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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Draft Council Conclusions on an EU Position on combatting the illicit trade in Small Arms and Light Weapons, with a view to the Fourth Review Conference to review the Implementation of the UN Programme of Action on SAWL (New York, 18-28 June 2024)

Delegations will find attached the draft Council Conclusions on an EU Position on combatting the illicit trade in Small Arms and Light Weapons, with a view to the Fourth Review Conference to review the Implementation of the UN Programme of Action on SAWL (New York, 18-28 June 2024).

DRAFT

**COUNCIL CONCLUSIONS ON AN EU POSITION ON COMBATTING THE ILLICIT
TRADE IN SMALL ARMS AND LIGHT WEAPONS, WITH A VIEW TO THE FOURTH
REVIEW CONFERENCE TO REVIEW THE IMPLEMENTATION OF THE UN
PROGRAMME OF ACTION ON SALW
(NEW YORK, 18-28 JUNE 2024)**

1. The Council notes that illicit small arms and light weapons (SALW) and their ammunition continue to contribute to instability and armed violence, thwarting sustainable development and crisis management efforts, further destabilising entire regions, the States therein and their societies, fuelling armed violence and organised crime, and amplifying the impact of terrorist attacks. The Council is committed to prevent and curb the illicit trade in SALW and their ammunition and to promote accountability and responsibility with regard to their legal trade.
2. In line with the European Union (EU) input to the UN's Pact for the Future and the UN Secretary-General's A New Agenda For Peace, the Council notes the need to strengthen conventional arms control instruments and improve protection for civilians from the effects of these weapons, inter alia by promoting further compliance with international humanitarian law and human rights law and fostering the fight against proliferation of small arms and light weapons: 1) adopt regional and national roadmaps, targets and commitments, with appropriate means to track progress and mobilise international support; 2) build on the UN Programme of Action and available international tools and initiatives on tracing, capacity building to prevent diversion, and ensure effective stockpile management; 3) address new technology developments.
3. The Council considers the UN Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects (PoA) as the universal framework to counter the threat posed by illicit SALW and supports its full and effective implementation at national, regional, and global levels.

4. The Council welcomes the upcoming Fourth Review Conference in New York from 18 to 28 June 2024 (RevCon4) which represents an opportunity to review the progress of the implementation of the PoA. The Council considers that RevCon4 should have the ambition to ensure the relevance and increase the effectiveness of the PoA.
5. The Council recalls that on 17 October 2022 it adopted Decision 2022/1965/CFSP to support the full and effective implementation of the PoA and the International Tracing Instrument, enhance international, regional and national security, contribute to the realisation of human security, promote sustainable development through SALW control, and support gender-responsive SALW control policies and programmes, based on a thorough gender analysis.
6. The European Union (EU) supported substantive and inclusive preparations for RevCon4 in line with Council Decision 2022/1965/CFSP. Regional meetings provided a forum for participating States and respective regional organizations to identify region-specific SALW-related challenges and discuss regional priorities for RevCon4.
7. The EU will contribute constructively to a meaningful and concrete consensus outcome of RevCon4 while pursuing that the following key objectives are reflected in the Conference's outcome document:
- i. Recognise that the implementation of the PoA is supported by synergies with international instruments with similar objectives such as the Arms Trade Treaty and the UN Firearms Protocol, inter alia on reporting obligations and assistance and cooperation.

- ii. Welcome the adoption of the Global Framework for Through-life Conventional Ammunition Management. Recognise that the implementation of the PoA is complemented by the Global Framework in the prevention, combatting and eradication of the illicit trade in ammunition. Keep the prevention, combatting and eradication of the illicit trade in SALW ammunition in the scope of the PoA and address all necessary references to responsible ammunition management to include ammunition into the PoA process and encourage PoA participant States to exchange and share relevant experiences, lessons learned and best practice in line with the Global Framework. Acknowledge that many States already apply provisions of the PoA and ITI to the SALW ammunition.
- iii. Acknowledge that, in line with the 2030 Agenda for Sustainable Development, there can be no peace without sustainable development, no development without peace and neither without the respect for human rights and gender equality. Curbing the illicit trade in SALW and their ammunition is crucial in this regard.
- iv. Supporting the gender sensitive approach to SALW-control and recognise the differentiated impacts of armed violence on women, men, girls and boys, and promote the role of women in implementation of the PoA and gender-based analysis in SALW control actions as a condition for their effectiveness.
- v. Take action to preserve and increase the effectiveness of the PoA and its ITI in light of developments in SALW technology, design, manufacture and trade. The EU is especially concerned that the growing trend of small arms with a polymer frame or a modular design and the absence of a global standard on how and where to mark these weapons, risk gradually undermining the capacity to trace these weapons. In order to enable and preserve the capacity to trace polymer frame and modular SALW, it is necessary for the RevCon4 to agree on a process with a view to reaching a consensus on the marking of these SALW.
- vi. Support the establishment an open-ended technical expert group on the implementation of the UN PoA and its ITI with regard to new technologies in SALW.

- vii. Support the existing exchange of information, on a voluntary basis, between States on identified diversion cases in order to expose and cut off arms trafficking channels, and in order to improve the capacity for risk assessment in the context of arms export controls (article 11 of Arms Trade Treaty and the Diversion Information Exchange Forum).
 - viii. Underline the role of arms export control practices in preventing and combatting the illicit SALW trade, including by means of assessing the risk of diversion (including with a gender perspective) prior to granting export licences.
 - ix. Support SALW control activities in conflict affected areas through an increased role for the UN and regional peace support operations, considering on a case-by-case basis, the inclusion of assistance for arms embargo monitoring and stockpile management when defining their mandate and, where possible, in cooperation with UN expert groups in charge of monitoring UN arms embargoes.
 - x. Highlight the role of the PoA in the fight against terrorism. The effective implementation of the PoA contributes to thwarting the acquisition of SALW by terrorists, thus reducing the potential impact of their attacks.
 - xi. Recognise the role SALW plays in domestic and gender-based violence, especially in violence committed by a family or intimate partner, and ensure the publicly available data on firearms misuse is sex disaggregated and includes data on domestic and gender-based violence.
 - xii. Support the important role played by regional organisations in implementing the PoA as well as the involvement of researchers, civil society and industry in PoA related activities in general.
8. The EU supports that in the outcome document of RevCon4 reference is made to the following documents:
- outcome documents of the intersessional meetings of the PoA (the 7th Biennial Meeting of States in 2021 and the 8th Biennial Meeting of States in 2022);

- report of the UN Secretary-General on Small arms and light weapons to the UN General Assembly of 2022 (A/CONF.192/BMS/2022/1) and to the UN Security Council of 2023 (S/2023/823) and 2021 (S/2021/839);
- report of the UN Secretary-General on Recent developments in small arms and light weapons manufacturing, technology and design and implications for the implementation of the International Tracing Instrument to the UN General Assembly (A/CONF.192/BMS/2014/1);
- UN Security Council Resolutions on SALW (UNSCR 2117 of 2013, UNSCR 2220 of 2015 and 2370 of 2017);
- UN Security Council Resolution on Women, Peace and Security (UNSCR 1325 of 2000 and subsequent resolutions), with a special reference to UNSCR 2242 of 2015 that specifically encourages empowering women with the efforts related to the prevention, combating and eradication of the illicit transfer, and the destabilizing accumulation and misuse of small arms and light weapons;
- UN Security Council Resolution 1612 of 2005 on children and armed conflict;
- UN General Assembly resolution “Through-life Conventional Ammunition Management” (A/RES/78/47) adopting the Global Framework for Through-life Conventional Ammunition Management (A/78/111), a dedicated international instrument to address the security and safety risks of conventional ammunition, including diversion and illicit trafficking of ammunition and unplanned ammunition explosions;
- OSCE documents on SALW.

9. With regard to the consideration of the implementation of the PoA, the EU supports the inclusion of the following elements in the outcome document of RevCon4:
- i. Promote national implementation by means of national interagency coordination bodies; national action plans; national points of contact at institutional and technical level; legislation, including penal clauses, regulations and administrative procedures; and monitoring with regard to the relevant aspects of the SALW life cycle and their ammunition, including manufacturing and marking, record-keeping, trade, transfer, safe and secure stockpiling and disposal.
 - ii. Support regional and sub-regional cooperation and coordination.
 - iii. Promote SALW components in bilateral and interregional security cooperation, including cross-border cooperation and information sharing between law enforcement and customs agencies in order to curb the illicit trade in SALW.
 - iv. Enhance the role of and empower regional and sub-regional organizations to assist States in their implementation of the PoA.
 - v. Enable and promote the exchange and use of information on identified patterns of illicit trade and diversion cases, in accordance with national legislation, including by means of web-based databases on the national, regional and international level, with support for the role of Interpol and the UN in this regard.
 - vi. Promote the application of end-user agreements in the context of the control of SALW exports.
 - vii. Encourage the application of new technologies in SALW control to identify diversion routes and patterns for SALW and their ammunition as well as contributing to criminal investigations on those diversion cases.
 - viii. Increase efforts for Physical Security and Stockpile Management (PSSM), including by application of new technologies.
 - ix. Improve the exchange of information with regard to seizures of arms, in accordance with national legislations, in order to deal with vulnerabilities and enhance opportunities for investigation and prosecution, particularly with a focus on regional cooperation.

- x. Promote and support implementation of standards and best practices for the handling of small arms (Modular Small-arms-control Implementation Compendium - MOSAIC) and ammunition (International Ammunition Technical Guidelines - IATG).
- xi. Promote transparency by encouraging States to share institutional and technical level national points of contact for the PoA.
- xii. Encourage States to submit their biennial reports on the status of PoA and ITI implementation in order to increase their number and quality, include SALW in their reports for the UN Register of Conventional Arms (UNROCA), and promote synergies on that matter with other related international instruments.
- xiii. Address the illicit manufacture and modification of SALW and their components, through craft production, by taking into account recent developments and trends, including but not limited to by means of 3-D printing, reactivation of deactivated firearms and the conversion of blank firearms.
- xiv. Address the growing challenges posed by the craft manufacturing of SALW within the framework of the PoA and ITI.
- xv. Promote good practices with regards to deactivation to render SALW permanently inoperable and make reactivation physically impossible, among others by promoting standards set by Commission Implementing Regulation (EU) 2015/2403.
- xvi. Promote destruction as the preferred option for the destination of surplus SALW.
- xvii. Address the growing importance of the Internet and online transactions, including the intangible transfer of technology and design, with regard to the illicit trade in and manufacture of SALW and their parts and components.
- xviii. Address differences in legislation among States that facilitate the illicit trade and production of SALW, including the illicit conversion of blank firearms into functioning firearms.
- xix. Promote, within their mandate and where appropriate, an increased role for the UN and regional peacekeeping operations in the area of illicit SALW.

- xx. Take account of SALW and ammunition issues in post-conflict reconstruction programmes and Demobilisation, Disarmament and Reintegration (DDR), Security Sector Reform (SSR) and Women Peace and Security programmes in particular.
10. With regard to the consideration of the implementation of the International Tracing Instrument (ITI), the EU supports the inclusion of the following elements in the outcome document of RevCon4:
- i. Assure the effectiveness of the ITI in the light of developments in technology and design of SALW. The EU is especially concerned that the growing trend of small arms with a polymer frame or a modular design and the absence of a global standard on how and where to mark these weapons, risk gradually undermining the capacity to trace these weapons. In order to enable and preserve the capacity to trace polymer frame and modular SALW, it is necessary for the RevCon4 to agree on a process with a view to reaching a consensus on the marking of these SALW. This process should lead to a consensus document supplementary to the ITI, such as an annex. Besides an agreement on the marking of polymer frame and modular SALW, this document should reflect also other implications of developments in SALW technology and design, including 3D-printing, and developments in marking, recordkeeping and tracing. Such a document would ensure that developments in technology and design do not render the ITI less effective.
 - ii. Promote import marking - as required by the ITI - if possible, at time of manufacture.
 - iii. Promote the application of new technologies for more effective marking, recordkeeping and tracing of SALW. The Chair's summary of the Meeting of Governmental Experts contains relevant findings and proposals in this regard.
 - iv. Strengthen mechanisms to exchange information on national marking systems at the time of manufacture, as well as on standard procedures relating to seized unmarked SALW.
 - v. Promote national implementation of the ITI by means of legislation with regard to marking, recordkeeping and tracing and drafting biennial reports, establishing national points of contact and developing National Action Plans.

- vi. Build capacity for the tracing of illicit SALW and ammunition in conflict-affected areas, since it can contribute to the identification and containment of illicit arms flows into conflict zones. This can be done, inter alia, by supporting the involvement of UN and regional peace support operations in the collection, recording, tracing and destruction of illicit SALW and their ammunition, where appropriate and in accordance with their mandates and, where possible, in cooperation with UN expert groups in charge of monitoring UN arms embargoes; by supporting capacity building for local security and law enforcement agencies, including a women, peace and security perspective, for tracing and investigation, in combination with promotion of the iArms database of Interpol and other relevant databases; and by supporting initiatives such as iTrace by Conflict Armament Research.
11. With regard to the consideration of international cooperation and assistance, the EU supports the inclusion of the following elements in the outcome document of RevCon4:
- i. Support the implementation of the PoA by means of cooperation and assistance for SALW control activities.
 - ii. Assess the impact of cooperation and assistance provided for the implementation of the PoA and present the outcome of this assessment to a Biennial Meeting of States in the PoA intersessional process.
 - iii. Increase efficiency and sustainability of assistance efforts by improved coordination in cooperation with relevant regional organisations, donors and implementing agencies in full ownership of and, if possible, steered by national action plans of recipient States.
 - iv. Support the UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR).
 - v. Increase transparency on cooperation and assistance in the field of SALW control by supporting the global repository where SALW control assistance is registered.