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## **The European Union and the Arms Trade Treaty**

(conferência co-organizada pela coligação de ONGs ControlArms, pela Saferworld e pelo Grupo dos Verdes do PE)

### **Progress towards the ATT: developments within the EU**

- I would like to start by thanking the organizers for inviting me to speak about the developments within the EU concerning the ATT;
- We in the European Parliament are fierce advocates for a **European Union that sets a global example in terms of responsible arms export control policies**;
- We have turned the call for a **legally binding EU Code of Conduct** on Arms Exports into **one of our mantras**, repeating it to successive EU Presidencies and keeping it on the EU's agenda;
- We see the light at the end of the tunnel, with the Slovenian Presidency making some encouraging noises here in the EP; the State Secretary Janez Lenarcic said in March that "*Slovenia would appreciate the adoption of this Common Position during its Presidency*" and it would "*try to encourage [Member States] to achieve the Common Position*";
- [Tom irónico] We are absolutely convinced that the French Presidency under President Sarkozy will do its utmost to continue on this constructive path...
- But coming back to State Secretary Lenarcic's comments, there is one sentence that is of direct interest to us today; he said here in the EP that "*the ATT project is one of the key projects in the field of disarmament*";

- And it is true that much has been done by the EU since **October 3, 2005**, when the **EU's Foreign Ministers**, meeting in Luxembourg, **made three important statements** that continue to serve as a framework for the EU's role in the ATT process:
  1. They supported "*binding standards*";
  2. They "*agreed that the UN was the only forum that could deliver a truly universal instrument*";
  3. And they "*expressed the belief that the European Union should play an active role in this process*".
  
- Since then, there have been three other important Council Conclusions about the ATT expressing support for the different stages of the process, namely the adoption of the UN General Assembly Resolution on December 6; the start of UN Member States submissions to the Secretary General; and the appointment of the Group of Governmental Experts;
  
- There is **one interesting footnote** to these four Council Conclusions, one decisive difference between the first one of October 2005 and all the other ones: **in 2005, the Foreign Ministers still spoke of support for "binding standards"**; from **December 2006 onwards, the language becomes clearer: the EU supports the creation of a "LEGALLY binding instrument"**...
  
- **The EU and its Member States have been extremely helpful in the ATT process so far; all Member States and the EU have submitted their views "on the feasibility, scope and draft parameters" for an ATT to the UN Secretary General;**

- In fact, the **EU was the only non-state entity to send in a submission** and its substance may prove to be decisive in the future; **it cited the EU Code of Conduct as a potential source of inspiration** for the Group of Governmental Experts, specifically mentioning three items:
  1. First, the 'Common Military List' developed in the context of the Code of Conduct as a means of assisting with the development of clear definitions of categories of weapons to be covered by the ATT;
  2. Second, the criteria to be taken into account under the Code of Conducts when considering whether to allow for a transfer, namely "*respect for human rights*", "*the internal situation of the recipient country*" etc...
  3. Third, the EU mechanism for sharing information on the approval and denial of transfers.
  
- Independently of the UN process toward an ATT, the EU has been using the Code of Conduct to promote the principles of responsible arms transfers; operative provision 11 of the Code states that Member States will use their best endeavours to encourage other arms exporting states to subscribe to the Code's principles; under the EU's Strategy on Small Arms and Light Weapons, the EU has been helping third countries to draft appropriate national legislation on arms exports; also, the Action Plans under the EU Neighbourhood Policy either refer directly to the EU Code of Conduct, or to the development of effective systems of national export controls;

- In this context, one recent initiative deserves to be specifically mentioned: a Council Joint Action of March 17 of this year mobilizes €500.000 to *"promote the control of arms exports and the principles and criteria of the EU Code of Conduct on Arms Exports among third countries"*;
- All of what I have said so far demonstrates that **the EU is a driving force behind the ATT**, both within the UN process and in flanking measures on the ground;
- The EU's contribution to the ATT has therefore not just been about political support - Europe is adding substance, knowledge and experience;
- In fact, there is a strong link between the EU's contribution to the ATT process and the internal developments within the EU linked to the increased sophistication of the EU Code of Conduct; *in other words, the EU's added value to the ATT can only be as good as its own Code of Conduct;*
- And in fact, the EU still has a credibility gap the size of a large bomb crater; I totally agree with Saferworld, Transparency International, and other NGOs, who in their report on the 10 years of the Code of Conduct underline that *"the credibility of EU support for a legally-binding international Arms Trade Treaty is seriously undermined by the fact that to date the EU has proved unable to agree to a legally-binding instrument among its own members"*;
- It is shameful to see **the Code of Conduct being used by France (and other Member States hiding behind Paris) as a source of leverage**, as a bargaining chip in order to get the arms embargo on China lifted;

- Three years after the Common Position has been drafted, it is time for France to abandon its negative position in the Council and give in - that would not just do a lot to stop Europe exporting arms to dangerous places and merely paying lip service to arms export controls; *it would be the single most important element of the European contribution to a successful completion of the ATT process*; we in the European Parliament expect the EU to lead - by example;
- Of course there are some good examples according to the NGO report: Belgium has adopted the Code as a national legislation, whereas Austria, Finland, Germany, Spain and the UK have done so partially;
- Another important recent development is **the adoption of the Commission's Defence Package**, which we are discussing later in the Subcommittee on Security and Defence; while I personally welcome both Directives (and I am sure the Parliament will do so, too) *we have to make sure that the Directive on Intra-Community Transfers doesn't make it easier for unscrupulous exporters to take advantage of the weakest links in the European export control chain*;
- The answer to this challenge is obvious but it can never be reiterated too often: *only a fully harmonized, common and legally binding EU Code of Conduct on Arms Exports will help stopping illegal, immoral and dangerous arms exports, enhance the EU's leadership role in debates about the future of global arms trade, and allow for a total relaxation of intra-Community arms transfers*, which can be a crucial contribution to the creation of an effective, transparent and competitive European Defence Technological and Industrial Base;

- The last ten years have witnessed an uninterrupted process of improvement and increasing sophistication of the Code of Conduct: a User's Guide was created, the eight criteria have been clarified, and the annual reporting has become ever more detailed;
- But the Code of Conduct has reached its limits in the current form: we know it and so do the Member States - it is time for the EU to take the leap.