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NOTE

From :	General Secretariat
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Subject :	Eighth Progress Report on the implementation of the EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition - (2009/II)

Delegations will find enclosed the Eighth Progress Report on the implementation of the EU Strategy to combat Illicit Accumulation and Trafficking of SALW and their Ammunition (2009/II), as endorsed by the Council on 8 December 2009.

**Eighth Progress Report on the implementation of the EU Strategy to Combat Illicit
Accumulation and Trafficking of SALW and their Ammunition - (2009/II)
as endorsed by the Council on 8 December 2009.**

I. EXECUTIVE SUMMARY

During the second half of 2009, the EU continued to promote the issue of Small Arms and Light Weapons in all multilateral fora and in its political dialogue within the framework of relevant international instruments, such as the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms.

The EU continued to support demilitarization efforts in the field of SALW, in particular through Council Decision in support of SEESAC which is scheduled to be adopted before the end of the year, aiming at improving stockpile management, reduce stockpiles and strengthen SALW controls through the implementation of the International Marking and Tracing Instruments in the Western Balkans.

In view of the 2010 Biennial Meeting of States on the UN Programme of Action (UN PoA) and in the run-up to the 2012 Review Conference, the EU has started discussion with the Conventional Branch of UN ODA on possible projects in support of the full implementation of the UN PoA, that would also include actions in support of the International Marking and Tracing Instruments. A Council Decision is expected to be adopted in the first months of 2010.

The EU also continued to support the fight against the illicit trafficking of firearms and ammunition in Central America with a contribution to a project of the Central American Small and Light Weapons Control Programme (CASAC) which started on 1st of March 2009. Furthermore, the European Union will support an ambitious project in Africa which is planned to start in December 2009, inter alia to support the Africa-EU strategic partnership on Peace and Security through the Regional Centre on Small Arms and Light Weapons (RECSA) located in Nairobi.

The Working Party on Global Disarmament and Arms Controls (CODUN) held a specific session dedicated to Small Arms and Light Weapons, in which progress on on-going projects was assessed, including presentations from research institutes and possible project partners. Delegations also exchanged views on future projects and on the way forward.

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 delegates have been fully associated to the ongoing negotiations of relevant agreements with Brunei Darussalam, China, Iraq, Libya, Mongolia, Philippines, Russia, Singapore, South Korea, Thailand and Vietnam, where a SALW element is being negotiated or has been recently agreed.

The EU also continued to work towards the establishment of a dedicated EU-China dialogue on SALW, that could foresee specific joint initiatives to tackle the illicit trade of SALW and their ammunition.

The last seminar under Council Joint Action 2008/230/CFSP on support for EU activities in order to promote the control of arms exports and the principles and criteria of Common Position 2008/944/CFSP on the control of arms exports took place in Tbilisi on 27 and 28 October 2009. The Working Party on Conventional Arms Exports (COARM) finalised a draft Council Decision, *to be* adopted by Council on 14 December 2009, to follow up on Joint Action 2008/230/CFSP.

The EU also 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. At the 64th session of the UNGA First Committee and during the July 2009 seminar of the OEWG, EU Member States actively participated in the debate, substantially contributing to the thematic expert discussions on the content of a future ATT. All EU MS voted in favour of the new UNGA resolution that foresees the convening of an International Conference to adopt an Arms Trade Treaty in 2012. The resolution was supported by 153 UN Member States, which 19 abstained and one voting against. The EU also continued to engage and encourage third countries to support the process.

The commitment of the European Union to promoting a future ATT vis-à-vis third states was also testified by the implementation of the Council Decision 2009/42/CFSP promoting the process leading towards an Arms Trade Treaty among third countries. The technical implementation of the Council Decision, entrusted to the UN Institute for Disarmament Research (UNIDIR), continued also during the second semester of 2009. During the second half of 2009, three regional seminars covering respectively the Middle East, Asia, and Southern and Eastern Africa were held in Amman on 28-29 July 2009, Kuala Lumpur on 13-14 October 2009 and Addis Ababa on 10-11 December 2009, with a good level of participation.

During the second semester of 2009, CODUN also continued to implement the EU initiative to hinder illicit trafficking of small arms and light weapons by air transport, launched in 2007. A new study on SALW proliferation by air in sub-Saharan Africa was produced by SITCEN on the basis of the contributions received by Member States.

II. INTRODUCTION

This eighth progress report on the implementation of the SALW Strategy covers EU activities during the second half of 2009. As in the past, it has been prepared by the General Secretariat of the Council/Office of the HR's Personal Representative on non-proliferation, in cooperation with the European Commission services.

During the Swedish Presidency a specific meeting of the Working Party on Global Disarmament and Arms Controls (CODUN) focused on the issue of SALW and their ammunition. This meeting, held on 26 November 2009, allowed for better coordination and coherence with regard, in particular, to project work and technical cooperation under the various EU funding instruments. Representatives from Saferworld, African Union Commission, SIPRI made a presentation to inform Member States on possible areas for future cooperation.

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

- The EU continued its support for the implementation of the UN Programme of Action on SALW which remains the basis for efforts undertaken at the global level. In preparation for the next meeting in 2010 of the Biennial Meeting of States and of the Review Conference of 2012, the EU continued to promote the full implementation of the UN Programme of Action on SALW in its relations with third countries. During this inter-sessional period, CODUN delegates also started to explore specific actions and projects to be developed in synergy with UN ODA and other donors to reinforce and improve the implementation of the most relevant international instrument in the field of SALW. A Council Decision in support of UNODA is to be adopted during the first months of 2010 and will include actions in support of the full implementation of:

- the Un PoA at regional and global level;
- the International Marking and Tracing Instrument,
- technical guidelines for the management of Conventional Arms Ammunition Stockpiles.

b) Export controls

- The EU continued to give strong encouragement to progress in strengthening controls on the licit transfer of conventional weapons, including SALW and their ammunition. In the context of the Working Party on Conventional Arms Exports, Member States report on how the **Common Position 2008/944/CFSP is implemented in their national legislative frameworks; Bosnia and Herzegovina, Canada, Croatia Iceland, Montenegro and Norway have officially aligned with the Common Position.**

In line with the EU policy of transparency on arms exports, and in implementation of Article 8 of Common Position 2008/944/CFSP; on 8 October Council noted the 11th EU annual report on arms exports (OJ "C" 265 of 6 November 2009).

The European Union also continues to attach great importance to the efforts made under the Wassenaar Arrangement.

- The EU and Member States continue to support, through the dedicated **Council Joint Action 2008/230/CFSP**, the strengthening of export controls and the promotion of the principles and criteria of the Code of Conduct on Arms Exports (now Common Position) among third countries through technical and practical assistance, inter alia in drafting national legislation and in interpreting and applying the criteria of the code, as well as by promoting measures to improve coherence and transparency. In this framework, the final seminar under the Joint Action took place in Tbilisi on 27 and 28 October 2009. The Seminar organised by the Swedish Presidency, was for the benefit of the Eastern European and Caucasian partners of the European Neighbourhood Policy (Armenia) Azerbaijan, Belarus, Georgia and Moldova).

The Working Party on Conventional Arms Exports (COARM) agreed that it would be useful to continue outreach activities towards the beneficiaries of the above Joint Action, and finalised an appropriate draft Council Decision, *to be* adopted by Council in December 2009. 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 countries, and visits of officials from EU countries to the relevant authorities of beneficiary countries.

c) ATT

The open-ended working group (OEWG) established in order to facilitate further consideration on the implementation of the recommendations of the 2008 UN Secretary General's report on ATT, met twice in 2009 in March and July.

The EU has also been in the front line of the ATT process in 2009. EU Member States unanimously supported the new UNGA draft resolution on ATT, adopted during the **64th session of the UNGA First Committee** in October 2009. The resolution supported by an overwhelming majority of UN States contains the decision of convening an International Conference on ATT in 2012 which will be prepared by five Preparatory Committees to be held between 2010 and 2012.

The EU also continued to engage and encourage third countries present at the session to support the process.

During the **second session of the OEWG**, held in New York on 13-17 July 2009, EU Member States actively participated in the work of the Working Group. Opening and closing EU statements were delivered, while several EU MS substantially contributed to the thematic discussions on the scope, principles and parameters of an ATT. The EU fully supported the adoption of the procedural report of the OEWG first two sessions, recognizing the need to take international action to address the problems relating to the unregulated trade of conventional weapons and their diversion to the illicit market.

EU coordination ahead of these international events was ensured by discussions in CODUN and COARM working groups.

The commitment of the European Union to promoting a future ATT vis-à-vis third states was also testified by the continued implementation of the Council Decision 2009/42/CFSP promoting the process leading towards an Arms Trade Treaty among third countries, adopted by the Council in January 2009. The objective of the Council Decision is to increase the awareness by national and regional actors, United Nations Member States, civil society and industry, of the current international discussions around an ATT, and to foster debate among United Nations Member States, particularly among those who were not part of the GGE.

During the second half of 2009, three regional seminars covering respectively the Middle East, Asia, and Southern and Eastern Africa were held in Amman on 28-29 July 2009, Kuala Lumpur on 13-14 October 2009 and Addis Ababa on 10-11 December 2009, with a good level of participation. The level of participation in the seminars was very good both in qualitative and quantitative terms. These events provided participants with the opportunity of acquiring a deeper knowledge of the issues addressed by a future ATT, and to discuss specific regional questions in preparation of the UN debate on ATT.

A side-event was also held in the margins of the UNGA First Committee on 20 October 2009, to present to UN MS the preliminary results achieved during the first four seminars foreseen by the Council Decision.

d) Illicit trafficking of SALW by air transport

During the second semester of 2009, CODUN also continued to implement the EU initiative to hinder illicit trade of small arms and light weapons by air transport, launched in 2007. CODUN and SITCEN delegates discussed in several meetings possibilities to enhance the impact of the initiative and the network of Member States' focal points. A new study on SALW proliferation by air in sub-Saharan Africa was produced by SITCEN on the basis of the contributions received by Member States. The study represents a confidential document and is to be used by relevant authorities in Member States as a tool to prevent the illicit trade of SALW by air .

III.2. SALW in the framework of political dialogue, cooperation with regional organisations, SALW clauses

- SALW was included in the agenda of a number of the EU's regular **political dialogues** with third countries, including from America, Middle East, Gulf, Easter and South-Eastern Europe.
- The EU also continued to work towards the establishment of a dedicated EU-China dialogue on SALW, that could foresee specific joint initiatives to tackle the illicit trade of SALW and their ammunition. The issue was most recently discussed during an expert Troika meeting in New York on 12 October 2009. A dedicated SALW experts meeting between the EU and China should be convened in the months to come.

- Enhance capacity building, networking, cooperation and exchange of information on SALW, as well as the fight against illicit trafficking. In this respect:
- In view of the development of an African Small Arms and Light Weapons Strategy by December 2009, the EU supported the African Union to fund an AU identified expert tasked to prepare the basic elements of a draft Strategy. The draft Strategy should be submitted to the ad hoc Steering Committee of the African Union with a view to a formal adoption by the African Union in 2010.
- AUC and EU organised a joint seminar in Rome (7-9 October 2009) on SALW and conventional disarmament issues addressing all aspects of disarmament including through Peace Support Operations.
- the EU and the Swedish Presidency organised in July 2009 a seminar which identified priorities for the fight against weapons trafficking in the Western Balkans. The event involved experts from all countries of the region. The seminar was a good opportunity to share practical experience among the participants about challenges the countries face in this area.

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 delegates have been informed about and discussed ongoing negotiations of relevant agreements with Brunei Darussalam, China , Libya, Mongolia, Philippines, Russia, Singapore, Thailand and Vietnam, where a SALW element is to be foreseen. During the second half of 2009, agreement was reached with South Korea and Iraq on the inclusion of a SALW clause in the respective treaties being negotiated with the EU.

A negotiating mandate for a framework agreement with Moldova has been recently adopted and negotiations are planned to start soon. Reference to the SALW element will be included in these mandates.

The main elements contained in the reference SALW article have also been included in the relevant parts of political documents such as action plans established between the EU and third countries.

III.3 Specific EU assistance to Third Countries

a) Ukraine

Under **Council Decision 2005/852/CFSP**, the EU committed to providing €1 million to the NATO Maintenance and Supply Agency (NAMSA) for equipment acquisition and SALW destruction in Ukraine, as a contribution during the first phase of a 12-year NATO Partnership for Peace (PfP) project. While first phase of the project aimed at for the destruction of 400 000 SALW, 1 000 MANPADs and 15,000 tons of ammunition in **Ukraine**, SALW and ammunition destruction has been slowed down since the totality of 400,000 SALW previously earmarked for destruction were not made available by the relevant Ukrainian authorities. To date 130,000 SALW have been destroyed.

During 2009, CODUN delegates repeatedly discussed the state of implementation of the project. The EU had also been in contact with Ukrainian authorities, including through dedicated troika meetings in the first half of 2009.

Following a series of demarches, the Ukrainian authorities adopted in July 2009 the necessary decision to resume SALW and ammunition destruction in Ukraine, within the framework of the NATO Trust Fund PfP project. This is expected to result in the additional destruction of 54 500 SALW and 6 000 tons ammunition. Within the framework of the Council Decision mentioned above, the EU contributes to the resumed destruction of the additional 54 500 SALW, thus ensuring effective use of funds allocated.

b) Kosovo

The European Commission supported the deployment of EU expertise on small arms and light weapons issues, notably in Kosovo¹, through its TAIEX instrument.

b) Western Balkans

The EU continued to support demilitarization efforts in the field of SALW, in particular through the preparation of a new Council Decision in support of Southern Eastern and Eastern Europe Clearinghouse for the control of SALW (SEESAC). The activities foreseen by the Council Decision aim at:

- improving the management and security of unsafe and unstable stockpiles of weapons and ammunition;
- reducing the available stockpiles of weapons and ammunition through destruction activities, and
- implementing international and national instruments on marking and tracing in the Western Balkan countries.

The Western Balkans countries, in particular Croatia, Serbia, Bosnia and Herzegovina and Montenegro are the identified beneficiaries of the Council Decision. Implementation of the activities by SEESAC will start in 2010.

d) Central America

The EU-funded project (EUR 1 million, Instrument for Stability) managed by the Central American Small and Light Weapons Control Programme (CASAC) to support the fight against the illicit trafficking of firearms and ammunition in Central America and neighbouring countries has started on 1 March 2009 for a period of 24 months.

¹ Under UNSC resolution 1244/99.

The specific objectives are to:

- Ratify and fully implement international, regional, and trans-regional arms control instruments;
- Build capacities and strengthen national and regional institutions and state agencies responsible for the control of SALW, as well as develop a system for information exchange and improve borders and customs control;
- Strengthen and increase the capacities of civil society organizations to promote arms control;
- Strengthen and implement a trans-regional process for SALW controls.

e) Africa

The EU-funded project (EUR 3.3 million, Instrument for Stability) to support the Africa-EU strategic partnership in the fight against illicit accumulation and trafficking of firearms and ammunition through the Regional Centre on Small Arms and Light Weapons (RECSA) is due to start in December 2009 for a period of 36 months. The project addresses 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 also be carried out in order to sustain governmental and intergovernmental efforts in the process. The specific objectives of the project are to:

- raise awareness and knowledge of relevant institutional and civil society actors on the legislative and institutional aspects of the fight against the illicit accumulation and trafficking of firearms with a view to foster the role, or the establishment where they are not in place, of National Focal Points and to develop and/or implement of National Action Plans (NAPs);
- strengthen the African Regional Police Chiefs Organisations (RPCOs) and the capacity of and cooperation between national, regional and continental law enforcement agencies to fight cross-border illicit trafficking in firearms and ammunition.
- initiate the enabling process for the AU to establish an African Police Coordination body through the RPCOs so as to achieve better crime management in the continent through shared experiences and training.