



African Commitments to Combating the Spread of Small Arms and Light Weapons: A review of eight NEPAD countries

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Introduction and summary

This paper is a synopsis of a much longer review undertaken by the African Human Security Initiative (AHSI), and available at www.africanreview.org. The purpose of this paper is to summarise our findings on the compliance by seven countries to key commitments that they have entered into, as part of the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000). The study also examines their compliance with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (1997) (or the Mine Ban Treaty (MBT)). The seven countries are Ethiopia, Ghana, Kenya, Nigeria, Senegal, South Africa and Uganda. Although Algeria was included in the broader review conducted by the other AHSI partners, sufficient information on the extent of compliance by that country on its commitments to combating the spread of small arms and light weapons (SALW) was unobtainable. The criteria for the selection of these countries were that they are fairly representative of the different regions

of the continent, and they all voluntarily subscribed to the New Partnership for Africa's Development's (NEPAD) African Peer Review Mechanism (APRM). The emerging evidence suggests that the seven countries have taken and continue to take a number of measures to implement the selected commitments, albeit with varying results.

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Our review indicates that progress has been recorded by all seven countries in establishing co-ordinating agencies at the regional and national levels as required by the Bamako Declaration. Although at varied levels of development, seven countries have either established national co-ordinating agencies or points of contact. Kenya, Uganda, South Africa and Nigeria have relatively more active agencies than Ghana and Senegal, while Ethiopia has established such a body. At the regional level, Eastern Africa, including the Great Lakes and Horn of Africa, the Economic Community of West African States (ECOWAS) and the Southern African

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THE AFRICAN HUMAN SECURITY INITIATIVE (AHSI)

AHSI is a network of seven African Non-Governmental research organisations that have come together to measure the performance of key African governments in promoting human security. The project is inspired by a wish to contribute to the ambitions of the New Economic Partnership for Africa's Development (NEPAD) and the African Peer Review Mechanism (APRM). Whereas the APRM process has defined a comprehensive set of objectives, standards, criteria and indicators that cover four broad areas, AHSI only engages with one of the four, namely issues of political governance in so far as these relate to human security. Within this area, each AHSI partner has identified a set of key commitments that African leaders have entered into at the level of OAU/AU heads of states meetings and summits. A "shadow review" of how these commitments have been implemented in practice has then been conducted. Eight countries have

been chosen for review, namely Algeria, Ethiopia, Ghana, Kenya, Nigeria, Senegal, South Africa and Uganda. All eight are members of NEPAD and have acceded to the APRM. While not constituting an exhaustive list of human security challenges in Africa, the AHSI Network selected the following seven clusters of commitments: human rights, democracy and governance; civil society engagement; small arms and light weapons; peacekeeping and conflict resolution; anti-corruption; and terrorism and organised crime. The AHSI partners are the South African Institute for International Affairs (SAIIA), the Institute for Human Rights and Development in Africa (IHRDA), the Southern Africa Human Rights Trust (SAHRIT), the West African Network for Peace (WANEP), the African Security Dialogue and Research (ASDR), the African Peace Forum (APFO) and the Institute for Security Studies (ISS).

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Development Community (SADC) have established co-ordinating agencies.

All seven countries have legislative provisions that govern the manufacture, possession, use and trade in SALW. However, the data presented here does not reveal the depth and effectiveness of these provisions. Ethiopia, Ghana and Nigeria are reviewing their legislation to make it more stringent. South Africa's new Firearms Control Act entered into force on 1 July 2004. Currently South Africa is the only country with a legal framework to regulate brokers and brokering activities.

Only Kenya, Senegal and South Africa have destroyed all or some of their collected/seized or obsolete arms in accordance with their commitments entered into at heads of state level.

Efforts to improve the capacity of the law enforcement agencies to deal with SALW remain uneven. However, there is commendable progress at the regional level, particularly in West and Southern Africa.

While there has been no significant progress in concluding bilateral agreements on issues of small arms, a host of multilateral frameworks exist. The multilateral agreements guide the inter-agency co-operation among law enforcement actors. It has emerged from our study that co-operation is higher in Southern and West Africa than in the Great Lakes and Horn of African regions, although it is growing in the latter region. However, inter-agency co-operation between law enforcement agencies in different regions is *ad hoc* and infrequent.

On raising public awareness, significant progress has been achieved. The combined actions of state and non-state actors, singularly or via networks (through workshops, seminars, print and electronic media, not to mention T-shirts, caps and stickers with messages against small arms), have kept the issue of small arms alive. Ethiopia, Senegal and Uganda are the only countries with public awareness programmes to prevent mine incidents.

Solid progress has been registered in the implementation of the MBT, particularly on destruction and the submission of initial reports. Although all seven countries have signed the MBT, Ethiopia has yet to ratify it. Kenya and South Africa are the only countries that have not only destroyed all their mines but also continue to submit regular progress reports to the UN Secretary-General. Except for South Africa, the rest of the countries included in the AHSI review claim never to have produced landmines.

It can therefore be concluded that progress in implementing the Bamako Declaration and the MBT by the seven countries has been mixed. While significant progress has been registered in some areas, performance in others is less encouraging.

Choice of commitments and methodology

Since the establishment of the Organisation of African Unity (OAU) – now the African Union (AU) – in 1963, African governments have continued, at least in theory, to publicly underscore the importance of peace and stability as a pre-requisite for socio-economic and political transformation. Through various diplomatic instruments, African heads of state have consistently pledged to guarantee their people's individual, communal and national security, guided by their stated commitment to various sets of principles, rules, norms and values aimed at enhancing human security in Africa. These commitments cover broad areas of governance; respect for human rights; peaceful resolution of conflicts; and institutional and legal structures to fight, control and manage corruption, organised crime and the illicit proliferation of SALW and landmines. Despite these undertakings, an examination of compliance reveals a wide discrepancy between policy and reality. What has become increasingly evident is the constant misuse of the dual principles of sovereignty and non-interference in the internal affairs of other African nations. Bad governance and human rights abuse often contribute to many of the regional conflicts on the continent.

Consequently, progressive African leaders have welcomed the APRM that was recently introduced by NEPAD. It is this new renewed commitment to accountability and transparency that, among other factors, inspired AHSI to contribute this review as one of a number of studies to measure the extent of actual commitment to the Bamako Declaration and the MBT – that is, the degree to which leaders have implemented their stated intentions. Encouraged by our findings, we argue that the value of the APRM process could be more credible if the assessments of leadership implementation of commitment to established norms and values at the leadership level is conducted or complemented by similar studies by competent and independent civil society organisations.

The devastating impact of uncontrolled proliferation of SALW on the African continent is well captured

in the Bamako Declaration. Paragraph 2 states that SALW:

- Sustains conflicts, exacerbates violence, contributes to the displacement of innocent population and threatens international humanitarian law, as well as fuels crime and encourages terrorism;
- Promotes a culture of violence and destabilises societies by creating a propitious environment for criminal and contraband activities, in particular the looting of precious minerals and the illicit trafficking in and abuse of narcotic drugs and psychotropic substances and endangered species;
- Has adverse effects on security and development especially on women refugees and other vulnerable groups as well as on infrastructure and property;
- Has devastating consequences on children, a number of whom are victims of armed conflict while others are forced to become child soldiers; and
- Undermines good governance, peace efforts and negotiation, jeopardises the respect for fundamental human rights and hinders economic development.

This paper summarises state implementation of the following SALW commitments:

- The institutionalisation of national and regional programmes for action aimed at preventing, controlling and eradicating the illicit proliferation, the circulation and the trafficking of SALW in Africa;
- The establishment, where they do not exist, of national co-ordination agencies or bodies and the appropriate institutional infrastructure responsible for policy guidance, research and monitoring on all aspects of SALW proliferation, control, the circulation, the trafficking and reduction;
- Enhancement of the capacity of national law enforcement and security agencies and officials to deal with all aspects of the small

arms problem, including appropriate training on investigative procedures, border control and specialised actions, and upgrading of equipment and resources;

- Development and implementation, where they do not exist, of national programmes for the voluntary surrender of illicit SALW, identification and destruction by competent national authorities and where necessary, of surplus, obsolete and seized stocks in possession of the state, the reintegration of demobilised youth and those who possess SALW illegally;
- Entering into bilateral agreements, on a voluntary basis with neighbouring countries, to put in place an effective common system of control, including the recording, licensing and collection of SALW, within common frontier zones;
- Strengthening regional and continental co-operation among police, customs immigration and other border control services to address the illicit proliferation, the circulation and trafficking of SALW. These efforts should include, but not be limited to, training, the exchange of information to support common action to contain and reduce illicit SALW trafficking across borders, and the conclusion of necessary agreements; and
- Developing and implementing public awareness programmes on the problem of the proliferation and illicit trafficking of SALW.

Landmines are generally considered as “weapons of mass destruction in slow motion” and have had devastating impact on the lives of innocent civilians the world over. According to the UN, there are an estimated 120 million anti-personnel mines in the ground, alongside the roads and footpaths of one-third of the countries in the developing world.²

In terms of the MBT,³ we examine whether or not the selected countries have signed and/or ratified it, and have ceased to use, develop, manufacture, stockpile and transfer any type of anti-personnel

² See Ilaria Bottigliero, 2000, “120 Million landmines deployed worldwide: Fact or fiction”, Britain: Pen & Sword Books.

³ Other obligations which are in the MBT but which are not examined in this study include “the destruction of all anti-personnel mines in mined areas under a state’s jurisdiction or control, as soon as possible but not later than ten years after the entry into force”; “provid[ing] assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programmes”; “tak[ing] all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under the Convention undertaken by persons or on territory under its jurisdiction or control.”

landmines. A further question is whether they have destroyed all their stockpiled anti-personnel mines in accordance with the provisions of the MBT.⁴

A number of assumptions influenced the choice of commitments described above. One is that compliance with these commitments would impact positively on human security. A second is that the selected commitments are quantifiable and cut across national, regional and inter-regional relations.

In terms of time-line, the study covers compliance since 1 December 2000 for SALW (roughly the period since the signature adoption of the Bamako Declaration). As for the MBT, the period of review is from 1999, when the treaty entered into force. However, it is important to note that some of the actions/measures may have been in place before the two instruments entered into force.

This study's core research methodology consisted of an interview schedule based on a structured but open-ended questionnaire; correspondence with a number of respondents; desk research; observations; conferencing; and the gathering of secondary data. The interview schedule targeted representatives from the national and regional co-ordinating agencies/commissions, the police and justice systems, and individuals within civil society working on small arms. In this process, a number of methodological challenges were encountered. They included the unavailability of some of the key would-be respondents and reconciling the stated official position with objective criteria. In some situations, the lack of established structures addressing small arms made it difficult to gather adequate information, as those available were either serving in an acting capacity or did not have adequate knowledge of the subject. In addition, some officers were reluctant to provide information, possibly fearing that such information would expose their incompetence and/or lack of knowledge or lack of state compliance. Alternatively, they may have taken the view that matters of state security precluded any engagement with civil society. These obstacles, notwithstanding, adequate representative data was gathered for inclusion in this paper and the associated monograph to provide sufficiently accurate evidence on the level of compliance by the countries under study.

Small arms and light weapons

The point of departure for the SALW debate in Africa is July 1996 when the then OAU initiated a study into the proliferation and dissemination of small-calibre war arms. Consequently, its 35th Summit (July 1999) committed the organisation to resolving the problem. In effect, this was the beginning of Africa's influence on the first UN Conference on Small Arms in July 2001.

As a prelude to this world conference, Africa convened the First Continental meeting of Experts on SALW in Addis Ababa during May 2000 (supported by the Institute for Security Studies (ISS)). This initiative resulted from debates at the sub-continental level: 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 (hereafter referred to as the Nairobi Declaration) signed on 15 March 2000, aggregated the concern of leaders in the Great Lakes and Horn of Africa region; the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Light Weapons that was adopted by that region's heads of state in Abuja on 30–31 October 1998; and the Southern African concern was amplified by the Southern African Regional Action Programme on Light Arms and Illicit Trafficking that was agreed upon in May 1998. These three concerns found convergence in the Bamako Declaration (December 2000).

Due to the continent's persistent negotiations, the Bamako Declaration was firmly anchored in the final text of the UN Programme of Action (2001). To facilitate compliance with the Bamako Declaration, countries require a specific legal regime with specific structures and procedures. This is underscored by paragraph 3(a) of the Bamako Declaration, which calls upon member states to put in place structures to deal with the problem of SALW at both national and regional levels.

All the countries under review have national structures to address their commitments. However, it is evident that the institutional structures have limited capacity in terms of human and operational resources. They are under-staffed and under-funded, with most dependent on donor benevolence. In addition, there is the

⁴ This commitment about landmines is reaffirmed in the Maputo Declaration of the state parties to the UN Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction, 7 May 1999, para. 6.

possible problem of autonomy, as most if not all, national structures are firmly under the control of state agencies. In fact, in the mandate of the committee in Nigeria, the central role of the military in the implementation of the Bamako Declaration is clearly asserted.

Three regions of Africa, namely West Africa, the Great Lakes and Horn of Africa, and Southern Africa, each have a co-ordinating agency as stipulated in the Bamako Declaration. Respectively, the agencies are part of ECOWAS (in West Africa); the Nairobi Secretariat (for the Great Lakes and Horn of Africa); and, for Southern Africa, a SADC SALW Committee and the Southern Africa Regional Police Chiefs Co-ordinating Organisation (SARPCCO).

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All the states examined have at least some form of legislation and/or administrative procedures on the production, export, import, transit, trade and possession of SALW.

production, export, import, transit, trade and possession of SALW. However, there are considerable variations in the nature and scope of the legal frameworks and procedures. Some are dated and in need of improvement. From the information gathered, it is not possible to determine the effectiveness of such measures. For the

purpose of this paper, however, we merely note their existence.

Another measure of compliance is to look at the capacity of national law enforcement and security agencies and personnel. This commitment is underscored in paragraph 3(a)(ii) of the Bamako Declaration. It recognises that in order to deal effectively with all aspects of the arms problem, appropriate training on investigative procedures, border control and specialised actions, as well as upgrading of equipment and resources, is critical. Capacity-building for law enforcement agencies and security personnel take the form of training and the purchase of equipment. The responsibility for compliance lies with national governments through their budgetary allocation but may also occur under bilateral or multilateral arrangements with the United Nations and donor agencies. It was not possible to assess national efforts to enhance the capacity of law enforcement agencies in all seven countries. For example, scant information was available on Kenya and Ethiopia.

In Ethiopia, the National Focal Point (NFP) hopes to include special training on SALW for law enforcement agents in their national action plan.

During the last year the Kenyan government has purchased 107 assorted vehicles for the Kenyan police and increased their salaries. In addition, civil society organisations in Kenya have also mounted capacity-building workshops for security personnel at the national and regional levels.

The South African law enforcement and security agencies have more capacity than the other African countries. This is manifested by the comparatively larger skills base of the South African Police Service (SAPS). For example, the SAPS's total personnel number in excess of 100,000 or approximately 1:427 citizens.

In West Africa, donor support for capacity-building at the regional level is impressive. The UN and its related agencies have conducted several training programmes. Resources to support capacity-building programmes have also been received from the French government – specifically for improving the linguistic competence and thereby enhancing the efficacy of police officers assigned to the Burkina Faso, Ivory Coast and Togo borders. Senegal has one of the most effective law enforcement agencies in terms of detection and destruction of weapons.

Overall, civil society has also contributed towards enhancing the capacity of the law enforcement agencies. For example, the ISS facilitated the First SARPCCO Workshop on Regional Standards for the Marking, Tracing and Record Keeping of Firearms and Disposal of State-Owned Firearms in April 2003, among others.

It is also prudent to measure the development and implementation of programmes on the voluntary surrender, identification and destruction of SALW. Results in general are not encouraging. For example, Ghana's experimentation with a collaborative police-cum-military weapons retrieval strategy was without much success. On weapon identification our study noted sketchy results. However, there were encouraging findings on destruction, especially by Kenya, Senegal and South Africa. The three countries have destroyed all or some of the collected/seized or obsolete arms.

Some of the countries, such as South Africa, had embarked on a policy of SALW destruction long before the Bamako Declaration was adopted. In others, such as Kenya, the information collected was not sufficient enough to indicate when destruction began. What is clear, however, is that security organs had been

recovering weapons for long periods. For countries such as Nigeria, Ghana and Uganda that had attempted large-scale disarmament programmes, a number of factors including poor planning and lack of a regional approach have hampered success.

Paragraph 3a(ix) of the Bamako Declaration calls for the conclusion of binding agreements between state parties and the strengthening of regional and continental co-operation. Inter-agency collaboration at regional and continental levels is defined by both bilateral and multilateral agreements. It involves sharing information and exchanging intelligence among the formal security, military and paramilitary agencies.

All seven countries have entered into multilateral agreements on matters of security, in general, and SALW, in particular. In this regard, the following instruments are pertinent:⁵

- The United National Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;
- The Protocol Against Illicit Manufacturing and Trafficking in Firearms, Their parts and Components and Ammunitions supplementing the United Nations Convention Against Transnational Organised Crime; and
- The Bamako Declaration, the Nairobi Declaration, the SADC Firearms Protocol and the ECOWAS Moratorium.

At a bilateral level, Ethiopia and South Africa have entered into agreements with some of their neighbours on issues related to peace and security, extradition of criminals and, more recently, terrorism. In some of these agreements issues of small arms can be inferred or are specifically mentioned.

In addition to the above instruments, other structures exist at the regional level, for example, the Southern Africa Regional Police Chiefs Co-operation Organisation (SARPCOO). It was established in 1995 to co-ordinate work between police agencies on issues that were undermining security and stability in the sub-region. A legal framework for co-operation – the Agreement in Respect of Co-operation and Mutual Assistance in the Field of Crime Combating – entered into force in July 1999. It provides a forum for regional collaboration on issues that fall entirely, or partly,

beyond the ambit of the defence departments of the Southern Africa states. The SADC Council of Ministers has also mandated SARPCOO to implement the SADC Policy on Small Arms and Cross-Border Crime Prevention as well as the SADC Firearms Protocol.

This agreement has, for example, enabled SAPS to co-operate with neighbouring countries and to participate in various regional forums. These include quarterly workshops with Swaziland, Mozambique and Lesotho. “The Border Police are represented on five forums with neighbouring countries, and have entered into close co-operation with both Interpol and the Legislation Committee for Border Control.”⁶

Joint operations to combat motor vehicle theft, trafficking in drugs and the proliferation of SALW are usually conducted in phases in the sub-region. For example, during 2002, “Operation Mangochi” targeted motor vehicle theft, drug trafficking and firearms between Namibia, Botswana, Zimbabwe, Lesotho, Swaziland and Mozambique, while “Operation Scorpion” covered Angola and Namibia. Operations “Green Mamba” and “Katse” focused on the tracing of illicit firearms in Swaziland and Lesotho respectively.

Through such operations, SAPS has also been able to transfer intelligence-gathering skills and weapons destruction technical know-how to the Mozambique Police Service (PRM). Collaboration on Operation Rachel, for example, has enabled the PRM to develop an indigenous capacity to carry out weapon collection and destruction programmes.

In West Africa, key agreements defining relations on SALW include:

- Chapter X, Article 46 of ECOWAS 1999: Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;
- The ECOWAS Moratorium banning the export, import and manufacture of small arms and light weapons. This voluntary, non-binding Moratorium has developed a Code of Conduct for the Implementation of the Moratorium. As part of the processes for controlling SALW, Decision A/DEC.13/12/99 Establishing National Commissions for the Control of the Proliferation and Illicit Circulation of Light Weapons has also been adopted; and

⁵ Other relevant instruments include the Solemn Declaration on the Conference for Security, Stability, Development and Co-operation in Africa (CSSDCA), 10–12 July 2000, Lomé, Togo, paras 2, 9, 10 (h) and 14 (l); and the Algiers Declaration, 35th Ordinary Session of the Assembly of Heads of State and Government, 12–14 July 1999.

⁶ A Minnaar, “Policing the ports: Reducing illicit trafficking in South Africa”, *ISS Monograph No 84*, May 2003, p 24.

- ECOWAS Convention A/P1/7/92 on Mutual Assistance in Criminal Matters and the ECOWAS Convention A/P1/8/94 on Extradition.

Such agreements have also incorporated elements of capacity-building. In this regard joint training to strengthen co-operation has taken place at relevant institutional levels within the region such as at the National War College, Abuja, Nigeria, the Command and Staff College, Teshie, Ghana and at the Kofi Annan International Peacekeeping Training Centre (KAIPTC) also in Ghana. Joint exercises on detection and destruction have taken place during Operation Kompeingha and Operation Korza.⁷

Co-operation among security agencies between state parties to the Nairobi Declaration has been *ad hoc*. But this is bound to change following the signature of the Nairobi Protocol on Prevention, Control and Reduction of SALW in the Great Lakes Region and the Horn of Africa during the Second Ministerial Review meeting from 21–22 April 2004. The Protocol sets out legal uniformity and establishes minimum standards to govern:

- Manufacture;
- Possession;
- Import, export, transfer, transport;
- Provisions relating to weapons collection and destruction, police co-operation, information exchange; and
- Raising awareness.

The Nairobi Protocol will be a regional instrument to increase control over the proliferation of SALW in the Great Lakes Region and the Horn of Africa and, as such, is a historic document in the control and management of SALW. It provides the region with a legal basis through which to deal with both the legal and the illicit trade in firearms, and enable others to hold governments accountable to their commitments.

Overall, it is clear that inter-agency collaboration which is governed both by regional and international regulations, appears to be more established in West and Southern Africa than in Eastern Africa. In West Africa, ECOWAS-related instruments are the driving force; while in Southern Africa, South Africa is playing a key role in facilitating some of the objectives. In the former, a number of key donors, through ECOWAS, are initiating and facilitating the bulk of the inter-collaboration among

security agencies. Cross-regional co-operation, between the Horn of Africa and West Africa or between Southern Africa and West Africa, is minimal.

There is evidence of functioning co-ordinating agencies at both national and regional levels. The respective regional instruments influence the names of these agencies. In the Great Lakes and Horn of Africa region, for example, the national co-ordinating agency is referred to as NFP as indicated in the Nairobi Declaration, while in West Africa the name is National Commission as stated in the ECOWAS Moratorium. Kenya, Nigeria and Uganda have relatively well-established agencies. Those in Ethiopia, Ghana and Senegal are nascent, while South Africa maintains a national contact point. The mandate of the Nigerian National Commission is broader than the rest. It includes controlling the importation and manufacture of all SALW; registering and controlling the movement and use of legitimate arms stock; detecting and destroying all illicit and surplus weapons; and granting or permitting exemptions to the Moratorium in accordance with strict criteria. In the rest, the task is left to the security agencies. All in all, the composition of the co-ordination agencies reflects the contribution of key stakeholders, including civil society, in the fight against small arms. However, security agencies tend to dominate.

Co-ordination agencies have also been established at the regional level. In the Great Lakes and the Horn of Africa it is known as the Nairobi Secretariat. In West Africa the ECOWAS Secretariat is the co-ordination agency, while in Southern Africa there are two structures, the SADC Committee and SARPCO. They are all active in overseeing the implementation of the regional and continental aspects of SALW.

With respect to legislation, all the seven countries have developed legislation on domestic firearms control (South Africa has done so recently in a comprehensive manner, while others are in the process of reviewing their current laws to make them more effective). It is only South Africa that has enacted new laws controlling the export and brokering of firearms. It has reached an agreement with firearm manufacturers with a view to standardising marking and thus making tracing easier. It has developed and implemented a policy position that all surplus, redundant, obsolete and confiscated small arms below and including the calibre

⁷ These were ECOWAS joint military operations for collective action as and when the need arises.

of 12.7mm be destroyed in order to prevent these from ending up in the illicit small arms market. Others, such as Kenya and Uganda, acknowledge the loopholes in the existing firearms legislation and have stated their commitment to reviewing the relevant laws.

Some progress has been made in enhancing the capacity of the law enforcement agencies to deal with issues of SALW. This has taken place at national, bilateral or multilateral levels. The West African region has made significant progress in terms of organising joint capacity-building programmes under the rubric of ECOWAS. In the Great Lakes and Horn of Africa, several stakeholders have, through an interactive process, developed a training curriculum for law enforcement agencies. It is hoped that, once operationalised, they will facilitate joint training programmes at a regional level. In Southern Africa, South Africa has been instrumental in facilitating regional capacity-building programmes under SADC and through bilateral arrangements. Non-state actors, such as civil society organisations, have also been organising targeted capacity-training workshops for law enforcement agencies.

The development and implementation of public-awareness programmes determine the extent to which the public participates in compliance levels undertaken by the national governments. This obligation is contained in paragraph 3(a)(v) of the Bamako Declaration, which deals with national measures on the problem of the proliferation and illicit trafficking of SALW. Specifically, the Declaration calls for state parties to develop and implement public-awareness programmes on the problem of proliferation and the illicit trafficking of SALW.

In the seven countries that have been reviewed, both state and non-state actors are important in raising awareness of the negative effects of illegal possession and use of SALW. Through workshops and conferences, representatives from government and civil society organisations have continued to prioritise different aspects of the SALW problem on the local, national, regional and international agenda.

The national and regional co-ordinating agencies use not only the print media, but also posters calling on the public to volunteer information that will help apprehend suspects (that is, those in possession of illicit SALW). The Nairobi Secretariat and the Kenya National Focal Point (KNFP) have held workshops and conferences in this regard. The Secretariat has launched a newsletter, entitled "Progress", as a means

of sensitising the public and, to date, three editions have been published. The Secretariat, together with the KNFP, also support awareness activities, such as the public burning of recovered arms in Nairobi in March 2003.

Civil society organisations, including international actors, have through networks such as the Eastern Africa Action Network on Small Arms (EAANSA), the Kenya Action Network on Small Arms (KANSA) and the Uganda Action Network on Small Arms (UANSA), sponsored radio/TV programmes on the subject. In Kenya, this was most evident during the commemoration of the third anniversary of the Nairobi Declaration. Beyond meetings, civil society organisations and institutions in the region are undertaking specific research aimed at not only establishing the nature and magnitude of the problem but also informing policy interventions. In Senegal, the Movement Against Small Arms Control in West Africa (MALAO) and the Africa Strategic and Peace Research Group (AFSTRAG) in Nigeria, organised several public-awareness events to mark the 2003 Small Arms Week of Action. The federal police in Ethiopia have maintained different programmes aimed at raising public awareness and creating closer collaboration between police and the general public. It has a weekly television and radio programme which deals with crime, peace and security but which also focuses on its own activities.

The issue of SALW has, therefore, received meaningful publicity. Official statements and research remain critical in explaining the complex nature of the problem of illicit small arms. The actions of civil society and international organisations are critical in raising an understanding of the existing instruments and also in lobbying governments to implement the resolutions therein.

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Anti-personnel landmines

With the exception of parts of Ziguichor region in Senegal, northern Uganda, and the border between Ethiopia and Entrea, landmines are not a major problem in the other six countries that are part of this review. South Africa, while it is not considered mine-

affected, has had incidents, especially during the liberation struggle. Perhaps influenced by its past, the South African government is not only fully committed to banning the production of anti-personnel landmines on its soil and destroying all of its stockpile, but is also prepared to provide affected countries with mine risk education, clearance of laid mines and victim assistance.

Under the auspices of the then OAU, the First Continental Conference of African Experts on Landmines, held in Kempton Park, South Africa (May 1997) was a key element leading to the adoption of the MBT. The landmine debate in Africa started in earnest when the 66th Ordinary Session of the OAU Council of Ministers in May–June 1997 approved the Plan of Action emanating from this Conference and urged member states to participate fully and actively in what had by then become known as the “Ottawa Process”.

The MBT calls on states to cease to use, develop, produce or otherwise acquire, stockpile, retain and transfer landmines. To date, 141 countries are state parties to the MBT, largely due to the support forthcoming from Africa before and during the Oslo talks in 1997.

Similar to the situation with SALW, there are a number of regional agreements regarding landmines. Apart from the MBT, other supplementary commitments by the OAU/AU include the OAU Resolution CM/Res. 1593 (LXII) CM/Res.1628 (LXIII) – the Resolution on the Revision of the 1980 United Nations Convention on Certain Conventional Weapons and Problems Posed by the Proliferation of Anti-Personnel Mines in Africa (1996); and, the Plan of Action of the First Continental Conference of African Experts on Landmines (1997).

Table 1 provides a summary on the status of the formalisation of relations with the MBT in the countries under review. However, South Africa deserves special mention in this regard. It is certainly ahead of the other countries included in our research.

South Africa plays a leading role in efforts to universalise the MBT in Africa. It participates actively in the inter-sessional work programme, the various Standing Committees and the annual meeting of state parties to the MBT. The country co-sponsored and voted in favour of all UNGA resolutions relating to the banning and clearance of landmines, including those calling for the universalisation and implementation of the Convention. An Anti-Personnel Mines Prohibition Act was approved by both Houses of Parliament in 2003.

Among the seven countries reviewed, South Africa, being the only country with the capacity to de-mine, has emerged as a leader in the field of mine clearance equipment and believes that it possesses leading demining technology and expertise, as well as the medical capability and experience to assist mine victims.

It is only South Africa that has enacted domestic laws on a total ban on anti-personnel landmines. Its landmine legislation is now viewed as a model by international standards. This is reflected, for example, in its clarity on what is, and what is not, allowed during joint operations with states not party to the MBT and in relation to the definition of anti-personnel mine used in its domestic legislation. Thus, South Africa will not participate in combined operations with any force that uses anti-personnel mines and its definition of an anti-personnel mine makes any victim-activated munitions an anti-personnel mine.

Table 1: 1997 Mine Ban Treaty

Country	Position	Date of signature	Date of ratification/ accession	Date of entry into force	Initial Article 7 Report submitted	2003 UNGA Resolution 58/53	Fifth meeting of state parties
Ethiopia	Signed	3 Dec 1997	–	–	No	Yes	Yes
Ghana	Ratified	4 Dec 1997	30 Jun 2000	1 Dec 2000	Yes	Yes	Yes
Kenya	Ratified	5 Dec 1997	23 Jan 2001	1 Jul 2001	Yes	Yes	Yes
Nigeria	Acceded	27 Sep 2001	27 Sep 2001(a)	1 Mar 2002	Yes	Yes	Yes
Senegal	Ratified	3 Dec 1997	24 Sep 1998	1 Mar 1999	Yes	Yes	Yes
South Africa	Ratified	3 Dec 1997	26 Jun 1998	1 Mar 1999	Yes	Yes	Yes
Uganda	Ratified	3 Dec 1997	25 Feb 1999	1 Aug 1999	Yes	Yes	Yes

Ethiopia, Senegal, South Africa and Uganda are the only countries with programmes to raise awareness of the mine problem. Relevant government agencies in these countries with the support of donors are the driving force in this respect.

Overall, good progress has been registered in the implementation of the MBT. Six countries out of the seven have ratified or acceded to the MBT. Ethiopia has

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only signed. Except for Ethiopia, the rest of the countries have submitted their initial transparency reports as required under article 7. All seven countries voted for UNGA

Resolution 58/53, which calls for the universalisation and implementation of the Mine Ban Treaty on 8 December 2003 and they also attended the various annual meetings of state parties. Among the countries reviewed, South Africa is the only country that has been a producer and exporter of landmines. Some of the countries, such as Kenya and South Africa, have destroyed their entire stock of anti-personnel mines years ahead of their set deadlines and continue to submit regular progress reports to the UN Secretary-General.

Conclusion

This paper has attempted to establish the extent to which the seven APRM countries have implemented their key commitments under the Bamako Declaration and the 1997 Mine Ban Treaty. There is sufficient evidence to suggest that whereas some countries have registered remarkable progress, others have not performed as well. It has also been established that a few countries acted long before the signing of the Bamako Declaration.

The real challenges confronting all the countries studied are institutional and operational weaknesses at both national and regional levels. This is compounded by the lack of sufficient resources and skills for implementation. This situation sometimes places an additional burden on those countries considered more endowed than their neighbours. However, enormous potential seems to reside in the emerging partnership between various security agencies, relevant government agencies and the broader civil society. Furthermore, the matter of small arms, light weapons and landmines still commands the attention of the international donor community.