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COVER NOTE

from : General Secretariat

to : Delegations

Subject : Sixth Progress Report on the implementation of the EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition - (2008/II)

Delegations will find attached the Sixth Progress Report on the implementation of the EU Strategy to combat Illicit Accumulation and Trafficking of SALW and their Ammunition (2008/II) as endorsed by the Council on 8-9 December 2008.

**Sixth Progress Report on the implementation of the EU Strategy to Combat Illicit
Accumulation and Trafficking of SALW and their Ammunition - (2008/II)
As endorsed by the Council on 8-9 December 2008**

I. EXECUTIVE SUMMARY

During the second half of 2008 the EU continued to promote the issue of Small Arms and Light Weapons in all multilateral fora and in its political dialogue with third countries in the aftermath of a successful Biannual Meeting of States to the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms which was held in New York from 14 to 18 July 2008. The EU was pleased that Biannual Meeting of States led to the adoption of a substantial report, the content of which genuinely provides for improving and strengthening the implementation of the UN Programme of Action. The remarkable work done by Lithuanian Ambassador Dalius Cekuolis, who chaired the meeting contributed to the success of the Biannual Meeting of States.

The Working Party on Global Disarmament and Arms Controls 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.

The Working Party on Global Disarmament and Arms Controls (CODUN) reached agreement at its level on the inclusion of a SALW element in agreements between the EU and third countries and on a reference text. Such text is now being submitted to PSC and COREPER with a view to approval by the Council.

The Madariaga Foundation (College of Europe), the Folke Bernadotte Academy Initiative, the French Presidency of the Council of the European Union, as well as the General Secretariat of the Council of the European Union/Policy Unit organised a two-day workshop in October which focused on the impact that the illicit trafficking of small arms and light weapons (SALW) have on peace and stability with a focus on Africa.

The EU continued to give strong encouragement to progress in strengthening controls on the transfer of SALW and their ammunition. This year the EU celebrates the tenth anniversary of the EU Code of Conduct on Arms Exports, which has made a significant contribution to that objective. A seminar to promote the control of exports of conventional arms and the principles of the EU Code of Conduct on Arms Exports for the North African Mediterranean partners of the European Neighbourhood Policy took place in Rabat on 18-19 December 2008 organised by the French Presidency within the framework of a Council Joint Action.

II. INTRODUCTION

This sixth progress report on the implementation of the SALW Strategy covers EU activities during the second half of 2008. 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 French 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 9 December 2008 allowed for better coordination and coherence with regard, in particular, to project work and technical cooperation under the various EU funding instruments. Representatives from SIPRI and UNDP made presentations to inform Member States on possible areas for future cooperation.

The Madariaga Foundation (College of Europe), the Folke Bernadotte Academy Initiative, the Presidency of the Council of the European Union, as well as the General Secretariat of the Council of the European Union/Policy Unit, and the European Peacebuilding Liaison Office organised a two-day workshop on October 16-17 within the framework of the two-year Programme "*Conflict Prevention in Practice*". The seminar focused on the impact that the illicit trafficking of small arms and light weapons (SALW) have on peace and stability with a focus on Africa. Its main purpose was to present and discuss policy options and practices, in order to strengthen the efforts made by the European Union and other actors to prevent violent conflicts by reducing the illicit trafficking of small arms and light weapons, in particular within the framework of the EU SALW Strategy.

Discussions centred on existing international and European commitments, their implementation and the practical mechanisms available to reduce the illicit trade of arms, focusing on means of transport and available instruments within the EU (i.e. EU Code of Conduct on Arms Exports), looking into issues such as trade flows, export control, air traffic control, links with organised crime and existing connections with UN embargoes.

III. IMPLEMENTATION OF THE ACTION PLAN CONTAINED IN THE 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. EU statements were delivered at the Biannual Meeting of States held in New York in July which produced a final report adopted by a vote forced by Iran which abstained together with Zimbabwe. The report genuinely provides for improving and strengthening the implementation of the UN Programme of Action and will guide future EU action in this area.

b) Export controls

- The EU continues to give strong encouragement to progress in strengthening controls on the transfer of SALW and their ammunition. This year the EU is celebrating the tenth anniversary of the EU Code of Conduct on Arms Exports, which has made a significant contribution to that objective. 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 the strengthening of export controls and the promotion of the principles and criteria of the Code of Conduct 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 code, as well as by promoting measures to improve coherence and transparency.
- The seminar for the North African Mediterranean partners of the European Neighbourhood Policy, planned under Joint Action 2008/230/CFSP to promote the control of exports of conventional arms and the principles of the EU Code of Conduct on Arms Exports, organised by the French presidency, took place in Rabat on 18-19 December 2008; it was attended by government officials involved in the arms export licensing process from the Algeria, Egypt, Libya, Morocco and Tunisia.

c) ATT

- EU Member States actively participated in the work of the Group of Governmental Experts (GGE) established by the United Nations Secretary General (seven EU member States were members). The EU continued to engage and encourage third countries to support the process. All Member States were among the 110 sponsors of the 63rd UNGA First Committee Resolution calling for the establishment of an open-ended working group 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. 147 states voted in favour of the resolution.
- Preparations within the competent Working Groups of the Council for a specific financial contribution to support the ATT process through a series of regional seminars and other outreach activities continued and led to the adoption by the Council of a Joint Action/Decision in December.

III.1.2 Regional

- The EU continued its support for the adoption within the OSCE, as standard elements, of the Wassenaar Arrangement's "Best Practices to Prevent Destabilizing Transfers of Small Arms and Light Weapons through Air Transport".

III.1.3 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 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 capacity building, networking, cooperation and exchange of information on SALW as well as the fight against their illicit trafficking. A dialogue has started on this at working level. Further action is envisaged.
- During the second half of 2008, the Working Party on Global Disarmament and Arms Controls (CODUN) continued its discussion on the systematic inclusion of a SALW element in legally-binding EU agreements with third countries. An agreement on the use of this element and on a reference text to be used during negotiations was reached in principle at CODUN level. The reference text is now being submitted to PSC and COREPER with a view to approval by the Council by the end of the year.

III.1.4 EU assistance to Third Countries

Under Council Decision 2005/582/CFSP the EU provides € 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. Implementation of the objective for the destruction of SALW and ammunition continues. Issues related to the implementation of the project have been discussed at the CONOP/CODUN Troika with Ukraine in October.

Also in **Ukraine** and concerning assistance to overcome the consequences of the Novobohdanivka ammunition depot explosions, the European Community committed € 80 000 for measures including development of clearance procedures and training. Through a short-term assistance project, the European Commission (through its Delegation to Ukraine) has been providing technical assistance to the Ministry of Emergency Situations of Ukraine. Assistance was aimed to develop inter alia National Standards for Explosive Ordnance Disposal Clearance Operations in Ukraine, in accordance with Ukraine legislation, international standards and best practices. This project was successfully completed in all its components in August. On the basis of the expertise acquired, Ukraine is expected to draft a National Plan specifically devoted to the issue of weapons and explosive ordnance destruction.

In the **Balkans**, the Commission initiated a €2.72 million project, funded as an exceptional assistance measure under Article 3 of the Instrument for Stability, to address the threats posed by explosive remnants of war (ERW) in Bosnia and Herzegovina. The project supports the strengthening of state institutions dealing with ERW, and the destruction of remaining ERW. Also for this region UNDP submitted a request for further assistance to SEESAC activities which would be considered by the competent Council Working Groups.

Latin America/ Caribbean. The implementation of the last phase of the ‘Training the Trainers and Database’ project in 2007 follows the adoption by the Council of Decision 2006/1000/CFSP, which provided for a final contribution of € 700 000 was completed.

The European Commission has identified two possible activities aimed at tackling the illicit trafficking of firearms and explosive materials, to be financed from the 2008 budget: the first (€2.3 million) to enhance capacity building **in Africa**, with specific regard to national law enforcement agencies, civil society and parliamentarians; the second (€2 million) to combat SALW proliferation **in Central America** through measures such as awareness raising and information exchange, strengthening and harmonisation of legislation, improving the capacity of governmental and non-governmental organisations to apply SALW controls, and support for the collection, safe storage and destruction of weapons.
