

SIPRI YEARBOOK 2013

Armaments, Disarmament and International Security

Small arms control in Africa

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II. Small arms control in Africa

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Over a period of roughly a decade a framework for the control of small arms and light weapons (SALW) in Africa has gradually been created. This framework has developed, in part, in regional responses to two main United Nations instruments to control small arms: the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (POA) and the 2001 UN Firearms Protocol.¹ The first steps in the process were made in 2000 when the Organization of African Unity (OAU) compiled a common African position on the trafficking and proliferation of SALW in which African states committed themselves to combating the illicit proliferation, circulation and trafficking of SALW at the regional and subregional levels.²

Since then, the African Union (AU), which replaced the OAU in 2002, has been unable to adopt any SALW control measure. While the AU–Regions Steering Committee on SALW, created in 2008, has been tasked with trying to achieve a common African position in advance of UN processes, even this has proved to be difficult. For example, the AU was unable to agree a common position on the arms trade treaty (ATT) negotiations in July 2012, largely due to disagreements between North African states and sub-Saharan African states.³ In the absence of Africa-wide agreements, interesting developments have been taking place in subregional bodies, and these often surpass global instruments.⁴

Four arms control agreements have been adopted, mainly under the aegis of subregional economic communities (see table 9.1): the 2001 Protocol on the Control of Firearms, Ammunition and other related Materials in the Southern African Development Community (SADC) Region; the 2004 Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa

¹ United Nations, General Assembly, Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, A/CONF.192/15, 20 July 2001, pp. 7–22; and Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol), adopted 31 May 2001, entered into force 3 July 2005, *United Nations Treaty Series*, vol. 2326 (2007).

² Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, Bamako, 30 Nov. 2000, <<http://2001-2009.state.gov/t/ac/csbm/rd/6691.htm>>; and Stott, N., 'Implementing the Southern Africa Firearms Protocol: identifying challenges and priorities', Occasional Paper 83, Institute for Security Studies, Nov. 2003, <<http://www.iss.co.za/pubs/papers/83/Paper83.html>>, p. 2.

³ Lamb, G., 'African states and ATT negotiations', *Arms Control Today*, vol. 42, no. 7 (Sep. 2012).

⁴ Killander, M., 'Legal harmonisation in Africa: taking stock and moving forward', *International Spectator*, vol. 47, no. 1 (2012), pp. 89–90.

Table 9.1. Subregional arms control agreements in Africa

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| Protocol on the Control of Firearms, Ammunition and other related Materials in the Southern African Development Community (SADC) Region | |
| Signed | 14 Aug. 2001, Blantyre |
| Entered into force | 8 Nov. 2004 |
| Depositary | SADC Executive Secretary |
| Parties as of July 2011 | Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe |
| Signed but not ratified | Congo (Democratic Republic of), Seychelles ^a |
| Not signed, not ratified | Angola, Madagascar |
| Protocol text | SADC, < http://www.sadc.int/documents-publications/show/796 > |
| ^a Seychelles signed the protocol in 2001 but had not ratified by the time of its withdrawal from the SADC in 2004. It rejoined the SADC in 2008. | |
| Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa | |
| Signed | 21 Apr. 2004, Nairobi |
| Entered into force: | 5 May 2006 |
| Depositary | Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA) |
| Parties as of July 2012 | Burundi, Congo (Democratic Republic of), Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Uganda |
| Signed but not ratified | Central African Republic, Congo (Republic of), Seychelles, Somalia, South Sudan, Tanzania |
| Protocol text | RECSA, < http://www.recsasec.org/index.php/publications > |
| ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials | |
| Adopted | 14 June 2006, Abuja |
| Entered into force | 29 Sep. 2009 |
| Depositary | President of the ECOWAS Commission |
| Parties as of Dec. 2012 | Benin, Burkina Faso, Cape Verde, Ghana, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo |
| Signed but not ratified | Côte d'Ivoire, Gambia, Guinea, Guinea-Bissau |
| Convention text | United Nations, Programme of Action, < http://www.poa-iss.org/RegionalOrganizations/7.aspx > |
| Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly (Kinshasa Convention) | |
| Adopted | 30 Apr. 2010, Kinshasa |
| Opened for signature | 19 Nov. 2010, Brazzaville |
| Entered into force | Not in force |
| Depositary | UN Secretary-General |
| Ratifications deposited | Central African Republic, Chad, Congo (Republic of), Gabon as of Dec. 2012 |
| Signed but not ratified | Angola, Burundi, Cameroon, Congo (Democratic Republic of), Equatorial Guinea, Rwanda, Sao Tome and Principe |
| Convention text | United Nations Treaty Collection, < http://treaties.un.org/Pages/CTCTreaties.aspx?id=26 > |

(involving the East African Community); the 2006 Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials; and the 2010 Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition, Parts and Components that can be used for their Manufacture, Repair and Assembly, known as the Kinshasa Convention (involving the Communauté économique des États de l'Afrique Centrale, CEEAC, Economic Community of Central African States).⁵ These subregional agreements are broad in terms of content: they introduce tighter control over weapon stockpiles and arms transfers; promote the destruction of stocks of surplus weapons; and cover the criminalization of the unauthorized production and possession of SALW. Their scopes are typically more far-reaching than those made on other continents.⁶

The adoption of subregional agreements in Africa is an important confidence- and security-building measure (CSBM) in regions where a number of governments (or factions within governments) stand accused of supplying arms to rebel groups in other states and of violating multilateral arms embargoes. In Central Africa, East Africa and the Horn of Africa, for example, these types of accusation have arisen between the Democratic Republic of the Congo (DRC) and Rwanda, between the DRC and Uganda, and between Ethiopia and Eritrea.⁷

The regional instruments are closely interlinked with state-building and regional integration in Africa. The objective of bringing together different parts of government—such as military services, police and customs agencies—in closer cooperation directly feeds into both these processes. The agreements aim to strengthen the capacities of the state (especially law enforcement capacities), while not imposing restrictions on states' military capabilities. Similarly, as regards transparency, the agreements take a common approach to verifying national implementation, including with regard to transfer controls and stockpile destruction. However, they do not require transparency on defence policy, doctrines or budgets. One consequence of this set-up is the lack of common initiatives to impose controls on major conventional arms in Africa.

Implementation is uneven in terms of how far the states parties have advanced in harmonizing legislation and developing national action plans, and the extent to which the parties have coordinated their national responses and taken responsibility for implementation of the agreements. While positive examples exist at the national level (e.g. in Ghana, Kenya

⁵ Lamb, G. and Dye, D., 'African solutions to an international problem: arms control and disarmament in Africa', *Journal of International Affairs*, vol 62, no. 2 (2009), p. 77.

⁶ Lamb and Dye (note 5), p. 77.

⁷ Lamb and Dye (note 5), p. 80; and Wezeman, P. D., Wezeman, S. T. and Béraud-Sudreau, L., *Arms Flows to Sub-Saharan Africa*, SIPRI Policy Paper no. 30 (SIPRI: Stockholm, Dec. 2011).

and Uganda), the subregional agreements typically face three broad challenges: capacity and resource constraints, fluctuating political momentum from domestic leadership and dependency on external financial support.

Such challenges have been felt in the regional bodies that have been set up to coordinate, facilitate and monitor implementation. Following the adoption of its SALW Convention, ECOWAS established a Small Arms Unit in the ECOWAS Commission as well as a dedicated programme for implementation jointly with the UN Development Programme, the ECOWAS Small Arms Control Programme (ECOSAP). With external support, ECOSAP has supported member states in their implementation (a) by supporting national surveys on the distribution of SALW, stockpile management issues and knowledge, as well as on attitudes to and perception of SALW issues; (b) by holding capacity-building workshops for representatives from member states' armed forces and police on stockpile management, including record keeping and accident prevention; and (c) by consulting on the development of a guide for the harmonization of national SALW legislation in West Africa.⁸ In 2011 ECOWAS voted to extend ECOSAP while the donors decided to stop supporting it, causing a deadlock in the programme. Furthermore, the overlapping mandate of the ECOWAS Small Arms Unit and ECOSAP has triggered disputes between the two.

In 2005 the states parties to the Nairobi Protocol established the Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA) to support the implementation of the Protocol. In 2012 RECSA provided assistance to member states in a number of areas, including arms destruction, support to develop national action plans (in the DRC and Malawi), capacity building related to gender mainstreaming and enhanced inter-agency cooperation on SALW, for review of national legislation (in Kenya and Tanzania), development of a manual on public awareness on SALW in local counties (in Kenya), and establishment of a researchers' forum to examine causes and possible solutions for conflicts in the region.⁹ RECSA's activities extended to other subregions, where they included purchasing arms-marking machines for four West African countries (Côte d'Ivoire, Ghana, Mali and Togo); organizing arms marking and electronic record keeping in three West African countries (Côte d'Ivoire, Ghana and Togo); capacity building on SALW for law enforcement agencies, civil society, media and parliamentarians (in East, Southern and West Africa); and facilitation of the establishment of joint cross-border task forces on SALW in the RECSA and SADC regions.¹⁰ RECSA's activities have

⁸ United Nations, Programme of Action, Implementation Support System, PoA-ISS, 'Economic Community of West African States (ECOWAS)', <<http://www.poa-iss.org/RegionalOrganizations/7.aspx>>.

⁹ RECSA official, Communication with author, 21 Dec. 2012.

¹⁰ RECSA official (note 9).

primarily been funded by external partners and all current projects are carried out with the support of the European Union (EU). However, the EU is currently reviewing the programmes that it funds. In the past RECSA has been criticized for inadequate sensitivity to national needs and for lacking a systematic approach, demonstrated by its provision of two weapon-marking machines to Southern Sudan in 2010 that were delivered without the necessary database software, severely limiting the usefulness of the machines.¹¹

Unlike the experience in West and East Africa, SADC mainly developed its firearms protocol for crime prevention purposes, following the adoption of the UN Firearms Protocol. The implementing agency is the Southern Africa Regional Police Chiefs Cooperation Organisation (SARPCCO).¹² In November 2012 SADC launched its revised five-year Harmonised Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (SIPO II), which is intended to advance cooperation in five broad sectors: politics, defence, state security, public security and police.¹³ The control of SALW could serve as a cross-cutting issue on these five themes.¹⁴

Although the Kinshasa Convention has not yet entered into force, CEEAC has nonetheless established a unit to provide pre-ratification assistance on the convention's provisions. While financially supported by the EU, CEEAC (and its SALW Unit) is struggling to build the necessary confidence, stability and capacities in the conflict-ridden Central African region to advance cooperation and national implementation. In the meantime, overlapping membership means that at least one of the three other agreements already applies to most signatories to the Kinshasa Convention.

Despite the strong subregional focus on SALW control in Africa, some key external partners, such as the EU, nevertheless still prefer to conduct their strategic dialogue with African states at the continent level.¹⁵ Given the subregional instruments' current dependency on external funds and the difficulty of reaching consensus on SALW-related issues in the AU, finding a way to improve collaboration between subregional instruments and external partners will be crucial in order to ensure implementation.

¹¹ Bromley, M. et al., 'Transfers of small arms and light weapons to fragile states: strengthening oversight and control', SIPRI Insights on Peace and Security no. 2013/1, Jan. 2013, <http://books.sipri.org/product_info?c_product_id=453>, pp. 13–14.

¹² Stott (note 2), p. 2.

¹³ Southern African Development Community (SADC), Harmonised Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (SIPO II), 5 Aug. 2010, <http://www.sadc.int/documents-publications/show/SADC_SIPO_II_Final.pdf>; and Southern African Development Community (SADC), 'Launch of the Strategic Indicative Plan for the Organ (SIPO) II, Arusha, Tanzania', 23 Nov. 2012, <<http://www.sadc.int/news-events/news/launch-strategic-indicative-plan-organ-sipo-ii-arusha-tanzan/>>.

¹⁴ Motsamai, D., 'SADC 2012 launch of the revised SIPO II: new hopes, old challenges', Institute for Security Studies, 22 Nov. 2012, <http://www.issafrica.org/iss_today.php?ID=1570-2>.

¹⁵ Bagoyoko, N. and Gibert, M. V., 'The linkage between security, governance and development: the European Union in Africa', *Journal of Development Studies*, vol. 45, no. 5 (2009), p. 794.