



## Programming Guide for Strategy Papers

Programming Fiche	
<p style="text-align: center;"><b>CONVENTIONAL WEAPONS :</b></p> <ul style="list-style-type: none"><li>✓ <b>Small Arms and Light Weapons (SALW)</b></li><li>✓ <b>Anti-personnel Landmines (APL)</b></li><li>✓ <b>Explosive Remnants of War (ERW) – including Cluster Munitions</b></li></ul>	Date: November 2008

### 1. The problem

**Illicit small arms and light weapons, anti-personnel landmines and explosive remnants of war** (e.g. ammunition, failed ammunition, explosive projectiles) represent **an obstacle** to the transition of states from crises to post-conflict survival as well as **towards sustainable development and sustained stability**.

Conventional weapons perpetuate humanitarian crises, threaten peace processes, fuel crime and terrorism, put national and regional security at risk, undermine conflict prevention programmes, and adversely affect social and economic rehabilitation, post-conflict reconstruction and sustainable development. The proliferation of conventional weapons in conflict and post-conflict societies is a serious security, social and political challenge on macro (national and regional) but also micro (individual and community) levels. Hence, the proliferation and trafficking of SALW and ammunition as well as the presence of mines and explosive remnants of war can have significant and widespread impacts on the economy, social cohesion, security and rule of law of a country as well as its development potential. Therefore, **actions to tackle conventional weapons** should be seen as **both preventive measures and post-conflict remedies**. Addressing conventional weapons issues entails a wide range of interventions backing and complementing actions aiming at conflict prevention, crisis management, peace-building, but also post-conflict recovery and reconstruction.

Through its external assistance policies, the **European Community has a key role to play in shaping the European response** to destabilising threats such as illicit trafficking of SALW or the latent but long lasting impact of landmines and other remnants following conflicts. The instruments at European Community's disposal to support actions related to conventional weapons are: a) the EC **geographical instruments**, namely the European Development Fund (EDF), the Development and Co-operation Instrument (DCI) and the European Neighbourhood Partnership (ENPI); **and b) the thematic instruments**, notably the Instrument for Stability (IfS).

Due to the “**cross-pillar**” nature of actions addressing conventional weapons, it is very important to co-ordinate and complement what it is carried out under Common Foreign Security Policy (CFSP). Furthermore, before programming actions in this area it is essential to check whether the intended action aims at fulfilling primarily first pillar objectives (mainly development cooperation) or second pillar objectives (security/disarmament). The paragraph below outlines this aspect more in depth.

### **1.1 European Community’s action related to conventional weapons**

The recent European Court of Justice judgment on the so-called “ECOWAS” case<sup>1</sup> has clarified the delimitation of the respective competences of the EU under CFSP (title V TEU) and of the European Community (EC) with regard to development cooperation (Art. 177 of the EC Treaty). Although the case originated from a disputed Council Decision implementing a Joint Action in the area of SALW, the consequent ECJ judgement has implications which go far beyond SALW, expanding into other areas such as rule of law, security sector reform, border assistance, anti-personnel landmines and so forth. In a nutshell, the judgement means that where a measure pursues both development and CFSP objectives, neither of which can be considered incidental to the other, it is the Community which should intervene through its instruments.

In light of the Court judgment the **mid-term review** of the EC external financial instruments for external assistance and programming documents (Country Strategy Papers, Regional Strategy Papers and related National/Regional Indicative Programmes) offers a **good opportunity** to reconsider and enhance EC action in the area of conventional weapons where partner countries request support. In particular, given the now well-acknowledged nexus between interventions in the area of conventional weapons and their impact on EC actions in the context of EC development cooperation, more attention will have to be paid by the EC’s programmers in order to **ensure the integration of conventional weapons issues into the EC’s development cooperation strategies**.

### **1.2 Tools for EC’s action**

Specific criteria and guidelines to help programme actions against conventional weapons are available: they complement and enrich the range of activities that ultimately set the framework for the stability of a country within which EC assistance policies can work at their best and through holistic approaches.

In particular, in order to provide **guidance to** the Commission’s Desk Officers and Programmers – both at Headquarters and in Commission Delegations in mine-affected countries – on the more **effective integration of mine action** into Country and Regional Strategy Papers the Commission Staff Working Paper: *Guidelines on European Community Mine Action 2008-2013*<sup>2</sup> have just been developed. Similar guidelines on SALW are currently being drafted.

## **2. How to analyse the threats posed by SALW, APL and ERW in the country context?**

It is essential to measure the **spread** and **impact** on states and societies of armed violence, contamination by explosive remnants of war, anti-personnel landmines and illicit small arms availability.

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<sup>1</sup> ECJ, Case C-91/05

<sup>2</sup> Link: [http://ec.europa.eu/external\\_relations/mine/intro/index.htm](http://ec.europa.eu/external_relations/mine/intro/index.htm)

## ▪ **Spread**

The degree of contamination by APL and ERW, both used (in the ground/water) and in stocks or caches, is described in the yearly publications of the Land Mine Monitor edited by the International Campaign to Ban Landmines. Country reports containing detailed information on the degree of contamination and progress made by each country in the implementation of the Ottawa Convention are available on the following link: <http://www.icbl.org/lm/>

The magnitude of the threat posed by the availability and trafficking of illegal SALW and its ammunition is available in specific publications ([www.iansa.org](http://www.iansa.org); [www.sipri.org](http://www.sipri.org)) as well as other publicly available materials. Relevant information can be extracted from such sources using Open Source Intelligence research methods. In recent conferences and workshops on SALW it was demonstrated how information obtained from one newspaper article can be used to carry out an investigation to identify the companies involved in an arms shipment as well as the route the shipment had taken.

For additional links see *Section 5. Other Useful Links*.

## ▪ **Impact**

### **Physical, psychological and social:**

- ✓ undermined livelihoods, maimed victims (youth);
- ✓ dislocation of social cohesion and trust between communities;
- ✓ erosion or collapse of social services.

### **Institutional, political and economic:**

- ✓ rise in criminality, banditry, criminal violence and illegal weapons trafficking activities;
- ✓ challenges to the stability of neighbouring states or from neighbouring states, through porous borders;
- ✓ challenges to state, judicial systems and traditional authority by armed groups (including non-state actors);
- ✓ overall decline in economic production and trade.

All factors above (non exhaustive list) hinder the delivery of humanitarian assistance and jeopardise long-term development assistance. They represent a major obstacle to a country's development (rural, infrastructure, trade, tourism, etc.) as well as to human development (inequality, social exclusion, poverty) and good governance (weakens the state and its administration).

## **3. How can these issues be addressed at EC level?**

### **3.1 Type of activities related to conventional weapons (APL, SALW, ERW)**

- EU Policy Coherence for Development: Actions related to conventional weapons need to be pursued within the framework of the overall security and development policy objectives of the EU<sup>3</sup>, through the wide range of measures available to the EC including upgraded dialogue with EU Member States and major partners in the country of interest. (*See Annex: Political Background and Commitments*)
- The list of activities normally considered **under ERW/Mine action** includes:
  - 1- Risk education
  - 2- Survey, assessment and marking of suspected areas
  - 3- Detection and clearance
  - 4- Victim assistance
  - 5- Stockpile management/destruction
  - 6- Capacity building in all of these areas including training.
- The list of activities normally considered **under SALW action** includes:
  - 1- Legislative, regulatory issues
  - 2- Exports and trafficking/cross border control initiatives
  - 3- Collection
  - 4- Destruction
  - 5- Stockpile management
  - 6- Awareness
  - 7- Survey activities
  - 8- Civil society involvement in interventions
  - 9- Management information and exchange of systems and protocols
  - 10- Disarmament, Demobilisation and Reintegration (DDR)
  - 11- Security Sector Reform (SSR)
  - 12- Victim assistance.
- The EC response may involve a number of sectors which need to rely on synergetic efforts, ranging from weapons industry conversion, specific training and assistance to control borders, victim assistance, support to policing capacity/law making/enforcement, judicial systems, collection and destruction of weapons/stocks of ERW/ammunition, DDR and Security Sector Reform (SSR) measures, etc.

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<sup>3</sup> See separate fiche on policy coherence for development in the area of security

- Results are best achieved through the right mix of measures, which can embrace a number of sectors, sub-sectors and cross-cutting issues common to a number of objectives all directed towards creating greater stability and security in the partner country. Such an approach will furthermore would allow economies of scale.
- In the case of APL, the newly released *Guidelines on EC Mine Action 2008-2013* list all the necessary parameters and criteria for integrating mine action into development policies. The following three-step approach for effective mine action impact is suggested: 1) First stage: Programming: language insertion in strategic documents; 2) Second stage: Identification, formulation and implementation: mine action as stand-alone activity or integration of mine action into broader development projects and programmes; 3) Third stage: Reporting as a means of building knowledge and disseminating best practices. The Community's financial instruments which can be used to support mine action are also outlined. For further information, please consult the EC Mine Action webpage on Europa at the following link: [http://ec.europa.eu/external\\_relations/mine/intro/index.htm](http://ec.europa.eu/external_relations/mine/intro/index.htm)
- For the comprehensive approach to APL, ERW and SALW, extensive and detailed project analysis modalities are available to Programmers (*See Section 4: Links to specific guidance on SALW/ERW, APL and DDR*). As mentioned above, specific guidelines to help EC programmers in addressing SALW-related issues in the context of EC assistance are currently being developed.

### 3.2. Issues related to conventional weapons at country level

- **Dialogue with partner countries** is essential in order to establish EC action firmly within their ownership of the disarmament process as well as to integrate sectoral activities into the overall support given to the countries' infrastructures and capacity.
- The tasks of DG External Relations are: to ensure transmission of know-how and expertise to Delegations and geographic Desks, and to interact with them and with the other EU Institutions.
- To this effect internal, inter-institutional and external co-ordination mechanisms already existing in the field of APL will be reinforced and extended to cover the whole conventional disarmament area (including SALW and ERW). Regular consultation and co-ordination between European Commission Delegations and EU Member States' representatives at country level and other major stakeholders (local civil society, local authorities, and international players) are essential.

### 4. Links to specific guidance on SALW/ERW, APL and DDR

- [European Action on Small Arms and Light Weapons and Explosive Remnants of War - Final Report: Key Findings](#) (United Nations Institute for Disarmament Research)
- [Humanitarian Perspectives to Small Arms and Explosive Remnants of War In search of coherence: A framework for the EU's humanitarian and SALW/ERW policies](#) (United Nations Institute for Disarmament Research)
- [European Action on Small Arms and Light Weapons and Explosive Remnants of War: Executive Summary](#) (United Nations Institute for Disarmament Research)

- [SALW and Development Programmes: Issues and Priorities](#) (United Nations Institute for Disarmament Research)

From the document [Peace-Building, Conflict Prevention and Development](#) (United Nations Institute for Disarmament Research):

- [Small Arms and light weapons as part of an integrated European Union conflict prevention strategy](#)

## 5. Other Useful Links

### **Anti-personnel Landmines websites**

- [Geneva Centre for Humanitarian Demining](#)
- [International Campaign to Ban Landmines](#)
- [UN Department of Disarmament Affairs](#)
- [International Committee of the Red Cross](#)  
[http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/section\\_ihl\\_landmines?OpenDocument](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/section_ihl_landmines?OpenDocument)
- [The International Mine Action Standards](#)

### **Explosive Remnants of War websites**

- [International Committee of the Red Cross](#)
- [United Nations Office at Geneva \(UNOG\)](#)

### **Cluster Munitions websites**

- [United Nations Office at Geneva \(UNOG\)](#)
- [Convention on Cluster Munitions](#)
- [Cluster Munitions Coalition](#)

### **Small Arms and Light Weapons websites**

- [International Action Network on Small Arms](#)
- [UN Department of Disarmament Affairs](#)
- [The Organization for Security and Co-operation in Europe](#) (Arms Control webpage)

- [South Eastern Clearing House for the Control of Small Arms and Light House \(SEESAC\)](#)

## 6. Informative case studies

- From the document [Humanitarian Perspectives to Small Arms and Explosive Remnants of War](#) (United Nations Institute for Disarmament Research):
  - [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](#)
  - [The European Commission and \*\*Liberia\*\* – Supporting DDR: A case study on European Action on SALW and ERW](#)
  - [Addressing the problem of small arms and light weapons in the \*\*Great Lakes Region of Africa\*\*: Existing Initiatives and options for the EU](#)

## 7. Contact points

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## Annex I

### Definitions

#### SALW

The EU SALW Strategy uses the definition laid down in the annex of the Council Joint Action of 12 July 2002:

*The Joint Action shall apply to the following categories of weapons, while not prejudging any future internationally agreed definition of small arms and light weapons [...].*

*(a) Small arms and accessories specially designed for military use:*

- *machine-guns (including heavy machine-guns),*
- *sub-machine guns, including machine pistols,*
- *fully automatic rifles,*
- *semi-automatic rifles, if developed and/or introduced as model for an armed force,*
- *moderators (silencers)*

*(b) Man or crew-portable light weapons*

- *cannon (including automatic cannon), howitzers and mortars of less than 100mm 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).*

#### **Explosive Remnants of War**

**(failed explosive ordnance – munitions or sub-munitions from cluster bombs).**

“Explosive remnants of war” (ERW) mean unexploded ordnance and abandoned explosive ordnance. They include mortar shells, rockets, artillery shells, grenades, and air-dropped bombs.

#### **Cluster Munitions**

Cluster munition means a conventional munition that is designed to disperse or release explosive sub-munitions each weighing less than 20 kilograms, and includes those explosive sub-munitions.

## **Annex II**

### **Political Background and Commitments**

#### **ANTI-PERSONNEL LANDMINES AND OTHER MINES**

The Ottawa *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction*, also known as the Mine Ban Treaty (MBT), concluded in 1997. The Convention legally obliges all state parties to cease the production, transfer, stockpiling and use of anti-personnel landmines. The European Community is not a state party to the Convention, but has obtained an observer status and is a donor, in the same way as other international and regional organisations (such as the United Nations, the International Committee of the Red Cross and so forth). Article 6 (*International cooperation and assistance*) gives the European Commission the basis for helping State Parties to achieve their obligations under the Convention.

Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons: Prohibitions or Restrictions on the use of Mines, Booby Traps and other devices (amended on 3 May 1996).

#### **EXPLOSIVE REMANTS OF WAR**

Protocol on Explosive Remnants of War, annexed to 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 Effects (in short: Protocol V to the CCW). Adopted by State Parties to the CCW on 28 November 2003 and entered into force on 12 November 2006. The Protocol recognises the serious post-conflict humanitarian problems caused by explosive remnants of war and addresses post-conflict remedial measures of a generic nature in order to minimize the occurrence, effects and the risk of explosive remnants of war.

- United Nations Mine Action Service:

*Long after conflict subsides, landmines and explosive remnants of war continue to kill and maim, to deny access to land, to preclude freedom of circulation and to obstruct achievement of the Millennium Development Goals.*

#### **CLUSTER MUNITIONS**

The Convention on Cluster Munitions was adopted in Dublin in May 2008. The Convention will be officially open for signature in a signing ceremony to be held in Oslo from 2 to 4 December 2008. It will enter into force six months after 30 states have ratified it. For states joining the convention after this date, the convention will then enter into force six months after their ratification or accession.

Negotiations for the adoption of a Protocol to the CCW specifically on cluster munitions are currently ongoing in the UN framework.

#### **SMALL ARMS AND LIGHT WEAPONS**

- The European Union considers the accumulation of and illicit trade in small arms a root cause of instability in many developing countries. The European Consensus on Development also recognises the connection between security and development. *“The EU, within the respective competences of the Community and the Member States, will*

*strengthen the control of its arms exports, with the aim of avoiding that EU manufactured weaponry be used against civilian populations or aggravate existing tensions or conflicts in developing countries, and take concrete steps to limit the uncontrolled proliferation of small arms and light weapons, in line with the European strategy against illicit traffic of small arms and light weapons and their ammunitions”*

- The European Strategy (ESS) identifies 5 key threats. Although SALW are not mentioned explicitly, four of these five threats can in part be addressed by strong SALW policies. These threats are those presented by terrorism, regional conflicts, state failure and organised crime. The ESS further highlights the inter-relationship between development and security stating, *“Security is a precondition of development. Conflict not only destroys infrastructure, including social infrastructure; it also encourages criminality, deters investment and makes normal economic activity impossible. A number of countries and regions are caught in a cycle of conflict, insecurity and poverty”*.

- The EU Strategy on SALW makes reference to the issues at hand and mentions to the need to *“step up efforts with regard to political conflicts, development aid, poverty reduction and the promotion of human rights”*. The SALW Strategy is aligned to the ESS and follow the *“United Nations Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, adopted on 20 July 2001”* which reaffirms *“the need for complementarity at global, regional and national levels in its implementation. By developing a strategy for combating the accumulation of and illicit trade in SALW and their ammunition, the EU wishes to fall in line with this essential complementarity and to provide a contribution”*.

- Communication on Conflict Prevention (COM (2001) 211; 11/04/2001); the Gotheborg Programme for the Prevention of Violent Conflicts.

- World Bank and the Development Co-operation Directorate of the Organisation for Economic Co-operation and Development (OECD-DAC), increasingly understand the need for synergy between security and development. OECD DAC has adopted traditional security issues such as SALW as development issues. Assistance, that contribute to the strengthening of the military or fighting capacity of the armed forces is excluded.

SALW issues also addresses other areas of EU concern

- The EU Counter-Terrorism Strategy affirms that *“Internationally, we must work with partners and international organisations on transport security, and non-proliferation of CBRN materials and small arms/light weapons...as a component of our wider technical assistance programmes”*

- The EU Action Plan on Terrorism makes reference to explosives, detonators, bomb-making and firearms. “Organised crime networks”. “Regional crises”. “State failure”.)

Other international SALW commitments:

- The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition is the only legally binding international agreement on SALW. It focuses in particular on illicit firearms used in transnational crime and promotes a crime prevention and law enforcement approach to the problem.

- The International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument) is a politically binding instrument that offers possibilities for enhanced international cooperation and transparency in this area.

- The United Nations Programme of Action to Prevent Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects is the main framework for combating illicit trafficking and proliferation of small arms. Adopted in 2001, it a politically (hence, not legally) binding instrument which serves as a tool for building concerted international action, including the development of related multilateral instruments on issues such as arms brokering, marking and tracing.

Other relevant documents on SALW related activities:

[EU Guidelines on Children and Armed Conflict](#)