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European Action on Small Arms and Light Weapons and Explosive Remnants of War

Final Report

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KEY FINDINGS

The illicit trade in small arms and light weapons (SALW) and the presence of explosive remnants of war (ERW) require a stronger international response. The contribution of the European Union (EU) is vital to meeting the international challenges involved. The report elaborates on the key elements of the recently adopted EU Small Arms Strategy—which is matched with visible EU leadership in international negotiations on small arms, as well as with the increasing prominence of the EU in developing international norms, standards and assistance programmes.

The EU has a number of advantages in SALW and ERW action. These include a spectrum of external policies and financial instruments; a well-established development cooperation framework; political leverage through aid, trade and diplomacy; and long-term partnerships with third countries and organizations.

In order to exploit this significant potential for action fully, this report recommends that the EU:

- Continues to implement the EU Small Arms Strategy, using small arms action to support broader policy objectives;
- Extends European Community (EC) mine action assistance to formally include ERW and all types of landmines; and
- Adopts policy guidelines for the coordinated provision of EC assistance on small arms, landmines and ERW, and decide on geographic and thematic priorities for action.

IMPLEMENTING THE EU SMALL ARMS STRATEGY, AND USING SMALL ARMS ACTION TO SUPPORT BROADER POLICY OBJECTIVES

The significance of the EU Small Arms Strategy is three-fold. First, it forms a building block in EU disarmament policy, adding to the EC Mine Action Strategy adopted in 2001 and the 2003 EU Strategy on Weapons of Mass Destruction (WMD). Second, it provides an agenda for targeted small arms action by establishing SALW as a distinct policy area for the EU. Third, the EU Small Arms Strategy is a concrete step toward integrating small arms action into the EU's overall external relations.

What is needed now is a series of practical, targeted SALW measures, framed in support of broader EU policy objectives for development and security, including security sector reform and counter-terrorism.

The EU is committed to promoting security and development, and has recognized that SALW and ERW undermine the achievement of both. A comprehensive approach to security and development is now firmly established at the highest political level of the EU, as exemplified by the European Consensus on Development. As such, the incorporation of SALW, landmines and ERW into security and development programmes is essential if the Small Arms Strategy is to be successfully implemented across EU policies and by all EU institutions. Furthermore, a balance between short-term and long-term action must be made, as SALW and ERW actions can be crisis management tasks requiring rapid intervention and resource mobilization, but also must be sustained in the long term to have a lasting impact in affected countries.

EXTENDING MINE ACTION ASSISTANCE TO INCLUDE ERW AND LANDMINES

Although the EC Mine Action Strategy provides some assistance to ERW-affected countries, it needs to be formally agreed that ERW is covered by mine action assistance. The underlying principle of the EC Mine Action Strategy is that efforts should be directly related to the goals set by the international community in the context of the Mine Ban Treaty and in the context of the other relevant international instruments and agreements related to disarmament. This would logically translate into an extension of the EC Mine Action Strategy to provide assistance also for dealing with the problems of ERW.

However, at present, the same regulations do not provide the EC with the ability to assist programmes that predominantly deal with ERW. Unexploded ordnance (UXO), one category of ERW, is only covered by the EC Mine Action Strategy where it is found in conjunction with anti-personnel mines. To provide a truly comprehensive approach to mine action, which includes ERW, EC mine action assistance needs to expand to cover all types of landmines, including anti-vehicle mines, and ERW.

ADOPTING POLICY GUIDELINES AND DECIDING PRIORITIES FOR ACTION

The report recommends the adoption of policy guidelines for the provision of European assistance on SALW, landmines and ERW. It supports the efforts currently underway in the European Commission towards defining a common approach to small arms, landmines and ERW in programming. Such an approach would allow financial and technical assistance to be provided to projects that deal simultaneously with small arms, landmines and explosive remnants of war, and furthermore would bring the EU in line with emerging practices in the field.

Until the EU Small Arms Strategy was adopted, there was no overarching policy on SALW that set geographic or thematic priorities for European assistance. This absence of priorities led to ad hoc decisions and imbalanced programme funding. It also made it difficult to ensure policy coherence between small-arms-related assistance and other security and development policies and assistance. The implementation of the EU Small Arms Strategy—across EU policies and by all EU institutions—is expected to minimize or resolve these problems.

The report suggests that enhanced European action on SALW will support EU Common Foreign and Security Policy development objectives and the broader EU objective of promoting stability in the European Neighbourhood. In addition, improved alignment between the EU's SALW and counter-terrorism policies could make a significant contribution to the accomplishment of these objectives.

PREFACE

The illicit trade, accumulation and use of small arms and light weapons (SALW, or simply “small arms”), and the presence of explosive remnants of war (ERW), exacerbate conflict, threaten human life, undermine development and hamper the recovery of war-torn societies. The spread of small arms and their misuse are often related to the vicious circle of poverty, insecurity and underdevelopment. This, in turn, threatens the achievement of the Millennium Development Goals—a major European Union (EU) priority. By consolidating its action against small arms and explosive remnants of war, the EU will make an even greater contribution to the attainment of these goals.

The EU recognizes the illicit accumulation of, and trade in, small arms as root causes of instability,¹ and is increasingly active in tackling these problems. It does so through the Common Foreign and Security Policy (CFSP) as well as through the European Community’s external assistance programmes.

The EU plays an important role in the international community’s efforts to manage the problem of explosive remnants of war. It does this largely through its assistance to mine action programmes that include clearance of contaminated areas, victim assistance and education of affected communities about the risks posed by explosive ordnance. However, the European Community (EC) is limited in the support it can give to programmes dealing explicitly with explosive remnants of war because the EC Mine Action Strategy principally addresses the problems caused by anti-personnel mines.

In December 2005, the European Union adopted the new Strategy to Combat the Illicit Accumulation and Trafficking of SALW and their Ammunition (hereafter referred to as the EU Small Arms Strategy). The challenge today is to ensure that the diverse range of European external actions is pursued in a coherent manner, in order to maximize the effective use of resources.

This Pilot Project, entitled *European Action on Small Arms and Light Weapons and Explosive Remnants of War*, carried out by the United Nations Institute for Disarmament Research (UNIDIR), offers suggestions as to how the EU might deploy the full range of its capabilities in ways that enhance overall effectiveness in actions relating to small arms and explosive remnants of war. The project was principally funded by the European Commission at the request of the European Parliament, with additional funding from the Government of the United Kingdom.

ORIGINS OF THE PROJECT

The study was initiated in 2003 when the European Parliament asked the Commission to carry out two Pilot Projects examining the issues of Weapons of Mass Destruction (WMD), and Small Arms and Light Weapons, the latter including an analysis of issues relating to Explosive Remnants of War. Within the EC–UN Financial and Administrative Framework Agreement, the Commission contracted UNIDIR to conduct research and provide a comprehensive overview of these issues. UNIDIR subsequently launched two research projects. This report presents the results of the research on small arms, light weapons and explosive remnants of war. The findings of the WMD research are contained in a separate report.²

OBJECTIVES

This report aims to provide the European Union with an overview of small arms and ERW problems and current responses, as well as an analysis of selected European actions in these areas and an assessment of their effectiveness. The key objective of the project is to provide evidence-based recommendations for future European action, highlighting the added value achievable by the EU. Options are presented for the enhanced integration of small arms and explosive remnants of war into relevant EU policies, improved coordination internally in the EU, and enhanced cooperation with external partners.

METHODOLOGY

The overall approach to the research was to place the cross-cutting issues of small arms and explosive remnants of war within the broader context of security, development and humanitarian needs. The report examines the link between small arms and explosive remnants of war and issues such as terrorism, crime, armed violence and post-conflict situations.

A variety of research methods were used for the project, including:

- Original research undertaken by a team at UNIDIR. This examined primary and secondary sources such as EU documents, policies, strategies, and communications; reports by non-governmental organizations (NGOs) and others on EU responses to small arms; and a range of literature on small arms and explosive remnants of war. UNIDIR also conducted interviews with people from the European Commission (headquarters and delegations), European Council, Member States, UN agencies and practitioners working in the field;
- Over forty background papers that addressed small arms, explosive remnants of war and the EU's responses to these issues were commissioned from academic and research institutions, NGOs and individual experts;³
- A series of roundtable discussions were held with practitioners, academics and policy experts to receive feedback and guidance on the research. In addition, the project benefited from the expertise of an advisory panel of international experts; and
- The presentation, at an Inter-Parliamentary conference in December 2005, of the interim report containing preliminary findings allowed for queries and comments from participants at the conference to further refine the research.

Further primary and secondary research was conducted for the second phase of the project—the field-based research phase on North Africa. This research was mainly conducted through direct contact with representatives of six North African states—Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia—at both the diplomatic and practitioner levels. This included two regional workshops—one held in Tunisia in March 2006 and another in Geneva in April 2006; a series of bilateral meetings; and a questionnaire on small arms and explosive remnants of war. Given the very limited data previously available in relation to the situation in North Africa, particularly on small arms, this primary research was crucial in developing an accurate picture of the nature and scale of the problem and, consequently, in identifying the region's particular assistance needs.

The relationship between the EU and North Africa was also examined. Interviews were conducted with the relevant desk officers in Brussels and with EC delegations in North Africa.

UNIDIR appointed an adviser in North Africa to support this research phase. UNIDIR also worked in partnership with the League of Arab States, whose representatives attended the regional workshops. The Austrian Presidency and Commission Delegations contributed to the workshops,

together with experts from governments, international and regional organizations, and research institutes. Contributors included the African Union, Amnesty International, Europol, Foreign and Commonwealth Office of the Government of the United Kingdom, Geneva Centre for the Democratic Control of Armed Forces, Geneva International Centre for Humanitarian Demining, Interpol, League of Arab States, Organization for Security and Co-operation in Europe, South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons, and United Nations Mine Action Service. Chapter 6 of the report provides the EU, Member States and the international community with a basis for considering the refinement and possible expansion of existing assistance programmes in North Africa.

The content, conclusions and recommendations contained in the interim report of December 2005 were updated for this final report. In some cases, further research permitted the refinement of the recommendations. In others, some of the interim recommendations were overtaken by policy developments within the EU.

In the first half of 2006, the Commission also started to implement some of the recommendations made in the UNIDIR interim report as part of its efforts toward achieving a more coherent approach to external assistance. It is hoped this final report will provide the EU with further useful evidence from the field and that UNIDIR's recommendations will continue to assist the EU in its policy formulation in these areas.

In summary, the key recommendations for the EU are to:

- Continue to implement the EU Small Arms Strategy through targeted Joint Actions and assistance programmes, and to use small arms action to support broader EU policy objectives;
- Extend EC mine action assistance to formally include ERW and all types of landmines; and
- Adopt policy guidelines for the provision of EC assistance on small arms, landmines and ERW, and decide on priorities for action.

Notes

- ¹ Council of the European Union, *Draft Report to the European Council on EU Activities in the Framework of Prevention, Including Implementation of the EU Programme for the Prevention of Violent Conflicts*, 9714/05 COR 1 (en), 7 June 2005.
- ² Stockholm International Peace Research Institute (SIPRI) worked with UNIDIR to carry out the research on WMD. The project's third partner, the International Security Information Service (ISIS Europe), contributed to the research and managed the presentation of the interim report in Brussels in December 2005.
- ³ See Annex for a list of these background papers, a selection of which are available on UNIDIR's website.

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CHAPTER 1

SMALL ARMS, LIGHT WEAPONS AND EXPLOSIVE REMNANTS OF WAR: THREATS TO SECURITY AND DEVELOPMENT

Small arms and light weapons (SALW)¹ and explosive remnants of war (ERW) have a significant impact on the lives, livelihoods and future prospects of millions of people around the world. In addition, their presence or use threatens relief and development workers, inhibiting access to those they are trying to help, thereby intensifying the human suffering during and after humanitarian crises.²

SALW and ERW are relevant to a range of security and development issues—from border management, terrorism and crime, to issues related to public health, socio-economic development and post-conflict reconstruction. However, these complex relationships are not always recognized. It is essential that the far-reaching and cross-cutting nature of these issues be acknowledged and addressed if appropriate and successful responses are to be developed.

This chapter offers definitions of small arms, light weapons and explosive remnants of war, and describes the problems they represent for security and development.

SMALL ARMS AND LIGHT WEAPONS

Small arms are the weapons most easily acquired and used in armed conflict by both states and non-state actors (NSAs). Around 640 million such weapons are estimated to be in circulation around the world, many of which are not government controlled.³ Although they are used for legitimate national defence and security needs, they are also used by rebels, irregular armed groups, terrorists, and criminal gangs.⁴ Furthermore, small arms are also used for personal protection, hunting and sporting purposes.

Box 1.1. Small arms and light weapons

Small arms and light weapons (referred to in this report simply as “small arms”) are revolvers and self-loading pistols; rifles and carbines; sub-machine-guns; assault rifles; light machine-guns; heavy machine-guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100mm. Related ammunition and explosives are considered as part of the small arms category.

In comparison to major weapon systems, small arms are cheap, easily accessible, simple to operate, portable, and easy to repair or replace. They are also highly lethal.

The international community is addressing the small arms problem from two sides—supply and demand—as each aspect requires a different type of policy response. On the supply side, efforts focus on monitoring and enhancing controls over the production, stockpiling and trade of small arms. On the demand side, efforts have concentrated on understanding what motivates those seeking to acquire small arms.⁵

Many states are unaware of how many legal weapons or what types are in circulation within their territory because they do not have a comprehensive gun registry in place. This complicates the tasks of tracing weapons that have been used for illicit activities, and designing effective measures for their control.

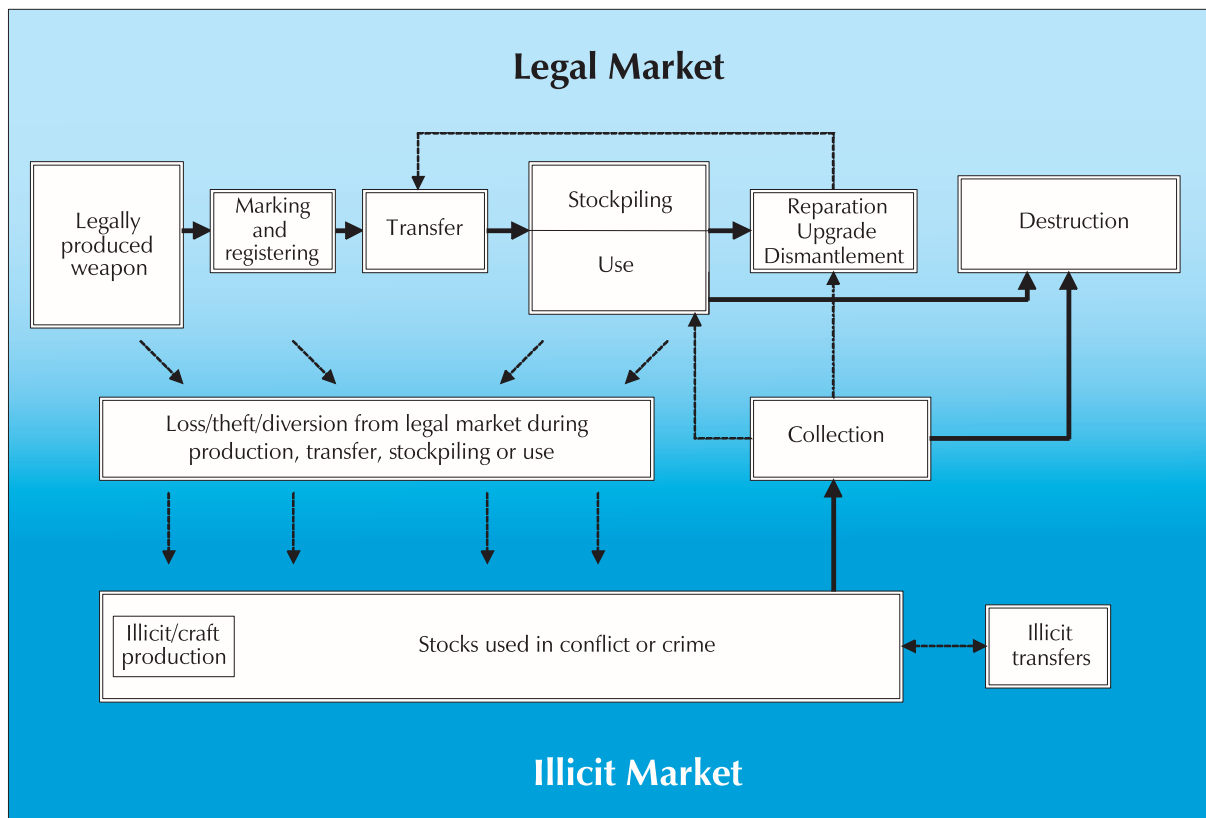
Experience has shown that small arms can be successfully managed if there is sufficient commitment and basic techniques are put in place. Stockpiles can be secured. Customs and export records can be standardized and centralized. The sale of weapons to other states can be verified to ensure against their diversion to illicit markets. Weapons can be brought under control during peace processes, and their decommissioning can build confidence among warring parties.

Together, these measures will not put an end to war or armed violence—but by bringing greater control, responsibility and accountability to the issue of small arms, they will reduce the suffering these weapons inflict.

SALW SUPPLY ISSUES

Most illicit weapons start their life cycles as legal weapons that are later diverted, sold, given away or stolen—many from government arsenals. Therefore, controlling the illicit trade in small arms from the supply side means first securing the legal and authorized production, transfer, and stockpiling of these weapons. A diagram of possible life cycles of small arms, together with possible points of diversion from legality to illegality, is presented in Figure 1.1.

Figure 1.1. Illustration of SALW lifecycles



A key to reducing the spread of, and illicit trade in, small arms is to put in place effective government controls. This entails timely marking, recordkeeping and tracing of weapons; effective export and import controls, including brokering controls; safe transportation and storage; stockpile security; and destruction of surplus weapons.

The absence of marking of weapons prevents the identification of the producers and various intermediaries involved in transferring weapons to criminal networks, other non-state actors, terrorists and combatants.⁶ Marking and tracing systems play a preventive role by deterring people from diverting arms to illicit destinations and from using illegal arms. Marking and tracing, including proper recordkeeping, counter the diversion of weapons to non-state actors and strengthen the ability of law enforcement agencies to investigate criminal and terrorist incidents. Marking of ammunition facilitates tracing and offers valuable information about weapons misuse and crime.

Effective export and import controls are built upon a licensing system which allows the government to issue licenses for export and import of military goods, based on a set of normative criteria, and which includes criminal penalties if these controls are broken. This is accompanied by an end-use risk assessment system, which considers the type of weapon, the quantity to be exported, the end-use, and who the end-user is. End-use monitoring and transparent reporting provide oversight.

Controlling the activities of intermediaries—those who broker arms deals between the buyers and sellers of weapons—is an important aspect of ensuring that legal weapons do not end up in illicit markets.⁷ While arms brokering can be a perfectly legal activity, there are some brokers who deliberately exploit weaknesses in national legislation and facilitate (and profit from) the proliferation of illegal small arms into conflict regions or the hands of criminals.

Stockpiles of small arms and ammunition can also pose safety and security problems. Depots of weapons and explosives located in civilian neighbourhoods in countries as diverse as Nigeria, Cambodia and Albania have exploded, sometimes killing hundreds of people.⁸ The conditions in which a number of stockpiles are currently held suggest a strong risk of similar events happening elsewhere. The security of stockpiles is also an important building block in preventing the diversion of small arms to the illicit market. Securing stockpiles of small arms and their ammunition is a technically demanding task—one that requires international cooperation and assistance, as well as increased government responsibility.

The destruction of surplus weapons, and of those collected through post-conflict disarmament programmes and law enforcement efforts, is a vital step in reducing the number of small arms in circulation and preventing their potential diversion to the illicit trade. For example, after the Cold War, as NATO and former Warsaw Treaty Organization states' armies downsized, large stocks of surplus SALW were not destroyed. Some of these weapons leaked into conflict regions.

SALW DEMAND ISSUES

Reducing the availability and misuse of small arms and light weapons requires an understanding of the motivations of those who seek to acquire them. In addition to demand related to violent conflict, the demand for small arms and light weapons is most often associated with underdevelopment, lack of adequate resources and poverty. For example, small arms crime offers an alternative livelihood for the dispossessed, disenfranchised, and the unemployed. In particularly violent or crime-ridden societies, the demand for weapons for self-protection is inevitably high. Another aspect of demand is that, in some countries and regions, ownership and use of firearms is rooted in tradition and cultural norms.⁹

Demand for weapons can also increase after conflict as ex-combatants are faced with post-conflict stress, poor economic prospects and the breakdown of families and basic services upon return to their communities.¹⁰ The level of crime in post-conflict situations is often high, with the majority of offences committed with firearms.¹¹ Perceived insecurity stimulates the demand for guns. People's distrust of law enforcement officials in post-conflict regions of Liberia and Sierra Leone became an incentive to retain illegal weapons, rather than to turn them over to the authorities. More commonly, the lack of capacity for law enforcement also increases demand for small arms, since citizens feel they cannot rely on the government for protection.

There is considerable research underway to develop a deeper understanding of the demand issue. Suggested responses include a range of measures, including security sector reform (SSR) and developmental incentives. Solutions to demand-driven small arms problems appear to be found at the local level, with civil society and local and national government having vital roles.¹²

EXPLOSIVE REMNANTS OF WAR

Armed conflicts leave behind vast quantities of explosive ordnance that, for a variety of reasons,¹³ have not functioned as intended or have been abandoned by parties to the conflict. More than 90 countries and disputed territories worldwide are affected by ERW.¹⁴ If this ordnance subsequently explodes it can injure or kill civilians, military personnel and peacekeepers. ERW is a persistent threat that will never be totally eliminated. This is demonstrated by the continuing discovery in Europe of munitions from the Second World War.

Box 1.2. Explosive remnants of war and related terms¹⁵

Explosive remnants of war (ERW) means “unexploded ordnance and abandoned explosive ordnance”. This includes mortar shells, rockets, artillery shells, cluster munitions, grenades, and air-delivered bombs. Cluster munitions have been identified as a particularly dangerous weapon type in the conflicts where they have been used, both at the time of use and post-conflict when their submunitions have failed to explode as intended.¹⁶ The term ERW is not used extensively, particularly at the operational level, having only been introduced in the late 1990s. However, activities to alleviate the problems of ERW have existed for considerably longer, dating back to the Second World War.

Unexploded ordnance (UXO) means “explosive ordnance that has been primed, fused, armed, or otherwise prepared for use, and then used in an armed conflict. It may have been fired, dropped, launched or projected and should have exploded but failed to do so”. Explosive ordnance means “conventional munitions containing explosives, with the exception of mines, booby traps and other devices as defined in Protocol II of [the Convention on Certain Conventional Weapons (CCW)] (as amended on 3 May 1996).”

Abandoned explosive ordnance (AXO) means “explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fused, armed or otherwise prepared for use.”

Mine action is made up of five activities: clearance including explosive ordnance disposal, stockpile destruction, victim assistance, risk education and advocacy. ERW is dealt with as part of mine action with, for example, risk education giving people information on mines and ERW, victim assistance dealing with victims of both mines and ERW, and mines and ERW being cleared at the same time. ERW has been an accepted part of mine action since the latter's inception in the late 1980s.

An ERW explosion is more likely to kill than an anti-personnel mine, which is designed to maim rather than kill. ERW incidents are also more likely to result in multiple casualties—including bystanders—than some types of anti-personnel mines. Although there has been a decrease in landmine casualties over time, ERW incidents are rising in some areas. For example, in Cambodia and the Lao People's Democratic Republic, casualties from UXO are increasing despite significant clearance and risk education programmes.¹⁷

ERW, particularly unexploded ordnance, is scattered wherever conflict has occurred, unlike landmines, which are deliberately placed. As it is often visible and found lying on the ground, affected communities tend to treat ERW differently from landmines. People are more likely to take risks with ERW—for example, by farming contaminated land—than they would if they knew the land was mined. ERW also hampers emergency, humanitarian, and peacebuilding efforts.

Areas under the control of non-state actors, or areas where they operate, are often contaminated with explosive remnants of war. In addition, non-state actors create new ERW through their use of weapons and ammunition and this can be a major problem for civilian populations, for example in Colombia and Nepal.¹⁸ They may even try to re-use explosive remnants of war, as well as extract explosives from ERW to make improvised explosive devices (IEDs) such as homemade mines, especially if they have few resources.

ERW is regularly used in acts of terrorism. Between 2003 and 2004, almost forty non-state actors used IEDs. The number of IEDs developed from ERW is unknown, but during 2003 alone it is estimated that some 95% of IEDs in Iraq used abandoned explosive ordnance left behind after the recent conflict. The same problem has been reported in Abkhazia, Afghanistan, Chechnya, Colombia, Georgia, Kashmir and the Occupied Palestinian Territories.¹⁹

ERW has both immediate and long-term impacts on affected communities. In the immediate post-conflict phase, their presence can contribute to fear and insecurity, hindering attempts at reconciliation and rehabilitation. Although the secondary impacts of ERW, such as land denial, are not necessarily as severe as those of landmines, there are nevertheless serious socio-economic and development impacts on post-conflict communities.

It is not known how many people are injured and killed by ERW each year. Some victims never make it to a medical facility for treatment and many incidents go unrecorded. Of those that are reported, many are recorded as due to landmines, rather than ERW.

The existing data shows that most ERW victims tend to be from the poorest sectors of society²⁰ and the majority of them are men and boys.²¹ Nevertheless, women also feel the impact of ERW. If a husband or father is killed or disabled, a woman may have to take sole responsibility for the household, find employment and support the entire family. This may contravene cultural norms, placing women in a difficult position within their society. Female ERW victims may also encounter additional cultural difficulties such as poorer access to medical treatment than men. Additionally, in many countries, medical staff and prosthetic technicians are men who may not be allowed to treat women due to cultural reasons.²²

Many accidents occur when people are carrying out daily tasks such as firewood, water and food collection; agricultural activities; and going to and from school or work. However, the most common cause of explosive incidents is through deliberate interaction with ERW, such as extracting explosives for fishing, collecting scrap metal to sell, moving ERW to keep others safe or simply through curiosity.

Preventive measures can reduce the number of munitions that become ERW. For example, munitions should be manufactured under controlled conditions and subject to quality control standards, including handling and storage tests, and stockpile management should be conducted according to international guidelines.

Immediately after conflict, measures can be taken to limit the impact of ERW, such as by sharing information on the types of explosive ordnance used by armed forces, and taking precautions to protect civilians through, for example, fencing and monitoring contaminated areas. There is also a need to address the social, economic and political contexts that lead people to deliberately interact with ERW even when they are aware of the risks.²³

Trying to establish whether there is an ERW element in a particular policy or programme can prove problematic. Specific ERW tasks are not always identified and if they are, it is often only work related to UXO, not AXO, that is specified. It is also difficult to assess the extent of the ERW problem as many accidents are recorded as due to landmines. When the distinction “UXO” is made, often the munition type will not be recorded, thus complicating the identification of those that present a more significant threat. This limits research on the issue and, as a result, the adaptation of programmes to deal more effectively with ERW problems.

HOW SMALL ARMS AND ERW IMPACT SECURITY AND DEVELOPMENT

Accumulation of small arms and the presence of explosive remnants of war contribute to insecurity and hamper efforts to achieve sustainable development. SALW and explosives are also used in acts of terrorism and crime. However, small arms and ERW have only recently been acknowledged as issues that are relevant to both security and development.

Until the 1980s, security and development were mostly dealt with separately: “security” meant mainly state/military security, and “development” primarily referred to economic growth. However, in the past few years, there has been a broadening of the security concept to encompass human rights, access to education and health care, and freedom from want and fear. This broader concept is widely known as “human security”.²⁴

During the latter half of the 1990s, there was an increased interest in the development and health implications of SALW and ERW. The development community began to re-think the complex relationship between armed conflict and social violence, and also weapons and development. However, the impact on development of illicit SALW proliferation has only recently been introduced as a concern in international and regional initiatives. Important recent landmarks in this thinking include the United Nations Secretary-General’s report “In Larger Freedom” from March 2005; the outcome document of the September 2005 World Summit, and General Assembly resolution 60/68 of December 2005 on “addressing the negative humanitarian and development impact of the illicit manufacture, transfer and circulation of SALW and their excessive accumulation”.²⁵ Yet the contribution of small arms action to achieving development objectives is often not explicitly acknowledged, particularly in instruments dealing specifically with SALW. For example, in the UN Programme of Action on Small Arms (PoA) references to development are vague and presented in the preambular text rather than in the operative part.²⁶

Governments, international organizations, practitioners and academics have increasingly recognized that small arms and explosive remnants of war are connected to both security and development.²⁷ The United Nations Development Programme (UNDP) has emphasized the role of small arms in the security–development relationship by explaining that these weapons undermine “the safety and security of communities, threaten livelihoods, and destroy social networks, thereby

at best holding back and at worst contributing to the reversal of development gains”.²⁸ In 2005 the Organisation for Economic Co-operation and Development (OECD) agreed that technical cooperation activities to control, prevent and/or reduce the proliferation of small arms are eligible for Official Development Assistance (ODA).²⁹ The World Bank highlighted the impact of ERW and landmines on economic and social development in 2004 and there is an ongoing dialogue within the mine action community on better integration of mine action and development activities.³⁰

The EU explicitly relates security to development, stating that “security is a precondition of development”.³¹ Indeed, the EU has been a front-runner in recognizing the negative impact small arms have on development. The 1998 Joint Action on small arms notes that the excessive and uncontrolled accumulation of small arms poses a threat to peace and security and reduces the prospects for sustainable development.³² Furthermore, the EU plays a key role in the UN PoA process, where it advocates development as a priority issue.³³ The development dimension of SALW is also addressed in the EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition.

Because of their relevance to both security and development, small arms and ERW issues affect all stages of conflict prevention, crisis management, conflict resolution and post-conflict rehabilitation and reconstruction. Activities to address small arms and ERW problems often have both shorter- and a longer-term components to provide sustainable solutions and not simply crisis management (see Tables 1.1 and 1.2). The EU’s recent Monitoring Mission in Aceh illustrates how small arms programmes address security and development needs throughout the conflict spectrum. Development and security interests converge in processes such as Disarmament, Demobilization and Reintegration (DDR, see Box 1.3) and security sector reform.³⁴ The UN is responding to this with a shift towards so-called “integrated missions”.³⁵ Weapons collection and destruction activities are a prominent component in most recent peacekeeping mandates.³⁶

Mine action is primarily considered a post-conflict activity, conducted through the provision of humanitarian and development assistance. However, it can also help build trust in peace processes. Mine action can create space for dialogue by bringing parties to a conflict together to discuss mine action plans, as demonstrated in the Sudan peace process (excluding the Darfur region). It can also be part of broader DDR programmes. Clearing explosive ordnance, which enables people to return to their homes, promotes confidence in peace as well as making rehabilitation and development easier (see Table 1.2).

The illicit use of small arms and explosives from ERW link these issues with terrorism and criminal aspects of insecurity. Currently, it is difficult to prevent these weapons from ending up in the hands of terrorists and criminals. The availability of small arms can create conditions in which terrorist networks flourish, and they often are the weapons of choice for terrorists and terrorist groups.³⁷ Light weapons capable of shooting down aircraft or destroying mass transit vehicles have on several occasions been used for terrorist purposes to devastating effect. Strengthened controls on, inter alia, man-portable air defence systems (MANPADS) could promote the security of international transport, especially freight and passenger planes.³⁸

Table 1.1. Examples of SALW activities throughout the conflict spectrum

Examples of crisis management activities (short-term)	Examples of conflict prevention, development and security-building activities (long-term)
<p>Conduct situation assessments</p> <p>Undertake awareness-raising campaigns</p> <p>Monitor and support the disarmament and demobilization of parties to conflict</p> <p>Collect weapons</p> <p>Secure stockpiles of weapons and ammunition</p> <p>Secure weapons and ammunition depots</p> <p>Destroy surplus weapons</p>	<p>Conduct reintegration programmes (including programmes on child soldiers)</p> <p>Provide assistance to small-arms-related aspects of security sector reform (promoting good governance of the security sector)</p> <p>Build local capacity by training law enforcement, border control and customs officials on small arms management and best practices</p> <p>Undertake regional programmes to combat illicit trafficking of small arms through improved border controls and regional information exchange</p> <p>Undertake awareness-raising campaigns</p> <p>Secure stockpiles of weapons and ammunition</p> <p>Support confidence-building</p> <p>Support small-arms-related research</p> <p>Support drafting of national legislation</p> <p>Support the establishment of National Points of Contact on small arms and National Plans of Action to implement the UN PoA</p> <p>Reduce the demand for small arms through peacebuilding and reconciliation</p>

Table 1.2. Examples of mine action and ERW activities throughout the conflict spectrum

Examples of crisis management activities (short-term)	Examples of conflict prevention, development and security-building activities (long-term)
<p>Victim assistance: emergency medical treatment and immediate follow-up</p> <p>Mine risk education with a strong community liaison component</p> <p>Surveying, marking, mapping and fencing of areas contaminated by ERW</p> <p>Explosive ordnance disposal, including that undertaken during mine clearance operations</p> <p>Secure abandoned stockpiles of weapons and ammunition</p> <p>Secure weapons and ammunition depots</p>	<p>Victim assistance: physiotherapy, provision of prosthetics, psychosocial support, vocational re-training</p> <p>Mine risk education with a strong community liaison component</p> <p>Explosive ordnance disposal, including that undertaken during mine clearance operations</p> <p>Build and develop local capacity, e.g. train firemen or police officers in explosive ordnance disposal; train medical staff to deal with ERW injuries</p> <p>Support local and international NGOs to reduce the threat of ERW through clearance, destruction, victim assistance, risk education, and advocacy</p> <p>Support ERW-related research</p> <p>Support national mine action centres and the implementation of national mine action and development plans</p> <p>Raise awareness of relevant international humanitarian law such as Protocol V of the CCW</p> <p>Build and strengthen the capacity of state institutions to prevent people from interacting with ERW out of economic necessity</p>

Box 1.3. Small arms: an essential part of DDR programming

DDR programmes consist of a range of activities undertaken in post-conflict environments, aimed at both short-term and long-term objectives. DDR bridges the immediate security-building phase with that of longer-term recovery and development. Many aspects of DDR programmes are directly relevant to small arms.³⁹ All of these small-arms-related activities can also be undertaken as stand-alone operations, as long as the importance of complementarity and coordination among activities is taken into account. The following list provides examples of small-arms-related activities that form parts of DDR programmes:

- Weapons surveys
- Weapons management activities, including:
 - Weapons collection
 - Stockpile management and security
 - Data collection
 - Marking, recordkeeping and tracing
 - Weapons destruction
- Cantonment and disarmament (requiring special gendered approaches and special assistance to children and youth and the disabled)
- Cross-border operational planning to combat weapons trafficking
- Awareness-raising of weapons collection, DDR procedures and community safety

Notes

- 1 Unless specifically mentioned, this report uses the terms *SALW* and *small arms* interchangeably, and refers to associated ammunition. The definition used in the report follows that set out in the *Report of the Panel of Governmental Experts on SALW*, UN document A/52/298, 27 August 1997. Another definition of SALW, which excludes related ammunition, is provided in the *Report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, UN document A/60/88, 27 June 2005. The EU Joint Action (2002/589/CFSP) definition of small arms includes only military-style weapons, and was considered too limited for the purposes of this project. The definition in the EU Small Arms Strategy includes small arms and accessories specially designed for military use and man- or crew-portable light weapons, and excludes civilian weapons.
- 2 Cate Buchanan and Robert Muggah, *No Relief. Surveying the Effects of Gun Violence on Humanitarian and Development Personnel*, Centre for Humanitarian Dialogue and the Small Arms Survey, 2005. The availability and misuse of small arms further exacerbates human suffering during emergencies. Access to beneficiaries and a secure space for humanitarian activities is constrained in areas with a high concentration of small arms. Despite the growing recognition by the humanitarian community of the value of security training, most humanitarian and development workers receive little or no such training, and those who do are usually expatriates and not local workers. Training can be considered as the safe handling of weapons, their safety mechanisms, and the means to render them inoperable. It also includes enhancing knowledge about the types of guns in circulation and the level of their availability and misuse (intended to improve the reliability and robustness of indicators of risk and insecurity).
- 3 Small Arms Survey, "Global Firearms Stockpiles", *Small Arms Survey Yearbook 2001: Profiling the Problem*, Oxford University Press, 2001, p. 57. For instance, the number of weapons held domestically and by private security firms in Haiti is estimated to be over 200,000, whereas the number estimated to be in the hands of known gangs and military forces is

- 18,000 (correspondence with Desmond Molloy, Chief DDR, MINUSTAH/UNDP, 8 August 2005).
- 4 Pieter D. Wezeman has noted that small arms are not the “weapon of choice” for armed groups, but rather the weapon of availability. For a detailed discussion of small arms situated in the wider context of conventional weapons and their production, transfer, use and control, see Pieter D. Wezeman, *Conflicts and Transfers of SALW*, SIPRI, 2003.
- 5 Darryl Whitehead, *SALW Proliferation Pressures, the Horn of Africa, and EU Responses*, The Life and Peace Institute, 2005 (background paper commissioned by UNIDIR). See also David Atwood and David Jackman, *Security Together: a Unified Supply and Demand Approach to SALW Control*, QUNO, 2005; David Atwood and David Jackman, “Working Where it Hurts: Perspectives from the Field on SALW Demand”, *Disarmament Forum*, no. 2, UNIDIR, 2000; Chandré Gould and Guy Lamb (eds), *Hide and Seek: Taking Account of Small Arms in Southern Africa*, Institute for Security Studies (South Africa), 2004.
- 6 Ilhan Berkol, *Marking, Registering and Tracing Small Arms and Light Weapons: Policy Options for the European Union*, GRIP, 2005 (background paper commissioned by UNIDIR).
- 7 In the Council Common Position on Arms Brokering, brokering activities are defined as “activities of persons and entities: a) negotiating or arranging transactions that may involve the transfer of items on the EU Common List of military equipment from a third country to any other third country; or b) who buy, sell or arrange the transfer of such items that are in their ownership from a third country to any other third country. This paragraph shall not preclude a Member State from defining brokering activities in its national legislation to include cases where such items are exported from its own territory or from the territory of another Member State.” Council of the European Union, *Council Common Position on the Control of Arms Brokering*, 2003/468/CFSP, 23 June 2003, art. 2.
- 8 For example, in Lagos, Nigeria, over 1,000 people died when a military munitions dump exploded on 27 January 2002. “Nigeria remembers deadly barracks blast”, *BBC News World Edition*, 27 January 2003, <http://news.bbc.co.uk/2/hi/africa/2698081.stm>.
- 9 Presentation by Michael Kimmel, “Masculinity and Gun Violence: The Personal Meets the Political”, at the conference *Men, Women and Gun Violence: Options for Action*, New York, 14 July 2005.
- 10 IANSA, *Women, Gun Violence and the Home*, IANSA, 2003, www.iansa.org/women/documents/women_gunviolence_home.pdf. In one study, an estimated 75% of Cambodian women experienced domestic violence, often by men using weapons they had retained from the war. Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War and Peace: Independent Experts Assessment on the Impact of Armed Conflict on Women and the Role of Women in Peace-building*, UNIFEM, 2002.
- 11 Levels of firearm-related violence can sometimes be higher in post-conflict societies than during the armed conflict itself; urban criminality is also likely to increase. This is the case in Guatemala, for example, where firearm-related deaths have increased since the signing of the peace agreement in 1996. Small Arms Survey, *Small Arms Survey Yearbook 2005: Weapons at War*, Oxford University Press, 2005, pp. 270 and 274.
- 12 David Atwood, Anne-Kathrin Glatz and Robert Muggah, *Demanding Attention: Addressing the Dynamics of Small Arms Demand*, Small Arms Survey, Occasional Paper 18, 2006.
- 13 Such reasons include their known technical failure rate, landing on soft terrain (e.g. sand), and being air-delivered from the wrong altitude.
- 14 Richard Moyes (ed.), *Explosive Remnants of War and Mines Other than Anti-personnel Mines: Global Survey 2003–2004*, Landmine Action, Actiongroup Landmine.de and Mines Action Canada, 2005.
- 15 All definitions with the exception of *mine action* are from the *Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effect*, Article 2 of the Protocol on Explosive Remnants of War (Protocol V).

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- 16 The Geneva International Centre for Humanitarian Demining (GICHD) threat analysis concludes that “landmines (both anti-personnel and anti-vehicle) and submunitions constitute the highest threat, with grenades, mortar ammunition, bombs, projectiles, and guided missiles representing a medium threat”. GICHD, *Explosive Remnants of War: a Threat Analysis*, GICHD, 2002; GICHD, *Technical Aspects of Explosive Remnants of War*, 2005 (background paper commissioned by UNIDIR); Human Rights Watch, *Off Target: The Conduct of the War and Civilian Casualties in Iraq*, Human Rights Watch, 2003.
- 17 Richard Moyes and Dave Tinning, *Formal and Informal Responses to Ordnance Contamination*, 2005 (background paper commissioned by UNIDIR); Geneva International Centre for Humanitarian Demining, *Technical Aspects of Explosive Remnants of War*, 2005 (background paper commissioned by UNIDIR).
- 18 See Geneva Call and Program for the Study of International Organizations, *Armed Non-state Actors and Landmines: Volume 1—A Global Report Profiling NSAs and their Use, Acquisition, Production, Transfer and Stockpiling of Landmines*, Geneva Call, 2005, p. 24.
- 19 E-mail communication with Research Coordinator from Geneva Call, 2 June 2005; Richard Moyes (ed.), *Explosive Remnants of War and Mines Other than Anti-personnel Mines: Global Survey 2003–2004*, Landmine Action, Actiongroup Landmine.de and Mines Action Canada, 2005, pp. 12–13.
- 20 Katleen Maes and Sheree Bailey, *Providing Appropriate Assistance to the Victims of Explosive Remnants of War*, Handicap International—Belgium, 2005 (background paper commissioned by UNIDIR); Richard Moyes and Dave Tinning, *Formal and Informal Responses to Ordnance Contamination*, 2005 (background paper commissioned by UNIDIR).
- 21 For example, in Kosovo over 90% of casualties over the past few years have been men or boys; in Iraq some 94% of recent casualties were men and boys. For more examples, see Richard Moyes (ed.), *Explosive Remnants of War and Mines Other than Anti-personnel Mines: Global Survey 2003–2004*, Landmine Action, Actiongroup Landmine.de and Mines Action Canada, 2005, p. 8.
- 22 Katleen Maes and Sheree Bailey, *Providing Appropriate Assistance to the Victims of Explosive Remnants of War*, Handicap International—Belgium, 2005 (background paper commissioned by UNIDIR).
- 23 Richard Moyes and Dave Tinning, *Formal and Informal Responses to Ordnance Contamination*, 2005 (background paper commissioned by UNIDIR).
- 24 For more information on the concept of human security, see United Nations Development Programme, *Human Development Report 1994*, Oxford University Press, 1994; and Commission on Human Security, *Human Security Now*, Commission on Human Security, 2003.
- 25 *In Larger Freedom: Towards Development, Security and Human Rights for All, Report of the Secretary-General*, A/59/2005, New York, 21 March 2005; *2005 World Summit Outcome*, A/RES/60/1, New York, 24 October 2005; *Addressing the Negative Humanitarian and Development Impact of the Illicit Manufacture, Transfer and Circulation of Small Arms and Light Weapons and their Excessive Accumulation*, A/RES/60/68, New York, 6 January 2006.
- 26 For an elaboration of demand aspects in the UN PoA as well as recommendations, see “Integrating Development into the UN Programme of Action Process”, Recommendations from an expert seminar, held in Oslo, 22–23 March 2006, co-organized by The Royal Ministry of Foreign Affairs of Norway, and the Norwegian Initiative on Small Arms Transfers, April 2006.
- 27 For example, see Frances Stewart and Valpy Fitzgerald (eds), *War and Underdevelopment*, vols 1 & 2, Oxford University Press, 2000. Stewart and Fitzgerald distinguish three interrelationships between security and development: first, the immediate impact of security and insecurity on well-being and development achievements; secondly, the way in which

- insecurity affects development and economic growth; and thirdly, the way development affects security.
- 28 Mark Malloch-Brown, "Foreword", *Small Arms Survey Yearbook 2003: Development Denied*, Oxford University Press, 2003.
- 29 OECD-DAC, *Conflict Prevention and Peace Building: What Counts as ODA?*, OECD, 3 March 2005, www.oecd.org/dataoecd/32/32/34535173.pdf.
- 30 World Bank, Conflict Prevention and Reconstruction Unit, "Landmine Contamination: A Development Imperative", Social Development Note no. 20, October 2004. The mine action and development dialogue is co-chaired by the Canadian government and the Geneva International Centre for Humanitarian Demining.
- 31 *A Secure Europe in a Better World: European Security Strategy*, European Union Institute for Strategic Studies, 2003, www.iss-eu.org/solana/solanae.pdf. Document proposed by Javier Solana and adopted by the Heads of State and Government at the European Council in Brussels on 12 December 2003, p. 6.
- 32 Joint Action of 17 December 1998 (1999/34/CFSP) adopted by the Council on the basis of Article J.3 of the Treaty of European Union on the European Union's Contribution to Combating the Destabilising Accumulation and Spread of Small Arms and Light Weapons.
- 33 See the statement by H.E. Ambassador John Freeman, Head of the UK Delegation to the Biennial Meeting of States on the PoA in July 2005 on behalf of the European Union: "the excessive and destabilising accumulation of SALW, and their unrestrained transfer, still pose serious challenges to international security, human safety and socio-economic development." See also the EU Presidency Statement at the *PoA PrepCom SALW: Cluster 1: Development*, New York, 13 January 2006, http://europa-eu-un.org/articles/en/article_5580_en.htm.
- 34 Espen Barth Eide et al., *Report on Integrated Missions: Practical Perspectives and Recommendations*, independent study for the expanded UN Executive Committee on Humanitarian Affairs core group, May 2005, p. 13, www.reliefweb.int/rw/lib.nsf/db900SID/SODA-6CK7SK.
- 35 DPKO and UNDP are conducting the UN's first integrated mission in Haiti to ensure that all action provide for a long-term, sustainable developmental impact. The integrated mission in Haiti also collaborates with, or is in discussion with, ILO, IOM, UNFPA, UNICEF, UNOPS, WFP and WHO.
- 36 Six of the UN peacekeeping missions currently underway (Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Haiti, Liberia and Sudan) contain specific provisions for weapons collection and destruction, with an emphasis on the monitoring of illicit arms flows and monitoring of arms embargoes. Report of the Secretary-General, *Assistance to States for Curbing Illicit Traffic in Small Arms and Collecting Them: The Illicit Trade in Small Arms and Light Weapons in All its Aspects*, UN document A/60/161, 25 July 2005. In a declaration on behalf of the EU to the Special Committee on Peacekeeping Operations of the UN in 2005, Luxembourg reinforced the importance of including, from the beginning, both DDR and SSR in peacekeeping missions. See www.eu2005.lu/en/actualites/documents_travail/2005/01/3101declun/. See Box 1.3 on "Small arms: an essential part of DDR programming".
- 37 See Jonathan Stevenson, *The Flow of Small Arms and Explosives to Terrorist Groups: EU Challenges and Remedies*, IISS, 2005 (background paper commissioned by UNIDIR). According to the Small Arms Working Group, approximately half of the 175 terrorist attacks documented in the US State Department's 2003 report *Patterns of Global Terrorism* were committed with small arms and light weapons. Center for Defense Information, *Consequences of the Proliferation and Misuse of Small Arms and Light Weapons: Small Arms Working Group Fact Sheets*, Center for Defense Information, 2006, www.cdi.org/pdfs/SAWG_Small_Arms_Fact_Sheets_2006.pdf.
- 38 Jonathan Stevenson, *The Flow of Small Arms and Explosives to Terrorist Groups: EU Challenges and Remedies*, IISS, 2005 (background paper commissioned by UNIDIR).

- ³⁹ According to paragraph 21 of the UN Programme of Action, participating states undertake, “to develop and implement, where possible, effective disarmament, demobilization and reintegration programmes, including the effective collection, control, storage and destruction of small arms and light weapons, particularly in post-conflict situations, unless another form of disposition or use has been duly authorized and such weapons have been marked and the alternate form of disposition or use has been recorded, and to include, where applicable, specific provisions for these programmes in peace agreements”.

CHAPTER 2

INTERNATIONAL ACTION ON SMALL ARMS AND ERW

Although the proliferation of small arms and the presence of ERW have long been a problem, international measures and instruments to target them have only been agreed during the last ten to fifteen years. This chapter identifies and examines the key international agreements¹ and potential developments.

SMALL ARMS

There are several multilateral agreements aimed at regulating small arms to reduce the illicit trade in SALW, such as the UN Programme of Action, the Firearms Protocol and the Tracing Instrument (see Box 2.1). This demonstrates a growing international commitment to dealing with the problems posed by SALW.

Box 2.1. Main international instruments to combat the illicit trade of small arms

The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects² (UN PoA)

The main framework for combating illicit trafficking and proliferation of small arms is the UN Programme of Action, adopted in 2001, which is politically binding and universally agreed. It serves as a tool for building concerted international action, including the development of related multilateral instruments on issues such as arms brokering and marking and tracing. Several of the UN PoA's provisions are less forceful than the EU and its Member States argued for. The main gaps and weaknesses are the lack of reference to export controls in relation to non-state actors, the omission of the vital issue of civilian possession of SALW, and the over-generalized nature of its humanitarian and development components.³

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition⁴ (Firearms Protocol)

The Firearms Protocol is the only legally binding international agreement on small arms. It was adopted in 2001 and focuses on illicit firearms used in (particularly transnational) crime. It promotes a crime prevention and law enforcement approach to the problem. Despite the differences of focus and applicability, the UN PoA and the Firearms Protocol are mutually reinforcing.⁵

The International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons⁶ (Tracing Instrument)

The most notable progress as part of the follow-up measures identified in section IV of the Programme of Action was the development of an international instrument, adopted in 2005, to enable states to identify and trace illicit SALW. This politically binding instrument offers possibilities for enhanced international cooperation and transparency in this area.

In addition to the global instruments presented in Box 2.1, many regions, such as Europe, Latin America and sub-Saharan Africa, have agreed small arms instruments or issued declarations that support the implementation of the UN Programme of Action. Regional efforts to combat the illicit trade in small arms are necessary to contain the global small arms problem.⁷ However, the capacity

of states and organizations to tackle these problems varies considerably. The lack of political consensus is often an obstacle to effective regional action.⁸

Even when the political commitment is evident, negotiations are frequently hampered and instruments weakened by disagreement over the desirable level and means of control. And despite the growing momentum to address illicit small arms problems, assistance programmes and international efforts to stem their proliferation remain insufficient. The multi-faceted nature of illicit small arms problems requires that assistance be designed to promote policy coherence and unity of purpose across traditionally distinct policy areas.

As a regional actor, the EU has agreed a number of SALW-specific policy positions and also has contributed actively to the international agenda setting in this area. Developing and strengthening effective arms transfer controls, including on brokering, is a key priority for the EU.⁹ In particular, the EU advocates stronger export controls and the elaboration of common national and international standards, with the aim of preventing the diversion of legally held weapons to illegal channels, and limiting the excessive accumulation of arms in regions already affected by existing tensions or armed conflicts.¹⁰ The EU contributes to transfer controls in Central America, the MERCOSUR region, the Caribbean, the Great Lakes region and the Horn of Africa. In practical terms, this support is expressed through the provision of financial assistance and expert advice, as well as participation in regional initiatives and donor coordination efforts.

As a key avenue of action, the EU seeks to improve the control of SALW transfers, including the introduction of minimum common standards. The EU Code of Conduct on Arms Exports (see Chapter 3) represents one of several examples of agreed regional instruments. As a related priority, the EU is committed to improving stockpile management practices and to the destruction of destabilizing accumulations of arms, as these issues play a crucial role in the efforts to prevent illicit transfers of SALW.

Transfers to non-state actors is an area of concern to the EU. The use of MANPADS to endanger civil aviation highlights the problems caused by transfers to non-state actors. The EU underlines that the issue of end-use certificates also deserves attention and should be dealt with in the context of transfer controls.¹¹

In this area, there have also been several important initiatives by individual Member States of the EU, such as the UK-led Transfer Controls Initiative (TCI) that promotes minimum common international standards on SALW transfers within the UN PoA. A group of like-minded states aims to get these principles agreed at the 2006 PoA Review Conference. The EU has also given its support to the proposed Arms Trade Treaty (ATT),¹² which provides a set of common minimum standards and a mechanism for controlling a wider range of arms transfers based on states' existing responsibilities under international law.

EXPLOSIVE REMNANTS OF WAR

The problem of ERW has appeared on the international agenda intermittently since the 1970s. However, it was not until the beginning of this century that the issue was more effectively addressed within the Convention on Certain Conventional Weapons (CCW) framework (see Box 2.2).

Protocol V of the CCW, adopted in 2003 and entering into force in November 2006, is the first multilateral treaty instrument designed to deal specifically with ERW. Unlike the Mine Ban Treaty, it does not prohibit or restrict the use of any particular type of weapon. Rather, it requires parties to

a conflict to take specific measures to reduce the dangers that ERW poses to civilians. This is in line with the CCW framework, which seeks to find a balance between military utility and humanitarian concerns.

Box 2.2. Main international measures dealing with ERW

Protocol V of the Convention on Certain Conventional Weapons

Protocol V, adopted in 2003, is the only international humanitarian law that specifically addresses ERW. The protocol aims to reduce the impact of ERW in post-conflict environments through measures such as clearance, information sharing, warnings to civilians, and assistance. It also includes some voluntary preventive measures relating to the manufacture, storage and handling of weapons and ammunition.

The Mine Ban Treaty

The 1997 Mine Ban Treaty,¹³ which entered into force in 1999, prohibits the use, stockpiling, production and transfer of anti-personnel mines. It underpins mine action activities: clearance, stockpile destruction, victim assistance, risk education and advocacy. Many ERW activities such as clearance, including those supported by the EC, are conducted as part of State Party requirements under the Mine Ban Treaty or by non-signatories to demonstrate their commitment to the principles of the Treaty.

Amended Protocol II of the Convention on Certain Conventional Weapons¹⁴

Protocol II of the CCW, amended in 1996, bans non-detectable anti-personnel mines. It also places restrictions on the use of mines, booby traps, and other devices. It was the failure to ban all anti-personnel mines during amendment negotiations in 1996 that led to the negotiation of the Mine Ban Treaty.

Although ERW and landmines are dealt with separately at a policy level within the international community, the language of Protocol V draws on the language of amended Protocol II of the CCW, which deals with mines, booby traps and other devices, and the Mine Ban Treaty. This reflects the reality that ERW is part of existing mine action activities and that it should be addressed through the same international mechanisms.

Protocol V is a useful addition to International Humanitarian Law, filling a gap left by Amended Protocol II and the Mine Ban Treaty. It also makes some practical provisions for post-conflict situations. However, Protocol V has a number of weaknesses. For instance, it does not oblige states to deal with areas that are *currently* affected by ERW and it solely applies to *future* conflicts, although it does allow affected states parties to request voluntary cooperation and assistance for existing problems. Only the post-conflict measures of the Protocol are legally binding and many of the obligations have qualifying language that could serve to weaken compliance. The preventive measures are voluntary so there is no obligation to adhere to these minimum standards.

Furthermore, the Protocol does not provide a comprehensive response to the problems caused by cluster munitions, despite the fact that their high failure rate and certain environmental conditions can produce large quantities of unexploded submunitions, and their use in areas of civilian concentration can cause high casualties at the time of deployment. At present, there is no agreement within the CCW Group of Governmental Experts on ERW on the need for specific regulations on cluster munitions, although there may be significant progress before the end of 2006. The CCW Review Conference in November 2006 will be a decisive moment, when States Parties will have to decide whether to work specifically on cluster munitions, to continue talking more generally about ERW, or to drop the issue of ERW entirely.

The NGO Geneva Call provides non-state actors with a mechanism to ban anti-personnel mines and “other victim-activated explosive devices”¹⁵ called the Deed of Commitment for Adherence to

a Total Ban on Anti-personnel Mines and for Cooperation in Mine Action. Signatory groups therefore ban the use of victim-activated IEDs that may contain explosives extracted from ERW. The Deed of Commitment also requires cooperation in mine action, which includes efforts to solve ERW problems.

The EU played an important role during the negotiations of Protocol V and its commitment to the Protocol is evident from the fact that just under half of the twenty-three signatories are from the EU, or are EU candidate or acceding states.¹⁶ Nevertheless, the EU could intensify its efforts to promote the Protocol internationally and to encourage other states to join by raising it at meetings with third countries,¹⁷ for example holding regional meetings on the Protocol and issuing demarches.

In addition, the EU could take further steps to reduce the impact of cluster munitions. The European Parliament has called for a moratorium on the use, stockpiling, production, transfer or export of cluster munitions.¹⁸ And at the national level, some Member States are taking measures to end the use of certain types of cluster munitions. National parliaments are increasingly discussing the specific problems caused by these munitions, and the momentum behind civil society initiatives like the Cluster Munition Coalition is growing. A more comprehensive approach at the international level is also needed, either within or outside of the CCW framework.

Notes

- ¹ In addition to the measures discussed, the Universal Declaration of Human Rights, the Geneva Conventions, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the proposed Convention on Persons with Disabilities, UN Security Council resolution 1325 on Women, Peace and Security, and the UN Millennium Development Goals are also relevant to small arms and ERW.
- ² *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects*, A/CONF.192/15, New York, 9–20 July 2001. The implementation of the UN Programme of Action has been given high-level support, inter alia, by the 2005 World Summit, which in its outcome document (A/60/L.1 of 20 September 2005) mentions the support to combating the illicit trade in small arms (para. 94) alongside a reference to small arms and light weapons in the context of transnational crime (para. 11), and anti-personnel mines (para. 95).
- ³ See International Alert, Saferworld and the University of Bradford's running series *Biting the Bullet* for a thorough analysis of strengths and shortcomings of the Programme of Action.
- ⁴ *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime*, as contained in the Annex of General Assembly resolution A/RES/55/255 of 8 June 2001.
- ⁵ As a separate part of this project, UNIDIR has undertaken a study for the European Commission's Directorate D: Internal Security and Criminal Justice to assess the impact of a proposal for a Community Regulation that implements Article 10 of the UN Firearms Protocol into Community legislation.
- ⁶ Following a decision by the General Assembly, an Open-ended Working Group on Tracing Illicit Small Arms and Light Weapons (OEWG) convened three times between 2004 and 2005, and adopted a draft international instrument to enable states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. *Report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace,*

in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, UN document A/60/88, 27 June 2005. See also General Assembly resolution A/60/81 of 8 December 2005, in which the General Assembly calls upon all states to implement the Tracing Instrument, and also General Assembly decision A/60/PV.16 of 8 December 2005 to adopt the instrument, including the text of the decision (A/60/463) and details of the vote (A/60/PV.61).

7 For more discussion on this, and especially EU cooperation with regional organizations, see Chapters 4 and 5. Aside from EU instruments, EU Member States have contributed to, and participate in, inter alia, the work done within OSCE and the Wassenaar Arrangement.

8 See Chapter 5 for more details.

9 The EU was among those who insisted on the inclusion in UN General Assembly resolution A/RES/59/86 of 14 October 2004 (*The Illicit Trade in Small Arms and Light Weapons in All its Aspects*) of a mandate to establish a group of governmental experts on illicit brokering. It is the view of the EU that this group be convened as soon as possible after the 2006 Review Conference to decide on additional measures necessary to combat illicit brokering.

10 See the statement by H.E. Ambassador Carlo Trezza, Permanent Representative of Italy to the Conference on Disarmament in Geneva, on behalf of the European Union at the first biennial follow-up meeting to the UN PoA, New York, 7 July 2003, <http://missions.itu.int/~rapparm/july7%20SmallArms.html>.

11 Statement by Ambassador Dorothea Auer, Austria, on behalf of the EU, to 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, New York, 9 January 2006.

12 The agreement of EU support for the Treaty was made at the EU Council meeting in Luxembourg on 3 October 2005. See 2678th General Affairs and External Relations Council, Press Release 12514/1/05 REV 1 (presse 241), 3 October 2005, p. 14, http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/gena/86442.pdf.

13 The *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction* is also known as the Mine Ban Treaty, Ottawa Treaty, and Ottawa Convention. See www.un.org/Depts/mine/UNDocs/ban_trty.htm.

14 Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects).

15 Victim-activated devices include “factory-made and handmade anti-personnel mines, booby-traps, or anti-vehicle mines that can be triggered by a person”. Geneva Call and Program for the Study of International Organizations, *Armed Non-State Actors and Landmines: Volume 1—A Global Report Profiling NSAs and their Use, Acquisition, Production, Transfer and Stockpiling of Landmines*, Geneva Call, 2005, p. 21.

16 As of 13 June 2006, the following states have signed Protocol V: Albania, Bulgaria (acceding state), Croatia (candidate country), Czech Republic (EU), Denmark (EU), El Salvador, Finland (EU), Germany (EU), Holy See, India, Liberia, Liechtenstein, Lithuania (EU), Luxembourg (EU), Netherlands (EU), Nicaragua, Norway, Sierra Leone, Slovakia (EU), Sweden (EU), Switzerland, Tajikistan and Ukraine.

17 “Third country” means a state that is neither a Member State nor an Associated State of the EU.

18 See European Parliament, *Resolution on Cluster Bombs*, P5_RC(2001)0765, 12 December 2001; European Parliament, *Resolution on the Harmful Effects of Unexploded Ordnance (Landmines and Cluster Submunitions) and Depleted Uranium Ammunition*, P5_TA(2003)0062, 13 February 2003; European Parliament, *Resolution on Cluster Munitions*, P6_TA(2004)0048, 28 October 2004. The 2001 resolution also called for improved reliability of cluster munitions by improving fusing mechanisms and adding self-destruct and self-neutralizing mechanisms.

CHAPTER 3

EU SALW AND ERW POLICIES AND PROCESSES

This chapter briefly outlines European strategies, policies and processes relevant to small arms and explosive remnants of war. It also examines avenues for pursuing specific small arms and ERW action within these strategies and policies.

OVERARCHING EU POLICIES

THE EUROPEAN SECURITY STRATEGY

The European Security Strategy (ESS)¹ is the EU's common vision for its role in global security. It outlines a new security environment in which the EU is a global actor seeking to build a "fairer, safer and more united world" with conflict prevention at its heart. The ESS identifies five key threats: terrorism, WMD proliferation, organized crime, regional conflicts and state failure. With the exception of WMD proliferation, SALW and ERW are relevant to the remaining four.

EU POLICY ON DEVELOPMENT

Traditionally, EU development policy has been separated from security-related aspects of external relations, and the Commission's Directorate-General for Development (DG DEV) has been slow to address security in the context of development assistance. However, in recent years there has been a growing recognition that all external policies require a more comprehensive approach to be effective. In particular, the promotion of policy coherence in support of EU development objectives has become key, as reflected in the European Consensus on Development.² That document serves as the main policy guidance for DG DEV.

The underlying premise of the European Consensus on Development is that all EU non-development policies likely to affect a developing country, such as trade, security and migration, should contribute to the country's attainment of the Millennium Development Goals (MDGs). The Consensus notes that insecurity and violent conflict are among the biggest obstacles to achieving the MDGs.³ It states that the EU will take concrete steps to limit SALW proliferation and strengthen its arms export controls through its different competencies and in line with the EU Small Arms Strategy (described below), with the aim of avoiding EU-manufactured weaponry being used against civilian populations or fuelling existing tensions or conflicts in developing countries.

Policy coherence is to be pursued through an alignment of external actions included in programming documents such as Country, Regional and Thematic Strategy Papers. However, small arms, mine action, explosive remnants of war and conflict prevention are not specifically identified in the Consensus as "cross-cutting issues" requiring a mainstreaming approach.⁴ Nevertheless, one of the common principles underpinning the policy is "continuous engagement to prevent state fragility",⁵ and this has translated into a strong DG DEV contribution to the Commission's Concept on Security Sector Reform.⁶

THE COTONOU AGREEMENT

The Cotonou Agreement is a comprehensive aid and trade agreement between African, Caribbean and Pacific (ACP) countries and the European Union, signed in 2000. The Agreement provides the formal framework for long-term development assistance via the European Development Fund (EDF),⁷ and includes provisions to address mine action and the proliferation and illegal use of small arms.

It is official EU policy to implement programmes on small arms under this framework, including elements in DDR, SSR, and rehabilitation programmes. However, control of SALW and mine action have not featured as priority issues within programming and political dialogue in the framework of the Cotonou Agreement. Security and arms control are rarely discussed, even where the presence of small arms clearly undermines development, for example in Kenya and Tanzania. This is unfortunate because in the rare cases when small arms issues have been raised—such as in the case of the EU–ECOWAS political dialogue—the Cotonou framework has provided a solid basis for addressing the problems within relevant programming. Box 3.1 gives some examples of SALW programming agreed within the Cotonou framework.

Box 3.1. Cotonou Agreement in small arms-related activities

Under the Cotonou Agreement, the EU has supported a number of projects and programmes relevant to controlling the illicit spread and use of small arms. These include:

- DDR initiatives, either regionally or country focused, e.g. DDR funding through the 9th European Development Fund to Eritrea, and support via EDF to DDR in the Great Lakes via the World Bank Multi-country Demobilization and Reintegration Program (MDRP);
- Support to Security Sector Reform and Police and Justice Reform, e.g. support to community-based policing in Kenya;
- Provision of financial support for the development of small arms National Action Plans, e.g. with the Tanzanian government and support to West African countries via Economic Community of West African States (ECOWAS);
- Integration of initiatives relating to the control of small arms within rehabilitation and development projects in affected countries, e.g. rehabilitation programmes in northern Uganda;
- Support for capacity-building within regional organizations, e.g. support for the African Union (AU) via the Peace Facility;
- Support to regional dialogues on peace and security that address small arms issues, e.g. support for the International Conference on the Great Lakes Region; and
- Support, in terms of implementation, has been provided via the following modalities:
 - Multi-donor trust funds and programmes, e.g. Sierra Leone, Great Lakes MDRP;
 - Via NGOs through calls for proposals and decentralized management via EC-funded Project Implementation Units, e.g. Uganda, Kenya;
 - Directly to NGOs, e.g. in Tanzania; and
 - Via regional organizations, e.g. ECOWAS.

EU HUMANITARIAN POLICY

The policy of the Directorate-General for Humanitarian Aid (DG ECHO) addresses broadly defined security-related obstacles to the delivery of humanitarian aid, as well as the growing security risks faced by humanitarian workers.⁸ However, EU humanitarian policy does not deal specifically with problems caused by SALW in complex emergencies, even though experience shows that armed insecurity renders the intended beneficiaries of emergency aid inaccessible to humanitarian

agencies.⁹ DG ECHO funds mine action that is necessary in humanitarian emergencies to ensure access of aid delivery.

As a leading donor to humanitarian assistance worldwide, DG ECHO contributes actively in international efforts to improve coordination and collaboration on security issues with its humanitarian partners.

EU POLICY ON COUNTER-TERRORISM

External EU action on counter-terrorism focuses on building national capacities in third countries.¹⁰ However, in support of external policy coherence in the EU, synergies between SALW and ERW action and measures to counter terrorism need to be comprehensively acted upon. Explosives and firearms are identified as tools of terrorism in the various agreed EU documents on counter-terrorism policy and action.¹¹ However, other possible connections between SALW, ERW and terrorism could be further elaborated. For example, police cooperation, border management and development assistance are areas of European external action that could bring these efforts together more coherently.

SALW-SPECIFIC STRATEGIES AND POLICIES

EU STRATEGY TO COMBAT ILLICIT ACCUMULATION AND TRAFFICKING OF SALW AND THEIR AMMUNITION

In December 2005, the European Council adopted the Strategy to Combat the Illicit Accumulation and Trafficking of SALW and their Ammunition (EU Small Arms Strategy).¹² This strategy provides an overarching policy framework and strategic guidance to all EU small-arms-related activities.

The EU Small Arms Strategy aims to create “an integrated approach and a comprehensive plan of action to combat the illicit trade in SALW and their ammunition”.¹³ It outlines relevant EU responses covering security and development policy measures, multilateral and regional engagement, internal EU measures and EU bilateral relations with third states. The emphasis of the EU Small Arms Strategy is on small arms action in weak or collapsing states where the EU is involved in other crisis management tasks. Specifically, small arms action is envisaged as a follow-up measure to Common Foreign and Security Policy (CFSP) Joint Actions and European Security and Defence Policy (ESDP) operations in post-conflict settings.

The political foundation of the EU Small Arms Strategy lies in the 2003 European Security Strategy. More specifically, it is another building block in EU disarmament policy, adding to the 2001 EC Mine Action Strategy (described below) and the 2003 EU Strategy on Weapons of Mass Destruction.¹⁴ The Strategy builds upon existing EU policies and actions in the area of SALW, described below.

The adoption of the EU Small Arms Strategy demonstrates two facts: first, that EU Member States are actively seeking collective, innovative and comprehensive solutions to the problems of small arms, and second, that they recognize the need for a wide range of measures to address these problems. The EU Small Arms Strategy provides an agenda for targeted small arms action by establishing SALW as a distinct policy area for the EU.

The EU Small Arms Strategy states that the accumulation of SALW is a threat to peace, security and development, and it aims specifically to curb the illicit flow of small arms to conflict areas. On this basis, clear goals, means and geographic priority areas are identified for European action. The

geographical focus of the Strategy has been defined by the fact that “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”.¹⁵ Thematic priorities include post-conflict measures such as DDR operations, as well as the destruction of surplus stockpiles of SALW.

Five key avenues for action are identified by the European Union in its Small Arms Strategy:

- The supply and spread of small arms and their ammunition is to be countered through diplomacy. “Effective multilateralism” will serve to counter the illicit supply of small arms, and the EU’s own export control policy will be strengthened through coordination with partners;
- The EU commits itself to meet requests by states seeking to reduce their surplus stocks of SALW and related ammunition. Participation in DDR operations is also mentioned;
- To combat the illicit production of SALW, the EU will promote the restructuring of industry producing low-cost small arms in East and South East Europe. This would enhance export controls and should be accompanied by the destruction of surplus weapons;
- The EU underlines the importance of stemming the demand for small arms. The EU will tackle fundamental causes of instability by acting within the wider context of development aid, conflict resolution, poverty reduction and the promotion of human rights; and
- The Strategy calls for a strengthening of the rule of law in unstable countries, “so as to limit the propensity of local people to provide for their own defence and hence to keep hold of quantities of SALW”.¹⁶ In this way, the EU recognizes the need to address small arms demand in order to consolidate fragile states.

Efforts are underway to translate these objectives into action that can be implemented across the EU institutions so as to respond effectively to global threats.

In the six months since its adoption, the EU Small Arms Strategy has already led to several concrete initiatives on the part of the EU.¹⁷ At the diplomatic level, small arms have been introduced as an agenda item in a number of EU’s structured political dialogues with small-arms-exporting countries, especially with countries in Eastern and South Eastern Europe holding surplus stocks. The EU has also taken a leading role in the preparations for the UN Review Conference on the Programme of Action on Small Arms by seeking to remove the obstacles to the PoA’s full implementation. EU priority areas for PoA implementation include transfer controls, marking and tracing, brokering regulations, ammunition and the integration of small arms into development assistance.

The EU has successfully included priorities for small arms action in its Action Plans for Ukraine and Moldova under the European Neighbourhood Policy. This is an illustration of how the EU Small Arms Strategy translates into action in the European Community sphere, thereby supporting the aim of an integrated approach to combating the illicit trade of small arms.

Acting in the framework of CFSP, Member States have exchanged ideas for future small arms Joint Actions in support of the Strategy’s implementation. These deliberations have centred on new initiatives to counter the illicit trafficking of small arms in Africa, measures to fight the illicit trafficking of small arms by air transport, and small arms management and destruction in Latin America. The adoption of Joint Actions in these areas is expected in the second half of 2006.

Thus, the adoption of the EU Small Arms Strategy is clearly an important policy development that enables the EU to play an even stronger role in the fight against illicit proliferation of small arms. However, there is one potential limitation to European action reflected in the Strategy’s language:

it uses the definition of small arms contained in the 2002 Joint Action. This only includes small arms and accessories specially designed for military use,¹⁸ and man- or crew-portable light weapons.¹⁹ Civilian weapons (including revolvers, self-loading pistols and rifles) are not covered.

In order for the EU to address the full range of small arms problems, especially in relation to criminality, a wider definition of small arms is required. In broadening the category of weapons under “SALW”, European action to support the objectives of the ESS, conflict prevention, post-conflict reconstruction, small arms control in failed states, SSR, DDR, and crime prevention would be facilitated.

THE JOINT ACTION ON SMALL ARMS

The 2002 Joint Action on small arms²⁰ provides the legal basis for Member States to provide assistance to small arms programmes including DDR and the destruction of surplus weapons in the context of EU crisis management.

Article 3 of the Treaty of European Union makes the Council and the Commission responsible for ensuring the consistency of the Union’s activities and jointly responsible for the implementation of their respective action, each in accordance with their competencies. This joint responsibility for policy coherence is reflected in the Joint Action on small arms.

A substantive weakness of the 2002 Joint Action on small arms is that it does not address the problem of small arms in failed states or in states not experiencing conflict but that have a small arms problem. This policy gap is partly filled by the new EU Small Arms Strategy, which focuses on state failure and to a lesser extent on organized crime.

When adopting the Joint Action, the EU agreed to review annually the actions undertaken to implement it.²¹ Of particular note is the *Fourth Annual Report on the Implementation of the EU 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*,²² which identified criteria against which the EU will make a preliminary assessment of applications for small arms assistance. The criteria, summarized below, were based on the results of evaluations undertaken and expertise gained by the Commission in the implementation of small arms action.

- Assistance must be based on a genuine political will in the recipient state;
- The proposed projects must enhance local, national or regional security within the recipient state/region;
- Assistance should be part of an overall development and security strategy with regard to the recipient country;
- Coherence with past/current/future actions in the same country or in the same region must be assured;
- Assistance projects will be based on close cooperation with the authorities in the recipient state and the role of different actors clearly defined;
- In projects which include a weapons collection component, all weapons collected should, in principle, be destroyed;
- For each project, clear objectives will be established and benchmarks and time lines identified, so as to make it possible to assess the impact of the project;
- Requests for assistance should clearly state how the proposed project will further the aims and objectives of the EU Joint Action;
- Requests for assistance should clearly state how the proposed project would enhance the recipient state’s ability to implement existing regional or international commitments;

- More efforts should be directed towards involving NGOs as well as the private sector, where possible;
- The sustainability of the project must be taken into account; and
- Cooperation among EU and Member States' national efforts must be assured.

THE EUROPEAN UNION CODE OF CONDUCT ON ARMS EXPORTS

The 1998 European Union Code of Conduct on Arms Exports (the EU Code of Conduct or CoC)²³ is a politically binding agreement by all Member States that aims to set high common standards for the management of all conventional weapons transfers. It puts forward eight criteria that Member States must consider when making arms export licensing decisions.²⁴ The CoC is arguably the most sophisticated and effective multilateral arms export control instrument in the world, and certainly the most established mechanism of its kind.²⁵ Seven years after the introduction of the CoC, EU Member States have developed an enhanced understanding of each other's export control policies and are moving towards harmonization of export control practices.

A number of EU Member States have been prompted to review aspects of their national arms control regimes under the CoC. The CoC is reviewed annually²⁶ and this process has prompted Member States to address certain aspects of arms proliferation not covered by the CoC or the UN Programme of Action, such as the question of overseas production of military goods under license.²⁷

Accession to the EU requires candidate countries to implement fully the principles and provisions of the CoC and the Joint Action on small arms. Although some accession countries and new Member States, such as Hungary, Latvia, Lithuania, and Slovenia, have made progress in reviewing and/or reforming national legislation in conformity with the CoC, the standard of export control regimes in several others remains poor. It is not clear to what extent new Member States have the capacity and commitment to rectify this situation.²⁸

The EU could strengthen its internal mechanisms for export control not only through legislation but also through training and raising awareness within the appropriate Member State authorities.

COMMON POSITION ON BROKERING

The EU has had a Common Position on the control of arms brokering since 2003. Under this, Member States recognize the role played by EU companies and nationals in the transportation of weapons to conflict regions. The objective of the Common Position is to avoid circumvention of UN, EU or Organization for Security and Co-operation in Europe (OSCE) embargoes on arms exports, and to promote the criteria set out in the CoC.

Although the Common Position signals progress in EU regulation of arms brokering, it contains a number of weaknesses. It recommends, but does not oblige, Member States to establish a register of arms brokers and control extra-territorial brokering by its nationals and residents. The Common Position is not legally binding, and therefore there is no timeframe within which states should introduce these controls and no enforcement mechanisms in place to ensure adherence.²⁹

The EU was among those involved in promoting the establishment of a group of governmental experts on illicit brokering, to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in SALW. The EU also advocates stronger regional and national implementation of legislation to control illicit brokering. The effectiveness of existing brokering measures in Member States needs to be evaluated to ensure important elements

such as third-country brokering and extra-territorial brokering are included.³⁰ This would also promote the application of the Common Position principles.

ARMS EMBARGOES

Arms embargoes³¹ form part of the political sanctions regime of the EU, and are used in support of CFSP objectives. This requires the implementation of national measures to prohibit the supply or sale of arms and related materiel of all types by Member States, their nationals or from their territory (whether or not such arms and materiel originate from their territories).³² The decision to impose, modify or lift an arms embargo is taken by the Council through a Common Position.³³

The EU places strong emphasis on effectively implementing both the UN and EU arms embargoes. In the EU Small Arms Strategy, the EU undertakes to create mechanisms to exchange information on illicit SALW trafficking networks, “in particular in the context of monitoring UN and EU embargos”, and notes the need to support African regional organizations to ensure the effective application of embargoes and sanctions regimes.³⁴

MARKING, RECORDKEEPING AND TRACING OF SMALL ARMS

The EU actively supports the introduction of global standards on the marking and tracing of SALW and ammunition, and was among the key architects of the marking and tracing instrument adopted in 2005.³⁵ In the negotiations leading up to the instrument, the EU sought to include operational provisions on ammunition and peacekeeping operations, and expressed regret that these were not finally included.³⁶ The EU remains a strong advocate of making the instrument legally binding.

EU APPROACH TO ERW

The EU does not have a policy on ERW. Nevertheless, there are increasing references to ERW in parliamentary resolutions and EC documents.³⁷ The EU has also played a significant role in mine action both before, and especially after, the Mine Ban Treaty came into force in 1999, funding mine action activities and supporting the international norms established by the treaty.

The European Parliament has adopted three resolutions specific to cluster munitions and other ERW, including pressing for the universalization of Protocol V and encouraging an extension of the EC’s mine action work to include ERW. These resolutions advocate an immediate moratorium on the use, stockpiling, production, transfer or export of cluster munitions, both air-dropped and ground-launched, until an international agreement has been negotiated on the regulation, restriction or banning of these weapons.³⁸ In addition, a resolution on Iraq and a resolution on disability and development call for specific assistance for the victims of cluster munitions, and a resolution on a mine-free world identifies action that could be taken against the manufacture, stockpiling and use of cluster munitions.³⁹

EC MINE ACTION STRATEGY

To a limited degree the EC Mine Action Strategy deals with ERW. The 2002–2004 and 2005–2007 mine action strategies are based on Regulations 1724/2001 and 1725/2001.⁴⁰ These regulations recognize that anti-personnel mines and UXO “cause suffering and casualties, particularly in the poorest parts of the world, and constitute a serious obstacle to economic development, inhibit the return of refugees and displaced persons, and obstruct humanitarian aid operations, reconstruction and rehabilitation and the restoration of normal social conditions”.⁴¹

However, at present, the same regulations do not provide the EC with the ability to assist programmes that predominantly deal with ERW. UXO, one category of ERW, is only covered by the EC Mine Action Strategy where it is found “in conjunction” with anti-personnel mines. For example, the EC supports the cross-conflict, mine and UXO data-gathering network in Sudan, and mine and UXO clearance in Iraq. There are occasional examples of projects that deal specifically with ERW, for example EC funding during 2003 of work to reduce UXO casualties in the Battambang province of Cambodia. But it is not clear how funding was justified for these. AXO is not covered at all under the EC Mine Action Strategy. This makes it difficult to assess the full extent to which existing EC-assisted mine action already addresses ERW.

Nevertheless, the underlying principle of the EC Mine Action Strategy is “that efforts should be directly related to the goals set by the international community in the context of the Mine Ban Treaty ... and in the context of the other relevant international instruments and agreements related to disarmament”.⁴² This would logically translate into an extension of the EC Mine Action Strategy to also provide assistance for dealing with the problems of ERW, thus linking the Strategy with the goals of the CCW and its ERW Protocol as well as the continuing CCW discussions on cluster munitions and other ERW.

To provide a truly comprehensive approach to mine action, which includes ERW, EC mine action assistance needs to expand to cover all types of landmines, including anti-vehicle mines, and ERW. This could be extended further to become a comprehensive set of guidelines on small arms, landmines and ERW. As assistance is expanded, additional funding will be needed.

A COMPREHENSIVE APPROACH TO SMALL ARMS, LANDMINES AND ERW

The EU is committed to promoting security and development, and has recognized that small arms problems and explosive remnants of war undermine the achievement of both. A comprehensive approach to security and development is now firmly established at the highest political level of the EU, as exemplified by the EU Small Arms Strategy and the European Consensus on Development. The logical continuation of this approach is to deal with small arms, landmines and ERW comprehensively in security and development programmes.

The Commission is already working toward developing an overarching approach to small arms, landmines and ERW, providing guidance on EU policy coherence in development programming.⁴³ This guidance is under development and is expected to be fully reflected in programming by 2008.⁴⁴ A comprehensive approach would allow financial and technical assistance to be provided to projects that are simultaneously dealing with small arms, landmines and explosive remnants of war.

This comprehensive approach to providing assistance to small arms, landmines and ERW programmes would bring the EU into line with developing practices in the field. For example, several mine action organizations already deal with small arms, mines and ERW within the same country programmes.⁴⁵ Areas of programmatic synergy do already exist and could be developed further, for example, in relation to victim assistance, risk education, and weapons destruction. Some governments, such as those of the United States and Canada, are also integrating mine action and small arms within one department.

Combining security programming with development assistance at a practical level means that all relevant institutional actors have to be on board, in particular DG DEV. The pervasive nature of small arms, mines and ERW requires a strong mobilization of EU development measures. Once the programming tools and the commitment of all institutional actors are in place, the EU will be in a

better position to maximize the number of instruments that can be deployed. The financial instruments to support SALW and ERW action are discussed in the following chapter.

Notes

- 1 The ESS was adopted on 13 December 2003 as a response to the new security environment characterized by increasingly open borders within Europe and increased pressures caused by globalization. *A Secure Europe in a Better World: European Security Strategy*, European Union Institute for Strategic Studies, 2003, p. 14, www.iss-eu.org/solana/solanae.pdf.
- 2 European Council, *The European Consensus on Development*, 2006/C 46/01, 20 December 2005.
- 3 European Council, *The European Consensus on Development*, 2006/C 46/01, 20 December 2005.
- 4 The cross-cutting issues are democracy, good governance, human rights, the rights of children and indigenous peoples, gender equality, environmental sustainability, and the fight against HIV/AIDS.
- 5 European Council, Summary of *The European Consensus on Development*, 2006/C 46/01, 20 December 2005, http://ec.europa.eu/comm/development/body/development_policy_statement/docs/edp_summary_en.pdf.
- 6 European Commission, *A Concept for European Community Support for Security Sector Reform*, COM(2006) 253 final, 24 May 2006.
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- 9 Cate Buchanan and Robert Muggah, *No Relief. Surveying the Effects of Gun Violence on Humanitarian and Development Personnel*, Centre for Humanitarian Dialogue and the Small Arms Survey, 2005.
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- 11 Council of the European Union, *EU Plan of Action on Combating Terrorism*, 10010/3/04 REV 3, 11 June 2004; Council of the European Union, *Declaration on Combating Terrorism*, 7906/04, 25 March 2004; European Commission, *Communication from the Commission on Measures to Ensure Greater Security in Explosives, Detonators, Bomb-making Equipment and Firearms*, COM(2005) 329 final, 18 July 2005.
- 12 Council of the European Union, *EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition*, 5319/06, 15–16 December 2005.
- 13 Council of the European Union, *EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition*, 5319/06, 15–16 December 2005, p. 3.
- 14 European Council, *EU Strategy against Proliferation of Weapons of Mass Destruction*, 157803/03, 12 December 2003, <http://ue.eu.int/uedocs/cmsUpload/st15708.en03.pdf>.
- 15 Council of the European Union, *EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition*, 5319/06, 15–16 December 2005, p. 5.
- 16 Council of the European Union, *EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition*, 5319/06, 15–16 December 2005, p. 6.

- 17 Interviews with Council Secretariat Officials, May/June 2006.
- 18 "... machine-guns (including heavy machine-guns); sub-machine guns, including machine
pistols; fully automatic rifles, semi-automatic rifles, if developed and/or introduced as a
19 model for an armed force; moderators (silencers)."
- 19 "... cannon (including automatic cannon), howitzers and mortars of less than 100 mm
calibre; grenade launchers; anti-tank weapons, recoilless guns (shoulder-fired rockets); anti-
tank missiles and launchers; anti-aircraft missiles/man-portable air defence systems
(MANPADS)."
- 20 Council of the European Union, *Council Decision of 21 October 2002 on the European
Union's Contribution to Combating the Destabilising Accumulation and Spread of Small Arms
and Light Weapons and Repealing Joint Action 1999/34/CFSP, 2002/589/CFSP*, 12 July 2002.
As well as combating the accumulation and spread of small arms, this Joint Action commits
the EU 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 such accumulations. Community measures are used to achieve these
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- 21 *EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms*, 9057/97
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- 22 Council of the European Union, *Fourth Annual Report on the Implementation of the EU Joint
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preservation of regional peace, security and stability; the national security of the Member
States and of territories whose external relations are the responsibility of a Member State, as
well as that of friendly and allied countries; the buyer country's behaviour with regard to the
international community, in particular its attitude to terrorism, the nature of its alliances and
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within the buyer country or re-exported under undesirable conditions; and the compatibility
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- 26 These are entitled *Annual Report in Conformity with Operative Provision 8 of the European
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- 27 See Saferworld, *The Common Foreign and Security Policy and Small Arms Control*, 2005
(background paper commissioned by UNIDIR); Sally Holt, Owen Greene and Mike Bourne,
The EU in Regional and Global SALW Processes, Centre for International Cooperation and
Security, University of Bradford, 2005 (background paper commissioned by UNIDIR); Biting
the Bullet/IANSA, *Implementing the Programme of Action 2003: Action by States and Civil
Society*, International Alert, Saferworld and the University of Bradford, in partnership with
IANSA, 2003, p. 83.
- 28 Biting the Bullet/IANSA, *Implementing the Programme of Action 2003: Action by States and
Civil Society*, International Alert, Saferworld and the University of Bradford, in partnership
with IANSA, 2003, p. 86; Sally Holt, Owen Greene and Mike Bourne, *The EU in Regional and
Global SALW Processes*, Centre for International Cooperation and Security, University of
Bradford, 2005 (background paper commissioned by UNIDIR).
- 29 Andy McLean, Bernardo Mariani and Alex Vatanka, *Enhancing EU Action to Prevent Illicit
Small Arms Trafficking*, Saferworld, 2005 (background paper commissioned by UNIDIR).

- 30 Third-country brokering means that the brokering individual or company has no physical contact with the country or countries that the weapons actually go through, and that extra-territorial brokering may go beyond that when also covering cases where the broker is operating from a country other than their own.
- 31 Arms embargoes are usually imposed in response to human rights violations by targeting the perpetrators of human rights abuses, whether they are individuals, NSAs, government officials or the military. Embargoes are also used to influence the behaviour of a state which is undermining democracy or the rule of law, or which has threatened the security of a particular region. Thus, arms embargoes are also a tool for conflict prevention.
- 32 VERTIC, *Verifying European Union Arms Embargoes*, Verification Research, Training and Information Centre, 2005 (background paper commissioned by UNIDIR).
- 33 Ian Anthony, "European Union Approaches to Arms Control, Non-proliferation and Disarmament: Appendix 8C", in *SIPRI Yearbook 2001*, SIPRI, 2001, pp. 599–614.
- 34 Council of the European Union, *EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition*, 5319/06, 15–16 December 2005, pp. 12–13. The Council has requested the High Representative for the CFSP, in association with the European Commission, to develop a framework for the more effective use of sanctions. The EU adopted the "Basic Principles on the Use of Restrictive Measures (Sanctions)", jointly drafted by the Secretary General/High Representative and the Commission, on 17 June 2004. It follows the adoption of Council of the European Union, *Guidelines on Implementation and Evaluation of Restrictive Measures (Sanctions) in the Framework of the EU Common Foreign and Security Policy*, 15579/03, 3 December 2003, http://europa.eu.int/comm/external_relations/cfsp/sanctions/st15579_03_en.pdf.
- 35 For more information, see Ilhan Berkol, *Marking, Registering and Tracing Small Arms and Light Weapons: Policy Options for the European Union*, GRIP, 2005 (background paper commissioned by UNIDIR).
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- 40 *Regulation (EC) no. 1724/2001 of the European Parliament and of the Council of 23 July 2001 Concerning Action against Anti-personnel Landmines in Developing Countries*; and *Council Regulation (EC) no. 1725/2001 of 23 July 2001 Concerning Action against Anti-personnel Landmines in Third Countries other than Developing Countries*.
- 41 *Regulation (EC) no. 1724/2001 of the European Parliament and of the Council of 23 July 2001 Concerning Action against Anti-personnel Landmines in Developing Countries*; and *Council Regulation (EC) no. 1725/2001 of 23 July 2001 Concerning Action against Anti-personnel Landmines in Third Countries other than Developing Countries*.
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43 DG RELEX, *Programming Fiche: Conventional Weapons, Anti-personnel Landmines (APL), Small Arms and Light Weapons (SALW) and Explosive Remnants of War (ERW)*, January 2006.

44 Interview with Officials, DG RELEX, 17 May 2006.

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CHAPTER 4

EU FUNDING INSTRUMENTS FOR SALW AND ERW ASSISTANCE

The absence of an overarching EU policy on small arms in the past meant that external action in this area was funded from a variety of budget lines. This picture now looks set to improve following the adoption of the EU Small Arms Strategy, which provides overall strategic guidance for European action, and the new Financial Perspectives for 2007–2013, whereby Community instruments for external financial assistance are rationalized into six categories.

This chapter reviews the key funding instruments currently used for SALW and ERW action, with emphasis on the CFSP and Anti-personnel Landmine budget lines of the EU budget and the European Development Fund (which exists outside the EU's main budgetary structure). It provides an overview of recent assistance programmes, and analyses the previously identified thematic and geographic priorities for European action, as well as those announced in the EU Small Arms Strategy. It also examines the prospects for funding SALW and ERW assistance under the new financial instruments for external assistance, to be put in place on 1 January 2007.

CFSP BUDGET

Small-arms-related Joint Actions are financed through the CFSP budget line of the EU budget under the heading “non-proliferation and disarmament”.¹ The budget line covers the operational costs of specific CFSP Joint Actions in the areas of conflict prevention, conflict resolution, crisis management, non-proliferation and disarmament, as well as support for EU Special Representatives and emergency measures.

Since the first CFSP Joint Action in 1999, the EU has taken 20 individual decisions to start or continue small arms programmes in various countries. The EU has also provided support to a number of different multilateral organizations and NGOs, such as UNDP and the Stability Pact, through the South East Europe Regional Clearinghouse for Small Arms Reduction (SEESAC) (see Table 4.1 for details). Since 2003, the EU has spent more than € 7.5 million on small arms Joint Actions. The total amount devoted to SALW Joint Actions since 1999 is almost € 14.6 million.

Under the CFSP, the most prominent and long-standing Joint Action on small arms is the EU Assistance on Curbing Small Arms and Light Weapons in Cambodia initiative.

ANTI-PERSONNEL LANDMINE BUDGET LINE

The principal budget line for action on explosive remnants of war is the thematic Anti-personnel Landmine (APL) budget line. Under the EC Mine Action Strategy 2005–2007, € 60 million has been allocated over the three-year period under the APL budget line.² The budget line funds practical mine action programmes such as demining, and also supports civil society organizations in their efforts to raise awareness of the issue. However, it is not the principal funding tool for mine action; rather it is designed to “reinforce and strengthen the efficiency and effectiveness” of mine action assistance provided within longer-term humanitarian and socio-economic development programmes.³ With the APL budget line, the Commission can provide financial assistance for mine

action in cases where other existing mechanisms such as the Country Strategy Papers or National Indicative Programmes do not allow for it.⁴

In addition, a number of geographic budget lines supplement EC mine action assistance, bringing the total EC assistance to at least € 140 million between 2005 and 2007 inclusive. The Rapid Reaction Mechanism (described below) and DG ECHO's humanitarian aid instruments can also be used, adding greater flexibility to the EU's ability to respond to humanitarian crises.

The EC Mine Action Strategy ensures that the EU's approach to mine action funding through thematic and geographic budget lines is coordinated and effective. It also means that mine action funding is integrated into other areas such as development needs, for example, via Country Strategy Papers. As assistance for ERW problems is often not disaggregated from the rest of the mine action assistance, it is difficult to assess how much has been spent on ERW specifically. However, this is not necessarily a problem at the practical level as ERW is dealt with as an element of mine action.

The rationalization of the Commission's instruments for the provision of external assistance for the budgetary period 2007–2013 implies that the thematic anti-personnel landmine budget line will be discontinued.

OTHER FUNDING INSTRUMENTS

Under the present budget structure, the Commission manages a range of programmes on small arms and mine action drawing on different EC budget lines and programmes, such as the Community Assistance for Reconstruction, Development and Stabilisation (CARDS), and the European Initiative for Democracy and Human Rights (EIDHR). The Commission can also use the Rapid Reaction Mechanism for rapid release of funds to promote political stability in the short term, where use of other instruments would take longer to apply. However, the biggest source of European funding for small-arms-related assistance is the EDF.

THE EUROPEAN DEVELOPMENT FUND

The EDF, which consists of contributions from Member States outside of the EC budget framework, is the main European instrument for channelling assistance to the ACP region and the Overseas Countries and Territories (OCT). The Commission and specific institutions established under the partnership play a key role in the day-to-day management of the fund. Each EDF lasts for a period of five years. As illustrated in Table 4.1, considerable SALW assistance is financed under EDF. This assistance forms part of larger post-conflict recovery programmes, such as DDR and other peacebuilding initiatives. From 2003–2005, these programmes amounted to over € 250 million.

The EDF is a funding tool that supports the Cotonou Agreement (described in Chapter 3). Article 11(3) of the Cotonou Agreement covers actions, *inter alia*, against the spread of small arms. As previously mentioned, the control of small arms has not hitherto been a prominent issue for political dialogue within the framework of the Agreement.⁵ This is largely due to the reluctance of developing countries to raise problems associated with small arms in their dialogue. Yet, unless they are identified as problems requiring external assistance, remedial projects will not be included in the EDF programme for the country in question.

EU development policy promotes security-related assistance where this is considered as an prerequisite for development, particularly in countries affected by, or emerging from, conflict. For

example, security programmes such as SSR and DDR, which often have a small arms component, have been funded by the EDF.

As highlighted in chapter 1, in 2005 OECD decided to extend ODA eligibility into the area of security. This means that non-military aspects of small arms assistance can be financed through development cooperation funds. At the EU level, EDF is, and is likely to remain, the predominant funding source for this kind of assistance, both in terms of size and duration.⁶

GEOGRAPHIC INSTRUMENTS

In addition to the EDF, and outside the ACP development cooperation framework, the Commission has used a variety of geographic budget lines to finance small arms and mine action programmes. Geographic instruments include CARDS, Technical Assistance to the Commonwealth of Independent States (TACIS), and the Euro-Mediterranean Partnership (MEDA).

While ERW and small-arms-related activities can and have been funded under these budget lines, they are rarely a priority of geographical programming. Moreover, these budget lines will cease to exist in 2007 when the new financial instruments enter into force.

THE RAPID REACTION MECHANISM

The Rapid Reaction Mechanism (RRM) is a funding mechanism designed to disburse funds quickly with the purpose of promoting political stability by civilian means. RRM funding is restricted to six months. For example, it has been used to support urgent UXO and mine clearance work in Afghanistan and The former Yugoslav Republic of Macedonia in 2001 and in the Nuba Mountains, Sudan in 2003.⁷ In these cases, follow-on funding was secured from other donors. The RRM, which in 2005 had a total budget of € 30 million, has not been used to support actions on small arms, although one proposal for a project involving the decommissioning of light weapons in Congo-Brazzaville by UNDP was approved in 2003.⁸ As part of the rationalization of instruments for external assistance, the RRM will be repealed by the new Stability Instrument, discussed below.

To illustrate how the above instruments have been applied in the provision of European small arms assistance, Table 4.1 summarizes relevant programming and funding sources in the period 2003–2005.⁹

Table 4.1. External assistance programmes of relevance to small arms action (2003–2005)

Key	
Assistance programmes with a clear small arms profile	
DDR programmes with a likely small arms component	
Peacebuilding programmes with a probable small arms component	

Country/ Region	Programme	Source	Allocated funds (€)	Year
Albania [SEESAC]	Council Decision 2003/276/CFSP of 15 April 2003 on SALW ammunition destruction in Albania [NAMSA]	CFSP Joint Action	820,000	2003
Balkans [SEESAC]	Council Decision 2003/807/CFSP of 17 November 2003 concerning a further contribution to the running costs of the Stability Pact/UNDP Regional Clearinghouse on Small Arms and Light Weapons, Belgrade	CFSP Joint Action	300,000	2003
Cambodia	Council Decision 2003/806/CFSP of 17 November 2003 to further extend the EU contribution to combating the destabilizing accumulation and spread of SALW in Cambodia	CFSP Joint Action	1,437,000	2003
Congo- Brazzaville	Disarmament demobilization and reintegration actions in the Pool region	RRM	731,000	2003
Congo- Brazzaville	Contribution to disarmament and demobilization programme	Art. 255	750,000	2003
Guinea	Reintegration programme	EDF	3,000,000	2003
Latin America and the Caribbean	Council Decision 2003/543/CFSP of 21 July 2003 concerning a further EU contribution to combating the destabilizing accumulation and spread of SALW in Latin America and the Caribbean	CFSP Joint Action	700,000	2003
Liberia	DDR element of € 40 million post-conflict programme	EDF	16,000,000	2003
Sierra Leone	Contribution to DDR multi-donor trust fund (managed by World Bank)	7th and 8th EDF	10,000,000	2003
Sierra Leone	Rider to the Financing Agreement of Post Conflict Budget Support (managed by the World Bank)	7th and 8th EDF	2,200,000	2003
Solomon Islands	Contribution to UNDP demobilization and rehabilitation programme	Stabex	250,000	2003
Tanzania	Management and reduction of small arms: combating the proliferation and trafficking of SALW by supporting the implementation of the National Action Plan	8th EDF	1,921,000	2003
Sierra Leone	Support to truth and reconciliation commission	EIDHR budget line	960,000	2003– 2004
Sierra Leone	Support to special court	EIDHR budget line	800,000	2003– 2004

Country/ Region	Programme	Source	Allocated funds (€)	Year
Albania [NAMSA]	Council Decision 2004/790/CFSP of 22 November 2004 on SALW ammunition destruction in Albania	CFSP Joint Action	500,000	2004
Balkans [SEESAC]	Council Decision 2004/791/CFSP of 22 November 2004 concerning a further contribution to the running costs of the Stability Pact/UNDP Regional Clearinghouse on Small Arms and Light Weapons, Belgrade	CFSP Joint Action	330,000	2004
Cambodia	Council Decision 2004/792/CFSP of 22 November 2004 to further extend the EU contribution to combating the destabilizing accumulation and spread of SALW in Cambodia	CFSP Joint Action	1,375,500	2004
Congo- Brazzaville	Collection and destruction of weapons for development	9th EDF	1,999,500	2004
Côte d'Ivoire	Programme de réhabilitation post-crise	9th EDF	30,000,000	2004
Côte d'Ivoire	Programme d'urgence de réhabilitation post-crise no. 2	9th EDF	25,000,000	2004
Côte d'Ivoire	DDR element of the 1st Emergency and Rehabilitation Programme	B envelope 9th EDF (€ 25 million) and TPS (€ 10 million)	5,000,000	2004
Democratic Republic of the Congo	Réhabilitation et réintégration socio-économique après la guerre, dans les régions de l'Est de la RDC	9th EDF	26,900,000	2004
Djibouti	Support to demobilization in the frame of a macro-economic reform programme project	8th EDF	704,000	2004
Eritrea	Post-conflict rehabilitation programme for Eritrea	9th EDF	15,000,000	2004
Liberia	Support to the peace process in Liberia	9th EDF	8,000,000	2004
Sierra Leone	Rehabilitation and Resettlement Programme	9th EDF	10,000,000	2004
Somalia	Demobilization project	EDF balance	345,000	2004
West Africa [ECOWAS]	Council Decision 2004/833/CFSP of December 2004 concerning an EU contribution to ECOWAS in the framework of the Moratorium on Small Arms and Light Weapons	CFSP Joint Action	515,000	2004
Angola	Reintegration activities integrated in the Multi-country Demobilization and Reintegration Program	9th EDF— National Indicative Programme	20,000,000	2005
Angola, Colombia, Democratic Republic of the Congo, and Sri Lanka	Support to UNICEF on collecting data on the impact of armed conflicts on children, and on displacement and recruitment of children	EC funding	1,044,000	2005

Country/ Region	Programme	Source	Allocated funds (€)	Year
Cambodia	Council Decision 2005/784/CFSP of 7 November 2005 extending and amending Decision 1999/730/CFSP with a view to EU contribution to combating the destabilizing accumulation of SALW in Cambodia	CFSP Joint Action	600,000	2005
Congo-Brazzaville	Reintegration activities integrated in the Multi-country Demobilization and Reintegration Program	9th EDF— Intra-ACP (initially from 8th EDF)	6,000,000	2005
Croatia	Twinning programme to combat trafficking in firearms, ammunition and explosives	EC funding	4,000,000	2005
Democratic Republic of the Congo	Commission contribution to the Multi-country Demobilization and Reintegration Program	9th EDF— National Indicative Programme	20,000,000	2005
Global	Support to the ICRC to carry out a programme for the protection of civilians in armed conflicts, including ICRC's protection activities for victims of armed conflict and other situations of violence, and actions against children's recruitment	EC funding	4,000,000	2005
Global	Support to UNICEF to strengthen the protection of children and women in emergencies, notably via the implementation of the UN Interagency Guiding DDR System	EC funding	1,800,000	2005
Indonesia	Council Joint Action 2005/643/CFSP of 9 September 2005 on the EU Monitoring Mission in Aceh	CFSP Joint Action	9,000,000	2005
Rwanda	Reintegration of ex-combatants	EDF	3,000,000	2005
South East Europe	Support to Saferworld to engage civil society in decision-making on SALW control and community safety	EC funding	200,000	2005
Ukraine [NAMSA]	Council Decision 2005/852/CFSP of 29 November 2005 on the EU contribution to the destruction of SALW and their ammunition in Ukraine	CFSP Joint Action	1,000,000	2005
West Africa [ECOWAS]	Support to the implementation of the ECOWAS Small Arms Control Programme (ECOSAP) in Abuja. Implemented by UNDP	EDF	1,450,000	2005
Western Balkans [SEESAC]	Support to UNDP/SEESAC to establish the EU Western Balkans SALW Control Support Plan	EC funding	1,500,000	2005

Total for assistance programmes with a clear small arms profile	€ 18,048,000
Total for DDR programmes with a likely small arms component	€ 94,142,000
Total for peacebuilding programmes with a probable small arms component	€ 127,804,000

In addition, four programmes were commenced in 2002 and continued into the period covered by Table 4.1 (2003–2005). These are listed below for illustrative purposes.

Country/ Region	Programme	Source	Allocated funds (€)	Year
Eritrea	Contribution to emergency demobilization and reintegration support programme	EDF	27,000,000	2002– 2006
Great Lakes	The Commission committed funds under the Rapid Reaction Mechanism to support the Inter-Congolese Dialogue, to launch preparatory actions for the reintegration of child soldiers, and to support independent media and other confidence building initiatives	8th EDF— Intra-ACP	20,000,000	2002– 2006
Namibia	Socio-economic integration of ex-combatants	8th EDF	1,118,000	2002– 2005
Sierra Leone	Support to UNICEF and NGOs for reintegration programmes	EIDHR budget line	2,700,000	2002– 2003

EC FUNDING OF SMALL ARMS AND ERW ASSISTANCE UNDER THE NEW FINANCIAL INSTRUMENTS

In 2004, the Commission introduced a proposal to rationalize the external relations budget lines as part of a process to simplify EU aid management.¹⁰ In accordance with this proposal, the current funding mechanisms will be replaced on 1 January 2007 with a more flexible system based on six large instruments.

The extent to which the geographic instruments—the Integrated Pre-accession Instrument, the European Neighbourhood and Partnership Instrument, and the Development Cooperation and Economic Cooperation Instrument—will be used to support small arms and mine action is uncertain.¹¹ For example, the European Neighbourhood Instrument does not give a specific mandate for assistance vis-à-vis small arms, but it does not exclude it either.¹²

The other instruments are thematic: the Humanitarian Aid Instrument, the Nuclear Safety Instrument, and the Stability Instrument. The Stability Instrument is the only instrument specifically detailing action on small arms, mine action and ERW. The Stability Instrument aims to strengthen policy coherence between CFSP and Community action, and to provide a stronger linkage between initial response and follow-up assistance. The instrument, once adopted, will enable the Commission to address global and transitional issues that are having a destabilizing effect on peace and security. The Stability Instrument has a potentially broad catchment area given that assistance can be provided in emerging crises, actual crises, and in stable conditions.

In the EU inter-institutional negotiations that will lead to the adoption of the EU Financial Perspectives 2007–2013, the conditions for providing assistance for small arms and ERW under the Stability Instrument were carefully defined.

In crisis situations or emerging crises, the Stability Instrument can be used to fund capacity-building to fight trafficking in firearms and explosive materials, civilian aspects of DDR, and activities that address the socio-economic impact of landmines and ERW. The Stability Instrument can also finance measures to address the impact on the civilian population of the illicit use of and access to firearms.¹³

In so-called “stable conditions”, the Stability Instrument can be used for capacity-building to fight terrorism, organized crime and trafficking of firearms and explosives. Priority will be given to trans-regional cooperation involving third countries with a clear commitment to address these problems.

The fact that the Stability Instrument links crisis response with cooperation in stable conditions supports the EU objective of greater coherence across external policy areas. Of particular relevance is the emphasis on trans-regional cooperation, whereby efforts in one region will be linked with measures in neighbouring regions. As illustrated in Chapter 6 on North Africa, strategic small arms action requires a trans-regional approach. The inclusion in the Stability Instrument of assistance to fight terrorism, alongside SALW and mine action, also supports external policy coherence. Counter-terrorism and small arms measures need to be linked when appropriate, and the Stability Instrument could provide the tool to do this.

One important limitation for small arms and ERW assistance under this instrument is that it is intended as a short-term funding instrument. Since the Stability Instrument can fund assistance for a maximum period of two years, it will be most useful for the purpose of initiating projects. Small arms and ERW assistance programmes initiated under the Stability Instrument will sometimes require follow-on funding from the EC's long-term instruments or other donors. Furthermore, the Stability Instrument has relatively few resources compared with other EC instruments.

With the adoption of the new financial instruments for external assistance, the existing thematic budget line for mine action will cease to exist. It remains unclear, however, whether it will affect the level of funding, since funds for such actions will not be earmarked.

While the regulations establishing the new instruments provide some guidance for programming priorities, the level of funding for different activities will depend on how the Commission chooses to implement the new instruments. Thus, where there is currently an established thematic capacity such as assistance for mine action, it is likely that this will be reflected in future funding decisions. Where there is no history of funding SALW action, for example in certain regions and existing thematic instruments (RRM), levels of funding will depend on how effectively these issues are integrated into development assistance. This is as yet uncertain, as neither conflict prevention nor small arms are explicitly identified as cross-cutting themes in the European Consensus on Development.¹⁴ However, the new Common Framework for drafting Country Strategy Papers and joint multi-annual programming¹⁵ provide for a more strategic approach to development assistance, and signal greater attention to security and stability issues within the context of country analyses. Translating these policies into better programming practice will require additional steps, including developing implementation guidelines to integrate SALW assistance into Country and Regional Strategy Papers and programmes, raising awareness among officials and forming the basis of training programmes.

GEOGRAPHIC AND THEMATIC PRIORITIES

GEOGRAPHIC PRIORITIES

Until recently, there was no overarching policy on small arms by which to set geographic priorities for European assistance. This absence of priorities led to ad hoc decisions and imbalanced programme funding, and made it difficult to ensure policy coherence between small-arms-related assistance and other security and development policies and assistance.

The new EU Small Arms Strategy sets these priorities. It aims at geographical comprehensiveness, based on the understanding that the illicit proliferation of small arms affects those countries and

regions that are already the weakest. Sub-Saharan Africa is prioritized as the region most affected by illicit small arms, although the Strategy recognizes that parts of Latin America, Central and Eastern Asia, the Balkans and the Middle East have small arms problems.¹⁶

In principle, the EU Small Arms Strategy will lead to improved coherence and resource prioritization in European small arms assistance. However, it is the actual application of the Strategy, through Joint Actions and assistance programmes, that will demonstrate the degree of coherence between policies and actions.

Box 4.1. Capacity-building in Africa

Two legally binding instruments, the Nairobi Protocol and the Southern Africa Development Community (SADC) Protocol, commit half of the countries of Africa to take action on small arms. Given the continued momentum to implement the UN Programme of Action, and the recent EU Strategies on SALW and on Africa, the EU and its Member States can expect a number of requests for financial and technical assistance from African countries and regions aimed at building the continent's human resources and institutional capacity. It is expected that a third instrument, the ECOWAS Moratorium on Small Arms, will become legally binding by the end of 2006.

European assistance could target the implementation of existing commitments and National Action Plans, where the political will of the country is strongest. The EU could also advocate the development of National Action Plans in other countries. Once operational guidelines are established at the regional level, national capacities need to be developed in parallel to support law enforcement and domestic control of firearms. The specific assistance requirements and capacities to address small arms differ across Africa. Thus, capacity-building can range from the provision of a fax machine (and a telephone line and electricity for it to work) at a border checkpoint, to skills training of various kinds, to developing specialized units and systems. Assistance should be informed by the priorities outlined by the African countries themselves.

Africa: a continuing geographic priority

The bulk of EU development assistance related to small arms goes to sub-Saharan Africa, where post-conflict recovery programmes continue to require enormous international resources. The funding source for this is the EDF.

One of the guiding principles for European action is "African Ownership" of conflict prevention, management and resolution. Increasingly, therefore, the EU is assisting African countries, and regional and subregional organizations in building their own capacity to address the problems posed by small arms.

Promoting stability in the EU neighbourhood

Central, Eastern and South East Europe are identified in the EU Small Arms Strategy as significant sources of illicit small arms. Weapons and ammunition management systems in former Warsaw Treaty Organization countries are particularly weak. The actual stockpiles have increased dramatically over the past decade as armed forces have been demobilized. Furthermore, several countries' stockpile management systems fall well below internationally accepted best practice.

In this region it is quite common for stocks of SALW and thousands of tons of ammunition (much or all of which may be well beyond its accepted "shelf life") to accumulate. Also, a lack of official information about current stocks, especially with regard to stored ammunition, impedes government control. Without proper weapons management, surplus weapons and ammunition risk

being diverted for illicit use or to conflict regions. The sheer scale of these stockpiles means that the resources and institutions required for their safe management, secure storage and responsible disposal are inadequate. Currently, there are four EU Joint Actions on small arms in this region: the South East Europe Regional Clearinghouse for Small Arms Reduction (SEESAC); a Partnership for Peace (PfP) Trust Fund ammunition destruction project in Albania; collection activities carried out under the auspices of the European Force in the Balkans (EUFOR) in Bosnia and Herzegovina; and a Joint Action to destroy SALW and their ammunition in Ukraine, carried out by NATO Maintenance and Supply Agency (NAMSA).

In recent years, the European Community provided assistance to several other programmes in the region with small-arms-related components: for example, in 2002 the EC financed the Police Assistance Mission of the European Community to Albania (PAMECA) through CARDS. Capacity-building activities were also funded in 2003 under CARDS on integrated border management and policing and organized crime.

Extending European action in Asia

Small arms are a growing concern in Central and South Asia—for instance in Afghanistan, Nepal and Pakistan—where several conflicts are sustained by small arms. There is also substantive transnational crime and arms smuggling in the region. Organized criminal groups have facilitated much of the illicit trafficking in small arms, particularly in South Asia and South East Asia. At the end of the Cambodia and Viet Nam wars, an unknown quantity of weapons flowed to non-state actors and criminal gangs in surrounding countries. Long-term violent conflict in Afghanistan also led to the proliferation of small arms to India and Pakistan. In South Asia there is a flourishing illicit production of small arms, which in turn encourages illicit trade and cross-border trafficking.¹⁷

Box 4.2. The EU as a small arms actor:

EU Assistance on Curbing Small Arms and Light Weapons in Cambodia (EU-ASAC)¹⁸

Key features:

- It is a pilot Joint Action with high political profile;
- It has a Council-appointed EU Project Manager who reports annually to the Council working group on Global Disarmament and Arms Control (CODUN);
- It is a long-term assistance programme under CFSP (2000–2006); and
- It provides the EU high visibility on the ground.

Coordination

The EU-ASAC profile as a CFSP Joint Action ensures close coordination among Member States, and gives them clear political oversight. On the ground, cross-pillar coordination is ensured between the Project Manager and the Commission Delegation. The Directorate General for External Relations (DG RELEX) manages the project, technically and financially. However, small arms assistance is not yet identified as a priority in the external aid strategy of the Commission on Cambodia.

Ownership

The programme priorities for EU-ASAC complement the efforts of the Cambodian government by providing technical assistance to the government's own initiatives. The programme has fulfilled its operational objectives, not least because the Cambodian government and the EU share a common interest in a successful outcome.

Until now, Asia has not been a priority for European action on small arms. It is afforded little attention in the EU Small Arms Strategy. Building on the successful Joint Action on EU-ASAC in

Cambodia, more reflection is needed on how the EU can encourage SALW control in Asia through relevant assistance.

Combating crime in the Americas

Organized crime, armed violence and weapons smuggling—often connected to the trade in other illicit goods such as narcotics—remain crucial problems in Latin America. The legacy of armed conflicts throughout the region has undermined human security and societal development. The control of small arms remains high on the political agenda, both at the national and regional levels.¹⁹

The EU has supported the UN Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN–LiREC) through two Joint Actions to assist thirty-three states in implementing the UN PoA, the training of law enforcement officials, firearms-related databases, weapons destruction and stockpile management, and training parliamentarians and their advisers on how to improve firearms legislation.²⁰ Building upon this, support for regional SALW action in Latin America could be extended.²¹

THEMATIC PRIORITIES

The EU has, during the past few years, started to define common criteria for when to provide small arms assistance, most recently in the EU Small Arms Strategy. The Strategy identifies the destruction of surplus stocks, improving transfer controls, DDR, border controls, restructuring of industrial sites, and promoting the effective rule of law among its thematic priorities. The following section explores some of these thematic priorities and suggests other areas that could be addressed.

Disarmament, Demobilization and Reintegration

Gaining control over small arms is crucial during crisis management operations and a critical part of peace agreements and peacebuilding.²² DDR programmes are essential in securing successful transition from conflict to peace.

The European Union supports DDR activities in a wide range of countries; a significant part of EU assistance is directed toward programmes in sub-Saharan Africa. Projects are often targeted at particular aspects of DDR, either disarming and demobilizing the combatants, or reintegrating them back to the society. However, all aspects of DDR are interconnected and cannot be successful if carried out in isolation from one another. DDR requires long-term and comprehensive commitments to action on small arms that take into account the continuing impact on men, women, children and the elderly in affected communities. Thus, reintegrating former combatants is particularly important as it helps to discourage former combatants from migrating to other conflicts in the region or from becoming involved in crime.

Engaging with operational planners at the early stages of a programme is essential to ensure that policy objectives and priorities (such as those relevant to children and gender) are reflected in the profile of the DDR activities.²³

Border security and management

Effective border management is crucial in preventing small arms from being illegally trafficked across borders and fuelling regional crises and instability. The EU Small Arms Strategy recognizes this and commits Member States to prioritizing assistance in this area.

Under CFSP there is a Joint Action on border management on the Moldova–Ukraine border, one aspect of which focuses on weapons smuggling.²⁴ Overall, however, border management and cross-border cooperation do not have a high profile in European action on small arms.

Under the European Neighbourhood Policy, the Commission provides border management assistance to third countries. These initiatives are financed by the MEDA programme, which will cease to exist with the entry into force of the new financial instruments for external assistance. However, border management assistance will be continued under the European Neighbourhood Instrument from 1 January 2007. None of the existing border management programmes have a small arms profile; they are primarily aimed at fighting illegal migration.

Crime and terrorism

Criminal gangs and terrorists commonly use small arms for profit-making purposes, as tools of violence and for personal security. The possession of small arms allows them to operate with relative impunity. This is particularly true in environments with weak or corrupt security forces that are unable or unwilling to disarm or otherwise defeat such groups.

The EU Small Arms Strategy notes that illicit 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”.²⁵ Armed criminality is of direct relevance for Europe: organized crime is fuelled in the region by illicit arms trafficking, which, in turn, undermines internal security and the fulfilment of external priorities.²⁶

The EU Revised Action Plan on Terrorism, as of June 2005, makes reference to explosives, detonators, bomb-making equipment and firearms, noting that the EU will “work to identify, disrupt and dismantle arrangements for supply of weapons to terrorists”.²⁷ However, no recommendation is made for measures to control small arms other than firearms.

The European Council Declaration on Combating Terrorism²⁸ calls for counter-terrorist objectives to be integrated into external assistance programmes, and for developing technical assistance strategies to build capacity for counter-terrorism in vulnerable countries. Assistance to third countries in weapons management is directly relevant to this objective.

Small arms action relevant to the fight against terrorism includes the strengthening of export controls, improving border security, securing government stockpiles, destroying surplus weapons, and increasing cooperation among national and international law enforcement organizations. Better alignment between the EU's small arms and counter-terrorism policies could contribute to the achievement of EU counter-terrorism objectives.

National capacity-building

A critical component of effective small arms and ERW assistance is to build the national capacity of affected countries and promote national ownership of assistance programmes. Building national capacities is best achieved through long-term small arms assistance programming, such as support for establishing National Coordination Agencies on small arms. These bodies bring together the national capacity on SALW action, and promote a coordinated effort between the inter-state and intra-state levels in combating the illicit trade and proliferation of SALW.

Until now, the only example of direct support provided by the Commission to enhance the national capacity of states' institutions is the Small Arms Management Project in Tanzania.²⁹ The EU Small Arms Strategy highlights the importance of national capacity-building. Specifically, it

signals support to sub-Saharan Africa in drafting national small arms legislation, and in “train[ing] institutions in the States of sub-Saharan Africa”.³⁰ Such assistance for capacity-building could usefully be extended to other affected regions. Drawing on the EDF and the Stability Instrument, the EU could provide more capacity-building assistance, for example the establishment of governmental structures, such as National Coordination Agencies.

Another important element of national capacity-building is assisting states to address the root causes of small arms and ERW problems and encouraging them to develop long-term approaches to these issues. When providing ERW assistance, it is critical to address the social and economic dynamics that result in deliberate interaction with explosive ordnance, and to find sustainable solutions.³¹ In addition, training military and police in explosive ordnance disposal (EOD) through broader development assistance programmes will build the national capacity to deal with the problem in a sustainable way, through the creation of national “rapid reaction” or “roving” EOD teams, as well as integrating the issue into development programming. These institutions have a broader and longer-term role within society than any mine action institution.

Medical assistance to the victims of small arms and ERW is an area where the national public healthcare system in affected countries has to be developed and strengthened. In this regard, building the capacity of national healthcare facilities to deal with these types of injuries and other disabilities and health problems is essential.

Children in armed conflict

Children affected by armed conflict are a general thematic priority for European external assistance.³² Children, youths and young adults are often involved in conflicts fought with small arms.³³ Reintegrating this age group into society in the immediate post-conflict phase is essential. Arguably, the needs of child and youth soldiers should guide the design of DDR programmes since they constitute the largest numbers of ex-combatants being reintegrated. Weapons possession among young people needs to be considered as an integral part of crisis monitoring, conflict analysis and development assistance planning, including in the Country and Regional Strategy Papers.

Notes

¹ According to Article 28 of the Treaty of European Union, administrative and non-military operational expenditure for CFSP can be charged to the budget of the European Union under a separate heading for CFSP. For military ESDP operations, participating Member States cover the costs on the basis of “costs lie where they fall”. For civilian ESDP operations, only the agreed “common” operating costs are borne by the CFSP budget. See Council of the European Union, *Council Decision Establishing a Mechanism to Administer the Financing of the Common Costs of European Union Operations Having Military or Defence Implications*, no. 5770/04, 17 February 2004.

² This projection is subject to the yearly budget decisions and to its compatibility with the new Financial Perspectives 2007–2013. See European Commission, *The European Roadmap Towards a Zero Victim Target: The EC Mine Action Strategy and Multi-annual Indicative Programming 2005–2007*, October 2004, p. 5.

³ European Commission, *The European Roadmap Towards a Zero Victim Target: The EC Mine Action Strategy and Multi-annual Indicative Programming 2005–2007*, October 2004, p. 7.

⁴ See Chapter 5 for more information on Country Strategy Papers.

- 5 Sarah Bayne, *The Role of the European Commission in Addressing the Problem of SALW through the Instruments Provided for in the Cotonou Agreement*, 2005 (background paper commissioned by UNIDIR).
- 6 Interview with Commission Official, DG RELEX, 11 May 2006.
- 7 Landmine Monitor, *Landmine Monitor Report 2004: Toward a Mine-free World*, Human Rights Watch, 2004, p. 205.
- 8 This project was not implemented due to a change in the political situation whereby rebels were not prepared to hand in their weapons.
- 9 Available data, verified by the Commission, illustrate that the Commission has a practice of funding small arms assistance as part of wider DDR and peacebuilding programmes. UNIDIR research suggests that the listed programmes have a component related to small arms. However, project descriptions are often not detailed enough to determine the precise nature and cost of this component.
- 10 This proposal was advanced in two EC Communications published in February and July 2004. The regulations establishing the new financial instruments will apply from 1 January 2007. See European Commission, *Building Our Common Future, Policy Challenges and Budgetary Means of the Enlarged Union 2007–2013*, COM(2004) 101 final, 10 February 2004; and European Commission, *Communication from the Commission on the Instruments for External Assistance under the Future Financial Perspective 2007–2013*, COM(2004) 626 final, 29 September 2004.
- 11 This question depends on the legal clarification of Commission competence on SALW, which is expected to be provided by the European Court of Justice in 2007.
- 12 Interview with Commission Official, DG RELEX, 10 May 2006.
- 13 Such support will include survey activities, victim assistance, raising public awareness and the development of legal and administrative expertise and good practice. Assistance shall not include support for measures to combat the proliferation of arms.
- 14 European Council, *The European Consensus on Development*, 2006/C 46/01, 20 December 2005.
- 15 European Commission, *Increasing the Impact of EU Aid*, COM (2006) 88 Final, 2 March 2006.
- 16 Council of the European Union, *EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition*, 5319/06, 15–16 December 2005, para. 12.
- 17 Biting the Bullet/IANSA, *Implementing the Programme of Action 2003: Action by States and Civil Society*, International Alert, Saferworld and the University of Bradford, in partnership with IANSA, 2003, p. 113; Elli Kytömäki and Valerie Yankey-Wayne, *Five Years of Implementing the UN Programme of Action on Small Arms and Light Weapons: Regional Analysis of National Reports*, UNIDIR, 2006, p. 99.
- 18 The box is based on research conducted by Christina Wille, *EU Assistance on Curbing Small Arms and Light Weapons in the Kingdom of Cambodia: a Case Study on European Action under the CFSP*, Small Arms Survey, 2005 (background paper commissioned by UNIDIR).
- 19 Elli Kytömäki and Valerie Yankey-Wayne, *Five Years of Implementing the UN Programme of Action on Small Arms and Light Weapons: Regional Analysis of National Reports*, UNIDIR, 2006. See also William Godnick, William Vasquez and Helena Vasquez, *Small Arms Control in Latin America*, International Alert, 2003; Luis Alfonso de Alba, "A Regional Perspective on the Problem of Small Arms and Light Weapons", *Disarmament Forum*, no. 2, 2002, pp. 49–52; William Godnick, Robert Muggah and Camilla Waszink, *Stray Bullets: The Impact of Small Arms Misuse in Central America*, Small Arms Survey, Occasional Paper no. 5, 2002.
- 20 Joint Action CFSP/2001/004/UN–LiREC and Joint Action 2002/589/CFSP.
- 21 The European Union has provided some support to SALW-related projects in Latin America, most notably through Joint Actions of 2001 and 2003 concerning an EU contribution to combating the destabilizing accumulation and spread of small arms and light weapons in Latin America and the Caribbean through UN–LiREC. The first Council Decision concerned

the implementation of Joint Action CFSP/2001/004/UN–LiREC, which establishes cooperation between the European Union and UN–LiREC, where the EU provided financial support for the amount of € 34.5 million for 2002–2003, to be spent on the Training the Trainers and Databases Project for the law enforcement community. The second, Council Decision 2003/543/CFSP of 21 July 2003, built on this previous support. The European Union provided financial support (€ 700,000 for 2003–2004) for projects aimed at training the trainers in law enforcement academies, developing equipment with the view of facilitating efforts to improve the control of the legal firearms trade, preventing and combating their illicit trafficking, facilitating destruction of surplus weapons and improvements of stockpile management, as well as supporting parliamentarians in improving legislation on their control mechanisms.

22 Successful DDR planning and implementation is critical since armed violence has an almost 50% likelihood of resuming within the first five years of a signed peace agreement. See Small Arms Survey, *Small Arms Survey Yearbook 2005: Weapons at War*, Oxford University Press, 2005, p. 267.

23 In Liberia, serious questions and concerns regarding the reintegration phase were only voiced long after the process was well underway, too late to have any constructive impact. Ryan Nichols, *The European Commission and Liberia—Supporting DDDR: A Case Study on European Action on SALW and ERW*, Small Arms Survey, 2005 (background paper commissioned by UNIDIR).

24 The mission, which began in December 2005, aims to build capacity for Moldova–Ukraine border management, and thereby help prevent the proliferation of weapons, trafficking in people, smuggling of goods, and customs fraud. The Mission is planned for an initial period of 24 months, and the Commission has set aside some € 8 million for it. For more information, see www.eubam.org

25 Council of the European Union, *EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition*, 5319/06, 13 January 2006, p. 2.

26 According to the 2004 European Union Organised Crime Report by Europol, “cases of illicit fire-arms trafficking investigated in the EU continue to show the involvement of former Yugoslavian organized criminal groups Firearms originating from Croatia are made in legal and illegal armoury workshops and firearms trafficked from the Balkan region are often stolen from military warehouses.” Europol, *2004 European Union Organised Crime Report: Open Version*, Europol, December 2004, p. 14. See also Andy McLean, Bernardo Mariani and Alex Vatanka, *Enhancing EU Action to Prevent Illicit Small Arms Trafficking*, Saferworld, 2005 (background paper commissioned by UNIDIR).

27 Council of the European Union, *Revised Action Plan on Terrorism: Update*, June 2005, 10694/05, 27 June 2005.

28 Council of the European Union, *Declaration on Combating Terrorism*, 7906/04, 25 March 2004.

29 The Commission has provided approximately € 1.3 million in 2003–2006 for “small arms management and reduction: combat the proliferation and trafficking of small arms and light weapons by supporting the implementation of the National Action Plan”.

30 Council of the European Union, *EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition*, 5319/06, 13 January 2006, p. 11.

31 Richard Moyes and Dave Tinning, *Formal and Informal Responses to Ordnance Contamination*, 2005 (background paper commissioned by UNIDIR).

32 While the Commission does not have a focal point or budget line specifically for this, the *EU Guidelines on Children and Armed Conflict*, 15634/03, 4 December 2003, reflects the EU’s commitment to reducing the short-, medium- and long-term effects of armed conflict on children. The Council Working Group on Human Rights (COHOM) oversees the implementation of the Guidelines, and promotes their mainstreaming in other EU policies and actions. The Guidelines make no specific reference to small arms. However, they do

mention DDR projects as part of the EU's response, as well as other child-related considerations within conflict management, early warning and prevention. The EC regularly engages with UNICEF at the country level and in Brussels on a number of projects that are small arms related, such as DDR and the recruitment of child soldiers.

³³ Irma Specht, Larry Attree and Yvonne Kemper, *Children and Armed Conflict: the Response of the EU*, 2005 (background paper commissioned by UNIDIR).

CHAPTER 5

EU COORDINATION AND COOPERATION

Coordination is key to effective policy-making and provision of assistance. There are several actors involved in coordination of EU policy and assistance on SALW, including the Presidency, the Office of the Personal Representative of the High Representative on Non-proliferation of Weapons of Mass Destruction, the relevant Council working groups (in particular the Working Party on Global Disarmament and Arms Control—CODUN, and the Working Party on Conventional Arms Exports—COARM), the Commission's Directorates-General, the European Parliament and individual Member States.

This chapter outlines how the EU coordinates policy and assistance, both internally and externally, on SALW and ERW, drawing on selected examples of relevant activities.

COORDINATION WITHIN THE EU

The Council and the Commission are jointly responsible for coherence and consistency in EU small arms policy. This shared responsibility is reflected in the 2002 Joint Action on small arms, and is detailed operationally in specific CFSP Joint Actions. There is a high level of interaction between the Council and the Commission when putting SALW policy into practice, for example the implementation of the CFSP Joint Actions.

Nevertheless, the 2005 EU Small Arms Strategy, which identifies the Council Secretariat as primarily responsible for the coherent application of the Strategy, notes that structural improvements are needed to ensure consistency and complementarity between Council decisions and actions implemented by the Commission. Furthermore, the Strategy encourages greater horizontal coordination and information exchange between geographical and thematic expert groups in the Council.

Meetings of CODUN are held once a month and the issue of SALW is regularly on the agenda. Twice a year, a specific session of this working group is dedicated exclusively to the issue of SALW. Through EU Troika meetings at the expert level (Global Disarmament and Arms Control), a regular dialogue on small arms takes place under each EU Presidency with Brazil, Canada, China, Japan, Republic of Korea, the Russian Federation, Ukraine, and the United States.

The European Parliament is also striving to make decision-making in the areas of SALW and ERW more transparent, and more subject to democratic control. The European Parliament controls the EU budget, and it occasionally questions the Commission on SALW-related spending. It reports regularly on the EU Code of Conduct on Arms Exports.

There is a variety of Commission Directorates-General involved in SALW action. The so-called "RELEX Family" (DG RELEX, DG DEV, Trade, Enlargement, EuropeAid, and DG ECHO) share the management responsibilities involved. For the problems of small arms and explosive remnants of war to be integrated into overall security and development objectives, guidelines on the provision of assistance must, in turn, be jointly agreed by the lead Directorates-General: DG RELEX, DG DEV and EuropeAid. The need for close coordination among them arises because SALW and ERW

issues cut across the responsibilities of the separate structures dedicated to development on the one hand, and foreign and security policy on the other.

There is already an effort to coordinate assistance in mine action and SALW programming. DG RELEX has developed a “programming fiche” to provide guidance for small arms, landmines and ERW programming to country desk officers.¹ Further development of this guidance is underway and it should be fully reflected in programming by 2008.²

Yet, even when this formal guidance is adopted, the real challenge lies in the application of a comprehensive approach. Interaction is currently improving between DG RELEX and DG DEV on what are perceived both as development- and security-related issues, including conflict prevention and small arms.³

COORDINATION AT THE PROGRAMME LEVEL

Commission delegations play an increasingly important role in project selection, management and external coordination of EC assistance owing to the ongoing decentralization of programme management tasks and responsibilities. This is part of the reform process of EC External Assistance begun in 2000. Delegations serve as interlocutors between the Commission and third-country recipients of EU assistance. They participate in the drafting of Country Strategy Papers (CSPs), oversee National Indicative Programmes, and maintain relations with national governments and international organizations. Delegations require adequate resources to deliver on these new responsibilities in the field of SALW and ERW. In affected countries, delegations need officials with relevant programme abilities, including in the fields of DDR, weapons collection, mine action, drafting national legislation and conducting project impact assessments.

COORDINATION WITH MEMBER STATES

In addition to EC external assistance and EU Joint Actions, an important element of the EU’s overall contribution to international SALW and ERW work is the provision of assistance by Member States acting in their national capacity.⁴ There are numerous benefits of coordination between EU institutional assistance and that of individual Member States: increased transparency, creating space for enhanced EU performance and visibility, avoiding duplication, raising awareness and promoting coherence of action within the donor community. Well-planned and implemented bilateral programmes undertaken by Member States are complementary to and provide synergetic value to EU programmes and vice versa.

In the area of mine action, programmatic support by individual Member States is well coordinated with the EC Mine Action Strategy. In the small arms field, coordination between EC and individual Member States also takes place, albeit on a less-structured basis. For example, the European Commission and those Member States which are members of the Group of Friends of the Great Lakes Region and of the Board of Trustees have coordinated two project proposals concerning “Disarmament and Repatriation of All Armed Groups in Eastern DRC” and “Coordination of Activities and Reinforcement of Capacities in the Sub-Region to Fight the Proliferation of Illicit Small Arms and Light Weapons” This last project seeks to address proliferation of small arms across the region, and makes active use of the Regional Centre on Small Arms (RECSA).

Synergy of action can also be achieved when EU actors and their external partners address different aspects of assistance in a given region. In the Great Lakes region, the EC supports the World Bank’s Multi-country Demobilization and Reintegration Program (MDRP).⁵ This programme does not cover the disarmament component of DDR programmes, as this is outside the World Bank’s

mandate. However, individual Member States, such as the United Kingdom, have supported disarmament in the region, thereby ensuring complementarity with European action. Further opportunities for complementary programme support could be explored under the Stability Instrument, which provides the necessary political impetus by calling for joint consultations between the Commission, Member States, and other donors in order to ensure complementarity of action. It also promotes effectiveness and consistency of Community and national assistance measures through coordination between Commission and Member State activities, both at the decision-making level and on the ground.

RELATIONS BETWEEN THE EU AND THIRD PARTIES

Coordination with other actors takes many forms. In the following section, brief mention is made of the specific relations between the EU and other major actors, such as the UN family, regional organizations, third countries and civil society.

INTERNATIONAL, REGIONAL AND SUBREGIONAL ORGANIZATIONS

The EU actively engages and supports the UN and regional organizations such as the African Union, NATO and the OSCE. The European Security Strategy emphasizes the importance of supporting multilateral institutions, specifically the UN and regional organizations. It stresses that priority security objectives should be addressed through “effective multilateralism”.⁶ This is also expressed in the Commissions 2003 Communication on Multilateralism, which called on the EU to adopt a leading role in the negotiation and implementation of key UN initiatives.⁷ This ambition has translated into a strong EU voice in the UN reform debate.

The European Union is a committed partner in the UN’s efforts to tackle the spread and misuse of small arms and light weapons, and has taken a leading role in the implementation of the UN PoA. This support is expressed in three different ways: strengthening domestic legislation, contributing to regional initiatives, and providing technical and financial assistance.⁸ On ERW, the EU aligns itself with the policy principles of the United Nations Inter-Agency Mine Action Strategy 2006–2010.⁹ Significantly, this UN strategy deals explicitly with the problem of ERW, unlike the EC Mine Action Strategy, and therefore suggests that the EU already recognizes ERW as an integral component of mine action.

The EU’s partnership with other regional bodies is reflected in the EU Small Arms Strategy, which notes the need to “support regional initiatives to combat the illicit trade in SALW and their ammunition”. For example, the EU maintains a strong partnership with Latin America and the Caribbean. This focuses primarily on economic cooperation, democracy, human rights and combating illicit drugs trafficking. EC mine action assistance to the region has been provided to the Organisation of American States (OAS). In Asia, the EU has a long-standing partnership with the Association of South East Asian Nations (ASEAN). While small arms action is not included in political dialogue at the Ministerial level, a number of relevant security issues such as counter-terrorism and organized crime are dealt with. Finally, as part of its stabilization and association process, the EU has supported export control measures in South Eastern Europe through SEESAC. The EU has also channelled small arms and mine action assistance through NATO and the OSCE.

The Stability Instrument will facilitate a broader geographic approach to assistance as it highlights the need for trans-regional cooperation. In addition, the EU could use its well-established partnerships with regional organizations, both bilaterally and within the framework of UN coordinated policy, to further promote action that complements national-level small arms and ERW initiatives.¹⁰ Among its many regional partners, the EU has particularly strong commitments in

Africa. In East Africa and the Horn of Africa, the EC participates in the Friends of Nairobi Declaration, initiated by the Kenyan government to support the implementation of the Nairobi Declaration on SALW.¹¹ The EC, in coordination with Member States, supports the activities of RECSA, which is in charge of implementing the Nairobi Declaration and coordinating actions against SALW proliferation in the region. In West Africa, the EU contributed to the implementation of the ECOWAS moratorium on small arms and light weapons and to the drafting of the new ECOWAS convention on small arms.¹² The Commission has concluded a Regional Indicative Programme with ECOWAS and the West African Economic and Monetary Union (WAEMU), which provides EDF support to a regional policy of conflict prevention and good governance.

AFFECTED STATES AND REGIONS

In the EU's development cooperation with affected states and regions, Country Strategy Papers (CSPs) and Regional Strategy Papers (RSPs) play a key role. They are more than mere descriptions of political and economic strategies for countries and regions outside the EU. Importantly, they provide programmatic guidance for operational management of external aid programmes. The drafting of Strategy Papers is based on political dialogue with the partner countries or regions concerned, including with civil society. Country Strategy Papers are accompanied by National Indicative Programmes, summarizing the priority areas selected for financing, the specific objectives, the expected results and timeframe for support, and the indicative financial allocation. Whereas National Indicative Programmes do not in themselves capture trans-national and subnational problems, the use of Regional Indicative Programmes can promote a broader approach to assistance needs in a region as a whole.

The process of selecting SALW assistance programmes in harmony with overall EU policy objectives is a challenge as long as small arms are not commonly or systematically addressed in the CSPs and RSPs of DG DEV.¹³ Small arms are not pertinent to all CSPs and RSPs, but they are highly relevant in countries and regions affected by conflict. Even when small arms are not explicitly mentioned, certain activities identified in CSPs involve small-arms-related assistance, most notably with regard to DDR. Indeed, country strategies for conflict-prone countries reflect the challenges posed by violence and insecurity to ensuring sustainable development. The CSPs and RSPs have yet to be used to address ERW problems. There is growing consensus in the Commission that CSPs should contain a stronger element of conflict analysis, including an assessment of SALW and ERW problems, when relevant.¹⁴

An important part of EU external relations is structured dialogue with third countries, which gives the EU considerable political influence on the policies and positions of third countries. Conditionality is an established principle in the EU's external relations, including in development policy. Conditionality covers, for example, human rights and anti-terrorist commitments and is a strong element in the EC Mine Action Strategy, where EC support to affected countries and regions is dependent on accession to, or ratification of, the Mine Ban Treaty.¹⁵

Conditionality has had positive results, and well-judged, constructive conditionality could play an important role for ERW and small arms as well—for example by linking ERW assistance to ratification of Protocol V of the CCW. It is widely acknowledged, for example, that the incentive of EC mine action assistance played a key role in securing Ukraine's ratification of the Mine Ban Treaty.¹⁶ Indeed, conditionality of EC support for mine action programmes can be used as political leverage for broader purposes, such as peacebuilding.

Box 5.1. The importance of assessment: the case of Liberia

Past experience from EU assistance in complex emergencies highlights the importance of careful situation assessment both before and during intervention, as well as the need to make post-intervention impact assessments so that lessons learned may be applied to future assistance. The EC's contribution to Liberia's peacebuilding process provides an excellent illustration.¹⁷

Following the Comprehensive Peace Agreement of 18 August 2003, the EU quickly committed an initial € 16 million to the DDR programme. The EDF financial support for this "case of special urgency" was announced on 25 August 2003 due to the pressing needs of the post-conflict environment.

This rapid deployment of funds allowed for the immediate provision of support to peacekeepers on the ground and for the initiation of the DDR programme—two requisite elements for keeping Liberia's peace process on track. However, the speed with which the decision was taken did not allow time for a sufficient assessment of needs.

Standard EC procedure is that programming and funding follow from a Country Strategy Paper. No such paper existed, so the EC and its partners had to quickly create an ad hoc programme and funding strategy to support the new peace process.

The resulting programme did not have the expected outcome—38,000 former combatants were expected to participate in the DDR programme, while the actual number was over 100,000; furthermore, the number of weapons collected fell short of expectations by approximately 30%. It is widely assumed that many more—perhaps another 10,000–15,000—were never turned in and either remain hidden in Liberia or have been taken to Guinea or Côte d'Ivoire.

Neither previous experience nor broader regional considerations had much influence over the funding decisions for Liberia. However, had the Commission taken into account its experience from the DDR programme in Sierra Leone, that knowledge could have provided valuable guidance for the EC funding package and planning of Liberia's programme.

CIVIL SOCIETY

Civil society plays an indispensable role in shaping, supporting and monitoring small arms and ERW programmes. Civil society actors, such as women's organizations, are crucial agents for information gathering and exchange, advocacy, research and public engagement. They act as catalysts and intermediaries for implementation. Within mine action, the role of civil society and NGOs is particularly strong. They have played an unprecedented and pivotal role in achieving the ban on anti-personnel mines. That process exemplified the utility of international organizations and NGOs in the development of international treaties and monitoring, and established advocacy as a core element of mine action.¹⁸

The EU offers strong support to civil society. On occasion there is direct assistance to local NGOs in affected areas, for example, EU support to SALW programmes included the provision of € 3.147 million between July 2003 and July 2006 to SaferAfrica, an African-based NGO, by the Commission for the management of small arms in Tanzania.¹⁹ The Commission tends to fund European NGOs and multilateral bodies such as the International Committee of the Red Cross (ICRC), UNDP, and the United Nations Children's Fund (UNICEF), which in turn often work with local partners. Through the EC's co-financing of SEESAC's activities in the Balkans, local civil society has become involved in projects focusing on the control of small arms.²⁰ Through the Joint Action in Cambodia (EU-ASAC), the EU has also engaged local NGOs in the context of its "weapons in exchange for development" scheme, particularly in awareness-raising activities.²¹

A sample of European mine action NGOs were asked for their impressions of the Commission as a donor.²² Their responses revealed an overall positive and constructive relationship. Attention was drawn, however, to lengthy application procedures and the delay in receiving funds once a contract has been approved. This can discourage organizations from applying for funds and may also leave them in a difficult financial position while awaiting payment. It also may require considerable knowledge of procedures and contacts to “get the ball rolling”. Similar problems have been experienced among NGOs working on small arms issues.²³

In addition, civil society projects are often funded on a short-term basis that limits an NGO’s ability to implement longer-term programmes. Multi-year funding would enable NGOs to ensure the continuation and sustainability of projects (see Box 5.2). In particular, by building the capacity of NGOs in affected areas, longer-term funding would allow programmes to continue once foreign and international organizations have moved elsewhere.

Box 5.2. Adapting the EU funding cycle

Multi-year funding is important to successful, efficient and sustainable small arms and mine action programmes. Small arms programme managers, including those managing the SEESAC and EU–ASAC programmes, have voiced concerns about the length of the EU funding cycle, arguing that multi-year programming is necessary to enable efficient and sustainable action. A twelve-month period is often not a sufficient amount of time to address the problems, particularly taking other country- and context-specific factors into consideration (such as a rainy season, which may prevent clearance work from being conducted for some time).

In order to effectively address contaminated areas, mine action programmes usually run for longer than one year—but this is difficult to plan if funding is restricted to an annual basis. Nor are the local capacity-building elements of mine action programmes sustainable with short-term funding. In addition, mine action programmes are often capital intensive and it would be more efficient to fund programmes for the life cycle of equipment, such as metal detectors (in this case, normally about five years), rather than annually.

The Commission’s complicated reporting and evaluation requirements can also deter smaller NGOs, especially in developing countries, from applying for funding. A considerable amount of administrative work is required for a short-term project and NGOs may not have the necessary resources to meet these requirements. Likewise, funding to NGOs allows little flexibility to accommodate operational realities that often overlap, such as the case when landmines, ERW and small arms are destroyed together.

Although the Commission solicits NGO participation through calls for proposals, many NGOs remain unaware of such opportunities.²⁴ In many cases the calls for proposals are placed on the Internet, which may not be readily accessible or affordable for NGOs in developing countries.

The EU should strengthen its relationship with civil society by simplifying requirements for existing partners, and by reaching out to new partners in countries afflicted by small arms and ERW.

Notes

¹ DG RELEX, *Programming Fiche: Conventional Weapons, Anti-personnel Landmines (APL), Small Arms and Light Weapons (SALW) and Explosive Remnants of War (ERW)*, January 2006.

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- 2 Interview with Officials, DG RELEX, 17 May 2006.
- 3 Andrew Sherriff, *Mainstreaming SALW, Landmine, and ERW Issues within Development and Humanitarian Processes and Institutions*, 2005 (background paper commissioned by UNIDIR).
- 4 The European Council's annual reports under the Joint Action provide an overview of assistance.
- 5 The countries covered by the MDRP programme are Angola, Burundi, Democratic Republic of the Congo, Namibia, Republic of the Congo, Rwanda, Uganda, and Zimbabwe.
- 6 *A Secure Europe in a Better World: European Security Strategy*, European Union Institute for Strategic Studies, 2003, www.iss-eu.org/solana/solanae.pdf
- 7 European Commission, *The European Union and the United Nations: the Choice of Multilateralism*, COM (2003) 526 final, 10 September 2003.
- 8 Statement by H.E. Ambassador John Freeman (UK Presidency of the EU 2005), Head of UK Delegations to the Biennial Meeting of States on Behalf of the European Union, New York 11 July 2005.
- 9 For further information see www.mineaction.org/downloads/1/UN_IAMAS_online.pdf
- 10 See "Secretary-General's remarks to the Sixth High-Level Meeting with Heads of Regional and Other Intergovernmental Organizations", 25 July 2005, www.un.org/apps/sg/sgstats.asp?nid=1591.
- 11 The Nairobi Protocol, signed in 2004 by 11 countries from the Horn of Africa and the Great Lakes region, is the legal expression of principles expressed in the Bamako Declaration and 2000 Nairobi Declaration. The protocol calls for states in the region to carry out a concrete and coordinated agenda for action that promotes security and ensures that all states have in place adequate laws, regulations and administrative procedures to exercise effective control over the possession and transfer of SALW. The Friends of Nairobi Declaration provides impetus and encouragement to the signatories of the Declaration (now the Protocol), to help ensure adherence to the work plan and provide funding and advice on the direction of the programme for the Great Lakes region. Other participants are Austria, Belgium, Canada, Finland, France, Germany, Netherlands, Norway, Sweden, Switzerland, the United Kingdom and UNDP.
- 12 Council of the European Union, *Implementing Joint Action 2002/589/CFSP with a View to a European Union Contribution to ECOWAS in the Framework of the Moratorium on Small Arms and Light Weapons*, 2004/833/CFSP, 2 December 2004.
- 13 DG DEV agrees CSPs in conjunction with the recipient government, while CSPs prepared by DG RELEX do not require recipient government involvement. This fundamental difference explains why CSPs prepared by DG DEV sometimes avoid dealing with the most sensitive political questions, as recipient governments reject certain issues in CSPs.
- 14 European Commission, *A Concept for European Community Support for Security Sector Reform*, COM(2006) 253 final, 24 May 2006.
- 15 EC assistance and support is nonetheless provided on humanitarian grounds to countries that are non-signatories.
- 16 In 2004, the EC committed € 7 million to Ukraine for the destruction of PFM-1 anti-personnel mine stockpiles but made it conditional on ratification. For further information see http://europa.eu.int/comm/external_relations/ukraine/intro/ip05_06_06_05.htm
- 17 For a detailed analysis of the case of Liberia, see Ryan Nichols, *The European Commission and Liberia—Supporting DDDR: A Case Study on European Action on SALW and ERW*, Small Arms Survey, 2005 (background paper commissioned by UNIDIR).
- 18 Louis Maresca, *Advocacy and EU Action on Explosive Remnants of War*, 2005 (background paper commissioned by UNIDIR).
- 19 Interview with European Commission, Tanzania, March 2005.
- 20 An example is SEESAC's support of foreign and local NGOs to conduct research, training, seminars and workshops as part of the Szeged Small Arms Process.

- ²¹ International Action Network on Small Arms, *EU Engagement in Civil Society on SALW*, IANSA, 2005 (background paper commissioned by UNIDIR).
- ²² Responses were received from the following organizations: Actiongroup Landmines.de, Handicap International—France, Handicap International—Belgium, Italian Campaign to Ban Landmines, Landmine Action UK, Pax Christi Ireland, and Pax Christi Netherlands.
- ²³ International Action Network on Small Arms, *EU Engagement in Civil Society on SALW*, IANSA, 2005 (background paper commissioned by UNIDIR); and interviews and correspondence with European and other NGOs.
- ²⁴ UNIDIR roundtable meeting of European Action on SALW and ERW advisory panel and experts, Geneva, 21 September 2005.

CHAPTER 6

SMALL ARMS AND ERW IN NORTH AFRICA

The second phase of this project consisted of field research and training conducted in cooperation with six North African states: Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia. The overall aim of this phase was to develop recommendations for the European Union on how to improve its external assistance to third countries affected by illicit trade in small arms, and explosive remnants of war, with specific focus on North Africa. In order to get a better understanding of the region's priorities, therefore, it was vital to work with the relevant government ministries and law enforcement agencies in the region.

The objectives of this phase of research were to:

- map current measures and practices to counter the illicit trade of small arms, including border management, and to deal with explosive remnants of war;
- identify areas where national and regional capacity-building is needed; and
- make recommendations to the EU on areas for possible further cooperation and assistance on both a bilateral and regional basis.

Although all six countries are committed to the UN Programme of Action on Small Arms, and some have banned anti-personnel mines, there is little existing data on the extent of small arms and ERW problems in the region. UNIDIR's research provided new information about these problems as perceived by countries in the region.

This chapter presents the findings from the second phase of the project and offers practical recommendations for external assistance.

THE REGIONAL CONTEXT

North Africa faces particular challenges posed by SALW and has significant ERW and landmine problems. The North African countries all face similar challenges in their efforts to counter trafficking in small arms, which is seen primarily as a problem related to crime and terrorism. This is a serious threat to national security requiring regional and international responses and trans-border cooperation, although in some cases a lack of confidence between neighbouring countries is a serious obstacle to achieving the much-needed cooperation.

The region experiences two-way (import and export) illicit SALW trafficking. For example, it appears that some weapons leaking from stockpiles in South Eastern Europe are trafficked through North Africa en route to sub-Saharan conflict regions. Weapons are also trafficked from sub-Saharan Africa (for instance, from Côte d'Ivoire, Somalia and Sudan) to non-state actors (NSAs) as well as criminals in North Africa.¹ Mauritania has been identified as a key transit country—one that bridges North and West Africa and for this reason is exploited by organized criminal groups trafficking arms.²

Many North African countries have long, vulnerable borders and coastlines. The Sahara, with vast unpopulated areas and unmarked frontiers, is in itself an obstacle to effective border management. The border management problems faced by North African countries are compounded by the fact

that neighbours to the south lack the infrastructure to control their side of the borders. For example, in Mauritania, the most problematic border areas are the southern frontiers with Mali and Senegal.

All six North African states are affected by explosive remnants of war and landmines. Much of this dates from the Second World War, and wars of independence, conflicts with neighbouring countries, and internal conflicts with armed NSAs have further contributed to the breadth of the problem. Although countries within the region have clearance programmes, the magnitude of the problem in some countries makes these formidable tasks. This is further compounded by landmines and ERW shifting in desert areas, complicating the task of marking, fencing and clearance.

Algeria, Mauritania and Tunisia are States Parties to the Mine Ban Treaty; Egypt, Libya and Morocco are not. Morocco and Tunisia have joined the CCW and ratified Amended Protocol II, Egypt is a signatory to the Convention, and Algeria, Libya and Mauritania have not even signed the CCW.

For most countries in the region, the artificial policy distinction in international law between landmines and ERW is not relevant on the ground as mine action covers both landmines and ERW.

EU–NORTH AFRICA RELATIONS

The EU aims to promote prosperity, democracy and stability in the Mediterranean region, including North Africa. Most of the countries participating in this phase of the project have structured partnerships with the EU under the Euro-Mediterranean Partnership,³ and National Action Plans under the European Neighbourhood Policy.⁴ At the policy level, disarmament and arms control are integral elements of the Euro-Mediterranean Partnership, as highlighted in the Barcelona Declaration,⁵ which mentions the need to promote regional stability through adherence to, and compliance with, disarmament and arms control measures. The EU also has multiple cooperation and assistance programmes in the region for border management, crime prevention and counter-terrorism. However, small arms trafficking and the presence of ERW have not yet been identified by North African countries as priority areas for cooperation with the EU.

There is ample ground for North African countries and the EU to engage with each other in the fight against the illicit trade in SALW. Such engagement would be supportive of the EU Small Arms Strategy, which highlights the European Neighbourhood Policy, the EU–Africa dialogue and the Barcelona Process as arenas for political dialogue on small arms.⁶

In the EU's assistance programming tools for North Africa, such as the Regional Strategy Paper 2002–2006,⁷ there is no direct reference to small arms and ERW. However, there is a broader commitment among the Euro-Mediterranean partners to combat terrorism, organized crime and drug trafficking, within which small arms assistance could be accommodated. Terrorism and crime are central to the North African countries' own threat assessments of small arms trafficking. Thus, efforts to address the full range of trafficking issues need to be interconnected, including in the provision of external assistance. ERW and landmines have a humanitarian and development impact; thus development programmes must address this, so that their accomplishments may be made sustainable in the long term.

The Euro-Mediterranean Partnership and Cooperation Programme (MEDA) is the principal funding tool of the Commission to implement the Euro-Mediterranean Partnership. Existing EU assistance programmes under MEDA, which will continue under the European Neighbourhood Policy

Instrument from 1 January 2007, focus on measures to prevent illegal migration. However, existing programmes could be expanded to counter illicit trafficking of small arms. Relevant programmes include the Modernisation of Justice Administration Project being implemented in Algeria, Morocco and Tunisia, and the Support to the Modernisation of the Police programme being implemented in Algeria. Both programmes have a strong border-management component.

FINDINGS

GENERAL OBSERVATIONS

Illicit small arms trafficking across borders and ERW contamination are delicate issues that have ramifications for national sovereignty, as well as for bilateral and regional relations. Different perspectives on the extent of the problem were expressed at the regional workshops—ranging from those that emphasized that illicit small arms transit through their country to those that stated there was no problem at all with illicit small arms. Overall, state representatives identified the problem of explosive remnants of war as an issue of greater priority within the region than small arms.

ILLICIT TRAFFICKING IN SMALL ARMS

Border management and trans-border trafficking of small arms

Effective border controls require considerable human, material and financial resources, both at the national and regional levels. Several aspects of border management are relevant to controlling small arms trade, such as information exchange on national border controls and intelligence concerning maritime and land borders.

The trafficking of small arms across borders in North Africa and neighbouring regions does not happen in isolation: it is linked to the trafficking of humans and drugs, as well as to illegal migration. The same criminal gangs often conduct these activities and the same routes are used for trafficking weapons as well as other goods.⁸ Trafficking routes change constantly to exploit weaknesses in border management capacities. The North African states recognize these links and know there is a need for stronger border controls.⁹ EU border management assistance programmes in the region tend to focus predominantly on migration issues but could be expanded to include small arms.¹⁰

In some cases, such as in Egypt, landmines are also linked to border control: the country has indicated that mines are particularly important because of Egypt's "expansive borders that would otherwise be difficult to protect, and would render them susceptible to terrorist infiltration, arms and explosives smuggling, banditry, and drug trafficking."¹¹

In all six countries, the main body responsible for border management is the army, often working in cooperation with the police who control the official border crossings. Many North African countries have taken steps to improve border controls, by both strengthening and updating legislation and through practical measures. For example, Algeria has recently strengthened controls at airports and seaports with new equipment and more human resources; increased border patrols and training of border police; and has agreed programmes of technical assistance with the European Union.¹² However, on the whole, cooperation among different government departments remains insufficient.

Some regional cooperation exists in North Africa, both within the region as well as with its European partners and southern neighbours. For example, Algeria, Niger and Mauritania cooperate

on border controls. Algeria also cooperates with France and Belgium on border controls. Morocco cooperates with Italy and Spain on border controls, including on extradition/readmission agreements. Morocco has conducted joint patrols with Spain vis-à-vis illegal migration.¹³ Joint border patrols have been undertaken by Mauritania with Mali and Senegal. Libya cooperates with its neighbouring countries but views joint border controls as an infringement on its sovereignty.¹⁴

A comprehensive exchange of information between North African states is crucial for improved border management. Yet, at present no such exchange occurs. To undertake such an exchange would require states to define a common interest and to build mutual trust.

Logistical and intelligence capabilities urgently need to be enhanced in the region, and in this respect better use can be made of Interpol services such as the I-24/7 global police communications system as an arms tracing tool. By using I-24/7, National Central Bureaus can trace the history of a gun by checking the possessor's name and passport number through the Interpol Criminal Information System (ICIS). In the regional workshops, North African participants expressed interest in extending the use of the Interpol tracing tool to national law enforcement entities in the region, such as border police, customs and immigration officials.

National legislation

All six countries have small-arms-related laws and best practices that have been in place for several decades, but the majority of these have not been recently updated. For example, Egyptian National Act no. 394 of 1954 on arms and ammunition regulates all aspects of SALW—namely the acquisition, trade, manufacture, import and export; in Morocco, laws relevant to SALW control date back to the 1930s;¹⁵ and in Libya the law covering different aspects of SALW controls dates back to 1967.¹⁶

There has been some progress in certain states. For instance, Algeria modified its SALW-related laws in 2005,¹⁷ and Tunisia is currently reviewing its small arms laws that date back to 1969¹⁸ because these laws do not cover arms manufacturing, brokering or the tracing of weapons.

Manufacture and trade

The legal manufacture and trade in small arms within the region is tightly regulated. Algeria, Libya and Morocco all have a state monopoly on the trade in small arms. In Egypt, arms can be produced under licence but only the state can import and export. End-user certificates are required in Egypt for all transfers when exporting or importing weapons.¹⁹

Civilian possession of weapons

The number of small arms in the hands of the civilian population varies across the six North African countries: some countries, like Egypt, see a strong cultural link between weapons ownership and an expression of manhood, while others, such as Morocco, traditionally have low levels of civilian ownership of weapons. The reasons for weapon acquisition in Egypt are similar to those in the rest of the Arab countries, namely the “need for personal protection, celebratory firing at weddings, and revenge for honour crimes”.²⁰ Traditional and cultural norms are reported to be significant factors not only in the possession but also in the misuse of arms.

There have only been a handful of programmes to address civilian possession in the region, such as amnesties or public awareness programmes. In Egypt, public awareness programmes have been undertaken to inform people about the dangers of illicit and unlicensed weapons, and licensing procedures have been revisited in the past years.

Licences for civilian possession of small arms, whether for hunting, sport or personal protection, are regulated in all six North African countries.²¹ In Tunisia, licences issued by the Ministry of Interior are required by anyone seeking to trade in small arms.²² Tunisia also has a national register that records the serial numbers of all weapons, their components, and their specifications. Licences that specify the type and quantity of weapons are a requirement of gun ownership. In Mauritania, the Ministry of Interior issues licences for the possession of weapons, keeps records of gun ownership and monitors licence authorizations.

Marking and tracing

The six North African countries mark all weapons that they produce and import, and they also maintain weapons databases. Yet several problems persist. For example, there are illicit weapons already in circulation that are not marked and thus remain outside of the system. Many of the national databases are not comprehensive, centralized or electronic. However, there is recognition that further action is needed. Tunisia, for example, suggested that more technical training on marking and tracing mechanisms would be useful.

Brokering

Participants in the regional workshops noted that illegal brokers are operating in the region, making use of commercial air traffic and shipping vessels in particular. However, at present there are no laws in the region that specifically regulate brokering.

Although some countries in the region, such as Morocco, claim to have regulations covering brokering activities, it became clear during the workshops that existing national regulations on recordkeeping and transfers are not sufficient to address the intricacies of arms brokering.

A significant achievement of the second phase of the project was to raise awareness of the brokering issue. At UNIDIR's second workshop, some government officials realized that their current efforts to control brokering were insufficient, including in the area of legislation. Previous to this, states did not see the need for specific regulations on brokering, claiming that it is an issue that rarely touches Africa because there was a belief that there were no North African brokers.²³ Tunisia noted that brokering, especially in relation to extra-territoriality and third countries, needed to be re-examined and that new laws were probably necessary along with strengthened international cooperation.

Stockpile management

At a technical level, some North African states said they have limited capacity for dealing with stockpile management and security issues, and some were clearly concerned about the possible risks posed by poor storage conditions. Mauritania, for example, expressed a need for further training in safe stockpile management, particularly to prevent explosions that might result from poor munitions storage. Algeria indicated a need to improve its stockpiling conditions and to harmonize national measures and practices so they conform to international standards. The North African states regarded sharing information on best practices as particularly useful.

Capacities for coordination at the national and regional level

There are national SALW contact points in all six North African countries who liaise with other states on the implementation of the UN PoA. Several of these contact points were active in the UN PoA negotiations and related processes such as the Tracing Instrument.

In five of the six North African states, no formal national coordination bodies (National Coordination Agencies or National Commissions) exist to control SALW policies and action. The exception is Tunisia, where a body functions under the auspices of the Ministry of Foreign Affairs and coordinates action through a system of electronic data exchange among different governmental departments.²⁴ In other countries, some informal networks and means of information sharing and coordination exist. For example, in Egypt there is a coordinating committee on SALW that meets on an ad hoc basis, and in Morocco there is some degree of coordination at the field level among all government departments concerned with illicit small arms.

Efforts have been made at both the regional and international levels to help address the problems stemming from the illicit trafficking of SALW. The League of Arab States has been active in the international SALW processes, and continues to promote regional cooperation in North Africa on these issues. A regional point of contact on SALW in North Africa has been established within the League of Arab States that coordinates the North African national focal points. At the regional level, the North African states support the Arab Strategy to Fight Terrorism (adopted in 1997) and the Arab Treaty to Fight Terrorism (April 1998), as members of the League of Arab States. They have also helped develop the 2002 Arab Arms Model Law, which is regarded as a useful tool for assessing the SALW situation and for designing further action.²⁵

However, the League of Arab States' resolutions on small arms are more procedural than substantive, and its regional focal point cannot function effectively without a further strengthening of the national focal points. Nevertheless, efforts by the League are useful in fostering cooperation among North African states and other members of the League of Arab States.

In addition, Algeria, Egypt, Libya, Mauritania and Tunisia, as members of the African Union, have signed the Bamako Declaration, the Constitutive Act of the African Union and the Protocol on Establishment of Peace and Security Council of the African Union.

Information about the true scale of the problems and the specific situations in each country remains limited. There have been few programmes to address the existing problems. While regional cooperation is recognized as a key issue, and the League of Arab States has taken relevant initiatives on small arms control, it has not yet been developed sufficiently.

EXPLOSIVE REMNANTS OF WAR

Similar to other regions, it is difficult to distinguish between the particular problems of landmines and explosive remnants of war in North Africa, and the full extent and impact of both problems is still not clear. Comprehensive surveys have not been carried out in most of the six countries and information still needs to be gathered to reach a fuller understanding of the problem. It is also difficult to assess the full impact of ERW and landmines because data about the number of victims is incomplete, as most of the North African states do not have comprehensive centralized records of ERW and mine incidents, and casualties.²⁶ Even where databases do exist, there will still be accidents that go unreported, particularly among nomadic populations—for example, in the Western Desert in Egypt and the Western Sahara. Thus, even where information is available, it may not be an accurate representation of the problem. This lack of information hinders the prioritization of clearance and other mine action activities. However, what became evident during the course of the project was the need for further financial and technical assistance to North African states to ensure they have the necessary equipment and training to conduct mine action activities and to improve systems for recording incident data.

National coordination

At the national level, Algeria, Egypt, Libya, Mauritania and Tunisia have a national committee, action plan or programme for mine action. Morocco does not have a formal mine action plan but it does cooperate with the UN Mission for the Referendum in Western Sahara (MINURSO) on mine action. There is no national body to deal with mine action programmes in Tunisia although there is a committee working on implementation of the Mine Ban Treaty. Some states consult with, work with or are supported by international organizations, such as UNDP in Algeria, and the United Nations Mine Action Service (UNMAS) assessment conducted in Tunisia.

Civilian versus military clearance personnel

The armed forces are principally in charge of clearance efforts in all six North African states. Libya is the only North African state reported to employ civilians to clear mines and ERW, with its Civil Protection Unit clearing items found in affected communities. At the workshops, UNMAS and the Geneva International Centre for Humanitarian Demining discussed the possibility of employing civilians in addition to, or instead of, military personnel for clearance programmes, highlighting some benefits such as the negative perception of local communities of the use of military personnel, trained civilians may have better skills than military personnel who may be engineers but have not previously worked to humanitarian demining standards, and civilian deminers often do not cost as much to employ as military personnel. Employment of civilians can create local community support for the demining project by creating jobs for people in the area. A number of North African states expressed interest in learning more about this. The North African representatives also requested more training in explosive ordnance disposal and international mine action standards.

Regional cooperation

There is no cooperation at the regional level to deal with the problems of explosive remnants of war and landmines, even though North African states see these issues as more important than the illicit trade in small arms. The politically sensitive location of many affected areas, along mutual borders for example, complicates the situation. Egypt and Libya have discussed joint border clearance operations in the past but no programmes were implemented as a result (although it was subsequently reported that Libya began clearance work along the border unilaterally in June 2005).

External assistance

Some North African countries have received mine action assistance from EU Member States. For example, Germany provided Egypt with metal detectors in 2004,²⁷ and Mauritania has received assistance from Germany and France.²⁸ Among the Delegations surveyed, the only information provided on EC mine action assistance in the region concerned the funding of equipment for a clearance operation along Tunisia's border with Libya.²⁹

Some of the North African states do not consider that they receive enough assistance to deal with their ERW and mine problems. This is ascribed to a perception among donors that the humanitarian impact in North Africa is minimal, particularly as the contamination is considered to be in "remote" areas. However, several countries in the region argue that ERW and mines have both a humanitarian and development impact. For example, in Egypt there are an estimated 22 million mines and ERW in the Western Desert region, the Sinai Peninsula, the areas around the Suez Canal and the Red Sea coast. These mines and ERW affect some 800,000 people throughout the country.³⁰ Accidents are inevitable when civilians use affected areas for cultivation, grazing, infrastructure projects and housing.

Tunisia, on the other hand, claims there is only a limited humanitarian impact, focusing rather on the economic impact. Nevertheless, the presence of mines and ERW is affecting the construction of a highway and oil pipeline along the main road between Tunis and Tripoli. Elsewhere in the region, mines and ERW hamper key industries such as gas, oil and metal ore extraction.

Egypt and Libya made it very clear that they do not want or need “assistance” from the EU. Rather, they are looking for compensation from EU Member States for landmines and ERW leftover from the Second World War. This reflects one of the problems hindering the clearance of mines and ERW: the limited number of maps that have been provided by EU Member States identifying the locations of minefields laid during the Second World War, which would also give some indication of possible ERW locations.

Conditionality

Some states noted that assistance should be a function of needs rather than tied to the recipient states’ adherence to international treaties such as the Mine Ban Treaty. Conditionality of EU assistance was seen as unproductive in cases where potential recipient countries lacked the capacity to fulfil future treaty obligations in the absence of external assistance.

CONCLUSIONS

Although there are some regional commonalities, no single approach can effectively address the individual needs of all the countries. Some states do not fully acknowledge that they are affected by the illicit trade in small arms. This is also true for trans-border trafficking of small arms. Other countries acknowledge the problem but state that they have it under control, as in the case of Algeria.

The states of North Africa have expressed a need for greater cooperation on small arms and border management within the region and with their neighbours to the south. Increased intra-regional cooperation will require the individual priorities and approaches of each North African state to be accommodated. Otherwise, efforts to curb the illicit trade in small arms will prove ineffective, particularly with regard to border control and management.

There is scope for greater cooperation and assistance between North Africa and the European Union on these issues. Some specific requests for assistance have already been articulated (see below), a number of which were directed toward the EU. These could form the basis for increased bilateral cooperation. It is evident that in developing assistance packages, the North African states’ priorities and cultural approaches to these issues need to be taken into careful consideration.

However, there is also an underlying sense among some states that EU assistance, if provided, should be aimed at assisting North Africa rather than purely at preventing problems, such as illegal migration, from reaching Europe. It was also made clear by some states that it is not a question of human resources, but rather of equipment and technical training.

The following presents the specific needs for assistance identified by the North African states during the second phase of the project.

General assistance needs

- Technical assistance to help North African states improve controls over long and geographically difficult borders;

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- Financial assistance for training and raising of awareness among professionals involved in SALW control and border controls;
 - Further workshops to facilitate dialogue among the six North African states on these issues and to promote cooperation and sharing of information bilaterally, within the region and with other regions; and
 - Maps of the minefields laid in North Africa during the Second World War.

Algeria

- Provision of training and technical assistance for border management; and
- Technical assistance, including protective equipment, to clear the remaining mines and ERW in the country.

Egypt

- Financial assistance for a campaign to encourage weapons collection via arms amnesties;
- Financial assistance to develop a national capability for advanced marking techniques in accordance with the highest international standards;
- Financial assistance to improve weapons registries;
- Financial assistance to develop “a culture against SALW”; and
- Though Egypt is not a party to the Mine Ban Treaty, assistance on mine clearance may be conducive to a constructive dialogue on the Treaty.

Libya

- More research to examine the underlying causes of the illicit trade in small arms.

Mauritania

- Financial assistance for stockpile management;
- Enhanced EU assistance to secure its maritime borders. Maritime controls are key to countering illicit trafficking across the board, including in arms, drugs and people;
- Technical and financial assistance to clear landmines, particularly along the railway system; and
- Capacity-building for land border management.

Morocco

- Technical cooperation and financial assistance in order to acquire logistical capacities for effective border management such as satellite technology, along with the provision of training for border guards, police officers and others involved in border management.

Tunisia

- Assistance to improve border security, which is closely linked to SALW trafficking;
- Technical and financial assistance that includes border management equipment and training for border guards and police officers;
- Assistance to continue its mine clearance efforts; for example, the provision of technical equipment for detecting mines; and
- Follow-up workshops to focus on the possible shortcomings of current legislation, for example on brokering, in each of the North African countries.

RECOMMENDATIONS

The EU is well placed to consider requests for technical and financial assistance from North Africa because of its close relations with the states in the region and existing political dialogues, as well as its expertise in many of the areas where assistance is required. Exploring these issues further during bilateral and regional dialogues is suggested in order to develop country-specific responses to the problems of small arms and ERW.

When assessing the need for assistance to small arms and ERW action in North Africa, the EU needs to take a comprehensive approach to these cross-cutting issues—an approach that also encompasses issues such as terrorism, crime and development. Such comprehensive approaches to SALW and ERW could be applied globally, not just in areas of geographic priority. Border management assistance programmes would benefit from taking these assessments into consideration.

The requests for assistance give guidance on areas of interest to North African states on the issues of small arms and explosive remnants of war. This should be understood, not only in terms of the benefits for North Africa, but also in terms of the benefits for Europe and beyond.

EU could begin by having a discussion with North African partner countries on their best practices and model regulations. Following such initial exchanges, the EU could consider concrete requests, including assistance to incorporate the text of the Arab Arms Model Law into national law or best practices according to national priorities.

To ensure effective action at the regional and international levels, further cooperation with bodies such as Interpol and Europol is needed. Training could also be provided on marking and tracing. The EU should also consider commencing cooperation with the League of Arab States in the areas of SALW and ERW and extend its already existing dialogue with the African Union. Working with a regional organization would help the EU to take into account the special interests of the region in tackling illicit small arms proliferation, such as combating terrorism, crime and improving border controls, and provide advice in developing adequate responses.

To counter illicit brokering in North Africa, the EU could provide assistance for creating new or strengthened laws that cover brokering, including extra-territorial brokering. Assistance could also be provided to establish registers of brokers, either by Interpol or national security officers. Corruption laws should also be reviewed as they are closely related to preventing illicit arms intermediaries.

The EU's leverage vis-à-vis North African states could be used to encourage them to consider a more comprehensive approach to small arms, explosive remnants of war and landmines.

The EU should assess how individual countries and the region as a whole are affected by the illicit trafficking of small arms and take this information into account when planning and implementing border control and management programmes in North Africa. As illustrated in the EU-funded Integrated Border Management programme in the Balkans, programmes to improve border controls can be effective in fighting the illicit trade in small arms. The EU also needs to assess the impact of landmines and ERW on border management when developing assistance programmes. Libya called on Europe to consider all issues related to border control in its dialogues with African and Mediterranean partners.

To help the countries in North Africa address ERW and mine problems, the EU could consider providing more technical and financial assistance on mine clearance. Capacity-building and research are areas where further efforts are needed to address SALW problems.

Notes

- 1 A report by the Small Arms Survey notes that the Sahel region is particularly attractive to terrorist groups “owing to the lack of state control over large areas of desert and the permeability of borders between Algeria, Mali, Niger, and Chad—both of which facilitate the movement of non-state groups and arms smuggling.” Nicolas Florquin and Eric Berman, *Armed and Aimless: Armed Groups, Guns, and Human Security in the ECOWAS Region*, Small Arms Survey, 2005, pp. 63–64.
- 2 Statement made by the representative of Mauritania at UNIDIR workshop 24 April 2006.
- 3 The Euro-Mediterranean Partnership is a wide framework of political, economic and social relations between EU Member States and partners in the Southern Mediterranean. The Euro-Mediterranean Partnership comprises 35 members: 25 EU Member States and 10 Mediterranean Partners (Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey). Libya has had observer status since 1999.
- 4 Mauritania is not party to the Barcelona Process as it belongs to ACP countries and therefore its relations with the EU come under the Cotonou Agreement. Mauritania was considered an integral part of the North Africa grouping and was thus included in Phase Two of the Pilot Project.
- 5 The Barcelona Declaration, adopted at the Euro-Mediterranean Conference of Foreign Ministers, 27–28 November 1995.
- 6 Council of the European Union, *EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition*, 5319/06, 15–16 December 2005, p. 12.
- 7 Euro-Mediterranean Partnership, *Regional Strategy Paper 2002–2006*, European Union, p. 3–15.
- 8 Statements made by the representatives of Algeria, Mauritania and Morocco at UNIDIR workshop 24 April 2006. Also, a report by Geneva Call claims that the Algerian Salafist Group for Preaching and Combat (Group Salafist pour la Prédication et le Combat—GSPC) purchases and disposes of advanced weaponry through funds that come from hostage-taking and smuggling activities. The Geneva Call report refers to research by the Small Arms Survey, according to which the weapons are usually bought in Mali or allegedly smuggled from neighbouring countries such as Chad, Liberia, Mauritania, and Sierra Leone. Other cited sources refer to illicit weapons coming in also from Europe, Iran and Sudan. Geneva Call, *Armed Non-state Actors and Landmines*, Program for the Study of International Organizations, 2005, pp. 136–137. Nicolas Florquin and Eric Berman, *Armed and Aimless: Armed Groups, Guns, and Human Security in the ECOWAS Region*, Small Arms Survey, 2005, pp. 65–66.
- 9 For example, Mauritania made reference to illicit trafficking routes from the Côte d’Ivoire through Mali to Mauritania, and referred to the smuggling of guns under disguise claiming the goods to be vegetables or timber.
- 10 For example, the “5+5 Dialogue on Migration”, an instrument for informal dialogue on stronger and deeper cooperation between Mediterranean countries (including Algeria, Libya, Mauritania, Morocco and Tunisia) and the EU on border controls and management.
- 11 Landmine Monitor, *Landmine Monitor Report 2005: Toward a Mine-free World*, Mines Action Canada, 2005. The reference in the report is made to a statement by Ambassador Heba Elmarassi, First Review Conference, Nairobi, 2 December 2004.

- 12 In statement made at UNIDIR workshop 24 April 2006, the representative of Algeria noted that Algeria has recently set up a scanning system for firearms, unique in Africa. All police weapons are registered in the system and the records may be used in judicial enquiries.
- 13 Morocco has ongoing negotiations with the EU to expand these agreements to cover the whole EU. The focus is much more on illegal immigration than on SALW. Negotiations are underway between Morocco and the EU to see whether the EU could provide money or equipment for Moroccan border posts, as border controls rely heavily on human resources at present but would benefit from more electronic methods.
- 14 Statement made by the representative of Libya at the UNIDIR workshop on Phase Two of the Pilot Project, "European action on small arms, light weapons and explosive remnants of war", Geneva 24–25 April 2006.
- 15 For an overview of SALW in Morocco—regulations on production and ownership of weapons—see Small Arms Survey, *Small Arms Survey Yearbook 2005: Weapons at War*, Small Arms Survey, 2005, pp. 86–87.
- 16 First Article of the Arms Code of 1967 covers all aspects of controlling illicit weapons. National rules and regulations also cover arms licensing and trade.
- 17 The national law dates back to 1997 (provision 9896), and was complemented in 1998 by an act on its implementing modalities. It covers all aspects of SALW and their ordnance, namely the manufacture, import, export, and trade. The law defines eight separate categories of arms. Algeria is making efforts to adapt and harmonize its national laws with its international commitments. The country adopted a new executive decree relevant to SALW on 13 September 2005.
- 18 Small arms and light weapons form the first category of weapons regulated with Law no. 33 of 1969 that restricts the import, handling and possession of SALW in the country.
- 19 They have to include a detailed description of transferred arms, their number and value, a description of the intended end-use purpose and place, as well as the expiry date of the licence. Licences are granted to one person at a time, for a limited period of time. All exports also have to contain the approval of the weapons' foreign recipient.
- 20 *Traditional Cultural Practices and Small Arms in the Middle East: Problems and Solutions*, A workshop organized by the American Friends Service Committee and the Regional Human Security Center at the Jordan Institute of Diplomacy, Amman, Jordan, 3–4 November 2002. Conference report online at http://www.iansa.org/regions/nafrica/cultural_practices.doc
- 21 The defence and interior ministries are responsible for licences.
- 22 The responsible body is the General Department of Procedures within the Ministry of Interior.
- 23 Intervention by representative from North African state, at regional workshop, 24–25 April 2006.
- 24 Other bodies present in the coordination mechanism are the Ministry of Justice, Ministry of Interior, Ministry of Defence, and National Customs. The coordination body is responsible for three main tasks: it gives general guidelines for the national report on PoA implementation, it identifies a national point of contact, and it establishes a National Commission.
- 25 The purpose of the Arab Arms Model Law is to create a framework for minimum common standards in the region. The law was created to combat organized criminality and corruption and assist member states in the regulation of SALW issues.
- 26 There is no comprehensive data on casualties available in Algeria, Libya, Morocco or Tunisia. Although there is no central database in Egypt, the Ministries of Defence and International Cooperation keep their own casualty databases. Mauritania began recording casualty data in August 2004. Landmine Monitor, *Landmine Monitor Report 2005: Toward a Mine-free World*, Mines Action Canada, 2005
- 27 European Commission, *The European Union Mine Actions in the World*, 2004, p. 85.
- 28 Information provided at UNIDIR training workshop, Geneva, 24–25 April 2006.
- 29 E-mail from Fabian Siederer, EC Delegation Tunisia, 20 February 2006.

- ³⁰ USAID and RONCO, *Arab Republic of Egypt, Mine Action Assessment Report and Proposed Organisation*, 3 April 2002, p. 5.

CHAPTER 7

CONCLUSIONS AND RECOMMENDATIONS

This section presents the main conclusions of the report, and provides specific recommendations for European action.

In summary, the key recommendations for the EU are to:

- Continue to implement the EU Small Arms Strategy through targeted Joint Actions and assistance programmes, and to use small arms action to support broader EU policy objectives;
- Extend EC mine action assistance to formally include ERW and all types of landmines; and
- Adopt policy guidelines for the provision of EC assistance on small arms, landmines and ERW, and decide on priorities for action.

Suggested action relating to these three key recommendations is presented below.

CONTINUE TO IMPLEMENT THE EU SMALL ARMS STRATEGY THROUGH TARGETED JOINT ACTIONS AND ASSISTANCE PROGRAMMES, AND TO USE SMALL ARMS ACTION TO SUPPORT BROADER EU POLICY OBJECTIVES

The significance of the EU Small Arms Strategy is three-fold. First, it forms a building block in EU disarmament policy, adding to the EC Mine Action Strategy adopted in 2001 and the 2003 EU Strategy on WMD. Second, it provides an agenda for targeted small arms action by establishing SALW as a distinct policy area for the EU. Third, the EU Small Arms Strategy is a concrete step toward integrating small arms action in the EU's overall external relations.

What is needed now is a series of practical, targeted small arms measures, framed in support of broader EU policy objectives for development, security and counter-terrorism.

Small arms action can be a crisis management task requiring rapid intervention and resource mobilization, but must also be sustained in the long term to have a viable impact in countries affected by armed violence. Thus, a balance between short-term and long-term action is necessary in the implementation of the EU Small Arms Strategy. It is essential for the EU to ensure that its Small Arms Strategy is implemented across EU policies and that crisis interventions are followed up by long-term assistance programmes.

The EU Small Arms Strategy encompasses action to address both the demand and supply of small arms, with the emphasis on failing states in Africa and former Warsaw Treaty Organization countries (which are often the source of these weapons). This progressive dual approach could be extended to include a third, broad category of countries: those where small arms proliferation either poses a threat to human security due to armed violence, including civilian misuse of guns and crime, or where acts of terrorism are perpetrated with the help of small arms.

The new financial instruments for the provision of external assistance will enable the EU to engage in small arms action beyond the crisis management stage. In particular, the Stability Instrument will allow for small arms assistance to so-called “stable” countries. Support for SALW action should, where relevant, be prioritized under the new financial instruments by taking a comprehensive and holistic approach to SALW, including the Integrated Pre-accession Instrument, the European Neighbourhood and Partnership Instrument, the Development Cooperation and Economic Cooperation Instrument and the Stability Instrument.

The following action is recommended:

- Ensure that assistance programmes on SALW support the attainment of EU development objectives;
- Highlight the link between terrorism and small arms in EU counter-terrorism policy. Specifically, include efforts to counter the illicit trade and proliferation of small arms in the EU Action Plan on Terrorism;
- Expand the EU’s counter-terrorism technical assistance to include measures to counter the illicit trafficking of small arms;
- Make active use of partnerships with regional organizations to identify gaps in national and regional capacity to deal with small arms, and develop relevant capacity-building activities; and
- Promote small-arms-related issues as a topic in EU political dialogue with SALW-affected countries.

EXTEND EC MINE ACTION ASSISTANCE TO FORMALLY INCLUDE ERW AND ALL TYPES OF LANDMINES

Although the EC Mine Action Strategy provides some assistance to ERW-affected countries, clarification through formal recognition that ERW is covered by mine action assistance is needed. The introduction of the new financial instruments will provide an opportunity to approach mine action more comprehensively. The elimination of the Anti-personnel Landmine budget line on 1 January 2007 will remove the official obstacles to the provision of explicit ERW assistance. Formal acknowledgement by the EU that its mine action assistance also covers anti-vehicle mines, not simply anti-personnel mines, would make EU mine action assistance more comprehensive.

The following action is recommended:

- Expand EC mine action assistance to cover all types of landmines, i.e. anti-vehicle mines and anti-personnel mines, and explosive remnants of war (both unexploded ordnance and abandoned explosive ordnance);
- Consider expanding conditionality criteria to include adherence to CCW Protocol V on ERW, when relevant;
- Increase funding for EC mine action assistance to reflect the magnitude of the ERW problem; and
- Continue to support organizations that work with non-state actors to secure a ban on anti-personnel mines and other victim-activated mechanisms.

ADOPT POLICY GUIDELINES FOR THE PROVISION OF EC ASSISTANCE ON SMALL ARMS, LANDMINES AND ERW, AND DECIDE ON PRIORITIES FOR ACTION

Efforts are underway in the Commission toward defining a common approach to small arms, landmines and ERW in development programming.

SUGGESTED ACTION TOWARD POLICY COHERENCE

- Continue developing guidelines on a comprehensive approach to SALW, landmines and ERW;
- Place the issue of the inter-linkage of humanitarian action, arms issues, security and development on the agenda of Commission inter-service groups. Engage DG DEV, EuropeAid and DG ECHO in this dialogue;
- Reinforce internal, inter-institutional and external coordination mechanisms already existing in the field of landmines and extend them to cover SALW and ERW;
- Integrate SALW, landmines and ERW more clearly into Country and Regional Strategy Papers and Action Plans as well as into other forms of cooperation with partner countries;
- Equip Commission Delegations in SALW- and ERW-affected countries with expertise in areas such as DDR, weapons collection, mine action, and needs and impact assessments;
- Include security assessments in the planning and design of assistance; and
- Conduct inter-service evaluations of the impact of EC assistance to countries affected by small arms and ERW, including an assessment of stakeholder needs, a review of the criteria used for the allocation of assistance, analysis of results achieved within each thematic area of intervention (such as DDR) and lessons learned.

SUGGESTED PRIORITIES FOR ACTION

- Seek regional and trans-border solutions to address small arms problems. In particular, border management assistance to third countries should be expanded to counter the illicit trafficking of SALW, where relevant;
- Strengthen the capacity of regional and subregional organizations, for example in the area of transfer controls;
- Use political dialogue with third countries as an instrument to define common objectives and priorities for action;
- Engage with operational planners at the early stages of DDR programmes;
- Target children and youth when providing assistance to DDR programmes;
- Earmark funds for the reintegration of ex-combatants, including child soldiers, in countries emerging from conflict;
- Assist third countries to build the capacity of police and law enforcement to manage weapons;
- Ensure national ownership of SALW, landmines and ERW programmes;
- Enhance support to civil society by giving more direct assistance to local NGOs and community-based organizations, particularly women's organizations; and
- Ensure that gender concerns are fully reflected in assistance programmes.

SUGGESTIONS FOR ACTION IN NORTH AFRICA

Future EU assistance to SALW and ERW action in the North African region could include:

- Expanding assistance to North Africa under the European Neighbourhood Policy to include measures to counter illicit trafficking of small arms;

- Adopting a comprehensive approach to small arms and explosive remnants of war in North Africa that encompasses issues such as terrorism, crime, border controls and development;
- Supporting intra-regional and trans-regional cooperation on SALW in Africa;
- Increasing cooperation with the League of Arab States and the African Union to build the region's own capacity to address SALW and ERW problems and create local solutions;
- Assessing how individual countries and the region as a whole are affected by the illicit trade in SALW and the presence of ERW, taking this into account in programming decisions;
- Providing assistance to update national legislation, including on brokering and to incorporate regional measures such as the Arab Arms Model Law;
- Providing technical assistance to improve border controls, national arms registries, marking and tracing mechanisms, and stockpile management;
- Creating common guidelines on border controls, based on similar problems, common knowledge and shared interests;
- Enhancing efforts and cooperation to gather and share information, and to use integrated border management practices; and
- Providing technical and financial assistance on mine clearance and other mine action activities.

ANNEX

BACKGROUND PAPERS

- Action to Prevent Illicit Arms Brokering: Suggestions for Action by the European Union and its Partners.* Brian Wood (Amnesty International).
- Addressing the Problem of Small Arms and Light Weapons in the Great Lakes Region of Africa: Existing Initiatives and Options for the EU.* Natalie Pauwels, Marta Martinelli.
- Advocacy and EU Action on Explosive Remnants of War.* Louis Maresca.
- Assessing the Impact of a Proposal for a Community Regulation that Implements Article 10 of the UN Firearms Protocol into Community Legislation.* Dennis Brennan.
- Children and Armed Conflict: The Response of the EU.* Irma Specht, Larry Attree, Yvonne Kemper (Transition International).
- Cluster Munition Policy and the EU.* Thomas Nash (The Cluster Munition Coalition).
- Cluster Munitions: A Humanitarian and Legal Overview.* Bonnie Docherty (Human Rights Watch).
- The Common Foreign and Security Policy.* Saferworld.
- The Efficacy of EU Export-control Measures Concerning SALW.* Thomas Jackson, Nicolas Marsh, Anne Thurin (NISAT project at the International Peace Research Institute).
- Enhancing EU Action to Prevent Illicit Small Arms Trafficking.* Andy McLean, Bernardo Mariani, Alex Vatanka (Saferworld).
- EU Engagement in Civil Society on SALW.* International Action Network on Small Arms.
- The EU in Regional and Global SALW Processes.* Sally Holt, Owen Greene, Mike Bourne (Centre for International Cooperation and Security, University of Bradford).
- The European Commission and Liberia—Supporting DDDR: A Case Study on European Action on SALW and ERW.* Ryan Nichols (Small Arms Survey).
- European Union Assistance on Curbing Small Arms and Light Weapons in the Kingdom of Cambodia: A Case Study on European Action on SALW under the CFSP.* Christina Wille (Small Arms Survey).
- European Union SALW and ERW programmes in the Western Balkans.* Michael Ashkenazi, Julie Brethfeld, Tobias Pietz (Bonn International Center for Conversion).
- The European Union, SALW and SSR.* Stephan De Spiegeleire (TNO, Clingendael).
- The European Security Environment and SALW.* Willem van Eekelen.
- The European Union and Conflict Prevention.* Fraser Cameron (European Policy Centre).
- Financial Instruments of Relevance to SALW/ERW Action.* Catriona Gourlay.
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- Formal and Informal Responses to Ordnance Contamination.* Richard Moyes, Dave Tinning.
- Impact of the Implementation of Article 10 of the UN Firearms Protocol into Community Legislation.* Ilhan Berkol (Groupe de recherche et d'information sur la paix et la sécurité).

- In Search of Coherence: A Framework for the EU's Humanitarian and SALW/ERW Policies.* Randolph Kent.
- Killing Many Birds with Few Stones: Integrating ERW And SALW Actions With Peace-building Efforts.* Kathleen Jennings, Christian Ruge (Fafo New Security Programme).
- Landmines and Explosive Remnants of War: Why Integrate a Gender Perspective into Programming?* UN Mine Action Service.
- A Legacy of War: Armed Threats to Human Security in Iraq.* Christian Ruge (Fafo New Security Programme).
- Mainstreaming SALW, Landmine and ERW Issues within Development and Humanitarian Processes and Institutions.* Andrew Sheriff.
- Managing the Problem of Explosive Remnants of War.* Stuart Maslen.
- Marking, Registering and Tracing SALW: Policy Options for the European Union.* Ilhan Berkol (Groupe de recherche et d'information sur la paix et la sécurité).
- Observations on Possible Synergies between Action on Small Arms and Light Weapons and Explosive Remnants of War.* David Atwood (Quaker UN Office, Geneva).
- Explosive Remnants of War and North Africa.* Ayman Sorour (Protection).
- Providing Appropriate Assistance to the Victims of Explosive Remnants of War.* Katleen Maes, Additional research by Sheree Bailey (Handicap International—Belgium).
- The Reconstruction of Afghanistan: a Case Study.* Aqab Malik.
- The Role of the European Commission in Addressing the Problem of SALW through the Instruments Provided for in the Cotonou Agreement.* Sarah Bayne.
- SALW and Development Programmes: Issues and Priorities.* Jeremy Ginifer and Mandy Turner (Centre for International Cooperation and Security, University of Bradford).
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- Small Arms and Light Weapons as Part of an Integrated EU Conflict Prevention Strategy.* International Alert.
- Small Arms Stockpile Management and Disposal of Surplus Stocks in Europe.* Adrian Wilkinson, Ethan Owen (SEESAC).
- Sudan Case Study.* Richard Lloyd (Landmine Action).
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- Verifying European Union Arms Embargoes.* Verification Research, Training and Information Centre.
- Weapon Collection—Removing Tools of Violence to Create Sustainable Peace.* Robin Poulton.

ACRONYMS

ACP	African, Caribbean and Pacific countries
APL	anti-personnel landmine
ASEAN	Association of South East Asian Nations
ATT	Arms Trade Treaty
AU	African Union
AXO	abandoned explosive ordnance
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CCW	Convention on Certain Conventional Weapons
CFSP	Common Foreign and Security Policy
COARM	Council Working Party on Conventional Arms Exports
CoC	EU Code of Conduct on Arms Exports
CODUN	Council Working Party on Global Arms Control and Disarmament
CSPs	Country Strategy Papers
DDR	disarmament, demobilization and reintegration
DG DEV	Directorate General for Development
DG ECHO	Directorate General for Humanitarian Aid
DG RELEX	Directorate General for External Relations
EC	European Community
ECOSAP	ECOWAS Small Arms Control Programme
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EIDHR	European Initiative for Democracy and Human Rights
EOD	explosive ordnance disposal
ERW	explosive remnants of war
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EU-ASAC	EU Assistance on Curbing Small Arms and Light Weapons in the Kingdom of Cambodia
Europol	European Law Enforcement Organisation
ICIS	Interpol Criminal Information System
ICRC	International Committee of the Red Cross
IEDs	improvised explosive devices
Interpol	International Criminal Police Organization
ISIS Europe	International Security Information Service
MANPADS	man-portable air defence systems
MDGs	Millennium Development Goals
MDRP	World Bank Multi-country Demobilization and Reintegration Program
MEDA	Euro-Mediterranean Partnership and Cooperation Programme
MERCOSUR	Southern Common Market
MINURSO	UN Mission for the Referendum in Western Sahara
MINUSTAH	United Nations Stabilization Mission in Haiti
NATO	North Atlantic Treaty Organisation
NAMSA	NATO Maintenance and Supply Agency
NGOs	non-governmental organizations
NSAs	non-state actors
OAS	Organization of American States
OCT	overseas countries and territories

ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe
PAMECA	Police Assistance Mission of the European Community to Albania
PfP	Partnership for Peace Trust Fund
PoA/UN PoA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
RECSA	Regional Centre on Small Arms
RRM	Rapid Reaction Mechanism
RSPs	Regional Strategy Papers
SADC	Southern Africa Development Community
SALW	small arms and light weapons
SEESAC	South East Europe Regional Clearinghouse for Small Arms Reduction
SIPRI	Stockholm International Peace Research Institute
SSR	security sector reform
TACIS	Technical Assistance to the Commonwealth of Independent States
TCI	Transfer Controls Initiative
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNIDIR	United Nations Institute for Disarmament Research
UN–LiREC	United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean
UNMAS	United Nations Mine Action Service
UNOPS	United Nations Office for Project Services
UXO	unexploded ordnance
WAEMU	West African Economic and Monetary Union
WMD	weapons of mass destruction