

**STANDARD FORM OF EXPLANATORY MEMORANDUM FOR EUROPEAN UNION
LEGISLATION AND DOCUMENTS**

Council Decision in support of Countering Illicit Proliferation and Trafficking of Small Arms, Light Weapons (SALW) and Ammunition and their Impact in Latin America and the Caribbean

Submitted by the Foreign and Commonwealth Office on 5 December 2018

SUBJECT MATTER

1. The EU wishes to finance a three-year project to counter the threat of the illicit spread and trafficking of small arms and light weapons (SALW) and ammunition in Latin America and the Caribbean. The Council Decision is likely to be adopted in December 2018, to meet an EU deadline for 2018 budget dispersal.
2. The project will help Member States of the Organisation of American States (OAS), who have sought assistance, to implement their commitments under the UN Programme of Action to prevent, combat and eradicate the illicit trade in SALW (UNPOA) and the International Tracing Instrument (ITI). It will support regional coordination, provide legislative and technical assistance to arms control and law enforcement authorities and strengthen the capacity of selected communities to prevent armed violence.
3. Technical assistance and cooperation will aim to achieve the following objectives:
 - a) Strengthen physical security and management systems for national military and other institutional stockpiles through improved site security measures and inventory control;
 - b) Reinforce national capabilities for destruction of seized, excess or unsafe SALW and ammunition;
 - c) Enhance national SALW marking and tracing capacity and foment regional cooperation on tracing confiscated weapons and ammunition;
 - d) Improve SALW transfer mechanisms through national legislation, border controls, and regional coordination; and
 - e) Promote socially responsible behaviours in selected communities, targeting groups that are severely affected by armed violence, including the use of turn-in campaigns or other strategies designed to reduce local incidents of violent crimes.
4. The project will be implemented by the OAS General Secretariat, through its Department of Public Security (DPS).

The OAS acts as the Secretariat for the "Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials" (CIFTA) and coordinates and implements regional initiatives combatting the availability and access to illicit SALW in the Americas. The Council Decision is aligned with CIFTA's Plan of Action 2018-22 and builds on the OAS Program of Assistance for Control of Arms and Munitions (PACAM) and the Inter-American Program and Network for the Prevention of Violence and Crime. PACAM has previously implemented projects in 34 active OAS Member States and provided training in 29 countries in the region. The OAS Member States made additional requests for assistance, which will be addressed through this project.

5. Countering weapons proliferation is one of the Government's top priorities. It features prominently in the National Security Strategy and the Strategic Defence and Security Review 2015, and is one of the FCO's Strategic Objectives – to 'safeguard our national security by countering terrorism, extremism, weapons proliferation and other state and non-state threats in cooperation with allies and partners.' The Council Decision directly supports this objective. This project will build on the UK's long-term security priorities in these regions.
6. The draft Council Decision is in line with the 2018 EU Strategy against Illicit Small Arms & Light Weapons and their Ammunition, which commits the EU to look for synergy with the relevant American states and regional organisations to reduce the illicit proliferation and trafficking of SALW, with a view to reducing armed violence and criminal activity.
7. The EU High Representative of the Union for Foreign Affairs and Security Policy will be responsible for the implementation of this Decision and for managing any political, security or human rights concerns associated with the target countries. The Commission will supervise the implementation of the project and will ensure that it complies with any EU Guidelines, legal or policy restrictions, which apply to individuals in charge of arms control in the governments of the target countries or regulate the transfer of SALW.

SCRUTINY HISTORY

8. There is no previous scrutiny history for this item.

MINISTERIAL RESPONSIBILITY

9. The Secretary of State for Foreign and Commonwealth Affairs is the Minister with overall responsibility for UK policy on the EU's Common Foreign and Security Policy.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

10. The UK's Foreign Affairs policy is a reserved matter under the UK's devolution settlements and no devolved administration interests arise. The devolved administrations have therefore not been consulted in the preparation of this EM.

LEGAL AND PROCEDURAL ISSUES

11.
 - i. Legal basis: Article **28(1) and 31(1)** of the Treaty on European Union.
 - ii. European Parliament Procedure: Not Applicable.
 - iii. Voting procedure: Unanimity.
 - iv. Impact on United Kingdom Law: None.
 - v. Application to Gibraltar: Yes.
 - vi. Fundamental rights analysis: No fundamental rights issues apply.

APPLICATION TO THE EUROPEAN ECONOMIC AREA

12. None.

SUBSIDIARITY

13. To ensure its uniform application across EU member states, this has to be decided at EU level.

POLICY IMPLICATIONS (including Exit implications where appropriate)

14. On 23 June 2016, the UK voted to leave the EU. On 29 March 2017, the Government triggered Article 50 of the TEU to begin the process of exit. Until 29 March 2019, the UK remains a full member of the EU and all the rights and obligations of EU membership remain in force. During this period, the Government will also continue to negotiate, implement, and apply EU legislation.
15. The national authorities in the target countries have primary responsibility for implementing their commitments under the UNPOA and the ITI. These include strengthening regulatory and enforcement controls on the legitimate arms trade and stemming the supply and demand for illicit weapons and ammunition. They have also committed to improve international cooperation and assistance on arms control and to strengthen the role of regional organisations in addressing cross-border illicit arms flows. The OAS has a standing invitation to participate in the biennial meetings of states to review implementation of the UNPOA and the ITI and provides updates on its regional activities to support implementation.
16. This draft Council Decision seeks to support these objectives by providing legal, policy and technical expertise to address the challenges across the OAS and enhance regional cooperation to tackle cross-border trafficking. It will provide assistance in the following areas:

- a) Physical security and stockpile management: needs assessments in nine countries; develop and distribute stockpile management software and deliver two training workshops for sixty participants from fifteen countries;
 - b) SALW and ammunition destruction: training for 200 national staff on the safe destruction of SALW, ammunition and explosives and technical assistance for the destruction of 30,000 SALW and 300 tons of munitions in eight countries; and advanced explosive ordinance disposal training for sixty technicians at the Spanish Army Engineer Academy in Madrid;
 - c) Marking and tracing: two hundred national technicians from eighteen countries trained to use SALW marking and record keeping equipment; repair or replace marking machines where necessary; and upload data on 30,000 seized SALW to tracing databases such as Interpol's IARMS and the EU-Funded I-Trace database.
 - d) Cross-border information sharing: establish mechanisms for sharing information on legal transfers, illicit arms trafficking and manufacturing;
 - e) Armed violence reduction: conduct three local assessments on armed violence and victim assistance; training for three hundred state and civil society care providers on prevention and mitigation of armed violence; and local interventions with groups vulnerable to gun violence.
17. As with all EU financial commitments, we will need to ensure sufficient project and financial oversight. We will do this through the Council Working Party on Non Proliferation (CONOP), which meets monthly in Brussels and which regularly receives updates on EU projects. We will review oversight and reporting processes once ongoing Brexit negotiations are concluded.

CONSULTATION

18. Not applicable

IMPACT ASSESSMENT

19. Not applicable

FINANCIAL IMPLICATIONS

20. The budget is EUR 3,000,000 over three years, which will be met through the CFSP budget for 2018 and will not require additional funds.

TIMETABLE

21. In order to meet its 2018 deadline the Council Decision is likely to be adopted at the AgriFish Council on 17 December.

OTHER OBSERVATIONS

22. Not applicable.

A handwritten signature in black ink that reads "Alan Duncan". The signature is written in a cursive style with a large initial 'A' and a long, sweeping tail for the 'n'.

Rt Hon Sir Alan Duncan MP
Minister for Europe and the Americas
Foreign and Commonwealth Office