

## Short Exposé

### **How the European Justice and Peace National Commissions could decisively help to eradicate the proliferation of small arms and light weapons**

1. The proliferation of small arms and light weapons is a major cause of concern to those who regard the safety and the well being of their fellow citizens as a must all over the world. This proliferation is not only a direct cause of outbursts of violence – at national, regional or even domestic level – but a clear sign that a serious problem is occurring in a given society, such as a deep imbalance of income distribution, the existence of oppressed minorities or the existence of endemic insecurity caused either by petty crime or by the action of large organized crime.

2. The destabilizing accumulation and spread of small arms and light weapons has to be tackled, in the first place, at the national level, but this fight will become useless if, at the international level, a coordinated and well aimed effort is not carried out by well known organizations. This is the case of what has been done, particularly after the mid eighties, in the United Nations and by the firm stance taken by the European Union (E.U.), either among its Member Countries, or by the enlightened positions advocated at the other main international *fora*.

3. One of the main E.U. instruments for this purpose is the European Code of Conduct on arms exports (E.C.C.). Approved back in 1998, it has been improved since then and, together with its List of Arms – a list of all weapons and equipment encompassed in the E.C.C. -, constitutes a very thorough guideline for the action to be taken in every weapon export deal by its Member Countries.

4. The E.C.C. follows eight sensible criteria that should be observed in every export operation prior to the approval of such exports, regarding, briefly:

- The respect for the international commitments of E.U. Member States;
- The respect for human rights in the country of final destination;
- The internal situation in the country of final destination, as a function of existing tensions or armed conflicts;
- The preservation of regional peace, security and stability;
- The national security of the Member States and of territories whose external relations are the responsibility of a Member State;
- The behaviour of the buyer country with regard to the international community;
- The existence of a risk that the equipment will be diverted within the buyer country or reexported under undesirable conditions;
- The compatibility of the arms exports with the technical and economic capacity of the recipient country.

5. Notwithstanding its intrinsic good qualities and the experience accumulated since 1998 that allowed for constant improvements the E.C.C. remains a perfectionable instrument as it is not a legally binding document. Recognizing this flaw, the E.U. has made an effort to change its nature making it a Common Position and, as such, a legally binding text. For this purpose the COARM working group, on the 30<sup>th</sup> of June, 2005, put the final touches, at technical level, on a revised version of the E.C.C. fit to be approved as a Common Position. Since then, at the political level, conditions were not favourable to the approval of the new Common Position, as a linkage was established between that approval and the suspension of an existing arms exports embargo to China. In the last few months, however, political conditions seem to have improved as the new Head of State of France – one of the main E.U. arms exporter countries – sounded favourable to the severance of the aforementioned linkage.

6. The Portuguese Justice and Peace National Commission feels that time is ripe to each Justice and Peace National Commissions of E.U. Member

Countries attending this Conference to make known to their respective Governments, that an urgent approval of a Common Position on E.U. arms exports is a matter of utmost priority and should be dealt with swiftly as the technical work has long been finished. What is at stake is, by itself, a very serious topic involving the risk of death of thousands of people per year. On the other hand, as there is work in progress at the United Nations regarding the preparation of given an International Arms Trade Treaty, strongly supported by the E.U. and its Member States, the E.U. position in what concerns the assurance of the quality of its contents would become clearly reinforced if, in the meanwhile, it could be announced that a Common Position on E.U. arms exports had been approved.

So, let us make clear to our Governments that a Common Position on E.U. arms exports would contribute significantly to a better and safer world.