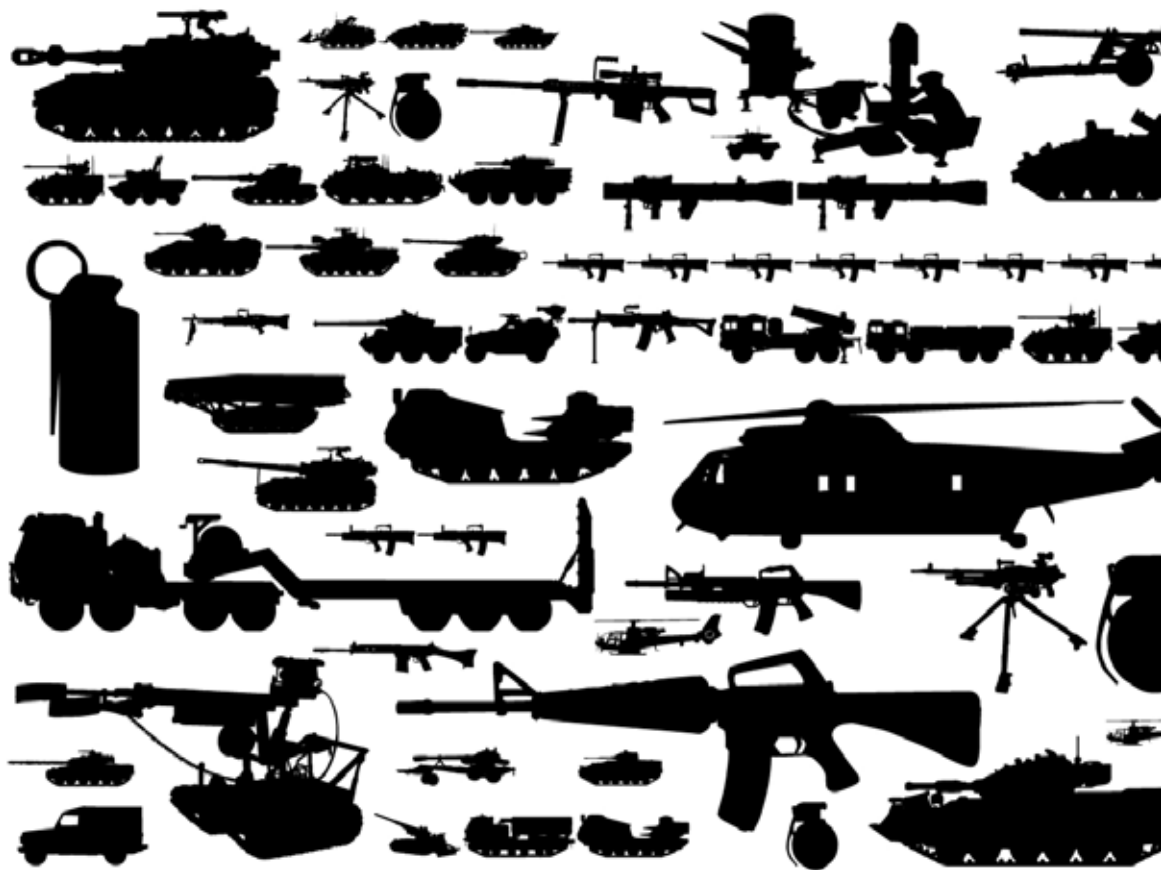


EUrope: Exporting Arms the Offensive Way

Political and industrial interests behind
the death business

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EUrope: Exporting Arms the Offensive Way. Political and industrial interests behind the death business

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Informationsstelle Militarisation (IMI) e.V.,
Hechinger Str. 203, 72072 Tübingen, www.imi-online.de
English Translation Richard van Ess; proofreading Mark Konty
Publication date: November 2013 (Layout: Andreas Seifert)
Circulation: 300



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Preface

The death business is flourishing: In 2011 the EU Member States combined for arms exports amounting to 37.52 billion Euros – and counting! Many of these arms are transferred to crisis regions or countries where severe violations of human rights are committed. I believe this to be an outright scandal – especially in light of unctuous assertions claiming that arms exports are administered “restrictively”!

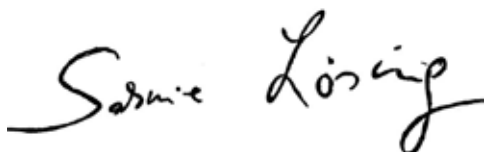
The fact that a business as hazardous and devoid of morality as this is actually possible is on the one hand due to the lax export controls on national arms sales. On the other hand, however, the existing European system to prevent (or at least restrict) problematical arms exports - the “Common Position” - is a complete and total failure. Numerous weaknesses of the Common Position bear the blame here. They allow for the permanent undermining of the criteria for exports, which were actually quite narrowly drafted, and for the jolly continuation of transferring armaments to the entire world. Unfortunately, I had to personally experience that there is no interest existing at all to close these flaws – on the contrary, efforts on my part concerning this matter were systematically torpedoed.

During each legislative period my parliamentary group, GUE/NGL, has (at most) the opportunity to prepare only one European Parliament report for the Subcommittee on Security and Defence (SEDE). After some difficulties there was the chance to address the topic of EU-arms exports in one of these reports. This report “Arms exports: implementation of Council Common Position”, which I authored (see the attached report), elaborated the flaws of the present system of arms export controls, submitted proposals for their elimination, and called upon the EU Member States responsible for these weaknesses to eliminate them.

Before this kind of report can be debated and passed by the European parliament, it first has to get through the appropriate committees. Previously, agreements had been reached with the Green, Social Democrat and Liberal parliamentary groups that would not have unacceptably weakened the report. After all those negotiations, however, just about half of the representatives were present at the vote in the Committee on Foreign Affairs (AFET) on April, 23rd, 2013. This played - intentionally or unconsciously - into the hands of the conservative European People’s Party (EPP). This group used its wholly unexpected majority to sink the report and along with it virtually any debate on arms exports at the European Parliament.

As a first move, the EPP forced through all their amendments, thereby distorting the basic statements to such a degree that I felt impelled to withdraw my name as the rapporteur. Then the Conservatives even voted against the report for which they were now responsible. As far as I know this was an unprecedented act. Even though the conservative majority was able to change the report within the committee to suit their interests and even though they were able to dump the compromises reached with the Social Democrat, Green, and Liberal groups, they voted against the report in the end.

This tactical dodge prevented any further consideration of arms exports within the European Parliament – no report, no debate. If the EPP had voted for their report, an alternative report would have had to be discussed in the plenum and, thus, the topic would at least have been addressed. The Conservatives made very clear with this maneuver that they place political power and the interests of the European arms industry above peace and human rights. The prevailing attitude in this issue has been made perfectly clear: You don’t discuss armaments, you export them!



I. Introduction

One report on German arms exports follows hard on the other. Recently, tank builder Kraus-Maffai Wegmann was able to come up with a “success message” at the End of April, 2013: A 1.89 billion Euro contract to sell 62 Leopard-2 battle tanks and 24 tank howitzers 2000 to the Emirate of Qatar was wrapped up.¹ The increasing number of reports reflects a general trend: “For the numbers published by the Federal Government which show the number of export licences granted - actually issued years later in most cases - are on the rise. A comparison of values for the past two quinquennia shows a 25 percent increase. Sales for 2011 (10.8 billion Euro) is almost twice as high as the preceding year (5.5 billion Euro) and represents the second highest value overall.”²

There are also an increasing number of newspaper articles with titles such as “German arms for the world” or “Arms exports are booming”.³ At the same time, the percentage of exports into third countries which are neither part of the EU nor NATO is increasing,⁴ just as arms exports to crisis regions and/or countries committing severe violations of human rights.⁵ These facts prove that supposedly “restrictive” German arms export directives have more holes than a fishing net.⁶ The situation is no different at the European level. The EU Member States granted export licences totaling 37.52 billion Euro in 2011 (37.72 billion Euro in 2010)⁷. 21.3 percent of these were granted to sales in the Middle East, one of the most explosive regions in the world.⁸ Even today numerous EU Member States are among the largest arms exporters in the world: Germany (3rd place), France (4th place), Great Britain (6th place), Spain (7th place), and Italy (8th place).⁹ However, we are just dealing with a snapshot here. In all likelihood, the volume of arms transfers is going to increase considerably in a short time because politicians as well as the industry are launching a total offensive in arms exports at the moment.

There is certainly some public indignation about the increase of German and European arms exports, and as welcome as this is, the political debate concerning this matter leaves much to be desired. It not only fails to clearly point out the economic interests associated with the transfer of weapons. Even more important are the almost completely neglected power political interests, which vastly exceed the mere desire to shove even higher profits to individual “evil” companies. Arms exports have become a central part of national power politics, as they are regarded as a mandatory precondition for a nation’s ability to exert global influence and to be able

to enforce its interests all over the world (chapter 2).

EU politicians try to boost arms exports in two ways: First, directly by promoting a concentration in the armaments sector, which has the desired effect of “enhancing” the export prospects of European companies (chapter 3). Second, by not taking any actions towards closing the innumerable holes and deficiencies of the European arms export directives, which are actually composed quite strictly according to their wording and which are specified within the “Common Position (CP) defining common rules governing the control of exports of military technology and equipment”.¹⁰ It is particularly alarming that a major part of the political elite seems to be entirely uninterested in taking measures to enable stricter EU arms export controls. On the contrary, any attempts to this effect are single-mindedly obstructed. This can clearly be seen in the striking manner, discussed in the preface, by which the “Draft Report on arms exports: implementation of Council Common Position 2008/944/CFSP”¹¹, prepared by the European United Left - Nordic Green Left (GUE/NGL), was disposed of by the European People’s Party in order to prevent any debate about arms exports in the European Parliament. In this way, any attempts to ensure abidance by the regulations (chapter 4) or improve transparency in arms exports carried out by the Member States (chapter 5) are nipped in the bud.

European regulations for arms exports are thus relatively futile in their current design and in the worst case are even counterproductive. They feign a strict control of arms transfers that does not exist while simultaneously legitimizing them. This is why the arms industry is interested in “strict” regulations. No wonder the arms industry is in favour of such “restrictive” regulations, as long as they do not prove to be too obstructive when implemented: “In this context, the BDSV [Federation of German Security & Defence Industries] emphasizes the statement that the German SVI [Security & Defence Industry] proceeds within the applicable law transacting arms exports and strictly observes the restrictive German and European regulations. [...] Rightly, the Federal Government only issues export licences if strict conditions and criteria are met.”¹² Strict EU regulations for the export of arms would be a desirable addition, but only as a complement not as an alternative to regulations on the national level. Unfortunately, in their current form these regulations rather serve as a legitimizing disguise and behind this disguise weapons can be transferred across the globe fueling numerous deadly conflicts (chapter 6).

Finally, arms exports are often justified by their economic importance and particularly by their relevance for employment. In reality both effects are actually rather small. Converting manufacturing capacities to the production of civilian goods could have a far greater economic impact if the political will existed. The fact that this does not happen suggests that politicians want to have “their own” arms industry in order to be able to pursue “their own” political interests. Whoever really wanted to seriously advocate the prohibition of arms exports will have to articulately reject this power politics as well as any form of military interventions (chapter 7).

German arms transfers to “third countries” in 2011 (in million Euro)

UAE	356,9
Singapore	343,8
Iraq	244,3
Algeria	217,4
South Korea	198,6
Russia	144,1
Saudi-Arabia	139,5
India	90,1
Egypt	74,2
Total	2298

Source: GKKE: Rüstungsexportbericht 2012, p. 41.



2. A political-industrial push in exporting arms

If you buy into the whining of the arms industry and their political friends, the European Union is on the brink of complete demilitarization. They argue that steep cuts in the military budgets of the Member States are responsible. Indeed, the cuts in defence budgets, however, are much smaller than what they would have us believe.¹³ Fortunately, in the face of current political frame conditions, as a matter of fact, a substantial increase in these budgets doesn't seem to be possible in the foreseeable future.¹⁴

Correspondingly, it is safe to assume that the EU domestic demand for armaments is going to remain static or even decrease slightly. Against this background arms lobbyists such as Christian-Peter Prinz zu Waldeck, general manager of the "Federation of German Security and Defence Industries", attempt to elevate the expansion of arms exports to an issue of almost existential significance: "It is a matter of survival - do we want to preserve this industry or don't we want to preserve it? If we want to preserve it, we have to resort to exporting."¹⁵

It is important to point out here that this industrial sector is not at all on the brink of ruin. On the contrary: a study published by the "Center for Strategic and International Studies" (CSIS) in December 2012 found that the arms business continues to be exceedingly profitable. Though profits dropped in the 1990s, the industry's sales revenues in the following years increased by 57.7

percent from 58 billion Euro in 2001 to 91 billion Euro in 2011.¹⁶ Thus, the arms industry is not fighting for its survival, but rather striving to stabilize and possibly expand the already substantial profit margins.

For this purpose international sales are increasingly becoming more important as industry "experts" predict a decline in domestic demand. In order to perform "successfully" on a global scale companies have to have a critical size. "Consolidation" is the magic word in this context. The European defence sector, which is currently still split among small factions and fragmented into various companies of small and medium size, shall be centralized by forming some mega-corporations, so-called Eurochampions, via fostering mergers and acquisition. This is considered to be a prerequisite for competing in the global market, as Stefan Zoller, former director of Cassidian, a subsidiary of EADS, points out: "The survival of European security and defence industries is threatened against the background of global challenges, but at the same time they also constitute the decisive factor in positioning Europe as a global player in world politics. Consolidation by concentration is as necessary well as it is basically possible. (...) Against the background of decreasing defence budgets and in the light of the increasingly heavy and global competition among the security and defence industries, national and European companies are only able to stand their



Multirole armoured fighting vehicle (Boxer), produced by KMW, Photo: ISAF, Tech. Sgt. Florian Krumbach, via Flickr

ground if they meet the challenge of international competition and become global players, too. (...) But the ability to compete and cooperate 'at eye level' requires an appropriate size, if they don't want to restrict themselves to the role of component suppliers."¹⁷

Industry preaches to the converted and demands support from politicians. One supposed concern is the clear cutting of defence budgets. Political supporters of the arms industry depict these cuts as interfering with the state's ability to undertake and succeed in foreign missions: "Europe is losing the ability to undertake military action beyond its own borders. (...) The chronically underdeveloped military capabilities are at risk of dwindling even further. Defence apparatuses are shrinking rapidly as a result of the financial crisis."¹⁸ Against this background politicians are aiming to strengthen the European arms industry by the means of arms exports, which are supposed to result in more output per Euro invested by raising efficiencies in order to compensate for the moderately decreasing domestic expenditure on armaments.¹⁹ Seen in this light, politicians have an immediate and direct financial interest in arms export as is specified by the "Stiftung Wissenschaft und Politik" (German Institute for International and Security Affairs): "[There are] considerable overcapacities in production, which raise the prices of products and exceed demand of the European market by far. Costs the companies cannot absorb via exports are handed down to the states."²⁰

A strong and independent European Defence Technological and Industrial Base (EDTIB) is regarded as highly important for several other reasons, too. First of all, a state's political leadership does not want to be dependent on another state's veto when it comes to a foreign military intervention. Furthermore, from the perspective of political elites, a strong defence-industrial base is a prerequisite for a state to have strong military capacities²¹, which in turn are necessary for the state to pursue "successful" international political power. Andreas Schockenhoff and Roderich Kiesewetter, both members of the German parliament for the ruling German conservative party, point out: "In the 21st century, Europe must be in a position to deploy military power if it is needed to uphold and enforce European interests and values, provided it is both legitimate to do so under international law and politically necessary. 'Military power' remains a structural principle of international relations."²² Hans-Gert Pöttering, President of the European Parliament from 2007 to 2009, expressed this line of thought clearly and briefly: "Political creative

power is irrevocably tied to military power in international politics."²³

On the relationship between the defence industrial base and the state's global political influence, German minister of defence Thomas de Maizière commented as follows: "Only nations with a highly efficient defence technological industry have the appropriate clout in Alliance decisions."²⁴ Antonio Tajani, Vice-President of the European Commission, observed quite similarly: "The defence industry, the defence markets are fundamental instruments in a European policy to give us greater independence and sovereignty in defence (...) you cannot have a common foreign policy unless you have a common security and defence policy."²⁵ The promotion of arms exports in order to strengthen one's own industry is the logical conclusion against this background – although this is rarely pronounced frankly.

Furthermore, based on the military disasters in Afghanistan and Iraq, military invasions with ground forces are only likely to be seriously considered under highly exceptional circumstances. As a result, indirect forms of intervention are rapidly becoming more important these days.²⁶ Alongside unmanned aerial vehicles (drones) and special military forces, indirect intervention also includes arms exports. Germany, in particular, wants to provide "strategically important partners" with weapons according to the so-called Merkel-doctrine – totally independent of the democracy and human rights situation in those places and irrespective of the level of conflict in those areas. Until now, exports that might be violating certain arms export criteria have to be justified with special security policy interests²⁷ – now they want to bypass those with the help of "white lists" in order to hereby avoid unpopular debates. Angela Merkel first expressed the "logic" behind that in a speech at the end of 2011: "If the Federal Republic of Germany shies away from taking military action, it won't be generally sufficient to address other countries and organizations encouragingly. (...) We have to empower countries intending to engage themselves with the means to do that. I put it explicitly: This also includes the export of armaments – of course according to clear and widely acknowledged principles."²⁸

Wolfgang Ischinger, Chairman of the Munich Security Conference, insisted that "the instrument of arms exports" might "be an element of shaping power that makes absolute sense", a "creative and potential element of a modern German security policy."²⁹ "Peace

researcher” Hartmut Küchle put the interests connected with the Merkel-doctrine even more bluntly: “As part of a foreign policy, as it is conducted by our allies as well, arms exports into friendly countries could help to exert influence in the world, to pursue German interests, to lower unit cost, and to preserve domestic core capabilities and capacities, which are deemed necessary.”³⁰ Already it is admitted quite frankly at the highest level that “strategic arms exports” are transacted with Iran in mind: “Minister of Defence Thomas de Maizière has evaluated the threat to Israel by Iran as a main criterion for authorizing arms exports to Saudi-Arabia and to other Gulf states. (...) Weighting up, the assessment

of the danger emanating from Iran ‘was of quite crucial importance’, and not the assessment of the human rights situation.”³¹ Martin Lindner, vice chairman of the German Liberal Party, unashamedly admits that human rights are being classified as being subordinate to other interests: “Human rights are a relevant factor according to the directives. They are relevant. But our directives clearly state: We assign top priority to our country’s foreign and security policy interests.”³²

Since there are both business and political interests that benefit from arms exports, it is no wonder that there are also direct actions to boost those exports.



Export hit: Panzerhaubitze 2000 (tank howitzer 2000), Photo: Bundeswehr/Eisner via Flickr Wir.Dienen.Deutschland.

3. European promotion of arms exports

In addition to the various national measures to promote arms exports³³, the same is also happening on a European level. Attempts to concentrate the (still) heavily fragmented EU armaments sector are particularly³⁴ significant here. Currently, national policies and subsequently derived military procurement plans prevail. Therefore procurements are preferentially assigned to national armaments manufacturers within national markets. For this reason the EU armaments sector is thoroughly divided into small sections, especially in comparison to the U.S. As noted above, however, corporations require a critical size for a “successful” conquest of foreign markets. Only together, defence companies can consider themselves to be in a position to realize their own ambitions to increase their share of the arms market. “The future means Europe for the German defence industry, too”, Wolfgang Ischinger put this matter in a nutshell: “The European defence industry can only prosper if we merge it. By this way only, we get away from a situation where the French have to contend with the Germans and the Swedish for orders on the Indian or the Chinese market. In the end, if anything, the American rival wins the day.”³⁵

In order to accomplish the Europeanization of the defence sector, supporters are desperately trying to bundle the political and industrial sectors – known in the language of the trade as: to consolidate. Within the political sector, one important element for this purpose is so-called “Pooling & Sharing” (P&S). The notion behind this is that the bundling of armament procurement plans (Pooling) is supposed to cause a higher volume of orders and, hence, a lower price per unit. Common use of military capacities should result in further improvement in efficiency (Sharing). In doing so, the associated coordination of needs should facilitate common acquisitions in turn.³⁶ However, this will result in a decline in the total number of procurement contracts. There simply will not be enough separate orders to “feed” every national corporation. Thus, for the first time they are trying to establish a pan-European arms market. The Defence Package, consisting of two directives adopted in 2009 and implemented on a European scale by mid-2012, is of crucial significance here. The real purpose of the two directives is to advance the concentration of the arms industry. As the “Federation of German Security and Defence Industries” confirms, “The Defence Package is designed to intensify competition on the European defence markets. [It] will put an end to the current fragmentation of the European defence market.”³⁷

One part of the Defence Package consists of the “Directive on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security” (short: Directive on Procurement).³⁸ By establishing a pan-European arms market it is ostensibly supposed to provide for every EU company to compete for orders without “distortions of competition”. “Importantly, the Directive will bring a requirement for the EU-wide publication of contracts over a certain value, underpinned by non-discriminatory award procedures. This will encourage greater transparency and openness, make public procurement more efficient and improve market access of European companies in other Member States.”³⁹ Under EU law Member States were able to suspend regulations of the single European market for the defence sector under reference to national security considerations (Article 346 TFEU). EU states made use of this passage, which was actually meant for exceptional cases, in order to permanently seal off their respective arms markets from intra-European competitors. According to the legally binding Directive on Procurement, now this option can only be used in absolutely exceptional cases, if at all.⁴⁰

Opening national markets by means of the Defence Package will intensify the companies’ competition for the decreasing number of orders. In the medium term, only the strongest players will prevail in the resulting European arms market. Those companies would be “perfectly” prepared for the conquest of the global markets: “By unifying the European arms market, a ‘level playing field’ will be enforced among European arms corporations, with the likely result that smaller national companies will not be able to compete with corporate giants like EADS. This further consolidates a European arms market controlled by a small number of very powerful corporations.”⁴¹

The second component of the Defence Package, the “Directive simplifying terms and conditions of transfers of defence-related products within the Community” (short: Directive on Transfers)⁴², is having a complementary effect with the first directive. It enables the almost unrestrained transfer of armament goods within the EU by eliminating virtually all export controls and thereby facilitates the emergence of a single EU arms market. Moreover, the Directive on Transfers supports arms exports in a second and considerably more direct way by allowing companies to avoid strict national legislation. For a long time, the German arms industry in particular has been complaining about the – from

their point of view - too “restrictive arms exports directives”.⁴³ Because a liberalization of German laws regarding arms exports is not politically viable, a focus on EU regulations proves to be a viable alternative. This is because the Directive on Transfers does not only stimulate arms trade within the EU, but potentially involves consequences for transfers to third countries as well.

Simply speaking, by means of the Directive on Transfers the previous system of certification for arms transfers within the EU is converted from prior checking to post controls, which are not even mandatory. This allows for the almost arbitrary transfer of arms within the EU which is effectively without control. By allowing arms companies, of all people, to independently verify compliance with arms export laws, the fox is now in charge of the henhouse: “The method of the Directive puts those companies who want to export a finished product from within EU territory in charge of reporting

obligation concerning possible reservations against the recipient country. This, however, implies loyalty and good conduct by those companies involved in the arms trade.”⁴⁴

This is especially problematical because the regulations are totally inadequate in terms of the potential to re-export the products. Strict national regulations can easily be circumvented by a preliminary export to a more “broadminded” EU country: “Especially when items are being re-exported, intra EU-transfers can also give rise to contestation (e.g. export Belgium – France – Chad). Fears that such transfers will become almost impossible to detect are well-founded.”⁴⁵ The report on armament exports by the German “Joint Conference Church and Development” rightly fears that the real purpose is “to limit licensing standards in export policy to the lowest level and to soften individual countries’ more restrictive routines.”⁴⁶

The EU arms export directives („eight criteria“)

“1. Respect for the international obligations and commitments of Member States, in particular the sanctions adopted by the UN Security Council or the European Union, agreements on non-proliferation and other subjects, as well as other international obligations.

2. Respect for human rights in the country of final destination as well as respect by that country of international humanitarian law.

3. Internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts.

4. Preservation of regional peace, security and stability.

5. Behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law.

6. National security of the Member States and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries.

7. Existence of a risk that the military technology or equipment will be diverted within the buyer country or re-exported under undesirable conditions.

8. Compatibility of the exports of the military technology or equipment with the technical and economic capacity of the recipient country, taking into account the desirability that states should meet their legitimate security and defence needs with the least diversion of human and economic resources for armaments.”

Source: European External Action Service: Summary of the eight criteria guiding national licensing policies laid down in Common Position 2008/944/CFSP, URL: <http://www.eeas.europa.eu/non-proliferation-and-disarmament/arms-export-control/#a>

4. EU control of arms exports: Catching water with a fishing net

The “Code of Conduct on Arms Exports” was adopted in June of 1998. The Code instituted eight criteria. A violation of the first four criteria shall result in the general refusal of an arms export licence, while a violation of the last four criteria requires giving consideration to a refusal. According to the Code, recipient countries must respect human rights and international humanitarian law (criterion 2). The Code also prohibits arms exports to areas of conflict (criterion 4). Compatibility with sustainable development should be considered by not exporting arms to a country that is unable to afford this expenditure based on its financial situation (criterion 8).

However, it became obvious early on that these eight criteria were almost habitually ignored by EU Member States in their export routines. For example, an investigation published in November 2011 found that European countries were exporting armament goods worth more than 50 billion Euro between 2001 and 2009 to crisis regions in North Africa and the Middle East.⁴⁷ The initial response to the investigation was to argue that the Code merely represented a declaration of intent and it fell to the individual EU Member States whether they wanted to abide by the Code or not. For this reason, great hopes were initially pinned on the “Council Common Position defining common rules governing control of exports of military technology and equipment”, adopted in December 2008. The Common Position took over the Code of Conduct and with it the eight criteria, consequently establishing the criteria as legally binding. However, no positive results have been reached so far, weapons are still being exported to countries violating one or more of the criteria. So the question remains why this is still the case.

It can be said that the Common Position and the legally binding nature of the eight criteria represent an appropriate step forward in reducing arms exports, but they still leave a lot to be desired. For this reason, the aim of the “Draft Report on arms exports: implemen-

tation of Council Common Position”, prepared by the GUE/NGL, was to identify the numerous deficits of the Common Position and to submit new proposals for how to correct them.

Because of the rising percentage of exports being transferred to developing countries – in the case of Germany about 21.2 per cent of the exclusive licences in 2011⁴⁸ - the Draft Report on Arms Exports demands “that, because of the negative impact of arms spending on the development prospects of poorer recipient countries, criterion 8 should be upgraded by making denial of export licences automatic if they are incompatible with development” (Draft Report on Arms Exports, article 3). Additionally, it seems to be customary to apply the criteria only to exports into third countries (i.e. non-EU/NATO Member States), if at all. However, the Common Position doesn’t put constraints on its area of application: “At least according to the wording of the document it is not excluded that its criteria also apply to arms transfers to EU and NATO Member States as well as to equated countries. The extent of the national debt, which has become evident with prominent arms buyers such as Greece or Portugal in recent years, raises the issue of the range of coverage of the Common Position for arms exports to European countries, which are not in line with their respective economic power and their prospects for further development.”⁴⁹ Because trade within the EU is being deregulated and expanded massively due to the Directive on Transfers, as illustrated above, this point is about to become steadily more important.

Another drawback is that dual use goods are not covered by the Common Position.⁵⁰ This is especially problematic for “civilian” security technologies, which are very frequently used for internal repression. These types of exports should also be regulated by a binding system of arms export controls. It should “be made mandatory – where security technology and, in general,

EU arms exports to the crisis region North Africa/Middle East 2001-2009

	2001	2001	2003	2004	2005	2006	2007	2008	2009	Gesamt
Number of export licences	2847	3802	3351	3002	3628	3539	5747	4784	6824	37521
Value (in mio. Euro)	1228	7496	8518	5674	5086	1756	2731	5954	11673	50112

Source: Vranckx, An et al: *Lessons from MENA, Gent, November 2011*, p. 17

dual-use goods are to be exported – for compatibility with the eight criteria to be verified” (Draft Report on Arms Exports, article 10).

Moreover, the Common Position is contradictory: “The core of the Common Position consists of a catalogue of criteria, which ought to guide the routine of issuing arms export licences. [...] At the same time the Common Position definitely shows notions in favour of armament. It consents to a coordination of a national arms export policies in order to strengthen the defence sector within the EU as a whole and to counteract disagreeable competition among European suppliers on external markets.”⁵¹ The Common Position quite bluntly advocates the consolidation of the defence sector, when it states: “The wish of Member States to maintain a defence industry as part of their industrial base as well as their defence effort is acknowledged.” (CP, No. 13) As illustrated above, an expansion of exports is a necessary prerequisite for this purpose. Additionally, the “strengthening of a European defence technological and industrial base” is postulated (CP, No. 14). This too requires an increase in arms exports.

As far as the assignment of priorities is concerned, the Common Position is actually quite explicit. As a basic principle, the “economic, social, commercial and industrial interests” may be taken into account, but “these factors shall not affect the application of the above criteria.” (CP, article 10) In the practice, the Common Position seems to work the other way around – the interests obtain priority over the criteria: “Within the European Union the Member States still insist upon their stipulated right to decide about arms production and arms trade in a sovereign way. In case of doubt, national interests with regard to foreign affairs and the preservation of their own capacities of armament take precedence.”⁵²

This is connected with yet another, and perhaps the most fundamental drawback of the Common Position – the fact that it is still up to each nation state to interpret the criteria as it suits them. Every EU country can decide for itself whether a country like, for example, Saudi Arabia abuses human rights (criterion 2). If substantial export interests are relevant, the actions of the recipient country are interpreted in the most positive light. This is an essential cause of the fact that it is still possible to deliberately ignore the criteria. A study by the “Bonn International Center for Conversion” (BICC), for example, arrives at the conclusion that just under 30 percent of the licences issued by the Federal Government in 2011 were violating one or more of the EU arms export criteria.⁵³ For Europe as a whole, another BICC

report states: “While in 2008, EU Member States issued licenses worth €7.2 billion to 55 critical countries, this increased to licenses worth €10.4 billion to a total of 47 countries in 2009. In 2011, EU Member States have issued licenses worth €10.7 billion to 60 countries that can be rated as critical.”⁵⁴

For this reason, the Draft Report on Arms Exports demands “that a standardized verification and reporting system should be established to provide information as to whether, and to what extent, individual EU Member States’ exports violate the eight criteria” (Draft Report on Arms Exports, article 5). Furthermore, it is criticized “that there is no possibility of having compliance with the eight criteria independently verified, that there are no mechanisms for sanctions for violation of the eight criteria by a Member State, and that there are no plans to that effect” (Draft Report on Arms Exports, article 7).

A second essential innovation of the Common Position should have actually brought about more clarity and transparency in the matter of EU arms exports. It stipulates that the annual reports by the Working Party on Conventional Arms Exports, COARM, must be printed in the Official Journal and thereby be made available to the public (and not just forwarded to the council as in the past). However, this instrument has proven to be as blunt as the Common Position itself.

Destinations of EU arms exports 2011

European Union	38,6%
Middle East	21,2%
North America	9,7%
Sout Asia	8,9%
Non EU-Europe	4,9%
Southeast Asia	4,7%
Africa	4,5%
Rest	7,5%

Source: EU arms exports figures remain level, Jane's Defence Weekly, 4. January 2013

5. Area devoid of transparency

The COARM report annually summarizes the arms exports by the EU Member States in a cryptic 430 page document. The COARM report is routinely delayed. The 2011 report was not published until December 14th, 2012. The 2010 report was not published until December 30th, 2011, the last working day of the year, and without advance notice of its publication. There cannot be a more obvious signal of the lack of interest in transparency within this sector.⁵⁵ For this reason, the Draft Report on Arms Exports “calls for COARM annual reports to be published promptly, i.e. no later than six months after the relevant reporting period” (Draft Report on Arms Exports, article 18).

There are also massive gaps in the data from numerous Member States (among them Germany, France, Great Britain and Italy). Consequently, they are useless to a large extent. Only 63 percent of the countries submitted complete information for 2010.⁵⁶ Another difficulty is that different reporting systems and survey methods obscure any observable differences in the data. Thus, the Draft Report on Arms Exports “calls accordingly for the introduction of a standardized collection and submission procedure, to be applied uniformly in all Member States, in order to submit and publish up-to-date and exhaustive information” (Draft Report on Arms Exports, article 13). The report also recommends “for the COARM annual report also to include information on the final destination of exports within Europe and on onward transfers to third countries which may be problematic; [and] that an overview setting out a trend comparison with previous years, together with aggregated figures, be added to the COARM annual report” (Draft Report on Arms Exports, articles 16 & 17).

It is quite essential that independent bodies reliably

control whether European countries violate the eight criteria in their export routines and – perhaps even more important – that the public will be informed if this is the case. For that reason the Draft Report on Arms Exports asks for amending the COARM report by “a list of countries arms exports to which would violate one or more of the eight criteria, together with a comprehensive list of EU Member States which have exported arms to those countries during the data reporting period” (Draft Report on Arms Exports, article 14). Finally, the Draft Report calls “for the COARM annual report also to include detailed information on arms exports within Europe which violate one or more of the eight criteria” (Draft Report on Arms Exports, article 15).

COARM itself often acts without open disclosure: “The task force of the EU council, COARM, representing the centre piece of the coordination of European arms transfers, operates in the shadow of a political and public lack of interest. Consisting of officials respectively delegated by the national licensing authorities, it functions as a ‘closed shop’ at the same time, because agendas and results of their meetings remain in the shadows. It is not subject to any obligation to submit a report, apart from the scarce information within the annual EU report. The European Parliament, as the properly appointed authority, does not command any competences for controlling this area of European foreign and security policy, wherein the Member States maintain their prerogatives.”⁵⁷ The Draft Report on Arms Exports tries to arrange for improvements in COARM as well, as it “calls therefore for a transparent and robust control mechanism which bolsters the role of parliaments and of civil society” (Draft Report on Arms Exports, article 19).



War balloons in front of the German parliament by the „Aktion Aufschrei – Stoppt den Waffenhandel!“ (“Outcry“ campaign – stop the arms trade!) Source: Samantha Staudte/IPPNW via Flickr.

6. Arms export control as a legitimizing disguise

The Common Position statutorily requires a review three years after its implementation. After a year of evaluation, the European Council's review is no more than a bad joke in the light of the striking deficits illustrated above: "Based on the completion of this assessment, the Council concludes that the provisions of the Common Position, and the instruments it provides for, continue to properly serve the objectives set in 2008 and to provide a solid basis for the coordination of Member States' arms export policies."⁵⁸

A general prohibition against arms exports is, of course, the preferred outcome. Failing that, at least a strict, consistent and transparent application of the eight criteria must be the critical standard for arms exports as called for by the Draft Report on Arms Exports. It is precisely for this reason that the report was sunk by the conservative EPP Group. They could not debate the logic of the eight criteria and instead they simply eliminated the debate altogether and continued to pretend that there was a fully functioning armament control and thus no need for further scrutiny. On these terms the arms industry can feign interest in an armament control system - as long as the system does not reduce their profits.⁵⁹ In this respect, the Common Position as currently practiced is, unfortunately, almost ideally suited to the interests of the arms lobby. From the perspective of peace politics, however, this implementation of the Common Position proves to be downright counterproductive as it legitimizes dominant export routines under the guise of a seemingly restrictive armament control: "all but the most dubious of arms transfers (and sometimes even those) are provided with a formal veneer of legitimacy."⁶⁰

The situation is no different with the international Arms Trade Treaty (ATT) grandiosely negotiated on April 2nd, 2013. Implemented to contain the global arms trade, German armament corporations are, tellingly, not particularly worried about the compact's impact on how they conduct their business. A statement issued by the Federation of German Security & Defence Industries points out: "After a first analysis of the present treaty the BDSV establishes that the high standard of control for arms exports, which has been statutory in Germany so far, can be found again in the ATT treaty. The agreement enacted by now will not take effect on the Federal Government's careful decision-making routines, which already respect considerations about human rights issues intensively. It can be taken for granted, therefore, that no changes will arise for German licensing routines."⁶¹ Indeed, ATT article 6(3) indicates

that arms shall not be transferred to countries if it can be assumed that they will be used to commit grave violations of human rights.⁶² But the European (and German) arms export regulations already place identical limitations on arms sales, and those feckless limits have not kept political and economic interests from driving the transfer of arms to exactly these kinds of countries.



Vote on the Arms Trade Treaty by the UN General Assembly. Source: UN Photo/Devra Berkowitz

7. Conversion instead of Aggression

Instead of continuously feeding the arms industry with dangerous and immoral arms exports, arms production should be transitioned to the production of useful civilian goods. This call is usually countered with the argument that the arms sector's economic significance, particularly the numerous jobs that depend on it, render this kind of option untenable. This is utter nonsense. Nonetheless, Catherine Ashton, High Representative of the Union for Foreign Affairs & Security, emphasized at the end of March 2013 that the consolidation of the arms industry was essential for three reasons: "The first is political, and it concerns fulfilling Europe's ambitions on the world stage. The second is operational: ensuring that Europe has the right military capabilities to be able to act. And the third is economic: here it's about jobs, innovation and growth."⁶³

Similar arguments are espoused at the national level. The BDSV produced a dubious study, slanted towards attracting media attention, emphasizing the arms sector's significance for employment and the resulting economic benefits: "The security and defence industry, as a small but economically strong and intensively interwoven part of Germany as a technology and business location, bears a level of significance which is not only covering its considerable economic effects, but is also a source of innovation for other economic sectors."⁶⁴ For this reason, Elke Hoff, German Liberal Party's spokesman for security affairs, claims that because of the arms industry's significance, "the Federal Government will

have to even more actively support German military industry to keep up with tough international competition."⁶⁵

The BDSV "study" discusses these so-called "spin-offs", technological innovations which are invented by the armament sector and which are supposed to contribute to overall economic development. Similarly, the European Parliament stated in a motion for a resolution that "the spin-offs from defence research frequently benefit the whole of society."⁶⁶ This has to be countered with the argument that these beneficial effects, if they ever existed to a relevant degree, were history long ago. Technological innovations are now the domain of the civilian sector and the arms industry resorts to civilian know-how, and not the other way round.⁶⁷

The economic importance of the armament sector is highly exaggerated, to say the least: "The arms industry's business volume in Germany (amounting to 28.3 billion Euro in 2011, according to data submitted by the Federation of German Security and Defence Industries BDSV) accounts for only 1.1 percent of Germany's annual gross domestic product (these are the values newly created each year). The export value of armaments (12.5 billion) is less than one percent of Germany's total exports."⁶⁸

"Safeguarding" jobs as an economic justification for arms exports is a similarly flawed argument. Ernst Hinsken, conservative member of the German parlia-

High Representative Catherine Ashton delivering her address emphasizing the importance of the arms industry for jobs and economic growth.



ment, offered his approval of the aforementioned Qatari tank deal with the following comment: “German jobs are being safeguarded with it.”⁶⁹ This line of reasoning violates the spirit if not the letter of “The Political Principles of the German Government governing the Export of War Weapons and Other Military Equipment” which insists that “Labour policy considerations must not be a decisive factor.”⁷⁰ Apart from the fact that arms exports should be governed first by moral considerations, the notion of the “arms industry as a job creator” is not supported by the facts. For instance, recent studies from the U.S.A. examined how many jobs are created by investments in different sectors of the economy: „Pentagon spending is an especially poor job creator, creating fewer jobs than virtually any other use of the same money, from a tax cut to investments in infrastructure to spending on education.”⁷¹ Furthermore, the BDSV “study” itself admitted that a meagre 18.000 people were still employed in the conventional arms sector. Even if you include those employed by the security industry, the impact on job creation is minimal: “BDSV is talking about 98.000 jobs in the armament industry (other estimates are just 80.000). But even this higher number represents just a 0.24 percent share of the German workforce. In other words: The arms industry is a marginal factor in Germany.”⁷²

It is clear that the armament sector has little overall effect on economic production or the labor market – a finding which is consistent across European nations. Thus, there is no reason why arms production cannot be

Job creator arms industry? Job Creation in the U.S. through \$1 billion in Spending

Sector	Number of jobs created
Educational Services	26700
Health Care	17200
Clean Energy	16800
Tax Cuts for personal Consumption	15100
Military Spending	11200

Source: Hartung, William D./Peterson, Natalie: *Minimum Returns: The Economic Impacts of Pentagon Spending*, Center for International Policy, February 7, 2013, p. 5

successfully converted to civilian manufacturing with the help of conversion programs.⁷³ What is missing is the political will and the public pressure necessary to make it happen. Given the basic economic facts it is even more infuriating that some factions of the trade unions uncritically parrot the assertions by the arms lobby and military politicians. For example, the German metal workers’ trade union IG Metall, whose Working Group on Defence Technology and Jobs is particularly active here, asserts in a report: “The preservation of the defence technological core capability in shipbuilding is a matter of national importance for IG Metall. It is essential to guarantee an efficient technological base for use by the German navy as well as for the export capability of the respective products within the main segments of German naval shipbuilding – i.e. non-nuclear submarines, frigates and corvettes, and, beyond that, special-purpose vessels, such as research vessels, replenishment ships and patrol boats respectively.”⁷⁴ It was therefore pleasing that Michael Sommer, head of the German Trade Union Federation DGB, who had come under sharp criticism for extremely military-friendly statements before⁷⁵, was able to clarify his position, for once, in his speech on the occasion of the International Workers’ Day 2013: “No More War means to us: civilian production instead of arms exports.”⁷⁶ It will be important in the future to take Sommer at his word and insist that trade unions not only support a total ban on arms exports, but also take political action to see it through.

There is no ambiguity as to how the German people feel about arms exports. In October 2011, a survey on behalf of the German party, DIE LINKE, showed that a stunning 78 percent of the German population objects to any arms exports, another 11 percent want to prohibit them in case of transfers to crisis regions, and a miniscule 7 percent support them in principle.⁷⁷ This overwhelming rejection among the population is the reason why arms lobbyists and military politicians run away from a public debate about the futility of arms exports like the devil avoids holy water. These unscrupulous politicians clearly recognize that public sentiment will not be changed by their political and economic arguments. Instead they use every public relations and parliamentary means at their disposal to evade a public debate that would require them to stand accountable to the voters.

Endnotes

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- 3 Pfeiffer, Hermannus: Waffenausfuhren boomen. Rüstungsexporte verdoppelt, taz, Feb. 22, 2013; Deutsche Waffen für die Welt, Focus, Sept. 24, 2012.
- 4 “It turned out that about half of the exports authorized in 2011, amounting to Euro 10 billion, were transferred to third countries. The year before, it was about one-third. Out of the number of arms actually sold approximately two-thirds went to third countries.” Cf. Der Tod bleibt ein Meister aus Deutschland, Freitag, Feb.13, 2013.
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- 7 EU arms exports figures remain level, Jane’s Defence Weekly, Jan. 4, 2013.
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- 11 Draft Report on arms exports: implementation of Council Common Position 2008/944/CFSP (2012/2303(INI)), Brussels, Feb. 13, 2013 (cited as Draft Report on Arms Exports).
- 12 Nachsteuerung zu Rüstungsexporten? BDSV-Newsletter, Oct. 2012, p. 3.
- 13 Slijper, Frank: Guns, Debt and Corruption, Transnational Institute, April 2013.
- 14 “It goes without saying that, under the present circumstances, no leader can float a rise in military spending without facing public criticism and an almost inevitable loss of support from his/her own electorate.” Cf. Faleg, Giovanni/Giovannini, Alessandro: The EU between Pooling & Sharing and Smart Defence: Making a virtue of necessity? CEPS Special Reports, May 19, 2012, p. 1.
- 15 Heizmann, Sonja: Frontverschiebung. Die Zukunft der deutschen Rüstungsindustrie, Deutschlandradio Kultur, Sept. 19, 2011. His predecessor Heinz Marzi, director of the BDSV until the end of 2010, argues quite similarly: “Considering a national budget on the decline, exporting their products is constantly getting more important and necessary for the German armament industry.” Cf. Marzi, Heinz: Die Bedeutung des Rüstungsexports für Deutschland, Sept. 11, 2010, URL: <http://www.geopowers.com/sicherheit-made-germany-1118.html> (Nov. 22, 2010).
- 16 European Defense Trends 2012, CSIS, December 2012, p. 35.
- 17 Zoller, Stefan: Konsolidierung des europäischen Sicherheits- und Verteidigungsmarktes und globale Herausforderungen, in: Kaldrack, Gerd F./Pöttering, Hans-Gert (Ed.): Eine einsatzfähige Armee für Europa. Zur Zukunft der Gemeinsamen Sicherheits- und Verteidigungspolitik nach Lissabon, Wiesbaden 2011, pp. 239-249, 248f. Rheinmetall CEO Klaus Eberhardt, president of the biggest Europe-wide organization, the “AeroSpace and Defence Industries Association of Europe” (ASD), gave a quite similar résumé of the priorities of the trade: “Our industry faces two basic imperatives: first, to address growth markets outside of Europe jointly rather than as competitors, and to push forward with the consolidation of the industry in Europe with all our might.” Cf. Rheinmetall CEO Klaus Eberhardt elected President of the AeroSpace and Defence Industries Association of Europe (ASD), Rheinmetall News, Oct. 10, 2011.
- 18 Mölling, Christian: Pooling and Sharing in the EU and NATO, SWP Comments 2012/C 13, June 2012, p. 1.
- 19 It is quite arguable whether the improvements in efficiency hoped for actually arise. Cf. Wagner, Jürgen: The EU As a Driving Force of Armament, Information on politics and society, No. 8, Nov. 2012, p. 43.
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- 22 Schockenhoff, Andreas/Kiesewetter, Roderich: The Time To Act Has Come. The impetus for European security policy, IP Journal Sept. 18, 2012.
 - 23 Pöttering, Hans-Gert: Die EU vor wachsenden Herausforderungen, in: Kaldrack/Pöttering 2011, pp. 46-57, p. 49.
 - 24 Speech held by the Federal Minister of Defence, Thomas de Maizière PhD, on the occasion of the 8th Handelsblatt conference on Oct. 25, 2011 in Berlin, URL: <http://www.bmvg.de> (Nov. 25, 2011). This kind of "logic" can also be found in the White Paper of the German Bundeswehr in 2006: "It means having indigenous defence technology capabilities in order to co-shape the European integration process in the armaments sector. These will guarantee cooperability and assure an influence in the development, procurement and operation of critical military systems. Only nations with a strong defence industry have the appropriate clout in Alliance decisions." Cf. White Paper 2006 on German Security Policy and the Future of the Bundeswehr, p. 63.
 - 25 Lühmann, Malte: Lobbying Warfare. The arms industry's role in building a military Europe, Corporate Europe Observatory, Sept. 2011, URL: http://www.corporateeurope.org/sites/default/files/publications/CEO_ArmsLobby_env2.pdf (Nov. 22, 2011), p. 2. In this context, thus, a motion for a European Parliament resolution recognized that "maintaining an adequate manufacturing and technological base and ensuring security of supply are fundamental national defence matters which should not be governed solely by financial objectives". Cf. Motion for a European Parliament Resolution on the impact of the financial crisis on the defence sector in the EU Member States (2011/2177(INI)), paragraph 11.
 - 26 Wagner, Jürgen: Rückkehr der Schattenkrieger. Spezialeinheiten als neue Speerspitzen des Interventionismus, in: IMI (Ed.): Entdemokratisierung und Krieg – Kriegerische Demokratie, Tübingen 2013, pp. 29-36.
 - 27 "Export licences for war weapons (subject to licensing under the War Weapons Control Act and the Foreign Trade and Payments Act) will not be granted unless in a specific case this is exceptionally warranted on particular foreign and security policy grounds, having due regard to Alliance interests." Cf. Political Principles Adopted by the Government of the Federal Republic of Germany for the Export of War Weapons and Other Military Equipment, URL: <http://www.bmwi.de/English/Redaktion/Pdf/exports-of-conventional-military-equipment-2011.property=pdf,bereich=bmwi2012,sprache=en,rwb=true.pdf>, p. 36.
 - 28 Henken/Strutynski 2013, p. 2.
 - 29 Europäische Sicherheit & Technik, January 2013.
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pean, Feb. 4, 2011.
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 - 32 Aßmann, Tim: Markt oder Moral im Waffengeschäft. Die deutsche Rüstungsindustrie sucht neue Kunden, Deutschlandradio, Feb. 23, 2012.
 - 33 For example, lobbying activities by political leaders on foreign trips to sell the products of "their" companies for one thing, but also, especially in Germany, stately export credit guarantees, so-called Hermes credits: "The amount of export credit guarantees granted by the government to cover exports in 2012 outbalanced those of 2011 by Euro 800 million. Six arms deals were covered by Euro 3.3 billion." Cf. Henken/Strutynski 2013, p. 1.
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 - 41 Lühmann 2011, p. 8.
 - 42 Directive 2009/43/EC simplifying terms and conditions of transfers of defence-related products within the Community, Brussels, May 6, 2009.
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- 46 GKKE 2009, p. 69. Also cf. Baum, Tom: Concluding remarks: Effective security and responsible trade, in: Flemish Peace Institute 2011, pp. 75-80, p. 79; Bromley, Mark: The EU common position on arms exports and national export control policies, in: Flemish Peace Institute 2011, pp. 39-51, p. 45. It should be noted, though, that the Common Position explicitly states that directives on arms exports on a European scale by no means preclude stricter national controls: “This Common Position shall not affect the right of Member States to operate more restrictive national policies.” (CP, article 3)
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- 49 Moltmann, Bernhard: Die Zange, die nicht kneift. Der EU-Gemeinsame Standpunkt zu Rüstungsexporten – Chancen und Risiken seiner Überprüfung, HSFK-Report No. 3/2012, p. 25.
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- 71 Hartung, William D./Peterson, Natalie: Minimum Returns: The Economic Impacts of Pentagon Spending, Center for International Policy, Feb. 7, 2013, p. 5.
- 72 Henken/Strutynski 2013, p. 4.
- 73 „Therefore, this trade is economically marginal in Germany. Given the lack of skilled personnel, it would even be economically beneficial, if the usually very well-trained skilled workers of the arms sector were available for other trades.” Cf. Wulf, Herbert: Waffenhandel außer Kontrolle? Wissenschaft & Frieden, Dossier 4-2012.
- 74 Burmeister, Kai et al.: Perspektiven der deutschen militärischen Schiffbaukapazitäten im europäischen Kontext, IG-Metall, Kurzreport: 11/2010.
- 75 Bundeswehreinsatz im Inneren der Gewerkschaft, Direkte Aktion 216 – March/April 2013.
- 76 Mit der Kraft der Floskel, süddeutsche.de, May 1, 2013.
- 77 Aken, Jan van: Umfrage Rüstungsexporte, Oct. 20, 2011, URL: <http://www.jan-van-aken.de/aktuell/umfrage-ruestungsexporte.html> (Nov. 22, 2011).



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Foreign Affairs

2012/2303(INI)

13.2.2013

DRAFT REPORT

on arms exports: implementation of Council Common Position 2008/944/CFSP
(2012/2303(INI))

Committee on Foreign Affairs

Rapporteur: Sabine Lösing

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The European Parliament,

- having regard to Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment¹,
- having regard to the ongoing process, within the EU Council Working Party on Conventional Arms Exports (COARM), of reviewing the common position, which, pursuant to Article 15 thereof, must be reviewed three years after its adoption,
- having regard to COARM's thirteenth and fourteenth annual report (COARM annual report)²,
- having regard to the list of dual-use goods and technology in Annex I to Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items³,
- having regard to Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community⁴,
- having regard to Council Joint Action 2002/589/CFSP of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP, and to the EU strategy to combat illicit accumulation and trafficking of small arms and light weapons and their ammunition, adopted on 15/16 December 2005 by the European Council⁵,
- having regard to Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering⁶,
- having regard to the updated Common Military List of the European Union of 27 February 2012⁷,
- having regard to the regularly updated User's Guide to Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment⁸,

¹ OJ L 335, 13.12.2008, p. 99.

² OJ C 382, 30.12.2011, p. 1; OJ C 386, 14.12.2012, p. 1.

³ OJ L 134, 29.5.2009, p. 1.

⁴ OJ L 146, 10.6.2009, p. 1.

⁵ OJ L 191, 19.7.2002, p. 1; Council of the European Union, 5319/06, 13.1.2006.

⁶ OJ L 156, 25.6.2003, p. 79.

⁷ OJ C 85, 22.3.2012, p. 1.

⁸ Council of the European Union, 9241/09, 29.4.2009.

- having regard to the Wassenaar Arrangement of 12 May 1996 on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, together with the lists, updated in 2011 and 2012, of those goods and technologies and munitions¹,
- having regard to the conclusions of the Foreign Affairs Council, at its meeting of 25 June 2012, expressing EU support for a United Nations international Arms Trade Treaty establishing common standards binding on the global trade in conventional arms²,
- having regard to its resolution of 18 January 2007 on the Council's Seventh and Eighth Annual Reports according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports³,
- having regard to its resolution of 6 June 2012 on the negotiations on the UN Arms Trade Treaty⁴,
- having regard to Article 42 of the Treaty on European Union and to Article 346 of the Treaty on the Functioning of the European Union,
- having regard to Rule 119(1) of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A7-0000/2013),

- A. whereas arms exports can have inter alia a considerable impact not only on security, but also on development, and must therefore be at the very least embedded within a strict arms control system operating with maximum effectiveness;
- B. whereas Common Position 2008/944/CFSP is a legally binding framework laying down eight criteria, and whereas, if they are not met, an export licence should be denied (criteria 1-4) or consideration should at least be given to doing so (criteria 5-8);
- C. whereas the criteria are intended inter alia to prevent arms exports as a result of which conflicts would be aggravated (criteria 3 and 4) or human rights violated (criterion 2) or a recipient country's development prospects would be adversely affected (criterion 8); whereas the Common Position is unrestricted in scope and, accordingly, the eight criteria apply also to exports within the EU and to arms transfers to countries closely associated with the EU;
- D. whereas the third countries Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Iceland, Canada, Croatia, Montenegro and Norway have officially aligned themselves with the Common Position's criteria and principles;
- E. whereas, under Article 3 of the Common Position, the eight criteria set minimum standards only and are without prejudice to more restrictive arms control measures by Member States;

¹ <http://www.wassenaar.org/>

² Council of the European Union, 31 79th meeting, Foreign Affairs, 25.6.2012, Luxembourg.

³ Text Adopted, P6_TA(2007)0008.

⁴ P7_TA-PROV(2012)0251.

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- F. whereas Article 10 of the Common Position clearly states that compliance with the eight criteria takes precedence over any economic social, commercial or industrial interests of Member States;
- G. whereas the decision-taking process for granting or denying arms export licences lies solely within the remit of Member States; whereas the eight criteria are interpreted very differently within the EU, meaning that, to some extent, arms export practice varies widely;
- H. whereas the Common Position contains no democratically produced and binding list, together with reasons, identifying countries arms exports to which would violate one or more of the eight criteria;
- I. whereas there is no standardised verification and reporting system providing information as to whether, and to what extent, individual Member States' exports violate the eight criteria, and whereas there are no sanctions mechanisms, either, should a Member State engage in exports which are clearly not compatible with the eight criteria; whereas there is no possibility of having compliance with the eight criteria independently verified;
- J. whereas little progress has been made on reaching agreement between the Member States with regard to applying and interpreting the Common Position's eight criteria;
- K. whereas the COARM annual report is intended to cover implementation of the Common Position and increase transparency regarding Member States' arms exports;
- L. whereas the COARM annual reports have helped to make Member States' arms exports more transparent and the number of guidelines and clarifications in the User's Guide has multiplied; whereas, because of the Common Position, the volume of information on the issuing of arms export licences has increased;
- M. whereas by no means all EU Member States make a full submission to COARM; whereas, because of individual Member States' differing data collection and submission procedures, data sets are incomplete and vary, which considerably reduces transparency in this area;
- N. whereas measures on trafficking of small arms and light weapons have been adopted in recent years, with an updated List of Dual-Use Goods and Technologies under the Wassenaar Arrangement being adopted in February 2012, and areas such as control of arms brokering, licensed production outside the EU and end-user control have been put on the agenda and, to some extent, incorporated into the Common Position itself; but many products, in particular in the field of dual-use goods, are still not covered by a legally binding arms exports control system;
- O. whereas many surveillance technologies and surveillance software products and many other goods used in a host of recipient countries for repressive measures against their populations are not included either in the Common Military List of the European Union or in the EU list of dual-use goods;

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P. whereas it has been argued that the events of the Arab Spring in the Middle East and North Africa (MENA) could not be foreseen, whereas nonetheless the human rights situation in those countries, which, in connection with issuing arms exports licences, should have been (and must be) taken into account, was (and is) known, whereas the events of the Arab Spring have revealed the weaknesses of the Common Position and, to some extent, a number of countries' disregard for it and the criteria it contains;

Q. whereas in recent years the MENA countries have ranked, and still do, among the key buyers of European arms; whereas, in 2010, EU Member States exported arms to the MENA countries with a total value of EUR 8 324.3 m - in 2011 the total was still as much as EUR 7 975.2 m - on the ground of fostering political stability¹; whereas between 2006 and 2010, in respect of Libya alone, EU Member States issued export licences with a total value of EUR 1 056 m, while, during the same period, 54 applications for arms exports to Libya were denied in the light of criteria 2, 7 and 5 (most frequently criterion 2)²;

R. whereas investigations by the Bonn International Conversion Centre (BICC) have revealed that in Germany in 2011, for example, 5 149 of the 17 568 arms export licences issued, or just under 30%, for exports to 76 countries, violated one or more of the eight criteria³;

S. whereas the industry is calling for an expansion in arms exports in order to offset the forecast slackening in demand within the EU, and whereas that call is being backed by many politicians and political parties as a contribution towards strengthening Europe's arms industry base;

T. whereas the process of actively involving committed Member States, NGOs, national parliaments and the European Parliament, too, in assessing, harmonising, carrying through and monitoring compliance with the Common Position is slow and is not being vigorously pursued;

Bolstering the common position

1. Notes that, according to the Stockholm International Peace Research Institute (SIPRI), the EU Member States, taken as a whole, outrank the US and Russia as the world's largest arms exporter⁴ and that an ever increasing proportion of arms exports - 61% in 2011⁵ - is being delivered to countries outside the EU;

2. Acknowledges that the EU is the only union of states to have a legally binding framework, unique in the world, through which arms export control is being improved, including in crisis regions and countries with a questionable human rights record, and welcomes the fact, in this connection, that European and non-European third countries have joined the

¹ 2012 report on arms exports, Gemeinsame Konferenz Kirche und Entwicklung (GKKE) (Joint Conference Church and Development), p. 9.

² 'The review of the EU common position on arms exports: prospects for strengthened controls', Mark Bromley, Non-Proliferation Papers, No. 7, January 2012, p. 12.

³ 2012 report on arms exports, Gemeinsame Konferenz Kirche und Entwicklung (GKKE) (Joint Conference Church and Development), p. 7.

⁴ The top 20 Arms Exporters, 2007-2011, http://www.sipri.org/goalemaps/2012_of_at_top_20_exp_map.html

⁵ 'EU arms exports figures remain level', Jane's Defence Weekly, 4 January 2013.

arms exports control system on the basis of the Common Position; notes with concern, however, that the eight criteria are applied and interpreted with varying degrees of rigour in the EU Member States; calls therefore for a standard, uniformly strict interpretation and full implementation of the Common Position with all its obligations;

3. Takes the view that, because of the negative impact of arms spending on the development prospects of poorer recipient countries, criterion 8 should be upgraded by making denial of export licences automatic if they are incompatible with development;

4. Takes the view that the Common Position should be complemented by a regularly updated, publicly accessible list, with detailed reasons, providing information on the extent to which exports to particular recipient countries are, or are not, in keeping with the eight criteria;

5. Considers that a standardised verification and reporting system should be established to provide information as to whether, and to what extent, individual EU Member States' exports violate the eight criteria;

6. Insists, in the light of the Common Position review process, that support should be voiced for powerful, clear and unambiguous wording in the Common Position in order to prevent the criteria from being interpreted and applied differently; insists in particular that Article 10 of the Common Position be acted on and that, accordingly, application of the criteria not be neutralised or stopped because of political, economic or geostrategic interests;

7. Regrets the fact that there is no possibility of having compliance with the eight criteria independently verified, that there are no mechanisms for sanctions for violation of the eight criteria by a Member State, and that there are no plans to that effect; takes the view that ways and means of carrying out independent verification and mechanisms for sanctions for violations of the Common Position should be provided for;

Civil-military goods

8. Welcomes adoption by the Council of the updated version of the Wassenaar Arrangement Munitions List, in which all the 2011 changes to the munitions list are taken into account; calls on the Council also to adopt the most recent changes made in 2011 to, inter alia, the List of Dual-Use Goods and agreed by an experts group in December 2012,

9. Calls on the Member States, with regard to export controls and application of the eight criteria, to pay greater attention to goods which may be used for both civilian and military purposes, such as surveillance technology, and similarly to spare parts and products suitable for use in cyber warfare or for non-lethal human rights abuses;

10. Calls furthermore for the eight criteria to be extended and applied also to the transfer of military, security and police personnel, to arms-exports-related services, know-how and training, and to private military and security services; calls for it to be made mandatory - where security technology and, in general, dual-use goods are to be exported - for compatibility with the eight criteria to be verified;

COARM annual report

11. Pays tribute to the efforts of COARM in connection with cooperation and coordination and with bolstering and implementing the Common Position, especially as regards awareness-raising campaigns and approximation or harmonisation processes within the EU and involving third countries; highlights COARM's important work with regard to achieving a robust and legally binding international arms control agreement on international trade in conventional arms;

12. Regrets the fact that, in 2010, only 63% of EU Member States submitted complete sets of data relating to their arms exports; notes that the countries which repeatedly supply incomplete information on their exports are also some of both the EU's and the world's largest arms-exporting countries;

13. Notes that methods for collecting data on arms exports, as well as practices for publishing data sets recorded, vary in the Member States, as a result of which the COARM annual report does not include important information and therefore is not up to date or reliable; calls accordingly for the introduction of a standardised collection and submission procedure, to be applied uniformly in all Member States, in order to submit and publish up-to-date and exhaustive information;

14. Suggests in this connection that additional information be collected from Member States and published both at national level and in the COARM annual report, in particular a list of countries arms exports to which would violate one or more of the eight criteria, together with a comprehensive list of EU Member States which have exported arms to those countries during the data reporting period;

15. Notes that the Directive simplifying terms and conditions of transfers of defence-related products within the Community has made arms exports within Europe considerably easier; calls in this connection for the COARM annual report also to include detailed information on arms exports within Europe which violate one or more of the eight criteria;

16. Calls for the COARM annual report also to include information on the final destination of exports within Europe and on onward transfers to third countries which may be problematic;

17. Suggests that an overview setting out a trend comparison with previous years, together with aggregated figures, be added to the COARM annual report;

18. Regrets the fact that the COARM annual reports for 2010 and 2011 were not published until 30 December 2011 and 14 December 2012 respectively, i.e. after long delays; calls for COARM annual reports to be published promptly, i.e. no later than six months after the relevant reporting period;

Parliament and civil society

19. Underscores the important role of civil society, national parliaments and the European Parliament in both implementing and enforcing the Common Position's agreed standards

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at national and EU level and of establishing a transparent, accountable control system; calls therefore for a transparent and robust control mechanism which bolsters the role of parliaments and of civil society.

20. Stresses the significance and legitimacy of parliamentary oversight over data relating to arms export control, and over how that control is carried out, and therefore calls for the measures, backing and information needed to ensure that that oversight function is performed to the full;

21. Takes the view that government officials responsible for issuing national export licences and civil society organisations addressing the issue of arms export control should be regularly consulted at COARM meetings, since they can make an important contribution to implementing the Common Position and help improve the quality of the information exchanged;

International arms control agreement on international trade in conventional arms

22. Restates its full backing for the conclusion of a robust and legally binding international arms control agreement, under United Nations auspices, on international trade in conventional arms; stresses therefore that that objective must be one of the priorities of EU external policy;

23. Is of the opinion that an effective control agreement should cover a wide range of activities relating to the conventional-arms trade, encompassing import, export and transfer (including transit and transshipment and temporary import and export and re-export), manufacture under foreign license, stockpile management and all related services, including brokering, transport and finance;

24. Is of the opinion that an effective international arms control agreement should cover state-to-state transfers, state-to-private-end-user transfers and leases, as well as loans, gifts, aid or any other form of transfer;

25. Calls on the UN Member States to adopt additional binding criteria, as international standards, for guiding arms export decision-makers and, in the process, to take account of, in particular, the destination country's situation as regards human rights, the impact on the country's socio-economic development and the preservation of regional peace and security;

Disarmament

26. Takes the view that the European Union should meet its increased responsibility for peace and security in Europe and in the world by means of further arms limitation and disarmament initiatives and that, as a responsible global player, it should lead the way, i.e. that it should play an active role in the areas of non-proliferation of arms, global disarmament and arms transfer controls;

27. Takes the view that the EU should formulate a comprehensive conversion strategy; recommends, in connection with that strategy, that a plan be developed as to how

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conversion from arms production to civilian goods production can proceed as quickly as possible;

28. Instructs its President to forward this resolution to the High Representative / Vice-President of the Commission, the Council, the Commission, the parliaments and governments of the Member States, and the Secretary-General of the United Nations.

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News, reports, and analyses from the European Parliament
Edited by Sabine Lösing, MEP

No. 8, November 2012

The EU As a Driving Force of Armament

Pressure In Terms of Arms Build-Up, War Chests, and a Military-Industrial Complex for the World Power Europe

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