

## Ammunition and the ATT: Options for and implications of its inclusion

### Saferworld

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### Executive Summary

There is some disagreement among states about whether and how to include ammunition in the scope of a future Arms Trade Treaty (ATT). Most states support the negotiation of a robust ATT that contains clear transfer criteria consistent with state responsibilities under international law and other widely-accepted norms of state behaviour. Their support extends to the intended goals and objectives of a future ATT that are listed in the Chair’s draft ATT paper of 14 July 2011 (Chair’s paper). These goals and objectives include to combat the illicit transfer of conventional arms and to prevent their diversion into the illicit market, including for transnational organised crime and terrorism. The goals and objectives further include to contribute to international and regional peace, security, and stability by preventing international transfers of conventional arms that would be inconsistent with specified transfer criteria and to promote transparency and accountability in international transfers of conventional arms.<sup>1</sup>

Many of the states that support including ammunition in the ATT have also expressed their view that they consider ammunition as integral to achieving these goals and objectives. They include especially Caribbean, Latin American, and Sub-Saharan African states as well as states in Europe. They include, therefore, many states that are directly affected by the negative consequences of irresponsible and illicit arms transfers that the ATT, as presented in the Chair’s paper, seeks to prevent. On the other side of the debate are a small number of states that do not agree with these goals and objectives and/or oppose or are sceptical about including ammunition in the scope of the ATT. Among the arguments against including ammunition are that this would be unfeasible, too ambitious, unfeasible, burdensome or cost-intensive, or that it would threaten consensus.

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1 *Chair’s paper of 14 July 2011* (Chairman’s draft), made available at the 3<sup>rd</sup> Preparatory Committee Meeting of States on an Arms Trade Treaty, New York, 11-15 July 2011), draft art. III, sub-arts. 3-5.

This brief considers the arguments for and against including ammunition in the scope of the ATT and the relevant options and implications thereof. The following sections look at the definition of ammunition, provide background information on existing international ammunition controls, and present states' views on whether or not to include ammunition in the ATT. The brief then considers the implications of subjecting international ammunition transfers to authorisation and reporting obligations as well as the merits of arguments against the inclusion of ammunition. The concluding sections of the brief discuss the different policy options in relation to ammunition and the ATT and make recommendations as to its inclusion in light of constraints on time for negotiations and the aim of universality in state membership of the ATT.

The brief argues that while some states may have legitimate concerns about including ammunition in an ATT, ultimately there is no compelling reason for its exclusion. Indeed, it is logical to apply the same transfer criteria to international transfers of arms and ammunition. This logic is reflected at national levels; most states already apply the same licensing criteria to international transfers of arms and ammunition in their national systems. Moreover, national systems already typically involve recording the information that might conceivably be required for reporting international transfers of arms and ammunition under the ATT. The brief therefore recommends that ammunition is retained in the ATT in at least the form in which it is covered in the Chair's paper. It further anticipates that in order to fully achieve its intended goals and objectives, states will need to work towards the further refinement and strengthening of ammunition-relevant standards in future preparatory meetings and review conferences of the ATT once the instrument is adopted.

## Defining ammunition

The term 'ammunition' is frequently used in policy debates without being further detailed. For example, states referring to 'ammunition' typically do not explain whether the term is meant to cover only complete rounds and shells or also parts and components of ammunition. Also not explained is whether the category of ammunition is meant to include explosive devices such as bombs and grenades or whether such devices should be considered as a separate equipment category. Further, 'ammunition' is sometimes confusingly employed as synonymous with the term 'munitions'. 'Munitions' typically encompasses military arms and ammunition as well as related items such as bombs and grenades. 'Ammunition' is consequently, if the typical terminology is employed, only a sub-category of 'munitions'. Conversely though, the term 'ammunition' is also frequently employed as a generic term that covers, for example, both complete rounds and shells for use in arms and weapons as well as 'munitions' such as hand grenades. In the absence of globally agreed definitions for 'ammunition' and 'munitions' care must be taken therefore to be clear in the use of these terms.

For the purposes of this paper, the term 'ammunition' is to be understood comprehensively and to cover, as well as complete rounds and shells, ammunition-related parts and components, including fuse settings, as well as 'related munitions' and their parts and components including, but not limited to, bombs, torpedoes, grenades and missiles. A possible typology of ammunition that is based on such a broad understanding of the term is presented in table 1.

**Table 1: Possible typology of ammunition**

	Type	Calibre
Small ammunition	Small arms ammunition	Up to 20 mm
	Projected Grenade	Up to 40 mm
	Hand grenade	---
Medium ammunition	Cannon ammunition	Ca 57 mm
	Light mortar bombs (unguided)	Less than 82 mm
	Tank/Anti-tank ammunition	60 – 125 mm
Large ammunition	Naval/Costal gun ammunition	75-130 mm
	Heavy mortar bombs	100 mm and above
	Field artillery ammunition	75-250 mm
Rocket propelled ammunition	Free-flight rockets	50 – 400 mm
	Guided light weapons ammunition	Up to 120 mm
	Guided missiles	120 mm and above
Other types of ammunition	Mines	---
	Explosives	---
	Pyrotechnics	Almost any

Source: Adapted from Wallacher and Harang, 2011, p.8-9<sup>2</sup>

## Regional and multilateral definitions of ammunition

Regional or multilateral instruments that cover ammunition differ in their definitions and scope. The 2001 UN *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition* (UN Firearms Protocol)<sup>3</sup> defines firearms-related ammunition as “the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles that are used in a firearm”.<sup>4</sup> The 2006 *Convention on Small Arms and Light Weapons, their Ammunition and Other Related Material* in the Economic Community of West African States (ECOWAS Convention) defines ammunition as “devices destined to be shot or projected through the means of firearms including among others: cartridges, projectiles and missiles for light weapons, [and] mobile containers with missiles or projectiles for anti-aircraft or anti-tank single action systems.”<sup>5</sup>

The UN Firearms Protocol and the ECOWAS Convention illustrate quite different approaches. The UN Firearms Protocol covers components such as cartridge cases but does not specifically detail components for light weapons ammunition such as fuse settings

2 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](http://controlarms.org/wordpress/wp-content/uploads/2011/03/Small-but-Lethal-Small-Arms-Ammunition-and-the-Arms-Trade-Treaty.PRIO_.pdf)

3 UN. 2001a. *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*. New York, 31 May, [http://www.unodc.org/pdf/crime/a\\_res\\_55/255e.pdf](http://www.unodc.org/pdf/crime/a_res_55/255e.pdf)

4 *Ibidem*, art. 3.c.

5 Economic Community of Western African States (ECOWAS). 2006. *Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials*. ECOWAS, June, art. 1.3, [http://www.ecosap.ecowas.int/en/ecosap/strategic\\_docs/convention/convention\\_small\\_arms.pdf](http://www.ecosap.ecowas.int/en/ecosap/strategic_docs/convention/convention_small_arms.pdf)

used in shells and missiles for light weapons ammunition. Further, it does not cover explosive devices such as hand grenades. By comparison, the ECOWAS Convention does not cover parts and components of ammunition. But it includes explosive devices under the category of “other arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or landmine”.<sup>6</sup> The ECOWAS Convention thus covers munitions that are not fired or expelled from a small arm or light weapon.

Another approach to the definition of ammunition is found in the Wassenaar Arrangement on Export Controls for Conventional Arms (Wassenaar Arrangement) and the EU. The lists of military equipment, the export of which is controlled by Member States of the Wassenaar Arrangement and the EU, do not provide a technical definition of ammunition. Rather, they stipulate the control of “[a]mmunition and fuse setting devices [for specified weapons] ... and specially designed components therefor”. The control lists include, but are not limited to, weapons of smooth-bore and automatic types and other arms and weapons, including rifles, carbines, machine pistols and machine gun, howitzers, cannons, and mortars. What can be termed ‘ammunition-related munitions’ form a separate category that includes, but is not limited to, bombs, torpedoes, grenades, rockets, and missiles as well as explosive charges, related equipment and accessories, and specifically designed components for these.<sup>7</sup>

### **Ammunition in the Chair’s paper**

The Chair’s paper does not explicitly mention ammunition or any other category of conventional arms in relation to transfer criteria or reporting obligations. The Chair’s paper also does not provide a technical definition of ammunition. Importantly though, ammunition is explicitly listed in the definition of conventional arms. That is, the Chair’s paper covers “ammunition for use with weapons” that include tanks; military vehicles; artillery systems; military aircraft; naval vessels; missiles and missile systems; small arms; and light weapons. The approach to ammunition in the Chair’s paper covers, therefore, a large portion of ammunition that is globally traded. Further, it covers “parts and components specially and exclusively designed” for conventional arms and ammunition.<sup>8</sup> At the same time, it would seem that this use of the term excludes ammunition-related equipment that is not used with weapons. For example, equipment such as hand grenades would be excluded because these are not ‘for use with weapons’.

It should be noted that there is no state that, whether supportive or critical of including ammunition in the scope of the ATT, raises concerns regarding ammunition-related equipment such as hand grenades. The omission of such equipment appears, therefore, to be the result of oversight rather than design. If the argument of many states is accepted that including ammunition in ATT scope is integral to achieving its goals and objective,

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6 *Ibidem*, art. 2.

7 Both the control list in the EU and the Wassenaar Arrangement cover ammunition in category ML3. Excluded from the control lists is material that includes smooth-bore weapons used for hunting or sporting purposes if not designed for military use or fully automatic as well as arms and weapons manufactured before 1938. Council of the European Union. 2010. *Common Military List of the European Union*. Official Journal of the European Union, volume C 69/19, March. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:069:0019:0051:EN:PDF> ; and Wassenaar Arrangement. 2011. *Munitions List*. Wassenaar Arrangement, updated list available at <http://www.wassenaar.org/controllists/index.html>

8 *Chairman’s draft*, draft art. IV, sub-articles (j) and (k).

it is logical to also include ammunition-related munitions. There is a challenge, however, in finding an appropriate formulation within the ATT context. For an ATT, a comprehensive approach and clarity in terminology are required to avoid the risk of different interpretations among states when implementing the instrument and to avoid loopholes in the scope of controlled equipment. This must be balanced though with the risk that states will spend a disproportionate amount of time on negotiating adequate language that is acceptable to all.

A comprehensive approach to ammunition could be achieved by, for example, amending the language in the Chair's paper to cover 'ammunition-related munitions' or to include a new equipment category of, for example, 'explosive military devices' not covered by any of the other equipment categories listed in the Chairman's draft text. In either case, it would be desirable to provide for clarity in the use of terms by providing explanatory notes which explain the coverage of the equipment categories more precisely. This could be done by, for example, introducing an annex to the ATT which contains such explanatory notes. At the same time, it may not be feasible to develop such an annex that is universally acceptable within the timeframe for negotiations of an ATT. A solution could be that states agree to develop an explanatory annex on equipment categories through the implementation framework of the ATT. Such follow-up action should be clearly specified in the ATT itself.

## **Background to the ammunition debate**

A discussion on whether and how to include ammunition in an ATT must take place against the background of the fundamental question of the intended purpose of the ATT. Possible goals and objectives appear in the Chair's paper. They include, but are not limited to, the combat of illicit international arms transfers and the prevention of international transfers that contribute to, among other things: serious violations of international humanitarian law and international human rights law; violations of mandatory UN arms embargoes; armed conflict; transnational organised crime; or terrorist acts. A further objective raised in the Chair's paper is to promote transparency and accountability in international transfers of conventional arms.

Many states have expressed their support for these goals and objectives and support the argument that, if the ATT it is to effectively limit the negative consequences of irresponsible and illicit transfers for peace and security, ammunition must be included in the instrument (see section 4 below). At the same time, other states consider the listed goals and objectives as too ambitious and oppose or are sceptical towards the inclusion of ammunition in the ATT. Notwithstanding, there is an emerging consensus that the ATT is to stipulate criteria for international arms transfers as well as provide for reporting on transfers authorised by states. The feasibility of including ammunition in the ATT must, therefore, be discussed in relation to international transfer criteria and transparency. This focus is, however, not always present in arguments made against the inclusion of ammunition.

To illustrate, Egypt has argued against the inclusion of ammunition in an ATT because it would be “practically impossible to mark/trace [its] origin.”<sup>9</sup> States considered the feasibility of marking and tracing ammunition in the context of the negotiations of the 2005 *International Instrument to Trace Illicit Small Arms and Light Weapons* (see below). States did not reach consensus on the issue and excluded ammunition from the scope of the instrument. But arguing that ammunition should now also be excluded from the scope of the ATT because it would be difficult to trace ammunition is erroneous, as the ATT is to focus on international transfer criteria and transparency, *not* on establishing standards for marking and tracing. Opposing the inclusion of ammunition in the ATT because of opposition to international standards on tracing ammunition is, therefore, beside the point.

The following sub-sections review the history of ammunition controls at the UN and the relevance of other multilateral instruments, especially those relating to Small Arms and Light Weapons (SALW), to controls on and transparency of international ammunition transfers. The review shows that the linkage between arms and ammunition has long been recognised and that ammunition is included in, for example, the transfer licensing and reporting system stipulated in UN Firearms Protocol. Nevertheless, there is a relative dearth of relevant multilateral standards. This dearth reinforces the argument of states in favour of including ammunition in the ATT that it would address an important weakness in existing multilateral standards on transfer criteria and transparency.

## History of global ammunition controls

The 1997 Report of the UN Panel of Governmental Experts on Small Arms established that ammunition is “an integral part of the ... [SALW] used in conflicts”. The report further states that “[t]he availability of ammunition is an important independent element, since weapons can be rendered useless without appropriate ammunition”.<sup>10</sup> Covered by the terms ‘ammunition and explosives’ in the report are cartridges (rounds) for small arms; shells and missiles for light weapons; mobile containers with missiles or shells for single-action anti-aircraft and anti-tank systems; [and] anti-personnel and anti-tank hand grenades”.<sup>11</sup> A subsequent UN Group of Experts, reporting in 1999 on whether ammunition controls could assist in stemming the uncontrolled proliferation and abuse of SALW, concluded that “ammunition ... [is] an inseparable part of the problem of the excessive and destabilizing accumulation, transfer and misuse of [SALW]”, and that “measures to control [SALW] would not be complete if they did not include ammunition”.<sup>12</sup> It further noted that “[e]nhanced transparency in the fully legitimate trade in ammunition ... would help to identify, circumscribe and combat illicit trafficking”.<sup>13</sup>

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9 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>

10 UN General Assembly (UNGA). 1997. *Report of the Panel of Governmental Experts on Small Arms*. UN document A/52/298, 27 August, para. 29, <http://www.un.org/Depts/ddar/Firstcom/SGreport52/a52298.html>

11 *Ibidem*, para. 26c. Included in the definition are also landmines and explosives.

12 UNGA. 1999. *Report of the Group of Experts on the problem of ammunition and explosives*. UN document A/54/155, 29 June, para. 104, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/190/47/IMG/N9919047.pdf?OpenElement>

13 *Ibidem*.

Notwithstanding previous UN reports, no substantive mention is made of SALW ammunition in the 2001 UN *Programme of Action on the Illicit SALW Trade in All Its Aspects* (UNPOA)<sup>14</sup> or the 2005 *International Tracing Instrument on Illicit SALW* (UN Tracing Instrument)<sup>15</sup>. States disagreed during the negotiations of the UN Programme of Action on whether the instrument should include a comprehensive list of controlled equipment.<sup>16</sup> Consequently, the UNPOA simply refers to SALW without specifying whether it includes ammunition. With the UNPOA located within the UN process on SALW, which is framed by the report on small arms by the 1997 UN Panel of Governmental Experts, it is feasible to regard the UNPOA as including ammunition, as the UN Panel report specifies ammunition and related material such as grenades as an integral part of the SALW problem that the UN process seeks to address.<sup>17</sup>

During the negotiations of the UN Tracing Instrument, states also disagreed on the intended scope of controlled equipment but, this time, there was a specific debate on ammunition. Many states supported the adoption of common minimum standards on marking, record-keeping and international co-operation in tracing illicit ammunition. At the same time, some states argued that the large volume of internationally transferred ammunition would make the implementation of relevant standards very costly. Moreover, they pointed out that it would be unfeasible to, for example, mark each round of small arms ammunition with a unique identifying code or serial number. Thus, it was argued, it would not be possible to identify the individual who, for example, misused a specific round of ammunition. The result of the debate was that ammunition was excluded from the scope of the UN Tracing Instrument.

While states disagreed on the inclusion of ammunition in the scope of the UN Tracing Instrument, they agreed to a UN process to consider risks arising from accumulations of surplus ammunition stockpiles.<sup>18</sup> The process included the collection of views among UN Member States on the problem as well as a report by a Group of Governmental Experts in 2008.<sup>19</sup> Following on from the report, technical experts have developed draft International Ammunition Technical Guidelines which, at time of writing, are in the process of

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14 UN. 2001b. *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*. UN document /Conf.192/15, 21 July, <http://www.poa-iss.org/PoA/poahtml.aspx>

15 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](http://www.poa-iss.org/InternationalTracing/ITI_English.pdf)

16 Ammunition was not the main focus of debates on the intended scope of controlled equipment. But there had already been negative reactions by individual states to proposals for ammunition controls in response to the 1999 report on ammunition by the UN Group of Experts (UNGA, 1999). For a more detailed account, see Carle, Christophe, 2005. 'Small arms ammunition: light at the end of the barrel?' in *Disarmament Forum, 2005. Taking Action on Small Arms*. Geneva: UNIDIR, Volume Four, p. 50, <http://www.unidir.org/pdf/articles/pdf-art2430.pdf>

17 UNGA, 1997, para. 26.c.i-iv.

18 Specifically, states agreed to recommend that "the issue of small arms and light weapons ammunition be addressed in a comprehensive manner as part of a separate process conducted within the framework of the United Nations" (United Nations. 2005a. *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*. UN document A/60/88, 27 June, para. 27, [http://www.un.org/events/smallarms2006/pdf/A.60.88%20\(E\).pdf](http://www.un.org/events/smallarms2006/pdf/A.60.88%20(E).pdf) ). The subsequent initiative focused on the issue of ammunition stockpile-management.

19 UNGA. 2008a. *Report of the Group of Governmental Experts to consider further steps to enhance cooperation with regard to the issue of conventional ammunition stockpiles in surplus*. UN Document A/63/183, 28 July, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/441/77/PDF/N0844177.pdf?OpenElement> . The views of states are available at <http://www.un.org/disarmament/convarms/Ammunition/>

finalisation. The guidelines focus on standards for the management of domestic stockpiles of ammunition. They do not, however, address issues of international transfer criteria and transparency and cannot, therefore, be seen as replacing the need for relevant standards in the ATT.

## Existing standards on ammunition controls

As shown above, there is a long-standing recognition of the linkage between arms and ammunition controls even if this linkage is not in all cases explicitly stated. Indeed, excluding ammunition from the scope of the ATT would fail to reflecting existing state practices. For example, the UN Charter acknowledges the inherent right of states to self-defence.<sup>20</sup> States claim their right to produce and procure both arms *and* ammunition from this standard and do not limit their right in this respect to arms only. Similarly, UN arms embargoes only refer to ‘arms and related military equipment’ and do not explicitly mentioned ammunition.<sup>21</sup> In practice though, the embargoes *do* include ammunition and related items under this language of ‘related military equipment’.

The links between small arms and their ammunition are also recognised in the 2001 UN Firearms Protocol. The Protocol does not address transfer criteria or promote transparency on ammunition transfers. Moreover, it explicitly excludes state-to-state transactions.<sup>22</sup> But the Protocol does establish standards on record-keeping and transfer authorisations for small arms ammunition transfers that are of relevance to the ATT negotiations. For example, each State Party is to maintain “an effective system of export and import licensing ... for the transfer of ... ammunition”.<sup>23</sup> Further, each State Party is to ensure the maintenance of records required to identify and trace, where appropriate and feasible, ammunition that was illicitly trafficked<sup>24</sup> (see box 1 below).

Likewise, the 1997 *Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials* (Inter-American Firearms Convention) establishes general requirements for a transfer licensing system covering ammunition as well as for recording of international ammunition transfers.<sup>25</sup> These requirements are further elaborated in the 2003 *Inter-American Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition*<sup>26</sup>, which detail *inter alia* procedures for the international transfer of ammunition and the information to be contained in accompanying transfer documentation.

The specific standards on transfer controls and recording contained in the UN Firearms Protocol and the Inter-American Firearms Convention are more detailed than those

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20 UN. 1945. *Charter of the United Nations*. United Nations, art. 51, <http://treaties.un.org/doc/Publication/CTC/uncharter.pdf>

21 The texts of UN Security Council embargoes can be found at <http://www.un.org/sc/committees/>

22 UN, 2001a, art. 4.2.

23 *Ibidem*, art. 10.1.

24 *Ibid.*, art. 7.

25 See Organisation of American States (OAS). 1997. *Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials*. OAS, January, especially arts. 9 and 11. Available at <http://www.state.gov/p/wha/rls/49907.htm>

26 OAS. 2003. *Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition*. Available at [http://www.oas.org/dsp/english/cpo\\_armas\\_claves.asp](http://www.oas.org/dsp/english/cpo_armas_claves.asp)

contained in the Chair's paper. The language contained in the two instruments does not, therefore, necessarily provide guidance for specific language to include in an ATT. But the two instruments and the related Model Regulations for the Inter-American Convention do demonstrate that transfer licensing on ammunition can be integrated into arms transfer licensing standards without a need for distinct ammunition-specific standards. The instruments also demonstrate that standards on recording ammunition transfers need not fundamentally differ from those on recording arms transfers.

**Box 1: ATT-relevant standards on ammunition in the UN Firearms Protocol**

The 2001 UN Firearms Protocol has a restricted scope of application because it excludes state-to-state transfers as well as state transfers 'in the interest of national security' (art. 4.2). It does, however, cover ammunition for firearms and includes transfer and record-keeping standards that are of relevance to the ATT debate. Of particular note is article 10 on general requirements for transfer licensing and article 7 on record-keeping. Both articles are quoted below. Specifically, article 10 demonstrates that there is no need to differentiate between arms transfer on the one hand, and ammunition transfer licensing on the other. Article 7 demonstrates the possibility to include record-keeping on ammunition transfers in record-keeping systems while acknowledging that ammunition may not be traceable in the same way that firearms may be traced (see section 7 below). This is achieved by the qualification that records on ammunition transfers to facilitate the traceability of this ammunition are to be kept 'where appropriate and feasible'.

*Article 10: General requirements for export, import and transit licensing or authorization systems*

"1. Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms ... and ammunition.

2. Before issuing export licences or authorizations for shipments of firearms ... and ammunition, each State Party shall verify:

(a) That the importing States have issued import licences or authorizations; and

(b) That ... the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.

3. The export and import licence or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms ... and ammunition and, whenever there is transit, the countries of transit. The information contained in the import licence must be provided in advance to the transit States.

4. The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms... or ammunition.

5. Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated.

6. States Parties may adopt simplified procedures for the temporary import and export and the transit of firearms ... and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.”

*Article 7: Record-keeping*

“Each State Party shall ensure the maintenance, for not less than ten years, of information in relation to firearms and, where appropriate and feasible, ... ammunition that is necessary to trace and identify those firearms and, where appropriate and feasible, ... ammunition which are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include: ...

(b) In cases involving international transactions in firearms ... and ammunition, the issuance and expiration dates of the appropriate licences or authorizations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles.”

## **Standards on international ammunition transfer criteria and reporting**

There is no global instrument that explicitly stipulates transfer criteria for international ammunition transfers. The principle of applying transfer criteria to both arms and ammunition is, however, found in some cases at regional or multilateral levels. Ammunition is at least implied in the scope of controlled equipment under, for example, UN arms embargoes (see above). Ammunition is also integral to the military control lists used in the Wassenaar Arrangement and the EU for licensing international transfers. States member to the Wassenaar Arrangement and the EU do not exclude ammunition from transfer licensing and they apply the same criteria for licensing international transfers of arms on the one hand and ammunition on the other. Indeed, it is logical to apply the same criteria because ammunition transfers may result in the same negative consequences for, for example, peace and security as transfers of arms. Other relevant multilateral instruments are the 2005 Best Practice Guidelines on SALW in the Great Lakes Region and Horn of Africa and the 2006 Convention on SALW in the Economic Community of Western African States. Both instruments extend transfer criteria to SALW ammunition and do not distinguish between SALW and ammunition for licensing purposes.<sup>27</sup>

There is also no global instrument that explicitly requires states to report on international ammunition transfers authorised. The 1991 UN Register of Conventional Arms—the primary global transparency agreement on conventional arms transfers—does not include ammunition other than missiles in its voluntary annual reporting procedures.<sup>28</sup> There are other global instruments that are related to transparency on ammunition transfers, but they are unsuitable to the ATT context. To illustrate, states may voluntarily report on their annual expenditure on ammunition under the UN Military Expenditures database.<sup>29</sup>

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27 Regional Centre on Small Arms (RECSA). 2005. *Best Practice Guidelines for the Implementation of the Nairobi Declaration and the Nairobi Protocol on Small Arms and Light Weapons*. RECSA, June, <http://www.recsasec.org/pdf/Best%20Practice%20Guidelines%20Book.pdf> ; and ECOWAS, 2006.

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

29 Information on the UN Instrument for Reporting Military Expenditures can be found at <http://www.un.org/disarmament/convarms/Milex/html/MilexIndex.shtml>. Ammunition is listed in the reporting form under the

In the last decade, an average of 65 states per year reported under this instrument (so approximately a third of states<sup>30</sup>, while almost 120 states have reported at least once). The database focuses, however, on imports and domestic procurement. It is therefore not a suitable tool for transparency on international ammunition transfers. Nevertheless, the mechanism serves as a reminder that a significant number of states have accepted the principle of public reporting on ammunition in some form.

Also deserving mention here is the UN Commodity Trade Statistics Database (Comtrade), a voluntary depository for states on their international trade statistics.<sup>31</sup> While Comtrade provides customs data for both exports and imports of ammunition, not all ammunition-exporting and -importing states participate in the database. Moreover, states need not identify the country of destination of exports; this further limits the value of the database with regard to providing accountability in the international ammunition trade. The challenges associated with Comtrade are illustrated by an example provided by a former UN arms embargo investigator monitoring the arms embargo on an African state. The investigator established, in written communication with source countries, the continued influx of legally-transferred ammunition into the sub-region. Some of this ammunition was subsequently diverted in violation of the relevant UN arms embargo. However, none of the initial legal transfers was recorded in the Comtrade database.<sup>32</sup>

Again, though, there exist multilateral standards on reporting of international ammunition exports that illustrate the feasibility of such reporting. Of particular relevance in this context is the annual public reporting obligation of EU Member States on their exports of arms *and* ammunition. The reporting by EU states, further described below, as well as the experiences of EU states with such reporting demonstrate that transparency on international ammunition exports does not impose on them unacceptable administrative burdens or challenges to commercial confidentiality or national security. If EU states had felt uncomfortable about such reporting, they would not have found consensus in 2008 to change the status of this reporting from a political commitment to a legal obligation (see below).

## States' views on ammunition-inclusion in the ATT

In January 2007, the UN Secretary-General requested UN Member States to submit their views on the future ATT. By the end of 2008, 99 states had responded to the request, that is, just over half the then 192 UN Member States.<sup>33</sup> Not all of these states gave an opinion on whether ammunition should be included in the scope of equipment controlled under the ATT. But the vast majority of those states that *did* refer to ammunition supported its inclusion in the ATT. That is, at least 55 states expressed their support for the inclusion

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instrument in category 2.1.8, available at the same web-site.

30 See UN. 2010. UN Standardized Instrument for Reporting Military Expenditure (1992-2010). UN, 23 November, <http://www.un.org/disarmament/convarms/Milex/Docs/2010NovMilex-participation.pdf>

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

32 Personal interview with former UN arms embargo investigator, New York, March 2011; details of the case withheld to prevent singling out individual states for non-participation in the voluntary Comtrade database in the context of this brief.

33 The views of states were published in 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. Available at <http://www.un.org/disarmament/convarms/ATTPrepCom/Documents.html>

of ammunition. Another six states expressed their support for the start of negotiations on the basis of existing multilateral control lists on military material that include ammunition.<sup>34</sup> Since the start of the UN Preparatory Committee Meetings (PrepComs) on the ATT, another 34 states have expressed their support for including ammunition in the ATT. While several of these states explicitly supported the inclusion of ammunition in the ATT in their national statements, others expressed their support through statements of multilateral groupings to which they belong.<sup>35</sup>

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34 The 55 states that indicated their support for ammunition-inclusion are, in Africa, Benin; Burkina Faso; Côte d'Ivoire; Democratic Republic of Congo; Djibouti; Kenya; Liberia; Malawi; Mauritius; the Niger; Senegal; South Africa; Togo; and Zambia. In Europe, they are: Austria; Bosnia and Herzegovina; Bulgaria; Czech Republic; Estonia; France; Germany; Hungary; Italy; Latvia; Liechtenstein; Lithuania; Luxembourg; Malta; Montenegro; Netherlands; Norway; Portugal; Romania; Slovakia; Slovenia; Spain; Sweden; Turkey; UK; and Ukraine. In the Americas, they are Argentina; Brazil; Colombia; Costa Rica; Ecuador; El Salvador; Jamaica; Mexico; Paraguay; and Peru. In Asia, they are Bangladesh; Philippines; and the Republic of Korea. In Australia and Oceania, they are Australia and Fiji (see UNGA, 2007).

35 States that did not raise ammunition in their replies to the request by the UN Secretary-General on their views in 2007 but explicitly support ammunition-inclusion in their national statements made at UN Preparatory Committee meetings on the ATT are:

Bahamas (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/Statements-received-20110307/20110304Bahamas-E.pdf>);

Belize (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/20110228/new/20110228Belize-E.pdf>);

Burundi (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/20110301/20110301Burundi-F.pdf>);

Canada (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom3/2011-July-14/2011-07-14-Canada-EL.pdf>);

Grenada (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom3/2011-July-12/2011-07-12-Grenada-E.pdf>);

Ireland (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom3/2011-July-15/2011-07-15-Ireland-E.pdf>);

Japan (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/Statements-received-20110307/20110228Japan-E.pdf>);

Mali (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/20110301/20110301-Mali-F.pdf>);

Mongolia (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/2010-07-13/13072010-Mongolia-E.pdf>);

Nigeria (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/20110302/20110302Nigeria-E.pdf>);

Saint Lucia (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom3/2011-July-12/Afternoon/2011-07-12-St-Lucia-E.pdf>);

Switzerland (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/20110228/20110228Switzerland-E.pdf>);

Trinidad and Tobago (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/20110228/20110228TrinidadandTobago-E.pdf>);

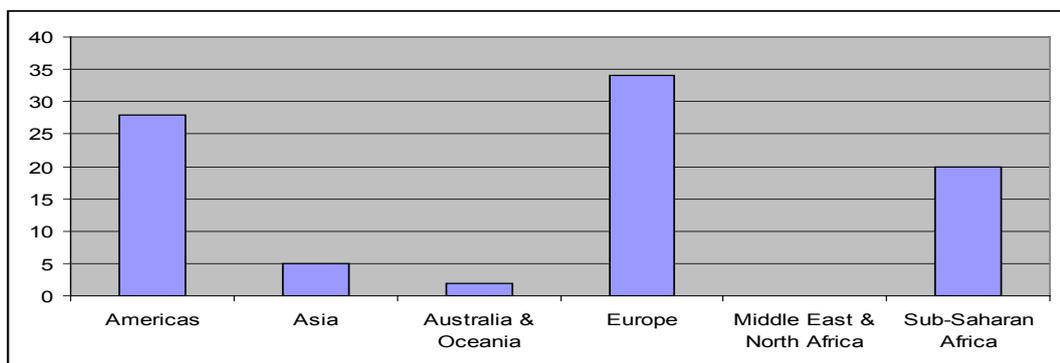
Uganda (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/20110301/20110301Uganda-E.pdf>); and

Uruguay (<http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/2010-07-14/14072010-Uruguay-E.pdf>).

States that belong to regional groupings that made statements on behalf of their member states in support of ammunition-inclusion in the ATT are Antigua and Barbuda; Barbados; Belgium; Chile; Cyprus; Denmark; Dominica; Finland; Greece; Guatemala; Guyana; Haiti; Montserrat; Poland; Rwanda; Saint Kitts and Nevis; Saint Vincent and the Grenadines; Suriname; and the United Republic of Tanzania. The statements of the relevant groupings are available at <http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/20110228/20110228AnB-CARICOM-E.pdf>; <http://www.un.org/disarmament/>

Graph 1 below shows the distribution of the relevant 89 states in support of ammunition-inclusion in the ATT in the different sub-regions of the world. The broadest support is expressed by states in Latin America and the Caribbean, sub-Saharan Africa, and Europe. Supporting states include significant producers and exporters of ammunition, as well as those who are predominantly importers. Further, they include many states directly affected by the negative consequences of irresponsible and illicit arms transfers. Indeed, these states often explained in their expressions of support that ammunition facilitates the violations of international law, armed conflicts, transnational organised crime, and terrorist acts that the ATT should, in their view, aim to prevent. This sentiment was ably expressed by the delegation of Norway in a statement to the February-March 2011 ATT PrepCom:

Graph 1: Number of states in sub-regions supporting ammunition-inclusion



“One category which in the view of this delegation should definitely not be excluded [from the scope of an ATT] is ammunition. We believe that most delegations would share the view that from a humanitarian perspective ammunition is at the core of today’s global armed violence problems. Together with small arms and light weapons they constitute what many describe as the weapons of mass destruction in today’s world.”<sup>36</sup>

Also of note is that the supportive states typically favour the inclusion of ammunition in an ATT without qualification, that is, without specifying any ammunition-related exemptions in the instrument. In other words, they argue that ammunition should be subject to the same transfer criteria and reporting mechanisms as arms. One exception in this regard is Canada, which at the July 2011 PrepCom spoke in support of including ammunition in the scope of the ATT but argued that it is important to be flexible “in how the issue of ammunition is considered in order to promote the maximum possible participation in a future treaty and thus achieve balance with respect to the substance of the treaty and subscription to it”. Specifically, Canada supports in this context “the suggestion made by some delegations ... that high volume items such as ammunition be exempted from reporting requirements”.<sup>37</sup>

convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/20110302/20110302Burundi-EAC-E.pdf; <http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/20110228/20110228Hungary-EU-E.pdf>; and <http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/2010-07-21/21072010-JointStatement-E.PDF>

36 Statement by the Delegation of Norway to the ATT Prep.Com, 28 February 2011, <http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/20110228/20110228Norway-E.pdf>

37 Statement by the Delegation of Canada, Arms Trade Treaty Prepcom, 14 July 2011, <http://www.un.org/>

## Opposition to including ammunition in the ATT

A few states openly oppose ammunition controls in the ATT negotiations. Of particular note is the US, which has argued that the “inclusion of ammunition ... will be difficult ... to accept in an ATT”<sup>38</sup>. The US stated in this context that it would be unwilling to accept changes to its domestic legislation on gun ownership or practices on recording and reporting domestic ammunition transfers. It is not clear, however, how the likely controls on international transfers of ammunition would impact on domestic US controls, so it may well be that this does not ultimately prove problematic, especially as the US already operates relevant national standards on international ammunition transfers. Ammunition that would be covered by an ATT is an integral part of the US Munitions List; ammunition is subject to the same export licensing system as arms and weapons under the US Arms Export Control Act.<sup>39</sup> In addition, the US already provides ATT-relevant information on ammunition exports in public national reports on arms exports (see section 6 below).

Other critical states include Egypt and the Russian Federation. Both have provided procedural reasons for their opposition and argued that the inclusion of ammunition in the ATT would complicate consensus.<sup>40</sup> Egypt also argued that “[t]here has been no agreement in the context of the UNPOA or any other instrument on the inclusion of Ammunition or Munitions. The ATT is no different.”<sup>41</sup> This, according to the Egyptian delegation, shows that there will also be no consensus on including ammunition in the ATT. It must be noted though that ammunition *is* included in the scope of the UN Firearms Protocol. Further, as previously mentioned, Egypt argued that ammunition should not be included in the ATT because it would not be possible to mark and trace ammunition.<sup>42</sup> This argument led to the exclusion of ammunition from the UN Tracing Instrument (see above). But it is unrelated to the ATT context; the ATT is *not* conceived of as an instrument promoting the traceability of ammunition.

Further states that openly expressed their scepticism towards the inclusion of ammunition in the ATT are India and Vietnam. Specifically, the delegation of India has argued that “[w]hile we can agree with the inclusion of small arms and light weapons, we do not believe that it would be realistic to include ammunition ... in the scope of the proposed ATT”.<sup>43</sup> The delegation of Vietnam stated that “[a]s regards the scope of the treaty, the intention to include all types of conventional arms including ammunition, components and technology is too ambitious.”<sup>44</sup> To date, however, neither India nor Vietnam explained

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disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom3/2011-July-14/2011-07-14-Canada-EL.pdf

38 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>

39 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](http://www.pmdtc.state.gov/regulations_laws/documents/official_itar/ITAR_Part_121.pdf)

40 See UNGA, 2007, part 1, p. 11f; and Wallacher and Harang, 2011, p. 12ff.

41 Statement by Egypt on an arms trade treaty, p. 2.

42 *Ibidem*.

43 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>

44 Statement of Vietnam on an arms trade treaty, New York, 28 February 2001, p. 1, <http://www.un.org/disarmament/convarms/ATTPrepCom/Documents/Statements-MS/PrepCom2/Statements-received-20110307/20110228Vietnam-E.pdf>

in greater detail why exactly they consider it unrealistic or as too ambitious to include ammunition.

Other states that, in the past, have been critical of global standards on ammunition control, such as China, Cuba, and Iran, have not yet publicly voiced their views on the inclusion of ammunition in the scope of a future ATT.

## Implementing transfer controls

There is a clear logic for an ATT to require states to regulate the international transfer of arms and ammunition in consideration of the same potential consequences for, for example, international human rights and humanitarian law. There is also no state that has voiced concerns regarding the licensing of international ammunition transfers on the basis of the same criteria that are to be applied to licensing international transfers of arms. Moreover, states that already maintain international arms transfer control systems also control ammunition transfers as part of this system. Indeed, as noted by the UN Secretary-General in his 2011 report on small arms, “most countries do not distinguish arms export legislation from ammunition export legislation”.<sup>45</sup> Indeed, *no* state reports having in place a system for licensing arms transfers and excluding licensing of ammunition transfers from this system.

While not subject to specific debate within the ATT context, the argument that licensing international ammunition transfers would create an unacceptable administrative burden for states deserves, for comprehensiveness, consideration. Licensing transfers of arms *and* ammunition, as opposed to arms only, implies a higher number of licence applications. But this, by itself, would not justify the argument that global standards on transfer criteria and licensing for international ammunition transfers would impose an unacceptable burden. This is especially the case when considering that most states already operate transfer licensing systems for international transfers that cover both arms and ammunition. Rather, the challenge for states not yet operating *efficient* licensing systems will be the establishment and maintenance of such a system. Experience suggests that once such a system is operating, no unacceptable burden is imposed for the processing of licence applications for international ammunition transfers.

The point regarding administrative burdens is reinforced when looking at the licences issued by EU Member States for ammunition exports as a percentage of the number of export licences issued by these states for all conventional arms. In 2009, EU Member States issued 62,482 export licences for all conventional arms categories; 3,384 (5 per cent) of which were for ammunition.<sup>46</sup> It is not evident, therefore, why licensing international ammunition transfers would create an unacceptable burden or would be difficult to implement.

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

46 The figures are taken from EU Council. 2011. ‘Twelfth 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’ in European Union. 2011. *Official Journal of the European Union*. Volume C9/1, January 13, pp.383-392. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:009:0001:0417:EN:PDF>

## Implementing reporting obligations

As in relation to applying transfer criteria to ammunition, it may be argued that reporting on international ammunition transfers could create unacceptable administrative burdens for states. It must be noted though that states which operate effective licensing systems for international arms and ammunition transfers typically already record information on international ammunition transfers that would be sufficient for meaningful reporting under the ATT. Indeed, no state has argued in the ATT debates that it does *not* routinely record relevant information as part of the processing of licence applications. Relevant minimum information includes, *inter alia*, the number of licences that are granted, the quantity of transferred ammunition, and, as relevant, countries of export, transit, or final destination. Reporting even only such limited information would already make an important contribution to transparency in the international ammunition trade. Note also that the required information is limited to information on *international* transfers only and does not require states to develop and maintain data-collection systems for the recording of *domestic* ammunition transfers.

Further, states that report on their international ammunition transfers do not report that such reporting imposes an unacceptable burden or is difficult to implement. For example, EU Member States report on their ammunition exports under the 2008 *EU Council Common Position defining common rules governing control of exports of military technology and equipment*.<sup>47</sup> The consolidated annual report published by the EU Council identifies, for each country of final destination, the number and value of licences for international ammunition exports authorised by each EU member state.<sup>48</sup> The annual and public reporting by EU Member States enhances transparency at the sub-regional level and allows for public scrutiny of export decisions. It can thus enhance responsibility and accountability in international ammunition transfers. It also facilitates efforts by EU Member States to work towards the harmonisation of their national export policies to a high standard.

Rather, as is the case in relation to applying transfer criteria to licence applications for international ammunition transfers, the central administrative challenge for states will not be to record and report relevant information. It will be, again, the maintenance of an effective transfer licensing system. Once in place, no unacceptable extra burden would seem to be imposed on states if they are required to report on international transfers of ammunition as well as arms. That EU Member States accepted the obligation to report under the EU Council Common Position, which they previously did on a voluntary basis only, clearly suggests that they did not encounter unacceptable difficulties in collecting and reporting relevant information.

### Reporting at national levels

While not an administrative challenge for states with functioning export licensing systems, since 2006 only 34 states have provided a public national report on their arms

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47 EU Council. 2008. *EU Council Common Position of 8 December 2008 defining common rules governing control of exports of military technology and equipment*. EU Council document 2008/944/CFSP, December 8, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:335:0099:0103:EN:PDF>

48 See, for example, EU Council, 2011.

exports at least once.<sup>49</sup> Of these, 28, all of which are located in North America or Europe, included information on ammunition exports.<sup>50</sup> The reports identify the countries of final destination of ammunition exports as well as the number of licences and/or the value of licences or exports. This national reporting greatly enhances transparency and accountability, and the capacity of states to make informed decisions on transfer licence applications. For example, without reporting, states will struggle to adequately assess whether a particular importing country is risking a destabilising accumulation of ammunition.

Several states provided additional elements on ammunition exports in their national reports. Seven identified the quantity of exported ammunition rounds or shells. Six reported on the specific sub-categories of ammunition that were authorised for export. The greatest detail was provided by the Former Yugoslav Republic of Macedonia (FYROM) and Montenegro, both of which identified the calibre of the exported ammunition. Reports from four states provided information on the type of end-user of the ammunition, that is, whether the end-user was a state or non-state actor. In the case of the FYROM, the information even identified the relevant company name or ministry. Six states also provided information on their ammunition imports and two states on ammunition transits through their territory. The individual states providing information that reflects best practice are shown in table 2 below.

The experiences of Canada, the US and European states in reporting ammunition exports confirm that reporting on such exports does not create unacceptable administrative burdens or logistical challenges. Individual actors opposing the inclusion of ammunition in the ATT have argued that reporting on international ammunition transfers will be impossible due to the vast quantities of ammunition produced and traded. For example, the annual production of small arms ammunition alone is estimated to amount to 12 billion rounds.<sup>51</sup> However these concerns are misplaced as the ATT will *not* require the individual recording and reporting of billions of separate ammunition rounds. Ammunition is internationally transferred in bulk quantities of several hundred thousand and even millions of rounds at a time. Recording and reporting is therefore limited to only thousands of international transfers at the global level each year.

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49 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/](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>

50 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; Poland; Portugal; Romania; Serbia; Slovakia; Slovenia; Spain; Sweden; and the U.K. In North America, they are Canada and the U.S.A.

51 See Wallacher and Harang, 2011, p. 2.

**Table 2: Information provided on ammunition transfers in national reports (best practices)**

	Country	Ammunition subcategories	Quantity of exports	Type of End-user	Imports	Transits
1.	Albania	---	---	---	Yes	---
2a.	Belgium Brussels	---	---	Yes	Yes	---
2b.	Belgium Flanders	---	---	Yes	Yes	---
3.	Bosnia and Herzegovina	---	---	---	Yes	---
4.	Croatia	---	---	---	Yes	---
5.	Czech Republic	---	---	---	Yes	---
6.	Estonia	---	Yes	---	Yes	---
7.	Denmark	---	---	Yes	---	---
8.	Finland	---	Yes	---	---	---
9.	Germany	Yes	Yes	---	---	---
10.	Macedonia (FYROM)	Yes	Yes	Yes	---	Yes
11.	Montenegro	Yes	Yes	---	---	---
12.	Netherlands	---	---	---	---	Yes
13.	Romania	Yes	---	---	---	---
14.	Serbia	Yes	Yes	Yes	---	---
15.	U.K.	Yes	---	---	---	---
16.	U.S.A.	---	Yes	---	---	---

Source: Public national reports on arms transfers<sup>52</sup>

## Arguments against the inclusion of ammunition

As indicated, the vast majority of states that have explicitly addressed the question of ammunition in the ATT context favour its inclusion and often even see this as critical to an ATT that can fulfil the goals and objectives set out in the Chair's paper. At the same time, many states have not (yet) voiced their views, and a few states openly oppose the inclusion of ammunition. The states that oppose the inclusion of ammunition typically argue that licensing international ammunition transfers and reporting thereon would be too burdensome, too difficult to implement, or too ambitious and threatening consensus among states on the ATT. It is notable though that so far these states have not gone into concrete detail in their official statements about why licensing international ammunition transfers and reporting thereon would be too burdensome or ambitious. Further, as was shown in relation to the concern by Egypt that including ammunition in the scope of the ATT would be unfeasible because it would be impossible to trace ammunition (see above), the argument is unrelated to the ATT because the ATT will *not* require states to establish domestic record-keeping systems on *internal* ammunition transfers that would be required to trace ammunition once it is imported.

Notwithstanding, there are legitimate concerns regarding the inclusion of ammunition in an ATT which delegates to the ATT PrepComs have voiced in informal conversations with non-governmental observers. The argument that applying international transfer criteria to ammunition or that reporting on authorised ammunition transfers would create an

52 Available at Stockholm International Peace Research Institute, [http://www.sipri.org/research/armaments/transfers/transparency/national\\_reports/](http://www.sipri.org/research/armaments/transfers/transparency/national_reports/).

unacceptable administrative burden for state was discounted in the preceding sections. The main challenge for states will be to, as relevant, establish and maintain an efficient transfer system for licensing international transfers, rather than extending such a system once in operation to cover ammunition. Moreover, ammunition rounds and shells are not transferred individually but in bulk quantities. This means that national reporting on international ammunition transfers would concern thousands of individual transfers rather than millions or billions. Indeed, as was noted above in relation to ammunition exports by EU Member States, their ammunition exports amounted to some 3400 transfers in 2009 and, therewith, to only 5 per cent of all transfers of conventional arms.

The following sub-sections consider other arguments that delegates of individual states have raised informally against the inclusion of ammunition in an ATT. Specifically, the arguments relate to concerns that including ammunition in an ATT could conflict with operational capacities in peace-keeping operations or could be difficult because no adequate risk-assessment or post-export controls would be possible. Further arguments relate to concerns regarding reporting on ammunition transfers because this would interfere with military and commercial sensitivities. Careful examination of those concerns, however, does not justify the exclusion of ammunition from an ATT as set out in the Chair's paper.

### **Operational capacities in peace-keeping missions**

One argument that has been raised against the inclusion of ammunition in the licensing procedures of an ATT is that this may impose operational constraints in the context of multilateral peace-keeping operations. In particular, it is argued that speedy transfers of ammunition may be required among allies in multilateral peace-keeping operations and that an ATT may interfere with these capacities. However, participation in international peace-keeping operations does not remove states from their obligations and responsibilities under international law in relation to arms and ammunition transfers. That is an operational need by an ally for a speedy transfer of ammunition does not remove the obligation of an exporting state under existing international law to consider whether there is a serious risk that the ammunition would be used in, for example, serious violations of international humanitarian law by the allied end-user.

Moreover, states that co-operate in international peace-keeping operations have, so far, not publicly reported in the ATT context that their existing national and international obligations and responsibilities in relation to transfers of arms and ammunition have imposed unreasonable operational constraints. It is not clear, therefore, whether the argument is based on an only theoretical concern or reflects actual experiences of states participating in peace-keeping operations. Moreover, the time it will take for a state to assess whether an international transfer is in conformity with its obligations and responsibilities will not depend on whether ammunition is included in the ATT or not but on the capacity of the state to speedily process transfer licenses it considers as a matter of priority.

### **Risk assessment and post-export controls**

Another argument is that international ammunition transfers should not be subject to licensing under the ATT because it would not be possible to adequately assess the risks

of diversion or misuse of the transferred ammunition. States would also be unable to implement adequate post-export controls in relation to ammunition and verify end-user-compliance with their obligations. For example, export licensing officials would not be able to properly assess whether there is a serious risk that an individual soldier in the armed forces of an importing state may divert or misuse imported ammunition. Related to this, exporting states would not be able to properly monitor exported ammunition and identify entities or individuals abroad who are responsible for diverting or misusing ammunition.

It must be noted, however, that states with effective transfer control system already operate *national* standards to assess, for each transfer licence application, the risk of negative consequences should they authorise the transfer. These national standards apply to both arms and ammunition. It is not clear, therefore, why a *global* standard to consider potential risks in relation to ammunition transfer applications, which would still be implemented by national authorities, would pose a fresh challenge. Further, states do not consider whether there is a serious risk that, for example, an individual soldier in a foreign state may divert or misuse an exported assault rifle. Rather, licensing officials consider whether there are indications that an importing entity (in the case here the importing ministry of defence) may be unable to ensure the adequate control of the stockpiles under its authority or whether it violated past end-user obligations. The same considerations form the basis of informed transfer decisions in relation to ammunition. Moreover, a guarantee that the importing state will cooperate with the exporting state in the event that there are future concerns about diversion or misuse may lead to certain transfers being approved when without such guarantees they would be refused.

Arms-exporting states typically undertake post-export verification only if they receive information about or have certain reasons to suspect possible diversion of arms or violation of an end-use obligation. The sources of such information may include the in-country diplomatic presence of the exporting state, its intelligence services, other states, UN groups which monitor the implementation of arms embargoes, and reporting in the media and by NGOs. The same sources may also inform exporting states about diversion risks and/or violations of end-user undertakings in relation to exported ammunition. Indeed, contrary to claims that exported ammunition cannot be monitored, monitoring of illicit ammunition flows and the identification of diversion points is frequently possible in relation to ammunition that is internationally traded in markets for state-actors. This is clearly demonstrated by information reported by UN arms embargo monitoring groups (see box 2 below).

Note that monitoring ammunition flows and the identification of ammunition diversion from state actors is substantially different from tracing illicit small arms ammunition for the purpose of law enforcement. The former does not seek to establish evidentiary standards that could be used in a court of law for the prosecution of an individual accused of diverting or misusing ammunition. Instead, it is a conflict prevention tool in the sense that it can provide indications about risks of diversion from and/or lack of respect for end-user obligations by state actors. In turn, this can inform transfer licensing officials about potential risks and inform decisions on transfer licence applications. It can therefore strengthen accountability in the international ammunition trade and contribute to achieving the intended purposes of the ATT as listed in the Chair's current draft paper.

The feasibility of monitoring illicit ammunition flows and identifying diversion points in state-actor-markets are further explained in box 2.

### **Box 2: Ammunition tracing by UN embargo groups**

UN groups monitoring the implementation of mandatory UN arms embargoes frequently encounter ammunition transferred in violation of those embargoes and, thereby, in violation of international law. The analysis and tracing of the ammunition provides a tool to monitor flows of illicit ammunition into embargoed destinations and to identify their likely sources and points of diversion. The work of the groups is facilitated by a range of factors. Ammunition transferred in violation of arms embargoes and used in armed conflicts typically originates in state-actor markets. This is because the legal trade in ammunition for use in the military arms and weapons that are employed in armed conflicts is usually restricted to state actors. Further, ammunition lots, that is ammunition pertaining to a particular production run, are frequently transferred in their entirety in state-actor markets and are often transferred directly from the producer to the client who ordered the ammunition. This means that there is often only one end-user of a specific ammunition lot, for example a military or a police force.

There are several recent examples of UN embargo groups which tracked the transfer of specific ammunition lots from their point of production and that resulted in the identification of the state actors from whom the ammunition was diverted into conflict settings.<sup>53</sup> At the same time, the UN groups have not always been able to establish whether the diversion had taken place without intent by the state actors through, for example, theft from national stockpiles or capture by hostile forces on the battle ground. It must be noted, however, that is not the mandate of UN embargo groups to collect evidence against individual actors for use in a court of law. Moreover, the tracking of relevant ammunition and identification of the last state actor in its legal possession already provides important elements for responsible arms transfer policies and contributes to accountability. Specifically, it can alert states to diversion risks associated with individual actors in the international arms and ammunition trade and inform future action. Such action may, depending on the case, range from the offer of bilateral assistance to strengthen stockpile management capacities and stockpile security in importing states to the denial of future transfer authorisations to the actor in question.

### **Military and commercial sensitivities**

A key argument made against greater transparency regarding ammunition transfers is that such transparency would undermine national security and commercial sensitivities. For example, an ammunition-producing state that reports annual exports of 12 million rounds of small arms ammunition and no imports could, if the pattern were repeated for long enough, be identified as having a domestic capacity for the annual production of at least 12 million rounds of small arms ammunition (though this would also require the assumption that production capacity stayed constant over the period). Further, reporting on the quantity of transferred ammunition could reveal information about changes in domestic stockpile levels, more so for states with no domestic production.

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53 Relevant cases are reported in, for example, UNSC. 2011b. 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 27, paras.124-7, pp.31-2 and paras.129-30, pp.33-4, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2011/272](http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/272) ; and UNSC. 2011c. Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005). UN document S/2011/111, March 8, paras.53-4, pp. 23-4 and paras.58ff, p.25f, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2011/111](http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/111).

Similarly, reporting on transfers to national armed forces operating abroad could reveal information on the stockpile levels of such forces. In all these cases, it is argued that potentially hostile states or actors could obtain sensitive information about the amount of ammunition that is at the disposal of a state and, thereby, about the preparedness and the capacity of a state and its armed forces to sustain the defence against an armed attack.

Arguments have also been made that reporting on ammunition transfers could reveal commercially-sensitive information, for instance in a case where a company sells ammunition to a foreign state. If reporting identifies the exporting company as well as the value, quantity, and type of exported ammunition, a commercial competitor will know the sales price and be able to undercut the originally exporting company in future deals.

Reporting could be structured in such a way as to avoid giving any information that might facilitate attempts at this kind of analysis of state capacity or calculation of sensitive pricing data. For example, by requiring reporting on only the number of licences granted and the identity of the importing, transiting, and exporting states. And indeed, the relevant paragraph in the Chair's paper stipulates only that states "shall submit annually ... a report for the preceding year concerning the transfer of arms" falling under the scope of the ATT.<sup>54</sup> It *does not* stipulate that states shall submit annual reports which identify, for example, the quantity and/or value and the model/type (calibre) of transferred ammunition.

However the value of this level of reporting would be extremely limited. There are also ways to give more information that should mitigate this type of concern, for example by using ranges or approximate figures for quantities/values, rather than precise data.

Moreover, most of the concerns set out above would be mitigated by the way in which reporting under the ATT would be managed. For example, any reporting will inevitably be retrospective, and is likely to be required on an annual basis. Assuming the ATT provides for a national-reporting deadline of six months after the end of the reporting period, this means that the data available for analysis will be six to eighteen months old, and will not cover any of the most recent six months. Also of relevance here is that ammunition is a consumable, and typically the time from order to delivery is relatively quick; the pitfalls of trying to use retrospective ATT reporting data to calculate capacities are obvious. With regard to the supply of ammunition to national forces overseas, there is *no* support among states for the supply of a state's own forces abroad to fall within the scope of the ATT, therefore such transfers would not be reported.

At this point it may also be worth noting the experiences of those states that already publicly report significant detail on ammunition transfers. Typically, calls for greater transparency have been resisted, with arguments about national security and commercial sensitivities to the fore. However, time and again, if and once the additional information is placed in the public domain, initial anxieties have been revealed as misplaced, and there is no evidence of national security or competitiveness being compromised.

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

## Comprehensive reporting on ammunition transfers

As indicated, the Chair's paper does not specify the specific details that states are to report on their international ammunition transfers. The Chair's paper also does not stipulate that the annual reports by states are to be made public. Both these factors may facilitate consensus among states on the inclusion of ammunition because they avoid stipulating reporting standards regarding which some states appear opposed or unsure. At the same time, many non-governmental arms transfer control advocates are critical of the absence of detailed reporting standards and especially the absence of an obligation to report publicly.<sup>55</sup> Specifically, they argue that comprehensive, public reporting will be critical to effectively promote transparency and accountability in international arms and ammunition transfers and, thereby, to achieve one of the objectives stipulated in the Chair's extant paper.<sup>56</sup>

Comprehensive reporting on international ammunition transfers could include, but need not be limited to, information that details the quantity, the value, and the type and calibre of the transferred ammunition, the number of granted and denied transfers, the relevant states of origin, transit, or final destination, and the end-user. The publication of such information, advocates argue, would significantly strengthen the scope for public scrutiny of transfer decisions that are made by states. In turn, this would allow publics to hold to account their governments for their decisions on arms and ammunition transfer licenses and, thereby, strengthen accountability in the international arms and ammunition trade.

Further, as pointed out by these non-governmental advocates and noted above, the experiences of those states that already report publicly suggest no conflict with either military or commercial sensitivities. This, they argue, is indicated by, for example, the fact that EU Member States agreed in 2008, after nearly a decade of already reporting on their arms and ammunition transfers, to create a legal obligation to report on their exports and have a consolidated report published by the EU Council.<sup>57</sup> As presented in section 6 above, the consolidated annual report identifies, for each country of final destination, the number and value of licences for international ammunition exports authorised by each EU member state.<sup>58</sup> While more limited than comprehensive reporting by, for example, excluding information on the quantity of transferred ammunition, even this information already makes, in the view of these advocates, a significant contribution to transparency.

## Policy options

States have at least four policy choices in relation to ammunition and the ATT. The first is to exclude ammunition from the instrument altogether. The second is to exclude ammunition from reporting obligations but include it among the equipment requiring transfer authorisations. The third choice is to retain ammunition in the instrument in the form in which it is covered in the Chair's current paper. The fourth is to strengthen the ammunition-relevant standards in the Chair's paper by broadening the definition of ammunition and stipulating detailed public reporting standards. The following sub-

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55 Personal interviews with non-governmental arms control advocates, New York, March 2011.

56 *Chairman's draft*, draft art. III.5.

57 EU Council, 2008, art. 8 1-2.

58 See, for example, EU Council, 2011.

sections discuss the four policy choices in light of the intended purposes and goals listed in the Chair's paper as well as the aim to ensure consensus on a future ATT.

### **Option 1: Fully exclude ammunition**

Excluding ammunition from the draft ATT as presented in the Chair's paper would require deleting ammunition from the items that it is currently proposed should be covered by the ATT. The option of excluding ammunition may facilitate consensus in the negotiations of the ATT by satisfying the interest of a small number of states that otherwise may possibly oppose an ATT altogether. The option would not, however, respond to the expressed interests of a large majority of other states. Many of these latter states directly experience the negative consequences of irresponsible and illicit arms and *ammunition* transfers. Moreover, the option of excluding ammunition would fall below existing rights and obligations of states under the UN Charter and other international law and responsibilities. It would also fall below existing national standards and practices, as most states already assess international transfer authorisations on the basis of national transfer criteria. This is logical because ammunition contributes to the negative consequences of irresponsible and illicit arms transfers. Indeed, as argued in this brief, there is no justification for excluding ammunition from the scope of the ATT and, especially, from the scope of transfer criteria and authorisations for international transfers. Excluding ammunition would also significantly limit the capacity of the instrument to achieve the goals and objectives that are listed in the Chair's paper.

### **Option 2: Include ammunition in ATT scope and exclude from reporting obligations**

Excluding ammunition from reporting obligations but not from transfer licensing would require the introduction of a new sub-paragraph in the reporting obligations of the draft ATT. This would need to specify that the obligation of each state party to submit annually a report for the preceding year concerning the transfer of arms does not pertain to ammunition. This would offer a possible compromise on the lowest common denominator because ammunition would be retained in the scope of transfer licensing. This would counter the dearth of international, regional, and sub-regional standards that explicitly subject international ammunition transfers to transfer criteria and reflect already existing national practices in most states. It would also be preferable to not including ammunition in the scope of the ATT at all. Note however that excluding ammunition from reporting obligations would not allow for transparency and accountability that are listed in the Chair's paper as an objective of the ATT.

An alternative to excluding ammunition from reporting obligations altogether could be a sub-article specifying that states may report only basic details on their international ammunition transfers. Such basic information could include, as relevant, the origin, destination, or transiting states as well as the number of licences that states authorise during the reporting period. Such a basic level of reporting would not allow for particularly meaningful transparency or accountability.

### **Option 3: Retain ammunition in its current form**

Retaining ammunition in the ATT in the form in which it is included in the Chair's paper would mean that international ammunition transfers will be subject to both transfer criteria and to reporting obligations. It would also significantly strengthen the capacity of the future ATT to achieve the goals and objectives listed in the Chair's paper. At the same time, without further refining the definition of ammunition, there will be loopholes in the ATT regarding, for example, ammunition-related munitions such as hand grenades. In addition, the language in the Chair's paper in relation to reporting leaves room for interpretation. That is, it can be interpreted to mean that states only need to report the number of international transfers they granted and denied. It may also be understood, however, to mean that the information to be reported "may include" additional information on, inter alia, quantity, model/type, and end users.<sup>59</sup> Apart from the language being unclear, the reporting obligations also do not provide for the reports by states being made public. Without such public reporting, too many of today's bad practices will be able to continue unchecked.

In other words, retaining ammunition in its current form in a future ATT would make a significant contribution to consolidating transfer criteria and reporting on international ammunition transfers at the global level. This would require that the states in favour of including ammunition in the ATT do not sacrifice ammunition in a compromise with the few states that oppose its inclusion. A failure to further refine and strengthen ammunition-relevant standards will leave loopholes and weaknesses in a future ATT, though this should be considered against the risk of lengthy debates in the ATT negotiations that may not achieve consensus or risk the exclusion of ammunition from the ATT altogether.

### **Option 4: Strengthen ammunition-relevant standards**

A robust ATT that can effectively contribute to achieving the goals and objectives listed in the Chair's paper would require ammunition-relevant changes in relation to the scope of equipment that will be covered by the ATT as well as reporting obligations. First, the scope of the Treaty could be broadened to include ammunition-related munitions such as hand grenades. This could be achieved by amending the draft sub-paragraph on the scope of the ATT to read ammunition for use in weapons listed in the paragraph "and ammunition-related munitions". This amendment would still not be ideal because of a lack of definition in the ATT concerning the term 'munitions'. It would be desirable, therefore, to adopt an annex to the ATT that would provide explanatory notes on each of the equipment categories that are to be covered by the future ATT.

Second, to achieve meaningful transparency and accountability, it would be necessary to clearly specify the minimum information that states are required to provide in their annual reports on arms and ammunition transfers. This could be achieved by modifying the relevant sub-paragraph on reporting to read that the reports by states shall specify the details that states are encouraged to record as part of their authorisation systems.<sup>60</sup> For example, an additional paragraph could stipulate that reporting on international

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<sup>59</sup> *Chairman's draft*, draft art. VI.B.

<sup>60</sup> See *ibidem*, draft art. VI,B.1-2 and 4.

transfers of ammunition should identify, at a minimum, the country of, as relevant, origin, transit, or final destination as well as the number of transfer licences and/or their value for each country of, as relevant, origin, transit, or final destination. This would consolidate good practices in reporting by those states that already provide annual reports that detail their international ammunition exports. Third, the references on annual reporting would need to be amended to specify that the annual reports by states shall be made available to the public. This would allow for public scrutiny of the reports and allow publics to hold their governments to account for their arms and ammunition transfer decisions.

At the same time, there may be a risk that attempts to initiate a detailed debate on the scope of ammunition and munitions to be covered by the instrument as well as on reporting standards for ammunition transfers would side-track the ATT negotiations. Moreover, it may be more logical to elaborate explanatory notes for all the categories of arms covered by the scope of the Treaty, including ammunition and related munitions, and for all the transfer details that are to be (publicly) reported by states (for ammunition as well as for arms).

In light of the above, it may be considered desirable to consider how best to use Treaty implementation mechanisms to develop ammunition controls over time with regard to those aspects that are not fully addressed at the Treaty-negotiation stage, for example through the five-yearly Review Conferences and their preparatory meetings as referred to in the Chair's paper.<sup>61</sup>

## Recommendations

This briefing has argued that including ammunition in the ATT will be critical to achieve the goals and objectives listed in the Chair's paper. This is because ammunition is essential to committing the very acts that undermine international and regional peace, security, and stability and that the ATT seeks to prevent through "the highest possible common international standards" for international arms transfers.<sup>62</sup> Indeed, as argued here, there is no possible justification for excluding international ammunition transfers from the scope of transfer criteria. To do so would be inconsistent with the already existing rights and obligations of states under the UN Charter and other international law. It would also fall below already existing national practices in most states.

Also argued here is that there is no evident reason for excluding ammunition from the scope of reporting obligations. Maintaining national transfer licensing systems that cover ammunition as well as reporting on international ammunition transfers does not impose an unacceptable administrative burden. Moreover, many states already record, as part of their transfer licensing systems, the information on international ammunition transfers that would be required for meaningful reporting. A few states also already report on their exports on ammunition. Their experiences do not suggest that reporting basic information on these exports undermined national security or commercial interests.

Including ammunition in the future ATT in the way it is covered in the Chair's paper would not be ideal because it would leave certain ammunition-related material such as

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61 *Ibid.* draft arts. VII.H.1-2.

62 *Ibid.*, draft art. III, para. 2.

hand grenades outside the scope of the instrument. It would also leave ambiguities in relation to the detail in which states would be required to report on their international ammunition transfers as well as fail to provide for public reporting by states. Importantly though, retaining ammunition in the scope of the ATT in the way it is stipulated in the Chairman's draft would achieve the fundamental aims that international ammunition transfers will be subject to authorisations on the basis of the ATT's transfer criteria as well as reporting obligations.

Refining and strengthening the ammunition-relevant language in the Chair's paper is desirable to allow for better realising the relevant goals and objectives. This will need, however, to be balanced against the risk of side-tracking the ATT negotiations and possibly leading to a situation where a lack of consensus between states threatens the inclusion of ammunition in the scope of the ATT altogether. It may be preferable therefore to postpone detailed discussions on the scope of ammunition covered by the ATT as well as the exact level of detail that states are to report on their international ammunition transfers until a future review conference on the ATT.

In light of the above, this brief makes the two following recommendations:

1. States supporting the inclusion of ammunition in the future ATT should seek to retain ammunition in the instrument in at least the form in which it is covered in the Chair's paper. This would ensure the realisation of the fundamental aims to subject international ammunition transfers to reporting obligations and to authorisations of international transfers on the basis of the transfer criteria to be stipulated in the ATT.
2. To fully achieve the goals and objectives of the ATT as set out in the Chair's paper, the range of ammunition falling within the scope of the instrument as well as reporting obligations, including public reporting, will require further refinement and strengthening. States should keep in mind the potential of future preparatory meetings and review conferences of the ATT to facilitate this further refinement and strengthening.

# UNIDIR RESOURCES

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The United Nations Institute for Disarmament Research (UNIDIR)—an autonomous institute within the United Nations—conducts research on disarmament and security. UNIDIR is based in Geneva, Switzerland, the centre for bilateral and multilateral disarmament and non-proliferation negotiations, and home of the Conference on Disarmament. The Institute explores current issues pertaining to the variety of existing and future armaments, as well as global diplomacy and local tensions and conflicts. Working with researchers, diplomats, government officials, NGOs and other institutions since 1980, UNIDIR acts as a bridge between the research community and governments. UNIDIR's activities are funded by contributions from governments and donor foundations.