



UNITED NATIONS INSTITUTE
FOR DISARMAMENT RESEARCH

Seminar

**The Scope of an Arms Trade Treaty:
Including Small Arms, Light Weapons and Ammunition**

Thursday, 2 December 2010
10:00-13:00
Palais des Nations, Geneva, Switzerland

SUMMARY REPORT

Introduction

One of the most central and challenging aspects in the development of an Arms Trade Treaty (ATT) is determining what the Treaty would cover: which weapons would be regulated, and to which activities it would apply. Most States that have participated in the discussions seem to be advocating an ATT that would cover all conventional weapons with limited exceptions, or argue that the Treaty should be based on the seven categories of major conventional weapons of the UN Register of Conventional Arms, plus small arms and light weapons (SALW), known as the “7+1” model. An alternative package including in addition the related ammunition has also been discussed, usually referred to as the “7+1+1” model.

While the inclusion of both SALW and ammunition have gained wide support in the ATT discussions and negotiations during the meetings of the Open-ended Working Group (OEWG) and the Preparatory Committee (PrepCom), some States have raised concerns over the inclusion of these two categories.

On 2 December 2010 the United Nations Institute for Disarmament Research (UNIDIR)¹ held a half-day seminar to further discuss the scope of an ATT especially as it relates to the inclusion of SALW and ammunition. The seminar, funded by Finland, was organized as part of UNIDIR’s activities to support the ATT process by organizing events on the different elements of the proposed Treaty.

The seminar, held at the Palais des Nations in Geneva, provided a possibility to deepen understanding on the implications of the possible inclusion of SALW and ammunition in the scope of the Treaty and to discuss the ways in which this could be done. It was open to all interested parties and attended by around 60 representatives from the Permanent Missions in Geneva, UN agencies, international organizations and civil society. The seminar heard presentations by representatives from the International Action Network on Small Arms (IANSA), the Federal Foreign Office of Germany, the Control Arms Campaign, and the UN Office for Disarmament Affairs (ODA). The expert speakers presented issues related to the rationale for including SALW and ammunition in the scope of an ATT, what it would mean in practice and procedurally as the ATT Conference of 2012 approaches.

This report provides a summary of the presentations and discussions from the seminar. It reflects the impressions and views of the organizers at UNIDIR, based on our account of the proceedings and exchanges of views.

¹ UNIDIR is an autonomous research institute of the United Nations that specializes in matters of disarmament and security, and promotes creative thinking and dialogue on the disarmament and security challenges of today and of tomorrow through research projects, publications, and other various activities. For more information, visit <http://www.unidir.org>

Summary of seminar proceedings²

The seminar was chaired by Dr. Christiane Agboton-Johnson, Deputy Director of UNIDIR, and moderated by Ms. Elli Kytömäki, UNIDIR Project Manager for the EU-funded project “Supporting the Arms Trade Treaty Negotiations through Regional Discussions and Expertise Sharing”. In her remarks, Dr. Agboton-Johnson noted that one of the first steps in establishing an ATT is to define its scope, and that for an ATT to be objective and effectively implementable, it has to have specific definitions on both equipment and activities that would fall under it. She also reminded participants about the origins of the ATT initiative, which from the side of civil society campaigning are strongly linked with campaigning in the UN Programme of Action SALW, and links very much with the negative consequences posed by illicit and unregulated trade in SALW and ammunition. As Dr. Agboton-Johnson noted, the outcomes of the GGE in 2008, the Open-ended Working Group (OEWG) the regional seminars held within the EU-UNIDIR project, as well as the recent debates of the during the PrepCom in July 2010 demonstrate that the question of scope in all its aspects should be deepened in order for it not to constitute an unnecessary stumbling block during the 2012 negotiations.

Finally, Dr. Agboton-Johnson noted that the seminar fits very well with UNIDIR’s mandate and work, in providing innovative suggestions and to support the UN Member States in their thinking on disarmament, security and peace. The UN was founded on the belief that peace and security for all peoples would only be possible through disarmament, and Article 26 of the Charter calls for 'the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources'. UNIDIR supports this mandate by proposing new ideas for security thinking. Its action-oriented research programme brings together perspectives on national, regional and international security, disarmament and development with a fundamental focus on human security. Putting people first in global security debates is at the core of all UNIDIR efforts to contribute to the establishment of lasting peace.

The opening remarks were delivered by Ambassador Hannu Himanen, Permanent Representative of Finland to the United Nations in Geneva. He noted the seminar to be a timely event as it took place as States are preparing for the February 2011 meeting of the Preparatory Committee, where one priority item will be the scope of the proposed treaty. As Ambassador Himanen noted, the question of scope cannot be discussed in isolation of the rest of the substance, but the decisions on scope will have a bearing on the other parts of the treaty and vice versa. Based on the PrepCom discussions it seems that SALW are seen by most as central in the Treaty, and this view is also shared by Finland, for whom the preferred solution on scope would be to include all conventional weapons. Also the inclusion of ammunition in the Treaty seems feasible, especially as ammunition transfers are already part of the arms regulatory framework in many countries. Ambassador Himanen concluded his remarks by noting that an ambitious international instrument regulating the global arms trade will be possible when the interests and concerns of all

² See Annex A for the seminar agenda.

countries will be taken into account, and that a universal and robust ATT would be a significant contribution to stability and sustainable development across continents.

The seminar presentations and discussions were divided into two parts, both of which heard the interventions of two expert speakers, followed by a question and answer session. The first part addressed the question “why SALW and ammunition should be included in an ATT”.

Mr. Joseph Dube, the Africa Coordinator of IANSA, gave a presentation echoing Africa’s regional views on the rationale behind the inclusion of the two categories. He noted that for an ATT to be relevant to Africa it will have to include both SALW and ammunition. The illicit proliferation and trade in these categories in the continent contribute to continued conflicts and armed violence, fuel crime and hamper human security, sustainable social and economic development. By giving some examples of recent dubious or illegal arms transfers, Mr. Dube made the case calling for a strong, global treaty to address the continent’s problems. He also noted that some notable regional action has already been taken, inter alia by the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC) and the Nairobi Protocol member states. In particular, Mr. Dube referred to the Bamako Declaration, the SADC Protocol, the ECOWAS Conventional and the recent Kinshasa Agreement of Central African States. On the ECOWAS Convention he raised especially the question of transparency and noted that it has led to increased openness through a process whereby the ECOWAS Executive Secretary forwards to the Member States information on exemptions and refusals granted within 90 days, and also compiles and publishes comprehensive annual reports detailing all international arms transfers, granted exemptions and lists of refusals. Mr. Dube noted that in his view, African States should take a more proactive stance in showing their commitment to the ATT negotiations and strive for agreeing on an African Common Position on an ATT. According to him, also import controls in the continent need strengthening, as would efforts to reduce corruption related to arms trade.

Following Mr. Dube, Mr. Martin Langer from the Conventional Arms Control Division of the German Federal Foreign Office made an intervention specifically about the inclusion of ammunition in the scope of an ATT – why it would be important, how it could or should be done, and what is already being done at the national level in the German transfer control system.

Mr. Langer started by highlighting the problems that uncontrolled proliferation of ammunition poses in today’s world through the prolongation and intensification of conflicts, armed violence, crime and terrorism. By quoting examples from recent studies, he argued that the problem of ammunition that is currently not accounted for is there, but also that it can and should be addressed. According to Mr. Langer, including ammunition in an ATT would definitely make a significant difference and positively contribute to the goals and objectives of the Treaty by helping to minimize the detrimental effects of the diversion of arms and ammunition to the illicit market. In a way, he pointed out, one could even argue that controlling ammunition is more important than controlling weapons, as ammunition are renewable goods that have to be constantly resupplied and

an inseparable element of a weapon. Therefore, instead of talking about the “7+1+1” model for an ATT one should maybe address the issue as “1+1+7” model, with more emphasis specifically on ammunition and small arms, followed by other conventional weapons.

As a specific problematic issue, Mr. Langer referred to leakages from ammunition depots, which he noted are a significant source of supply to unauthorized armed groups and non-state actors. This is also a point where an ATT could make a contribution by improving accountability and transparency, which could lead to enhanced stockpile management practices and controls, and reduce risks of diversion. A significant number of States already control their ammunition transfers and report on these transfers and movements of ammunition within their reports on Arms Trade controls. In this regard, Mr. Langer encouraged all States to annual arms export reporting, including on SALW and ammunition. He also addressed the question of marking and record-keeping of ammunition, which in some instances has been noted as a potentially problematic issue with regard to the implementation of an ATT. Noting that it is of course difficult to address a Treaty’s implementation challenges in a situation where the Treaty does not exist yet, Mr. Langer did refer to positive examples which show that marking and tracing ammunition is possible and that it is already being done in several countries. Citing especially the national control practices of Germany, he gave some examples about how the export and import controls of ammunition and SALW could be addressed in an ATT.

Mr. Langer concluded his presentation with two main arguments: First, it would be very important to include SALW and ammunition into the scope of an ATT in order to achieve the objectives that will be set for the Treaty. Second, as showed by the statistics and existing country examples, this inclusion is also absolutely possible and doable within existing control architecture.

After the two presentations and a general discussion session the meeting was postponed for a coffee break. After the break, it resumed with two further presentations, which moved the discussion from addressing why SALW and ammunition should be included in an ATT to how this inclusion could be done and what it would mean in practice.

As the first speaker of the second part, Mr. Claudio Gramizzi, SALW and Conflict Adviser from Saferworld, delivered a presentation on behalf of the Control Arms Campaign. The presentation, entitled “Ammunition in the scope of the Arms Trade Treaty” addressed civil society’s views on the inclusion of ammunition in the Treaty. Mr. Gramizzi started by quoting the ATT PrepCom Chair’s views on the principles, goals and objectives of an ATT, among which he mentioned the aim of preventing international transfers of conventional arms that contribute to or facilitate human suffering, serious violations of international human rights laws and international humanitarian laws, armed conflicts, the displacement of people, organized crime, or terrorist attacks, and thereby undermine peace, reconciliation, safety, security, stability and sustainable social and economic development.

Taking these broadly supported objectives of the Treaty, Mr. Gramizzi noted that the need to include ammunition and munitions in the scope of the ATT appears obvious,

especially as conflicts, armed violence and criminal activities all need ammunition to be fuelled. Ammunition are also a prerequisite for engaging in combat operations, and experience gathered in conflict zones suggests that maintaining regular flows of ammunition are a logistical priority for all parties involved in. Mr. Gramizzi continued by noted that ammunition are already included in the lists of items covered by most national arms export control systems, and many States already regulate the activities related to ammunition, from manufacture to transfers, as well as from transit to re-export, and from brokering to commercial trade.

Mr. Gramizzi called for further debate on the issue of including ammunition in the ATT, and stressed that it should not focus on the necessity or the feasibility of reporting also on ammunition, but rather on what format and level of accuracy the ATT-generated reporting mechanism should reflect. According to him, the fact that reporting cannot be done with a unique reference to every single piece of ammunition does not seem to be enough of a reason to exclude reporting obligations on ammunition, neither to justify the exclusion of ammunition from the scope of the Treaty. Overall, he noted that ammunition are, in practice, less complicate to control properly than it is sometimes suggested, and that the inclusion of ammunition within the scope of the ATT would not be likely to pose unsolvable challenges. On the contrary, according to Mr. Gramizzi, agreeing on an ATT without ammunition would establish an international standard standing well below many national and regional current practices.

As the last speaker of the seminar, Mr. Daniël Prins, the Head of the Conventional Arms Branch of UNODA, had been asked to present some procedural views regarding the ongoing negotiations for an ATT with a focus on SALW and ammunition. He started by noting that the ATT is seen by the UN as the most important initiative ever undertaken in the UN context in the field of conventional arms. He also pointed out that regulating conventional arms trade is very important for the UN system itself, as many officials working for the organization, be that in the field of peace-keeping, humanitarian aid or development work, are daily confronted with the negative consequences of illegal and uncontrolled arms trade.

Referring to international trade in other commodities, Mr. Prins then turned to address the possibilities of covering ammunition in an ATT. Taking examples from other fields such as trade in meat products and medicines, Mr. Prins noted that tracing and record-keeping in different commodities which are traded in bulk is more a rule than an exception in international trade, and that in fact conventional arms and ammunition have so far been one of the very limited items that have not been globally regulated. Given the existing mechanisms for tracing and recording the trade in other commodities, the inclusion of ammunition in an ATT should be technically feasible and doable. To look further into this, Mr. Prins suggested that comparative studies with other fields be made to see how the regulations work there and which lessons could be drawn from them and utilized in an ATT.

Mr. Prins underlined the importance of including ammunition in the scope of the Treaty. In his mind, an obvious argument to leave ammunition out of the Treaty would be if States left it out in their national arms export legislation and regulations, which does not

seem to be the case. Further, he made reference to the International Ammunition Technical Guidelines, which will fall under the UN SaferGuard programme, following the mandate given to the UN to draft guidelines on the whole life management of ammunition. As these guidelines – to be finalized in 2011 – also touch on exports and imports, they could be of use in the negotiations process.

Regarding the process ahead, Mr. Prins stressed that less than 500 days separated us now from the agreed end of the negotiations. He encouraged States to take an active role in shaping and promoting the kind of Treaty that they would like to see coming into being, and mentioned the circulation of non-papers on different aspects of the Treaty as a good means to achieve this. Looking slightly beyond the Treaty negotiations, he also made reference to other related instruments, such as the UN Programme of Action on SALW and the UN Register, and suggested that more thought be put into the future coexistence of these instruments: will there be areas of overlap in e.g. reporting? Could the proliferation of meetings, documentation and reporting obligations be addressed by thinking creatively about possibilities of combining or harmonizing these instruments?

Seminar discussions

After the presentations, the floor was open for questions and discussion. Several participants who took the floor expressed views in favour of including all conventional arms in the scope of an ATT, in order for the Treaty to be comprehensive and also to avoid complicated definition issues. As an option to the inclusion of “all conventional weapons”, some participants raised the possibility of including definitions with possible illustrative guides in an annex of the Treaty itself, to make it more flexible towards technological developments while at the same time providing the clarity that States might need in terms of incorporating the scope in their national legislation.

Some participants who took the floor called for further lessons to be drawn from realities on the ground as well as what has already been done at the regional and sub-regional level on these issues and how the experiences gained could be used in an ATT. Especially the ECOWAS Convention and its information exchange network was mentioned in this regard.

From the questions and comments made from the floor it seemed that all participants were in favor of the inclusion of SALW in the scope of an ATT. This seems to reflect the strong majority of views also at the UN level. With regard to SALW, special notes were made to the possible difficulties of including hunting and sporting weapons in the scope, and the possibility was raised of including those as special exemption categories in the Treaty. Also the inclusion of ammunition raised mostly positive comments, echoing the presentations, and some expressed strong support for their inclusion especially from the effects-based point-of-view.

Quite lengthy discussion was devoted to the question of why reservations have been raised regarding the inclusion of ammunition in an ATT. The most common argument against their inclusion seems to be related to the Treaty’s feasibility: skeptics have

mentioned that the inclusion of ammunition in the scope of the Treaty might make it difficult to implement it and especially to meet the transparency requirements that an ATT would set for international transfers of arms. As a counter-argument to these reservations many speakers noted that ammunition is already part of the transfer control systems of many states, and that their inclusion would be doable. It was also noted that including ammunition would not have to mean that they would have to be subjected to the exactly same transparency or reporting requirements than for example conventional arms transfers, but that differentiated reporting could be considered. Further, many participants referred to the central role of ammunition in armed conflicts and crime, and echoed the remarks made in the presentations about the central need to address these issues in an ATT. It was noted that the Treaty's proponents should keep listening to the arguments of the skeptics to ensure that the debate stays well-informed and comprehensive. Overall, the exchange of views on ammunition seemed to conclude to the direction that one should not discuss whether ammunition should be included in an ATT, but how this could be done and whether special clauses to that effect could be included in the Treaty.

Conclusion

The half-day seminar organized by UNIDIR to discuss the scope of the proposed Arms Trade Treaty especially as it related to SALW and ammunition proved to be a timely and much needed contribution to the Treaty process. It provided an opportunity for participants to look deeper into the reasons behind the suggested inclusion of these two categories, as well as to discuss the possible means in which this could be done as the negotiations approach the UN Conference on an ATT in 2012. Despite several simultaneous meetings and conferences in Geneva at the time of the seminar, around 60 governmental representatives as well as civil society participants attended the seminar, and actively participated in the discussions.

The presentations made during the seminar addressed various issues related to the inclusion of SALW and ammunition in the scope of an ATT, and presented examples from already existing systems and instruments. Despite various views expressed the common view seemed to be that including both SALW and ammunition in an ATT is both feasible and desirable. However, more thinking has to be devoted into how this can be done in practice, and whether for example diversified reporting and transparency measures could be introduced to address the different nature of ammunition and weapons in the Treaty. Finally, it was noted that more discussion with the States that have expressed reservations about the inclusion of SALW and ammunition in an ATT is needed, as are further comparative and in-depth studies about the implications of their inclusion.

Annex A. Agenda

The Scope of an Arms Trade Treaty: Including Small Arms, Light Weapons and Ammunition

**Thursday, 2 December 2010, from 10:00 to 13:00
Room IX, Palais des Nations, Geneva**

10:00 – 10:15 Welcoming remarks

Dr Christiane Agboton-Johnson, Deputy-Director, United Nations Institute for Disarmament Research

10:15 – 10:25 Opening remarks

H.E. Mr Hannu Himanen, Permanent Representative of Finland to the UN in Geneva

10:25 – 10:45 SALW and ammunition in the scope of an ATT: rationale from Africa

Mr Joseph Dube, Africa Coordinator, International Action Network on Small Arms

10:45 – 11:05 What would it mean, in practice, to include ammunition in an ATT?

Mr Martin Langer, Deputy-Head of Division, Conventional Arms Control, Federal Foreign Office of Germany

11:05 – 11:25 Questions and discussion

11:25 – 11:45 Coffee break

11:45 – 12:05 Ammunition in the scope of an ATT

Mr Claudio Gramizzi, SALW and Conflict Adviser, Saferworld

12:05 – 12:25 Negotiating a comprehensive and effective ATT—procedural views on the possible inclusion of SALW and ammunition

Mr Daniël Prins, Chief, Conventional Arms Branch, UN Office for Disarmament Affairs

12:30 – 12:50 Questions and discussion

12:50 – 13:00 Closing remarks and end of seminar