Council Decision (CFSP) 2020/979 of 7 July 2020 in support of the development of an internationally recognised system for the validation of arms and ammunition management according to open international standards

COUNCIL DECISION (CFSP) 2020/979

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

(1) On 19 November 2018, the Council adopted the EU Strategy against illicit firearms, small arms & light weapons ('SALW') and their ammunition, entitled 'Securing Arms, Protecting Citizens' (the 'EU SALW Strategy'). The purpose of the EU SALW Strategy is to guide integrated, collective and coordinated European action to prevent and curb the illicit acquisition of SALW and their ammunition by terrorists, criminals and other unauthorised actors, and to promote accountability and responsibility with regard to the legal arms trade.

(2) The EU SALW Strategy observes that poor stockpile security is a key factor that allows arms and ammunition to be diverted from the licit to the illicit markets. The Union and its Member States are committed to helping other countries to improve the management and security of state-held stockpiles by strengthening national legislative and administrative frameworks and strengthening institutions that regulate the legitimate supply and stockpile management of SALW and ammunition for defence and security forces.

(3) The United Nations Office for Disarmament Affairs (UNODA) has developed standards and good practices for the management of small arms and ammunition: the International Ammunition Technical Guidelines (IATG) and the Modular Small-Arms-control Implementation Compendium (MOSAIC), formerly known as the International Small Arms Control Standards (ISACS). The EU SALW Strategy commits the Union to promoting and implementing standards and good practices.

(4) On 30 June 2018, the third United Nations Conference to Review Progress Made in the Implementation of the UN Programme of Action against illicit Small Arms and Light Weapons adopted an outcome document in which States renewed their commitment to prevent and combat the diversion of small arms and light weapons. States reaffirmed

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2020/979. (See end of Document for details)*

that they are to redouble national efforts to provide for the safe, secure and effective management of stockpiles of small arms and light weapons held by government armed forces and by government security forces, in particular in conflict and post-conflict situations. States also acknowledged the application of relevant international standards in strengthening the implementation of the UN Programme of Action.

(5) The UN 2030 Agenda for Sustainable Development affirms that combating the illicit trade in small arms and light weapons is necessary for the achievement of many sustainable development goals, including those relating to peace, justice and strong institutions, poverty reduction, economic growth, health, gender equality and safe cities. Therefore, in Sustainable Development Goal 16.4, all States have committed to significantly reducing illicit financial and arms flows.

(6) In the Agenda for Disarmament 'Securing our Common Future'[(1)], which was presented on 24 May 2018, the UN Secretary-General called for addressing the excessive accumulation of conventional arms and the illicit trade in conventional arms and called for the support of country-level approaches on small arms. The Union has decided to support the Agenda's Action 22: 'Secure excessive and poorly maintained stockpiles'.

(7) The Geneva International Centre for Humanitarian Demining (GICHD) contributes to the development, review and promotion of the International Mine Action Standards, and, through its Ammunition Management Advisory Team (AMAT), to the development, review and dissemination of the International Ammunition Technical Guidelines (IATG). AMAT is part of GICHD. AMAT was created as a result of a joint initiative between the GICHD and UNODA in response to the urgent need for support to States in the safe, secure and effective management of ammunition, in accordance with the IATG.

(8) On 4 December 2017, the UN General Assembly adopted resolution 72/55 on problems arising from the accumulation of conventional ammunition stockpiles in surplus. That resolution supports initiatives at the international, regional and national levels that shed light on improving the sustainable management of ammunition, including through the implementation of the IATG.

(9) The Union and its Member States are top donors for small arms control assistance and capacity development in general, and for physical security and stockpile management in particular. While various international standards and guidelines for stockpile management exist, there is no standardised and internationally recognised methodology for carrying out independent assessments and validation of compliance according to these standards. Consequently, the impact of the Union's assistance for arms stockpile security is difficult to measure.

(10) An internationally recognised methodology for the independent validation of compliance with international arms management standards will make the impact of the Union's assistance to third countries in relation to arms stockpile management measureable; it will also support the risk assessment in the context of arms export control and the provision of military assistance.

(11) The Union should therefore support a project for establishing the feasibility of the development of a voluntary internationally recognised system for the validation of arms and ammunition management on the basis of open international standards,

HAS ADOPTED THIS DECISION:

Article 1

1 With a view to the implementation of the EU Strategy against Illicit Firearms, Small Arms & Light Weapons and their Ammunition entitled 'Securing Arms, Protecting Citizens' ('the EU SALW Strategy') and the promotion of peace and security, the Union shall support a project to study the feasibility of establishing an internationally recognised validation system for the validation of policies and practices for the safe and secure management of SALW and ammunition.

The project shall consist of two phases, 'Phase I' and 'Phase II'.

— During Phase I, in the first year of the implementation, a feasibility study for the development of an internationally recognised Arms and Ammunition Management Validation System ('AAMVS') shall be undertaken to investigate options for appropriate methodologies and tools for the assessment of risk and quality;

— Subject to paragraph 2, during Phase II, based on the outcome of the feasibility study of Phase I, a concept for the creation of an AAMVS shall be developed.

A description of the project is set out in the Annex.

2 The Council shall decide on the basis of the outcome of the feasibility study that results from Phase I of the project whether Phase II of the project is to be implemented.

Article 2

1 The High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative') shall be responsible for the implementation of this Decision.

2 The technical implementation of the project referred to in Article 1 shall be carried out by the Geneva International Centre for Humanitarian Demining ('GICHD') and its specialised agency, the Ammunition Management Advisory Team ('AMAT').

3 The GICHD shall perform its tasks under the responsibility of the High Representative. For that purpose, the High Representative shall enter into the necessary arrangements with the GICHD.

Article 3

1 The financial reference amount for the implementation of the project financed by the Union referred to in Article 1 shall be EUR 1 642 109.

2 The amount intended to cover Phase I of the project shall be EUR 821 872. The remaining amount of EUR 820 237 shall be used if the Council decides to implement Phase II of the project.

3 The expenditure financed by the reference amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

4 The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For that purpose, it shall conclude the necessary financing agreement with

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the GICHD. The financing agreement shall stipulate that the GICHD has to ensure the visibility of the Union's contribution, appropriate to its size.

5 The Commission shall endeavour to conclude the financing agreement referred to in paragraph 4 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

1 The High Representative shall report to the Council on the implementation of this Decision on the basis of regular half-year narrative reports prepared by the GICHD. Those reports shall form the basis of the evaluation to be carried out by the Council.

2 The Commission shall report to the Council on the financial aspects of the project referred to in Article 1.

Article 5

This Decision shall enter into force on the date of its adoption.

This Decision shall expire 14 months after the date of the conclusion of the financing agreement referred to in Article 3(4), unless the Council decides to extend the Decision in order to allow for the implementation of Phase II of the project, or, if no agreement has been concluded within that period, six months after the date of its entry into force.

Done at Brussels, 7 July 2020.

For the Council

The President

M. ROTH

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ANNEX

PROJECT FOR THE DEVELOPMENT OF AN INTERNATIONALLY RECOGNISED SYSTEM FOR THE VALIDATION OF ARMS AND AMMUNITION MANAGEMENT ON THE BASIS OF OPEN INTERNATIONAL STANDARDS

1. Rationale for CFSP support

This project aims to enhanced security and safety of small arms and light weapons (SALW) and ammunition stockpiles through the development of an internationally recognised system that would allow independent validation/certification of compliance by States with open international standards, on a voluntary basis, displaying their ability to address and prevent diversion and accidental explosions.

The diversion and illicit proliferation of SALW and ammunition fuels crime, terrorism, armed violence and instability, undermining sustainable development, good governance, law and order, as well as access to education, healthcare, justice and other civil rights. In addition, illicit SALW can be used to commit or facilitate serious acts of gender-based violence. The diversion and illicit proliferation of SALW and ammunition has the potential to undermine peace and security, destabilising States and societies and eventually entire regions. In so doing, it undermines progress towards the Sustainable Development Goals (SDGs), especially SDG 16 (peace, justice and strong institutions), but also SDG 5 (gender equality) and 11 (sustainable cities and communities).

The safe, secure and sustainable management of national SALW and ammunition stockpiles is instrumental in curbing illicit proliferation. Ineffective stockpile management is a key factor allowing arms and ammunition to be diverted from licit to illicit markets. Stockpile management is especially precarious in states affected by violent conflict or weak institutions and governance structures. In such contexts, fostering safe, secure and sustainable stockpile management promotes the accountability and responsibility of national authorities for preventing the diversion of SALW and ammunition, which, in turn, contributes to enhancing stability, development and good governance.

The Union and its Member States have been assisting third countries to improve the management and security of national stockpiles by strengthening national legislative and administrative frameworks and institutions that regulate the legitimate supply of SALW and ammunition for defence and security forces and the management of such stockpiles. But the impact of this assistance is difficult to measure. There is currently no international mechanism for allowing third countries to demonstrate their compliance with regulatory requirements and with technical and management standards. This can be problematic for States which have invested in improving their SALW and ammunition management policies and practices but which fail to encourage confidence and trust from international partners because of past track records on diversion and on poor stockpile management and security.

While various international standards, guidelines and best practices for stockpile management and security exist, there is no standardised and internationally recognised methodology for carrying out independent assessments and validation of compliance with these standards. In many sectors – industrial as well as governmental – in order to showcase quality, safety and security of products and services and compliance with international norms, some form of guarantee involving certification or validation is required. The issuance of certificates governed by the International Organisation for Standardisation (ISO) is a well-known example. The same method can be applied to the safe and secure management of SALW and ammunition stockpiles.

A certification or validation system would allow a State which has invested in stockpile management and security to voluntarily demonstrate that its system for managing SALW and