Council Decision (CFSP) 2019/2191 of 19 December 2019 in support of a global reporting mechanism on illicit conventional arms and their ammunition to reduce the risk of their diversion and illicit transfer ('iTrace IV')

COUNCIL DECISION (CFSP) 2019/2191

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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) The 2016 EU Global Strategy for the European Union's Foreign and Security Policy (the 'EU Global Strategy') emphasises that the Union will promote peace and guarantee the security of its citizens and territory and step up its contributions to collective security. It also strongly supports the full implementation and enforcement of multilateral disarmament, non-proliferation and arms control treaties and regimes and calls for 'the cross-border tracing of weapons' recognising that European security hinges on better and shared assessments of internal and external threats and challenges.

(2) The EU Strategy of 19 November 2018'Securing Arms, Protecting Citizens - EU Strategy against illicit firearms, small arms & light weapons and their ammunition' (the 'EU SALW Strategy') stresses that illicit firearms, small arms and light weapons ('SALW') continue to contribute to instability and violence in the Union, in its immediate neighbourhood, and in the rest of the world. The EU SALW Strategy sets out the framework for action for the Union in order to address those challenges and commits to supporting research efforts targeting the origins of illicit SALW in conflict zones, such as Conflict Armament Research's iTrace project.

(3) Council Common Position 2008/944/CFSP[(1)], as amended by Council Decision (CFSP) 2019/1560[(2)], reflects the determination of Member States to address, *inter alia*, the risk of military technology or equipment being re-exported to undesirable destinations or being diverted to terrorist organisations or to individual terrorists.

(4) The 2005 EU Counterterrorism Strategy underscores the threat of weapon acquisition by terrorist groups, including of SALW, and calls on Member States to 'make best use' of Union level research activity.

(5) The illicit manufacture, transfer, and circulation of conventional weapons and ammunition, and their excessive accumulation and uncontrolled spread fuels insecurity in Europe and its neighbourhood as well as in many other regions of the world,

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exacerbating conflict and undermining post-conflict peace-building, thus posing a serious threat to European peace and security.

(6) The EU SALW Strategy asserts that the Union will support the work of UN panels that monitor arms embargoes, and that it will consider ways of improving access to their findings on diversion and on illicit firearms and SALW for arms export control purposes.

(7) With the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects (the 'UN Programme of Action'), adopted on 20 July 2001, all UN Member States have undertaken to prevent illicit trafficking in SALW, or their diversion to unauthorised recipients and, in particular, to take into account the risk of diversion of SALW into the illegal trade when assessing applications for export authorisations.

(8) On 8 December 2005, the United Nations General Assembly adopted an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit SALW.

(9) At the 2018 Third Review Conference on the UN Programme of Action, all UN Member States affirmed their commitment to encourage States when tracing illicit SALW, including those found in conflict and post-conflict situations, to consult records within the State where the small arm or light weapon was found and/or consult with the State of manufacture of that weapon.

(10) On 24 December 2014, the Arms Trade Treaty ('ATT') entered into force. The objective of the Treaty is to establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms, to prevent and eradicate the illicit trade in conventional arms and to prevent their diversion. The Union should support all UN Member States in implementing effective arms transfer controls in order to ensure that the ATT will be as effective as possible, in particular as regards the implementation of Article 11 thereof.

(11) The Union previously supported iTrace by Council Decisions 2013/698/CFSP[(3)], (CFSP) 2015/1908[(4)], and (CFSP) 2017/2283[(5)] (iTrace I, II, and III) and wishes to support iTrace IV, the fourth phase of this global, reporting mechanism on illicit conventional arms and their ammunition so as to contribute to Europe's collective security, as requested by the EU Global Strategy,

HAS ADOPTED THIS DECISION:

Article 1

1 With a view to the implementation of the EU Global Strategy, Common Position 2008/944/CFSP, the EU SALW Strategy, and the advancement of peace and security, the project activities to be supported by the Union shall have the following specific objectives:

— continued maintenance of a user-friendly global information management system on diverted or trafficked conventional arms and their ammunition ('iTrace') documented in conflict#affected areas in order to provide policy-makers, conventional arms control experts, and conventional arms export control officers with relevant information to

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develop effective, evidence-based strategies and projects against the illicit spread of conventional arms and their ammunition;

— training and mentoring of national authorities in conflict-affected states to develop sustainable national illicit conventional arms identification and tracing capacity, encourage sustained cooperation with the iTrace project, better identify physical security and stockpile management (PSSM) priorities, more effectively articulate national arms control and law enforcement assistance requirements, notably Union# funded initiatives, such as Interpol's Illicit Arms Records and tracing Management System (iARMS), and the activities of the European Union Agency for Law Enforcement Cooperation (Europol), and strengthen dialogue with EU missions and initiatives;

— enhanced frequency and duration of in-field research into conventional arms and their ammunition, illegally circulating in conflict-affected areas to generate iTrace data, in response to clear demands made by Member States and Union Delegations;

— tailored support to Member State arms export control authorities and arms control policy makers, including repeat consultative visits by iTrace project staff to capitals of the Member States, a 24-hour help desk to provide instant advice on risk assessment and counter-diversion strategies, the maintenance of secure desktop and mobile dashboard applications to provide instant notification of post-export diversion, and the provision to Member States, on request, of post#shipment verification by iTrace project staff;

— increasing awareness through outreach on the findings of the project, promoting the purpose and available functions of iTrace to international and national policy makers, conventional arms control experts and arms export licensing authorities, and enhancing international capacity to monitor the illicit spread of conventional arms and their ammunition and related materiel, as well as to assist policy makers in identifying priority areas for international assistance and cooperation and to reduce the risk of diversion of conventional arms and their ammunition;

— providing key policy issue reports, drawn from the data generated by field investigations and presented on the iTrace system, about specific areas deserving international attention, including major patterns in the trafficking of conventional arms and their ammunition, and the regional distribution of trafficked conventional arms and their ammunition, and related materiel; and

— the continued tracing of conventional arms and their ammunition, with the cooperation of Member States and non-EU States, as the most effective means to establish and verify, to the fullest extent possible, the mechanisms behind the diversion of conventional arms and their ammunition to unauthorised users; tracing will be supplemented by follow-up investigations focused on identifying the human, financial, and logistics networks behind illicit conventional arms transfers.

2 A detailed description of the project is set out in the Annex to this Decision.

Article 2

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

2 The technical implementation of the project referred to in Article 1 shall be carried out by Conflict Armament Research Ltd. ('CAR').

3 CAR shall perform its tasks under the responsibility of the HR. For that purpose, the HR shall enter into the necessary arrangements with CAR.

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Article 3

1 The financial reference amount for the implementation of the project referred to in Article 1 shall be EUR 5 490 981,87. The total estimated budget of the overall project shall be EUR 6 311 473,41, which shall be provided through co-financing by CAR and the German Federal Foreign Office.

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

3 The Commission shall supervise the proper management of the financial reference amount referred to in paragraph 1. For that purpose, it shall conclude the necessary agreement with CAR. That agreement shall stipulate that CAR has to ensure the visibility of the Union's contribution, appropriate to its size.

4 The Commission shall endeavour to conclude the agreement referred to in paragraph 3 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 that agreement.

Article 4

1 The HR shall report to the Council on the implementation of this Decision on the basis of regular narrative quarterly reports prepared by CAR. Those reports shall form the basis of the evaluation carried out by the Council. In order to assist the Council in its evaluation of the results of this Decision, an external entity shall carry out an evaluation of the impact of the project.

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

Article 5

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

2 This Decision shall expire 36 months after the date of conclusion of the agreement referred to in Article 3(3). However, it shall expire six months after the date of its entry into force if no agreement has been concluded within that period.

Done at Brussels, 19 December 2019.

For the Council

The President

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ANNEX

PROJECT IN SUPPORT OF A GLOBAL REPORTING MECHANISM ON ILLICIT CONVENTIONAL ARMS AND THEIR AMMUNITION TO REDUCE THE RISK OF THEIR DIVERSION AND ILLICIT TRANSFER ('iTrace IV')

1. Background and rationale for CFSP support

1.1. This Decision builds on successive Council Decisions to combat the destabilising impact of the diversion and trafficking of conventional arms and their ammunition in conflict#affected areas, in particular Decisions 2013/698/CFSP, (CFSP) 2015/1908, and (CFSP) 2017/2283 which established and enhanced the iTrace global reporting mechanism on conventional arms and their ammunition.

The illicit proliferation of conventional arms and their ammunition is a major factor undermining State stability and exacerbating conflicts, which poses a serious threat to peace and security. As stated in the EU SALW Strategy, illicit firearms and SALW continue to contribute to instability and violence in the Union, in its immediate neighbourhood, and in the rest of the world. Illicit small arms are fuelling global terrorism and conflicts, thwarting the Union's development and crisis management, humanitarian and stabilisation efforts in parts of the Union's neighbourhood and Africa. Within the Union, illicit firearms have a clear impact on internal security, by fuelling organised crime and providing terrorists with means to carry out attacks on European soil. Recent findings from the iTrace project in Afghanistan, Iraq, Libya, Syria, Ukraine, and Yemen, and other conflicts close to the Union's external borders, confirm the assertions in the EU SALW Strategy.

The activities conducted under Decision (CFSP) 2015/1908 confirmed iTrace as a global conflict weapon monitoring initiative. The iTrace Project has operated in more than 40 conflict-affected states, including in Africa, the Middle East, Central Asia, and South and East Asia. and has created the world's largest public repository of diverted conventional arms and their ammunition to support States in their efforts to detect and address diversion in line with commitments to Criterion 7 of Common Position 2008/944/CFSP and Article 11 of the ATT. It provides for precise reporting on the diversion of arms and their ammunition flowing to armed insurgent and terrorist forces that pose a threat to the security of the Union, including Al Qaeda in the Islamic Maghreb and Daesh/Islamic State, and alerts Member State export control authorities confidentially, and rapidly, to post#export diversion risks, providing critical, real-time information to EU Delegations and Member State diplomatic missions in conflict-affected regions on arms trafficking and conflict dynamics. It mainstreams awareness of arms control and counter#diversion measures through balanced and responsible global news media engagement.

1.2. The iTrace project, however, faces sustained calls by Member States to provide direct, face#to#face briefings to national arms export licensing authorities (including frequent visits to capitals) and to provide a greater range of resources bilaterally to Member State arms export control policy makers.

This Decision therefore aims to continue and enhance the work of the project under Decision (CFSP) 2017/2283 by further providing Union policy makers, arms control experts and arms export control officers with systematically compiled, relevant information, which will support them in developing effective, evidence-based strategies against the diversion and illicit spread of conventional arms and their ammunition in order to improve international and regional security. It will thus continue to support them to combine a successful reactive strategy with adequate preventive action to address illegal supply and demand, and to ensure effective conventional arms control in third countries.