Africa and arms control
Challenges and successes

Nelson Alusala

Summary

Although many African countries have adopted regional and global policies on arms control, the continued illicit proliferation of small arms and light weapons is an indication of wider transnational organised crime on the continent that calls for more attention. Criminal networks exploit gaps in the regulatory systems, porous borders and weak law enforcement procedures. The United Nations (UN) and the African Union (AU) have for years sought to address these challenges. The AU, in particular, has designed a number of measures aimed at combating illicit arms flows. If these initiatives are implemented effectively, there is a real possibility that the flow of illicit arms in Africa can be stemmed.

Recommendations

1. Although the AU has shown renewed urgency in addressing illicit arms flows, especially through its Master Roadmap to Silencing the Guns, it should develop clear directives and timelines for member states to implement its initiatives.
2. The AU should prioritise capacity building in member states to help facilitate physical security and stockpile management of weapons.
3. The AU Peace and Security Council (PSC) should assist African states in their efforts to implement sanctions regimes in coordination with the UN. A significant step would be to establish a sanctions implementation support committee in the PSC.
4. The AU Secretariat should negotiate with arms-producing countries to garner support for the AU’s policy on Silencing the Guns in Africa by Year 2020 and adhere to strict export controls when supplying arms to African countries.
Every gun has its own story. The older it gets, the more secrets it carries. Many African countries have adopted a number of regional and global policies on arms control. Despite this, arms destined for conflicts continue to be trafficked in Africa in defiance of these measures. The fact that small arms and light weapons (SALW) continue to proliferate on the continent can be seen as a symptom of wider organised crime.

This policy brief has three main objectives. First, it explores some of the milestones reached in terms of Africa’s engagement in global arms-control initiatives, especially those achieved by the AU and its regional economic communities (RECs) and regional mechanisms (RMs). Second, it provides an analysis of contemporary trends in illicit flows of arms on the continent. Finally, it provides recommendations on how to address the current challenges.

**African Union initiatives**

Current initiatives driven by the AU are largely built around the spirit of what is referred to as the Bamako Declaration, which was adopted by the Organisation of African Unity in 2000. Since the Bamako Declaration, the AU and its subregional bodies have continued their search for a durable answer to illicit flows of SALW and several initiatives have followed.

**The 2013 Solemn Declaration**

One of the AU’s recent major policy achievements is the Africa Amnesty Month for the Surrender and Collection of Illicit Weapons. Inaugurated in September 2017, this event will be observed annually in September across the continent. The amnesty is grounded in the 2013 Solemn Declaration by the Heads of State and Government of the AU. Also known as Agenda 2063, the Solemn Declaration was drafted to provide a strategic framework for Africa’s socio-economic transformation over the next 50 years. The leaders pledged not to bequeath the burden of conflict to the next generation and to end all conflict on the continent by 2020.

They also committed themselves to (among other things) ensuring the implementation of arms-control agreements, including those on conventional weapons.

From this declaration evolved the AU Master Roadmap of Practical Steps to Silence the Guns in Africa by Year 2020. This initiative significantly revitalises the role of the AU as the key continental coordinator of the efforts undertaken by the RECs and RMs to tackle the menace of illicit arms circulation.

**One of the AU’s recent major policy achievements is the Africa Amnesty Month for the Surrender and Collection of Illicit Weapons**

The roadmap aligns with the spirit of Goal 16, Target 4 of the Agenda 2030 for Sustainable Development Goals, which were adopted at the UN summit in 2015. Target 4 of this goal calls upon the UN member states to significantly reduce illicit financial and arms flows, strengthen efforts to recover and return stolen assets, and combat all forms of organised crime by 2030.

The declaration of the Africa Amnesty Month is a step in the right direction towards achieving the goals of the roadmap for silencing the guns. However, silencing the guns that have for decades ravaged the continent within five years (at the time of writing, now three years) may well be too ambitious. Nonetheless, the declaration is a clear sign that the AU wants to tackle the problem urgently. It is also a further indication of the commitment that Africa has already demonstrated globally. For example, in April 2013, when the UN General Assembly adopted the Arms Trade Treaty (ATT), a multilateral instrument aimed at regulating the US$70 billion international trade in conventional weapons, Africa wholeheartedly supported its adoption, with only three of the AU member states abstaining from the vote.

**Subregional initiatives**

At Africa’s subregional level, the commitment to control illicit arms flows pre-dates the Bamako Declaration. For instance, in 1998, heads of state from the Economic Community of West African States (ECOWAS) agreed on the Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa. The moratorium was later transformed into a convention in 2006. Subsequently, much progress has been made in the five main sub-regions of Africa.
A study on arms-control initiatives in Africa\textsuperscript{12} has established that SALW projects that take a regional approach achieve a wider and more effective impact than those aimed at dealing with the issue at the national level. The reason for this is that the porosity of most of Africa’s borders makes it fairly easy for illicit traffickers to move arms across borders, making it challenging for a single country to tackle the issue alone. Regional projects have the potential for greater information sharing, coordination and cooperation among participating states – see the brief descriptions that follow on such initiatives in the continent’s five sub-regions.

Many African borders are porous, making it fairly easy for illicit traffickers to move arms

**East Africa and the Horn**

The Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA) coordinates efforts to address the proliferation of illicit SALW in this region. Established in 2005, RECSA is an intergovernmental organisation composed of 15 member states.

It is mandated to build the capacity of the member states and monitor the implementation of the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (Nairobi Protocol) on SALW. The protocol provides for, ‘... the establishment of best practice guidelines on stockpile management; harmonization of legislation at regional level, public awareness and advocacy campaign on the dangers of SALW, and the destruction of illicit SALW.’\textsuperscript{13}

RECSA emphasises the provisions of the UN’s International Tracing Instrument (ITI), which enables countries to trace illicit SALW in a timely and reliable manner by means of marking and tracing weapons, and record-keeping.\textsuperscript{14} RECSA has developed best-practice guidelines on the implementation of the Nairobi Protocol. These contain detailed procedures for marking, tracing and record-keeping.\textsuperscript{15}

**Southern Africa**

In southern Africa, the implementation of arms-control instruments is coordinated by the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO).\textsuperscript{16} This organisation is made up of 15 member states of the Southern African Development Community (SADC). Its main function is to promote regional cooperation in terms of developing joint strategies on cross-border and related crimes.

In 2007, SARPCCO established the Regional Coordinating Committee, whose mandate is to spearhead the implementation of the SADC Firearms Protocol. The committee has undertaken extensive marking of SALW in member states and raised awareness on arms brokering.\textsuperscript{17}

**West Africa**

Article 18 of the ECOWAS Convention\textsuperscript{18} calls upon the 15 member states to mark arms and maintain a database of arms in government stockpiles, activities that most of the member states have been implementing.

As indicated by the ECOWAS SALW moratorium referred to above, the region remains one of the most progressive in sub-Saharan Africa with regard to adopting instruments on SALW. For instance, as of March 2017, 13 of its member states had ratified the ATT.\textsuperscript{19}

**Central Africa**

In March 2017, after a long period during which it had no legally binding instrument on SALW, the Central African region finally welcomed the entry into force of the Convention for the Control of Small Arms and Light Weapons, their Ammunition and all Parts and Components that can be used for their Manufacture, Repair and Assembly (also known as the Kinshasa Convention on SALW).\textsuperscript{20}

It took almost seven years to come to fruition from when the convention was first open for signature by members of the Economic Community of Central African States (ECCAS), Rwanda and state parties to the UN Standing Advisory Committee on the Security Questions in Central Africa.\textsuperscript{21} Articles 13 and 14 of the convention deal comprehensively with the issues of brokering, and marking and tracing of weapons.\textsuperscript{22}
North Africa and the Sahel region

Several efforts are under way in the region. For example, the UN Regional Centre for Peace and Disarmament (UNREC) has identified that undocumented arms and ammunition threaten the safety and security of communities, and that transnational criminal networks, violent extremist groups and other non-state actors often have easy access to these arms, which are used in human trafficking, drug trafficking and terrorism. In response, the UN, AU and ECOWAS, with the support of international partners, are seeking long-term intervention measures in the Sahel. A major concern has been how to better secure stockpiles of arms, so that they do not find their way into the illicit market. Through UNREC, the region has implemented measures to address physical security and stockpile management (PSSM), with financial support from the European Union and the UN Office for Disarmament Affairs. This initiative focuses on strengthening regional security in six countries in the Sahel: Burkina Faso, Chad, Mali, Mauritania, Niger and Nigeria.

The progress so far achieved in these regions is a clear indication of the continued commitment shown by regional bodies. As early as 2007, the UN had already started acknowledging Africa’s initiatives. For instance, the Group of Governmental Experts on illicit brokering in SALW, recognised that Africa’s regional efforts in the areas of arms marking and brokering are crucial to help control illicit arms flows.

Despite the policy progress that has been made, however, the continent is still gripped by considerable challenges, particularly when it comes to ensuring that sources of illicit arms are disrupted or stopped.

The sources of illicit arms flows in Africa

The illicit arms market involves various actors, from the manufacturer to the end user, and usually a number of illicit brokers along the supply chain. The illicit arms market involves various actors, from the manufacturer to the end user, and usually a number of illicit brokers along the supply chain.

Diversion from legitimate (government) stockpiles

Licit stockpiles are one of the main sources of illicit arms flows in Africa. Diversion of legal arms refers to their entry into the illicit market, or the unauthorised use or re-export of arms or ammunition without the consent of the legitimate owner or original exporting state.

In Africa, this diversion of weapons occurs in several ways. One way is for armed militias or rebels to overrun government forces and raid government arsenals. Another is the case where rogue soldiers trade arms opportunistically with rebels. The latter is most rampant in cases where the state’s forces are poorly paid.

Diversions of arms have also been reported in peacekeeping missions. For instance, in 2014, the Small Arms Survey (SAS), a global centre of excellence whose mandate is to generate evidence-based, impartial, and policy-relevant knowledge on all aspects of small arms and armed violence, SAS undertook a review of 11 peace missions deployed in Sudan and South Sudan by the AU and the UN, over a period of 12 years from 2002. In that period, it was estimated that there were at least 22 incidents in which peacekeeping troops lost arms and ammunition. In almost half of these cases, the ‘losses’ were significant – from 50 to 99 firearms and between 2,500 and 4,999 rounds of ammunition.

Battlefield losses

State-owned arms can leak into illicit circulation through corrupt sales, theft or surrender to an enemy. In one such case, at the height of the March 23 Movement rebellion (known as M23) in the eastern DRC, President
Joseph Kabila dismissed his commander of the land forces, General Gabriel Amisi, over accusations that he had been involved in an arms-trafficking network that supplied arms and ammunition to rebel groups. This diversion of weapons was cited as a main factor behind the M23 rebels’ victory over government forces in November 2012. The rebels overran Goma with the help of the diverted arms and ammunition. After entering Goma, they looted the official state-owned armouries after the army had fled.

Complicity of international sources and internal actors

It is very difficult in Africa to cite any recent cases where arms dealers have been prosecuted successfully. Even in cases where arms and/or ammunition have been detected in suspicious circumstances, the case often fizzes out. In most instances, authorities do not undertake investigations. For instance, in 2013 Conflict Armament Research, a UK-based NGO that monitors the movement of arms, released a report that identified 10 cases of ammunition circulation in illicit markets. The report pointed out that the ammunition had been traced to nine countries – Côte d'Ivoire, the DRC, Guinea, Kenya, Niger, Nigeria, South Sudan, Sudan and Uganda. Yet none of these countries interrogated the findings. Indeed, it is rare to see instances where states try to validate such research findings, and follow through by investigating such cases and prosecuting the perpetrators.

Factors abetting illicit arms flows

It is evident that the licit and illicit arms markets are separated by a very thin line. Several factors enable weapons to enter the illicit supply chain. To help prevent this, there is need for greater transparency at three critical points – the manufacturing, brokering and end-user (recipient) markets. Arms traffickers use various processes to abet illicit arms flows, outlined in the subsections below.

Falsification of end-user certificates

There are no internationally agreed-upon (binding) standards or guidelines on the issuance of end-user certificates. Falsification can take three forms: forged documents; false, misleading or incomplete end-use information; and the unauthorised diversion of authorised shipments. At present, there are no conventional standards on the information that an end-user certificate should contain, or whether it’s the prerogative of the state to issue certificates or whether manufacturers or dealerships should be the ones to issue the certificates. Another challenge lies in transfers and re-transfers of arms components. Several manufacturing countries do not impose tight controls on such transfers. Because the arms industry supply chain, as well as defence and security manufacturing agencies, abound with non-governmental actors, brokers and private transport agents, it is increasingly difficult to monitor, assess and authenticate end-user certificates and import/export licences. Such documents are therefore easily falsified or reused.
Exploiting the grey market

This process involves one of four techniques: disguising the real owner by use of fraudulent documents; disguising the military nature of the goods through fraudulent documents; falsifying declarations of the supply company to conceal its true identity; and disguising arms as ‘humanitarian aid’.37

Smaller weapons and items of ammunition can be smuggled in briefcases and cargo containers. However, when it comes to smuggling battle tanks, fighter jets and other heavy weaponry, the grey market becomes instrumental.

Most grey-market arms transactions are dominated and controlled by large, legitimate companies

According to Potter et al.,38 syndicates exploit the grey market by disguising themselves as ‘employees’ of legitimate corporations, or by fronting entities that pass themselves off as those corporations. This way, they are able to make grey-market transactions using a false flag. This is why most grey-market arms transactions are dominated and controlled by large, legitimate companies. These companies provide both the cover and the means to make the transfers. The trafficking networks use legitimate export-licensing processes in the same way as a ‘legitimate’ arms-brokering company.

In addition to these technical and industry-based practices, there are local and geopolitical factors that also facilitate illicit flows of arms and ammunition—border porosity and lack of control over trans-shipment.

Porous borders

Some international borders in Africa pose a considerable challenge to law enforcement. These constitute borders located in ungoverned spaces, and which are therefore prone to corruption, conflict and political instability. Weak state capacity also makes it difficult to monitor cross-border proliferation of arms, which occurs insidiously.

Armed groups and militias are able to cross borders easily in conflict zones, and cross-border shipment of arms and ammunition is generally on the increase. Smugglers also exploit irregular sea routes in an effort to conceal the transportation of weapons, making it difficult for security forces to detect the movements. Terrorist and violent extremist groups, such as Boko Haram and al-Shabaab, also operate across borders using irregular routes and taking advantage of poorly secured border points to smuggle weapons.39

Trans-shipment

At present, there are no internationally agreed-upon standards that govern the transiting and trans-shipment of arms and ammunition. States are deterred from imposing rigorous controls for fear of harming legitimate trade. By clearly outlining the key elements of transit and trans-shipment controls that countries ought to have in place, the ATT could help to level the playing field between potential transit countries and improve control factors. This would also help to show that the ATT is relevant for all states interested in preventing illicit, destabilising arms transfers, and not just for major arms exporters.

Mitigation

Various methods have been suggested on how to tackle illicit flows,40 and most analysts agree that, given the range of circumstances in which trafficking occurs, there cannot be one single solution, but rather a combination is needed, including measures such as reducing the existing stockpile, reducing the supply of new weapons, curtailing the diversion from legal to illegal markets and reducing the demand for arms.41

In Africa, as noted earlier, many countries have ascribed to the various global and regional policies on arms control. Unfortunately, however, putting into practice and implementing these policies remain a major challenge. The onus is on African leaders to take the required practical measures to deal with the issue. Some of these key measures are discussed below.

Strengthening stockpile management approaches

The PSSM systems used in most African countries rely on outdated, colonial-era armouries for the storage of their weapons. Many of these are dilapidated, making them vulnerable to theft and vandalism.42
Poorly stored arms and ammunition pose various risks, including unplanned explosions and diversion. As for the former, several African countries have experienced explosions at their munitions storage depots, which have been largely attributable to ineffective stockpile management. A review of the explosions that occurred in Brazzaville in 2012 and Maputo (2007) points to malpractices in stockpile management, such as the storage of expired ammunition.

Weak PSSM systems in Africa mean that more focus should be placed on building the required capacity to address this challenge – not least by documenting what countries are doing to combat diversion. Similarly, more information is needed on obsolete, unstable and redundant stockpiles across the continent.

Enforcing the implementation of arms embargoes

The PSC has been at the forefront of appealing to AU member states to monitor and enforce existing UN arms embargoes. According to the PSC’s Report of the Chairperson of the Commission on Arms Control, Disarmament and Nonproliferation, the capacity of African countries to effectively enforce the embargoes remains limited. The report cites porous borders and the absence of coordinated information exchange as key factors.

In 2016, in collaboration with the PSC, the Institute for Security Studies conducted a study on the effectiveness of arms embargoes in Africa. Most global arms embargoes are directed at Africa (at least, as of 2016) and the study confirmed that the capacity of African states to effectively monitor and enforce arms embargoes remained very low.

According to the UN, the objective of arms embargoes is to prevent the supply, sale or transfer of arms and related materiel of all types – including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts. The scope of this definition spans a very wide range of actors in the supply chain, including individuals, groups and entities from a particular country and nationals from outside it, or those using their flag vessels or aircraft, or those who offer technical advice, help or training related to military activities. Therefore, to enforce a UN arms embargo successfully, a country must seal off all avenues of illicit arms flows, both inside and outside of its territory.

In an ideal world, the effective control of arms would be made possible by international standards that are agreed upon and adhered to by all nations. All actors in the arms industry know that this is the right thing, but lack the political will to implement such policies.

To enforce a UN arms embargo successfully, a country must seal off all avenues of illicit arms flows, both inside and outside of its territory.

It is equally evident that the simplest way to render the most lethal weapon in Africa, the AK-47 rifle, useless would be stop manufacturing its ammunition. However, trade in arms is guided by profit over pragmatism. As Dylan White concludes, as long as there are growing profits to be made from arms sales, governments will behave recklessly, pursuing revenue at the expense safety. A lack of will when it comes to observing these ethical tenets, however, means that UN Security Council-enforced arms embargoes remain one of the few viable ways of correcting the behaviour of violators.

Recommendations

It is evident that the AU recognises the need for practical measures to combat illicit arms. It has developed ambitious policies, but their implementation has been hindered by capacity and resource constraints.

To address these challenges, the AU and the RECs/RMs need to develop a practical monitoring and evaluation framework for its Vision 2020 roadmap. This will allow for progress to be measured.

The outcome of the silencing the guns initiative will play an essential role in developing effective, evidence-based policies for future programming. It would also be strengthened through the participation of civil-society organisations, which are ideally positioned to provide regional and thematic expertise.
The following recommendations are intended to help the AU achieve its objectives:

1. **Evidence-based policy research**

There is an enormous amount of research on arms proliferation in Africa. This research, however, suffers from a weakness: most of it focuses on the problem itself and eschews the human factor. In other words, there is a false assumption that revealing how arms are trafficked allows for an effective response. This does little to identify why people traffic arms, what they do with the proceeds of trafficking and what alternatives (in the form of other livelihoods) there are to dissuade people from arms trafficking.

2. **Capacity building on PSSM**

There is a need for a risk assessment on the state of weapon stockpiles and general weapon management procedures, including emergency measures to mitigate risks of explosion.

3. **Enforcement of arms embargoes**

Adherence to both the letter and the spirit of arms embargoes is critical to the reduction of illicit arms flows in Africa. It is recommended that research and training on all aspects of sanctions is provided at the three critical levels of policymaking in Africa:

   a) At the AU Secretariat: The approach here would be to review, together with the PSC, the institutional frameworks, operations and the readiness of the PSC to set up an AU sanctions committee. At a practical level, this may include a mission by PSC officials to the UN Secretariat on a fact-finding tour, whose objective would be to forge a clearer common understanding of the UN’s sanctions regime. AU sanctions committee officials would engage with both the Security Council Subsidiary Organs Branch and the respective sanctions committees that focus on African countries to improve methods of collaboration and information exchange.

   b) At the regional level: This would target policymakers, practitioners, academia and civil-society organisations within the RECs. Priority may be placed on those RECs that have countries under arms embargoes. As revealed in a study by the Institute for Security Studies, most African countries are confronted with limited information, technical ability and the wherewithal to implement UN arms embargoes. A regional approach, in which the RECs and RMs are capacitated, would therefore provide one of the most effective ways of supporting the efforts of the UN, the AU and individual states.

   c) At national levels: Here, the training will target primarily countries that are under arms embargoes. The objective will be to capacitate them with the knowledge and skills needed to implement existing arms embargoes.

4. **Institutional collaboration**

A key partner that can contribute significantly to the AU’s efforts to detect illicit arms trafficking is the World Customs Organization (WCO). The WCO recognises the serious threats to security and safety that the proliferation of SALW and materials of mass destruction, including explosives and illicit diversion of dual-use goods, pose not only to the security and safety of people, but also to economic development, political stability and social cohesion of countries across the globe.

The WCO’s further role in the prevention of terrorism, counterfeiting, commercial fraud, transnational organised crime and piracy has a direct influence on countering arms trafficking, because of the similarity in the modus operandi used by those who perpetrate these crimes. The Customs Enforcement Network was developed to help the international customs enforcement community gather data and information on seizures and offences, which includes photos required for the analysis of illicit trafficking in the various areas of the competence of WCO.

The WCO can assist the AU with Africa-centric analysis with the aim of developing an understanding of the big picture and effective countermeasures. The WCO can also help with monitoring and evaluation to determine if countermeasures are effective, and to provide guidance if new trends emerge.

5. **Combating violent extremism**

Former UN secretary-general Ban Ki-moon’s description of violent extremism as an ‘arc of upheaval and distress’ captures the state of instability caused by terrorism. Easy access to arms adds to the lethal nature of terrorist acts.
So far, the AU has been active in seeking a solution, introducing measures that incorporate research, policy and advocacy, as well as capacity building for subregional organisations. Although this is commendable, to curb the demand for arms, the approach should be accompanied with practical steps that address identified causes, such as weak state capacity, the marginalisation of some communities, poor service delivery, endemic poverty and the lack of coordination between the national and regional level.55

Conclusion

This policy brief has highlighted the progress that Africa as a continent is making in terms of arms control. It argues that, despite the many challenges that face the AU in fulfilling its mandate as the leading actor on matters of peace and security on the continent, there is visible progress.

The complementarity between the work of the regional organisations and the AU is visible in the role that the regional mechanisms play in supporting their member states in terms of helping them implement arms-control instruments.

The policy brief also points out some of the major challenges that stand in the way of the AU achieving its goals of securing Africa from the grip of illicit arms traffickers and diversion of arms from government stockpiles.

From the discussion above, it is evident that Africa’s journey towards effective arms control is defined by successes and challenges in equal measure. The successes can be seen in the efforts that the continent has made to domesticate international arms-control regimes. The challenge is posed by the scale of the illicit arms flows that continue to destabilise the continent.

Notes


17 Ibid.


22 UN Regional Centre for Peace and Disarmament, Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition and all Parts and Components that can be used for their Manufacture, Repair and Assembly, https://www.unrec.org/docs/Kinshasa.pdf, accessed 11 August 2017.


34 The author spoke to a number of policymakers, researchers and experts on SALW, on why countries were reluctant to publicise incidents of arms trafficking in their countries.


Ibid.


About the author

Nelson Alusala joined the ENACT project in 2017 as a senior research consultant, focusing on links between arms control and transnational organised crime. He has worked for the Institute for Security Studies, the government of Kenya, the UN Group of Experts on the DRC, and the UN Panel of Experts on Liberia. He is also a post-doctoral research fellow at the University of Pretoria’s Centre for the Study of Governance Innovation. He has a PhD in political science from the University of Pretoria.

About ENACT

ENACT builds knowledge and skills to enhance Africa’s response to transnational organised crime. ENACT analyses how organised crime affects stability, governance, the rule of law and development in Africa, and works to mitigate its impact.

ENACT is implemented by the Institute for Security Studies and INTERPOL, in affiliation with the Global Initiative on Transnational Organised Crime.

Acknowledgements

ENACT is funded by the European Union (EU). This publication has been produced with the assistance of the European Union. ENACT is implemented by the Institute for Security Studies and INTERPOL, in association with the Global Initiative Against Transnational Organized Crime.