Regional Frameworks and Approaches to Conventional Ammunition Management

Working Paper Submitted by Ghana

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1) Executive Summary

Pursuant to resolution A/RES/72/55 (2017), the United Nations General Assembly requested the Secretary-General to convene a group of governmental experts (GGE) in 2020 on problems arising from the accumulation of conventional ammunition in surplus, taking into account discussions in open, informal consultations.\(^1\) This working paper adds to this effort by describing and analyzing the scope and application of regional frameworks addressing conventional ammunition in their provisions, through an assessment of the key elements covered in said instruments, as well as of the remaining gaps and opportunities allowing for future efforts to strengthen ammunition safety and security at the international, regional, and national levels.

This working paper highlights that the current treatment of ammunition under international and regional instruments is a patchwork of fragmented considerations. Nonetheless, it finds that regional and sub-regional instruments can serve as potential cornerstones – or a collection of building blocks – to construct a robust response to the current omissions in the collective international framework on ammunition control. In doing this, this working paper underscores the need for the international community to close the gap between international normative and operational frameworks and on-the-ground realities. The paper concludes by contemplating the

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\(^1\) The United Nations Institute for Disarmament Research (UNIDIR) assisted in the preparation of this working paper with background research and editorial support.
possibility that the GGE 2020 could turn such global need into an opportunity and set the basis for States to close the existent substantive gaps relating to the management of conventional ammunition with a comprehensive international framework.

This working paper is divided into the following sections: (2) Introduction, (3) Existing regional and sub-regional frameworks and approaches, (4) Key elements covered by regional and sub-regional frameworks and approaches, (5) Gaps and opportunities, and (6) Conclusion.

2) Introduction

The General Assembly, by its resolution 72/55 adopted by consensus in 2017, encouraged States to participate in open, informal consultations focusing on matters of conventional ammunition management within the United Nations system and beyond, and with a view to identifying urgent issues pertaining to the accumulation of conventional ammunition stockpiles in surplus on which progress can be made and that may constitute a basis for convening a group of governmental experts (GGE).²

By the same resolution, the United Nations General Assembly requested the Secretary-General to convene a GGE in 2020 on problems arising from the accumulation of conventional ammunition in surplus, considering discussions in open, informal consultations.³

In support of this General Assembly framework in the lead-up to the convening of the 2020 GGE, the present working paper describes and analyzes the scope and application of regional frameworks which address conventional ammunition. It assesses elements covered in these regional instruments, as well as remaining gaps and opportunities allowing for future efforts to strengthen ammunition safety and security internationally.

³ Ibid.
The importance of robust ammunition controls is difficult to overestimate. Indeed, as noted by the Geneva International Centre for Humanitarian Demining (GICHD),

“In addition to the humanitarian and socio-economic repercussions, poorly managed ammunition also fuels insecurity. Diversion of ammunition from storage sites, and its onward proliferation, has been a catalyst for armed conflicts in various regions of the world….

In countries failing to identify and dispose of surplus or unsafe stockpiles of ammunition, risks of unplanned explosions and diversion are particularly elevated. Safe and secure ammunition management should not be comprehended as a ‘silied’ set of technical activities, but rather as part of broader efforts towards peaceful societies and achieving the Sustainable Development Goals (SDGs), for instance, as a means to reduce violence, curb illicit arms flows and increase urban safety”.

Nonetheless, as important as robust ammunition controls are, the treatment of ammunition under current arms control frameworks and instruments is considered a patchwork, since ammunition control measures are fragmented and limited in scope and membership across the current multilateral scenario.

**Current multilateral scenario**

Ammunition controls are the most glaring omission from current conventional arms control frameworks and instruments. As noted in UNIDIR’s report for the first thematic seminar “Key Issues and Processes Pertinent to the Management of Conventional Ammunition”,

“existing multilateral frameworks do not comprehensively address the full life cycle of management of conventional ammunition. Participants reflected that some international instruments do not cover ammunition within their scope (for example, the PoA—the United Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects), while others are either limited in scope or membership (for example, the United Nations Firearms Protocol, and the Arms Trade Treaty). Many participants voiced concern that multilateral and regional conventional ammunition management initiatives have so far been uneven in scope as well as application”.

As such, the current efforts towards a **GGE on conventional ammunition** controls may provide the opportunity for States to address the shortcomings in the international normative and

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5 UNIDIR is implementing a project to facilitate dialogue among States on issues relevant to safe, secure and accountable management of conventional ammunition, and to help build knowledge and generate ideas that assist in framing key issues pertinent to conventional ammunition management on which progress can be made at the national, regional and multilateral levels.
6 UNIDIR Report “Key Issues and Processes Pertinent to the Management of Conventional Ammunition”
operational frameworks, potentially fulfilling the 2005 UNGA recommendation that ammunition would “be addressed in a comprehensive manner as part of a separate process conducted within the framework of the United Nations”.\(^7\) Consequently, the GGE could consider among its recommendations that States set the basis for a possible future international process addressing conventional ammunition management throughout its life-cycle.

Current international instruments either omit ammunition entirely or cover it only partially, in scope and/or membership. For example, small arms ammunition is not explicitly included in the UN Programme of Action. However, it should be noted, “though the politically-binding, and universal, UN PoA and its complement, the International Tracing Instrument (ITI), excluded ammunition from operational provisions, many governments and civil society groups continue to advocate for its inclusion, while some governments have noted that, in their national interpretation and implementation, the instrument in practice includes ammunition”\(^8\) Furthermore, the report of the third review conference of the UN PoA acknowledged 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”\(^9\)

Within the **Arms Trade Treaty**, Article 3 determines that State Parties “shall establish and maintain a national control system to regulate the export of ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2 (1), and shall apply the provisions of Article 6 and Article 7 prior to authorizing the export of such ammunition/munitions”. As such, State Parties to the ATT are

> “Legally obligated to conduct risk assessment processes for any export of ammunition, and “apply the provisions relating to prohibited transfers and denial of authorization of proposed exports in the same way that it would with respect to other conventional arms within the scope of the ATT”. This means those countries are prohibited from transfers of ammunition that would violate a UNSC arms embargo, other binding UN agreements, or that would be used for genocide, crimes against

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\(^7\) OEWG report, UNGA, 2005, para. 27, “Report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. A/60/88 of 27 June, Available from http://repository.un.org/handle/11176/254719


humanity, or war crimes. Moreover, said governments must deny transfers that “would contribute to or undermine peace and security”; or could be used to commit or facilitate a serious violation of international humanitarian law; a serious violation of international human rights law; an act constituting an offence under international conventions or protocols relating to terrorism or transnational organized crime. Nonetheless, some deem coverage of ammunition in the ATT [to be] partial, as States are not explicitly obligated to consider ammunition under the articles covering Import, Transit/Transshipment, Brokering, Diversion, Record Keeping, and Reporting, all of which refer only to “conventional arms covered under Article 2(1)” – particularly unfortunate in terms of transparency. However, initial ATT implementation indicates that states in Latin America and the Caribbean have been willing to deem ammunition as included under all these categories, excluding Reporting”.\textsuperscript{10}

The only legally-binding global instrument on small arms, the UN Firearms Protocol establishes State parties must criminalize the illicit manufacturing and trafficking of small arms ammunition. As such, the Firearms Protocol “places [small arms] ammunition firmly in its provisions aimed at combatting the illicit manufacturing and trafficking of ammunition”\textsuperscript{11} and includes provisions on legislative control measures, marking and tracing. However, the UN Firearms Protocol lacks universal membership, does not cover the full scope of conventional ammunition and does not encompass the entire life-cycle – nor indeed any of the other instruments mentioned.

The Sustainable Development Goals “represent an important framework for ammunition management and its manifold ramifications” as robust stockpile management “is key to curbing illicit arms flows (SDG 16.4), it also helps to prevent unplanned explosions, enabling at-risk countries to better protect civilians (SDG 16.1), increase urban safety (SDG 11.7) and create an environment that is conducive to sustainable development. The SDGs can also serve as a vehicle for strengthening national institutions in charge of stockpile management and promoting their effectiveness, accountability and transparency (SDG 16.6; SDG 16.a). The importance of the SDGs in this context is echoed by the UNGA’s call on States to consider ammunition management as an intrinsic part of their actions for achieving the SDGs.”\textsuperscript{12} 

In addition to these normative frameworks, four other UN-based efforts should be noted for their important contributions: the 2008 GGE on ammunition, the International Ammunition

\textsuperscript{10}http://www.unlirec.org/Documents/Amm_Control_Practices.pdf, p. 11.  
Technical Guidelines (IATGs), the UN Secretary General’s Agenda for Disarmament, and UN peacekeeping and special political missions including ammunition management actions.

The precursor to the efforts towards its 2020 counterpart, a 2008 Group of Governmental Experts (GGE) – which in fact ultimately led to the development of IATGs and the UN SaferGuard program and its knowledge platform – can be considered to have planted the seed towards the current process. The IATG are voluntary technical references for the stockpile of conventional ammunition presented in three levels of ascending comprehensiveness.\(^\text{13}\) The IATGs are reportedly currently “being used to support ammunition stockpile management efforts” by 86 countries with technical and financial support coming from “diverse quarters: the governments of Bangladesh, Brazil, Cameroon, the Czech Republic, Germany, Japan, Serbia, Singapore, Switzerland, the USA and the EU”.\(^\text{14}\) As “based on good practices from around the world”, the IATGs are a “solid foundation for developing national regulations and standard operating procedures (SOPs) regarding ammunition management”.\(^\text{15}\) Nonetheless, as authoritative and prescriptive as they are, the IATGs are neither politically nor legally binding.

The UN Secretary General’s Agenda for Disarmament, unveiled in late 2018, also touches the theme of ammunition controls under its “Disarmament that saves lives” rubric.\(^\text{16}\) Specifically, Action 22 is focused on securing excessive and poorly maintained stockpiles, pledging that “the United Nations system will deepen its support to States in safely and securely managing conventional weapons and ammunition stockpiles and in drawing down surpluses”.\(^\text{17}\) Under the leadership of UNODA, this action’s implementation plan is underway; one sub-item consists, for example, of a partnership with the GICHD to establish an Ammunition Management Advisory Team to provide technical support to States.\(^\text{18}\)

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\(^\text{13}\) See https://s3.amazonaws.com/unoda-web/wp-content/
\(^\text{16}\) https://www.un.org/disarmament/sg-agenda/en/
\(^\text{17}\) https://www.un.org/disarmament/sg-agenda/en/action/22
\(^\text{18}\) Ibid. See also: https://www.amat.org/
Finally, a plethora of peacekeeping and other UN missions by mandate include important ammunition management activities, including the United Nations Assistance Mission in Somalia (UNSOAM), the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). In most cases, an activity by UN agencies “primarily supports national capacity development, including the safe and secure management of arms and ammunition stockpiles”. Nonetheless, according to one analysis, these activities “can be more systematically anchored in mandates, operationalised and geared towards sustainable solutions” and “ammunition management could warrant stronger focus (as opposed to weapons management)”.

3) Existing regional and sub-regional frameworks and approaches

The omissions and loopholes concerning ammunition controls on the global level are somewhat replicated at the regional and sub-regional levels, albeit in a different manner: some areas of the world have instruments dealing with ammunition safety and security, while others still do not. And even among those with normative frameworks, uneven coverage and implementation mean that proper ammunition controls are not being enforced in vast swaths of the globe.

As noted in UNIDIR’S report for the First Thematic Seminar, “Few regional frameworks explicitly define ammunition within their scope of reference. Direct references to the security and safety of stockpiled ammunition are notably infrequent in regional frameworks such as the ECOWAS Convention, the OAS Convention, the Nairobi Protocol, and the EU Common Position on Arms Exports. While noting this, participants said that some of these frameworks nevertheless serve as useful references for action in the field of ammunition management. The ECOWAS Convention in article 16, for example, directs its signatory States to “establish effective standards and procedures for stockpile management, storage and security”, listing a range of considerations that broadly align to themes covered by the IATGs”.

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21 Ibid., p. 39.
22 UNIDIR Report “Key Issues and Processes Pertinent to the Management of Conventional Ammunition”
ECOWAS\textsuperscript{23}

The Economic Community of West African States Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials

The legally-binding ECOWAS Convention was adopted in June 2006 and came into force in September 2009, regulating the manufacture, trade, possession and disposal of small arms and light weapons and its ammunition, in order “to prevent and combat the excessive and destabilising accumulation of small arms and light weapons within ECOWAS”. In its Article 1(11) the Convention notes about Small Arms and Light Weapons (SALW): “in this Convention this shall be deemed to include ammunition and other related materials”. Indeed, the Convention in its Article 1(3) defines ammunition as “Devices destined to be shot or projected through the means of firearms including among others: cartridges; projectiles and missiles for light weapons; mobile containers with missiles or projectiles for anti-aircraft or antitank single action systems”.

As ammunition is included fully into the scope of the ECOWAS Convention, the following articles are particularly germane:

- Article 3 - Prohibition of transfer of ammunition
- Article 6 - Cases for Refusal of Exemptions for Transfers (Criteria)
- Article 7 - Control of the Manufacture of ammunition
- Article 9 - National Database and Registers of ammunition
- Article 14 - Control of Possession of ammunition by civilians
- Article 16 - Management and Security of Stockpiles (establishment of national standards)
- Article 17 - Collection and Destruction of ammunition
- Article 18(3) - Marking of ammunition

In summary, ECOWAS’s commitments on ammunition controls cover international transfers (including criteria for risk assessment), measures to prevent diversion, and the development of standards for stockpile management including disposal of surplus.\textsuperscript{24}

\textsuperscript{23} http://www.poa-iss.org/RegionalOrganizations/ECOWAS/ECOWAS%20Convention%202006.pdf
\textsuperscript{24} Presentation by LEONARD TETTEY PROGRAMME OFFICER NATIONAL COMMISSION ON SMALL ARMS AND LIGHT WEAPONS AT UNIDIR FIRST THEMATIC SEMINAR ON “FRAMING AND INFORMING KEY ISSUES AND PROCESSES PERTINENT TO MANAGEMENT OF CONVENTIONAL AMMUNITION” Monday 26 November 2018, Palais des Nations, Geneva
In terms of its practical implementation, the ECOWAS Convention has perhaps not yet lived up to its promise. While the Convention stipulates the development of guidelines to assist Member States in ammunition management, this provision has not yet been achieved, with most States not having developed comprehensive national control mechanisms for ammunition. At October 2018 consultations in Abidjan, several nations noted their efforts in bringing domestic legislation and practices in line with the sub-regional obligations, emphasized a need for safer storage facilities (particularly given the issue of stockpiles in urban areas), and pledged continuing efforts to destroy ammunition surplus.

**OAS CIFTA**

The Inter-American Convention against the Illicit Manufacture of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials

CIFTA was adopted in 1997 and served as an inspiration to both the UN PoA and the Firearms Protocol, as “the first legally-binding international norm explicitly covering ammunition”. In terms of its obligations regarding ammunition controls, the 31 members states in Latin America and the Caribbean,

“are obligated to harmonise their national legislations; to criminalize illicit manufacturing and trafficking; to take security measures (“undertake to adopt the necessary measures to ensure the security of firearms, ammunition, explosives, and other related materials imported into, exported from, or in transit through their respective territories”); to strengthen national controls (“establish or maintain an effective system of export, import, and international transit licenses or authorizations”); to exchange information, experience, and training; and engage in cooperation, technical, law enforcement, and legal assistance. Particularly helpfully, CIFTA was complemented by a series of Model Legislation recommendations, developed by the Inter-American Drug Abuse Control Commission (CICAD), which inasmuch as ammunition is concerned, includes detailed prescriptions for the “control of international movement” (its detailed Chapter II is devoted to ammunition specifically), “strengthening controls at export points”, establishing criminal offenses, and confiscation”.

Over the years, CIFTA’s implementation has been uneven at best, following a stop-and-go pattern. An assessment published 12 years ago noted: “although strong on paper, CIFTA faces problems

in implementation, purportedly the responsibility of its Consultative Committee, the instrument’s operational body. Almost 10 years after being signed, progress remains disappointing… Unfortunately, the Committee’s decisions ‘shall be recommendatory in nature’ and the operating verbs for its actions are toothless at best (“promoting, requesting, encouraging”), which weakens the instrument’s legally binding effectiveness”. 27 More recently, the CIFTA process slowed to the point of not fulfilling scheduled meetings of State Parties, though since then meetings have resumed, with the Fourth Conference of States Party taking place in Mexico City in April 2018. 28

While likewise having room for improvement in its implementation – one of the main themes of discussion in its most recent conference 29 – CIFTA has sparked important gains in the Americas. For example, a series of legislative studies by the Organization of American States (OAS) and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) showed the normative or legal developments each country had undergone in its implementation of CIFTA, noting both advances and remaining gaps. While these studies are neither recent (conducted between 2010 and 2013) nor specifically on the issue of ammunition, forthcoming publications by these organizations will reportedly focus on recent developments under CIFTA implementation also under the ammunition lens.

Moreover, the creation of an implementation support body has been instrumental in pushing efforts forward, with the OAS Department of Public Security serving as CIFTA’s technical secretariat. Indeed, “in the past ten years the department has undertaken a series of voluntarily funded projects to strengthen member states’ national capacities in the areas of legislative development, stockpile management and destruction, and firearms marking. As of January 2016 these OAS initiatives—costing some USD 5.5 million—supported activities in 27 member states”. 30

Through its role as secretariat “from 2010 to 2016, the OAS established and conducted a programme to support Central American countries in different areas of SALW control and

ammunition management. Following international standards, the programme resulted in the destruction of surplus/obsolete ammunition, accounting of stockpiles, refurbishment of facilities and training in Costa Rica, Dominica or El Salvador, among others. The programme has testified to the importance of long-standing support and the role that a regional organisation can play among countries in similar situations, including as a mechanism for accountability”.31 As such, as with the creation of the Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA) following the Nairobi Protocol (see below), a regional instrument that fosters the creation of professional infrastructure to support it proves more ‘self-fulfilling’.32

**Nairobi Protocol**33
The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa

The Nairobi Protocol was adopted in April 2004 and entered into force in May 2005, and has been referred to as “one of the most comprehensive legally-binding regional agreements on small arms and light weapons”.34 In its definitions, the Nairobi Protocol establishes that ‘small arms’ include ‘ammunition’, so all its provisions are also to be applied: legislative measures, operational capacity, control of civilian possession, control and accountability of State-owned small arms, marking and tracing, disposal, import, export, transfer and transit, and others.

A consequential effect of the Nairobi Protocol was the creation in 2005 of the RECSA, an intergovernmental organization slated to assist States to implement the commitments of the instrument. Originally envisioned in its article 18 as the Nairobi Secretariat, a body for the “development and issuance of guidelines and instructions for the implementation of, monitoring the implementation of, the execution of, and the evaluation of this Protocol, in liaison with law

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32 Though not on ammunition controls, an assessment of the impact of an implementing body for a sub-regional instrument can be seen at: [http://www.smallarmssurvey.org/fileadmin/docs/C-Special-reports/SAS-SR19-Making-a-Mark-RECSA.pdf](http://www.smallarmssurvey.org/fileadmin/docs/C-Special-reports/SAS-SR19-Making-a-Mark-RECSA.pdf)
enforcement agencies, and ensuring adherence to the standards set out therein informing Ministers on a regular basis of progress thereof”.

One of RECSA’s most important efforts has been the ‘Best Practice Guidelines for the Implementation of the Nairobi Declaration and the Nairobi Protocol on Small Arms and Light Weapons (2005)’, a comprehensive document that offers many of the operational and technical ‘nuts and bolts’ not included in the original legal instrument.\(^3\)\(^6\) This document includes detailed chapters on: stockpile management, record keeping, marking, collection and disposal; import, export, transfer and transit of SALW; tracing and brokering; public awareness raising and public education; and legislative measures, operational capacity and mutual legal assistance.

In terms of implementation effectiveness, while a general and detailed assessment of the Nairobi Protocol’s measures regarding ammunition remains elusive, some aspects have been analyzed. For example, a study of the instrument’s success in establishing National Focal Points to “facilitate the rapid information exchange to combat cross-border small arms and light weapons trafficking” as determined by article 16 of the Nairobi Protocol found that, with the support of the RECSA Secretariat, all 15 countries analyzed had fulfilled this commitment, at least nominally, even if challenges to their complete realization remain.\(^3\)\(^7\)

**Kinshasa Convention**\(^3\)\(^8\)

The 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

The Kinshasa Convention was adopted in April 2010 and entered into force in March 2017. Taking ammunition fully into account in its scope and provisions, the Kinshasa Convention is a comprehensive instrument, including most elements of the other African sub-regional norms that preceded it. In addition, the instrument is accompanied by an also detailed Implementation Plan.\(^3\)\(^9\)

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Notwithstanding, in terms of the practical implementation of its ammunition-related obligations, efforts may be deemed ongoing and incomplete. While some of the States Parties, for example, have created national commissions on small arms and light weapons sparked by the Kinshasa Convention, others have not yet fulfilled said obligation. National laws that cover ammunition and significantly updated former legislation also have been catalyzed by the Convention. For instance, in 2016 Cameroon adopted its Law on Weapons and Ammunition Regime and put forth institutional acts designed to limit the consequences of illicit circulation, including temporary closing of armories, limiting imports, disarmament campaigns, and anti-poaching efforts.40


Unlike the preceding instruments, the **EU Common Position** covers only outward aspects of ammunition controls, in other words is focused on export controls. As “each Member State shall assess the export licence applications made to it for items on the EU Common Military List”, and said list includes ammunition (ML 3), European exporters need to undertake their case-by-case decisions following eight distinct criteria also for ammunition transfers. To serve as guidance for its implementation, the User’s Guide to the European Code of Conduct on Exports of Military Equipment offers detailed information on how to conduct assessment for each of the criteria.42

**Others**

In addition to the aforementioned legally-binding instruments that fully include ammunition in their purview, there are several other regional and sub-regional efforts that touch on the ammunition issue, but are either politically-binding, cover ammunition partially, or are mostly dormant.

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40 (Information from Mr. Rodrigue Tchoffo)
In Africa, the 2012 **Khartoum Declaration** on the Control of Small Arms and Light Weapons across the Neighboring Countries of Western Sudan mostly ignores the theme but in its only mention of ammunition politically commits signatories\(^{43}\) to “strengthening national capacities and institutions to develop and implement comprehensive SALW control strategies, National Action Plans and interventions, including physical stockpile security (PSSM) of State-held SALW and ammunition, in accordance with international standards”.\(^{44}\)

In terms of the African Union, the **Ammunition Safety and Security Management Initiative** (2017) urged Member States to improve their PSSM practices, supporting “the practical steps outlined in the AU master roadmap to ‘silence the guns’, while seeking to complement assistance in beneficiary countries”.\(^{45}\) The initiative’s objective is “to provide training and technical advice on SSMA to the most impacted Member States, in order to significantly and sustainably reduce the risk of UEMS and illicit proliferation. This will be achieved by providing capacity enhancement, technical assessments, and the development of sustainable control and security storage systems”.\(^{46}\)

With direct technical and infrastructure support to Member States, the initiative’s first result came from support for Guinea-Bissau in 2017, “enhancing ammunition management to reduce the risk of unplanned explosions at munitions sites and prevent theft, loss and diversion”, by sensitizing national stakeholders and facilitating the “application of best practices and standards, including the (IATGs)”, which included “visits to ammunition storage sites in different regions of the country to assist the national authorities in identifying immediate and medium term enhancements required to improve the safety and security”.\(^{47}\) In Malawi, the initiative – with partners such as Halo Trust and GICHD – “facilitated national consultations and undertook technical assessment visits to

\(^{43}\) Sudan, Central African Republic, Chad, Democratic Republic of Congo and Lybia.


\(^{46}\) African Union Briefing Note “Ammunition Safety and Security Management Initiative”

various sites across the country” in March 2018, with a follow-up training of 50 personnel in June 2018 and the launch in April 2019 of a program for the “rehabilitation of storage sites, destruction of unserviceable ammunition, training of personnel on explosives disposal and ammunition management, and development of related policies and SOPs”.48

The SADC Protocol (on the Control of Firearms, Ammunition and other related materials in the Southern African Development Community - 2001), the first legally-binding African agreement on small arms, had as one of its objectives to “prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials, and their excessive and destabilising accumulation, trafficking, possession and use in the Region”.49 With an emphasis on strengthening and harmonizing national legislation and operational capacity, the SADC Protocol served as inspiration for the Nairobi Protocol.50 However, especially in comparison with other Sub-Saharan sub-regional instruments, efforts around the SADC Protocol have recently been relatively dormant.

Likewise, the Americas “have several other normative efforts germane to the control of ammunition, though almost all have… lost steam in recent years”.51 One early legally-binding sub-regional instrument, from 2003, has gone all but entirely dormant: Decision 552, Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in All its Aspects.52 Indeed, over a decade ago an assessment already noted: “though a comprehensive, ambitious, and binding document, its actual implementation has been lagging severely, not least because of the governance problems of member states”.53 In Central America, efforts included those of SICA (Code of Conduct of Central American States on the Transfer of Arms, Ammunition, Explosives and Other Related Materiel)54 and the “unfortunately discontinued CASAC- Central American Program for Small Arms and Light Weapons Control”.55

48 African Union Briefing Note “Ammunition Safety and Security Management Initiative”
52 http://intranet.comunidadandina.org/Documentos/decisiones/DECISION%20552-[Vesi%C3%B3n%20en%20Ing%C3%A9l].doc
54 http://www.poa-iss.org/RegionalOrganizations/SICA/CentralAmerica-CodeofConduct-English.pdf
55 CASAC - Central American Programme on Small Arms Control.
Both CARICOM’s Declaration on Small Arms and Light Weapons (2011) and its Crime and Security Strategy (2013) fully incorporate ammunition into their purview, with the latter noting that for the sub-region’s armed violence crisis, “the key to the solution is a marked reduction in the availability of illegal guns and ammunition”.\(^\text{56}\) In addition to other measures, Member States in the 2011 Declaration “solemnly commit to work together in enhancing the management and security of small arms and light weapons and ammunition stockpiles, including the identification and destruction of surplus”.\(^\text{57}\) CARICOM has also introduced the Regional Integrated Ballistic Information Network (RIBIN), “a proposed ballistic information-sharing mechanism to track guns and ammunition used in crimes and to make this information available to law enforcement, customs and other security agencies. RIBIN will provide support to those CARICOM territories that currently lack the requisite forensic capacity to identify the ballistic ‘fingerprint’ of ammunition used in crimes and to record the ballistic ‘signature’ of the firearm used”\(^\text{58}\).

In Europe, a particularly relevant effort is the 2003 Document on Stockpiles of Conventional Ammunition adopted by the Organization for Security and Cooperation in Europe (OSCE), which “represents the major political framework applicable to all OSCE participating States to improve stockpile management practice, particularly relating to assessing surplus items and risk, and facilitating international cooperation and assistance”.\(^\text{59}\) In 2008 the OSCE published its Handbook of Best Practices on Conventional Ammunition, “a compilation of the currently available ‘best practice’ guides’ of techniques and procedures for the destruction of conventional ammunition, explosive material and detonation devices and the management and control of stockpiles of ammunition”.\(^\text{60}\) Other essential standards are those defined by NATO’s AASTP (Allied Ammunition Storage and Transport Publication). These highly technical and detailed documents – each is hundreds of pages long – specify the ammunition safety and security standards


\(^{58}\) [https://www.osce.org/fsc/33371](https://www.osce.org/fsc/33371)

\(^{59}\) Ibid.

members of NATO must abide to, for issues such as Storage (AASTP-1) and Transportation (AASTP-2).

The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons, SEESAC, based in Belgrade and supported by the UNDP, has also made several important outputs on ammunition control. Particularly, SEESAC has, ‘since the early 2000s, contributed to standard-setting in the form of its Regional Micro-Disarmament Standards and Guidelines that comprise standards on ammunition stockpile management or ammunition storage and safety’. In general terms, SEESAC “supports coordination; capacity development; resource mobilization; technical tool development; project implementation; research; and information management. It works to increase stockpile security through infrastructure and capacity improvements; reduction via SALW and ammunition destruction; improved marking, tracing, and registration; increased SALW awareness through campaigns and SALW collections; increased transparency and control of arms transfers; and improved information sharing and knowledge transfer”.

Areas of the globe other than Africa, the Americas, and Europe have lagged behind in terms of producing regional or sub-regional instruments and platforms germane to ammunition controls. As per the League of Arab States, while some recent projects and workshops on SALW have been conducted, and common positions developed for conferences of the PoA and the ATT, it is unclear from publically available information whether any ongoing major efforts currently exist. Earlier, several efforts took place, as the League of Arab States “was very active on issues related to SALW controls in the early 2000s”, including the creation of the 2002 Arab Model Law on Weapons, Ammunitions, Explosives and Hazardous Material.

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67 http://www.poa-iss.org/RegionalOrganizations/LeagueArab/Arab%20Model%20Law.doc
In Asia, ASEAN has not yet concluded efforts on the theme, though “since 2015, Cambodia has been leading the efforts of the ASEAN, with the support of the EU, to develop a legally binding instrument to tackle the problems of illicit firearms trafficking… A possible instrument in the future may include provisions on SALW ammunition, and on stockpile management and security.”\textsuperscript{68} In the Pacific region, the Pacific Islands Forum created in 2000 the Nadi Framework,\textsuperscript{69} and in 2003 adopted a Model Weapons Control Bill,\textsuperscript{70} both of which included ammunition in their purview but were slated towards harmonizing laws on civilian possession.

4) **Key elements covered** by regional and sub-regional frameworks and approaches

In analyzing the major ammunition control themes covered by sub-regional and regional instruments, it may be helpful to utilize the multidimensional perspective provided by the “security feedback loop” on Responsibility and Accountability Cycle for Safe and Secure Management of Ammunition presented in the first UNIDIR meeting of the series\textsuperscript{71}. To wit: supply-side controls (such as pre-transfer risk assessment); physical security and stockpile management; and diversion monitoring and diagnostic activities.

1) **Pre-transfer risk assessment**

Supply side controls assessing the risk of ammunition diversion prior to export appear in a few of the analyzed sub-regional and regional instruments. The ECOWAS Convention begins from a presumption of ‘prohibition of transfer of small arms and light weapons’ (categorically for unauthorized non-state actors) but follows with possible exceptions\textsuperscript{72}. In its Article 6(5), ‘Cases for refusal of exemptions for transfers’, the Convention states “A transfer shall not be authorised if it is likely to be diverted, within the transit or importing country or be re-exported, to

\textsuperscript{69} https://www.gunpolicy.org/documents/2197-regulating-weapons-in-the-pacific-the-nadi-framework/file
\textsuperscript{72} ECOWAS Convention.
unauthorized uses or users or into the illicit trade”.

Likely” diversion, therefore, precludes any transfer of ammunition.

In its Article 5, ‘Procedure and conditions for the issuance of transfer authorizations’ the Kinshasa Convention establishes that “a transfer authorization shall be denied by the competent national body if: (a) There is a possibility that the small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly might be diverted, in the importing or transit State, to unauthorized use or users or to illicit trade, or even re-exported”.

As such, in assessing the risk of diversion, Member States are bound by a very restrictive standard, as ‘possibility’ and ‘might’ indicates a low threshold of acceptable risk.

The EU Common Position determines in its Criterion Seven that exporting nations need to take into account in their decision-making process the “existence of a risk that the military technology or equipment will be diverted within the buyer country or re-exported under undesirable conditions”.

As per its User’s Guide, included in best practices for the application of Criterion Seven, are the following questions:

“Is stockpile management and security of sufficient standard (cf. STANAG, International Small Arms Control Standards (ISACS) and the International Ammunition Technical Guidelines (IATG)? Are there known cases of problems with leaking stockpiles in the country of the end-user?

Does the country of stated end-use have any history of diversion of arms, including the non-authorised re-export of surplus equipment to countries of concern?

Is there any other reason to suspect that the equipment might be re-exported or diverted to terrorist organisations?”

While the Nairobi Protocol itself does not include explicit references to diversion or obligation to assess risk prior to transfers, RECSA’s Best Practice Guidelines establish, among its ‘arms transfer criteria’, that “States should take into account the recipient’s: (i) Record on compliance with end-

73 Ibid.
75 http://www.poaiiss.org/RegionalOrganizations/EU/EU%20Common%20Position%202008.pdf
use undertakings and diversion; (ii) Stockpile management and security procedures; (iii) Ability and willingness to protect SALW against unauthorized transfers, loss, theft and diversion.”

In addition, some of the politically-binding instruments also delved into the theme of pre-transfer decision making, though explicit criteria regarding diversion is not included. For example, SICA’s Code of Conduct, has a long list of criteria for prohibiting transfers that included less common points such as countries that “prevent their citizens from choosing their representatives through free, fair and periodic elections by secret ballot” and “are involved in actions or practices that might lead to a significant number of displaced persons or refugees”.

2) Physical Security and Stockpile Management

On the ‘enhancement of PSSM processes designed to combat ammunition diversion’, guidelines and politically-binding documents (such as the OSCE guides) are often more comprehensive or prescriptive than legally-binding regional and sub-regional instruments. For example, “while the Nairobi Protocol itself does not prescribe the measures states parties should implement, detailed guidance on the [stockpile management] measures they should adopt in implementing the protocol are provided in the Best Practice Guidelines (RECSA, 2005)”.

Among these, the RECSA guidelines include “regulations for stockpile locations; transport security measures; access control measures; emergency procedures (i.e. protection measures in emergency situations); lock-and-key and other physical security measures; inventory management and accounting control procedures; sanctions to be applied in the event of loss or theft; procedures for the immediate reporting of any loss; and the selection and security training of stockpile staff”, in addition to “regularly review

78 http://www.poa-iss.org/RegionalOrganizations/SICA/CentralAmerica-CodeofConduct-English.pdf
79 http://www.smallarmssurvey.org/fileadmin/docs/L-External-publications/2015/SAS-Parker-BP-Disarmament-Initiative-EN.pdf, p. 4-5. In its Article 6, the Nairobi Protocol simply defines: “Control and accountability of state-owned small arms and light weapons States Parties undertake to: (a) establish and maintain complete national inventories of small arms and light weapons held by security forces and other state bodies, to enhance their capacity to manage and maintain secure storage of state-owned small arms and light weapons; (b) ensure strict national accountability and the effective tracing of all small arms and light weapons owned and distributed by the state.”
their stockpiles to identify surplus stocks, provide indicators for determining surplus stocks, and guidelines on disposal”.  

Other instruments include detailed provisions concerning the stockpiling of ammunition. The ECOWAS Convention includes prescriptions regarding “appropriate sites; physical security measures for storage facilities; inventory management and record keeping; staff training; security during manufacture and transportation; and sanctions in case of theft or loss”, in addition to surplus identification.  

Likewise, the Kinshasa Convention, in addition to several similar measures as those above, also has requirements to “conduct a semi-annual inspection to evaluate and inventory stockpiles and check storage conditions”, to “collect, seize and register” ammunition in surplus and destroy it, “while also submitting information on the destruction process to the sub-regional database established by the secretary-general of the Economic Community of Central African States (ECCAS)” and keeping “information on destroyed surplus in a national database for at least 30 years”.  

It should be noted, however, that although some “regional instruments require states parties to manage stockpiles of ammunition as well as small arms and light weapons, they do not differentiate between the management of small arms and light weapons and the management of ammunition, and some of the various procedures applicable to the management of ammunition are not reflected”.  

In other words, measures for ammunition control in sub-regional and regional instruments are often generic rather than detailed; thus the importance of more technical guidelines such as the IATGs.  

3) Monitoring and Diagnostic Activities

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82 Ibid.
Finally, in terms of ‘combined monitoring mechanisms designed to detect ammunition diversion, inform export risk assessment, and encourage further advances in PSSM’, some of the aforementioned instruments have elements that could serve as ‘building blocks’ to such systems, may regarding exchange of information.

For example, CIFTA in its Article XIII determines that

“States Parties shall exchange among themselves, in conformity with their respective domestic laws and applicable treaties, relevant information on matters such as:

a. authorized producers, dealers, importers, exporters, and, whenever possible, carriers of firearms, ammunition, explosives, and other related materials;

b. the means of concealment used in the illicit manufacturing of or trafficking in firearms, ammunition, explosives, and other related materials, and ways of detecting them;

c. routes customarily used by criminal organizations engaged in illicit trafficking in firearms, ammunition, explosives, and other related materials;

d. legislative experiences, practices, and measures to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials; and

e. techniques, practices, and legislation to combat money laundering related to illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

2. States Parties shall provide to and share with each other, as appropriate, relevant scientific and technological information useful to law enforcement, so as to enhance one another’s ability to prevent, detect, and investigate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials and prosecute those involved therein.

3. States Parties shall cooperate in the tracing of firearms, ammunition, explosives, and other related materials which may have been illicitly manufactured or trafficked. Such cooperation shall include accurate and prompt responses to trace requests.”

The ECOWAS Convention, in turn, establishes regarding information exchange that Member States are “required to exchange data regularly on existing stockpiles of small arms and light weapons (management, inventory, security, surplus, losses, theft, and destruction)”, and under Article 10 “undertake to establish a sub-regional database and register of small arms and light weapons under the ECOWAS Executive Secretary as a way of promoting confidence”. Moreover, as per Article 12, ‘Dialogue with Manufacturers and Suppliers’, members “shall strengthen cooperation and dialogue with national and international manufacturers and suppliers of arms as well as with the competent international and regional organisations in order to ensure their support, respect for and compliance with the spirit and the letter of this Convention”. Finally, under Article 19, States “shall exchange information on illicit small arms and light weapons and on seized small
arms and light weapons, as well as trafficking in weapons that contravene international law or the internal laws of the States in which the operations take place”.

One of the objectives of the Nairobi Protocol, as per Article 2(c), are to “promote and facilitate information sharing and cooperation between the governments in the sub-region, as well as between governments, inter-governmental organisations and civil society, in all matters relating to the illicit trafficking and proliferation of small arms and light weapons”. In Article 16, ‘Transparency, Information Exchange and Harmonisation’, State Parties undertake to:

“(a) establish National Focal Points to, inter alia, facilitate the rapid information exchange to combat cross-border small arms and light weapons trafficking; (b) develop and improve transparency in small arms and light weapons accumulations, flows and policies relating to civilian-owned small arms and light weapons, including serious consideration to the development of a sub-regional small arms and light weapons register on civilian possession; (c) encourage the exchange of information among law enforcement agencies on criminal groups and their associates, types of small arms and light weapons, sources, supply routes, destinations, methods of transportation and financial support of these groups; (d) establish national small arms and light weapons databases so as to facilitate the exchange of information on small arms and light weapons imports, exports and transfers; (e) establish systems to verify the validity of documents issued by licensing authorities in the sub-region; (f) establish a sub-regional system to facilitate intelligence exchange on small arms and light weapons violations and trafficking; (g) establish a sub-regional system to harmonise relevant import, export and transfer documents and end-user certificates”.

Finally, under the Kinshasa Convention, Article 21 establishes a ‘Subregional Electronic Database’: “the Secretary-General of ECCAS shall establish and maintain as a means of promoting and strengthening confidence, a subregional electronic database of transfers of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly”. Article 23, similarly to the ECOWAS precedent, calls for ‘Dialogue with International Manufacturers and International Organizations’, noting “the Secretary-General of ECCAS shall also take the necessary steps to ensure that international weapons manufacturers support, respect and conform to the spirit and letter of this Convention through, inter alia, the signing of memorandums of understanding and/or framework agreements for cooperation”.

5) Gaps and opportunities

As seen, existing global instruments do not properly cover ammunition controls. Some areas of the world remain bereft of regional or sub-regional instruments that could partially make up for
that omission. The inclusion of ‘ammunition’ in the majority of existing sub-regional and regional instruments and efforts delineated herein is more prevalent than in the global or multilateral instruments. Nonetheless, the nominal inclusion of ammunition – which is at times partial – often also gets undermined by a given instrument’s lack of legal power or a lack of political attention or will that allows processes to become dormant and thus not implemented in practice.

Moreover, when ammunition is fully included, the lack of consistency, connection or coordination among all the sub-regional and regional documents is akin to each sub-region speaking their own ‘language’ in isolation, not necessarily ‘conversing’ with practices and standards elsewhere. Indeed, “this patchwork of international and regional frameworks, some of which differ in their definition of ammunition, makes their effective implementation challenging… Better understanding on how the instruments link to one another is the pre-condition to enhance the effectiveness of and synergies across their implementation.”

Thematically, it is clear that existing legally-binding regional instruments tend to include the issue of pre-transfer risk assessment also for ammunition, while several platforms, programs or non-binding documents give considerable coverage to issues of physical security and stockpile management. Diversion monitoring and diagnostic activities on the life-cycle of ammunition are still not fully developed in any single regional norm or approach, but several instruments have important information exchange aspects that could be built upon towards a more comprehensive system.

In all of these areas, measures sparked by regional and sub-regional instruments and efforts must nonetheless be implemented on a national level. As such, their success depends on several ‘home-grown’ factors, including national awareness and ownership, national capacities and structures,

84 In fact, “as reflected at the 2017 OSCE Ministerial Council, there is scope to bring regional regimes closer to international developments to ensure more coherence. Furthermore, the various political initiatives, which culminated in the adoption of the 2017 UNGA resolution on ammunition stockpiles in surplus, testify to a heightened political momentum. However, it requires deliberate efforts to ensure that they feed into one another in a truly coordinated and coherent manner. The UN General Assembly ‘track’ coordinated by Germany may lead on political work at the global level, clarifying further the state of play and current gaps, recommending actions and potentially developing further the political framework on the topic”: https://www.gichd.org/fileadmin/GICHD-resources/rec-documents/GICHD_State_of_Play_in_SSMA-February_2018.pdf, p. 32.

and national action plans. The ‘internalization’ or ‘domestication’ of regional or international instruments is often a complex task, requiring legal, bureaucratic and cultural adaptations. Ultimately, it is the real life implementation of the measures required or suggested by regional and sub-regional instruments that matters. In one assessment of dozens of African countries and their implementation of sub-regional commitments, challenges of political will, capacity, and resources were shown to be enormous. A global, universal instrument or platform can help in ensuring that a common ‘language’ is set forth for all national governments, stipulating a ‘floor’ of minimal requirements, and serving as a catalyst – and monitor – to action.

6) Conclusion

As one participant noted at UNIDIR’s First Thematic Seminar, regional instruments can serve as potential inspiration for global efforts on ammunition controls. Yet, some sub-regional and regional instruments are germane in normative terms but somewhat dormant politically and in their practical implementation. Therefore, when determining whether a given instrument can serve as a cornerstone – or building block – for broader efforts, not only the ‘letter of the law’, but also the vitality and activity of the instrument’s real world implementation must be considered.

Moreover, the prospect of comprehensive global efforts should in no way distract from the need to fully implement existing commitments – both in terms of legally-binding regional and sub-regional instruments that explicitly cover ammunition, and of implementing a progressive interpretation of international efforts that do not. Even countries that are including ammunition in their implementation practice for instruments such as the PoA, for example, will benefit from

86 https://www.gichd.org/fileadmin/GICHD-resources/rec-documents/GICHD_State_of_Play_in_SSMA-February_2018.pdf, p. 26-27. Indeed, “many countries remain unaware of the risks associated with the consequences of inadequate ammunition management practices and consider addressing them only in the aftermath of an explosive event. At times, they also refrain from engaging openly, in particular in regions characterised by political tensions. Ammunition is more often perceived as an asset than a potential liability. Awareness can, in certain contexts, be absent due to political, security or simply cultural and language factors. National ownership is a pre-requisite. Commitment at the top level of government does, however, not necessarily trickle down to those actually doing the job on the ground”.


broader efforts that include more aspects of the life-cycle of ammunition. As such, both paths to greater safety and security are essential and complementary.

A recent UNLIREC publication on ammunition controls for Latin America and the Caribbean recommended that governments from the region “consider (...) the creation of new international instruments”\(^\text{89}\). Moreover, the document argued, governments should “consider the urgent need for a comprehensive and ambitious approach to ammunition controls, which could include an international, legally-binding instrument for the full life-cycle of ammunition (from production to destruction), including mandatory universal standards for marking, record-keeping, tracing, robust stockpile management, surplus definition, and destruction, inter alia”.\(^\text{90}\) As agreed by participants in UNIDIR’s Second Thematic Seminar, a dedicated and comprehensive international framework on conventional ammunition management – ensuring ammunition safety and security throughout its lifecycle – could also facilitate practical entry points at the political level for both national and international efforts.

It remains perhaps premature to suggest the 2020 GGE on ammunition will necessarily endeavor in this direction. Nonetheless, and contemplating such a possibility, it is essential to keep in mind that regional and sub-regional instruments can indeed serve as potential cornerstones – or a collection of building blocks – to construct a robust response to the current omissions in the collective international framework on ammunition control. Best practices from regional approaches may provide the steel to plug the current global ‘bullet holes’.

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\(^{90}\) Ibid. p 76.