

## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

## COUNCIL

**Thirteenth progress report on the implementation of the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition (2012/I)**

(2012/C 358/02)

## I. INTRODUCTION

The thirteenth progress report on the implementation of the SALW Strategy covers EU activities during the first half of 2012 (until 1 July 2012). The report was prepared by the EEAS Division for Weapons of Mass Destruction, Conventional Weapons and Space, Security Policy and Conflict Prevention Directorate, in cooperation with other relevant EEAS and European Commission services. During the reporting period, the EU continued to promote the issue of Small Arms and Light Weapons (SALW) in all multilateral fora and in its political dialogue with third countries in the context of relevant international instruments, such as the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. In particular, the EU actively participated in the preparations for the 2012 Review Conference on the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Over the period, the EU also continued the implementation of several projects related to the prevention of SALW illicit trade and excessive accumulation, and started the elaboration of new initiatives to be further developed over the next months.

## II. IMPLEMENTATION OF THE ACTION PLAN CONTAINED IN THE EU SALW STRATEGY

**II.1. Effective multilateralism to develop universal, regional and national mechanisms to counter the supply and destabilising spread of SALW and their ammunition**

- (a) *Implementation of the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*

The EU actively participated in the Preparatory Committee for the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which held its session from 19 to 23 March 2012 in New York.

The EU also submitted a working paper on its preferred focus for the Review Conference (27 August to 7 September 2012); a revised version of this document was subsequently submitted to the Review Conference itself (available at <http://www.poa-iss.org/RevCon2/documents/>).

The Preparatory Committee was able to make all procedural decisions needed for the Review Conference, including the adoption of the rules of procedure which had already been used at the 2006 RevCon. The meeting also included well-structured sessions and constructive debates on all parts of the Programme of Action (PoA). The week culminated with a debate on the status of an elements paper prepared by the Chair, Ambassador Joy Ogwu of Nigeria, which was intended as a distillation of the views expressed to identify a selection of themes for further work ahead of and at the Review

Conference. The majority of countries, including the EU, supported the Chair's proposal to annex the document to the report of the Preparatory Committee. However, a vocal minority achieved that the document was eventually only submitted as a Conference Room Paper.

In the context of the Review process, the EU continued its active engagement during the further informal consultations in preparation of the Review Conference for which the President-designate of the Review Conference presented four drafts on a possible Declaration, two Implementation Plans 2012–2018 for the UN Programme of Action and the International Tracing Instrument, and a Schedule of Meetings 2012–2018.

In the framework of the Council Decision in support of activities of the UN Office for Disarmament Affairs to implement the UN PoA (Council Decision 2011/428/CFSP of 18 July 2011) regional seminars on advancing the implementation of the UN Programme of Action took place in Bali, Kingston and Nairobi in order to help prepare individual regions for the Review Conference. More information on the outcome can be found online (<http://www.poa-iss.org/RevCon2>). After the Review Conference, a separate seminar is planned to take place in Cairo.

(b) *Arms Trade Treaty*

The EU continued to attach high priority to the Arms Trade Treaty (ATT) process, participating actively in the last session of the Preparatory Committee on the ATT (New York, 13-17 February 2012) that agreed on the recommendation and draft rules of procedure for the UN Conference on the ATT mandated to negotiate the Treaty (New York, 2-27 July 2012). The EU continued to coordinate its negotiating position with a view to the UN Conference in July 2012. Consultations were held with third countries with a view to seeking broad support for an ATT.

The EU completed in the second half of 2011 the implementation of Council Decision 2010/336/CFSP, promoting the process leading towards an Arms Trade Treaty among third countries. The last three regional seminars foreseen by the Council Decision were held for Eastern and Southern Africa (February 2012 in Kenya), the Middle East region (March 2012 in Lebanon), and the Wider Europe region (April 2012 in Serbia). The seminars focused on the political aspects of an ATT and on the technical features of export control systems on conventional arms. As part of the implementation of the Council Decision, a number of research papers on reporting, implementation, and scope of an ATT were commissioned to several research institutes.

(c) *Implementation of the United Nations Convention against Transnational Organised Crime (UNTOC) Protocol against the Illicit Manufacturing of and Trafficking in Firearms*

After some delays, the implementation of a new project through the Instrument for Stability (IfS) has started: the project is to prevent and counter transnational illicit trade in firearms by promoting the ratification and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organised Crime. The project also includes capacity-building activities in support of law enforcement agencies and civil society organisations in Latin America, the Caribbean and West Africa. The project is implemented by the United Nations Office on Drugs and Crime (UNODC).

In the framework of the IfS, the EU is also providing financial assistance to Interpol for the development of a database to collect data on lost/stolen arms (iARMS). The database is to set up a tool for tracing and tracking illegal arms and their flows via the Interpol I24/7 system.

The initial roll-out focuses on the same regions as the UNODC project and additional European countries, aiming at improved regional and trans-regional information exchange as well as synergies in capacity-building. Based on the results of iARMS Phase I, discussions on a Phase II of support for

iARMS started mid-year with a view to sign a new agreement by end-2012. The proposed phase II would contribute to the long-term objective of connecting all 190 Interpol Member States to the database.

The EU has also stepped up its internal efforts to ensure full compliance with the UN Firearms Protocol. To transpose the provisions of the Protocol and address transfers of firearms within the Union, the EU has already adopted Directive 2008/51/EC (amending Council Directive 91/477/EEC). The 2008 Directive established the rules on controls by EU Member States on the acquisition and possession of firearms and their transfer to another EU Member State.

Regulation (EU) No 258/2012 adopted in March 2012 addresses trade and transfers with countries outside the EU, thereby transposing the provisions of Article 10 of the UN Firearms Protocol on 'General requirements for export, import and transit licensing or authorization systems'. It applies to firearms, their parts and essential components and ammunition for civilian use. Military weapons are not concerned.

After the European Parliament gave its agreement in October, the adoption by the Council of the Regulation put forward by the Commission in May 2010 (IP/10/635 and MEMO/10/225) paves the way for the final ratification of the UN Firearms Protocol by the European Union once the Regulation has entered into force (120 days following its publication in the *Official Journal of the European Union*).

The new legislation improves the tracing and control of imports and exports of civilian firearms from and to the EU territory (firearms intended for military purposes are governed by other rules). It brings EU legislation in line with Article 10 of the UN Firearms Protocol, allowing its ratification by the European Union which has been pending since 2002 and on which the Commission will soon start working.

To avoid unnecessary administrative burdens, the Regulation sets up simplified procedures for temporary export, import and transit of small numbers of firearms for 'verifiable lawful purposes', such as recreational, repair or exhibition.

(d) *Export controls*

Within the framework of Council Decision 2009/1012/CFSP on support for EU activities in order to promote the EU Common Position 2008/944/CFSP on export controls on conventional arms, the last study visit (out of four) for export control officials from Montenegro, Croatia, and the former Yugoslav Republic of Macedonia was organised in the Czech Republic in January 2012, thus completing the implementation of Council Decision 2009/1012/CFSP.

With a view to continuing EU assistance in arms export control capacities, work has been undertaken within the relevant Council body (COARM) to assess the results of the implementation of Council Decision 2009/1012/CFSP and to draw a possible way forward. The COARM Working Group also started the review process on the EU Common Position 2008/944/CFSP on export controls on conventional arms, foreseen to take place 3 years after its adoption.

(e) *Illicit trade in SALW by air*

In the framework of Council Decision 2010/765/CFSP on EU action to counter the illicit trade of SALW by air, which aims at improving tools and techniques for international and national actors to effectively screen and target suspect aircrafts likely to be involved in the illicit trade of SALW, implementation of the project by the Stockholm International Peace Research Institute (SIPRI) continued.

An expert seminar was held in Kiev on 1 and 2 March 2012 for national and international officials responsible for arms trafficking investigations, civil aviation, export control and peacekeeping. The expert seminar focused on risk assessment techniques, information-sharing and informal networks to build capacity to better monitor suspect air cargo aircraft and other associated entities.

The next expert seminar will take place at the United Nations in New York on 28 and 29 August 2012. An aircraft recognition manual has been published and disseminated during briefing and awareness activities held in conjunction with UN and OSCE institutions. The software and databases have been updated to reflect the threat picture as it relates to the increasing levels of conflict in Sudan and Syria.

## II.2. SALW in the framework of political dialogue with third countries and regional organisations, SALW clauses

- (a) SALW issues were included in the agenda of a number of the EU's regular political dialogues with third countries and cooperation with regional organisations. In particular, the issue of the widespread proliferation of SALW in Libya was discussed in a series of meetings at various levels and the EU continued to look into various possibilities to support ongoing efforts in this respect.
- (b) In line with the Council Conclusions on the inclusion of a SALW element in agreements between the EU and third countries adopted in December 2008, SALW elements are currently being negotiated with Afghanistan, Australia, Brunei, Canada, Kazakhstan, Malaysia, Mercosur, and Singapore for inclusion in their respective agreements with the EU.

## II.3. Specific EU project assistance to third countries and regional organisations

### (a) *Western Balkans*

- I. The EU continued to support demilitarisation efforts in the field of SALW, in particular through the implementation of Council Decision 2010/179/CFSP (of 11 March 2010) in support of SEESAC activities in the Western Balkans. Several activities related to the improvement of stockpile management as well as marking and tracing of SALW and surplus destruction took place in Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia (FYROM).

In Bosnia and Herzegovina, a contractor was selected and works initiated on the installation of doors at four SALW and ammunition storage sites. It is expected that this activity will be completed by October 2012. In Croatia, the awareness-raising campaign, which came to a close in December 2011, resulted in the collection of additional 186 pieces of illicit automatic weapons; 1 539 pieces of illicit fragmentation weapons; 201 pieces of legal weapons; 679 463 pieces of ammunition and 96,79 kg of explosives during the first months of 2012. In addition, surplus SALW destruction continued in Croatia with 12 105 SALW destroyed between January and June 2012, bringing the total number up to 28 434 SALW under the above mentioned Council Decision. In terms of marking and tracing, the previously installed software upgrades, which helped enhance the national weapons registration and identification system in the former Yugoslav Republic of Macedonia, have been put to use, tested and adjusted where necessary. The upgraded system is now fully functional. Activities relating to surplus destruction and awareness raising and collection campaign in Serbia are expected to be completed in the second half of 2012.

- II. The EU is also considering a follow-up programme to continue to support, through the Instrument for Stability (IfS) short-term component, a UNDP small arms control programme in Bosnia and Herzegovina aimed at reducing the security risks posed by high levels and instability of obsolete ammunition and explosives and at providing institutional support to the national Small Arms Control programme.

The initial action ended in December 2011, inter alia, to enhance national capacity for the management and control of SALW while strengthening the cross-border transport of dangerous goods in line with EU requirements.

### (b) *OSCE region*

The EU continued the preparation of a new Council decision in support of activities to reduce the risk of the illicit trade in and excessive accumulation of SALW in the OSCE region. The new Council decision is supposed to aim, inter alia, at security upgrades of SALW stockpile storage sites in Belarus

and Kyrgyzstan, the destruction of surplus SALW in these two countries to prevent their diversion to the illegal trade, and the introduction of a SALW inventory management application to improve stockpile, record-keeping and tracing of SALW in several OSCE States.

(c) *Africa*

- I. In the framework of the Instrument for Stability, the EU continued the implementation of a project to support the fight against the illicit accumulation of and trade in firearms and ammunition in Africa, through the Regional Centre on Small Arms and Light Weapons (RECSA), located in Nairobi. This project aims at supporting the Africa-EU strategic partnership in the fight against the illicit trade and excessive accumulation of firearms and explosive materials. After extensive consultations, parties agreed in mid-2011 on a number of consolidated regional priorities for the project. So far, it has gathered pace and is trying to meet mainly long-term needs in strengthening the legislative and institutional capacity of the countries concerned. Negotiations are underway for continued EU support to RECSA beyond 2012 in line with the organisation's strategic framework and partner country needs. The new agreement is to be signed by end-2012.
- II. Under the Conflict Prevention and Management Resolution (CPMR) programme, the implementation of the SALW programme in support of the East Africa Community continued through the conduct of activities aiming at strengthening the regional capacity to prevent arms trafficking and proliferation in the East and Southern African region.

The project supported the process for the approval of the EAC SALW Policy and the EAC Peace and Security Protocol, along with engagement with the AU and the UN in various processes such as the preparation and finalisation of the African Union Small Arms and Light Weapons (AU SALW) strategy preparation.

(d) *Central America*

The EU pursued implementation of a project financed through the Instrument for Stability and managed by the Central American Small and Light Weapons Control programme (CASAC) to support the fight against illicit trade in firearms and ammunition in Central America and neighbouring countries, including the Caribbean region. The contribution of the EU project to the CASAC initiative has had a positive impact on establishing the foundation of a regional structure and long-term strategy to fight the illicit trafficking of arms in Central America, both at national and regional level. The EU extended the support to the project until the end of 2011 and has recently signed a new follow-up agreement (CASAC II) supporting the process of institutionalisation further through the Delegation in Nicaragua.

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