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Subject : Tenth Progress Report on the implementation of the EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition - (2010/II)

Delegations will find enclosed the Tenth Progress Report on the implementation of the EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition, as endorsed by the Foreign Affairs Council on 13 December 2010.

Tenth draft Progress Report on the implementation of the EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition - (2010/II)

I. EXECUTIVE SUMMARY

During the second half of 2010, the EU continued to promote the issue of Small Arms and Light Weapons (SALW) in all multilateral fora and in its political dialogue with third countries in the context of relevant international instruments, such as the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms.

Building on the consensual outcome of the fourth Biennial Meeting of States on the UN Programme of Action (UN PoA), held in June 2010, the EU strongly supported the adoption of a new resolution on the illicit trade of SALW by the UN General Assembly in December 2010. The resolution represents a further step in the implementation of the UN PoA, and with a view to the Open-ended Meeting of Governmental Experts (OEMGE) on SALW, to be held in May 2011, and to the 2012 Review Conference on the UN PoA. The EU continued the preparation of a new Council Decision in support of the UN PoA to be adopted in early 2011. The new Council Decision will aim at promoting the regional implementation of the UN PoA, International Marking and Tracing Instrument (ITI), and the UN technical guidelines for ammunition stockpile management.

The EU continued to attach high priority to the Arms Trade Treaty (ATT) process, participating actively in the first sessions of the Preparatory Committee on the ATT (12-23 July 2010 in New York) that were characterized by a high level of engagement by most UN Member States and by substantial discussions on the structure and main elements of an ATT. The EU continued to coordinate its negotiating position with a view to the next sessions of the Preparatory Committee in March and July 2011.

The commitment of the European Union to promote the negotiation of the ATT was further testified by the swift commencement of the implementation of Council Decision 2010/336/CFSP, promoting the process leading towards an Arms Trade Treaty among third countries. The Council Decision in support of the ATT process is being implemented by the United Nations Institute for Disarmament Research (UNIDIR) and consists of seven additional regional seminars, focusing on the political aspects of an ATT and on the technical features of export control systems on conventional arms. The last six months of 2010 saw the organization of two regional seminars for Central and Southern Asia, and Central, Western and Northern Africa, and a launch event during the July ATT Preparatory Committee

The EU continued to support demilitarization efforts in the field of SALW, in particular through the implementation of Council Decision 2010/179/CFSP in support of SEESAC activities in the Western Balkans adopted in March 2010 and the completion of the implementation of the 2005 Council Decision on SALW destruction in Ukraine. In addition, the EU also continued to support, through the Instrument for Stability (IfS), a UNDP small arms control programme in Bosnia and Herzegovina. The project aimed at reducing the security risks posed by high levels and instability of obsolete ammunition and explosives and at providing institutional support to the Small Arms Control programme.

During the second semester of 2010, the EU continued to implement its initiative to hinder illicit trade in small arms and light weapons by air, including through the adoption in 2010 of a new Council Decision 2010/765/CFSP on EU action to counter the illicit trade of SALW by air. Through the adoption of this new Council Decision, to be implemented by the Stockholm International Peace Research Institute (SIPRI), the EU aims at improving tools and techniques for international and national actors to effectively screen and target suspect aircrafts likely to be involved in illicit trade of SALW.

The EU pursued the implementation of projects to increase regional cooperation in the field of SALW in Regional Economic Communities in Africa, notably the Economic Community of West African States, the East African Community, and the Economic Community of Central African States. In this framework, specific financial support in the form of a grant was provided to the Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA) in order to enhance the role of civil society and national efforts in the prevention of the illicit trade in SALW in Eastern and Southern Africa.

Cooperation between the EU and the Regional Centre on Small Arms and Light Weapons (RECSA) continued also through the implementation of a project supporting the fight against the illicit trade and excessive accumulation of firearms in Africa, including activities to strengthen law enforcement agencies cooperation, training on marking and tracing techniques and awareness raising.

The EU continued to support the finalization and adoption of an African Union Small Arms and Light Weapons Strategy (AU SALW Strategy), expected in early 2011, through active participation to the meetings of the AU-REC SALW Steering Committee. The EU will continue to follow the final stages of the adoption of the AU SALW Strategy and will support its implementation as appropriate.

Furthermore, in the second half of 2010, the EU started considering further activities, in the framework of the IfS, aiming at strengthening the capacities of countries and sub-regions to implement a comprehensive regime to control illegally possessed firearms and to prevent illicit manufacturing and trade. Specific projects are being developed to provide support to the implementation of the UNTOC (United Nations Convention Against Transnational Organized Crime) Protocol against the Illicit Manufacturing of and Trafficking in Firearms in Latin America, the Caribbean and West Africa, and to support INTERPOL in the development of a database on lost/stolen arms to be used as a centralized tool for tracing and tracking of illegal arms and its flows.

The EU has also strengthened its cooperation with the OSCE, including through the consideration of joint initiatives to support demilitarization and conventional arms controls efforts of OSCE Participating States.

In line with the relevant Council Conclusions adopted in December 2008, a SALW element was successfully negotiated with Russia and Vietnam, for inclusion in their respective agreements with the EU.

The Working Party on Global Disarmament and Arms Controls (CODUN) held on 17 November a specific session dedicated to Small Arms and Light Weapons. The meeting focused on the preparation of the 2011 OEMGE, including through the participation of a representative of the Permanent Mission to the United Nations of New Zealand, the country that will chair the OEMGE. The meeting also represented an opportunity to start discussion on the EU strategy for the 2012 Review Conference on the UN PoA and to assess the state of implementation of on-going projects and consider possible future projects and initiatives.

Within the framework of Council Decision 2009/1012/CFSP on support for EU activities in order to promote the EU Common Position 2008/944/CFSP on export controls on conventional arms, a regional seminar was held in Kiev, Ukraine, on 17-18 November 2010 to promote arms export controls among Eastern European and Caucasian partners of the European Neighbourhood Policy (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine).

II. INTRODUCTION

The tenth progress report on the implementation of the SALW Strategy covers EU activities during the second half of 2010. As in the past, it has been prepared by the Office of the EU Representative on non-proliferation and disarmament, in cooperation with the European Commission services.

During the second semester of 2010, a meeting of the Working Party on Global Disarmament and Arms Controls (CODUN) specifically addressed questions related to the relevant international instruments in the field of SALW, the implementation of EU projects in this field and the development of possible new EU initiative related to SALW and their ammunition. This meeting, held on 17 November 2010, was devoted to the preparation of the 2011 Open-ended Meeting of Governmental Experts (OEMGE) to be held on 9-13 May 2011, to address key implementation challenges and opportunities of the UN Programme of Action on SALW. A representative of the Permanent Mission to the United Nations of New Zealand, the country that will chair the OEMGE, participated in the meeting, explaining the Chair-designate's intentions in terms of the agenda, format and possible outcome of the 2011 event. The meeting also allowed for the assessment of on-going projects and discussion on possible future initiatives and way forward.

III. IMPLEMENTATION OF THE ACTION PLAN CONTAINED IN THE EU SALW STRATEGY

III.1 Effective multilateralism to develop universal, regional and national mechanisms to counter the supply and destabilising spread of SALW and their ammunition

a) Implementation of the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons

Following the successful outcome of the Fourth Biennial Meeting of States (BMS) on the UN Programme of Action (UN PoA), held in June 2010, the EU focused its efforts to ensure the adoption of a balanced UN General Assembly Resolution on "The illicit trade in SALW in all its aspects", adopted in December 2010 by an overwhelming majority of votes. The adoption of the resolution represents a further step in the implementation of the UN PoA.

The EU activities also focused on the preparation of the OEMGE, in particular on the themes, format and possible outcome of this meeting. Initial strategic discussions with a view to the EU position for 2012 Review Conference of the UN PoA commenced in the second half of 2010.

As part of its general support to the UN PoA and with a view to the 2012 Review Conference of the Programme, the EU continued preparations for the adoption of a new Council Decision in support of the UN PoA. The Council Decision, to be adopted in 2011 and to be implemented by the Conventional Branch of UN Office for Disarmament Affairs (ODA), will include the following activities:

- the promotion of the implementation of the UN Programme of Action on SALW both at global and regional levels through the organization of a series of regional seminars between 2010 and 2012;
- the support to the implementation of the International Tracing Instrument (ITI), by providing training-of-trainers courses on the ITI for countries in West Africa, and by setting up marking facility and expertise in countries of the region lacking such equipment;
- the support to the completion of UN technical guidelines for ammunition stockpile management, and their implementation in particular in the Great Lake region and in Latin America.

b) Arms Trade Treaty

The EU remains fully committed to the Arms Trade Treaty (ATT) process that should lead to the conclusion of a legally binding instrument establishing common international standards for the import, export and transfer of conventional arms. The UNGA Resolution A/RES/64/48 on the ATT, adopted in 2009, provides for a mandate for the 2012 UN Conference to negotiate an Arms Trade Treaty. The works of the UN Conference will be based on the recommendations made by the Preparatory Committee, due to meet five times before the convening of the Conference.

The **first two sessions of the Preparatory Committee on ATT (12-23 July 2010 in New York)** were characterized by a high level of engagement by most UN Member States and by substantial discussions on the structure and main elements of an ATT, namely its scope, parameters, and implementation and application. Other related issues, such as transparency and international cooperation, were also addressed by the PrepCom. The EU actively participated in the consultations, delivering substantial statements under each thematic issue, and conducting consultations with several key players in the process.

In the follow-up to the July meeting of the Preparatory Committee, the EU continued to coordinate its negotiating position with a view to the next sessions of the Preparatory Committee in March and July 2011. Consultations were held with third countries with a view to seeking broad support for an ATT.

The commitment of the European Union to promoting a future ATT vis-à-vis third states is also testified by the swift commencement of the **implementation of Council Decision 2010/336/CFSP promoting the process leading towards an Arms Trade Treaty among third countries**. The Council Decision in support of the ATT process is being implemented by the United Nations Institute for Disarmament Research (UNIDIR) and consists of seven additional regional seminars, focusing on the political aspects of an ATT and on the technical features of export control systems on conventional arms. The implementation of the Council Decision was officially launched through a side event organized on 21 July 2010 in the margins of the PrepCom. The second half of 2010 also saw the organization of two regional seminars for Central and Southern Asia, held in Kathmandu, Nepal, on 10-12 November 2010, and for Central, Western and Northern Africa, held in Casablanca, Morocco, on 8-10 December 2010.

c) Implementation of the UNTOC Protocol against the Illicit Manufacturing of and Trafficking in Firearms

In the second half of 2010, the EU started the preparation of a new project through the Instrument for Stability to prevent and counter trans-national illicit trade in firearms by promoting the ratification and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their parts and Components and Ammunition, supplementing the United Nations Convention Against Trans-national Organized Crime. The project will also include capacity building activities in support of law enforcement agencies and civil society organisations, in Latin America, the Caribbean and West Africa. The project will be implemented by the United Nations Office on Drugs and Crime (UNODC).

The project activities will focus on:

- (1) adherence to the Firearms Protocol and support to States Parties' ratification and implementation efforts;
- (2) strengthening capacity in the field of law enforcement, investigation and prosecution;
- (3) data collection and international cooperation;
- (4) strengthening civil society participation and oversight in the establishment of effective firearms control regimes, and
- (5) addressing urban gang violence related to illicit trade in firearms (pilot project).

d) Export controls

The EU continued to strongly encourage and contribute to further progress in strengthening controls on the licit transfer of conventional weapons, including SALW and their ammunition. Pursuant to Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, Member States continue to apply stringent licensing requirements on SALW exports. **Bosnia and Herzegovina, Canada, Croatia, the Former Yugoslav Republic of Macedonia, Iceland, Montenegro and Norway have officially aligned with the Common Position.**

The European Union also continues to attach great importance to the work in the context of the Wassenaar Arrangement.

The EU and Member States continue to support, through the dedicated **Council Decision 2009/1012/CFSP**, the strengthening of export controls and the promotion of the principles and criteria of the Common Position on Arms Exports among third countries through technical and practical assistance, inter alia in drafting national legislation and in interpreting and applying the criteria of the Common Position, as well as by promoting measures to improve coherence and transparency. In addition to outreach seminars in the beneficiary countries or regions, the new Council Decision provides for staff exchanges of up to one month of officials from beneficiary EU candidate countries to the relevant authorities of EU Member States, and visits of officials from EU Member States to the relevant authorities of beneficiary countries.

A regional seminar took place in Kiev, Ukraine, on 17-18 November 2010 to promote arms export controls among Eastern European and Caucasian partners of the European Neighbourhood Policy (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine).

e) Illicit trade in SALW by air

In the second semester of 2010, the EU continued to implement its initiative to hinder illicit trade in small arms and light weapons by air. The Council Decision 2010/765/CFSP on EU action to counter the illicit trade of SALW by air was adopted on 22 November 2010. The Council Decision, to be implemented by the Stockholm International Peace Research Institute (SIPRI), aims at improving tools and techniques, at the disposal of relevant crisis management missions, international and third countries' national authorities and EU Member States, to effectively screen and target suspect aircrafts likely to be involved in illicit trade of SALW via air. It also includes a series of outreach activities in Africa, South East Europe, and Eastern Europe, to promote the use of such innovative tools and techniques

f) SALW elements in future CSDP missions

Following the agreement found by EU Council bodies in the second semester of 2010, on the need to include a SALW element in the planning of future CSDP missions, the EU started considering the integration of SALW aspects in the CSDP context, and to reflect this in the activities undertaken by future missions.

III.2. SALW in the framework of political dialogue with third countries and regional organisations, SALW clauses

SALW was included in the agenda of a number of the EU's regular **political dialogues with third countries** and cooperation with regional organizations, including from Africa, America, Asia, Eastern and South East Europe, Gulf, and Middle East.

- a) As part of its support to the development of an **African Union Small Arms and Light Weapons Strategy (AU SALW Strategy)**, the EU actively participated in the meeting of the AU-REC (Regional Economic Communities) SALW Steering Committee. The latest AU-REC meeting, held in Lusaka on 25-27 August 2010, endorsed the principle of adopting the Strategy which will be submitted to the AU-REC Executive Council for formal adoption in early 2011. The meeting agreed on the principle of 'deconcentration' as one of the main concepts underpinning the strategy and its implementation. Once applied, such a principle would imply that the RECs would be in charge of implementing the Strategy, while the AU Commission will play a coordinating role. Upon the adoption of the AU SALW Strategy, three annexes are expected to be prepared and endorsed: i) a plan of action, ii) a resource mobilization paper and following a request by the EU, iii) a matrix bringing together all existing conventions/declarations/protocols.

At the AU-REC SALW Steering Committee meeting, the EU actively participated in relevant discussion on the finalization of the AU SALW Strategy, while also presenting its detailed position on the ATT process and promoting further discussion on this topic at African continental level.

- b) Following the first meeting of the **EU-China dialogue on SALW** in June 2010, the EU has continued to hold consultations with Chinese representatives on the ATT process and on the possibility to explore avenues of cooperation to prevent the illicit trade and excessive accumulation of SALW.

- c) The EU reinforced its **cooperation with Interpol** by providing support, through the Instrument for Stability, to the development of a database to collect data on lost/stolen arms. The database would provide a centralized tool for tracing and tracking of illegally possessed firearms and their flows. The database would initially cover the countries involved in the UNODC project in support of the Firearms Protocol (see point III. 1 c of this report). In the mid-term, the database would eventually cover all 188 Interpol Member States. The main expected results of the project are:
- (1) Establishment of an international system to report lost and stolen firearms available for 188 Interpol Member States;
 - (2) Stemming the flow of illicit firearms to criminals and to regions where firearms contribute to destabilization;
 - (3) Identification of illegal arms flows;
 - (4) Identification of firearms traffickers;
 - (5) Provision of direct international assistance for police in investigating crimes involving firearms.
- d) The EU also strengthened its **cooperation with the OSCE**, including through participation in SALW and conventional arms thematic discussions in relevant OSCE bodies. The EU and the OSCE also formally started considering the possibility of developing joint initiatives to support demilitarization and conventional arms controls efforts of OSCE Participating States.
- e) In line with the **Council Conclusions on the inclusion of a SALW element in agreements between the EU and third countries** adopted in December 2008, CODUN was informed about and discussed ongoing or planned negotiations of relevant agreements with Armenia, Azerbaijan, Brunei Darussalam, Canada, Georgia, Malaysia, Russia, Singapore, Thailand and Vietnam, where the inclusion of a SALW element is foreseen. During the second half of 2010, agreement was reached with Russia and Vietnam on the inclusion of a SALW clause in the respective agreements being negotiated with the EU. The main elements contained in the reference SALW article were also included in action plans and other joint documents negotiated between the EU and relevant third countries.

III.3 Specific EU project assistance to Third Countries and Regional Organisations

a) Ukraine

- I) The EU completed the implementation of **Council Decision 2005/852/CFSP for the destruction of small arms and light weapons (SALW) and their ammunition in Ukraine**, which had provided a contribution to the NATO Maintenance and Supply Agency (NAMSA) for equipment acquisition and SALW destruction in Ukraine within the framework of the first phase of a 12-year NATO Partnership for Peace (PfP) project. In addition to contributing to the acquisition of essential demilitarisation equipment, the EU grant also covered the processing costs for the destruction of 62,113 SALW. The EU is currently in the process of considering further support to Ukraine's SALW demilitarization efforts.

b) Western Balkans

- I) Following the adoption of a new **Council Decision 2010/179/CFSP in support of Southern Eastern and Eastern Europe Clearinghouse for the control of SALW (SEESAC)**, adopted on 11 March 2010, the following activities were supported by the EU:
- regional seminar on the marking and tracing of SALW in the Western Balkans (Belgrade, 14-15 September 2010);
 - beginning of works for improvement of safety and security of ammunition storage site in Montenegro;
 - beginning of awareness campaign in Croatia for collection of illicitly possessed SALW, including though the organization of several public events.

The Western Balkans countries, in particular Serbia, Croatia, Bosnia and Herzegovina, the Former Yugoslavian Republic of Macedonia, Montenegro, and Albania are the identified beneficiaries of the Council Decision.

II) In the framework of the Instrument for Stability, the EU continued in the second half of 2010 the implementation of a project in support of a United Nations Development Programme (UNDP) small arms control programme in Bosnia and Herzegovina. The project aims at the reduction of security risks posed by high levels and instability of obsolete ammunition and explosives through the upgrading of ammunition disposal capacities and the destruction of 8,000 tons of ammunition. It also aims at strengthening the work of the Bosnia and Herzegovina SALW Coordination Board and at supporting the national implementation of the Law on Arms, Law on Weapons and Military Equipment Movement Control and Law on Border Control. More specifically the following activities were supported in 2010:

- Development and adoption by the SALW Coordination Board of the Action Plan for 2010 for the implementation of the national Strategy for Small Arms and Light Weapons Control;
- Organization of two workshops in Mostar and the Brcko Districts with representatives of entity, cantonal ministries of interior and the Brcko District Police, concerning the harmonization of Laws on Weapons and their Alignment with relevant EU directives;
- Launching of an awareness raising campaign, based on communication materials and a guidebook on SALW challenges for teachers and school-age youth. The campaign is visible throughout Bosnia and Herzegovina, with strong messages to prevent the illicit use of weapons and raise awareness about its consequences;
- Organization of a workshop in Banja Luka with selected non-governmental organizations to strengthen the role and capacities of gender-oriented non-governmental organizations and gender institutional mechanisms on small arms control and gender issues.

III) The EU supported in 2010 the deployment for a duration of six months of an expert on small arms and light weapons issues in **Kosovo**¹, through its Technical Assistance and Information Exchange (TAIEX) instrument, with a view to the establishment of a Division on Small Arms for private use within the Ministry of Internal Affairs and the implementation of a law on weapons.

c) **Africa**

I) The EU continued to support **Regional Economic Communities** in Africa, through the European Development Fund, in their efforts to fight against the illicit accumulation of and trade in Small Arms and Light Weapons:

- The EU is currently supporting the **Economic Community of West African States (ECOWAS)** through technical assistance to the Small Arms Control Programme (ECOSAP). In 2010, activities comprised small arms surveys in Niger, Liberia and Sierra Leone, support to the elaboration of national action plans in Mali, Ghana or Cape Verde and to the development of specialized fora on inter-agency collaboration in Ivory Coast, Mali, Guinea and Sierra Leone.
- The EU continued to support the Economic Community of Central African States (ECCAS) through technical expertise to develop peace and security capacity of ECCAS, including in the field of SALW.

¹ Under UNSC resolution 1244/99.

- Under the Conflict Prevention and Management Resolution (CPMR) Programme, the implementation of the SALW programme in support of the East Africa Community continued through the conduct of activities aiming at strengthening the regional capacity to prevent arms trafficking and proliferation in the East and Southern African region. The main thrust of the activities focused on building the capacity of National Focal Points (NFPs), inter alia through specific training on stockpile management and arms related crimes investigations and through the support to the participation of the five EAC Partner States NFP coordinators in the Fourth Biennial Meeting of States (BMS4) in June 2010. The project also supported public arms destruction exercises in Tanzania and Burundi, providing arms marking machines, specialised vehicles and other equipment to the five EAC NFPs. Another activity undertaken in the framework of the project focused on cooperation with civil society in raising awareness on the impact of illicit SALW in pastoral lives and promoting adoption of alternative conflict-sensitive means of livelihoods. The project strengthened dialogue with regional platforms and civil society organizations, including by supporting their participation in the BMS4, as well as by facilitating advocacy on gender and peace and security. The project supported the process for the approval of the EAC SALW Policy and the EAC Peace and Security Protocol, along with engagement with the AU and the UN in various processes such as the preparation and finalisation of the African Union Small Arms and Light Weapons (AU SALW) strategy preparation and the APSA (African Peace and Security Architecture). The project also financed various trainings and exposures visits for EAC Peace and Security unit. In addition, the EAC completed a study on the analysis of security threats linked to the implementation of the EAC Customs Union, EAC Common Market and the EAC/COMESA/SADC tripartite agreement.

- II) In the framework of the Instrument for Stability, the EU continued implementation of a project to support the fight against illicit accumulation of and trade in firearms and ammunition in Africa, through the **Regional Centre on Small Arms and Light Weapons (RECSA)**, located in Nairobi. This project aims at supporting the Africa-EU strategic partnership in the fight against illicit trade and excessive accumulation of firearms and explosive materials by addressing the institutional and law enforcement aspects, targeting the capacity of regional and sub-regional organisations and focusing on effective application of existing instruments. Furthermore, parliamentarians and civil society awareness campaigns will be carried out in order to sustain governmental and intergovernmental efforts in the process. In 2010, three regional seminars were organized in Kenya, Uganda and Ghana to define with the RECs the basic elements and benchmarks for the successful and sustainable outcome of the project and for the establishment of functional key networks of experts that should provide for an effective cooperation among national and regional specialized agencies.
- III) The EU continued to address SALW-related issues in its cooperation with **Nigeria**. One of the objectives of the 10th EDF country strategic paper for Nigeria, signed on 19 November 2009, is to assist Nigerian authorities in their efforts to support stability and establish a secure environment both inside and outside the country under the rule of law, within which national, regional and continental development aspirations, including the Millennium Development Goals (MDGs), could be attained. In this context, measures to upgrade the technical competence of the specialised agencies dealing with organised crime and small arms issues and strengthening the investigative and forensic capacity of the ordinary police have been included in the Country Strategic Paper. These projects could be launched in 2011.

d) **Central America**

- I) The EU pursued implementation of a project financed through the Instrument for Stability and managed by the **Central American Small and Light Weapons Control Programme (CASAC)** to support the fight against illicit trade in firearms and ammunition in Central America and neighbouring countries, including the Caribbean region. The project as such is structured into two levels: on the one hand, it concentrates on Central America including the participation of Mexico and Colombia in the CASAC Programme and, on the other hand, it creates a trans-regional space for the exchange of regional experiences with emphasis on generating information and improving and creating capacities within the border and customs zones. The EU is currently considering follow-up actions to this initiative.
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