Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1382 (1998)[1]

Drawing up a European code of conduct on arms sales

Parliamentary Assembly

1. The Assembly stresses that, in addition to arms of mass destruction, conventional arms also represent a significant threat to international stability.

2. The Assembly notes that a number of Council of Europe member states are major producers and exporters of conventional arms. In addition, difficult economic conditions and the absence of effective state control in some countries have led to a significant increase in illicit trade of conventional arms.

3. The Assembly recalls that the availability and accumulation of conventional arms have played a major role in all recent regional conflicts in Europe. Moreover, arms produced in Europe are sometimes being used for domestic repression as well as for the violation of human rights in the country of final destination.

4. The Assembly considers that an effective and comprehensive control of transfers of conventional arms and dual-use goods and technologies is indispensable to ensure a lasting democratic stability in Europe.

5. While recognising that, at present, the control of such transfers is largely carried out by national authorities, the Assembly stresses the urgent need to harmonise national legislation and administrative practices, and establish multilateral mechanisms on conventional arms trade at pan- European level.

6. In this respect, the Assembly recalls its Resolution 928 (1989) which called for, inter alia, the setting up of an international register on the production and trade in conventional arms, the establishment of common criteria for arms transfers and the harmonisation of national arms control legislation.

7. Considering that in a democratic society it is essential that governments are held responsible for their legislation on arms export policy, the Assembly stresses the need to strengthen parliaments' role in the control of arms.

8. The Assembly supports the efforts to increase the exchange of information and develop common guidelines which are being carried out by the United Nations, the OSCE and the Wassenaar Arrangement on Conventional Arms Exports.

9. The Assembly welcomes the recent adoption of a political agreement on a European Union Code of Conduct on Arms Transfers by the EU Council of Ministers. The Code is intended to strengthen the exchange of information relevant to the export of conventional arms, with the aim of setting high common standards for arms exports from all EU member states.

10. The Assembly expresses its particular satisfaction with the fact that the respect for human rights in the country of final destination is listed among the criteria to be considered in authorising arms exports. It also welcomes the specific role given to the Council of Europe in criterion two of the code of conduct in assessing the respect for human rights.

1. Assembly debate on 23 September 1998 (28th Sitting) (see Doc. 8188, report of the Political Affairs Committee, rapporteur: Mr Pahor). Text adopted by the Assembly on 23 September 1998 (28th Sitting).

11. The Assembly considers it essential that the principles and operative provisions of the EU code of conduct be applied in all Council of Europe member states. The Assembly also calls for the elaboration of a pan-European list of military equipment, including dual-use equipment, which should be subject to transfer control. Such a list should include equipment which might be used for internal repression leading to the violation of human rights.

12. Consequently, the Assembly recommends that the Committee of Ministers :

12.1. establish a mechanism of communication with the European Union, with a view to informing it as to the respect for human rights in the country of final destination within the Council of Europe area, in accordance with criterion two of the EU code;

12.2. elaborate, in co-operation with the European Union and other competent bodies, a list of equipment which might be used for internal repression, torture and other forms of human rights violation, and, in case of uncertainty, criteria which determine whether a specific type of equipment might be used for such purposes in a particular case;

12.3. carry out a survey of the legislation and administrative practices regulating conventional arms exports in Council of Europe member states with a view to their harmonisation, preferably by means of a Council of Europe convention;

12.4. examine, in close co-operation with the European Union, possible mechanisms for the application, at pan-European level, of the principles and operative provisions contained in the EU Code of Conduct on Arms Transfers preferably in the form of a European-wide code of conduct;

12.5. call on Council of Europe member, observer and applicant states:

a. to elaborate a truly accountable system which would allow national parliaments, or committees thereof, to monitor proposed arms exports;

b. to respect and, if they have not yet done so, sign the existing international agreements regulating the production, transfer and use of conventional arms, and in particular the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, as well as the United Nations Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to have indiscriminate effects;

c. to respect the criteria contained in the EU Code, pending the adoption of a European-wide code of conduct.