

First Draft
**Implementing the Bamako Declaration on an African Common Position on the Illicit
Proliferation, Circulation and Trafficking of Small Arms and
Light Weapons (2000) and the Mine Ban Treaty (1997): Performance and Progress**

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Preface

Two distinct "agreements" i.e. the Bamako Declaration *on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000)* and the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (1997)* (the Mine Ban Treaty) are central to addressing the problem of small arms, light weapons and landmines in Africa respectively. The report benchmarks the adherence of African governments to selected commitments on arms management in Africa and landmines taken at the level of African Union/Organisation of African Unity (AU/OAU) Heads of State meetings. Of course, the Mine Ban Treaty is not an African instrument but an international one, but which by African states ratifying it and complying with its provisions, by definition, will be complying with the Kempton Park (African) position on anti-personnel landmines.

Algeria, Ethiopia, Ghana, Kenya, Nigeria, Senegal, South Africa, and Uganda have not only acceded to the African Peer Review Mechanism (APRM) but more importantly are signatories to the Bamako Declaration. Among these Algeria, Ghana, Kenya, Senegal, South Africa, and Uganda have ratified the Mine Ban Treaty while Ethiopia has signed and Nigeria have acceded. The adoption by member states of the of a common position on illicit proliferation and misuse of Small Arms and Light Weapons (SALW) and land mines reflects a collective intention and spirit to address the devastating effects caused by these weapons on the continent. The Bamako declaration is a product of various commitments made at regional level prior to 1 December, 2001 UN Conference on Small Arms in all Its Aspects and thereafter it has been reinforced by developments of national and regional action plans and more binding instruments such as the Southern African Development Community Protocol for the Control of Firearms Ammunitions and Related materials (SADC Protocol).

By acceding to the APRM voluntarily, the signatory states have allowed themselves to be reviewed or assessed by their peers on their level of compliance to the various commitments. But the credibility of the APRM process would be strengthened if the assessment is done by independent civil society organizations/institutions with the requisite expertise on small arms.

The study assesses the performance of the abovementioned countries on specific commitments under the Bamako Declaration. It focuses on major national and regional institutional arrangements and legal frameworks put in place to address the small arms issue, the adequacy or inadequacy of the existing capacity among the law enforcement agencies and resources for implementation of SALW programme/s of action. It also identifies bilateral and multilateral agreements entered into by these countries and regional/continental co-operation by security agencies to prevent the flow of illicit weapons within and across their borders. The issue of public awareness on the small arms scourge has been considered and the progress on the Mine Ban Treaty and the accompanying resolutions on antipersonnel mines by the OAU.

The study concludes by summarising the extent to which these countries have implemented the selected commitment under the Bamako Declaration and the Mine Ban Treaty. The significant finding is that although with varying degree of success, the eight countries are taking the necessary measures to implement the commitments made to address the illicit proliferation and misuse of small arms and light weapons and landmines. It is observed that remarkable strides has been registered in implementing some of the fundamental commitments such the establishment of co-ordinating agencies at sub-regional and national level as stipulated in the Bamako Declaration. Varying progress has been recorded on the implementation of other commitments such in the revision of legislative framework and improving the capacity of law enforcement agencies to equip them with the necessary skills to deal with small arms and light weapons issues. On landmine, significant progress is evident in destruction. Except for South Africa, the rest of the countries have not been producers of land mines. Finally, the study notes that sustenance of these progresses on the implementation of the agreed commitments to control and manage the problem of small arms and light weapons remains a big challenge.

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List of Acronyms

ACOTA- African Contingency Operation Training Assistance
 ACP-Assistant Commissioner of Police
 ACRI African Crisis Response Initiative
 ADOL-Action for Development of Local Communities
 AFSTRAG-African Strategic and Peace Research Group
 AHSI-African Human Security Initiative
 ANC-African National Congress
 APFO-Africa Peace Forum
 APRM-African Peer Review Mechanism
 ASDR-African Security Dialogue and Research
 AU-African Union
 AVSI-*Associazione Volontari per il Servizio internazionale*
 AWEPA-Association of European Parliamentarians for Africa
 BCPR-Bureau for Conflict Prevention and Resolution
 CCW-Convention on Conventional Weapons
 CEWARN-Conflict Early Warning Response Mechanism
 CID-Criminal Investigation Department
 CPAR-Canadian Physician for Aid and Relief
 CSOs-Civil Society Organisations
 CSSDCA-Conference for Security, Stability, Development and Co-operation in Africa
 DDRD-Demobilization, Disarmament, Reintegration and Development
 DDR-Demobilization, Disarmament and Reintegration
 DFID-UK Department for International Development
 DoD-Department of Defence
 EAANSA- Eastern Africa Action Network on Small Arms
 EAC-East African Community
 EAPCCO- Eastern Africa Police Chiefs Co-operation Organisation
 ECOWAS-Economic Community of the West African States
 FFZ-Firearms Free Zones
 GDP-Gross Domestic Product
 GIAB-Inter-governmental Action Group Against money Laundering
 ICRC-International Committee of the Red Cross
 IGAD-Intergovernmental Authority on Development
 IHRD-Institute for Human Rights and Development
 IMET United States International Military Exchange Training
 IPPNW-International Physician for the Prevention of Nuclear Weapons
 IPSP-Interpol General Secretariat
 ISRB- Interpol Sub-Regional Office
 ISS-Institute for Security Studies
 KAIPTC-Kofi Annan International Peacekeeping Training Center
 KANSA-Kenya Action Network on Small Arms
 KNFP-Kenya National Focal Point
 LDF-Lesotho Defense Force
 LDU-Local Defense Units
 LRA-Lords Resistance Army
 MALAO- *Mouvement contre Les Armes Légères en Afrique de l'Ouest*
 MASA- Mines Action in Southern Africa
 MBT- Mine Ban Treaty
 MFDC- *Mouvement des Forces Démocratique de la Casamance*

MICA-Ministry of Integration and Co-operation in Africa
MRE-Mine Risk Education
NCPTAW-National Committee on the Proliferation and Illicit Trafficking in Small Arms and Light Weapons
NCWS-Nigerian Council of Women Societies
NEPAD- New Partnership for Africa's Development
NFB-National Firearms Bureau
NFP-National Focal Point
NFPF-National Focal Point Forum
NRA-National Resistance Army
NRCD-National Redemption Council Decree
NSAC-National Small Arms Commission
NSC- National Steering Committee
OAU-Organisation of African Unity
PCASED-Programme of Co-ordination and Assistance for Security and Development
SADC-Southern African Development Community
SAHRT-Southern Africa Human Rights Trust
SAIIA-South Africa Institute of International Affairs
SALW-Small Arms and Light Weapons
SANDF-South African Defence Force
SAPS- South African Police Service
SARPCCO-Southern Africa Regional Police Chiefs Cooperation Organization
SIRAA-Security, Immigration and Refugee Affairs Authority
UANSA-Uganda Action Network on Small Arms
UNDCP-United Nations Drugs Control Programme
UNDP-United Nations Development Programme
UNPoA –United Nations Programme of Action
UPDF-Uganda Peoples Defense Force
USA-United States of America
VCCU-Violent Crime Crack Unit
WAANSA-West African Action Network on Small Arms
WANEP-West African Network for Peace building

Introduction: Background and Project

Until recently, African governments turned a blind eye to each other's corruption tendencies, human rights abuses, destruction of constitutional checks and balances and abated coup d'etats and dictatorship in the name of obeying the cardinal rule of sovereignty. It has now dawned on the current breed of leaders that the notion that sovereignty is sacrosanct has been largely responsible for many regional conflicts on the continent and is gradually being replaced with the acceptance that each is, in fact, his brother's keeper. Although they are still by and large jittery and hostile when questioned about the implementation record of the sub-regional, regional and international² instruments, in principle they have agreed that they can no longer afford to remain passive as neighbour's plant seeds of discord that may eventually germinate further a field. They want to be constantly reminded of their obligations under such instruments. The emergence of New Partnership for Africa's Development (NEPAD) and, in particular, the African Peer Review Mechanism (APRM)³ affirms this view. These Commitments are reflected in decisions, recommendations, treaties, protocols and acts⁴. Broadly, these commitments cover six clusters, namely: Governance, Security and Conflict Management, Arms Management, Terrorism and Organised Crimes, Human Security and Civil Society, and Corruption. Recognition of the role of civil society organisations in influencing positive change in the recently concluded agreements provides legitimacy for them to establish complementary processes to hold African governments and leaders accountable to their stated commitments and decisions.

It is in the light of this that the African Human Security Initiative (AHSI), a network of African Civil Society Research Institutes⁵ engaged in peace and security issues was held in Pretoria 25th-26th November 2002. The Institute for Security Studies (ISS) in collaboration with these institutes (referred to as core partners) developed a proposal for a network of African civil society organisations to embark upon a process of benchmarking the performance of selected African governments in respect to human security issues measured against the commitments taken at the **level of African Union (AU/OAU)**⁶ Heads of State meetings. The seven partners to the AHSI intend to take up this challenge within the realm of selected human security indicators. Funded by the UK Department for International Development (DFID) the initiative was launched on 4th-5th September 2003 in Pretoria, South Africa following a planning meeting. The assessment of the level of compliance to be carried out by independent civil society organisations /institutes with requisite expertise on either of these issues increases the credibility of APRM but subject to the manner in which the countries will receive the report. At the same time it should be noted that the study is not a technical verification or a formal inspection but rather an attempt by research institutes to take stock of the progress and hold governments accountable to the obligations that they have taken on with regard to small arms and light weapons in Africa.

The paper reviews progress on commitments under the Arms Management cluster including landmines. In essence it looks at two distinct "agreements" - Bamako Declaration on *an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (1 December, (2000)*

²In this paper sub-regional refers to action at a specified geographical loci i.e. SADC or ECOWAS or the Horn and the Great lakes in relation to the Nairobi Declaration), regional refers to actions at the level of AU, international refers to actions at the level of UN

³APRM is an instrument voluntarily acceded to by member states of the African Union as an African Self Monitoring Mechanism and its primary purpose is to foster the adoption of policies standards and practices that lead to political stability, high economic growth sustainable development and accelerated sub regional and continental economic integration through sharing of experience and reinforcement of successful and best practices including identifying deficiencies and assessing the needs of capacity building. As at 1 August 2003 the following fifteen countries had acceded to the APRM -Algeria, Burkina, Faso, Cameroon, DRC, Ethiopia, Ghana, Kenya, Mozambique, Nigeria, Rwanda, Mali, Gabon, Senegal, South Africa and Uganda,

⁴ For the purpose of this paper no differentiation is made between Treaties, Acts, Protocols, Declarations and Decisions made at the OAU/AU Heads of State Assemblies /Summits

⁵These organisations are: Institute for Security Studies (ISS), Africa Peace Forum (APFO), Institute for Human Rights and Development (IHRD), South Africa Institute of International Affairs (SAIIA), African Security Dialogue and Research ASDR, West African Network for Peace building (WANEP) and the Southern Africa Human Rights Trust (SAHRT)

⁶The African Union (AU) was established in 2002 following the dissolution of the Organization of African Unity (OAU)

hereafter called the Bamako Declaration⁷ and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (1997) Mine Ban Treaty (MBT) (which, of course is not an African treaty but an international one but which by African states ratifying it and complying with its provisions, by definition, will be complying with the Kempton Park (African) position on anti-personnel landmines). The international community has woken up to the realities of the problem associated with the illicit trafficking, proliferation and misuse of Small Arms and Light Weapons (SALW). In particular these lethal weapons sustain conflicts, exacerbate violence, contribute to the displacement of innocent populations and threaten humanitarian law as well as fuel crimes and compel people to resort to violent means of resolving disputes. In short, the illicit proliferation of small arms and light weapons is a threat to human security⁸. The political and socio-economic realities of the continent provides the context in which to situate any progress made in stemming the illicit proliferation and misuse of small arms and light weapons. The relics of colonial history, Cold War politics, and poor governance not only inform the current conditions on the continent but have all been identified as factors inflaming conflicts on the continent, thus providing a conducive environment for the flow of arms and landmines. States in Africa have joined the international community in the war against small arms and light weapons. As a result they have been party to a series of meetings leading to the conclusion of agreements, protocols and declarations that provide for the establishment of institutions and mechanisms to deal with this vexing problem.

The Nature, Scope and Purpose of the Study

The study examines the question of compliance in implementing selected commitments in the small arms and light weapons cluster including landmines. The paper benchmarks the performance of eight African countries with respect to compliance or implementation of, the African Union (AU) or its predecessor; the OAU endorsed the Bamako Declaration and the OAU Resolutions CM/Res 1628 (LXVI), OAU Resolution CM/Res 1593 (LXII) - Resolution on the 1980 United Nations Convention on Certain Conventional Weapons and Problems Posed by the Proliferation of Anti-Personnel Mines in Africa (1995), CM/Res.1628 (LXIII) - Resolution on the Revision of the 1980 United Nations Convention On Certain Conventional Weapons and Problems Posed by the Proliferation of Anti-Personnel Mines in Africa (1996) and the 1997 Plan of action⁹ on landmines. The Bamako Declaration is the only continental instrument on small arms. The key research question is; to what extent have the selected countries adhered to the specific commitments on small arms and light weapons and landmines agreed upon at the level of the OAU/AU? Specific programmes to facilitate the achievement of the broad objectives contained in the Bamako Declaration and the Mine Ban Treaty are stated in Action Plans at sub-regional and sometimes at national levels. In the Great Lakes and the Horn of Africa we have the Nairobi Declaration, Co-ordinated Agenda for Action and Implementation Plan on the Illicit Small Arms and Light Weapons. In West Africa, we have the Plan of Action for the implementation of Programme of Co-ordination and Assistance for Security and Development (PCASED) and the Code of Conduct for the implementation of the Economic Community of the West African States (ECOWAS) Moratorium In Southern Africa, a Regional Programme on Light weapons and illicit trafficking was agreed upon in May 1998. However, it must be emphasized that it is neither possible nor desirable to distinguish

⁷This paper adopts the UN Panel of Experts 1997 definition which makes clear distinction between of small arms and light weapons. Small arms which are weapons designed for personal use while light weapons are designed for use by several persons serving as crew. Small arms include: revolvers and self loading pistols, rifles and carbines, assault rifles, sub- machine guns, and light machine guns. Light weapons include: heavy machine guns, hand held under-barrel and mounted grenade launchers, portable anti-tanks and anti-aircraft guns, recoilless rifles, portable launchers of anti tank and anti aircraft missiles, mortars of carbines less than 100mm. Ammunitions and explosives are considered an integral part of the small arms and light weapons.

⁸**Human Security Now**, New York (2003), Commission on Human Security defines human security in its broader sense it embraces far more than the absence of violent conflict. It encompasses human rights good governance access to education and health care and ensuring that each individual has opportunities and choices to fulfil his or her own potential.

⁹The Bamako Declaration does not define what is meant by small arms and light weapons and does not specifically refer to anti-personnel landmines (except by noting the Djibouti Declaration of the countries of the Horn of Africa and the Gulf of Aden). While some commentators include anti-personnel landmines as a category of small arms and light weapons, the different methods of dealing with their proliferation has ensured that in practice they have been treated separately.

between efforts to implement the Bamako Declaration, the United Nation Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (UNPoA)¹⁰ and other associated regional and international agreements. This is premised on the fact that actors including states, international organisations, research institutes and civil society organisations engaged in efforts to tackle SALW problems may effectively implement aspects of the Bamako Declarations while pursuing national and regional obligations contained therein.

With regard to the Mine Ban Treaty, however, Africa has a Plan of Action following the First Continental Conference of African Experts on Landmines, which was held, in Kempton Park, South Africa, in May 1997, which is a *de facto* common landmine policy for Africa¹¹.

For SALW, this paper covers the period between 1 December 2000 and 31 December 2003 while for the Mine Ban Treaty it is since it 1997. Although it is unrealistic to expect full implementation of the Bamako Declaration three years after it was signed, it is right to assume that signatory states have made some progress in complying with some of the obligations and therefore important to review the progress so far. The particular inquiry of the study will focus on Uganda, Kenya, Ethiopia, Ghana, Nigerian, Senegal, South Africa and Algeria.

These countries form over 50% of those that have acceded to the APRM and also provide a fair geographical representation of the African continent. The fact that they have acceded voluntarily to the APRM provides a strong basis for their peers to review their level of compliance in relation to specific commitments under the Bamako Declaration and the Mine Ban Treaty.

The fact that small arms have consistently remained high on the agenda of the regional and continental initiatives in Africa in the last three years serves to justify a review of the implementation of various measures aimed at combating and eradicating the illicit trade in small arms and light weapons in all its aspects by African countries. The selected countries constitute about 42 % of Africa's population. (Table1). Others like Nigeria, South Africa and Senegal were not only central in initiating the New Partnership for Africa's Development (NEPAD) which bore the APRM but remain on the forefront in championing for its ideals. Nigeria and South Africa are key regional players and indeed instrumental in initiating and implementing regional and continental security frameworks in Africa. Among the study countries, South Africa participated in the United Nations Group of Governmental Experts to examine the feasibility of elaborating an international instrument on tracing from 2001 to July 2003. Kenya on the other hand is not only strategically located in the Horn of Africa to play a key role in the APRM initiative but also in enhancing measures to tackle the problem associated to the use of small arms. Nairobi was not only instrumental in initiating the meeting that led to the signing of the Nairobi Declaration but it also hosts the regional secretariat (the Nairobi Secretariat) on the same.

¹⁰UNPoA stands out as the central global agreement on preventing and reducing trafficking and proliferation of small arms and light weapons. It was agreed in July at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects

¹¹ Plan of Action: First Continental Conference of African Experts on Landmines, published in Towards a Landmine Free Africa: proceedings of the First Continental Conference of African Experts on Landmines. (The first Continental Conference of African Experts on Landmines was held in Kempton Park, Republic of South Africa, from 19 to 21 May 1997. The Conference was attended by forty member states of the AU, UN specialised agencies, a wide spectrum of representatives of the donor community and non-government organisations. A copy is available at <http://www.iss.co.za> or <http://www.smallarmsnet.org>

Table 1: Population and Gross Domestic Product (GDP) of the 8 AHSI selected countries¹²

Country	Population 2001	GDP 2001
Algeria	30,7 mil	\$54,7 bn
Ethiopia	67,3 mil	\$6,2 bn
Ghana	20,0 mil	\$5,3 bn
Kenya	31,1 mil	\$11,4 bn
Nigeria	117,8 mil	\$41,4 bn
Senegal	9,6 mil	\$4,6 bn
South Africa	44,4 mil	\$113,3 bn
Uganda	24,2 mil	\$5,7 bn
Total	345,1 million	\$195,9 bn
Total % of Africa	42.9%	33.2%

The selected commitments are not only easy to measure but fit well in the objectives that informed the Plan for Action on peace and security in Africa arrived at during the AU/NEPAD 2003 Consultation in Addis Ababa Ethiopia. The Consultation called upon all member states to focus their attention on the issues of small arms proliferation in Africa and the implementation of existing regional initiatives including the Bamako Declaration. Furthermore the commitments have both national and regional dimensions and also appear in the UNPoA and therefore allows for a multifaceted review. Some of the selected measures and actions such as the establishment of national co-ordination agencies are important points of departure. Since many countries are checking their progress against the UNPoA, the country reports that were presented at the Biennial Meeting in New York on 8th-9th July 2003 provide a good starting point for this exercise. Resource limitation both financial and time made it impossible to monitor all the 13 broad commitments. Finally, the selected commitments can be converted into practicable researchable indicators to monitor.

Paper Structure

Section one gives a brief description of the evolution and development of the small arms issues in Africa leading to the Bamako Declaration as a continental instrument to increase control over the illicit proliferation and misuse of small arms and light weapons on the African continent. The Bamako Declaration is situated within the context of relevant regional and international instruments, its main provisions outlined as well indicating the complimentary nature of various initiatives on Small Arms and Light Weapons at international and sub regional level. Section two provides an analysis of the implementation progress undertaken by the eight countries. This is done on thematic basis rather country basis. Each thematic strand corresponds to particular commitment/s. Section three outlines some significant conclusions and mentions some of the emerging challenges likely to impact on its potential long-term impact.

Section One

Human Security, Framework and Methodology

The Bamako Framework

The concern about the effects of Small Arms and Light Weapons in Africa started way back in 1996 when the OAU decided to conduct an in-depth study into ways of reducing the proliferation and dissemination of low-calibre war arms.¹³ African leaders also committed themselves to combating the illicit proliferation,

¹² UNDP, Human Development Report 2003, Oxford University Press, Oxford, 2003, Tables 5, 12, pp 250-253, 278-281. Africa's GDP is calculated as US\$589,6 bn and its total population as 803,6 million.

¹³ Africa: Preparing for the 21st Century, Yaoundé Declaration, 32nd Ordinary Session of the Assembly of Heads of State and Government, Yaoundé, Cameroon, 8 to 10 July 1996, paragraph 27.

circulation and trafficking of small arms, light weapons and landmines at the sub-regional and continental levels.¹⁴ In July 1999 the 35th Summit of the OAU held in Algiers, called for an African Common approach to address problems related to the use, transfer and illegal manufacturing of small arms. The summit also urged African countries to develop a common African approach for the UN Conference in 2001.

In May 2000, the OAU convened the first Continental meeting of African experts on small arms and light weapons in Addis Ababa Ethiopia. The meeting decided on the adoption of an African common position and agreed on a set of recommendations for adoption of policies, institutional arrangements, and operational measures for addressing the problems caused by the illicit trafficking, proliferation, accumulation and unlawful use of Small Arms and Light Weapons.

In addition, in 2002, the African Union (AU) adopted a "Plan of Action for the Prevention and Combating of Terrorism in Africa" which includes a commitment to joint action, including "coordinating border surveillance to stem illegal cross-border movement of goods and persons; developing and strengthening border control-points; and combating the illicit import, export and stockpiling of arms, ammunition and explosives [emphasis added]".¹⁵

Prior July 2001 UN Conference on Small Arms and Light Weapons in all Its Aspects under the Bamako Declaration, the African countries agreed on a Common Position on Small Arms and Light Weapons. This was informed by various sub-regional initiatives across the continent. However, some analysts suggest that in Africa regional initiatives to address the proliferation of small arms was built the momentum of the international efforts such as those of the United Nations and the organisation of African Unity, the truth however is that regional initiatives developed alongside the work of UN bodies¹⁶. Three distinct sub regional groupings emerged in Africa. These are the Great Lakes and the Horn of Africa, West Africa and Southern Africa.

In the Great Lakes Region and the Horn of Africa¹⁷, the Nairobi Declaration, which was, signed on 15 March 2000 calls on signatory states to do among other things:

- ❖ Strengthen and harmonise legislation on the control of firearms
- ❖ Strengthen the operational capacity of law enforcement agencies
- ❖ Increase cross border co-operation between law enforcement agencies
- ❖ Collect and destroy weapons
- ❖ Enhance the demobilisation and re-integration of ex-combatants
- ❖ Improve police/community relations
- ❖ Enhance public education and awareness raising

In West Africa the ECOWAS Moratorium¹⁸, was signed on 31 October 1998. This political declaration was an important first step for a sub-regional action to combat the proliferation of small arms. In 1998, the

¹⁴ Solemn Declaration on the Conference for Security, Stability, Development and Cooperation in Africa (CSSDCA), 10-12 July 2000, Lomé, Togo, paragraph 2, 9, 10 (h) and 14 (l); Algiers Declaration, 35th Ordinary Session of the Assembly of Heads of State and Government, 12-14 July 1999.

¹⁵ "Plan of Action of the African Union High-Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism in Africa", African Union High-Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism in Africa, Algiers, Algeria, 11-14 September 2002. [Mtg/Hlig/Conv.Terror/Plan.(I)]

¹⁶ Small Arms Survey, "Counting the Human Cost", Oxford: Oxford University Press, 2002, pp. 128.

¹⁷ Signatories to Nairobi Declaration are Burundi, DRC, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and the United Republic of Tanzania

¹⁸ Party states to the Moratorium are-Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, the Gambia, Ghana, Guinea Guinea Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo. All sixteen countries signed including Mauritania which has threatened to withdraw from ECOWAS.

ECOWAS developed a Plan of Action to implement the Moratorium. Following this, the UNDP Programme for Co-ordination and Assistance for Security and Development (PCASED) was established to provide technical assistance for an initial period of five years. It identified the following as key priorities requiring assistance;

- ❖ Improved controls at harbours, airports and border crossings
- ❖ Reforming military, security and police forces through regional training programmes
- ❖ Collection and destruction of weapons
- ❖ Co-operation with civil society organisations
- ❖ Establishing dialogue with arms manufactures
- ❖ Establishing databank and a small-arms register in West Africa

In Southern Africa, a Regional Programme on Light weapons and illicit trafficking was agreed in May 1998 and officially endorsed by the SADC and European Union foreign ministers in November the same year. The Regional Action Programme takes abroad and integrated approach to the problem it covers four key areas namely:

- ❖ Combating illicit trafficking
- ❖ Strengthening regulations and controls on accumulation and transfers
- ❖ Promoting the removal of arms from society and destruction of surplus arms
- ❖ Enhancing transparency, information exchange and consultation

The regional programme laid the foundations for the agreement of the Declaration concerning Firearms, ammunitions and other related materials in the SADC (March 2001) and the SADC Protocol on the Control of Firearms Ammunitions and other related materials Agreed upon in August 2001 and thereafter referred to a the SADC Firearms Protocol. The SADC Protocol is a regional instrument to increase control over the proliferation of small arms in Southern Africa. As of January 2004, the SADC Protocol remains one of the few multilateral legally binding instruments on the control of small arms and light weapons. The others are the Organization of American States Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Material and the United Nations Protocol against the Manufacturing of and Trafficking in Illicit Firearms, Ammunition and Related Materials. It is thus a far-reaching instrument, which goes beyond that of a politically binding declaration, providing the region with a legal basis upon which to deal with both the legal and the illicit trade in firearms. The SADC Firearms Protocol outlines key measures that the 13 out of 14 States¹⁹ signatories are legally bound to fulfil. This include:

- ❖ Review and harmonisation of the legislation governing the control of firearms
- ❖ Enact proper controls over the manufacturing, possession and use of firearms and ammunition;
- ❖ Improvement of the operational capacity of the law enforcement agencies
- ❖ Collection, destruction of surplus, redundant or obsolete State-owned firearms, ammunition and other related materials
- ❖ Awareness raising and public education on the impact of firearms on society
- ❖ Review of controls over state owned firearms and
- ❖ Provision of mutual legal assistance and information exchange
- ❖ Ensure controls and limitation on legal civilian possession of firearms
- ❖ Ensure the standardised marking of firearms at the time of manufacture, export or import; provisions relating to brokering;

Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (Bamako Declaration) was signed on 1 December 2000 in Bamako, Mali. Under the Declaration, State parties have committed themselves to undertake certain activities to stem the

¹⁹ Party States to SADC Protocol are Botswana, DRC, Lesotho, Malawi, Mauritius Mozambique Namibia, Seychelles, South Africa, Swaziland Tanzania Zambia and Zimbabwe. Angola has not signed although it indicated its interest to do so

proliferation of small arms and light weapons in Africa. The Declaration is a politically binding continental instrument agreed upon by consensus at a high political level. It includes many important commitments elaborated in various regional declarations and deemed relevant across Africa in addition to establishing a wide range of key norms, standards and programmes. Some analysts think that it largely reflects the comprehensive approach preferred by Sub-Saharan African countries”²⁰. As noted by the Small Arms Survey, “ultimately the Bamako Declaration proved to have an important impact on the final text of the Programme of Action” and in some senses, “was designed, from the beginning, to ensure that Africa had an influence on the final text of the Conference Programme of Action”.²¹ In setting the commitments at the international, regional and national levels, the Bamako Declaration established a blueprint, which proved to be very influential in guiding discussions at the United Nations 2001 Small Arms Conference. The Conference was the first global one to address the issue of small arms in a common framework. Other such as the Southern African Development Community Protocol on *the Control of Firearms, Ammunition, and Other Related Materials* (14 August 2001)(SADC Protocol), which came after the UN Conference are meant to reinforce the efforts at regional level.

The Declaration was developed to:

“Promote measures aimed at restoring peace, security and confidence among, and, between Member States with a view to reducing the resort to arms; promote structures and processes to strengthen democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth; and importantly, to promote comprehensive solutions to the problem of the illicit proliferation circulation and trafficking of small arms and light weapons that, include both control and reduction, as well as supply and demand aspects; that are based on the coordination and harmonization of the efforts of the Member States at regional, continental and international levels and which involve civil society in support of the central role of governments.”²²

The Declaration to which all members of the OAU (now African Union) are party to explicitly states the wide ranging and devastating impact that the uncontrolled proliferation of small arms and light weapons is having on the African continent. The African leaders and heads of governments have acknowledged that the illicit proliferation, circulation and trafficking of small arms and light weapons continues to have devastating consequences for stability and development in Africa. They note with nostalgia that this problem²³:

- ❖ Sustains conflicts, exacerbates violence, contributes to the displacement of innocent population and threatens international humanitarian law, as well as fuels crime and encourage terrorism;
- ❖ Promotes a culture of violence and destabilizes societies by creating a propitious environment for criminal and contraband activities, in particular the looting of precious minerals and the illicit trafficking in and abuse of narcotic drugs and psychotropic substances and endangered species
- ❖ Has adverse effects on security and development especially on women refuges and other vulnerable groups as well as on infrastructure and property
- ❖ Also has devastating consequences on children a number of whom are victims of armed conflict while others are forced to become child soldiers
- ❖ Undermines good governance peace efforts and negotiation jeopardises the respect for fundamental human rights and hinders economic development
- ❖ Related to the combating and the eradication of the illicit proliferation circulation and trafficking of small arms and light weapons and control their proliferation
- ❖ Is both one of supply and demand, transcends borders and calls for co-operation at all levels local national regional and international

²⁰ Small Arms Survey, “Counting the Human Cost”, Oxford: Oxford University Press, 2002, pp. 213-214.

²¹ *Ibid*

²² The Bamako Declaration 2000, paragraph 2.

²³ The Bamako Declaration (2000)

The Bamako Declaration received impetus when the NEPAD Sub-Committee of Peace and Security urged for its implementation. The Committee identified small arms proliferation as priority area for action. At the African Union/AU-NEPAD Consultation on Peace and Security in February 2003, a Plan of Action was developed, which among other things called for efficient and consolidated action for preventing, combating and eradicating the problem of the illicit proliferation and trafficking of SALW and an African definition and action on disarmament, demobilisation, rehabilitation and reconstruction (DDRR) efforts in post-conflict situations.

In order to stem the illicit the proliferation of small arms and light weapons, the Declaration specifies measures for action at national, regional and global levels. All these are equally important and constitute one integral and inter-dependent whole. This is because in order for national measures to be successful, they require a conducive regional environment. Likewise for the regional measures to advance, they require a strong commitment in realising concrete action at the national level. Therefore this study examines progress on measures that have the effect of implementing the Bamako Declaration even if some or all the actors involved were more explicitly concerned with local, national, or regional commitments and programmes.

The Bamako Declaration aims to ensure that action on small arms is co-ordinated across Africa. It is also an important guide and reference point of African states as they proceed with the complementary process of implementing the other key African agreements that have been concluded at the sub-regional level.

The Mine Ban Treaty Framework

Although the exact magnitude of global landmine contamination is difficult to measure, the negative humanitarian impact of emplaced mines is today recognised as a problem that needs to be solved in a co-ordinated and multifaceted manner. The indiscriminate nature of landmines and the fact that they are 'victim-activated' means that they have earned the reputation of being 'weapons of mass destruction in slow motion', which have a devastating influence on the lives of innocent civilians the world over. While there is a debate over the number of landmines in the ground, with estimates varying from 60 million to 200 million mines, there is no scientific baseline data on which to base accurate figures of emplaced mines, of how many people are mine-affected, or how large the areas are that are mine infested. As with the number of landmines in the world, the number of landmine survivors and annual casualties can also only be estimated. What can however be definitively stated is that the vast majority of mine survivors and victims are civilians. While acknowledging that it is impossible to arrive at an exact figure, Landmine Monitor projects that the number of new landmine casualties is between 15, 000 and 20, 000 each year.²⁴

The successful negotiation of the Convention on the *Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and On Their Destruction* (Mine Ban Treaty) was acclaimed by UN Secretary-General Kofi Annan as "a landmark step in the history of disarmament" and "a historic victory for the weak and vulnerable of our world."²⁵ Developed and agreed during a period of only one year; signed by 122 nations in Ottawa, Canada when it opened for signature on 3 December 1997; entering into force on 1 March 1999 when Burkina Faso on 16 September 1998, became the fortieth country to ratify it, the Mine Ban Treaty is now binding international law and considered "a remarkable achievement".²⁶

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine Ban Treaty) was opened for signature on 3 December 1997. It entered into force on 1 March 1999. It is therefore a legally binding treaty, which has gone through the process of

²⁴ International Campaign to Ban Landmines, *Landmine Monitor Report 1999: Towards a Mine-Free World*, Human Rights Watch, Washington, 1999.

²⁵ Kofi Annan, Statement at the Signing Ceremony, Ottawa, Canada, 3 December 1997.

²⁶ Landmine Monitor 1999,

signature and ratification or accession. It prohibits the manufacture, stockpiling, transfer and use of all types of anti-personnel landmines. To date more than two thirds (134) of all countries have signed up to the Mine Ban Treaty by July 2003²⁷. Each State Party is required to enact domestic legislation to “prevent and suppress any activity prohibited” by the treaty, to clear mines, destroy existing stocks and to provide programs that address the socio-economic re-integration of survivors of landmine incidents. In addition, each State Party is obliged to report annually to the United Nations on progress made in implementing the Convention.

More succinctly, Article 1 of the Treaty calls on State Parties to:

1. Undertake never under any circumstances to:
 - a) use anti-personnel mines;
 - b) develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
 - c) assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
2. Undertake to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

Other obligations include, “the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force”²⁸; “provid[ing] assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs”²⁹; “tak[ing] all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under the Convention undertaken by persons or on territory under its jurisdiction or control”.³⁰

One of the most important events in the process that led to the Mine Ban Treaty’s adoption was the May 1997 First Continental Conference of African Experts on Landmines which was held in Kempton Park, South Africa, under the auspices of the Organization of African Unity (OAU). This meeting was crucial in providing an overview of the devastating impact of landmines in Africa and in galvanising African states around a total and immediate ban on anti-personnel landmines. As a result of this meeting, many African governments were instrumental in ensuring a successful conclusion to the negotiations in Oslo that led to the MBT.

In May/June 1997, the 66th Ordinary Session of the OAU Council of Ministers, approved the Plan of Action and urged Member States to participate fully and actively in what had by then had become known as the “Ottawa Process”. The Council also, as an interim measure, called upon those that had not yet done so to accede to the 1980 Convention on Conventional Weapons (CCW)³¹ and its Protocol II that regulated the use of landmines. As a result some 30 African countries participated in the Oslo Diplomatic Conference that led to the adoption of the MBT and many turned up at the signing ceremony in Ottawa in December 1997.

²⁷ [Http:// www.landmines.org/Uk/7](http://www.landmines.org/Uk/7)

²⁸ Article 5: Destruction of anti-personnel mines in mined areas.

²⁹ Article 6: International cooperation and assistance.

³⁰ Article 9: National implementation measures.

³¹ **The Convention on the Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW)** came into force on 2 December 1983. The convention was supplemented by three protocols, the second of which relates to the restrictions on the use of mines, booby-traps and other devices. Before the Mine Ban Treaty came into force, Protocol II of the CCW was the only legally binding international agreement regulating the use of anti-personnel and anti-vehicle mines.

The Kempton Park Conference discussed African policies on anti-personnel landmines, the momentum towards a global ban on anti-personnel landmines, legal aspects of humanitarian law pertaining to landmines and the pursuit of Africa as a landmine-free zone. (Annex C). Participants agreed:

- ❖ that the problem needed to be addressed in a co-ordinated and multifaceted manner and that efforts with regard to mine clearance and mine victim assistance needed to be intensified;
- ❖ to adopt as a goal the elimination of all anti-personnel landmines in Africa and the establishment of Africa as an Anti-Personnel Landmine-Free Zone; and
- ❖ that all African states should end all deployments of anti-personnel landmines and establish national prohibitions on their use, production, stockpiling, transfer and their destruction.¹³
- The Plan has also detailed action on mine clearance, assistance to survivors of landmine and international co-operation and finance by the international community, international financial agencies, and the private sector working in the military field, to provide African countries affected by mines with all the necessary assistance for the demining of their countries. As an essential component of the efforts towards the elimination of mines, this assistance should comprise financial and technical components, as well as the training of deminers;

The Kempton Park Conference and the resultant Plan of Action were preceded by a number of important workshops, seminars and political statements by the OAU and related institutions. In early 1995, the OAU in partnership with the ICRC hosted regional seminars in Ethiopia, Zimbabwe and Cameroon to build awareness amongst member states of the problems posed by the proliferation of anti-personnel mines in Africa and to mobilize support for a regional response. At its 62nd and 63rd Ordinary Sessions (respectively, June 1995 and February 1996), the Council of Ministers adopted Resolutions CM/Res. 1593 (LXII) and CM/Res. 1628 (LXIII) expressing the OAU's preference for a total ban of mines and the development of Inter-African Cooperation in the field of mine clearance and assistance to victims. In Resolution CM/Res. 1662 (LXIV), adopted in Yaounde in July 1996, the Council called for the adoption of national and regional measures to ban anti-personnel mines.

Other organs of the OAU also adopted similar resolutions. Thus the African Commission on Human and Peoples' Rights, at its 17th Session held in Lome, from 13 to 22 March 1995, recommended "that concrete and effective measures be taken urgently to ban the manufacture of anti-personnel mines and that, in the meantime, the existing stockpiles be destroyed and an international monitoring mechanism be established". The 5th Ordinary Session of the Conference of African Ministers of Health, held in April 1995 in Cairo, also pronounced itself in favour of a ban on anti-personnel mines.

In October 1996, the OAU participated in the first Ottawa landmines conference of 50 "like-minded states" at which Canada's then Foreign Minister, Lloyd Axworthy dramatically invited the "entire international to join Canada in negotiating a Convention to ban AP mines by the end of 1997" and "to return to Ottawa to sign the document in little over a year".³²

After the Kempton Park conference, regional economic communities took the process further. For example, in the southern African region, the 17th Southern African Development Community (SADC) Summit held on 8 September 1997 in Blantyre, Malawi issued and endorsed a declaration entitled "Towards a Southern Africa Free of Anti-personnel Landmines". The Declaration envisaged a 'landmine free' southern Africa and called

³² See, Maxwell Cameron, "To Walk Without Fear: The Global Movement to Ban Landmines", Oxford: Oxford University Press, 1998.

for the total ban on use, production, trade and stockpiling of anti-personnel landmines in the territories of SADC member countries.

The achievement of a Treaty banning anti-personnel landmines is evidenced by the fact that almost two-thirds of the world's nations have already signed and/or ratified. Some commentators have attributed this to the role that African countries played both before and during the negotiations conference in Oslo in September 1997. In some senses, Africa's pivotal role can be ascribed to the fact that it is regarded as the most heavily mined continent.³³ Landmine and UXO affected countries and areas in Africa include: Algeria, Angola, Burundi, Chad, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Guinea-Bissau, Kenya, Liberia, Libya, Malawi, Mauritania, Morocco, Mozambique, Namibia, Niger, Republic of Congo, Rwanda, Senegal, Sierra Leone, Somalia, *Somaliland*, Sudan, Swaziland, Syria, Tunisia, Uganda, *Western Sahara*, Zambia and Zimbabwe.

From January 2001 to the end of June 2002 landmine/UXO casualties were reported in the following African countries or areas: Algeria, Angola, Burundi, Chad, DR Congo, Egypt, Eritrea, Ethiopia, Guinea-Bissau, Kenya, Mauritania, Mozambique, Namibia, Rep. Congo, Rwanda, Senegal, Somalia, *Somaliland*, Sudan, Tunisia, Uganda, *Western Sahara*, Zimbabwe.

It should be noted that the Mine Ban Treaty is more than a ban on the production and use of anti-personnel landmines. It obligates each state party to clear all mined areas within its jurisdiction or control within a ten-year period and also requires that each state party, in a position to do so, to provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims.

The adoption by the Heads of Government of the Bamako Declaration and the Mine Ban Treaty places a greater responsibility on the signatory states to implement the commitments. It thus means that African countries are now faced with the arduous challenge of implementing the numerous broad provisions contained in the two instruments.

Methodology

The methodology adopted to carry out this study has been that of formal and informal interviews, through a standard questionnaire. The standard questionnaire, which was developed and designed through an interactive process with the researchers, was either self-administered or interview based. With the assistance of the core partners on the project a researcher was identified in each of the focus country. Each of the researchers submitted a questionnaire, which informed the standard questionnaire that was finally adopted by all the researchers. Specific targets were representatives from the National and regional co-ordinating agencies/commissions, the police and justice systems, and members of the civil society working on small arms. Also important was regular communication with respondents to validate information. Desk research entailed mainly a review of publicly available information including reports, official statements by government representatives to conferences, concept notes, newspapers and other related materials and finally a descriptive analysis of the gathered information and relevant national, regional and international processes. Draft reports were also sent to regional or national co-ordinating agencies for factual verification of the information. In addition country draft papers were shared among the researchers to help them explore deeper or include new issues that they might have overlooked. This consolidated draft was also sent to the researchers to validate the information contained therein.

In using this methodology, a number of challenges were encountered, which included among others; the unavailability of some of the key would be interviewees. In some countries such as Uganda, the study was

³³ International Campaign to Ban Landmines, *Landmine Monitor Report 1999: Towards a Mine-Free World*, Human Rights Watch, Washington, 1999.

conducted at a time when the relevant authorities were engaged in organising workshops a sensitization workshop for senior government officials, thus many of the members were un-available for interview. In other situations the lack of an organised structure or institution dealing in small arms made it difficult to gather adequate information as those available were either in acting capacity and therefore felt little obliged to respond. However, despite these shortcomings, the methodology adopted enabled researchers who were identified through partner organisations and who never met to discuss and unpack the issues to look on similar issues. The information gathered gives a fair indication of the progress made.

Section two

Progress Toward Implementation of the Bamako Declaration and Related Instruments

The selected commitments for examination are: *the institutionalisation of national and regional programs* for action aimed at preventing, controlling and eradicating the illicit proliferation, circulation and trafficking of SALW in Africa; *the establishment, where they do not exist, of national coordination agencies or bodies and the appropriate institutional infrastructure* responsible for policy guidance, research and monitoring on all aspects of SALW proliferation, control, circulation, trafficking and reduction; *enhancement of the capacity of national law enforcement and security agencies and officials* to deal with all aspects of the small arms problem, including appropriate training on investigative procedures, border control and specialized actions, and upgrading of equipment and resources; *development and implementation, where they do not exist, national programs for- voluntary surrender of illicit SALW, identification and the destruction by competent national authorities and where necessary, of surplus, obsolete and seized stocks in possession of the state, the reintegration of demobilized youth and those who possess SALW illegally; entering into bilateral agreements, on a voluntary basis with neighbouring countries, so as to put in place an effective common system of control, including the recording, licensing and collection of SALW, within common frontier zones; strengthening regional and continental cooperation among police, customs immigration and other border control services* to address the illicit proliferation, circulation and trafficking of SALW. These efforts should include, but not be limited to, training, the exchange of information to support common action to contain and reduce illicit SALW trafficking across borders, and the conclusion of necessary agreements; *developing and implementing public awareness programs* on the problem of proliferation and the illicit trafficking of SALW; and *signing, ratifying to cease to use, developing, producing, acquiring, stockpiling, retaining and transferring landmines*.³⁴ Except for Algeria the progress made in implementing the Bamako Declaration by the countries under review should be seen in the context of regional instruments and the accompanying Plan of Action. These regional instruments are the Nairobi Declaration for Kenya, Uganda and Ethiopia, ECOWAS Moratorium for Nigeria, Senegal, and Ghana and SADC Protocol for South Africa. However, for progress on Mine Ban Treaty the continental instruments apply uniformly across the board.

Institutional, Legal and Administrative Procedures

National Institutions

The creation and strengthening of institutions, legal framework and administrative procedures charged with the responsibility of preventing, controlling and eradicating the illicit proliferation, circulation and trafficking of small arms and light weapons is crucial in tackling the problem. In this regard, paragraph 3A of the BAMAKO declaration urges member states put in place institutional, legal and administrative procedures to deal with the problem of illicit trafficking, proliferation and use of small and light weapons at both national and regional levels.

The key institutional arrangements for dealing with SALW in selected countries are almost similar and have been there long before the Bamako Declaration and other regional instruments on small arms. They are in fact the traditional security and justice related institutions. These include the disciplined forces including the police and the military. In many countries the later imports SALW without public scrutiny or knowledge.³⁵ The Ministry of Justice and the Attorney General's Office functions as the institution that draws up the laws and regulations that controls and manages SALW in these countries. It emerged that within these institutions, there are no specific individuals who deal with the problem of SALW with the exception of the officers in the police department whose function is to register and keep track of firearms in civilian hands. In some countries like Ghana, the Attorney General and Justice Department have a few people in the Legal Drafting Department who have specialised in certain aspects of the Arms and Ammunition. The Criminal Investigation

³⁴This commitment about landmines is reaffirmed in the Maputo Declaration of the State parties to the UN Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction, 7 May 1999, para. 6.

³⁵*Daily Guide Newspaper in Ghana* (2003) 'Why we imported ammunition', 6 January, pp. 1 & 8

Department (CID) also has a ballistics division that deals with SALW and has senior officers dedicated to SALW issues. In all the **seven** countries, these traditional apparatus of security have looked at the issues of small arms and light weapons as a preserve of security organs, a focus that partly accounts for the proliferation and misuse of small arms on the continent.

The emergence of the various instruments on small arms and light weapons have exposed the need for the establishment of institutions or structures with specific focus on small arms and light weapons. The Bamako Declaration paragraph 3A calls on party states to put in place where they do not exist, mechanisms to coordinate and harmonize efforts to address the illicit proliferation, circulation and trafficking of small arms and light weapons. Whichever the name, it is quite evident that all the seven countries under review have established or are in the process of establishing a structure to co-ordinate programmes and activities on small arms at national level.

In Ethiopia relevant bodies of the government namely Security, Immigration and Refugee Affairs Authority (SIRAA), Federal Police Commission and Ministry of Foreign Affairs worked together to come up with a common position on how and where to establish the National Focal Point (NFP).³⁶ They agreed that the Federal Police Commission should take the responsibility to establish a NFP as a unit within its organizational structure. Following this, the government of the Federal Democratic Republic of Ethiopia has moved one step a head to establish NFP in October 2003 by assigning NFP coordinator.³⁷ The responsibility of the NFP is to coordinate efforts aimed at eradicating the problem of SALW in the country. According to Chief Inspector Yemaneh, the only person who is assigned by the government to coordinate efforts that are being carried out by NFP " the government of Ethiopia is looking forward towards establishing Sub-national Focal Points in all federal states."³⁸

Ghana has a National Task Force on Small Arms and Ammunitions that is supposed to be the precursor to the establishment of full National Commission.³⁹ A mini Force of three-people is charged with the responsibility of defining the mandate of the full Commission over and above what has been described in the ECOWAS Moratorium and the UN Plan of Action (UNPoA).⁴⁰ Ghana has appointed a liaison person who provides linkage with the other thirteen ECOWAS states, National Commissions and other relevant international bodies. Because of the critical centrality of SALW in official programming in Ghana, work plans have already been designed that encompasses four major areas. These are: 1) Capacity building of members of the NSAC to be informed of International and Regional norms and standards, to enable members to engage on the issue of SALW in Ghana and at the international level. 2) Capacity building of regional and district coordinating bodies by the members of the NSAC through workshop and focused group meetings. 3) A national consultative process initiated by the NSAC will be organized to review the draft legislation on firearms control and determine its appropriateness for Ghana and the sub-region. 4) UNDP and BCPR will consider the participation of the NSAC in its capacity building programmes with representatives of other National Commissions.

³⁶ Woldegebriel Beyene, " Brief Information of Ethiopian Situation on Efforts Made on The Issue", a paper presented on the workshop on the Establishment of Focal Point of small Arms and Light Weapons, held in Addis Ababa on 25 September 2002.

³⁷ Accessed from a Letter written to the Ministry of Foreign Affairs by the Federal Police Commission on the assignment of Chief Inspector Yemaneh as NFP coordinator.

³⁸ Interview with Chief Inspector Yemaneh, the NFP Co-ordinator in Ethiopia, on 24 January 2004.

³⁹ Member of this Task Force include such institutions as the Ministry of Interior, Justice and Attorney-General's Office, National Security Council, Ghana Armed Forces, Criminal Investigation Department, Foreign Ministry (External Intelligence), Ghana Immigration, Customs & Exercise and Preventive Service (CEPS), the Inspector General of Police (IGPs) representative and two representatives of civil society organisations.

⁴⁰ This group is made up of members from National Security Coordinator's Office, Attorney General and Ministry of Justice and a civil Society organisation (CSO) representative.

Kenya has established a national co-ordinating agency referred to as the Kenya National Focal Point (KNFP) as it is in Uganda. The name National Focal Point is chosen because the two countries are signatories to the Nairobi Declaration, which refers to the co-ordinating agency as National Focal Point. The KNFP is in the process of developing its National Action Plan (NAP). Uganda is also in the final stages of its National Action Plan.

The functions and responsibilities of the National Focal Point as stated in the Implementation Plan of the Co-ordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa include:

- Co-ordinating with the Nairobi Secretariat in the implementation of the Agenda for Action
- Co-ordinating and interacting with other National Focal Points
- Co-ordinating and interacting with civil society
- Facilitating the exchange and dissemination of information
- Conducting and facilitating research
- Identifying and applying lessons learned and building the capacity for sustainable approach to the problem of small arms and light weapons

The Membership of the National Focal Point is drawn mainly from the security organs and relevant ministries. For example in Kenya the National Focal Point draws its membership from the Office of the President (OP), the Department of Defence (DoD), the Police, Ministries of Foreign Affairs, Information and Tourism, Education, Home Affairs (Immigration Department) and Finance (the Kenya Revenue Authority (Customs and Excise Department). Others are office of the Attorney General, the Nairobi Secretariat on Small arms and Civil Society.

Nigeria has established the National Committee on Small Arms and Light Weapons (NatCom) while Senegal has the National Commission on Small Arms. Ghana is in the process of establishing a National Commission on Small Arms. In Nigeria the National Co-ordination agency is responsible for policy guidance, research and monitoring on all aspects of SALW proliferation, control, circulation, trafficking and reduction. The NatCom was inaugurated by the Federal Government in 2001 largely under ECOWAS Moratorium as an interim measure to control, reduce and manage the trafficking and circulation of SALW.⁴¹ Article 5 of the Code of Conduct of the Moratorium calls specifically for the establishment of a National Commission on Small arms.

Specifically, the Committee has a mandate to control the import and manufacture of all light weapons, register and control the movement and use of legitimate arms stock, detect and destroy all illicit and surplus weapons and grant or permit exemptions to the Moratorium only in accordance with strict criteria.

In **Senegal**, the National Commission on Small Arms serves as the main institution responsible for policy guidance, research and monitoring on all aspects of SALW proliferation, control, circulation, trafficking and reduction. The Ministry of the Interior grants permit for the importation, exportation, transfer, detention and acquisition of some specific types arms and ammunitions.⁴² The security apparatus of the Senegalese government complements the efforts of these institutions including the Ministry of Justice.

⁴¹ The Committee, as of August 2003, is made up of officials and representatives of the following: (i) Ministry of Defence (MOD) (ii) Ministry of Internal Affairs (iii) Ministry of Integration and

Cooperation in Africa (MICA) (Secretariat) (iv) Defence and Industries Corporation of Nigeria (DICON) (v) Nigeria Police (vi) State Security Services (vii) National Intelligence Agency (viii) Nigeria Customs Service (ix) Nigeria Immigration Service (x) National Drug Law Enforcement Agency (xi) National Orientation Agency (xii) Africa Leadership Forum (civil society) (xiii) Quench Crisis Initiative (civil society) (xiv) Nigerian Council of Women Societies (NCWS) (civil society) (xv) Shehu Shagari Institute for Peace and Good Government (civil society) (xvi) African Strategic and Peace Research Group (AFSTRAG) (civil society).

⁴²Christiane Agboton-Johnson's mimeo on Arms and Criminality in Senegal, 2003

The names of the inter agency body in Senegal; Nigeria and Ghana are identical because they are informed by the framework of the ECOWAS Moratorium.

South Africa has not instituted a national co-ordinating agency to bring together all relevant government departments and organs of civil society to develop, share and discuss small arms policy matters. It argues that information sharing between government departments and discussions with NGOs occur naturally and on an on-going basis.⁴³ The same is true for landmine action. While there is no formal body co-ordinating interaction between the state and civil society, in practise this takes place regularly as evidenced by the process used in drafting of the Anti-Personnel Mines Prohibition Act. The South African government's Mine Ban Treaty enabling Legislation Drafting Committee was composed of personnel from various government departments and the International Committee of the Red Cross (ICRC).⁴⁴ In June 2001, Mines Action Southern Africa (MASA)-the national member of the International Campaign to Ban Landmines - was requested by the Drafting Committee to organize a number of workshops to facilitate civil society input into South Africa's domestic legislation. Six workshops were held including three with the mine clearance community and three with a range of non-governmental organizations. Many of the suggestions that came out of these consultations have been incorporated into the Act. "This inclusive approach underlines the South African government's approach and proven track-record of consulting civil society and in this instance, of the partnership that has been forged between Government and civil society in the field of mine action, as well as with the industry as a prime stake-holder."⁴⁵

The **Uganda** government has moved to establish a national coordination agency that is tasked with carrying to fruition the commitments made at Bamako. In this regard, a National Focal Point (NFP) was established in October 2001. Two organs make up the NFP. These are: the National Focal Point Forum (NFPF), which in addition to the four members drawn from the civil society it also includes representatives from other relevant government ministries, and members of the NFP Secretariat.⁴⁶ The total membership of the NFPF is twenty. The function of the NFPF is mainly to discuss the broad policies in the area of SALW. It meets every four months.

The second organ of the NFP is the NFP-Executive which is constituted of the following five members: an officer from Presidents Office, the Police Department, the Ministry of Defense, the Ministry of Justice, and the Ministry of Foreign Affairs.⁴⁷ This body became operational in March 2002. The mandate of this body is to carry out planning and perform the day- to- day functions of the NFP. At the moment, the NFP is currently finalizing a draft policy paper on cooperation between civil society organizations and government in fighting the scourge of small arms.⁴⁸

A full time administrator seconded to it by the Uganda Police Force manages the NFP Secretariat, which is an integral unit of the Ministry of Internal Affairs. Presently this administrator is Richard Nabudere, who is an Assistant Commissioner of Police (ACP).

The mandate of these co-ordinating agencies is broad but what is clear is that they inspired by the concern to eliminate the problems of small arms and light weapons. They range from overseeing the implementation of regional and international instruments on small arms to demystifying the culture of violence and looking at the whole gun problem from a development point of view. This is particularly true with Kenya and Nigeria. The

⁴³ Interview with Rob Wensley, at the, Department of Foreign Affairs (DFA), South Africa, 23 December 2003

⁴⁴ Article 7 Reports, 1 September 1999.

⁴⁵ Statement by Ambassador George Nene to the Fourth Meeting of States Parties to the MBT, Geneva, 16 September 2001.

⁴⁶ Taya Weiss 'A demand Side approach to fighting small arms proliferation' in **Africa Security Review** Vol 12,no2 2003 p5

⁴⁷ Uganda National Focal Point Secretariat, Progress Report presented at the National Focal Point Coordinators Workshop, Nairobi Kenya, 21st -22nd October 2003.

⁴⁸ Thokozani Thusi, "Assessing Small Arms Control Initiatives in East Africa: The Nairobi Declaration", in **Africa Security Review**, vol. 12 No.2, 2003, p. 25.

KNFP is a key component of the National Steering Committee (NSC)⁴⁹ which is mandated to consolidate peace building, conflict management and development programmes among the pastoral communities and the implementation of the security sector reform to facilitate community policing and police partnership in addressing insecurity. The reason for the inclusion of KNFP within the NSC is that small arms are commonly used among the pastoral communities in the traditional practice of livestock raiding, which fall under the NSC. In Nigeria, the mandate of the Committee is even broader. The Committee is entrusted with controlling the importation and manufacture of all light weapons, register and control the movement and use of legitimate arms stock, detect and destroy all illicit and surplus weapons and grant or permit exemptions to the Moratorium only in accordance with strict criteria.

It has emerged that the establishment of the national co-ordinating agencies has been a result of the regional instruments such as the Nairobi Declaration, SADC Protocol) and the ECOWAS Moratorium.

It is also evident that the institutional structures have limited capacity in terms of human and non-human resources. They are still under staffed and under funded and majority of them depend on the benevolence of the donors. There is also the problem of autonomy as most if not all of them are firmly under the control of state agencies a situation that non-state actors think is not favourable to the smooth operations of programmes and activities. For example like the Kenyan Focal Point is under the Office of the President in Nigeria under the Department of Collective Defence and Security within the Ministry of Integration and co-operation for Africa (MICA). In fact the mandate of the Committee in Nigeria asserts the central role of the military organs in the implementation of the Bamako Declaration.

Regional Institutions

It has also emerged that three sub-regions of Africa namely; West Africa, the Great Lakes and the Horn of Africa and the Southern Africa have each established a regional co-ordinating agency as it is referred to in the Bamako Declaration. In the Great Lakes and the Horn of Africa, the regional co-ordination agency is called Secretariat and since it is based in Nairobi, Kenya, it is called the Nairobi Secretariat on small arms and light Weapons. The Secretariat serves all the countries that are party to the Nairobi Declaration. The broad mandate of the Nairobi Secretariat is to co-ordinate the regional Agenda for Action.

Specifically, the Secretariat is to:

- Ensure long term sustainable commitment towards the achievement of the objectives as enshrined in the Nairobi Declaration
- Develop, implement and sustain a comprehensive strategy to combat the illicit proliferation of small arms and light weapons, taking into account the linkages between arms proliferation and all aspects of human security and the long term objective of attaining peace, stability and development
- Pursue initiatives for the peaceful resolution of conflicts in the region
- Enhance co-operation and exchange of information among the National Focal Points and other relevant agencies and organisations tasked with addressing the problem of illicit proliferation of small arms and light weapons
- Co-operate with international organisations, regional and sub-regional organisations and civil society in preventing and reducing the problem of the illicit proliferation of small arms and light weapons and
- Co-ordinate international support for the implementation of the regional Agenda for Action

At the time of conducting this study, the Secretariat was being housed in rented premises and had four computers, four telephone lines and dial up Internet services.

⁴⁹ The membership of the NSC consists of the Office of the President (Chair and Secretariat), Ministry of Foreign Affairs, the Provincial Administration and National Security (security section), Arid Land Resource Management Project (ALRMP) and the Police Department. Others are: Civil society organisations, UN agencies and donors

The Nairobi Secretariat is mandated to co-ordinate regional programmes and activities. The Co-ordinator at the Secretariat is from Kenya, the Planning and Co-ordination Officer from Uganda and the Information Officer from Rwanda. Since its inauguration, the Secretariat has registered notable progress including organisation of planning workshops for the national co-ordinators, it has developed a work plan and works closely with other stakeholders such as the Kenya Action Network on Small Arms (KANSAs), the Uganda Action Network on Small Arms (UANSAs) and the Eastern Africa Network on Small Arms (EAANSAs).

Perhaps the greatest achievement of the Secretariat has been its support to the gradual development of the Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes region and the Horn of Africa (EAPCCO Protocol). The Protocol which sets minimum standards for regional states on matters of small arms was borne out of the realisation that different national laws on small arms and light weapons among State Parties to the Nairobi Declaration will be an obstacle to tackling the problem. As a consequence, the Secretariat is working with the Sub-regional Police Chiefs Organisation to set out minimum standards to govern manufacture, possession, marking, import, export, transit, transfer and stockpiling, as well as provisions relating to weapons collection and destruction, police co-operation, information exchange and awareness raising. EAPCCO, which was mandated to examine the issue has drafted the Regional Common Protocol on Small Arms, which scheduled to be signed on 15 March 2004 to coincide with the 4th Anniversary of the Nairobi Declaration, will provide a framework for such co-operation. Already the Protocol has received the endorsement of the EAPCCO legal sub-committee and the Permanent Co-ordinating Committee and adopted by the Chiefs during their extra ordinary meeting on 19th December 2003 in Arusha, Tanzania.

In Southern Africa, SADC has established a point of contact, the SADC Committee on Small Arms at the its Secretariat in Botswana and a Public Security Sub-committee that brings together customs, police, immigration and other relevant agencies responsible for border control. A Technical Committee on Small Arms has also been established, whereby member States share best practices, agree on mutual assistance on the management of stockpiles, security and safety measures and cost effective methods of destruction of surplus firearms. A Southern Africa Regional Police Chiefs Cooperation Organization (SARPCCO) has been established and delegated as the implementing agency for work on the problem of small arms in the region. In addition the SADC-EU Working group on Small Arms meets regularly to work on co-operation between the two regions on small arms issues. Co-operation exists between the SADC institutions on small arms various civil society organizations, such as the South African-based Institute for Security Studies (ISS) and SaferAfrica (a South Africa based NGO). SADC envisages introducing the concept of demobilization, disarmament, reintegration and development (DDRD) and convening a regional workshop on the issue.⁵⁰

In West Africa, the sub-regional institution dealing with SALW is the Economic Community of West African States (ECOWAS). Established in May 1975, ECOWAS initial interest was in establishing closer economic integration among the 15 member states. However, because of the challenges posed by SALW and political instability, several Protocols dealing specifically with issues of instability were initiated in 1976, 1978, 1981 and 1993. The worsening security situations in West Africa compelled ECOWAS to declare a *Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa* in 1998. This Moratorium eventually developed a Code of Conduct and other institutional frameworks that signatories to this programme should adhere to. ECOWAS calls on member states to establish National Commissions to be charged with the main responsibility for implementing the commitments under the Moratorium. The ECOWAS Secretariat's main responsibility in the total implementation of the Moratorium is the granting of exemptions to states who apply for exemptions to import arms and ammunitions. Such exemption procedures are under

⁵⁰ Report of the United Nations First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, A/CONF.192/BMS/2003/1 UN General Assembly, 8 July 2003.

Article 9 of the Code of Conduct, which was adopted in December 1999 to facilitate the effective implementation of the Moratorium.

ECOWAS staff composition is nationally distributed according to percentages. However, since reforms instituted in 2003, meritocracy is increasingly becoming the key to appointments in ECOWAS. ECOWAS funding derives mainly from subventions from member states and from multilateral and bilateral donors. The *ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons adopted in October 1998* is the departure point of national and regional initiatives on small arms and light weapons in West African sub region. Initially the Moratorium was for a period of three years but was extended in July 2001 and is now valid until October 2004. The Moratorium, which provides a regional framework for the implementation of the Bamako Declaration, calls for effective co-ordination and assistance for security and development. The code of conduct adopted in 1999, sets out the details of the Moratorium whose main components include; the establishing national commission in each member state, setting up structures within ECOWAS to support the moratorium and to monitor the compliance of member states, preparing of reports by member states on the ordering or procurement of weapons components and ammunitions covered by the moratorium, development of regional arms register and database, harmonization of legislation, training of security personnel and declaration of weapons and ammunitions used for peace keeping operations.

Legal Framework and Administrative Procedures

All the states examined have at least some form of legislation and/administrative procedures on the production, export, import, transit, trade and possession. However, it is also noted that there are considerable variations in the nature and scope of the legal framework and procedures. From the information gathered it is not possible to determine the effectiveness of such measures but for the purpose of this paper the statements made are merely indicative of the existence of laws and procedures and makes no judgement of their coverage or effectiveness.

With the exception of Uganda, the rest of the selected countries for this review have signed, ratified the AU *the Protocol Relating to the Establishment of the Peace and Security Council of the African Union and also deposited the instrument with the AU*. Uganda has only signed. This Protocol lays the foundation for the dealing with human insecurity in Africa and therefore discussions on small arms and light weapons should be seen within its context. The Protocol was adopted in Durban, South Africa 9th July 2002 and entered into force on 26th December 2003

Table 2: *AHSI country status on the Protocol relating to the Establishment of the Peace and Security Council of the African Union*

Sr.No	Country Code	Country Name	Signature Date	Ratification Date	Deposit Date
1	ALG	Algeria	09/09/2002	29/01/2003	04/02/2003
19	ETH	Ethiopia	09/07/2002	29/05/2003	17/06/2003
22	GHA	Ghana	09/07/2002	04/07/2003	07/07/2003
25	Ken	Kenya	07/07/2003	19/12/2003	22/12/2003
36	NGA	Nigeria	-	19/11/2003	26/12/2003
39	SAA	South Africa	09/07/2002	15/05/2003	22/05/2003
41	SEN	Senegal	09/07/2002	09/09/2003	17/10/2003
51	UGA	Uganda	09/07/2002	-	-

Source: www.africa-union.org

Ethiopia still missing

In **Ghana** the major legislation governing arms is the Arms and Ammunition Act, 1962 (Act 118). It has five parts and 26 subsections which sought to 'consolidate enactments regulating the trade in arms and ammunition' in Ghana⁵¹:

- Part I Export of Arms and Ammunition
- Part II Import of Arms and Ammunition and Supervision of Land
- Part III Maritime Supervision
- Part IV Miscellaneous Provisions
- Part V Regulations

This is a comprehensive Act that prescribes arms and ammunition possession and usage in Ghana. Another useful legislation is the Arms and Ammunitions Decree, 1972 National Redemption Council Decree (NRCD 9), which improves the registration process but basically continues to abolish the local manufacture of arms. Interestingly enough, while the law allows blacksmiths to repair imported guns that get damaged in Ghana the same law forbids blacksmith from manufacturing weapons. Subsequent tinkering with the law has been undertaken. The two key ones are the Locksmiths Act of 1994 (Act 488) and the Arms and Ammunition (Amendment) Act, 1996 (Act 519). There seems to be some legal obfuscation about the law in terms of permitting blacksmiths to manufacture guns. While one interpretation says that manufacturing is totally banned, another interpretation thinks the Minister of Interior can give dispensations for such manufacture to go on although the conditions and modalities for the issuance of such permission are not spelt out. Since September 2003, efforts are underway to review SALW regulations in Ghana and to standardise to international criteria.

The country is also in the process of reviewing domestic laws on small arms. Ghana is the only country that has legislation on local production of arms and ammunitions.

In **Kenya** the Kenya Firearms Act Cap 114 (Sec 2) defines arms as, 'All artillery of all kinds of projectiles, explosives or gas diffusing flame throwers, grenades, bombs, machine guns and rifled small bore breach loading weapons'. The Act does not make a distinction between small arms, light weapons and 'big arms'. But one can see that the definition is quite broad and encompasses what the contemporary researchers call small arms and light weapons.

It is an Act of Parliament for regulating, licensing, and controlling the manufacture, importation, exportation, transportation, sale, repair, storage, possessing and use of firearms, ammunitions, airguns and destructive devices like grenades.

The Act has provisions relating to certain types of weapons and ammunitions pertaining to use, places of acquisition, restrictions on carriage and transit through Kenya. Furthermore, there are provisions on possession of firearms and ammunitions in regard to age, penalty for use and possession or imitation of firearms in certain cases. Finally the Act provides for appeals in case of conviction.

The management of stockpiles within the Armed Forces is covered in the following regulations; The Armed Forces Standing Orders, the Armed Forces Security Standing Orders, Equipment Regulations. The Defence Hqs (DHQ) maintains an inventory of firearms held in the armed Forces, where the manufacturer's registration number and the butt number given at the unit level identify each weapon.

Kenya does not have explicit laws on brokerage and stockpiling and the process of revising the current legislation to inco-operate such components is yet to start.

⁵¹ Government of Ghana (GoG) *The Arms and Ammunition Act, 1962* GPCA/1344/1,020/5/70 (Accra-Tema: Ghana Publishing Corporation)

Nigeria has in place a legal framework intended to control or regulate the production, use, import and export of SALW in Nigeria. The main legal instrument is the Firearms Act (1959). This legislation, with time, has outlived its usefulness or became obsolete especially in the area of ineffectiveness of sentences as a deterrent measure and the existence of an alternative of settling a fine. This became possible as a result of corruption and inadequacy of institutional capacity on the part of law enforcement agents.

As a result, the 1959 Act was amended in 1966 and among other things it increased the punishment of firearms-related offences. Section 3(1) of the Robbery and Firearms (Special Provision Decree) No. 5 of 1984 expanded gun-related offences and punishment from a fine of N400 or 12 months imprisonment or both to N20, 000 (I\$138 US dollars) or minimum of 10 years or both when one is found guilty of illegal possession of firearm. Section 1(2) of the decree specifies punishment by death sentence in the case of robbery while an attempted armed robbery under Section 2(2) is punishable by life imprisonment.

Further proposals were made for the revision of the laws and regulations governing small arms after putting in place the PoA. In addition to efforts made by civil society groups in Nigeria to effect the revision of the legislation governing small arms in Nigeria, President Obasanjo, the incumbent, directed the Minister of Justice and Attorney-General of the Federation to draft a bill setting out more stringent penalties for contravention of firearms laws.⁵² The President's memo proposed a 10-year jail sentence without an option of fine for illegal possession of firearms and further proposed a cash reward for information that leads to the arrest and prosecution of anyone in illegal possession of firearms.⁵³ The draft firearms law is yet to be presented to the National Assembly.

For purposes of law enforcement on issues of licit and illicit SALW, **Senegal** had in place a legislation, which it inherited from its colonial authorities. This was known as the decree of 4th April 1925. This decree regulated the arms and ammunitions in French West Africa. This was modified by the decrees of 16 June 1931 and 8 October 1938. The decree of 25 May 1912 prevented the carrying of offensive weapons and that of 8 December 1937, regulated the Exportation of Weapons in French West Africa. This eventually led to the putting in place of a legislation passed into law (66-03 of 18 January 1966) and a decree for its enforcement (Law 66-887 of 17 November 1966). This law deals with the general regulation of arms and ammunitions. This law has become outmoded as a result of the emergence of new forms of crime. No radical changes have taken place since its adoption 37 years ago in spite of the decree in 1986 on *arm d'arte*.

The importation, exportation, transfer, detention and acquisition of arms and ammunitions of 2e, 3e, 4e, and 5e categories (typologies of arms) are subject to permit from the Ministry of the Interior. These regulations dealing with firearms are largely unknown to the broad mass of the general populace. It is important, therefore, to educate or sensitize the population about existing legislation and procedures involved in acquiring arms and registering them.

The possession, production, and transfer of SALW is governed by the 1966 law, which has not been reviewed in recent times and does not necessarily offer enough stringent controls to guard against illicit proliferation of arms.⁵⁴

In **South Africa** the new legal controls on civilian possession and use and on the export and brokering of weapons are contained in the new Firearm Strategy (2001/2002). The Strategy is aimed at eradicating the proliferation of firearms for use in crime and violence and confirm a total ban on anti-personnel landmines. The government has also held discussions with all the firearms manufacturers in South Africa with a view to standardising the marking of firearms. South Africa has two pieces of legislation that deal with brokering

⁵²This directive was given in a memo dated 21 September 2001.

⁵³ *Vanguard, Newspaper in Nigeria* 12 October 2001, p. 3.

⁵⁴ Christiane Agboton-Johnson's mimeo on Arms and Criminality in Senegal, 2003

broadly defined. The new *Firearms Control Act* while, prioritizing tighter controls on the domestic possession of firearms, does not deal with brokering. Instead brokering is covered by the *National Conventional Arms Control Act, 2002 (No. 41 of 2002)*, which regulates the transfer and transit of weapons across state borders and the *Regulation of Foreign Military Assistance Act (No. 15 of 1998)*, which seeks to control military assistance by South Africans to other countries or persons in other States. Both were largely inspired by past activities of South African citizens and South African private military companies on the African continent, often, although not always, with the tacit support of the previous (apartheid) state.⁵⁵

It is only South Africa that has an elaborate legal framework on landmines is the Anti-Personnel Mines Prohibition Act.

Section 231 (4) of the South African Constitution, an international agreement needs to be enacted into law through national legislation. South Africa has reported to the United Nations since 1999 that it is in the process of developing such enabling legislation. After a protracted process, the Anti-Personnel Mines Prohibition Act was approved by both Houses of Parliament in 2003 and is presently awaiting signature by President Mbeki before being gazetted into law.

The key objectives of the Act are to:

prohibit the use, stockpiling, production and transfer of anti-personnel mines within South Africa;
address transgressions by South African citizens, permanent residents and juristic persons incorporated or registered in the Republic outside the borders of the Republic;
empower the Minister to exempt certain persons from the prohibition, for example for retaining or transferring mines for training or development of techniques relating to mine-detection, mine-clearance and mine-destruction;

enable the South African National Defence Force to participate in operations, exercises or other military activities with the armed forces of a State that is not a party to the Convention, as long as it is not in contravention of the Convention or amounts to assistance in any activity prohibited by the Convention; and
place an obligation on the Minister of Defence to report on South Africa's compliance to Parliament and, via the Minister of Foreign Affairs, to the Secretary-General of the United Nations.

If found guilty of an offence under the Act, a person is liable for a fine or imprisonment for a period not exceeding 25 years, or to both a fine and imprisonment. Any juristic person (company) that contravenes the Act can be fined up to R1 million.

Among all the countries surveyed, South Africa is far ahead in revising and strengthening its legal framework and administrative procedures.

Uganda has several domestic legislations that are aimed at regulating the acquisition and use of SALW. These include; the Explosives Act 1936 [Cap 298]; the FireArms Act 1970 [Cap 299], the National Resistance Army statute (NRA) 1992, and the Uganda Police Act 1994 [Cap 303], among others. The malaise, which all these legislations suffer from, is that they are out-dated. They need to be revised. According to Nabudere, "all these laws need to be revised especially the Fire Arms Act 1970, in order to reflect current realities and to incorporate the new international initiatives".⁵⁶ The Fire Arms Act of 1970 is the most comprehensive piece of domestic legislation that aims at regulating the acquisition and use of firearms in Uganda. It also covers the areas of importation and exportation of arms to and from Uganda. The Act provides explicitly the ways of registering and licensing of firearms by private individuals. It also spells out the type of firearms that can be held by private individuals. However, there are no provisions dealing with marking and tracing of these

⁵⁵ For case studies of South African involvement in illegal brokering activities, see, Mark Shaw, 'The Middlemen': War Supply Networks in Sierra Leone and Angola, Netherlands Institute of International Relations 'Clingendaal' Conflict Research Unit, Working Paper Number 10, March 2003.

⁵⁶ Interview with Richard Nabudere Co-ordinator Uganda NFP, 18th November 2003.

weapons. The most glaring inadequacy in the law, which must be addressed as a matter of urgency, according to Nabudere is the fact that, "it must cover arms transfers between governments".⁵⁷

Table 3: Summary of the countries legal framework and administrative procedures

Country	M	Possession	Stockpiling	Trade	Brokering	Production	E,I & Tt	Reviewing
Algeria								
Ethiopia		Yes	No	Yes	No	To confirm	Yes	No
Ghana	Yes	Yes	No	Yes	No	Yes	Yes	No
Kenya	Yes	Yes	No	Yes	No	Yes	Yes	No
Nigeria	Yes	Yes	No	Yes	No	Yes	Yes	No
Senegal	Yes	Yes	No	Yes	No		Yes	To confirm
South Africa	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Uganda	Yes	Yes	Yes	Yes	No	Yes	To confirm	No

Key:

M-Manufacture
 E-Export
 I-Import
 Pr- Production
 B- Brokering Controls
 S-Stockpiling
 Tr-Trade
 Tt Transit
 Po-Possession

⁵⁷ Ibid.

Enhancing the capacity of national law enforcement and security agencies and officials.

This commitment is underscored in paragraph 3A(ii) of the Bamako Declaration. It is recognised that in order to deal effectively with all aspects of the arms problem, appropriate training on investigative procedures, border control and specialized actions, and upgrading of equipment and resources, human capacity remains key. Therefore for law enforcement officers to curb the proliferation of SALW, they must have the requisite capacity.

Capacity building for law enforcement agencies and security personnel take the form of training and equipment. The initiative is either by a national government through its budgetary allocation or under bilateral arrangements with United Nations bodies its agencies and other donor agencies

In Great Lakes and the Horn of Africa the Nairobi Secretariat in conjunction with established focal points has developed a draft training curriculum meant to equip senior management and practitioners in the Great Lakes Region and the Horn of Africa with the necessary skills to implement the Nairobi Declaration, the yet to be signed Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes region and the Horn of Africa (EAPCCO Protocol) and other relevant regional and international instruments as part of a multi-disciplinary approach. The curriculum addresses a number of diverse topics on the problem of small arms all aimed at providing the trainees with an understanding of the problems that small arms and light weapons proliferation and misuse pose to national and international peace and security, putting emphasis on existing collective security systems. The draft-training curriculum was approved at a workshop attended by National Focal Point Co-ordinators in October 2003.

The draft curriculum gives hope to signatory states. According to Mr Richard Nabudere of the Uganda Focal Point a common curriculum has been agreed by the different law enforcement agencies in these regions.⁵⁸ This has been precipitated by the reason that each of the various law enforcement agencies has been doing their own training. The curriculum has various components targeting various groups. According to Nabudere the targeted groups include: the politicians who are engaged in mobilization; senior management officials in government departments such as the Permanent and Under Secretaries, and Commissioners and Directors, who are engaged in policy formulation and implementation; the practitioners such as the police, customs and immigration; and the Civil Society.⁵⁹ There has hardly been any coordination in the training policies of the various law enforcement agencies and the actual training itself. According to Nabudere, the NFP is trying to operationalise the agreed curriculum in Uganda to harmonize training of the various law enforcement agencies.⁶⁰ Once this is done, according to him this will be the basis for further training.⁶¹

The Secretariat has also developed an operational guideline to improve the regional co-ordination capacity and restructured the calendar of the activities to meet the new challenges

In **Ethiopia**, the NFP has realized the need to train officers in tracking, controlling and destruction of SALW as a result the inclusion of especial training on SALWS for law enforcement agents in the national action plan is seen as mandatory.⁶² As Yemaneh stated "assessment of capacity has not been made but efforts will be made to do so when the NFP stands with its feet."

⁵⁸ *Ibid* Interview with Richard Nabudere

⁵⁹ Interview, 17th December 2003.

⁶⁰ *Ibid*.

⁶¹ *Ibid*.

⁶² *Ibid* Interview with Chief Inspector Yamaneh

It is a fact that the tracking and control of SALWS in the country will be successful if there is information network among concerned parties. In Ethiopia, information exchange among law enforcement agencies is common especially when the information is sensitive. Concerning training programmes delivered to different sections of the police, each regional state, considering the federal political arrangement in the country, was training their own police force by themselves. However, since there is a need for uniform training programme, the bureau for training and research of the federal police currently standardizing the curriculum for the programme and it will be finalized soon, as reported by Chief Inspector Yemaneh⁶³.

Under the Federal Police the Bureau for Training and Research has conducted several studies and researches focusing mainly on the nature and dynamics of crimes and found out that the underlying source of the majority of these crimes of different nature are related, directly or indirectly, to illegal possession, circulation, trafficking and proliferation of SALW. These findings also revealed the extent of the impact of these activities on individual, family, community and the nation as a whole⁶⁴.

At country level in the last one-year the **Kenya** has so far purchased of 107 assorted vehicles for the Kenya police and also increased their salaries. In addition, civil society organisations in Kenya have also mounted or invited security officials to capacity building workshops either at national or regional levels.

Of the countries reviewed the **South African** law enforcement and security agencies has more capacity than the rest. This is evidenced by several trainings that the South African Police Service (SAPS) has conducted. The South Africa Police Service has acted as a resource for police training workshops Southern Africa and further a field. For example, in 2003, the SAPS participated in the following training sessions, amongst others: *The Identification and Handling of Firearms and Explosives* from 09–11 June 2003 in Pretoria, South Africa. Its objective was to increase the knowledge and competence of serious crime investigators and police officers at crime scenes and safe handling of firearms and explosives. There were over 30 participants from all SARPCCO member countries except Angola. The facilitators and resource persons came from the Arms Management Programme of the Institute for Security Studies (ISS), the South African Police Service (SAPS) and the Namibian Police.

Bilateral support for capacity building seems to be popular in West Africa. The UN and its related agencies have contacted various training programmes to improve the effectiveness of agencies dealing with the problem of small arms. The security services have initiated different activities to strengthen controls along the contiguous borders. In particular, the Police Service in Ghana have undertaken actions to retrieve locally produced firearms, and efforts are underway to enhance the capacity of the firearms registry and reform the current legislative instrument guiding the possession and use of firearms. At regional level resources have also been received from the French Government to improve the linguistic competence of police officers assigned to the Burkina Faso, Cote d'Ivoire and Togo borders to make them more effective. In the West African context, Senegal is said to have one of the most effective law enforcement agencies in terms of detection and destruction of weapons. Most capacity building programmes for Senegal have been provided by France and through the United States International Military Exchange Training (IMET) and African Crisis Response Initiative (ACRI) now African Contingency Operation Training Assistance Programme (ACOTA).

Part of the international agencies working to improve SALW controls in West Africa includes the United Nations Development Programme (UNDP) and the Bureau for Conflict Prevention and Resolution (BCPR) process. This process has four main sub-components. Component 1 deals with:

- Capacity building for members of the National Small Arms Commission (NSAC) when it is established and such training will conform to and be informed by international and regional norms

⁶³ *Ibid* Interview with Chief Police Inspector, Yemaneh

⁶⁴ *Ibid*

and standards, to enable members to engage effectively on the issue of SALW in Ghana and at the international level⁶⁵;

- Capacity building of regional and district coordinating bodies by the members of the NSAC through workshop and focused group meetings;⁶⁶
- A national consultative process initiated by the NSAC will be organized to review the draft legislation on firearms control and determine its appropriateness for Ghana and the sub-region; and finally
- UNDP and BCPR will consider the participation of the NSAC in its capacity building programmes with representatives of other National Commissions.

National Firearms Bureau (NFB): A technical expert from BCPR will be engaged to assess the capacity of the NFB with the view of improving its capacity, through training and provision of equipment to bring it up to modern standards. This will include the computerization of the registration process and the installation and application of a firearm registration soft ware to be provided by UNDP.

Awareness Raising and Education: When this project finally takes off in the first quarter of 2004, its expected that the NSAC and UNDP will work with other stakeholders in Ghana to develop a media and campaign strategy and implemented as a pilot scheme during the duration of the project. It is envisaged that the strategy will include sensitization of communities on the dangers of the proliferation and use of SALW, targeted awareness to community and religious leaders, chiefs and government officials. Mass awareness activities in the communities and information dissemination on peace-building, arms control and impact of armed violence could assist in transforming attitudes towards non violence resolution of conflicts and facilitate the control of illicit weapons in communities.⁶⁷ The French government is also providing support to the Senegalese

Civil societies have also contributed towards enhancing the capacity of the law enforcement agencies. For example the South Africa based ISS *facilitated the First SARPCCO Workshop on Regional Standards for the Marking, Tracing and Record Keeping of Firearms and Disposal of State-Owned Firearms* in April 2003. The Workshop took place from the 3–4 April in Harare, Zimbabwe and formed part of SADC's implementation strategy for the Protocol on the Control of Firearms, Ammunition and other Related Materials in the Southern African Development Community Region. The holding of the Workshop was mandated by the Chiefs of Police at the SARPCCO 7th Annual General Meeting and was in line with the approved SARPCCO "Action Plan on [the] SADC Protocol on the Control of Firearms, Ammunition and other Related Materials". Another workshop worth mentioning is 'Enhancing Cooperation and Coordination: Training workshop for 27-31 October 2003, Victoria – Seychelles. It drew participation from nine countries of Eastern Africa⁶⁸ for the third workshop on enhancing cooperation and coordination among the national central bureaux and the sub-regional bureaux of the International Criminal Police Organisation (Interpol)'. The Interpol Sub-regional Bureau (SRB) for Eastern Africa and the Institute for Security Studies (ISS) sponsored the workshop. The facilitation was by representatives of the South African Police Service (SAPS), the Interpol General Secretariat (IPSG), the Interpol SRB, Nairobi and the ISS.

⁶⁵So far, there is no indication when the National Commission will be established although the Task Force has submitted its recommendations for the establishment of the Commission.

⁶⁶For the critical role of regional and district coordinating bodies in the general security framework, see, GoG, 1996. *The Five Hundred and Twenty-Sixth Act of the Parliament of the Republic of Ghana entitled The Security and Intelligence Agencies Act, 1996* (Accra: Government Printer)

⁶⁷ See, United Nations Development Programme on Armed Violence and Small Arms Reduction in Ghana Preparatory Assistance Project, November 2003

⁶⁸ Burundi, Djibouti, Eritrea, Kenya, Rwanda, Seychelles, Sudan, Tanzania, Uganda.

Develop and Implement programmes on Voluntary Surrender, Identification and Destruction of SALW

This is stated under paragraph 3A (iv) of the Bamako Declaration. The study countries have joined a group of countries that have taken seriously the recommendation of the 1997 United Nations Panel of Experts on Small Arms to implement programmes to destroy surplus state-owned small arms. In fact some of them such as South Africa have gone beyond destroying those considered redundant, obsolete and unserviceable as well as seized illicit weapons in police custody by engaging in a process of rationalising and standardising its own stocks of small arms and ammunition.

In the past the Federal police in **Ethiopia** have undertake sudden operation in the city (Addis Ababa) to track proliferated SALWS. This was based on information received on the issue from other law enforcement organs especially the national intelligence. As Yemaneh stated, "lots of SALWS were confiscated undertaking such measures (sudden operation)"⁶⁹

In **Ghana** it is estimated that there are between 35,000 – 40,000 illegally produced guns. The research, which underpinned this figure, took place in only five of the ten regions in Ghana. Secondly, it was calculated based on the outputs of 500 blacksmiths in the 70 or so towns that were known to be involved in craft production. Recently, however, it has been demonstrated that there are at least 2,500 blacksmiths with the capacity to engage in craft production in one region alone. This figure does not include the apprentices who have the capacity to manufacture guns with supervision. In the aftermath of the electoral victory of the NPP in Election 2000, and upon its assumption of political office in January 2001, the NPP administration initiated a collaborative police cum military collaborative weapons retrieval strategy codenamed *etuo mu ye sum* – the gun is dangerous⁷⁰. This was a three-tiered approach for tackling the SALW problem in Ghana in February 2001. First, the new administration granted a general amnesty to all those with unregistered guns through a two-week moratorium to Ghanaians to hand in their guns without any punishment⁷¹. Secondly, a weapons-buy-back programme was initiated;⁷² and thirdly, punitive measures were instituted to forcibly collect unregistered firearms in private possession.

In **Kenya**, about 8000 small arms previously held in government stores. Some of these weapons had been confiscated from criminals, while others were handed over to the police voluntarily. In the first phase, 1000 weapons were destroyed at a public ceremony on March 16 2003. The British High Commission in Kenya donated two gun-shredding machines while UNDP and Friends of the Nairobi Declaration⁷³ provided the technical and financial assistance. In the second phase, about 7000 arms were destroyed. On the other hand the military took charge of destroying the landmines as per the Mine Ban Treaty.

⁶⁹ Interview with chief Inspector Yemaneh [ibid](#)

⁷⁰ This joint operation was led by Lt. Colonel Issa Awuni of the 5th Battalion and Commissioner Yaw Adu Gyimah of the Ghana Police Service. Yaw Adu Gyimah was eventually relieved of his post in late 2001 for allegedly operating armed robbery gangs and supplying these gangs with internal police operational details to evade arrest. Although there was immense public interest in the case, after initial information, the case has been removed from the public purview.

⁷¹ The extension of the initial two-week moratorium was related to the fact that few firearms had been handed in. The total success of this campaign is still in doubt as less than 1,000 of the conservatively estimated 40,000 illegal guns in circulation in Ghana were handed in.

⁷² The efficacy of weapons buy back programmes is contested. For a discussion of such programmes in other parts of West Africa, see Umar Hassan Abdallah, 2001. 'The Menace of the AK 47', *West Africa*, 2 – 8 April 2001, pp. 8-9.

⁷³ The Friends of the Nairobi Declaration consist of a number of key donor s who provide political and practical support to the Secretariat as well as financial assistance. The group was formed in response to an appeal from a Kenyan representative at the UN 2001 Small Arms conference. The group met for the first time in August 2002 and agreed that priority areas for action included recruitment of staff to the Nairobi Secretariat, the creation of NFP's to co-ordinate government policy and the development of National Action Plans.

Between 1997 and 1999, the Delta state governments in **Nigeria** (mainly governors) attempted to retrieve weapons by initiating some disarmament, demobilization and reintegration programmes (DDR) without much success. The Delta state government called on warring ethnic groups in the Niger Delta (Ijaw, Urhobo and Itsekiri) to surrender their arms without getting any positive response.⁷⁴ Subsequently, a peace plan was announced for the troubled Warri area, under which the state government under a new governor (James Ibori) was to offer cash, short-term vocational training and job opportunities to militant youths who surrendered their arms. This plan, which was greeted with skepticism by local leaders, was at best tenuous.⁷⁵

Again in the year 2000, the Federal Government of Nigeria took several measures towards tackling the problem of illicit circulation and proliferation of SALW in the country.⁷⁶ A step in this direction is the setting up of a 12-member National Committee on the Proliferation and Illicit Trafficking in Small Arms and Light Weapons (NCPTAW) in the country.⁷⁷ The Committee, among others, has the following terms of reference: Collation of the necessary information on the proliferation and illicit trafficking in small arms and light weapons within the country and the national borders; and recommend appropriate measures to deal with the problem and to oversee the implementation of decisions towards eradicating the menace.

In July 2001, the Federal Government of Nigeria carried out its first and so far only destruction of arms and ammunition seized by security agencies across the country. They comprised of 428 rifles, 494 imported pistols, 287 locally made pistols and 48 Dane guns⁷⁸. All these weapons were recovered 1998 and 2001 and it was valued at 50 million naira.

Subsequent efforts aimed at further destruction of weapons did not succeed. From January 2002 to June 2003, 1,902 assorted firearms and 13,271 rounds of ammunition were recovered but are still awaiting destruction⁷⁹ due to lack of funds and equipment. The 2001 arms destruction exercise involved the burial at sea of arms, a destruction method the government is reluctant to repeat for environmental reasons.⁸⁰

In Nigeria the responsibility of the destruction of arms as proposed in the Bamako Declaration has, however, been transferred from the NatCom to a committee within the Ministry of Defence given the technical and specialized nature of expertise needed for the exercise.⁸¹

In **Senegal**, the government proposed among other things to the control illicit arms by reinforcing the regulation regarding arms transfer and encouraging a more transparent trade in arms; fight against criminality and banditry; consolidate peace through disarmament, demobilisation and reintegration (DDR) programmes; and ensure international co-operation between producer states and consumer states (demand/supply) and putting into place collective regional and national programmes for the destruction of surplus weapons.⁸² In as much as government has outlined these laudable programmes, the realities of the illicit small arms trafficking and circulation in the country in the face of limited financial and material resources makes it difficult to implement these outlined programmes. Surplus and outdated military arms were however destroyed in April

⁷⁴Nnamdi Obasi, "Small Arms Proliferation and Disarmament in West Africa: Progress and Prospects of the ECOWAS Moratorium", (Abuja: Apophyl Productions, 2000)

⁷⁵ibid.

⁷⁶ibid., p. 81

⁷⁷ibid.

⁷⁸ibid.

⁷⁹ ibid. Letter by NatCom Chairman (ref CQ: 2400/B' DEPT/FHQ/ABJ/VOL.T/1) to the Permanent Mission of Nigeria to the UN, New York, dated 3 July, 2003.

⁸⁰ Ebo Adedeji, "Overview of Small Arms Implementation Structures in Nigeria", 2003, mimeo.

⁸¹ibid.

⁸² This programme was contained in the statement read at the UN Conference on Illicit Trade in Small Arms in July 2001 by Mr. Alioune Diagne (Head of Senegal Delegation to the UN Conference).

2003.⁸³ There are also indications that 8000 arms have been destroyed after the visit of President George Bush (USA) to Senegal in 2003. Lack of adequate financial resources, mentioned above is however hindering efforts to go beyond this achievement.⁸⁴

It has been established that if there is any capacity for weapons destruction it is within the military. It is only South Africa that such capacity exists within the police and the military. In South Africa the Operation Mouflon by the South African National Defence Force (SANDF) was the largest destruction of surplus state-owned small arms in sub-Saharan Africa. By the end of the operation in May 2001, more than 260,000 weapons had been destroyed and sold as scrap metal. Based on the criteria of transparency, safety and security, verification and accountability as well as cost-effectiveness the weapons were destroyed using the Fragmentiser method⁸⁵. On the other hand the South African Police Service's (SAPS) policy of destroying redundant, obsolete, seized or any other firearms that could not be classified as standard (including homemade weapons) rather than selling them on the second-hand market has been in recognition of the devastating impact of small arms/firearms on the South African society. The SAPS now have an ongoing policy and programme to destroy obsolete and redundant arms as well as illegal or confiscated weapons. This practice, while not unique, seems, in terms of its scale and duration to be one of the most comprehensive undertaken.

As early as 1998, the Department of Defence (DOD) had considered the need to destroy surplus, redundant, obsolete and confiscated small arms in its possession. The stocks earmarked for destruction were have been destroyed were mainly surplus R1 rifles but also included other weapons, such as AK-47s and AKMs and confiscated small calibre weapons up to, and including, 12.7mm.

In **Uganda** the disarmament exercise has mainly targeted the Karamoja region. For over four decades, the Karamoja region has been experiencing persistent insecurity, community unrest and instability. The intensity of the conflict in the Karamoja region has been attributed to the acquisition of modern weapons. The overall aim of the Karamoja disarmament exercise was to, stop armed Karimajong from terrorizing their neighbors within Uganda, Kenya and Sudan; stop inter-clan fighting within Karamoja and infiltration of arms; deploy UPDF, LDU's and vigilantes in strategic areas within Karamoja and along the borders to ensure protection of life and property; enlist support for peaceful disarmament of people at grassroot level through rigorous sensitization programs; co-operate with Kenya and Sudan in concurrent disarmament of the Turkana and Didinga; stop illegal trafficking of guns from Sudan/Kenya into Uganda; resettle and rehabilitate those who surrender guns and ensure socio-economic transformation of Karamoja; improve radio communication for effective dissemination of information and education; and, beef up police and the judiciary to ensure peace and administration of justice.⁸⁶

As it has been noted,

"[t]he acquisition and possession of these arms has escalated cattle raids, armed conflict and thuggery within Karamoja and neighboring areas. The un-checked gun trafficking from Sudan and Kenya has compounded and complicated the security situation and development efforts, impoverishing the region even more"⁸⁷

The exercise include the on-going Karamoja disarmament exercise, which has so far harvested close to 10,000⁸⁸ arms including SALW, and the Yumbe disarmament⁸⁹ exercise that has so far seen the collection of

⁸³ Ebo Adedeji, "Small Arms Control in West Africa" *West African Series* No. 1, 2003, section 6.13, p. 35

⁸⁴ MALAO representative resident in Dakar, Senegal, September 2003.

⁸⁵ Sarah Meek and Noel Stott, "Destroying Surplus Weapons: An Assessment of Experience in South Africa and Lesotho", UNIDIR and SAS, November 2003.

⁸⁶ Action for Development of Local Communities (ADOL), "Feasible, Participatory, Peaceful and Sustainable Disarmament of the Karamojong", Research and Workshop Report, October-November 2000 22

⁸⁷ ibid. p. 8.

⁸⁸ Interview with Nabudere, 18 November 2003

400 arms. The government in July 2002 with the aim of reducing insecurity in northern Uganda started these two exercises. These disarmament exercises have been wholly voluntary.

The exercise started from July 2000 and was to be concluded by July 2003. It was to run as follows: July to December 2000- sensitization, consensus building and registration of guns; January to December 2001- Local Defense Unit's program consensus building plus on-going registration and voluntary surrender of guns; January 2002 to December 2002- voluntary surrender of guns and strengthening of police, judiciary and local intelligence; and, January 2003 to July 2003- evaluation of the disarmament program with military action to contain resistance to disarmament.⁹⁰

According to Nabudere, as a way to induce the people holding illicit arms to give them up, the government has provided ox-ploughs and water wells, so that the people of Karamoja do not depend on cattle/nomadism alone.⁹¹ Many of the arms that have been collected in the exercise have been in good working conditions.

Sadly, the Karamoja disarmament exercise has not gone on smoothly. In many respects, it has achieved only limited success, according to Richard Nabudere. This has partly been due to two factors; first, the exercise has been interrupted by other security threats, particularly the frequent incursion of the Lords Resistance Army (LRA) rebels of Joseph Kony into the Teso region, which neighbors Karamoja. Secondly, the exercise was done unilaterally by Uganda. The problem of SALW in the Karamoja region is actually regional. Whereas Uganda embarked on the disarmament project in Karamoja, the anticipated disarming of the Turkana and Didinga by Kenya and Sudan, did not take place. As it has been aptly noted, "the Karamoja region is awash with guns that originate from the war in Sudan, northern Uganda and even far field in Somalia and Ethiopia.⁹² Thus for the disarmament to succeed, there need to be parallel/simultaneous disarmament exercises in all these countries. The net result of all this has been the re-arming of the Karimajong who had initially been disarmed.

Civil society groups have also been instrumental in coordinating voluntary surrender of arms in the on-going disarmament exercises in Uganda. According to Nabudere, CSO's working together with the police and civic leaders, helped in coordinating the recovery of 400 firearms in the district of Yumbe, in North West Uganda, through the program of voluntary surrender.⁹³

In addition, last year the government of Uganda launched Operation Wembley (now re-named Violent Crime Crack Unit-VCCU), to capture/confiscate all arms in illegal hands. Richard Nabudere estimates that up to now, over 10,000 arms have been netted.⁹⁴

In all the countries it is evident that some of the countries such as South Africa had thought of destruction long even before the Bamako Declaration. In others such as Kenya the information collected was not sufficient enough to enable us to conclude that they had been thinking of destruction before the Bamako declaration but what is clear is that security organs have storing recovered weapons. For those countries such Nigeria Ghana and Uganda who has attempted serious disarmament programmes success has been hampered by a number of a factors including poor planning and lack of regional approach. There is therefore

⁸⁹ Yumbe district is found in the West Nile region of Uganda. This district for a long time suffered from an insurgency perpetrated by the rebels of the Uganda National Rescue Front (UNRF II) of Ali Bamuze against the Museveni government. Many illegal guns found their way in the wrong hands. With the government of Museveni reaching a peace agreement with the UNRF II, a voluntary disarmament was started by the civil society groups, operating in the district to recover the illegally held guns

⁹⁰ Ibid. p. 20.

⁹¹ Op cit Interview with Richard Nabudere 17th December 2003.

⁹² Action for Development of Local Communities (ADOL), "Feasible, Participatory, Peaceful and Sustainable Disarmament of the Karamojong", Research and Workshop Report, October-November 2000 22

⁹³ Op cit Interview with Richard Nabudere.

⁹⁴ Ibid.

an on-going public discourse about the efficacy and effectiveness of disarmament exercise but it not the purpose of this paper to discuss that.

Bilateral Agreements and Co-operation

Paragraph 3A(ix) of the Bamako Declaration calls for the conclusion of binding agreements among signatory states and also calls for the strengthening of regional and continental co-operation. All the eight countries have entered into bilateral agreements on matters of security rather than small arms and light weapons alone. But whether these can be described as really binding elicits varied opinion among law scholars and academicians. There are a number of declarations and resolutions that make explicit on issues of small arms and light weapons⁹⁵. For example Nigeria, Ghana, and Senegal key instruments on SALW are the Moratorium of 1991 and the Protocol relating to the Mechanisms for Conflict Prevention in 2001. For Kenya, Uganda and Ethiopia it the Nairobi Declaration while for South Africa it is the SADC Protocol. Key instruments include Solemn Declaration on the Conference for Security, Stability, Development and Cooperation in Africa (CSSDCA), 10-12 July 2000, Lomé, Togo, paragraph 2, 9, 10 (h) and 14 (l); Algiers Declaration, 35th Ordinary Session of the Assembly of Heads of State and Government, 12-14 July 1999. Others small arms and light weapons can only be inferred. For Example, Ethiopia has signed bilateral agreements with the neighboring countries the Sudan, Kenya, Eritrea (which was in-effect until the war) and Djibouti on issues related with peace and security, extradition of criminals, and recently terrorism.

In **Ethiopia** there exist a well-established cooperation and joint activities and administrative as well as functional relationships between different security organs. These relationships includes among other things functional arrangement for information sharing where SALW are important component, joint training on basic police courses, and other operations. For instance, the federal police could usually dispose illicit firearms captured by the custom while the case will be taken up by the police and the justice bodies⁹⁶.

The last of joint meeting on issues pertinent to SALW was held from 21st –22nd October 2003, in Nairobi Kenya. It was organized by the Nairobi secretariat. Similarly there is an upcoming conference on SALW to be held in Djibouti in early 2004, where the focal person on SALW from Ethiopia is invited to share experiences from the conference.

On landmine there exists a number of regional agreements as in the case of small arms and light weapons. Including the MBT and the other supplementary protocols by the OAU/AU. *The 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine Ban Treaty) is the main one and the Plan of Action: OAU Resolution CM/Res 1593 (LXII) CM/Res.1628 (LXIII) - Resolution on the Revision of the 1980 United Nations Convention On Certain Conventional Weapons and Problems Posed by the Proliferation of Anti-Personnel Mines in Africa (1996) and the Plan of Action- Plan of Action of the First Continental Conference of African Experts on Landmines (1997)and the Maputo Declaration of the States Parties to the UN Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 7 May 1999, Par 6.*

Inter-agency collaboration at sub regional and regional levels is defined by both bilateral and multilateral agreements. It revolves around sharing and exchange of intelligence information among the formal security, military and paramilitary agencies in the fight against the illicit proliferation, circulation and trafficking of SALW. These include but are not limited to:

⁹⁵ Examples of explicit documents on small arms include the Bamako Declaration, the Nairobi Declaration The SADC protocol the ECOWAS Moratorium and the OAU Resolution CM/Res 363 (LXVI), CM/Res.1593 (LXII) and CM/Res. 1628 (LXIII) on landmines

⁹⁶ Op cit Interview with Chief Inspector, 24 January 2004.

Chapter X, Article 46 of ECOWAS 1999: Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security Abuja: Executive Secretariat, December
 ECOWAS: Moratorium banning the Export, Import and Manufacture of Small Arms and Light Weapons. This voluntary, non-binding Moratorium has developed a Code of Conduct for the Implementation of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons for ECOWAS's 15 member states, See Official Journal of ECOWAS, Vol. 37, December 1999. As part of the processes for controlling SALW Decision A/DEC.13/12/99 Establishing National Commissions for the Control of the Proliferation and Illicit Circulation of Light Weapons has also been adopted;

ECOWAS, 2001: ECOWAS initial Plan of Action against Trafficking in Persons (2002 – 2003). Dakar: Executive Secretariat. December;

ECOWAS Convention A/P1/7/92 on Mutual Assistance in Criminal Matters and also ECOWAS Convention A/P1/8/94 on Extradition;

Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children;

ECOWAS: C/REG.19/12/99 Approving the United Nations International Drugs Control Programme (UNDCP) Priority Programme of Assistance to Member States of ECOWAS for the War Against Drugs in West Africa (2000 – 2004);

United Nations Convention against Transnational Organised Crime: ECOWAS: DECISION/A/DEC.8/10/98 on the Establishment of a regional fund for financing drug control activities in West Africa, which seeks to establish an ECODRUG-Fund 'for financing drug control activities in West Africa', Article 1;

Article 3 (I) to (iii) in ECOWAS Decision A/DEC.9/12/99 Establishing an Inter-Governmental Action Group against Money Laundering in West Africa. The duties of this inter-governmental group were to: (a) combat the laundering of the proceeds of criminal activity; (b) ensure the harmonized and concerted introduction of appropriate measures to combat money laundering; (c) evaluate progress and effectiveness of the measures adopted. Also, ECOWAS, 1999, op cit, Article 49: For the time being, an Intergovernmental Action Group against Money Laundering (GIABA, Dakar) is in existence to help member states develop the legal and institutional framework and control systems to fight these offences;

ECOWAS: Protocol A/P3/12/01 on the Fight against Corruption. Dakar: Executive Secretariat, December 2001. Its aims and objectives are to: (a) promote and strengthen the development in each of the State Parties effective mechanisms to prevent, suppress and eradicate corruption; (b) intensify and revitalize cooperation between State Parties, with a view to making anti-corruption measures more effective; (c) promote the harmonization and coordination of national anti-corruption laws and policies. Article 5 (e) states that Members states shall endeavour to establish and consolidate 'participation of civil society and Non-governmental Organizations (NGOs) in efforts to prevent and detect acts of corruption'.

In West Africa, similar agreements have incorporated elements of strengthening co-operation. In this regard training to strengthen cooperation has taken place at relevant institution within the region such as the National War College, Abuja, Nigeria, The Command and Staff College, Teshie, Ghana and at the Kofi Annan International Peacekeeping Training Centre (KAIPTC). Common exercises in detection and destruction have taken place during Operation Kompeingha and Operation Korza⁹⁷

South Africa has participated in a number of regional initiatives, including and most importantly, the development of the SADC Protocol on Firearms, Ammunition and Other Related Materials⁹⁸, which was signed in August 2001. South Africa actively participated in the SADC Committee on Small Arms and Light Weapons during 2000 in order to obtain agreement on the Protocol. The Protocol was tabled in the South Africa Parliament in December 2002 and ratified in March 2003.

⁹⁷ These are ECOWAS joint military operations for collective action as and when the need arises.

⁹⁸ Present member states of SADC are Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The Seychelles indicated in August 2003 that it is in the process of leaving the sub-regional body.

South Africa is a member of the Southern Africa Regional Police Chiefs Cooperation Organisation (SARPPCO).⁹⁹ SARPPCO was established in 1995 to co-ordinate work between the police on issues that were undermining security and stability in the sub region. A legal framework for cooperation—*Agreement in Respect of Cooperation and Mutual Assistance in the Field of Crime Combating*—entered into force in July 1999. It provides a forum for sub-regional collaboration on issues that fall entirely or partly beyond the remit of the defense departments of southern African states, it has been largely attributed, by such as crime prevention and illicit trafficking. The SADC Council of Ministers as the implementation agency has also mandated SARPPCO for the SADC Policy on Small Arms and Cross Border Crime Prevention as well as for the implementation of the SADC Protocol.

This agreement has facilitated the SAPS' co-operating with neighbouring countries and its participation in various regional forums. These include, quarterly workshops with Swaziland and Mozambique, and with Lesotho. The Border Police are represented on five bi- or tri-lateral forums with neighbouring countries, and have entered into close co-operation with both Interpol and the Legislation Committee for Border Control.¹⁰⁰

Joint operations to combat motor vehicle theft, trafficking in drugs and the proliferation of small arms and light weapons usually occur in phases allowing all Southern African countries to be covered over time. For example, during 2002, "Operation Mangochi" targeted motor vehicle theft and trafficking in drugs and firearms between Namibia, Botswana, Zimbabwe, Lesotho, Swaziland and Mozambique, while "Operation Scorpion" covered Angola and Namibia. Operations "Green Mamba" and "Katse" focused on the tracing of illicit firearms in Swaziland and Lesotho respectively.¹⁰¹

Perhaps the most well known instance of co-operation between South Africa and another southern African country is "Operations Rachel". Operation Rachel is the joint initiative with the Mozambican government to collect and destroy arms caches remaining from the latter country's liberation and civil wars. Between 1995 and 2002, eight operations comprised of some 19 missions have been undertaken. There was one operation each in 1995, 1996, 1997, 1998; four in 1999; seven in 2000; two in 2001; and, two in 2002. The following areas of Mozambique have so far been covered: Cabo Delgado; Massingir; Maputo; Gaza; Sofala; Zambezia; Ponto d'Ouro; and, Nampula. The types of weapons collected have included: Firearms; Ammunition; Rockets; Launches; Cannons; Landmines (anti-personnel and anti-vehicle); Mortars; Grenades; and, Detonators and Fuses. According to President Thabo Mbeki, since 1995, more than 1000 tons of small arms, landmines and other unexploded devices have been destroyed.¹⁰²

Through Operation Qeto, South Africa assisted the Kingdom of Lesotho with the ability to destroy surplus small arms stock. The aim of Operation Qeto was to destroy excess and redundant weapons in the stores of the Lesotho Defence Force (LDF). At Lesotho's request, the SANDF provided technical assistance to the LDF and helped facilitate the South Africa-based elements of the operation, including escorting the shipment from the border with Lesotho to Johannesburg, obtaining the necessary import certificates and working with the US Embassy in Pretoria to secure funding for the operation. While South Africa assisted the LDF with the planning of the weapons destruction and provided the necessary infrastructure, the Operation enabled the LDF to manage and execute the destruction on their own. 3,843 weapons inventoried at the LDF

⁹⁹ The twelve member countries of SARPPCO are: Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe.

¹⁰⁰ See, Anthony Minnaar, "Policing the Ports: Reducing Illicit Trafficking in South Africa", Institute for Security Studies Monograph No 84, May 2003, p. 24.

¹⁰¹ Interview with Senior Superintendent Stan Joubert, Illegal Firearms and Selected Operations, South African Police Service, 10 February 2004.

¹⁰² Thabo Mbeki, Address to the Assembly of the Republic of Mozambique, Maputo, 2 May 2002.

headquarters in Maseru (and the additional components that gave a destruction total of 4,240) were destroyed on 16 November 2001.¹⁰³

Through operations such as Operations Rachel, the SAPS has been able to transfer intelligence-gathering skills and weapon destruction technical know-how to the Mozambique Police Service (PRM). This collaboration between the two police forces has enabled the PRM to develop an indigenous capacity to carry out this work, although it is still carried out jointly.

In 2002, Permanent Co-ordinating Committee of SARPCCO requested the SAPS to design a training curriculum and course and to develop Standard Operating Procedures (SOPS) for cross-border operations and weapon destruction programmes for member countries. The training material consists of a number of modules covering: International and regional protocols and agreements; planning cross border operations; firearm destruction operations; identification and safe handling of munitions and explosive devices; air support; utilisation of global positioning systems; mine detectors, lifting arms caches; information management. The material is presently being tested through pilot courses.¹⁰⁴

Co-operation among the East African states has remained adhoc for the past years. It only now that something is being done in this area. After the signing of the Nairobi Declaration it is apparent that different national laws on small arms and light weapons among State parties to the Nairobi Declaration may be an obstacle to collective tackling of the problem. Therefore to promote legal uniformity and set minimum standards to govern all aspects of small arms and light weapons EAPCCO was mandated to examine the issue. As a consequence, the Secretariat is working with the Sub-regional Police Chiefs Organisation are working towards setting out minimum standards regarding manufacture, marking, import, export transit and stockpiling, as well as provisions relating to weapons collection and destruction, police co-operation, information exchange and awareness raising. EAPCCO has drafted the Regional Common Protocol on Small Arms, which scheduled to be signed on 15 March 2004 to coincide with the 4th Anniversary of the Nairobi Declaration. Once the Protocol is signed it will provide a framework for such co-operation. Already the Protocol has received the endorsement of the EAPCCO legal sub committee and the Permanent Co-ordinating Committee.

It has emerged the inter agency collaboration which are governed both by ECOWAS and other international regulations appears to be more established in West Africa and Southern Africa than in Eastern Africa. In West Africa ECOWAS is the driving force while in Southern Africa South Africa is playing a key role in facilitating some of the objectives. In the former the donors through the ECOWAS are initiating and facilitating the bulk of the inter collaboration among security agencies. It was also quite clear that inter regional co-operation for example between the Horn of Africa and West Africa or between Southern Africa and West Africa is minimal if any. The information collected did not reveal any meaningful collaboration between sub-regions in Africa.

Develop and Implement Public Awareness Programmes

This obligation is contained in paragraph 3A(v) of the Bamako Declaration under the national measures on the problem of the proliferation and illicit trafficking of small arms and light weapons. In the eight countries that have been reviewed both state and non-state actors have been on the forefront in raising awareness on the negative effects of illegal possession and use of small arms and light weapons. Through workshops and conferences, representatives from government and civil society organisations have continued to keep the

¹⁰³ Sarah Meek and Noel Stott, "Destroying Surplus Weapons: An Assessment of Experience in South Africa and Lesotho", UNIDIR and SAS, November 2003.

¹⁰⁴ Interview with Senior Superintendent Stan Joubert, Illegal Firearms and Selected Operations, South African Police Service, 10 February 2004.

different aspects of small arms and light weapons problem alive on the local, national, regional and international agenda. In almost all the countries, the national co-ordinating agencies uses not only the print media but also places posters at strategic places such as bus stations calling on the public to volunteer information that will help apprehend suspects using or in possession of illegal arms. For example, the Nairobi Secretariat and the Kenya National Focal Point have held workshops and conferences in this regard¹⁰⁵. The Secretariat has launched a Newsletter 'Progress' as a means of public awareness raising and disseminating information. So far three editions have been published. The Secretariat, together with the Kenya National Focal Point also supported the awareness raising activities to the run up to the public burning of the recovered arms in Nairobi in March 2003.

Civil society organisations including international organisations have either single or collectively through networks such as the EAANSA, KANSA (Kenya) and UANSA (Uganda) sponsored radio/TV programmes on the subject. In Kenya this was evident during to the run up to the commemoration of the third anniversary of the Nairobi Declaration. Beyond meetings, civil society organisations and institutions in the region are undertaking specific research aimed at not only establishing the nature and magnitude of the problem but also at informing policy formulation. In Senegal, we have Movement Against Small Arms Control in West Africa (MALAO). In Nigeria, the Africa Strategic and Peace Research Group (AFSTRAG) organised several public awareness events to mark the 2003 small arms week of action. The Federal Police in Ethiopia has maintained different programmes aiming at raising public awareness as well as creating close collaboration between police and the general public. It has a weekly Television and radio programmes which touches up on issues related with its activities, mainly crime, peace and security. Although specific programme addressing the issues of SALW is not inculcated, these issues came out as a common agenda for discussion as they closely intertwined with crimes and other violent actions dealt with in these programmes. Besides, there are special workshops and seminars held at the locality level to teach the society on the negative consequences of illegal possession and use of SALW as well as to discuss other problems identified by the communities. Likewise, the September 2002 Conference on SALW held at the Sheraton Hotel has gone beyond discussing SALW-related problems to identify focal point on SALW in the country¹⁰⁶.

In South Africa development and implementation of public awareness programmes on SALW falls under South Africa's fourth pillar¹⁰⁷, the *Prevention of Crime and Violence through Awareness and Social Crime Prevention Partnerships*. One way to achieve greater public awareness is through the provision for firearm-free zones (FFZs)

Section 140 of the Firearms Control Act makes provision for firearm-free zones (FFZs) to be declared. A SAPS pilot project in terms of which some schools were declared firearm-free zones was launched in May 2001. While the project ended in June 2002 with 27 schools establishing themselves as FFZs, additional applications are currently being processed. The Regulations to the Act will also pave the way for the declaration of more FFZs.

¹⁰⁵ For example, between 10-11 December 2000 the state parties organised an experts meeting which discussed specific issues in regard to establishment of National Points the adoption of the a legal Protocol on small arms control and responsibility in management of stockpiles of small arms and light weapons and collection and destruction of surplus small arms and light weapons. Between 7th and 8th August 2002, the First Ministerial Review Conference was organised in Nairobi, Kenya during which states reaffirmed their commitments to the implementation of the various declarations on small arms and light weapons. Between 26-27 November 2003 a regional parliamentary conference on the problem of the proliferation of small arms and light weapons in the Great Lakes region and the Horn of Africa was held in Mombasa, Kenya, organised jointly with UNDP and Association of European Parliamentarians for Africa (AWEPA)

¹⁰⁶ op cit P.4 Woldegebrielle Beyene,

¹⁰⁷ In 2001/2002, SAPS developed a Firearm Strategy that has five pillars to eradicate the proliferation of firearms for use in crime and violence in South Africa and to guide its programmes in Southern Africa. The pillars are to facilitate the smooth implementation of the Strategy

ECOWAS, SADC, Inter-governmental Authority on Development (IGAD) and East African Community (EAC), have also undertaken activities aimed at publicizing the negative effects of illicit proliferation and use of small arms. In fact IGAD through the Conflict Early Warning Response Mechanism (CEWARN) has started a pilot project targeting Karamoja and Wajir clusters¹⁰⁸. The two clusters are adversely affected by illicit proliferation and use of small arms in the Horn Africa sub-region. The purpose of CEWARN is to collect information and to identify early warning signs within the pastoral clusters with an aim of designing appropriate intervention mechanisms.

In raising awareness on mines among the countries surveyed it appears that Uganda is several steps ahead. Through the Mine Risk Education (MRE) and with collaboration with the Canadian physicians for Aid and Relief (CPAR)-Uganda, International Physicians for the Prevention of Nuclear War (IPPNW-Uganda), *Associazione Volontari per il Servizio Internazionale* (AVSI), Ministry of Health Disability Department, the Uganda Peoples Defence Forces UPDF, District Local Councils and other NGOs among others have been on the forefront in awareness raising. By the year 2002, it is estimated there were 1,778 MRE community educators in the districts of Kasese, Pader, Kitgum and Gulu. These consisted of 153 sub-county level educators, 715 primary school teachers and 620 among others.¹⁰⁹ Radio programs on MRE are being carried, in addition to two drama groups being formed in Paicho and Awach sub-counties of Gulu district. The purpose is to carry out MRE through drama, songs and dance in camps, schools and public places.¹¹⁰ It has however emerged that there are no sustained public awareness programmes by either the government or other stakeholders on small arms and light weapons. Instead most of them are short-term activities geared towards a specific function such as commemorating a specific event thereafter public awareness activities become low keyed.

The actions of civil society and international organisations are to raise understanding on the Nairobi Declaration and also lobby government to implement the resolutions therein.

¹⁰⁸ The Karamoja cluster consists of parts of north-western Kenya, north-eastern Uganda, Southern Sudan and parts of south-western Ethiopia, while the Wajir cluster covers the region that borders North-eastern Kenya, north-west Somalia and parts of South-East Ethiopia

¹⁰⁹ *Ibid.*

¹¹⁰ *Op cit* Interview with Richard Nabudere, 18th November 2003.

Mine Ban Treaty

The 1997 Convention on Prohibition of the Use, Stockpiling Production and Transfer of Anti-Personnel Mines and Landmines and on their Destruction

Landmines are generally considered as weapons of mass destruction in slow motion and have had devastating impact on the lives of innocent civilians the world over. There is an estimated 110 million anti-personnel mines in the ground around the world and another 100 million in stockpiles and between 5 and 10 million more mines are produced each year.¹¹¹ It is also estimated that one hundred million uncleared landmines lie in the fields and alongside the roads and footpaths of one-third of the countries in the developing world.¹¹² Again, over 70 people are killed or injured by anti-personnel mines each day and claims 500 victims a week.¹¹³

The Mine Ban Treaty calls on states to sign, ratify, and cease to use, develop, produce, otherwise acquire, stockpile, retain and transfer of land mines. To date 141 state parties and 9 countries have signed but not ratified the Mine Ban treaty.

Even though **Ethiopia** has voted in support of UN General Assembly Resolutions promoting universalisation and implementation of the Mine Ban Treaty, it has only signed (on 3 December 1997) but has not yet ratified the Mine Ban Treaty.

Ethiopia has landmine problems stemming from the Second World War, border disputes with Somalia and Sudan, and more recently from the 1998-2000 war with Eritrea. In its attempt to forcefully occupy Ethiopian territory, the Eritrean regime had massively used anti-personnel landmines in the area along the two countries long boundaries, which covers more than ten thousand square kilometers. Hence, the Government of Ethiopia has fully recognized the gravity of the problem of landmines and unexploded ordinances. Thus, it has identified mine action as one of the priority areas to ensure the safe return of displaced population and refugees and to make wasted agricultural lands usable. In this regard, from February 1999 to August 2000 the Ethiopian Demining Project that is Currently in operation within the country has cleared 261,244 anti-personnel landmines and 13,013 anti-tank mines¹¹⁴.

Against the downside of widespread landmines fields in the Northern and Eastern parts of the country, in February 2001 the Government of Ethiopia together with UNDP's technical assistance team have established a Mine Action Office and a demining training center as part of a national mine action framework. These mechanisms are responsible for demining operations, creating the necessary awareness about the damages that could be caused by landmines, coordinating national efforts in dealing with the problem and formulating integrated mine action programs in order to facilitate smooth cooperation with partners¹¹⁵.

It should be noted that Ethiopia was among one of the first countries to sign the Ottawa Treaty. In his statement at the third meeting on landmine in Managua, Mr. Meheret Getahoun (Head of the Ethiopian Delegation) stated that there is a need to clarify the misconception and clearly put it for the record, that even though Ethiopia has yet to ratify the treaty, it has been practically implementing the provisions and objectives of the treaty, by clearing, not transferring and not planting landmines. He further affirmed that Ethiopia would

¹¹¹See <http://members.iinet.net.au/~pictim/mines/history.html> accessed on 20-01-04

¹¹² *Ibid.*

¹¹³ *Ibid.*

¹¹⁴ Statement; Mr. Meheret Getahoun (Head of the Ethiopian Delegation) Third Meeting of the States Parties to the Convention On the Prohibition of the use, stockpiling, production and Transfer of Anti-Personnel Mines & on their Destruction held in Managua, Nicaragua, 19 September 2001.

¹¹⁵ *Ibid.*

stand ready to ratify the Treaty when those states in question in our sub region are willing to adhere to the international legal norms that ban the use of anti-personnel landmines¹¹⁶.

By January 2003, it had cleared 396,555 square meters of land in Tigray, destroying 132 antipersonnel landmines, 12 antivehicle mines and 251 UXO¹¹⁷. A national Landmine Impact Survey is due to be completed in October 2003¹¹⁸. In 2002, mine risk education reached 301,372 people¹¹⁹.

Ethiopia has stated that it does not produce antipersonnel mines, and has not imported antipersonnel mines since the overthrow of the Mengistu regime in 1991¹²⁰.

In 2002, 67 new landmine/UXO casualties were reported. Casualties continue to be reported in the Tigray region in 2003, with three persons killed and thirteen injured in mine and UXO incidents as of the end of May.¹²¹

Ghana signed the Mine Ban Treaty on 4 December 1997 and deposited its instrument of ratification on 30 June 2000. The treaty came into force for Ghana on 1 December 2000.

Ghana has not submitted its first Article 7 transparency report as expected by 30 May 2001. Ghana also did not participate in the second Meeting of State Parties in September 2000 but attended the May 2001 meetings.¹²² Ghana was also a part of the Bamako Seminar on Universalization and Implementation of Mine Ban Treaty in Africa, held in Mali from the 15 February to 16 February 2001. It voted for the November 2000 UN General Assembly resolution supporting the Mine Ban Treaty.

Ghana has never produced or exported antipersonnel mines and from military sources, Ghana does not have stockpiles of mines.¹²³ Landmines have not been a problem in the country.

Kenya signed the Mine Ban Treaty on 5 December 1997 and ratified on 23 1 2001. The Treaty entered into force for Kenya on 1 July 2001. Kenya submitted its initial Article 7 transparency report on 27 December 2001 covering the period from 28 January 2001 to 28 December 2001. It submitted its first annual update on 15 May 2002 covering the period 29 December 2001 to 30 April 2002. Kenya has not produced nor exported landmines¹²⁴.

Kenya has destroyed its entire stock of anti-personnel mines two years ahead of its own set deadline. The country had set July 1, 2005 as the date by which it intended to have destroyed all its mine stockpiles. It has completed the destruction of 35,774 mines stock in the months of August 2003 in 'controlled and environmentally friendly detonation'. It is apparent that out of 38,774 that it had declared the country has

¹¹⁶ *ibid*

¹¹⁷ Interview with Teklewold Mengesha, EMAO, 30 January 2003.

¹¹⁸ UN, "Portfolio of Mine-Related Projects 2003," October 2002.

¹¹⁹ Interview with Temesgen Abraha, Mekelle, 15 January 2003.

¹²⁰ Landmine Monitor Report 2002, p. 549.

¹²¹ International Campaign to Ban Landmines (ICBL), *Landmine Monitor Report 2003: Towards a Mine-Free World*, Human Rights Watch, Washington, 2003, p. 519.

¹²² See <http://www.icbl.org/lm/2001/ghana>, accessed on 9-1-04.

¹²³ *ibid*.

¹²⁴ For more on this see; Land Mines Monitor, Reports 2001, 2002 and 2003

retained 3000 as per Article 3 of the treaty¹²⁵. The report also indicated that Kenya submits a timely and regular annual progress report to the UN General Secretary as required under Article 7 State Parties¹²⁶. This commitment reflects a shared view that transparency and co-operation are essential to the successful elimination of anti-personnel mines. Kenya will host the First Review Conference from 29 November–3 December 2004 in Nairobi.

Nigeria is not listed among the estimated 26 African countries that suffer from some level of mine contamination.¹²⁷ Nigeria signed its instrument of accession to the Mine Ban Treaty on 23 July 2001 and Nigeria formally deposited the instrument with the United Nations on 27 September 2001. The treaty entered into force for Nigeria on 1 March 2002.¹²⁸

Although Nigeria has as yet not submitted its required annual report to the United Nations, the country has shown some commitment in the area of global action against the use of landmine. The International Committee of the Red Cross, in collaboration with ECOWAS, organized a “Conference on Arms and International Humanitarian Law: the Convention on Conventional Weapons(CCW) and the Ottawa Treaty,” in Abuja from 10 and 11 October 2001, which was attended by fourteen countries of the region.¹²⁹ Nigeria also co-sponsored and voted in favor of UN General Assembly Resolution 56/24M on 29 November 2001, calling for the full implementation of the Mine Ban Treaty.¹³⁰ Similar initiative was demonstrated the following year where on 22 November 2002, Nigeria again voted in favor of UN General Assembly Resolution 57/74 calling for the universalization and implementation of the Mine Ban Treaty.¹³¹ In its statement to the First Committee, Nigeria’s delegation stated the government’s “total commitment” to the elimination of landmines.

Nigeria did not, however attend the Third Meeting of State Parties in September 2001 in Managua, Nicaragua¹³² but it attended the Fourth Meeting of States Parties in September 2002 and participated in intersessional Standing Committee meetings in February and May 2003.¹³³ Nigeria is also not a signatory to the CCW and did not participate in the third annual meeting of States Parties to Amended Protocol II or the Second CCW Review Conference in December 2001 in Geneva. The Nigerian government however expressed its support for the CCW stating that the CCW is “an indispensable complement to the prohibition of antipersonnel mines and we should, therefore, consider the two treaties together,” noting that “antipersonnel mines are not the only weapon or ammunition that creates unimaginable suffering”.¹³⁴ Nigeria’s initial Article 7 transparency report was due on 28 August 2002 but as at July 2003, it had not been deposited with the UN. Nigeria has not offered an explanation for its failure to meet this treaty obligation.¹³⁵

On production, transfer, stockpiling and use, Nigeria is not known to have ever produced or exported antipersonnel mines. The government stated that it has not acquired or used antipersonnel mines since the

¹²⁵ Article 3 states that the amount of retained mines ‘shall not exceed the minimum number absolutely necessary’. It allows State parties to retain or transfer a number of mines for development of and training in mine detection mine clearance, or mine destruction techniques.

¹²⁶ This contained in a speech read by Kenya’s Assistant Minister for National Security, Mr Stephen Tarus while addressing a conference on landmine eradication in Bangkok, Thailand on 18 September 2003, Daily Nation Newspaper, September 19, 2003,

¹²⁷ Ethiopia, Eritrea, Kenya and Senegal are the countries listed among the 8 countries under consideration. See <http://members.iinet.net.au/~pictim/mines/history.html>.

¹²⁸ <http://www.icbl.org/lm/2002/nigeria.html>

¹²⁹ *Ibid.*

¹³⁰ *Ibid.*

¹³¹ Landmine Monitor Report 2003 at <http://www.icbl.org/lm/2003/Nigeria.html#fn2865>

¹³² Landmine Monitor Report 2002

¹³³ *Op. Cit* See <http://members.iinet.net.au/~pictim/mines/history.html> accessed on 20-01-04.

¹³⁴ Address by the Minister of State for Defense (Navy), Abuja, Nigeria, 10-11 October 2001. Also see

<http://www.icbl.org/lm/2002/Nigeria.html#fn2630>.

¹³⁵ Landmine Monitor Report 2003.

1967-1970 Biafra Civil.¹³⁶ On the contrary, however, slides presented to States Parties in May 2002 indicates that Nigeria still had antipersonnel mines in stock.¹³⁷ The recent development in January 2002, the day after the explosions at the Lagos Ammunition Transit Depot, raised doubts in terms of Nigeria's status regarding landmines in the country. A young man was reportedly injured after stepping on a landmine at the scene.¹³⁸

It can thus be stated that though Nigeria remains committed to the ban against landmines and its effect on lives of innocent individuals, it still has traits and may possibly have some remnants of landmines used in the 1967-1970 Biafra Civil War. This makes Nigeria's status on stockpiling or use of antipersonnel landmines unknown.

Senegal signed the Mine Ban Treaty on 3 December 1997, ratified it on 24 September 1998 and became a State Party on 1 March 1999. Senegal is also party to Amended Protocol II of the CCW. Senegal has not as yet enacted national domestic legislation outlawing anti-personnel landmines.

The use of landmines in Senegal has come about largely as a result of the conflict between the Senegalese government and the secessionist group, the Movement of Democratic Forces of Casamance (MFDC). Although both the government and the MFDC claim to have ceased the use of mines, they remain a problem not only killing or maiming but also affecting the agricultural, transport and tourism sectors of the economy. A study conducted by Handicap International (HI) in 2002 in the Deattacounda district of Casamance – where landmines are believed to be most prevalent – revealed that 70% of those interviewed indicated that their movement was restricted because of landmines.¹³⁹ In 2000, 57 casualties were reported, 56 in 2001, in 2002, at least 48 new mine casualties were documented and from January to June 2003, three people were killed and 12 injured.¹⁴⁰

The major areas affected by landmines are the Ziguinchor Region, in the departments of Ziguinchor, Oussouya, Blgneria and Kolda Region.¹⁴¹

On the production, transfer, stockpiling and use of landmines, Senegalese government officials stated that the country has never produced, transferred, stockpiled or used antipersonnel mines.¹⁴² Government officials believe the MFDC rebels lay these mines.¹⁴³ Abbot Diamacoune Senghor, the historic leader of MFDC, denied that his organisation had systematically used mines but acknowledged that MFDC combatants, in

¹³⁶ Landmine Monitor Report 2001, pp. 256-257. Nigeria denied allegations that its ECOWAS troops used mines in the 1990s in Liberia and Sierra Leone. See Landmine Monitor Report 1999, p. 203. In February 2001 the Chief of Operations of the Nigerian Army stated that most Nigerian antipersonnel mines were used up in the war while remaining stocks were destroyed shortly thereafter. He reiterated that no antipersonnel mines are kept for training or development purposes. See Landmine Report 2002 at <http://www.icbl.org/lm/2002/Nigeria.html#fn2630>.

¹³⁷ See <http://www.icbl.org/lm/2002/Nigeria.html#fn2630>.

¹³⁸ "Today in the Nigerian Papers," P.M. News, 29 January 2002; see also Landmine Monitor Report 2002, p. 386 or <http://www.icbl.org/lm/2003/Nigeria.html#fn2865>.

¹³⁹ http://www.mineaction.org/sp/countries/countries_overview.cfm?country_id=Senegal, p. 2. [Accessed on 09-01-04].

¹⁴⁰ See the various annual Landmine Monitor reports of the International Campaign to Ban Landmines (ICBL), for example, *Landmine Monitor Report 2003: Towards a Mine-Free World*, Human Rights Watch, Washington, 2003.

¹⁴¹ Contained in the Senegalese government annual report submitted under Article 7 of the Mine Ban Treaty to the **United Nations**.

¹⁴² Interview with Col. Abdoulaye Aziz Ndaw, Dakar, 8 January 2001 contained in Senegal Landmine report at <http://www.icbl.org/lm/2001/senegal/>, p.2 accessed 9-1-04. Also see Landmine Monitor Report 2000, p. 97.

¹⁴³ The Commander of Légion at the Ziguinchor Gendarmerie, Lt. Col. Tabasky Diouf accused the rebels of laying new mines after attacking some villages. This he believes is part of their runaway strategy. See <http://www.icbl.org/lm/2001/senegal/>, p. 2.

some uncontrolled circumstances, may have laid mines.¹⁴⁴ It has been estimated that anti-vehicle mines caused a total of 43 of the 57 mines incidents.¹⁴⁵

Efforts are, however, underway by the Senegalese government to tackle the landmines problem. In the Banjul Declaration of 26 December 1999, the government of Senegal and the MFDC committed themselves not to use antipersonnel landmines in future.¹⁴⁶ An Army Engineers Demining and Reconstruction Project is under consideration and the cost is estimated at 9 billion French CFA (US\$ 12.3 million).¹⁴⁷ There is also a key donor interest in finding a solution to the problem. The European Union (EU) and the Belgian Cooperation are prepared to join the mine action funding.¹⁴⁸ Government's action in this area is, however, considered as being very slow.¹⁴⁹

In addition to this anticipated programme, military engineers under a mine clearance and mine awareness programme conducted some military mine clearance in the western part of Casamance¹⁵⁰. In this exercise, which took place on the 24, 30 and 31 December 2000, three antivehicle mines were cleared while the army also assists in victims rescue operations after mine explosions.¹⁵¹ HI has also contributed in the creation of "village mine committees" trained to provide mine awareness to children as a part of the regular school curriculum.

South Africa, while it is not considered mine-affected, has had some landmine incidents especially during the liberation struggle.¹⁵² Apartheid South African state security forces sometimes placed mines on suspected African National Congress (ANC) infiltration routes and the ANC occasionally also laid mines on farm roads. It has been claimed that in the past South Africa was the largest African producer and exporter of landmines.¹⁵³ South Africa's mines have been found in Angola, Mozambique, Namibia, Zambia and Zimbabwe and exported further a field to Cambodia, Rwanda and Somalia. Mines have been used in South Africa, though not extensively.

South Africa is a past producer and exporter of anti-personnel mines. However, it no longer has an anti-personnel landmine production capability. Destruction of its stockpile of mines was completed by October 1998. The country retains a limited number of anti-personnel mines for the training of soldiers to deal with anti-personnel mine threats during peacekeeping operations, as well as for the development of effective demining equipment, demining research purposes and military/civilian education purposes as provided for under Article 3 of the Mine Ban Treaty. South Africa was the third country to sign the 1997 Mine Ban Treaty on 3 December 1997. It ratified on 26 June 1998, and the treaty entered into force on 1 March 1999. Today, South Africa plays a leading role in efforts to universalise the MBT in Africa and actively participates in the inter-sessional work program and the various Standing Committees and the annual meeting of States Parties to the Mine Ban Treaty. South Africa has co-sponsored and voted in favour of all UNGA resolutions relating to the banning and clearance of landmines including those calling for the universalisation and implementation

¹⁴⁴ Interview with Abbot Augustin Dimacoune Senghor, leader of the MFDC movement, Zinguichor, 11 January 2001 at <http://www.icbl.org/lm/2001/senegal/>, p. 2.

¹⁴⁵ <http://www.icbl.org/lm/2001/senegal/>, p. 2.

¹⁴⁶ See *Landmine Monitor Report*, 2000, p. 98.

¹⁴⁷ *Op. cit.*, p. 3. Handicap International Report "Les Victimes des Mines en Casamance", November 2000.

¹⁴⁸ *Ibid.*, p. 3.

¹⁴⁹ *Ibid.*

¹⁵⁰ International Campaign to Ban Landmines (ICBL), *Landmine Monitor Report 2003: Towards a Mine-Free World*, Human Rights Watch, Washington, 2003, p. 417

¹⁵¹ *Ibid.*, p. 4.

¹⁵² Richard Sherman & Noel Stott, The Southern African Development Community and the Landmine Ban Treaty, *African Security Review* Vol. 9 No 5/6, 2000.

¹⁵³ See Alex Vines, "Still Killing: Landmines in Southern Africa", London: Human Rights Watch, 1997.

of the Convention. An Anti-Personnel Mines Prohibition Act was approved by both Houses of Parliament in 2003 and is presently awaiting signature by President Mbeki before being gazetted into law.

Of the eight countries included in this study, South Africa is the only country with the capacity to undertake demining. It is actually emerging as a leader in the field of mine clearance equipment and believes that it possesses leading demining technology and expertise as well as medical capability and experience to assist mine victims. Mechem, a specialized engineering division/subsidiary of South Africa's state-owned arms giant Denel has since 1991 been contracted by both UN and private organisations to demine mine-affected areas all over the world.¹⁵⁴

Uganda has embarked on the systematic destruction of some of the illicit weapons that have been either voluntarily or forcefully captured. These include landmines and anti-personnel mines that have been in the custody of the state. Being a state party to the Mines Ban Treaty, Uganda is under obligation to destroy its land mine stocks in line with this instrument. Uganda signed the Mines Ban Treaty on 3^d December 1997, ratified it on 25th February 1999, and the Treaty into force on 1st August 1999.¹⁵⁵ Uganda also voted in support of UN General Assembly Resolution 57/74 in November 2002, promoting universalization and implementation of the Mines Ban Treaty.¹⁵⁶

As per the obligations of the Mines Ban Treaty, Uganda declared that it had a stockpile of 6.782 mines, of which it would destroy 4.382 while the balance of 2.400 would be retained for training purposes.¹⁵⁷ However by May 2003, the landmine stocks for destruction had increased with the capture of additional mines from the rebels that have been fighting the government for the last 17 years.

From the eight countries it is clear that South Africa is the only country with capacity to demine. It is actually emerging as a leader in the field of mine clearance equipment and believes that it possesses leading demining technology and expertise as well as medical capability and experience to assist mine victims. Mechem, a specialized engineering division/subsidiary of South Africa's state-owned arms giant Denel has since 1991 been contracted by both U.N. and private organisations to demine mine-affected areas all over the world.¹⁵⁸

¹⁵⁴ For information on past production, transfer, and stockpiling see *Landmine Monitor Report 1999*, pp. 83-84, *Landmine Monitor Report 2000*, pp. 103-104, and *Landmine Monitor Report 2001*, pp. 148-149.

¹⁵⁵ Uganda Landmine Monitor Report 2003 Also found at <http://www.icbl.org/lm/2003/uganda.html> accessed on 12.1.2004.

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*

¹⁵⁸ For information on past production, transfer, and stockpiling see *Landmine Monitor Report 1999*, pp. 83-84, *Landmine Monitor Report 2000*, pp. 103-104, and *Landmine Monitor Report 2001*, pp. 148-149.

Table 4: 1997 Mine Ban Treaty

Country	Position	Date of Signature	Date of Ratification/Accession	Date of Entry into force	Initial Article 7 Report submitted	2003 UNGA Resolution 58/53	Fourth meeting of state parties
Algeria	Ratified	3 Dec 1997	9 Oct 2001	1 April 2002	Yes	Yes	Yes
Ethiopia	Signed	3 Dec 1997	-	-	No	Yes	Yes
Ghana	Ratified	4 Dec 1997	30 June 2000	1 Dec 2000	Yes	Yes	Yes
Kenya	Ratified	5 Dec 1997	23 Jan 2001	1 July 2001	Yes	Yes	Yes
Nigeria	Acceded	27Sept 2001	27Sep 2001(a)	1 March 2002	No	Yes	Yes
Senegal	Ratified	3 Dec 1997	24 Sept 1998	1 March 1999	Yes	Yes	Yes
South Africa	Ratified	3 Dec 1997	26 June 1998	1 March 1999	Yes	Yes	Yes
Uganda	Ratified	3 Dec 1997	25 February 1999	1 Aug 1999	Yes	Yes	Yes

Source: *Landmine Monitor Report 1999, 2000, 2001, 2002 and 2003, Editions*

Section Three

Conclusion and Challenges

We set on a journey to establish the extent to which the selected countries in Africa have implemented eight key commitments under the Bamako Declaration on *an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000)* two years after it was signed and the *1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine Ban Treaty)* to curb the proliferation of small arms, light weapons and landmines. The initiatives undertaken are within the context of regional instruments and more importantly the Nairobi Declaration and the Southern African Development Community Protocol for the Control of Firearms Ammunitions and Related materials (SADC within the need to contain gun-related crimes on the continent and the general availability of small arms and light weapons and the SADC Declaration calling for a mine-free Southern Africa and the AU landmines' Plan of Action. At the international level, actions of countries indicate that they are actively supportive of the effective 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 (UNPoA); the universalisation and execution of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine Ban Treaty) in its entirety. It is therefore in order to state with respect to multilateral instruments in the field of small arms and landmines, the selected countries have prioritised a number of international and sub-regional agreements, declarations and treaties.

There is little doubt that the countries surveyed have registered some remarkable progress while in others performance is still dismal. It has also been established that factual information on practical steps towards implementation show that countries had taken relevant measures even before the signing of the Bamako Declaration in the year 2000.

Impressive developments are not evident in establishing co-ordinating agencies at both national and regional levels but also in ensuring that they are functional. The names of co-ordination agencies are very much influenced by the regional instruments .In the Great lakes and the Horn of Africa they are referred to as National Focal Point as indicated in the Nairobi Declaration while in West Africa the preferred name is National Commission as stated in the ECOWAS Moratorium. The mandate of the co-ordinating agencies are defined vary among the countries For example in Nigeria its mandate go beyond has been active in pursuing its mandate and in particular working closely with various stakeholders including civil society to achieve its goals. In all the composition of the co-ordinating agencies recognises the contribution of key stakeholders in the fight against small arms. It has also included other relevant structures. This is in recognition of the multifaceted approach that is required to address the problem of small arms.

At the regional level the establishment of the regional co-ordinating agencies have also been established. In the Great Lakes and the Horn of Africa it is known as the Nairobi Secretariat, in West Africa the ECOWAS Secretariat is the co-ordinating agency while in Southern Africa it. The co-ordinating agencies are expected to be instrumental in co-ordinating regional activities on small arms and light weapons and other related regional instruments.

With respect to small arms, light weapon measures all the countries have developed legislation on domestic firearms control while others are in the process of reviewing their current laws to make them effective. South Africa has enacted new laws controlling the export and brokering of firearms, reached an agreement with firearm manufacturers in South Africa with a view to standardising the marking of firearms and to thus make tracing easier and developed and implemented a policy position that all surplus, redundant, obsolete and confiscated small arms of a calibre below, and including, 12,7 mm be destroyed in order to prevent these from ending up in the illicit small arms trade Others such as Kenya and Uganda while acknowledging the loopholes in the existing guns legislation are yet to start revision.

With respect to landmine all the countries have prioritised a number of international and sub-regional agreements, declarations and treaties. At the regional and sub-regional level these include:

- ❖ Ceased to use anti-personnel mines;
- ❖ Either stopped the development, production, and export of anti-personnel mines and
- ❖ Completely destroyed or in the process of destroying their entire stockpile of anti-personnel mines (except for those to be used in the training of deminers)

It is only South Africa that has developed municipal laws on a total ban on anti-personnel landmines. The international and regional community is already seeing South Africa's landmine legislation as 'international best practice'. This is reflected for example, in its clarity on what is, and what is not, allowed during joint operations with states not party to the Mine Ban Treaty and in relation to the definition of anti-personnel mine used in its domestic legislation. South Africa will not participate in combined operations with any force that uses anti-personnel mines and its definition of an anti-personnel mine makes any victim-activated munition an anti-personnel mine.

With the exception of parts of Ziguichor region in Senegal and northern Uganda, land mine is not a major problem in other countries. South Africa, while it is not considered mine-affected, has had some landmine incidents especially during the liberation struggle. The South African government is not only fully committed to banning the production of anti-personnel landmines on its soil and destroying all of its stockpile, but also to providing affected countries with mine risk education (mine awareness), clearance of laid mines and victim assistance in the Southern African region.

This is not to say that the implementation of controls on small arms and landmines by, and in, South Africa is not without challenges at either the policy or operational levels. It should be noted, for example, that the Regulation of Foreign Military Assistance Act is not applicable where a foreign citizen commits the offence "wholly outside the borders of the Republic" (Section 9). It also does not incorporate all of the provisions of the 1989 International Convention Against the Recruitment, Use, Financing and Training of Mercenaries into South African law failing to enact provisions dealing with international co-operation or for the extradition of offenders. It also seems that deals that are brokered by South African companies or individuals without the arms ever passing through South Africa are exempt from the National Conventional Arms Control Act. South African companies thus do not have to apply to be registered as brokers or for export licences when the arms never actually enter South Africa. Ironically, it is precisely because illicit arms brokering more often than not occurs when an agent in one country arranges a deal between an arms supplier in a second country and a customer in a third, that such controls are needed.

In addition, the SAPS – the main governmental agency responsible for ensuring compliance with national and international laws – is under-resourced and often its personnel are stretched to their limit.

Remarkable progress has been registered in the implementation of the Mine Treaty. Six countries out of the eight have ratified the mine Ban Treaty while one has signed and the other one acceded. Except for Ethiopia and Nigeria the rest have submitted the initial Article 7 report as required while all of them voted the 2002 UNGA resolution 57/74 and also attended the fourth meeting of state parties. Kenya and South Africa are the only country that destroyed all their mines two years ahead of schedule and continues to submit regular progress reports to the UN General-Secretary.

On destruction of collected/seized or obsolete arms, it is apparent that they need to develop their capacity for destruction within its security organs and in particular the police force/service. This is due to the technical nature of the destruction of arms and possible dangers that it poses to the health of citizens of member states when destruction is not properly executed. An appropriate method of weapons destruction should be adopted

and standardised bearing in mind the health of the individual and resources needed for such exercises made available to facilitate the process of controlling or managing SALW proliferation.

Some progress has been apparent in the area of capacity building. Capacity building has taken place at national, bilateral or multilateral level. West African sub region has made more progress in terms organising joint capacity building programmes under the rubric of ECOWAS. In Great Lakes as and the Horn of Africa region, training curriculum has been developed through an interactive process of several stakeholders. It is hoped that once operationalised it will facilitate joint training programmes at sub regional level. In Southern Africa, South Africa has been instrumental in facilitating regional capacity programmes under SADC or at through bilateral arrangements. Non-state actors such as the civil society organisations have also been organising capacity training workshops for specific law enforcement agencies.

Since the Bamako Declaration little progress has been registered in concluding new bilateral agreements on issues of small arms but a host of multilateral agreements have been agreed upon. These agreements remain the basis for international co-operation on small arms.

Comparatively progress in strengthening of regional and continental co-operation among custom and immigration officers is still disappointing within the eastern Africa than west and southern Africa. The existence of more established security mechanisms in these regions has been instrumental in this. Also playing a facilitating role is the existence of hegemonic tendencies by Nigeria and South Africa in West and Southern Africa respectively. As a result donors seem to prefer support to regional organisations as opposed to bilateral support. But it should also be noted that co-operation at these levels is mostly governed by the multilateral instruments anchored within the regional mechanisms. Progress is disappointing in the area of inter strengthening regional and continental co-operation among customs and immigration officers between sub-regions in Africa. Although some progress has been attempted at the regional level. From the gathered information it is not possible to establish any inter-regional co-operation despite the fact that it one of the commitments contained in the Bamako Declaration.

On raising awareness significant progress has also been achieved. A combination of state and non-state actors singly or through networks has contributed immensely towards raising awareness on issues of small arms. This has been done through workshops, seminars, print and electronic media and printing and distribution of T-shirts, caps and stickers with messages against small arms.

Algeria, Ghana, Kenya, Senegal, South Africa and Uganda have all signed and ratified the Mine Ban Treaty. Nigeria has acceded to the Treaty while Ethiopia has only signed. Except for Ethiopia and Nigeria the rest of the countries have submitted their initial transparency reports as required under Article 7. Except for South Africa the other countries have neither been producers nor exporters of landmines.

All the eight countries voted for the 2002 UNGA Resolution 57/74 calling for the Universalisation and Implementation of the Mine Ban Treaty on 22 November 2002 and they also attended the Fourth meeting of State Parties. Some of the countries such as Kenya have destroyed their entire stock of anti-personnel mines two years ahead of its own set deadline. Kenya had set July 1, 2005 as the date by which it intended to have destroyed all its mine stockpiles completed the destruction of 35,774 mines stock in the months of August 2003 in 'controlled and environmentally friendly detonation' and retained 3000 as per Article 3 of the treaty. Kenya submits a timely and regular annual progress report to the UN General Secretary as required under Article 7 State Parties

Challenges and Opportunities

Some of the challenges confronting all the countries are institutional and operational weaknesses at both national and regional levels. This is compounded by the lack of sufficient resources and skills make

implementation an uphill task. This sometimes places an additional burden on some of the countries at regional level that are often viewed by its neighbours as being capable of assisting them to meet their obligations.

One of the hopes is the ever emerging partnership between various security agencies, relevant government agencies and the broader civil society the South African government can be confident that in the medium to long term it will be able to effectively meet its obligations under the Bamako Declaration and the Mine Ban Treaty.

It is therefore fitting to conclude progress in implementing the Bamako Declaration the 1997 and other related instruments by the selected countries is mixed.

It can therefore be concluded that progress in implementing the Bamako Declaration and other related instruments on small arms and light weapons by the seven countries has been mixed. While significant progress has been registered in some areas, performance in others is not encouraging.

Note: The following document will appear as annexes

Annex A-The Bamako Declaration

Annex B-The Nairobi Declaration

Annex C-The ECOAWS Moratorium

Annex D-The SADC Protocol

Annex E-The Mine Treaty

Annex F-The OAU Plan of Action on Landmine

Annex G-The OAU Resolution 1593 on Landmine