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

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Issue of conventional ammunition under **United Nations auspices**

Note by the Secretariat

I. Overview of ammunition safety and security issues

- The unique challenges posed by conventional munitions pertain to their explosive nature and tendency towards instability. The innate chemistry of ammunition necessitates rigorous storage procedures to prevent explosions that can have disastrous humanitarian consequences, including death, injury, displacement and environmental damage. The explosive nature of ammunition also makes such materiel especially attractive for the manufacture of improvised explosive devices. Owing to the potential for explosive events and diversion to the illicit market, many States have accorded priority to addressing the safety and security of conventional ammunition stockpiles.
- Notwithstanding the clear relationship between the lethality of conflict and violence and the availability of ammunition often through illicit means, in addition to the widespread destruction caused by explosions, there has been no comprehensive and consistent global action on the issue since it was first raised in connection with small arms, in the late 1990s.
- The financial costs associated with effective ammunition stockpile management can often be prohibitive. In this regard, international assistance and cooperation have become central components of efforts to address the safe and secure management of ammunition. Over the past three decades, as a growing number of States has provided financial support and technical expertise in the area, ammunition management assistance has become a priority for many donor States. Their efforts have been buttressed by the availability of the universally accepted, United Nations-developed International Ammunition Technical Guidelines.
- An emerging field of work, weapons and ammunition management can be observed in various forums, including the work of the Security Council. Increasingly,

^{*} GGE/PACAS/2020/1.





peace operations are mandated to support national authorities in undertaking the management of arms, munitions and related materiel. In response to growing demand for technical support in ammunition management, in 2019, the Ammunition Management Advisory Team was established as a standing consultative mechanism for providing technical assistance, in accordance with the International Ammunition Technical Guidelines. The Team is a joint initiative of the Office for Disarmament Affairs and the Geneva International Centre for Humanitarian Demining. It is part of the "Disarmament that saves lives" pillar of the Secretary-General's Agenda for Disarmament. The Advisory Team provides standing technical support and also maps existing technical assistance across regions by developing a global activity platform.

- 5. In comparison with stockpile management, addressing the security-related dimensions of ammunition, such as diversion monitoring and ammunition tracing, has been more challenging. The tracing of ammunition continues to be a sensitive topic from both a political and a technical perspective, in large part because of the sheer volume of ammunition in circulation globally. However, given improved tracing capabilities for high-turnover items, such as pharmaceuticals and food and agricultural products, the lack of progress in ammunition tracing seems to be more a matter of political prioritization than one of logistical impossibility (see S/2015/289, para. 11).
- 6. The marking of ammunition for small arms and light weapons has proven technically feasible and cost-effective, as evidenced by the introduction by some States of laser marking in the production chain or by traditional headstamp marking. In some regions, and in Latin America and the Caribbean in particular, there is growing interest in exploring ammunition marking at the national, subregional and regional levels. At present, the Dominican Republic requires all ammunition imported for the civilian market and law enforcement procurement processes to be marked, while Chile and Costa Rica are considering similar procedures. Brazil has adopted legislation requiring the marking of cartridges for armed and security forces with lot and purchaser information.
- 7. Ammunition marking presents additional challenges because unique markings are generally associated with lots, rather than individual pieces, of ammunition. This is one of the reasons that multilateral discussions on conventional ammunition have been focused largely on the safety aspect of the issue, specifically with regard to stockpile management practices and related international cooperation and assistance. Nevertheless, there is marked interest in discussing diversion, tracing and profiling.
- 8. The framing of the General Assembly resolution dedicated to ammunition, "Problems arising from the accumulation of conventional ammunition stockpiles in surplus", reflects a tilt in favour of safety considerations. The topic of a surplus, a concept fundamentally defined at the national level, has garnered consensus since it was first presented, in 2004. Notwithstanding the safety-oriented approach manifested in the resolution, the General Assembly importantly established therein a

¹ See Office for Disarmament Affairs, "Aide-Memoire: options for reflecting weapons and ammunition management in decisions of the Security Council" (New York, 2018). The Security Council consistently associates the problem of ammunition with that of small arms. The mainstreaming of the issue of small arms and their corresponding ammunition has become an important practice of the Council, and a distinction is rarely made between the challenges posed by illicit small arms and those posed by illicit ammunition flows. In the most recent report of the Secretary-General to the Council on small arms and light weapons (S/2017/1025), it was noted that high levels of arms and ammunition in circulation contributed to violations of international humanitarian and human rights law. In the same report, the Secretary-General encouraged the Council to continue its practice of addressing small arms and their ammunition in an inclusive, comprehensive manner.

² Securing Our Common Future: An Agenda for Disarmament (United Nations publication, Sales No. E.18.IX.6).

dedicated forum for discussion of all types of conventional ammunition, including large-calibre munitions such as artillery and mortar bombs.

In the Security Council, discussions on weapons have traditionally included their associated ammunition. Five reports of the Secretary-General to the Council (S/2008/258, S/2011/255, S/2013/503, S/2015/289 and S/2017/1025) have been focused on the thematic agenda item of small arms, and all have adopted a comprehensive approach to small arms and light weapons and associated ammunition. Issues such as the tracing of ammunition found in conflict settings and the global trade in ammunition are among those addressed in the reports of the Secretary-General. In two of its thematic resolutions on the topic of small arms (resolutions 2220 (2015) and 2117 (2013)), the Security Council has addressed associated ammunition. Ammunition is often included in arms embargo regimes and addressed in conjunction with matters relating to weapons that arise in the context of country-specific and thematic agenda items. Increasingly in recent decades, the Council has addressed the issue of weapons and ammunition management. Many items on the Council's agenda, including the protection of civilians in armed conflict, arms embargoes, security sector reform and disarmament, demobilization and reintegration, include such provisions. While most arms and ammunition-related language has historically been related to small arms and light weapons, increasingly, weapons and ammunition management activities are implemented in contexts affected by the use of heavy conventional weapons and their associated ammunition. Therefore, while the General Assembly has traditionally separated discussions on small arms from those on ammunition, the Council has not adopted the same compartmentalized approach.

II. Historical relationship with the issue of small arms and early discussions on ammunition

- 10. The evolution in the consideration of the issue of small arms and related processes at the United Nations has had a considerable impact on multilateral discussions on conventional ammunition. The initial connections drawn by experts between the problem of small arms and light weapons and their ammunition has laid the groundwork for a logical, yet difficult, linkage between the two categories of materiel. The logic of connecting weapons with their ammunition is clear, but the political ramifications of linking small arms and light weapons with their ammunition have hindered progress towards addressing conventional ammunition more broadly at the multilateral level. As a result, discussions on other categories of conventional ammunition, specifically those associated with the seven major categories of conventional weapons covered under the Register of Conventional Arms, have been scant.
- 11. In the late 1990s, when the international community began to consider the challenges posed by small arms and light weapons as a dedicated issue of concern, the relationship between such arms and weapons and their ammunition came into clearer focus. General Assembly resolutions on small arms also contained references to associated ammunition. In resolution 50/70 B, the Secretary-General was requested to prepare a report on small arms with the assistance of a panel of governmental experts. Consequently, in 1997, the Panel of Governmental Experts on Small Arms concluded that ammunition and explosives formed an integral part of the small arms and light weapons used in conflicts and that the availability of ammunition was an important independent element, since weapons could be rendered useless without appropriate ammunition. The Panel determined, therefore, that ammunition and explosives themselves were a cause for concern in conflicts affected by small arms and light weapons (A/52/298, paras. 29 and 30). Similar linkages between small arms and light weapons and related ammunition were also made with reference to illicit transfers. In resolution 50/70 J, the General Assembly requested the Disarmament Commission to

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place special emphasis on the adverse consequences of the illicit transfer of arms and ammunition.

- 12. Following the recommendation of the Panel of Governmental Experts on Small Arms meeting in 1997, and as requested by the General Assembly in its resolution 52/38 J, the Secretary-General prepared a comprehensive study on all aspects of the problems of ammunition and explosives, with the assistance of the Group of Experts, which he transmitted to the Assembly in a note (A/54/155). The focus of the study remained on small arms and light weapons ammunition, rather than on conventional ammunition more broadly. The Group of Experts concluded that measures to control small arms and light weapons would not be complete if they did not include measures to control ammunition and explosives. The Group also recommended the creation of a United Nations advisory group on ammunition and explosives to enhance the coordination and implementation of United Nations activities in that area. The recommendation would foreshadow the establishment of the SaferGuard programme in 2011, although that specific recommendation would not be taken up by the General Assembly.
- 13. The Group of Experts meeting in 1999 on the problem of ammunition and explosives addressed a range of substantive issues, such as the manufacture, legal transfer and illicit trafficking, legislative control measures, marking and reduction of stocks. The report of the Group of Experts on the problem of ammunition and explosives is comprehensive, addressing the full range of ammunition management and controls. Of particular interest, the Group offered various options for control measures on ammunition and explosives, including stocks and surpluses, national legislation and multilateral, regional and bilateral agreements. Regarding multilateral options, specific reference was made to the relevance of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, the Register of Conventional Arms and 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. The Firearms Protocol was, at the time, still only a draft and under negotiation in Vienna.
- 14. Following that in-depth and comprehensive work at the expert level, discussions on ammunition were held largely in the context of the negotiation and eventual adoption of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, in 2001, and the subsequent adoption of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, in 2005. Explicit reference to small arms ammunition was not feasible in either document, but a compromise was found through the mention of the illicit trade in small arms and light weapons in all its aspects in the full title of the Programme of Action on Small Arms.
- 15. In 2018, at the third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, States included explicit references to ammunition in the outcome document of the Conference for the first time. In a departure from the tradition of an outcome document adopted by consensus, the two references to ammunition in the draft final document, including one factual reference to the General Assembly resolution devoted to ammunition, 72/55, were subject to requests for a vote. The second reference captures the view of some States that provisions of the Programme of Action applied to small arms and

light weapons ammunition, noting the possibility of exchanging information and experiences acquired in other relevant instruments in that area.³

16. When the International Tracing Instrument was negotiated, in 2004 and 2005, ammunition was considered in all its aspects. A dedicated facilitator was appointed to lead discussions (South Africa), although a divergence of views did not allow for the inclusion of ammunition in the Instrument. In the end, 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 determined that small arms and light weapons ammunition was not to be considered in the framework of the Instrument. Instead, in its report, the Open-ended Working Group called for the consideration of ammunition in a comprehensive manner as part of a separate process conducted within the framework of the United Nations (A/60/88 and A/60/88/Corr.2). By its decision 60/519 of 8 December 2005, the General Assembly voted to adopt the International Tracing Instrument. During an explanation of vote, the European Union expressed regret that no operational provisions on ammunition had been included. Abstentions by many States of the Latin American and Caribbean region were also rooted in the Instrument's exclusion of references to ammunition and in its non-legally binding nature.

III. General Assembly action on problems arising from the accumulation of conventional ammunition stockpiles in surplus

17. In 2004, Bulgaria, France, Germany and the Netherlands jointly sponsored a decision to include an item entitled "Problems arising from the accumulation of conventional ammunition stockpiles in surplus" in the provisional agenda of the General Assembly at its sixtieth session (decision 59/515 of 3 December 2004). Adopted by consensus, the decision paved the way for more comprehensive and constructive discussions on conventional ammunition under General Assembly auspices. In 2005, a draft resolution entitled "Problems arising from the accumulation of conventional ammunition stockpiles in surplus" was introduced during the discussions of the First Committee by France and later adopted as resolution 60/74. In introducing the resolution during a meeting of the First Committee, the sponsors expressed the hope that the resolution would provide a pragmatic and voluntary approach to surplus assessments and international assistance. The longer-term objective of curbing the illicit trade in ammunition was also noted. In the resolution, the Secretary-General was requested to seek the views of Member States regarding the risks arising from the accumulation of conventional ammunition stockpiles in surplus and, critically, on national ways of strengthening controls on conventional ammunition. Two reports of the Secretary-General containing the views of Member States were published in 2006 (A/61/118 and A/61/118/Add.1) and 2007 (A/62/166 and A/62/166/Add.1). Member States reflected therein on various elements of surplus stockpiles, noting the dual dangers of unintended explosions and diversion to the illicit market. Several Member States underscored that assessment of surplus stockpiles remained a national prerogative.

18. Further resolutions on problems arising from the accumulation of conventional ammunition stockpiles in surplus were adopted, first on an annual basis and subsequently on a biennial basis. Following the compilation of the views of Member States (A/61/118, A/61/118/Add.1 and A/62/166), the General Assembly, in its resolution 61/72, requested the Secretary-General to establish a group of

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³ A/CONF.192/2018/RC/3, annex, sect. I, para. 16, and annex, sect. II, A, para. 18.

governmental experts to consider further steps to enhance cooperation with regard to the issue of conventional ammunition stockpiles in surplus. In its resolutions 63/61 and 64/51, the General Assembly welcomed the report of the Group of Governmental Experts established pursuant to resolution 61/72, which convened in 2008, and "strongly encouraged" States to implement the recommendations contained therein (see A/63/182). The implementation of one of the central recommendations of the Group, namely, the development of technical guidelines, was reflected in its resolution 66/42, in which the General Assembly welcomed the completion of the International Ammunition Technical Guidelines. In its most recent resolution on that topic, 72/55, adopted in 2017, the General Assembly requested the Secretary-General to convene a group of governmental experts in 2020 on problems arising from the accumulation of conventional ammunition stockpiles in surplus. In the resolution, the relevance of ammunition management to the achievement of the Sustainable Development Goals was noted, and the General Assembly encouraged States to develop voluntary national action plans on the safe and secure management of conventional ammunition.

A. Group of Governmental Experts established pursuant to resolution 61/72

19. The establishment of a group of governmental experts in 2008 marked the most significant development related to ammunition since the studies and reports of the late 1990s that were focused on small arms and light weapons. Under the leadership of Germany, the Group of Governmental Experts established pursuant to resolution 61/72, while its mandate was limited to surplus stockpiles, was able to approach the ammunition issue more comprehensively, concluding that the problem of its accumulation in surplus was largely a result of inadequate stockpile management. Therefore, in its report, the Group recommended that surplus accumulation be considered within the broader framework of whole life management (A/63/182). On the basis of that premise, the Group addressed the safety challenges posed by inadequately managed and excessive ammunition stockpiles. Some consideration of security issues was also reflected in the report, including the impact of poor security on the implementation of arms embargoes. Nonetheless, the Group was focused principally on the safety aspects of stockpile management.

20. The Group of Governmental Experts provided a comprehensive overview of the technical aspects of ammunition management, laying the groundwork for the development of the International Ammunition Technical Guidelines. The Group outlined key safety-related aspects of ammunition, including those pertaining to stockpile management, awareness-raising, capacity-building and international assistance. The Group endorsed a whole life management approach to addressing the challenges posed by the accumulation of conventional ammunition stockpiles in surplus. As part of its recommendations, the Group recommended that the United Nations develop ammunition technical guidelines and establish an accompanying knowledge management platform to support States in the safe and secure management of their stockpiles. The Group also recommended that safe and secure conventional ammunition management be a part of the planning and conduct of peacekeeping operations. That recommendation has been addressed more recently through the development of a weapons and ammunition management policy applicable to the leadership of all United Nations missions, relevant United Nations personnel and troop- and police-contributing countries.

B. Development of the International Ammunition Technical Guidelines and the safety dimension of conventional ammunition stockpiles

21. The General Assembly, pursuant to the recommendation of the Group of Governmental Experts established pursuant to resolution 61/72, encouraged the United Nations to develop the International Ammunition Technical Guidelines, which were completed in 2011. The corresponding SaferGuard programme was established simultaneously to serve as custodian of the Guidelines and to support outreach and capacity-building activities within the United Nations system. The Guidelines and the SaferGuard programme have been welcomed by consensus in subsequent resolutions of the of the General Assembly. The resolutions on problems arising from the accumulation of conventional ammunition stockpiles in surplus have become the de facto guiding framework for the activities of the SaferGuard programme and the dissemination and promotion of the Guidelines. Increasingly, States have utilized the Guidelines as a framework for developing national ammunition management standards. The Guidelines have been met with little controversy, given their highly technical nature. The Guidelines represent a gradual approach to whole life management of ammunition. Experts generally agree that the full application of the Guidelines would address most safety-related concerns associated with stockpile management.

IV. Towards the convening of a group of governmental experts in 2020

22. In contrast with the difficult discussions on the framework of the Programme of Action on Small Arms, support for technical activities in the area of conventional ammunition management has grown since the convening of the Group of Governmental Experts in 2008 and the subsequent publication of the International Ammunition Technical Guidelines. While the technical safety aspects of ammunition have been considered in the framework of General Assembly resolutions since 2004, policy discussions have generally stalled, with only the Programme of Action serving as a forum for contentious and mostly unconstructive exchanges related to process.

A. Informal consultative process

23. With the adoption of General Assembly resolution 72/55, States have a clear benchmark towards which they are working: the convening, in 2020, of a second group of governmental experts. Consensus agreement has been reached on elevating the ammunition issue by providing a framework for informal consultations ahead of the convening of the group of governmental experts in 2020. The consultations are illustrative of a broader trend towards establishing groups of governmental experts along with supporting more inclusive mechanisms. Such a model provides for an open process, combined with the selective, more limited format of the group of governmental experts.⁴

24. In 2018 and 2019, six open, informal consultations were convened in New York. During the consultations, chaired by Germany in its capacity as main sponsor of resolution 72/55, participants sought to identify urgent issues pertaining to the accumulation of conventional ammunition stockpiles in surplus on which progress

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⁴ For example, in General Assembly resolution 73/266 on advancing responsible State behaviour in cyberspace in the context of international security, there was a request that the Office for Disarmament Affairs collaborate with regional organizations to convene a series of consultations to share views on the issues within the mandate of the group of governmental experts in advance of its sessions.

can be made and that may constitute a basis for convening a group of governmental experts. Discussions centred on broad themes reflected in the report of the Panel of Governmental Experts (see A/52/298) and in the report of the Group of Governmental Experts established pursuant to resolution 61/72 (see A/63/182), including technical aspects of ammunition management, standards and guidelines; international cooperation, assistance and capacity-building efforts; and stockpile safety and security practices, including surplus assessment and the prevention of diversion.

B. Substantive issues to consider ahead of the convening of a group of governmental experts in 2020

- 25. Key substantive issues have emerged from the substantive discussions that were part of the informal consultations held in 2018 and 2019, which may constitute urgent issues on which further action could be taken. Parsing the substantive elements of General Assembly resolution 72/55 is a valuable starting point. In addition, in its report (see A/52/298), the Panel of Governmental Experts addressed many of the key substantive issues in that area, with the Group of Governmental Experts established pursuant to resolution 61/72 building extensively on the safety-related elements thereof in its report (A/63/182). A detailed list of relevant documents and resources on ammunition under United Nations auspices is provided in the annex to the present report.
- 26. The table below contains a non-exhaustive list of substantive issues related to General Assembly resolution 72/55 and documents A/63/182 and A/54/155.
- 1. **Manufacture:** covered in part by 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 (small arms only)
- 2. **Legal transfers:** covered by some provisions of the Arms Trade Treaty, excluding import, transit or trans-shipment, brokering and diversion; covers ammunition associated with weapons covered by the scope of the Treaty (seven categories of the Register of Conventional Arms and small arms and light weapons)
 - Marking and tracing covered in part by the Firearms Protocol (small arms only)
- 3. **Legislative control measures:** covered in part by the Firearms Protocol (small arms only)
 - National legislation
 - · Bilateral and regional agreements
 - Multilateral arrangements
- 4. Stockpile management and surplus assessments: covered by the International Ammunition Technical Guidelines
- 5. Illicit trafficking: covered in part by the Firearms Protocol (small arms only)
 - Counter-terrorism
 - Improvised explosive devices
 - Diversion, including to conflict areas

- 6. **International cooperation and assistance:** covered in part by General Assembly resolution 72/55 and the Safer Guard programme
 - Awareness-raising and capacity-building activities
- 7. Gender mainstreaming of policy and practice

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Annex

Relevant documents

Reports of the Secretary-General

- Small arms (S/2008/258, S/2011/255 and S/2013/503)
- Small arms and light weapons (S/2015/289 and S/2017/1025)
- Problems arising from the accumulation of conventional ammunition stockpiles in surplus (A/61/118 and A/61/118/Add.1 and A/62/166 and A/62/166/Add.1)

Resolutions of the Security Council

- Resolution 2117 (2013)
- Resolution 2220 (2015)

Resolutions and decisions of the General Assembly

- Small arms (resolutions 50/70 B and 52/38 J)
- Problems arising from the accumulation of conventional ammunition stockpiles in surplus (resolutions 60/74, 61/72, 63/61, 64/51, 66/42, 68/52, 70/35 and 72/55; decision 59/515 of 3 December 2004)

Reports of groups, working groups and panels of experts

- Report of the Group of Governmental Experts established pursuant to General Assembly resolution 61/72 to consider further steps to enhance cooperation with regard to the issue of conventional ammunition stockpiles in surplus (see A/63/182)
- 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)
- Report of the Group of Experts on the problem of ammunition and explosives, (see A/54/155)
- Report of the Panel of Governmental Experts on Small Arms (see A/52/298)

Relevant treaties and instruments

- 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)
- Arms Trade Treaty
- Economic Community of West African States Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials
- Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa
- 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)

- Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region
- Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/15)
- 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
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials
- Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies
- Register of Conventional Arms

Other resources

- Office for Disarmament Affairs, "Aide-Memoire: options for reflecting weapons and ammunition management in decisions of the Security Council"
- Report of the third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/2018/RC/3)
- "Key Issues and Processes Pertinent to the Management of Conventional Ammunition: Reports of the first and second thematic seminars on "Key Issues and Processes Pertinent to the Management of Conventional Ammunition", United Nations Institute for Disarmament Research
- International Ammunition Technical Guidelines, version 2
- SaferGuard programme

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