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Subject :	Seventh Progress Report on the implementation of the EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition - (2009/I)

Delegations will find attached the Seventh Progress Report on the implementation of the EU Strategy to combat Illicit Accumulation and Trafficking of SALW and their Ammunition (2009/I) as endorsed by the Council on 15-16 June 2009.

**Seventh Progress Report on the implementation of the EU Strategy to Combat Illicit
Accumulation and Trafficking of SALW and their Ammunition - (2009/I)
As endorsed by the Council on 15-16 June 2009**

I. EXECUTIVE SUMMARY

During the first 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 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.

Following the adoption in December 2008 of Council Conclusions on the inclusion of a SALW element in agreements between the EU and third countries, CODUN delegates have been fully informed by the GSC on the ongoing negotiations of relevant agreements with China, Iraq, Libya, Philippines, Russia, Singapore, South Korea, Thailand and Vietnam, where a SALW element is or will be included.

The EU also agreed with China on 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.

Sweden, with the support of the Swedish International Peace Research Institute, the Czech Presidency of the Council of the European Union, as well as the General Secretariat of the Council of the European Union organised a one-day expert meeting in May 2009 which focused on arms trafficking, illicit flows and destabilizing networks and the EU options for monitoring and control, with a focus on the EU initiative to counter the illicit trade of SALW via air transport.

The EU continued to give strong encouragement to progress in strengthening controls on the transfer of conventional weapons, including SALW and their ammunition. On 8 December 2008, the EU adopted the Common Position 2008/944/CFSP, that marks the formal successful conclusion of a review of the EU Code of Conduct on Arms Exports, ten years after its adoption. The Common Position sets another milestone in improving the EU's export control standards. Two seminars to promote the control of exports of conventional arms and the principles of the EU Code of Conduct on Arms Exports (now Common Position) for Ukraine and Western Balkans countries took place in Kiev, on 23-24 April 2008, and in Tirana on 3-5 June 2009 organised by the Czech Presidency within the framework of a Council Joint Action.

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. During the March 2009 session of the UN Open-ended Working Group, established to further discuss the scope, principles and parameters of a future ATT, EU Member States actively participated in the debate, substantially contributing to the thematic expert discussions on the content of a future ATT. 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 adoption by the Council in January 2009 of **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), started already in the first semester of 2009, with two regional seminars covering respectively Central, Northern and Western Africa, and Central and Latin America held in Dakar on 28-29 April 2009, and in Mexico City on 18-19 June 2009, with a good level of participation.

During the first 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.

II. INTRODUCTION

This sixth progress report on the implementation of the SALW Strategy covers EU activities during the first half of 2009. Like previous ones, 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 Czech 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 14 May 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 UN ODA made a presentation to inform Member States on possible areas for future cooperation.

Sweden, with the support of the Swedish International Peace Research Institute, the Czech Presidency of the Council of the European Union, as well as the General Secretariat of the Council of the European Union organised a one-day expert meeting in May 2009.

The meeting focused on arms trafficking, illicit flows and destabilizing networks and the EU options for monitoring and control, with a focus on the EU initiative to counter the illicit trade of SALW via air transport. EU MS experts, including CODUN and COARM delegates, had an opportunity to discuss and assess the ranges of tools the EU has developed to tackle the illicit trade of SALW and their ammunitions. In one of the sessions of the meeting, experts specifically analysed possible ways forward in the development of the EU initiative to fight SALW illicit trade via air transport, within the framework of the EU SALW Strategy.

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

III.1.1 International

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. Following the conclusion of the Biannual Meeting of States held in New York in July 2008, and in preparation for the next meeting in 2010, 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.

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. On 8 December 2008, the EU adopted the **Common Position 2008/944/CFSP**, that marks the successful conclusion of a review of the EU Code of Conduct on Arms Exports, ten years after its adoption. The Common Position sets another milestone in improving the EU's export control standards. 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, two outreach seminars for Ukraine and Western Balkans countries took place in Kiev, on 23-24 April 2008, and in Tirana on 3-5 June 2009 organised by the Czech Presidency within the framework of the Council Joint Action.

c) ATT

- Following the adoption in December 2009 of the UNGA Resolution " Towards an ATT" (with 147 votes in favour with all EU Members States among the 110 sponsors), an open-ended working group (OEWG) was established in 2009 in order to facilitate further consideration on the implementation of the recommendations of the Secretary General's report, established with the assistance of the GGE. In particular the OEWG should "*...during 2009, further consider those elements in the report of the Group of Governmental Experts where consensus could be developed for their inclusion in an eventual legally binding treaty on the import, export and transfer of conventional arms which provides a balance giving benefit to all, with the principles of the Charter of the United Nations and other existing international obligations at the centre of such considerations, and transmit an initial report from the working group to the General Assembly for consideration at its sixty-fourth session*".

During the **first session of the OEWG**, held in New York on 2-6 March 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 also continued to engage and encourage third countries present at the session to support the process. MS delegates also started discussing in CODUN and COARM working groups on the preparation for the next session of the OEWG to be held in New York on 13-17 July 2009.

- The commitment of the European Union to promoting a future ATT vis-à-vis third states was also testified by the adoption by the Council in January 2009 of **Council Decision 2009/42/CFSP promoting the process leading towards an Arms Trade Treaty among third countries**. The technical implementation of the Council Decision has been entrusted to the UN Institute for Disarmament Research (UNIDIR). The objectives 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. Such objectives are pursued by organizing six regional seminars, a side event on the occasion of the 64th session of the UNGA First Committee, a launch seminar and a wrap up seminar. During the first half of 2009, the launch event of the Council Decision was held in Geneva on 24 February 2009, with a significant turnout of participants from more than 70 missions of countries to the UN.

In addition, two regional seminars covering respectively Central, Northern and Western Africa, and Central and Latin America were held in Dakar on 28-29 April 2009, and in Mexico City on 18-19 June 2009. The level of participation in the seminars was very good both in qualitative and quantitative terms. Both 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 next OEWG sessions in July 2009.

d) Illicit trafficking of SALW by air transport

- During the first 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. CODUN and SITCEN delegates discussed in several meetings possibilities to enhance the impact of the initiative and the network of Member States' focal points. The state of implementation of the initiative was also thoroughly analyzed during the expert meeting on 13 May 2009, jointly organized by SIPRI, the Czech Presidency and Sweden.

III.1. SALW in the framework of political dialogue, Strategy papers and Action Plans

- SALW was included in the agenda of a number of the EU's regular **political dialogues** with third countries, including from Africa, Eastern Europe and South-Eastern Europe.
- The EU also agreed with China on 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 **Africa-EU Partnership and Action Plan** as a key process in the relations with Africa, is now being implemented. Under the Action Plan for Peace and Security a priority action is: Enhance capacity building, networking, cooperation and exchange of information on Small Arms and Light Weapons (SALW), Explosive Remnants of War (ERW) and Anti-Personnel Landmines (APM), as well as fight against illicit trafficking. In this respect, the following activities are envisaged:
 1. In view of the development of an African Small Arms and Light Weapons Strategy by December 2009, participation of the European Union in this process and engagement of African experts in the implementation of the EU funded project in support of law enforcement at pan-African level – through Research, Publications and Consultancy Coordination Office (RPCCO based in Ethiopia)'s activities.
 2. AU and EU, supported by Italy, to organise joint seminar on SALW and conventional disarmament issues addressing all aspects of disarmament including through Peace Support Operations in Rome in October 2009.
 3. AU and EU to facilitate in Egypt a joint workshop, on the eradication of ERW before the end of the year/before the next Troika meeting (2009).

- Following the adoption in December 2008 of **Council Conclusions on the inclusion of a SALW element in agreements between the EU and third countries**, CODUN delegates have been fully associated to the ongoing negotiations of relevant agreements with China, Iraq, Libya, Philippines, Russia, Singapore, South Korea, Thailand and Vietnam, where a SALW element is or will be included. Prior to the adoption of the Council Conclusions, a SALW article was successfully negotiated with Central American States, South Africa and Ukraine.

Negotiating mandates for framework agreements with Mongolia and Moldova are being or will be soon discussed in the relevant working groups. 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. Revised Action Plans have been recently negotiated with Ukraine and Brazil, while a Partnership Framework was successfully agreed with Australia. All these documents reflect the content and spirit of the SALW reference article.

III.1.3 EU assistance to Third Countries

Ukraine

Under **Council Decision 2005/582/CFSP** the EU provides EUR 1 million to the NATO Maintenance and Supply Agency (NAMSA) for the destruction of 400 000 SALW, 1 000 MANPADs and 15 000 tons of ammunition in **Ukraine**, as a contribution to the first phase of a 12-year NATO Partnership for Peace (PfP) Trust Fund. While the MANPAD part of this first phase of the project has been completed, SALW and ammunition destruction has been recently 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 the first semester of 2009, CODUN delegates repeatedly discussed the state of implementation of the project and started considering alternative options for EU contribution to the project. These include financing additional parts of the Explosive Waste Incinerator (EWI) needed to incinerate residues of destroyed ammunition.

The EU has been in contact with Ukrainian authorities, including through a dedicated meeting in Kiev in Troika format in April 2009, and during the CODUN/CONOP Troika with Ukraine in May 2009.

Central America

In the first half of 2009, the European Union has started one new activity under the long term component of the Instrument for Stability concerning Central America, and continued with a second in Bosnia-Herzegovina. This activity (EUR 1 million) supports the fight against the illicit trafficking of firearms and explosive material in **Central America** and neighbouring countries by helping improve the capacity of regional organisations in the fight against illicit trafficking of firearms and explosive material as well as national and local governments to respond to the SALW threats to human development. It foresees the elaboration of trans-regional analysis and national agendas; regional and trans-regional training to establish National SALW Commissions, implementation of international controls, risk analysis concerning the transfer and trafficking of SALW, fight against SALW trafficking; national initiatives for strengthening national coordination mechanisms and registry systems of participating countries, regional and national public awareness campaign and conferences. It will have duration of 24 months.

Bosnia-Herzegovina

Also under the long-term component of the Instrument for Stability, the European Union has continued to implement a small arms control programme in **Bosnia-Herzegovina**. The project aims at the reduction of development and security risks posed by high levels and instability of ammunition and explosives through the upgrading of ammunition disposal capacities; the destruction of 8,000 tons of ammunition; the reduction of ammunition storage and safeguarding requirements of the AFBiH in support of the defence reforms and completion of AFBiH personnel transition; and the support to improve the industrial productivity of BiH through job creation in demilitarisation facilities. The project (EUR 2.7 million) began in July 2007 and will be completed in December 2009. To date EUR 2.7 million has been disbursed to accomplish the destruction of all propellant material (March 2009) and 3,600 tons of ammunition. Demilitarization activities are ongoing.

Africa

A further activity is under consideration (EUR 3.3 million) with a view to enhancing capacity building **in Africa**, with specific regard to national law enforcement agencies, civil society and parliamentarians.