EURO–LATIN AMERICAN PARLIAMENTARY ASSEMBLY

RESOLUTION:

Trafficking of small arms and light weapons

based on the report by the Committee on Political Affairs, Security and Human Rights

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[based on the report by the Committee on Political Affairs, Security and Human Rights]

Trafficking of small arms and light weapons

The Euro-Latin American Parliamentary Assembly,

– having regard to the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, adopted by the UN General Assembly on 8 December 2005,

– having regard to the Arms Trade Treaty, adopted by the UN General Assembly on 2 April 2013 and in force since 24 December 2014, which seeks to regulate international trade in conventional weapons ranging from small arms to tanks, combat aircraft, and warships,

– having regard to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime, adopted by the General Assembly in 2001 and in force since 3 July 2005,

– having regard to Goal 16 of the UN global Sustainable Development Goals, namely promoting peaceful and inclusive societies, and in particular to the related target 4, which calls for ‘illicit financial and arms flows’ to be significantly reduced by 2030,

– having regard to the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which was adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons, held in New York in 2001,

– having regard to the outcome of the Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York (United States) on 10 June 2016,

– having regard to the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, adopted by the General Assembly of the Organisation of American States on 13 November 1997,


– having regard to the Working Group on Firearms and Ammunition of Mercosur and Associate States,
having regard to Decision 552 on the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its Aspects by the Andean Community and the Central American Programme on Small Arms Control (CASAC) of the Secretariat-General of the Central American Integration System (SG-SICA),

having regard to the June 2003 Common Position 2003/468/CFSP of the Council of the European Union on the control of arms brokering ‘in order to avoid circumvention of UN, EU or OSCE embargoes on arms exports, as well as of the Eight Criteria set out in the European Union Common Position 2008/944/CFSP on Arms Exports,

having regard to Decision 2011/428/CFSP of the Council of the European Union of July 2011 in support of United Nations Office for Disarmament Affairs activities to implement the United Nations Programme of Actions to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, with a view to supporting the preparation of the Review Conference of the Programme of Action,

having regard to the May 2008 Directive 2008/51/EC of the European Parliament and of the Council on control of the acquisition and possession of weapons, which seeks to establish a relationship whereby the undertaking to ensure a degree of freedom of movement for some firearms within the EU can continue to be reconciled with the need to limit that freedom under certain security guarantees suited to the type of products concerned,

having regard to the Council Directive 91/477/EEC on control of the acquisition and possession of weapons,

having regard to Decision 2017/633/CFSP of the Council of the European Union in support of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,

A. whereas the proliferation and use of, and illicit trafficking in, small arms and light weapons not only constitute a serious threat to the international community and a violation of human rights, but also pose obstacles to the sustainable development of our countries;

B. recognising the important contribution that may be made by civil society, including non-governmental organisations and industry, in order, for example, to cooperate with governments in preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects;

C. whereas whenever small arms and light weapons are involved, a conflict is far more likely to escalate and difficulties are much more likely to occur in the post-conflict process;

D. whereas, according to goal 16 of Agenda 2030, there is a direct link between security and development; whereas it is important to control the illicit trade in small arms and light weapons in order to develop more resilient societies in which human security is guaranteed, the rule of law is strengthened and the complex challenges of insecurity are addressed;
E. whereas small and light weapons is the category of weapons accountable for the most direct deaths in armed conflict globally;

F. whereas the proliferation of illicit small arms and light weapons impairs a country’s economic and social development and is a major driver of domestic and gender-based violence;

G. whereas the average annual volume of the arms trade in the last ten years is estimated to total USD 100 000 million, 70% of the trade being accounted for by the five permanent members of the UN Security Council, namely the United States, China, France, the United Kingdom, and Russia;

H. whereas violence involving small arms and light weapons has a variety of causes and effects and whereas, tight control notwithstanding, the mere fact that weapons are available adds to the possibilities for inflicting injury and death;

I. whereas the strengthening of the existing mechanisms relating to the control, disarmament, monitoring, registration, marking, storage and destruction of small arms and light weapons, and their ammunition, prevent illicit trafficking therein;

J. whereas there is a strong correlation linking trafficking in small arms and light weapons to organised crime and whereas weapons and drugs combined make up the bulk of the global market in illegal goods;

K. whereas violence linked to small arms and light weapons does not occur only in conflict zones, war-torn countries, or regions with a low level of development but also in developed countries and in domestic environments;

L. whereas it is vital to embark on a global arms limitation effort and take real action to foster key partnerships between the European Union and Latin America; whereas, therefore, a legal instrument needs to be drawn up in order to lay down clear-cut rules for manufacturers and exporters and thus prevent and eradicate the illicit trade in conventional arms, and also prevent weapons from being diverted onto the illegal market or towards other unauthorised uses or final users, particularly criminal and civilian organisations and terrorist groups that have acquired them illicitly; whereas states are bound to comply with the reporting obligations laid down in the Arms Trade Treaty and the UN Programme of Action on Small Arms, which are crucial in ensuring greater transparency and holding governments accountable for decisions on small and light weapons;

1. Welcomes the fact that the Arms Trade Treaty (ATT) was approved in 2013 and entered into force on 24 December 2014; notes that the ATT, which has been signed by 130 countries, is the first legally binding global instrument to regulate international transfers of most types of conventional weapons, along with ammunition and components; considers that its implementation will help to transform the international arms trade and to establish who the end-users are;

2. Considers that the ATT can only be effective by preventing illicit international arms trade; is convinced that exposed inconsistencies should trigger investigations and, if
appropriate, punishment by the relevant national authorities;

3. Urges states to focus national efforts and international cooperation on the control and elimination of small arms and light weapons, their ammunition and explosives; notes that even weapons of this kind that have been acquired legally should be subject to stringent procedures and authorisation processes as they constitute an element of destabilisation; stresses that they exacerbate conflicts, fuel terrorism and organised crime shootings, endanger the rule of law, contribute to the violation of human rights and of international humanitarian law and make domestic and gender-based violence more likely;

4. Stresses the need to strengthen the tracing of small arms and light weapons in conflict and post-conflict situations; in that connection, highlights the importance of providing capacity-building assistance for the purposes of identifying and containing the flow of illicit small arms and light weapons;

5. Reaffirms its commitment to promoting and ensuring compliance with international law in every jurisdiction and accordingly considers itself duty-bound to call upon governments to sign, ratify, and implement the international legal instruments existing at global and regional level relating to trafficking in small arms and light weapons, ammunition, and explosives, including the Arms Trade Treaty; also considers that binding international guidelines should be drawn up to strengthen international legal instruments;

6. Considers itself duty-bound, in addition, to keep a close watch in each member country on the implementation both of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, in the run-up to the Third Review Conference, due to be held in 2018, and of the International Tracing Instrument; points to the need to consider the implications for the Programme of Action of recent developments in small arms and light weapons manufacturing, technology and design;

7. Maintains that public policies and legislative measures should be drawn up and implemented in every national jurisdiction with a view to reducing the quantities and proliferation of small arms and light weapons, their ammunition, and explosives within our societies and ensuring that their export, movement, and import are effectively controlled;

8. Maintains that parliamentary representatives, governments, civil society, and the industry have to coordinate their efforts to effectively enforce national, regional, and international control systems for illicit trafficking of small arms and light weapons and their ammunition and components;

9. Highlights the importance of programmes for the voluntary surrender of arms, including in post-conflict situations;

10. Welcomes the plan to organise a number of regional conferences between the EU and Caricom, and between the EU, the OAS and Unasur, to support governments and the above-mentioned regional organisations in preparing for the Third Review Conference
in 2018;

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11. Instructs its Co-Presidents to forward this resolution to the Council of the European Union and the European Commission, and to the parliaments of the Member States of the European Union and all the countries of Latin America and the Caribbean, the Latin American Parliament, the Central American Parliament, the Andean Parliament, and the Mercosur Parliament, the Secretariat of the Andean Community, the Mercosur Committee of Permanent Representatives, the Community of Latin American States, the CELAC rotating Presidency and the CELAC Troika countries, and the Secretaries-General of the Organisation of American States, the Union of South American Nations, and the United Nations.