



The Programme of Action on Small Arms: Incomplete without the Inclusion of Ammunition

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The exclusion of ammunition is an obvious anomaly in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA). It undermines common action by UN Member States to achieve the objectives of the PoA. This can be corrected at the forthcoming Third UN Review Conference on the PoA to be held in New York, 18-29 June 2018.

This paper argues that unless the PoA includes appropriate measures to combat the illicit trade in the ammunition used in small arms and light weapons (SALW), implementation of the PoA will be incomplete. Ultimately, States' efforts "to reduce the human suffering caused by the illicit trade in SALW"¹ will be unsuccessful. Also, as outlined below, the dangers of unsafe storage warrant specific references to ammunition in the PoA.

The text of the POA agreed in 2001 did not explicitly include ammunition in the scope of the agreement, because a few sceptical States were opposed to such inclusion at the time. Nonetheless, many States agree that the commitment to "prevent, curb and eradicate the illicit trade in SALW in all its aspects" should reflect reality by encompassing not only weapons but also the ammunition fired from those weapons.

According to a 1999 report of the Group of Experts on the problem of ammunition and explosives, in the context of small arms, "Ammunition refers to the complete round/cartridge or its components, including bullets or projectiles, cartridge cases, primers/caps and propellants that are used in any small arm or light weapon."² This report was considered when the PoA was being negotiated, but the association of ammunition with 'explosives', and reluctance to include explosives in the PoA, obscured the necessary link between small arms and their

ammunition.³

Since the adoption of the POA in 2001, Member States have committed to a patchwork of international instruments that require action in relation to SALW ammunition. For example, the International Ammunition Technical Guidelines⁴ (IATG) seeks a holistic approach to stockpile management of conventional ammunition. For an outline of the most important instruments see the Appendix below.

Why Include Ammunition?

1. It is ammunition that gives guns their deadly power

Ammunition transforms SALW from inoperative objects into lethal weapons that can be used to take away human lives and devastate communities. To reduce the human suffering caused by the unlawful transfer and use of SALW, especially in gun violence and armed conflict, the PoA must contain explicit recommendations to prevent the illicit trade in all its aspects.

2. Strict ammunition regulation can deter armed crime and conflict

Armed conflict and gun crime depend on ammunition being resupplied. Controlling the ammunition trade can offer States a means of subduing violent conflict because although SALW can remain in circulation for decades, ammunition is not so durable and users require their stocks to be frequently replenished. In both the short and long term, the threat of ammunition supply withdrawal may dissuade armed actors from committing atrocities. Ammunition restrictions, if effective, would be particularly relevant to counter the illicit actions of less trained, non-state militants who tend to lack firing discipline, have less efficient logistic support, and therefore consume larger quantities of ammunition.⁵

1. United Nations, Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, A/CONF.192/15, New York, 2001, [http://www.un.org/events/smallarms2006/pdf/192.15%20\(E\).pdf](http://www.un.org/events/smallarms2006/pdf/192.15%20(E).pdf)

2. UN General Assembly, report of the Group of Experts on the problem of ammunition and explosives, in the context of small arms: mandated by UN General Assembly Resolution 54/127 of 1999

3. Christophe Carle, 'Small Arms Ammunition: Light at the End of the Barrel?' Disarmament Forum, Geneva No. 1, 2006, pp. 49-54

4. The UN General Assembly established the IATGs after recommendations by a 2008 UN experts' report on the accumulation of surplus stockpiles of ammunition. Completed in 2011, the IATGs are regularly reviewed under the UN SaferGuard Programme, <https://www.un.org/disarmament/convarms/ammunition/iatg/>

5. Neil Corney and Nicholas Marsh, 'Aiming for Control: The

3. Ammunition trade volume is large, but there are few large-scale producers

Considering international exports of SALW ammunition, about 90 percent of exports in 2011 came from just 15 countries whose producing companies are often state-owned. This concentration facilitates international ammunition trade control measures and restrictions within the scope of the PoA.⁶

4. Ammunition production is spread across many countries, amplifying risks of diversion

Although few states are exporters of ammunition, over 100 countries are producers, including many with weak national export control systems. Large volumes of firearms ammunition are produced commercially for domestic customers, and small quantities are fabricated by hand.⁷ Ammunition can be easily smuggled internally and across national borders. The resulting risk of diversion to unauthorised or illicit users makes transparency and accountability of the ammunition trade a priority and integral to realizing human security objectives and the PoA itself.

5. Ammunition storage is even more challenging and dangerous than for guns

Accidental explosions at ammunition and explosives storage sites and in transportation are a growing global problem posed especially by ageing, unstable and excess stocks. Thousands of people have died, and the livelihoods of entire communities have been disrupted. A single incident can produce dozens of casualties and millions of dollars in damage to buildings, infrastructure, and homes. According to research by the Small Arms Survey, a total of 543 incidents were recorded in 103 countries and territories between 1979 and June 2016.⁸ The annual average number of unplanned explosions at munitions sites was six times higher in the 2000s than in the 1980s.⁹ In January 2002, an ammunition dump explosion in Lagos, Nigeria killed over 1,000 people.¹⁰ The inclusion in the PoA of measures for safe and

need to include ammunition in the Arms Trade Treaty', Peace Research Institute Oslo (2013), p.18. http://file.prio.no/publication_files/prio/Corney-Marsh-Aiming-for-Control-PRIO-Paper-2013.pdf

6. Corney and Marsh, op cit, p.5.

7. Small Arms Survey, Research Note Number 43, July 2014.

8. Small Arms Survey, Unplanned Explosions at Munitions Sites: Updated 13 September 2016 (data covering January 1979 to June 2016), <http://www.smallarmssurvey.org/weapons-and-markets/stockpiles/unplanned-explosions-at-munitions-sites.html>

9. Benjamin King, 'Unplanned Explosions at Munitions Sites', Small Arms Survey (03/2015). <http://www.smallarmssurvey.org/weapons-and-markets/stockpiles/unplanned-explosions-at-munitions-sites.html>

10. Owen Greene, 'Introduction. Ammunition for Small Arms and Light Weapons: Understanding the Issues and Addressing the Challenges,' in Stephanie Pezard and Holger Anders, 'Targeting Ammunition. A Primer,' Small Arms Survey (06/2006), p.5.

effective management and destruction of ammunition stockpiles would considerably help to achieve the objectives of the PoA.

Who Supports the Inclusion of Ammunition?

At the Biennial Meeting of the States in 2016 (BMS6), Ghana asserted that 'ammunition proliferation and misuse is a fundamental component of the wider problem of arms proliferation and misuse.'¹¹ Due to the scale of the ammunition trade, the perishability of munitions, and the need for resupplies, Ghana further noted that ammunition's inclusion in the PoA created unique opportunities to aid conflict- and crime-affected communities. Supported by 43 other States, Ghana expressed the view that the inclusion of ammunition is 'fundamental to the underlying intent and application of the PoA.'

At BMS6, support for the inclusion of ammunition in the scope of the PoA was strong among the regions most affected by armed violence, such as South and Central America, the Caribbean, and Africa. Meanwhile, Arab States noted that their regional instrument includes ammunition in its scope.¹²

Moreover, the European Union and Australia have consistently expressed their disappointment with the absence of direct inclusion of ammunition in the PoA.¹³ Alongside these States and other civil society representatives, IANSA members advocated for the inclusion of ammunition in the scope of the PoA at BMS6 and will continue to do so at the Review Conference in 2018.

"If small arms production worldwide miraculously came to an abrupt halt, official stockpiles were made totally secure, and all security forces surplus weapons were destroyed, the enormous numbers of firearms in circulation—particularly among civilians—could continue to facilitate high levels of gun violence for many years if access to ammunition remains unabated."¹⁴

11. Statement to the Sixth Biennial Meeting of the States on Small Arms delivered by the delegation of Ghana, New York, June 2016.

12. See 'Sixth Biennial Meeting of States (BMS6): Country Positions Report,' IANSA (13/06/2016). http://www.iansa.org/system/files/IANSA%20BMS6%20Country%20Positions%20Report_0.pdf

13. 'Friday 20th June. Adoption of the Final Outcome Document', IANSA (06/20/2014). <http://www.iansa.org/friday-20th-june-2014>

14. Daniel Mack, 'An Assessment of the POA (Or, Why We Are Not in New York)', p.14.

Appendix: International Instruments Relating to the Regulation of SALW Ammunition

All Member States have committed themselves to:

- **Ensure the safe storage of ammunition** by implementing voluntary guidelines. One set of such guidelines, the International Ammunition Technical Guidelines (IATG)¹⁵ seeks a holistic approach to stockpile management of conventional ammunition. All Member States welcomed the development of the IATG, though it only constitutes technical advice for those States that wish to apply it. In the PoA itself, all States agreed to take into account the 2000 report of the UN Secretary-General on methods of destruction of SALW, ammunition and explosives.¹⁶ The IATG are being used to support ammunition stockpile management efforts in 86 countries by national authorities and their partners.¹⁷
- **Ensure the safe transportation of ammunition** by implementing the technical instructions for 'dangerous goods', including ammunition, updated by the UN Committee of Experts on the Transport of Dangerous Goods.¹⁸ Such measures are required by treaty bodies responsible for the Chicago Convention on International Civil Aviation (1944), the International Convention for the Safety of Life at Sea (SOLAS) (1974); the United Nations Convention on the Law of the Sea (UNCLOS) (1980); the Convention on International Carriage by Rail (COTIF) (1980) modified by the Vilnius Protocol of 3 June 1999; and the Customs Convention on the International Transport of Goods by International Land Routes (TIR) (1975).
- **Ensure that no ammunition is transferred to entities which are subject to a UN arms embargo.** As part of their binding obligations

15. UN General Assembly resolution A/RES/63/61 entitled 'Problems arising from the accumulation of conventional ammunition stockpiles in surplus' (2 December 2008) established a process to develop the IATGs following recommendations by a UN experts report in 2008 on the accumulation of surplus stockpiles of ammunition and UN General Assembly Resolution A/RES/66/42 of 2 December 2011 welcomed their establishment. Since then the IATGs have been regularly reviewed under the UN SaferGuard Programme, which has overseen the dissemination of the IATGs. For more information on the IATGs and the UN SaferGuard Programme see 'International Ammunition Technical Guidelines,' United Nations Office for Disarmament Affairs, <https://www.un.org/disarmament/convarms/ammunition/iatg/>

16. Report of the Secretary General on methods of destruction of small arms, light weapons, ammunition and explosives, S/2000/1092) of 15 November 2000.

17. UN SaferGuard Programme, UNODA op cit.

18. United Nations Recommendations on the Transport of Dangerous Goods Model Regulations, (Eighteenth revised edition), ST/SG/AC.10/1/Rev.18, (ISBN 978-92-1-139146Ed-6), New York and Geneva, United Nations, 2013.

under the UN Charter, Member States must refrain from authorizing transfers of ammunition that would violate the terms of a UN Security Council arms embargo.

A majority of UN Member States have also agreed to be bound by specific treaties to:

- **Combat the illicit manufacture of and trafficking in firearms ammunition,** as part of measures to prevent and eradicate transnational organized crime. Mandatory measures are set out in the 2001 Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition supplementing the UN Convention Against Transnational Organized Crime (Firearms Protocol).¹⁹ The 77 State Parties to the Protocol must implement it in conjunction with the Convention. Together these legal instruments provide a framework at the national level for export, transit and import regulation, and for law enforcement and judicial cooperation. Illicitly manufactured or trafficked ammunition can be confiscated seized and destroyed and, if so, must be recorded preferably for 10 years. The PoA explicitly recognizes that the Firearms Protocol 'establishes standards and procedures that complement and reinforce efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.'
- **Regulate international transfers of small arms and light weapon ammunition** as required by certain provisions of the Arms Trade Treaty (ATT). State Parties must establish and maintain a national control system, and under Article 6 of the Treaty, they must prohibit potential transfers of such ammunition (or arms, including SALW) if they know the transfer would violate a UN arms embargo or another relevant binding international agreement, or if they know the ammunition would be used for genocide, crimes against humanity or war crimes. Under Article 7, States Parties must also conduct objective and non-discriminatory assessments of whether the potential export of ammunition (or arms, including SALW) would pose an overriding risk of any of undermine peace and security, or could be used to commit or facilitate a serious violation of international human rights law or international humanitarian law, including serious acts of gender-based violence, or an act constituting a serious offence

19. Article 3(c) of the UN Firearms Protocol states that: "'Ammunition" shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party'

under international conventions and protocols to which the exporting State is a party that relates to terrorism or transnational organized crime. States parties are encouraged, but not required, to submit annual reports on exports or imports of ammunition.²⁰ Some of the 92 States that are party to the ATT have established systems to implement these controls, but many others, especially developing countries lacking administrative resources, are still establishing such systems.

Moreover, most of the world's largest manufacturers and exporters of ammunition have agreed on common guidelines relating to:

- Control by producers of their exports of ammunition of small arms and light weapons by incorporating common standards and definitions in their domestic export legislation. For the largest producer countries, this is done through the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA), which developed a detailed Munitions List that is regularly updated. There are 41 WA Participating States, but many others also use the WA Munitions List and guidelines.

Furthermore, regional and sub-regional organizations of States have adopted instruments that cover ammunition. These include the following legally binding instruments:

- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA) (1997)
- Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition, Parts and Components that Can Be Used for Their Manufacture, Repair or Assembly (Kinshasa Convention) (2010)
- ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials (2006)
- Nairobi Protocol for the Prevention, Control, and Reduction of Small Arms and Light Weapons in

20. For details on the provisions of the Arms Trade Treaty, including Articles 5, 6 and 7, see Clare da Silva and Brian Wood (editors) *Weapons and International Law The Arms Trade Treaty*, Larcier Group, Ghent, August 2015.

the Great Lakes Region and the Horn of Africa (2004)

- Protocol on the Control of Firearms, Ammunition and Other Related Materials in the SADC Region (SADC Protocol) (2001)
- EU Council Common Position 2008/944/CFSP Defining Common Rules Governing Control of Exports of Military Technology and Equipment (2008 - updating and replacing the 1998 Code of Conduct)

Also the following voluntary instruments contain specific commitments on ammunition:

- League of Arab States Model Law on Weapons, Ammunition, Explosives and Hazardous Material (2002)
- OSCE Handbook of Best Practices on Conventional Ammunition (2008)

Conclusion

Although these instruments show the willingness of most Member States to address the issue of SALW and/or firearms ammunition, these measures constitute an inconsistent patchwork. Gaps in coverage are also evident, especially in the Asia region. The long overdue challenge now is for Member States to get rid of this anomaly by reaching a reasonable consensus at the 2018 Review Conference on the PoA. That consensus should include a commitment for each State to properly regulate SALW ammunition, based on the provisions of these existing instruments as a minimum standard.

The paper was prepared by Brian Wood and Lawrence Robinson. We are grateful for editorial comments received from Rebecca Peters. Brian is a consultant on arms control and the security trade, including for various UN bodies. For many years Brian headed Amnesty International's work on the Arms Trade Treaty. He helped found IANSA, later serving on its International Advisory Committee. Lawrence Robinson is a campaigner and researcher for the protection of civilians from armed conflict.

