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Ammunition-related Political Developments

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Overview

Comprehensive attention to conventional ammunition in surplus remains outside of the scope of existing international instruments that address conventional weapons. Stockpile management receives some coverage, but still needs to be exhaustively addressed. Growing international interest in conventional ammunition management, however, is exemplified by a 2008-scheduled UN Group of Governmental Experts (GGE), which is tasked with considering the issue of surplus ammunition in greater depth and to clarify ways to achieve further international cooperation.

The GGE is a promising development and will be able to draw on a wide range of best practices that have been developed in a number of bilateral and multilateral stockpile management and destruction initiatives. Although no global instrument dedicated to the question of stockpile management and surplus conventional ammunition currently exists, the field is well defined, and extant measures provide a stable platform upon which to develop any future instruments.

Global instruments

At present, no global instrument comprehensively addresses the issue of conventional ammunition in surplus. This is equally true of stockpile management, within which the field of surplus ammunition is firmly situated. However, stockpile management is addressed, among other issues, in certain global instruments, and is increasingly covered in more recent measures.

1991 UN Register

The UN Register of Conventional Weapons is a repository for information on military holdings and procurement. While it does not make reference to either surplus or ammunition, it invites states to make available ‘relevant policies’ related to national holdings and procurement (UNGA, 1991, paras. 7; 10), which could plausibly include information pertaining to stockpile management practices and surplus.

2001 UN *Firearms Protocol*

The UN *Firearms Protocol* (UNGA, 2001a) covers all cartridge-based small arms and light weapons ammunition, but excludes larger calibre conventional weapons and a significant subset of light weapons ammunition (McDonald, 2006, p. 126).

The *Firearms Protocol* makes no explicit reference to stockpile management of conventional weapons or to surplus, and its scope is limited to ‘appropriate measures’ taken to secure ‘firearms, their parts and components and ammunition at the time of manufacture, import, export and transit’ in order to ‘prevent loss or diversion’ (UNGA, 2001a, art. 11.a). However, Article 11.a arguably covers the security of some parts of the national ammunition stockpile—notably at the place of manufacture. Even in these cases, however, it only concerns small arms ammunition and ammunition designed for a limited number of types of light weapons.

2001 UN *Programme of Action*

The UN *Programme of Action* does not explicitly address ammunition, although there is debate as to whether its scope includes the ammunition, in addition to the weapons, categorized by the *UN Panel Report* (UNGA, 1997).¹ It makes reference to a wide range of stockpile management procedures, including:

appropriate locations for stockpiles; physical security measures; control of access to stocks; inventory management and accounting control; staff training; security, accounting and control of small arms and light weapons held or transported by operational units or authorized personnel; and procedures and sanctions in the event of thefts or loss (UNGA, 2001b, para. II.17).

It also refers to measures taken to identify, secure, and dispose of surplus stocks (UNGA, 2001b, para. II.18). While these measures are relevant to all vari-

eties of conventional ammunition, their scope in the *Programme of Action* is limited to small arms and light weapons and potentially their ammunition.

2003 Wassenaar Arrangement

The Wassenaar Arrangement's *Initial Elements* includes almost all varieties of conventional ammunition within the *Munitions List*, but is focused on the transfer of weapons and ammunition and their potential impact on regional and international stability (WA, 2003b; 2004). The *Elements for Objective Analysis* does not refer to stockpile management, and it is unclear whether references to the 'risk of diversion to unauthorised end-use/end-users' include diversion through lax stockpile security (WA, 1998, para. 1.b).

The *Elements for Export Controls of MANPADS*, however, refers explicitly to stockpile management and stipulates that exporters should consider stockpile security arrangements in the recipient country before transferring man-portable air defence systems (MANPADS). These measures are designed to prevent loss or diversion, and include: accurate and regularly updated inventories; separate storage of component parts; 24-hour surveillance; and other safeguards, including protection in transit (WA, 2003a, paras. 2.7; 2.9).

The *Best Practice Guidelines for Exports of Small Arms and Light Weapons* similarly stipulates that exporting countries should take into account the 'stockpile management and security procedures of a potential recipient, including the recipient's ability and willingness to protect against unauthorised re-transfers, loss, theft and diversion' (WA, 2002, para. II.1).

While the *Munitions List* covers most items of conventional ammunition, the Wassenaar Arrangement's scope with regard to stockpile management is limited to small arms and light weapons, and moreover, detailed only in relation to MANPADS (CHAPTER 12).

International instruments are clearly varied and uncomprehensive with respect to conventional ammunition. Neither the *Programme of Action* (UNGA, 2001b) nor the *Firearms Protocol* (UNGA, 2001a) address medium or large calibre ammunition. The Wassenaar Arrangement's *Initial Elements* (WA, 2004) covers most types of conventional ammunition, but only addresses stockpile management in relation to specific weapons systems, and then only in terms of export criteria.

Regional instruments

At the regional and sub-regional levels, attention to the issue of stockpile management, and by extension to ammunition surpluses, is equally varied. However, there is increasing (and more detailed) attention to stockpile management—and to surplus stocks—in more recent initiatives, as the following sections outline chronologically.

1997 OAS Convention

Despite its title, the Organization of American States' *OAS Convention* (OAS, 1997) probably covers all conventional ammunition, on account of its extremely broad definition.² The definition includes any barrelled weapon and its ammunition (of any size), in addition to rockets, missiles, and mines (again, without qualification). The *OAS Convention* makes no explicit reference to stockpile security. It focuses on the security of exported, imported, or transiting ammunition rather than on national stockpiles (art. VIII)—although this may include parts of the national stockpile.

2001 SADC Protocol

The Southern African Development Community's *Protocol on the Control of Firearms, Ammunition and Other Related Materials* includes within its scope only ammunition for small arms and portable weapons. The category portable weapons is, however, arguably larger than that of the *UN Panel Report* (UNGA, 1997), and subsequent iterations of the report's categories. It includes (oddly) howitzers, automatic cannons, and unspecified air defence weapons (arts. 1; 2). The *SADC Protocol* makes reference to specific elements of national stockpile management, including maintaining inventories and secure storage, and the disposal of ammunition (arts. 8a–b; 10.2b–c). It is safe to conclude that stockpile management of a number of types of conventional ammunition is included in the scope of the *SADC Protocol*.

2002 EU Joint Action

The *EU Joint Action* is a commitment by European Union states to provide financial and technical assistance to programmes and projects to combat the proliferation of small arms and light weapons (EU, 2002). Importantly, while the *EU Joint Action* does not detail specific measures that are required to

address poor stockpile management or the accumulation of ammunition surpluses, it aims to provide assistance for surplus disposal or destruction and safe storage (art. 4.c). The 2005 EU Strategy on Small Arms and Light Weapons formalized the EU's existing small arms policies.

2003 *OSCE Document*

The Organization for Security and Cooperation in Europe's *OSCE Document on Stockpiles of Conventional Ammunition* (OSCE, 2003) covers the stockpiling of all types of conventional ammunition.

The *OSCE Document* lists the major aspects of stockpile management (sec. IV, para. 21.i–xiii), ranging from indicators of a surplus to stockpile security—such as physical security of facilities (CHAPTER 7)—and surveillance (CHAPTER 6) of stockpile conditions. It also includes information pertaining to procedures required to obtain assistance from other OSCE states in stockpile management and destruction programmes (sec. V). Moreover, it contains within it a commitment to develop a best practice guide (in practice, a set of guides) for the destruction of conventional ammunition and explosives and the management and control of stocks, to cover, among other things:

- indicators of surplus and risk;
- standards and procedures for the proper management of stockpiles;
- norms to be used in determining which stockpiles should be destroyed; and
- standards and technical procedures of destruction (OSCE, 2003, sec. VII, para. 38).

2004 *Nairobi Protocol*

The *Nairobi Protocol* (2004, art. 1) considers the same categories of small arms and light weapons ammunition as the *UN Panel Report* (UNGA, 1997). References to stockpile management are relatively general, with its signatories undertaking to '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' (art. 6.a). Neither this article, nor the subsequent article related to accountability and tracing of national

stocks, mentions ammunition. The fact that ammunition is, however, only referred to in the definitions section (art. 1) of the *Nairobi Protocol* may be interpreted to mean that all provisions within the instrument implicitly cover ammunition.

2006 ECOWAS Convention

The Economic Community of West African States's *ECOWAS Convention* (ECOWAS, 2006) includes the same generic categories of small arms and light weapons as detailed in the *UN Panel Report* (UNGA, 1997). Although its definition of ammunition is unorthodox, it effectively includes ammunition for those weapons (ch. 1, art. 1, paras. 1–3). The *ECOWAS Convention* stipulates that signatories ensure the safe management, storage, and security of national stockpiles (art. 16, para. 1), including the establishment of effective standards and procedures related to:

- appropriate site;
- physical security measures of storage facilities;
- inventory management and record keeping;
- staff training;
- security during manufacture and transportation; and
- sanctions in case of theft or loss (art. 16, para. 2.a–f).

The signatories also undertook to conduct regular reviews of storage facilities and conditions of storage, and to identify surplus and obsolete stocks for disposal (art. 16, para. 4). Ammunition at the place of manufacture, or collected in peace operations, is subject to appropriate and effective 'standards and procedures' (art. 16, paras. 3; 5).

There is clearly a great disparity among regional instruments in the degree to which they address aspects of stockpile management. Stockpile management is often tangential to the main objectives of existing instruments and processes, or it is addressed partially, and with reference only to certain categories of conventional arms and ammunition. Importantly, however, the *SADC Protocol*, *EU Joint Action*, *Nairobi Protocol*, and *ECOWAS Convention* all give explicit recognition to the problem of surplus accumulation, in addition to stockpile

management procedures to combat it. The *OSCE Document* is the most comprehensive of the instruments (whether global or regional) and gives a detailed breakdown of issues and prescriptive measures pertaining to the management of conventional ammunition—including surpluses.

It is clear from the above descriptions of each of the instruments that there is a broad trend towards greater and more detailed consideration of conventional ammunition stockpiles and the issue of surplus ammunition.

Progress to date

Despite uneven coverage in international and regional instruments, current international attention to stockpile management and the issue of surplus ammunition appears to be shifting towards greater international cooperation.

In recent years, a number of states have made considerable efforts to raise the profile of surplus conventional ammunition and of stockpile management more generally. France and Germany, in particular, have tabled two UN General Assembly resolutions in 2005 and 2006 entitled *Problems Arising from the Accumulation of Conventional Ammunition Stockpiles in Surplus* (UNGA, 2005b; 2006). The latter requested the creation of a UN GGE on Conventional Ammunition in Surplus (UNGA, 2006, para. 7).

The resolutions are notable because they treat national conventional ammunition stockpiles as a problem that deserves attention in its own right, rather than exclusively as a contributing factor to illicit trafficking and diversion (particularly of small arms and light weapons). For instance, the resolutions address the two fundamental risks associated with surplus stocks on an equal footing. On the one hand, they note the risk of explosion or pollution resulting from inadequately managed stocks. On the other hand, they recognize the risk of diversion arising from unsecured stockpiles (UN, 2005b; 2006, paras. 1–4).

Both resolutions also call for measures at the domestic, sub-regional, regional, and international levels to combat the two sets of risks: through improved management of stockpiles and elimination of surpluses (para. 3) and through measures to address illicit trafficking (para. 4). Crucially, the resolutions do not focus entirely on the issue of surplus, and there is implicit recognition that stabilizing,

eliminating, or securing surplus stocks is contingent on effective management of all stockpiles of conventional ammunition—arguably evidenced by references to conventional ammunition more generally (paras. 1; 5).

Conclusion

Despite the absence of existing global instruments, operationally oriented stockpile management initiatives have extensively defined best practice. These initiatives range from multilateral programmes, such as those of the OSCE and the North Atlantic Treaty Organization, to bilateral partnerships, such as those between the United States and a growing number of countries that receive stockpile management assistance.

The UN GGE (which is scheduled to convene in January 2008) has the potential to shape an emerging international agenda to comprehensively address all issues related to the management of conventional ammunition. The GGE is greatly aided in its task by being able to draw upon a wide range of experiences, documentation, and best practice. ■

Notes

- 1 For a discussion of the 'definition' contained in the 1997 *UN Panel Report*, and its implications for the scope of subsequent documents and processes, see McDonald (2006, p. 126).
- 2 The *OAS Convention* notably defines firearms as: 'a. any barreled weapon which will or is designed to or may be readily converted to expel a bullet or projectile by the action of an explosive, except antique firearms manufactured before the 20th Century or their replicas; or b. any other weapon or destructive device such as any explosive, incendiary or gas bomb, grenade, rocket, rocket launcher, missile, missile system, or mine.' Ammunition is defined equally broadly as 'the complete round or its components, including cartridge cases, primers, propellant powder, bullets, or projectiles that are used in any firearm' (OAS, 1997, arts. I.3–4).

Further reading

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