

The Walloon Government finally decided, on 23rd June 2005, to withdraw the export licence for military ammunition machines to Tanzania. The licence had been first granted to the New Lachaussée factory on 6th January 2005 and then suspended on 24th March.

Session of 23 June 2005*

46 Export licence granted to New Lachaussée S.A. for small calibre ammunition production machines and equipments, raw materials and related semi-products

Decision:

1. The Gouvernement takes a note of the report made by the Walloon experts mission, which draws the following conclusions:

« The mission confirms in any case the extreme relevance of the conditions formulated in the suspended licence regarding the capacity of the line, the strict covering of the Tanzanian needs, the non-reexportation of the deriving equipment and productions and the dismantling. These conditions will be able to significantly reduce the deviation risk. The same holds true in respect of a quick implementation of the Nairobi Protocol by Tanzania and of the legal mechanism proposed by the National Programme of Action for Arms Management and Disarmament. »

The Gouvernement takes a note of the report made by the Advisory Committee on arms export licenses of 17 June 2005 meeting, stating:

« that the lifting of the licence suspension should require the signature of an international protocol agreed between the Walloon Region and the United Republic of Tanzania. The protocol should include the licence conditions and legally strengthen the Tanzanian authorities commitments to allow the Region and its representatives to regularly verify the whole set of conditions.

According to the first condition of the licence, which regards the capacity of the line of production, the provider should take the necessary measures, both technically and contractually, to ensure that the capacity of the new equipment cannot surpass that of the old equipment.

The Commission further suggests that the Gouvernement completes its decision about the licence with a process according to which the Region authorises each of the various stages of the installation of the equipment and its marking system, in particular the final assembly, the

personnel training and the maintenance. »

2. Further to the strengthening of the licensing conditions and the complementary measures aiming at fulfilling the licensing criteria, the Government also takes into consideration the position of the Federal Government whose Foreign Affairs Minister expresses the strongest reservations in particular about the compatibility of the discussed licence with the foreign policy led by Belgium.

According to the Act of 5 August 1991 settling the export, import and transit of arms, ammunition and material specifically aimed at a military use and the fight against the trafficking thereof, the Government also takes into consideration the official and unofficial positions of other European countries which, like the Netherlands, back the withdrawal of the licence.

3. Having analysed this whole set of elements, the Government considers inopportune to grant the licence in the current context of analysis and therefore entitle the Minister for Exterior Relations to enact the withdrawal of the licence granted on 6 January 2005 to the New Lachaussée company, for reasons of incompatibility with the foreign policy and the international commitments of Belgium and of the impracticability of implementing complementary conditions to the licensing.

The Government asks the Minister for Exterior Relations to inform the public about this decision.

4. Taking account of the prejudice this decision inflicts to the enterprise New Lachaussée in terms of loss of turnover, risk of job losses and financial difficulties, the Government decides to grant a specific support to this company.

The Government asks the Minister of the Economy to implement this decision.

5. Upon request from the Minister for Exterior Relations, in order to ensure a better cooperation with the Belgian authorities and in particular considered that the Minister-President is in charge of the relations amongst the Belgian institutions, the Government decides to entrust the Minister-President with the following competences as off 1st September 2005:

- import, export and transit of arms, ammunition and material aimed specifically at a military or policing use and the related technology as well as double use products and technologies, without prejudice of the Federal competence for imports and exports which concerns the army and the

police and in the respect of the criteria set out in the Code of Conduct of the European Union in matters of arms exports;

- the licensing of import, export and transit of arms, ammunition and material aimed specifically at a military or policing use and the related technology as well as double use products and technologies, without prejudice of the Federal competence for those which concern the army and the police.

Consequently, the Government agrees on the draft-decree modifying the 27 July 2004 decree settling the division of competences between the Ministers and the signature of the Government's acts.

6. Considered the lessons drawn from this case and the fact that the Government entrust again the Minister-President with this responsibility, the latter is in charge of assessing the way in which the licensing procedure has been organised ever since the competence had been entrusted to the Region.

In this context, it will be necessary to re-assess the role and composition of the Advisory Committee, in particular in view of adding a representative of the Minister for Exterior Relations who will be Vice-President, and of strengthening the administrative unit in charge of the follow-up of this issue.

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