
Appendix 2. The Organization for Security and Co-operation in Europe Criteria on Conventional Arms Transfers

DECISION BY THE OSCE FORUM FOR SECURITY CO-OPERATION, NOVEMBER 1993

I.

(1) The participating States reaffirm their commitment to act, in the security field, in accordance with the Charter of the United Nations and the Helsinki Final Act, the Charter of Paris and other relevant CSCE documents.

(2) They recall that in Prague on 30 January 1992 they agreed that effective national control of weapons and equipment transfer is acquiring the greatest importance and decided to include the question of the establishment of a responsible approach to arms transfers as a matter of priority in the work programme of the post- Helsinki arms control process. They also recall their declaration in the Helsinki Document of 10 July 1992 that they would intensify their co-operation in the field of effective export controls applicable, *inter alia*, to conventional weapons.

(3) The participating States reaffirm:

(a) their undertaking, in accordance with the Charter of the United Nations, to promote the establishment of international peace and security with the least diversion for armaments of human and economic resources and their view that the reduction of world military expenditures could have a significant positive impact for the social and economic development of all peoples;

(b) the need to ensure that arms transferred are not used in violation of the purposes and principles of the Charter of the United Nations;

(c) their adherence to the principles of transparency and restraint in the transfer of conventional weapons and related technology, and their willingness to promote them in the security dialogue of the Forum for Security Co-operation;

(d) their strong belief that excessive and destabilizing arms build-ups pose a threat to

national, regional and international peace and security;

(e) the need for effective national mechanisms for controlling the transfer of conventional arms and related technology and for transfers to take place within those mechanisms;

(f) their support for and commitment to provide data and information as required by the United Nations resolution establishing the Register of Conventional Arms in order to ensure its effective implementation.

II.

(4) In order to further their aim of a new co-operative and common approach to security, each participating State will promote and, by means of an effective national control mechanism, exercise due restraint in the transfer of conventional arms and related technology. To give this effect:

(a) each participating State will, in considering proposed transfers, take into account:

(i) the respect for human rights and fundamental freedoms in the recipient country;

(ii) the internal and regional situation in and around the recipient country, in the light of existing tensions or armed conflicts;

(iii) the record of compliance of the recipient country with regard to international commitments, in particular on the non-use of force, and in the field of non-proliferation, or in other areas of arms control and disarmament;

(iv) the nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and the objective of the least diversion for armaments of human and economic resources;

(v) the requirements of the recipient country to enable it to exercise its right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations;

(vi) whether the transfers would contribute to an appropriate and proportionate response

by the recipient country to the military and security threats confronting it;

(vii) the legitimate domestic security needs of the recipient country;

(viii) the requirements of the recipient country to enable it to participate in peace-keeping or other measures in accordance with decisions of the United Nations or the Conference on Security and Co-operation in Europe.

(b) Each participating State will avoid transfers which would be likely to:

(i) be used for the violation or suppression of human rights and fundamental freedoms;

(ii) threaten the national security of other States and of territories whose external relations are the internationally acknowledged responsibility of another State;

(iii) contravene its international commitments, in particular in relation to sanctions adopted by the Security Council of the United Nations, or to decisions taken by the CSCE Council, or agreements on non-proliferation, or other arms control and disarmament agreements;

(iv) prolong or aggravate an existing armed conflict, taking into account the legitimate requirement for self-defence;

(v) endanger peace, introduce destabilising military capabilities into a region, or otherwise contribute to regional instability;

(vi) be diverted within the recipient country or reexported for purposes contrary to the aims of this document;

(vii) be used for the purpose of repression;

(viii) support or encourage terrorism;

(ix) be used other than for the legitimate defence and security needs of the recipient country.

III.

(5) Further, each participating State will:

(a) reflect, as necessary, the principles in Section II in its national policy documents governing the transfer of conventional arms and related technology;

(b) consider mutual assistance in the establishment of effective national mechanisms for controlling the transfer of conventional arms and related technology;

(c) exchange information, in the context of security co-operation within the Forum for Security Co-operation, about national legislation and practices in the field of transfers of conventional arms and related technology and on mechanisms to control these transfers.

Source: FSC Journal, no. 49 (24 Nov. 1993).
