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Negotiations on the UN Arms Trade Treaty

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European Parliament resolution of 13 June 2012 on the negotiations on the UN Arms Trade Treaty (ATT) (2012/2636(RSP))

(2013/C 332 E/10)

The European Parliament,

- having regard to the United Nations conference to negotiate an arms trade treaty (ATT), due to take place in New York from 2 to 27 July 2012,
- having regard to UN General Assembly Resolutions 61/89 ⁽¹⁾ of 6 December 2006 entitled 'Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms', supported by 153 UN member states and marking the formal start of a process towards an ATT, and 64/48 ⁽²⁾ of 2 December 2009 on the arms trade treaty, supported by 153 UN member states, under which it was decided to convene a United Nations Conference on the Arms Trade Treaty to meet for four consecutive weeks in 2012 in order to elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms,
- having regard to Council Decision 2010/336/CFSP ⁽³⁾ of 14 June 2010 and previous Council decisions on EU activities in support of the Arms Trade Treaty,
- having regard to Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment ⁽⁴⁾,
- having regard to the conclusions of the Council of the European Union, in particular those of 10 December 2007 and of 12 July 2010 on the Arms Trade Treaty,
- having regard to its resolutions of 21 June 2007 on an arms trade treaty and the establishment of common international standards for the import, export and transfer of conventional weapons ⁽⁵⁾, of 13 March 2008 on the EU Code of Conduct on Arms Exports ⁽⁶⁾ and of 4 December 2008 on the EU Code of Conduct on Arms Exports ⁽⁷⁾, which underline the urgent need for an arms trade treaty,
- having regard to the EU's reply to the UN Secretary-General's request for views on the elements of an arms trade treaty,
- having regard to the many civil society campaigns across the world in favour of a strong and robust arms trade treaty, including the Control Arms Campaign and the call made by Nobel Peace laureates,
- having regard to Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community ⁽⁸⁾,

⁽¹⁾ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/499/77/PDF/N0649977.pdf?OpenElement>

⁽²⁾ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/464/71/PDF/N0946471.pdf?OpenElement>

⁽³⁾ OJ L 152, 18.6.2010, p. 14.

⁽⁴⁾ OJ L 335, 13.12.2008, p. 99.

⁽⁵⁾ OJ C 146 E, 12.6.2008, p. 342.

⁽⁶⁾ OJ C 66 E, 20.3.2009, p. 48.

⁽⁷⁾ OJ C 21 E, 28.1.2010, p. 2.

⁽⁸⁾ OJ L 146, 10.6.2009, p. 1.

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- having regard to Article 34 of the Treaty on European Union,
- having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas there is no legally binding, global treaty on the regulation of transfers of conventional arms;
- B. whereas more than 40 UN member states neither have a national regulatory framework for the control of arms transfers nor comply with any regional or international norms;
- C. whereas the estimated global value of agreements on arms transfers to developing countries in 2010 was USD 40 355 million and the value of deliveries was USD 34 989 million according to the US Congressional Research Service ⁽¹⁾;
- D. whereas UN General Assembly Resolution 64/48 urges UN member states to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms and to achieve a strong and robust treaty;
- E. whereas the UN General Assembly has defined the aim of the Arms Trade Treaty (ATT) as a 'legally binding treaty establishing common standards for the import, export and transfer of conventional arms' ⁽²⁾ and as being for states 'to ensure that their national systems and internal controls are at the highest possible standards to prevent the diversion of conventional arms from the legal to the illicit market, where they can be used for terrorist acts, organised crime and other criminal activities' ⁽³⁾;
- F. whereas uncontrolled and unregulated arms trading poses a serious threat to local, national, regional and international peace, security and stability but also to democracy, the rule of law and sustainable social and economic development; whereas unregulated arms trading is a contributory factor in armed conflict, the displacement of people, organised crime and terrorism;
- G. whereas the Arms Trade Treaty that will be negotiated in 2012 must include clear and binding provisions consistent with the highest international standards, including full compliance with international human rights law (IHRL) and international humanitarian law (IHL);
- H. whereas a united, coherent and consistent EU approach is crucial for such a treaty to be adopted and effectively implemented at a global level;
- I. whereas in the field of arms transfers there are no binding commitments which unequivocally safeguard international human rights and international humanitarian law;
- J. whereas the Council has emphasised that no effort should be spared to ensure that the sessions of the Preparatory Committee are as inclusive as possible; whereas, to this end, on 14 June 2010 the Council adopted Decision 2010/336/CFSP on EU activities in support of the Arms Trade Treaty, in the framework of the European Security Strategy, with a view to promoting the ATT among UN member states, civil society and industry;
- K. whereas, since its adoption, the EU Common Position defining common rules governing control of exports of military technology and equipment has contributed to harmonising the national arms export control policies of EU Member States and its principles and criteria have been officially endorsed by various third countries;
- L. whereas the Arms Trade Treaty must strengthen accountability and its implementation must be open and transparent;
- M. whereas the United Nations Charter confers rights and responsibilities upon UN member states, including under Article 51 the inherent right of all states to individual or collective self-defence;

⁽¹⁾ http://www.sipri.org:9090/research/armaments/transfers/transparency/national_reports/united_states/CRS_Report_DN_03-10.pdf/view

⁽²⁾ UN General Assembly Resolution 61/89.

⁽³⁾ UN General Assembly Resolution 63/240.

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Transparency and accountability – the key to a robust Arms Trade Treaty

1. Notes that the value of global exports has continued to grow despite the economic and financial crisis, and that EU Member States consistently account for approximately 30 % of all exports and are among the world's leading arms producers and exporters⁽¹⁾; stresses, therefore, that the EU has both a responsibility and an interest in developing and contributing to a regulated and more transparent and controlled arms trade at global level;
2. Notes that the poorly regulated, uncontrolled and opaque arms trade leads to irresponsible trading in weapons, has caused unnecessary human suffering, fuelled armed conflict, instability, terrorist attacks and corruption, undermined peace-building processes, good governance and socio-economic development and led to the overthrow of democratically elected governments and the violation of the rule of law, human rights and international humanitarian law;
3. Calls, therefore, for the July 2012 negotiation of a legally binding international arms trade treaty to mark a historic step forward, through greater transparency and accountability, by establishing the highest international standards and criteria for making assessments of decisions on the transfer, import and export of conventional arms;
4. Calls on the international community to demonstrate its commitment to regulating the international arms trade by making full use of the Rules of Procedure to agree upon a comprehensive text that covers all the major issues necessary for a robust treaty to be agreed during the conference in July 2012;
5. Calls for the speedy negotiation, and urgent adoption and entry into force, of a global and comprehensive UN Arms Trade Treaty;

Scope

6. Stresses that an effective treaty should cover the widest possible range of activities in the trade in conventional weapons, including the import, export, transfer (including transit and transshipment as well as temporary import and export and re-export), manufacture under foreign licence, stockpile management, and all related services including brokering, transportation and finance;
7. Believes that an effective treaty should cover all aspects of the trade in conventional weapons including state-to-state transfers, state-to-private end-user transfers, commercial sales and leases, as well as loans, gifts, aid or any other form of transfer;
8. Believes that an effective treaty should also cover the widest spectrum of conventional weapons, including small arms and light weapons and munitions, intangible transfers, dual-use goods, the components and technologies associated with their use, manufacture or maintenance, whether for use in military or other security and law-enforcement purposes;
9. Believes that proper attention should be given to the marking and traceability of conventional weapons and ammunition in order to strengthen accountability and prevent diversion of arms transfers to illicit recipients;

Criteria and international standards

10. Believes that the long-term success of the ATT is dependent upon the adoption of the highest, strongest and clearest possible set of standards;
11. Calls for the ATT to remind States Parties that all decisions to transfer arms should be fully consistent with their international commitments, in particular with regard to international human rights law, international humanitarian law and in accordance with the United Nations Charter, including the

⁽¹⁾ Figures drawn from the SIPRI Trend Indicator Values (expressed in USD at constant 1990 prices) and accessible at: http://www.sipri.org/databases/armstransfers/background/explanations2_default

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sanctions and arms embargoes of regional organisations and the UN Security Council; takes the view that States Parties should not transfer arms to countries where there is a substantial risk that they would be used to commit or facilitate serious violations of international human rights law and international humanitarian law, including genocide, crimes against humanity and war crimes;

12. Urges the UN member states to adopt additional binding criteria (to be developed as international standards) to guide decision-makers on arms exports; considers that these should include, in particular, the destination country's track record on good governance, democracy, the rule of law, human rights, non-proliferation and the fight against corruption, the risk of diversion, the impact on the country's socio-economic development and the preservation of regional peace and security; takes the view that specific anti-corruption criteria should be laid down in the treaty;

13. Calls on the VP/HR and the EU Members States to promote the inclusion of strong anti-corruption mechanisms in the future treaty as laid down in paragraph 3 of the EU statement of 12 July 2011; recalls the need to include a reference to corruption consistent with relevant applicable international instruments and to take adequate measures to prevent such crimes;

14. Calls for these criteria to be set out in the form of common operational guidelines for carrying out risk assessments as a basis for making decisions on arms transfers;

15. Calls on the European Union, irrespective of the outcome of the ATT negotiations, to continue to uphold the highest possible standards in the interpretation of the Council Common Position on Arms Exports (2008/944/CFSP) and its eight criteria, especially with regard to international human rights law and international humanitarian law;

Implementation and reporting measures

16. Stresses the importance of effective and credible implementation of the ATT, emphasising accountability, transparency, State Party responsibility and enhanced coordination among the competent authorities;

17. Stresses that a robust ATT must include provisions and benchmarks committing States Parties to adopt national legislation and to establish a national authority responsible for the control of all transfers of items covered by the treaty and for meeting all reporting and implementation requirements; takes the view that the implementation of the ATT should cover end-user controls and brokering activities, including registration of operators and the licensing of their activities, disclosure by applicants of necessary information and full supporting documentation prior to issuance of an export authorisation, as well as legislative measures to establish as criminal offences all transfers of conventional arms and ammunitions not licensed by the national authority or in accordance with the treaty;

18. Believes that the effective implementation of the treaty will depend on promoting transparency and the exchange of information and best practices between States Parties on arms exports, imports and transfer decisions;

19. Believes that the experience of the evolving UN Register on Conventional Arms will facilitate the building of such transparency and exchange of information, and calls for the further expansion of the categories of weapons in the register, including small arms and light weapons and munitions;

20. Calls for the ATT, therefore, to include strong and clear provisions for regular reporting by the States Parties on an annual basis on all arms transfer decisions, including information on types, amounts and recipients of equipment authorised for transfer, and on the implementation of the full scope and provisions of the treaty; calls for the ATT also to require State Parties to establish a system of detailed record-keeping, for at least 20 years, for all international trade and transactions processed through their national control systems;

21. Calls for the establishment of a dedicated ATT Implementation and Support Unit, the responsibilities of which would include compilation and analysis of States Parties' reports, and for the UN Secretary-General to publish an annual report with further proposals for the strengthening of the operational provisions of the treaty; calls for the ATT Implementation and Support Unit to be granted the right also to analyse data on arms transfers and to identify discrepancies and potential breaches of the treaty and report back to the assembly of State Parties;

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22. Calls for all such reports to be made public;
23. Calls for the holding of annual assemblies of States Parties and a five-yearly review conference, in which civil society organisations would be encouraged to take part;
24. Believes that the long-term success of the ATT is dependent on full transparency and accountability to the competent national authorities, including parliamentary control bodies in exporting and importing countries; calls, therefore, for robust transparency mechanisms, including annual reporting, in order to strengthen the role of parliaments in holding their governments to account for decisions made on arms exports, imports and transfers;
25. Believes that any State Party requesting support for the implementation of its commitments under the Arms Trade Treaty should be provided with the necessary support and technical assistance; calls on the European Union to continue its activities in the area of outreach and to step up its assistance in areas such as legislative assistance, institution-building, administrative support and support for enhancement of national expertise in all bodies involved in the transfer control system, including civil society organisations and parliaments;

The role of the EU and EP

26. Recognises the coherent and consistent role played by the EU and its Member States in support of the international process to establish an arms trade treaty; calls for continued commitment and outreach ahead of the conference, including at the highest political level in démarches and summits leading up to the July conference and in the ratification and implementation processes;
27. Believes that the EU's reply to the UN Secretary-General's request for views on the elements of an arms trade treaty represents the appropriate basis for coordinated action by EU Member States at the international ATT Conference;
28. Urges the VP/HR to engage in intensive consultations and coordination efforts with all EU Member States in order to ensure that the EU speaks with one voice and promotes a strong position;
29. Calls for the Member States, in line with their Lisbon Treaty commitment, to uphold the Union's positions set out in reply to the UN Secretary-General at the Conference in order to ensure an ambitious outcome and a robust arms trade treaty; calls, therefore, on the EU Member States to openly and unequivocally declare their full support to the EU delegation taking part in the negotiations;
30. Urges the VP/HR and Member States to favour robustness with regard to the content and membership of the future treaty; urges the US to step aside from its position that the Arms Trade Treaty needs to be negotiated on the basis of consensus;
31. Welcomes the VP/HR's statement, in line with Article 34(1) of the Treaty on European Union, in which she will present to Parliament the EU's position ahead of the Conference;

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32. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative for Foreign Affairs and Security Policy, the Council, the Commission, the United Nations and the national parliaments of the EU Member States.
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