

# FOCUS

ON ARMS IN AFRICA

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AFRICAN UNION



# Curbing Small Arms Proliferation: Progress in Africa

In July 2001, member states of the United Nations (UN) participating in a conference on the illicit trade in small arms and light weapons adopted the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA). States also agreed to periodically convene to report on the progress they have made in implementing their decisions. In July 2003, the First Biennial Meeting of States (BMS) met and from 11-15 July 2005, the Second BMS to consider the implementation of the UNPoA will take place in New York.

The aim of this article is to review the progress African states have made in implementing the UNPoA. Many issues considered especially important to countries in Africa were included in the UNPoA, which “now stands as the central global agreement on preventing and reducing trafficking and proliferation of small arms and light weapons (SALW)”.<sup>1</sup> However the other international and regional initiatives that exist that also focus on controlling small arms sometimes makes it difficult to determine if a state is acting specifically in terms of the UNPoA, or as part of a broader process of bringing its practices in line with international and regional norms and legal requirements.

Within Africa, sub-regional political and legally binding frameworks for action on small arms include a variety of initiatives such as the 1998 Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa, the Southern African Development Community (SADC)

Protocol on the Control of Firearms, Ammunition and Other Related Materials (2001) and 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 (2004), as well as the important role of the African Union at the continental level.

Curbing the proliferation of small arms in Africa is central to the peace and security agenda of the New Economic Partnership for Africa’s Development (NEPAD), which recognises that combating small arms proliferation is one of the important conditions needed to place African countries, both individually and collectively, on a path of sustainable growth and development.

## The UN Programme of Action

The UNPoA contains a number of measures to be implemented at the national, regional and global levels in order to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects by:

...The UNPoA contains a number of measures to be implemented at the national, regional and global levels...

- (a) Strengthening or developing agreed norms and measures at the global, regional and national levels that would reinforce and further coordinate efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects;
- (b) Developing and implementing agreed international measures to prevent, combat and eradicate illicit manufacturing of and trafficking in small arms and light weapons;
- (c) Placing particular emphasis on the regions of the world where conflicts come to an end and where serious problems with the excessive and destabilising accumulation of small arms and light weapons have to be dealt with urgently;
- (d) Mobilising the political will throughout the international community to prevent and combat illicit transfers and manufacturing of small arms and light weapons in all their aspects, to cooperate towards these ends and to raise awareness of the character and seriousness of the interrelated problems associated with the illicit manufacturing of and trafficking in these weapons;

(e) Promoting responsible action by States with a view to preventing the illicit export, import, transit and retransfer of small arms and light weapons.

The 2001 Conference not only succeeded in placing the issue of small arms firmly on the international agenda, but also outlined a follow-up process, including a review conference, to be held no later than 2006, and biennial meetings of States to consider the national, regional and global implementation of the UNPoA.

#### First Biennial Meeting of States

Following UN General Assembly Resolution 56/24V, adopted in November 2001, and resolution 57/72, adopted in November 2002, in which the General Assembly emphasised the importance of early and full implementation of the UNPoA, the first biennial meeting of states (BMS) was held in July 2003.

The BMS was generally viewed as a success both in symbolic and practical terms. The fact that the meeting was well attended by both governmental and non-governmental representatives indicated how important the issue of small arms had become for the international community. The meeting also played an important role in building consensus and momentum and in identifying in concrete terms what has already been achieved, and what still needs to be done to fully implement the UNPoA. A common refrain from many developing countries, including countries in the African Group, was the need for international co-operation and assistance, both financial and technical, to help countries to implement the Programme of Action.<sup>2</sup>

#### Second Biennial Meeting of States

The second BMS will take place in July 2005 to exchange information on initiatives undertaken by states, regional and international organisations and civil society. It will also highlight the successes achieved, identify problems encountered and propose solutions to these challenges.

#### Country Reports to the United Nations

Under the UNPoA, all countries are encouraged to report annually to the UN on national implementation of the UNPoA. In 2003, 103 out of the 191 UN member states submitted national reports on

their implementation of the UNPoA to the United Nations Secretary-General through the Department for Disarmament Affairs (UNDDA). Many of these were presented during the first BMS. The reports vary widely in terms of length, level of detail and themes addressed, not surprising in the early stages of implementation of new commitments.<sup>3</sup>

In all, states have had four opportunities to present annual reports to the UN. The table below shows reporting for states in Africa from 2002 – 2005. In total, 28 states have reported at least once.

National Reports Submitted to the United Nations by African countries (As of 10 April 2005)				
Country	2002	2003	2004	2005
Algeria		X		
Benin		X		
Botswana	X			
Burkina Faso	X	X		X
Burundi		X	X	
Cameroon		X		
Central African Republic		X		
Chad		X		
Congo		X		
Côte d'Ivoire		X		
Djibouti		X		
DRC		X		
Egypt		X		
Equatorial Guinea		X		
Ethiopia	X			
Gabon				X
Gambia		X		
Kenya		X		
Mali		X		X
Morocco		X		
Niger		X		X
Rwanda		X		
São Tome and Principe		X		
Senegal		X		
South Africa		X		
Sudan		X		
Togo			X	X
Uganda		X		

Under the UNPoA, states are also advised to establish National Points of Contact in order to facilitate better communication and to provide contact details to the UN, which are made public on the UN website. So far, 25 African countries have done this.

Countries with National Points of Contact	
Algeria	Kenya
Benin	Mali
Botswana	Mauritius
Burkina Faso	Morocco
Burundi	Niger
Chad	Rwanda
Congo	São Tome and Principe
Côte d'Ivoire	Senegal
DRC	South Africa
Egypt	Sudan
Gabon	Uganda
Gambia	Zambia
Guinea	

### Sub-regional initiatives in Africa

African governments recognise that their ability to stem small arms proliferation is dependent on regional co-operation and co-ordination. This has resulted in the development of policies and political or legal frameworks in various sub-regional groupings. Areas covered by such agreements include: strengthening and harmonising legislation; strengthening the operational capacity of law enforcement agencies; increasing cross-border co-operation between them; weapons collection and destruction; disarmament, demobilisation and reintegration; improving police-community relations; and public education and awareness-raising.

In addition, regulations to control the manufacture, import, and export of small arms, light weapons, ammunition and other related materials and improving the operational capacity of police forces, customs officials and border guards in order to combat illicit

trafficking are also being closely examined.

The Southern African Development Community, ECOWAS, and the Nairobi Secretariat have all taken significant steps, often encouraging and facilitating their members to generate a national policy on firearms to provide the basis to identify priority areas for action, for example reviews of national legislation.

For example, in Eastern Africa, the main framework for action is the "Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons" that was agreed upon by foreign ministers from 10 countries in the from the Great Lakes Region and the Horn of Africa in March 2000. Senior government officials then agreed on a more detailed "Co-ordinated Agenda for Action" and "Implementation Plan".

In April 2004, ministers signed a new Declaration and a legally binding protocol committing their countries to a broad range of measures to counter what the UN Secretary-General has termed a global scourge. 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, elaborates on the original Nairobi Declaration and makes the region only the second in Africa (after SADC) to move towards a legally-binding instrument.

It has been announced that the ECOWAS Moratorium on the Importation, Exportation and Manufacturing of Small Arms will be transformed into a convention and a successor to the Programme for Coordination and Assistance for Security and Development in Africa (PCASD) has been established at

the ECOWAS Secretariat in Abuja, Nigeria. In March 2005, representatives from National Commissions on Small Arms and civil society met to discuss an ECOWAS draft convention on small arms and light weapons.

Regional police co-ordinating bodies such as the Southern African Police Chiefs Co-operation Organisation (SARPPCO) and the Eastern Africa Police Chiefs Co-operation Organisation (EAPCCO) have also undertaken activities in line with the implementation of the UNPoA, as well as relevant regional agreements. For example, in Southern Africa, a regional standard for marking and tracing firearms has been adopted and the need to better regulate arms brokering has been placed firmly on the sub-regional agenda in order to stem illicit arms flows to countries under UN arms embargoes or in conflict.

### Collection and ceremonial destruction of small arms

A number of African countries have initiated the collection and ceremonial destruction of small arms, including Niger, Mali, Kenya, Mozambique, Senegal and South Africa. Others have initiated amnesties periods that allow members of the community to hand in their weapons, both legal and illegal, without fear of prosecution or initiated DDR programmes that recover (and usually destroy) weapons from former combatants.

In April 2005, the Rwandan government for the first time destroyed 6,000 small arms and light weapons. They ranged from 5.2 mm to 82 mm in calibre and related ammunition and were recovered from former combatants and armed robbers. Others were part of

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obsolete stock from the country's pre-1994 genocide administration.<sup>4</sup>

#### Ceremonial Arms Destruction in Niger: 2000-2003

Year	Number of Firearms Destroyed
2000	1,234
2001	200
2002	100
2003	103
<b>Total</b>	<b>1,637</b>

#### Legislation

Most, if not all African countries have legislative provisions that govern the manufacture, possession, use and trade in SALW to some degree. However, the effectiveness of these laws varies across the continent and there are considerable variations in the nature and scope of the legal frameworks and procedures. Many countries are thus reviewing national legislation to make it relevant and compliant with regional and international standards and norms.

#### National Focal Points

At the national level, a number of African states have established National Focal Points (NFPs) to help co-ordinate the work of different government agencies who cover small arms related issues. Some of these NFPs are in the process of developing national action plans. A number of countries on the continent have hosted national conferences and participants usually include government departments, parliamentarians, traditional leaders, civil society organisations such as trade unions and non-governmental associations and locally based international organisations.

Besides drawing up action plans, many aim to raise public

awareness among civil society and inform participants of the nature of national, regional and international commitments.

The above description of actions taken by states reflects a commitment by Africa to encourage concrete measures and practical steps to curb the proliferation of small arms and light weapons on the continent and to share information amongst each other, especially at the sub-regional level.

The question however remains whether African countries can, as they did in the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons, again play a significant role in moving the international community forward in its quest for a safer and more secure world.

Africa's active participation in the Second BMS, highlighting the significant progress that has been achieved at the national and regional levels provides a unique opportunity for Africa to do this. The period leading up to the 2006 Review Conference will also be an important time for the countries of Africa to identify, based on practical experience and accumulated knowledge since 2001, the areas where greater international action is required and develop a position that can be taken to the UN in 2006.

#### Endnotes

- 1 Implementing the UN Programme of Action 2003 (London: International Action Network on Small Arms, 2003).
- 2 Peter Batchelor, *The First Biennial Meeting of States on Small Arms: Building Momentum for Global Action*, Disarmament Diplomacy, Issue No. 72, August - September 2003.
- 3 Elli Kytömäki and Valerie Yankey-Wayne, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of Reports Submitted by States in 2003: Executive Summary*, Geneva: United Nations Institute for Disarmament Research, 2005.
- 4 Office for the Coordination of Humanitarian Affairs, *Integrated Regional Information Network (IRIN)*, 14 April 2005.

# Zambia gives

The United Nations Office on Drug and Crime (UNODC) announced the imminent entry into force of the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (UN Firearms Protocol), after Zambia became the fortieth country to ratify it in April 2005. The Protocol, which supplements the United Nations Convention against Transnational Organised Crime, provides an important opportunity for countries to control one of the biggest killers of our times, small arms. Zambia, through Kalombo Thomson Mwansa, Minister of Home Affairs for Zambia, deposited the instrument of ratification during the 11th United Nations Congress on Crime Prevention and Criminal Justice in Bangkok, 18-25 April.<sup>1</sup>



# legal edge to the UN Firearms Protocol

With Zambia's ratification the minimum number of State parties was achieved. The binding nature of the Protocol would, therefore, be in force 90 days after Zambia's ratification.

The UN Firearms Protocol, the world's first global treaty on firearms was adopted in 2001. The objective of this Protocol is to promote, facilitate and strengthen co-operation among State parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.<sup>2</sup>

It provides for a comprehensive system to control the movement of firearms, their parts and components and ammunition. Since the specific focus is on transnational transactions, the Protocol especially provides for procedures for the import, export and transit of firearms.

Announcing the coming into effect of the Protocol, Antonio Maria Costa, Executive Director of the UNODC, said, "Small arms traffickers have littered the world with the victims of their trade. Small arms are a multi-billion dollar business. More than 500,000 people are killed every year by small arms, one every minute. From the Balkans to Western Africa, from the Andeans to Afghanistan, insurgents are armed by traffickers focused on profit rather than political causes. Pistols, submachine guns, grenades and portable anti-aircraft missile systems are banned by this Convention."<sup>3</sup>

It is a reciprocal system requiring states to provide authorisations to

Ratification of the UN Firearms Protocol by African countries			
Country	Signature	Ratification	Accession
Algeria			25 Aug 2004
Benin	17 May 2002	30 Aug 2004	
Burkina Faso	17 Oct 2001	15 May 2002	
Cape Verde			15 Jul 2004
Kenya			5 Jan 2005
Lesotho			24 Sept 2003
Liberia			22 Sept 2004
Libyan Arab Jamahiriya	13 Nov 2001		
Madagascar	13 Nov 2001		
Mali	11 July 2001	3 May 2002	
Mauritius	24 Sept 2003		
Nigeria	13 Nov 2001		
Senegal	17 Nov 2002		
Seychelles	22 July 2002		
Sierra Leone	27 Nov 2001		
South Africa	14 Oct 2002	20 Feb 2004	
Tunisia	10 July 2002		
Uganda			9 March 2005
Zambia			25 April 2005

one another before permitting shipments of firearms to leave, arrive or transit across their territory and enables law enforcement to track the legal movement of shipments to prevent theft and diversion. These standards are intended to help ensure a level of transparency to assist states parties to better target illicit transactions. Measures are also included to control manufacturing.

The Protocol commits countries to regulate the manufacture, export, import and transit of firearms. It also requires firearms to be marked and records to be kept for 10 years, and encourages (but does not require) the regulation of arms brokers. While it does not regulate state-to-state firearm transfers, States parties are encouraged to adopt legislative and other measures necessary to establish as criminal offences the following conduct, when committed intentionally:<sup>4</sup>

- Illicit manufacturing of firearms, their parts and components and ammunition;
- Illicit trafficking in firearms, their parts and components and ammunition;
- Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of the Protocol.

The Protocol encourages State parties to adopt, in their domestic legal systems, measures necessary to enable confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked. The measures to control the legal movement of firearms are enforced through the criminalisation provision in the Protocol, which requires states parties to establish criminal offences for illicit manufacturing, illicit trafficking and the illicit

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alteration or obliteration of markings.

Recognising that criminal offences cannot be detected or prosecuted effectively without the appropriate evidence, the Protocol contains articles requiring comprehensive record-keeping on the transnational movement of firearms, as well as the provision for exchange of information between countries involved in such transactions.

In particular, the articles dealing with mutual legal assistance and extradition for commission of offences covered by the Protocol will be essential tools for law enforcement. The Protocol sets the minimum standard that must be dealt with in domestic law. States can legislate with respect to a broader range of weapons and impose increased or stricter measures in domestic law, if they wish, but they may not be able to get foreign cooperation with respect to the provisions that go beyond the standards set in the Protocol.

Mr Costa commended the government of Zambia for its resolve, and added, "Along with the other 39 States who have ratified this protocol, Zambia is sending a powerful message to criminal gangs and gunrunners around the world — 'Your time is up'".<sup>5</sup>

#### Endnotes

1 Proliferation of Small Arms Banned, UN Information Service, [www.unis.unvienna.org-19/05/05](http://www.unis.unvienna.org-19/05/05)

2 The UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organised Crime

3 Proliferation of Small Arms Banned, UN Information Service, [www.unis.unvienna.org-19/05/05](http://www.unis.unvienna.org-19/05/05)

4 The UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organised Crime

5 Ibid.

# Building Capacity to Implement

The Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) was established in 1995. It is a forum comprising all the police chiefs from the Southern African region. The SARPCCO forum established a permanent secretariat to deal with the administrative and technical aspects of SARPCCO operations, based at the sub-regional bureau of ICPO-Interpol, in Harare, Zimbabwe.

The SARPCCO secretariat is also responsible for training and capacity building throughout the Southern African Development Community (SADC) region on law enforcement issues.

At its conception, the SARPCCO secretariat established a Legal Sub-committee to investigate the legal aspects concerning the differences in legislation among the different legal systems in the region, as well as a training sub-committee, which is responsible for the training of police officials at a regional level.

This SARPCCO Legal Sub-committee has been investigating the harmonisation of legislation in the region. One of the first tasks mandated to the Legal Sub-committee was the development of the SADC Firearms Protocol. The National Police Commissioners endorsed the Protocol during a meeting in February 2000, in Botswana and it was signed by regional heads of state in August 2001.

#### SADC Firearms Protocol

The Protocol incorporates provisions related to the training of police and customs officials in the following areas, among others:

- Firearm control;
- Marking and tracing of firearms;
- Destruction of stockpiled

firearms;

- Weapons collection initiatives, and;
- Eradication of the culture of violence in the region.

#### The challenge

Capacity building is one of the current buzzwords internationally. One of the challenges however, is to define capacity building within the framework of the goals set by SARPCCO.

The SARPCCO secretariat has defined some of the areas where the need for training and capacity building is the greatest regarding small arms and light weapons (SALW). These include:

- Good practice principles for storing SALW;
- Stockpile management;
- Recordkeeping, and;
- Border control relating to SALW.

SARPCCO member countries generally face the same trials when attempting to accomplish regional co-operation. Each police force has a limited number of personnel as well as a limited budget for normal police operations. In many countries there is no spare funding to use for regional efforts.

Analysing the challenge presented by training in the region leads to



# Small Arms Controls

...Regional co-operation is becoming a priority as SARPCCO member states realise that a united front is the only way to defeat crime...

the conclusion that regional standardisation is of utmost importance. Police agencies have developed their own training methodologies and each addresses their unique problems in their own countries. However training that is conducted regionally and draws on the experiences of all the countries in the region is especially valuable. Equal partnership opportunities are extremely important for the development of trusting relationships and respect throughout the region.

Assessing the resources available for training purposes, it is easy to conclude that most training workshops should take place in South Africa as training aids as well as experienced personnel, i.e. the South African Police Service (SAPS) are easily available. It is important however that each country gets the opportunity to host some of the training sessions as the other SARPCCO member countries have their own unique expertise to incorporate in regional training. Regional co-operation is becoming a priority as SARPCCO member states realise that a united front is the only way to defeat crime. Cross border operations are taking place throughout Southern Africa and it is imperative that members from different policing agencies train together to engender trust and

familiarity with each other's operational procedures.

## Current successes

During several workshops and training sessions facilitated by the SARPCCO Secretariat and the Institute for Security Studies (ISS), it became clear that the cooperation among individuals from different police forces was growing as they came to know each other. They agreed that the working relationship was enhanced by the principle of bringing together the same group for different courses.

Members that participated in the training courses felt that they were not only acquiring crucial SALW knowledge but that they were part of the process of building regional co-operation and actively shaping the future of the region.

## Future challenges

As the world becomes more technologically advanced, Africa will have to face the fact that cross border policing is an absolute necessity. International borders do not restrict criminals. Law enforcement agencies will have to work together more closely to combat crime, as each crime, not only weapon related crimes, committed in the region is of concern to the other members of SADC.



# ECOWAS convention: A response to the implementation of the UNPoA

Representatives from governments and civil society in West Africa came together in Bamako, Mali, on 16 - 18 March 2005. Organised by Oxfam, with the backing of the government of Mali, the main objective of the workshop was to bring together different actors in the process of transforming the ECOWAS Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa, first adopted in 1998, into a legal instrument. Part of the workshop was to come up with a draft ECOWAS Protocol to combat the proliferation of small arms and light weapons, their munitions and other related material.

This meeting followed up decisions taken by the Heads of State and Government in December 2002 in Dakar, Senegal that the ECOWAS Moratorium should be strengthened so that it becomes more effective in controlling arms in the region.

Oxfam supported a study to be used in the process of developing a regional convention on small arms in West Africa. The draft convention includes the principles of international law outlined in the proposed arms trade treaty. The draft protocol developed is a civil society contribution to the ECOWAS process to elaborate and submit to member states a regional convention before December 2005.

The ECOWAS member states recognise the progress made in the implementation of the Moratorium, the Code of Conduct and the PCASED Action Plan. However more can still be achieved with the Moratorium becoming legally binding. The continued proliferation

of SALW in the region has had devastating consequences. The region is bedevilled by illegal arms trafficking, which contributes to the growth of cross border criminality and destabilises the states of the community. These phenomena compromise efforts towards development, peace and reconciliation and gravely undermine international humanitarian law.

...The region is bedevilled by illegal arms trafficking, which contributes to the growth of cross border criminality and destabilises the states of the community...

The draft "ECOWAS protocol on the fight against the proliferation of small arms and light weapons, their munitions and other related material" is structured with a preamble and eight

chapters that have been broken down into 31 articles:

**Chapter 1** concentrates on definitions, objectives and basic principles. It aims to offer a framework for the draft protocol.

**Chapter 2** sets out the legal regime accompanied by the criteria and procedures for exemption.

**Chapter 3** focuses on the measures and ways of promoting transparency

as an efficient means of fighting against the proliferation of small arms and light weapons.

**Chapter 4** underlines the necessity of translating the sub-regional undertaking into adequate and effective legislative and regulatory framework.

**Chapter 5** defines the activities that must be carried out to guarantee the implementation of the protocol pilot study.

**Chapter 6**, regarding the institutional arrangements, underlines the respective roles of the national commissions and the ECOWAS Executive Secretariat.

**Chapter 7** establishes a mechanism for evaluation and monitoring through a group of independent experts.

Finally, **Chapter 8** sets out the final measures.

At the end of intense and fruitful group discussions, the workshop adopted the draft protocol, subject to substantial amendments and a rewriting that is more in keeping with the legal practice of ECOWAS, which codifies the spirit and practice of the Moratorium and its Code of Conduct.



## West Africa: Heralding the ECOWAS Convention?

For West Africa, 2005 is a year full of expectations, not the least because it marks the possibility of transforming the ECOWAS Moratorium into a legally binding instrument. A review or a total transformation of the Moratorium that will make it more compatible with the UNPoA requirements is therefore unavoidable. This was further reiterated in March 2004 during a conference held in Abuja by the ECOWAS Secretariat. The conference reassessed the effectiveness of the Moratorium in light of the current global demand and challenges in trade in small arms and light weapons. The conference recommended a total transformation of the Moratorium into a convention.

The European Union (EU) and the ECOWAS have agreed on the various structures for transforming the moratorium into a legally binding regional convention by December 2005, with a view to an operational West African contribution to the 2006 review conference on the United Nations Programme of Action. The timetable and implementation of the project is set out in the Official Journal of the European Union No. L 359/65 of December 2004.<sup>1</sup>

Before then the process to be undertaken will entail:

Moreover it was recommended that:

### States

- Proceed to the adoption of the protocol pilot study by the end of December 2005.
- Compile a register of the local arms manufacturers and encourage them to mark the weapons they produce.
- Submit national reports to the United Nations on the implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

### Civil society organisations

- Carry out awareness and advocacy campaigns towards West African governments to first adopt the protocol project and then to apply it;
- Carry out this advocacy based on the strategy defined and adopted during the workshop;
- Participate in the diffusion of the

protocol once it has been officially adopted by the ECOWAS Heads of State and Government;

- Collaborate closely with the national commissions in the conception, development and implementation of the national action plans for the fight against the proliferation of small arms and light weapons.

In addition, the workshop acknowledged the work of the ECOWAS Executive Secretariat in the setting up of the structures and programmes allowing for a better monitoring of the sub-regional policy on the fight against the proliferation of small arms and light weapons, notably the Small Arms Unit and the ECOWAS Programme on small arms (ECOSAP).

It appealed to the international community for financial and technical support in the implementation of national and sub-regional initiatives for controlling light weapons in the ECOWAS region.

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- An evaluation of a legislative and regulatory system for small arms and light weapons in all the ECOWAS member countries. This is to take place between January and June 2005. To achieve this goal, the experts responsible<sup>2</sup> will make a one-week visit to each ECOWAS country in order to identify specific national



...It is hoped therefore that the conversion of the ECOWAS Moratorium into a legally binding regional convention in December 2005 will be successful...

approaches with regard to the problem of small arms and light weapons. The experts will also analyse efforts and experiences made in other regions within the continent, such as the Southern African Development Community (SADC) Firearms Protocol of 2001 and the Nairobi Secretariat on Small Arms and Light Weapons.

- Between July-September 2005, the process will aim to draw up the draft regional convention under a newly initiated Small Arms Unit, which will promote the draft convention to ECOWAS States by the ECOWAS Executive Secretariat.
- During the months of October and November 2005, the ECOWAS member states will organise a regional seminar involving state representatives and national experts from the ECOWAS states in order to deliberate the finalisation of a draft regional convention by the Small Arms Unit.
- During December 2005, the presentation of the final draft of the convention will be made to

the ECOWAS heads of state during an ordinary ECOWAS summit in December 2005. It will then be opened for adoption.

Structurally the ECOWAS Moratorium, in its current form, has outlived its viability and thus the impetus should be placed on the current projected transformation into a convention. The contents of the convention that will be adopted should endeavour to adhere coherently to the objectives of the UNPoA on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. It is hoped therefore that the conversion of the ECOWAS Moratorium into a legally binding regional convention in December 2005 will be successful. This transformation will open another new phase in the fight against the illicit proliferation of arms within Africa.

#### Endnotes

1 See annex of the *Official Journal of the European Union No. L 359/65* (Acts adopted under Title V of the Treaty on European Union) of 4 December 2004.

2 The experts will include an African expert from amongst the PCASED personnel responsible for evaluation, and who has expertise in small arms and light weapons in ECOWAS.



# South Africa seeks to join the Wassenaar Arrangement

Sustaining earlier efforts to promote transparency and stronger export controls on conventional arms transfers, the South African cabinet approved South Africa's accession to the Wassenaar Arrangement (WA) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, in December 2004.<sup>1</sup>

The Wassenaar Arrangement results from an agreement reached in 1995 to start a new type of multilateral co-operation to counter threats to regional or international security and stability caused by excessive accumulations of arms and sensitive technologies.<sup>2</sup>

In its Initial Elements, the founding charter of the organisation is designed to promote transparency, exchange of views and information, and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. The Wassenaar Arrangement focuses on the threats to international and regional peace and security, which may arise from transfers of armaments and sensitive dual-use goods and technologies where the risks are judged greatest.

It received final approval by 33 co-founding countries in July 1996 and began operations in September 1996. The Participating States of the Wassenaar Arrangement are Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom and the United States.<sup>3</sup>

It complements and reinforces, without duplication, the existing regimes for non-proliferation of weapons of mass destruction and their delivery systems, by focusing on the threats to international and regional peace and security which may arise from transfers of armaments and sensitive dual-use goods and technologies where the risks are judged greatest.

After the events of 11 September 2001, the Participating States amended the Initial Elements to affirm the importance of export controls also for preventing the acquisition of conventional arms and dual-use goods and technologies by terrorist groups and organisations.<sup>4</sup>

The Arrangement countries maintain effective export controls for the items on the agreed lists, which are reviewed periodically to take into account technological developments and experience gained. Through transparency and exchange of views and information, suppliers of arms and dual-use items can develop common understandings of the risks associated with their transfer and assess the scope for co-ordinating national control policies to combat these risks.

The Arrangement's specific information exchange requirements involve semi-annual notifications of arms transfers, currently covering seven categories derived from the UN Register of Conventional Arms. Members are also required to report

transfers or denials of transfers of certain controlled dual-use items.

The Arrangement is open on a global and non-discriminatory basis to prospective adherents that comply with the agreed criteria. To be admitted, a state must:<sup>5</sup>

- Be a producer/exporter of arms or industrial equipment respectively;
- Maintain non-proliferation policies and appropriate national policies, including adherence to relevant non-proliferation regimes and treaties; and
- Maintain fully effective export controls.

Although the Arrangement does not have an observer category, a diverse outreach policy is envisaged in order to inform non-member countries about the Arrangement's objectives and activities and to encourage non-members to adopt national policies consistent with the objectives of greater transparency and responsibility in transfers of conventional arms and dual-use goods and technologies, maintain fully effective export controls and adhere to relevant non-proliferation treaties and regimes.

#### Endnotes

- 1 Statement by South African Cabinet, 1 December 2004.
- 2 Statement by Ambassador Dorothea Auer, Chair of the Plenary of the Wassenaar Arrangement at a Roundtable organised by South African Institute Of International Affairs (SAIIA) on 24 February 2005.
- 3 Wassenaar Arrangement site [www.wassenaar.org](http://www.wassenaar.org), 27 April 2005.
- 4 Ibid.
- 5 Ibid.

# Southern African initiatives in the implementation of the UNPoA

The United Nations Programme of Action (UNPoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, a politically binding document, was arrived at through a process of consensus building by all participating States during the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001.<sup>1</sup>

The UNPoA is comprehensive and broad in scope, covering such small arms and light weapons (SALW) trade-related aspects as manufacturing, transfer and circulation and excessive accumulation, humanitarian and socio-economic consequences, the threats posed to peace, reconciliation, safety, security, stability and sustainable development.<sup>2</sup>

Since the misuse of small arms affects the supply side as well as the demand end of SALW, simultaneous efforts by states and civil society as equal partners are well reflected in various instruments on SALW such as protocols, declarations and programmes of action, among others. Chief among these instruments is the UNPoA.

## Regional measures prescribed under the UNPoA

The UNPoA recommends measures that include the following at the regional level:

- Establishment of regional point of contact to act as liaison on matters relating to the implementation of the UNPoA;
- The conclusion of relevant legally binding instruments to facilitate the implementation of

the UNPoA;

- Encouragement of moratoria on SALW;
- Information-sharing by customs, police, intelligence and other relevant bodies;
- Elaboration of regulations and administrative procedures;
- Stockpile management;
- National disarmament in post conflict situations;
- Voluntary transparency measures;
- Marking and tracing of SALW; and
- Brokering of SALW.

## Regional programmes on the UNPOA in Southern Africa

The Southern African Development Community member states have periodically held meetings where SALW issues have been discussed under the rubric of the SADC Organ on Politics, Defence and Security.

The SADC member states have also engaged with civil society in the spirit of cooperation implied in the UNPoA.

The Southern African Regional Police Chiefs Co-operation Organisation (SARPPCO) has been meeting regularly and has made good progress in the developing of an implementation plan for the SADC Protocol outlining regional

small arms projects for the police to implement.<sup>1</sup> SARPPCO is creating a forum for information exchange on tracing and are establishing an electronic database on weapons identification.

In moving the UNPoA agenda forward, SADC states held a Small Arms Committee meeting in February 2002 on the implementation of the SADC Protocol. In March 2002, a joint European Union-SADC seminar on small arms was held in preparation for EU Commission /EU Council working group meeting in Brussels in November 2002 where an

...The SADC states have also been working on a common understanding by holding national and international workshops with a view to exchanging information and experiences. Co-operation between states is also another success...



opportunity to discuss the SADC Protocol on Firearms was tabled. Key topics included the development of a database on firearms, enhancing operational capacity in joint operations: and the collection, disposal, safe-storage and destruction of state-owned and confiscated or unlicensed firearms.

Through collaborative efforts with civil society organisations, a number of National Focal Points (NFPs) have been formed for instance in Tanzania, Malawi, Namibia and Botswana.

The SADC states have also been working on a common understanding by holding national and international workshops with a view to exchanging information and experiences.<sup>2</sup> Co-operation between states is also another success in the implementation of the UNPoA at regional level.

Mozambique and South Africa, for instance, have been working

together under Operation Rachel to help collect and destroy surplus and illicit firearms. The South Africa Police Service has also assisted in training police officers from other SADC countries on firearms-control related issues.

#### **SADC civil society initiatives in the implementation of UNPOA**

Civil society has also played a significant role in the process. Illustrative examples include:

- Angola 2000 and SaferAfrica embarked on public awareness campaigns whose impact was publicly noted by the Angolan government;
- Gun Free South Africa's campaign to establish gun-free zones in schools;
- A Community Safety and Firearms Pilot Project in Malawi;
- The Christian Council of Mozambique's "Tools into Ploughshares" project, which collects and destroys guns and provides communities with tools

and construction materials in return;

- A Saferworld and SaferAfrica study on existing firearms legislation in the SADC region;
- A project by IANSA and the ISS to bring together small arms researchers from across Africa with the aim of developing a network of researchers who can coordinate their work and share available resources.

#### **Challenges in the implementation of the UNPoA**

Given the nature of the SALW debate and its multifaceted implications for national security and defence, criminal justice and humanitarian concerns, there has been progress in the implementation of the UNPoA at the SADC level. However more remains to be done. Some of the challenges at the regional level include:

- **Language**  
The issue of language in terms of definitions and scope of activities is not uniform across participating countries on domestic legislation. The issue of transparency, for instance, has tended to be restricted to confiscated illicit firearms or those recovered in crime.

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- **Time lines**

There are no clear time-lines for implementing the measures prescribed. This has meant that the momentum cannot be maintained, should political will lag. Follow-up meetings have tended to be ad hoc rather than planned. Governments, working with non-governmental organisations in the region should view themselves as important drivers in the process of combating small arms proliferation in the region.

- **Monitoring and evaluation mechanism**

The area of monitoring, evaluation and verification of the implementation of the UNPoA remains underdeveloped. Another challenge is to define the nature and type of acceptable progress.

- **International assistance and cooperation.** The SADC region has largely been dormant in the area of attracting international assistance for regional assistance in small arms controls.

The implementation of the UNPoA at the SADC regional level has been going on at a measured pace. Successes have been scored in some areas and the fact that this has been done has ensured that the issue of SALW remains firmly on the regional agenda.

#### Endnotes

1 United Nations Documents: A/CONF.192/15

United Nations Documents: A/CONF.192.1.1/15

2 "Monitor" Issue 2.2003, *Promoting action to tackle small arms in Southern Africa*. [www.saferworld.org/](http://www.saferworld.org/)

3 SADC Document: [www.sadc.int/protocol](http://www.sadc.int/protocol). Articles 3,4,16

## Arab regional disarmament symposium

Eighty-eight participants from 18 Arab States, several African and European countries, the United States, the United Kingdom, the Russian Federation and Japan, representatives of regional organisations and of civil society gathered for an intensive two-day regional symposium on the implementation by Arab States of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (SALW) in All Its Aspects from 11 to 13 April in Algiers. The Symposium was organised by the United Nations Department for Disarmament Affairs and hosted by the Government of Algeria.

The Arab Region has been heavily affected by flows and accumulations of small arms as a result of past and present conflicts. The region is actively committed to implementing the Programme of Action adopted by the 2001 United Nations Conference. Member States of the League of Arab States are taking national measures, adopting relevant laws and regulations, and contributing to regional discussions at the political and technical or expert level.

In welcoming the participants, the Minister for Foreign Affairs of Algeria, Abdelaziz Belkhadem, strongly emphasised that the fight against illicit small arms was the responsibility of all states. He acknowledged that the dismantling of organised crime networks and international terrorism could not be achieved without regional and international cooperation. United Nations Under-Secretary-General for Disarmament Affairs, Nobuyasu Abe, stressed that awareness of the problem of illicit small arms and light weapons had grown since the adoption of the Programme of Action and that Member States had started taking action. However, the Programme of Action should be considered as a starting point and not an end result of the international combat against the scourge of illicit small arms.

Discussions reaffirmed the multidimensional nature of the illicit trade in small arms and light weapons and the adverse impact of the trade on regional security. Participants agreed that no state could fight the problem alone, regardless of its capacity or the number of national measures in place. Participants also recognised the role of civil society in the implementation of the Programme of Action.

The dimensions of regional as well as trans-border cooperation were raised and the positive value of partnership and synergies was highlighted as a way to increase the effectiveness of State action in this field. The Chair of the Open-Ended Working Group on Marking and Tracing Illicit Small Arms reviewed progress in the negotiations and called upon States to support his efforts for agreement of an effective instrument. It was also noted that a consensus was developing with regards to several issues related to illicit brokering, with a view to establishing a Group of Governmental Experts in 2006 or 2007.

All participants welcomed the contribution of the Regional Symposium to the efforts currently under way in the Arab region. They also appreciated the stimulus it provided for the preparation of the forthcoming 2005 Biennial Meeting of States, as well as of the 2006 International Conference to review the Programme of Action.

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# Oslo Donors' Conference Pledges \$4.5 Billion for Sudan

International participants at the Oslo Donors' Conference on Sudan pledged a total of more than \$4.5 billion for 2005-2007 for the reconstruction and development of Sudan during the 11-12 April 2005 conference in Oslo, Norway.

This amount far exceeded the \$2.6 billion appeal of the United Nations (UN) Secretary-General Kofi Annan.

Of this, approximately \$2 billion is earmarked for development assistance in response to the needs documented in the report of the Joint Assessment Mission (JAM), done by the Sudanese parties, the UN and the World Bank.

Out of the \$4.5 billion, \$500 million was committed to the Multi-Donor Trust Funds (MDTF) to be administered by the World Bank.

The primary objective of the conference was to identify and co-ordinate reconstruction activities that could begin immediately after the Comprehensive Peace Agreement that the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A) signed on 9 January 2005, and as called for by the UN Security Council in Resolution 1574 (2004).<sup>1</sup>

The Oslo Donors' Conference raised the amount required by the recently established Joint National Transition Team's (JNTT) six year development plan, which corresponds to the six year interim period of the Comprehensive Peace Agreement, developed

through the JAM in partnership with the World Bank, the United Nations and donors. The JNTT is the precursor to the Government of National Unity, which represented the signatory parties to the peace agreement, the GOS and the SPLM/A.

The JAM reports describe the reconstruction and development requirements of the Sudan for the Interim Period up to 2011, with an emphasis on 2005-2007. JAM reports also articulate a development vision of broad-based growth, poverty reduction and sustained human development that will consolidate the achievements of the Comprehensive Peace Agreement.<sup>3</sup>

agreements without resources are not implementable.

The Chairperson of the African Union Ministerial Post Conflict Reconstruction Committee on the Sudan, Dr Nkosazana Dlamini Zuma, thanked the Kingdom and people of Norway, on behalf of the African Union, for hosting the historic international donors conference on the Sudan. She said that the AU would accompany the Sudanese in their long journey towards sustainable peace and development.<sup>4</sup>

The Sudan security situation requires unflinching commitment from all stakeholders, nationally, regionally and internationally. The African Union as well as the international community, in the form of Oslo Donors' Conference and other initiatives, continue to play a vital role in seeking peace and security in the Sudan. Most importantly, it is up to the Sudanese themselves, in the face of all this international support, to work harder for peace.

#### Endnotes

1 SAMORA [www.samora.no](http://www.samora.no), 13 April.

2 Ibid.

3 South African Department of Foreign Affairs [www.dfa.gov.za](http://www.dfa.gov.za), 13 May 2005.



The conference was a decisive step in the follow-up to the peace agreement, which seeks to bring an end to Africa's longest civil war. The conference was vital for ensuring that the peace process is implemented and for improving the humanitarian situation in the country as

# Small Arms Control Measures: Update

- [Action for Arms Control in a World Awash With Weapons](#)
- [UN extends arms embargo in DRC](#)
- [Namibia launches National Action Plan \(NAP\)](#)
- [Rwanda burns 6,000 arms](#)
- [Mozambique: Tree of Life](#)

## [Action for Arms Control in a World Awash With Weapons](#)

On 14-18 April 2005, under the theme *Action for Arms Control in a World Awash with Weapons*, 180 delegates from 75 countries gathered in Nairobi, Kenya, to search for solutions to the proliferation of small arms and light weapons. The regions represented included Africa, Americas, Asia and Pacific, Europe and the Middle East. Civil society representatives attending the three-day global conference called for tougher action to regulate the flow of small arms.

## [UN extends arms embargo in DRC](#)

On 18 April, condemning the continuing illicit flow of weapons within, and into, the Democratic Republic of the Congo (DRC), the UN Security Council extended the arms and military financing embargo in the country to “any recipient” and froze the assets of sanctions violators. Resolution 1596, drafted by France, expands on a weapons ban first imposed under Security Council Resolution 1493 in July 2003 on

armed groups in eastern provinces that refused to accept the peace agreement finalised under the Global and All-Inclusive Agreement on the Transition, signed in Pretoria, South Africa, on 17 December 2002.

## [Namibia launches National Action Plan](#)

On 14 April 2005, Namibia launches a National Action Plan (NAP) as part of an initiative to tackle trafficking in illegal small arms and light weapons. The National Action Plan would “effectively and comprehensively deal with and address the proliferation of weapons within our borders and the Southern African Development Community (SADC),” said President Hifikepunye Pohamba at the launch of the plan. The four-year NAP, which spells out government’s arms trafficking control measures, is in line with international agreements.

## [Rwanda burns 6,000 arms](#)

On 14 April 2005, in an unprecedented exercise in line

with the Nairobi Declaration on Illicit Small Arms and Light Weapons, the Rwandan government destroyed a total of 6,000 small arms in Musha. The ceremony, attended by ministers, senior military officers and diplomats, saw the destruction of hundreds of small arms and light weapons, which weighed a total of 11 tons. With all recovered rifles burnt, the military says there now remains 250 tons of ammunition to destroy.

## [Mozambique: Tree of Life](#)

On 2 February 2005, The Tree of Life, a half-ton sculpture was unveiled. It is made entirely of weapons reclaimed after Mozambique’s long post-independence war and is among the major features in a yearlong series of exhibits and events in the UK highlighting African culture and art. A project called Tools for Arms, which has collected more than 600,000 weapons in nine years, encourages people to hand in old firearms in exchange for goods such as sewing machines, building materials and tools.

# New publications

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**Forgotten Casualties of War: Girls in Armed Conflict**  
Save the Children, London, 2005

**The regulation of civilian ownership and use of small arms**  
L Lumpe, Centre for Humanitarian Dialogue, March 2005

**The Lethal Legacy of West Africa's Regional Warriors**  
Human Rights Watch, March 2005 Vol.17, No. 5 (A)

**Security Together: A Unified Supply and Demand Approach to Small Arms Control**  
D Atwood, Quaker United Nations Office, Switzerland, February 2005

**Namibia National Action Plan**  
Pretoria; SaferAfrica, 2005

**Ammunition Stocks: Promoting Safe and Secure Storage and Disposal**  
O Greene *et al*, Biting the Bullet & SEESAC, Briefing 18, February 2005

**Worldwide Production and Export of Cluster Munitions**  
Human Rights Watch, Briefing Paper, April 2005

**The Impact of Guns on Women's Lives**  
Control Arms Campaign, United Kingdom, 2005

**Rivers and Blood: Guns, Oil and Power in Nigeria's Rivers State**  
Human Rights Watch, Briefing Paper, February 2005



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