



July 2005

Germany's position on transfer control for SALW

1. Germany's policy

The German government conducts its export control policy very strictly: the respect for human rights in the recipient country, regional stability and end-use safeguards play a decisive role in the licensing process (which is based upon the Code of Conduct of the European Union on Arms Exports and on the Political Principles of the Federal Government governing Arms Exports). The export of military small arms and light weapons is not licensed for private end-users. Germany advocates internationally a general licencing requirement for small arms and light weapons brokering activities, such as the one in place in Germany for war weapons.

The Federal Government publishes annually its Report on Military Equipment Exports with special focus on small arms and light weapons export transparency.

Export controls form an essential part in states' responsibility to prevent the uncontrolled spread and destabilising accumulation of SALW; this is true for new and used arms alike.

Consequently, the German government applies its newly developed principle „New for Old“ to SALW exports, calling for the destruction of surplus weapons in exchange for the supply of new state of the art firearms. The German Armed Forces have committed themselves to destroy surplus small arms and light weapons instead of selling them.

Germany is of the opinion that the merit of transfers of fully automatic small arms and light weapons to non-state-actors needs to be discussed internationally. Export licences should only be granted if the exporting state receives from the importing state the appropriate import licence or some other form of official authorization. Closely interlinked with this problem is the question of civilian ownership. Germany strongly believes that light weapons and fully automatic small arms do not belong in the hands of civilian users.

2. Germany's goal for 2006 and her support for the Transfer Control Initiative

Germany fully supports the efforts of the United Kingdom to generate consensus within other regions on the need for common international standards of SALW transfers by organising a series of workshops in different regions on principles for the control of SALW transfers.

Germany is of the opinion that the UN Programme of Action, while effective in many key areas, lacks guiding principles for SALW transfers and thus needs to be strengthened. We must prevent SALW being diverted into the wrong hands, being used to fuel conflict, repress human rights or undermine development. Germany is committed to the goal of including minimum international principles on arms transfers in the Programme of Action as soon as 2006. Germany is further committed to strive for consensus on the establishment, by the UN Secretary General, of a group of governmental experts with a view to prepare the ground for open-ended negotiations on an international instrument on SALW transfer controls. The goal of these negotiations should be the adoption of a universal instrument on principles/guidelines of SALW transfer controls.

Germany also supports the idea of a global legally binding instrument for all conventional weapons (the so called Arms Trade Treaty). The work we will undertake in the framework of the SALW Programme of Action might well pave the way for such an ambitious project.