

The management of arms and ammunition for more effective peacekeeping operations

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Introduction

As part of the Making Peace Operations More Effective project, the Small Arms Survey initiated a study into the loss of arms and ammunition during peacekeeping operations (PKOs). At first glance, this problem may appear inconsequential, but the observations of Berman and Racovita (2015) regarding peace missions in Sudan and South Sudan in the period 2005–14 are likely to temper such a judgement, in spite of the specific nature of the Sudanese theatre of operations. Meanwhile the UN is taking this problem seriously, highlighting in the Secretary-General's 2013 report on small arms (which is one of a number that have been submitted to the Security Council every two years since 2007) that:

In the context of peacekeeping operations, the diversion of arms and ammunition from stockpiles of troop-contributing countries or from collected weapons creates additional force protection issues for peacekeepers, making an already challenging job more difficult (UNSC, 2013, I, para. 11).

What policies should troop-contributing countries (TCCs) adopt for the management of arms and ammunition in PKOs in order to respond to this problem, bearing in mind that they have been asked to improve their weapons and ammunition management capacities by the UN Secretary-General (UNSC, 2015, Recommendation 10, pp. 16/20–17/20)?² Should such policies comply with UN rules for the management of contingent-owned equipment (COE)? How will such policies and these rules apply, particularly when troops are 'rehatted' or when arms are recovered? Research into these issues has shown that, in current conflicts in which PKOs are deployed, the attitudes of state and non-state actors are likely to exacerbate the shortcomings of national policies and UN rules.

There follows an analysis of the policy of one TCC, Senegal. Its compliance with UN rules will be measured and we will then look at the implementation of this policy and these rules when troops are rehatted and arms are recovered more generally.

Senegalese policy for the management of arms and ammunition

The Senegalese Army, which came into existence immediately after independence in 1960, took its inspiration, like many African armies, from the regulations, practices, and even traditions of the colonial army. Arms are obviously at the heart of military activity: never to be apart from one's weapon is the first reflex inculcated into a soldier. The

allocation of a firearm to a soldier who knows the weapon's identification number and who becomes, according to the *Règlement du Service du Matériel des Armées sénégalaises* (Regulations of the Military Equipment Department of the Senegalese Army), the holder-user, marks the entry of that individual into an elementary unit at the end of his or her² initial training. Weapons security is also covered by regulations whose application is a primary responsibility of all ranks in the army. In fact, the loss of or damage to a weapon is generally perceived as serious misconduct, which, in the short term, has a negative impact on the career of the person responsible. Any loss triggers a series of alerts and thorough investigations, in proportion to the seriousness of the event.³

This mindset and these practices have been strengthened by the civil authorities of young African states that often had to deal with military coups d'état. In the case of Senegal, the Service du Matériel des Armées (Military Equipment Department) does an annual check and produces a report on the existence, operation, and proper storage of all the arms and ammunition held by the military and paramilitary forces throughout national territory. The implementation of the recommendations in these reports has helped to save Senegal from the accidents at ammunition storage depots that have occurred in other African countries (Balde, 2015).

Overall, the mindset instilled during training, through hierarchical control, and by the seriousness of the administrative and financial penalties imposed in the event of the loss of or damage to weapons have created among Senegalese soldiers of all ranks a mindset and practices that are favourable to the proper management of arms and ammunition. In consequence, Senegal has not encountered any major difficulties in implementing the June 2006 Economic Community of West Africa States (ECOWAS) Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials (ECOWAS Convention), particularly the creation of databases and a register of firearms.

Nevertheless, its commitment in PKOs does not facilitate the implementation of two of the pillars of national policy on the management of arms and ammunition: (1) the intensity of operations results in administrative procedures being relaxed, which is prejudicial to the implementation of disciplinary and administrative proceedings; and (2) preventive hierarchical control is de facto transferred to the UN, which is supposed to have total operational authority over the peacekeeping contingents, including the management of their weapons and ammunition.

National policy on the management of arms and ammunition, UN rules, and the management of COE

The documents that are used as points of reference when memorandums of understanding (MOUs) are drawn up between the UN and TCCs, particularly the concept of

operations, the force requirements, and the UN manual relating to COE (UN, 2014), take account of the reality of the ‘new wars’ (Badie and Vidal, 2016) in which peacekeeping soldiers are de facto parties to the conflict. The manual envisages situations in which ‘major equipment’ is ‘lost or damaged as a result of a single hostile action’ (UNGA, 2014, ch. 2, para. 18, b(i)).

As its title states, the manual, subsequent to Resolution 50/222 of 11 April 1996, deals with *Policies and Procedures concerning the Reimbursement and Control of Contingent-Owned Equipment of Troop/Police Contributors Participating in Peacekeeping Missions (COE Manual)* (UNGA, 2014).⁴ All in all, the management of arms and ammunition remains a national prerogative. The UN checks quantities when it carries out pre-deployment visits and quality as part of half-yearly inspections of COE. The UN also deals with the normal expenditure of ammunition, and with damage to arms and ammunition, which is an exceptional situation. The determination of responsibility for such losses and damage is subject to well-established criteria and procedures.⁵

The limitations are already apparent in the reimbursement procedures that apply to ammunition that is expended. Few objective means are available to check the accuracy of the amount of ammunition used that is declared by the contingent after each operation. The *COE Manual* states that:

Ammunition expended on operations or special training authorized and directed by the Force Commander will be reported in the reports of the Force Commander/Police Commissioner at the conclusion of individual operations and be reimbursed the initial price of ammunition on presentation of a claim by the Government and an operational ammunition expenditure certificate from the mission (UNGA, 2014, ch. 3, annex A, para. 32).

There is nothing to stop a contingent from making false declarations about the expenditure of ammunition⁶ to the force commander in order to make the actions of the contingent sound more impressive, or for criminal purposes involving the trafficking of ammunition, or in order to gain undue reimbursements for its government. There have been cases where a contingent, after an exchange of fire with an armed group, billed so much for the amount of ammunition expended that it cast doubt, without realizing it, upon its own tactical capacity (lack of fire discipline, inaccurate shooting, poor assessment of the balance of force, etc.). This limitation in the procedures for the reimbursement for ammunition is all the more concerning in that ammunition lies outside the scope of the International Tracing Instrument, which was adopted in December 2005 by the UN General Assembly (Bevan and McDonald, 2012).

The nature of the conflicts in which peacekeepers are involved is also reflected in the fact that there has been a considerable increase in the amount of damaged equipment after hostile actions. The UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) is a good example of this.⁷ The *COE Manual* provides that:

In cases of loss or damage resulting from a single hostile action or forced abandonment, troop/police contributors will assume liability for each item of equipment when the collective generic fair market value (GFMV) is below the threshold value of [US]\$250,000. For major equipment lost or damaged as a result of a single hostile action or forced abandonment, the United Nations will assume liability for each item of major equipment whose GFMV equals or exceeds [US]\$250,000 or for major equipment lost or damaged when the collective GFMV of such equipment equals or exceeds [US]\$250,000 (UNGA, 2014, ch. 2, para. 18, b(i–ii)).

At the most recent Working Group on COE a request was made for the eligibility threshold for compensation to be lowered to USD 100,000, and that the principle of aggregating the damage sustained by the same contingent be accepted. Made available on 16 January 2017, a consensus was only reached on this issue on the last day of the work. The conclusions were as follows: (1) the UN will henceforth reimburse the owner for each major item of equipment destroyed in a hostile action, when the value equals or exceeds USD 100,000; (2) damage sustained by contingents may be aggregated over a UN budgetary year, and the owners will be reimbursed if the threshold of USD 250,000 is reached; and (3) a projected annual budget of USD 5,000,000 is allocated for that purpose. This consensus remains one of the most important measures adopted in favour of TCC for the 2017 session of the Working Group on COE.

It is clear that the reimbursement for damaged COE, the validation of certain equipment deployed by contingents (for example 4×2 vehicles instead of 4×4s), and responsibility for the cost of transporting armoured vehicles to be replaced after intensive use in missions are the major challenges for TCC contingents in the management of COE.

Rehatting, and the recovery and loss of arms

Rehatting operations highlight the benefits of waiting for the UN regulations and practices to be aligned with those of a regional organization like ECOWAS.

The transformation of the African-led International Support Mission to the Central African Republic into the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) highlights two facts. While the African Union had to deal with troops who were sometimes thrown hastily into action in Bangui, whose arms and ammunition it was not able, in consequence, to inventory, the *COE Manual* provides for situations where ‘the equipment and personnel are already in the mission area when the MOU is concluded’ (UNGA, 2014, ch. 2, para. 29(a)). Accordingly, in spite of the ongoing military operations, the dispersal of the units, and troops’ lack of experience of UN practices, MINUSCA followed the *COE Manual*, which states that:

Major equipment will be counted/inspected in order to ensure categories and groups and the number delivered corresponds with the MOU and that they are

in operationally serviceable condition . . . upon arriving in theatre for use in its primary role (UNGA, 2014, ch. 3, para. 10A(a)).

This UN inventory of the arms and ammunition of the African contingents had a positive impact on the attitude of these troops to their weapons and the care that had to be taken with them. There is good reason to think that even more care would have been taken if they had followed the ECOWAS Convention, which requires member states to

establish a register of small arms and light weapons, their ammunition and other related material destined for use in peacekeeping operations both inside and outside the ECOWAS territory under the ECOWAS Executive Secretary as a way of ensuring the control of movements of small arms and light weapons and their effective withdrawal at the end of peace operations in which Member States are participating (ECOWAS Convention, art. 11, 1a).

This measure, which satisfies regional security concerns and is facilitated by the tracing of arms, has no equivalent in the *COE Manual*. But it should form part of the UN system of hierarchical control that is one of the three major means deployed to combat the loss of arms during operations, the other two being penalties and training.

The UN and ECOWAS regulations are now better aligned with respect to the management of arms recovered by peacekeeping soldiers from belligerents outside disarmament, demobilization, and reintegration *programmes*. Otherwise, the two sets of regulations have the same weakness in their procedures, namely that the troops engaged in the recovery have little control over the relationship between the seizure and the circumstances of that seizure. When a firearm is recovered, the UN Mine Action Service (UNMAS) and the Group of Experts are actively involved in procedures to reconstitute the history of the firearm⁸ and then to store it in a safe place before it is destroyed. The UNMAS storage form has the following sections: (a) Verification: operational, not in use, repairable or not; (b) Registration number; (c) Identification: type, calibre, model; (d) Origin; and (e) Incriminating evidence or ordinary seizure. It should be stressed that both the UN and ECOWAS are determined to identify the recovered arms by their serial numbers and to trace them. ECOWAS requires member states to

Declare to the ECOWAS Executive Secretary all the small arms and light weapons seized, collected and/or destroyed during peace operations on their territory and in the ECOWAS region (ECOWAS Convention, art. 11, para. 1c).

The best way to prevent losses of arms and ammunition is to carry out an analytical inventory of the circumstances in which such losses are likely to occur.

UN contingents' equipment, as described in the *UN Infantry Battalion Manual*, is intended to give them the capacities (particularly self-protection and the ability to operate at

night) that will enable them to make a difference in theatre (UNDPKO and DFS, 2012, secs. 8.3.1, 8.7). This equipment is naturally coveted by various other actors with various motivations.

Psychologically, all equipment stolen or snatched from a UN force is a trophy, a small victory in an exercise (peacekeeping) where being seen to have the upper hand is an important factor. It is therefore essential to keep all equipment, particularly arms and ammunition, secure. This practice should be enhanced in situations where the accidental loss of arms, such as night convoys, crossing wet areas (rivers, etc.), or helicopter transport, is more likely.

The actors who take UN force weapons may have specific targets. They may wish to increase their mobility (in Sudan, for example, Toyota and Buffalo vehicles were targeted) or protection (by taking helmets and bulletproof vests), or seek other advantages. Some incidents and situations are vulnerable to armed robbery; for example, troop movements and/or traffic accidents involving single vehicles. Measures must therefore be taken to deal with such circumstances.

Finally, actors may have material reasons to procure UN equipment, wishing to compensate for their own lack of equipment and supplies in actions against UN forces. In fact, the most significant losses of arms and ammunition occur during hostile actions. According to the *COE Manual*:

Hostile action is defined as an incident of short or sustained duration resulting from the action(s) of one or more belligerents that has a direct and significant hostile impact on the personnel and/or equipment of a troop/police contributor (UNGA, 2014, ch. 6, para. 7).

The extent of the losses therefore depends mainly on the resistance put up by the UN forces concerned. For example, in Sudan and South Sudan, there was a clear correlation between the inadequacy of such resistance and the deterioration of relations between the government and the peacekeeping forces. On certain occasions, where the loss of arms could not be explained by the balance of force, which was favourable to the UN forces, the latter's passivity was sanctioned by the repatriation of units due to the inadequacy of their performance. In the Central African Republic, most of the rare losses of arms that were registered were either due to ill-intentioned elements among crowds or isolated individuals taking advantage of a moment of inattention on the part a UN peacekeeper. In both cases, the arms were simply snatched from the hands of UN soldiers.

Conclusion

To conclude, UN member states have made an effort to adapt the UN regulations to the nature of the conflicts in which PKOs are deployed. This effort still has limitations

with respect to preventive hierarchical control, which is one of the three pillars of Senegalese policy for the management of arms and ammunition, and with respect to control of the expenditure of ammunition.

The following measures can therefore still be envisaged as a means of ensuring that the three methods of combating losses of arms, namely training, hierarchical control, and sanctions, are fully effective:

- UN member states should be advised to ratify the instruments relating to the security of arms and ammunition and to apply the decisions contained in these instruments. In the longer term, respect for these international commitments and the existence or non-existence of the diversion of arms in countries wishing to join PKOs should be included in the selection criteria.
- Training modules dealing specifically with the problem of the diversion of arms should be devised, like those dealing with human rights, gender, etc.
- UN regulations should be brought into line with those of ECOWAS with respect to the registration of firearms' identification numbers. Peacekeeping missions should systematically conduct investigations in the event of arms and ammunition being lost, and inform the host state of the results of these investigations.

While it is true that these diversions and losses pose problems for peacekeepers' ability to provide protection and damage the credibility of the UN to some extent, we must still recognize that, set against the background of the many UN PKOs over the last ten years, the percentage of losses remains very low in relation to the large number of arms that are circulating illegally due to the porosity of borders.

Finally, there is no doubt that force commanders are aware of the risk that the repetition of such diversions and losses will have an adverse impact on the reputation of their contingents—that is, their professionalism and commitment to the ideals of the UN.

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