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**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**

New York, 18–29 June 2018

**Addressing small arms and light weapon ammunition in the
framework of the United Nations, including through the
Programme of Action to Prevent, Combat and Eradicate the
Illicit Trade in Small Arms and Light Weapons in All Its
Aspects, and the General Assembly**

Working paper submitted by Germany and Ghana

I. Background

1. Since the adoption, in 2001, of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, considerable success has been achieved in its implementation. States have taken action at the national, regional and global levels in areas that include national legislation, stockpile management, marking, record-keeping and tracing, border controls, and international cooperation and assistance. In many cases, expert members of civil society have been trusted partners in all aspects of small arms and light weapons control.

2. Despite the progress made, further actions are required to guarantee the sustainable implementation of the Programme. Many States have argued that the diversion of small arms and light weapons ammunition has fuelled armed conflicts, transnational organized crime and terrorist acts and enabled massive violations of international law. It has been noted that the need for a regular resupply of such ammunition, owing to its disposable nature, greatly affects the dynamics of conflict.

3. All in all, arguments for adequately combating the illicit trade in small arms and light weapons in all its aspects have highlighted the importance of including the management of such ammunition as an integral element in such activities.



4. Despite the arguments in favour of addressing illicit ammunition flows in concert with their corresponding weapons, there is no consensus on explicitly incorporating ammunition into the framework of the Programme of Action.

A. Differing views

5. A number of States maintain that the Programme of Action includes relevant ammunition by virtue of the scope provided through the phrase "...in all its aspects".

6. A number of States maintain that, although ammunition is not part of the scope of the Programme of Action, it should be.

7. A number of States maintain that ammunition is not part of the scope of the Programme of Action and that such exclusion should be maintained.

8. At the sixth Biennial Meeting of States to Consider 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, held in 2016, States noted that, some States applied the relevant provisions of the Programme of Action to material additional to that mentioned by the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons in its definition of small arms and light weapons, while recognizing that other States were of the view that such material was outside the scope of the Programme of Action (see [A/CONF.192/BMS/2016/2](#), annex, para. 9).

B. Arguments in favour of including ammunition in the scope of the Programme of Action

9. Some arguments in favour of the inclusion of ammunition within the scope of the Programme of Action are:

(a) The last four words used in the title of the Programme of Action, namely, "...in all its aspects";

(b) The unimpeded supply and availability of ammunition, especially by means of illicit trafficking, compound the effects of the illicit proliferation of small arms;

(c) Ammunition forms an integral part of small arms used in conflict;

(d) In practice, small arms and light weapons are often stored together with ammunition, thus requiring action on both the weapons and their ammunition to prevent diversion;

(e) At the fifth Biennial Meeting of States on Small Arms, held in 2014, States acknowledged the risk of accidental explosions at depots and the complementary role that the exchange of ballistics information could play in relation to the tracing of small arms and light weapons (see [A/CONF.192/BMS/2014/2](#), annex, paras. 11 and 26);

(f) The Security Council consistently mainstreams ammunition into relevant discussions on small arms and light weapons, such as those on arms embargoes, protection of civilians and child soldiers.

C. Arguments against including ammunition in the scope of the Programme of Action

10. Some arguments against the inclusion of ammunition within the scope of the Programme of Action are:

(a) While weapons are considered durable goods, ammunition is considered “disposable”, thus rendering requirements for ammunition safety, accounting and record-keeping fundamentally different;

(b) Whether or not to include ammunition in the Programme of Action was extensively, deliberatively and intensely discussed during the negotiations leading up to and during the conclusion of the Programme of Action, and no agreement was reached on the matter. That is why the Programme of Action includes no explicit reference to ammunition;

(c) Reinterpreting the Programme of Action, or altering its wording to include ammunition, could jeopardize the consensual nature of the document and open up other components of the instrument to renegotiation;

(d) The open-ended working group that negotiated the International Tracing Instrument concluded that ammunition should be addressed in a separate process under United Nations auspices. Subsequently, the General Assembly adopted the consensus resolution on problems arising from the accumulation of conventional ammunition stockpiles in surplus, the most recent of which includes a request to States to participate in open, informal consultations in the lead-up to the convening of a group of governmental experts in 2020.

II. Recommendations

11. A failure to seriously consider how to address ammunition for small arms and light weapons in a practical, constructive manner could have harmful consequences for the Programme of Action framework itself. 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 represents, therefore, a critical juncture in the debate.

12. Both the Programme of Action and the General Assembly resolution on the issue of ammunition are consensus processes. Therefore, there is general agreement that, in addition to the national and, where relevant, regional levels, the challenges associated with conventional ammunition should be addressed multilaterally within the United Nations.

13. The essential question is, therefore, how to establish effective synergies between the Programme of Action and the General Assembly resolution on ammunition management. Germany and Ghana believe this can be done pragmatically, in a manner respectful of each country’s position, with the shared aim of making significant progress at the global level on the pressing issue of improving conventional ammunition management.

A. Mainstreaming small arms and light weapons ammunition management into national and regional implementation of the Programme of Action

14. In a declaration submitted by Ghana and delivered on behalf of more than 70 States during the sixth Biennial Meeting of States on Small Arms, it was

underscored that ammunition must be considered an intrinsic part of efforts to tackle the illicit trade in small arms and light weapons. While not seeking to rewrite or amend the Programme of Action itself, States that associated themselves with the declaration made it clear that ammunition would become a de facto part of their national implementation efforts, activities and statements related to the Programme of Action. States are encouraged to consider adopting the same understanding with regard to the inclusion of ammunition in their national implementation efforts.

15. Indeed, at the national and regional levels, laws, regulations, procedures, treaties and agreements on small arms and light weapons most often cover related ammunition. In addition, record-keeping procedures, surplus destruction and broader physical security and stockpile management efforts in support of the Programme of Action can address ammunition in a practical way.

16. States should include activities on ammunition management in their projects related to small arms, national commissions on small arms and light weapons, national action plans on small arms and light weapons and regional small arms and light weapons control measures. States can and should recognize that many of the initiatives and programmes associated with the implementation of the Programme of Action intrinsically include ammunition, including those related to tracing, stockpile management and destruction.

B. Supporting the General Assembly framework in preparation for the group of governmental experts to be convened in 2020

17. The General Assembly, in its resolution [72/55](#) adopted by consensus in 2017, encouraged States to hold open, informal consultations focusing on matters of conventional ammunition management within the United Nations system and beyond. The objective of the discussions is to identify urgent issues pertaining to the accumulation of conventional ammunition stockpiles in surplus on which progress could be made and that might constitute a basis for convening a group of governmental experts in 2020.

18. States are encouraged to participate actively in the informal consultations in the framework of the General Assembly and to consider how progress under this framework could support full and effective implementation of the Programme of Action.

C. True synergies: the added value of meaningfully coordinated meetings on the Programme of Action and conventional ammunition

Process

19. The lead sponsor of the General Assembly resolution has been careful to plan the open, informal consultations on ammunition in conjunction with meetings on the Programme of Action and associated informal consultations. Previous ammunition-related consultations were held on the same day as consultations on the Programme of Action (20 February 2018) and during meetings of the Preparatory Committee for the Conference (21 March 2018). Such complementary scheduling will continue, including during the Conference itself in June 2018.

Substance

20. At the beginning of June, Germany will circulate a draft declaration on a decade of addressing ammunition management within the United Nations. The declaration

will be transmitted to the Secretary-General with the request that it be made available as a of the General Assembly.

21. In addition, the outcome document of the Conference should make factual reference to the work that States are undertaking through the General Assembly resolution. Such a reference in the outcome document would fill the current void regarding ammunition in the context of the Programme of Action and would show that States are determined to develop a consensual, holistic approach to the issue of small arms and ammunition at the global level.
