



Strasbourg, 24/02/99

CAHDI (99) 12

AD HOC COMMITTEE OF LEGAL ADVISERS
ON PUBLIC INTERNATIONAL LAW
(CAHDI)

17th Meeting
Vienna, *Hofburg*, 8-9 March 1999

DECISIONS OF THE COMMITTEE OF MINISTERS CONCERNING THE CAHDI:

RECOMMENDATION 1382 (1998) OF THE PARLIAMENTARY ASSEMBLY
ON DRAWING UP A EUROPEAN CODE OF CONDUCT ON ARMS SALES

Secretariat memorandum
Prepared by the Directorate of Legal Affairs

Foreword

At their 643rd meeting (6-7 October 1998, Item 3.1) the Ministers' Deputies examined Parliamentary Assembly Recommendation 1382 (1998) on Drawing up of a European Code of Conduct on arms sales and discussed on possible follow up. They decided to bring this Recommendation to the attention of their Governments and instructed the Rapporteur Group on Legal Co-operation (GR-J) to examine it with a view to preparing a draft reply to the Assembly.

The GR-J examined the Recommendation at its meeting on 7 December 1998. It held an initial exchange of views on the Assembly's proposals, which is detailed in the synopsis of the meeting (see GR-J (99)1). The group agreed to hold a second exchange of views on the basis of additional documents - to be supplied by the Secretariat - relating to international texts already adopted.

At its meeting on 11 February 1999, the Group held a second exchange of views. A consensus was reached on the idea of assigning ad hoc terms of reference to the Ad Hoc Committee of Legal Advisers on Public International Law (CAHDI), instructing it to prepare an opinion on the Recommendation (see GR-J (99) 7).

Thus, at the GR-J's proposal, at their 661st meeting at A level (Strasbourg, 24-25 February 1999) the Ministers' Deputies assigned ad hoc terms of reference to CAHDI, instructing it to give an opinion on Parliamentary Assembly Recommendation 1382 (1998) concerning its follow up.

The following are relevant documents :

- Recommendation 1382 (1998) of the Parliamentary Assembly drawing a code of conduct on arms sales
- Report of the Political Affairs Committee of the Parliamentary Assembly on the Drawing up of a European Code of conduct on arms sales (including in Appendix pp. 10-16 : 2097th Council meeting - General Affairs of the European Union, Brussels, 25 May 1998 (document 8188)
- Points for consideration concerning Recommendation 1382 (1998) on Drawing up of a European code of conduct on arms sales (GR-J (98) 28)
- Synopsis of the meeting of 7 December 1998 of the Rapporteur Group on Legal Co-operation (GR-J(99)1)
- United Nations Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects (GR-J (99) 2)
- United Nations Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction (Ottawa Convention) (document GR-J(99)3)
- Resolution on a code of conduct for arms exports (European Communities) (document GR-J(99)4)
- The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (GR-J (99) 5)
- Summary of documents referred to in the Recommendation 1382 (1998) on Drawing up a European Code of Conduct on Arms Sales (GR-J (99) 6)
- Synopsis of the meeting of 11 February 1999 of the Rapporteur Group on Legal Co-operation (GR-J (99) 7)
- United Nations reference documents (CAHDI (99) 12 Add).

Action required

Members of the CAHDI are invited to examine Parliamentary Assembly Recommendation 1382 (1998) on Drawing up of a European Code of Conduct on arms sales with a view to providing the Committee of Ministers with an opinion on possible follow up.