
BIENNIAL MEETING OF STATES
TO CONSIDER THE IMPLEMENTATION OF THE
UN PROGRAMME OF ACTION ON
SMALL ARMS AND LIGHT WEAPONS

Statement by H.E. Ambassador John Freeman
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on behalf of the European Union

THEMATIC DEBATE INTERVENTION

Import / Export Control and Illicit Brokering

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Import/export Control (or transfer controls)

Mr Chairman,

1. I have the honour to take the floor on behalf of the European Union. The acceding countries Bulgaria and Romania, the candidate countries Croatia and Turkey, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia and Montenegro, the members of the European Economic Area, Norway, Iceland and Liechtenstein, as well as Moldova and Ukraine, align themselves with this statement.
2. The EU supports global efforts supporting SALW transfer controls that aim to support the UN Programme of Action on SALW. The EU also supports a series of workshops, seeking to encourage states, at a regional and sub-regional level, to implement effective transfer controls on SALW; and to establish common ground on the nature of those controls have been held. The aim of these workshops is to build strong international support, in view of the Review Conference of the Programme of Action in 2006, for tighter controls on small arms Transfers
3. The EU calls for negotiations to begin, within the UNPoA process, on global principles for the control of transfers of SALW. Such transfer controls, using criteria or guidelines to determine authorisation for transfer, will prevent SALW from being used to fuel conflict, repress human rights or undermine development and from being diverted. More consultation will be needed on the criteria and guidelines to be used, but key areas to be considered should include the respect from human rights, the security situation in the recipient country and in the region, the cost of the arms in relation to the development and economic needs of the recipient country, whether the proposed transfer are proportionate to the security needs of the recipient country and the record of the recipient country in respecting international arms embargoes.
4. We know that there is a lot of support around the world for tighter transfer controls and we welcome the regional efforts that are already in hand. The EU, would be more than willing to share our learning experiences undertaken within the Code of Conduct. We have already done a lot of work on this issue. There are also other regional arrangements such as the Nairobi Protocol and the ECOWAS Moratorium that have made progress on this issue.
5. Starting with this 2nd Biennial Meeting of States and continuing at the Programme of Action Review Conference in 2006, the EU calls for the:
 - Development of a consensus agreement on minimum international controls for SALW transfer controls built into a strengthened UN Programme of Action with a commitment to undertake further work as needed

6. The European Union hopes that other countries and regions that share our view that tighter controls on transfers are required will make their views known during this plenary session. This will set the right tone to allow us to push ahead with this necessary and important work to enhance transparency of SALW transfers, secure end use, and to restrict the spread of illicit SALW.

Illicit brokering

7. The EU was amongst those that insisted on the inclusion of a mandate in A/RES/59/86 entitled “The illicit trade in small arms and light weapons in all its aspects” establishing, a group of governmental experts on illicit brokering. The EU calls for this group to be established as soon as possible after the 2006 review conference to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in SALW. This work will be essential in deciding on the measures necessary to combat the menace of and harm done by illicit brokers.
8. In this context, the EU would like to draw attention to relevant regional developments in “preventing, combating and eradicating illicit brokering in SALW” (EU Council Common Position 2003/468/PESC of 23 June 2003 on the control of armaments brokering, in addition to the OSCE principles on the control of brokering of November 2004.) and insist on the need for more regional and also national implementation of legislation to control illicit brokering.
9. Finally, the European Union welcomes the work undertaken by Norway and the Netherlands in raising the awareness and discussion of the important issues concerning Brokering. We look forward to working with partners to ensure that the key issues and concerns are discussed and are converted into a successful outcome.

End User Certificates and End User Verification:

10. The issue of end-use certificates (EUCs) should also be dealt with in the context of transfer controls. The EU also underlines the importance of supporting the on-going work on EUCs in other fora than the UN. These notably include the standard elements on SALW agreed upon in the OSCE in 2004 and also the Wassenaar Arrangement, with a view to agreeing in the long term, also in the UN framework, on general principles on end-user certificates and best practice in the verification of the recipient.
11. The EU also attaches great importance to the efforts of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA). These efforts include promoting responsible export policies towards, and effective export controls over, small arms and light weapons in order to prevent their uncontrolled proliferation, destabilising accumulation and diversion.