

EUROPEAN PARLIAMENT



Directorate-General for External Policies

Policy Department

The role of the European Union in tackling Small Arms and Light Weapons (SALW) proliferation

NOTE

Abstract: This note outlines some of the key issues on the role of the EU in to Small Arms Light Weapons Proliferation. In particular it examines the evolving EU level policy framework with a particular emphasis upon the relevance for developing countries.

The note highlights an increasing awareness within the EU on its responsibilities to regulate the global arms trade as it pursues its security ambitions. The challenge now for the EU is to balance these objectives in a way that is sensitive to development objectives. An important development in this respect was the 2003 'European Security Strategy' which also highlighted, amongst other issues, the importance of the security-development nexus where 'security is a precondition of development'.

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1. Introduction

At the EU level the pressure to create an EU defence market big enough to support a European defence industry can be seen in the steps being taken by the Commission's Green Paper consultation and by the Member State's initiative in the European Council to set up the European Defence Agency (EDA). At the same time efforts to restrain the level of exports can be seen in the development and ongoing strengthening of the 1998 EU Code of Conduct on Arms Exports.

In this way the Member States intend to use the EU framework to support a Europe-wide market large enough to sustain their national defence needs (equipment and employment) as well as to restrain arms exports to vulnerable regions and states.

This note will focus more on efforts to restrain or tackle the flow of arms rather than on those new developments, such as the European Defence Agency and Green Paper on Defence Procurement, that are designed to help reform and revitalise the European domestic arms industry. Nevertheless, it should be stressed that such efforts to aid the development of the European arms industry should reflect the responsibility by the EU to regulate the challenges caused by the flow of conventional weapons into and within areas of instability and conflict.

2. The 1998 EU Code of Conduct on Arms Exports: 1998-2005

The 1998 EU Code of Conduct on Arms Exports (the 1998 EU Code) is widely recognised as one of the most developed multilateral regional arms export control mechanisms in the world. It was developed from the Common Criteria agreed at the Luxembourg and Lisbon European Councils in 1991 and 1992. The 1998 Code is reviewed annually by the Member States in the Council of the European Union. The most recent review dates from December 2004 and is entitled the 'Sixth annual report according to operative provision 8 of the European Union Code of Conduct on arms exports'.¹

The 1998 EU Code includes unique features such as a denial notification and a consultation mechanism. On 13 December 2000, in accordance with Operative provision 5 of the 1998 EU Code, the Council adopted the Common Military List of equipment covered by the 1998 EU Code.² The 1998 EU Code is set out in two main sections on export criteria and operative provisions. The first section lists eight criteria EU member states are to take into account when making export licensing decisions (these include human rights, internal and regional stability, risk diversion and sustainable development). The second section lists 12 Operative Provisions which mandate a number of procedures for implementing the criteria effectively (such as

¹ OJ C316, Volk 47 21 December 2004, 'Sixth annual report according to operative provision 8 of the European Union Code of Conduct on arms exports'. Can be found at <http://europa.eu.int/eur-lex/lex/JOhtml.do?uri=OJ:C:2004:316:SOM:EN:HTML>

² OJ 191, Volume 43 8 July 2000, 'Council Declaration of 13 June 2000, issued on the occasion of the adoption of the common list of military equipment covered by the European Union code of conduct on arms export'. For the most recent list of military equipment see: OJ C127, 25 May 2005, COMMON MILITARY LIST OF THE EUROPEAN UNION (equipment covered by the European Union Code of Conduct on Arms Exports) adopted by the Council on 25 April 2005 (updating and replacing the Common Military List of the European Union adopted by the Council on 17 November 2003)

provision 2 that calls on states to consult one another on licence denials; and provision 7 which emphasises working within the CFSP framework to encourage convergence between member states on arms exports control policies).

The 1998 EU Code is a voluntary agreement and as such there are no standard legal requirements on minimum quantity and standards of information that are shared between the Member States. Nevertheless, the 1998 EU Code is seen as a work in progress and its development (through annual reports from the Council and response from the European Parliament as well as through a separate review process by the Member States during 2004) provides opportunities to further strengthen its application. An important feature of this process is the annual report and reply from the European Parliament. The European Parliament (EP) 'Report on the *Nth* Annual Report on the Code of Conduct on Arms Exports' by the Committee on Foreign Affairs (AFET) usually contains specific measures for improving the Code. The EP is regarded as having developed an important expertise and contribution to the process of strengthening European arms export controls.

Important developments in the Council's 6th report include, *inter alia*: formalising the 2004 review process on a regular basis (in the new Operative Provision 13); creation of a new post-embargo 'toolbox'; the further development of the user's guide (and in particular a new Operative Provision 12); as well as efforts under 'priority guidelines' to create a best practices guide for implementing Criteria 8 and to focus upon harmonisation of national reports.

The European Parliament 'Report on the 6th Annual Report on the Code of Conduct on Arms Exports' by Rapporteur Romeva is expected to address each of these areas but also general concerns such as the need to strengthen the level of information exchange within the denial notification system and the need to address (in a new Operative Provision) a growing trend towards Licensed Production Overseas (LPO). A further general call expected in the report is for the Parliament to be more closely associated with the development and review of the Code and on the development of associated mechanisms such as a review of the implementation of the toolbox for post-embargoed states. Specific recommendations expected in the Romeva report include, *inter alia*:

- welcoming the new Operative Provision 13 for regular reviews (such as during 2004) of the 1998 EU Code, but warning that this should not be to the detriment of annual reviews under Operative Provision 8;
- welcoming the move towards establishing the Code in a Common Position;
- strengthening the post-embargo toolbox by creating a review mechanism to assess the use of the toolbox and to monitor the situation in the post embargoed state;
- calling for high standards of transparency in the exchange of data on using the post embargo toolbox;
- maintaining the EU arms embargo on China;
- welcoming the best practices guide for Criteria 8 of the Code and calling for best practice guides for all remaining Criteria as well as details on their application;
- calling for the quality of national reports to be substantially improved as well as the exchange of information on approved licenses and for a harmonisation of national reports and types of information exchanged;
- calling on the Council to ensure all national reports are published;
- calling for publishing data on a quarterly basis;
- calling for the extension of the code to incorporate components/goods and their onward export;

- calling for the further development of the Priority Guideline on post-export controls and establishment of a monitoring and verification system;
- further development of outreach activities including technical assistance to EU and non-EU states applying the 1998 Code;
- calling for the common application of the Common Position on arms brokering and for regular information exchanges on experiences in adopting it at the national level;
- calling for the extension of minimum standards for extraterritorial controls on arms brokering as well as extending controls on the financing and logistics related to brokering;
- calling on the Member States to support other national, regional and international processes to control arms transfers including the ECOWAS Moratorium, the Nairobi Protocol and the United Nations Programme of Action (UN PoA);
- further calling on the Member States to support the emerging international Arms Trade Treaty (ATT).

3. The International Arms Trade Treaty (ATT)

The last recommendation refers to an interesting new development at the international level for an Arms Trade Treaty (ATT). The ATT has broad backing including from Non-governmental Organisations and amongst a growing number of EU member states.¹ On 3 October 2005, support for the ATT took a major boost when the EU Member States endorsed the further development of the concept at the European Council meeting in Luxembourg with the following statement:

"The Council acknowledged the growing support, in all parts of the world, for an international treaty to establish common standards for the global trade in conventional arms and, to ensure its success, encouraged all states, regional organisations and multilateral institutions to join the growing international consensus for action in this area.

The Council underlined its support for this principle and agreed that binding standards, consistent with the existing responsibilities of states under relevant international law, would be critical in tackling proliferation which is undesirable and irresponsible and which undermines peace, security, development, and full respect for human rights in some of the most vulnerable parts of the world.

The Council further agreed that the United Nations was the only forum that could deliver a truly universal instrument and called for the start of a formal process at the United Nations at the earliest opportunity. The Council expressed the belief that the European Union should play an active role in this process, together with like-minded states and regional organisations from different parts of the world. The Council noted that in developing this process due consideration should be taken in respect to other relevant initiatives, including the 2006 Review Conference of

¹ See for instance the work done by the NGO Saferworld (www.saferworld.org) and the NGO network Control Arms Campaign (www.controlarms.org). Recently, 20-21 October 2005, the UK Presidency, the NGOS Saferworld, the Control Arms Campaign organised a joint meeting in Brussels on the proposed Arms Trade Treaty with representatives from the European Parliament, the European Commission as well as Member States and NGOS from the 25 Member States. Overlapping this EU initiative on 19-21 October, there was also the Meeting Third Plenary Meeting of the Parliamentary Forum on Small Arms and Light Weapons in Mexico, which was attended by Parliamentarians from around the world including Mr Kristovskis from the European Parliament.

the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects".

The development of substantial and enforceable ATT has still to be discussed, not least at the UN level, in detail. Nevertheless, the Arms Trade Treaty is being designed to fill a perceived gap at the international level for a legally based treaty on conventional weapons exports. According to Jack Straw the UK Foreign Minister, and prominent supporter of the ATT, the initiative should complement and build upon existing arms control arrangements (including the 1998 EU Code) as well as reflect 'security and development' concerns and be embedded in the UN system. As such he states:

'Those commitments should form the bedrock of international criteria to be contained in a new arms trade treaty. Such criteria should include whether exports may be used to abuse Human Rights or breach International Law; whether they may fuel internal or regional conflict or tension; and the risk of their being diverted to terrorists or other undesirable end-users. And the Treaty should include provisions on arms brokering; on transit and transshipment of arms; on licensed production; and on Government-to-Government transfers. ... the new treaty needs an effective mechanism for enforcement and monitoring.'¹

The ATT is liked by some EU member States because it would help harmonise international standards amongst the major arms producers. This would help level the playing field for applying rules to restrain the arms trade (as well as the enforcement of those rules) and ensure that EU arms manufacturers are not undercut by those producers exporting from countries outside the existing framework of the 1998 EU Code. For many NGOs and the European Parliament the ATT represents a real opportunity to fill a gap at the international level to restrict and even prohibit the unrestrained export of conventional weapons to areas at risk of instability and conflict.

The European Parliament remains supportive of this initiative. In order to maintain political momentum and focus upon achieving an enforceable treaty with binding restrictions and prohibitions, the European Parliament along with its network of national and international Parliaments continue to provide political support towards achievement of such a treaty. This is in addition to its support for the further development of the EU Code, other regional and national arms control arrangements and the UN Programme of Action.

4. The 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

As indicated by the European Council statement above the development of an ATT is linked to progress in implementing the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (known as the UN Programme of Action or by the acronym UNPoA).² In particular it is linked to the development of 'guidelines' under the UNPoA on the export of conventional weapons, in particular to states at

¹ Statement made at UK launch of the ATT at the NGO Saferworld. For more see: www.saferworld.org.

² Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, UN Document A/CONF.192/15, available at: <http://disarmament2.un.org/cab/poa.html>. Also since 2001 the European Community became a signatory to the UN Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition which falls under the UN Convention against Trans-national Crime.

risk of instability (commonly referred to as failed or weak states). It is hoped these guidelines will be adopted at the June 2006 Review Conference of the UNPoA. The European Parliament has supported this development including by sending a delegation in July 2005 to the 2nd Biannual Meeting of States that met in preparation for 2006 Review UNPoA Review Conference. However, it is yet not clear whether the States meeting in June 2006 will adopt substantial guidelines. NGOs and Parliaments around the world are carefully watching the strength (in particular on commitments to prohibits and restrictions on exports to certain destinations) of the wording being discussed, for instance in New York in January at the preparatory meeting for the Review Conference. This will partly determine whether some States, NGOs and Parliaments call for the rapid development of a legally binding commitment under an ATT separate from the work under the UNPoA or whether they pursue a strategy for developing an ATT that builds upon the guidelines that might be agreed at the June 2006 UNPoA Review Conference.

Currently the draft guidelines have been circulated by the UK for consideration by the states at the January preparatory meeting in New York. However they have already been criticised by NGOs, in particular they highlight that the language in the proposed guidelines is too weak, such as ‘We **undertake to avoid** authorising exports of small arms and light weapons where there is a clear risk that the transfer in question will...’. Instead the NGOs argue that for the guidelines to have legal weight they must include stronger language, for which they provide an example whereby:

‘A suitable paragraph, which reflects states’ obligations, is included in the Nairobi Protocol Guidelines as follows: “a) State Parties **shall not** authorise transfers which would violate their direct obligations under international law...; ii) Any other treaty or legal obligations, to which a State is bound, including binding decisions, including embargoes, adopted by relevant international regional and sub-regional bodies, such as a the Africa Union Peace and Security Council.....; iii) Prohibitions on arms transfers that arise in particular treaties which a State is party to, such as.....iv) Universally accepted principles of international humanitarian law...’¹

The European Parliament will also remain concerned with the development of the language of the guidelines under the UNPoA and the consequences this has for the developing ATT. It would be consistent with the work done in the Parliament under for instance the Romeva Code Report to call for stronger legal commitments from the UNPoA.

5. The EU Joint Action on Small Arms and Light Weapons (SALW)

The Stockholm International Peace Research Institute's (SIPRI) annual Yearbook noted that in 2004 there were 19 major armed conflicts in 17 locations with the majority in Africa and Asia (6 in each), and three in the Middle east, three for the Americas and one for Europe.

Whilst the five EU Member States are amongst the top five exporters of arms, the top 10 destinations for such arms are mostly in Asia and the Middle East. These recipients are in areas of major geo-political importance and potential regional instability. Furthermore more than one of the recipients listed have ongoing disputes with one another, not least China and Taiwan.

The conflict prone region of sub-Saharan Africa features low on the list of recipients of major conventional arms exports. In fact recipients in the Horn of Africa (Sudan) begin to appear at

¹ Interview with NGO representatives.

number 32 on the list, followed by Ethiopia (No. 37), Eritrea (no. 42) and it is not until number 63 that the DRC appears, followed by Rwanda (number 108) and Burundi (Number 122).

An explanation as to why such conflict prone areas appear so low on the list of recipient countries can be explained by a) the application of international arms embargoes on these countries and regions and b) that in these areas the dominant form of conflict is intra-state (and cross-border) conflict, where the weapon of choice is from the category known as Small Arms and Light Weapons (SALW)¹ which are predominantly brought into the region and spread within the region by the illicit trade (i.e. one that does not respect arms embargoes).

The problem of SALW and its relevance to the development policies of the EU was captured by Kofi Annan's statement in the Millennium Report that:

'Small arms proliferation is not merely a security issue; it is also an issue of human rights and of development. The proliferation of small arms sustains and exacerbates armed conflicts. It endangers peacekeepers and humanitarian workers. It undermines respect for international humanitarian law. It threatens legitimate but weak governments and it benefits terrorists, as well as the perpetrators of organized crime.'²

In fact this reflects a visible international focus on tackling the *illicit* trade in SALW, rather than on the role of major conventional weapons, in developing countries and particularly in sub-Saharan Africa.

Furthermore, SALW and SALW-related issues (such a Demobilisation, Disarmament and Reintegration (DDR) and Security System Reform (SSR)) are increasingly recognised as critical aspects in development strategies. Nevertheless, as such countries stabilise and begin to reform their security systems (SSR), it will be important to monitor regional military balances in order to avoid arms races or instability returning.

At the international level tackling SALW issues has been channelled, since July 2001, through the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA).³ All EU Member states contribute to this initiative and have been developing their own approach to SALW since the adoption in 1997 of the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Weapons. Currently, the European Union Presidency will present a common statement (including on the role of the European Commission) at the Biannual Meeting of States (BMS) Parties in July 2005. The EU statement is a strong commitment to tackling the illicit flow in SALW and signifies that the problem is a priority for the Union. The BMS, to which the European

¹ Small arms and light weapons 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 calibers less than 100 mm. Ammunition and explosives are considered to form an integral part of small arms and light weapons.

² 'We the Peoples: the role of the United Nations in the 21st Century', the *Millennium Report* by the Secretary General of the United Nations, p. 52, <http://www.un.org/millennium/sg/report/>.

³ Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, UN Document A/CONF.192/15, available at: <http://disarmament2.un.org/cab/poa.html>. Also since 2001 the European Community became a signatory to the UN Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition which falls under the UN Convention against Trans-national Crime.

Parliament is sending a delegation, will prepare for a major Review Conference on the UN PoA planned for July 2006.

As well as supporting such international initiatives the EU also contributes to tackling SALW mainly through the 2002 Joint Action on Small Arms and on an *ad hoc* basis under the European Development Fund.

6. The 2002 Joint Action on SALW

Joint Actions fall under the Common Foreign and Security Policy (CFSP). However, the Joint Action on SALW is implemented on behalf of the Member States by the European Commission. The 2002 key reference for current Joint Actions is the 12 July 2002 Joint Action on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons.¹ Between 1999 and 2004 there have been 18 projects, amounting to 12,998 million euros, that constitute direct EU SALW actions (including in Albania, Latin America and Cambodia as well as to the Belgrade based UNDP and Stability Pact 'South East Europe Regional Clearinghouse for Small Arms Reduction-SEESAC').

7. The 2005 EU Strategy to combat illicit accumulation and trafficking of SALW and their Ammunition

After the adoption of the European Security Strategy (ESS) by the European Council in December 2003, the Union has produced a number of further 'strategy' documents designed to pursue key security objectives in a process that has been described as designed to provide more focus and coherence in the implementation of the ESS. A Strategy has already been developed on the Non-proliferation of materials and weapons of destruction. The strategies draw upon Member States experience and priorities, as well as those under the CFSP and broader European Community instruments. In general the ESS has elevated ambitions and expectations at the EU level to pursue security policy priorities such as WMD and SALW, but as yet the Member States have not provided the necessary resources in the framework of the CFSP to meet this enlarged security policy agenda. Meanwhile, the contribution by the European Commission based on its existing experience in some of these areas, as well as its considerably larger human resources including the EC Delegations and important financial resources, is being neglected. The Strategies offer the opportunity to look at the policy priority, in this case SALW proliferation, and then allow the Member States and the Commission to set out their potential contributions and resources to support the policy agenda. Nevertheless, process is also made difficult in the current climate when the Member States have yet to agree on the overall budget for the Union for the next seven years, under the so-called Financial Perspectives 2007-2013, which has made inter-pillar decisions on collaborative support to the Strategies (SALW and WMD) very sensitive.

Nevertheless, in October 2006 the EU (Member States, Council Secretariat and in association with the Commission) have endorsed a Strategy to combat illicit accumulation and trafficking of SALW and their Ammunition (the SALW Strategy). It is intended that the SALW Strategy

¹ OJ, L 191/1 19.7.2002, Council Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing JA 1999/34/CFSP.

(which includes an Action Plan) should lead to the development of a rolling action plan to be reviewed and updated every 6 months in an interim report from the Presidency. The SALW Strategy focuses immediately on the importance of the UNPoA process in tackling the global threats from the illicit flow of SALW (by making reference to the ESS and the problem of illicit SALW flows in relation to terrorism, failed states, regional insecurity and organised crime). It highlights immediately that one of the biggest areas affected by the flow of SALW is sub-Saharan Africa with devastating socio-economic effects. The SALW Strategy underlines the need not just to look at responding to the consequences of the flow of SALW (which it says is indeed very necessary and has been done in the EU mostly through DDR and SSR programmes under the EDF) but on the export of conventional weapons it makes a strong reference to the January 2004 statement by the Security Council encouraging arms exporting countries to exercise the highest degree of *responsibility* in the transaction of SALW to unstable areas. The Strategy then refers the need to ensure the Union's security and development policies are consistent and that in order to pursue a strategy against illicit SALW flows the Union must fully use the means available to it at the multinational and regional levels, within the Union and through its bilateral relations with third states.

The objectives are to build on those of the 2002 Joint Action by developing in particular:

- A comprehensive and coherent approach which harnesses all forms of leverage at the EU's disposal and is based on the recognition, formulated in the ESS, that human security and human development are interdependent;
- Developing new facets of the Union's action to cover all the dimensions of the phenomenon. Preventive and reactive;
- Set geographical priorities following on from the operations conducted under the CFSP and ESDP.

Finally, the Strategy refers to the means available. This is both impressive in terms of the instruments that have been developed by the Union under CFSP and ESDP (political, diplomatic and financial) as well as developmental under the inter-governmental European Development Fund (which is substantially administered by the European Commission). However, at this moment in time it is woefully underfunded under the CFSP dimension. The SALW Strategy does not make any reference to the broader external relations instruments at its disposal under the European Community (including development and economic cooperation as well as crisis response), which is a major weakness of the Strategy and its desire to bring 'coherence' in the EU's actions in this area.. Nevertheless, there remains uncertainty about the broader Community role when the relevant instruments (key instruments are the Instrument for Stability and the Economic Cooperation and Development Instrument as well as the European Development Fund) are still under consideration in the context of the aforementioned Financial Perspectives

The Action Plan then lists specific measures to be pursued at the international and regional levels, through political dialogue with third states and finally within the Union itself. The Action Plan drawing upon existing commitments mainly under the UNPoA and the 2002 Joint Action. Furthermore of relevance to the EU-ACP JPA the specific measures also include developing assistance programmes for states in sub-Saharan Africa, technical assistance and financing to regional African initiatives such as the ECOWAS Moratorium, Nairobi Convention and SADC-Protocol), as well as specific commitment to provide the AU and African regional organisation with the means to ensure the effective application of United Nations embargoes and sanctions regimes (ie border controls, in particular at air borders) and mobilise the specialised international organisations. Interestingly references are also made to possible development of

Clauses on SALW such as already exist on Non-proliferation as well as referring to the promotion of the EU'S Export Control Criteria.

Finally, the Strategy returns to where it started ie the issue of improving coherence of EU action with the commitment to: Ensure consistency and complementarity between the Council decisions in the CFSP framework and actions implemented by the Commission in the field of development aid and in order to promote a consistent approach for all EU activities in the SALW area. This last paragraph is essential and yet the present SALW Strategy has not properly grasped the issue of inter-pillar coordination. A further revision of the Strategy should include a more sophisticated discussion on the role of the EDF in relation to SALW initiatives and the OECD's DAC guidelines. Furthermore, the role of the Strategy should include (although it is not its principle objective) a review of post-conflict stabilisation and peacebuilding programmes on SALW as well as the potential complementary role of the proposed Instrument for Stability and the Economic Cooperation and Development Instrument.

8. The European Development Fund

In recent years SALW and SALW-related (DDR) programmes have been implemented on an *ad hoc* basis in the African Caribbean and Pacific countries (under the Cotonou Agreement) using the European Development Fund EDF). Exact figures for SALW specific projects are difficult to extract from Disarmament, Demobilisation and Reintegration (DDR) programmes. To complicate matters further some DDR programmes also fall under post-conflict development/rehabilitation programmes. Estimates for 2003-2004 identify seven new SALW related projects in ACP countries financed under the EDF amounting to 29, 248 million euros. Action on SALW is consistent with the Cotonou Agreement, in particular under Title II 'The Political Dimension' where article 11(3) states:

'...for demobilisation and reintegration of former combatants into the society, for addressing the problem of child soldiers, as well as for suitable action to set responsible limits to military expenditure and the arms trade, including through support for the promotion and application of agreed standards and codes of conduct. In this context, particular emphasis shall be given to the fight against anti-personnel landmines as well as to addressing an excessive and uncontrolled spread, illegal trafficking and accumulation of small arms and light weapons.'

However, these SALW programmes are usually *ad hoc* which makes it difficult to identify a clear policy framework for addressing SALW issues and the complementarities with development programmes. A fuller examination of such issues is currently underway. The scope of the problem from an EU perspective is currently being examined in a Pilot Project being carried out by the UN Institute for Disarmament Research (UNIDIR) after the European Parliament and Council asked the Commission to carry out a project assessing the scope for European action in this area. The results of this research project will be presented at a conference (that will also examine WMD issues) co-hosted by the European Parliament, the European Commission and the UK Presidency on 6 and 7 December 2005.

A further twist to understanding the development of EU policies and programmes in relation to SALW occurred when the European Commission took legal advice on 'Action for Annulment by the Commission against Decision 2004/833/CFSP on SALW ECOWAS'. The Commission is

¹ article 11 para 3. Can be found at: http://europa.eu.int/comm/development/body/cotonou/agreement_en.htm

seeking to bloc any CFSP action to support ECOWAS efforts to tackle SALW on the basis that this falls under the framework of the Cotonou Agreement and Community competence. The Council's response is to rejects this claim. Whilst such legal action reflects strong tensions between the Council and Commission on overlapping competences, it does nevertheless pose a particular worrying obstacle to coherent and focussed efforts to tackle SALW challenges in the areas in most need of attention, such as that covered by ECOWAS and the ACP countries in general. Clearly security and development objectives should not be held to ransom over Brussels based legal and financial squabbling (which is likely to get worse with the inability to agree on the financial perspectives for 2007-2013).

9. Conclusion and Role of the European Parliament

The note highlights an increasing awareness within the EU on its responsibilities to regulate the global arms trade as it pursues its security ambitions. The challenge now for the EU is to balance these objectives in a way that is sensitive to development objectives. An important development in this respect was the 2003 'European Security Strategy' which also highlighted, amongst other issues, the importance of the security-development nexus where 'security is a precondition of development'.

The role of the EU as a regional organisation developing policies to tackle both the supply side export of weapons from Europe and the demand side (eg SALW, DDR and SSR) plays an important role in strengthening international responses. A revision of the SALW Strategy should be carried out to include a full review of EU instruments available to tackle SALW problems on the supply, demand, post-proliferation responses under clearance and post-conflict socio-economic rehabilitation, as well as full reference made to the linkages between SALW and any possible SSR and DDR strategies and or programmes.

On the latter it will be important to develop SALW policies that are complimentary to development objectives and that are fully resourced in order to avoid re-directing precious development funds. As the European Security Strategy states 'The challenge now is to bring together the different instruments and capabilities: European Assistance programmes and the European Development Fund, military and civilian capabilities from Member States and other instruments. All of these can have an impact on our security and on that of third countries. Security is the first condition for development.'

The European Parliament will remain supportive of national and regional bodies to develop there own arms export control systems. This will reinforce efforts towards an international Arms Trade Treaty. Such export control systems must also be underpinned by efforts to strengthening good governance.

The European Parliament seeks to do this in full partnership with bodies such as the Joint Parliamentary Assembly of the African, Caribbean and Pacific Group of States and through it broader network of inter-Parliamentary dialogue with the Union and throughout the world.