

FINAL AGREED TEXT

DECLARATION BY THE EUROPEAN UNION AND THE UNITED
STATES ON THE RESPONSIBILITIES OF STATES AND ON
TRANSPARENCY REGARDING ARMS EXPORTS

The European Union and the United States share a common vision on the question of arms export controls. That is why we have decided to work jointly to encourage all arms exporting countries to adopt the principles and degree of transparency which we apply to our own exports. We are agreed that we have special responsibilities in this respect. Accordingly, together we will pursue the promotion of these principles with rigour and seriousness of purpose.

The European Union expressed, very early on, its determination to promote common high-level standards in this field with the adoption in 1991 and 1992 by the Luxembourg and Lisbon European Councils of the first set of common criteria for arms exports. The adoption in 1998 of the E.U. Code of Conduct for Arms Exports was a new step forward as it introduced a mechanism for notifications and consultations, the only one of its kind. Since its entry into force in June 1998, the Code of Conduct has helped to increase significantly the level of transparency in arms exports and to promote convergence of the national arms export policies implemented by Member States. The European Union encourages other countries to adhere to the principles of the Code of Conduct and welcomes the fact that 17 countries have declared they would apply these principles to their own export decisions.

The United States, for its part, maintains comprehensive national arms export control policies, including registration of manufacturers and exporters of defense articles and services subject to U.S. jurisdiction, wide-ranging controls on exports of defense services, manufacturing licenses, technical assistance, and brokering transactions, rigorous case-by-case review of applications or other requests for approval, requirements for U.S. government consent for retransfers of U.S.-origin defense articles and services, and effective enforcement measures including a vigorous program of pre- and post-shipment monitoring of U.S. arms transfers. The United States has also supported efforts to strengthen international and

multilateral controls involving greater responsibility, transparency, and restraint. The United States has welcomed and expressed its strong support for the principles embodied in the E.U. Code of Conduct for Arms Exports, which are consistent with U.S. arms transfer policy criteria. In furtherance of these policies and efforts, the United States has recently proposed the development and negotiation of an "international arms sales code of conduct" as a means of promoting principles and practices of responsibility, transparency, and restraint on a wider international scale.

In deciding to collaborate in the promotion of these principles regarding arms exports, the European Union and the United States reaffirm the right of States to acquire the means of self-defence, consistent with the UN Charter. Implementation of stringent and responsible controls by exporting States is a sine qua non for the acceptable conduct of arms exports. The efficiency of such controls is enhanced by a close dialogue between the licensing authorities and the exporting companies.

We reaffirm the fundamental importance we attach to the promotion of democracy and respect for human rights. For this reason, we deem it crucial to avoid export of military equipment when there is reason to believe that it will be used for internal repression or violation of internationally recognized human rights and fundamental freedoms.

We also stress that arms transfers should not contribute to or result in excessive or destabilizing arms accumulations, regional instability, armed aggression, the precipitation, escalation or aggravation of internal or interstate conflicts, proliferation of weapons of mass destruction and missiles capable of delivering them, international terrorism, or in arms diversion. We reiterate the fundamental importance of respect, by all countries, of international commitments, in particular arms embargoes imposed by the United Nations Security Council and other competent international bodies.

Illicit trafficking and diversion of military equipment are also serious concerns. We will continue to exercise particular vigilance with regard to exports of small arms and light weapons. We adopted a

Joint Declaration on "Common Principles on Small Arms and Light Weapons" on December 17, 1999, which encompasses these standards. We support the Moratorium and the Code of Conduct adopted by ECOWAS in 1999 and assert our intention to respect the Moratorium's principles when examining export applications at the national level.

In this context, the European Union and the United States have decided to act jointly to encourage all arms exporting countries to submit their export decisions to rigorous criteria and to greater transparency. In particular, we commit ourselves to promote the highest possible standards of conduct and enhanced export control practices based on our shared principles of responsibility, transparency, and restraint, including:

- implementation of stringent national controls over exports of arms and military equipment and related technologies;
- authorization of exports of arms and military equipment and related technologies only after an in-depth review of the internal situation of the buyer country and of the regional context in order to assure that such exports are not likely to create or heighten internal tensions or conflicts, to be used for the violation of human rights, to threaten peace and regional stability, or be diverted or re-exported in undesirable conditions; and
- promotion of transparency by regularly circulating public information at the national level on authorized arms transfers, and supporting expanded transparency regarding arms exports in the competent international fora, including the United Nations Register of Conventional Arms, the OSCE, and the Wassenaar Arrangement.

The European Union and the United States affirm their commitment to work together to promote the aforementioned principles and enhanced export control practices.