



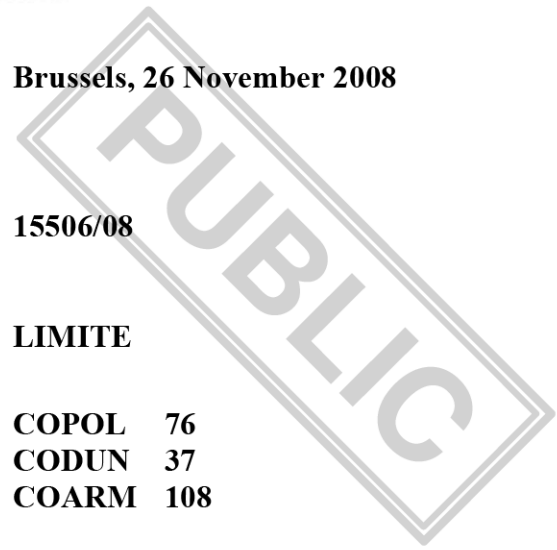
**COUNCIL OF  
THE EUROPEAN UNION**

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**NOTE**

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from : General Secretariat  
to : Permanent Representatives Committee / Council  
Subject : Draft Council Conclusions on the inclusion of a SALW article in agreements between the EU and third countries

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1. On 15-16 December 2005, the European Council adopted the European Union Strategy to combat illicit accumulation and trafficking of small arms and light weapons (SALW)<sup>1</sup>. The EU SALW Strategy stresses the importance of including SALW issues in the political dialogue the EU has with third countries. In particular, the Strategy explicitly mentions the possibility of inserting a specific SALW article in all agreements with third states.
2. Since 2005, the EU has been negotiating several SALW articles in the context of negotiations of agreements with third countries, at their request. Therefore, the inclusion of a SALW article in agreements between the EU and third states has taken place so far on a case-by-case basis and without a coherent policy, both in terms of the negotiating mandate and in terms of language.

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<sup>1</sup> Hereinafter EU SALW Strategy (doc. 5319/06).

3. In order to enhance the consistency of the EU's policy on SALW in its relations with third countries, the Disarmament Working Group started discussing Council conclusions that would contain the text of a SALW article to be used as a reference in future negotiations with third states.
  4. On 4 November 2008, the Disarmament Working Group reached an agreement on draft Council conclusions recommending the inclusions of a SALW article in agreements between the EU and third countries.
  5. On 21 November 2008, the Political and Security Committee endorsed a revised version of the Council conclusions.
  6. The Committee of Permanent Representatives is therefore invited to confirm the agreement on the draft Council conclusions as endorsed by PSC and to invite the Council:
    - to adopt, as an “A” item, the draft Council conclusions in Annex.
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**Draft Council conclusions**

The Council:

1. considers that the illicit manufacture, transfer and circulation of small arms and light weapons (SALW) and their excessive accumulation and uncontrolled spread constitute a serious threat to peace and international security;
2. stresses that the EU Strategy to combat the illicit accumulation and trafficking of SALW and their ammunition, adopted in 2005 in the framework of the European Security Strategy, continues to set the priorities and guidelines for the EU action in this field;
3. recalls the importance of countering the illicit supply and destabilising spread of SALW and their ammunition through the support to relevant national and international initiatives and norms, including the UN Programme of Action (UN PoA) to prevent, combat and eradicate the illicit trade in SALW in all its aspects and UNSC embargoes;
4. recalls the commitments undertaken under the above-mentioned EU Strategy on SALW to include the topic of SALW and its security aspects in the political dialogues between the EU and third countries and international, regional and sub-regional organizations and to use relations with third countries in this respect as part of an integrated approach to the European Union's external action, as it is already the case for other threats, such as WMD and terrorism;
5. notes that during recent negotiations of international agreements with third countries, and in particular negotiations of the non-proliferation of WMD standard clause, an increasing number of third countries required to complement this clause with a separate article addressing the illicit accumulation and trafficking of SALW, as part of an integrated approach to disarmament and arms control;

6. underlines the general need to include in the provisions relating to CFSP in all relevant international agreements with third countries<sup>1</sup>, a specific article on illicit accumulation and trafficking of SALW and their ammunition in order to ensure coherence and systematization in addressing SALW issues in the contractual basis between the EU and its Member states and third countries. To this end, the following text will be used as a reference in future negotiations:

### **SMALL ARMS AND LIGHT WEAPONS**

- I. The Parties recognise that the illicit manufacture, transfer and circulation of small arms and light weapons, including their ammunition, and their excessive accumulation, poor management, inadequately secured stockpiles and uncontrolled spread continue to pose a serious threat to peace and international security.
- II. The Parties agree to observe and fully implement their respective obligations to deal with the illicit trade in small arms and light weapons, including their ammunition, under existing international agreements and UN Security Council resolutions, as well as their commitments within the framework of other international instruments applicable in this area, such as the UN Programme of Action to prevent, combat and eradicate the illicit trade in SALW in all its aspects.
- III. The Parties undertake to cooperate and to ensure coordination, complementarity and synergy in their efforts to deal with the illicit trade in small arms and light weapons, including their ammunition, at global, regional, sub-regional and national levels and agree to establish regular political dialogue that will accompany and consolidate this undertaking.

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<sup>1</sup> Agreements, other than purely Community agreements, which contain provisions related to CFSP, as specified in Council document 14997/03, "*Fight against the proliferation of weapons of mass destruction - Mainstreaming non-proliferation policies into the EU's wider relations with third countries*", p. 2-3

7. with regard to the CFSP and pursuant to Article 18 of the Treaty on European Union, invites the Presidency, assisted by the SG/HR, to implement these conclusions, with the assistance and support of the relevant Council bodies. The Commission will be fully associated.
  
  8. recognizes that the present Council conclusions on CFSP aspects of small arms and light weapons (SALW) do not prejudice the competences that the European Community has on SALW related issues in the context of development cooperation.
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