰² Small Arms Survey, Sudan Human Security Baseline Assessment, *Arms, Oil and Darfur: The Evolution of Relations between China and Sudan*, Sudan Issue Brief no. 7 (Small Arms Survey: Geneva, July 2007), p. 1.

²⁰³ Small Arms Survey (note 202), p. 6. Some suggest that Sudan has been granted a licence to produce Type-56 rifles as well as other systems. Eureka, C., 'China's military presence in Africa: implications for Africa's wobbling peace', *Journal of Asia Pacific Studies*, vol. 2, no. 1 (May 2011), p. 98.

²⁰⁴ Lewis, M., *Skirting the Law: Sudan's Post-CPA Arms Flows*, Human Security Baseline Assessment Working Paper no. 18 (Small Arms Survey: Geneva, 2009), p. 34.

²⁰⁵ Small Arms Survey, Human Security Baseline Assessment, *Reaching for the Gun: Arms Flows and Holdings in Southern Sudan*, Sudan Issue Brief no. 19 (Small Arms Survey: Geneva, Apr. 2012), p. 3.

²⁰⁶ Mamah, E., 'TRADOC, DICON to produce armoured personnel carrier', *Vanguard* (Lagos), 15 Jan. 2009; and 'Nigeria to mass-produce Nigerian version of AK-47 rifles', *Xinhua*, 2 Oct. 2006.

²⁰⁷ 'Nigerian government to revitalise Defence Industries Corporation', *Defenceweb*, 26 Nov. 2012, <http://www.defenceweb.co.za/index.php?option=com_content&id=28659>.

information has come to light about deliveries of SALW and ammunition from China to Nigeria during 2006–2007 due to the role played by a British arms dealer who facilitated the deal without authorization from the British authorities (see box 4.3).

Zimbabwe has not reported imports of SALW from China to UN Comtrade. However, China has been a long-term supplier of arms to Zimbabwe and provided equipment for the Zimbabwe Defence Industry (ZDI) to produce ammunition for small arms, mortars and artillery in the early 1990s.²⁰⁸ Chinese SALW supplies to Zimbabwe captured headlines in 2008: in April 2008 a South African high court judge denied permission for an arms shipment bound for Zimbabwe to be unloaded from a Chinese vessel while docked in Durban, South Africa.²⁰⁹ It is not known if the shipment eventually arrived in Zimbabwe.²¹⁰ However, it has been widely reported that in late 2011 the Zimbabwe Defence Force (ZDF) took delivery of 20 000 rifles from China via an African intermediary. This was the first of several consignments of Chinese small arms and equipment delivered to equip the ZDF in advance of the referendum and national elections planned for 2011–13.²¹¹

Liberia and Sierra Leone have not reported imports of SALW from China to UN Comtrade but deliveries have been widely reported elsewhere. In 2008 China completed delivery of 50 Type-56 sub-machine guns, 100 Type-1992 pistols and ammunition to Liberia to support security sector reform efforts. In 2011 China delivered a surplus artillery battery (including assault rifles, rocket-propelled grenades, mortars and ammunition) to Sierra Leone as part of a military assistance package.²¹² This is one of the few concrete cases of a Chinese donation of surplus SALW that has been publicly reported by Chinese officials. The second case involving Sierra Leone has caused more concern and involves a European arms broker facilitating the transfer of a large quantity of SALW for the paramilitary wing of the Sierra Leone police force in 2012 (see box 4.3).

Asia and Oceania

According to UN Comtrade and UNROCA data, Bangladesh, Cambodia, Indonesia, Malaysia, Pakistan, the Philippines, Thailand and Viet Nam imported SALW from China in the period 2006–10.²¹³

²⁰⁸ Mlambo, N., *The Zimbabwe Defence Industry, 1980–1995*, Defence Digest Working Paper no. 2 (Southern African Centre for Defence Information: Cape Town, 1999). ZDI is reported to have gone bankrupt and closed down in late 2009. Mandizvidza, S., 'ZDI broke, sends staff on forced leave', *The Standard* (Harare), 24 Oct. 2009.

²⁰⁹ Fritz, N., *People Power: How Civil Society Blocked an Arms Shipment for Zimbabwe*, Occasional Paper no. 36 (South African Institute for International Affairs: Johannesburg, July 2009); and 'Zimbabwe arms ship quits S Africa', BBC News, 19 Apr. 2008.

²¹⁰ Tillemen, L., 'Blowback from Zimbabwe: China's faltering strategy on arms exports', *China Brief*, vol. 8, no. 13 (24 June 2008).

²¹¹ 'Rearming the security forces', *Southern Africa Report*, 10 Nov. 2011.

²¹² Kamara, A. M., 'Artillery weapons and ammunition for RSLAF', Awoko News, 2 May 2011, <<http://www.awoko.org/2011/05/02/artillery-weapons-and-ammunition-for-rslaf/>>.

²¹³ Bangladesh, Cambodia, Malaysia, Pakistan, Thailand and Viet Nam reported imports of SALW from China to UN Comtrade. Bangladesh, Indonesia, Malaysia and the Philippines reported imports of SALW

Pakistan is a major recipient of Chinese major conventional arms and has reported to UN Comtrade on military SALW imports. China has provided technology and know-how to Pakistan to produce the Anza-2 and -3 MANPADS using Chinese technology from QW-1 and -2 MANPADS and permission to produce Chinese HJ-8 anti-tank guided missiles under licence as Bakhtar Shikan anti-tank missiles.²¹⁴ In 2008 Pakistani officials announced that they were going to arm tribal militias with Chinese assault rifles in order to combat the Taliban in the Federally Administered Tribal Areas (FATA).²¹⁵

Bangladesh has reported SALW imports from China to UNROCA.²¹⁶ As well as being an importer, Bangladesh has received assistance from China to produce SALW. In 2008 Bangladesh opened a factory to produce Chinese Type-81 rifles under licence (with the Bangladeshi designation BD-08). It is expected to produce 10 000 units per year to replace the Chinese T-56 rifles used by the Bangladeshi armed forces.²¹⁷

Cambodia is a recipient of Chinese military aid and the two countries share close military ties.²¹⁸ Cambodia is believed to have been the first foreign recipient of the export version of the QBZ-95 bull pup rifle.²¹⁹ The Cambodian Army uses FN-6 MANPADS and PF-89 rocket launchers and a wide range of other SALW supplied by China.²²⁰

Thailand has also been importing arms from China at 'friendly prices' since the early 1980s.²²¹ In January 2007 the chair of Thailand's Council for National Security, General Sonthi Boonyaratkalin, visited China, discussed military ties and 'light weapons' purchases with government officials and visited Norinco.²²² It is unclear if a deal for SALW was agreed.

There is limited information about Chinese SALW exports to Myanmar but it has maintained strong defence ties with China and it can be assumed that China remains an important supplier of SALW.²²³ For example, Myanmar is reportedly one of a few foreign recipients of the QBZ-95 bull pup rifle and has also been supplied with Chinese MANPADS.²²⁴

from China to UNROCA. Laos, Myanmar, Sri Lanka and Timor-Leste appear in SIPRI's data as importers of major conventional weapons from China, but not in UN Comtrade or UNROCA reports.

²¹⁴ O'Halloran, C. J., 'Pakistan build on Chinese SAM system', *Jane's Defense Weekly*, 24 May 2006.

²¹⁵ Moss, T., 'Pakistan to arm tribal militias in fight against Taliban', *Jane's Defense Weekly*, 5 Nov. 2008, p. 14.

²¹⁶ Bangladesh provided information on international transfers of SALW to UNROCA for 2006 and 2008.

²¹⁷ 'We must be strong in defense, says Moeen: rifle manufacturing factory inaugurated at Gazipur', *New Nation* (Dhaka), 21 Apr. 2008.

²¹⁸ Barabanov et al. (note 191), p. 92.

²¹⁹ 'Cambodia's Chinese weapon on parade', China Defense Blog, 25 Oct. 2009, <<http://china-defense.blogspot.se/2009/10/cambodias-chinese-weapon-on-parade.html>>.

²²⁰ 'Cambodia's Chinese weapon on parade' (note 219).

²²¹ Storey, I., 'China and Thailand: enhancing military-security ties in the 21st century', *China Brief*, vol. 8, no. 14 (3 July 2008).

²²² US Embassy in Beijing, 'Thai CNS Chair Sonthi discusses arms purchases, military ties in Beijing', Cable to US State Department no. 07BEIJING592, 26 Jan. 2007, <<http://wikileaks.org/cable/2007/01/07BEIJING592.html>>.

²²³ Barabanov et al. (note 191), p. 88.

²²⁴ 'China exports Qing Buqiang Zidong QBZ-95 light assault rifle to Myanmar', Defense-Technology News, 28 Feb. 2009, <<http://defense-technologynews.blogspot.se/2009/02/china-exports-qing-buqiang-zidong-qbz.html>>.

Sri Lanka is a significant importer of SALW from China. These supplies continued throughout Sri Lanka's conflict with the Liberation Tigers of Tamil Eelam (LTTE). The SALW transfer relationship between Sri Lanka and China also reveals competition between Norinco and Poly Technologies to secure export orders. In 1992 the Sri Lankan Government concluded an agreement with Norinco to be its sole supplier of a set range of SALW and ammunition.²²⁵ Under this arrangement, Norinco maintained a bonded warehouse in Sri Lanka in the period 1993–2007.²²⁶ However, in 2007 the relationship between the Sri Lankan Government and Norinco ended after Norinco refused to process an order due to an unpaid debt of \$200 million. In the same year, Poly Technologies secured a deal with Sri Lanka for almost \$40 million worth of SALW and munitions.²²⁷ Poly Technologies reportedly insisted on a strict payment schedule with 25 per cent of the sum paid in advance.

Latin America

In 2008 China's first official policy paper on Latin America made reference to military exchanges and visits.²²⁸ In recent years there has been an increase in the quantity and quality of weapons supplied by China to Latin America.²²⁹ Identifying reasons for Chinese engagement with Latin America in this sphere is hard, although there are suggestions that it is connected with access to markets for Chinese goods and natural resources.²³⁰ It has also been suggested that it is a result of efforts by Latin American states to diversify their arms suppliers, as well as serving as a counterbalance to supplies by the USA to the region.²³¹ According to UN Comtrade and UNROCA data, Bolivia, Cuba, Guyana, Honduras, Nicaragua and Peru imported SALW from China in the period 2006–10.²³²

Between 1998 and 2008 China donated 10 000 rifles to the Bolivian armed forces.²³³ In 2003 China delivered 500 Red Arrow-8 (HJ-8) wire-guided anti-tank missile systems and in December 2006 announced the supply of 'infantry and artillery munitions' as part of a donation.²³⁴ Further donations to the Bolivian armed forces were announced in 2007, 2009 and 2010 but it is unclear if SALW

²²⁵ Karniol, R., 'Sri Lanka drops Norinco as ammunition supplier', *Jane's Defense Weekly*, 30 May 2007, p. 16. The deal was renewed several times in the period 1992–2007.

²²⁶ Abas, I., 'Yet another huge arms deal exploding', *Sunday Times* (Colombo), 13 Sep. 1998; and Karniol, R., 'Sri Lanka drops Norinco as ammunition supplier', *Jane's Defense Weekly*, 30 May 2007, p. 16.

²²⁷ Karniol (note 226), p. 16.

²²⁸ Chinese Ministry of Foreign Affairs, 'China's Policy Paper on Latin America and the Caribbean', 5 Nov. 2008, <http://english.gov.cn/official/2008-11/05/content_1140347.htm>.

²²⁹ Ellis, R. E., *China–Latin America Military Engagement: Good Will, Good Business, and Strategic Position* (US Army War College, Strategic Studies Institute: Carlisle, PA, Aug. 2011), p. 22.

²³⁰ Ellis (note 229); and Watson, C., 'China's arms sales to Latin America: another arrow in the quiver', *China Brief*, vol. 10, no. 4 (18 Feb. 2010).

²³¹ Watson (note 230).

²³² Bolivia, Cuba, Guyana, Honduras and Nicaragua reported imports of SALW from China to UN Comtrade. Peru reported imports of SALW from China to UNROCA. Colombia and Ecuador appear in SIPRI's data as importers of major conventional weapons from China, but not in UN Comtrade or UNROCA reports.

²³³ 'Bolivia aclara que 10.000 fusiles fueron donados por China y no por Venezuela' [Bolivia clarifies that 10 000 rifles were donated by China and not Venezuela], *Terra*, 26 June 2008.

²³⁴ 'China dono equipos a las fuerzas armadas' [China donated equipment to the armed forces], *Los Tiempos* (Cochabamba), 16 Dec. 2006.

were part of these arrangements. China also proposed to replace Bolivia's HN-5 stocks in 2006 but it is not known if a delivery went ahead.²³⁵ However, online images from 2011 or earlier show a Bolivian marine with a Norinco QLZ-87/Type-87 35-mm automatic grenade launcher.²³⁶

Prior to 2009 Ecuador had reportedly received Red Arrow-8 (HJ-8) wire-guided anti-tank missile systems and 30 HN-5 MANPADS, but there is limited information on subsequent deliveries of SALW. There have also been some suggestions that Norinco has supplied its CQ 5.56 carbine, a clone of the US M-4, to Paraguay.²³⁷ Peru reported to UNROCA the import of 15 QW-18 MANPADS from China in 2009 and 15 QW-18s in 2010.

The Middle East and North Africa

It has not been possible to identify Chinese statements on SALW transfers to the Middle East and Chinese President Hu Jintao's four principles for Arab–Chinese relations, outlined in 2004, do not mention military cooperation.²³⁸ According to UN Comtrade and UNROCA data, Egypt, Jordan, Lebanon and Qatar imported SALW from China in the period 2006–10.²³⁹

Iran has been a major recipient of Chinese arms, including SALW, since the Iran–Iraq War.²⁴⁰ China apparently transferred MANPADS technology to Iran and has been involved in other deals. Iranian production of the Misagh MANPADS series appears to be based on the Chinese QW-1 Vanguard model.²⁴¹ China may have provided assistance to Iran in developing the Khaybar assault rifle. The rifle's exterior is similar to the Chinese QZB-95.²⁴² The USA and other states have communicated their concerns to China that Iran is an important point of diversion of arms and technology to armed non-state actors and the illicit market (see below).

Chinese companies have also reportedly been involved in SALW supplies to Iraq since 2004. For example, Poly Technologies was reportedly chosen in 2004 to supply 2369 light and heavy machine guns, 14 653 rifles and 72 million rounds

²³⁵ 'China proposes missile replacement for Bolivia', *Washington Post*, 27 Feb 2006.

²³⁶ 'QLZ-87 carried by a Bolivian marine', Pakistan Defence Forums, 31 Mar. 2011, <<http://www.defence.pk/forums/chinese-defence/100133-chinese-small-arms-pictures-videos-descriptions-7.html#post1628931>>.

²³⁷ 'Paraguay soldiers using Chinese M4 (CQ 5.56) carbines', MilitaryPhotos.Net, 9 Feb. 2008, <[http://www.militaryphotos.net/forums/showthread.php?141091-Paraguay-soldiers-using-Chinese-M4-\(CQ-5.56\)-rifles](http://www.militaryphotos.net/forums/showthread.php?141091-Paraguay-soldiers-using-Chinese-M4-(CQ-5.56)-rifles)>.

²³⁸ 'China, Arab states set up cooperation forum', *People's Daily*, 30 Jan. 2004.

²³⁹ Egypt, Lebanon and Qatar reported imports of SALW from China to UN Comtrade. Jordan reported imports of SALW from China to UNROCA. Algeria, Iran and Saudi Arabia appear in SIPRI's data as importers of major conventional weapons from China, but not in UN Comtrade or UNROCA reports.

²⁴⁰ Chubin, S., 'Iran and China: political partners or strategic allies?', eds A. Sager and G. Kemp, *China's Growing Role in the Middle East: Implications for the Region and Beyond* (Nixon Center and Gulf Research Center: Washington, DC, Nov. 2010), p. 63; and Harold, S. and Nader, A., *China and Iran: Economic, Political and Military Relations* (RAND Corporation: Santa Monica, CA, 2012), p. 7.

²⁴¹ Ben-David, A., 'Iran launches new surface-to-air missile production', *Jane's Defense Weekly*, 15 Feb. 2006, p. 5.

²⁴² Tendas, P., 'Khaybar KH 2002', Security Arms, <<http://www.securityarms.com/20010315/galleryfiles/2900/2920.htm>>.

of ammunition, worth \$29.3 million.²⁴³ In 2006 it was reported that the Iraqi Government was turning to China to supply SALW for police and border agencies, although it is unclear if a deal was concluded.²⁴⁴

Jordan reported to UNROCA that it had imported 375 60-mm WW-90 mortars and 1275 60-mm PPT-89 mortars from China in 2007.

Unauthorized recipients of Chinese exports: Chinese small arms and light weapons in the hands of non-state actors

The current Chinese Government position is that SALW should not be transferred to unauthorized non-state actors (see chapter 3). However, there is significant amount of open source data showing that armed non-state actors in South and South East Asia, sub-Saharan Africa, Latin America and the Middle East are using SALW produced in China. These SALW may have been stolen from government stocks or seized from government forces on the battlefield. However, in many cases it appears that states have imported weapons from China and then re-transferred them to armed non-state actors. This raises questions about whether improvements could be made to China's export licensing risk assessment mechanisms and post-export controls.

Cambodia, Myanmar and Pakistan have been highlighted as potential diversion points for Chinese SALW to armed non-state actors in Asia.²⁴⁵ The LTTE in Sri Lanka is alleged to have sourced part of its arsenal of Chinese SALW from Cambodia.²⁴⁶ The United Wa State Army (UWSA) in Myanmar is alleged to have acquired weapons from former PLA officers acting without the formal approval of Chinese authorities.²⁴⁷ The UWSA is regarded as a potential source of arms for various armed non-state actors in South Asia.²⁴⁸ According to Indian officials and researchers, Maoist forces in northern India have acquired Chinese SALW from China's Yunnan province via Myanmar and Bangladesh in recent years.²⁴⁹ An article in the Indian media in 2011 claimed that senior Indian intelligence officials believe that China is providing SALW to the Isak-Muivah faction of the Nationalist Socialist Council of Nagaland (NSCN-IM) in north-eastern India.²⁵⁰

²⁴³ Landay, J. S., 'Chinese firm picked by U.S. to arm Iraq tied to smuggling', *Pittsburgh Post-Gazette*, 28 Apr. 2005, p. A-4.

²⁴⁴ Shichor, Y., 'China means business in Iraq', *China Brief*, vol. 7, no. 21 (14 Nov. 2007).

²⁴⁵ Bhattacharyya, R., 'Small arms proliferation in the northeast: the Chinese connection', *India Defence Review*, 27 June 2011; and Kanwall, G. and Chansoria, M., 'Small arms proliferation in South Asia: a major challenge for national security', Centre for Land Warfare Studies Issue Brief no. 18, May 2010, <[http://www.claws.in/index.php?action=Issue Brief](http://www.claws.in/index.php?action=Issue%20Brief)>, p. 4.

²⁴⁶ Micool, B., 'Where artillery is king: arms dealers response to Sri Lanka's SOS', *Armed Forces Journal International*, vol. 137, no. 12 (2000), p. 19; and Bell, S., '\$20M in Tiger weapons seized', *National Post* (Toronto), 5 May 2009.

²⁴⁷ Black, M. and Davis, A., 'Wa and peace: the UWSA and tensions in Myanmar', *Jane's Intelligence Review*, Mar. 2008, pp. 16-17.

²⁴⁸ Black and Davis (note 247).

²⁴⁹ Karmakar, R., 'China small arms bazaar fuelling NE militants, Maoists', *Hindustan Times*, 18 Oct. 2009; and Indian Ministry of Defence, 'Smuggling of arms', Press release, 19 Dec. 2011, <<http://pib.nic.in/newsite/PrintRelease.aspx>>.

²⁵⁰ Unnithan, S., 'Chinese agents smuggle arms to revive militancy in north eastern India', *India Today*, 28 May 2011.

India has reportedly not raised these allegations in bilateral discussions with China because it has not been able to provide hard evidence that the Chinese Government is directly involved.²⁵¹

During 2003–2004 the LTTE obtained weapons from Norinco using documentation acquired from North Korea by an arms broker.²⁵² Two shipments were made during this period, with cargo ships transporting the arms from China to the coast of either Thailand or Indonesia for off-loading onto smaller vessels for delivery to the LTTE. A third shipment was reportedly stopped following a request from the president of Sri Lanka to Chinese authorities in 2006.²⁵³

In sub-Saharan Africa, Chinese SALW have been found in the hands of several armed non-state actors in recent years. In 2006 members of the Chadian United Front for Democratic Change (Front uni pour le changement, FUC) were photographed in possession of QLZ-87 (Type-87) 35-mm automatic grenade launchers in western Darfur, Sudan.²⁵⁴ Attention has also focused on Chinese assault rifles in the hands of armed non-state actors in the east of the DRC. The Congolese armed forces, Rwanda and Uganda have all been listed as likely sources.²⁵⁵ However, an analysis of 1100 illegally held weapons in the DRC collected by the UN Mission in the DRC (MONUC) showed that only 17 per cent of the weapons were of Chinese origin. The majority were produced in former Soviet or Warsaw Pact countries.²⁵⁶

In 2009 the US Government publicly declared that Chinese-produced SALW had been supplied to non-state actors in Afghanistan and Iraq by the Iranian Revolutionary Guard Corps. This included ‘Chinese-made large caliber sniper rifles, “millions of rounds” of ammunition, rocket-propelled grenades (RPGs), and “IED [improvised explosive device] components”’.²⁵⁷ Chinese officials reportedly responded by stating that it ‘takes U.S. concerns seriously, but that it is winding down arms sales to Iran and respects Iran’s end user guarantees’.²⁵⁸

²⁵¹ Bhattacharyya, R., ‘Small arms proliferation in the northeast: the Chinese connection’, *India Defence Review*, 27 June 2011.

²⁵² Rosenberg, M., ‘Sri Lanka rebel arms-buying goes global’, *Kansas City Star*, 5 Nov. 2007.

²⁵³ Rosenberg (note 252).

²⁵⁴ Amnesty International (note 140), p. 12.

²⁵⁵ United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo submitted in accordance with paragraph 4 of Security Council Resolution 2012 (2011), 12 Oct. 2012, annex to S/2012/843, 15 Nov. 2012.

²⁵⁶ Amnesty International (note 140), pp. 8–9.

²⁵⁷ Tkacik, J. J., ‘China’s secret arms dealings’, CBS News, 22 Sep. 2009. This issue had been raised bilaterally between the USA and China in 2007–2008. US Department of State, ‘Demarche on impending conventional arms transfer and interim follow up on ongoing issues of proliferation concern’, Cable to US Embassy in Beijing no. 07STATE159388, 12 Nov. 2007, <<http://www.wikileaks.org/cable/2007/11/07STATE159388.html>>; and US Embassy in Beijing, ‘US–China security dialogue working lunch: strategic security, missile defence, space, nonpro, Iran’, Cable to US State Department no. 08BEIJING2322, 13 June 2008, <<http://www.wikileaks.org/cable/2008/06/08BEIJING2322.html>>.

²⁵⁸ US Department of State, ‘Soliciting allies, support to engage China on proliferation-related trade with Iran’, Cable no. 08STATE99000_a, 16 Sep. 2008, <http://www.wikileaks.org/plusd/cables/08STATE99000_a.html>.

In 2009 Yemen provided Chinese authorities with a public blacklist of arms importers that were not authorized to import arms in order to prevent the diversion of arms.²⁵⁹ Yemen also requested that only documents approved by the Yemeni Ministry of Defence or the Yemeni embassy in Beijing be treated as genuine.

²⁵⁹ 'Yemen imposes tight security at eastern ports after gun seizure', BBC Monitoring Middle East, 17 Oct. 2009; and 'Yemen thwarted entering ammunition shipment', Yemen News Agency, 5 Oct. 2009.

5. Conclusions and recommendations

As a permanent member of the UN Security Council, and as a major supplier of small arms and light weapons, China has played an important role in multilateral discussions on enhancing controls on licit transfers and preventing illicit and destabilizing transfers. This has involved participating in the UN Programme of Action, UNROCA and the Arms Trade Treaty negotiations. China has stressed that it is committed to preventing and combating the illicit trade in SALW and recognizes the destabilizing effects that SALW transfers can have on peace and security, economic development and social stability.

China's increasingly detailed national reports on the implementation of the POA highlight the ways in which China has contributed to efforts at the national, regional and global levels to prevent SALW trafficking. However, these reports still contain certain gaps, particularly in terms of the amount of information provided on China's export licensing process for SALW. While China has provided detailed information about its system for marking SALW, it continues to insist on maintaining national practices in this area that are not in line with agreed international norms and standards. In addition, China continues to have limited engagement with UN arms embargo sanctions notification systems and panels of experts and has yet to provide information to UNROCA on transfers of SALW. These represent areas where additional steps could be taken by China to build trust and confidence in the robustness of its system for controlling transfers of SALW.

China participated actively in the ATT negotiating conferences and after initial opposition accepted the inclusion of SALW in the scope of the ATT, as well as prohibitions and risk assessment criteria that include considerations for potentially negative impacts of arms transfers on human rights in recipient countries and on conflict. However, despite being a constructive participant in the ATT conferences in 2012 and 2013, China was among the 23 states that abstained from the UN General Assembly vote on adopting the draft ATT. Unlike other abstaining states, China did not raise substantive objections to the content of the final draft of the treaty when explaining its abstention. In addition, in September 2013 China voted in favour of UN Security Council Resolution 2117, which, among other things, 'Urges States to consider signing and ratifying the Arms Trade Treaty as soon as possible'. Chinese SALW exporters have interests in civilian areas that would benefit from collaboration with companies based in Europe and North America. Building a reputation for China as a more 'responsible' arms exporter could be beneficial. In addition, the Chinese MFA appears to be increasingly interested in countering the negative impressions created by certain Chinese arms exports. Such considerations may influence China's decision on whether to sign and ratify the ATT. However, precedents from other instruments, as well as the signals China was sending during the negotiations, imply that its final decision may depend on the actions of the USA and Russia. The USA has signed the ATT but is unlikely to ratify it soon. This may lead China to do the

same, as has happened with the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT), for example.

Starting in the second half of the 1990s, China has gradually established a comprehensive administrative management system to control transfers of conventional arms, including SALW. Transfer controls are the primary means for preventing illicit and destabilizing SALW transfers and in China are guided by three principles. First, Chinese arms exports should contribute to the legitimate self-defence capability of the recipient country. Second, Chinese arms exports should not undermine the peace, security and stability of the region concerned and the world as a whole. Third, Chinese arms exports should not be used as a means of interfering in the internal affairs of the recipient country.

To a certain degree, the Chinese system for controlling SALW transfers remains opaque to the outside observer. Some information has been collated for this report from existing open source materials and interviews conducted in Stockholm and Beijing with Chinese officials and experts, but many elements of the functioning of the system remain under-explained. This arises partly from the fact that Chinese transfer controls are codified in administrative regulations as opposed to law. In addition, the opacity of Chinese decision-making processes reflects a lack of formalization in several areas of transfer controls. The division of labour between SASTIND, GAD and the MFA is not entirely formalized despite the leading role of SASTIND in processing export licence applications. The lack of a formal assignment of duties to specific agencies occurs particularly in the area of risk assessments, with no government agency being firmly in the lead of conducting such assessments, and no process, at least in the public domain, established by legal documents. Informal networks play a role in arms transfers decisions in most countries but in the case of Chinese state capitalism the roles played by the military and party structures are particularly hard to assess with accuracy. It also remains difficult to evaluate how arms-trading companies, as state-owned enterprises, strike a balance between serving China's foreign policy goals and the pursuit of profits.

China could secure public diplomacy gains by demonstrating greater transparency in the process for export authorizations. This Policy Paper documents China's increased engagement with the international community in the field of conventional arms control. The increased number of exchanges between China and foreign governments in the area of risk assessments in order to compare approaches to and perceptions of risks of the negative impact of SALW on peace and security is particularly promising. However, there has been limited engagement on risk assessments associated with transfers of SALW delivered as gifts or donations and limited information of such transfers in the public domain.

An important finding from this study is the potential for greater sharing with China of other states' experiences, policies and practices with regards to assessments of the risk of diversion, including unauthorized re-exports. For example, while China may intend that its SALW exports only be used by national armed forces, Chinese SALW have been found in the possession of non-state actors and armed groups. Building on Chinese interest in developing and implementing

robust controls on SALW exports, and given that there have been a number of cases of Chinese SALW exports being subject to unauthorized re-exports, it could be desirable for states participating in the Wassenaar Arrangement to consider conducting outreach to China on the Wassenaar Arrangement's Best Practice Guidelines on Subsequent Transfer (Re-export) Controls for Conventional Weapons Systems. States could also share their own experiences and practices in dealing with cases of unauthorized re-exports and in strengthening risk assessments and post-shipment and delivery measures in this area.

While this Policy Paper maps the recipients of Chinese SALW exports in recent years, it is not possible to provide an estimate of the scale of Chinese SALW exports or a complete list of all recipients and the volume and type of SALW delivered. This analysis, however, fills some gaps and shows evidence to support the view that China is a major SALW exporter to sub-Saharan Africa and that Latin America, Asia and the Middle East are also important areas for Chinese SALW exports. There is no single motivation for Chinese SALW exports, but a constellation of security, political and economic motivations can be discerned for different Chinese actors involved in SALW exports as well as for particular recipients.

Greater transparency in Chinese SALW transfers could help to assuage some concerns and refute allegations regarding Chinese SALW exports. In 2007 China began to report to the UNROCA again and has stressed its support for the mechanism yet it has not submitted background information on its international transfers of SALW. If it were to take this step, China would join other responsible suppliers of SALW in showing that it has nothing to hide in its transfers and demonstrating a willingness to discuss its SALW transfers with other members of the international community.

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China's Exports of Small Arms and Light Weapons

China is a leading exporter of small arms and light weapons (SALW) and is a popular supplier among states looking for inexpensive or alternative sources of SALW. While China has stated its commitment to preventing the illicit trade in SALW and formally recognizes the destabilizing effect that SALW transfers can have, it is one of the least transparent arms exporters.

This report is the first to comprehensively map Chinese policies and practices for controlling SALW transfers. The authors use their expertise in arms transfers and Chinese foreign policy to describe China's involvement in multilateral SALW control initiatives, detail its administrative system for granting export licences and map the destinations of Chinese SALW exports. This timely and detailed report will prove to be a useful resource for future studies of China's evolving approach to the control of SALW transfers.

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