

Africa's expectations at UN conference

By Robert Mtonga and Glenda Kalunga

GLOBALLY, May 22-29 marks the global week of action (WOA) when like-minded members of the International Action Network on Small Arms (IANSA) highlight the impacts the illicit trade in Small Arms and Light Weapons (SALW) cause it all its aspects.

The WOA to help reduce human suffering that caused by the misuse of firearms whether in the hands of states or civilians.

Africa has borne the brunt of SALW as she sits on the demand end of the equation as the most armed conflict-ridden continent where SALW are the de facto weapons of mass destruction, albeit in slow motion.

Africa has engaged with the United Nations Programme of Action on Small Arms and Light Weapons (UNPoA) from its conclusion in 2001 and through the current throbbing implementation in a bid to find a lasting solution to the problem of misuse of SALW.

Considerable progress has so far been made and realistic expectations excited for scaling greater heights in the future. Many challenges though still dog the tortuous road ahead for palpably measurable continental progress. The United Nations will sit from June 26 to July 7, 2006 in New York, USA to review progress made to date in implementing the provisions of the UNPoA.

The UNPoA has prescribed measures to be taken at national, regional and international levels.

The 2006 review conference, at which Zambia's presence will be felt, will in effect be a plebiscite on the implementation of the regional measures prescribed under the UNPoA and Africa, through the African Union, has a chance to assert her leadership role on the path to a desired promised land of preventing, combating and eradicating the illicit trade in SALW in all its aspects.

In the quest to implement the UNPOA, African states have concluded an African Common Position, which prioritised African home forged solutions to the issue, in Windhoek, Namibia, in December 2005.

The spin of key discussions; activities and programmes that Africa grapples with have been built around, but not restricted to:

- Addressing the question of marking and tracing of SALW across the continent
- The illicit transfer of SALW especially from one conflict zone to another
- Brokering and brokering activity regulation
- International Cooperation, capacity building and information sharing
- The establishment of an African Union register and SALW database on stocks, disarmament etc.
- Transfer of SALW to armed non-state actors (rebel groups)
- Definition of a broad based Africa-wide framework common position on SALW.
- The definition and language of current sub-regional protocols.

Africa has taken a number of steps in a bid to address the humanitarian suffering at the heart of the UNPoA. Key operative documents include the Bamako Declaration on SALW (2000), the African Union Lusaka Declaration (July 2001) and the UNPoA where Africa made useful interventions during its conclusion and promulgation in July 2001.

Between 2001 and 2005, appreciable progress has been made on these fronts as Africa is employing a matrix that addresses the firearms question just as a crime prevention and social justice, defence and security discourse but as a human rights, good governance, humanitarian concerns and sustainable development, among other things.

International cooperation at regional and sub-regional levels with partners such as the European Union, the World Bank and United Nations Development Programme and other bilateral partners are expected to rise in the years ahead.

Furthermore, enhanced activity is expected within sub-regional groupings such as the Economic Community of West African States (ECOWAS), the Inter-Governmental Authority on Development (IGAD), the Southern African Development Community (SADC), among others, via relevant Firearms Protocols and Moratoria such as the Nairobi Firearms Protocol, the SADC Firearms Protocol, the ECOWAS Firearms Moratorium that are now well into implementation phases.

The African Union will be expected to recognise the role and expertise of civil society as equal partners.

The creation within the African Union Commission of an Arms Register and Database, Regional Information Network and Firearms Centre as the core of Pan-African Crime Prevention and criminal justice activities and programmes, is a very important practical state that will help implement the UNPoA.

The African Common Position proposal on the formation of National Inter-ministerial agencies will help coordinate activities and programmes and expectedly will add more features on the hat of success ahead of the 2006 UNPoA Review Conference.

Africa should continue her active participation in broad-based consultations to consider further steps to enhance international cooperation to prevent, combat and eradicate illicit brokering no later than 2007.

There has also been encouraging reports on the formation of national commissions and appointment of national focal persons and points and more effort can be envisaged on this front, principal requirements for successful implementation of the UNPoA.

The ratification of complimentary protocols to the UNPoA will continue to be of interest to Africa including the UN Firearms Protocol which was delivered by Zambia into the arena of legally binding International Instruments and norms when it become the 40th State to ratify the instrument.

The forthcoming 2006 UNPoA Review Conference in June-July will no doubt aid clarity and leadership on the way forward in terms of political will.

A number of challenges will no doubt tax Africa on the road ahead as there seems not to be enough time to see through most of the ambitious projects referred to above.

For starters, the UNPoA is a broad based, politically binding document rather than a legally binding treaty. This means that the document exists by sheer political will of the participating-states with no prescription for censuring those states not complying with the provision of the UNPoA. No time lines exist for the implementation of the UNPoA even at sub-regional or continental levels.

The key sub-regional protocols such as the West Africa Firearms Moratorium, the Nairobi Firearms Protocol, and the SADC Protocol still have administrative gaps and a general lack of clarity on many issues preliminary to addressing the problem of illicit trade in SALW in all its aspects.

Currently, no standardised mechanism exists to monitor and evaluate progress on a continent-wide scale on the UNPoA. There is no agreed format for reporting progress either or indeed a clear definition of reportable or acceptable progress thus leaving the key monitoring tool to the whims of the technocrats tasked with drafting such reports.

Africa is yet to define in a workable infrastructure and budget of the proposed Regional Firearms Centre within the African Union Commission. The question of who will coordinate this work to avoid duplication and clashing over funders and other players in the field has not been addressed.

Other issues such as illicit transfers, lack of an internationally binding instrument on marking, tracing, brokering, including state-to-state transfers will, the engagement with Armed Non-State Actors (rebel groups) are still begging for attention.

A framework for a broad-based approach to engender a paradigm shift to a humanitarian discourse from a hitherto crime prevention, criminal justice defence and security and how this will feed into the expanded development, human rights and good governance agenda will no doubt be strained by undemocratic political regimes, unstable governments and failed states.

There is also the unanswered question of reviewing and updating of domestic legislation in order to harmonise actions, engender coordination, synergy and complementarity in the work on a continental stage, a clear key requirement to advance the UNPoA. The debate between defence and security on one hand and humanitarian, criminal and social justice is far from being resolved and this may remain so well beyond the 2006 Review conference which position will take away rather than add to the desired progress.

Voluntary reporting of stockpiles, surpluses, destabilising accumulations and their management by African states has not been carried out to expectations. Although sub-regional implementing agencies such as the Southern African Regional Police Chiefs Cooperation Organisation (SARPPCO), the East African Regional Police Chiefs Cooperation Organisation (EARPPCO), the actual cooperation on the ground is at best not smooth and some members lack capacity and numbers of men to do the work. Among SARPPCO members for instance many jurisdictions still keep manual records and use old-fashioned policing of borders.

Attracting funding and technical assistance for a continent-wide approach will pose a stalling of decision makers and implementers of Pan-African progress given the diversity of problems, sectarian interests and unequal levels of political and financial commitment to the implementation of the UNPoA.

The erosion of governance structures, activities of rebel movements in some parts of Africa cannot guarantee the translation of political will into tangible results seeing that peer-review mechanisms can only work in open and democratic settings.

The stakes are indeed high. Will Zambia join Africa in realising the expectations and taking the challenges head-on.

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