

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/528/CFSP

of 23 July 2007

in support of 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 the framework of the European Security Strategy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 and Article 2(1) thereof,

Whereas:

- (1) On 12 December 2003, the European Council adopted a European Security Strategy which calls for an international order based on effective multilateralism. In a world of global threats, global markets and global media, the security and prosperity of the EU increasingly depend on an effective multilateral system. The development of a stronger international society, well functioning international institutions and a rule-based international order is an objective of the EU.
- (2) The European Security Strategy acknowledges the United Nations Charter as the fundamental framework for international relations. Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority.
- (3) The 1980 United Nations 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, concluded at Geneva on 10 October 1980, as amended on 21 December 2001, is also known as the Convention on Certain Conventional Weapons (hereinafter 'CCW') and it regulates the use in

armed conflict of certain conventional arms deemed to cause excessive suffering to combatants or indiscriminate harm to civilian populations. The CCW is based upon the principle of international law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, and on the principle that prohibits the use in armed conflicts of weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

- (4) On 6 December 2006, the United Nations General Assembly adopted a resolution on the CCW in which it calls upon all States that have not yet done so to take all measures to become parties, as soon as possible, to the CCW and the Protocols annexed thereto, as amended, with a view to achieving the widest possible adherence to those instruments at an early date, and so as to ultimately achieve their universality.
- (5) The most recent of the Protocols annexed to the CCW, Protocol V on Explosive Remnants of War was adopted on 28 November 2003 by the Meeting of the States Parties to the CCW (Protocol V). The Protocol V, which is the first multilaterally negotiated instrument to deal with the problem of unexploded and abandoned ordnance, is intended to eradicate the daily threat that such legacies of wars pose to populations in need for development and to humanitarian aid workers operating in the field to help them. Since its adoption, 32 States have thus far notified the UN Secretary-General, as depositary of the CCW, of their consent to be bound by Protocol V. Pursuant to Article 5 paragraph 3 of the CCW, Protocol V entered into force on 12 November 2006. The entry into force of Protocol V demonstrates that the CCW has the potential of being a dynamic instrument responsive to advancements in weapons technology and developments in the nature and conduct of armed conflict.

- (6) Despite great progress towards universal adherence, almost half of the UN Member States have not yet ratified or otherwise acceded to the CCW and its annexed Protocols. The rate of adherence remains low in Africa, Asia, in particular South-East Asia, and the Middle East. However, half of the States not yet Party to the CCW are affected by mines and Explosive Remnants of War (ERW). Universalisation of the CCW and all its annexed Protocols will remain a priority objective among States Parties in the period from 2006 to 2011.
- (7) The third Review Conference of the States Parties of the CCW, held in Geneva from 7 to 17 November 2006 adopted a Plan of Action to Promote the Universality of the CCW, which sets the goals of strengthening the implementation of the CCW and its annexed Protocols, promoting universalisation and enhanced cooperation among States Parties, as well as a Sponsorship Programme.
- (8) The Plan of Action to Promote the Universality of the CCW identifies the important role to be played by the Regional Centres for Peace and Disarmament of the UN, as well as by regional organisations as appropriate, in coordinating regional actions in accordance with the characteristics of each region, mostly in those where acceptance of the CCW remains low.
- (9) The Financial and Administrative Framework Agreement, concluded between the European Community, on the one hand, and the UN, on the other hand, sets out a framework for the UN and the Community, in order to enhance their cooperation, including programmatic partnership,

HAS ADOPTED THIS JOINT ACTION:

Article 1

1. For the purpose of supporting the Plan of Action to Promote Universality of the CCW adopted by the States Parties to the CCW at the third Review Conference, the European Union shall support the CCW, with the following objectives:
- (i) promotion of the universality of the CCW and its annexed protocols;
- (ii) support to the implementation of the CCW by States Parties.
2. For achieving the objectives referred to in paragraph 1, the EU will undertake the following measures:
- (a) organisation of an opening workshop, up to seven regional seminars and a closing meeting, aiming at increasing the membership of the CCW, including publications in all UN official languages and any other language if required;

- (b) a financial contribution to the Sponsorship Programme, adopted at the third Review Conference of the States Parties to the CCW.

A detailed description of the measures referred to in paragraph 2 is set out in the Annex hereto.

Article 2

1. The Presidency, assisted by the Secretary-General/High Representative (SG/HR), shall be responsible for the implementation of this Joint Action. The Commission shall be fully associated.
2. The technical implementation of the measures referred to in Article 1(2) shall be carried out by:
- (a) the United Nations Office for Disarmament Affairs (UN-ODA), for the opening workshop, the closing meeting, the regional seminars and the publications;
- (b) the Geneva International Centre for Humanitarian Demining (GICHD), for the contribution to the Sponsorship Programme, in accordance with the Decision of third Review Conference of the States Parties to the CCW.

Both of them shall perform their tasks under the control of the SG/HR, assisting the Presidency. For this purpose the SG/HR shall enter into the necessary arrangements with the UN-ODA and the GICHD.

3. The Presidency, the SG/HR and the Commission shall keep each other regularly informed about the implementation of this Joint Action, in conformity with their respective competences.

Article 3

1. The financial reference amount for the implementation of the measures referred to in Article 1(2) shall be EUR 828 000 to be funded from the 2007 general budget of the European Communities.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the Community procedures and rules applicable to the general budget of the European Communities.
3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2, which shall take the form of a grant. For this purpose, the Commission shall conclude financing agreements with the UN-ODA and the GICHD. The financing agreements shall stipulate that the UN-ODA and the GICHD are to ensure visibility of the EU contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreements referred to in paragraph 3 as soon as possible after the entry into force of this Joint Action. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreements.

Article 4

The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Joint Action on the basis of bi-monthly reports prepared by the UN-ODA and the GICHD. These reports will form the basis for the evaluation carried out by the Council. The Commission shall be fully associated. It shall report on the financial aspects of the implementation of this Joint Action.

Article 5

This Joint Action shall enter into force on the day of its adoption.

It shall expire 18 months after the date of conclusion of the last of the two financing agreements referred to in Article 3(3) or 12 months after the date of its adoption if no financing agreement has been concluded within that period.

Article 6

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 23 July 2007.

For the Council

The President

L. AMADO

ANNEX

1. Objective

The overall objective of this Joint Action is to support the universalisation of the CCW by promoting the accession to the CCW by States not Party to it and to enhance the implementation of the CCW.

EU assistance to the CCW will be focused on the areas identified by the Plan of Action to Promote Universality of the CCW and the Sponsorship Programme adopted by the third Review Conference of the States Parties to the CCW, held in Geneva from 7 to 17 November 2006.

2. Project*Purpose of the project*

To increase membership of the CCW through regional and sub-regional workshops and to strengthen the implementation of the CCW and its annexed Protocols through a contribution to the Sponsorship Programme.

The aim of the opening workshop and of regional seminars will be to encourage greater membership of the CCW and to prepare for national implementation of the CCW in those regions. The workshop and the seminars will aim at explaining the benefits and consequences of acceding to the CCW and to understand the needs of the States not Party to the CCW.

The regional seminars will also serve as forums to discuss disarmament and non-proliferation issues, including SALW: ammunition, brokering and marking and tracing. They will also look into some specific principles of International Humanitarian Law.

Through a contribution to Sponsorship Programme, the EU will be supporting, *inter alia*, Signatory States and States not yet Parties to the CCW and its annexed Protocols to benefit from an opportunity to participate in the CCW activities and to acquire an acquaintance with the work related to the CCW. The EU will support all the operational purposes defined in the Sponsorship Programme.

Results of the project

- (i) increased membership of the CCW in all geographical regions (Central Asia, West and East Africa, Horn of Africa, Great Lakes Region and South Africa; South-East Asia, Middle East and the Mediterranean, Latin America and the Caribbean and the Pacific Islands);
- (ii) strengthened implementation of the CCW and its annexed Protocols;
- (iii) strengthened regional networking, involving sub-regional organisations and networks in areas relevant to the CCW;
- (iv) a publication containing the results of all the workshops, the presentations made, lessons learned and recommendations on the way forward to be published in UN official languages and in other languages as required.

Description of the project

The project provides for the organisation of one opening workshop in New York, up to seven regional workshops and a closing meeting in Geneva, the publication of materials and a contribution to the Sponsorship Programme.

(i) Opening workshop

An opening workshop will be held in New York for all States not Parties to the CCW, and in particular those States subject to recent demarches by the German Presidency of the Council of the European Union⁽¹⁾. Experts, including from EU Institutions, from Member States and from the International Red Cross Committee (ICRC) will present the CCW legal framework and the benefits and consequences of acceding to the CCW. This workshop will aim at raising awareness in target States about the CCW as well as about this Joint Action and the regional seminars that will be organised in this context. It will also provide the EU with useful channels of communication.

Estimated cost for the opening workshop and the closing meeting — EUR 22 184.

⁽¹⁾ Group 1: Non-signatories, affected by ERW: Angola, Azerbaijan, Burundi, Chad, DR Congo, Eritrea, Ethiopia, Guinea-Bissau, Iraq, Kuwait, Lebanon, Mauritania, Mozambique, Nepal, Saudi Arabia, Syria, Yemen and Zambia. Group 2: Signatories, affected by ERW: Afghanistan, Sudan, Vietnam. Group 3: Signatories not (heavily) affected by ERW: Egypt, Iceland and Nigeria. Group 4: Other States (± 65) as appropriate.

(ii) Regional Seminars

AFRICA

- (a) Seminar on the CCW for Signatory States and States not Parties in East and West Africa to bring about participation by decision-makers and regional organisations. Representatives from Cameroon, Chad, Equatorial Guinea, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Gabon, Kenya, Mauritania, Nigeria ⁽¹⁾, São Tomé and Príncipe, Sudan and Tanzania, will be invited.

Several speakers, including from the ICRC, will brief the participants on the CCW legal framework and on the importance of acceding to the CCW. One or two States Party to the CCW in this region would also be invited to take part in the seminar on the basis of their relevance and interest in the universalisation process.

Estimated cost — EUR 106 036

- (b) Seminar on the CCW for States not Parties in the Horn of Africa, the Great Lakes Region and South Africa to bring about participation by decision-makers and regional organisations. Representatives from Angola, Botswana, Burundi, Central African Republic, Comoros, Congo, Democratic Republic of Congo, Eritrea, Ethiopia, Madagascar, Malawi, Mozambique, Namibia, Rwanda, Somalia, Swaziland, Zambia and Zimbabwe, will be invited.

Several speakers, including from the ICRC, will brief the participants on the CCW legal framework and on the importance of acceding to the CCW. One or two States Party to the CCW in this region would also be invited to make interventions on the basis of their relevance and interest in the universalisation process.

Estimated cost — EUR 61 685

LATIN AMERICA AND THE CARIBBEAN

- (c) Seminar on the CCW for States not Parties in Latin America and the Caribbean to bring about participation by decision-makers and regional organisations. Representatives from Argentina, Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Mexico, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Surinam, Trinidad and Tobago will be invited.

Several speakers, including from the ICRC, will brief the participants on the CCW legal framework and on the importance of acceding to the CCW. One or two States Party to the CCW in this region would also be invited to make interventions, on the basis of their relevance and interest in the universalisation process.

Estimated cost — EUR 55 769

PACIFIC ISLANDS

- (d) Seminar on the CCW for States not Parties in the Pacific Islands to bring about participation by decision-makers and regional organisations. Representatives from Fiji, Kiribati, Marshall Islands, Micronesia, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu will be invited.

Several speakers, including from the ICRC, will brief the participants on the CCW legal framework and on the importance of acceding to the CCW. One or two States Party to the CCW in this region would also be invited to make interventions on the basis of their relevance and interest in the universalisation process.

Estimated cost — EUR 129 781 ⁽²⁾

CENTRAL ASIA

- (e) Seminar on the CCW for Signatory States and States not Parties in Central Asia to bring about participation by decision-makers and regional organisations. Representatives from Afghanistan ⁽³⁾, Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan and Tajikistan will be invited.

Several speakers, including from the ICRC, will brief the participants on the CCW legal framework and on the importance of acceding to the CCW. One or two States Party to the CCW in this region would also be invited to make interventions, on the basis of their relevance and interest in the universalisation process.

Estimated cost — EUR 72 174

⁽¹⁾ State Signatory to the CCW.

⁽²⁾ Estimated cost for a combined Pacific Islands and South East Asia Seminar.

⁽³⁾ State Signatory to the CCW.

SOUTH-EAST ASIA

- (f) Seminar on the CCW for Signatory States and States not Parties in South-East Asia to bring about participation by decision-makers and regional organisations. Representatives from Bhutan, Brunei Darussalam, Democratic People's Republic of Korea, Indonesia, Malaysia, Myanmar, Nepal, Singapore, Thailand, East Timor and Vietnam ⁽¹⁾ will be invited.

Several speakers, including from the ICRC, will brief the participants on the CCW legal framework and on the importance of acceding to the CCW. One or two States Party to the CCW in this region would also be invited to make interventions on the basis of their relevance and interest in the universalisation process.

MIDDLE-EAST AND THE MEDITERRANEAN

- (g) Seminar on the CCW for Signatory States and States not Parties in the Middle East and the Mediterranean to bring about participation by decision-makers and regional organisations. Representatives from Algeria, Bahrain, Egypt ⁽²⁾, Iran, Iraq, Kuwait, Lebanon, Libya, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen will be invited.

Several speakers, including from the ICRC, will brief the participants on the CCW legal framework and on the importance of acceding to the CCW. One or two States Party to the CCW in this region would also be invited to make interventions, on the basis of their relevance and interest in the universalisation process.

Estimated cost — EUR 47 677

- (iii) Closing meeting

Once the above described seminars had taken place, a closing meeting will be held in Geneva to draw lessons learned and define specific ways of support for States ready to ratify the CCW. Participants will be the EU Presidency and EU institutions as well as UN-ODA, including the CCW Secretariat as appropriate, UNIDIR, ICRC and GICHD experts.

- (iv) Publications

A booklet containing the work and the results of all the opening and regional workshops and the lessons learned from them will be prepared and published in UN official languages and in other languages as required. This booklet will contain recommendations on the way forward. The expertise and efforts made by the IRCC in this area will be particularly highlighted.

Estimated cost — EUR 29 851

- (v) Support to the Sponsorship Programme

The EU will contribute to the Sponsorship Programme adopted by the third Review Conference of the States Parties to the CCW.

The EU contribution to the Sponsorship Programme will support the basic goals of that Programme, which are:

- to strengthen the implementation of the CCW and its annexed Protocols,
- to promote universal observance of the norms and principles enshrined on the CCW and its annexed Protocols,
- to support the universalisation of the CCW and its annexed Protocols,
- to enhance the cooperation, the exchange of information and the consultations among the States Parties on issues related to the CCW and its annexed Protocols.

The Sponsorship Programme might allow to provide advice and technical assistance on the implementation of the CCW to interested States upon request (Sponsorship Programme 4 (iv)).

At the third Review Conference of the States Parties to the CCW, the technical management of the Sponsorship Programme was entrusted to the GICHD.

Estimated cost — EUR 250 000

⁽¹⁾ State Signatory to the CCW.

⁽²⁾ State Signatory to the CCW.

3. Duration

The total estimated duration for the implementation of this Joint Action is 18 months.

4. Beneficiaries

The beneficiaries of universality-related activity are States not Party to the CCW (both Signatory States and non-Signatory States).

The beneficiaries of the contribution to the Sponsorship Programme are States Parties and not-Parties to the CCW in accordance with the basic goals of that Programme as defined above. Priority attention will be given to ERW affected States.

5. Implementing entity

The Presidency, assisted by the SG/HR, is responsible for the political implementation and supervision of the Joint Action. The Presidency shall entrust the technical implementation to:

- the UN-ODA, for the opening workshop, the closing meeting, the regional seminars and the publications.

The regional workshops could be organised with the support of the Regional Centres for Peace and Disarmament of the UN. In carrying out its activities, the UN-ODA shall cooperate, as appropriate, with local missions of Member States and the Commission. The expertise of the ICRC, the CCW Secretariat and UNIDIR will be used for all the foreseen activities. The opening workshop and the closing meeting will be organised by the HR's PR in close cooperation with the Presidency,

- the GICHD, in accordance with the Decision of the third Review Conference of the States Parties to the CCW, for the contribution to the Sponsorship Programme. The EU will be represented by the Presidency, assisted by the SG/HR, at the informal steering committee provided for by the Decision of the third Review Conference, on the establishment of a Sponsorship Programme. The respective roles of the informal steering committee and of the GICHD will be defined in accordance with the Decision of the third Review Conference of the States Parties to the CCW.

6. Estimated required means

The EU contribution will cover 100 % of the implementation of the projects as described in this Annex. The estimated costs are as follows:

	EUR
— Opening workshop and closing meeting	22 184
— Regional seminars	
East and West Africa	106 036
Horn of Africa, Great Lakes and South Africa	61 685
Latin America and the Caribbean	55 769
Pacific Islands and South East Asia	129 781
Central Asia	72 174
Middle East and the Mediterranean	47 677
— Publications	29 851
Administrative expenses	36 671
Contingencies	16 082
— Support to the Sponsorship Programme	250 000
TOTAL COST	828 000

7. Financial reference amount to cover the cost of the projects

The total cost of the projects is EUR 828 000.