

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU 3892/06/fin.

RESOLUTION¹ on Small Arms and Light Weapons and Sustainable Development

The ACP-EU Joint Parliamentary Assembly,

- meeting in Bridgetown (Barbados) from 20 to 23 November 2006,
- having regard to Rule 17(1) of its Rules of Procedure,
- having regard to the Cotonou Agreement, particularly Article 12,
- having regard to the Millennium Summit and Declaration and the Millennium Development Goals and its resolution calling for concerted action to end illicit trafficking in small arms and light weapons,
- having regard to the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (henceforth referred to as the UNPoA) as adopted in July 2001,
- having regard to the first United Nations Biennial Meetings of States to Consider the Implementation of the UNPoA held, respectively, in July 2003, July 2005 and July 2006,
- having regard to the adoption by the United Nations General Assembly in December 2005 of the International Instrument to Enable States to Identify and Trace, in Timely and Reliable Manner, Illicit Small Arms and Light Weapons²,
- having regard to the entry into force on 6 July 2005 of the 2001 Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition³,
- having regard to UN Security Council Resolution 1325 (2000), which addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace,
- having regard to the conclusions of the G8 Summit in Gleneagles (United Kingdom) of June 2005, in particular concerning the doubling of aid by 2010 - an extra USD 50 billion

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 23 November 2006 in Bridgetown (Barbados).

² A/60/463 (L.55) decision, 8 December 2005.

³ The Protocol known as the 'UN Firearms Protocol' was adopted in May 2001 by General Assembly Resolution 55/255.

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worldwide and US D25 billion for Africa - and the conclusions of the G8 Summit held in St Petersburg (Russia) on 16 and 17 July 2006,

- having regard to the Rome Statute establishing the ICC,
- having regard to the EU Strategy for Africa adopted on 12 October 2005,
- having regard to the European Consensus on Development signed on 20 December 2005,
- having regard to the European Parliament's resolutions of 15 March 2001¹, 15 November 2001², 19 June 2003³ and 26 May 2005⁴ on combating the proliferation and misuse of small arms and light weapons (SALW), and of 17 November 2005⁵ on the Council's Sixth Annual Report according to Operative Provision 8 of the EU Code of Conduct on Arms Exports, and of 6 April 2006⁶ on aid effectiveness and corruption in developing countries,
- having regard to the 26 June 1997 EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms⁷, to the Council Joint Action 2002/589/CFSP of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons⁸, to the Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering⁹, and to the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition as adopted by the European Council on 15-16 December 2005¹⁰,
- having regard to the conclusions adopted by the Council at its meeting of 3 October 2005 expressing EU support for an International Arms Trade Treaty in the framework of the United Nations that would establish binding common standards on the global trade in conventional arms¹¹,
- having regard to the European Security Strategy, approved by the European Council in Brussels on 12 December 2003,
- having regard to the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of SALW adopted by the OAU ministerial meeting on 30 November and 1 December 2000 in Bamako, Mali,
- having regard to the 'African Common Position to the Review Conference on Progress made in the Implementation of the UNPoA' adopted at the African Union's Second Continental Conference of African Governmental Experts and Regional Economic Communities on the Illicit Trade in Small Arms and Light Weapons at Windhoek

¹ OJ C 343, 5.12.2001, p. 311

² OJ C 140 E, 13.6.2002, p. 587

³ OJ C 69 E, 19.3.2004, p. 136

⁴ P6_TA(2005)0204

⁵ P6_TA(2005)0436

⁶ P6_TA(2006)0141

⁷ Adopted by the Council on 26 June 1997

⁸ OJ L 191, 19.7.2002, p. 1

⁹ OJ L 156, 25.6.2003, p. 79

¹⁰ Council of the European Union, 5319/06, 13 January 2006

¹¹ Council of the European Union 2678th Council meeting, Luxembourg, 3 October 2005

(Namibia) on 14-16 December 2005, and to the Decision Ex.CL/DE.255 (viii) of the African Union of January 2006 adopted at Khartoum (Sudan),

- having regard to the Southern African Development Community Protocol on Firearms, Ammunition and Related Materials of 2001 that entered into force in July 2005,
- having regard to the Africa governmental conference on the implementation of the UNPoA: Needs and Partnerships held in Pretoria in March 2002,
- having regard to the Nairobi Declaration and Coordinated Plan of Action of 2000 (including its three Ministerial Review Conferences of 2002, 2004 and 2005) and the Nairobi Protocol of 2004 for the Prevention, Control, and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa that entered into force on 5 May 2006,
- having regard to the ECOWAS moratorium on the importation, exportation and manufacture of SALW in West Africa of 1998 and its subsequent extensions,
- having regard to the 1998 Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA),
- having regard to its resolution on the role of regional integration in the promotion of peace and security adopted in Vienna on 22 June 2006¹,
- having regard to the General Assembly Resolution A/RES/60/68 on 'Addressing the negative humanitarian and development impact of the illicit manufacture, transfer and circulation of SALW and their excessive accumulation',
- having regard to the global 'One million faces petition' supported by more than 1 million people and 250 NGOs across the world demanding a binding international Arms Trade Treaty (ATT),
- having regard to the report of the Committee on Political Affairs,
 - A. welcoming the growing international support for a legally binding International Arms Trade Treaty to ban arms transfers which risk undermining human rights or international humanitarian law, or which threaten the stability of countries or regions or that are likely to contribute to the outbreak or escalation of armed conflict, for which more than 50 countries have officially announced their support,
 - B. welcoming a set of Global Principles on Arms Transfers, developed by NGOs and legal experts, which set out States' obligations in respect of international transfers of arms and ammunition,
 - C. recalling that under the revised Cotonou Agreement serious cases of corruption can lead to consultations in accordance with Art. 96 and 97 of the Partnership Agreement and that, in special cases, these consultations can give rise to special measures,

¹ OJ ...

- D. determined to reduce the human suffering caused by the illicit trade in SALW in all its aspects, and bearing in mind the need to include national measures to regulate SALW in post-conflict and peace-building efforts, and recalling that there is no security or sustainable development without peace,
- E. whereas it is estimated that half a million people are killed each year by small arms,
- F. welcoming the circulation on 24 July 2006 of the draft UN resolution entitled 'Effective control over the import, export and transfer of conventional arms' calling for the establishment of a Group of Governmental Experts 'commencing no later than 2008, to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms',
- G. having regard to the UN Conference to Review Progress Made in the Implementation of the UNPoA, which took place between 26 June and 7 July 2006 (henceforth referred to as the Small Arms Review Conference) and to the need to make a full success of that Conference's follow-up, although it failed to agree any steps and measures to further strengthen the Programme of Action,
- H. noting that the above Draft Resolution, to be tabled at the First Committee of the UN General Assembly in October 2006, needs to include States' obligations to promote and protect human rights, without which an ensuing ATT would not prevent the supply of weapons to the most serious abusers,
- I. reaffirming its concern about the ongoing illicit spread of SALW, which are the true weapons of mass destruction of the developing world, cause unnecessary human suffering, exacerbate armed conflict and instability, facilitate terrorism, undermine sustainable development and the rule of law, and contribute to grave violations of human rights and international humanitarian law,
- J. welcoming the Draft Resolution of 24 July 2006 submitted to the First Committee of the General Assembly of the United Nations by Argentina, Australia, Costa Rica, Finland, Japan, Kenya and the UK requesting the establishment of an expert group responsible for the drafting of a report about a legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, and urging that committee to strengthen the mandate of the expert group by adding explicit references to human rights law, tightening the timeline and replacing the ambiguous language about examining 'feasibility' by clear support for a binding ATT,
- K. recalling that G8 countries account for around 85% of the global weapons trade and that according to a report presented to the US Congress on 29 August 2005, agreements on conventional arms transfers to developing nations accounted for 62.7 % of the value of all international arms transfer agreements between 1997 and 2004 and, in 2004, arms deliveries to developing nations constituted 64.6 % by value of all such arms deliveries worldwide,

- L. recalling that collectively G8 countries spend some € 63 billion each year on development and that the EU and the European countries themselves contribute more than half of the total ODA,
- M. affirming that the export of SALW by developed countries, as well as between developing countries, can fuel conflicts and thus work at cross-purposes to the development and technical assistance policies of those same countries,
- N. encouraged by the support expressed by the Heads of State and Government at the 2005 World Summit for the implementation of the UPoA and their recognition of the negative effect of the illicit trade in small arms and light weapons on development, peace, security and human rights,
- O. whereas due attention should be given to the link between the licit and illicit manufacture, transfer and circulation of SALW and corruption practices in both developing and developed countries,
- P. affirming its determination to strengthen the UNPoA, and to further persuade governments to agree upon binding provisions to control SALW (including brokering and transfers) through international, regional and national legislation,
- Q. convinced that the time is ripe for the international and regional communities to tackle the proliferation and misuse of SALW through binding international standards that are based upon a full respect for international law, including human rights and international humanitarian law,
- R. concerned about the exclusion of ammunition and explosives from the International Instrument to Enable States to Identify and Trace, in Timely and Reliable Manner, Illicit SALW, as well as the non-legally binding nature of the instrument,
- S. regretting further the slow progress of the UN broad-based consultations on combating illicit brokering of SALW as well as the absence of a commitment to negotiate a legally binding international instrument on arms brokering,
- T. underlining that the UNPoA requires States to assess applications for export authorisations according to strict national regulations and procedures that cover all SALW and are consistent with the existing responsibilities of States and the relevant international law, taking into account in particular the risk of diversion of these weapons into the illegal trade,
- U. welcoming and supporting the ongoing campaigning efforts by civil-society organisations, especially the ones focused on advocacy in favour of an ATT,
- V. affirming that the reduction of the availability and supply of, and demand for, SALW is critical to the wellbeing of all States and their citizens and can be achieved through actions/initiatives at the national, regional, continental and international levels in that respect in general, but in particular through:

- a reduction in production of SALW,
 - political commitment and action to address the root causes of conflict in a comprehensive manner,
 - preventing, combating and eradicating the illicit manufacture, possession and stockpiling of, trade in and misuse of small arms and light weapons,
 - placing emphasis on public awareness and education,
 - engaging in effective collection and destruction mechanisms for both surplus and illicit arms,
 - effective disarmament, demobilisation and reintegration measures that promote human security and sustainable development in peace agreements,
 - providing for rehabilitation and reintegration assistance to demobilised soldiers, ex-combatants and in particular child soldiers as referred to in the conclusions of the African Union concerning Post-Conflict Reconstruction and Development (PCRD), taking into account their special needs, particularly in relation to their reunification with their family, their reintegration into civil society and their appropriate rehabilitation,
 - ensuring that children are protected from direct contact with SALW in conflict areas,
 - acknowledging the impact – including gender-based violence – of the presence of SALW on women and girls in particular;
 - promoting implementation of the provisions contained in UNSC Resolution 1325 (2000),
 - recognising the need for SALW programmes to continue beyond post-conflict and transitional stages, through mainstreaming of small arms reduction and management in all national and local action plans and strategies related to national security, development, health, poverty reduction, crime prevention and post-conflict reconstruction, conducted in consultation and collaboration with all members of the community and stakeholders, including NGOs, making use of locally-appropriate development incentives,
- W. welcoming the EU's 'Strategy to combat illicit accumulation and trafficking of SALW and their ammunition' and affirming the need for a coherent overarching concept behind EU SALW action abroad which takes long-term sustainable development into account, as well as the need for international cooperation between governments within international organisations and for compliance with their obligations in international law,
- X. calling on EU Member States to prioritise SALW control and eradication strategies including projects aiming at the disarmament, demobilisation, repatriation, rehabilitation and reintegration (DDRRR) of ex-combatants in full partnership with

local communities and the survivors of armed violence as well as to ensure sufficient funding under the 10th EDF for such programmes,

- Y. whereas a clear, efficient and harmonised common arms export control policy pursued by the EU Member States, anchored in a legally binding Code of Conduct on Arms Exports, would be a decisive contribution by the EU to sustainable development in ACP States,
- Z. reiterating that the prevention, combating and eradication of the illicit trade in SALW in all its aspects are key elements in any effort to support conflict prevention and resolution and sustainable post-conflict reconstruction and promote lasting peace and security as well as crime prevention and thereby help create conditions for sustainable human and socio-economic development,
- AA. considering further the special needs of survivors of armed violence, including their health, economic and rehabilitation needs, as well as the distinctive needs of women, men, girls, boys, the elderly and refugees,
- AB. reiterating grave concern regarding the devastating impact of SALW on children, many of whom are victims of armed conflict or are forced to become child soldiers or are involved in organised armed violence, and in this regard, taking into account the special sessions of the UN General Assembly on children, as well as Security Council Resolutions 1379, 1460, 1539 and 1612, which contribute to a comprehensive framework for addressing the protection of children in armed conflict,
- AC. recalling that the costs of military expenditure and debts are, according to the UNDP Human Development Report of 2003, two of the most important obstacles to the attainment of the Millennium Development Goals and that export credit agencies play a major role in increasing military expenditure as well as debts of developing countries,
1. Calls on States to agree on a global set of principles on arms transfers, which at the minimum should ensure that:
- all transfers be authorised by means of a specific permit or licence,
 - existing obligations under relevant international law should be respected,
 - arms embargoes imposed by the UNSC should be respected and enforced and
 - issuance of permits or licences is to be denied when there is a risk that exported arms might be used in the commission of serious violations of human rights or international humanitarian law, including the risk that such arms might be diverted to unauthorised users such as terrorists, mercenaries and guerrillas and might affect regional and/or internal security and stability;
2. Urges the international community to expeditiously start negotiations on an International Arms Trade Treaty within the UN, in order to establish a legally binding instrument to decrease the production of SALW by all producer countries and to

regulate arms transfers worldwide as defined by the discussions on global principles referred to in the previous paragraph;

3. Stresses that existing obligations under international law with respect to arms transfers, specifically covering human rights and humanitarian law criteria, should be codified;
4. Calls on all signatories to the UN Firearms Protocol to ratify the protocol and incorporate it into national legislation without any further delay;
5. Urges States Parties to the UNPoA, the Firearms Protocol and other similar international and regional instruments and initiatives to develop technical assistance programmes in order to assist any third State or regional organisations wishing to develop legislative controls to regulate the arms trade;
6. Urges States Parties to the UNPoA and other applicable international instruments to agree on a single reporting mechanism for utilisation in subsequent Review Conferences or Processes, which should be developed and coordinated by the UN Department for Disarmament Affairs (UNDDA) through consultations with State Parties;

At regional level

7. Calls for the establishment or designation, as appropriate, of a point of contact within sub-regional and regional organisations to act as liaison on matters relating to the implementation of the UNPoA;
8. Encourages negotiations with the aim of concluding legally binding instruments aimed at preventing, combating and eradicating the illicit trade in SALW in all its aspects, and calls on States to ratify and fully implement them;

At national level

9. Urges States to make violations of arms embargoes (including financial or logistical support) a criminal offence under national law;
10. Urges States to improve the functioning, transparency and democratic accountability of armed forces, as well as law enforcement agencies and criminal justice systems, in order to contribute to a secure environment where citizens no longer feel the need to possess firearms;
11. Recommends that national laws should be implemented and actively enforced to regulate private military and security services operating overseas, and where such laws do not exist that they be developed and applied in order to improve regulation and accountability in this growing security sector;
12. Urges all States to incorporate into national legislation the Code of Conduct for Law Enforcement Officials¹ and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials¹;

¹ Code of Conduct for Law Enforcement Officials, adopted by General Assembly Resolution 34/169 of 17 December 1979

13. Strongly recommends that governments prohibit the civilian possession and use of all automatic and semi-automatic rifles and machine guns;
14. Urges States to develop national legislation for screening and licensing of SALW and automatic and semi-automatic machine guns and to prevent gun acquisition by people who have a record of violence, especially family violence, or have a criminal record for trafficking in arms or violating arms control regulations;
15. Stresses the need to ensure the sustainability of national initiatives by, inter alia, developing needs and resource assessments; promoting relevant partnerships for implementation with civil society; and accepting primary responsibility of States in the implementation of action;
16. Calls upon all actors to strengthen the existing National Focal Points/national coordinating agencies and their links with international and bilateral donors;
17. Considers (as recommended by the Bamako and UNPoA frameworks) as priorities:
 - the establishment and development of operative national focal points, national action plans and/or national coordinating agencies where they do not already exist;
 - the need for strengthening of regulations for arms management, including the need to strengthen and harmonise legislation to that effect; the need to engage in training and capacity building programmes for law enforcement agencies on all aspects of the issue but particularly on border controls, stockpile management and recordkeeping;
 - the improvement, where needed, of operational capacity for enforcement including stockpile management, monitoring, destruction, recordkeeping and border controls;
 - the enhancement of information exchange and cooperation mechanisms to prevent, combat and eradicate illicit SALW trade;
18. Urges all States which have not yet done so to engage in the implementation of the UNPoA;
19. Urges all States to regulate stockpile management and secure stockpiles against theft or disappearance;
20. Urges all States, especially ACP and EU States, to exchange information on arms brokering;
21. Urges all States to adopt, as soon as possible, the necessary legislative and other measures to establish as criminal offences under national law the illicit manufacturing of, trafficking in, and illegal possession and use of SALW, ammunition and other related materials;

¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990

22. Urges all States to reaffirm their commitment to protect children from the impact of proliferation and misuse of SALW as well as from being exploited as child soldiers in times of war;
23. Urges all States to uphold their responsibilities under UNSC Resolution 1325 (2000) by putting an end to impunity and by prosecuting those responsible for genocide, crimes against humanity and war crimes, including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible, from amnesty provisions;
24. Urges all States to take into account gender issues, as well as the specific needs of women when addressing the illicit trade in SALW in all its aspects in order to effectively implement the Programme of Action and UNSC Resolution 1325 (2000) on Women, Peace and Security;

Final considerations and priority actions

25. Affirms its determination to implement and extend the UNPoA, whose integrity should be maintained and which should not be subject to negotiation;
26. Recommends that despite the disappointing outcome of the Review Conference a yearly report on progress made by the UN on the implementation of the UNPoA should be published;
27. Recommends, after the UN Review Conference on the UNPoA, whilst recognising that this process will occur outside the parameters of the UNPoA and in parallel to it, the development of general principles for arms transfers to be taken forward by interested States in 2006 and/or become a parallel and complementary process within the UN system leading to the creation of an international instrument;
28. Welcomes the approval, on 26 October 2006, by the International Disarmament Committee of the General Assembly of the United Nations of a resolution aiming at a comprehensive, legally binding instrument establishing international standards in the trade on conventional arms and asks ACP-EU States to support this resolution in the General Assembly;
29. Deeply regrets that the UN Review Conference of July 2006 was unable to reach a common position and particularly could not agree on the principles of a future ATT and did not set up a follow-up mechanism;
30. Requests that multilateral and regional financial institutions take measures, where appropriate, to establish SALW programmes in the framework of reconstruction and rehabilitation efforts in post-conflict areas and in efforts to consolidate governance issues, to strengthen legislation and to improve the operational capacity of law enforcement agencies regarding SALW;
31. Calls also on these financial institutions to promote socioeconomic development programmes that include raising public awareness of the problems and consequences of the illicit trade in SALW in all its aspects;

32. Encourages, where appropriate, regional support for national disarmament, demobilisation and reintegration programmes, particularly in post-conflict situations, with specific reference to the introduction, adherence to, implementation or strengthening of relevant laws, regulations and administrative procedures;
33. Calls on regions to promote effective stockpile management and security, in particular physical security measures;
34. Encourages regions to develop, where appropriate and on a voluntary basis, measures to enhance transparency to prevent, combat and eradicate the illicit trade in SALW in all its aspects;
35. Urges all EU and ACP States and the appropriate international and regional organisations in a position to do so to seriously consider rendering assistance, including technical and financial assistance, to support the implementation of the measures contained in the UNPoA;
36. Urges all States and international and regional organisations, both at governmental and at parliamentary level, to cooperate and develop and strengthen partnerships to share resources and information on the illicit trade in SALW in all its aspects;
37. In order to facilitate the implementation of the UNPoA, urges all EU and ACP States and international and regional organisations to seriously consider assisting interested States, upon request, in building capacities in areas including the development of appropriate legislation and regulations, law enforcement, tracing and marking, stockpile management and security, destruction of SALW and the collection and exchange of information, thereby emphasising the responsibility of all Member States to ensure the sustainability of national initiatives in the implementation of all the UNPoA undertakings;
38. Calls on all States to establish a public database which contains information, provided on a voluntary basis by Member States and international, regional and other relevant organisations on the needs of affected countries, lessons learned regarding the implementation of the UNPoA and other information that could improve coordination and match resources with needs;
39. Recalls the OECD Development Assistance Committee's guidelines and other steps taken by development partners to allow the use of Official Development Assistance (ODA) in the implementation of the UNPoA; encourages all States, agencies and institutions to take full advantage of this development; calls for a further review of such guidelines to enhance the use of ODA to support the implementation of the UNPoA and to combat the negative effects of the proliferation and illicit use of SALW;
40. Calls on the UN Secretariat to show leadership and coordinate the implementation of UNPoA action;
41. Calls on the ACP-EU Council to commit to strengthening EU-ACP cooperation on the implementation of the UNPoA and to hold regional Needs and Partnership Conferences every two years to review implementation in each region, similar to the African Needs and Partnerships Conference of 2002;

42. Calls for issues relating to SALW to be mainstreamed into relevant EU and ACP processes and documents, particularly in all peace and security policies and actions of their respective regional and national bodies, as needed for security sector reform (SSR) and the disarmament, demobilisation and reintegration process (DDR);
43. Calls for the prioritisation of Parliamentary actions and work on good governance as elements essential to any strategy for tackling SALW and regional conflicts;
44. Requests the EU and ACP Member States, Commission delegations and EU and AU Presidencies-in-office to defend the principles and recommendations stated in this resolution;
45. Calls urgently, in this context, on the Commission and the Council to end their court case on the issue of competence relating to light weapons programmes and to seek - if they cannot solve the issue between themselves - the binding mediation of the European Parliament;
46. Calls on the Member States to implement their commitments given in the Council's 2003 Common Position on arms brokering; furthermore, calls for the biennial review of the Strategy to be published and include a list of those Member States that have not implemented their commitments in this area;
47. Calls for the 1998 EU Code of Conduct on Arms Exports to be made legally binding; calls on the EU to inform ACP partners about the annual reports on the Code of Conduct and progress made in implementing it;
48. Specifically calls on the Council and the Commission to allow appropriate resources for SALW action to be mobilised through the Regulations establishing the Instrument for Pre-accession Assistance, the European Neighbourhood and Partnership Instrument and the Development Cooperation Instrument;
49. Calls on the EU Member States to investigate the highly problematic impact of credits granted by their export credit agencies on peace, security and development in third countries and asks all Member States to disclose detailed information on credits for arms exports, which, according to some estimates, currently account for about 20 % of total export credits granted and in some Member States even 50 % or more, and asks Member States in particular to commit themselves to refraining from granting credits for arms exports in the future;
50. Instructs its Co-Presidents to forward this resolution to the Council, the Commission, the parliaments of the Member States, the Secretary General of the United Nations, the Parliamentary Forum on SALW, the Assembly of the Inter-Parliamentary Union, the US Congress and the Pan-African Parliament.