

Group of Governmental Experts on problems arising from the accumulation of conventional ammunition stockpiles in surplus

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Matters relevant to problems arising from the accumulation of conventional ammunition stockpiles in surplus, taking into account the exchanges in the open, informal consultations held in 2018 and 2019

Existing frameworks applicable to conventional ammunition

Paper submitted on behalf of the Chair

I. Introduction

1. The present paper was produced on behalf of the Chair of the Group of Governmental Experts on problems arising from the accumulation of conventional ammunition stockpiles in surplus, established pursuant to General Assembly resolution [72/55](#), at the request of participating experts. The objective of the paper is to present an overview of existing frameworks that address some aspects of conventional ammunition management at the international, regional and subregional levels.

2. The main purpose and operational provisions of existing international frameworks are addressed first, with a view to identifying gaps relating to the management of ammunition, followed by a review of regional and subregional regulatory frameworks. The present paper should not be considered an exhaustive assessment, but rather an examination of the ammunition-related frameworks that are most relevant to the work of the Group of Governmental Experts in terms of their scope, membership and legal status.

3. The assessment conducted served to identify gaps related to the material scope, membership and geographical coverage of current frameworks. With regard to material scope, existing legal frameworks do not address the full life cycle of conventional ammunition. Most existing frameworks cover ammunition associated with small arms and light weapons only. In terms of membership and geographical coverage, there is no universally accepted instrument on the matter, which hinders the effectiveness and consistency of implementation at the national, regional and international levels. Lastly, as several existing frameworks are not legally binding, implementing their provisions may pose additional challenges. Those conditions serve to highlight the prevailing gaps in the provision of safe, secure and effective conventional ammunition controls.



4. Despite general recognition that ammunition is a crucial component of conflicts and armed violence, there has been no comprehensive global action addressing conventional ammunition as a standalone issue of concern (see [GGE/PACAS/2020/2](#)). The association between small arms, light weapons and their respective ammunition has had a substantial impact on the development of frameworks to regulate the latter. Partly as a consequence of that close thematic convergence, little progress has been seen in the regulation of the other categories of conventional ammunition, namely, those associated with the seven major categories of conventional arms covered under the Register of Conventional Arms.

5. In the 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](#) and [A/60/88/Corr.2](#)), the Working Group recommended that States address the issue of ammunition in a comprehensive manner as part of a separate process conducted within the framework of the United Nations.

6. As part of the informal consultations convened in the framework of General Assembly resolution [72/55](#), there was substantive exchange on the treatment of conventional ammunition under existing frameworks.¹ In that resolution, the General Assembly reiterated its commitment to addressing the issue of conventional ammunition stockpiles in surplus in a comprehensive manner, thereby providing an opportunity for the Group to reflect on the possibility of a developing dedicated instrument to deal with ammunition management in a comprehensive manner.

7. Although ammunition-related provisions do exist in various international, regional and subregional frameworks, such provisions are considerably fragmented and limited, not only in their material scope and geographical coverage, but also with regard to membership, leading to a lack of coherence and cohesion among applicable frameworks. Consequently, conventional ammunition has often been labelled the “orphan” of conventional arms control frameworks, as there is no multilateral, comprehensive framework, whether politically or legally binding, to address matters relevant to the effective, safe and secure management of conventional ammunition, including supply chain security, stockpile management, monitoring and diagnostics.

II. Overview of existing international frameworks

8. The assessment outlined in the present paper serves to illustrate a patchwork of multiple frameworks (see annex for full list) that address some aspects of conventional ammunition management.

9. With respect to the scope of application, existing provisions generally contain references to small arms and light weapons ammunition and, as a result, do not comprehensively cover the full spectrum of conventional ammunition. In addition, the definitions of ammunition in existing frameworks differ, especially with regard to the inclusion of parts and components.

10. In order to assess the coverage of the existing frameworks, it is necessary to analyse the relevant provisions in terms of their material scope, their legal status and their geographical focus. Consideration of those criteria is presented in the next sections, including an assessment of relevant international legally binding instruments and relevant international political frameworks, regimes and standards.

¹ United Nations Institute for Disarmament Research, “Key issues and processes pertinent to the management of conventional ammunition: report of the third thematic seminar”, 2019.

A. Legally binding instruments

11. There are two legally binding instruments at the international level that contain explicit references to conventional ammunition: the Arms Trade Treaty and the Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Protocol V). The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Firearms Protocol) establishes provisions for small arms ammunition only.

12. The Arms Trade Treaty is focused on regulating the international trade in conventional arms. It does not include ammunition in its preamble or principles and does not address ammunition in its articles 1 or 2, which establish the purpose and scope of its application. It does, however, regulate ammunition associated with the eight categories of weapons defined under its article 2 (1), insofar as it contains the obligation for States parties to establish and maintain a national control system in order to comply with provisions contained in articles 6 and 7, which form the basis of the criteria upon which export assessments should be conducted.

13. Despite the reference in article 5, on general implementation, to article 3, which addresses ammunition, the applicability of ammunition under the Treaty can be generally considered partial. Conventional ammunition is not covered under article 8, on import; article 9, on transit or trans-shipment; article 10, on brokering; article 11, on diversion; article 12, on record keeping; or article 13, on reporting. The omission of any mention of ammunition diversion under article 11 is especially critical, as diversion of ammunition to unauthorized or unintended users is a major source of concern for the international community.²

14. Besides the exclusion of ammunition from several fundamental articles of the Treaty, and owing to its focus on international transfers, provisions of the Treaty do not cover the whole life cycle of ammunition.³ Nevertheless, its provisions on diversion, record keeping and reporting applicable to weapons may be a useful reference for further developments in the field of ammunition controls.

15. Article 16 (1) of the Treaty includes a mention of stockpile management as a possible area for legal, institutional, technical and financial assistance. As international cooperation and assistance are important elements for ammunition management, articles 15 and 16, on international cooperation and assistance, could serve to guide further efforts to strengthen those areas with regard to conventional ammunition management.

16. The Treaty currently has 105 States parties and 33 signatories; it therefore cannot be considered a universal instrument.⁴

17. The aim of Protocol V is to minimize the risks and effects of explosive remnants of war in post-conflict situations. All the generic preventive measures included in the Protocol are framed in that particular context, as defined in article 1 of the Convention

² Ibid.

³ Effective ammunition stockpile management requires a whole-life management approach, ranging from categorization and accounting, to physical security, surveillance and recurrent assessments of ammunition stability and reliability. For more information, see www.un.org/disarmament/convarms/ammunition/iatg.

⁴ Information from the Arms Trade Treaty website, consulted on 3 February 2020.

on Certain Conventional Weapons.⁵ Explicit reference to ammunition is made in Protocol V, in the definition of the explosive ordnance category, which involves conventional munitions containing explosives (art. 2 (1)). However, since its material scope of application is explosive remnants of war, the Protocol contains references only to conventional munitions that meet the criteria of explosive remnants of war, namely, those that are defined as either unexploded ordnance (art. 2 (2)) or abandoned explosive ordnance (art. 2 (3)) and are confined to a post-conflict situation. It also includes a technical annex containing best practices and generic preventive measures related to explosive ordnance, such as manufacture, management, training, transfer and future production.

18. Protocol V nominally covers conventional ammunition, as it contains references to explosive ordnance, but its scope of application is specific. It therefore does not cover supply chain security and through-life management of conventional ammunition beyond post-conflict settings. With only 96 high contracting parties, Protocol V is also not a universal instrument.⁶

19. The Firearms Protocol regulates firearms and associated ammunition, parts and components. While ammunition is consistently considered in almost all its provisions, the scope of application is limited to that used in firearms (art. 3 (c)). In regulating key aspects of the supply chain, it also contains the requirement, under article 5, that parties criminalize the illicit manufacturing and trafficking of firearms and their parts, components and ammunition.

20. In order to prevent and eradicate the theft, loss, diversion, illicit manufacturing and trafficking of firearms ammunition, the Firearms Protocol includes provisions on seizure and disposal (art. 6); general requirements for authorizing transfers, including through brokering (arts. 10 and 15); security measures to be implemented at different stages (art. 11); and important provisions for information-sharing, international cooperation and assistance (arts. 12–14). The omission of any mention of ammunition from article 8, which regulates marking, however, weakens the record-keeping requirements for ammunition under article 7.

21. The Firearms Protocol has been ratified by 118 States, while 52 have signed but not yet ratified it.⁷

22. In sum, there is no existing instrument that comprehensively addresses both the safety and the security aspects of conventional ammunition management, namely the risks associated with unplanned explosions and with diversion to unintended and unauthorized recipients. There is also a lack of a universally applicable instrument, as none of the existing frameworks enjoy universal membership.

B. Non-legally binding frameworks, regimes and standards

23. At the global level, additional efforts have been undertaken to address conventional ammunition, in the form of international standards, practical measures and arrangements. This section will cover the International Ammunition Technical Guidelines; the 2030 Agenda for Sustainable Development; the disarmament agenda of the Secretary-General, entitled *Securing Our Common Future: An Agenda for Disarmament*; and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

⁵ Amended article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, paras. 1–6, 21 December 2001.

⁶ Information from the United Nations Treaty Collection website, consulted on 3 February 2020.

⁷ Ibid.

24. There are different interpretations of the inclusion of ammunition within the scope of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. Given the ongoing divergence of views, however, those two instruments will not be considered and analysed as part of the present assessment.

25. The International Ammunition Technical Guidelines are a global frame of reference for the development of national standards on ammunition stockpile management.⁸ The aim of the Guidelines is to minimize the risk of unplanned explosions at munitions sites and to prevent diversion. Their development had been a central recommendation in the report of the Group of Governmental Experts established pursuant to resolution 61/72 (see A/63/182). At the same time, the SaferGuard programme was established as the United Nations knowledge management platform dedicated to conventional ammunition, in order to serve as custodian of the Guidelines and support outreach and capacity-building efforts (GGE/PACAS/2020/2, para. 21).⁹

26. The uptake and implementation of the Technical Guidelines have been consistently encouraged in subsequent General Assembly resolutions, most recently in its resolution 74/65. States have also recognized that the full application of the Guidelines would address most safety-related concerns associated with conventional ammunition. In that regard, the Guidelines could serve as a framework of reference for developing a set of operational guidelines to address security-related concerns associated with conventional ammunition management. Recognizing the relevance of safe and secure ammunition management for implementing the 2030 Agenda, the General Assembly, in the same resolution, also encouraged States to consider ammunition management as an intrinsic part of their actions for achieving relevant targets of the Sustainable Development Goals.

27. In accordance with Sustainable Development Goals 11 and 16, robust stockpile management is not only crucial to curbing illicit arms flows (target 16.4), it also helps to prevent unplanned explosions, thereby enabling at-risk countries to better protect civilians (target 16.1), increase urban safety (target 11.7) and create an environment conducive to sustainable development. The Goals can also serve as a vehicle for strengthening national institutions in charge of stockpile management and promoting their effectiveness, accountability and transparency (targets 16.6 and 16.a).¹⁰

28. In *Securing Our Common Future*, a range of actions to support progress in disarmament and arms control are explored.¹¹ Conventional weapons are addressed in the section entitled “Disarmament that saves lives”, and ammunition specifically in action 22. Under action 22, the United Nations commits itself to enhancing support for State and regional action on excessive and poorly maintained stockpiles. The implementation plan for that action also includes a commitment to establish an ammunition management advisory team as a means for providing technical support to States in accordance with the Technical Guidelines.

⁸ UN SaferGuard, *Critical Path Guide to the International Ammunition Technical Guidelines* (2019), p. 11.

⁹ The SaferGuard programme is supported in that regard by a Technical Review Board and a Strategic Coordination Group.

¹⁰ Geneva International Centre for Humanitarian Demining, *Towards Security, Peace and Sustainable Development: The State of Play in Safe and Secure Management of Ammunition* (Geneva, 2018), p. 15.

¹¹ The actions are outlined on the implementation webpage of the Agenda for Disarmament, available at www.un.org/disarmament/sg-agenda/en.

29. The Wassenaar Arrangement establishes a multilateral export control regime to promote transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies. Since the scope of export controls for participating States is defined in accordance with its List of Dual-Use Goods and Technologies and its Munitions List, the Arrangement could also support the development of national control lists for non-participating States.

III. Overview of existing regional and subregional frameworks

30. There is a plethora of regional and subregional frameworks that address ammunition in their scope of application, with the vast majority focused on small arms and light weapons ammunition. Nevertheless, many of those frameworks play an important role in driving national requirements for conventional ammunition.¹²

31. Table 1 contains a list of the legally-binding regional frameworks assessed herein that include provisions on ammunition. Additional information, including on ratification status, can be found in the annex.

Table 1
Legally-binding regional frameworks

<i>Framework</i>	<i>Geographical scope</i>
Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition and all Parts and Components that can be used for their Manufacture, Repair and Assembly (Kinshasa Convention)	Economic Community of Central African States (ECCAS) and Rwanda
Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment	European Union
Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials	Organization of American States
ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials	Economic Community of West African States (ECOWAS)
Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa	Great Lakes region and the Horn of Africa
Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region (SADC Firearms Protocol)	Southern African Development Community (SADC)

32. Table 2 contains a list of regional and subregional regulatory frameworks also reviewed for the present paper. Additional information, including on ratification status, can be found in the annex.

¹² United Nations Institute for Disarmament Research, “Key issues and processes”.

Table 2
Regional and subregional non-legally binding frameworks

<i>Framework</i>	<i>Geographical scope</i>
CARICOM Crime and Security Strategy 2013: Securing the Region	Caribbean Community (CARICOM)
CARICOM Declaration on Small Arms and Light Weapons	CARICOM
European Union Strategy to combat illicit accumulation and trafficking of small arms and light weapons and their ammunition	European Union
Khartoum Declaration on the Control of Small Arms and Light Weapons across the Neighbouring Countries of Western Sudan	Central African Republic, Chad, Democratic Republic of the Congo, Libya, Sudan
Legal Framework for a Common Approach to Weapons Control Measures (Nadi Framework)	Pacific Islands Forum
OSCE Document on Stockpiles of Conventional Ammunition	Organization for Security and Cooperation in Europe (OSCE)

33. Of the frameworks listed in tables 1 and 2 above, only Council Common Position 2008/944/CFSP of the European Union and the OSCE Document on Stockpiles of Conventional Ammunition cover the full scope of conventional ammunition. The latter is not legally binding.

34. The Council Common Position establishes export control rules for military technology and equipment in accordance with the Common Military List of the European Union, which includes ammunition under its Military List 3.¹³ While its provisions are focused on export control, the Common Position requires a case-by-case assessment of the risk of diversion and re-export under undesirable conditions. Such a risk assessment must be considered with regard to physical transfers (including licensed production); intangible transfers of software and technology; and brokering, transit and trans-shipment applications.

35. The OSCE Document on Stockpiles of Conventional Ammunition contains provisions aimed at improving stockpile management, specifically regarding surplus assessment and risk, as well as international cooperation and assistance.¹⁴

36. Although other existing regional and subregional frameworks do not cover the full range of conventional ammunition, they contain relevant provisions that may serve as a useful reference for conventional ammunition management efforts at the national level.

37. The ECOWAS Convention, for instance, provides for ammunition marking requirements under article 18 (3), specifying that the smallest ammunition packaging shall include the information requested for the classic marking of small arms and light weapons described in article 18 (2) (a). Similarly, the Kinshasa Convention provides details on marking requirements for ammunition in its article 14 (9). In addition, the Inter-American Convention contains references to cooperation in ammunition tracing in its article XIII (3).

¹³ Ammunition and fuse setting devices, and specially designed components therefor.

¹⁴ Geneva International Centre for Humanitarian Demining, *Towards Security, Peace and Sustainable Development*, p. 17.

38. Ammunition transfer requirements and criteria for risk assessment are addressed in chapter II of the Kinshasa Convention, which contains criteria for the authorization of transfers to States and a general prohibition for non-State actors. With regard to the sequence of steps required, under article IX of the Inter-American Convention, the corresponding licence or authorization for ammunition export, import and transit must be issued prior to any transfer. The ECOWAS Convention regulates transfers of small arms and light weapons in its chapter II, but that chapter does not contain any explicit mention of ammunition in any of its corresponding provisions.

39. Provisions for physical security and stockpile management in regional frameworks tend to be generic and lack detailed requirements. However, some specific provisions can be highlighted. Through its article 16, the ECOWAS Convention provides specific standards and procedures for stockpile management, storage and security. Similarly, article 16 of the Kinshasa Convention includes a reference to necessary measures and procedures for stockpiles management, security and storage. Security measures for ammunition imported into, exported from or in transit through the territories of States parties, with a view to preventing diversion, are also addressed in article VIII of the Inter-American Convention.

40. Regarding confidence-building and information-sharing, pertinent provisions can be found in the Kinshasa Convention, which provides for a system of judicial cooperation under its article 24. Article 10 of the ECOWAS Convention contains a requirement for the establishment of a subregional database and register of small arms and light weapons, as a way to promote confidence. Similarly, article 16 of the SADC Firearms Protocol tackles transparency by requiring the establishment of national databases in order to enable the exchange of information on firearms transfers.

41. In conclusion, it is clear that there are significant gaps with regard to the scope and operational provisions regulating conventional ammunition at the regional and subregional levels. Half the instruments analysed are not legally binding. Moreover, regions are generally applying different criteria and standards, which hinders overall implementation and limits possible synergies. For those reasons, implementation of existing regional and subregional frameworks appears to be fragmented, uneven and challenging.¹⁵

IV. Conclusion

42. The lack of a dedicated and comprehensive framework at the global level makes it difficult to mobilize political action to address the comprehensive set of challenges posed by conventional ammunition. There are existing legal frameworks that address specific aspects, but they do not comprehensively tackle the full life cycle of conventional ammunition, nor are they universal in membership. In addition, their implementation remains uneven. As a consequence, achieving safe, secure and effective conventional ammunition management remain a challenge.

43. Any further control steps, including the potential development of new frameworks, need to be conducted in a comprehensive and consistent manner and address issues related to supply chain security and through-life management. Such measures should also be understood as part of broader efforts towards the achievement of sustainable and peaceful societies.

44. Within the framework of the Group of Governmental Experts meeting in 2020 on problems arising from the accumulation of conventional ammunition stockpiles in surplus, opportunities exist to raise awareness of the wide-ranging problems and risks

¹⁵ United Nations Institute for Disarmament Research, “Key issues and processes”.

associated with conventional ammunition management.¹⁶ Strengthening the body of evidence with regard to the linkages between conventional ammunition and sustainable development may also help to raise awareness, facilitate multisectoral dialogue and prioritize comprehensive conventional ammunition management efforts in a sustainable manner.

¹⁶ Ibid.

Annex

List of frameworks***1. International legally binding frameworks**

<i>Framework</i>	<i>Adoption</i>	<i>Entry into force</i>	<i>Status</i>
Arms Trade Treaty	2013	2014	105 parties
Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Protocol V)	2003	2006	96 parties
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Firearms Protocol)	2001	2005	118 parties

2. International frameworks, standards and regimes

<i>Framework</i>	<i>Publication, adoption or establishment</i>	<i>Scope or status</i>
<i>Securing Our Common Future: An Agenda for Disarmament</i>	2018	Applicable to the entire United Nations system
2030 Agenda for Sustainable Development	2015	Universal ^a
International Ammunition Technical Guidelines	2011 ^b	Global and voluntary
Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies	1996	42 members

^a See General Assembly resolution [70/1](#).

^b The first edition was released in 2011.

3. Regional and subregional legally binding frameworks

<i>Framework</i>	<i>Adoption</i>	<i>Entry into force</i>	<i>Status</i>
Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition and all Parts and Components that can be used for their Manufacture, Repair and Assembly (Kinshasa Convention)	2010	2017	8 parties
Council of the European Union Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment	2008	2008	27 ^a parties

* Status as at February 2020, according to the official information available.

<i>Framework</i>	<i>Adoption</i>	<i>Entry into force</i>	<i>Status</i>
Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials	2006	2009	15 parties
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	2005	9 parties
Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region (SADC Firearms Protocol)	2001	2004	11 parties
Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials	1997	1998	31 parties

^a Act adopted under title V of the European Union Treaty.

4. Regional and subregional non-legally binding frameworks

<i>Framework</i>	<i>Adoption</i>	<i>Scope</i>
Caribbean Community (CARICOM) Crime and Security Strategy 2013: Securing the Region	2013	15 members
Khartoum Declaration on the Control of Small Arms and Light Weapons across the Neighbouring Countries of Western Sudan	2012	5 ^a members
CARICOM Declaration on Small Arms and Light Weapons	2011	15 members
European Union Strategy to combat illicit accumulation and trafficking of small arms and light weapons and their ammunition	2005	27 members
Organization for Security and Cooperation in Europe (OSCE) Document on Stockpiles of Conventional Ammunition	2003	57 members
Legal Framework for a Common Approach to Weapons Control Measures (Nadi Framework)	2000	18 members

^a States listed in the Declaration.