



## BITING THE BULLET

INTERNATIONAL ALERT | SAFERWORLD | UNIVERSITY OF BRADFORD

### Implementation of the PoA in Africa

#### Introduction

Between 26 June and 17 July 2006, international governments will meet to review their commitment made five years ago to control small arms and light weapons (SALW). The UN Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (PoA) was agreed at a UN Conference in July 2001, and is the primary international instrument relating to the controls of small arms and light weapons.

The PoA sets out a range of measures and initiatives to be taken by states' in areas such as: controls on the import, export and transit of small arms (transfer controls); the regulation of arms brokering; stockpile management; addressing the impact of small arms on development; and the marking and tracing of small arms.

The Biting the Bullet project aims to promote effective implementation of the PoA and periodically it produces a "Red Book" analysing progress against the PoA.

The 2006 Red Book concludes that global implementation of the PoA is patchy. Although progress has been made in some areas, action taken so far has not been sufficient to have more than a local or marginal impact on the problems of Small Arms and Light Weapons (SALW) trafficking, proliferation and misuse. Some of the factors contributing to inadequate performance are linked to weaknesses in the PoA itself. This year's conference provides the first formal opportunity to review and strengthen the PoA since it was agreed.

This Biting the Bullet briefing focuses on the implementation of the PoA in Sub-Saharan Africa, highlighting progress thus far, and outlining recommendations for further improvements.

#### Recommendations for more effective implementation of the PoA in Africa

- **Supporting African sub-regional organisations to co-ordinate implementation of small arms control agreements:** Progress in Africa towards the implementation of the PoA and other regional small arms control agreements is most advanced in the Great Lakes Region and Horn of Africa, in part due to the leading role played by the Regional Centre on Small Arms (RECSA). West and Southern Africa would benefit from the creation of similar bodies, mandated to promote and co-ordinate action on small arms.
- **Establishing and supporting National Commissions:** An important first step in implementation at the national level is the establishment of a national co-ordination

agency (often referred to as a National Commission or National Focal Point), to ensure effective co-ordination between government departments and with other relevant actors, including civil society. National Commissions/Focal Points have been established in many African states. However, it is vital that all states establish such bodies, and that they have sufficient levels of staffing, expertise and funding.

- **Developing and implementing National Action Plans:** The countries where most progress has been made towards tackling small arms proliferation are those who have developed national strategies or National Action Plans (NAPs). These plans are based upon thorough assessments of the problem at the national level and are designed to meet the commitments of the PoA and regional agreements. A commitment by all African countries to develop such plans and of international donors to support them is an important priority for the region.
- **Involving civil society.** Greater awareness of the PoA and other international agreements amongst civil society and sharing of information between governments and civil society is essential to effectively tackle the small arms problem.
- **Prioritising small arms control within poverty reduction and development strategies:** Development in Africa is undermined by the proliferation of small arms, and a lack of development and income generating opportunities is also a factor driving the demand for these weapons. It is therefore important that governments and donors prioritise small arms control within poverty reduction and development strategies.

### Arms proliferation in Africa

The proliferation of SALW fuels conflict, facilitates violent crime, undermines development, and increases insecurity across Africa. The long history of internal and regional armed conflicts in Africa, some of which are ongoing, the tendency for undemocratic political and security systems in many countries, and weak government capacity associated with underdevelopment, have all posed significant challenges to efforts to establish effective controls on small arms in the region.

Despite these challenges, African states have demonstrated leadership in international efforts to address SALW proliferation. They made an important contribution to the development and agreement of the PoA, have developed regional Common Positions (The Bamako Declaration of December 2000 and the African Common Position of December 2005), and have also signed a number of sub-regional agreements on small arms control, including legally binding instruments in Southern Africa (the SADC Protocol) and the Great Lakes Region and Horn of Africa (the Nairobi Protocol).

### Implementation of the UN PoA in Africa

Implementation of the PoA varies considerably between different African sub-regions and countries. This is illustrated by highlighting how progress is being made in two main areas of the PoA: the establishment of National Commissions and development of NAPs and weapons management.

#### *National Commissions and National Action Plans or strategies*

Out of 43 states for which information was available:

- **34** have national established a national coordination agency or mechanism (such as a National Commission or National Focal Point).
- **20** of the national co-ordination agencies in Africa include a role for civil society.

- **8** states have developed national strategies or action plans and they are under development in 4 other states.

### **Continent wide initiatives**

The African Union (AU) Peace and Security Council (PSC), has a specific mandate to promote and encourage the implementation of international agreements on arms control and disarmament. However, the AU has focused primarily on peace support operations and crisis management to date and, despite its mandate, has yet to develop significant capacity to prevent conflict or to co-ordinate action on small arms control. In December 2005, AU member states adopted an 'African Common Position' to the UN Review Conference on progress made in implementing the PoA which reaffirms the AU's support for the PoA and highlights a number of areas for support by African states.

### **Great Lakes Region & Horn of Africa**

In April 2004, states in the Great Lakes Region and Horn of Africa signed the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons<sup>1</sup>. The Nairobi Protocol is a detailed legally-binding regional agreement, which entered into force in May 2006 and builds upon the commitments of the politically binding Nairobi Declaration signed in March 2000. It commits states to establishing controls across a range of areas including civilian possession (not covered in the PoA), transfer controls, manufacturing, marking and tracing, brokering, and enforcement of arms embargoes. In June 2005, signatory states agreed a detailed set of Best Practice Guidelines to inform the implementation of the Protocol. The guidelines are significant as they set high common standards and elaborate detailed provisions that go *beyond* PoA commitments, providing a progressive model that other regions can use. In particular, the criteria to be used when authorising small arms transfers are extremely comprehensive and elaborate upon how states' existing responsibilities under international law should inform transfer licensing decisions.

A Regional Centre on Small Arms (RECSA) has also been established to co-ordinate action by member states on small arms control. RESCA has been instrumental in co-ordinating and sharing information on the implementation of the Nairobi Protocol.

### **National implementation in the Great Lakes Region & Horn of Africa**

The greatest progress in the establishment of national co-ordination agencies has been achieved in this region, including in **Kenya, Tanzania and Uganda**. Of the **12** countries in the sub-region:

- All **12** countries have established National Focal Points (NFPs);
- **3** countries in East Africa (**Kenya, Tanzania and Uganda**) have developed and are now implementing comprehensive National Action Plans.

Other examples of implementation of the PoA include:

- Progress towards the development of a new national policy and the revision of legislation in **Kenya**.
- The priority afforded to small arms control within national development programmes in **Uganda** including the national Poverty Eradication Action Plan.

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<sup>1</sup> The signatories to the Nairobi Protocol are: Burundi, DRC, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, the Seychelles, Somalia, Sudan, Tanzania and Uganda.

- Demobilisation, Disarmament and Reform (DDR) initiatives in **North and South Sudan, Burundi and the DRC.**

However, despite these positive trends, much remains to be done to further comprehensive and consistent implementation of the Nairobi Protocol and the PoA.

## **West Africa**

Several arms control initiatives have been undertaken in West Africa over the past two decades. One of the key drivers of SALW controls is the Economic Community of West African States (ECOWAS), a sub-regional grouping of 15 states.<sup>2</sup> In 1998, West African states agreed the ECOWAS Moratorium, which prohibited the import, export and manufacture of SALW. The Moratorium was a positive step, but faced challenges and criticisms due to weak language and lack of enforceability. However, in a very positive recent development, on 14<sup>th</sup> June 2006 ECOWAS Heads of States signed a new Convention on Small Arms and Light Weapons, which replaces the Moratorium. The Convention enables ECOWAS to impose sanctions on member states if they fail to comply with its restrictions on the manufacturing, importation and exportation of SALW. It prohibits all international transfers of SALW except when authorised by the ECOWAS Secretariat in order to meet legitimate defence or security needs, or for peacekeeping missions, and specifically bans transfers of weapons to non-state actors.

### *National implementation*

Of the **15** states in the sub-region:

- **13** have created NFPs or National Commissions.
- **13** have drawn up a national strategy.

Other examples of implementation of the PoA includes:

- The drafting of new legislation in **Liberia.**

Whilst the establishment of NFPs and creation of national strategies in West Africa is encouraging, it is now vital that they are allocated sufficient capacity and resources and that the national strategies are implemented effectively.

## **Southern Africa**

The Southern Africa Development Community (SADC) Protocol on the Control of Firearms, Ammunition and Other Related Materials<sup>4</sup>, signed in August 2001, covers a comprehensive range of issues under the PoA. The SADC Protocol entered into force as a legally-binding document in 2004, however, progress towards the effective and co-ordinated implementation of the Protocol has been slow. The lack of a sub-regional body whose primary function is to co-ordinate implementation, similar to that of RECSA in Great Lakes Region and Horn of Africa, can be seen as one factor hindering progress.

In 2005, a task force consisting of **Botswana, Namibia, South Africa**, and the South African Regional Police Chief's Co-operation Organisation, (SARPCCO), was created and

<sup>2</sup> Benin, Burkina Faso, Cape Verde, Cote D'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Niger, Nigeria, Mali, Togo, Senegal and Sierra Leone.

<sup>4</sup> The members of SADC are: Angola, Botswana, DRC, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

mandated with developing best practice guidelines on a range of small arms control issues and with promoting the harmonisation of national legislation on small arms control.

### **National implementation in Southern Africa**

Whilst implementation of the PoA and the SADC Protocol has proceeded at a disappointing pace in this sub-region, there have been some positive initiatives and developments at the national level.

Of the **14** states in the sub-region

- **8** have created NFPs
- **3** have created NAPs – Botswana, Namibia and Tanzania

Other examples of implementation of the PoA include:

- The introduction of new legislation in **Mauritius**, in line with many of the commitments of the SADC Protocol.
- The 2004 Firearms Control Act in **South Africa**, which contains stringent controls of the civilian possession of small arms.
- A joint operation between the South African Police Service and Mozambican Police – Operation Rachel – to locate and destroy arms caches left over from the civil war in **Mozambique**, - resulting in the destruction of 35,000 small arms and millions of rounds of ammunition.

It is to be hoped that the creation of the sub-regional task force will further implementation and co-ordination at the sub-regional level, and that this will also lead to further progress at the national level

### **Central Africa**

There has been limited PoA implementation in this sub-region, some countries within this region are also members of the SADC Protocol (**Angola, DRC**) and/or Nairobi Protocol (**DRC, Burundi, Rwanda**) groupings and thus have signed sub-regional small arms control agreements, but the other countries of Central Africa (**Cameroon, Central African Republic, Chad, Congo (Republic of), Equatorial Guinea, Gabon, Rwanda and Sao Tomé and Príncipe**).

### **National implementation in Central Africa**

Of the **11** states in the sub-region:

- **7** have established NFPs or National Co-ordination mechanisms.
- **0** have developed NAPs.

Other examples of implementation of the PoA include:

- A SALW collection programmes between 2002 and 2004 in **Gabon**.
- A national disarmament and reintegration programme in the **Central African Republic** in 2002-03 in which approximately 1100 weapons were recovered. Two destruction ceremonies also took place in 2002 and 2003.

Progress has to date been slow, particularly in those countries which are not party to a sub-regional small arms control agreement.

### Further Information

- *Implementing the Programme of Action 2006: Action by States and Civil Society, Biting the Bullet* (International Alert, Saferworld and University of Bradford), June 2006
- *Promoting Effective Global Action on Small Arms: Priorities for the 2006 UN Review Conference*, Biting the Bullet Project (International Alert, Saferworld and University of Bradford), January 2006
- Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, UN Document A/CONF.192/15 (July 2001)
- *African Common Position to the Review Conference on Progress Made in the Implementation of the UN PoA to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, (December 2005)
- *Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small arms and Light Weapons*, (December 2000)
- *Nairobi Protocol for the Prevention , Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*, (April 2004)
- *Best Practice Guidelines for the Implementation of the Nairobi Declaration and Nairobi Protocol on Small Arms and Light Weapons* (2005)
- *ECOWAS Moratorium on the Importation, Exportation and Manufacture of light weapons*, (October 1998)
- *SADC Protocol on the Control of Firearms, Ammunition and other Related Materials*, (August 2001)
- *Small Arms Survey 2005: Weapons at War*, Project of the Institute of International Studies Geneva.