

Arms Control: Africa

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Editorial

Welcome to the fourth issue of Arms Control: Africa, which is published by the Arms Management Programme (AMP) of the Institute for Security Studies (ISS). The aim of Arms Control: Africa is to provide relevant information and analysis on arms and arms control developments that are either taking place in Africa, or which have the potential to have a significant impact on the continent.

This issue focuses on the implementation and measurement of the impact of arms control agreements in Africa. Contributions highlight progress in the application of agreements and legal instruments relating to the control of ammunition, small arms, light weapons and biological weapons. Specifically, the articles in this issue focus on: progress in the destruction of ammunition and small arms in Africa; the extent of brokering controls in Southern Africa; the progress and impact of small arms controls in West Africa, Ethiopia and South Africa; advancements in the United Nations (UN) small arms and light weapons programme of action; and the implementation of the Biological and Toxin Weapons Convention in Africa.

The articles indicate that there has been some progress in the implementation of arms control agreements in Africa. However, in many respects this process has been slow, particularly in West Africa where the Economic Community of West African States (ECOWAS) small arms and light weapons convention is yet to become legally binding. Despite destruction efforts, the state of government small arms and light weapons stockpiles in Africa remain a cause for concern, particularly after the spate of arms depot explosions in recent years.

Concerted and more focused efforts are required to accelerate the implementation of arms control agreements, otherwise the proliferation and misuse of arms in Africa will continue indefinitely. However, such action in Africa cannot be sustained without the continued support of the international community

Contributions to this newsletter in Arabic, English, French and Portuguese, and Swahili are welcome, and should be emailed to info@armsnet africa.org.

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Produced by

ISS Arms Management Programme,
P O Box 1787,
Brooklyn Square,
Pretoria, 0075

Tel: +27 12 346 9500

Fax: +27 12 460 0998

Email: info@armsnet africa.org

Website: www.armsnet africa.org

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Contrôle des Armes

الحد من الأسلحة

Controle de Armas

Zuia Silaha

Arms depot/stockpile management and explosions in Africa

Gugu Dube

Over the past decade, explosions at arms depots in Africa have resulted in thousands of deaths. These deaths could arguably have been prevented if security agencies in the countries had instituted more effective arms depot/stockpile management processes. The table below provides details of some of the explosions that have taken place in Africa between 1998 and 2007.

Country	Date	Location	Fatalities	Source
Sudan	17 July 1998	Khartoum	0	BBC, 1998
DR Congo	14 April 2000	Kinshasa	101	BBC, 2000
Guinea	3 March 2001	Conakry	10	GICHD, 2002
Sierra Leone	5 January 2002	Tongo Field	6	Sierra Leone Web, 2002
Nigeria	27 January 2002	Lagos	1 500+	GICHD, 2002
Mozambique	24 October 2002	Beira	Unknown	ICRC & Red Crescent Societies, 2004
Angola	16 July 2003	Menongue	6	Based on OCHA, 2003
Nigeria	23 February 2005	Kaduna	4	Biafra Nigeria World News & Archives, 2005
Sudan	23 February 2005	Juba	80	IRIN, 2005
Cote d'Ivoire	4 March 2005	Abidjan	2	NATO/MSIAC, n.d
Mozambique	22 March 2007	Maputo	100+	ICRC & Red Crescent Societies, 2007
Sudan	7 April 2007	Khartoum	Unknown	News24.com, 2007

According to media reports, the primary causes of the explosions have largely been attributed the lack of depot/stockpile safety and security measures. In addition, as in the case of the Lagos and Maputo incidents, government authorities did not actively prevent people from settling in close proximity to the depot. In many of the cases, governments were under legal and/or political obligations in terms of protocols and conventions to establish measures for arms depots/stockpiles to reduce the risk of explosions (see table below).

Protocol/Convention	Relevant Section
SADC Protocol on Control of Firearms, Ammunition and Other Related Materials*	State Parties undertake to: enhance their capacity to manage and maintain secure storage of state owned firearms.
ECOWAS Convention on Small Arms, Light Weapons, Their Ammunition and Other Related Materials	Member States shall take the necessary measures to ensure the safe and effective management, storage and security of their national stocks of small arms and light weapons; To this effect, Member States shall establish effective standards and procedures for stockpile management, storage and security.
Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*	States Parties undertake to: enhance their capacity to manage and maintain secure storage of state-owned small arms and light weapons;
UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects	To ensure, subject to the respective constitutional and legal systems of States, that the armed forces, police or any other body authorized to hold small arms and light weapons establish adequate and detailed standards and procedures relating to the management and security of their stocks of these weapons.

* Legally binding

Poor depot/stockpile management in Africa is typically due to a lack of available resources and technology. Fortunately, donor governments and technical agencies are increasingly providing resources to African governments and inter-governmental agencies for arms destruction and more effective stockpile management. For example, recently, the United States and United Kingdom, as well as the Mines Advisory Group, provided

such support to governments in the Great Lakes Region and the Horn of Africa. In addition, according to July 2008 report of the Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects:



“States as well as international, regional and subregional organisations in a position to do so are encouraged to provide, upon request, technical and financial support to build the capacity of affected States to adequately manage their stockpiles of small arms and light weapons, which could, inter alia, encompass the following areas:

- Development or strengthening of relevant laws, regulations and administrative procedures;
- Establishment of effective stockpile management systems and security measures;
- Destruction of surplus and confiscated small arms and light weapons;
- Relocation of small arms and light weapons storage depots, where necessary;
- Sustainable capacity-building, including education and training of national personnel in stockpile management and security and in the destruction of surplus small arms and light weapons using safe and environmentally benign methods;
- Development of standards, guidelines and checklists; and
- Ensure strict national accountability and the effective tracing of all small arms and light weapons owned and distributed by the state.”

Gugu Dube, Junior Researcher, Arms Management Programme, ISS

Destroying firearms contributes to peace in Southern Africa

Ben Coetzee & Noel Stott

The South African government has consistently stated that peace and security in the Southern African region and on the African continent must remain a top priority. This attitude toward regional security is evident in the firearm destruction policies and processes of the South African Police Service (SAPS).

The importance of disposing of surplus small arms, light weapons, ammunition and explosives is nowhere better illustrated than by the tragedy of the explosions at the Mozambican Armed Forces (FADM) ammunition storage facility in Laulane, a suburb of Mozambique’s capital city, Maputo, on 22 March 2007. This blast killed more than 100 people and injured many more.

In line with the 1997 United Nations report on small arms, which recommended that states should consider

the possibility of destroying surplus weapons, the SAPS was the first South African government department to develop a policy of destruction for redundant, obsolete, seized or any other firearms that could not be classified as standard. Today, the SAPS have an ongoing policy and programme to destroy obsolete and redundant arms as well as illegal or confiscated firearms. This practice, while not necessarily unique, is, in terms of its scale and duration, one of the most comprehensive undertaken on the African continent, if not internationally.

SAPS have made it clear that their policy is as focused on the destruction of obsolete and redundant arms as it is on illegal or confiscated firearms. As part of its standardization policy, the SAPS has removed firearms from its stores that are redundant (eg surplus to requirements) or obsolete (no longer in service). The SAPS has followed through on this policy to the extent that fully functional firearms are destroyed rather than sold.

Firearms that are destroyed fall into four categories:

- Redundant
- Obsolete
- Seized / forfeited
- Non-standard for use by the SAPS.

Since the end of 2001, the destruction of firearms has become a regular function of the Logistics Division (now known as Supply Chain Management) of the SAPS. The reasoning behind SAPS' approach to redundant, obsolete and confiscated firearms is based on the commitment to preventing these firearms from entering (or re-entering) the illegal market in either South Africa or other countries.

The SAPS initially destroyed the firearms and equipment by melting, but this was abandoned for the more cost-efficient method of "shredding" or "fragmentising". The Gauteng-based company selected for the destruction was a commercial scrap yard that shreds old cars, equipment and any metal on a payment-per ton basis. It was also the same company later used by the South African National Defence Force for the destruction of their surplus and obsolete weapons.



Since August 2003, however, the destruction of firearms has been decentralised to the provinces. According to the SAPS and in terms of the provisions of the Firearms Control Act, 2000 (Act No 60 of 2000) any firearm or ammunition forfeited to the State must be destroyed by the State (the SAPS) within six months of the date of the forfeiture. To comply with the requirement alternative methods for destroying firearms had to be identified, including decentralising the destruction process to the nine provinces. The provinces are however not allowed to destroy state-owned firearms or ammunition - this remains a national competency. Provinces are allowed to destroy the following categories of firearms:

- Unclaimed licensed firearms (Owner known)
- Voluntarily surrendered licensed firearms
- Unlicensed firearms (Owner unknown)
- Firearms forfeited to the state
- Homemade firearms.

Advantages of decentralised firearms destruction include:

- It is cheaper to destroy firearms in the provinces where they are found.

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- Decentralisation of firearm destruction empowers provincial commissioners by giving them the responsibility of arranging and overseeing the provincial firearm destruction process.
 - The delay between confiscation and destruction is significantly reduced.
 - The risk of firearms being lost or stolen from SAPS secure storage facilities or during transportation to Gauteng is greatly reduced.
 - Each province can now focus the local media's attention on the firearms destruction that took place in the province.

Provincial firearm destruction can focus the public's attention on the commitment of SAPS to make the community safe and would build trust in the police.

- More firearms are destroyed in each province than previously when firearms had to be sent to Pretoria.
- Decentralised firearm destruction has more public exposure on a provincial level and therefore may have greater impact when it is conducted in an area where the firearms were collected.

The decentralisation of firearm destruction is a step forward in the process of making South Africa and the Southern African region safer and free from firearm-related crime.

Ben Coetzee, Senior Researcher and Noel Stott, Senior Research Fellow, Arms Management Programme, ISS

Arms control and arms traditions in Ethiopia

Mehari Taddele Maru

Ethiopia is party to the Nairobi Protocol for Prevention, Control in Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (Nairobi Protocol), which compels signatories to dispose of confiscated and unlicensed small arms and light weapons (SALWs). This provision is also included in Ethiopian law. According to the Ethiopian Police, between 2003 and 2004, there were 9,531 arrests and prosecutions for illegal arms transfers and possession. In addition, Ethiopia destroyed more than 11 700 small arms, 3 000 hand grenades and 170 000 rounds of assorted types of ammunition in 2006 and 2007. These arms and ammunition had either been confiscated by the police or had been voluntarily surrendered.

Despite these arms control measures, Ethiopia is ranked highly in terms of the ease of access to SALWs, according to the 2008 Global Peace Index. This is the consequence of a combination of easy access to SALWs in neighboring countries (such as Somalia) via porous borders, and the demand for SALW in many of Ethiopia's rural areas. The availability of SALWs has drastically altered the nature, conduct and lethality of inter-community and inter-ethnic conflicts. The demand and use of SALWs is considered below.

Small arms have diverse cultural and pragmatic uses among the Ethiopian population. In many parts of the Ethiopian highlands, a person who owns a rifle is respected and considered to be a 'great heroic man', and in areas such as Armacheho and Samre, the majority of the population possesses small arms as they consider themselves to be a 'warrior race'. In the lowlands, much of the population practices nomadic pastoralism. These pastoralist communities attach high value to bearing arms in order to protect, or gain access to, water supplies, grazing lands and livestock. Armed conflict between communities is often more prevalent during drought and famine when these resources are in short supply. Previously cattle rustling was carried out by means of bows and arrows, but it is now pursued with SALW. According to the traditions of Afars and Somalis, rifles (and camels) are used as bride wealth.

SALWs are also employed in the protection of certain religious buildings and in the religious ceremonies. For example, the Ethiopian Orthodox Church, which uses small arms to escort the 'Tobot' (Ark of the Covenant) on religious holidays. There are an estimated 70 000 Ethiopian Orthodox Church buildings throughout the country, all of which house small arms for protection and cultural reasons.

There are two possible mechanisms to control small arms in Ethiopia. The first option is disarmament either by use of force, or through consent. The second option is the management of possession of arms by bringing arms under the ambit of government control. Both options would require considerable resources from the State, especially in the provision of services that promote human security, justice and human rights. In the absence of such resources, disarmament would merely deprive people of their right to life and property.

Given the high cultural and practical currency of SALW in the highlands and lowlands, placing arms under the purview of the State would be the preferable option, as it would: require less force to be used by the state; would not actively contribute to creating conflict; and would possibly be the more sustainable. In addition, the Ethiopian government should explore processes of inculcating more peaceful approaches to conflict resolution between rural communities in conflict, which will significantly reduce the demand and proliferation of SALWs. However, the establishment of functioning administration and enforcement mechanisms in the relevant rural areas is essential to success of such an endeavor.

*Mehari Taddele Maru, Executive Director of African Rally for Peace and Development,
and Programme Coordinator at African Union Commission*

Firearms control legislation: A necessary tool for reducing violent crime in South Africa?

Dominique Dye

In October 2000, the South African government took drastic steps in an attempt to tighten control over, and reduce, the excessive proliferation of firearms in the country by passing new and stringent legislation to replace the Arms and Ammunition Act (1969). This legislation, the Firearms Control Act (Act 60 of 2000), entered into force in 2004. Further amendments were made to this legislation in 2006.

This legislation, amongst other things, upped the minimum age requirement for firearm owners (from 16 to 21), placed restrictions on the number and types of firearms that individuals are permitted to own, and introduced competency testing and compulsory license renewals on a five yearly basis.

These restrictions sought to reduce the availability of firearms and so combat the country's high levels of firearm violence. They also aimed to ensure that the South African Police Service (SAPS) were better able to monitor firearm ownership, safe storage and use, and in doing so, more easily detect the misuse of firearms.

The enactment of the Firearms Control Act (2000) was accompanied by an expansion of police powers to enforce the new regulations, as well as a firearms amnesty process, which was launched in January 2005. As indicated by a 2007 ISS study, the amnesty process resulted in the collection of 100 006 surplus and unwanted firearms.

Though many South Africans saw the new legislation as a positive step, it did, and continues to attract, opposition from a number of firearm owners and pro-firearm lobby groups in South Africa and abroad, who argue that the stricter controls in fact decrease personal safety levels.

SAPS has however (according to its 2007/2008 official crime statistics) had some success in reducing overall crime levels, which it partly attributes to the marked reduction in the loss and theft of legally owned firearms. SAPS has estimated that every year an average of 20 000 legal firearms fall into illegal circulation, through theft and loss. These firearms then become more easily available to potential criminals, and when used in crime situations, increase the lethality of violent acts.



Although there has been a general reduction in crime in South Africa, crime levels remain exceedingly high in comparison to the international average. Recognising that the fight against crime cannot be the sole responsibility of the police, the government, through various departments, has more recently intensified the fight against crime by engaging and forming partnerships with various sectors of society. These include faith-based organisations, educational institutions, non-governmental organisations, the media, traditional leaders, political parties, and community policing forums, amongst others.

In April 2008, the Department of Government Communications and Information Systems (GCIS) compiled a National Anti-Crime Campaign progress report, in which it was stated that in close to three quarters of crimes committed, the victims knew the perpetrators. Taking into consideration that many crimes are of a social nature, it was acknowledged that 'urbanisation, unemployment, poverty, growing material needs and substance abuse are among the conditions that contribute to socially determined contact crimes'. Furthermore, a SAPS representative was quoted saying that 'the only way to prevent social crime is through socio-economic development, and to change the living conditions of people in this country'. This was evident in the recent xenophobic attacks, resulting from perceptions that foreigners are 'stealing' already scarce jobs from South Africans.

While the Firearms Control Act is a necessary tool in reducing violent crime, it is clear that the crime situation in South Africa is one that cannot be comprehensively addressed without dealing with the underlying social causes that lead people to turn to crime.

Sources: Kirsten, A 2007. *Simpler, better, faster: Review of the 2005 firearms amnesty*. Pretoria, Institute for Security Studies

Dominique Dye, Junior Researcher, Arms Management Programme, ISS

Arms brokering in Southern Africa: Extent of regulation

Guy Lamb

The Southern African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and Related Materials (2001) provides for the regulation of arms brokering activities in SADC Member States. In this regard, section 5.3 (m) of the protocol stipulates that State Parties should incorporate provisions that "regulate firearm brokering" in their national laws "as a matter of priority". However, only two of these Member States have specific legislative provisions to regulate brokering activities, namely Mauritius and South Africa.

Arms brokering activities are prohibited on Mauritian soil, although government agencies and firearm dealers may use brokers based in other countries to source limited and government approved orders of arms and ammunition. The Mauritian government is currently pursuing a relatively stringent approach to firearms control. The legal prohibition of arms brokering is one of the elements of this firearms control regime.

South Africa has the most advanced arms industry in Africa, which was established in the late 1930s. In the context of a United Nations (UN) Security Council arms embargo, South Africa's arms industry expanded significantly in the 1970s and 1980s due to substantial government investment. In essence, the South African government was seeking to source arms, ammunition and military equipment domestically. In the late-1980s, following South Africa's military withdrawal from Angola and Namibia, as well as a substantial reduction in the capital expenditure component of the defence budget, the defence industry began to prioritise exports. Consequently, arms brokering activities gained momentum from the early 1990s. In 1995, the South African Cabinet penned a new arms export control policy, which was converted into legislation in 2002 (National Conventional Arms Control Act). The motivation to draft the new arms export control policy was largely due to the actions of a Lebanese arms broker (Eli Wazan) who facilitated the export of South African arms to Yemen by means of fraudulent end user certificates. Since 1995



there has been significant arms brokering activity, both licit and illicit, on South African soil. This prompted the South African government to include relatively detailed arms brokering controls in the 2002 National Conventional Arms Control Act. This year, amendments to this act, which seek to strengthen arms brokering controls, were presented to the South African Parliament for consideration.

Brokering regulations are not entirely absent in the legislative and policy frameworks of the SADC member states. Rather, some of the dimensions of arms brokering are regulated implicitly by means of arms and ammunition import, export and transport control measures. Arms and ammunition transfers are typically regulated by means of a permit or licence system, where in most cases, any individual or entity requires official documentation to transfer arms, ammunition across, into or out of the country. However, these SADC Member States have not developed regulatory mechanisms to control the activities of individuals and entities engaged in arms brokering in countries other than where they are based or registered to conduct business.

In 2007, the Southern African Police Chiefs Cooperation Organisation (SARPCCO), in partnership with the Institute for Security Studies, devised standard operating procedures for the implementation of key elements of the SADC Protocol. The objective of such operating procedures was to provide policymakers, legislative officers and firearms control practitioners with guidance on the manner in which national legislation should be amended for it to conform to the SADC Protocol. A number of these operating procedures relate to the regulation of arms brokering activities. Currently these operating procedures are in the process of being implemented, and are being employed by both the governments of Botswana and Namibia. The SARPCCO small arms co-ordinating committee will meet in October this year to discuss the further implementation of these operating procedures.

Guy Lamb, Programme Head: Arms Management Programme, ISS

Measuring the impact of arms control agreements in Africa: National Reports on the United Nations programme of action on small arms and light weapons in Africa

Irene Ndungu

The UN Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects includes a number of measures at the national, regional and global levels, in the areas of legislation and destruction of small arms and light weapons (SALW) that have been confiscated, seized, or collected in individual UN member states, as well as international cooperation and assistance efforts undertaken in strengthening the ability of member states in identifying and tracing illicit SALW. Some of these measures to be undertaken include to:

- Mark SALW at point of manufacture for identification and tracing
- Maintain records of SALW manufacture
- Engage in more information exchange
- Ensure better enforcement of arms embargoes
- Make illicit SALW production or possession a criminal offence
- Issue end-user certificates for exports/transit
- Notify the original supplier nation of re-export
- Establish a national coordination agency on SALW
- Identify and destroy stocks of surplus SALW
- Keep track of officially-held SALW
- Disarmament, demobilisation and re-integration (DDR) of ex-combatants, including collection and destruction of their weapons
- Support regional agreements and encourage moratoria

Additionally, under the PoA, the UN Member States are obliged to provide national reports on their PoA implementation efforts to the UN Office for Disarmament Affairs as mentioned in paragraph II.33 of the PoA. These national reports provide the opportunity to the international community to assess the degree of implementation of the PoA nationally, regionally and globally. The reports also highlight areas where further work is needed or where resources need to be directed in implementing the PoA programme. In particular, they permit Member States to report on concerns, showcase best practices and communicate progress. National reports are thus vital indicators of states' implementation of the PoA.(1)

Between 2002 and May 2008, 145 UN Member States, plus the Holy See, reported at least once on their implementation of the PoA, while 47 Member States have yet to submit their first report. The state of African Member States reporting is indicated below:

Table 1: Reports submitted between 2002 and May 2008 by African Countries (2)

Country	2002	2003	2004	2005	2006	2007	2008	Total
Algeria		*		*	*		*	4
Angola					*			1
Benin		*		*				2
Botswana	*						*	2
Burkina Faso	*	*		*			*	4
Burundi		*	*	*		*	*	5
Cameroon		*						1
Cape Verde								0

Country	2002	2003	2004	2005	2006	2007	2008	Total
Central African Republic		*						1
Chad		*						1
Comoros								0
Congo		*						1
Côte d'Ivoire		*		*			*	3
Djibouti		*						1
Democratic Republic of the Congo		*						1
Egypt		*		*	*		*	4
Equatorial Guinea		*						1
Eritrea								0
Ethiopia	*						*	2
Gabon				*				1
Gambia		*		*				2
Ghana				*		*		2
Guinea								0
Guinea Bissau								0
Kenya		*		*	*		*	4
Lesotho				*	*			2
Liberia				*			*	2
Libya								0
Madagascar								0
Malawi								0
Mali		*		*			*	3
Mauritania				*				1
Mauritius				*				1
Morocco		*		*	*		*	4
Mozambique				*				1
Namibia				*	*			2
Niger		*		*	*			3
Nigeria				*			*	2
Rwanda		*		*			*	3
Sao Tome and Principe		*						1
Senegal		*		*		*	*	4
Seychelles								0
Sierra Leone				*			*	2
Somalia								0
South Africa		*		*				2
Sudan		*					*	2
Swaziland							*	1
Tanzania					*		*	2
Togo			*	*	*	*	*	5
Tunisia								0
Uganda		*		*	*		*	4
Zambia				*				1
Zimbabwe				*			*	2
Totals	3	24	2	28	11	4	21	53

Source: UN Department of Disarmament Affairs

As the above table indicates, 11 African States are yet to submit a report. They include: Cape Verde, Comoros, Eritrea, Guinea, Guinea-Bissau, Libya, Madagascar, Malawi, Seychelles, Somali and Tunisia. Interestingly, some of these countries, such as Somalia are still experiencing armed conflict. Libya, a notable supplier and exporter of arms, has also not submitted a single report. The table also indicates an inconsistency

in reporting, for instance, only 2 reports were submitted in 2004, 3 in 2002 and just 4 reports in 2007. 28 reports in total were submitted in 2005, (the highest), followed by 24 reports in 2003 and finally 21 reports last year. Burundi and Togo share the highest number of submissions (5), while Algeria, Burkina Faso, Egypt, Kenya, Morocco, Senegal and Uganda have submitted 4 reports each. It is noteworthy that countries that have significant challenges in the proliferation of illicit arms, such as the DRC and the Central African Republic have made only one submission each during this period.

As earlier mentioned, national reports act as important tools of analysis in highlighting the priorities, challenges and opportunities with implementing the PoA by individual states at the national, regional and global levels as stipulated in the PoA agreement. The pattern of reporting including its voluntary nature or the fact that the PoA does not specify how frequently states should make their submissions. A reporting template is perhaps one of the issues that needs to be addressed, as improved reporting mechanism will provide a more consistent and comprehensive picture on the trends and challenges with regards to the implementation of the PoA. It will also assist in assessing the impact of the PoA in Africa.

Footnotes:

- (1) Parker Sarah & Cattaneo Silvia: Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the National Reports Submitted by States from 2002 to 2008, Draft Report, United Nations Institute for Disarmament Affairs, July 2008. Available at http://www.unidir.org/pdf/Analysis_NationalReports_UNPoA_2002_2008.pdf Accessed 5th September 2008
- (2) National Reports Submitted by States from 2002 to 2008. Accessed 5th September 2008. Available at <http://disarmament.un.org/cab/salw-nationalreports.html>. See also Ibid.
- (3) Though the PoA does lack a framework to support its implementation, the UN Department for Disarmament Affairs does possess an online information resource, the Programme of Action Implementation System (PoA-ISS), which provides tools to states, regional organisations as well as civil society organisations for helping them implement the Programme of Action. These include documentation on PoA reporting, value added information and clearing house functions. See <http://www.poa-iss.org/about.aspx>

Irene Ndungu, Intern, Security Sector Governance Programme, ISS

Implementing the ECOWAS convention on small arms and light weapons: Challenges and prospects

Dr C. Nna-Emeka Okereke

The West African sub-region has in the past two decades been enmeshed in recurrent incidences of armed conflicts and criminal anarchy. Some notable incidences of violent conflicts range from the networked wars in Liberia, Sierra Leone, Cote d'Ivoire, Chad and Guinea Bissau to the epidemics of militant nationalism, political violence and criminal banditry that cut across the various countries in the sub-region.

This parlous security situation is worsened by the proliferation of small arms and light weapons (SALWs), which have continued to jeopardize the pursuits of good governance, poverty alleviation and sustainable development throughout the sub-region. As a response to the menace of SALWs in West Africa, ECOWAS adopted a convention on SALWs in 2006 as a measure to contain the trade in illicit arms. This convention is consistent with the various regional responses to the United Nations Programme of Action (UN PoA) to Prevent, Combat and Eradicate the Illicit Trade in SALWs in All Its Aspects, which was adopted on 20 July 2001.

The need to implement arms control agreements in West Africa cannot be over emphasized. This is because the incidence of proliferation of illicit arms has contributed significantly to destabilization of the member states of ECOWAS, and remains a major impediment to sustainable peace and development in the conflict prone and highly volatile sub-region. This article therefore examines the challenges of implementing the ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials. It seeks to identify the obstacles to the successful implementation of the convention and to proffer realistic recommendations that will facilitate the attainment of the convention's goals.



Background to ECOWAS convention on SALWs

On 31 October 1998, West African Heads of State and Government met in Abuja under the ECOWAS Protocol on Good Governance and produced a Declaration on the Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa. The Moratorium was followed by the adoption of Code of Conduct for the implementation of the Moratorium at the Lome Summit of December 1999, which created room for the establishment of national commissions on SALWs. The national commissions (NATCOMs) are responsible for the implementation of ECOWAS small arms instruments and policies, especially the convention on SALWs at the various national levels.

On 30 January 2003, the Authority of ECOWAS meeting in Dakar, Senegal directed the ECOWAS Executive Secretary to examine the possibility of transforming the Moratorium into a Convention. In March 2005, ECOWAS member states met to review a draft convention that would transform their voluntary moratorium into a legally binding treaty. The outcome was the adoption and signing of the ECOWAS SALW convention on 14 June 2006 by the Conference of ECOWAS Heads of State.

The objectives of the Convention are:

- To prevent and combat the excessive and destabilizing accumulation of SALWs within ECOWAS;
- To continue the efforts for the control of SALWs within ECOWAS;
- To consolidate the gains of the Declaration of the Moratorium on the importation, exportation and manufacture of small arms and its Code of Conduct.
- To promote trust between the member states through concerted and transparent actions on the control of small arms and light weapons within ECOWAS;
- To build institutional and operational capacities of the ECOWAS Executive Secretariat and the Member States in the efforts to curb the proliferation of SALWs, the ammunitions and other related materials;
- To promote the exchange of information and cooperation among Member States.

This instrument serves as a roadmap for the effective control of the spread of illicit weapons in the sub-region. It further outlines the roles of various stakeholders in the campaign and implementation of the relevant strategies to achieve the vision. The critical stakeholders include the NATCOMs, civil society organizations

(CSOs), national parliaments, media, the private sector, including the manufacturers, suppliers and contractors of SALWs within and outside the sub-region. The convention must pass through the respective national legislatures of member nations for domestication. Meanwhile, the moratorium will remain in force until the ninth ratification of the convention by ECOWAS member states.

ECOWAS has established a Small Arms Unit (SAU) at its headquarters in Abuja to initiate and implement programmes and policy issues relating to the Convention in the sub-region. Similarly, the organisation also established the ECOWAS Small Arms Programme (ECOSAP) in Bamako (Mali) as a five year capacity building programme to facilitate the implementation of the convention. The ECOSAP has the task of building the capacity of various NATCOMs and CSOs in the sub-region through the West African Action Network on Small Arms (WAANSA) headquartered in Ghana. It also contributes to capacity building of ECOWAS Commission through the SAU. The activities of ECOSAP are financed through a donor funding from the European Union and the governments of Canada, , Finland, France, Germany, Norway, Sweden, Spain, Japan, Netherlands and New Zealand.

So far, ECOSAP has organised among others, a meeting with the theme "strengthening cooperation and networking for the control of SALW in West Africa." The meeting produced a harmonized work plan for NATCOMs, and standard operating procedures designed to support and facilitate implementation on the convention. In addition, other initiatives taken to implement the convention include the collection and destruction of weapons in Liberia, Sierra Leone and Cote d'Ivoire and more recently in Benin, and the move towards the institutionalisation of functional NATCOM with dedicated budget lines by November 2008.

Challenges of implementing arms control in West Africa

In West Africa, the uneven implementation of regional agreements leaves loopholes that arms traffickers can utilize for their nefarious trade. These traffickers are usually quick to adopt trade routes where national controls are weak, and often take advantage of insufficient cooperation between border control authorities or differences in national regulation.⁽¹⁾ These trends have necessitated the quest for a framework for the implementation of the ECOWAS convention and the need for a broad based inter-sectoral platform and collaboration between government and agencies, CSOs and local communities.

So far, the ECOWAS convention is still undergoing ratification in the various national parliaments of member states. This process is necessary for the eventual domestication of the document. It is however not encouraging that only Niger has fully ratified the convention, as it is required to be ratified by at least nine member states before it can come into force.

In Nigeria, the NATCOM is presently sandwiched within the Department in the Ministry of Foreign Affairs. It is preferable that the Nigerian government, which is the major actor in the West African sub-region, should take more decisive action by bringing the NATCOM within the ambits of the Presidency, as is the case with the Economic and Financial Crimes Commission.

Another disturbing dimension to the implementation of the ECOWAS convention are the continued conflicts in Chad and Darfur, as well as the uncertain security situation in Niger Delta region, which have continued to worsen the incidence of SALW proliferation in the sub-region. Similarly, the apparent lapses emanating from the handling of disarmament, demobilisation and reintegration programmes in Liberia, Sierra Leone and Cote d'Ivoire have also contributed to fueling the continued SALW proliferation in the sub-region.

Conclusions and recommendations

The successful implementation of the convention requires an all-inclusive approach which will elicit genuine commitments from all stakeholders involved in arms trade and utility in West Africa. To this effect, the following recommendations are prescribed:

- Exchange of information and experiences relating to SALWs should be intensified by ECOWAS member states.
- ECOWAS and its member states should intensify cooperation and assistance with other effective players in small arms control.

- Nigeria should intensify efforts at ratification of the instrument.
- Broad based inter-sectoral platform and collaboration between government, CSOs, local communities to enhance the implementation of the convention should be intensified.
- Concerted efforts should be made by ECOWAS and its member states to build and strengthen national capacity in the areas of management and security of SALW stockpiles.
- ECOWAS member states should implement the International Tracing Instrument, including systems of end user certification.
- Strengthen the Implementation Support System of ECOWAS moratorium on SALWs.
- Member states of ECOWAS should take necessary measures to ratify the convention.
- The populace should be sensitized on the aspirations of the ECOWAS convention.

Footnote:

(1) Elli Kytomaki, "Regional Approaches to Small Arms Control: Vital to Implementing the UN Programme of Action" Disarmament Forum: Taking Actions on Small Arms, Volume 1, 2006, p. 56

*C. Nna-Emeka Okereke PhD is based at the Centre for Strategic Research and Studies,
National Defence College, Abuja, Nigeria*

ECOWAS small arms and light weapons convention: Examining implementation

Nelson Alusala

Regional instruments on peace and security, like the issues they are meant to tackle, have to be intrinsically dynamic in nature in order to remain relevant. This is equally true with instruments meant to regulate the manufacture, trade and use of small arms and light weapons (SALW). This flexibility is paramount especially in situations where the proliferation of arms remains a major concern, like in Africa's zones of conflict. It was the continued proliferation of small arms, light weapons and ammunition in West Africa that necessitated the transformation of the Economic Community of West African (ECOWAS) Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons (established in 1998), into a Convention (on small arms and light weapons and their ammunition and other related materials) in 2006. The transformation process was informed by the objectives of the 2001 United Nations Programme of Action (UNPoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

The Convention is a comprehensive instrument that seeks to address several essential elements of the UNPoA, such as the manufacture of SALW, their transfer and transparency in their trade. However, there are certain issues that are likely to pose a challenge to the Convention's implementation.

One such challenge concerns the monitoring of the implementation of the Convention. Article 28 of the Convention gives the Executive Secretary the power to appoint a group of independent experts to whom Member States shall provide information. The Member States are similarly required to submit annual reports to the ECOWAS Executive Secretary on activities relating to SALW. However, the practice of reporting on such matters in Africa is limited. For example, West African governments have rarely found it a priority to report on their import and export of conventional arms to the UN Register of Conventional Arms in recent years.

Similarly, the issue of child soldiers presents a relatively complex challenge to the implementation of the Convention. In a report issued in 2005 by Human Rights Watch, poverty and hopelessness caused a growing number of young veterans of West Africa's diverse conflicts to become mercenaries in hotspots across the region.⁽¹⁾ The report described these child soldiers as "roving warriors" and an "insurgent diaspora", who will continue to fuel regional conflict, and hence the proliferation of SALW, unless the issue of providing an alternative livelihood is addressed.

Another implementation challenge of the Convention is the harmonisation of SALW control legislation within ECOWAS (Article 21) in order to circumscribe the illicit flow of arms. Similarly, great efforts will be required to ensure that the provisions of Article 5, which relates to the procedures for exemption for SALW transfers to ECOWAS Member States, are upheld, especially given the cycle of violent conflicts in the ECOWAS sub region. This is exacerbated by the fact that disclosure of arms transfers by states is typically regarded as a matter of state security, and is hence shrouded in secrecy. This is likely to be the case in circumstances where rebels launch an offensive against an ECOWAS government, thereby driving the government to acquire arms to defend itself. In such a situation, the bureaucracy of seeking exemption and the likelihood that such an exemption may be denied could easily contribute to the clandestine importation and/or manufacture of arms. The establishment and maintenance of an ECOWAS SALW database and registers (covered by Article 10) may also be undermined by similar dynamics.

As stipulated in Article 28 of the Convention, the responsibility for monitoring the implementation of the Convention rests with the ECOWAS Executive Secretary, who has been tasked with developing a Plan of Action to implement the Convention and submit it to the Member States for adoption. This presents a challenge to the Executive Secretary who has to depend on the co-operation and input from Member States.

Despite these challenges, the Convention is a move in a positive direction. Its implementation, if fully supported by all ECOWAS Member States, will save lives and reduce the insecurity caused by the proliferation and misuse of SALW.

Footnote:

(1) Human Rights Watch report, "Recruitment of Ex-Child Soldiers in Cote d'Ivoire," at: <http://hrw.org/english/docs/2005/03/30/cotedi10402.htm>. Also at: http://www.irinnews.org/report.asp?ReportID=46626&SelectRegion=West_Africa Accessed on 18 September 2006.

Nelson Alusala, Senior Researcher, Arms Management Programme, ISS

Implementing and measuring the impact of the Biological and Toxin Weapons Convention (BTWC) in Africa

Amelia du Rand

The BTWC, which opened for signature in 1972 and entered into force in 1975, forms part of the international community's efforts to address the proliferation of weapons of mass destruction, including chemical and nuclear weapons and effectively prohibits the development, production, acquisition, transfer, retention, and stockpiling of biological and toxin weapons. As of August 2008, 162 countries worldwide are States Parties, 13 are Signatory States and 20 are Non-Signatory States.

A major challenge for the implementation of the BTWC is the absence of an oversight body. However, at the Sixth Review Conference of the BTWC in 2006, the States Parties established the Implementation Support Unit (ISU), which consists of a three-person team mandated to perform four main tasks: provide administrative support; manage States Parties' Confidence-Building Measures (CBMs); exchange national implementation information amongst states; and promote universalisation of the Convention. Included under its third task of exchanging implementation information amongst states, the ISU also:

- Collates details of national measures to implement all aspects of the Convention, as well as biosafety and biosecurity obligations;
- Maintains the National Implementation Database (NID);
- Assists States Parties in meeting the obligations to translate the BWC into effective domestic measures; and
- Acts as a clearing house for assistance with national implementation.

The ISU has collaborated with States Parties on a number of activities since its establishment in 2006. However, in a report to the meeting of States Parties in December 2007, the ISU stated that very few States Parties had requested assistance with national implementation, and therefore encouraged States Parties to make use of the Unit's expertise. This is particularly important for African States Parties who often cite lack of technical expertise as a major stumbling block to implementing the BTWC nationally.

Engagement with the African continent by the ISU has been rather limited thus far, however, the Unit maintains regular contact with the African Union (AU), and in June 2008, Dr Piers Millet, political affairs officer of the ISU, made a presentation outlining the work of the Unit at an NGO-hosted meeting on building stakeholdership in the BTWC in Malawi (which is a Signatory Party to the BTWC). In his presentation, Dr Millet stressed the relevance of the ISU for African States Parties, especially with regards to implementation assistance.



(Picture by PictureNET Africa)

As part of its mandate, the ISU developed a comprehensive National Implementation Database (NID), which lists national measures that might be relevant to the Convention in as many states for which it has been possible to obtain data. In addition, the ISU identified National Points of Contact for 52 States Parties, which are listed on the United Nations Office at Geneva's website (<http://www.unog.ch>). The table below shows the status of African States Parties in terms of legislation listed in the NID and the existence of a National Point of Contact. Of 35 African States Parties, only six have identified their National Point of Contact, and only 14 States Parties' legislation is available in the NID. Egypt, which does not feature on the list, is the only African signatory party that has provided legislation to the National Implementation Database.

Table 1: Status of African States Parties to the BTWC in Terms of Legislation in the National Implementation Database and National Contact Point

No	States Parties	Legislation in NID	National Point of Contact
1	Algeria	Yes	
2	Benin	No	
3	Botswana	No	
4	Burkina Faso	No	Autorité Nationale pour la Convention sur les Armes Chimiques
5	Cape Verde	Yes	
6	Congo	No	
7	Congo (Dem. Rep.)	Yes	
8	Equatorial Guinea	Yes	
9	Ethiopia	No	
10	Gabon	No	

No	States Parties	Legislation in NID	National Point of Contact
11	Gambia	No	
12	Ghana	Yes	
13	Guinea-Bissau	No	
14	Kenya	Yes	Ministry of Foreign Affairs
15	Lesotho	No	
16	Libyan Arab Jamahiriya	Yes	Libyan National Committee for Bioethics
17	Madagascar	No	
18	Mali	No	
19	Mauritius	Yes	
20	Morocco	Yes	United Nations & International Organisations, Ministry of Foreign Affairs
21	Niger	No	
22	Nigeria	Yes	National Authority on Chemical & Biological Weapons Convention
23	Rwanda	No	
24	Sao Tome and Principe	No	
25	Senegal	Yes	
26	Seychelles	No	
27	Sierra Leone	No	
28	South Africa	Yes	Non-Proliferation Secretariat, South African Council for Non-Proliferation of Weapons of Mass Destruction
29	Sudan	No	
30	Swaziland	No	
31	Togo	No	
32	Tunisia	Yes	
33	Uganda	No	
34	Zambia	No	
35	Zimbabwe	Yes	

In his closing remarks at the Meeting of Experts to the BTWC in August 2007, Chairman Ambassador Masood Khan stated that there is no 'one size fits all' solution for national implementation. Khan also stressed the need to help States Parties with capacity building; not just by providing guidance on enacting legislation, but also on a more practical level of enforcing and managing such legislation. The ISU was created to aid States

Meeting of Experts of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction

In August 2008, the ISS presented a statement to the Meeting of Experts of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC), held in Geneva. The subjects under discussion were of direct relevance to Africa and to the work that ISS has been doing over the past few years under a project funded by the Royal Norwegian Government.

The statement argued that improvements of biosafety procedures, rather than sophisticated and expensive biosecurity-related infrastructure, is a pressing priority for the African continent and that in our work over the past few years, in conducting seminars about dual-use issues and the life sciences, it is clear that very few African scientists are aware of the matters under discussion in international forums. Indeed few are aware of the existence of the BTWC. However, most of the African scientists we have engaged with, once aware of the problem, are open to further discussion; recognise the importance of measures to reduce the risk associated with dual-use research; and, express support for the development of appropriate oversight mechanisms. It is clear that this dialogue with the scientific community should be continued and that significant efforts must be made to educate and sensitise policy makers, regulators, scientists and technical workers.

Parties with some aspects of capacity building; however, it is up to the States Parties that are in a position to offer assistance to help other States Parties. The European Union (EU), the United States, India and Pakistan used the 2008 BTWC Meeting of Experts to state their availability to assist other States Parties with national implementation. An example of this type of co-operation is reflected in Nigeria's opening statement at the BTWC Meeting of Experts in August 2008, which mentioned the successful collaboration between the EU and Nigeria in several areas, including the drafting of national legislation for the BTWC, which is now being considered by the Nigerian Parliament.

African States have expressed their commitment to the implementation of the BTWC in several statements at various BTWC Meetings of States Parties and Meeting of Experts, but have noted that there is a need for more technical assistance in order to build capacity. It is therefore interesting to note that although the ISU, as well as other States Parties, have made themselves available to support States Parties in need of assistance with national implementation of the BTWC, African States Parties are not making optimal use of the tools available to them.

Overall, there is very limited information available on specific African legislation relating to the prevention of biological weapons manufacture and proliferation. Previous studies done by the Verification Research, Training and Information Centre (VERTIC), the African Biosecurity Project (ABP), the BioWeapons Prevention Project (BWPP), and the Institute for Security Studies (ISS) have assisted in compiling and evaluating African bio-related legislation, but further studies should be done to assess how effective this legislation is in supporting the implementation of the BTWC. It is also essential for states to not only develop and implement legislation, but to share this information with other states in order to learn from each other's experiences.

Amelia du Rand, Junior Researcher, Arms Management Programme, ISS

Important Arms Control Dates: 2008 – 2009

CTOC/COP 4: Fourth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and its Protocols (Vienna), **8 – 17 October 2008**

United Nations General Assembly (63rd session) First Committee on Disarmament and International Security meeting, New York, **6 October – 4 November 2008**

Second Meeting of the Southern African Regional Police Chiefs Cooperation Organisation Regional Coordinating Committee on Small Arms and Light Weapons, Cape Town, **28 – 30 October 2008**

The International Forum on Biosecurity: Confronting Biological Threats: Biosecurity, Biological Weapons Non-proliferation, and Regional Cooperative Mechanisms, in Amman, Jordan and hosted by the Arab Institute for Security Studies, **27 – 29 October 2008**

3rd International Roundtable "Sustaining Progress in the Life Sciences: Strategies for Managing Dual Use Research of Concern," Bethesda, Maryland, **4 – 6 November 2008**

OPCW Conference of State Parties, The Hague, **2 – 5 December 2008**

Signing Ceremony for the Convention on Cluster Munitions, Oslo, **3 – 4 December 2008**

Annual meeting of the States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, Geneva, **1 – 5 December 2008**

Meeting of States Parties and Signatories of Nuclear Weapon-Free Zones, **4 May 2009** (proposed)

Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), **4 – 15 May 2009**