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From: General Secretariat of the Council
To: Delegations

Subject: Council Conclusions on an EU position on combatting the illicit trade in small arms and light weapons, in light of the Third Review Conference to review the implementation of the UN Programme of Action on SALW (New York, 18-29 June 2018)

Delegations will find attached the Council Conclusions on an EU position on combatting the illicit trade in small arms and light weapons, in light of the Third Review Conference to review the implementation of the UN Programme of Action on SALW (New York, 18-29 June 2018), as adopted by the Council at its meeting held on 28 May 2018.

COUNCIL CONCLUSIONS ON AN EU POSITION ON COMBATING THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS, IN LIGHT OF THE THIRD REVIEW CONFERENCE TO REVIEW THE IMPLEMENTATION OF THE UN PROGRAMME OF ACTION ON SALW (NEW YORK, 18-29 JUNE 2018)

1. The Council notes that illicit small arms and light weapons 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. Therefore 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. 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.
3. The Council welcomes the upcoming Third Review Conference to take place in New York from 18 to 29 June 2018 (RevCon3) which represents an opportunity to review the progress of the implementation of the PoA. The Council considers that RevCon3 should have the ambition to ensure the relevance and increase the effectiveness of the PoA.
4. The Council recalls that on 3 April 2017 it adopted Decision 2017/633/CFSP supporting actions towards a successful and relevant outcome of RevCon3 of the PoA through a series of thematic symposia and regional conferences and other activities.

5. The European Union will contribute constructively to a meaningful and concrete consensus outcome of RevCon3 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.
 - ii. Add the prevention, combatting and eradication of the illicit trade in ammunition to the scope of the PoA.
 - iii. Acknowledge that, in line with the 2030 Agenda for Sustainable Development, development cannot be realised without peace and security and that peace and security will be at risk without sustainable development and that curbing the illicit trade in SALW and ammunition is crucial in this regard.
 - iv. Recognise the differing impacts of armed violence on women, men, girls and boys, and promote the role of women in implementation of the PoA and gender awareness in SALW control actions as a condition for their effectiveness.
 - v. Take action to preserve and increase the effectiveness of the Programme of Action and its International Tracing Instrument in light of developments in SALW technology, design, manufacture and trade. In relation to this, the EU is especially concerned that the growing trend of small arms with 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 modular SALW, it is necessary for the Review Conference to agree on a process with a view to reaching a consensus on the marking of modular SALW.

- vi. Promote the systematic tracing of seized illicit SALW, the exchange of information between competent agencies on a national, regional and global level, in accordance with national legislation, and the use of this information to identify and stop diversion.
 - vii. Underline the role of responsible arms export control practices in preventing and combatting the illicit SALW trade, including by means of assessing the risk of diversion prior to granting export licences.
 - viii. 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.
 - ix. 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.
 - x. Support for the important role played by regional organisations in implementing the PoA as well as for the involvement of researchers, civil society and industry in PoA related activities in general.
6. An elaboration of the EU's objectives for the outcome of the Review Conference can be found in the position paper in the annex.

**EU POSITION PAPER FOR THE THIRD REVIEW CONFERENCE OF THE UN
PROGRAMME OF ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT
TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS**

The European Union will contribute constructively to a meaningful and concrete consensus outcome of the Third Review Conference of the UN Programme of Action. In addition of and elaborating on the 10 EU key objectives mentioned in the Council Conclusions, the EU will put forward the following positions:

1. The EU supports that in the outcome document of RevCon3 reference is made to the following documents:
 - outcome documents of the intersessional meetings of the PoA (the 5th Biennial Meeting of States in 2014 and the 6th Biennial Meeting of States in 2016);
 - report of the UN Secretary General on Small arms and light weapons to the UN General Assembly of 2016 (A/CONF.192/BMS/2016/1) and to the UN Security Council of 2017 (S/2017/1025) and 2015 (S/2015/289);
 - 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 in this regard 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;
- OSCE documents on SALW.

2. 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 RevCon3:

- i. Promote national implementation by means of national interagency coordination bodies, national action plans, national points of contact, legislation including penal clauses, regulations and administrative procedures, and monitoring with regard to the relevant aspects of the SALW life cycle including manufacturing, export control and trade, stockpiling and disposal.
- ii. 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.
- iii. Enhance the role and empowering (sub-)regional organizations for assisting states in their implementation of the PoA.
- iv. Enable and promote the exchange and use of information on identified patterns of illicit trade and diversion, in accordance with national legislation, also 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.
- v. Promote in the context of the control of SALW exports the application of end-user agreements.
- vi. Encourage the application of new technologies in SALW design that offer opportunities for SALW control.
- vii. Increase efforts for Physical Security and Stockpile Management (PSSM) including by application of new technologies.

- viii. 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 investigations and prosecutions, particularly with a focus on regional cooperation.
- ix. Promote and support implementation of standards and best practices for the handling of small arms (such as the International Small Arms Control Standards - ISACS) and ammunition (such as the International Ammunition Technical Guidelines - IATG).
- x. Promote transparency by encouraging States to share national points of contact for the PoA, and submit their biennial reports on the status of PoA and ITI implementation, to include SALW in their reports for the UN Register of Conventional Arms, and promote synergies on that matter with other related international instruments.
- xi. Address the illicit manufacture and modification of SALW and their components, including by means of craft production, additive manufacturing (3D printing), reactivation of deactivated firearms and conversion of blank firearms.
- xii. Promote good practices with regards to deactivation to render SALW permanently inoperable and make reactivation physically impossible, among others by promoting standards set by EU Regulation 2015/2403.
- xiii. Promote destruction as the preferred option for the destination of surplus SALW.
- xiv. Address the growing importance of internet and online transactions with regard to the illicit trade in SALW and their parts and components.
- xv. 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.
- xvi. Promote, within their mandate and where appropriate, an increased role for the UN and regional peacekeeping operations in the area of illicit SALW.

xvii. Take account of SALW and ammunition issues in post-conflict reconstruction programmes and Demobilisation, Disarmament and Reintegration (DDR) and Security Sector Reform (SSR) programmes in particular.

3. 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 RevCon3:

- i. Assure the effectiveness of the ITI in the light of developments in technology and design of SALW. In relation, to this, the EU is especially concerned that the growing trend of small arms with 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 modular SALW, it is necessary for the Review Conference to agree on a process with a view to reaching a consensus on the marking of modular SALW. This process should lead to a consensus document supplementary to the ITI, such as an annex. Besides a agreement on the marking of modular SALW, this document should reflect also other implications of developments in SALW technology and design, including increased use of polymers, 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 second Meeting of Governmental Experts in 2015 (MGE2) contains the 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 by supporting the involvement of UN and regional peace support operations in the collection, recording, tracing and destruction of illicit SALW and their ammunition, 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 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.
4. With regard to the consideration of international cooperation and assistance the EU supports the inclusion of the following elements in the outcome document of RevCon3:
- 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 that has been 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 for the UNSCAR UN Trust Fund.

- v. Increase transparency on cooperation and assistance in the field of SALW control by agreeing among donors on a global repository where SALW control assistance is registered.
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