

THE PROGRAMME OF ACTION ON SMALL ARMS: **WHY AMMUNITION MUST BE INCLUDED.**



“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.”¹

Introduction

The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) is the key globally agreed and politically binding framework to counter the negative consequences of small arms and light weapons (SALW).

The glaring gap in the PoA text is the absence of reference to controls on ammunition.

During the 2018 *Third Conference to Review Progress Made in the Implementation of the PoA* (RevCon3) a very small step forward was taken toward the inclusion of ammunition in the PoA process. The Outcome document acknowledges that states that apply provisions of the PoA to ammunition can exchange and apply relevant experiences, lessons learned and best practices.

This paper outlines why ammunition needs to be included in the PoA, and what existing commitments and obligations states have in relation to ammunition controls in other frameworks and treaties. It presents the next steps and priorities for states to take appropriate measures to combat the illicit trade in ammunition used in SALW. It seeks to support states in further strengthening implementation of the PoA and “to reduce the human suffering caused by the illicit trade in SALW”.² It also outlines the dangers of unsafe storage which warrant specific references to ammunition in the PoA.

What is ammunition?

According to a 1999 report of a UN Group of Experts, “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.”³

Why ammunition needs to be included in the PoA?

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 meaningfully reduce the human suffering caused by the unlawful transfer and use of SALW, especially in gun violence and armed conflict, the PoA must also contain explicit recommendations to prevent the illicit trade of ammunition 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

¹ Daniel Mack, ‘An Assessment of the POA (Or, Why We Are Not in New York)’; briefing paper which draws on Instituto Sou da Paz’s think piece What Next? Thoughts for Global Civil Society Working on Arms Control and Armed Violence Reduction <https://www.peacepalacelibrary.nl/ebooks/files/392514419>

² 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)

³ 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.

relevant to counter the illicit actions of less trained, non-state militants who tend to lack firing discipline, have less efficient logistical support, and therefore consume larger quantities of ammunition.⁴

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 of exporter of ammunition facilitates the implementation of international ammunition trade control measures and restrictions within the scope of the PoA.⁵

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.⁶ 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, there have been 623 unplanned explosions at munitions sites (UEMS) between 1979 and 2019, with 29,932 resulting deaths and injuries combined.⁷ The annual average number of unplanned explosions at munitions sites was six times higher in the 2000s than in the 1980s.⁸ In January 2002, an ammunition dump explosion in Lagos, Nigeria killed over 1,000 people.⁹ The inclusion in the PoA of measures for safe and effective management and destruction of ammunition stockpiles will considerably help to achieve the objectives of the PoA.

Existing commitments and/or obligations in relation to ammunition controls

All United Nation member states have already committed themselves to:

- **Ensure the safe storage of ammunition** by implementing voluntary guidelines. One set of such guidelines, the International Ammunition Technical Guidelines (IATG)¹⁰ 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.¹¹ The IATG are being used to support ammunition stockpile management efforts in 86 countries by national authorities and their partners.¹²

⁴ Neil Corney and Nicholas Marsh, 'Aiming for Control: The need to include ammunition in the Arms Trade Treaty', Peace Research Institute Oslo (2013), p.18.

⁵ 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 Emile LeBrun, 'Making Room for Improvement Gender Dimensions of the Life-cycle Management of Ammunition' (2020) United Nations publication issued by the United Nations Office for Disarmament Affairs

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.

¹¹ 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 expert report in 2008 on the accumulation of surplus stock-piles 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/>

¹² Report of the Secretary General on methods of destruction of small arms, light weapons, ammunition and explosives, S/2000/1092) of 15 November 2000.

¹³ UN SaferGuard Programme, UNODA op cit.

- **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.¹³ 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 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).¹⁴ 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 SALW 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 to 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 under international conventions and protocols to which the exporting State is a party that relates to terrorism or transnational organized crime. State parties are encouraged, but not required, to submit annual reports on exports or imports of ammunition.¹⁵ 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.

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 SALW 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 other states also use the WA Munitions List and guidelines.

The PoA and Ammunition

As noted, 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, a

¹³ 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.

¹⁴ Article 3(c) of the UN Firearms Protocol states that: “Am-munition” 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 com-ponents are themselves subject to authorization in the respective State Party’

¹⁵ 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, Intersentia, June 2021.

number of states have chosen to report on ammunition and many 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.

States have already committed to a number of international instruments that require action in relation to, for example, the storage and transport of SALW ammunition as well as combatting the illicit manufacture and regulating transfers of ammunition. Although these instruments show the willingness of most member states to address the issue of SALW and/or firearms ammunition, these measures constituted an inconsistent patchwork. Gaps in coverage were also evident, especially in the Asia region.

Support for the inclusion of ammunition in the scope of the PoA has been strong among the regions most affected by armed violence, such as South and Central America, the Caribbean, and Africa. Moreover, the European Union and Australia have consistently expressed their disappointment with the absence of direct inclusion of ammunition in the PoA.¹⁶

In 2018 Member States took the first step to address this anomaly by including ammunition in the Outcome Document of RevCon3 of the PoA. Paragraph 16 welcomes the parallel process established under the General Assembly resolution on ammunition. Paragraph 18 “acknowledge[d] that States that apply provisions of the Programme of Action to small arms and light weapons ammunition can exchange and, as appropriate, apply relevant experiences, lessons learned and best practices acquired within the framework of other relevant instruments to which a State is a party, as well as relevant international standards, in strengthening their implementation of the Programme of Action”. The United States and Israel voted against both paragraphs.¹⁷

What should states do on ammunition at BMS7?

While the Outcome Document of RevCon3 is a very small step forward, much more remains to be done. There are still no specific commitments in relation to ammunition within the framework of the PoA. For example, there are no agreed commitments to prevent and combat the illicit trade in ammunition, to prevent the illicit manufacturing of ammunition, the need for stockpile security and management of ammunition or commitments to address the consequences of the illicit trade in ammunition.

The international community is already aware of the correlations between poorly managed ammunition and the continued high levels of armed violence in conflict and crime. This awareness must translate into concrete action within the framework of the PoA.

During BMS7, states should:

- Acknowledge that weapons without ammunition are useless and that **management of ammunition is essential to prevent armed violence**, in crime and conflict affected communities as well as unplanned explosions at munitions sites (UEMS).
- **Include ammunition in the thematic discussions on diversion** as unsecured ammunition stockpiles contribute considerably to global diversion into illicit markets, becoming a key factor in crime, terrorism and in the escalation of armed conflict.
- Discussions on the International Tracing Instrument should include the complexities related to **marking and tracing of ammunition** for SALW. The International Tracing Instrument (ITI) does not cover ammunition and tracing of ammunition relies on a patchwork of national regulations. The systematic collection and sharing of data would enhance transparency and accountability and contribute to limiting the illicit trade and identifying points of diversion.
- Commit to formulating **national targets also in relation to ammunition**. The 2019 Report of the Secretary General ([A/74/187](#)), when referring to SALW argues that the ‘urgency and the character of the small arms issue is so diverse around the world, there can be no “right” or “wrong” national ambition level’. A bottom-

¹⁶ ‘Friday 20th June. Adoption of the Final Outcome Document’, IANSA (06/20/2014). <http://www.iansa.org/friday-20th-june-2014>

¹⁷ United Nation’s Office for Disarmament Affairs (UNODA) Information Bulletin [Issue No. 1 | OCT 2018] <https://www.un.org/disarmament/2018/>

up approach is suggested where each state determines the level and type of contribution, allowing the PoA to focus on national implementation as it was intended.

- Acknowledge the **link between gender and arms and ammunition management**, as part of implementing and building on the RevCon3 gender outcomes. This is in line with UNSCRs 2122(2013) and 2242(2015) of the Women, Peace and Security Agenda to “ensure women’s full and meaningful participation in efforts to combat and eradicate the illicit transfer and misuse of small arms and light weapons” as well as General Assembly Resolution 74/65 on problems arising from the accumulation of conventional ammunition stockpiles in surplus to “encourage the full involvement of both women and men in ammunition management practice and policy”.

Further Resources

- **United Nations Office for Disarmament Affairs (UNODA) – information and publications on ammunition** – <https://www.un.org/disarmament/convarms/ammunition>
- **Small Arms Survey – publications on ammunition** <http://www.smallarmssurvey.org/weapons-and-markets/products/ammunition.html>
- **Conventional Ammunition Stockpiles – Parliamentary Handbook**, Parliamentary Forum on Small Arms and Light Weapons (2008) https://issuu.com/undphr/docs/conventional_ammunition_stockpiles
- **OSCE Handbook of Best Practices on Conventional Ammunition** (2008) <https://www.osce.org/fsc/33371>
- **Making Room for Improvement – Gender Dimensions of the Life-cycle Management of Ammunition** (2020) United Nations publication issued by the United Nations Office for Disarmament Affairs and written by Emile LeBrun, senior small arms control consultant, Small Arms Survey <https://www.un.org/disarmament/gender-dimension-of-lcma/>

Annex 1

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 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)

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Regulate weaponry – develop community