



Council of the
European Union

Brussels, 3 November 2022
(OR. en)

14269/22
ADD 1

LIMITE

CORLX 1024
CFSP/PESC 1470
COARM 224
CONUN 261

PROPOSAL

From:	High Representative of the Union for Foreign Affairs and Security Policy, signed by Mr Stefano SANNINO, Secretary-General
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
Subject:	Proposal of the High Representative of the Union for Foreign Affairs and Security Policy to the Council for a Council Decision in support of the development of an internationally recognised arms and ammunition management validation system (AAMVS) to prevent illicit proliferation - Project Document



PROJECT DOCUMENT

DEVELOPING AN INTERNATIONALLY RECOGNISED ARMS AND AMMUNITION MANAGEMENT VALIDATION SYSTEM (AAMVS) TO PREVENT ILLICIT PROLIFERATION

1. Background

There is a growing consensus, within the arms control community, of the central role of effective stockpile management in strengthening export control diversion prevention measures. In the working paper prepared for the seventh Conference of State Parties (CSP7) to the Arms Trade Treaty (ATT), the CSP7 presidency called on State Parties to “consider all aspects of stockpile management both before export authorisation and safe and secure storage post-delivery.” Moreover, and in addition to sharing information on illicit activities (ATT Articles 11 (5) and 15 (4)), he encouraged “importing and exporting states to agree to specific conditions and assurances concerning storage facilities, marking of items or end-user controls, before export.” Finally, and as a means of complying with Article 13 (2), the CSP7 presidency proposed that States Parties could report on measures taken to strengthen physical security and stockpile management (PSSM) as an indication of actions taken to prevent and address diversion.¹

Providing assurance, as described in the CSP7 Working Paper, in a third country’s stockpile management practices remains a challenge. The field is technical, and the information is treated as highly sensitive. This complicates information sharing efforts. In many sectors – private and public – conformity assessments are used to provide assurances in the efficacy, safety, and security of products and services. Conformity assessments provide internationally recognised methods for determining if the product or service complies with accepted norms and standards. While various international standards, guidelines and good practices for stockpile management and security exist, there currently is no internationally recognised methodology to provide assurances on a third country or end-user’s capabilities in preventing diversion (ATT Article 11(1)) in their arms and ammunition stockpiles.

Against this backdrop, since 2020, the European Union (EU) has been exploring the possibility of establishing an internationally recognised system to validate arms and ammunition policy and practice at the state and end-user levels. Through adoption of the Council Decision (CFSP) 2020/979 and amended by the Council Decision (CFSP) 2021/2075, the EU tasked the Ammunition Management Advisory Team (AMAT) of the Geneva International Centre for Humanitarian Demining (GICHD) with the project of “Developing an internationally recognised arms and ammunition management validation system (AAMVS) to prevent illicit proliferation and accidental explosions”. This was a multi-year endeavour, divided into concrete phases with dedicated objectives and outputs.

¹ CSP7 President draft Working Paper: Strengthening efforts to eradicate the illicit trade in small arms and light weapons and ensure efficient stockpile management.

The first phase (CFSP 2020/979) sought to examine the feasibility of creating an internationally recognised validation system of Small Arms and Light Weapons (SALW) and ammunition management practices. The feasibility of the system was assessed along seven categories: technical, political, legal, economic, military security, community safety and security, and timeliness. The study found that while there were no 'red flags' preventing the development of such a system, the political willingness of stakeholders to participate in such a system would ultimately rest in the final design. Stakeholders therefore could not commit until the questions about the final design of the system were clear.

The second phase (CFSP 2021/2075) sought to develop the assessment tool that would serve as the foundation of the system and to define suitable options for the AAMVS. A self-assessment tool was created and potential options for a validation system were explored. The project ended with a recommended approach to developing an operational AAMVS.

What is the AAMVS?

Information on the general state of the arms and ammunition management practices are of interest to multiple stakeholders, both domestic and foreign. For example, export control authorities could strengthen their diversion risk assessments conducted prior to authorisation of an export licence by improving their analysis of the post-delivery storage phase, while international cooperation and assistance provision can better target needs from analysis of the current capabilities.

The AAMVS is designed to facilitate the exchange of information on the capacity of end users to maintain safe and secure stockpiles. It does this by assessing the structure capabilities of an end users' management system against internationally recognised best practices found in the International Ammunition Technical Guidelines (IATG) and Modular Small-arms-control Implementation Compendium (MOSAIC).

At the core of the AAMVS are the tools developed during the implementation of Council Decision (CFSP) 2021/2075. A standardised self-assessment, one of the principal outputs developed during the implementation of CFSP 2021/2075, provides a methodology that analyses the sophistication of the management system framework as defined in the capability enabling lines outlined in IATG 01:35. This self-assessment is paired with a back-end guidance document guiding the interpretation of the results. The tool by itself can serve as a bilateral exchange of information tool on the general state of arms and ammunition management practices by armed forces.

The AAMVS becomes a 'system' when the tool becomes commonly used throughout an organisation to support the common needs. Organisations comprised of Member States with common export control requirements, importing regulations, capacity building goals or monitoring needs of instrument implementation are prime candidates for benefiting from creating a system. In each case, a common platform further facilitates the exchange of information. The standardised assessment could be used to serve the needs of multiple stakeholders. A self-assessment could be valid for multiple years, thus permitting already authorised analysis to be shared with approved stakeholders. This could reduce the reporting burden on the end user, while increasing the efficiency of export control officials' ability to access information on post-delivery storage conditions of potential importing end user, during the pre-authorisations phase.

There are multiple options for creating an AAMVS system. This allows an organisation to tailor the system to its particular needs. Certain organisations may benefit from the creation of a validation system, where one standardised determination can be shared among authorised users. Other organisations may find a validation problematic and therefore may choose less specific information sharing options. Determining which features are acceptable to each organisation will be key in the development of AAMVS systems.

Building on the above-mentioned outputs and findings, Phase III of the project will focus on furthering the development of the AAMVS. A regional approach for development of validation systems will be adopted – with a focus on identifying and building on existing regional organisational structures and mechanisms for information sharing and development of tailored methodologies and tools for validating national arms and ammunition management systems (including through development of a self-assessment tool and corresponding guidance for carrying out the assessment and interpreting assessment results).

2. Technical approach

This project will set to develop independent Arms and Ammunition Management Validation Systems (AAMVS) within existing regional organisational structures. Each System will function independently and will build on the tools and methodological guidance developed during the implementation of Council Decision (CFSP) 2021/2075. The tool includes a standardised self-assessment methodology tailored to the context and standards of the region, an agreed validation or scoring process that can utilise the expertise from the region to analyse the self-assessment results, an information sharing platform to facilitate the transfer of certain information to authorised requesting authorities, and a small governance framework to maintain the sustainability of the system.

Through the implementation of this project, the EU would design, develop, test, and implement the first regional AAMVS system. The EU AAMVS would serve as a platform for Member States to share and access, in a standardised format, information on arms and ammunition management practices based on self-assessments conducted by end users in third countries. The EU would actively contribute to the design of all features of the system, utilising a network of experts within the EU and EU member states to advise on all areas of the design. The facilitation of the discussions with the network and the implementation of the design will be the responsibility of GICHD.

The EU's AAMVS would strengthen Working Party on Conventional Arms Exports (COARM), EU Member States' export control authorities and the European Peace Facility's (EPF) ability to analyse the post-delivery diversion and accidental explosion risks associated with arms and ammunition management system of an end user. This information would support their diversion risk assessments conducted prior to licensing authorisation. The AAMVS self-assessment could also support Working Party on Non-Proliferation (CONOP) and EU Member States' international assistance and capacity building processes by providing a standardised assessment on the adherence of the arms and ammunition management framework against international good practices. This would support the identification of weaknesses and needs, thus directing capacity-building efforts to where the resources are most needed.

This project will also sensitise other sub-regions to the AAMVS and the benefits of developing a standardised approach to assessing and sharing information on arms and ammunition management practices. The goal of this sensitisation is to encourage other regional organisations to develop tailored AAMVS systems and support the use of the self-assessment tool. This effort will build on the outreach efforts conducted during the implementation of Council Decisions (CFSP) 2020/979 and (CFSP) 2021/2075. If during the course of the sensitisation a regional organisation requests support in developing an AAMVS, the project could re-direct resources to support that effort.

3. Overall objectives

The primary aim of this project is to support efforts to ensure the safe and secure management of SALW and ammunition by improving the decision-making processes of stakeholders working in export control and international cooperation and assistance.

This goal will be achieved by increasing the transparency of SALW and ammunition management practices implemented by end users in a third country. With greater awareness of these practices, stakeholders will be able to make better decisions related to the authorisation of transfers and capacity building initiatives.

To achieve this goal, the project will work towards two main objectives:

- 1) Create an operational AAMVS System.
- 2) Encourage regional organisations and their Member States' efforts to develop their own AAMVS.

4. Description of activities

Objective 1: To create an operational AAMVS System

Year 1: Consolidate the AAMVS System framework

ACTIVITIES	OUTPUTS
<p>Establish an EU advisory network consisting of interested stakeholders who can provide expert advice on substantive and operational guidance on matters of EU policy and operations. These advisors will be called upon to provide input during the development stage of the EU AAMVS to ensure the system is fit for EU purposes. The GICHD Project Team will be responsible for implementing their advice. Efforts will be made to arrange for several in-person meetings throughout the year. The purpose of the advisory network is to ensure EU stakeholders take the lead in designing a system that fits their needs and working processes. The advisors will contribute to defining the following system features:</p> <ul style="list-style-type: none"> - draft policy for AAMVS operations and system oversight and maintenance; - review self-assessment tools for suitability and appropriateness for needs; - determine the appropriate entities to perform validation and oversight of the AAMVS implementation; - determine the type of information sharing to be allowed on the 	EU tailored and validated self-assessment tools.
	Framework document for EU AAMVS system with development strategy.
	Notes and correspondence taken from communications with EU advisory network.
	Web-platform development plan that includes design, development, testing and finalisation.

electronic platform and bilaterally.

Validate the self-assessment and validation analysis. The generic self-assessment tools developed during CFPS 2021/2175 need to be reviewed, tailored, and validated by the EU technical experts to ensure they are fit for the requirements of EU stakeholders.

Perform a technical validation of the self-assessment tools approved by the thematic experts (arms and ammunition management and export control).

Assess the web-design requirements for creating the information sharing platform. Based on the recommendations from the EU advisors, the assessment will determine the programming requirements to create the desired web platform.



OUTPUTS

Assessment report of self-assessment trial.

Separate training materials for performing self-assessment and validation.

Drafted policies and operating procedures for conducting validation and for system oversight mechanism.

A web-platform for sharing AAMVS information.

Notes with members for EU advisors.

Year 2: Testing to tools and system

ACTIVITIES

Test self-assessment tools in 3-third countries. The tests will consist of three features:

- support third countries and any actors (brokers, etc.) involved in

<p>their efforts to complete a satisfactory self-assessment;</p> <ul style="list-style-type: none"> - Assess the implementation challenges experienced by all actors involved have in completing the assessment and their concerns about information sharing; - draft an assessment report highlighting the challenges and lessons learned.
Design, test and validate the web-platform to the specifications outline by the EU advisory network.
Draft training materials and operating procedures to support efforts to complete the self-assessment, to standardise the validation process and guide the system oversight mechanism.
Draft policy documents for AAMVS operation and oversight.
Update EU advisory network on the status of the implementation and to discuss challenges and questions that arise.



Objective 2: Encourage other organisations to develop their own regional AAMVS.

Year 1: Introduce AAMVS to two regional organisations; continue to examine links with international instruments

ACTIVITIES
<p>Conduct outreach with two regional organisations and their Member States to promote the regional AAMVS concept.</p> <p>This will consist of up to three visits to the region. The first meeting with the regional organisation will be used to encourage the development of a regional AAMVS and, if desired, to start the planning of the next steps. A second meeting would include Member States and serve as an introduction to the system and the benefits. Follow-up meetings are expected to further</p>

OUTPUTS
<p>Regional organisations and Member States made aware of the EU's AAMVS system and the benefits of creating their own.</p>

encourage and plan the creation of a regional AAMVS.
Participate in meetings of regional and international arms control instruments.
This could include holding side events to or other events to promote the AAMVS and the development of the EU AAMVS.



Year 2 and 3: Introduce AAMVS to 2 regional organisations per year, continue to promote internationally

Note: in Years 2 and 3, the project plan has one variation depending on the outcome of the previous year's efforts to promote the AAMVS regionally. The original plan is to hold two regional outreach per year according to the format described in Year 1. However, if a regional organisation confirms a desire to implement the AAMVS, then AMAT will seek permission from the EU to redirect some of the resources to develop the AAMVS in the region requesting the system. This would result in the decrease in the number of regional organisations engaged per year, but potentially an increased number of states utilising and benefiting from the AAMVS framework.

5. Technical implementing agency

The Geneva International Centre for Humanitarian Demining (GICHD), through AMAT, will lead implementing agency for the project. Specifically, AMAT will spearhead the management and implementation of all activities of this project and will maintain responsibility over the budget and reporting. The AMAT team was similarly responsible for the management and implementation of the preceding Council Decisions ((CFSP) 2020/979 and (CFSP) 2021/2075).

AMAT intends to engage expert consultants to support different aspects of this project. Notably, experts in the fields of web development, conformity assessment and SALW management will be recruited to support the implementation of aspects of the project. These consultants will be selected through an authorised recruitment process.

6. Relevancy

This project, including its objectives, activities, and outputs, is aligned with multiple European Union strategies and political agreements.

The 2018 EU Strategy Against Illicit Firearms, Small Arms and Light Weapons and their Ammunition (SALW Strategy)

The 2018 SALW Strategy aims 'to guide integrated, collective and coordinated European action to prevent and curb the illicit acquisition of SALW and their ammunition..., and to promote

accountability and responsibility with regard to the legal arms trade'.² The 2018 SALW Strategy provides for specific actions on stockpile management and commits the EU to support cooperation and assistance for the implementation of the UN Programme of Action (PoA), including stockpile management; promote and implement standards and good practices for the handling of small arms (ISACS [now MOSAIC]) and ammunition (IATG).

An EU AAMVS would contribute to EU efforts to implement the 2018 SALW Strategy:

- Diversion prevention and the promotion of accountability within the legal trade of SALW is a stated objective of the AAMVS. The EU AAMVS can support diversion risk assessments conducted prior to export licence authorisations.
- The EU AAMVS can support the cooperation and assistance in the area of stockpile management by identifying weaknesses in the management system and by serving as a monitoring tool to track changes or improvements in practice.
- The self-assessment methodology promotes the implementation of MOSAIC and IATG as the standards to which the conformity assessment is measured.

The 2020-2025 EU Action Plan on Firearms Trafficking

The 2020-2025 EU action plan on firearms trafficking to address illicit trafficking within the EU and South-East Europe partners (Western Balkans, Moldova and Ukraine) acknowledges the need to increase stockpile security in South-East Europe and supports the Western Balkans region.³ The roadmap, which, among several goals, provides for increasing stockpile management security, advancing the regulations and monitoring of due compliance.⁴ Additionally, Action 4.3 requires encouraging better stockpile management in the Sahel region.

While the EU AAMVS does not have a regional focus, it can support efforts to identify structural weaknesses in the stockpile management practices of an end user. The self-assessment's methodology is particularly well suited for identifying shortcomings in the security regulations.

*The 2008 EU Common Position on Arms Exports (EU Common Position) and voluntary User's Guide to the Common Position*⁵

The EU Common Position's contains eight criteria which outline four sets of risks that Member States are required to treat as grounds for denying an export licence and four sets of factors that states are required to 'take into account' when assessing an export licence application. Criterion 7 refers to the 'existence of a risk that the military technology or equipment will be diverted within the buyer country or re-exported under undesirable conditions' as one a factor that the exporter should consider. The Common Position adds that the exporter, in assessing the risk of diversion, should consider, 'the capability of the recipient country to apply effective export controls'.

The User's Guide to the EU Common Position—which provides further but non-binding instructions on how to implement the provisions of this document—invites exporters to consider whether in the

² Council of the European Union, Council Conclusions on the Adoption of an EU Strategy Against Illicit Firearms, Small Arms and Light Weapons and their Ammunition, Brussels, 19 Nov. 2018, 13581/18, <<https://data.consilium.europa.eu/doc/document/ST-13581-2018-INIT/en/pdf>>.

³ European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions: 2020-2025 EU action plan on firearms trafficking, (note 30).

⁴ See Goal 7 of the Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of Small Arms and Light Weapons (SALW)/firearms and their ammunition in the Western Balkans by 2024', London, 10 July 2018, <<https://www.seesac.org/f/docs/publications-salw-control-roadmap/Regional-Roadmap-for-a-sustainable-solution-to-the.pdf>>.

⁵ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, (note 7).

recipient country (a) ‘stockpile management and security’ is ‘of sufficient standard (including MOSAIC and the IATG)’; and (b) whether there have been ‘known cases of problems with leaking stockpiles’.⁶

The User’s Guide refers to the importance of effective security and stockpile management not only in relation to the implementation of criterion 7 and the assessment of the risk of diversion but also in relation to the application of criteria 1 and 2 of the EU Common Position which cover respectively respect for the international obligations and respect for human rights and international humanitarian law. Particularly, the Guide considers the adherence to the standards envisaged by the UN PoA, including those covering stockpile management, relevant to assess the recipients’ respect for international obligation as per criterion 1.⁷ Further, the Guide refers to the presence of ‘adequate procedures’ for ‘stockpile management and security, including for surplus arms and ammunition’ and the presence of a problem in terms of ‘theft and leakages from stockpiles’ in the stated end-user’s country, as elements to be considered to assess the presence of a risk that the exported weapons may be used in violation of human rights or international humanitarian law as per criterion 2.⁸

The EU Common Position and User Guide also provide relevant guidance for information sharing, an important component of the AAMVS. Article 4 of the EU Common Position requires that member states exchange information on export licence denials and that they consult when considering approving a licence that was ‘essentially identical’ to one previously denied by another Member State. This provision is further strengthened by Article 7 of the EU Common Position which requires Member States to ‘reinforce their cooperation and to promote their convergence’ in the field of arms export controls by ‘exchanging relevant information’ not only on denials but also on arms export policies. The User’s Guide encourages Member States to share information within COARM and also through ‘the COARM online system, or, if the classification “Restricted” is deemed appropriate, COREU messages’. Information exchange should also cover information that may be useful to other Member States to prevent the risk of diversion.⁹

The EU Common Position provides clear links between established policy and the AAMVS. The link was established in the Council Decision (CFSP) 2020/979 and the EU AAMVS was specifically designed to support export control authorities’ application of criteria 7 of the EU Common Position by serving as a technical tool that can provide analysis of the safety and security measures implemented by a potential importing state. The methodology used is consistent with the User’s Guide guidance of assessing the standard against existing internationally accepted good practice. Article 4 of the Common Position also establishes a political justification for the information sharing component of the EU AAMVS.

EU Council Decision (CFSP) 2021/38 of 15 January 2021 establishing a common approach on the elements of end-user certificates in the context of the export of small arms and light weapons and their ammunition

The Council Decision 2021/38/CFSP establishing a common approach on the elements of end-user certificates (EUC) in the context of the export of small arms and light weapons and their

⁶ Council of the European Union, ‘User’s Guide to Council Common Position 2008/944/CFSP (as amended by Council decision (CFSP) 2019/1560), p. 129.

⁷ Council of the European Union, ‘User’s Guide to Council Common Position 2008/944/CFSP (as amended by Council decision (CFSP) 2019/1560), p. 24.

⁸ Council of the European Union, ‘User’s Guide to Council Common Position 2008/944/CFSP (as amended by Council decision (CFSP) 2019/1560), p. 58.

⁹ Council of the European Union, ‘User’s Guide to Council Common Position 2008/944/CFSP (as amended by Council decision (CFSP) 2019/1560), p. 159.

ammunition.¹⁰ The Decision includes two ‘optional elements’ for states to consider that are directly relevant to the AAMVS: (iii) to allow post-shipment on-site verification by the exporting state; (iv) to provide assurances demonstrating the end-user’s ‘capacity for safe and secure weapons and ammunition management, including its capacity for safe and secure management of the stockpiles where the goods will be stored can be considered in the EUC.

The AAMVS can include a post-delivery verification methodology to support the onsite verification of claims made in the self-assessment. This would provide an even greater level of assurance.

7. Communication and visibility strategy

AMAT will be required to take all appropriate measures to publicise that this project has been funded by the EU in line with the Communications and Visibility Requirements for EU External Actions 2018, published by the European Commission. The European Union's support will also be acknowledged in invitations and other documents that are shared with the participants of the various events. AMAT will ensure that the EU will be represented in events, where possible, that are supported under this Decision.

Specifically, the EU will be acknowledged as the leader of the project at all regional and international events where the AAMVS is presented. The EU AAMVS could serve as an excellent motivation for other regional organisations, so AMAT will encourage and support EU efforts to promote the tool at different arms control settings. EU representatives will be invited to provide remarks and the EU logo will be displayed in presentations and advertisements.

¹⁰ Council Decision (CFSP) 2021/38 of 15 January 2021 establishing a common approach on the elements of end-user certificates in the context of the export of small arms and light weapons and their ammunition, *Official Journal of the European Union*, L14/4, 18 Jan. 2021, <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D0038&from=EN>>.