

## Small arms ammunition: light at the end of the barrel?

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It is not so long ago that the very thought of attempting to address the uncontrolled dissemination and misuse of small arms and light weapons (SALW) was dismissed by many as hopelessly far-fetched, as utterly naive, or, worse, as a ploy to avoid dealing with other issues such as nuclear disarmament.

For all the initial scepticism, SALW now stand out as one of the very few fertile patches in the arid landscape of arms control and disarmament, as is clearly illustrated in other articles in this issue of *Disarmament Forum*. Achievements to date, however, do not extend to ammunition.

More often than not, disarmament, arms control and non-proliferation issues present themselves as complex problems and as genuine dilemmas between equally valid but not always compatible imperatives. This tends to colour the way the issues are dealt with: through treaties and other agreements involving fine lines, provisions for dual use, trade-offs, conditions, exemptions and compromises, resulting at best in a positive net balance of pros and cons for as many negotiators as possible and for security as a whole. SALW and negotiated instruments on their possession, transfer or use are no exception.

To the uninitiated observer, it may seem that ammunition for SALW could be one of the few clear-cut exceptions: dealing with SALW should logically involve the corresponding ammunition. Yet, it has become commonplace—barring very few exceptions—for multilateral arms control endeavours (as opposed to national or regional ones) to treat ammunition as an afterthought, if at all. Most often, ammunition is not addressed, and usually not even mentioned.

There is something almost palpably bogus about attempting to argue that illicit SALW need to be brought under control, but not their ammunition. This is borne out in a number of important ways.

### *Ammunition and the United Nations Programme of Action*

SALW ammunition gets fired at enormous rates in conflicts the world over. As a negotiating issue in multilateral circles, however, it has a persistently high dud rate.

The first Panel of Governmental Experts' report on SALW did state that “[a]mmunition and explosives form an integral part of the small arms and light weapons used in conflicts. The availability of ammunition is an important independent element, since weapons can be rendered useless without appropriate ammunition.” It also recommended that “[t]he United Nations should initiate a study on all aspects of the problem of ammunition and explosives”.<sup>1</sup>

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The bracketing together of ammunition and explosives had a particular negotiating history in that first Panel, and a detrimental impact on the work of the subsequent United Nations study mandated to address ammunition and explosives. That study's simple and central tenet was that "attempts to address small arms and light weapons would be incomplete if they did not include due regard for ammunition...", but the message was diluted by the insertion of "and explosives" at the end of the sentence.<sup>2</sup> The admixture of explosives obscured the intrinsic connection between SALW and their ammunition, and contributed to relegating consideration of ammunition to a somewhat peripheral rank in SALW discussions and negotiations.

Thus, the report of the second (1999) Group of Governmental Experts on Small Arms confined itself to "tak[ing] note" of the ammunition study.<sup>3</sup> None of the ammunition study's main points, notably on marking and tracing, were taken on board, and the report devoted itself essentially to preparing the ground for an "international conference on the illicit arms trade in all its aspects", which turned out to be the July 2001 Small Arms Conference. The Group's report recommended that the "primary focus [of the conference] ... should be on small arms and light weapons that are manufactured to military specifications", and did add that "[i]n this overall context, ammunition should also be considered".<sup>4</sup> The omission of explosives provided some implicit admission that while ammunition and SALW formed a natural pair, ammunition and explosives did not. But by then it had become very clear, not just from reactions to the ammunition study, that there would be even greater resistance to dealing with illicit cartridges and bullets than with uncontrolled SALW.

This was confirmed at the July 2001 conference and by its outcome, the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms in All Its Aspects (PoA).<sup>5</sup> However one chooses to interpret the intentions and understandings underlying the text, the PoA makes no substantive mention whatsoever of ammunition. The only two occurrences are purely procedural, in the cited titles of other United Nations documents. Likewise, the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons contains the word ammunition twice.<sup>6</sup> The first occurrence is a reference to the Vienna Protocol's full title (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); and the second is ... the same.

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The procedural part of the report, however, does state: "[t]he Working Group recommends 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."<sup>7</sup> While this was the most that the unwieldy practice of consensus could permit, there is scant solace to be found in the statement. Its basic flaw is its reference to ammunition as somehow distinct and thus warranting a "separate" process, which has now become habitual. This is thrown into cruel light by juxtaposition with the word "comprehensive". If comprehensiveness were genuinely sought, then SALW and their ammunition should have been dealt with together through coordinated measures from the first, most especially in the context of marking and tracing. The hope must now be that comprehensiveness can be achieved in instalments.

### *Ammunition is integral to small arms*

Ammunition is often described as "complementary" to SALW, as "connected" and "linked" to their illicit possession, trade and use. This is an understatement. The apparent paradox is that although

ammunition is a separate and distinct object from weapons themselves, it is also an integral and indispensable part of any kind of gun. Neither is of any use without the other.

The intrinsic link is even stronger than that between a battle tank and its ordnance, or missiles and warheads. A ballistic missile designed for nuclear delivery can be used with a payload of conventional explosives instead. Indeed, even with no explosive charge at all, or with a blob of concrete inside its warhead, no one would like to see a ballistic missile hurtling down at 7km per second toward their apartment block, as residents of a few cities in the Middle East are all too well aware.

Conversely, any given warhead can be delivered by any means other than a missile, be it manned aircraft, cargo containers, a suitcase or a truck. The relationship between nuclear weapons and missiles, especially ballistic missiles, is sometimes held to be tantamount to organic in specialist literature on nuclear strategy, although the only nuclear weapons ever to be used in warfare so far were delivered by aircraft, not missiles.

By contrast, no device other than a gun of some sort has been devised to launch a bullet effectively to date. The relationship between guns and ammunition is of an altogether categorical and unqualified nature: without some kind of gun, a round of ammunition is useless, and no gun can fire anything except ammunition of a given calibre. Without ammunition, as has often been observed, a gun is no more potent than a stick or an iron bar. Admittedly, even without ammunition, a gun can be a powerful means of intimidation. But if this is considered a significant problem, then the regulation—or banning—of toy guns and gun replicas ought to be a priority.

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There are a number of well documented reasons why ammunition controls, in parallel with measures addressing the weapons themselves, would be worth pursuing; and indeed, a number of regional, subregional and crime-related international agreements do make such provisions.<sup>8</sup> The added value of taking measures related to ammunition would be twofold. First, and most obviously, they would help to ensure that future production, transfer and stockpiling are carried out as safely as possible and, in particular, that ammunition supplies to illicit recipients are restricted to the fullest possible extent. Second, given the enormous quantities of illicit SALW already in circulation and the time-consuming difficulties of collection and disposal, regulations and targeted restrictions on current supplies of ammunition would be one of the most effective ways of alleviating the violence perpetrated with weapons already disseminated. Therefore, the recently agreed international instrument on marking and tracing warrants a closer look, in the limited space of this paper.

As the United Nations strives to make its work more understandable to the general public, and in the interest of clarity, it would perhaps be advisable to amend the title of the recently negotiated marking and tracing agreement, and refer to it as the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, *But Not Their Ammunition*. The addition of the phrase in italics would not detract unduly from the native elegance of the original title, and it would have the added virtue of constituting a fair description of the content.

The omission of ammunition from the scope of the marking and tracing instrument is most particularly egregious because not only does it defy common sense, it is a gap that could be filled with disconcerting ease. Indeed, for a simple and realistically effective marking and tracing system to operate would hardly require any measures that do not already exist. The overwhelming majority of SALW ammunition is already routinely marked at production. In order to make, at the very least, some substantial progress in the ability to trace ammunition and narrow down the points at which it lapses into illicit trade and possession, all that would be needed in the first instance is a register (an online database would do fine) of the various markings, codes and symbols currently in use around the world.

What distinguishes the markings on ammunition from those on SALW is both a drawback and an advantage from the standpoint of tracing. The drawback is shortage of physical space: given that ammunition is “headstamped” along the narrow circular space around the primer at the base of a cartridge case, there are obvious physical limits to how much information can be included by such means. This applies to initial marking upon production, and rules out any more elaborate schemes of secondary marking of individual cartridge cases by initial recipients, let alone marking at transit points or by secondary recipients.

On the other hand, the major advantage is that headstamps are cheap and easy to apply at production and are indelible and tamper-proof for all practical purposes. A stamped alphanumeric reference on a cartridge case may seem easy to obliterate or file down until the practicalities are

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envisaged. Taking a hammer or chisel to within millimetres of the primer on a live round of ammunition would be difficult and dangerous enough for someone wanting to make a few rounds unidentifiable. But performing the same operation on conflict-relevant quantities of ammunition is not even imaginable. The same manoeuvre would be risk-free on expended cartridge cases, but does anyone seriously imagine belligerents combing their tracks in a conflict zone for each empty cartridge case, and then taking the time and effort to obliterate the headstamps?

Objections to the adequacy of cartridge headstamping that may be valid in the context of a forensic criminal investigation involving a few pieces or even a single piece of ammunition are irrelevant to conflict situations in which the quantities of ammunition shipped and used are not units, dozens, hundreds or thousands, but hundreds of thousands and millions of rounds. For such purposes, marking by production lots would be an amply sufficient first step.

### **Member States’ action on ammunition**

The Second Biennial Meeting of States (BMS) to Consider Implementation of the United Nations PoA, of 11–15 July 2005, was a recent opportunity to take soundings on the issue of ammunition from the broad array of states represented.

Of 77 publicly available statements, at least 37 make some mention of ammunition. A dozen of these refer to domestic laws governing the possession of and trade in SALW and their ammunition.<sup>9</sup> Seven, including the European Union, Latin American countries, Norway and Switzerland express regrets that the marking and tracing instrument does not include provisions on ammunition. Brazil, for example, refers to the “clear and intrinsic connection between the problem of illicit SALW and their ammunition, and the need to deal with both in a coordinated manner”. The European Union “regrets that no operational provisions on ammunition ... were included”, and pledges it “will be strongly committed to promoting further the issue of ammunition, thus taking up the recommendations of the Chairman’s Procedural Report.”

In contrast, one non-governmental organization found the fact that no provisions on ammunition were included satisfactory and stated that “[a]s to marking and tracing of ammunition, we believe that it is ill-timed and ill-conceived. Ammunition was not included in the mandate of the Program of Action in the first instance and should not be included now.”<sup>10</sup>

More interestingly, some states chose to provide information on activities carried out or in progress in the area of SALW ammunition. Moldova’s statement included an expression of acute concern about the safety of certain ammunition stockpiles, Ukraine provided information on a large-scale SALW and

ammunition destruction programme about to be implemented, and at least 10 other states reported on the confiscation, recovery, collection and destruction of ammunition. These included Nigeria, the Pacific Islands Forum Group, Pakistan, Rwanda, Serbia and Montenegro, South Africa, The former Yugoslav Republic of Macedonia, Turkey, Ukraine and the United States.

The figures provided by these states are also noteworthy. First, the quantities involved are considerable: Rwanda, for example, referred to the destruction in July 2005 of 250 tons of ammunition. Second, a clear pattern emerges as to the quantities of ammunition relative to numbers of weapons: for Pakistan, 103,600 SALW and 2,078,300 rounds of ammunition confiscated from May 2003 to May 2005; in the case of the Solomon Islands, member of the Pacific Islands Forum Group, over 3,600 SALW and 306,700 rounds of ammunition collected and destroyed; for Serbia and Montenegro 100,000 SALW and more than 2 million rounds of ammunition destroyed between 2001 and 2004; and for South Africa 77,139 firearms and more than 1.2 million ammunition recovered between January 2005 and May 2005. As for the United States, in addition to its cooperation with Ukraine and NATO's Partnership for Peace aiming to destroy "1.5 million SA/LW ... and 133,000 tons of ammunition", it reported that "since early 2001, US-supported programs in 23 countries have resulted in approximately 800,000 SA/LW and 80 million rounds of ammunition destroyed".

Such impressive figures indicate how laudable some existing actions are, but even more, how much must remain to be done. So long as supplies and resupplies continue unregulated, unmarked and untraced, similarly impressive figures can be expected in the future, but they will be the sign of Sisyphean labours, not of success.

That states chose to thus report on ammunition-related activities in the context of a meeting to consider the implementation of a PoA that, as was recalled, makes no provisions on ammunition, is one of the most eloquent statements of the intrinsic relevance of ammunition to SALW issues. The subsequent First Committee of the United Nations General Assembly provided the best indication to date that the issue of SALW ammunition is being pursued by at least some states. The resolution on "Problems arising from the accumulation of conventional ammunition stockpiles in surplus" addresses all kinds and calibres of conventional ammunition, not just SALW ammunition. But it does manage, among its preambular paragraphs, both to take note of the 1999 United Nations study on ammunition and explosives, and to recall the recommendation in the report by the Chairman of the Open-ended Working Group on marking and tracing "to address the issue of SALW ammunition in a comprehensive manner...".<sup>11</sup>

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### ***Arms control must include ammunition***

In the still young lifespan of multilateral SALW diplomacy, something of a tradition has already taken root of casting ammunition aside as a distinct and subsidiary factor. Overturning this trend is not impossible—witness the initial reluctance by so many to address SALW at all—but it will not be easy either.

In addition to difficulties of a substantive and political nature, the ammunition issue also suffers, in a more intangible but nonetheless real sense, from its rather prosaic nature. As a by-product of the growing trend recognizing that arms control needs to be enriched with different perspectives and disciplines, it has unfortunately become fashionable to dismiss arms control as dryly technical and

removed from reality. Principled declarations on such thoroughly worthwhile and useful themes as human security, disarmament and development, reconciliation, interpersonal violence and many others enjoy great popularity in SALW-related debates. Ammunition, in comparison, smacks of bean-counting arms control. It is technical without even being glamorously complex. It is an issue that resides closer to the hardware store than to the ivory tower of policy debate. But the contribution arms control can make to alleviate conflict and crime-related SALW violence will be considerably greater when it includes ammunition at every appropriate step of the way.

Those who maintain that the right to own, bear and use SALW is sacrosanct are quite coherent with their own beliefs when they argue that there should be no impediment to access to the corresponding ammunition. It is high time that advocates of SALW controls understood this as well.

### Notes

1. *Report of the Panel of Governmental Experts on Small Arms*, in UN document A/52/298, 27 August 1997, paragraphs 29 and 80.
2. *Report of the Group of Experts on the Problem of Ammunition and Explosives*, in UN document A/54/155, 29 June 1999, paragraph 11.
3. *Report of the Group of Governmental Experts on Small Arms*, UN document A/54/258, 19 August 1999, paragraph 101.
4. *Ibid.*, paragraph 130.
5. Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Adopted 20 July 2001. Reproduced in the *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001, UN document A/CONF.192/15, pp. 7–17. See also <[disarmament2.un.org/cab/poa.html](http://disarmament2.un.org/cab/poa.html)>.
6. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. Reproduced in the *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 2005. See <[disarmament2.un.org/cab/salw-owwg.html](http://disarmament2.un.org/cab/salw-owwg.html)>.
7. *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*, op. cit., paragraph 27.
8. Among recent publications on these issues, see especially “Rounding out the Gun: Ammunition” in *Small Arms Survey 2005: Weapons at War*, Oxford, Oxford University Press, pp. 9–37, which discusses how the value of given types of assault rifles decreases in conflict areas when the corresponding ammunition is unavailable; and H. Anders, 2005, *Scope for International Minimum Standards on Tracing Illicit SALW Ammunition*, Note d’Analyse, GRIP, 6 June, at <[www.grip.org/bdg/g4575.html](http://www.grip.org/bdg/g4575.html)>.
9. See the BMS web site at <[www.un.org/events/smallarms2005](http://www.un.org/events/smallarms2005)> for links to the statements.
10. Edward C. Rowe, Chairman, Manufacturers Advisory Group, World Forum on the Future of Sports Shooting Activities, Statement to the Second Biennial Meeting of States to Consider the PoA, *Definition, Marking and Ammunition*, New York, 13 July 2005.
11. First Committee, Sixtieth Session, Agenda item 97(dd), “Problems arising from the accumulation of conventional ammunition stockpiles in surplus”, UN document A/C.1/60/L.40/Rev.1, 27 October 2005.