

- 50 require that all SALW are marked as an integral part of their manufacture, though for many this only relates to some of the emerging international standards on marking SALW. (Section II, Para 7)
- 47 have measures to tackle unmarked or inadequately marked weapons; particularly by marking or destroying them (Section II Para 8)
- at least 79 keep detailed records on holdings and transfers of SALW, though many of these are not maintained in line with emerging international standards (Section II, Para 9)
- 42 actively co-operate in tracing (Section III, Para 11).

3.1.4. GLOBAL OVERVIEW OF INTERNATIONAL CO-OPERATION AND ASSISTANCE

The PoA contains a wide range of commitments to assist other states' implementation, and to co-operate with civil society. In this regard:

- at least 22 states have provided some form of donor assistance to SALW-related projects.
- approximately 63 have engaged in some form of co-operation with civil society. However the degree to which this reflects openness and capacity to engage with SALW issues varies considerably.
- over 22 publish reports on their arms exports, though considerably more exchange information on SALW transfers in confidential reporting and information exchange mechanisms within regional and multilateral agreements.

**SEE
GLOBAL
TABLE 4:**
International
Assistance,
Co-operation,
and
Transparency

Page 186

3.2 REGIONAL IMPLEMENTATION

3.2.1 AFRICA

OVERVIEW

Progress on implementing the UN Programme of Action has continued at a varying pace in different African regions and countries since the 2003 Biennial Meeting of States. A number of governments have taken substantive steps to address the small arms problem in their countries, whilst in other countries little progress has been made at all.

The Bamako Declaration of December 2000 represented an important step in establishing an overarching regional initiative to tackle small arms and in articulating African priorities for addressing the SALW problems. The adoption of a common position by African governments reflects a strong collective commitment to address the devastating affects of SALW on the continent. The Bamako Declaration proved to be influential at the first UN Conference in 2001 and in the framing of the PoA.

Despite this, four years on from the UN Conference, serious challenges remain for African countries. The legacy of protracted internal and regional conflict in Africa has created a huge pool of weapons in the region that are used to commit violent crime and to fuel conflict. Weak government capacity to strengthen, harmonise and enforce legislation continues to be a major challenge to effective arms control in Africa. Recent steps to resolve longstanding conflicts, such as the signing of a peace agreement between North and South Sudan, highlight the need for effective DDR programmes to ensure that small arms do not undermine stability after conflict has ended.

Regional institutions are playing an increasingly important role in efforts to address peace and security issues in Africa. The African Union (AU) launched the Peace and Security Council (PSC) on 25 May 2004, which has a specific mandate to promote and encourage the implementation of international agreements on arms control and disarmament. The protocol establishing the AU Peace and Security Council states that one of its

functions is “to institute sanctions whenever an unconstitutional change of government takes place in a Member State, as provided for in the Lomé Convention”.⁹ The AU has already endorsed ECOWAS sanctions (which included an arms embargo) on Togo in February 2005 and has supported a UN arms embargo on Côte d’Ivoire in January 2005. However, the AU’s peace and security structures are still in the early stages of development and, to date, the activities of the PSC have focused on building African capacity to undertake peacekeeping operations. Action to tackle small arms continues to be led at the sub-regional level and the challenge will be to ensure that a continent-wide approach effectively integrates these sub-regional initiatives.

As described in the first edition of this report, the issue of small arms is also being addressed within the framework of the New Partnership for Africa’s Development (NEPAD). The ‘AU Peace and Security Agenda’, a plan of action jointly developed at the AU-NEPAD Consultation of Peace and Security in February 2003, specifically calls for action to combat the proliferation and trafficking of small arms across the continent as well as action on DDR in post-conflict situations. NEPAD has attracted significant political and financial support, particularly through the G8, and the G8 Africa Action Plan specifically mentions the need to support regional arms control efforts and DDR programmes.

Most action on SALW issues in Africa since the publication of the 2003 Report has occurred through sub-regional initiatives and instruments, which are analysed in the following sections. It is clear that the effectiveness of sub-regional co-ordinating agencies and agreements is a critical factor in the rate of national implementation. In East Africa, the Nairobi Protocol was signed in April 2004 and the ratification process is currently underway. In this regard, the Nairobi Secretariat has played a positive role in co-ordinating implementation amongst its members. The SADC Protocol came into force in November 2004, and is now legally binding, although progress at the sub-regional level has been slow over the last two years. The challenges leading to the creation of a new regional structure to support the ECOWAS Moratorium and address the small arms problem in West Africa have meant that overall progress in that sub-region has been inconsistent. Whilst in North Africa, the small arms issue has generally not been addressed in a comprehensive manner. However, the League of Arab States, which includes most North African countries, has established a SALW control department and through Resolution 6447 has called on member states and the League to intensify co-operation and co-ordination on the SALW issue.

Political will at the national level is the essential ingredient for progress and, significant steps have been made in many countries in establishing institutions to co-ordinate action on SALW and in developing and implementing national strategies for tackling small arms problems. For example, National Action Plans (NAPs) are being developed in Senegal, have recently been developed in Botswana and Namibia and are currently being implemented in Kenya, Uganda and Tanzania. Progress has been made in establishing National Focal Points (NFPs)/National Commissions in a wide range of countries including Ethiopia, Kenya, Mali, Malawi, DRC, Ghana, Guinea, Nigeria, Sudan and Uganda.

NATIONAL IMPLEMENTATION IN AFRICA

In order to adequately implement the PoA states should put into place the necessary foundations for co-operation, information exchange, and national co-ordination. Thus 36 states have established an official point of contact (Section II, Para 5) to act as liaison between states. 25 have national co-ordination mechanisms, including officially designated national co-ordination agencies or bodies (Section II, Para 4). Further, 15 actively involve civil society in their national co-ordination of action on SALW. 7 have developed national strategies on small arms. Additionally, 26 have submitted at least one report on national implementation to the UN DDA.

SEE
AFRICA
TABLES
1-4:

Pages
196-205

⁹ ‘Protocol Relating to the Establishment of the Peace and Security Council of the African Union’, July 2002, available at http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/au/peaceprotJul02.pdf

Laws and Procedures

The PoA contains a number of commitments by states to have laws and procedures on many key aspects of SALW. In particular, in order to establish effective basic controls over the production and transfer of SALW (Section II, Para 2):

- 24 states have laws and procedures controlling the production of SALW
- 22 states have laws and procedures controlling the export of SALW
- 29 states have laws and procedures controlling the import of SALW (Section II, Paras 2, 11, 12)
- 14 states have laws and procedures controlling the transit of SALW (Section II, Paras 2, 12)
- 2 states have laws controlling the brokering of SALW (Section II, Para 14).

The scope and stringency of these laws and procedures, and their enforcement, is increasingly harmonised through implementation of three sub-regional agreements (the ECOWAS Moratorium, the Nairobi Protocol, and the SADC Protocol). At a national level 7 states have reviewed at least some of their laws and/or procedures controlling international SALW transfers since 2001.

In line with rudimentary commitments in the PoA to criminalise illegal possession, manufacturing, trade and stockpiling of SALW (Section II, Para 3):

- 32 states have laws and procedures criminalising the illicit possession of SALW
- 26 states have laws and procedures criminalising the illicit trade in SALW
- 24 states have laws and procedures criminalising the illicit manufacturing of SALW
- 4 states have laws and procedures criminalising the illicit stockpiling of SALW.

Reflecting the considerable importance attached to such national controls, 6 states have reviewed at least some of their laws and/or procedures over civilian possession of SALW, the domestic SALW trade, and SALW manufacturing since 2001. As with controls over international transfers of SALW, the scope and stringency of these laws and procedures, and their enforcement, is increasingly harmonised through implementation of two sub-regional agreements (the Nairobi Protocol and the SADC Protocol).

Weapons management

Much of the illicit trade in SALW stems from inadequate control over weapons and ammunition stocks. Thus the PoA contains a wide range of commitments relating to weapons management. Of the states in the region:

- 22 have standards and procedures for the management and security of stockpiles. (Section II, Para 17)
- 13 of these include regular reviews of stocks. (Section II, Para 18)
- 6 states have reviewed their standards and procedures for the management and security of stockpiles since 2001.

Further reduction of the stocks potentially available for illicit trafficking is achieved through the disposal of surplus, collected, and confiscated weapons and ammunition. Thus, within the region:

- 8 states have destroyed some surplus stocks since 2001 (Section II, Paras 18 and 19)
- 13 states have destroyed some confiscated, seized, and/or collected SALW since 2001 (Section II, Paras 16, 21).

While not an absolute commitment, the PoA emphasises that destruction should be the main means of SALW and ammunition disposal:

- 3 states have a policy of destroying most or all surplus weapons and ammunition (Section II, Paras 18 and 19)
- 3 states have a policy of destroying most or all collected and/or confiscated SALW. (Section II, Para 16).

Disarmament programmes also reduce the stock of arms and ammunition available for illicit circulation. 18 states have conducted some form of disarmament, including:

- 9 post-conflict DDR (Section II Para 21)
- 11 Voluntary Weapons Collection Programmes (Section II, Para 20)
- 4 amnesties (Section II, Para 20)
- 5 forcible disarmament programmes.

In order to enhance the traceability of weapons (and in some cases ammunition) states undertook a range of commitments related to marking, record-keeping, and tracing:

- 3 require that all SALW are marked as an integral part of their manufacture. (Section II, Para 7)
- 5 have measures to tackle unmarked or inadequately marked weapons (Section II Para 8)
- 6 keep detailed records on holdings and transfers of SALW (Section II, Para 9)
- 2 actively co-operate in tracing (Section III, Para 11).

International Co-operation and Assistance

The PoA contains a wide range of commitments to assist other states' implementation, and to co-operate with civil society. In Africa:

- 1 state has provided some form of donor assistance to SALW-related projects
- 11 states actively co-operate with civil society.

THE GREAT LAKES REGION AND HORN OF AFRICA

OVERVIEW

The Great Lakes Region and Horn of Africa is gravely affected by the proliferation of SALW. Recent developments including the signing of a peace agreement between North and South Sudan and a power sharing agreement in Burundi have raised hopes for greater peace within the sub-region, but conflict and human rights violations continue in many areas, including Northern Uganda, DRC¹⁰ and Darfur. Long, porous borders in the sub-region mean that SALW circulate from country to country, fuelling conflict and high levels of crime – particularly in urban areas. While in certain rural areas SALW contribute to violent inter-ethnic or inter-tribal conflicts, often over resources such as cattle and water. These challenges are compounded by differing standards of legislation, differing capacities for effective law enforcement, and low levels of the awareness and of skills to tackle the SALW problem. However, the urgent need to tackle the proliferation and misuse of SALW is increasingly being recognised by both states and civil society within the sub-region and a number of positive developments have occurred since 2003.

¹⁰ DRC is signatory to the Nairobi Declaration (2000) and the Nairobi Protocol (2004) and is also a member of the Southern Africa Development Community (SADC).

The political and regulatory framework for PoA implementation

In April 2004, states in the sub-region signed the 'Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa'. This agreement, signed by the Governments of Burundi, the DRC, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, the Seychelles, Sudan, Tanzania and Uganda, will be legally binding once ratified by two thirds of signatory states and the ratification process is already underway in many countries. The Nairobi Protocol commits states to introduce controls across a wide range of issues including:

- illicit manufacturing, trafficking, possession and use of SALW
- import, export and transit of SALW
- controls over state-owned SALW
- information sharing and co-operation
- enforcement of arms embargoes
- civilian possession of SALW
- marking, record keeping and brokering
- co-operation and capacity building
- controls over state-owned arms
- destruction and disposal
- public education and awareness raising
- mutual legal assistance
- harmonisation of legislation.

The Nairobi Protocol requires state parties to incorporate provisions into their national laws including the following:

- uniform minimum standards regulating the manufacture, control, possession, import, export, transit, transport and transfer of small arms
- standardised marking and identification of small arms
- a ban on civilian ownership of automatic and semi-automatic rifles
- registration of all small arms
- regulation of storage and competency testing for prospective owners of small arms
- restrictions on the number of small arms a person can own
- a ban on pawning of small arms
- regulation of security companies
- regulation of small arms brokering
- uniform tough sentencing for unlicensed small arms possession.

States must also create and maintain complete inventories of state-owned small arms sufficient to effectively trace the movement of these weapons. Requirements for secure disposal or destruction of surplus and confiscated weapons are also included.

The Protocol expands upon the provisions of the UN Programme of Action and other agreements including the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, which was signed in March 2000, adding greater specificity as to the exact nature of controls that must be introduced. However, the extent to which the signing of this agreement will really improve the control of SALW will depend upon how effectively it is implemented and to what extent controls are harmonised across the sub-region. Encouragingly, a process is under way to assist states in its implementation. As part of this process, the Nairobi Secretariat – the sub-regional co-ordination body for SALW control – has convened a series of

workshops on a range of issues including: stockpile management, transfer controls, marking and tracing, public awareness, arms destructions, brokering and mutual legal assistance. As a result of these workshops, a comprehensive set of draft 'best practice' guidelines has been developed which will be used to inform the review and development of national policy and legislation and will assist states in ensuring that they effectively implement the Nairobi Protocol. The draft guidelines will be discussed and hopefully agreed by Ministers from across the Great Lakes Region and Horn of Africa at the Ministerial Review Conference on implementation of the Nairobi Declaration and Nairobi Protocol in June 2005.

Important political support for the implementation of the Nairobi Protocol and for the harmonisation of policies and legislation has also been voiced recently. On 20 November 2004, Heads of States and Governments of the Great Lakes Region signed the Dar Es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region which recognises the illicit trafficking of SALW as a cause of economic stagnation and poverty in the sub-region and calls for common policies to tackle the problem. Parliamentarians from across the sub-region have also expressed their support for stronger controls on SALW, following a conference organised by UNDP and the European Parliamentarians for Africa (AWEPA) in March 2004.

Institutional development

One area in which significant progress on PoA implementation has been made in recent years is in the development of an effective institutional framework to lead and co-ordinate action on SALW. The Nairobi Secretariat, established under the Nairobi Declaration in March 2000, is mandated to:

- co-ordinate implementation of the regional and international agreements on SALW control
- liaise with National Focal Points and regional and international agencies working on SALW control and co-ordinate interaction with civil society.

It has significantly enhanced its capacity over the past two years and has played a leading role in pushing forward progress in the sub-region.

At the national level, 26 states have provided at least one report on PoA implementation to UN DDA. All Nairobi Protocol signatories have established National Focal Points (NFPs) to act as co-ordinating agencies on SALW and to co-ordinate implementation of the PoA and other agreements, with the exception of Eritrea and the Seychelles where NFPs are due to be launched in mid 2005. Whilst some NFPs in the sub-region have only recently been established and have limited capacity, others have developed into effective operational bodies with a wide membership that includes representatives from a range of Government departments and members of civil society. A series of workshops have taken place to examine and elaborate upon the roles, responsibilities and operating procedures of the NFPs, with support from the Nairobi Secretariat, and NFPs from across the sub-region regularly meet to discuss work plans and develop a co-ordinated approach to SALW control. However, it is now vital that the momentum that has developed behind the establishment of NFPs is translated into action that will have a noticeable effect on the availability of SALW in the sub-region and on development, peace and security. In this regard, the political will and commitment of all governments in the sub-region to address the SALW problem in a comprehensive and transparent way will be crucial. It is also very important that NFPs, law enforcement officials and civil society organisations have the capacity and the knowledge to tackle the problem effectively.

National Action Plans

A number of countries are already taking the next step beyond institutional development and are creating and implementing National Action Plans (NAPs) on SALW control. NAPs are currently being implemented

in Kenya, Uganda and Tanzania. The NAPs in these countries represent comprehensive national strategies for addressing the SALW issue, which will assist these states in implementing the PoA and other agreements in a manner that addresses the particular problems and needs of each country. The NAPs have been developed following extensive 'mappings' on the nature and extent of the SALW problem in the country, which in each case has involved consultations between government agencies, law enforcement agencies and civil society organisations, under the co-ordination of the NFP (and with the assistance of SaferAfrica and Saferworld). Population surveys have also been carried out to ascertain the extent to which civilians are affected by the proliferation and misuse of SALW. As a result of this research, NAPs have been developed which have been approved by the relevant governments and are now being implemented.

The NAPs call for action on a wide range of issues such as: the review and amendment of policy and legislation on SALW; training; public awareness raising; development initiatives; weapons collections and destructions; and research. They signify recognition of the need to adopt a broad approach to the control of SALW which addresses the demand for SALW within society, attempts to reduce the number of SALW already in circulation, and tackles SALW supply routes. It is now vital, however, that the NAPs are implemented effectively and that sufficient funds are made available. (For further details on NAPs see the Kenya case study).

Support for stronger controls on arms transfers

There has also been evidence of growing support within the sub-region for stronger controls on the transfer of SALW. At a 'best practice' workshop on transfer controls, convened by the Nairobi Secretariat in November 2004, experts from states signatory to the Nairobi Protocol developed a set of guidelines governing the transfer of SALW. These draft guidelines incorporate many of the principles of international law as it relates to SALW transfer. As well as recommending that licences be required for the import, export and transit of SALW and that each license application be assessed on a case-by-case basis against set criteria, the draft guidelines outline a series of considerations to be taken into account before licences are issued, such as the likelihood that transfers will lead to the violation of human rights or international humanitarian law.

In addition, there is growing support behind the principle of establishing an international Arms Trade Treaty (ATT). This has been illustrated through the hosting of two major conferences on the issue within the sub-region. In February 2005, the Tanzanian Government hosted an 'International Workshop on Global Principles for Arms Transfers' which was attended by 32 governments (see Section 3.3.3 on transfer controls) and in April 2005 a major civil society conference, attended by 200 representatives, was held on 'Action for arms control in a world awash with weapons' in Kenya.

Co-operation between Governments and civil society

There are many very active civil society organisations working to promote improved controls on SALW in the sub-region. Many of these organisations are members of the East African Action Network on Small Arms (EAANSA), which is the sub-regional IANSA grouping. EAANSA members and others are playing many vital roles, including: raising public awareness on the dangers of SALW, lobbying governments to implement the Nairobi Protocol and other agreements, supporting the development of National Action Plans, and tackling the demand for, and effects of, SALW at the community level.

Co-operation between governments and civil society organisations working on SALW issues in the sub-region is also on the increase, although challenges remain. At a meeting of civil society organisations and the Nairobi Secretariat in Kampala, Uganda in October 2004, a Communiqué was issued which affirmed the important role of EAANSA as the recognised group of civil society organisations working in

partnership with the Nairobi Secretariat. National Focal Points, the Nairobi Secretariat and civil society organisations also met at the 2nd Annual Civil Society / National Focal Points round table workshop, in November 2004. This workshop provided civil society organisations and National Focal Points with the opportunity to identify future opportunities for liaison and partnership and to keep each other informed of current work plans and activities. It also highlighted challenges and called for more regular and effective sharing of information between civil society organisations, and between civil society organisations and National Focal Points.

Cross border co-operation

There are also a number of encouraging examples of co-operation between governments and civil society organisations on SALW-related projects in neighbouring countries. For instance, in November 2004 the East African Police Chiefs Co-operation Organisation convened a Workshop on Combating Cattle Rustling, and a plan has now been drafted by officials from Kenya, Sudan, Tanzania and Uganda which highlights the need for a comprehensive approach to combating cattle rustling, including public awareness raising and education in affected communities. Civil society organisations have also been joining forces to address this issue. The Ugandan Council of Churches and the Fellowship of Christian Council of Churches in the Great Lakes Region and Horn of Africa are addressing insecurity and promoting conflict resolution through the establishment of cross border peace committees, whose roles include the monitoring of small arms availability and misuse. In addition, the Interfaith Peace and Action Network on Small Arms has developed a joint advocacy strategy to promote the harmonisation of development and disarmament programmes in Uganda, Kenya and Sudan.

UGANDA SNAPSHOT: NATIONAL ACTION PLAN AND LINKING SMALL ARMS TO SUSTAINABLE DEVELOPMENT

Despite the ongoing conflict with the Lords Resistance Army in the North, which shows no sign of abating, Uganda is making steady progress on implementing the PoA. This is in large part due to the comprehensive, collective approach to the problem that has been taken by states in the Great Lakes sub-region and the Horn of Africa. As well as having established a National Focal Point (NFP), Uganda has taken the next step and has developed a comprehensive National Action Plan (NAP) on small arms control. This highlights the need to ensure that small arms control strategies are integrated with, and support, wider poverty reduction, peace building and development programmes. In this regard, the primary framework guiding development programming in Uganda is the Government of Uganda's Poverty Eradication Action Plan (PEAP) and, during the recent review of the PEAP, the NFP and members of the Ugandan Action Network on Small Arms successfully advocated for the integration of the NAP within this framework. The issue of small arms is addressed within Pillar 3 of the PEAP, which relates to Security, Conflict Resolution and Disaster Management and which recognises the importance of creating secure environments in which development and poverty eradication can be realised. Crucially, recognising that small arms proliferation cannot effectively be addressed at national level alone, the revised PEAP also states that the NAP will be implemented as a priority, in close co-operation with neighbouring countries, particularly Kenya and Sudan.

The PEAP also prioritises support for the promotion of peace in the Karamoja region, in north-eastern Uganda, where armed cattle rustling poses a threat to development and human security, and recognises the need to ensure that future disarmament programmes in the region are linked with longer term development programmes which address the underlying causes of armed violence. Consultations are currently underway between the NFP, other government agencies, civil society organisations, donors, community leaders and members of affected communities, aimed at designing and implementing a comprehensive and participatory disarmament process. It will be important that any comprehensive and

participatory disarmament process responds to the needs of all relevant parties and is developed and implemented in close co-operation with officials and civil society organisations in Kenya and Sudan.

Sustained political will be required in order to ensure that the link between disarmament and development is maintained at the policy level so that sufficient funding is allocated to the PEAP, and in particular to Pillar 3, to ensure that it is implemented effectively

KENYA CASE STUDY: THE DEVELOPMENT OF A NATIONAL FOCAL POINT AND NATIONAL ACTION PLAN

Kenya faces major small arms related security challenges in the form of armed crime, fluctuating levels of ethnic conflict (often associated with cattle rustling), poaching and terrorism. Kenya also faces external threats to its security, notably in relation to conflict and instability in Uganda, Sudan and Somalia, which contributes to the availability of small arms within Kenya. At the same time, Kenya is, along with its Eastern African neighbours, party to a substantial set of sub-regional agreements, from the high level political commitment of the Nairobi Declaration of 2000 to its ensuing Protocol in 2004 on small arms and light weapons.

Despite the significant challenges it faces, the Kenyan Government, in co-operation with civil society, has begun to address the SALW-related problems it faces and, in this regard, a number of significant developments have occurred recently in relation to implementation of the PoA.

National Focal Point

The Kenyan Government demonstrated its willingness to take action on small arms through the establishment of an NFP on small arms in June 2002. The Kenya NFP fulfils the functions of a National Commission and is responsible for co-ordinating implementation of the UN Programme of Action in Kenya as well as liaising with the Nairobi Secretariat and other NFPs. It became fully operative in 2003 and provides an important forum for interaction between the Government and civil society on issues relating to small arms.

The NFP is located within the Office of the President and its membership includes representatives from the following Government departments: Kenya Police, Kenya Wildlife Service, Department of Mines and Geology, Office of the Attorney General, Ministry of Trade and Industry, Department of Customs and Excise, Department of Immigration, Department of Defence, Ministry of Foreign Affairs, Ministry of Home Affairs, Ministry of Education, and Ministry of Information and Broadcasting. The NFP also includes representatives from a number of civil society organisations.¹¹ The inclusion of civil society organisations as members of the NFP is very significant, since it has served to dispel previously held perceptions of mistrust between the Kenyan Government and civil society whilst providing a crucial link to local communities who are directly affected by the proliferation and misuse of small arms.

The Kenyan government is integrating small arms issues within the broader peace and development agenda, and this is reflected in the way that the NFP is linked to other structures. The NFP has been placed under the Office of the President as a sub-committee of the National Steering Committee on Peacebuilding and Conflict Management. This committee is chaired by the Deputy Secretary in charge of National Security, and also includes sub-committees on related issues including Community Based Policing, Conflict Prevention and the Intergovernmental Authority on Development (IGAD), Conflict Early Warning and Response Mechanism (CEWARN). The NFP's holistic approach to promoting development

¹¹ These are the Security Research and Information Centre, Africa Peace Forum, the Kenya Coalition Against Landmines, the National Council of Churches of Kenya, Norwegian Church Aid, and Oxfam.

and security is evidenced by the fact that the NFP has been involved in a range of activities including:

- the development and implementation of a National Action Plan on small arms control (see below)
- the formation of District Peace and Development Committees working on issues including the voluntary collection of small arms in the arid areas of Kenya that are prone to conflict and the proliferation of illicit small arms, including the Districts of Garissa, Wajir and Mandera in the North Eastern Province of Kenya
- the design of training materials on Community Based Policing
- the training of the Administration Police on aspects of community policing under the Governance, Justice, Law and Order Sector Program
- the delivery of training to District Officers on Conflict Sensitive Approaches to Development and Peacebuilding.

Kenya National Action Plan on small arms

The need to situate efforts to control the spread and misuse of small arms within broader efforts to enhance development and prevent conflict has also been recognised within Kenya's National Action Plan (NAP) on small arms control. The NAP was developed by the NFP and was thus a joint project between the Kenyan Government and Kenyan civil society and followed an extensive 'mapping', or national assessment, of the small arms situation in the country. The NAP sets out the activities that the Government of Kenya will undertake to implement the UN Programme of Action and other regional and international agreements, in a manner that addresses the specific problems that exist in Kenya.

The mapping was undertaken by the NFP with support from Saferworld and SaferAfrica. It took place in 2003 and involved extensive consultations with a wide range of stakeholders including government officials, law enforcement officers and civil society. Workshops with law enforcement officials were held in all regions of the country and were attended by a total of 667 law enforcement officials, including representatives from the Kenya police, the Administration Police, the Kenya Wildlife Service, the Departments of Immigration and Customs and Excise, and the Army. Workshops were also held with civil society representatives, and were attended by a total of 41 people representing a wide range of organisations. In addition, a population survey was undertaken in which a team of 40 surveyors administered questions on issues relating to firearms, security and socio-economic development to 3,500 respondents countrywide.

This mapping process sought to collect information regarding the manifestation of the small arms problem in Kenya and its impact on society. It also provided information on the level of existing resources and capacity available to address the small arms problem. This enabled the development of a NAP that is based upon the true situation in the country and which highlights areas where further resources and capacity are required.

The information collected during the mapping process was subsequently analysed by the NFP and the NAP was developed. The NAP will be formally launched in mid-2005. Implementation of the plan is already underway, however, and significant progress has been made in a number of key areas. The Kenyan Government is now seeking to develop partnerships with local and international agencies to ensure the sustained implementation of the NAP.

Key recommendations contained within the NAP include:

- the creation and strengthening of the institutional framework necessary to ensure implementation of the Plan

- the development of a new national policy on small arms control
- a review of existing legislation on small arms control and the amendment of legislation where necessary, in accordance with the Nairobi Protocol and the national policy
- improvements with regard to systems for record keeping on civilian and state owned stocks of small arms, and the upgrading of the Central Firearms Bureau
- the collection and destruction of seized, surplus, captured and surrendered stock
- a national education and public awareness-raising programme, aimed at reducing the demand for small arms and promoting their responsible management
- international and sub-regional co-operation and information exchange, and joint planning and operations, to combat cross-border crime and arms trafficking
- training and capacity building for law enforcement and other officials and for civil society
- further research on key issues such as the proliferation of small arms in pastoralist communities and the means by which to address this problem
- the development and implementation of programmes to further development in regions of Kenya affected by underdevelopment and small arms proliferation, with the aim of reducing the demand for small arms in these communities
- the strengthening of mechanisms to promote peaceful conflict resolution
- the development and implementation of a community-based approach to policing, aimed at promoting good relations between the police and the community, increasing security and reducing the incidence of armed violence

The NAP also emphasises the need for a sustained and effective partnership between the Government and civil society to ensure the implementation of the NAP. It further highlights the need to ensure that the implementation of the NAP complements and builds upon existing policies and programmes in Kenya relating to development and security. This is crucial in terms of ensuring that efforts to improve the control of small arms are integrated with, and support, other initiatives such as the Government's Economic Recovery Strategy for Wealth and Employment Creation.

Significant progress towards the implementation of the Plan is already underway in the following key areas:

Strengthening of the institutional framework - The institutional framework for work on small arms control in Kenya has been strengthened in recent years through the expansion of the NFP and through the positioning of the NFP as a sub-body of the National Steering Committee on Peacebuilding and Conflict Management. As called for in the NAP, bodies have also been created to co-ordinate small arms control and oversee implementation of the NAP at the provincial level. These Provincial Task Forces, (PTFs), whose membership includes law enforcement agents and representatives of local government structures and civil society, have been formed and have received training on the NAP and their roles and responsibilities.

Drafting of a national policy - The NFP has convened a Policy Drafting Committee tasked with drafting a new national small arms policy. A 10-day workshop took place in February 2005 to develop a comprehensive set of recommendations to inform the draft policy. These recommendations build upon the commitments contained in the Nairobi Protocol and other sub-regional and international agreements. They also draw upon the sub-regional guidelines that have been developed as a result of a series of workshops convened by the Nairobi Secretariat in late 2004 and early 2005, to assist states in implementing the Protocol (see sub-regional overview). A consultation process is now underway to allow a wide range of stakeholders to comment on these recommendations and to input into the draft policy, prior to the final policy being developed. The new policy, once finalised and approved, will inform a process to review, and where necessary amend, Kenya's small arms control legislation.

Civil society training and capacity building – a key need identified in the NAP is for training to be provided for civil society organisations to enhance their knowledge of the small arms issue and build their capacity to develop small arms-related projects and to support the implementation of the NAP. The NFP and the National Council of Churches of Kenya (NCCCK) convened a national training of trainers course on 1-5 November 2004. This provided training on: the effects of small arms proliferation and misuse, the small arms policy context and the NAP; tools for enhancing strategic planning and action to be used in the development and implementation of projects and strategies to tackle the small arms problem. It also provided training tools and techniques to enhance the capacity of participants to deliver similar training workshops at the provincial and district levels.

Following these workshops, NCCCK and the NFP have co-ordinated a series of further training workshops at the provincial level across Kenya, which have been delivered by the participants trained at the national training of trainers workshop. These workshops have built the capacity of local level organisations to develop projects to tackle the problems caused by small arms in their community and to link with other organisations to develop a common strategy. They have also raised awareness of the NAP and the NFP across Kenya and provided a first opportunity for interaction between civil society and the PTFs.

Learning points

- ◆ The NAP is very ambitious and will need the sustained support of a range of stakeholders if it is to be implemented effectively.
- ◆ It is vital that the NAP continues to be a priority of the Government and that it is integrated into other frameworks such as the Economic Recovery Strategy so as to ensure that it complements and strengthens other processes aimed at furthering development and security.
- ◆ It is important that the NFP has sufficient knowledge, skills and resources and receives the necessary financial support in order to effect implementation of the NAP.
- ◆ Harnessing and maintaining the support of civil society organisations across Kenya is also crucial in terms of providing popular support for the NAP and in enabling it to respond to the real needs of local communities across Kenya.

STRENGTHENING CAPACITY FOR ACTION IN KENYA AND UGANDA

In Kenya and Uganda, CSOs are working with their governments to support the implementation of National Action Plans. In order to strengthen the capacity of CSOs to take effective action on small arms, the Ugandan Joint Christian Council and the National Council of Churches of Kenya (in co-operation with the National Focal Points) have organised a series of training workshops for civil society. Initially, two 5-day 'training of trainers' workshops were held in November 2004 attended by CSO representatives working on security and development issues at the national or provincial level. The workshops provided participants with training on a range of issues including: the international and regional agreements on small arms control; the impact of small arms proliferation and misuse; and the structure and role of the NFP. They also provided participants with the skills to train others on this issue. Following these workshops, participants have delivered similar trainings for CSOs at the regional / provincial level across each country, and have thus further raised awareness of the small arms issue and built the capacity of civil society to address it.

MONITORING THE IMPLEMENTATION OF THE NAIROBI PROTOCOL

In 2003 in the Horn and Great Lakes region of Africa, NGOs formed the Eastern African Action Network on Small Arms (EAANSA) to monitor and encourage the implementation of the Nairobi Protocol. As part of this process, EAANSA has established effective co-operation with the Nairobi Secretariat. Each year, an annual seminar is held to discuss co-operation between governments and civil society to implement the Nairobi Protocol (the last such meeting was held in November 2004). EAANSA is also regularly invited to participate in government expert meetings convened by the Nairobi Secretariat. EAANSA currently consists of eight national chapters, in addition to a number of regional/international NGOs

SUDAN SNAPSHOT: THE NATIONAL FOCAL POINT

In January 2005, after two years of negotiations, the Sudanese government and the Sudanese Peoples Liberation Army (SPLA) signed the Naivasha peace protocols officially ending the twenty one year long North-South conflict. However in early 2003 as these negotiations were progressing fighting broke out in the western region of Darfur. This conflict is ongoing and tens of thousands of people have been killed and an estimated 1.5 million people have fled their homes.

As a result of the conflict in Darfur in July 2004 the UN Security Council passed Resolution 1556 which imposed an arms embargo on all non-governmental combatants in Darfur. On 29th March 2005 Security Council Resolution 1591 extended this arms embargo to cover the government which has been accused of arming the Janjaweed militiamen.

In the absence of any form of security being offered to civilians in Darfur (and other parts of Sudan) by the state, the demand for illicit firearms remains high. Weapons flow in from neighbouring countries, some of which are also affected by conflict. The proliferation of these weapons exacerbates conflict, undermines stability and hinders development whilst SALW are also used in the majority of killings, injuries and enforced displacement of the Sudanese population. Attempts to reduce possession of firearms have mostly been unsuccessful due to perceptions of insecurity, and customs and traditions relating to the possession of firearms.

In this context implementation of the PoA is not a priority for the Sudan government and little progress has been made in this regard. However in March 2004 a National Focal Point was established and these details were passed to UN DDA. This NFP represents the following governmental agencies and civil society organizations; Ministry of Interior (co-ordinator), Ministry of Defence, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Humanitarian Affairs, Ministry of Information and Telecommunications, Chamber of Federal Rule, Popular Defence force, Popular Policemen, National Council, Commission for Refugees, National Security & Intelligence, Customs officers, Military Manufacturing corporation, Human Security Initiative Organization, Centre for the Humanitarian Affairs Resource Management.

Whilst the establishment of an NFP represents only minimal progress, it is nevertheless encouraging that representatives of these agencies and civil society groups do attend regular meetings. In Feb 2005 the NFP with all its partners, in co-ordination with Nairobi Secretariat, held a training workshop in Khartoum to discuss and deliberate implementation of the PoA in relation to the Nairobi declaration. The NFP and their counter-parts from the SPLM are also helping to shape the development of a DDR programme for Sudan (in co-operation with UNDP), and to ensure that it includes comprehensive measures to combat SALW proliferation.

WOMEN DEMANDING PEACE IN SUDAN

Sudanese Women's Voices for Peace (SWVP) has been networking through community based mechanisms for peace mobilisation since 1993 in the difficult environment that is characterised by war and insecurity in southern Sudan and other parts of the country.. SWVP's membership is based on activism with a special focus on the human rights of all Sudanese people. The main goal of SWVP is to strengthen network members, enhance small arms control to achieve 'families free of gun violence', and to establish dialogue and ensure disarmament in Sudan. Since 2000, SWVP has been working near the Kenya-Sudan border, developing local posters addressing the issue of small arms, focusing on avoiding guns in public places such as schools, hospitals, churches, markets.

For more information, email Anisia K Achieng, at swvporg@yahoo.com

CENTRAL AFRICA

OVERVIEW

Central Africa includes many states with severe SALW-related problems, particularly in relation to conflict and post-conflict situations. For instance, illicit SALW flows have fuelled the conflict in the Democratic Republic of the Congo (DRC). Thus, in April 2005 the UN Security Council expanded the 2003 arms embargo to all non-state actors in the whole of the DRC, and specified that shipments destined for the DRC military and police needed to be cleared through the DRC Sanctions Committee and co-ordinated with the UN Mission in the Democratic Republic of Congo (MONUC).¹²

While the DRC is a member of the Nairobi Protocol, most other Central African States are not part of any sub-regional SALW agreements. In spite of this, there appears to be some limited PoA implementation in the sub-region. The Central African Republic, the Republic of Congo, Chad, the DRC, and Equatorial Guinea have all submitted reports to DDA and several states claim to have national co-ordination mechanisms, such as the Central African Republics' mechanism for co-ordinating DDR in the country. Overall, however, implementation of the PoA in much of Central Africa appears very limited.

WEST AFRICA

OVERVIEW

It is estimated that there are between seven and eight million SALW in circulation in West Africa, many of which are not in state hands but rather held privately or by Non-State Actors. The sources of these weapons are multiple. Not only are they imported from outside the sub-region but in addition they stem from illegal manufacture by artisans and from circulation between conflict zones. These SALW have been used in civil wars, especially in the Mano River region, have fuelled ethnic strife in southern Nigeria amongst other places, and have been utilised by criminals across the region. The widespread proliferation of the SALW has also led to human rights abuses, mass displacement and the undermining of the rule of law, amongst other things.

In West Africa, implementation of the PoA has been primarily through the ECOWAS Moratorium, the principal sub-regional SALW control measure. Therefore it is necessary to examine and address the implementation of the PoA through the sub-regional structures, the most important being those established to support the ECOWAS Moratorium.

¹² Aita, Judy, "Security Council Bans Arms Sales to Democratic Republic of Congo", *US Fed News*, April 19th 2005.

ECOWAS Moratorium

Since the signing of the ECOWAS Moratorium in Abuja, Nigeria, on 31 October 1998, it has been renewed twice, most recently in the summer of 2004 for a three-year period. Despite criticism about its weak language and scope for misinterpretation, the Moratorium has the support of all 15 ECOWAS member states and, given the overlap in their provisions, it acts as a sub-regional framework for the implementation of the PoA. However, the fulfilment of this role is hindered by its lack of enforceability. There are positive indicators of increased government support of the Moratorium in recent years, particularly with regard to provisions in the Moratorium echoed in the PoA such as the requirement to establish a national co-ordination agency and a national point of contact, as well as regular reporting on implementation of SALW controls.

The Programme of Co-ordination and Assistance for Security and Development (PCASED), developed by UNDP to support the Moratorium, was disbanded at the end of 2004 as a result of the feeling among both civil society groups and donors that PCASED was not performing as intended. PCASED was replaced by a new organisation known as ECOSAP (the ECOWAS Small Arms Project), which concentrates on the provision of technical advice on the implementation of small arms controls. It is supported by a new Small Arms Unit based within the ECOWAS Secretariat in Abuja, Nigeria, whose role is to deal with the political aspects of the Moratorium such as the granting of exemptions.

A meeting of civil society and political leaders of the West Africa sub-region was held in Accra in November 2004 on starting the process of converting the politically-binding Moratorium into a legally binding convention. Subsequently, Oxfam, the Government of Mali and ECOSAP held a meeting in Bamako in March 2005 to begin the drafting of a legally binding document based on the provisions of the Moratorium. The redrafting will attempt to widen the scope of ECOWAS small arms policy to make it more comprehensive by including previously overlooked issues such as brokering. It is hoped that such a revised agreement will replace the Moratorium when it is due to be renewed in 2007.

National Implementation

Levels of implementation of the PoA vary from country to country across West Africa, but the increased number of national reports from ECOWAS states and the high levels of government participation at recent conferences on the Moratorium, indicate increasing commitment to tackling the SALW issue. A review of major indicators, as set out by the Moratorium itself, indicates that the performance of the West African states presents a mixed, rather modest, picture, with its impact on the level of proliferation more evolutionary than revolutionary. It should be stressed that although the Moratorium was declared in 1998, the necessary mechanisms and instruments for its implementation took some years to articulate and operationalise. In addition, there is a clear lack of wider knowledge of this process. Most of the information relating to the implementation of the Moratorium has emerged as a result of NGO activities.

The Moratorium has however by no means been a complete failure and despite the shortcomings it has emerged as a useful template for sub-regional co-ordination of SALW control measures. It is also an invaluable device in bringing West African governments and civil society around the table to discuss SALW issues. Progress on implementation has been strongest on the issue of weapons destruction. For example, ceremonial weapons-burning ceremonies were used to mark the Week of Action on Small Arms 2004 across the sub-region as a symbol of support for SALW destruction and a means of raising awareness of the issue. To date, 10 of the 15 West African states have submitted official reports to UN DDA on implementation of the PoA, with five National Reports already submitted in 2005 from ECOWAS member states. Of the national reports submitted in 2005, a number were from countries that were reporting for the first time, such as Guinea, Gabon and Togo. In accordance with the Moratorium and the PoA, 12 of the 15 ECOWAS states have established National Commissions, with several involving some

civil society representation. In addition, Guinea has established a National Action Plan on small arms, and in line with the Moratorium and the PoA. Benin has recently conducted an audit of SALW stocks and a national register of SALW has been created in order to monitor stockpiles as well as the importation and exportation of SALW. For its part, Ghana is currently in the process of reviewing its SALW legislation to harmonise its laws as per the requirements of the Moratorium. However, given the weak and transitional nature of many of the governments in the sub-region, the capacity of these commissions is often limited and some exist in little more than name.

While the UNDP has supported PCASED/ECOSAP as a regional centre of SALW expertise based in Mali and the UN DDA established a regional centre in Lomé, Togo, there has been uneven implementation of the PoA and the Moratorium in the region. This is partly due to linguistic factors separating Lusophone, Anglophone and Francophone West Africa but also due to the different problems faced across the sub-region, resulting in some states being more able and willing to implement SALW controls than others. A key deficiency in implementing the PoA has been the lack of sub-regional co-ordination of SALW control measures. This is especially important in the Mano River Region where DDR and disarmament processes have been nationally based, while the flow of SALW has been regional.

As mentioned above, in some countries within the sub-region there have been weak and transitional governments in power. This means that the abilities of some states to implement SALW agreements has been limited, whilst other states have been unwilling to implement SALW controls (see the Liberia Case Study). The Mano River states have continued to develop co-operation on border management to stem illicit SALW transfers in the sub-region. Building on the agreement between the states in 2001 to deploy joint patrols, a current Canadian-sponsored initiative facilitates the further sharing of intelligence and training of personnel for such joint patrols. Benin and Nigeria have also recently been involved in bilateral exercises to train customs officials and border guards and joint patrols along common borders now take place.

National implementation has been restricted by the weakness of National Commissions in many states. The dissolution of PCASED in 2004 has meant that there has been a lack of technical assistance to states with regard to the establishment of National Commissions on SALW. Due largely to lack of financial and physical personnel resources and relevant training, Commissions are still predominantly ineffectual across the sub-region. It is hoped that ECOSAP will address this gap in technical advice since, without such assistance, National Commissions will remain toothless.

The role of civil society

By and large civil society in the ECOWAS sub-region has played an increasingly active role in addressing the challenges of small arms proliferation. It has actively supported government SALW action, initiated its own advocacy initiatives, and contributed input to sub-regional policy making on small arms controls.

The most notable trend has been the increased co-ordination of civil society action through the establishment of national networks working under the umbrella of the West African Action Network on Small Arms. The end of the civil conflict in Liberia has seen the creation of a national network of civil society organisations working on small arms, LANSAs (Liberian Action Network on Small Arms). Since its inauguration in August 2003 LANSAs has been actively involved with the UN mission in Liberia, with community leaders and with the transitional government, in programmes aimed towards encouraging combatants involved in the conflict to disarm. A Nigerian network, NANSAs (Nigerian Action Network on Small Arms) was established in November 2004 and has been active in co-ordinating civil society activity with regard to the implementation of the Moratorium and the PoA, most significantly, driving a wave of arms destruction programmes, drafting a two year National Action Plan on small arms, and improving the previously tenuous relationship between civil society and the National Commission.

GHANA SNAPSHOT: THE NATIONAL COMMISSION AND NGO ACTION ON SALW

Compared to the majority of its sub-regional counterparts Ghana has continued to remain relatively peaceful. This is in contrast to the instabilities and conflicts which have been experienced by its immediate neighbours, Côte d'Ivoire and Togo and by the countries of the Mano River region. However concerns about SALW proliferation have increased and levels of associated violence and crime have risen, with a marked rise in firearms-related violence in recent years. Illegal SALW are trafficked into the country from other less stable countries in the sub-region and there is also a significant level of illegal local production, which is a distinctive element from other West African countries. .

The recently created Ghana National Commission on Small Arms (GNCSA) is Ghana's national co-ordination agency for the PoA. GNCSA has developed a campaign against the proliferation of small arms and light weapons which has increased awareness amongst the public which previously had not paid much attention to the negative effects of the trade and distribution of SALW. Materials being used include video clips, radio and television jingles, newspaper inserts, educational leaflets and posters. The efforts of the Commission, with the support of Ghana's Ministry of Interior and the United Nations Development Programme (UNDP) have also focused on Kumasi, in the Ashanti Region of Ghana. Kumasi houses the largest population of artisans and blacksmiths in Ghana, producing pistols and other small arms at a place known locally as "The Magazine". At the launch of the Ghana National Commission on the 5 May 2005 the Interior Minister estimated that local artisans produced up to 100,000 small arms each year. Other initiatives of the GNCSA include weapons destruction projects that have been implemented in the Greater Accra region, the Eastern region, the Volta region and the Brong Ahafo region, with plans for the remaining regions to be addressed in the future.

At time of writing, the Ghanaian government is in the process of revising its national legislation on the production, import, export, transfer and brokering of SALW, previously controlled by the Arms and Ammunition Act of 1962.

In the face of the increase in armed conflict, particularly in the Northern regions, since May 2002, the Ghanaian Action Network on Small Arms (GHANSA) has co-ordinated activities targeted at these problems. For example, it launched a Week of Action against the illicit proliferation of small arms and light weapons on 14 February 2005. The launch ceremony in the Northern Regional capital, Tamale, attracted some Northern Region Members of Parliament, police, traditional rulers, religious leaders, students, youth groups, youth chiefs and opinion leaders among others. The activities of the Week of Action were especially focused on the youth of Tamale and Yendi where the incidence of gun violence is very high. Events included debates in schools and a route march on the principal streets of Yendi in which over 500 school children and their teachers took part. In addition, April 2005 saw the launch of Ghana's National Campaign against Small Arms, at a SALW awareness raising conference organised by GHANSA and the UNPD in Takoradi. The campaign mobilises religious organisations, educational institutions and the general public against the proliferation of small arms and light weapons in the country.

GUINEA SNAPSHOT: THE NATIONAL COMMISSION, WEAPONS COLLECTION AND DEVELOPMENT OF A NATIONAL ACTION PLAN

Illicit SALW proliferation in Guinea can largely be traced back to events following the country's independence, when a national militia was created. The distribution of weapons to civilians during an attempted coup in 1976 and a military take-over in 1984 during which stockpiles of weapons were distributed to pro-putsch soldiers, or looted, resulted in a large number of weapons in circulation within the country. These weapons were never collected and in addition to these further SALW have entered the country as a result of the conflicts in the Mano River countries.

In accordance with the ECOWAS Moratorium which Guinea signed in October 1998, Guinea established a National Commission (Commission Nationale de Lutte Contre la Prolifération et la et la Circulation Illicite des Armes Légères, CNLCPCIAL) in August 2000. As of April 2004, CNLCPCIAL comprised 27 members, including five representatives from civil society, and a national focal point on small arms who is the permanent secretary of the CNLCPCIAL.

In September 2003, following an agreement between the Government of Guinea and the US, a two month weapons and ammunition destruction project was carried out in which 21,906 small arms, 89,889 rounds of ammunition, 278 anti-aircraft missiles and 3174 mines were destroyed using destruction techniques in conformity with the UN Programme of Action and the Ottawa Convention of which Guinea is also a signatory.

In 2004, the National Commission initiated a Plan of Action on Small Arms in 2004 in which it set out a list of twenty activities aimed at sensitising the public to the dangers of small arms use and proliferation in line with the priorities of the government and with ECWOAS Small Arms Project. It also created and inaugurated a liaison office between the National Commission and the Conakry National Air Terminal to enhance border controls.

FACILITATING ARMS FOR DEVELOPMENT IN SIERRA LEONE

The Sierra Leone Action Network on Small Arms (SLANSA) has been closely involved with the UN Development Programme's (UNDP) *Arms for Development* project. Representing civil society on the District Working Groups, the project seeks to offer development incentives to chiefdoms that have been certified as weapons-free. The target of 67 chiefdoms by the end of 2005 will result in approximately half the country being declared weapons-free, if successful. SLANSA members include a number of youth and faith-based groups, including the national Council of Churches. Co-operating with the UNDP Sensitisation Officer, SLANSA members are responsible for raising awareness of the Arms for Development program, and for collecting the weapons from the chiefdoms.

In 2004, the Arms for Development project collected 1892 weapons and 7 districts were certified weapons-free.

For more information, email Florella Hazeley at ccsl@sierratel.sl.

LIBERIA CASE STUDY: POST-CONFLICT DDR

Unlike some West African countries, which have established focal points and national commissions, Liberia's implementation of the PoA has been hampered by the 14 years of war from which the country emerged in August 2003. While after the first civil war in 1997, there was ample opportunity for the Charles Taylor regime, which ruled Liberia from 1997 to 2003, to implement the PoA, the regime squandered the opportunity by pursuing other security priorities. Under him, there was an arms burning exercise in July 1999 but no national structures were put in place to bring all stakeholders together in order to carry out the PoA which was adopted in July 2001.

The signing of the Comprehensive Peace Agreement (CPA) in Accra, Ghana on 18 August 2003 has offered an opportunity for the country to lay the basis for implementing the PoA. The UNDP in May this year launched a Small Arms Control project in the country; the disarmament and demobilisation (DD) phase of the DDR programme has been completed; the implementation of the reintegration (R) phase has started; and the weapons collected during the DD phase are being destroyed by cutting them into half.

National legislation

As has been the case in many other countries emerging from civil war it is extremely unclear what legislation already exists. There may be a national legislation on the control and use of small arms in Liberia; but from all indications, not only accessing has proved difficult but even if such legislation exists, it has never been adhered to in a way that would curb the proliferation of illicit arms. Re-establishing this legislation and ensuring that it conforms to present day post-war realities in the country will be useful for curbing small arms proliferation in the country.

Disarmament and weapons collection

The disarmament and security sector reform (SSR) programmes were enshrined in the CPA and UN Security Council Resolution 1509, which mandated the UN Mission in Liberia (UNMIL) to support both the SSR and the DDR programmes in the country. Consequently, since 2003 both the National Transitional Government of Liberia (NTGL) and the UNMIL have worked towards disarming the ex-fighters and making plans for the restructuring of the army and the police. In order to carry out the DDR project, a National Commission on DDR was established comprising representatives of the NTGL, the three former warring factions, ECOWAS, the United Nations, the African Union and the International Crisis Group on Liberia. This was an interdisciplinary and interdepartmental commission, which continues to work with ex-fighters till now as it fulfils the R phase of the project. Other stakeholders include USAID, service providers and implementing partners, the majority of whom are civil society groups like local and international NGOs.

Through their joint efforts, disarmament in Liberia was declared completed on 31 October 2004 amidst uncertainties about whether the process was thorough or not. For example, local people are not yet convinced that all the weapons were collected and ex-fighters themselves have admitted that there are still weapons in the bush. In total, about 103,019 fighters were disarmed and demobilised but only 29,794 weapons were collected. Though 23,872 have enrolled on the R phase of the project, several thousands still await to benefit from it. One of the factors that caused this problem is that at the beginning of the programme, the UN under-estimated the number of fighters to be 38,000 and therefore, as the number increased, it became evident that the money allocated for the R had to be spent on DD phase of the project.

So far, the weapons collected do not match the number of people who went through the DD phase of the project. Such situation causes concern about the completion of the DD phase. Moreover, the heavy weapons used during the war have yet to be turned in. As indicated above, in order to help cleanse the society of these weapons, the UNDP is beginning a programme aimed at collecting weapons through community efforts. The success of this programme will go a long way in making the society secure enough for farming and development.

Security sector reform and reintegration of fighters

In some ways, the disarmament and weapons collection processes are embedded in the wider peace building, security sector reform and macro-economic development processes. First, as stated earlier, disarmament and weapons collection are confidence building exercises and measures, and so they are very useful to broader peace building. Second, some of the fighters who have been disarmed are eligible under existing legal frameworks to be integrated into the security sector.

The implementation of the SSR programme itself is experiencing temporary problems in the sense that it is lopsided. For example, of the various agencies that make up the Liberian security architecture, only

the Police and Army are receiving serious attention. Already the first batch of police officers have been trained under this programme while the armed forces of Liberia are still waiting to go through a severance process before a small army of 4,000 troops can be trained by the US private security firm, DynCorp. The US government has earmarked US\$200 million for this exercise over a three to four year period. The major hold-up now is that the government of Liberia cannot find the money required to pay severance allowance to the soldiers who will be laid off from the army. In all, 7,604 soldiers will receive severance pay out and 4,650 soldiers will receive both severance pay and pension.

Finally, the fighters have been enrolled into vocational training centres, formal education and others in order for them to fit within the overall development of the country. The skills acquired from these centres will certainly be used for the short and long-term development needs of the country. In this light, the programme is embedded into the wider peace building, SSR and development strategies of the country.

Donor assistance and co-operation between government and civil society

There has been international assistance to the DDR programme from the UNDP, EU, USAID, UNICEF and the governments of Britain, Sweden and the USA. However, local civil society groups have complained about the lack of input from them during the implementation of the DD phase of the programme. Civil society groups have nevertheless been encouraged to bid for the implementation of the different aspects of the RR phase, particularly in the area of training and education. Further, local institutions are also playing a role in the RR phase of the programme, but the general lack of implementation capacity is seriously hampering the process.

For example, in April 2005 only 23,872 ex-fighters were accessing vocational training and formal education opportunities while the vast majority of approximately 79,147 demobilised fighters could not find any place in the country. This is due to the fact that the DD figures were far more than the original estimated 38,000. The other problem with the R phase, as mentioned above, was the lack of financial resources because the money allocated for this phase of the programme was used for the DD phase. Since the UN had under-estimated the number of fighters as 38,000 there was budgetary allocation for this number but once the figure increased, they had to get resources from the R phase. Thus, at the beginning of this year, there was a budgetary deficit of \$60 million in order to fully implement the R phase.

Learning points

- ◆ The dramatic underestimation in the expected number of combatants who would be demobilised resulted in significant delays in the processing of ex-fighters resulting in increased tension and dissatisfaction. The experience in Liberia highlights the importance of gaining accurate estimates of the number of fighters to be demobilised in any DDR exercise.
- ◆ It is important to ensure civil society input in the initial stages of a DDR process to avoid dissatisfaction further down the line. If civil society are not engaged in the process and do become dissatisfied it is possible they may hamper progress.
- ◆ While the integration of SSR into the process of DDR is a positive development there is a need for a holistic approach involving both the army and the police.
- ◆ Greater financial support is required from the international community if the DDR process in Liberia is to succeed.

NIGERIA SNAPSHOT: GOVERNMENT INITIATIVES ON SALW

Nigeria is the largest state in the sub-region and faces a complex SALW problem. In the north of the country there have been extensive clashes between the Christian and Islamic communities while in the

south there have been ongoing problems in the Niger Delta region between the local community and the police, related to the oil industry where SALW have been used by both sides. Nigeria further faces significant challenges in relation to the use of SALW by criminals throughout the country.

In the last year the government has become increasingly active in trying to address SALW problems in Nigeria. Government-led initiatives that support SALW control to date include:

- promoting improved Police/Community relations coupled with a proposed community-policing project in some states of the federation
- the Federal government's plan to create jobs through National Directorate of Employment in order to provide a path out of criminality for disaffected youth
- the police gun recovery drive across the country
- on-going "anti-graft" (anticorruption) campaigns which will promote public support and trust for the police service in providing public security

Further Nigerian government SALW initiatives include the establishment of a Presidential Committee on the Destruction of Illegal Firearms and of a National Disarmament Committee. The Presidential Committee on the Destruction of Illegal Firearms has publicly destroyed (through open air burning) arms and ammunition recovered from various groups and locations in four successful exercises nationwide. By the end of 2004, a total of 3,058 firearms and 3,790 rounds of small arms and ammunitions were destroyed by the committee. On March 22nd 2005, a further 695 assorted arms and rounds of ammunition were destroyed in Abuja.

Civil society action on SALW in Nigeria has also strengthened significantly over the past few years, and has involved increasing co-operation with the government. Moreover, as of August 2003, the National Committee on the ECOWAS Moratorium, which acts as the co-ordinating body for the PoA, has included representation from four civil society organisations. Subsequently, the Nigeria Action Network on Small Arms (NANSA) was launched on November 17 2004. NANSA, which now consists of 47 NGOs works in close co-ordination with the Nigerian National Commission on small arms and was part of a 12-man presidential committee that supervised the destruction of illegal arms retrieved from the warring factions in the Niger Delta. NANSA has also produced a two-year action plan on SALW in order to assist the government in trying to eradicate the gun culture in the region.

"BALLOTS NOT BULLETS" CAMPAIGN FOR GHANA ELECTION

In the lead up to the 2004 Ghana Election, Ghanaian civil society organisations launched a campaign for a violence-free election. The slogan "Ballots not Bullets", together with campaign materials including posters, were used by the Foundation for Security and Development in West Africa (FOSDA) in its work with its peace campaigners at political rallies for a peaceful Ghanaian election.

The materials were distributed to all 110 districts and almost all communities that had personnel from the National Commission for Civic Education had copies of the poster. On Election Day the "Ballots not Bullets" posters were the only ones visible around the polling stations.

For more information, e-mail Afi Yakubu at afiyakub@yahoo.com

SENEGAL CASE STUDY: THE NATIONAL COMMISSION AND PLANNING FOR DDR IN THE CASAMANCE

Senegal has enjoyed relative peace and stability compared to its neighbours, Mali, Mauritania, Gambia, Guinea Bissau and Guinea Conakry, which have all experienced violent conflicts that have had destabilising effects and have contributed to a rise in SALW proliferation and trafficking. However, given the relatively porous borders in the sub-region and the low-level separatist war which, until recently, had been ongoing in the Casamance, a region in the south of Senegal, for over twenty years, SALW remain a cause for concern. In the Casamance especially SALW trafficking and proliferation is widespread and reports have highlighted arms trafficking via Guinea Bissau and Guinea Conakry.¹³

While SALW proliferation is not as serious as in some other conflict-affected countries in the sub-region SALW remain easily available and this has fuelled an increased sense of insecurity due to the growth of a culture of violence and criminal activities. This has in turn had a negative impact on both the economic and social aspects of the country.

Senegal is committed to implementing the ECOWAS Moratorium and to date has showed relatively strong political will in doing so. In response to the commitments set out in the Moratorium a national commission was established in October 2000 and this commission also acts as the co-ordinating agency required by the PoA.

Senegal's National Commission

The National Commission is headed by a permanent Secretariat located within the Ministry of the Armed Forces. This Secretariat also acts as the NFP for the implementation of the PoA and is responsible for the preparation, organisation and administration of Commission meetings, the drafting of the national action plan, mobilisation and management of the resources to implement the plan and supervision of the activities and projects of the action plan. Work is currently underway to draft the national action plan.

The decree which established the Commission also provides for the participation of non-permanent members from state agencies and from civil society organisations. However none of the latter are actually represented on the commission although they do work closely with it.

The Commission also consists of representatives from the Office of the President and the Prime Minister as well as representatives from ministries including; the Ministry of Economy and Finance, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of the Interior, the Ministry of the Environment, the Ministry of Culture and Communication and the Ministry of African Integration. This broad participation widens the scope for SALW issues and increases the potential for cross-sector co-operation. Currently, an enlargement project is underway which will open up the commission to other ministries, including the Ministries of Education, Family, Youth, Solidarity, Agriculture and Husbandry. The Commission is able to appoint any competent person whom it believes will be able to help it with its missions.

The mandate of the Commission includes the following responsibilities:

- identifying effective strategies for fighting against the proliferation and unlawful trafficking of small arms and light weapons
- undertaking studies which contribute to the effective prevention of the proliferation and trafficking of small arms and light weapons

- expressing opinions and making suggestions or propositions to the relevant national authorities
- initiating educational projects which inform the population of the dangers caused by the proliferation and circulation of SALW
- gathering intelligence or information regarding the importing, exporting and manufacturing of small arms and light weapons, and passing it on to the executive Secretary of ECOWAS via the intermediary in the seat of the relevant observation zone
- initiating and developing information exchanges and encounters with other national commissions; and
- assisting with the implementation of decisions relative to the fight against SALW proliferation and circulation.

The National Commission meets every three months to monitor the progress made in implementing its mandate. Annual reports on the activities of the Commission are made to the Prime Minister and the UN.

Recent activities in 2004 and 2005 have included;

- 2 to 12 August 2004, the National Commission commenced a national awareness-raising campaign. The objectives were to introduce the National Commission, to make the population aware of the problems of SALW, and to set up regional units. During this round, the National Commission was accompanied by civil society, represented by MALAO. At the end of this campaign, the following recommendations were made:
 - Creation of regional commissions on SALW
 - Production of a regional action plan by these regional commissions which will be at the disposition of the National Commission
 - Undertaking awareness-raising activities in order to make the population more aware of the problem of SALW
 - Establishing a national day against SALW
- On the 3 and 4 of March 2005, the Senegalese state, via the National Commission, held a seminar on the subject of amending texts on SALW in order to make them more appropriate. This seminar, which brought together a wide variety of government representatives and civil society actors, examined the current law on SALW and came up with ideas for its modification (introduction of text on brokering, weapons destruction, nomenclature of different types of weapons) in accordance with the Programme of Action of New York, and with the Abuja Moratorium. The current law dates back to 1966.

Ongoing work includes a project to identify and destroy surplus weapons. This was officially preceded by the destruction of 8,000 weapons in 2003 which came from a stockpile of weapons from the army, accomplished with the support of the United States. The National Commission has now begun to take a census of weapons seized at various levels (police, gendarmerie, and customs). However the destruction will require the introduction of new legal and financial measures.

One of the key challenges facing the work of the Commission is funding constraints. The resources for the National Commission are provided by the state and it can also request funds from international institutions. For the moment, the National Commission does not have its own independent budget; it receives its funding within the framework of the Programme for Co-ordination and Assistance for Security and Development in Africa (PCASED) (US\$25,000), and from its activities and partnerships with NGOs. The lack of an independent budget and secretariat office have affected the implementation of the Commission's project to computerise the Army's register on state agencies weapons and the Interior Ministry's register on civilian weapons, which has in turn affected other elements of the Commission's work due to inadequate data management methods.

Planning for DDR in the Casamance

A disarmament, demobilisation, and reintegration (DDR) operation is planned in the Casamance, the southern region of the country where there has been an armed crisis for more than 20 years between the democratic forces of Casamance and the state of Senegal. Currently the two parties have signed agreements for the settlement of the conflict and the conditions are in the process of being drawn up for the DDR operation. The official ceremony at the beginning of negotiations took place on 1 February 2005. There is however still ongoing discussion about the form this should take, as some aid agencies have objected to using allocations as an incentive for disarmament. A well-planned DDR programme in the region is key to preventing the available SALW from being drawn in to other conflicts, or being used in criminal activities, thus continuing to fuel instability or destabilise the peace. Within the same framework, in July 2004 an agency known as the National Agency for the Recovery of Social and Economic Activities in Casamance was set up with the mission of facilitating the rapid restoration of an economic and social environment in Casamance and to lay the foundations of a long term development which respects its specificity.

Learning points

- ◆ Inadequate funding of National Commissions in the region has the potential to hamper effective implementation of SALW controls and activities. It is vital that National Commission's receive adequate autonomous funding.
- ◆ By working closely with civil society organisations, National Commissions can broaden their target audience and gain valuable knowledge of the real situation on the ground.
- ◆ A well planned DDR process will be key to maintaining peace and stability in the Casamance and to preventing SALW circulating more widely in the country, contributing to criminal activities and instability.

SIERRA LEONE SNAPSHOT: THE NATIONAL COMMISSION AND 'ARMS FOR DEVELOPMENT'

Sierra Leone formally came out of its 11 year civil war in January 2002. Successful elections were held in May 2002 and since then the country has entered a period of democratic transition featuring improved governance. The principal challenges faced by the country with relation to SALW are the significant numbers of weapons that were left in private hands after the civil war. There have been considerable efforts at promoting community disarmament following on from the DDR phase as well as improving the effectiveness of the security forces in order to promote greater human security.

A National Commission on small arms was established in Sierra Leone in 2001. It is housed in and is largely staffed by employees of the Ministry of Defence. It has yet to develop a National Action Plan to implement the PoA since the Commission is still in interim status and runs only on a skeleton staff. One of the major tasks of the National Commission will be to review the sole piece of SALW legislation, the Arms, Ammunition and Explosives Act of 1955, which is now entirely obsolete. Civil Society progress on this and other SALW issues has, however, been accelerated. In this regard, the Sierra Leone Action Network on Small Arms (SLANSA) is undertaking activities in conformity with the PoA such as contributing to civil society pressure to review the current out of date legislation, with support from international donors.

From 2002 onwards the Government of Sierra Leone and the UNDP funded a disarmament and arms collection programme in Sierra Leone called 'Arms for Development' (AFD). The project, supported by Norway, Canada, the UK and the Netherlands, was developed subsequent to the Preparatory Assistance Phase in 2003. Activities of AFD have focused on a holistic approach and have included community arms

collection, development of new ways to stem the illicit trade weapons and supporting revision and implementation of the national firearms legislation. Communities were given incentives in the form of US\$20,000 grants to run community arms collection projects. These were allocated to chiefdoms that successfully go through the AFD disarmament programme and which have been certified by UNDP observers to be weapons free. Addressing disarmament at chiefdom level and targeting incentives at the community, rather than individuals, has been a successful approach to achieving buy-in from communities. In addition there has been a voluntary weapons collection programme, Community Arms for Collection for Development, run by the Sierra Leone Police.

Civil society in Sierra Leone was also very active during the Week of Action on Small Arms in July 2004. Events organised by the Rural Youth Development Organisation and SLANSA included: preaching against small arms in Mosques and Churches nationwide; an open forum with the Ministry of Defence; a film screening for schoolchildren on the dangers of small arms, and a symbolic burning of weapons, in collaboration with the United Nations Mission in Sierra Leone.

SOUTHERN AFRICA

OVERVIEW

The extensive proliferation of small arms and light weapons in Southern Africa continues to contribute to high levels of violence and criminal activity in the sub-region and is a major obstacle to sustainable peace, development and good governance. Many small arms and light weapons in circulation in Southern Africa were imported from outside the sub-region during the Cold War, but the recently ended conflict in Angola and the continuing fighting in the DRC in particular have also contributed to the vast numbers of SALW in circulation in the sub-region.

Governments in the sub-region are increasingly aware of the need to tackle the small arms problem, and although progress has been somewhat slow, important steps have been taken since 2003.

The SADC Protocol

As reported in the 2003 edition of this Report, the states of Southern Africa signed the Southern African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and Other Related Materials in August 2001. The Protocol addresses a comprehensive range of issues and, if implemented effectively, it would greatly assist in tackling the problems caused by small arms in the sub-region. The SADC Protocol is also significant in that it is the first legally binding agreement on small arms control to be developed in Africa, and implementation of the Protocol would complement implementation of the PoA, since many of the provisions of the two agreements are similar.

The SADC Protocol has been signed by all countries in the sub-region other than Angola, and entered into force on 8 November 2004, following its ratification by two-thirds of member states. States are therefore now legally obliged to enforce the controls and commitments contained within the Protocol. Thus far, however, progress towards its implementation has been somewhat disappointing. At the sub-regional level, governments have agreed to common controls in many areas, but have not always specified what exactly this should entail. It is therefore vital that states develop a shared understanding of what action needs to be taken and that, as a first step, they consult on the process of harmonising small arms control legislation across the sub-region. It is also important that the SADC Secretariat and the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) Secretariat take a leading role in co-ordinating and promoting further progress towards implementation.

Progress on marking and tracing

There are, however, some positive developments to report on since 2003. For example, a task force has been developed consisting of representatives from Botswana, Mozambique, Namibia, South Africa, Tanzania and Zimbabwe to promote implementation of the provisions of the SADC Protocol which relate to the marking and tracing of firearms. The task group met in July 2004 in Maputo, Mozambique, and agreed on the importance of developing a regional, standardised process for the marking of firearms, with the objective of reducing levels of armed violence. The outcome of this meeting was the adoption of a system whereby:

- the firearm identification number (marking) must be stamped to a depth of at least 0.2mm on either the barrel and the frame, or the barrel and the receiver
- the marking system to be used should include at least the following elements:
 - country of manufacture
 - date of manufacture
 - serial number
 - manufacturing company / institution.

These recommendations have been adopted by the legal sub-committee of SARPCCO, which has also expressed its support for the UN Open Ended Working Group on marking and tracing. It is now important that such a system comes into being promptly, and is implemented by all countries in the sub-region. If such a system is to assist in the tracing of firearms it is also vital that states develop comprehensive databases detailing the markings of all weapons and that systems are put in place for the sharing of this information within the sub-region.

Sub-regional meeting on implementation of the PoA

At the time of writing, SADC States are also planning a sub-regional meeting to report on progress towards the implementation of the PoA. This meeting will provide government representatives from across the sub-region with the opportunity to learn from the experiences of other sub-regions and to identify means by which to further encourage co-operation between states and with the SADC and SARPCCO Secretariats. It will also assist states in preparing for the Biennial Meeting of States in July 2005.

Progress at the national level

Whilst progress at the sub-regional level has thus far been limited, some significant developments have occurred at the national level. Such progress has included:

- the development of National Action Plans on small arms control in Namibia (in 2004) and Botswana (in 2003), which are now being implemented
- the establishment of a National Focal Point to co-ordinate efforts towards small arms control in Botswana, the DRC and Namibia
- the decision by the National Security Council in Malawi to establish a National Focal Point
- a crime survey in Mauritius, to identify emerging crime trends and develop preventive strategies
- a weapons amnesty and the coming into force of new firearms legislation in South Africa (see South Africa case study).

In addition, Tanzania is now in the fourth year of implementing its National Action Plan, and progress thus far has included:

- the establishment of National Focal Point Committees, which have implemented activities at various levels within the different ministries that are members of the NFP
- the establishment of Regional and District Task Forces to oversee implementation of the NAP at the regional and district level
- the formation of civil society networks with members at the national, regional and district levels, promoting small arms control and supporting the implementation of the NAP
- the recovery and destruction of illicit firearms and other related material, in a number of sites across the country
- computerisation of the Central Fire Arms Data Base which is currently underway.

New civil society network on small arms in Southern Africa

In August 2004, civil society representatives from across the sub-region agreed upon the need to form a Southern African Action Network on Small Arms (SAANSA). SAANSA has since been formed and is providing a vital mechanism for the co-ordination of efforts across the sub-region to improve controls on small arms. SAANSA includes members from all countries in the sub-region, and should provide an important impetus to the further implementation of the SADC Protocol and the PoA. Priorities thus far identified by the network including lobbying governments and the SADC Secretariat to further implementation of the SADC Protocol and raising popular support within the sub-region for the global Control Arms Campaign (see Section 3.3.3 on transfer controls).

ANGOLA CASE STUDY: PUBLIC AWARENESS RAISING AND WEAPONS COLLECTION INITIATIVES

The widespread availability of SALW is one of the biggest challenges facing Angola as it emerges from 3 decades of civil war, with SALW-related violent crime on the increase and a continuing sense of instability and insecurity throughout the country. Indeed, the necessity of tackling the SALW problem in Angola is one of the implementation requirements of the Lusaka Protocol of 20 November 1994¹⁴ and is restated by the Luena Accord of 4 April 2002 between the Angolan government and UNITA. In the context of the huge challenges facing Angola, government action on implementing the PoA has been relatively limited. However, the establishment of a National Commission provides an opportunity for the development of a comprehensive strategy for addressing SALW proliferation in Angola. In addition the growth in the number of civil society organisations that are becoming involved in efforts to control SALW in Angola also bodes well for future progress.¹⁵

Government-sponsored weapons collection in Angola

Since 2003 the Angolan government has become increasingly active in efforts to reduce numbers of SALW in circulation. In March 2003, the government established a National Commission for the Disarmament of the Civilian Population under the Public Order branch of the National Command of Police. This National Commission conceptualised and designed a national strategy for weapons collection. In addition, a Presidential dispatch no. 8/04 of July 23, 2004 which called for the establishment within 60 days of a National Commission to address implementation of the Programme of Action on the illicit trade in SALW,¹⁶ and which involves three civil society organisations, has helped to create a space conducive for enhancing the co-operation between national/local government and civil society organisations.

¹⁴ Annex 3 Part II.1 of Working Agenda, Military Issues (I) §C Modality III n? 12

¹⁵ Eleven organizations including Christian Council of Churches of Angola, Igreja Evangélica Congregacional de Angola, Evangelic Alliance of Angola, Roman Catholic Church Commission for Peace, Justice and Migrations, Mosaiko, Angola2000, ADRA-national, Jubilee 2000-Angola, Development Workshop, COIEPA, FONGA and individuals are working together on the hosting of a national NGO conference that will launch an Angola-wide civil society campaign on SALW.

¹⁶ Presidential dispatch n? 8/04 of 23 July 2004 mandated the establishment of the *National Commission for the materialization of the Programme of Action on the illicit commerce of small Arms and Light Weapons*. The Committee was actually formed in November 2004 and is led by the Ministry of Foreigner Affairs. Other ministries that are part of the commission are: Defense; Interior(Home affairs); Administration of Territory; Justice; Family and Promotion of Women; and three civil society organizations namely Ordem dos Advogados (Chamber of Lawyers), Rede Mulher (women network) and COIEPA-Inter Ecclesial Committee for Peace in Angola.

The Angolan national strategy for collecting SALW comprises three main phases of indeterminate duration, namely:

A) Sensitisation phase (public awareness),

B) Voluntary surrender phase (which itself has three elements):

1. voluntary surrender of guns that can be handed over to police, traditional leaders and church leaders
2. capture of guns involved in criminal activities
3. capture of guns by denunciation (i.e. where a member of the community reports to the authorities that a person/persons has/have an illegal weapon). Once it has been established that this is the case the authorities will arrest the offending individual(s).

C) Coercive method (focused searches by the authorities)

It has been acknowledged that, owing to communications difficulties throughout Angola, public knowledge of the national strategy for weapons collection remains limited.¹⁷ Despite this, weapons collection initiatives are being undertaken. For example, in March 2005 the Public Television of Angola reported the voluntary surrender of 500 weapons in the Kikolo-Viana municipality of Luanda on the part of ex-Civil Defence Personnel whom no longer felt the need to retain their weapons. Moreover, in Bié province the local police Commander told the media that “the corporation that he leads found three hidden caches of small arms in good condition” whilst in Huila province Colonel Abel Manjata from the Angolan Army Forces said that up until August 2004 they collected 8,000 arms of diverse calibre from the Defesa Civil (para militias) in that province.¹⁸

Government-civil society collaboration on SALW

In recent years, an increasing number of civil society organisations in Angola have become involved in efforts to tackle SALW proliferation. Indeed NGOs such as Angola 2000 have led the way in developing innovative and engaging public awareness campaigns which profile the dangers arising from the widespread availability of SALW in Angola and which help to build support for collective solutions, such as the voluntary surrender of weapons. Provincial/local authorities have been closely involved in the awareness raising work carried out by Angolan NGOs with the Cabinet for Municipal and Communal Support (GACAMC) the main interlocutor. Due to poor communications between provincial capital cities and the municipalities, in general, the provincial governments have assisted the dissemination of information using provincial government channels. Municipalities are informed that a public awareness campaign will begin on a particular date and that the local administration should confirm of their availability and help to mobilize the community and inform the relevant stakeholders. Subsequently a team of NGO representatives visits the targeted municipalities to make logistical preparations and establish partnerships with the local administration for the forthcoming events. During these planning meetings, the local administrations are charged with the responsibility to identify participants and their needs. This approach has ensured broad support for the initiative across all sectors of society.

During the implementation phase of the public awareness campaigns intensive public education work is undertaken, including theatre performances, seminars, workshops, action campaigns with public marches and newspaper, radio and television interviews. Round table meetings are also held in order to engage the support for measures to combat SALW on the part of government institutions, political parties, churches, traditional authorities and other non-governmental organisations from Angola and abroad.

¹⁷ Commandant Dias is the Provincial Director for Public Order of the National Police in the province of Huambo. These extracts are from his presentation on the work of the police in Huambo during the Week Action Campaign against the SALW conduct by Angola2000 on Feb 20-26, 2005.

¹⁸ See newspaper ACAPITAL, page 14, Ano 2 n? 127 – De 30 de Outubro a 06 de Novembro de 2004.

Such public awareness initiatives and discussions with key community stakeholders have helped to place local communities in a better position to build a collective vision for addressing the SALW problem. Thus since the beginning of 2004 certain communities have begun to develop their own initiatives in this regard. For instance, at the initiative of their traditional leaders, and following appeals from the local authorities, members of the Sambo and Tchindjendje municipalities of Huambo province have surrendered arms to the authorities: in the former municipality in April and May 2004 16 weapons, 300 pieces of ammunition, one grenade and a complete military uniform were surrendered; in the latter municipality 10 weapons were surrendered in November 2004.

Learning points

- ◆ The lack of up-to-date and adequate legislation for the control of SALW has led civil society organisations in Angola to express reservations concerning the long-term effectiveness of current efforts to tackle the SALW problem in the country. Efforts to raise the legislation issue with the government have been met with an assurance that a government commission is looking into the matter but with little concrete evidence of progress in this regard.

NAMIBIA SNAPSHOT: DEVELOPMENT OF A NATIONAL ACTION PLAN

The Namibian National Action Plan (NAP) on small arms control was officially launched by His Excellency Hifikepunye Pohamba, President of the Republic of Namibia, on 14 April 2005. According to the President, the establishment of the NAP 'demonstrates the Government's commitment to effectively and comprehensively deal with and address the proliferation of weapons' within Namibia and the SADC region. Indeed it is to be hoped that implementation of the NAP will address those gaps in PoA implementation that exist in Namibia.

The NAP was developed following an extensive national assessment of the nature and extent of the small arms problem in the country, led by the NFP, with assistance from SaferAfrica and Saferworld. The assessment involved workshops with law enforcement agencies and civil society organisations and a nationwide population survey.

One of the key recommendations emerging from this assessment was the need to strengthen controls on the movement of goods across the border from Angola, so as to prevent weapons that were used in Angola's civil war from entering Namibia and being used for the facilitation of violent crime. The NAP therefore calls for the provision of training, equipment and resources for law enforcement agents working in the border areas, and for improved cross-border co-operation between officials in Namibia and Angola. The NAP also calls for the review and strengthening of legislation pertaining to all aspects of small arms control, and for the development of a new national policy on small arms control. It further outlines action that should be taken in the following areas: stockpile management, strengthening of relevant institutions, international and cross-border co-operation and information exchange, public education and awareness raising and training and capacity building for government and law enforcement officials and civil society. Following the drafting of the NAP, in November 2004, the NFP facilitated a series of civil society workshops across the country, to raise awareness of the NAP and to assist civil society organisations in identifying ways in which to support its implementation and to integrate the issue of small arms into their activities.

The NAP, which provides a comprehensive framework for addressing the small arms problem in Namibia, will be implemented over a four-year period. It is vital that the international community provides the necessary financial support to ensure that implementation is effective and sustainable, and that the Namibian Government continues to prioritise the small arms issue and to work in close co-operation with Namibian civil society.

PARTNERSHIP BETWEEN GOVERNMENT AND CIVIL SOCIETY IN NAMIBIA

Civil society played a central role in informing and supporting the development of Namibia's National Action Plan on small arms. In 2004, the Namibian NFP, in partnership with Namibian civil society and with support from Saferworld and SaferAfrica, undertook an extensive 'mapping' or national assessment, to uncover the nature and extent of the small arms problem in the country. Representatives from NANGOF (the Namibian NGO Forum) convened workshops in all thirteen regions of the country to collect information from members of local civil society on their perceptions of the small arms problem in their communities and on their ideas regarding possible solutions. The NFP Co-ordinator also participated in these workshops and highlighted to participants the need for effective co-operation between the Government and civil society on this issue.

Through partnering with NANGOF, a network with members throughout the country, the NFP was able to reach out to over 120 civil society organisations including community based organisations, rural development practitioners, faith based groups, farmer's unions, security companies and schools. Information gathered was used to inform the development of the NAP.

The central involvement of Namibian civil society in this process provided an important link between the government and the population and enabled the NFP to develop a plan that is based upon the real needs and perceptions of civilians across the country. Very importantly, this partnership with civil society has also served to raise awareness amongst the general public about the work of the NFP and the importance of the NAP, and thus to build support for its implementation.

SOUTH AFRICA CASE STUDY: DEVELOPMENTS IN LEGISLATION ON SALW CONTROL, POLICE CO-OPERATION AND WEAPONS AMNESTY

The South African government appears to have a good level of implementation of the PoA and is in compliance with most of its principal provisions. The only omission of note relates to the lack of a national mechanism for co-ordinating government efforts to control SALW. In this respect the South African government argues that information sharing occurs organically and that a specific forum for this is unnecessary.

The Firearms Control Act 2000, which came into effect on 1 July 2004, strictly controls the possession, sale and manufacture of commercial SALW in South Africa.¹⁹ The possession and sale of military firearms is controlled by the Armaments Production Act of 1968. All possession, sale and manufacture of SALW require an appropriate license and there are criteria applied to the issuing of such licenses; for instance the applicant's criminal record, mental and physical suitability, and the applicant's ability to ensure the safe storage of the armaments are considered prior to the granting of any licence. The revision of the Firearms Control legislation was undertaken at the request of the South African Police Service (SAPS) which felt that the pre-existing regulations were inadequate for addressing the existing realities of the widespread availability of SALW and high levels of related violence in South Africa.

With the entry into force of the new Firearms Control Act penalties have increased with respect to the illicit possession, manufacture and sale of firearms extending up to 25 years imprisonment. Policing, powers of search, seizure and investigation have also been improved and extended. These now include:

¹⁹ The Armaments Production Act 1968 regulates the production and export of military SALW whilst the National Conventional Arms Control Act of 2002 provides the political and technical framework for authorizing the export of both commercial and military SALW.

- the authority to conduct search and seizure operations without a warrant
- the authority to request certain information regarding firearms from a person who is suspected of recently having had a firearm in his possession
- the authority to request that a licensed holder of a firearm answer questions about the whereabouts of the firearm.

In addition, the new legislation:

- broadened the grounds upon which a license to possess a firearm could be refused or withdrawn to include domestic violence as a possible reason
- increased the age limit for a license from 16 to 21 years of age
- strengthened the criteria for obtaining a license and added a regular renewal requirement
- declared certain public areas (such as schools, places of worship, bars, etc) as Firearm Free Zones
- introduced competency testing in determining whether a person can responsibly and safely use a firearm before a license is issued
- limited the number of firearms a person may possess to 4
- limited the number of rounds of ammunition a person may possess to 200 per license
- introduced an expiry date so that licenses are valid for periods ranging from 2 – 10 years depending on the category.

New requirements for marking of firearms

Also under the new Firearms Control Act new provision has been made for detailed marking of each firearm. This marking must include a unique identifying number in addition to details such as the make, model, calibre and action of the weapon. The regulations provide that the marking must be made by stamping and provides for a minimum depth of such stamping. The provisions are a significant improvement over previous requirements in that they mean that a firearm marked in this manner can be traced even if an attempt was made to erase the number; in the past the markings were so shallow that when they were erased they could not be recovered. As a result of this situation the Ballistics Unit of the South African Police Service proposed the introduction in the new legislation of the specifications of firearms markings.

South African training and assistance for police forces in the SADC region

Through the operation of Southern African Police Chiefs Co-ordinating Organization (SARPCCO) the South African Police Service (SAPS) have provided considerable technical assistance to other police forces in the sub-region. For example, SAPS has provided support in developing various curriculums including a firearms identification course and a cross-border firearms recovery and destruction course in 2002-2003 which has benefited all SARPCCO countries. In addition SAPS have provided training venues and officers to conduct the training. Usually such assistance is provided on a multi-lateral basis to more than one country at a time. For example, Operation Makhulu, a cross-border operation aimed at crimes such as illegal firearms, drugs and stolen motor vehicles was begun in 2003 and has involved South Africa and all its neighbours, Botswana, Zimbabwe, Namibia, Zambia, Swaziland and Malawi.

Since 2002 SAPS has taken part in various joint cross-border operations with neighbouring states targeting crimes including those involving or relating to firearms. SAPS has also entered into bi-lateral agreements with neighbours, such as Operations Rachel, in collaboration with the Mozambique Police, that focus on cross border crime combating operations that have resulted in confiscation and seizures including firearms. In this regard, SAPS is continuing with the destruction operations in Mozambique

which started in 1995 and which have, to date, assisted with the destruction of 39,437 small arms and over 22 million rounds of small arms ammunition.

Beyond this, SAPS have engaged in a number of bilateral initiatives for capacitating other police services to better control SALW. For example, SAPS is currently engaged in an assessment programme together with training and technical assistance with the Government of DRC on implementing destruction operations on its territory. The training of police officers of the DRC in the performing of destruction operations commenced in December 2004 and will be completed in advance of the elections.

The development and implementation of policies and procedures for the destruction of confiscated, collected and surplus weapons

SAPS has had in place policies and procedures for the destruction of obsolete, redundant and confiscated firearms since the early 1990s. However, the decision to destroy all state-owned surplus, redundant and obsolete stocks of SALW was one of the first decisions taken by the National Conventional Arms Control Committee in 1997 and remains a policy decision of the South African government. SAPS has also embarked on a standardisation operation where all firearms not classified as standard firearms for use by SAPS are withdrawn from service and destroyed. As a result, in 2001, 23,738 redundant, obsolete and forfeited firearms were destroyed in three separate destructions; and between October 2003 and August 2004, 53,000 redundant, obsolete and forfeited firearms were destroyed in four separate destructions.

During 1998/1999 the Department of Defence made the decision to destroy all surpluses, redundant, obsolete and confiscated firearms in the possession of the South African National Defence Force (SANDF). In 2001 262,667 redundant, obsolete, surplus and confiscated firearms were destroyed. It does not appear that any further destruction has been done by the SANDF however they are due to destroy old and redundant ammunition in 2005/2006 valued at R65 million.

National Firearms Amnesty 2005

On 26th November 2004, the Ministry for Safety and Security announced, beginning 1st January 2005, a three-month amnesty from prosecution for the possession of an illegal firearm. Under section 139 of the Firearm Control Act the Minister for Safety and Security may declare an amnesty. Certain conditions apply and all firearms are ballistically tested. The conditions include that the application is submitted by the applicant of the amnesty at a police stations including their full particulars and that of the firearm; the weapon and ammunition should be surrendered at that time, and any intentions to seek a license for the surrendered firearm declared.²⁰ No other incentive is offered. The amnesty only relates to the illegal possession of the firearm; if the person handing in the firearm has committed another crime (e.g. armed robbery) he/she could still be prosecuted. By the end of the amnesty, on 31 March 2005, 14,987 illegal firearms and 22,520 legally licensed firearms were voluntarily handed over to SAPS whilst 8,683 were also confiscated. Furthermore, the success of the initiative prompted the South African government to announce the extension of the amnesty for a further three months until the end of June 2005.

Learning points

- ◆ The experience of police services in enforcing SALW legislation and in a range of operational contexts make them a critical agency in informing and driving government action on SALW control.
- ◆ Cross border operations on small arms are an important means of enhancing the capacity and potential for SALW interdiction in neighbouring states.

²⁰ Government Gazette, No 27006, Declaration of Amnesty in terms of Section 139 of the Firearms Control Act, 2000 (Act No. 60 of 2000), No. 1359, 26 November 2004.