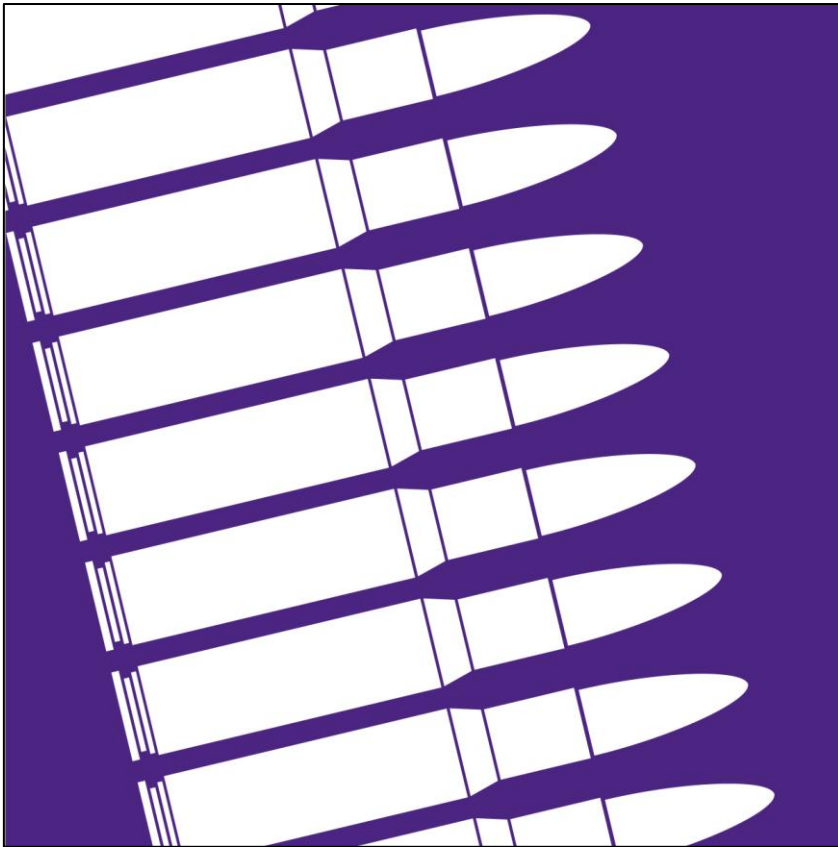

STOP A BULLET, STOP A WAR

Why ammunition must be included in the Arms Trade Treaty

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Summary

- Guns are useless without bullets. An Arms Trade Treaty (ATT) that does not control ammunition will not achieve its purposes.
- Ammunition is bigger business than weapons. Twelve billion bullets are produced each year – nearly two bullets for every person in the world. The global trade in ammunition for small arms and light weapons is worth more than the trade in firearms and light weapons themselves: an estimated \$4.3bn per annum.
- The international trade in ammunition is even less accountable and transparent than the trade in arms. Ammunition flows are difficult to monitor, so the risk of diversion to unauthorised or illicit users is increased.
- Several countries, including the USA, China, Egypt and Syria, are arguing that ammunition should be excluded from the ATT. Some of these countries say the sheer volume of trade makes it too difficult to monitor. This would be a colossal mistake. There are now several reasonably simple and effective ways to track ammunition transfers. Inclusion in the ATT would significantly strengthen these mechanisms and the resolve to implement them. Failure would undermine what best practice already exists.

SILENCING THE GUNS: THE IMPORTANCE OF EFFECTIVE AMMUNITION CONTROLS

Wars cannot be fought without ammunition. When the principal targets of attack are civilians, as has been the case in many recent conflicts, a lack of ammunition can even make a difference between atrocities being carried out or not. For example, in June 2003, anti-government forces attacking Monrovia, the capital of Liberia, were forced to retreat when they ran out of ammunition. It was only when they received fresh – illegal – supplies from neighbouring Guinea that they were able to resume their onslaught, which proved to be the longest and most devastating attack on Monrovia's civilians.¹ Countless lives were lost and a massive humanitarian operation had to be undertaken by Oxfam and others.²

In 2007, a lack of ammunition forced warring pastoralists in South Sudan to resolve their disputes peacefully.³ In 2010, the panel of experts monitoring the UN Security Council arms embargo in Somalia reported that the absence of readily available ammunition for certain types of weapons had limited their popularity and use by armed groups.⁴

An Arms Trade Treaty (ATT) that does not cover ammunition will fail to achieve what it has set out to do – that is, to help prevent human suffering, armed conflict, and serious violations of international humanitarian law and human rights. It is illogical to argue otherwise. Guns can be almost endlessly recycled and re-used, moving from conflict to conflict.⁵ The phrase 'when the war ends, the guns remain' is often heard in parts of Africa, where it is estimated that more than 50 per cent of small arms and light weapons in circulation are used illegally, not only in conflicts but in armed robbery, organised crime and terrorism.⁶

This self-perpetuating cycle of violence can only continue so long as it is fuelled by the irresponsible transfer of ammunition. A global system of strong, legally binding controls on ammunition transfers under an ATT would help stem the flow of ammunition to human rights abusers, repressive regimes and illicit armed groups, rendering many of their weapons ineffective.

ENHANCING TRANSPARENCY AND ACCOUNTABILITY

The trade in ammunition is even less accountable and transparent than the trade in arms. Only a small number of countries report on their ammunition exports and there are hardly any reports by intergovernmental agencies covering this trade. Often data on ammunition is not categorised separately and is just lumped in with data on arms exports,⁷ making it difficult to determine the actual volume of international trade in ammunition and to monitor where it actually ends up.

However, it is certain that the trade in ammunition is very, very big business. An estimated 12 billion rounds of ammunition are produced each year⁸ – nearly two bullets for every person in the world. Studies estimate that the trade in ammunition for small arms and light weapons is worth \$4.3bn per annum – more valuable than the trade in small arms and light weapons themselves (an estimated \$2.68bn).⁹ It is also growing at a faster rate.¹⁰

Oversight and documentation of ammunition transfers is all the more important because ammunition is even more easily transferable than arms, and thus can be more easily diverted from legitimate to illicit users. Some of the biggest gaps in information relate to undocumented ammunition transfers to countries undergoing high-intensity conflicts, including Afghanistan and Somalia,¹¹ where, even if the initial transaction was legitimate, there are significant risks of diversion. In 2009, 57 per cent of a sample of rifle magazines found on Taliban casualties in Afghanistan contained cartridges or bullets identical to ammunition that the USA had provided to its ally, the Afghan government forces.¹² Similarly in Somalia, the UN Monitoring Group estimated that, in 2008, as much as 80 per cent of the arms, ammunition and other material supplied to support the Transitional Federal Government had been diverted to opposition groups, the Somali arms market, or for private purposes.¹³

STRENGTHENING EXISTING CONTROLS

Several countries, including China, the Philippines, Vietnam and the USA, have argued that including ammunition in the ATT would be too difficult to implement and manage – given the sheer volume produced and exported, as well as the challenges faced in tracing individual rounds.¹⁴ They say that having ammunition in the ATT would create a huge set of new obligations that would be too difficult to monitor.

However, despite deficiencies in practice, the overwhelming majority of states that export military equipment already have controls for ammunition through their arms export control systems. Most countries assess licence applications for arms and ammunition transfers in the same way and apply the same risk assessment thresholds. The USA does this and similar explicit arrangements are in force in the EU and within countries participating in the Wassenaar Arrangement.¹⁵

Several regional and multilateral instruments also explicitly seek to control the cross-border trade in ammunition. These include the 2006 ECOWAS Convention on Small Arms and Light Weapons and the 2005 Best Practice Guidelines on Small Arms and Light Weapons in the Horn and Eastern Africa.¹⁶

The problem, as is often the case, is not with the existing regulations *per se*, it is that they are not always properly enforced or backed up with robust oversight and monitoring mechanisms. This applies to the international arms trade more generally. On the one hand, transparency has improved steadily over the past 20 years. On the other hand, reporting remains inconsistent and incomplete.¹⁷ Few governments provide regular and comprehensive information about their arms transfers; only 34 states have publicly reported on their arms exports at least once since 2006.¹⁸ It is important to note, however, that 28 of these 34 managed to include ammunition in their reporting as a separate and discrete category.

The ATT is intended to change that by strengthening existing controls and enhancing transparency and accountability in the arms trade generally. With regards to ammunition, the least transparent aspect of that trade, the ATT should seek to replicate, widen, encourage and strengthen the best practice that already exists, rather than ignore it and weaken or still further undermine it. Just as it will not be necessary to monitor the transfer of every single firearm individually, under the ATT an effective risk assessment system will not mean that the journey of every individual bullet has to be monitored.

HOW CAN THE ARMS TRADE TREATY HELP?

1. Enhancing national control systems for ammunition

The ATT will set out a global regulatory framework for authorising and recording international transfers of arms. To do this effectively countries will have to: establish a national system, including clear legislation; develop and strengthen administrative capacity for processing all aspects of transfers; and introduce mechanisms for monitoring and enforcing compliance.

Establishing these systems will have to be done regardless of whether ammunition is included, but existing best practice illustrates that once in place, national export control systems are fully capable of controlling ammunition transfers in the same way as arms.

2. Setting out risk assessment criteria for both arms and ammunition transfers

The ATT will set out a list of risk assessment criteria against which transfers of arms will be assessed before approval. Using this system does not require monitoring each individual firearm, or each individual bullet, in order to assess the risk of misuse or diversion of arms or ammunition to unauthorised end users. Rather, under the ATT, transfer licensing authorities would apply a systematic methodology that considers past trends or patterns, intelligence, and credible information about prior misuse or diversion by the stated end-user. Such assessments would also consider whether there is a substantial risk of ammunition being used to commit serious human rights violations. Exporting states would be obliged to consider the track record of the end user and bear a share of the responsibility if arms or ammunition were subsequently diverted.

In fact, in some ways it should be easier to monitor end use and identify sources of diversion of ammunition than of firearms. This is because ammunition used in conflicts typically originates from state actors who were originally in legal possession of it, rather than from private individuals. A job lot of small arms ammunition produced for state actors is typically only transferred to a single, or a small number of, end users.

An Undeniable Risk: Tracing illicit ammunition in Côte d'Ivoire

In 2010, the UN Group of Experts on Côte d'Ivoire were asked to trace several thousand rounds of illicit ammunition found in the hands of civilians in the capital. The Group's work, and subsequent follow-up investigations, established that the ammunition had been manufactured in Serbia, sold to an agent in Israel, and then legally re-transferred to the military in Burkina Faso. It had then disappeared and re-appeared on the streets of Abidjan in neighbouring Cote d'Ivoire.

While the exact details of the diversion could not be established, the Group maintained that, based on credible evidence, the ammunition likely entered Côte d'Ivoire via Burkina Faso, revealing clear challenges to the capacity of the Government of Burkina Faso to ensure the security of its national stockpile and prevent diversion. Further investigations, physical evidence, and key informant reports verified that Burkina Faso was the primary conduit for illicit supplies of both arms and ammunition to Côte d'Ivoire, illustrating a high risk of arms originating from the Security Forces of Burkina Faso being diverted for illicit use.

Source: UNSC (2011) 'Report of the Group of Experts on Côte d'Ivoire pursuant to paragraph 11 of Security Council Resolution 1946 (2010)', UN document S/2011/272, paras 124, 127, pp.31-2; paras 129-30, pp.33-4

3. Transparency and reporting

Given that current levels of public reporting on the transfer of ammunition are so low, improved reporting on such transfers, as a discrete category under an ATT, would greatly reduce the significant gaps in information which currently blight the system. Improved public reporting on authorised ammunition transfers would increase opportunities for citizens to scrutinise and hold their governments to account for their arms transfer decisions. It would also provide a valuable source of information for UN Groups monitoring implementation of UN Security Council embargoes.¹⁹

Existing best practice for reporting on ammunition transfers has not been shown to pose undue logistical challenges. Despite claims that ammunition transfers are so large as to represent an unmanageable part of the global arms trade, the number of licences that EU member states granted for ammunition transfers in 2010 amounted to a mere 4.8 per cent of the number of licences granted for all military equipment.²⁰

Since the ATT will apply only to international transfers, reporting will not oblige states to divulge sensitive information, such as existing stockpile quantities or domestic production.²¹

Additionally, as reporting will occur months, if not years, after a transfer has been authorized, sensitive security information about military operations will not be jeopardised.

CALL TO ACTION AND RECOMMENDATIONS FOR NEGOTIATORS

Supportive states must set out specific means to demonstrate how ammunition can be practically and effectively controlled under an ATT. Existing best practice already provides a concrete basis and has demonstrated that it does not require elaborate additional mechanisms or infrastructure, or present undue logistical or reporting challenges. Supportive states should argue for:

1. The explicit inclusion of ammunition within the scope of the ATT

The scope of the ATT should explicitly include ammunition and make clear that ammunition transfers are subject to the same risk assessment criteria as transfers of arms, prior to authorisation.

2. Clear definitions

Ammunition for use in all firearms covered by the ATT, including small arms and light weapons, should be explicitly included in the Treaty. The definition used should ensure that all ammunition calibres, as well as munitions, are covered by the ATT. Definitions found in existing international arrangements such as the Wassenaar Arrangement and EU Common Position would provide a useful basis.

3. Clear and practical reporting requirements

Reporting on ammunition transfers under an ATT should be consistent with regional and national best practice. At a minimum they should include:

- The country of destination;
- The financial value of the transaction;
- An indication of the quantity – either lot numbers or overall quantity of individual rounds; and
- Whether the export is for a commercial or state actor market.

States should strongly consider including additional categories in reports that identify broad ammunition types (e.g. small arms ammunition), sub-categories such as machine pistol or assault rifle ammunition, or even calibre sizes. This more detailed information would be consistent with the current reporting standards of many countries including the UK, Romania, Germany, and the Former Yugoslav Republic of Macedonia and Montenegro. Additionally, more detailed information has proven highly useful to map and verify patterns of ammunition acquisition in particular conflict situations or following a violent event, and could play an instrumental role in preventing subsequent transfers where a risk of diversion or misuse is high.²²

NOTES

- ¹ Human Rights Watch (2003) 'Weapons Sanctions, Military Supplies, and Human Suffering: Illegal Arms Flows to Liberia and the June–July 2003 Shelling of Monrovia', Human Rights Watch Briefing Paper, p.2. http://www.hrw.org/sites/default/files/related_material/liberia_arms.pdf
- ² As well as causing many direct casualties, the assault forced thousands of civilians to flee into the city where they were vulnerable to disease. Oxfam was working in the capital throughout, providing clean water and sanitation.
- ³ P. Herron, N. Marsh, M. Schroeder, and J. Lazarevic (2010) 'Emerging From Obscurity: The Global Ammunition Trade', Small Arms Survey 2010: Gangs, Groups and Guns, Cambridge: Cambridge University Press, p.7. <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2010/en/Small-Arms-Survey-2010-Chapter-01-EN.pdf>
- ⁴ UN Security Council (2010) 'Report of the Monitoring Group on Somalia pursuant to Security Council Resolution 1853 (2008)', Document S/2010/91, p.74. http://somalitalkradio.com/2010/mar/un_report_somalia.pdf
- ⁵ UN Security Council (2010) 'Small Arms: Report of the Secretary-General', Document S/2011/255, p.3. http://www.un.org/ga/search/view_doc.asp?symbol=s/2011/255&referer=/english/&Lang=E; and R. Stohl and D. Smith (1999) 'Small Arms in Failed States: A Deadly Combination', Center for Defence Information. <http://www.cdi.org/issues/failedstates/march99.html>
- ⁶ F.L. Keili (2008) 'Small Arms and light weapons transfer in West Africa: a stock-taking', Disarmament Forum, United Nations, Number 4, p.9. <http://www.unidir.org/pdf/articles/pdf-art2832.pdf>
- ⁷ P. Herron, N. Marsh, M. Schroeder, and J. Lazarevic (2010) *op. cit.*, p.10.
- ⁸ P. Batchelor (2003) 'Workshops and Factories: Products and Producers.' Small Arms Survey 2003: Development Denied, Oxford: Oxford University Press, p. 13.
- ⁹ *Ibid.*, p.7, p.18; P. Dreyfus, N. Marsh, M. Schroeder, and J. Lazarevic (2009) 'Sifting the Sources: Authorized Small Arms Transfers', Small Arms Survey 2009: Shadows of War, Cambridge: Cambridge University Press, p.7; P. Herron, N. Marsh, M. Schroeder (2011) "Larger but less Known: Authorized Light Weapons Transfers", Small Arms Survey 2011: States of Security, Cambridge: Cambridge University Press, p.9. <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2011/en/Small-Arms-Survey-2011-Chapter-01-EN.pdf>
- ¹⁰ P. Herron, N. Marsh, M. Schroeder, and J. Lazarevic (2010) *op. cit.*, p.7, p.18; P. Dreyfus, N. Marsh, M. Schroeder, and J. Lazarevic (2009), *op. cit.*, p. 7
- ¹¹ P. Herron, N. Marsh, M. Schroeder, and J. Lazarevic (2010) *op. cit.*, p. 27
- ¹² C.J. Chivers (2009) 'Arms sent by U.S. may be falling into Taliban hands', New York Times, 20 May 2009. http://www.nytimes.com/2009/05/20/world/asia/20ammo.html?_r=1&scp=13&sq=gun&st=nyt
- Acting General Rapporteur, Sven Mikser (Estonia) (2011) 'Preparing the Afghan National Security Forces for Transition', NATO Parliamentary Assembly (211 DSC 10 E bis), <http://www.nato-pa.int/default.asp?SHORTCUT=2084>
- ¹³ UN Security Council (2008) 'Report of the Monitoring Group on Somalia pursuant to Security Council Resolution 751 (1992), annex to S/2008/769', p.6; and UN Security Council (2010) *op. cit.*, p.7.
- ¹⁴ See Positions for the United States in the upcoming Arms Trade Treat Conference Remarks by Thomas Countryman, Assistant Secretary, Bureau of International Security and Nonproliferation, Stimson Center, Washington, DC, April 16, 2012. <http://www.state.gov/t/isn/rls/rm/188002.htm>. statement delivered by the Philippine delegation to the 4th Session of the Preparatory Committee of the 2012 United Nations Conference on the Arms Trade Treaty, 15th February 2012. http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/att/prepcom4/statements/15Feb_Philippines.pdf, and statement delivered by the Vietnamese delegation to the 2nd Session of the Preparatory Committee of the 2012 United Nations Conference on the Arms Trade Treaty, 1st March 2011
- ¹⁵ US International Traffic in Arms Regulations (ITAR) places comprehensive export controls over transfers of ammunition, ordnance, components, explosives and propellants for small arms and light weapons, export controls that not only include direct transfers, but also re-exports, licensed production and brokering activities. See U.S. Department of State, Directorate of Defense Trade Controls (2009), International Traffic in Arms Regulations 2009. http://www.pmdt.state.gov/regulations_laws/itar_official.html
- In the EU, ammunition is specifically included in the list of equipment covered by the EU Common Position and by participating countries of the Wassenaar Agreement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. The common military list of the EU and the munitions list of the Wassenaar Arrangement both contain precise and comprehensive definitions of equipment, which, in both instances, include almost all varieties of conventional ammunition. Both control lists cover ammunition in category ML3. Excluded materials include smooth-bore weapons used for hunting or sporting purposes if not designed for military use or fully automatic, as well as arms and weapons manufactured before 1938. See Council of the European Union (2010) 'Common Military List of the European Union', Official Journal of the European Union, Volume C 69/19, March. <http://eur->

lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:069:0019:0051:EN:PDF; and Wassenaar Arrangement (2011) 'Munitions List', updated list, <http://www.wassenaar.org/controllists/index.html>

- ¹⁶ Economic Community of Western African States (2006) 'ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Material'. http://www.iag-agi.org/bdf/docs/ecowas_convention_small_arms.pdf; and Regional Centre on Small Arms (RECSA) (2005) 'Best Practice Guidelines for the Implementation of the Nairobi Declaration and the Nairobi Protocol on Small Arms and Light Weapons', <http://www.recsasec.org/pdf/Best%20Practice%20Guidelines%20Book.pdf>
- ¹⁷ Amnesty International (2011) 'Our Right to Know: Transparent Reporting Under an Arms Trade Treaty', Amnesty International Publications, <http://www.amnesty.org/en/library/asset/ACT30/116/2011/en/c6a0310e-81fa-47eb-be10-87e596823f16/act301162011en.pdf>
- ¹⁸ The states are: Albania, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Macedonia, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Ukraine, United Kingdom, and the United States. Reports are available on the Stockholm International Peace Research Institute (SIPRI) National Reports Database at: http://www.sipri.org/research/armaments/transfers/transparency/national_reports/
- ¹⁹ See UN Security Council (2011) 'Report of the Panel of Experts on the Sudan, established pursuant to resolution 1591 (2005)', Document S/2011/111, pg. 12. http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/111 and Anders, H (2012), Ammunition controls, the ATT, and Africa challenges, requirements, and scope for action, Groupe de recherche et d'information sur la paix et la sécurité (GRIP)
- ²⁰ European Union (2011) 'Thirteenth Annual Report according to Article 8(2) of Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment', 2011/C 382/01, pp. 435, 446. <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2011:382:SOM:EN:HTML>
- ²¹ H. Anders (2012) *op. cit.*, p. 14.
- The Syrian Arab Republic, for example, argued that the issue of ammunition is a purely security item and noted concerns around how national stockpiles might be regulated under an ATT. See statement delivered by the delegation of the Syrian Arab Republic to the 2nd Session of the Preparatory Committee of the 2012 United Nations Conference on the Arms Trade Treaty, 28th February 2011.
- ²² For example, data submitted to UN Commodity Trade Statistics Database (UN Comtrade) in 2005 detailing an export of 8kg of small arms ammunition worth \$41,300 was useful in tracking the original source of illicit ammunition found in Côte d'Ivoire in 2010. See UN Comtrade database, category 930630 (Small arms ammunition). <http://comtrade.un.org/db/default.aspx>

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