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Subject : EU Strategy to combat illicit accumulation and trafficking of SALW and their
ammunition

Delegations will find attached the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition which was adopted by the European Council on 15-16 December 2005.

EU Strategy to combat illicit accumulation
and trafficking of SALW and their ammunition

Introduction

1. The United Nations Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, adopted on 20 July 2001, reaffirms the need for complementarity at global, regional and national levels in its implementation. By developing a strategy for combating the accumulation of and illicit trade in SALW and their ammunition, the EU wishes to fall into line with this essential complementarity and to provide a contribution.
2. As the Heads of State or of Government have already stated in the European Security Strategy (ESS) adopted on 13 December 2003, the post-Cold War environment is one of increasingly open borders in which the internal and external aspects of security are indissolubly linked. In this new context the Strategy enunciated five key challenges to be faced by the EU: terrorism, the proliferation of weapons of mass destruction, regional conflicts, State failure and organised crime.
3. The consequences of the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread are central to four of these five challenges. Indeed, SALW contribute to a worsening of terrorism and organised crime, and are a major factor in triggering and spreading conflicts, as well as in the collapse of State structures. As the European Strategy stresses, these conflicts, in which SALW were by far the most instrumental factor, have, since 1990, cost the lives of almost 4 million people and have forced over 18 million to leave their homes or countries.
4. To face up to the threats it has identified, the European Strategy advocates a more active, more coherent and more capable Europe. It acknowledges that none of these threats is purely military nor can any be tackled by purely military means: each must be opposed by a mixture of instruments. The Strategy noted the need for a response that combines all the instruments and policies available to the EU in coherent action against the multi-faceted nature of these challenges.

5. It was, moreover, in this context that, in December 2003, the European Council adopted a strategy against the proliferation of WMD. The aim of this strategy is to devise a facet that is specific to SALW so as to develop, in similar manner, an integrated approach and a comprehensive plan of action to combat the illicit trade in SALW and their ammunition.
6. The definition of SALW followed in this European strategy is that set out in the Annex to Council Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons (2002/589/CFSP).

I. THE DESTABILISING ACCUMULATION AND SPREAD OF SALW CONSTITUTES A GROWING THREAT TO PEACE, SECURITY AND DEVELOPMENT

"Security is a precondition of development. Conflict not only destroys infrastructure, including social infrastructure; it also encourages criminality, deters investment and makes normal economic activity impossible. A number of countries and regions are caught in a cycle of conflict, insecurity and poverty." (ESS)

I.A. Origins and consequences of the illicit spread of SALW: a major factor for the instability of States, inherited from the Cold War

7. Increasing access for non-State players to stocks of SALW, mostly resulting from the Cold War, has altered the nature and duration of conflicts.
8. The number of light weapons in circulation throughout the world is estimated by the United Nations at 600 million. SALW are responsible for almost 500 000 deaths a year, 300 000 of which occur in armed conflicts. Of the 49 major conflicts in the 1990s, 47 were conducted with SALW as the major weapons.

9. The "residual conflicts" sustained by the illicit spread of SALW are blurring the dividing line between armed conflicts and criminality. Contemporary internal conflicts are based less on seeking military and political advantage than on the total collapse of States, collusion between warring parties or access for certain groups to natural resources and to trade in them, or to control of drugs trafficking. They can no longer be viewed as brief interludes in the course of development. Numerous wars today are long-term phenomena. Numerous so-called post-conflict countries are continually lapsing into war and social violence.
 10. The aims pursued are often short-term in nature and geared towards profit, while the means employed resemble forms of "total warfare". These new wars are conducted not by armies, but by opportunistic armed factions, with no military discipline, that are frequently responsible for serious violations of humanitarian law and human rights against civilian populations, and women and children in particular.
 11. The tools of these new wars are essentially small arms and light weapons, much more than heavy weaponry. The abundance of the stocks of arms and ammunition, particularly those left over from the Cold War, make such arms easily obtainable by civilians, criminals, terrorists and combatants alike. Besides the humanitarian effects, the consequences in terms of the development of the countries concerned are well-documented: the weakening of State structures, displacement of persons, collapse of health and education services, declining economic activity, reduced government resources, the spread of pandemics, damage to the social fabric and, in the long term, the reduction or withholding of development aid.
- I.B. This trend mainly affects sub-Saharan Africa: a key factor in limiting development

12. The phenomenon affects those countries and regions that are already the weakest: certain parts of Latin America, Central and Eastern Asia, the Balkans and the Middle East. However Africa remains the continent most affected by the impact of internal conflicts aggravated by the destabilising influx of SALW. The growing number of peacekeeping operations (UNAMSIL, UNMIL, UNOCI, MONUC, UNMEE, ONUB, UNMIS and AUmis) and the multiplication of United Nations embargos on that continent (Liberia, Somalia, eastern DRC, non-governmental forces in Sierra Leone and Rwanda, Côte d'Ivoire, the Darfur region in Sudan) all illustrate the scale of the threat posed to African States by the illicit accumulation and spread of SALW.
13. The problem of transfers of SALW to Sub-Saharan Africa cannot be isolated from that of the sources of the transfers. It was in this context that in January 2004 the Security Council encouraged arms-exporting countries to exercise the highest degree of responsibility in the transaction of SALW to unstable areas. So far the Union's action on disarmament, particularly in Africa, has been mainly reactive, with participation in numerous post-conflict disarmament, demobilisation and reinsertion (DDR) and security sector reform (SSR) programmes, which it helps to finance via the European Development Fund (EDF) in particular.
14. This reactive strategy is necessary but has to be supplemented by preventive action which will tackle illegal supply and demand as well as controls on exports of conventional weapons. Particular attention should be paid to the enormous accumulations of SALW stockpiled in Eastern and South-East Europe and the ways and means by which they are disseminated in Africa (illegal brokering and transport). According to UN reports, since the late 1990s an increasing proportion of the SALW disseminated in Africa have come from weapons stockpiles in Central, Eastern and South-East Europe. The involvement of firms and businessmen of Central and Eastern European origin, or based there, in the brokering and illegal transport of such SALW has grown accordingly. Furthermore, despite these stocks, production has not stopped at a number of industrial sites inherited from the past, where closure would have major social and economic consequences locally and where restructuring would require significant investment not always in line with simple economic logic.

I.C. The EU's compelling obligation to act

15. Faced with such threats, the challenge for an EU strategy on SALW is to respond to these threats and to ensure that its security policy and its development policy are consistent, while fully exploiting the means available to it at multilateral and regional levels, within the European Union and in the EU's bilateral relations in order to frame an action plan which will:
- (a) foster effective multilateralism so as to forge mechanisms, whether international, regional or within the EU and its Member States, for countering the supply and destabilising spread of SALW and their ammunition. The Union must strengthen its export control policies and activities in coordination with its partners;
 - (b) meet requests by States seeking to reduce their surplus stocks of SALW and their ammunition, either under a stockpile reduction policy or by participating in DDR operations;
 - (c) promote the restructuring of some industrial sites producing low-cost SALW in Eastern and South-East Europe;
 - (d) allow the implementation of measures to address the underlying factors favouring the illegal demand for SALW. The Union must tackle the fundamental causes of instability, *inter alia* by pursuing and stepping up its efforts with regard to political conflicts, development aid, poverty reduction and the promotion of human rights;
 - (e) support the strengthening of the effective rule of law in countries which remain unstable, so as to limit the propensity of local people to provide for their own defence and hence to keep hold of quantities of SALW, whose presence enables crises to degenerate in a cycle of aggression and reprisals which it is impossible to control in a weak State.

II. EUROPE'S ARMOURY OF MEASURES: OBJECTIVES AND MEANS

"Regional conflicts need political solutions but military assets and effective policing may be needed in the post-conflict phase. Economic instruments serve reconstruction, and civilian crisis management helps restore civil government. The European Union is particularly well equipped to respond to such multi-faceted situations." (ESS)

OBJECTIVES

16. As early as 2002 the European Union adopted a Joint Action (2002/589/CFSP) to tackle this threat, an instrument which was used as a basis for specific actions in Africa, Asia, Latin America and the Balkans. In its Joint Action the Union set three overarching objectives:
 - to combat, and contribute to ending, the destabilising accumulation and spread of small arms;
 - to contribute to the reduction of existing accumulations of these weapons and their ammunition to levels consistent with countries' legitimate security needs, and
 - to help solve the problems caused by these excessive accumulations.

17. The objectives and principles set out in the Joint Action which relate amongst other things to export controls, import controls and arms production continue to apply. However, this action should now be supplemented in order to:
 - develop a comprehensive and coherent approach which harnesses all forms of leverage at the European Union's disposal and is based on the recognition, formulated in the ESS, that human security and human development are interdependent;
 - develop new facets of the Union's action to cover all the dimensions of the phenomenon, preventive and reactive;
 - set geographical priorities following on from the operations conducted under the CFSP and ESDP.

THE MEANS

18. The European Union has unique assets for responding to this threat. With its capacity to use a full spectrum of civilian and military instruments for managing crises and post-conflict situations and to contribute to reconstruction, the Union is well placed to provide a comprehensive response.
19. The Union has at its disposal the Member States' civilian and military capabilities and can rely on the CFSP and ESDP instruments to implement them effectively. It can also act under its partnership and cooperation agreements with the main world regions which cover the political, development and trade areas. Coordination tools, such as Europol and Eurojust, provide significant means for action within Union territory. These Union and Community resources are augmented by those of the Member States and by the activities of the various multilateral players with which the Union has forged cooperation ties.

External action: available instruments

Support for effective multilateralism and for relevant regional initiatives (in particular Sub-Saharan Africa, Balkans and the former USSR).

Civilian crisis management operations for dealing with internal conflicts and cross-border tensions and restoring security, through training, advice, assistance and mentoring activities.

Military crisis management operations, under which border controls can be put in place, peacekeeping or stabilisation forces deployed and contributions made to disarmament operations.

Various instruments of Union diplomacy: generally speaking, the whole range of CFSP instruments can be mobilised in support of Union SALW-related action (Personal Representatives, Special Representative, political declarations, technical support, démarches and structured dialogues, ad hoc seminars on export controls). Special attention should be paid to coordinating the Union's action with our main partners (transatlantic dialogue, Russia, China, Japan, Canada, neighbourhood policy, EU-Africa dialogue, Barcelona process, ASEAN Regional Forum, EU-Latin America and the Caribbean Dialogue).

Partnership and cooperation agreements with third countries: as is already the case for other threats (non-proliferation, terrorism, organised crime, etc.), as part of an integrated approach to the Union's external action the political dialogues provided for under such agreements should also be used as a platform for urging the Union' aims of countering the illegal spread of SALW and their ammunition.

Development and assistance programmes financed by the EDF (European Development Fund), in the framework of EC-ACP cooperation and through programmes which include a chapter on SALW and their ammunition.

Internal action:

Police, customs and judicial cooperation mechanisms, in particular Europol and Eurojust; but there is also potential for developing enhanced cooperation between the Member States' national systems.

European and national control systems for sensitive exports, which may serve as a model for third countries (code of conduct, export control mechanisms)

III. ACTION PLAN

"The challenge now is to bring together the different instruments and capabilities: European assistance programmes and the European Development Fund, military and civilian capabilities from Member States and other instruments. All of these can have an impact on our security and on that of third countries. Security is the first condition for development." (ESS).

20. Because the problems of illicit traffic in SALW are constantly evolving, this action plan must remain flexible and adaptable to the circumstances of the international security context. Its implementation will be continuously monitored. It will be regularly reviewed and updated every six months by means of an interim report by the Presidency on its implementation. It will apply the decisions taken in the Council Joint Action of 12 July 2002 (2002/589/CFSP) and will supplement them where necessary.

- (a) Effective multilateralism to develop universal, regional and national mechanisms to counter the supply and destabilising spread of SALW and their ammunition.

International

- Promote implementation of the UN Programme of Action (POA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.
- Support the adoption of a legally binding international instrument on the tracing and marking of SALW and ammunition.
- Support for 2006 the creation of an experts group on brokering in the framework of the UN Programme of Action (POA).
- Promote ratification of the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms with a view to its rapid entry into force and, at European Union level, adopt a legal instrument on this subject.
- Seek consensus within exporting countries with a view to only supplying small arms to governments (directly or through the intermediary of bodies duly authorised to purchase arms on their behalf), in accordance with restrictive and appropriate regional and international criteria on arms exports.
- Strengthen and support the machinery for sanctions and sanctions monitoring: provide the UN with the means to implement and monitor the application of international sanctions regarding light weapons and regarding the illicit trade in raw materials and the plundering of natural resources which occurs in certain African countries (eastern DRC, Somalia, Côte d'Ivoire, Liberia, Sierra Leone, etc.).
- Support the strengthening of export controls and the promotion of the criteria of the Code of Conduct on Arms Exports by, inter alia, helping third countries in drafting national legislation on this and promoting measures to improve transparency.

- Promote the inclusion of minimum common international criteria and/or guidelines for controls on SALW transfers in the UNPOA. To this end, initiate discussions on this issue at the UNPOA PrepCon in January 2006 and the Review Conference in June 2006; promote the inclusion of those standards which attract consensus support; promote a mandate for further work to complete the task necessary.

- Support discussion and action by the international community on cross-border problems. Participate in strengthening border controls, in particular air borders, in the countries affected by the illicit trade in SALW and their ammunition (exporters and importers) through:
 - = assistance programmes to provide equipment and assistance in drafting national legislation on export controls and to train institutions in the States of sub-Saharan Africa;

 - = training programmes for customs departments and other agencies, in particular in Eastern European countries.

- Support approaches to promote an increased role for peacekeeping missions authorised by a Security Council Resolution in the area of SALW and their ammunition.

Regional

- Support regional initiatives to combat the illicit trade in SALW and their ammunition, beginning with those in sub-Saharan Africa, providing financial and technical support for regional and national organisations responsible for implementing the relevant regional instruments (ECOWAS Moratorium, Nairobi Convention and SADC Protocol) and, if appropriate, transforming them into legally binding regional Conventions. The EU will also give priority attention to other regions affected by the proliferation and excessive accumulation of SALW, in particular Central and Eastern Europe, Latin America and the Caribbean.

- Provide the African Union and African regional organisations with the means to ensure the effective application of United Nations embargos and sanctions regimes (i.e. border controls, in particular at air borders) and mobilise the specialised international organisations (OPCW particularly).
- Support promotion of the OSCE's Handbook of Best Practices on SALW among the EU's partners. Develop and coordinate the capacity of the EU Member States to offer their national expertise in this field to those OSCE countries which request it.
- Support OSCE action to combat the illicit trade in SALW and their ammunition and the destruction of Member States' surplus stocks.
- Support peacekeeping missions in their monitoring of arms embargos.

In the framework of agreements/structured dialogues

- Include the brokering and illicit transfer of SALW on the agenda for all the EU's structured political dialogues with countries which are major exporters of SALW, and especially with countries holding surplus stocks of SALW left over from the Cold War, in particular in Eastern Europe and South-Eastern Europe.
- Include the subject in more specific terms in the EU's Action Plans for Ukraine and Moldova under the neighbourhood policy.
- In general, include the topic in the political dialogue with third countries and international, regional or sub-regional organisations. Special attention must be paid to coordinating our actions with the Union's main partners (transatlantic dialogue, strategic partnership with Russia, strategic dialogue with China, neighbourhood policy, EU-Africa dialogue, Barcelona process, ASEAN Regional Forum, dialogue between the EU and Latin America and the Caribbean).

- Relations and agreements with third countries: these relations should also be used as part of an integrated approach to the European Union's external action, as is already the case for other threats (non-proliferation, terrorism, organised crime, etc.). Consideration could be given to inserting a clause or an undertaking to cooperate in combating the illicit trade in SALW and their ammunition in all agreements with third countries.
- Promote application of the export control criteria set out in the EU's Code of Conduct amongst our partners, and promote the structured exchange of information concerning respective export policies to sensitive areas.

Within the Union

- Ensure that Joint Action 2002/589/CFSP is implemented.
 - Promote implementation by the Member States of the EU's 2003 Common Position on brokerage, and harmonised application of the Code of Conduct on Arms Exports.
 - Devise mechanisms approved by the Member States for the exchange of information on SALW trafficking networks, in particular in the context of monitoring UN and EU embargos.
 - Promote the development, via Europol, Eurodouanes and Eurojust, of a policy for actively combating illicit networks trafficking in SALW (illicit brokers and carriers) using the EU's air, sea and land space, devising alert and cooperation mechanisms and enabling Europe-wide police operations to be carried out in this field.
- (b) An effective response to the accumulation and the problems posed by the availability of existing stocks
- Promote a commitment by all countries only to import and retain small arms to meet their legitimate security needs, at a level appropriate for their legitimate needs for self-defence and security, including to ensure their ability to participate in United Nations peacekeeping operations.

- Promote the creation and maintaining of national inventories of arms held legally by the national authorities, and the drawing up of restrictive national legislation providing in particular for criminal sanctions and effective administrative control.
- Participate in the efforts to reduce surplus stocks of SALW left over from the Cold War in Eastern Europe, in particular through cooperation with the organisations whose help has been requested by the States concerned (NATO, OSCE).
- Continue the financial assistance provided by the EU since 1993 under Disarmament, Demobilisation and Reintegration (DDR) operations, while improving effectiveness through the direct participation of European experts in those programmes.
- Promote public education and awareness campaigns to push back the culture of violence.(c)
- Appropriate measures to deal with the causes and consequences for human development of the illicit spread of SALW
- Step up the EU's efforts to resolve regional conflicts, making use of all the instruments at its disposal, particularly in the CFSP and ESDP context.
- Include in the missions of military crisis management operations the establishment of border controls (or control of the air, land and sea space of the conflict zone) or disarmament.
- Enhance the EU's capacity to launch civilian crisis management operations, to handle crisis situations and restore security when dealing with internal conflicts or cross-border tensions, involving training, advice, assistance and mentoring.

- Obtain financial and technical assistance for the establishment or reinforcement of confidence-building measures and regional and sub-regional security and cooperation structures. Such measures would include the keeping of regional small arms registers and the regular exchange of available information on exports, imports, the production and holding of small arms and national firearms legislation, as well as consultations between the parties concerned on the information exchanged.
 - Take account of security issues (i.e. Security Sector Reform/cross-border issues) in drawing up development and assistance programmes with the ACP countries.
 - Take account of SALW and ammunition issues in parallel with post-conflict reconstruction programmes, in particular in the SSR framework.
- (d) Establish/develop the necessary structures within the EU
- Strengthen the capabilities of the Council Secretariat so that, in close cooperation with the Commission and the Member States, particularly with the support of their experts in combating the accumulation of and illicit trade in SALW, it is able to ensure the coherent application of the strategy. The Council Secretariat will work closely with the Situation Centre to promote the collection and circulation of information and intelligence from the Member States.
 - Encourage greater horizontal coordination and improved exchange of information and proposals between geographical expert groups and thematic expert groups (CODUN, COARM, COSCE, COTER, CONOP) in order to create an integrated capacity for initiatives and proposals for combating the illicit trade in SALW. In the same way, encourage vertical interaction between expert groups and the PSC.
 - Ensure consistency and complementarity between Council decisions in the CFSP framework and actions implemented by the Commission in the field of development aid in order to promote a consistent approach for all EU activities in the SALW area.