

**Towards an arms trade treaty**

**European Parliament resolution of 21 June 2007 on an arms trade treaty: establishment of common international standards for the import, export and transfer of conventional weapons**

*The European Parliament,*

- having regard to its resolutions of 15 March 2001 on the UN Conference on illicit trade in small arms and light weapons in all its aspects<sup>1</sup>, of 15 November 2001 on small arms<sup>2</sup>, of 19 June 2003 on implementation of the United Nations programme to combat the illegal trade in light weapons<sup>3</sup> and of 26 May 2005 on small arms and light weapons<sup>4</sup>, as well as its annual resolutions on the implementation of the European Union Code of Conduct on Arms Exports,
  - having regard to its resolution of 15 June 2006<sup>5</sup> on small arms and light weapons, urging the international community to start negotiations on an international Arms Trade Treaty (ATT) within the UN directly after the 2006 UN Programme of Action Review Conference in order to establish a legally binding instrument to regulate arms transfers at global level,
  - having regard to Rule 103(2) of its Rules of Procedure,
- A. welcoming the adoption of Resolution A/RES/61/89 by the UN General Assembly (UNGA) on 6 December 2006 marking the formal start of a process towards an ATT, and noting the overwhelming support which that resolution received from 153 States, indicative of a strong global political conviction that the time is ripe to end the irresponsible arms trade,
- B. noting that, as a first step, the UN Secretary-General is to seeking the views of UN members on 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,
- C. whereas approximately 100 governments have submitted their views, and whereas the UN Office for Disarmament Affairs has indicated that, while submissions received before 20 June 2007 will be included in the report of the UN Secretary-General to be presented to the UNGA First Committee on Disarmament and International Security in October 2007, States that miss the 20 June 2007 deadline will still be able to have their submissions included as addenda to the report,
- D. whereas the above-mentioned UNGA resolution of 6 December 2006 also mandates the UN Secretary-General to establish a group of governmental experts (GGE) to examine,

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<sup>1</sup> OJ C 343, 5.12.2001, p. 311.

<sup>2</sup> OJ C 140 E, 13.6.2002, p. 587.

<sup>3</sup> OJ C 69 E, 19.3.2004, p. 136.

<sup>4</sup> OJ C 117 E, 18.5.2006, p. 230.

<sup>5</sup> OJ C 300 E, 9.12.2006, p. 496.

commencing in 2008, 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,

- E. whereas a positive outcome of this consultation process is crucially important for the purposes of laying the foundations of the future negotiations on the ATT,
- F. reaffirming that, until those negotiations have been successfully concluded, irresponsible arms transfers will continue to cause unacceptable human suffering and exacerbate armed conflict, instability, terrorist attacks, bad governance and corruption, as well as grave violations of the rule of law, human rights and international humanitarian law, and undermine sustainable development,
- G. convinced that, pending the outcome of those negotiations, States should not continue to allow previously agreed arms embargoes to be contemptuously ignored and mocked by parties to armed conflicts and unscrupulous arms suppliers,
- H. welcoming and supporting the ongoing campaigning efforts of civil society organisations,
  - 1. Calls on all 153 States which voted for the above-mentioned UNGA resolution of 6 December 2006, which included all the EU Member States, to send their submissions supporting an ATT to the UN Secretary-General without further delay;
  - 2. Urges the Council to devise a programme of activities using various international fora, including NATO, the Organization for Security and Cooperation in Europe (OSCE) and the ACP-EU Joint Parliamentary Assembly, to encourage States to send in their submissions;
  - 3. Urges all States to emphasise in their submissions that the ATT should codify existing obligations under international law with respect to arms transfers, and especially those covering human rights and humanitarian law;
  - 4. Strongly recommends that, in order for the ATT to be effective, States base their submissions on the following parameters:
    - (i) States are responsible for and must regulate all arms transfers that fall within their jurisdiction;
    - (ii) States must assess all international arms transfers in the light of the following three categories of restriction under existing law:
      - (a) express prohibitions, whereby States must not transfer arms in certain situations based on existing prohibitions on the manufacture, possession, use and transfer of arms;
      - (b) prohibitions based upon the likely use of the weapons, in particular where the arms are likely to be used to commit serious violations of international human rights law or international humanitarian law;
      - (c) criteria and emerging norms that must be considered when assessing arms transfers, including the question whether the arms will be used for terrorist attacks or violent and/or organised crime, adversely affect sustainable

development or regional security or stability, or involve corrupt practices;

- (iii) States must agree a monitoring and enforcement mechanism providing for prompt, impartial and transparent investigation of alleged violations of an ATT and appropriate penalties for offenders;
5. Calls on all States to support the work of, and engage with, the GGE, so as to ensure that it will make significant progress towards a meaningful ATT;
  6. Remains convinced that the success of the ATT will be critically dependent on greater openness and a new willingness to exchange information about arms transfers, including information on end-users, and that this will require the use of mechanisms, such as an improved version of the UN Register of Conventional Arms, to create a compensating and mutual guarantee of global transparency;
  7. Calls upon all States, pending the adoption of an ATT, to take efficient measures to stop the irresponsible brokering and transportation of arms, ammunition and associated military and security equipment of all types, including components and dual-use items, as well as the transfer and licensing of foreign production of such equipment to parties who are subject to international arms embargoes or who persistently commit serious violations of international human rights law or international humanitarian law;
  8. Calls in this context on all Member States to transpose the provisions of the Council's Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering<sup>6</sup> into national law in order to maximise the efficiency of efforts to halt irresponsible arms brokering;
  9. Categorically denounces trade in arms and ammunition in violation of UN Security Council arms embargoes and recognises that the transport of such goods primarily takes place by air; calls upon EU Member States to enhance their cooperation with other States in this area; calls upon the competent international organisations and the appropriate regional organisations to recommend, in coordination with the air transport industry, appropriate preventive measures;
  10. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Secretary-General of the UN, the President of the UNGA, the Secretary-General of NATO, the OSCE, the African Union, the Parliamentary Forum on Small Arms and Light Weapons, the Assembly of the Inter-Parliamentary Union and the group of NGOs known as the Arms Trade Treaty Steering Committee.

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<sup>6</sup> OJ L 156, 25.6.2003, p. 79.