

EUROPEAN PARLIAMENT

2004



2009

Committee on Development

2005/2013(INI)

4.10.2005

OPINION

of the Committee on Development

for the Committee on Foreign Affairs

on the Council's Sixth Annual Report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports (13816/1/2004 – 2005/2013(INI))

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SUGGESTIONS

The Committee on Development calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the opportunity to provide a development perspective on arms export controls and takes the opportunity to stress the relevance of arms exports with European Union development cooperation policy;
2. Welcomes the Council's Sixth Annual Report on the European Union Code of Conduct on Arms Exports ('the Code') and, in particular, considers the new measures to strengthen the Code of the utmost importance in supporting European Union development cooperation policy;
3. Calls for a new Code of Conduct to be adopted which takes greater account of the problem of arms proliferation and of the need to incorporate the provisions of Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology¹; calls for further improvements to be made pending adoption of the new Code of Conduct, such as the implementation of a human rights criterion which does not consist solely of a requirement that a country must be prepared to comply with international law on the conduct of war, and calls for the provisions of the Code of Conduct to be made more politically binding, until such time as they become legally binding;
4. Welcomes in particular progress on the harmonisation of national reports, the regularisation of the 2004 review of the Code (new Operative Provision 13), the introduction of a new post-embargo 'toolbox', the further development of the User's Guide (Operative Provision 12) and the efforts made towards the establishment of best practice Guidelines for implementing Criterion 8 (on assessing the compatibility of arms exports with the technical and economic capacity of the recipient country); in that connection, urges that arms should not be exported to countries which violate human rights; Criterion 8 should be clarified accordingly;
5. Urges further progress on establishing best practice Guidelines for implementing Criterion 8 as an important element in assessing the impact of arms exports on unstable regions and their compatibility with development policies and programmes;
6. Urges Member States to draw up a revised and, most importantly, legally binding Code of Conduct that will take the development policy of the European Union fully into account, and therefore contribute to coherent European external action;
7. Stresses the need to operationalise Criterion 8, which should include having reference to human rights and development indicators when assessing the suitability of arms exports to a third country or region;
8. Remains concerned that the legal dispute between the Council and the Commission over

¹ *OJ L 159, 30.6.2000, p. 1.*

support to the Economic Community of West African States ('ECOWAS') on Small Arms and Light Weapons ('SALW') risks holding up the establishment of effective mechanisms and programmes to tackle arms issues and related problems in that region;

9. Points out that the increasing prevalence of small arms throughout the world is leading to growing levels of armed violence, with the result that sustainable development is undermined, and that women and children are particularly badly affected by the increasing proliferation of small arms, and therefore urges the Commission and Council to prepare guidelines for SALW policies and programmes in developing countries that are compatible and consistent with development policy objectives, to work together with non-governmental organisations with a view to achieving that objective and to ensure that the guidelines take account of the adverse impact which the proliferation of small arms has on sustainable development and on women and children in particular;
10. Urges the Council and the Commission to set out clear budgetary requirements and sources of funding for SALW and SALW-related programmes for the years 2005 and 2006;
11. Reminds the Council and the Commission that the failure to further develop the Code and new initiatives such as the proposed international Arms Trade Treaty risks undermining European Union development cooperation policy as well as ongoing SALW and Disarmament, Demobilisation and Reintegration ('DDR') activities in the field, thus hindering the achievement of the Millennium Development Goals;
12. Calls for the Council and Commission to assess the role of DDR projects in European Union external relations and development policies, and to clarify the division of labour between DG Development and DG External Relations on those policies, and in this context further stresses the importance of an independent European Union development cooperation policy;
13. Calls for improved data and information sharing on arms exports and arms brokering, and in particular on data concerning the arms trade with developing countries;
14. Calls for further discussion with the Council and within the European Parliament on, and expresses support for, the establishment of a European Union agency on Arms Export Control that could monitor and verify the effectiveness of European Union arms export control regulations;
15. Calls for the development of an outreach strategy to promote the Code within the European Union and in relations with third states and regions, which should highlight that the impact of European Union arms exports on developing countries is substantial, that such exports affect not only economies and trade strategies but also socio-political processes more broadly, and that government and private enterprises must be aware of their responsibilities, be it social or corporate, in their relations with developing nations;
16. Further encourages Member States and the Commission to join the European Parliament in promoting good governance in African institutions and particularly in the field of the arms trade through such bodies as the ACP-EU Joint Parliamentary Assembly, ECOWAS and the African Union;

17. Calls on Member States, the Council and the Commission to press the African Union and other African regional bodies to adopt regional and national arms export control arrangements akin to those set out in the Code;
18. Supports the efforts of Member States, the Council and the Commission to seek responsible solutions to regulate the social, economic and developmental damage caused by the international and European arms trade.
19. Stresses the importance of the EU cooperating fully with UN; the UN should be consulted if checks on arms exports are introduced;

