



AMMUNITION CONTROLS, THE ATT, AND AFRICA

CHALLENGES, REQUIREMENTS, AND SCOPE FOR ACTION

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I. Introduction

As states are preparing for the negotiation of an international Arms Trade Treaty (ATT) in July 2012, a key question remains to be answered: should ammunition be included in the range of equipment covered by the instrument? That is, should states commit to licensing international transfers of ammunition and decide on such licenses on the basis of the criteria that are to be stipulated in the ATT? Should states report on such international ammunition transfers? While most states unequivocally support the inclusion of ammunition in the instrument, a few states have voiced their objections. They argue that controlling international ammunition transfers would be highly cost-intensive and unfeasible and that reporting on relevant transfers may undermine the national security of states and the commercial confidentiality of their exporters. These arguments mask that the inclusion of ammunition in the ATT is essential if the instrument is to effectively contribute to limiting the negative impact of irresponsible and poorly controlled transfers of arms and ammunition.

The importance of including ammunition in the scope of the ATT is evidenced when looking at the consequences of poorly controlled and irresponsible ammunition transfers to and between African states. The ready availability of relevant ammunition, especially small calibre ammunition for arms and weapons such as assault rifles and light and heavy machine guns facilitate and sustain armed conflicts in the region. It thereby also contributes to the tremendous human suffering and insecurity that are associated with these conflicts and other forms of armed violence in the region. At the same time, the ATT will only provide a partial solution to the challenge of ammunition controls in Africa. Greater efforts will be required by African stakeholders and their international partners to strengthen state capacities to adequately manage national ammunition stockpiles. Likewise, greater efforts will be required to implement existing regional and sub-regional commitments to end politically and/or economically motivated ammunition transfers to armed non-state actors in the region.

This paper discusses the challenges of ammunition controls in Africa against the background of the

international discussions on the development of the ATT. Note that this paper focuses on ammunition typically used in armed conflicts in Africa, that is, small calibre ammunition for small arms and light weapons. Note further that the paper focuses on international transfers of such ammunition. Not discussed in this paper, and also not the focus of debates in the ATT context, are issues related to civilian possession and use of ammunition for purposes such as hunting and sport-shooting. Also excluded from the scope of this paper are risks associated with ammunition stockpile explosion which exist in relation to medium and large calibre ammunition containing highly explosive material. When referring to the 'draft ATT', what is meant is the draft paper on the ATT which was presented at the third ATT Preparatory Committee Meeting in New York on 14 July 2011.¹

The paper's following section provides background information to the role of ammunition in armed conflicts and the relevant discussions on ammunition in the ATT context. The paper then considers existing ammunition stockpiles as well as ammunition production in Africa. It also provides information on legal ammunition transfers to, from, and within Africa and reviews arguments concerning the reporting on ammunition transfers. This is followed by an investigation of ammunition diversions and illicit ammunition transfers to and within Africa and the presentation of relevant multilateral control standards on ammunition transfers. The paper concludes with a discussion of the scope for international and regional action to strengthen ammunition controls. As indicated, the paper recommends that ammunition is included in the scope of the ATT and that this is complemented with further efforts by African states and their international partners.

1. *Chairman's draft paper of 14 July 2011* (Chairman's draft), made available at the 3rd Preparatory Committee Meeting of States on an Arms Trade Treaty, New York, 11-15 July 2011) <http://www.reachingcriticalwill.org/legal/att/prepcom3/docs/ChairPaper-14July2011.pdf>

II. Conflict ammunition and the ATT

The link between arms on the one hand and ammunition on the other hand is clear: without the required ammunition, small arms and light weapons cannot function as intended. Indeed, once arms are in place, it is the continued supply of ammunition which allows armed actors to sustain armed violence. As argued in a report by the UN Secretary General in April 2011: “[a]mmunition supply patterns in areas of conflict are often distinct from arms supply patterns. Small arms, which are often recycled from conflict to conflict, typically have a lifespan of several decades; however, their value depends on an uninterrupted supply of ammunition.” As further argued in the report, “[t]he extent of the destruction caused by unregulated ammunition flows has become increasingly evident. [Research suggests] ... that the popularity of certain types of weapons among armed groups corresponds to the availability of their ammunition Conversely, reports have shown that, in some cases, lack of ammunition has prompted combatants to seek to resolve their disputes peacefully.”²

For the purposes of this paper, the term ‘ammunition’ will refer, unless otherwise specified, to ammunition for small arms, light weapons, and other conventional arms. ‘Conflict ammunition’ may be understood as ammunition typically associated with the use by state and non-state actors in armed conflict. It includes, but is not limited to, ammunition for assault rifles and sub-machine guns as well as heavy and light machine guns, mortar and other launched ammunition, as well as explosive ordnance such as hand grenades. The Arms Trade Treaty is of direct relevance to such ammunition insofar as the ATT is to primarily focus on the international trade in, including state-to-state transfers of, conventional arms. ‘Conventional’ arms are generally understood to include the sub-categories of small arms, light weapons, and related ammunition. This understanding is confirmed in the draft paper on the ATT that was presented at the ATT Preparatory Committee Meeting in New York

2. UN Security Council (UNSC). 2011a. Small Arms: report of the Secretary General. UN document S/2011/255, 5 April, p. 3, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/255

on 14 July 2011: the draft paper lists ammunition for use with conventional arms as an equipment category that is to be covered by the ATT.³

Specifically, the ATT is, as presented in the draft paper and amongst other goals and objectives, to ‘establish the highest possible common international standards’ for international arms transfers, ‘prevent, combat, and eradicate the illicit transfer’ of arms, and ‘promote transparency and accountability’ in arms transfers. Further, the ATT is to ‘contribute to international and regional peace, security and stability by preventing international transfers of conventional arms that contribute to or facilitate’ acts including but not limited to ‘serious violations of international human rights law and international humanitarian law’ and violations of UN Security Council arms embargoes and other international obligations.⁴ The ATT is to achieve these goals by, amongst others means, stipulating criteria that states are to assess when deciding on arms transfer license applications. Further, states are to annually report on their arms transfers to an implementation support unit that is to be set up under the ATT.⁵

1. Views on ammunition-inclusion in the ATT

Including ammunition in both international transfer licensing and reporting obligations under the ATT is essential if the ATT is to achieve the objectives that are listed in the draft ATT paper of 14 July. This, at least, is the opinion of most states in the Americas, Europe, and sub-Saharan Africa and consequently of many states in the developing world which are amongst the worst affected by the illicit proliferation and misuse of small arms, light weapons, and their related ammunition.⁶ At the same time, a few states remain critical of or opposed to including ammunition in the scope of the ATT. These include Egypt, India, Vietnam, the Russian Federation, and the USA. Among the arguments raised by these states is that the inclusion of ammunition in the ATT would be overly ambitious and threaten consensus or that it would be unfeasible.

3. *Chairman’s draft*, draft article VI.1.j.

4. *Ibidem*, draft article III.

5. *Ibidem*, draft articles V and VI.B.4.

6. Amnesty International. 2007. *What States Want*. London: October, footnote 34, p.15 and p.16, http://globalsolutions.org/files/public/documents/arms_control_paper.pdf

ble because it would be highly cost-intensive.⁷ In addition, Egypt has argued that it is not possible to mark and trace ammunition and that ammunition, which was excluded from the 2005 *International Instrument to Trace Illicit Small Arms and Light Weapons*, should therefore also be excluded from the scope of the ATT.⁸

The arguments against the inclusion of ammunition in the ATT require further analysis. For example, it is of note that India and Vietnam, both of which have expressed their view that including ammunition would be overly ambitious and unrealistic, have not provided any details for why this would be the case. Further, the USA has announced that it opposed the inclusion of ammunition because it will not accept changes to its recording and reporting practices in relation to domestic ammunition transfers.⁹ It has failed to explain however why it thinks that the control of *international* ammunition transfers should imply any changes to its practices in relation to recording and reporting *domestic* ammunition transfers. Of

note in this context is also that the USA already controls the export of ammunition in its national legislation.¹⁰ Moreover, Egypt's concern regarding the marking and tracing of ammunition seems misguided: the ATT is to regulate international transfers of ammunition, *not* stipulate standards on the marking and tracing of ammunition.

Notwithstanding, there are legitimate, albeit misplaced, concerns regarding the inclusion of ammunition in the ATT. The concerns relate to whether and how states can carry out an adequate assessment of the risk of diversion when deciding on applications for the international transfer of ammunition as well as to the feasibility of reporting on such transfers. Arguments and concerns regarding risk assessment in relation to international ammunition transfers and the related issue of ammunition tracing are discussed in the following sub-section of this report. Arguments and concerns regarding the reporting on international ammunition transfers are discussed in section IV of this report. As is shown, concerns regarding risk assessment and reporting on international ammunition transfers rest on misperceptions and do not justify the exclusion of ammunition from the scope of the ATT.

2. Risk assessment in international ammunition transfer licensing

Opponents of global standards on international ammunition transfer argue that there can be no adequate assessment of the risk of ammunition being diverted and that it is unfeasible to verify the end-use of ammunition once it is exported. It is argued that an exporting state cannot know whether, for example, an individual soldier in a foreign state may divert and/or misuse ammunition that is imported through his or her ministry of defence. Further, the exporting state would not be in a position to verify the end-user and/or end-use of exported ammunition. This is because ammunition is typically transferred in bulk quantities comprising tens and hundreds of thousands of rounds all bearing the same identification marks. Ammunition is, therefore, unlike arms and weapons which are ideally marked with unique identification mar-

7. See UN General Assembly (UNGA). 2007. *Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms - Report of the UN Secretary General*. UN document A/62/278 (part I&II, addendum 1-4)), August 17, part 1, p. 11f, <http://www.un.org/disarmament/convarms/ATTPrepCom/Documents.html>; Wallacher, H. and Harang, A. 2011. *Small, but lethal - small arms ammunition and the Arms Trade Treaty*. Peace Research Institute Oslo, March, p. 12ff, http://controlarms.org/wordpress/wp-content/uploads/2011/03/Small-but-Lethal-Small-Arms-Ammunition-and-the-Arms-Trade-Treaty.PRIO_.pdf; Statement by Egypt on an arms trade treaty, 28 February 2011, p. 2, <http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/20110228/20110228Egypt-Scope-E.pdf>; Statement of India on an arms trade treaty, New York, 14 July 2011, p. 1, <http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom3/2011-July-15/2011-07-15-India-E.pdf>; U.S. Department of State. 2010. *Policy Dialogue: The Arms Trade Treaty: Policy Issues for the United States - Summary Report*. U.S. Department of State, June, p. 2, <http://www.state.gov/documents/organization/148527.pdf>; and Statement of Vietnam on an arms trade treaty, New York, 28 February 2011, p. 1, <http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/Statements-received-20110307/20110228Vietnam-E.pdf>

8. Statement by Egypt on an arms trade treaty, 2011, p. 2. The International Tracing Instrument is available at: UN. 2005a. *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*. 8 December, http://www.poa-iss.org/InternationalTracing/ITI_English.pdf

9. U.S. Department of State, 2010, p. 2.

10. Ammunition is included in category III of material in the U.S. Munitions List which is available at http://www.pmdtc.state.gov/regulations_laws/documents/official_itar/ITAR_Part_121.pdf

kings allowing the tracking of the transfer chain of each individual arm or weapon while in the legal sphere. Critics thus conclude that including ammunition in the scope of the ATT would be doomed to failure.¹¹

These arguments against global standards on international ammunition transfers require clarification. First, as noted in the UN Secretary-General's 2011 report on small arms and light weapons, "most countries do not distinguish arms export legislation from ammunition export legislation".¹² In other words, exporting states with an effective transfer licensing system already assess ammunition export licenses on the basis of *national* criteria. These criteria typically include an assessment of whether the transfer would, for example, violate a binding UN arms embargo or pose an unacceptable risk of diversion. Such risk assessment is based on information that includes, amongst other sources, past reports or indications of an importing state not respecting end-user undertakings and/or being a source of diversion. It is not evident, therefore, why a *global* standard stipulating that ammunition transfer licenses should be subject to a diversion risk assessment poses a challenge. Moreover, for states not yet operating effective control systems for international arms transfers, the challenge would appear to be the establishment of such systems and not whether ammunition is included in them or not.

Second, exporting states are not to consider whether an individual soldier or civilian in a foreign state may or may not divert ammunition. Rather, they are to consider whether the importing entity (in the example of the soldier used here, the importing ministry of defence) has the stockpile management capacities to prevent diversions or, at a minimum, to identify and follow-up on diversions from the national stockpile. In greater detail, pro-gun advocates point out that an individual cartridge recovered at the scene of a crime cannot be tracked, once distributed on international markets, to the individual who used the cartridge.¹³ They

argue that, consequently, there is no possibility to obtain proof of diversion and/or misuse by an individual abroad that could be used in a court of law for criminal proceedings. However opponents of ammunition-inclusion in the ATT ignore the fact that it is not the point of the ATT to allow for the identification of court-acceptable evidence in relation to diversions by an individual in a foreign state. Instead, the ATT is to promote responsibility in international transfers and lead to a denial of transfer licenses if there are no adequate safeguards against diversions.

Third, it is correct that an exporting state will not be unlikely to identify whether a particular round of exported ammunition may have been diverted in the importing state and to identify the individual responsible for the diversion. Nonetheless, monitoring of ammunition flows after their initial export and the identification of likely diversion points on state actor markets are feasible. This is clearly demonstrated by ammunition tracing that is done by UN embargo monitoring groups (see section V.2 below for examples). Indeed, the bulk transfer of ammunition on state actor markets, from which ammunition used in armed conflicts typically originates, facilitates tracing operations inasmuch as identically marked ammunition is often transferred to only one single actor such as an importing ministry of defence or interior. This has allowed UN embargo monitoring groups to identify ministries in relevant states from which ammunition was diverted. In turn, this information can assist licensing authorities to make informed decisions about future transfer license applications for ammunition transfers to the states and ministries in question.

11. Arguments raised by individual government delegates and pro-gun representatives in conversations with author at the 3rd Preparatory Committee Meeting of States on an Arms Trade Treaty, New York, 11-15 July 2011.

12. UNSC, 2011a, p. 3.

13. Discussion by author with pro-gun representative at the 3rd Preparatory Committee Meeting of States on an Arms Trade Treaty, New York, 11-15 July 2011.

III. Existing stockpiles and regional production

Several African states are among the worst affected countries by the illicit proliferation of small arms, light weapons, and related ammunition. The ready availability of ammunition facilitates the misuse of these arms and weapons in serious violations of international humanitarian law and human rights law as well as in armed banditry, cattle rustling, and domestic violence. Some of the arms and ammunition date back to colonial times and circulate between conflicts in the region. Further arms and ammunition that remain in the region were transferred during the Cold War by states in the western world and the Soviet Bloc in support of political allies in Africa. These points are supported by the frequent documentation by arms experts on UN embargo monitoring groups of arms and ammunition with pre-1990 production marks. Indeed, these experts document small arms ammunition in Africa that bears production marks of the 1970s, 1960s, and, in some cases, even the 1950s.¹⁴ This ammunition, depending on its storage conditions, may still be useable although posing serious safety risks to its users.

The challenge of illicit proliferation and circulation of ammunition in Africa is further aggravated by a tendency of armed actors to approach ammunition from the premise of ‘the more, the better’. This implies that ammunition is kept in depots and caches even after the expiry of the shelf-life of the ammunition. In other words, ammunition is kept even if it may no longer be safe to use. Coupled with this are sometimes weak stockpile management capacities among state actors which put significant quantities of ammunition at the risk of loss, theft, or other forms of diversion (see section V below). Importantly, such diversions may go undetected in the absence of management structures that allow for the identification of missing ammunition from legal holdings anywhere within a state. Of note in this context is also the sometimes encountered perception among officials in African states that, if there do occur diversions from existing stockpiles,

it is in other states but not within their own states. Such a perception, in the absence of adequate stockpile management capacities, would appear optimistic.

In any case, the challenge of ammunition proliferation in Africa cannot be reduced to problems relating to ‘old’ ammunition that is stockpiled or circulating in the region. This is illustrated by findings in, for example, Darfur, western Sudan, where a UN group of experts monitoring the implementation of the 2004/05 UN arms embargo documented a high concentration of ammunition in 2010 that was produced, and trafficked into Darfur, after the imposition of the embargo. Indeed, the ammunition included foreign-produced small arms ammunition that was manufactured in 2009.¹⁵ A comprehensive approach to ammunition controls in Africa cannot, therefore, limit itself to addressing only ‘old’ ammunition already in the region. Of relevance in this context are not only international transfers of ammunition to Africa (discussed in section IV below) but also ongoing production of ammunition within the region. This production further contributes to the amount of ammunition in existing stockpiles and circulation in Africa (see box 1 below).

Box 1: Regional production of small calibre ammunition

There are at least 7 states in Africa with a known capacity to industrially produce small calibre ammunition for use in military-type small arms such as assault rifles. These states are Egypt; Kenya; Nigeria; South Africa; Sudan; Tanzania; and Uganda. This represents about 9% of states worldwide with known production capacities for such ammunition.¹ Zimbabwe is also known to have had such a production capacity. However, it was reported in 2009 that Zimbabwe Defence Industry, which operated the relevant small arms ammunition factory, went bankrupt and ceased production.² Other African states such as Burkina Faso, Cameroon, and Namibia are reported to have small arms ammunition production facilities, but neither their existence nor the production of small arms ammunition for use in military-type small arms could be independently verified for this paper.³ Extra-regional states that have supplied equipment for small arms ammu-

14. Personal interviews by the author with four former and current UN arms experts, March and April 2011 and own work in East and West African states, 2005-2011.

15. UNSC. 2011b. *Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005)*. UN document S/2011/111, March, p. 24. Available at <http://www.un.org/sc/committees/1591/reports.shtml>

nition production in Africa include Belgium, China, and France.⁴

As indicated by the above, information about the production of small arms ammunition in Africa is difficult to come by. The main reason for this is the continued secrecy surrounding such production with the relevant governments habitually claiming that greater transparency would conflict with their national security. While it is known that the states with the biggest known production are South Africa and Egypt, there is no concise information about annual production capacities by the individual states, the actual output, or even only the exact range of calibre types being produced.

The draft paper on the Arms Trade Treaty that was presented in New York on 14 July 2011 does not stipulate greater transparency on ammunition production as relevant. This is logical in the sense that the ATT is to focus on the control of international transfers of arms and ammunition. However, it also demonstrates the need for complementary action in Africa: greater transparency on regional production will be essential for promoting greater accountability among African producers for the ammunition produced and transferred by them.

1. According to Small Arms Survey; there are at 76 states with small arms ammunition production facilities (Small Arms Survey. 2005. *Small Arms Survey 2005: weapons at war*; Geneva: Small Arms Survey, p. 13).

2. Mandizvidza, Sandra. 2009. *ZDI broke, sends staff on Forced Leave*. The Standard; 24 October 2009, www.thestandard.co.zw/business/21873-zdi-broke-sends-staff-on-forced-leave.html

3. See ControlArms. 2006. *Ammunition: the fuel of conflict*. London: Control Arms, p. 2f, http://www.oxfam.org.uk/what_we_do/issues/conflict_disasters/downloads/bn_ammunition.pdf

4. Anders, H. 2006. *Trade flows and controls of small arms ammunition transfers in Africa*. Brussels: GRIP, October, section III, <http://www.grip.org/bdg/g1057.html>

IV. Legal ammunition transfers and reporting thereon

As is the case in relation to ammunition production in Africa, reliable information on ammunition transfers to, from and within Africa remains scant. The principal global transparency mechanism on international arms transfers, the 1991 UN Register of Conventional Arms under which states voluntarily submit annual information, only includes missiles but not other types of ammunition.¹⁶ In contrast, UN Commodity Trade Statistics Database (UN Comtrade), a voluntary depository for states on trade statistics, includes a specific category for cartridge-based small arms ammunition.¹⁷ It must be noted, however, that the information, because of the non-participation of several states both in Africa and elsewhere, is not comprehensive (see below). Also, states need not identify the country of destination when exporting ammunition. This further limits the utility of UN Comtrade as a transparency mechanism that can effectively promote accountability in the international ammunition trade.

1. Reported legal transfers to, from and within Africa

There is little knowledge about the global annual value of the ammunition trade. As noted though, UN Comtrade contains a specific category for small calibre cartridge-based ammunition (hereafter called 'small calibre' ammunition), that is, ammunition for use in arms such as assault rifles and light machine guns. For the year 2007, the Small Arms Survey calculated the value of the global trade in this ammunition category to be worth 960 million US\$.¹⁸ As this figure provides a basis for comparison, this subsection focuses on reported

legal transfers of small calibre cartridge-based ammunition to, from and within Africa for the same year. The analysis of relevant UN Comtrade data reveals that, in 2007, African states reportedly imported small calibre ammunition worth 19.7 million US\$.¹⁹ This amounts to just over 2% of the value of reported global transfers of small calibre ammunition for the same year.

Specifically, a total of 44 African states are reported to have imported small calibre ammunition from 27 extra-regional states.²⁰ These extra-regional sources were states in Europe and North America as well as Brazil; China; India; Japan; Russia; South Korea; Thailand; and the United Arab Emirates. The top exporters were the USA, China, Spain, and France with export values of 7.32, 4.68, 3.58, and 1.00 million US\$ respectively. The top importers were Egypt, Namibia, Kenya, South Africa and Mali with import values ranging from 5.87 million US\$ for Egypt to 1.36 million US\$ for Mali. A more comprehensive list of the major participants in the small calibre ammunition trade to Africa and their trade values in 2007 is provided in table 1 below.

Of note is that the majority of the 119 reported transfers of small calibre ammunition had trade values of less than 50,000 US\$. Indeed, nearly $\frac{3}{4}$ (73.6%) of the annual transfer value to Africa was composed of only 4 individual transfers amounting to 14.5 million US\$: the USA transferred small calibre ammunition to Egypt worth 5.5 million US\$ and to South Africa worth 1.5 million US\$, China transferred small calibre ammunition to

19. The figures in this section have been calculated on the basis of UN Comtrade data through the small arms trade database operated by the Norwegian Initiative on Small Arms Transfers (NISAT) <http://www.prio.no/NISAT/Small-Arms-Trade-Data-base/>. The data is based on reversed queries for Customs code 930630, that is, small calibre ammunition excluding shotgun shells used in, for example, hunting.

20. The 44 African states reported to have imported small-calibre ammunition in Africa in 2007 are Algeria; Angola; Botswana; Burkina Faso; Burundi; Cameroun; Cape Verde; Central African Republic; Côte d'Ivoire; DR-Congo; Republic of Congo; Egypt; Ethiopia; Gabon; Gambia; Ghana; Guinea; Guinea-Bissau; Kenya; Liberia; Libya; Madagascar; Malawi; Mali; Mauritania; Mauritius; Morocco; Mozambique; Namibia; Niger; Nigeria; Rwanda; Sao-Tome & Principe; Senegal; Seychelles; South Africa; Sudan; Swaziland; Tanzania; Togo; Tunisia; Uganda; Zambia; and Zimbabwe. The 27 extra-regional states reported to have exported small-calibre ammunition to Africa in 2007 are Austria; Belgium; Brazil; Canada; China; Cyprus; Czech Republic; Finland; France; Germany; India; Italy; Japan; Lithuania; Portugal; Russia; Serbia; Slovakia; South Korea; Spain; Sweden; Switzerland; Thailand; Turkey; the United Arab Emirates; the UK; and the USA.

16. Further information on the UN Register of Conventional Arms can be found at <http://www.un.org/disarmament/convarms/Register/>

17. Further information on the UN Commodity Trade Statistics Database is available at <http://comtrade.un.org/>

18. Small Arms Survey. 2010. 'Emerging from Obscurity – the global ammunition trade' in *Small Arms Survey Yearbook 2010*. Geneva: Small Arms Survey, p. 20, <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2010/en/Small-Arms-Survey-2010-Chapter-01-EN.pdf>

Namibia worth 4.1 million US\$, and Spain transferred small calibre ammunition to Kenya worth 3.3 million US\$. The USA also had, with a total of 15 individual transfers, the highest number of small calibre ammunition transfers to African states in 2007. It was followed by Germany with 14 transfers; France with 10 transfers; the UK with 8; the Czech Republic and Portugal with 6 each; Canada, China, Italy, Switzerland, and the United Arab Emirates with 5 each; and the remaining 16 states with between 4 and 1 each.

1.a. Intra-regional trade and exports

While Africa is a region that principally imports ammunition, there also exists an intra-regional trade. That is, in addition to imports from extra-regional sources, 17 African states are reported to have imported small calibre ammunition worth 434,754 US\$ from 7 other African states in 2007.²¹ 42% of this trade was composed of exports by South Africa. (The principal exports of South Africa to other African states as well as other major transfers in this context are listed in table 2 below). While statistically insignificant (less than 0.05% of the global trade and 2.2% of transfers to Africa from extra-regional sources), the existence of this intra-regional trade reinforces the need for trade standards that are applied by all states and, therewith, the need for an international arms trade treaty.

This need for global trade standards on high common levels is further underlined by the fact that a small number of African states (6) are reported to have exported small-calibre ammunition worth 2.56 million US\$ to a total of 17 extra-regional destinations in North America, Europe, and the Far East.²² The reported exports to extra-regional destinations were dominated by South Africa

21. The 17 African states reported to have imported small-calibre ammunition from other African states in 2007 are Angola; Botswana; Burkina Faso; Ghana; Malawi; Mali; Mozambique; Namibia; Niger; Senegal; Seychelles; South Africa; Sudan; Swaziland; Tanzania; Zambia; and Zimbabwe. The 7 African states reported to have exported small-calibre ammunition to destination within Africa in 2007 are Egypt; Mali; Mauritius; Namibia; Nigeria; Senegal; and South Africa.

22. The 6 African states reported to have exported small-calibre ammunition to extra-regional destinations in 2007 are Burundi; Côte d'Ivoire; Ghana; Kenya; Morocco; and South Africa. The reported 17 extra-regional destinations of exports by these states are Australia; Austria; Canada; the Czech Republic; France; Germany; Iceland; Italy; Japan; the Netherlands; New Zealand; Norway; Sweden; Switzerland; Thailand; the UK; and the USA.

which transferred small-calibre ammunition worth 2.06 million US\$ (80.1% of all African exports to extra-regional destinations) to 15 extra-regional destinations. While again statistically insignificant when compared to global trade values, the existence of such exports highlights that the trade in small-calibre ammunition is a truly international phenomenon.

2. Reporting on ammunition transfer

As indicated, the figures available for legal ammunition transfers to, from and within Africa are, at best, indicative. For example, Israel confirmed to a 2010 UN panel investigating arms embargo violations in Darfur, Western Sudan, to have legally exported small arms ammunition to Chad in 2007.²³ No relevant export or import data for this transfer is, however, found in UN Comtrade. Likewise, China legally exported small arms ammunition to Sudan on various occasions since 2005.²⁴ China did not, however, submit any trade data to UN Comtrade in relation to these transfers.²⁵ Indeed, export data by China submitted to UN Comtrade for the period 2005 to 2009 would suggest that China did not export any small arms ammunition to Africa at all. This contrasts with import data from 10 African states reporting to have imported small arms ammunition from China worth a total of 6,3 million US\$ during this period.²⁶

The lack of adequate reporting on international transfers of small arms ammunition limits the ability of exporting states to make informed decisions on ammunition export license applications. For example, if an importing state is acquiring excessive and destabilising ammunition accumulations, exporting states may not be alerted to this in the absence of information on ammunition transfers by other exporting states to the importing state in question. Further, the dearth of public reporting by states on authorised ammunition transfers negates the possibility for publics to scrutinise and hold their governments to account for their ammunition

23. UNSC, 2011b, p. 24.

24. *Ibidem*, p. 25.

25. Indeed, UN Comtrade data for Chinese-reported exports suggests that China did not export any ammunition at all to Africa. The only references to such exports are data entries provided by African importers of Chinese ammunition.

26. UN Comtrade data obtained through the NISAT small arms trade database.

Table 1: Major exporters to and importers in Africa of small arms ammunition (2007)

	Major exporters	Value in US\$ million		Major importers	Value in US\$ million
1.	USA	7.32	1.	Egypt	5.87
2.	China	4.68	2.	Namibia	4.49
3.	Spain	3.58	3.	Kenya	3.43
4.	France	1.00	4.	South Africa	2.84
5.	Serbia	0.60	5.	Mali	1.36
6.	Switzerland	0.42	6.	Sudan	0.59
7.	Germany	0.34	7.	Ethiopia	0.22
8.	Italy	0.25	8.	Guinea-Bissau	0.13
9.	South Korea	0.21	9.	Seychelles	0.12
10.	Turkey	0.16	10.	Côte d'Ivoire	0.11

Source: Ammunition trade data (UN Comtrade classification 930630) obtained via NISAT

Table 2: Major inter-African transfers of small arms ammunition (2007)

	Exporter	Importer	Value in US\$
1.	Mauritius	Seychelles	121,787
2.	South Africa	Botswana	69,505
3.	Senegal	Mali	47,154
4.	South Africa	Swaziland	45,584
5.	Egypt	Sudan	44,860
6.	Mali	Burkina Faso	33,282
7.	South Africa	Zimbabwe	33,068

Source: Ammunition trade data (UN Comtrade classification 930630) obtained via NISAT

transfer decisions. That is, there are less than 35 states which have reported on their arms transfers in national public reports at least once since 2006.²⁷ Of these, only 28 states have reported on their ammunition exports in national arms export reports. They include European states as well as Canada and the USA.²⁸

3. Reporting under the ATT

The draft paper on the ATT that was presented at the ATT Preparatory Committee Meeting in New York on 14 July 2011 provides for inter-governmental reporting on ammunition transfers.²⁹ Reasons

27. The information in this paragraph and the following one is based on the analysis of the relevant national arms export reports available through the Stockholm International Peace Research Institute at http://www.sipri.org/research/armaments/transfers/transparency/national_reports/; additional information was obtained for the United Kingdom in its quarterly reports on strategic export controls, available at <http://www.fco.gov.uk/en/publications-and-documents/publications1/annual-reports/export-controls1>

28. In Europe, they are: Albania; Austria; the Belgian regions of Brussels, Flanders, and Wallonia; Bosnia and Herzegovina; Bulgaria; Croatia; the Czech Republic; Estonia; Denmark; Finland; France; Germany; Hungary; Italy; the Former Yugoslav Republic of Macedonia; Montenegro; the Netherlands; Poland; Portugal; Romania; Serbia; Slovakia; Slovenia; Spain; Sweden; and the U.K. In North America, they are Canada and the USA

29. *Chairman's draft*, draft article VI.B.4.

cited by individual states and pro-gun lobby groups for their opposition to such reporting include that this would be highly cost-intensive, undermine national security, or reveal commercially sensitive information to competitors. Specifically, it has been argued that recording and reporting of billions of annually transferred ammunition rounds would be unfeasible; that reporting on imports may reveal militarily sensitive information about national ammunition stockpile levels and, therewith, about a state's preparedness to respond to an armed attack; and that the reporting on financial values and quantities of individual ammunition transfers would allow commercial competitors to undercut an exporter in future ammunition transfers. Upon closer analysis though, these arguments, which risk perpetuating the current lack of transparency and accountability in relation to the international ammunition trade, are misleading.

First, reporting on ammunition transfers under the ATT would focus on only *international* transfers of ammunition and not transfers within a state. Moreover, ammunition on state-actor markets is typically transferred in bulk quantities, that is, several hundred thousand or even millions of rounds in a single transfer. It is, therefore, *not* a question of recording and reporting on billions of indivi-

dual transfers of every single ammunition rounds. Further, the challenge for states not yet operating transfer licensing systems for arms and ammunition will be the establishment of such systems. The question is *not* whether these systems will allow for the recording and reporting of international arms transfers only or also of international ammunition transfers. Indeed, reporting figures by the EU, where several significant ammunition exporters are located, highlight that concerns regarding administrative costs of reporting on ammunition transfers appear exaggerated. In 2007, EU member states granted a total of 51,015 export licenses for military material; of these, only 2,910 licenses (5.7%) pertained to ammunition.³⁰ In 2010, the number of licenses EU member states granted for ammunition transfers amounted to 4.8% of the number of licenses granted for all military equipment categories.³¹

Second, whether reporting on ammunition transfers reveals military or commercially sensitive information relates to the level of detail that is reported. Sensitive information may arguably be revealed if transfers are reported by calibre, quantity, and financial value for each individual transfer. Note though that reporting in such detail is not foreseen in the draft paper on the ATT of 14 July 2011. Rather, existing good practice is to report on the cumulative annual value of ammunition transfers. Moreover, the data does not distinguish between, for example, small arms ammunition on the one hand and mortar ammunition on the other hand. There is, therefore, no evident reason why annual reporting on authorised ammunition transfers that reflects existing good practices would pose unacceptable security risks or undermine commercial competitiveness. This argument is further underlined by the experiences of Canada,

the U.S.A, and EU member states which all report on their ammunition exports. They would not do so already at national levels and/or sub-regional levels if they considered this to pose unacceptable security threats or undermine competitiveness.

30. European Union. 2008. *Tenth Annual Report According to Operative Provision 8 of the European Union Code of Conduct on Arms Exports* (2008/C 300/01). Brussels: Official Journal of the European Union, 22 November, total for Military List category 3, p. 353 and total for all Military List Categories, p. 360, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:300:0001:0374:EN:PDF>

31. 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). Brussels: Official Journal of the European Union, 30 December, total for Military List category 3, p. 435 and total for all Military List Categories, p. 446, <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2011:382:SOM:EN:HTML>

V. Ammunition diversions and illicit transfers

Whether reported or not, legal transfers are only one source of ammunition in Africa. Apart from production within the region, there is an unspecified amount of ammunition that is transferred to Africa in violation of international law and/or the laws of one or more of the states involved in the transfer. As investigations into violations of UN arms embargoes demonstrated, these illicit transfers often involved complex extra-regional networks of private arms dealers, shipping agents, and front companies working with falsified transport and end-user documentation.³²

Exploiting legal loopholes in the export and transit controls in states outside Africa, these actors are able to transfer significant amounts of arms and ammunition to embargoed governments and rebel groups. In exchange, they receive money, natural resources such as diamonds, gold, or timber, or favourable contracts for the exploitation of natural resources in areas controlled by the relevant governments or rebel groups.

Notwithstanding, portraying Africa as a victim of solely extra-regional actors who illicitly supply the continent with arms and ammunition for their own economic benefit paints an only partial picture. One aspect in this regard is the divergence in national approaches to what is legal and what is illegal. Mandatory UN arms embargoes are binding on all UN member states. In contrast, the current arms embargoes by the EU on, for examples, Sudan and Zimbabwe only prohibit EU states but not non-EU states from exporting military material to these destinations.³³

To illustrate, South Africa transferred, legally under its national law, military small arms, light weapons, and related ammunition worth 59,000 US\$ to Zimbabwe in 2007.³⁴ China transferred, legally under its national law, small arms ammu-

munition and artillery worth 5.44 million US\$ to the government of Sudan in the same year.³⁵

A related aspect is the divergence in national assessments of risks associated with arms and ammunition exports and, more specifically, of what constitutes a 'clear risk' that exported material may be diverted and/or misused. A cautious approach would lead to the denial of a license if there is evidence suggesting that relevant material *may* have been diverted or misused in the past until existing doubts can be satisfactorily removed. A less responsible approach entails the denial of a license only if it were proven in a court of law that an importing country knowingly diverted or misused relevant material; a scenario unlikely to exist because violations of end-user undertakings by an importing state actor in a foreign country are unlikely to be subject to legal proceedings in the exporting state in the first place.

A robust ATT should contribute to the convergence of national standards and practices in relation to transfer licensing at high common standards. It may thereby also contribute to limiting illegal and irresponsible transfer decisions as well as the practice of individual states to continue supplying arms and ammunition to actors considered by more responsible exporters as posing unacceptable risks of diversion and/or misuse.

It must not be forgotten though that extra-regional supplies to Africa, both legal and illicit, respond to the demand for arms and ammunition by African state and non-state actors. Indeed, African actors can play key roles in illicit transfers to and within the region, something that seems frequently ignored in policy debates at especially the African level. This masks the crucial need for greater efforts to also counter diversions and illicit transfers within Africa itself.

1. State-sponsored diversions and corruption within Africa

The need for greater control efforts in Africa itself is demonstrated by a closer look at intra-regional diversions of arms and ammunition. That is, there are persistent reports of individual African governments paying little regard to their international and regional obligations in relation

32. Reports by UN panels and groups investigating arms embargo violations are available on the UN Security Council Sanctions Committees webpage at <http://www.un.org/sc/committees/>

33. For an overview of EU arms embargoes, see http://www.sipri.org/databases/embargoes/eu_arms_embargoes/

34. Data obtained at NISAT small arms trade database.

35. *Ibidem*.

to transfers of arms and ammunition. For example, the government of Sudan has repeatedly been accused of re-transferring imported ammunition to the embargoed region of Darfur in Western Sudan. The reports have been backed by the documentation of ammunition in Darfur that was, amongst other destinations, exported to the Sudanese government. Any such transfers without a prior authorisation by the UN Security Council would violate the UN embargo on Darfur as well as Sudan's end-user undertakings towards the state from which the ammunition is imported.³⁶

Likewise, individual African governments have been accused to provide material support, including arms and ammunition, to rebel forces and insurgent groups in neighbouring states. For example, several governments in states neighbouring the eastern part of the Democratic Republic of the Congo (DRC) have been reported to be supporting armed non-state actors operating in the resource-rich eastern part of the DRC.³⁷ Material support by governments may be provided for political or ethnic reasons, in retaliation for the alleged support by neighbouring states to rebel groups in the state's own territory, or for financial gain and profits obtained through exploiting natural resources. Notably, the arms and ammunition transferred in these contexts by individual governments in Africa tend to be illegally re-transferred by those governments after having previously imported the material legally.

At the same time, a distinction must be made between state-sponsored support in Africa for armed non-state actors in neighbouring states on the one hand and material support that is provided by individual officials. That is, corrupt officials in, for example, a ministry of defence may organise arms and ammunition transfers from state-actor stockpiles without this necessarily reflecting state policy. Notwithstanding, such cases may still imply state-level failings if the transfers are tacitly accepted by the government of the state from which the material was diverted. Likewise, it may imply state-level failings if the government and/or judiciary of the state fails to investigate the transfers and take action to prevent them from re-occurring. Irrespective of whether the transfers are

state-sponsored or the result of actions by individual officials, they represent an intra-regional diversion of arms and ammunition.

2. Theft and loss from state-actor stockpiles

A further important source of illicit arms and ammunition within Africa is theft and loss from state-actor stockpiles through attacks on military installations and convoys as well as through capture on the battlefield. Highly similar ammunition, in terms of countries of origin and dates of production for specific calibre sizes, in use by state actors and rebel groups in Darfur, for example, lend credibility to rebel claims that a prominent source for their ammunition procurement is capture from government soldiers in armed clashes as well as attacks on military convoys.³⁸ Capture from government stocks does, of course, not imply government-sponsored diversions and, in states facing armed insurrection and rebellion, can probably not be effectively prevented. Worrying in this regard though is that several governments in Africa appear to lack the domestic stockpile management capacities to even identify the type and quantity of material that is diverted on such occasions.

The point regarding weak stockpile management systems is illustrated by two recent examples. First, in January 2010, the UN Group of Experts concerning the 2004 arms embargo on Côte d'Ivoire documented the presence of small arms ammunition for sub-machine guns produced in 2005 in Côte d'Ivoire. The Group's tracing of the ammunition identified it to have been legally transferred from Serbia to the government of Burkina Faso in late 2005. When questioned by the UN Group, the government of Burkina Faso responded that the ammunition in question 'may' have been part of ammunition lost in military mutinies in Burkina Faso in December 2006.³⁹ Burkina Faso was, consequently, not in a position to clearly identify whether the ammunition was lost during those mutinies before being trafficked into neighbouring Côte d'Ivoire or whether it was

36. See UNSC, 2011b, p. 25ff.

37. The reports of the UN Group of Experts in which relevant cases are detailed are available at <http://www.un.org/sc/committees/1533/egroup.shtml>

38. Personal interview by the author with representatives of two Darfuri rebel groups in Doha, Qatar, March 2010.

39. UNSC, 2011c. *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, April, p. 31f, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/272

diverted from its stockpiles through another form of leakage.

Second, in July 2010, the UN Group of Experts monitoring the 2005 arms embargo on Darfur documented embargo-violating assault rifle ammunition in the hands of Darfurian rebels that was produced in Israel in 2007. In response to the Group's question, the government of Israel informed the Group that the ammunition in question had been legally transferred to the government of Chad in December 2007. In contrast, the government of Chad did not respond to subsequent questions by the UN Group whether it was aware of ammunition with the relevant markings apparently having been diverted from its national stockpile.⁴⁰ While there may be different reasons for the lack of response, one possibility is that the government of Chad was not aware of the leakage or, at a minimum, was not in a position to identify when and where the particular ammunition in question may have been diverted from its national stockpile.

Another form of intra-African diversion is the sale of arms and ammunition by individual soldiers and other security personnel. As argued by the UN Group of Experts concerning the Democratic Republic of Congo, “[a]rmed groups continue to obtain most of their arms, ammunition and uniforms from [the national armed forces of the DR-Congo]. Leakage from [government] stocks, whether through small-scale barter, larger transactions, abandonment or seizure on the battlefield, is widespread and largely uncontrolled.”⁴¹ Similarly, the UN Group concerning Somalia reported that “[t]he predominant perception in Mogadishu is that the Government and pro-Government forces sell between one third and one half of their ammunition” to arms dealers; soldiers rely on their ammunition as “currency, which is commonly tendered in exchange for food, medicine and other necessities”.⁴²

40. UNSC, 2011b, p. 23f.

41. UNSC. 2011d. *Report from the Group of Experts on the Democratic Republic of the Congo*. UN document S/2011/738, December, p. 6, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/738

42. UNSC. 2011e. *Report of the Monitoring Group on Somalia and Eritrea*. UN document S/2011/433, July, p. 43f, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/433

VI. Global and regional standards on ammunition transfers

The only global-level instrument to explicitly apply transfer control standards to certain types of ammunition is the legally-binding 2001 UN Firearms Protocol. The instrument is of limited scope because it excludes ammunition that is internationally transferred between state actors. Instead, it focuses on illicit ammunition in the context of transnational organised crime. Notwithstanding, the UN Firearms Protocol extends general requirements for transfer licensing and record-keeping to international transfers of ammunition for firearms. It is, therefore, of relevance to the ATT. Specifically, the Firearms Protocol stipulates that states are to establish effective national systems for the licensing of imports and exports of ammunition; verify ammunition transfer authorisations and accompanying documentation; and, for importing states and upon request, provide an import receipt for the transferred ammunition.⁴³ The instrument further stipulates that states shall maintain records that are necessary to trace and identify, where appropriate and feasible, ammunition that is illicitly trafficked.⁴⁴

The UN Firearms Protocol, which entered into force in July 2005, has been ratified by 9 African states with another 20 African states having either submitted notes of accession to or signed the protocol but not yet ratified it.⁴⁵ That over half of African

states have ratified, or at least have the intention of ratifying, the instrument is encouraging insofar as it shows the acceptance among many African states for common standards on international ammunition transfers and record-keeping thereon. In addition, relevant standards are also contained in some African sub-regional instruments on small arms and light weapons (see box 2 below).

At the same time, there remains a dearth of multilateral standards promoting responsibility and transparency in international ammunition transfers, both at the global level and at the African level. In particular, there rarely exist explicit standards making international ammunition transfers subject to licensing on the basis of criteria that are based on respect for the international obligations of states and promoting transparency on such transfers. This dearth reinforces the need for the adoption of relevant standards in the ATT.

Box 2: Standards on ammunition transfer licensing in African instruments

The 2006 Convention of the Economic Community of Western African States (ECOWAS) on Small Arms and Light Weapons is one of only two legally binding instruments in Africa that explicitly requires the licensing of international ammunition transfers. The ECOWAS Convention lists a range of criteria on the basis of which international transfer authorisations for ammunition are to be granted or denied. For example, transfers shall not be authorised if they would violate state obligations under international law or if the material to be transferred is destined to be used for the violation of international humanitarian law.¹

The other legally-binding instrument is the 2010 Central African Convention on Small Arms and Light Weapons. The Central African Convention stipulates that international ammunition transfers shall be subject to authorisations and that states shall set up and maintain national systems for authorising such transfers.² The convention further stipulates that transfers are only to be authorised for the maintenance of law and order or for defence or national security purposes or for participation in internationally mandated peacekeeping operations.³

Also of note in this context is the 2004 Nairobi Protocol on Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa.⁴ While the Nairobi Protocol defines ammunition, it does not make ammunition explicitly subject to controls. The complementary Best Practice Guidelines of June

43. *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*, article 10, <http://www.unodc.org/documents/treaties/UNTOC/Publications/A-RES%2055-255/55r255e.pdf> The General Assembly of the United Nations adopted the Protocol by resolution 55/255 on 31 May 2001.

44. *Ibidem*, article 7.

45. The UN Firearms Protocol has been ratified by the following African states: Benin; Burkina Faso; Libya; Madagascar; Mali; Nigeria; Senegal; Tunisia; and South Africa. Notes of accession have been deposited by Algeria; Cape Verde; the Central African Republic; DR-Congo; Gabon; Kenya; Lesotho; Liberia; Malawi; Mauritania; Mauritius; Morocco; Mozambique; Rwanda; Sao Tome and Principe; Uganda; Tanzania; and Zambia. African signatories that have not yet ratified, accepted, approved, or acceded to the Firearms Protocol are the Seychelles and Sierra Leone (see http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-c&chapter=18&lang=en).

2005, however, explain that the Nairobi Protocol should be understood to also apply to ammunition.⁵ There are consequently at least politically-binding standards on ammunition controls in the Great Lakes Region and Horn of Africa.

In light of the above, the Nairobi Best Practice Guidelines, while also not making ammunition explicitly subject to transfer criteria, can be at least interpreted to stipulate that states are to establish and maintain effective systems for licensing ammunition transfers and that transfer applications are to be considered on the basis of a range of criteria. These criteria include, but are not limited to the respect for state obligations under international law.⁶

1. See *Convention de la CEDEAO sur les armes légères et de petit calibre, leurs munitions et autres matériels connexes*, Abuja, Nigeria, 14 juin 2006, article 6.2-3. Available at http://www.ecosap.ecowas.int/index.php?option=com_jotloader§ion=files&task=download&cid=13_9b599a3b75a6f81429846a815f854ece&Itemid=84&lang=en

2. *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, 30 April 2010, arts. 3.1 and 5.1, <http://treaties.un.org/doc/source/signature/2010/XXVI-7.pdf>

3. *Ibidem*, art. 3.2a-b.

4. *Nairobi Protocol for the Prevention, Control and Reduction of SALW in the GLRHA*, Nairobi, Kenya, April 2004, <http://www.recsasec.org/pdf/Nairobi%20Protocol.pdf>

5. *Best Practice Guidelines for the Implementation of the Nairobi Declaration and the Nairobi Protocol on SALW*, Nairobi, Kenya, June 2005, <http://www.recsasec.org/pdf/Best%20Practice%20Guidelines%20Book.pdf>

6. *Ibidem*, chapter 2.

VII. Conclusions and recommendations

Amongst the goals of the ATT, as presented in the draft paper of 14 July 2011, are to contribute to international and regional peace, security, and stability and to promote transparency and accountability in international arms transfers. If the ATT is to be a robust instrument that can effectively achieve its stated aims, the inclusion of ammunition in its scope is a critical requirement. As argued in this paper, there are no evident reasons for excluding ammunition from the ATT. Concerns regarding the feasibility of subjecting international ammunition transfers to licensing seem unfounded and do not appear to impose an unacceptable administrative burden for states. Many states already subject such transfers to licensing at the national level and their experiences do not suggest insurmountable challenges. Likewise, concerns regarding the reporting on international ammunition transfers seem unjustified. Several states already publicly report on such transfers and they would unlikely to do so if this were undermining their national security or commercial confidentiality.

The inclusion of ammunition in the ATT would also hold the promise of making a substantial contribution to limiting irresponsible ammunition transfers to Africa and, thereby, to countering the devastation caused by armed conflicts and violence in the region. At the same time, action at the global level may not be sufficient to fully address the challenge of irresponsible transfers and poorly controlled ammunition stockpiles in many African states. Required in this regard are, amongst other actions, more focused efforts in Africa itself and an increased willingness by African officials to review and, as required, strengthen national capacities for ammunition stockpile management. International partners can assist in such efforts by providing technical and financial assistance to facilitate the implementation of existing regional and sub-regional standards. It remains a task for African stakeholders, however, to accept the need for further efforts and to request, as relevant, technical and financial assistance to strengthen stockpile management capacities.

In light of the above, this paper recommends the following actions to states:

- ***Include ammunition in the scope of the ATT***

At a minimum, ammunition should be retained in the scope of the ATT as presented the Chair's draft paper on the ATT of 14 July 2011. This would ensure that international ammunition transfers are subject to licensing by states and promote annual reporting by states on such transfers. Ideally, there should be a more detailed definition of ammunition so as to ensure that explosive ordnance such as hand grenades are also covered by the ATT. Further, the level of detail in reporting should be clarified and a clear commitment to public reporting should be made. Arguably though, these latter points could be postponed until a future review of the ATT. This may have the advantage of avoiding the risk in the upcoming negotiations of the ATT that ammunition will be excluded because of a lack of consensus amongst states on highly detailed standards in relation to ammunition transfer controls.

- ***Strengthen responsible ammunition management in Africa***

African states will need to continue their efforts to fully implement their existing global, regional, and sub-regional commitments to arms transfer controls. African states should also reconfirm their regional and sub-regional commitments to respect their multilateral obligations under international law in relation to international ammunition transfers. This should include a clear commitment to not transfer ammunition as a means for the support of unauthorised armed actors in neighbouring or nearby states.

In addition, African states should provide greater transparency on their ammunition transfers, including through responding, as relevant, to information requests by UN groups monitoring arms embargoes, to allow for the verification of the implementation of their commitments. Further, African states should, as relevant, critically review national capacities for ammunition stockpile management with the aims to identify possible weaknesses and ways to overcome these weaknesses. Where necessary, they should ask for international assistance.

AMMUNITION CONTROLS, THE ATT, AND AFRICA

CHALLENGES, REQUIREMENTS, AND SCOPE FOR ACTION

There is no consensus on whether ammunition should be included in the scope of the international Arms Trade Treaty (ATT). Most states support its inclusion and point towards the negative impact of irresponsible and poorly controlled transfers of ammunition. The insecurity and tremendous human suffering associated with such transfers in the context of armed violence in Africa are a case in point.

A few states, however, oppose the inclusion of ammunition in the ATT and argue that controlling international ammunition transfers would be unfeasible and highly cost-intensive. This report discusses the challenges of ammunition controls in Africa against the background of the international discussions on the ATT. It demonstrates that concerns regarding ammunition-inclusion in the ATT are unfounded. It also argues that complementary action will be required by African stakeholders and their international partners to strengthen ammunition controls in the region.

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