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# MOTION FOR A RESOLUTION

further to Question for Oral Answer B6-0000/0000

pursuant to Rule 108(5) of the Rules of Procedure

by Raül Romeva i Rueda

on behalf of the Committee on Foreign Affairs

on small arms and light weapons, with a view to the 2006 Review Conference on the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, and towards the establishment of an International Arms Trade Treaty

**B6-0334/2006**

**European Parliament resolution on small arms and light weapons, with a view to the 2006 Review Conference on the United Nations Programme of Action to Prevent, Combat and Eradicate Trade in Small Arms and Light Weapons in All its Aspects, and towards the establishment of an International Arms Trade Treaty**

*The European Parliament*,

– having regard to its previous resolutions of 15 March 2001[1], 15 November 2001[2], 19 June 2003[3], and 26 May 2005[4] on combating the proliferation and misuse of small arms and light weapons (SALW),

– having regard to its previous resolution of 17 November 2005[5] on the Council's Sixth Annual Report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports (2005/2013(INI),

– having regard to the 26 June 1997 EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms[6], 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 weapons[7], to the Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering[8], 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 2005[9],

– having regard to the conclusions adopted by the General Affairs and External Relations Council at its meeting of 3 October 2005 expressing EU support for an International Arms Trade in the framework of the United Nations that would establish binding common standards on the global trade in conventional arms[10],

– 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 as adopted in July 2001,

– having regard to the Second United Nations Biennial Meeting of States to Consider the Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All its Aspects, held on 11-15 July 2005,

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[1] OJ C 5.12.2001, p. 311
[2] OJ C 140, 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] Adopted by the General Affairs Council of 26 June 1997
[7] OJ L 191, 19.7.2002, p. 1
[8] OJ L 156, 25.6.2003, p. 79
[9] Council of the European Union, 5319/06, 13 January 2006
[10] Council of the European Union 2678th meeting, Luxembourg, 3 October 2005

– 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 a Timely and Reliable Manner, Illicit Small Arms and Light Weapons[1] ,

– 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 Ammunition[2] ,

– having regard to the UN Review Conference on the UN Programme of Action, scheduled to take place between 26 June and 7 July 2006 and to the need to make a full success of that Conference and its follow-up,

– having regard to Rule 108(5) of its Rules of Procedure,

A. welcoming the growing international support for a legally binding International Arms Trade Treaty to ban 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,

B. whereas the illegal arms trade supplies terrorist and drugs trafficking organisations; whereas it leads to destruction and imposes its code of death and corruption; whereas it supports organised crime responsible for highjackings, acts of violence and the undermining of public safety; whereas it supplies international terrorist organisations seeking to impede democracy and exalting dogmatism and intolerance,

C. reaffirming its concern about the ongoing proliferation of SALW, which cause unnecessary human suffering, exacerbate armed conflict and instability, facilitate terrorism, undermine sustainable development, good governance and the rule of law, and contribute to grave violations of human rights and international humanitarian law,

D. affirming its determination to strengthen the UN Programme of Action and to further engage governments to agree upon binding provisions to control SALW (including brokering and transfers) through international, regional and national legislation; strongly supporting the call for international financial and technical assistance to be made available as laid down in paragraph 6, section III of the UN Programme of Action,

E. convinced that the time is ripe for the international community to tackle the proliferation and misuse of SALW through binding international standards that are based upon full respect for international law, including human rights and international humanitarian law,

F. concerned about the exclusion of ammunition and explosives from the International Instruments to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, as well as by the non-legally binding nature of the instrument,

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[1] A/60/463 (L.55) decision, 8 December 2005

[2] The Protocol known as the 'UN Firearms Protocol' was adopted in May 2001 by General Assembly resolution 55/255

G. regretting further the slow process 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,

H. stressing that the UN Programme of Action requires states to assess applications for export authorisations according to strict national regulations and procedures that cover all small arms and light weapons 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,

I. convinced that the appropriate integration of SALW reduction and control strategies has to become an integral part of international programmes aimed at conflict prevention and post-conflict peace building,

J. welcoming and supporting the ongoing campaigning efforts from the side of civil society organisations,

1. Calls on the State Parties to the 2006 UN Programme of Action Review Conference to agree a set of global principles on arms transfers, consistent with their existing responsibilities under international, regional and national laws, including a requirement not to transfer weapons that are likely to contribute to human rights violations or crimes against humanity, or that foster regional or national instability and armed conflict;

2. Urges the international community to start negotiations on an International Arms Trade Treaty within the United Nations directly after the 2006 UN Programme of Action Review Conference, in order to establish a legally binding instrument to regulate arms transfers as defined in the previous paragraph;

3. Calls on the States participating in the 2006 Review Conference to address the humanitarian and development dimension of the UN Programme of Action, emphasising the importance of the interrelationship between trafficking, proliferation and misuse of SALW and development, poverty reduction, and humanitarian assistance; calls, therefore, for the appropriate integration of SALW programmes and measures into international, regional and national development and poverty reduction strategies;

4. Stresses that already existing obligations under international law with respect to arms transfers, specifically covering human rights and humanitarian law criteria, should be codified;

5. Calls on all signatories to the UN Firearms Protocol to ratify the protocol and incorporate it into national legislation without any further delay;

6. Urges states to make violations of arms embargoes (including financial or logistical support) a criminal offence under national law;

7. Highlights the fact that reforms intended to improve the functioning, transparency and accountability of armed forces, as well as law enforcement agencies and criminal justice systems, can contribute to a secure environment where citizens no longer feel the need to possess firearms;

8. Takes the view that national laws should be applied and enforced to regulate private military and security services operating overseas and that, where such laws do not exist, they should be developed and applied in order to improve regulation and accountability over this growing security sector;

9. Urges all states to incorporate into national legislation the Code of Conduct for Law Enforcement Officials[1] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials[2];

10. Strongly recommends that governments:

    (a) prohibit the unauthorised civilian possession and use of SALW and automatic and semi-automatic rifles and machine guns;

    (b) develop information and exchange programmes between states that wish to cooperate on issues relating to controlling civilian possession of SALW;

    (c) address the issue of reducing the excessive and undesirable demand for SALW within society, and therefore promote programmes and measures aimed at reducing that demand, preventing and reducing urban or rural violence and insecurity, and focusing on groups that are specifically affected by SALW violence;

11. Urges states, in particular, to develop national legislation for the screening and licensing of SALW, 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 or violating arms control regulations;

12. Urges States Parties to the UN Programme of Action and the future International Arms Trade Treaty 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;

13. Urges States Parties to the UN Programme of Action and the future International Arms Trade Treaty to create reporting and monitoring mechanisms in order to support states in the implementation of their commitments;

14. Requests the EU delegation to defend this resolution's principles and recommendations during the UN Review Conference on the UN Programme of Action, scheduled to take place between 26 June and 7 July 2006;

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[1] Code of Conduct for Law Enforcement Officials, Adopted by General Assembly resolution 34/169 of 17 December 1979

[2] 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.

15. 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 United Nations, the Parliamentary Forum on Small Arms and Light Weapons, and the Assembly of the Inter-Parliamentary Union.