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BRIEFING BOOK
FOR THE
CANADIAN DELEGATION
TO
THE AFRICAN CONFERENCE ON THE
IMPLEMENTATION OF THE
UN PROGRAMME OF ACTION
ON SMALL ARMS:
NEEDS AND PARTNERSHIPS



PRETORIA, SOUTH AFRICA

18-21 MARCH 2002

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PRETORIA, SOUTH AFRICA

18-21 MARCH 2002

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- b. Putting Children First: Building a Framework for International Action to Address the Impact of Small Arms on Children. July 2001
- c. The Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons. December 2000
- d. Report of the Second Continental Meeting of African Experts on the Illicit Proliferation, Circulation

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and Trafficking of Small Arms and Light Weapons. June 2000

- e. Report of the First Continental Meeting of African Experts on Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons. .May 2000
- f. The NAM Ministerial Conference (Text of Arms & Disarmament Related Paragraphs). April 2000
- g. 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... March 2000
- h. ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security. December 1999
- i. The SADC Decision on Small Arms. August 1999
- j. The OAU Decision on Small Arms. July 1999
- k. The SARPPCO Declaration on Small Arms. July 1999
- l. The ECOWAS Moratorium on the Importation, Exportation, and Manufacture of Light Weapons. October 1998
- m. The SADC Southern Africa Regional Action Programme on Light Arms and Illicit Arms Trafficking. May 1998

DRAFT AGENDA

African Conference on the Implementation of the UN Programme of Action on Small Arms: Needs and Partnerships

18-21 March, 2002

Centurion Lake Hotel, Pretoria, South Africa

15 March

Arrival of working group chairs and national delegations of organizing committee.

16 March

Preparatory session for chairs of working groups and preparatory meeting of Secretariat of conference including organizing committee delegations.

17 March

Arrival of all delegations and participants (excluding working group chairs and organizing committee) and registration of all those accommodated at hotel.

Informal meeting of NGOs to discuss speaking, observer and participation commitments for the conference. Venue provided in the afternoon at hotel.

18 March

0830-0900 Welcome Coffee

(Registration of those participants coming from the Gauteng based observers and participants)

900-1000

Public Session:

Open to Press

Welcome and Objectives

Co-Chairs: Representatives of the Governments of Nigeria and UK

Welcome I: Department for Foreign Affairs, South Africa (On behalf of African Contact Group)

Welcome II: Ministry for Foreign Affairs, Canada (On behalf of Partner Contact Group)

- Overview of key commitments as expressed in the PoA of the UN July Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects- 15" *Presentation by Ambassador Camilo Reyes, Chair, UN Conference on the Illicit Trade in Small Arms and Light Weapons in all Its Aspects, tbc.*
- Overview of key commitments/recommendations as outlined in the Bamako Ministerial Declaration of 2000. *Presentation by Ambassador Djinnit, Ass. Sec. Gen. Political Affairs, OAU, Addis Ababa, tbc.*

1000-1050

Session I:

Open to Press

Recent International Developments in Implementing the UN Programme of Action.

Co-Chairs: Representatives of the Governments of Austria and Kenya.

Rapporteur: SaferAfrica

- Implementation in Asia: Tokyo 2002 - Representative from Asia - Ambassador Donowaki, Japan, tbc
- Implementation in Latin America: Chile and Costa Rica Meetings 2001 - Representative of Mexico -tba
- Implementation in Europe - Joint Presentation by Representative from UK, tba and the Representative from Norway, tba

1050-1110 Coffee Break

1110-1200

Session I (continued):

Implementation Initiatives and Priorities in Civil Society:

- General Overview of the Role of Civil Society in Implementation of the UN PoA
- Priorities for NGOs in OECD countries
- Priorities for NGOs in Africa

Questions and Answers

Press Departs

1200-1330 Lunch

1330-1510

Closed Session

NGOs/Int. agencies observer status only

Session II:

Recent African Developments and their relevance to the Implementation of the UN Programme of Action.

Co-Chairs: Ambassador Carlos Dos Santos, Mozambique (Chair of the UN Preparatory Committee) tbc, and Representative of the Government of Canada.

Rapporteur: SaferAfrica

Panel of officials and experts (10" each)

- Developments Regional/National implementation in SADC
- Developments Regional/National implementation in ECOWAS
- Developments Regional/National implementation in ECCAS
- Developments Regional/National implementation in Northern Africa
- Developments Regional/National implementation in the Great Lakes and Horn.

Discussion (50")

1510-1530 Coffee Break

1330-1511 **Session III:** NGOs/Int. agencies observer status only

Implementation Priorities

Co-Chairs: Representative of the Government of South Africa and Government of The Netherlands.

Rapporteur: SaferAfrica.

Panel of officials and experts (10" each)

- Strengthening and harmonising legislation
- Improving operational capacity for enforcement
- Stockpile management and monitoring
- Enhancing Information Exchange and co-operation to control illicit small arms-trafficking

Discussion (50")

1830-2000 **Welcome Reception**

19 March

0830-0950 **Session III (cont.):** NGOs/Int. agencies observer status only

Co-Chairs: Representatives of the Governments of The Netherlands and Mali
Rapporteur: SaferAfrica

Panel of officials and experts (10" each)

- Reducing availability and demand:
 - Controlling arms production, possession and transfers.
 - Public awareness
 - Collection and destruction

Discussion 10"

- Reducing Impact of Arms on Civilian Populations: Children.
 - Mr. Olara Otunnu, UN, tbc
 - Ms Kathy Vandergrift, World Vision Canada

Discussion 10"

0950-1010 **Session IV:** Closed to NGOs and Int.Rel.Agencies

Identification of Areas for Cooperation

Co-Chairs: Representatives of Governments of Norway and Nigeria.

- Opening Remarks and Objectives: Representatives from Governments of Kenya and Switzerland (10" each)

Participants are divided into five working groups

- 1010-1030 **Coffee Break** (participants go to their respective working groups)
- 1030-1200 **Working Groups I, II, III, IV and V to discuss African Needs**
(non-African governmental delegations welcome to observe)
- 1200-1330 **Working Group VI - Luncheon Meeting to discuss Partner Priorities**
(African governmental delegations welcome to observe)
- 1200-1400 **Lunch Break**
- 1400-1530 **Working Groups I, II, III, IV and V to discuss Emerging Partnerships in Africa - Working group six joins other five.**
(integrated working groups)
- 1530-1550 **Coffee break**
- 1550-1600 **Break to Reconstitute Conference in Plenary Mode with all participants and observers**
- 1600-1745 **Session IV (continued) NGOs/Int. agencies observer status only**
- Co-chairs (continued): Representatives from the Governments of Norway and Nigeria.
- Rapporteur: SaferAfrica
- Report Back of working groups (15" each)
- Questions and Answers

20 March

- 0830-1030 **Session V** NGOs/Int. agencies observer status only
- Presentation of First Draft Document on Cooperation on Implementation Needs and Operating Guidelines for Partnerships.**
Presentation of Draft and Guided discussion
- Co-Chairs: Representatives from the Governments of South Africa and Canada.
Facilitator: Ambassador Donowaki, Japan
Rapporteur: SaferAfrica
- 1030-1100 **Coffee Break**
- 1100-1230 **SESSION VI** Full Participation of NGOs and Agencies
- The Role of Civil Society in Implementation of the UN Programme of Action on the Illicit Trade in Small Arms and Light Weapons in all its Aspects**
- Welcome to NGOs: Representatives from the Government of Nigeria and the Government of the United Kingdom

- Keynote Speech: Representative from UNDDA New York, tbc.

FIRST PANEL DISCUSSION:

Co-Chairs: Representatives from the Governments of Canada and Mali.
Rapporteur: SaferAfrica

Panel Discussion by three NGOs (one OECD countries/two Africa): (10" each) with a view to identifying capacity-building, training and technical assistance needs where civil society can play a role in support of implementation:

- Collection, destruction and public awareness (African NGO, tba)
- Stockpile Management and monitoring (country NGO, tba)
- Improving operational capacity for enforcement including enhanced border control (African NGO, tba)

Discussion: 30"

1230-1400 **Lunch**

1400-1510 **SECOND PANEL DISCUSSION:**

Co-chairs: Representatives from the Governments of Kenya and Austria
Rapporteur: SaferAfrica

Panel Discussion by three NGOs (two OECD country/one Africa): (10" each) with a view to identifying capacity-building, training and technical assistance needs where civil society can play a role in support of implementation:

- Enhancing Legislation (African NGO tba)
- Production, possession and transfer controls (country NGO tba)
- Enhancing information exchange and cooperation to control illicit trafficking (OECD country NGO tba)

Discussion: 30 minutes

1510-1530 **Coffee Break**

1530-1620 **THIRD PANEL DISCUSSION**

Co-Chairs: Representatives of the Governments of South Africa and Switzerland
Rapporteur: Saferworld

Panel of officials and NGOs on the National Plan of Action for Arms Management and Disarmament of the United Republic of Tanzania: Case Study (10" each)

- Official Presentation of the National Plan
- The role of Civil Society in Facilitation
- The role of Civil Society in Implementation

Discussion: 20"

1620-1730 **Recommendations from Civil Society to the First Draft Document on Cooperation on Implementation Needs and Operating Guidelines for Partnerships.**

Co-Chairs: Representatives from the Governments of Nigeria and Norway.
Rapporteur: SaferAfrica

General Discussion

1830-2000 Reception in honour of NGOs

21 March

0830-1000 *Session VII* - Full Participation of NGOs and Agencies

Final Discussion of Draft Document and Annex on Cooperation on Implementation Needs and Operating Guidelines for Partnerships.

Co-Chairs: Representative from the Government of The Netherlands and Kenya

Facilitator: Ambassador Reyes, Colombia

Rapporteur: SaferAfrica

1000-1030 Coffee Break

1100-1130 *Session VIII* Full Participation of NGOs and Agencies

The way forward: Needs and Partnerships

Co-Chairs: Representative from the Governments of Austria and South Africa.

Facilitator: tba

Rapporteur: SaferAfrica

Discussion

1130-1200 **OFFICIAL CLOSURE** Press Welcome

Chair: Government of Switzerland

- Representative from Partner governments - Norway
- Representative from African Contact Group - Mali

1200-1400 **Lunch**

Afternoon: Press Opportunities and Press Release - Organizing Committee and Secretariat.

CANADIAN DELEGATION

Mr. Robert McDougall (Head of Delegation)
Director, Non-Proliferation, Arms Control & Disarmament Division
Department of Foreign Affairs and International Trade

Mr. Denis Chouinard (Alternate Head of Delegation)
Deputy-Director and Head of ISROP; Non-Proliferation, Arms Control & Disarmament Division
Department of Foreign Affairs and International Trade

Mr. Perry Calderwood
Minitser - Counsellor
Canadian High Commission - Pretoria

Mr. Don Hubert
Senior Policy Advisor; Peacebuilding and Human Security Division
Department of Foreign Affairs and International Trade

Mr. Béla Cziffra
Advisor, Small Arms and Light Weapons; Non-Proliferation, Arms Control & Disarmament Division
Department of Foreign Affairs and International Trade

Ms. Geneviève Gasser
Analyst, Democracy, Human Rights, Governance and International Security
Canadian International Development Agency

Mr. David Pimm
Policy Analyst; Canadian FireArms Centre
Department of Justice

Mr. Stephen Baranyi
Senior Program Specialist; Peacebuilding and Reconstruction Program Initiative - Programs and Partnership Branch
Canadian International Development Research Centre



CANADIAN NGOs ATTENDING

Mr. Andrew Couldridge
Field Officer, Oxfam Canada

Mr. Ernie Regehr
Director, Project Ploughshare

Ms. Kathy Vandergift
Senior Advisor, World Vision Canada

TRAVEL ADVISORY FOR SOUTH AFRICA

GENERAL INFORMATION

South Africa (capital: Pretoria) lies at the southern tip of Africa. It is bordered by Botswana, Mozambique, Namibia, Swaziland, Zimbabwe, the Atlantic Ocean, the Indian Ocean, and completely surrounds Lesotho. Tourist facilities are widely available. The local currency is the rand (7Rand = CDN\$1). There are 11 official languages: Afrikaans, English, Ndebele, Pedi, Sotho, Swazi, Tsonga, Tswana, Venda, Xhosa and Zulu.

Since 1998, there have been a number of terrorist bomb explosions in Capetown, some of them serious. Targets have included popular bars and restaurants, often those frequented by the gay community, and establishments with American connections. One should exercise caution and avoid suspicious packages.

Armed assaults, car-jackings, muggings and theft occur frequently. There has been an increase in robberies of armoured vehicles on highways. One should remain alert to their surroundings, keep a safe distance from these vehicles and never stop along the roadside for any reason. Proceed to a location where help will be available. Exercise caution at traffic lights and stop signs where car jackers are active. Keep a safe distance from other vehicles to react quickly in event of a problem. Vehicle doors should be locked and windows shut.

One should remain valiant, particularly in Johannesburg, Cape Town, Pietermaritzburg, Pretoria, Durban and Port Elizabeth, where violent crime including murder is high. Avoid the central business area of Johannesburg after dusk and during weekends. Tourists have been mugged around the Rotunda bus terminal. Be alert around the Carlton Centre. Avoid the area of Hillbrow at all cost, and refrain from venturing to Brea and Yeoville. Drug trafficking occurs in these areas. Pretoria's Church Square, State Theatre and central business areas are dangerous. Avoid Durban's city centre and beach after dark. Cape Town's business district is dangerous and during weekends. Visitors should walk through the district purposefully and avoid ambling about with a camera, or repeatedly looking at a map. An increased anticrime effort in city cores has led to higher crime in suburbs of major metropolitan areas, including suburban hotel districts.

Theft, particularly of passports, is prevalent at international airports, especially in baggage and immigration areas, in telephone booths, and at foreign exchange counters. Visitors should carry photocopies of their documents and avoid displays of money, jewellery, cameras, mobile phones, and video cameras. Travellers should arrange to be met upon arrival and avoid using taxis.

Crime occurs in and around railway stations and on trains. Muggings and violent attacks have taken place on local commuter and metro trains between Johannesburg and Pretoria.

Strikes and demonstrations occur and can turn violent. Canadians should monitor local news reports and avoid large crowds and demonstrations.

Use caution when driving in the former independent homelands of Transkei and Ciskei (now incorporated into the provinces of Eastern Cape and Kwazulu/Natal). Some areas, such as the "Wild Coast" in the former Transkei, have high crime levels and inadequate medical services. Travel to the townships, or other areas off the normal tourist route, should be undertaken only in organized tours or after seeking the advice of the Canadian High Commission in Pretoria (see below). Consult with a travel agency or hotel staff to plan a safe itinerary if travelling solo.

Traffic drives on the left. Drive defensively. Traffic accidents, a common cause of death and injury, are largely attributed to unsafe driving practices (ignoring red lights, speeding, and drunk driving). Insufficient lighting on rural roads makes it difficult to see pedestrians. Avoid driving at night. It is illegal to carry gasoline other than in built-in gas tanks.

An International Driving Permit (IDP) is recommended. The IDP is a special licence that allows travellers with a valid Canadian driver's licence to drive in over 160 countries without a specific test. The Canadian Automobile Association (CAA) is the sole issuer of the IDP in Canada. Contact your local CAA office to pick up an application or have one mailed to you; you can also download the application from the CAA Web site.

The climate varies from region to region. Flash storms can occur in Gauteng from November to April. There are heavy rains along the south coast from June to September. Dirt roads can become hazardous during these periods. Travellers should keep informed of regional weather forecasts and plan accordingly.

There are a number of groups operating in South Africa offering seemingly attractive business deals that are in fact fraud schemes. The scams usually require the person contacted to deposit a significant amount of money in a bank account, or provide details of his or her own bank account, in anticipation of future large returns. As a result of their involvement in these scams, several foreign businessmen have been kidnapped in South Africa and held for ransom. One such person was killed.

A Value-Added-Tax (VAT) receipt (separate to normal sale receipts) can be requested when purchasing goods. VAT on purchases other than food, accommodation, and travel is refundable at international airports, but the process does not happen automatically. VAT officials may ask to inspect goods and VAT receipts. Banker's drafts are then issued for the VAT amount. VAT reimbursement procedures take a considerable amount of time.

You should:

- a) carry a Canadian passport for all visits outside Canada, including to the USA. It should be valid for at least six months beyond the date of your expected return to Canada;
- b) keep a photocopy of your passport's identification page with you;
- c) carry passports, tickets, and money separately;
- d) keep valuables and passports safe and carry only enough money for anticipated expenses;
- e) leave a copy of your itinerary and proof of citizenship with family and/or friends;
- f) carry certified documentation signed by both parents permitting a child under 18 to travel alone, with an adult, or with one parent. In the latter case, custody documentation may also be

required; and

g) not visit unknown or isolated areas without first obtaining information or assistance.

Canadian currency and traveller's cheques are not widely accepted worldwide. Check with your bank for information on ATM services in other countries. You can also check <http://www.visa.com/pd/atm/main.html> or <http://www.mastercard.com/atm> for the addresses of ATMs around the world. Your bank can advise if you need a new Personal Identification Number (PIN) for overseas access to your account. Due to the potential for fraud and other criminal activity, credit cards and debit cards should be used with caution. If you use an ATM, do so during business hours at a location inside a bank, supermarket, or large commercial building. If you must use an ATM machine after business hours, exercise caution and do not permit anyone to assist you with the transaction. Leave copies of your card numbers with a family member in case of emergency.

You are subject to local laws. A serious violation may lead to a jail sentence. The sentence will be served in local prisons.

Canadians arrested or detained have the right to contact the responsible Canadian government office (embassy, high commission, etc.) listed below. Arresting officials have a responsibility to assist you in doing so. Canadian consular officials can provide a list of local lawyers upon request.

Canadians in South Africa can obtain consular assistance and further information from the nearest High Commission of Canada or the Consulate of Canada at the following addresses:

PRETORIA: High Commission of Canada, 1103 Arcadia Street, Hatfield, Pretoria 0083, South Africa (country and area codes: 27-12/ tel.: 422-3000/ fax: 422-3052/ postal address: Private Bag X13, Hatfield, Pretoria 0028, South Africa/ e-mail: pret@dfait-maeci.gc.ca).

CAPE TOWN: High Commission of Canada, 19th Floor, South Africa Reserve Bank Building, 60 St. George's Mall, Cape Town 8001, South Africa (country and area codes: 27-21/ tel.: 423-5240/ fax: 423-4893/ postal address: P.O. Box 683, Cape Town 8000, South Africa/ e-mail: cptwn@dfait-maeci.gc.ca).

DURBAN: Consulate of Canada, 14 Nuttall Gardens, Morningside, Durban 4001, South Africa (country and area codes: 27-31/ tel.: 303-9695/ fax: 303-9694/ postal address: P.O. Box 712, Durban 4000, South Africa/ e-mail: vnaidu@trematon.co.za).

Canadians should register with the nearest High Commission of Canada or Consulate of Canada if they are going to be in South Africa for longer than three months.

For emergency assistance after hours, call the High Commission of Canada in Pretoria, listen to the full recorded message, and follow the instructions. You may also call the Department in Ottawa toll-free at 0800-992-773 or use the services offered by Canada Direct.

HEALTH AWARENESS IN SOUTH AFRICA

Health Canada and the World Health Organization report that the following diseases - among others - can occur in South Africa : cholera, hepatitis A, malaria (regional), schistosomiasis, tuberculosis and typhoid fever. However, none of this occurs in the Pretoria/Johannesburg area.

Health Canada is monitoring a cholera outbreak in the eastern province of Kwazulu-Natal, South Africa.

IMPORTANT TELEPHONE NUMBERS

Name	Office	Cell	Home
Political			
Perry Calderwood	422-3045	082-772-7223	460-2700
Beth Wickens	422-3063	082-444-2418	348-4276
Consular			
Ray Hopton	422-3030	082-823-6280	346-2713
Susan Elliot	422-3007	082-823-6281	343-3915

CONFERENCE LOCATION

Centurian Lake Hotel
1001 Lenchen Avenue North,
(formerly called Verwoerdburg - just to the South of Pretoria).
Tel: 27-(0)12-663-1825
Fax: 663-2760.

CONFERENCE BACKGROUND

At the Human Security Network Ministerial (May 2000) in Lucerne, Switzerland, Canada and Austria agreed to co-host a conference in Vienna on SALW which would bring together representatives of OSCE and African states. However, then Minister of Foreign Affairs Axworthy along with Austrian Foreign Minister Ferrero-Waldner decided in September 2000 to postpone the Vienna Conference. This decision was made on the basis that the then Organization of African Unity (now African Union) held a Ministerial Meeting on Small Arms and Light Weapons in Bamako, Mali from 28-30 November, 2000 during the same time frame as the Vienna Conference.

Since the postponement of the Vienna Conference, DFAIT and the Austrian MFA have continued to work on this project and have been joined by the Foreign Ministries of the United Kingdom, Norway, South Africa, Kenya and Mali. Jointly, these countries will host the "Conference on the Implementation of the UN Program of Action on Small Arms in Africa - Needs and Partnerships" to take place in Pretoria, South Africa in March 18-20, 2002 for a 3 day conference.

Substantive conference participation will be at the Director General / Expert level. It is assumed that there will be:

- 50 African Countries (The partner countries will cover the costs for one senior official.)
- 25 OECD Countries (OECD participants will cover their own costs)
- 30 Non-Governmental Organizations. (There will be focus on African NGOs, balanced by a few western NGOs. We are preparing to invite Project Ploughshare, a Canadian NGO which is involved in SALW projects in East Africa and a second Canadian NGO involved in development projects in Africa.

The major objective of this conference is to generate partnerships between affected countries and donor countries, including the collection and destruction of SALW, training, and efficient export controls, drafting of legislative and regulatory measures.

It is hoped that a "Guidelines on Implementation and Cooperation" will be adopted at the conclusion of this conference. The "Guidelines on Implementation and Cooperation" would address regional and sub-regional initiatives, as well as continental ones related to SALW activities.

This initiative is in line with Canada's leadership of the G8, as Canada has committed itself to the Genoa Plan for Africa, and supports the key themes of the New African Initiative including the Peace, Security and Political Governance Initiatives in particular: Combatting the illicit proliferation of small arms, light weapons and landmines.

CANADIAN PRIORITIES

THE HUMAN DIMENSION

While small arms have perverse impacts on the security of people, the response to the threat has been focussed largely on national security or international peace and security dimensions. However, there is a growing recognition of the need to tackle the danger small arms pose to people's safety in its own right. A human security approach to small arms calls for a shift in emphasis from weapons to people, and situates the human cost of small arms within the broader socioeconomic and political environment that encourages the acquisition, accumulation, and use of weapons.

DISARMAMENT, DEMOBILISATION AND REINTEGRATION (DD&R), COLLECTION AND DESTRUCTION OF SALW

Among the positive points integrated into the UN Programme of Action adopted in July, 2001 was the Disarmament, Demobilization and Reintegration (DD and R) elements. We need to put these elements in practice on the ground. This is where the Security Council can continue to play a Key role-both in incorporating appropriate DD and R provisions in the mandates of peacekeeping operations and in playing its part in securing support for the budgetary aspects of those provisions.

DD and R challenges vary from the systematic collection of weapons from ex-combatants to their preparation for and integration in civilian or military life. Successful interventions in this area would indeed reduce the recurrence of violence that encourage the acquisition of small arms and endanger the security of people.

Failure to disband former fighters may lead to an immediate relapse into war. In the longer term, failure to effectively disarm and retain ex-combatants may result in their participation in armed criminality while inattention to the large numbers of military-style weapons in civilian hands may further undermine the consolidation of peace in fragile post-conflict societies.

Given their importance in contributing to sustainable peace, the development of comprehensive DD and R programmes particular attention should be paid to the procedures and expertise required for timely, safe and secure collection and disposal of SALW. In turn, such provisions should also be appropriately reflected in the mandates and startup budgets of peacekeeping operations.

SURPLUS SALW STOCKS

Canada is supporting means to reduce the number of small arms held in excess, to legitimate security and defence needs.

The destruction of surplus weapons coupled with proper management of national stockpiles is key in reducing the number of potential weapons available to the illicit market.

EXPORT CRITERIA

- The majority of small arms and light weapons are legally produced, transferred or sold and only later in their life cycle enter into illicit circulation.
- In order to deal effectively with the illicit trade in small arms and light weapons, we must therefore tackle the nexus where legal weapons become illegal ones.
- Export criteria help governments to codify and clarify the conditions under which export sales will be permitted, helping in turn both to combat illicit diversion/trafficking and to prevent the destabilizing accumulation and uncontrolled spread of SALW.
- Canada believes that the application of strict export controls, including comprehensive criteria for export, over the transfer of small arms and light weapons can serve to prevent the illicit trade in these weapons.
- Canada currently operates strict export controls over the transfer of conventional weapons.

CANADA IN THE GLOBAL CONTEXT

INTERNATIONAL ASSISTANCE

Canada believes that international cooperation and assistance must lend itself to not only addressing initiatives directly related to the illicit trade in SALW, but also to creating an appropriate supportive environment that will ensure that those initiatives have an opportunity to succeed.

REGIONAL ISSUES (SPECIFICALLY AFRICA)

It is estimated that there is over 100 million small arms and light weapons currently in circulation in Africa. The trade in small arms and light weapons is often inextricably tied up with the exploitation of natural resources and the drug trade, and poses a danger to human security. Many of Africa's small arms and light weapons are left over from the Cold War stockpiles. The ready availability of arms in Africa is a key enabler of African conflicts.

CANADIAN LED INITIATIVES

Canada has led a number of initiatives towards advancing regional efforts to combat the uncontrolled spread of small arms and light weapons.

Central Asia: Canada supported the organization of a series of training workshops (through the OSCE) in Central Asia (Tukmenistan, Uzbekistan, Tadjikistan, Kyrkystan and Kazakhstan). These workshops were held in November - December 2001 and covered a number of topics including control and licensing of manufacture, export, import and transit of small arms; marking , record-keeping and tracing; secure storage of small arms stockpiles; destruction of surplus weapons.

Central America: Canada co-sponsored with Costa Rica and Finland, with the cooperation of the Arias Foundation, a seminar on SALW in Central America: Implementing the UN Programme of Action's Aspects for Control and Regulation of Arms Transfers. This seminar was held in San Jose, 3-5 December 2001. It produced a series of "Recommended Actions for National and Regional Implementation". This was very productive seminar that followed up on the Santiago Meeting held in November to which all the countries of the Americas were invited. Central America showed leadership in developing these recommendations that will hopefully trigger actions on a national and regional basis. NGOs played a very constructive role during this event. Canada intends to follow up this process.

Canada is planning to co-sponsor an event in South East Asia and another in Europe in 2002.

In the context of the NATO-EAPC (Euro-Atlantic Partnership Council), Canada commissioned a study by NAMSA (NATO Maintenance and Supply Agency) on the destruction of ammunition for SALW in Albania. Canada will take the lead in fund-raising the sufficient financial support for implementing this project in the context of the OAPC-Partnership for Peace process in 2002.

Canada will also consider providing more support for concrete actions, in particular collection and destruction of SALW during the upcoming months and years.

CANADA AND THE WORLD

Canada continues to work diligently, unilaterally and in concert with other international organizations and like-minded countries, in order to ensure that small arms and light weapons remain an issue of concern for the broader international community.

Canada has raised the issue of small arms and light weapons in many fora, including within NATO, the OSCE and in the ASEAN Regional Forum. Canada has also been instrumental in ensuring that SALW are now routinely discussed within other organizations.

TECHNICAL ISSUES

TRACING AND MARKING

Efforts to prevent and combat the diversion of arms to illicit markets would be strengthened by an improved collective capacity to trace these weapons back to their origin and clarify the chain of transactions.

An effective international system would have systems to ensure the adequate and reliable marking of all weapons; reliable record-keeping on arms production, possession and transfers; and international arrangements to enable the timely and dependable tracing of lines of supply by relevant authorities.

The French-Swiss initiative focuses on the difficulty of tracing small arms flows of concerns and suggests possible ways to overcome it. Canada strongly support this initiative.

CHILDREN AND SMALL ARMS

Small arms directly threaten the lives of children, often causing death, injury and psycho social trauma. These weapons have also undermined children's access to education and health care-services that are critical to a child's development and well-being. Horrifically, the size and ease of these weapons have even made it possible to serve armed factions as combatants.

In September, 2000 Canada hosted the International Conference on War-Affected Children, held in Winnipeg. The conference concluded that the impact of small arms on children was identified as an immediate priority for international action.

In response, Canada commissioned a study on the impact of small arms on children, produced by a group of NGOs (Biting the Bullet). This study was launched at 2001 UN Conference. Canada hope's that the recommendations of this study will contribute to mitigate the negative effects of small arms on children.

CIVIL SOCIETY

The full participation of NGOs and other civil society elements is vital to the implementation of the UN Programme of Action.

RELEVANT DOCUMENTS



General Assembly

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United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects 9-20 July 2001

United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Draft Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

I. Preamble

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, having met in New York from 9 to 20 July 2001,

2. *Gravely concerned* at the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world, which have a wide range of humanitarian and socio-economic consequences and pose a serious threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels,

2 bis. *Also concerned* at the implications that poverty and underdevelopment may have for the illicit trade in small arms and light weapons in all its aspects,

2 ter. *Determined* to reduce the human suffering caused by the illicit trade in small arms and light weapons in all its aspects and to enhance the respect for life and the dignity of the human person through the promotion of a culture of peace,

3. *Recognizing* that the illicit trade in small arms and light weapons in all its aspects sustains conflicts, exacerbates violence, contributes to the displacement of civilians, undermines respect for international humanitarian law, impedes the provision of humanitarian assistance to victims of armed conflict and fuels crime and terrorism,

4. *Gravely concerned* about its devastating consequences on children, many of whom are victims of armed conflict or are forced to become child soldiers, as well as the negative impact on women and the elderly, and in this context, taking into account the Special Session of the United Nations General Assembly on Children,
6. *Concerned also* about the close link between terrorism, organized crime, trafficking in drugs and precious minerals and the illicit trade in small arms and light weapons, and stressing the urgency of international efforts and cooperation aimed at combating this trade from both a supply and demand perspective,
7. *Reaffirming* our respect for and commitment to international law, and the purposes and principles enshrined in the Charter of the United Nations, including the sovereign equality of States, territorial integrity, the peaceful resolution of international disputes, non-intervention, and non-interference in the internal affairs of States,
8. *Reaffirming* the inherent right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,
9. *Reaffirming* the right of each State to manufacture, import and retain small arms and light weapons for its self-defence and security needs, as well as for its capacity to participate in peacekeeping operations in accordance with the United Nations Charter,
10. *Reaffirming* the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognizing the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights, and self-determination of peoples,
11. *Recalling* the obligations of States to fully comply with arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations,
12. *Believing* that Governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects and, accordingly, should intensify their efforts to define the problems associated with such trade and find ways of resolving them,
13. *Stressing* the urgent necessity for international cooperation and assistance, including financial and technical assistance, as appropriate, to support and facilitate efforts at the local, national, regional and global levels to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,
14. *Recognizing* that the international community has a duty to deal with this issue, and acknowledging that the challenge posed by the illicit trade in small arms and light weapons in all its aspects is multi-faceted and involves, inter alia, security, conflict prevention and resolution, crime prevention, humanitarian, health and development dimensions,

15. *Recognizing also* the important contribution of civil society, including non-governmental organizations and industry in, inter alia, assisting Governments to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,
16. *Recognizing further* that these efforts are without prejudice to the priorities accorded to nuclear disarmament, weapons of mass destruction and conventional disarmament,
17. *Welcoming* the efforts being undertaken at the global, regional, subregional, national and local levels to address the illicit trade in small arms and light weapons in all its aspects, and desiring to build upon them, taking into account the characteristics, scope and magnitude of the problem in each State or region,¹
18. *Recalling* the Millennium Declaration and also welcoming ongoing initiatives in the context of the United Nations to address the problem of the illicit trade in small arms and light weapons in all its aspects,
19. *Recognizing* that the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, establishes standards and procedures that complement and reinforce efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,
20. *Convinced* of the need for a global commitment to a comprehensive approach to promote, at the global, regional, subregional, national and local levels, the prevention, reduction and eradication of the illicit trade in small arms and light weapons in all its aspects as a contribution to international peace and security,
21. *Resolve therefore* to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects by:
- (a) Strengthening or developing agreed norms and measures at the global, regional and national levels that would reinforce and further coordinate efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects;
 - (c) Developing and implementing agreed international measures to prevent, combat and eradicate illicit manufacturing of and trafficking in small arms and light weapons;
 - (d) Placing particular emphasis on the regions of the world where conflicts come to an end and where serious problems with the excessive and destabilizing accumulation of small arms and light weapons² have to be dealt with urgently;
 - (e) Mobilizing the political will throughout the international community to prevent and combat illicit transfers and manufacturing of small arms and light weapons in all their aspects, to cooperate toward these ends and to raise awareness of the character and seriousness of the interrelated problems associated with the illicit manufacturing of and trafficking in these weapons;

¹ See the annex for regional and subregional initiatives.

² The term "excessive and destabilizing accumulation of small arms and light weapons" is described in paragraphs 34-37 of the Report of the Panel of Governmental Experts on Small Arms (A/52/298).

(f) Promoting responsible action by States with a view to preventing the illicit export, import, transit and retransfer of small arms and light weapons.

II. Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects

1. We, the States participating in this Conference, bearing in mind the different situations, capacities and priorities of States and regions, undertake the following measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects:

At the national level

2. To put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorized recipients.

3. To adopt and implement, in the States that have not already done so, the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal manufacture, possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes.

4. To establish, or designate as appropriate, national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the illicit manufacture, control, trafficking, circulation, brokering, trade, as well as tracing, finance, collection, and destruction of small arms and light weapons.

5. To establish or designate, as appropriate, a national point of contact to act as liaison between States on matters relating to the implementation of the Programme of Action.

6. To identify, where applicable, groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit small arms and light weapons, and take action under appropriate national law, against such groups and individuals.

7. To ensure that henceforth licensed manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process. This marking should be unique and should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number, so that the authorities concerned can identify and trace each weapon.

8. To adopt where they do not exist and enforce, all the necessary measures to prevent the manufacture, stockpiling, brokering, transfer and possession of any unmarked or inadequately marked small arms and light weapons.

9. To ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons under their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.
10. To ensure responsibility for all small arms and light weapons held and issued by the State and effective measures for tracing such weapons.
11. To assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with States' existing responsibilities under international law taking into account in particular the risk of diversion of these weapons into the illegal trade. Likewise, to establish or maintain an effective national system of export and import licensing or authorization, as well as measures on international transit, for the transfer of all small arms and light weapons, with a view to combating the illicit trade in small arms and light weapons.
12. To put in place and implement adequate laws, regulations and administrative procedures to ensure the effective control over the export and transit of small arms and light weapons, including the use of authenticated end-user certificates, and effective legal and enforcement measures.
13. To make every effort, in accordance with national laws and practices, without prejudice to the right of States to re-export small arms and light weapons that they have previously imported, to notify the original exporting State in accordance with their bilateral agreements before the retransfer of those weapons.
14. To develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering. This legislation or procedures should include measures such as registration of brokers, licensing or authorization of brokering transactions as well as the appropriate penalties for all illicit brokering activities performed within the State's jurisdiction and control.
16. To take appropriate measures, including all legal or administrative means, against any activity that violates a United Nations Security Council arms embargo in accordance with the United Nations Charter.
17. To ensure that all confiscated, seized or collected small arms and light weapons are destroyed, subject to any legal constraints associated with the preparation of criminal prosecutions, unless another form of disposition or use has been officially authorized, and provided that such weapons have been duly marked and registered.
18. 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. These standards and procedures should, inter alia, relate to: appropriate locations for stockpiles; physical security measures; control of access to stocks; inventory management and accounting control; staff training; security, accounting and control of small arms and light weapons held or transported by operational units or authorized personnel; and procedures and sanctions in the event of thefts or loss.

19. To regularly review, subject to the respective constitutional and legal systems of States, where appropriate, the stocks of small arms and light weapons held by armed forces, police and other authorized bodies and to ensure that such stocks declared by competent national authorities to be surplus to requirements are clearly identified, and that programmes for the responsible disposal, preferably through destruction, of such stocks are established and implemented and that such stocks are adequately safeguarded until disposal.

20. To destroy surplus small arms and light weapons designated for destruction, taking into account inter alia the report of the United Nations Secretary-General on methods of destruction of small arms, light weapons, ammunition and explosives (S/2000/1092) of 15 November 2000.

21. To develop and implement, including in conflict and post-conflict situations, public awareness and confidence-building programmes on the problems and consequences of the illicit trade in small arms and light weapons in all its aspects, including, where appropriate, the public destruction of surplus weapons and the voluntary surrender of small arms and light weapons, and if possible, in cooperation with civil society and non-governmental organizations with a view to eradicating the illicit trade in small arms and light weapons.

23. To develop and implement, where possible, effective disarmament, demobilization and reintegration programmes, including the effective collection, control, storage and destruction of small arms and light weapons, particularly in post-conflict situations, unless another form of disposition or use has been duly authorized, and such weapons have been marked and the alternate form of disposition or use has been recorded, and to include, where applicable, specific provisions for these programmes in peace agreements.

24. To address the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation.

25. To make public national laws, regulations and procedures that impact on the prevention, combating and eradicating of the illicit trade in small arms and light weapons in all its aspects, and to submit on a voluntary basis to relevant regional and international organizations and in accordance with their national practices, information on, inter alia, (a) small arms and light weapons confiscated or destroyed within their jurisdiction; and (b) other relevant information such as illicit trade routes and techniques of acquisition that can contribute to the eradication of the illicit trade in small arms and light weapons in all its aspects.

At the regional level

26. To establish or designate, as appropriate, a point of contact within subregional and regional organizations to act as liaison on matters relating to the implementation of the Programme of Action.

27. To encourage regional negotiations, where appropriate, with the aim of concluding relevant legally binding instruments aimed at preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects, and where they do exist to ratify and fully implement them.

28. To encourage the strengthening and establishing, where appropriate and as agreed by the States concerned, of moratoria or similar initiatives in affected regions or subregions on the transfer and manufacture of small arms and light weapons, and/or regional action programmes to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, and to respect such moratoria, similar initiatives, and/or action programmes and cooperate with the States concerned in the implementation thereof, including through technical assistance and other measures.

29. To establish, where appropriate, subregional or regional mechanisms, in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies, with a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders.

30. To encourage, where needed, regional and subregional action on illicit trade in small arms and light weapons in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures.

31. To encourage States to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and light weapons, and to implement, where appropriate, regional and subregional mechanisms in this regard.

33. To support, where appropriate, national disarmament, demobilization and reintegration programmes, particularly in post-conflict situations, with special reference to the measures agreed in paragraphs 28 to 31 of this section.

34. To encourage regions to develop, where appropriate and on a voluntary basis, measures to enhance transparency with a view to combating the illicit trade in small arms and light weapons in all its aspects.

At the global level

35. To cooperate with the United Nations system to ensure the effective implementation of arms embargoes decided by the United Nations Security Council in accordance with the United Nations Charter.

36. To request the Secretary-General of the United Nations, within existing resources, through the Department for Disarmament Affairs, to collate and circulate data and information provided by States on a voluntary basis and including national reports, on implementation by those States of the Programme of Action.

37. To encourage, particularly in post-conflict situations, the disarmament and demobilization of ex-combatants and their subsequent reintegration into civilian life, including providing support for the effective disposition, as stipulated in paragraph 17 of this section, of collected small arms and light weapons.

38. To encourage the United Nations Security Council to consider, on a case-by-case basis, the inclusion, where applicable, of relevant provisions for disarmament, demobilization and reintegration in the mandates and budgets of peacekeeping operations.

39. To strengthen the ability of States to cooperate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons.
40. To encourage States and the World Customs Organization, as well as other relevant organizations, to enhance cooperation with the International Criminal Police Organization (Interpol) to identify those groups and individuals engaged in the illicit trade in small arms and light weapons in all its aspects, in order to allow national authorities to proceed against them in accordance with their national laws.
41. To encourage States to consider ratifying or acceding to international legal instruments on terrorism and transnational organized crime.
42. To develop common understandings of the basic issues and the scope of the problems related to illicit brokering in small arms and light weapons with a view to preventing, combating and eradicating the activities of those engaged in such brokering.
43. To encourage the relevant international and regional organizations and States to facilitate the appropriate cooperation of civil society, including non-governmental organizations, in activities related to the prevention, combat and eradication of the illicit trade in small arms and light weapons in all its aspects, in view of the important role that civil society plays in this area.
44. To promote a dialogue and a culture of peace by encouraging, as appropriate, education and public awareness programmes on the problems of the illicit trade in small arms and light weapons in all its aspects, involving all sectors of society.

III. Implementation, international cooperation and assistance

1. We, the States participating in the Conference, recognize that the primary responsibility for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects falls on all States. We also recognize that States need close international cooperation to prevent, combat and eradicate this illicit trade.
2. States undertake to cooperate and to ensure coordination, complementarity and synergy in efforts to deal with the illicit trade in small arms and light weapons in all its aspects, at the global, regional, subregional and national levels, and to encourage the establishment and strengthening of cooperation and partnerships at all levels among international and intergovernmental organizations, and civil society, including non-governmental organizations and international financial institutions.
3. States and appropriate international and regional organizations in a position to do so should, upon request of the relevant authorities, seriously consider to render assistance, including technical and financial assistance where needed, such as the Small Arms Fund, to support the implementation of the measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects as contained in the Programme of Action.
4. States and international and regional organizations, should, upon request by the affected States, consider assisting and promoting conflict prevention. Where requested by the parties concerned, in accordance with the principles of the United Nations Charter, States and international and regional organizations should consider

promotion and assistance of the pursuit of negotiated solutions to conflicts, including by addressing their root causes.

5. States and international and regional organizations should, where appropriate, cooperate, develop and strengthen partnerships to share resources and information on the illicit trade in small arms and light weapons in all its aspects.

6. With a view to facilitating implementation of the Programme of Action, States and international and regional organizations should seriously consider assisting interested States, upon request, in building capacities in areas including the development of appropriate legislation and regulations, law enforcement, tracing and marking, stockpile management and security, destruction of small arms and light weapons and the collection and exchange of information.

7. States should, as appropriate, enhance cooperation, the exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in small arms and light weapons in all its aspects.

8. Regional and international programmes for specialist training on small arms stockpile management and security should be developed. Upon request, States and appropriate international or regional organizations in a position to do so should support these programmes. The United Nations, within existing resources, and other appropriate international or regional organizations should consider developing capacity for training in this area.

9. States are encouraged to use and support, as appropriate, including by providing relevant information on the illicit trade in small arms and light weapons, Interpol's International Weapons and Explosives Tracking System (IWETS) database or any other relevant database that may be developed for this purpose.

10. States are encouraged to consider international cooperation and assistance to examine technologies which would improve the tracing and detection of illicit trade in small arms and light weapons, as well as measures to facilitate the transfer of such technologies.

11. States undertake to cooperate with each other, including on the basis of the relevant existing global and regional legally binding instruments as well as other agreements and arrangements, and, where appropriate, with relevant international, regional and intergovernmental organizations, in tracing illicit small arms and light weapons, particularly by strengthening mechanisms based on the exchange of relevant information.

12. States are encouraged to exchange information on a voluntary basis on their national marking systems on small arms and light weapons.

13. States are encouraged, subject to their national practices, to enhance, according to their respective constitutional and legal systems, mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in small arms and light weapons in all its aspects.

14. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance in the destruction or other responsible

disposal of surplus stocks or unmarked or inadequately marked small arms and light weapons.

16. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance to combat the illicit trade in small arms and light weapons linked to drug trafficking, transnational organized crime and terrorism.

17. Particularly in post-conflict situations and where appropriate, the relevant regional and international organizations should support, within existing resources, appropriate post-conflict programmes related to the disarmament, demobilization and reintegration of ex-combatants.

18. With regard to those situations, States should, as appropriate, make greater efforts to address problems related to human and sustainable development, taking into account existing and future social and developmental activities and should fully respect the rights of the States concerned to establish priorities in their development programmes.

19. States, regional and subregional and international organizations, research centres, health and medical institutions, the United Nations system, international financial institutions and civil society are urged, as appropriate, to develop and support action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in small arms and light weapons in all its aspects.

IV. Follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, recommend to the General Assembly the following agreed steps to be undertaken for the effective follow-up of the Conference:

(a) To convene a Conference no later than 2006 to review progress made in the implementation of the Programme of Action, the date and venue to be decided at the 58th session of the General Assembly;

(b) To convene a meeting of States on a biennial basis to consider the national, regional and global implementation of the Programme of Action;

(c) To undertake a United Nations study, within existing resources, for examining the feasibility of developing an international instrument to enable States to identify and trace in a timely and reliable manner illicit small arms and light weapons;

(d) To consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons.

2. Finally, we, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects:

(a) Encourage the United Nations and other appropriate international and regional organizations to undertake initiatives to promote the implementation of the Programme of Action;

(b) Also encourage all initiatives to mobilize resources and expertise to promote the implementation of the Programme of Action and to provide assistance to States in their implementation of the Programme of Action;

(c) Further encourage non-governmental organizations and civil society to be engaged, as appropriate, in all aspects of international, regional, subregional and national efforts to implement this Programme of Action.

Annex

Initiatives undertaken at the regional and subregional levels to address the illicit trade in small arms and light weapons

- In June 1998, the Organization of African Unity (OAU) adopted a decision on the proliferation of small arms and light weapons, stressing the role that OAU should play in coordinating efforts to address the problem in Africa and requesting the Secretary-General of OAU to prepare a comprehensive report on the issue.
- Decision on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons adopted by the Heads of State and Government of OAU at its thirty-fifth ordinary session, held at Algiers in July 1999 (see A/54/424, annex II).
- From 30 November to 1 December 2000, OAU held a Ministerial Meeting at Bamako on the issue of small arms and light weapons. The meeting adopted the Bamako Declaration (A/CONF.192/PC.23).
- First Continental Meeting of African Experts on Small Arms and Light Weapons, Addis Ababa, May 2000.
- International Consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons, Addis Ababa, June 2000.
- Summit of Heads of State and Government of the Southern African Development Community, Namibia, August 2000.
- Decision by the Council of Ministers of the Southern African Development Community to conclude its negotiations on a protocol on the control of firearms, ammunition and other related materials in the region of the community.
- Decision by the States members of the Economic Community of West African States to implement their agreement on a moratorium on the importation, exportation and manufacture of small arms and light weapons in West Africa.
- The Great Lakes and Horn of Africa Conference on the Proliferation of Small Arms, attended by the Foreign Ministers of all 10 countries of the region, met at Nairobi in March 2000 and adopted the Nairobi Declaration.
- In November 1997, the States members of the Organization of American States (OAS) signed the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials. The Convention, which came into force in 1998, sets forth a set of substantial measures to combat illicit arms trafficking. The Convention has been reinforced by the adoption by the States members of the OAS Inter-American Drug Abuse Control Commission of model regulations for the control of the international movement of firearms, their parts, components and ammunition.
- In April 1998, the Presidents of the States members (Argentina, Brazil, Paraguay and Uruguay) of the Common Market of the Southern Cone (MERCOSUR) and associated States (Bolivia and Chile) signed a joint

Declaration, agreeing to create a joint register mechanism of buyers and sellers of firearms, explosives, ammunition and related materials.

- The Regional Preparatory Meeting of the Latin American and Caribbean States for the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held at Brasilia from 22 to 24 November 2000. The Brasilia Declaration was adopted at the meeting.
- In June 1999, the First Summit Conference of Heads of State and Government of Latin America and the Caribbean and the European Union, held at Rio de Janeiro, Brazil, adopted the Declaration of Rio de Janeiro.
- In June 1999, a workshop was held at Lima on the topic "Illicit Traffic in Small Arms: Latin American and Caribbean issues". The workshop was part of the Secretary-General's mandate under General Assembly resolution 53/77 T of 4 December 1998 to conduct broad-based consultations on illicit trafficking in small arms.
- The establishment, by the States parties to the Inter-American Convention, of the Consultative Committee of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials.
- The Organization of Security and Cooperation in Europe (OSCE) adopted the OSCE Document on Small Arms and Light Weapons in November 2000.
- The adoption by the European Union of the Programme for Preventing and Combating Illicit Trafficking in Conventional Arms and the other initiatives undertaken, such as the Joint Action on Small Arms, which has been endorsed by several Member States not members of the European Union.
- Seminar of the Forum for Security Cooperation on Small Arms and Light Weapons, Vienna, April 2000.
- Conference on Export Controls, Sofia, December 1999.
- Workshop on Small Arms and Light Weapons: Possible Contribution to the Stability Pact for South-eastern Europe, Slovenia, January 2000.
- Meeting of the Working Table on Security Issues of the Stability Pact for South-eastern Europe, Bosnia and Herzegovina, February 2000.
- Workshop on Stockpile Management and Security of Small Arms and Light Weapons, Thun, Switzerland, March 2000.
- The Regional Seminar on Illicit Trafficking in Small Arms and Light Weapons, co-hosted by the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, and the Governments of Indonesia and Japan, was held at Jakarta in May 2000. The Seminar made a positive contribution to the debate on illicit trafficking in small arms and light weapons in general, and in particular to the efforts of the Association of South-East Asian Nations (ASEAN) and its member States.
- The Asia Regional Workshop on Small Arms was held at Tokyo in June 2000, as part of the informal consultations in the context of the preparatory process for the 2001 United Nations Conference in the Asian region.

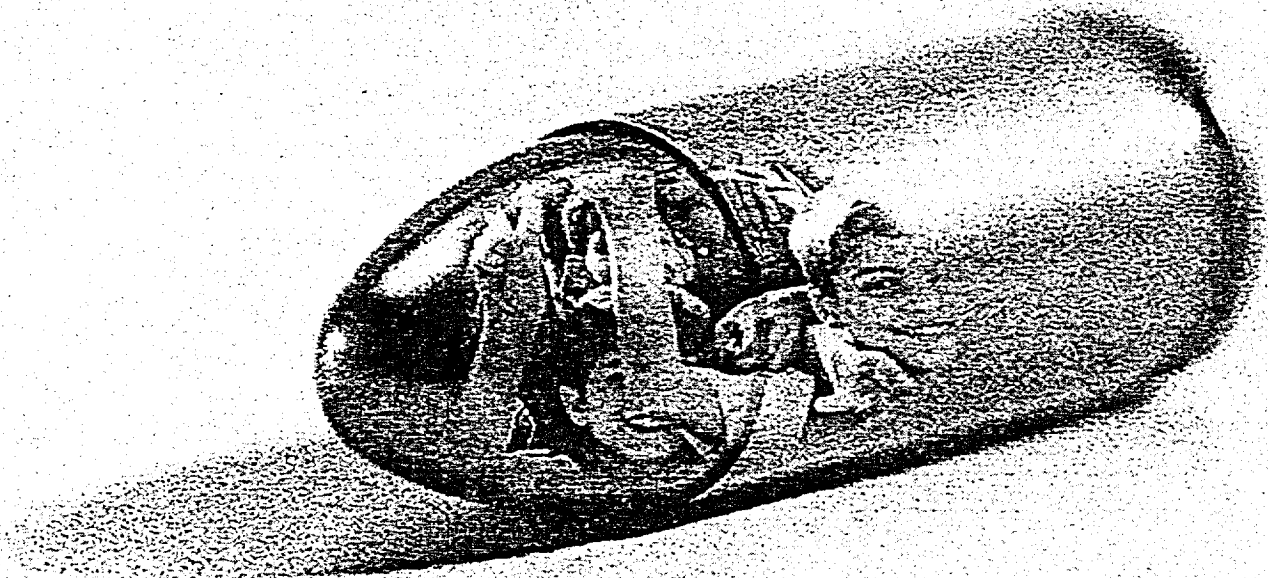
- A Conference entitled "Countering Small Arms and Light Weapons Proliferation in South Asia", organized by the Governments of Canada and Sri Lanka and the Colombo-based Regional Centre for Strategic Studies, in collaboration with the United Nations Department for Disarmament Affairs, was held at Colombo in June 2000. It was the first such meeting in South Asia to discuss the issue of small arms as well as others related to the 2001 Conference.
- Pacific Islands Forum paper on small arms: "The Interests and Involvement of Pacific Island Forum Countries".
- Meeting of the South Pacific Chiefs of Police and the Oceania Customs Organisation subcommittee, Fiji, March 2000.
- Second Ministerial Meeting of the Human Security Network, Lucerne, Switzerland, 11-12 May 2000.
- Workshop on Traceability of Small Arms and Light Weapons: Tracing, Marking and Record-Keeping, Geneva, 12-13 March 2001.
- NATO/EAPC Workshop on Small Arms and Light Weapons: Export Controls and Small Arms and Light Weapons Transfers, Brussels, 16-17 March 2000.
- EAPC/PfP Workshop in support of the South-East Europe Initiative (SEEI) on Regional Cooperation in South-East Europe and the Challenge of Small Arms and Light Weapons, Ohrid, the former Yugoslav Republic of Macedonia, 22-23 June 2000.
- NATO/EAPC Experts Workshop on Export Control of Small Arms and Light Weapons, Brussels, 21 November 2000.
- PfP Training Course on Stockpile Management and Security of Small Arms and Light Weapons, Brugg, Switzerland, 28 May-June 2001.
- Workshop on Small Arms and Light Weapons: Practical Challenges for the Implementation of Current Undertakings in OSCE and in EAPC, Baku, 21-22 June 2001.
- ARF (Asian Regional Forum) Experts Group Meeting on Transnational Crime, 30 and 31 October 2000, Seoul, Republic of Korea.
- The Foreign Ministers of the G8 met in Miyazaki in Japan on 12 and 13 July 2000, agreed to take several measures to deal with the uncontrolled and illegal transfer of small arms and light weapons, as well as their destabilizing accumulation, with a view to restricting the means for armed conflicts, and achieving concrete results at the United Nations Conference in 2001.
- On 14 and 15 December 1999, Bulgaria hosted a Regional Conference on Export Controls under the auspices of the Stability Pact for South-Eastern Europe, co-sponsored by the Government of the United States of America. The Conference issued a Joint Declaration on Responsible Arms Transfers and a Statement on Harmonization of End-Use/End-User Certificate.
- On 17 and 18 March 2000, a seminar on controlling flows of small arms and light weapons was held at Jablonna, near Warsaw. The seminar was organized by Saferworld (London), the Institute of Public Affairs (Warsaw) and co-hosted by the Polish Ministry for Foreign Affairs.

- On 18 and 19 September 2000, the Governments of Poland and Canada organized a seminar in Warsaw to address the issue of small arms disarmament within the context of peacekeeping operations.
- On 28 and 29 September 2000, the Governments of The Netherlands and Hungary organized at The Hague an Expert Workshop on destruction of small arms and light weapons related to stockpile management and weapons collection in post-conflict situations.
- From 16 to 19 October 2000, the Stability Pact for South-Eastern Europe and the Governments of Bulgaria and Canada organized at Sofia a Seminar on Collection and Destruction Techniques for Small Arms and Light Weapons.
- On 20 and 21 October, the Czech Ministry for Foreign Affairs, Saferworld, and the Institute of International Relations, held a seminar in the Czech Republic on improving accountability and transparency in relation to production transfers and holding of arms in an enlarged European Union.
- On 7 November 2000, the Canadian Joint Delegation to NATO and the Centre for European Security and Disarmament organized a roundtable on Small Arms and Europe-Atlantic Security at NATO headquarters.
- On 17 and 18 November 2000, the Ministry for Foreign Affairs of Hungary, Saferworld and Szeged Centre for Security Policy organized a roundtable at Szeged, Hungary, on "Tackling Small Arms Diffusion in South-Eastern Europe: towards a subregional action Programme on small arms in the context of the Stability Pact".
- On 26 and 27 April 2001, the Governments of Hungary and Canada held a seminar in Budapest on arms embargoes and sanctions.
- On 15 and 16 May, Canada and the European Union, under the Swedish Presidency, organized a workshop in Canada on small arms and light weapons destruction in the context of peace support operations.
- From 20-21 September 2001 the Governments of Canada and Poland co-hosted and co-chaired an EAPC Seminar on Disarmament and Peacekeeping. This seminar focused upon the implementation of weapons collection programmes during peace support operations.
- From 22-23 October 2000, the Governments of Canada and Bulgaria co-hosted and co-chaired a Stability Pact Seminar on Small Arms and Light Weapons Destruction. The seminar demonstrated practical arms destruction methods.
- Canada in conjunction with Cambodia and Japan held an ARF Seminar on Transparency in Conventional Arms Transfers, in Phnom Penh, from 22-23 February 2001. This seminar concluded with a set of recommendations that are presently being considered by the ARF.
- From 26-27 April 2001 the Governments of Canada and Hungary co-hosted and co-chaired a Euro-Atlantic Partnership Council (EAPC) Seminar on Arms Embargoes and Sanction. This seminar developed recommendations to improve the implementation of arms embargoes.

- Canada and the EU held a workshop in Ottawa, Canada, from 15-16 May 2001 on Small Arms and Light Weapons Destruction in the Context of Peace Support Operations.
 - From 21-22 May 2001 in Ottawa, Canada sponsored an OAS Seminar entitled: "The OAS and the 2001 Conference: Tackling the Illicit Trade in Small Arms and Light Weapons in All Its Aspects".
 - International Meeting on Small Arms, Oslo, 13-14 July 1998.
 - Second International Meeting on Small Arms and Light Weapons, Oslo, 6-7 December 1999 (Oslo II).
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Putting Children First:

**Building a Framework for International
Action to Address the Impact of Small Arms
on Children**



Briefing 11

BASIC - INTERNATIONAL ALERT - SAFERWORLD

BRITISH AMERICAN SECURITY INFORMATION COUNCIL

The British American Security Information Council is an independent research organisation that analyses international security issues. BASIC works to promote awareness of security issues among the public, policy-makers and the media in order to foster informed debate on both sides of the Atlantic. BASIC has worked on small arms and light weapons issues since 1995. BASIC's Project on Light Weapons has facilitated a network of analysts and activists working on the issue around the world.

INTERNATIONAL ALERT

International Alert is an independent non-governmental organisation which analyses the causes of conflicts within countries, enables mediation and dialogue to take place, sets standards of conduct that avoid violence, helps to develop the skills necessary to resolve conflict non-violently and advocates policy changes to promote sustainable peace. International Alert's Light Weapons and Peacebuilding Programme was established in 1994. It focuses on policy research, outreach and working with organisations in conflict regions to identify ways of controlling light weapons and small arms.



Saferworld is an independent foreign affairs think tank working to identify, develop and publicise more effective approaches to tackling and preventing armed conflicts. Saferworld's Arms Programme, initiated in 1991, aims to foster greater international restraint over transfers of arms – from light weapons to major conventional weaponry – and dual-use goods. At the same time, Saferworld aims to work with governments and non-government groups on the ground in regions of conflict in order to better control flows of, and reduce demand for, arms.

Putting Children First: Building a Framework for International Action to Address the Impact of Small Arms on Children

By Rachel Stohl with Sarah Aird, Laura Barnitz, Jimmie Briggs, Rebecca Catalla, Boia Efraime Junior, Antoinette Errante, Heang Path, Stephanie Powell, Frank Smyth and Christina Torsein.¹

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Executive Summary

Impact of small arms on children

Small arms and light weapons (SALW) are recognised as increasing the lethality, duration and intensity of conflict with the effects of these weapons lasting for many years. The negative impacts of SALW are often greatest for the most vulnerable groups, including children. There is widespread international recognition of the negative effects of small arms on children, but efforts to control small arms and those to protect children have rarely been linked.

The United Nations 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the UN Special Session on Children provide unique opportunities to examine the complex issues surrounding small arms and their impact on children, in particular, how the presence, proliferation and misuse of small arms and light weapons affect the lives of children.

There are clear risks to children from SALW. The identified impacts of small arms on children in conflict and post-conflict situations include:

Death and injury

Two million children have been killed and six million more psychologically damaged, seriously injured or permanently disabled in conflict in the last decade. SALW, as the weapons of modern conflict, are likely to have killed a large number of these children.

Human rights abuses

Small arms are used to commit human rights abuses against children in both conflict and post-conflict situations.

Displacement

Children are at risk of displacement as a result of the widespread availability and misuse of small arms. It is estimated that more than 22 million children have been displaced by war within and outside their countries.

Psychological trauma

Children, who are victims as well as perpetrators of violence, often suffer extreme trauma, as do children who have been exposed to armed violence against family members.

Insecurity

The widespread availability of small arms often fuels environments of extreme insecurity which undermine reconstruction and development efforts. Children suffer in an environment of constant insecurity. SALW may also be considered as tools for survival, used for crime and violence to earn money and food to support families.

Culture of violence

The widespread availability of small arms in post-conflict societies can lead to the development of a sustained culture of violence. Small arms fuel rampant urban violence, which has a significant impact on children. SALW are sometimes viewed as symbols of power, dominance and worth.

Loss of opportunities

The presence of small arms can have a significant effect on future opportunities for children. The continued presence of these weapons in post-conflict societies can affect efforts to sustain peace and prevent sustained development.

Current initiatives

A range of international, regional, national and non-governmental organisation initiatives have, to varying degrees, sought to address the small arms and children's agendas. International initiatives have focused on encouraging awareness raising and debate on the issue of children and small arms. In addition to the Conference and the Special Session, the United Nations Security Council has adopted two resolutions on children in armed conflict, 1261 (1999) and 1314 (2000), which make specific reference to the impact of small arms on the conditions for children in conflict and the need for action.

Regional initiatives have encouraged the greatest advances on children's and small arms issues. Some declarations and agreements, in West Africa and South Asia for example, have linked small arms and children. On the whole, however, regional efforts have been most effective on the small arms issue; few have taken action with regard to the impact of small arms on children. At the national level, initiatives have tackled key issues associated with children and small arms. National efforts have also been important for building a constituency which promotes progressive action for children, linking this action to issues of small arms and armed conflict. Non-governmental organisations also have played a role in putting the issues of children's rights and small arms on the international agenda.

Framework for action

The issue of small arms and children needs to be addressed within a specific framework that is neither children's rights nor small arms specific. The key is to establish norms and standards, as well as to facilitate coordination and complementarity, for action on small arms and children. Countries, international and regional organisations and NGOs all have specific areas to implement in the proposed framework for action.

Controlling the trade in small arms

States must exercise responsible behaviour with regard to the transfer and management of small arms as well as provide assistance to prevent and combat illicit manufacture, trafficking, possession and misuse of SALW. They should also adopt strict controls on civilian possession of small arms, including a prohibition on the civilian possession of military assault weapons, and consider national minimum requirements for small arms possession and use.

Child soldiers

Measures must be taken in conjunction with small arms initiatives to eliminate the use of child soldiers, including prohibiting arms exports to groups that use child soldiers, addressing the special needs to child soldiers in peace negotiations and disarmament, demobilisation and reintegration programmes and ratifying and implementing the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

Disarmament, demobilisation and reintegration (DDR)

Children have special needs during DDR. Measures to be taken should include: recognition of the special needs of child soldiers, with special attention to girls; providing skills training and education programmes for former child combatants; and supporting community-based programmes to help communities accept and assist former child soldiers and child victims of war.

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Framework for action

Needs of girls and gender dimensions

The impact of conflict on girls and women, in particular the abuses perpetrated against them, have been recognised as requiring specific attention. Rape and sexual violence, including that perpetrated with small arms, should be addressed within broader efforts to rehabilitate refugee and displaced communities. Furthermore, measures should include education programmes for boys and men that develop alternative concepts of masculinity not associated with weapons.

Norms and standards for the protection of children and adolescents

The cultures of violence perpetuated by small arms must be countered and sustainable options for children developed. Measures to be taken should include: the creation of zones for children that are weapons free; the development of norms of behaviour surrounding the use and possession of small arms; and the incorporation of child protection advisors in peace-building efforts.

Education and awareness building

The effects of small arms on the development of children and their communities can be countered by effective programmes that provide peaceful alternatives to conflict, violence, and crime. Efforts should be focused on areas such as creating secure conditions within which children can be educated and encouraged to interact socially and supporting the participation of children and youth in rebuilding civil society.

Future action and research

The linking of small arms and their impacts on children is a relatively new concept. Efforts must be made to further quantify the impact of small arms on children and to determine best practices and priorities. Areas for action include structured data collection processes to identify the impact of small arms on children and the coordination of agency and donor approaches and responses to rehabilitate war-affected children and children affected by SALW in post-conflict situations.

Issues for the UN Small Arms Conference and Beyond

The Programme of Action for the Conference already reflects international concern of the impact of SALW on children in its preamble. Furthermore, it offers considerable scope to take action to protect children against the impact of SALW through draft measures on marking and tracing, weapons collection and destruction, and disarmament, demobilisation and reintegration programmes. All are issues of importance to the conditions of children, and given their vulnerability, they should be given special consideration within the Programme of Action.

Section I

The preamble of the Programme of Action should elaborate on the impact of SALW on children by including references to violence perpetrated against them with SALW as well as references to the long-term social and psychological impacts of these weapons on their development.

Section II

This section should include special reference to the need for further study on the impact of small arms proliferation upon children and other vulnerable groups, such as women and the elderly, and further study on the situation of child soldiers. Beyond this, a number of measures could be envisaged that would have a direct effect on the safety of children and their communities.

Executive Summary

Issues for the UN Small Arms Conference and Beyond

These should be made explicit and should include:

- Programmes for the disposal and destruction of SALW that focus on collecting illicit weapons used by children;
- Effective disarmament, demobilisation and reintegration programmes that include specific recognition of the needs of children;
- Prohibitions in national and regional export criteria on the transfer of SALW to countries or groups which use child soldiers;
- Public awareness programmes that highlight the impact of these weapons on children and the need for education as part of efforts to reverse cultures of violence;
- Restricting civilian possession of military assault weapons in conjunction with measures to regulate the possession of SALW, including through restrictions on the age of the user.

Section III

The Programme of Action notes that States and international and regional organisations should assist and promote conflict prevention measures and encourage the pursuit of negotiated solutions to conflicts. The importance of child and gender-sensitive policies should be considered in respect of these peace negotiations. Assistance for the implementation of DDR programmes should also focus on the needs of child combatants, armed youth and children as victims of warfare.

Section IV

Follow-up meetings to the 2001 Conference should consider how measures implemented under the Programme of Action have benefited children and other victims of small arms and light weapons.

The UN Small Arms Conference and the Special Session provide two important opportunities to take forward concrete steps to minimise the impact of small arms on children. However, attention should also be given to other ways in which these issues can be taken forward, including through the implementation of the proposed Framework for Action.

Introduction

“The spread of light weapons of all kinds has caused untold suffering to millions of children caught up in armed conflict... not only during the conflict but for decades thereafter.”

The presence, proliferation and misuse of small arms and light weapons (SALW) has a devastating impact on children in conflict and post-conflict societies.

Children are used to describe the group of people under the age of 18. Adolescents are used to describe the group of people over the age of 11.

Cheap, easy to use and widely available, these weapons fuel many contemporary conflicts and prolong, spread and deepen the consequences of conflict. The presence of SALW increases the risks to children both directly, through death and injury, abuse and displacement, and also indirectly, through psychological trauma, insecurity and the loss of opportunities.

There is widespread international recognition of the negative effects of small arms on children, but efforts to control small

arms and efforts to protect children have remained largely separate. The issue of child soldiers has demonstrated the importance of linking children's and small arms initiatives. Yet, to date, this has resulted in neither a full examination of the issues concerning children and small arms nor the full enforcement of norms and standards to protect children. The full impact of SALW on children remains difficult to determine in the absence of a comprehensive examination of the short and long term effects.

This briefing seizes the unique opportunities provided by the UN 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, to examine the complex issues associated with small arms and children. Both are key opportunities to examine how the presence, proliferation and misuse of small arms and light weapons affects the lives of children. The briefing draws on primary research from three countries – Mozambique, Colombia and Cambodia. It identifies current initiatives to protect children and control SALW and offers recommendations for a Framework of Action with measures to be taken at national, regional and international levels, including priorities for the UN Small Arms Conference.

The impact of small arms on children

The United Nations Secretary-General, Kofi Annan, has called small arms "weapons of mass destruction."³ With an estimated 500,000 people killed every year by small arms – approximately 300,000 in armed conflict and 200,000 in non-conflict situations – the threat posed by these weapons is evident.⁴ The presence of SALW increases "the intensity and duration of violence, crime, displacement and violations of the basic human rights of many millions of people."⁵ There is wide agreement that small arms fuel many contemporary conflicts: "Available in abundance, cheap to buy, requiring little training to use, small arms have become the weapons of choice for the present-day conflicts."⁶

Small arms have been the principle weapon used in up to ninety per cent of conflicts in the last decade.¹

The prevalence of these weapons in conflicts often has lasting consequences as weapons remain after the conflict has ceased. The continued presence of these weapons in post-conflict societies can undermine reconstruction efforts by sustaining cultures of violence that generate insecurity, fuel armed crime and impede development.

There are at least 500 million small arms in circulation today.²

Small arms and light weapons are used against the most vulnerable groups, including children, as highlighted by the United Nations Special Representative for Children in Armed Conflict.

2 million children have been killed and 6 million psychologically damaged, seriously injured or permanently disabled in conflict in the last decade.⁸

However, to date, there has been little more than anecdotal evidence of the various ways in which small arms negatively affect the lives of children.⁷ The true impact of small arms on children has remained difficult to ascertain due to the lack of research, knowledge and understanding of the short and long-term effects of small arms. However, the potential risks of SALW on children are evident. This section draws together some of the identified risks of small arms for children in conflict

and post-conflict situations. Although not an exhaustive list, it highlights the array of dangers faced by children from the presence, proliferation and misuse of small arms. Furthermore, it demonstrates that it is extremely difficult to separate the impacts of conflict on children from the impacts of small arms.

Direct impacts

Death and Injury

The United Nations Under-Secretary-General for Disarmament, Jayantha Dhanapala, estimates that more than 80 per cent of the victims of small-arms fire are women and children.¹¹ The exact number of children affected by small arms is unknown because small arms fatalities and injuries are rarely noted. However, with two million children killed and six million more psychologically damaged, seriously injured or permanently disabled in conflict in the last decade, the figures are likely to be significant.¹² Children are especially vulnerable to death and injury as child combatants both as victims and perpetrators of the violence. At any one time, some 300,000 children under the age of 18 are fighting as soldiers.¹³ They are particularly vulnerable targets for recruitment as child combatants due to the light, simple design of modern SALW.

Human Rights Abuses

The number of children killed and injured by small arms draws attention to the immediate risks of these weapons but do not reflect their sole impact on children. Small arms are used to commit human rights abuses against children in both conflict and post-conflict situations. Although there is a growing body of international law, norms and standards specifically designed to safeguard the rights of children, they are being breached with impunity.¹⁴

The impact of small arms on children

Direct Impacts

The availability of inexpensive weapons has allowed a growing number of individuals and groups to gain access to SALW with little, if any, training, discipline or accountability. Female adolescents are often victims of this indiscipline, forced to endure rape, sexual abuse and violence.

"You can run away from physical abuse but you can't run away from bullets!"

Many later attempt to conceal the abuse for fear of personal and family shame, but with a rising number of young girls exposed to sexually transmitted diseases, HIV/AIDS and pregnancy, the abuse is having a lasting impact on development.¹⁵

Displacement

Children are at risk of displacement as a result of the widespread availability and misuse of small arms. Refugees and internally displaced people often share a common fear: "The fear that people with guns will use them on vulnerable communities."¹⁷ It is estimated that more than 22 million children have been displaced by war within and outside their countries.¹⁸ The immediate risks of displacement for children include death, injury, violence, abuse and military recruitment - many of these result from the misuse of SALW. In addition, however, children driven from their homes and communities are often left without adequate food, shelter or healthcare. The insecurity generated by the prevalence of small arms often makes it difficult for humanitarian agencies to provide aid to those who are displaced. Even in refugee camps, children are vulnerable to specific threats and intimidation, including rape, injury, forced prostitution, slavery and forced recruitment into armed groups often with SALW being used to intimidate if not actually used to injure or kill.¹⁹ Furthermore, the continued availability of small arms in societies emerging from conflict often discourages refugees and internally displaced people from returning to their homes and communities because of the ongoing fear of armed violence. Consequently, displacement for children may extend long after the conflict has ceased.

Education in Angola

The proliferation and misuse of small arms and light weapons is destroying the potential of children in Angola. The United Nations Children's Fund (UNICEF) has described Angola as "the country whose children are at the greatest risk of death, malnutrition, abuse and development failure." Small arms-fuelled conflict has prevented millions of children from receiving an education. Schools are unable to open due to insecurity; parents are afraid to send their children to school for fear of abduction; and teachers are unable to do their jobs. At the end of last year only 45 per cent of school age children were in formal education. The mass displacement of civilians within the country is putting immense strain on educational resources within the capital. There is a severe lack of classroom space, high pupil-to-teacher ratios, a lack of trained teaching staff and a shortage of learning and teaching materials. Therefore, even those children receiving an education, are severely disadvantaged. The loss of education for children in Angola will have lasting consequences. The illiteracy rate in the country is an estimated 42 per cent - among six to fourteen year olds this figure rises to 70 per cent. Five million of Angola's population of twelve million is under the age of fifteen. The majority of conflict-affected children will be illiterate, as they reach adulthood this will severely undermine the potential for development in the country.

The Impact of Small Arms on Children

Indirect impacts

Psychological Trauma

The risks of small arms for children extend beyond their use to kill, injure and displace but these impacts are generally more difficult to ascertain. Little is known, for example, about the long-term affects of psychological trauma suffered by children from exposure to small arms violence. Children who have been victims as well as perpetrators of violence often suffer extreme trauma. Disarmament, demobilisation and reintegration programmes do not always address the special needs of child combatants and as a result it can be extremely difficult for these children to reintegrate into post-conflict society.

Children who have been exposed to violence against family members may also suffer trauma that makes it

Bosco: "I killed another child. I did this three times. Now I see dead people and blood in my dreams and I know the spirits of the children are coming to haunt me."²¹

difficult for them to re-establish their lives after the end of conflict. Adolescents are thought to be severely affected by the loss of family members as they take over adult roles and responsibilities but are often ignored by aid and support programmes.²⁰

Child Combatants in Mozambique

Six hundred thousand children were killed during the conflict in Mozambique – small arms were the most commonly used weapon. The widespread availability of these weapons encouraged the recruitment of child combatants, some as young as six years of age. At the time of demobilisation more than a quarter of all soldiers in Mozambique were under the age of 18 – 40 per cent of RENAMO forces and 23 per cent of FRELIMO forces.²² These children were exposed to brutal violence both as victims and perpetrators. Yet, despite the widespread use of child combatants, disarmament, demobilisation and reintegration programmes (DDR) largely excluded children. Adult soldiers were offered cash payments, vocational training, promotion of small-scale activities and credit facilities but similar provisions were not made for child combatants. A number of intergovernmental and non-governmental reintegration programmes were established to fill the gap and address the specific needs of children. Many of these programmes have been very successful, in particular Rebuilding Hope, established in 1996. However, these programmes have been unable to reach all child combatants, and for other children it has been extremely difficult to reintegrate into post-conflict society. Former child combatants in Mozambique often suffer from emotional problems including extreme pessimism, isolation, depression, aggression, frustration, and various phobias.²⁴ Many have no formal education. Without the help of special DDR programmes, many former combatants have been reluctant to return to education, and many have been faced with a lack of opportunities. In such circumstances some former child combatants have been reluctant to relinquish their weapons and have continued to rely on them for survival. As one former child combatant stated: "What is there for people like me to do? A gun gives me a job!"²³

The impact of small arms on children

Indirect Impacts

Insecurity

The widespread availability of small arms often fuels environments of extreme insecurity which undermine reconstruction and development efforts. The presence of small arms can stifle efforts to rebuild communities because they prevent the 'normalisation' of society. The prevalence of SALW often results in these weapons being used to settle disputes violently. Children, although not always the direct targets of the violence in post-conflict situations, suffer in an environment of constant insecurity because traditional family structures and support systems are weakened. Small arms and light weapons may also be considered as tools for survival, used for crime and violence to earn money and food to support families.

Culture of Violence in Cambodia

The continued prevalence of small arms in Cambodia perpetuates the culture of violence that was generated by more than two decades of conflict and violence in the country. The widespread availability of these weapons has a significant impact on children in the country. The adult population of Cambodia is now made up of children who suffered this violence. The juvenile population is made up of their children. As one newspaper commented: "We can't see past the atrocities and the killing... the fighting has imposed an ideology of violence on everybody."²⁸ Small arms are used to settle all ranges of disputes. The widespread immunity for small arms violence has created a new generation of children who consider small arms as tools for survival. This is detrimental in a country where children make up 47 per cent of the population. Unless SALW are dealt with effectively the legacy of these weapons will continue to impose hardship on the people of Cambodia, especially children. The Working Group for Weapons Reduction in Cambodia reported that more than 100,000 weapons have been collected, almost half of which have been destroyed, since 1993. The remaining number of small arms in Cambodia are unknown – estimates range anywhere from 10,000 to more than 100,000. Weapons collection and destruction programmes are crucial for dismantling the cultures of violence, abuse and insecurity in Cambodia.

Culture of Violence

The widespread availability of small arms in post-conflict societies can lead to the development of a sustained culture of violence. Small arms fuel rampant urban violence that has a significant impact on children. Male adolescents are particularly vulnerable to small arms-fuelled urban violence. In Brazil, for every female adolescent killed by small arms, 24 male adolescents are killed. In these situations SALW are often viewed as symbols of power, dominance and worth. However, they lead to an endless cycle of violence that undermines development and can, at worst, re-ignite conflict.

The Impact of small arms on children

Armed Crime in Colombia

Colombia is flooded with small arms. Small arms violence has become a way of life for children in Colombia. Two out of three displaced children have witnessed the murder or attempted murder of a family member.²⁷ Aside from the conflict, this has been largely due to the rise of urban crime and violence, fuelled in part by the widespread availability of small arms. Colombia has the highest firearm homicide rate in the world – approximately 58 per cent of the global total – and small arms are used in more than 90 per cent of homicides. 85 per cent of homicides relate to urban violence. The growing legitimisation of violence, and the resulting gun culture, is perhaps taking its greatest toll on Colombia's children. Colombia has witnessed a rise in the number of youth gangs involved in criminal activities in its major cities. These adolescents have acted as bodyguards and carried out assassinations for drug cartels, as well as engaging in armed crime and violence unrelated to the drug trade. The small arms used by these gangs are often identified as originating through the drug trade.²⁸

Loss of Opportunities

The presence of small arms can have a significant effect on future opportunities for children. The continued presence of these weapons in post-conflict societies "not only undermines a country's ability to sustain peace but represents a major stumbling block to sustainable human development."²⁹ According to the Office for the Coordination of Humanitarian Affairs in Latin America, where SALW are easily available and the rates of weapon-related death and injury high, the costs are estimated at 14 per cent of gross domestic product (GDP) in terms of health and damage to person and property.³⁰ As a result vital infrastructure needed for development projects is damaged by arms-related insecurity and foreign-funded development projects can either be cancelled or postponed to prevent the assets from being diverted toward criminal activities. In both the short and long-term children are severely affected by the lack of sustainable development.

Child soldiers

A child soldier is "any child under the age of 18 who is compulsorily, forcibly, voluntarily recruited or otherwise used in hostilities by armed forces, paramilitaries, civil defence units or other armed groups."³¹

Though child soldiers are not a new phenomenon, the reliance on children to wage war has become a symptom of the massive proliferation and misuse of small arms and light weapons. At any one time at least 300,000 children under the age of 18 are actively fighting alongside adults in government forces, rebel opposition groups, and guerrilla armies.³² These children are subjected to life threatening risks – even those beyond the normal dangers of war. For example, child combatants have been made to walk across fields to clear landmines. Children are often forcibly recruited for service – through kidnapping, intimidation or threat – although some children are 'voluntary' recruits. These children may join to protect or provide for their families or to seek revenge for the loss of a family member. However, 'voluntary' recruits often demonstrate just how vulnerable children are to the risks posed by SALW. They often express the belief that their personal security was greater inside armed movements than outside among the street children, refugees, and displaced persons.³³

The impact of small arms on children

Child soldiers

Children have long been afforded special protection in international treaties and increased efforts have been made in the last decade to improve the situation of those children in unstable, violent or conflict situations. One important element in this regard has been the adoption of the UN Convention on the Rights of the Child (CRC) which was adopted in 1989. The CRC has been ratified more quickly and by more governments – all except the US and Somalia – than any other human rights instrument. The founding premise is that children are born with fundamental freedoms. The Convention, therefore, recognises that children must be allowed particular protection in light of their special needs and vulnerabilities. The need for such protection is no more necessary than in the midst of conflict. Reflecting earlier child rights standards, the CRC states that no one under the age of 15 should be recruited for use as a soldier.³⁴ After the CRC other international bodies developed standards and norms regarding the use of children in conflict. The International Criminal Court (ICC) statute, adopted in July 1998, made it a war crime to conscript or enlist children under the age of 15 into the armed forces or armed groups or to use them as active participants in hostilities.³⁵ International Labour Organization Convention (ILO) 182, adopted in June 1999, banning the worst forms of child labour, marks the first specific legal recognition that the use of child soldiers is a form of child labour, and defines forced or compulsory recruitment of children for use in armed conflict as a worst form of child labour and prohibits forced or compulsory recruitment of children for use in armed conflict.³⁶

Many governments and non-governmental organisations remained unsatisfied with the adoption of the CRC 15-year standard and decided to create an instrument by which all children under the age of 18 would be protected from participation, conscription, and recruitment as combatants. In May 2000 the UN General Assembly adopted the Optional Protocol on the Involvement of Children in Armed Conflict to the Convention on the Rights of the Child. The Protocol specifically:

- Requires States Parties to “take all feasible measures” to ensure that members of their armed forces under the age of 18 years do not participate in hostilities;
- Prohibits the conscription of anyone under the age of 18 into the armed forces;
- Requires States to raise the age of voluntary recruitment from 15 and to deposit a binding declaration on the minimum age for recruitment into its armed forces; and
- Prohibits the recruitment or use in hostilities of children under the age of 18 by rebel or other non-governmental armed groups, and requires states to criminalise such practices.³⁷

The Protocol is now open for signature and ratification – it enters into force once ratified by 10 countries. As of May 2001, 80 countries had signed the Protocol but only five have ratified it.³⁸

The UN Conference provides an opportunity to reconfirm international commitments to eliminate the use of child soldiers. The inherent link between SALW and child soldiers has been recognised. Therefore, it follows that any programme of action to end the use of child soldiers must address the issue of small arms, just as efforts to control small arms must address how, and by whom these weapons are used. Without such complementarity these measures will be unable to succeed.³⁹

Current Initiatives and Standards on Small Arms and Children

A report prepared by Graça Machel on The Impact of Armed Conflict on Children brought the issue of small arms and children onto the international agenda. It has been followed by a range of international, regional, national and non-governmental initiatives that have, to varying degrees, sought to address the small arms and children's agendas. However, to date, measures to protect children and measures to control the proliferation and misuse of small arms have remained largely separate. Therefore, while these approaches have generated awareness on the issue of SALW and their impact on children, little action has been taken. The challenge remains to develop a framework to improve coordination at all levels in order to develop and implement effective policies to protect children from the negative effects of SALW.

International Efforts

International initiatives have focused on encouraging awareness raising and debate on the issue of children and small arms. The United Nations Security Council has adopted two resolutions on children in armed conflict, 1261 (1999) and 1314 (2000), which make specific reference to the impact of small arms on the conditions for children in conflict and the need for action. Resolution 1261 "...recognises the deleterious impact of the proliferation of arms, in particular small arms, on the security of civilians... particularly children" and resolution 1314 highlights "...the linkages between the illicit trafficking in small arms and light weapons and armed conflict which can prolong armed conflict and intensify its impact on children." The UN has also been an important forum for widening the debate on the issues associated with small arms and children. For example, the UN Panel of Governmental Experts on Small Arms has drawn greater attention to the special needs of children affected by SALW in post-conflict situations.⁴⁰ This led to UNICEF initiating a major programme on the impact of small arms on children in 2000. The UN has also initiated the Special Session on Children to be held in September 2001.

Regional Efforts

Regional initiatives have encouraged the greatest advances on children's and small arms issues. Some declarations and agreements, in West Africa and South Asia for example, have linked small arms and children. On the whole, however, regional efforts have been most effective on the small arms issue; few have taken action with regard to the impact of small arms on children. For example, the Economic Community of West African States (ECOWAS) Moratorium on the Importation, Exportation, and Manufacture of Light Weapons in West Africa and the European Union Programme for Preventing and Combating Illicit Trafficking in Conventional Arms, have been extremely powerful in setting a progressive small arms agenda. However, these initiatives do not provide specific recommendations for improving the conditions of children, although they make a potentially important contribution by seeking to reduce small arms availability and proliferation.⁴¹

Current Initiatives and Standards on Small Arms and Children

National Efforts

National initiatives have been important in tackling key issues associated with children and small arms and individual countries have made efforts to further these agendas. A number of countries have supported disarmament, demobilisation and reintegration (DDR) programmes for ex-combatants and have funded weapons collection and destruction programmes. For example, in Brazil on 24 June 2001, the Rio de Janeiro state government in cooperation with the non-governmental organisation Viva Rio, destroyed 100,000 guns in front of a crowd of 20,000 people. National efforts have also been important for building a constituency which promotes progressive action for children. In September 2000 the Canadian government hosted the International Conference on War-Affected Children in Winnipeg, which included a special session on the impact of small arms on children. However, national initiatives have often suffered from a lack of coordination between agencies and a lack of international consensus on measures to be taken.

Non-Governmental Initiatives

Non-governmental organisations have played a major role in putting the issues of children's rights⁴² and small arms⁴³ on the international agenda. They have pushed governments further and faster than they might have otherwise have been inclined to go. For example, the International Coalition to Stop the Use of Child Soldiers has secured five political declarations following regional conferences – the Maputo, Montevideo, Berlin, Kathmandu and Amman Declarations – which encourage action to refrain from supplying arms to groups that use child soldiers. The UN Small Arms Conference has acted as a catalyst to bring greater collaboration between the children's and small arms NGO communities. At the third preparatory committee meeting for the July Conference, NGOs and UN agencies developed common language for the Programme of Action. The UN Small Arms Conference is an important opportunity to further develop a comprehensive coordinated approach for small arms and children initiatives that have up to now suffered from a lack of cooperation.

Building a Comprehensive Framework for Action

The impacts of small arms and light weapons on children are complex. Therefore, it is imperative that these issues are considered in concert with discussions on armed conflict, post-conflict reconstruction and development and non-conflict related armed violence and crime. International organisations, regional groups, national governments, local agencies, NGOs and communities all have specific roles to play in implementing the necessary standards and regulations. Without a unified approach, which commands wide-ranging support and commitment, recommendations will do little to protect children around the world from the lasting legacy of small arms.

The issue of small arms and children needs to be addressed within a specific framework that is neither children's rights nor small arms specific. The key is to establish norms and standards as well as to facilitate coordination and complementarity for action on small arms and children. The following framework is based on this need. Countries, international and regional organisations and NGOs all have specific areas to implement in the following framework and responsibilities to develop policies that effectively reduce the proliferation of SALW and their resulting negative impact on children.

Controlling the Trade in Small Arms

Reducing the illegal trade in SALW requires greater control of the legal trade. There is extensive evidence to demonstrate that many of the weapons circulating in the illicit market originate as legally transferred weapons. Children as the users and victims of SALW will be the beneficiaries of efforts to control the trade in small arms. Reducing weapons availability will decrease the incidence of child death and injury from small arms and will allow support services and local infrastructures to operate without an environment of fear. Specific measures that form part of a framework on small arms and children should include measures that ensure states exercise responsible behaviour with regard to the transfer and management of small arms.

They should include measures to:

- Promote transparency at the regional and international level, including provisions for information exchange;⁴⁴
 - Implement an international system for tracing and marking;
 - Improve stockpile management to prevent theft and implement policies to collect and destroy surplus weapons;
 - Develop international criteria on the export of arms, including prohibiting transfers to conflict regions, that are likely to be used to violate international human rights and humanitarian law;
 - Strengthen controls on the legal manufacture of SALW,⁴⁵ including local production in conflict zones;⁴⁶
 - Provide assistance to prevent and combat illicit manufacture, trafficking, possession or misuse of small arms and light weapons and ammunition, including appropriate assistance in developing laws, regulations and procedures relating to the control of such weapons;⁴⁷
 - Establish national minimum age requirements for small arm possession and use;
 - Establish strict controls on civilian possession of small arms, including a prohibition on the civilian possession of military assault weapons.
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Building a Comprehensive Framework for Action

Child Soldiers

International attention has focused on the use of children as combatants and resulted in advances in protecting children from participation in armed conflict. However, as small arms fuel conflicts, children will continue to face recruitment into armed forces and groups. Measures must therefore be taken, in conjunction with small arms initiatives, to eliminate the use of child soldiers. These should include:

- Achieving universal ratification and full implementation of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict without reservation and declarations of 18 as the minimum age for voluntary recruitment;
- Prohibiting the export of arms to groups that use child soldiers;
- Reducing or eliminating military assistance (including arms and training) to governments and groups using child soldiers;
- Addressing the special needs of child soldiers as a distinct element of peace negotiations;
- Supporting programmes dedicated to family reunification for former child soldiers or those that have been displaced due to conflict.

Disarmament, Demobilisation and Reintegration

Children have special needs during disarmament, demobilisation and reintegration and should not be included with adult counterparts. In particular, the impacts of small arms on children's development and well-being must be taken into consideration and alternatives to soldiering provided and strengthened. Children require special care and attention to address the psychological effects of being victims and perpetrators of small arms-related violence. Those designing and implementing DDR programmes should:

- Recognise the special needs of child soldiers, with special attention to girls, in developing reintegration and rehabilitation programmes including education, health, and housing;
 - Develop programmes that address psychosocial needs of war-affected children;
 - Develop and support skills training and education programmes for former child combatants;
 - Develop and support community-based programmes to help communities accept and assist former child soldiers and child victims of war reintegrate;
 - Incorporate traditional and cultural frameworks into demobilisation and reintegration programmes.
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Building a Comprehensive Framework for Action

Needs of Girls and Gender Dimensions

The impact of conflict on girls and women, in particular the specific abuses perpetrated against them, has been recognised as requiring specific attention. Existing standards to protect the rights of women include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Small arms in particular amplify the horrors that women and girls experience. In addition to implementing strategies to reduce small arms in a region, steps must be taken to ensure the protection of women and girls from SALW used for crime and violence. States, international and regional organisations, NGOs and communities should seek to:

- Address rape and sexual violence, including that perpetrated with small arms, within broader efforts to rehabilitate refugee and displaced communities and within the context of reconstruction programmes;
- Develop programmes to address HIV/AIDS infection and other sexually transmitted diseases spread through rape and sexual violence and assist girls with children born from rape;⁴⁸
- Develop community awareness and education programmes to counteract the stigma associated with girls that have participated in armed activities;
- Develop education programmes for boys and men to develop alternative concepts of masculinity not associated with guns and arms;
- Reinforce determination for the systematic use of rape, including that facilitated by small arms, to be established as a war crime.

Norms and Standards for the Protection of Children and Adolescents

While the international community has made progress in adopting and implementing a growing collection of international standards protecting children's rights, additional steps must be taken to safeguard the security of children affected by small arms. Children need to have alternatives to gun violence and crime and be treated for small arms-induced trauma in order to fully participate in society. The cultures of violence perpetuated by small arms must be countered and sustainable options for children developed. States, international and regional organisations, NGOs and local communities must:

- Create zones for children, in schools for example, that are weapons free;⁴⁹
 - Create norms or codes of behaviour surrounding the use and possession of small arms by civilians and armed forces;⁵⁰
 - Provide mainstream support for adolescents in leadership training, skills and vocational programmes, and formal education;⁵¹
 - Register unaccompanied and separated children and ensure their protection and survival;⁵²
 - Incorporate psychosocial support programmes in rehabilitation and other health efforts;⁵³
 - Ensure child protection advisors be regular components of peace-building and post-conflict reconstruction efforts.
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Building a Comprehensive Framework for Action

Education and Awareness Building

Education and awareness building are key elements in changing the reintegration of youth into post-conflict societies and cultures of violence. The effects of small arms on the psychosocial development of children and their communities can be countered by effective programmes that provide peaceful alternatives to conflict, violence, and crime. Efforts should be focused on:

- Creating secure conditions within which children can be educated and interact socially;
- Supporting and ensuring the participation of children and youth in rebuilding civil society;
- Providing viable economic alternatives and leadership opportunities for war-affected children;
- Developing peace education and non-violent conflict resolution programmes;
- Developing community peace-building incentives focusing on development crucial for the well-being of children, such as the rebuilding of schools, healthcare facilities, and recreational areas.

Future Action and Research

The linking of small arms and their impacts on children is a relatively new concept on the policy-making, aid providing, and academic fronts. Several organisations have begun to assess the role of small arms in their assistance programmes and fieldwork,⁵⁴ but this has not been systematically universalised. Efforts must be made to further quantify the impact of small arms on children and to determine best practices and priorities. Action is needed at every level. Community-based organisations should work with national governments, regional organisations and international agencies to determine what information is needed to best serve children and assess the most effective ways to reduce the negative impacts of small arms on them. Future action and research areas should:

- Develop a more structured and thorough data collection process to identify the impact of small arms on children;
 - Consider the impact of small arms on children in government and NGO-sponsored research, fieldwork, and publications;
 - Encourage government funding for research and analysis of the impact of small arms on children in particular areas of concern;
 - Identify key priorities within programmes to assist children in post-conflict situations;
 - Co-ordinate agency and donor approaches and responses to rehabilitate war-affected children;
 - Develop and implement a rights-based framework to protect children in conflict.
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Issues for the UN Small Arms Conference and Beyond

Elements for the Programme of Action

The United Nations Small Arms Conference Programme of Action (A/CONF.192/PC/L.4/Rev.1) already reflects international concern of the impact of SALW on children by recognising the "devastating consequences on children" of the illicit trade in SALW in the preamble.

Furthermore, it offers considerable scope to take action to protect children against the impact of SALW through its measures on marking and tracing, weapons collection and destruction and disarmament, demobilisation and reintegration programmes. All are issues of importance to the conditions of children. However, given the vulnerability of children to the risks of small arms, they should be given special consideration within the Programme of Action.

It is imperative that the links between small arms and children be explicit in the conference document and that specific measures be identified that are tailored to the needs of children. In addition, there is considerable scope for action in the implementation and follow-up to the Conference itself. Therefore, the following recommendations, which build on the Framework for Action of the previous section, focus both on the inclusion of specific recommendations for the Programme of Action, and measures to be taken in the follow up to the Conference.

Preamble

The preamble of the Programme of Action notes the effect that small arms proliferation has on children in general (Section 1, para. 4). However, given the specific ways in which children are affected by SALW, reference to the direct and indirect impacts small arms have on children should be included within the preamble. This should include references to violence perpetrated against children by SALW and the long-term social and psychological impact of SALW to a child's development.

Section II: Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects

Section II of the Programme of Action calls for the establishment of national coordination agencies or bodies and the appropriate infrastructure responsible for policy guidance, research and monitoring of effects to prevent the proliferation of small arms (para. 2). In the Programme of Action, special reference should be made to the need for further study on the impact of small arms proliferation upon children and other vulnerable groups, such as women and the elderly, and the situation of child soldiers.

In addition, the important role played by civil society to raise awareness of the impact of small arms, as well as its role in the implementation of measures to control SALW, such as through weapons collection programmes or disarmament programmes, should be recognised in para. 39. Further financial support should be made available to civil society to carry out this work, in particular, for practical, community-level programmes that they operate.

The Programme of Action details specific measures to be taken at the national, regional and global levels to prevent, combat and eradicate the illicit trade in SALW. Some measures will have a direct effect on the safety of communities and the children in them and such areas should be made explicit. These include:

- Programmes for the disposal and destruction of SALW that focus on collecting illicit weapons used by children and prioritising the destruction of these weapons (para. 15);
 - Effective disarmament, demobilisation and reintegration programmes that include specific recognition of the needs of children (para. 21);
 - Introducing prohibitions in national and regional export criteria on the transfer of SALW to countries or groups which use child soldiers (para. 9);
-

Issues for the UN Small Arms Conference and Beyond

Elements for the Programme of Action

- Public awareness programmes to reduce demand for SALW that highlight the impact of these weapons on children and the consequences for children directly involved in conflict as victims and combatants (para. 19). They should also include efforts to promote a culture of peace, which should include a reference to the need for education as part of efforts to reverse cultures of violence (para. 39);
- Restricting civilian possession of military assault weapons should be viewed in conjunction with national measures to regulate the possession of SALW, including through restrictions on the age of the user, with a minimum age requirement (para. 20).

Section III: Implementation, international cooperation and assistance

The implementation of measures by States, international and regional organisations and others will be vital to the success of controlling SALW. The Programme of Action notes that States and international and regional organisations should assist and promote conflict prevention measures and the pursuit of negotiated solutions to conflicts wherever possible (para. 4). The importance of child and gender-sensitive policies should be considered in respect of these peace negotiations as well as in UN peace operations.

In addition, assistance in the implementation of DDR programmes should also focus on the needs of child combatants, armed youth and children as victims of warfare (para. 16).

As has been noted, further research needs to be undertaken to better understand and respond to the impact of SALW on children. Therefore paragraph 18, which calls on States, regional and subregional organizations, research centres and civil society to develop and fund action-oriented research should include a prioritisation of research on the impact of SALW on children and a survey of programmes which are addressing these issues. Emphasis should be placed on action-oriented research, in particular, research that seeks out programmes that have concrete impacts on children.

Section IV: Follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Section IV calls for a Review Conference no later than 2006 to review progress made in the implementation of the Programme of Action as well as a biannual meeting of States. These follow-up meetings should consider how measures implemented under the Programme of Action have benefited children and other victims of SALW.

This year marks an excellent opportunity for the small arms and children's rights communities. The UN Conference provides a forum for discussion on the impact of small arms proliferation on children while the Special Session on Children will be an opportunity to develop activities which address how children can be safeguarded against SALW. Key to the success of both the Conference and Special Session is proper implementation and follow-up. In this regard, it is fundamentally important that States keep the issue of the impact of small arms on children and war-affected children high on their policy agendas.

Conclusion

The constant reinforcement of the link between children and SALW should be a significant element of the UN Small Arms Conference and the implementation of the Conference commitments. Similarly, the UN Special Session on Children, scheduled for September 2001, should highlight the link between SALW and children, specifically building upon the outcomes of the UN Small Arms Conference. In this regard, SALW should be considered in concert with discussions on armed conflict in general, but also as a separate danger that affects the lives of children in non-conflict situations as well. The current document for the Special Session "A World Fit for Children" currently contains only one reference to the dangers of SALW in a recommendation to "curb the illicit flow of small arms and eliminate threats posed by landmines, unexploded ordnance and other war materiel that victimise children."⁵⁵ There is a section dedicated to "protecting against abuse, exploitation and violence" which should include actions to protect children from the impact of small arms. Furthermore, the effects of small arms should be included in other sections of the outcome document, including in the health and education sections.

The impact of small arms on children is complex and will require a long-term approach that recognises that the effects of conflict on children extends far beyond the end of hostilities. Indeed, each recommendation is a long-term programme in its own right. The UN Small Arms Conference will only be able to address one aspect of the problem – the broader impact of the illicit trade in small arms on children. This raises the importance of the Special Session on Children which should build-upon the momentum of the UN Small Arms Conference to address the link between small arms and children. Both are unique opportunities to learn more about the nexus between small arms and children, the steps that can be taken to reduce the impact of these weapons on children, and to prioritise the needs of children. However, the Conference and Special Session notwithstanding, a Framework for Action is the way forward to improve the lives of children by lessening the impact these weapons have on them.

Endnotes

- 1 Rachel Stohl is a Senior Analyst at the Centre for Defence Information, a Washington, DC based non-governmental organisation that researches and analyses military and security policy. Sarah Aird is a final year law student at American University in Washington, DC, and a staff writer for Human Rights Brief. Laura Barnitz is a program associate of Youth Advocate Program International in Washington, DC. Jimmie Briggs is a freelance journalist based in New York, N.Y. Rebecca F. Catala, PhD, is a consultant to the Working Group for Weapons Reduction in Cambodia. Boia Efraime Junior is an activist on children's issues and a psychotherapist in Mozambique. Antoinette Errante, PhD, is an education specialist at Ohio State University. Heang Path is project officer of the Working Group for Weapons Reduction in Cambodia. Stephanie Powell is the light weapons project officer for the Security and Peacebuilding Programme at International Alert. Frank Smyth is a freelance journalist based in Washington, DC. Christina Torsen is an analyst at BASIC. Thanks are also extended to Jo Becker (Human Rights Watch), Jane Lowicki and Allison Pillsbury (Women's Commission for Refugee Women and Children), Dominick Donald, Funmi Olonisakin and Ilene Cohn (Office of the Special Representative for Children in Armed Conflict), Lieke van de Wiel, Bert Theuermann, Iain Levine, Ayda Eke and Rima Saleh (UNICEF), Julia Saunders (Oxfam GB), Matthew Scott (World Vision), Christine Knudsen (Save the Children), Judit Arenas and Rory Mungoven (Coalition to Stop the Use of Child Soldiers), Nancy Nye and Laura Barnitz (Youth Advocate Program International), Adam Isacson (Center for International Policy) and those involved at the Centre for Defence Information.
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- 32 For more information on the use of child soldiers worldwide and in specific countries, see the website of the International Coalition to Stop the Use of Child Soldiers at www.child-soldiers.org.
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Bitting the bullet: Advancing the agenda for the UN 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

is a joint project between BASIC, International Alert and Saferworld. The project seeks to facilitate a wide-ranging and well-informed debate among governments and between governments and civil society.

We expect that such debate will help generate support among governments for the advancement of a progressive agenda during the UN 2001 negotiating process and for the pursuit of a comprehensive and integrated approach to the problems of small arms and light weapons.

The project will publish a series of policy briefings between February 2000 and the UN conference in 2001. As well as focusing on those elements of the small arms and light weapons control agenda that are likely to be addressed by the conference (eg marking of small arms), the research papers will also address elements (eg security sector reform) which, while relevant, are less likely to feature on the UN 2001 agenda.

In addition, we will hold regular seminars and maintain a website that will provide background information, event information and the published briefings. For more information on this project, please contact one of the three organisations.

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**Bamako Declaration on an African Common
Position on the Illicit Proliferation, Circulation and
Trafficking of Small Arms and Light Weapons
Ministerial Conference on the Illicit Proliferation, Circulation and
Trafficking of Small Arms and Light Weapons, 30 November - 1
December 2000, Bamako, Mali**

I. WE, THE MINISTERS of the Member States of the Organization of African Unity met in Bamako, Mali, from 30 November to 1 December 2000, to develop an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons in preparation for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, scheduled to take place in New York, from 9 to 20 July, 2001, in accordance with the relevant United Nations General Assembly Resolutions. Our meeting was held in pursuance of:

The Decision AHG/Dec. 137 (LXX), adopted by the 35th Ordinary Session of the Assembly of Heads of State and Government held in Algiers, Algeria, from 12 to 14 July 1999, which called for an African approach on the problems posed by the illicit proliferation, circulation and trafficking of small arms and light weapons, and for the convening of a Ministerial preparatory conference on this matter prior to the holding of the United Nations Conference; and the decisions adopted on this matter by the Council of Ministers, at its 68th Ordinary Session held in Ouagadougou, Burkina Faso, from 1 to 6 June 1998 (CM/Dec. 432 (LXVIII)), the 71st Ordinary Session held in Adonis Ababa, Ethiopia, from 6 to 10 March 2000 (CM/Dec. 501 (LXXI)), and the 72nd Ordinary Session held in Lome, Togo, from 6 to 8 July 2000 (CM/Dec. 527 (LXXII));

II. WE HAVE CONSIDERED the reports of the Secretary General on the preparation for the Ministerial Conference on the illicit proliferation, circulation and trafficking of small arms and light weapons, as well as the report of the first continental meeting of African Experts and the International Consultation on the illicit proliferation, circulation and trafficking of small arms and light weapons, held in Addis Ababa, Ethiopia, from 17 to 19 May 2000, and from 22 to 23 June 2000, respectively.

III. In reviewing the situation of the illicit proliferation, circulation and trafficking of small arms and light weapons, WE RECOGNIZE the progress made at national and regional levels in developing action programmes for the reduction, prevention and management of small arms and light weapons proliferation. In this regard, we welcome in particular, the ECOWAS Moratorium of 31 October 1998, its accompanying Code of Conduct of 1999 and its plan of Action under the Programme for Coordination and Assistance for Security and Development (PCASED); the Nairobi Declaration adopted by the Ministers of the countries of the Great Lakes and the Horn of Africa regions on 15 March 2000, and its Coordinated Agenda for Action and Implementation Plan, the progress towards the signature of a SADC Declaration and Protocol on Firearms and Ammunition and its Implementation Programme as discussed in August 2000; the Djibouti Declaration of the countries of the Horn of Africa and the Gulf of Aden on antipersonnel

landmines, of 18 November 2000; as well as the efforts made by ECCAS Member States, within the framework of the UN Standing Advisory Committee on Security Questions in Central Africa on the proliferation and illicit circulation of small arms and light weapons in Central Africa.

IV. WE REAFFIRM our respect for international law and principles as contained in the Charter of the United Nations, in particular, the respect for national sovereignty, non-interference in the internal affairs of Member States, the right to individual and collective self-defense, as stated in Article 51 of the UN Charter, the right of self determination of peoples and the right of Member States to develop their own defense systems to ensure national security.

V. WE HAVE DELIBERATED extensively on the various aspects of the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons, and HAVE AGREED on the following African Common Position on the illicit proliferation, circulation and trafficking of small arms and light weapons:

1. WE EXPRESS OUR GRAVE CONCERN that the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons continues to have devastating consequences for stability and development in Africa. We recognize that this problem:

i. sustains conflicts, exacerbates violence, contributes to the displacement of innocent populations and threatens international humanitarian law, as well as fuels and encourages terrorism;

ii. promotes a culture of violence and destabilizes 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;

iii. has adverse effects on security and development, especially on women, refugees and other vulnerable groups, as well as on infrastructure and property;

iv. also has devastating consequences on children, a number of whom are victims of armed conflict, while others are forced to become child soldiers;

v. undermines good governance, peace efforts and negotiations, jeopardizes the respect for fundamental human rights, and hinders economic development;

vi. relates to the combating and the eradication of the illicit proliferation, circulation and trafficking of small arms and light weapons, and control of their proliferation;

vii. is both one of supply and demand, transcends borders and calls for cooperation at all levels: local, national, regional, continental and international.

2. WE THEREFORE AGREE that, in order to promote peace, security, stability and sustainable development on the continent, it is vital to address the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons in a comprehensive, integrated, sustainable and efficient manner through:

i. ensuring that the behaviour and conduct of Member States and suppliers are not only

transparent but also go beyond narrow national interests;

ii. the promotion of measures aimed at restoring peace, security and confidence among and between States with a view to reducing the resort to arms;

iii. the promotion of structures and processes to strengthen democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth;

iv. the promotion of conflict prevention measures and the pursuit of negotiated solutions to conflicts;

v. the promotion of comprehensive solutions to the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons that:

- include both control and reduction, as well as supply and demand aspects;

- are based on the coordination and harmonization of the efforts of Member States at regional, continental and international levels;

- involve civil society in support of the central government, in this regard.

vi. the enhancement of the capacity of Member States to identify, seize and destroy illicit weapons and to put in place measures to control the circulation, possession, transfer and use of small arms and light weapons;

vii. the promotion of a culture of peace by encouraging education and public awareness programmes on the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons, involving all sectors of society;

viii. the institutionalization of national and regional programmes for action aimed at preventing, controlling and eradicating the illicit proliferation, circulation and trafficking of small arms and light weapons in Africa; and

ix. the respect for international humanitarian law.

3. WE RECOMMEND Member States should:

A. At the National Level

i) put in place, where they do not exist national coordination Agencies or bodies and the appropriate institutional infrastructure responsible for policy guidance, research and monitoring on all aspects of small arms and light weapons proliferation, control, circulation, trafficking and reduction;

ii) enhance the capacity of national law enforcement and security Agencies and officials to deal with all aspects of the arms problem, including appropriate training on investigative procedures, border control and specialized actions, and upgrading of equipment and resources;

iii) adopt, as soon as possible, where they do not exist, the necessary legislative and other measures to establish as a criminal offence under national law, the illicit manufacturing of,

trafficking in, and illegal possession and use of small arms and light weapons, ammunition and other related materials;

iv) develop and implement, where they do not exist, national programmes for:

- the responsible management of licit arms;

- the voluntary surrender of illicit small arms and light weapons;

- the identification and the destruction by competent national authorities and where necessary, of surplus, obsolete and seized stocks in possession of the state, with, as appropriate, international financial and technical support,

- the reintegration of demobilized youth and those who possess small arms and light weapons illegally.

v) develop and implement public awareness programmes on the problem of the proliferation and the illicit trafficking of small arms and light weapons;

vi) encourage the adoption of appropriate national legislation or regulations to prevent the breaching of international arms embargoes, as decided by the United Nations Security Council;

vii) take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, as well as shipping and transit agents, in a transparent fashion;

viii) encourage, where appropriate, the active involvement of civil society in the formulation and implementation of a national action plan to deal with the problem;

ix) enter into binding trilateral arrangements, on a voluntary basis with neighbouring countries, so as to put in place an effective common system of control, including the recording, licensing and collection of small arms and light weapons, within common frontier zones.

B. At the Regional Level

i) Put in place, where they do not exist, mechanisms to coordinate and harmonize efforts to address the illicit proliferation, circulation and trafficking of small arms and light weapons;

ii) Encourage the codification and harmonization of legislation governing the manufacture, trading, brokering, possession and use of small arms and ammunition. Common standards could include, but not be limited to, marking, record-keeping and controls governing imports, exports and the licit trade;

iii) Strengthen regional and continental cooperation among police, customs and border control services to address the illicit proliferation, circulation and trafficking of small arms and light weapons. These efforts should include, but not be limited to, training, the exchange of information to support common action to contain and reduce illicit small arms and light weapons trafficking across borders, and the conclusion of the necessary Agreements in this regard;

iv) Ensure that the manufacturers and suppliers of illicit small arms and light weapons, who

violate global or continental regulations on the issue, shall be sanctioned. Known brokers and States which act as suppliers of illicitly acquired arms and weapons to combatants in Member states, should equally be sanctioned by the international community.

4. WE STRONGLY APPEAL to the wider international community and, particularly, to arms supplier countries, to:

- i) Accept that trade in small arms should be limited to governments and authorized registered licensed traders;
- ii) Actively engage, support and fund the efforts of OAU Member States in addressing the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons in the continent;
- iii) Seriously consider ways to discourage and eliminate the practice of dumping excess weapons in African countries and in violation of arms embargoes;
- iv) Enact appropriate legislation and regulations to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents;
- v) Enact stringent laws, regulations and administrative procedures to ensure the effective control over the transfer of small arms and light weapons, including mechanisms with a view to facilitating the identification of illicit arms transfers; and
- vi) Take full advantage of the forthcoming United Nations Conference to make these commitments known.

5. WE CALL for international partnership to curb the illicit proliferation, circulation and trafficking of small arms and light weapons in Africa. In this regard,

- i) WE APPEAL to international institutions to support initiatives and programmes aimed at eradicating the illicit proliferation, circulation and trafficking of small arms and light weapons. In this regard, WE REITERATE the call as contained in the relevant United Nations General Assembly Resolutions for financial and other appropriate support for the implementation of these programmes;
- ii) WE APPEAL to Governments, all sectors of civil society and donor Agencies for the financial and technical support to national programmes for the reintegration of demobilized youths and those in illegal possession of small arms;
- iii) WE CALL FOR close cooperation between the OAU, regional economic communities, the United Nations Agencies, other international organizations, in close association with civil society Organizations, in addressing the illicit proliferation, circulation and trafficking of small arms and light weapons;
- iv) WE URGE OAU Member States, the United Nations, Regional Organizations, Research Centers, the civil society and the international community as a whole, to develop and fund action – oriented research aimed at facilitating greater awareness and better understanding on the nature and scope of the problem, providing, whenever possible, a basis for continued advocacy

and action on prevention measures, and evaluating the impact of these measures;

v) WE REQUEST that competent international Organizations like INTERPOL, the World Customs Organization (WCO) and the UN Regional Centre for Peace and Disarmament in Africa, play a more important role in the fight against the illicit proliferation, circulation and trafficking of small arms and light weapons;

vi) WE ENCOURAGE all the Member States of the United Nations, to accede to international legal instruments on terrorism and international organized crime.

6. WE CALL for a realistic and implementable programme of action during the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which will take place in New York, from 9 --20 July 2001 and WE SUPPORT the efforts by the Chairman of the Preparatory Committee in this regard.

7. WE UNDERTAKE to promote and defend this African common position on the illicit proliferation, circulation and trafficking of small arms and light weapons during the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its aspects.

8. WE REQUEST the Secretary General to follow up on the implementation of the present Declaration and to present regular progress reports to the Council of Ministers.

D

FINAL MEETING REPORT

International consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons

UN Conference Center
Addis Ababa
22-23 June 2000

Introduction

1 The Assembly of Heads of State and Government of the Organization of African Unity meeting at its Thirty-fifth Ordinary Session in Algiers, Algeria, from 12 to 14 July, 1999 adopted decision AHG/Dec. 137 (LXX) on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons. In implementing this decision, the General Secretariat, with the support and collaboration of the Institute for Security Studies and in cooperation with the UN Regional Center for Peace and Disarmament in Africa, convened an International Consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons in Addis Ababa, Ethiopia, from 22 to 23 June 2000. The meeting was held at the United Nations Conference Center and participants included representatives from Secretariats of African Regional Organizations, United Nations Agencies, and Non Governmental Organizations. The meeting followed the first Continental Meeting of African Experts on Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons held in Addis Ababa, Ethiopia, from 17 to 19 May 2000.

Inaugural Session

2 In his opening statement, Mr Sam Ibok, Acting Director of the Political Department of the OAU, outlined that the objectives of the consultation were to elicit the views, comments and suggestions of UN agencies, regional organizations and NGOs on:

- the priorities in tackling the problem of the illicit proliferation, circulation and trafficking in small arms and light weapons;
- the proposals contained in the report of last month's continental meeting of African experts; and
- the ways in which these proposals and their implementation could be strengthened.

3 His Excellency Mr Marres, the Ambassador of the Netherlands to Ethiopia, addressed the meeting on behalf of the partner donor countries to the OAU Project on Small Arms — namely, the Netherlands, Sweden and Switzerland. He stressed that the UN 2001 conference would provide an important opportunity to reach an agreement on a concrete

agenda and a feasible action plan to prevent illicit trafficking, strengthen controls on exports, reduce surplus arms, safeguard stocks and elicit international co-operation and assistance in these areas.

4 The Ambassador indicated that the partner donor countries believe that the 2001 conference should aim at the adoption of a binding instrument which outlines co-operation in all fields. He emphasised a set of issue-clusters that needs to be developed for the 2001 conference, including:

- Prevention of illicit transfers;
- Norms regulating production and transfers;
- Collection and destruction of surplus, seized or obsolete stocks;
- Marking, record-keeping and tracing; and
- International co-operation amongst law enforcement officials.

Sessions and Workshop

5 The Consultation consisted of three sessions and one workshop.

- The first session was chaired by Mr Sam Ibok, Acting Director of the OAU Political Department, and Ms Virginia Gamba, Deputy Director of the ISS introduced the theme. Discussants included experts from SADC, IGAD, EAC and UNAFRI. Mr Owade from the government of Kenya spoke on this theme on the second day. Participants discussed the importance of African regional initiatives on all issues of concern to stop the proliferation of small arms and light weapons in all its aspects and to prevent its recurrence in future.
- The second session was chaired by Dr John Tesha, Senior Political Officer of the OAU. Anatole Ayissi from UNIDIR, Elizabeth Clegg from Saferworld and Martinho Chachua from ISS introduced the theme. Discussants included experts from the Interpol Subregional Bureau (Harare), UNICEF, UNHCR and UNDP.
- The third session was chaired by Dr Jakkie Cilliers, the Executive Director of ISS. David Atwood from the Quaker UN Office in Geneva and Paul Smith Lomas from Oxfam introduced the theme. Discussants included experts from Femme at Famille (Niger), Security Research and Information Center (Kenya), the Christian Council of Mozambique, Angola 2000, People With Disabilities (Uganda) and the Council of Churches (Sierra Leone).
- Finally, the Consultation - in workshop mode chaired by Ms. Virginia Gamba, Deputy Director of the ISS - read and discussed Item IV of the Report of the First Continental Meeting of African Experts on Small Arms and Light Weapons (the

Report) in detail (paragraphs 39 to 51). Participants discussed each paragraph in detail and identified areas which they felt had not been covered in the Report.

6 After extensive discussion, the Consultation reached a number of conclusions and recommendations covering national, regional, international and civil society priorities and needs in relation to small arms proliferation control and reduction in Africa. Furthermore, the Consultation produced a detailed list of comments on Item IV of the Report and additional issues which they felt should be considered by the OAU in preparing for the Ministerial Meeting in Bamako, Mali in October 2000.

Regional initiatives and priorities on illicit proliferation, circulation, and trafficking in small arms and light weapons:

7 Comments

Regional initiatives demonstrate the growing awareness of Member States that, in dealing with the small arms problem and reducing its effects on human security, they are responding to vital national security concerns that can find practical solution and support through regional associations and co-operation.

Participants reviewed and welcomed the progress made in ECOWAS, SADC, IGAD, and ECCAS Member States. Participants noted and expressed support in regard to efforts taken in the signature and implementation on the Nairobi Declaration. The operations of the Regional Offices of Interpol and the Secretariats of SARPCCO, WARPCCO, EAPCCO, CARPCCO were also supported. These and other initiatives will help to define the nature of the problem, create frameworks for practical solution, and sustain long-term implementation in the field.

It was felt that these regional initiatives and processes must be constructed with strong co-operation between governments and civil society and in co-ordination with each other. There clearly is a role for the OAU in assisting the exchange of information, facilitation and co-ordination of initiatives across regions and between the international community and the regional organizations.

Delegates expressed strong support for the recommendations of Governmental Experts of the OAU Conference of May 2000, in particular those expressing the need to create National Co-ordinating Agencies for Small Arms Issues and establish improved mechanisms for information exchange.

They also expressed the need to deepen future discussions on some specific issues such as:

- The development of a strong confidence and security building mechanism across regions that might reduce the demand for arms from both the supply and demand side.

- The building and consolidation of transparency practices and policies within, across and between regions.
- The strengthening and harmonization of laws and regulations governing the possession, use and transfer of small arms.
- The enhancement of the capacity of, and co-operation between, law enforcement agencies
- The extension of research and practical action on the impact of arms on society, in particular in relation to the impact of arms proliferation on health, on socio-economic development, and on the protection of vulnerable groups such as children and refugees.
- An increased exchange of information at many levels - within governments, between governments, between regional organizations and between governments and civil society.

8 Recommendation:

Participants urged the OAU to develop a co-ordination mechanism that could assist civil society, international organizations, regional organizations, and Member States to work together for the common goal of controlling and reducing the illicit proliferation, circulation and trafficking in small arms and light weapons.

International Priorities on Small Arms Proliferation and the Illicit Trade of Arms in all its Aspects.

9 Comment

Participants noted and commended the recommendations of the OAU meeting of experts undertaken in May 2000 in particular the willingness to strengthen national legislation covering all aspects of small arms in state and civilian possession including the manufacture, trading, transfer, possession and use.

A number of issues were, nonetheless, raised including:

- *The need for communities to share responsibility for arms prevention and reduction.* Although the document of the Experts was comprehensive it was mostly directed to governments and regional organizations and included no responsibilities on communities themselves.

- The need for increased openness to improve the capacity to monitor small arms flows, provide early warning of potential problems and support confidence building measures. The general feeling was that there is a strong need to eliminate "grey areas" between manufacturing, supply and end-use. There also was consensus that the supply and demand issues are of equal importance. Whilst traditional suppliers need to restrain themselves and improve their control mechanisms, recipient countries that are now producers themselves should also invest time and energy in developing mechanisms to ensure responsible manufacture, trade and accountability. Participants felt strongly about the need for accountability and control of small arms, especially in situations of the dumping of weapons to civilians in conflict zones. At a minimum all weapons should be registered to a user before being distributed. There is also a need to review the role and responsibility of non-state actors in the control of arms, and the control and reduction of homemade weapons.
- Participants also reflected on the need for the sharing of intelligence on illicit small arms and light weapons. This problem is acutely felt by African law enforcement agencies and regional desks such as those of Interpol. The OAU should encourage the development of an intelligence-sharing mechanism at the regional level.
- Participants stressed that a fresh look at the problematique of the links between arms proliferation and vulnerable groups such as women, disabled people, children and refugees is needed. Participants highlighted problems of refugees, trafficking in arms, militarisation of camps, and refugees crossing the border to take part in military activities. Legal mechanisms are needed to deal with the problem of combatants who have infiltrated refugee camps. Capacity building of law enforcement agencies and the development of programmes of community policing are crucial. This is especially important in relation to the policing of refugee camps in conjunction with humanitarian agencies. Participants also reflected on the importance of carrying out border checks to monitor movements of people and firearms because, in some instances, refugees are becoming "the second supply line" of small arms and light weapons. The need for training and capacity building to undertake these controls was mentioned.
- UN agency representatives emphasized the need for greater collaboration between governments and civil society in pre and post conflict situations. Agencies are keen to do more to prevent small arms proliferation and violence. This is an area in which joint action is vital and greater attention is needed within the resident co-ordinator system.
- Participants stressed the importance of the discussions in Vienna to agree a UN protocol on firearm control. It was noted that few African governments have so far

been able to attend the negotiations and the importance of addressing this was emphasised. Donor governments were requested to support the increased participation of African governments in the remaining negotiations.

10 Recommendations

1. The best way to deal with the comprehensive nature of the arms problem is to regulate the trade in small arms in all its variations, and not just the illicit trade in arms by non state actors.
2. A campaign to generate public awareness on the dangers of small arms proliferation and the trade in illicit arms should be created, similar to the effective mine awareness component of the Ban the Landmines Campaign.
3. The OAU should focus on a single accepted definition for small arms and light weapons that meets the real needs of Africa. Several possibilities were discussed and participants proposed a synthesis of the definition used by the UN Panel on Small Arms and that used in the Draft Vienna Firearm Protocol:

"Firearm means:

- (1) Any portable lethal barreled weapon that expels, or is designed to expel, a shot, bullet or projectile by the action of burning propellant, excluding antique firearms or their replicas.
- (2) Any device, which may be readily converted into a weapon, referred to in (1) above.
- (3) Any small arm including light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semiautomatic rifles.
- (4) Any light weapon including the following portable weapons designed for use by several persons serving as a crew: heavy machine gun, automatic cannons, howitzers, mortars of less than 100 mm caliber, grenade launchers, anti-tank weapons, anti-launchers, recoilless guns, shoulder-fired rockets, anti-aircraft weapons and launchers, and air-defense weapons.

Ammunition means:

The complete cartridge, including the cartridge case, unfired primer, propellant, bullets and projectiles that are used in a firearm.

Other related materials:

Any components, parts or replacement parts of a firearm that are essential to its operation."

The Role of Civil Society in the Prevention, Management and Reduction of Small Arms Proliferation and Illicit Trade in Africa.

11 Comments

Participants welcomed the recognition in the report of the meeting of experts of the role of civil society in tackling the proliferation of small arms and light weapons. They agreed that civil society should be an important implementor of any action plan agreed by African governments. Participants noted the groundbreaking initiative of the OAU to involve NGOs in the development of the common African position. They urged African governments to build on this initiative by demonstrating to the UN 2001 conference how the role of NGOs is vital to creative and sustainable solutions to the small arms problem.

Participants also stressed the need for common understanding of the different roles which civil society can play in the combating of small arms proliferation and all related matters. These roles include:

- Advocacy and agenda setting. Participants noted that it is partly due to civil society's role that small arms are now on the international agenda.
- Public awareness raising and education.
- Tracking flows of arms.
- Investigating new patterns and dynamics in the proliferation of small arms (e.g. the increasing role of brokers).
- Evaluating and highlighting the impact of small arms on civilian populations.
- Developing policy (e.g. Codes of Conducts).
- Stigmatizing — condemning certain practices, naming names and helping to set norms to control the proliferation of small arms.
- Monitoring the implementation of agreements (e.g. in the landmine monitor project - NGOs are monitoring government implementation of the Ottawa landmine treaty).
- Running practical projects (e.g. community development, weapons collection, reintegration of ex-combatants and community policing) which help reduce the demand for arms.

- Peace-building and developing a culture of peace.
- Encouraging good governance and playing an oversight role in areas such as security sector reform.

12 Recommendations

1. Participants felt the need for a more precise definition of civil society organisations. It was proposed that "civil society" includes that broad and diverse range of organizations at work locally, nationally, sub-regionally, regionally and internationally. Key organizations that were highlighted include research institutes, labor organizations, women's groups, traditional leaders, youth groups, disabled peoples' organisations, religious groups, teachers unions, student groups, elderly and veterans' associations.
2. The OAU and African governments should explicitly call for NGOs to be involved in the UN 2001 conference. Participants also called on all OAU Member States to develop partnerships with civil society organisations on all programmes to control arms and their effects.
3. Governments should support public education programs in schools and communities to encourage populations to employ non-violent forms of conflict resolution including a return to recognised traditional methods of conflict resolution. This is important to reduce gun dependency and encourage people to feel secure without carrying weapons.
4. It was proposed that the positive role which communities are playing in small arms control initiatives should be documented and presented to the Bamako Ministerial meeting. This would demonstrate the role of NGOs in the conceptualization and implementation of projects related small arms control. This document could also be presented to the UN 2001 conference.

Workshop on Item IV of the Report: Comments and Additional Issues

13 The Meeting read and discussed the Report of the First Continental Meeting of African Experts on Small Arms and Light Weapons (the Report) in detail (in particular paragraphs 40 onward) and expressed its support of the general document. The Meeting decided to add the following items:

- Detailed comments
- Additional issues

14 Detailed Comments regarding the Report of the Experts

Detailed comments on the Report are as follows:

Par 41

The Meeting expressed its general support of paragraph 41, but sought to tighten and expand a number of the provisions of a number of the sub-paragraphs as discussed below:

(a) Participants welcomed the commitment to transparency on the licit and illicit trade and stressed that this should be a requirement.

(b) and (c) While appreciating the extent to which various national delegations had reserved their commitments, the Meeting supported full and public transparency on the small arms holdings of governments.

(b) Participants agreed that the national security considerations that could inhibit complete transparency should be limited and made explicit.

(f) Participants agreed that the certification of arms transfers is vital but thought that this operation should not be limited to subregional agreements but widened to include regional and inter-regional agreements.

(g) The Meeting proposed that IGAD and EAC should be added to the list of subregional organisations.

Para 42

The Meeting expressed its general support of paragraph 42, but sought to tighten and expand a number of the provisions contained in the sub-paragraphs mentioned below:

b) Participants agreed with the highlighting in the report of the problem of the "dumping" of surplus stocks in Africa. However, they proposed that this should be made more specific to include proposals to control arms brokering agents dealing in all types of small arms and light weapons. Agents should be required to register with the authorities in their country of operation and seek prior licensed approval for each transaction from the same authorities. Participants also proposed the development of Codes of Conduct on arms transfers, including common criteria governing the export of small arms which prohibit their export where there is a risk that they may be used:

- in violations of international human rights standards and humanitarian law;
- fuel or contribute to armed conflict;
- be diverted to unauthorised or proscribed end-users; or
- undermine possibilities for sustainable development in the recipient country.

Some participants proposed a complete ban on the supply of surplus weapons.

c) Participants fully supported the banning of civilian possession of military-style weapons. However, there was concern that this proposal implied that the ownership by civilians of other small arms is acceptable. At the least, this paragraph should be enhanced by talking about need for strict licensing controls on civilian possession.

d) The Meeting welcomed the support and priority given to voluntary weapons collection programmes. Participants requested that the role of NGOs in these programmes be specifically acknowledged. They condemned the practice of the arming of civilian populations by states and non-state actors, and proposed that governments should immediately establish programmes to collect arms that have been provided to citizens.

e) Participants fully supported the priority given to the destruction of illicit arms but proposed that this should preferably be done in an environmentally-friendly manner.

f) Participants endorsed efforts to enhance the capacity of the OAU and regional organisations to provide oversight and monitoring of disarmament operations during international peace support operations. It was stressed that this oversight and monitoring role should continue after international peace support missions leave.

g) Participants welcomed long-term programmes in support of communities who wish to surrender arms. But it was stressed that programmes should not be limited to these communities, and that communities who do not want to surrender weapons should be a vital target of sustained governmental programmes.

h) Participants welcomed the emphasis on the importance of demobilisation, disarmament and reintegration programmes as well as the rehabilitation of child soldiers. However, they felt that special mention should be given for the need for programmes focused on female combatants and girl soldiers.

Par 45

a) Participants supported the need for national co-ordinating agencies but stressed that their prompt establishment is vital.

(d) Participants proposed that a definition of "civil society" should be provided. Key organizations that were highlighted include research institutes, labor organizations, women's groups, youth groups, disabled people's organisations, traditional leaders, religious groups, teachers' unions, student groups, elders and veterans' organizations.

Par 46

a) Participants welcomed the Experts' recommendation to improve and strengthen the capacity of law enforcement and security agencies. They agreed that special mention should be given to security sector reform and in support of a proportional and integrated approach to security and development in the provision of assistance.

Par 47

Participants stressed the importance of national and regional databanks and urged that these should be open to public access.

Par 49

Participants particularly stressed the importance of research to better understand the nature of the problem, provide a basis for advocacy on preventive measures, and evaluate the impact of measures. It was agreed that a first step should be to assess existing research so as not to duplicate efforts. Participants stressed that research should be action-oriented. Three major areas for research and data collection were proposed:

- Impact of small arms on development, humanitarian protection, health, communities, the economy, disability.
- Weapons themselves — supply routes, traffickers, manufacturers.
- Risk factors — poverty, disparities of wealth, links to alcohol and drugs, and the trade in precious minerals, stones and metals.

Par 51

Participants understood the difficulties and sensitivities around the issue of an action plan. But they unanimously encouraged African governments to reach a firm, binding agreement on an action plan which includes specific commitments and deadlines by which these should be met. Participants strongly emphasised that such an action plan should deal with both licit and illicit small arms, since it is impossible to comprehensively address the latter, without taking action on the former. The scope of the action plan should be clearly set out with equal emphasis being given to supply and demand issues. Participants pointed out that this would enable Africa to play a leadership role in the UN 2001 conference and ensure that the current momentum will be sustained. However, there was a strong recommendation that African countries should push ahead with developing an action plan regardless of progress made at the UN 2001 conference.

- (a) Participants urged the development of action programmes within regions and a co-ordinated approach between all relevant agencies and civil society.
- (b) The participants welcomed the emphasis on research but stressed that this should be action-oriented and that it should be made explicit that the role of NGOs is not just limited to research.
- (c) Participants stressed that a greater emphasis should be made in the text on linking African and international initiatives.

15 Additional issues

When reviewing the Report, the Meeting identified the following issues that could be

addressed in more detail:

- **Human security** - Although the Report contains some remarks regarding the requirement for building a culture of peace it contains little on peacebuilding, conflict resolution and transformation. It was suggested that a framing principle for the document be produced which puts the need to tackle small arms within the context of human security and emphasizes that all agencies have responsibilities for implementation.
- **Partnership** - Although the Report reflects the position of Governments, the implementation will be done at various levels as well as through civil society. In the spirit of the document, Africa should ensure that Governments serve as the lead agency, but within that approach a partnership is needed with civil society and inter-governmental and regional organizations. Participants stressed the overarching requirement of a coordinated and comprehensive approach as part of the Plan of Action.
- **Arms production and transfer** - The Report does not contain substantive recommendations on common criteria regarding arms exports, end-use monitoring and certification, manufacturing of small arms and overseas licensed production.
- **Confidence and Security Building Measures** - The Meeting supported the need for more efforts to be made in developing Confidence and Security Building Measures at regional and national levels in order to reduce the demand for small arms by improving inter-state confidence and, hence, better security at a local level.
- **Refugees** - Participants agreed on the importance of African governments codifying and standardizing systems of separating armed elements from genuine refugees, especially during mass influxes. It was also recommended that the OAU, working in collaboration with UNHCR and concerned governments, develops a co-ordinating mechanism for controlling the illicit proliferation of arms in refugee camps in order to ensure the civilian nature of these camps.
- **Disability** - Participants stressed the need for specific reference to be made to links between arms proliferation and disability.
- **Security sector reform** - Participants emphasized that the review and reform of national security sectors was essential for improving the management of licit small arms, in deciding adequate levels of weapons held by police services and armed forces, and in reducing the proliferation of small arms within states. The need for a clear delineation of the roles and responsibilities of the police and military was stressed, as well as the need for civilian control.

- **Arms embargoes** - African governments should work to strictly enforce and monitor the implementation of UN arms embargoes. They should also consider requesting the Security Council to impose arms embargoes in situations where civilians are targeted by the parties to a conflict, or where the parties are known to be involved in gross violations of human rights, including the recruitment and use of child soldiers.
- **Evaluation** - Participants agreed on the importance of developing a process for the evaluation and monitoring of projects and initiatives to address small arms proliferation. This process should be developed in partnership with civil society. This would help ensure the development of best practices and lessons learned.
- **Co-ordination** — Participants made a specific recommendation that the OAU should undertake consultations with regional organisations to define roles and bring about greater co-ordination of activities on small arms proliferation and related issues.

First Continental Meeting of African Experts on Small Arms and Light Weapons

17 — 19 May, 2000, Addis Ababa, Ethiopia

REPORT OF THE MEETING OF EXPERTS

FIRST CONTINENTAL MEETING OF AFRICAN EXPERTS ON ILLICIT PROLIFERATION, CIRCULATION AND TRAFFICKING OF SMALL ARMS AND LIGHT WEAPONS

I INTRODUCTION

1. The Assembly of Heads of State and Government meeting at its Thirty-fifth Ordinary Session in Algiers, Algeria, from 12 to 14 July, 1999 adopted decision AHG/Dec. 137 (LXX) on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, in which it inter-alia, requested "the OAU Secretariat to organize a ministerial preparatory Conference on this matter, prior to the International Conference scheduled for the year 2001 and to seek the support of the relevant UN Agencies and other actors concerned, so as to evolve an African common approach". In implementing this decision, the General Secretariat, with the support and collaboration of the Institute for Security Studies and the cooperation of the UN Regional Center for Peace and Disarmament in Africa, and the assistance of the Eminent Persons Group on Curbing Illicit Trafficking in Small Arms and Light Weapons, convened the First Continental Meeting of African Experts on Small Arms and Lights Weapons in Addis Ababa, Ethiopia, from 17 to 19 May 2000. The meeting was held at the United Nations Conference Centre in the presence of Government Experts from OAU Member States, the African Diplomatic Corps in Addis Ababa, OAU partners, UN agencies and other international organizations, as well as non governmental organizations.

II. INAUGURAL SESSION

2. In his opening statement, H.E. Dr. Salim Ahmed Salim, Secretary-General of the OAU, welcomed the participants to the First Continental Meeting of African Experts on Small Arms and Light Weapons. He expressed his appreciation for the presence of many government experts from OAU Member States and eminent personalities from the Eminent Persons Group, which, he indicated, was a testimony and reaffirmation of the serious concern attached to the issue of small arms and its negative ramifications to the Continent's efforts towards lasting peace, political stability and socio-economic development. He also expressed his appreciation to the Governments of the Netherlands, Sweden and Switzerland for their support in the convening of this important meeting, which aims at seeking a coordinated approach in addressing the problem of the proliferation of small arms and light weapons in Africa.

3. The OAU Secretary-General stated that the problem of the proliferation of small arms and the

combating of illicit trafficking and its adverse consequences to African societies has become a priority on the Agenda of the Continental Organization. In this regard, he indicated that, in 1999, in Ouagadougou, Burkina Faso, the OAU Council of Ministers reiterated the urgency and the need for Inter-African cooperation in the search for solutions to the problems posed by the proliferation of small arms and light weapons and stressed the primary role that the OAU should play in the coordination of efforts in this area. Furthermore, he reiterated the urgency and the need for an Inter-African Cooperation in addressing the problems associated with illicit use, transfer and manufacture of small arms and light weapons.

4. The OAU Secretary-General emphasized the consequences of the proliferation of small arms and light weapons on peace processes and human security and called it a major cause in sustaining and compounding armed conflicts in Africa and, more tragically, promoting the phenomenon of child soldiers. He underscored the need to involve all sectors of society at all levels, governments, private sector as well as civil society. Furthermore, he stressed the need to enhance legal controls and regulations over licit arms and to improve border controls and exchange of information to crack down on criminal operators and illicit traffickers. He pointed out the need to urge all manufacturers, traders and brokers in arms to tighten control of their operations, respect the ECOWAS Moratorium and stop all illicit trading.

5. The OAU Secretary-General concluded by reiterating the commitment made by African Leaders at the Algiers Summit to make the year 2000, a year of Peace, Security and Solidarity in Africa. He expressed the full commitment of the OAU to work closely with Member States and all its partners to establish a coordinated and comprehensive approach to the problem of the proliferation of small arms and light weapons in the Continent, and to find ways and means of developing a culture of peace in African societies, where tensions and divergences would be resolved through non-violent means.

6. In his address, Mr. Johan Holmberg, the Ambassador of Sweden to Ethiopia, on behalf of the partner countries, namely Sweden, the Netherlands and Switzerland, stated that the proliferation of small arms and light weapons is assuredly a global phenomenon, whose adverse effects are visible in Africa in the appalling loss of innocent lives and the easy availability of these weapons. He indicated that it was, therefore, imperative for Africa to agree on a common approach that will assist African governments as well as inter — and non-governmental organizations in developing effective measures to curb the excessive and destabilizing accumulation of these weapons, as well as their illicit trafficking, transfer and possession.

7. Amb. Holmberg also stressed the need for that meeting to address four areas of concern. They include the establishment of common norms to control and regulate the availability and possession of such weapons; the adoption of clear standards of international transparency in arms trade; the provision of technical assistance in the effective implementation of relevant legal instruments; and the integration of the small arms issues in peace-building efforts.

8. Amb. Holmberg concluded by calling for specific measures to address these priority areas, including the establishment of legal arms registries at the national and regional levels; the adoption of confidence-building measures; and the enactment of stringent control measures restricting arms

supply to national governments. He noted that the effectiveness of these and other similar measures will depend greatly on the development of technical capabilities at the national and regional levels, as well as the political will of concerned governments to apply them and ensure their respect.

9. On behalf of the UN Under Secretary-General for Disarmament Affairs, Dr. Richard Ivor Fung, Director of the UN Regional Centre for Peace and Disarmament in Africa, reminded the audience that the issues of disarmament, security and development were not new to the OAU. He recalled that, at the 21st Ordinary Session of the Assembly of Head of States and Government held in Addis Ababa, Ethiopia, in 1985, African Leaders expressed the OAU's firm conviction in the inter-relationship between security, disarmament and development, and called on the UN to establish a regional office in Africa to conduct in-depth studies and to promote the objectives of peace, arms limitation and disarmament. The UN Regional Centre for Peace and Disarmament in Africa was thus established in Lomé, Togo, and officially inaugurated on 24 October, 1986.

10. Dr. Fung indicated that small arms and light weapons are manufactured to military specifications for use as lethal instruments of war. He noted that these arms have become cheaper, and easy to possess, conceal, smuggle across borders, use and maintain. They thus generate the phenomenon of child soldiers and combatants and are increasingly used indiscriminately against non-combatants in total violation of human rights and international humanitarian law.

11. Dr. Fung referred to the mandate of the UN Regional Centre for Peace and Disarmament in Africa in support of sub-regional efforts to curb the availability of small arms. He indicated that such support led to the adoption by ECOWAS of a three-year Moratorium on the purchase and sale of arms in the sub-region. At the operational level, the UN Lome Centre has set up a sub-regional program in West Africa that aims, among other objectives, at the development of a culture of peace; the creation of a database and registry of arms in circulation; the collection and destruction of surplus weapons and those acquired without authorization; and dialogue with African and foreign arms producers and suppliers.

12. In his statement Dr. Jakkie Cilliers, the Executive Director of the Institute for Security Studies, provided an overview of the assistance of his organization to national governments, sub-regional organizations like SADC, IGAD and EAC. The ISS is also the research branch of Southern African Regional Police Chiefs Cooperating Organization (SARPCCO) and Eastern African Regional Police Chiefs Conference (EARPCCO), and is already co-ordinating support to the Central African Regional Police Chiefs Conference (CARPCCO) and the West African Regional Police Chiefs Conference (WARPCCO). He indicated that the OAU and the ISS had developed a joint project to facilitate the implementation the "Decision on the Illicit Proliferation, Circulation and Illicit Trafficking of Small Arms and Light Weapons" taken by Heads of State at the 35th Ordinary Session of the OAU in Algiers in July 1999, in advance of the Ministerial Conference scheduled to be held in Mali in October 2000 and the UN 2001 Conference.

13. Dr. Cilliers indicated that the ISS partnership with the OAU has been a positive one, and that the two Organizations have cooperated in awareness — raising and sensitization on the nature of small arms proliferation in Africa and the different measures to contain it. In this regard, four editions of a joint newsletter have been published and disseminated worldwide, each of which with

a focus on different African regions and on issues such as the child soldiers and landmines. Five more issues of the newsletter will be produced this year. The OAU and ISS have also undertaken joint facilitation, of which this meeting is a first step. The aim of this facilitation is to share ideas on the development of a possible common African approach and position on small arms. The next phase in the implementation of the project is a second meeting presently planned for 5 - 7 June 2000 in Addis Ababa, which will be an opportunity for the OAU to consult with other stakeholders — UN agencies, African subregional organisations and non-governmental organizations. The conclusions of both of these meetings will then be presented to the ministerial conference scheduled for Bamako, Mali, from 31 October to 3 November, 2000.

14. ISS will also produce reports of the meetings, so as to create a record of the discussions and decisions taken. These reports will also help to increase awareness both within and outside Africa, about the strides that are being taken in this continent.

15. Dr. Cilliers concluded by stressing that the OAU-ISS collaboration highlights the need for a constructive relationship between NGOs, governments and inter-governmental organizations to address a problem that touches everyone, and that can be resolved only through collaborative efforts.

III. PROCEEDINGS

ITEM I: Small Arms and Light Weapons Proliferation : A Global View of the Nature, Scope, and Impact of the Problem

16. The session was chaired by Mr. William Eteki-Mboumoua, and the keynote speaker, Dr. Sola Ogunbanwo, introduced the theme. Discussants included experts from the OAU, ISS, ICRC, UNICEF and UNIDIR. The general debate that ensued focused on several issues, including supply and demand; unscrupulous behaviour by some manufacturers, dealers and brokers; the use of arms as valuable commodities for trading purposes and trans-national criminal activities; and the recycling of old stocks from one conflict area to another.

17. In particular, the session highlighted the adverse effects of the proliferation and illicit trade in arms on human security - especially on children, women and other vulnerable groups - and property. It demonstrated that the nature and scope of the problem of small arms and light weapons proliferation relates to both the control of small arms proliferation and the reduction of the illicit trade in arms in all its aspects.

18. It was agreed that this problem should be addressed by tightening legal controls on manufacture, transfer, dealing, brokering and possession of firearms and ammunition, including those in possession of the State. It was suggested that a useful approach would be to increase international transparency on the licit trade and to strengthen national legislations governing arms trade and possession of weapons. It was further suggested that arms should be brought back into the control of the state and the latter be made accountable.

19. It was felt that the boundary between what is legal and controlled and what is illicit and unregulated has become blurred. For this reason, it was suggested that national legislations on firearms and ammunitions be tightened. Furthermore, it was suggested that governments should ensure strict control over existing stocks and destroy surplus ones. Regional co-ordination should

be enhanced to facilitate the combating of trans-border crime and the illicit trade in arms. The removal of small arms in partnership with communities, moratoria on arms imports, exports and manufacture, and the adoption of codes of conduct regulating arms transfers are equally important. Any such action should include control of ammunitions. It is also imperative to sensitize all segments of civil society and develop joint programmes between governments and grass-roots organizations. In short, small arms must be tackled by developing a realistic, achievable and co-ordinated approach that is global and interactive in character.

20. The session highlighted that the proliferation and illicit trade in small arms and light weapons have adverse effects on human security, in particular on women, children and other vulnerable groups, and on infrastructure. Furthermore, the misuse of arms promotes a culture of violence and destabilizes societies by creating a propitious environment for criminal and contraband activities, in particular looting of precious minerals and the trafficking in illicit substances and endangered species.

21. It was pointed out that violence caused by small arms undermines good governance, jeopardizes fundamental human rights, and hinders economic development. It exacerbates armed conflicts, the displacement of innocent populations and threatens international humanitarian law.

22. It was unanimously felt that the problem of proliferation and illicit trafficking of small arms transcends borders and calls for cooperation at all levels, international, regional and local. Preventive measures must be put in place and regional co-ordination for the implementation of these measures must emerge. Prevention, management and resolution of the small arms problem must include both combating the illicit trade and enhancing legal controls over arms. In so doing, the international community, regional and national actors must work closely with those officials who must implement in the field, such as the police, but also seek the co-operation of civil society and local communities in this approach.

23. In conclusion, the need was stressed to act in a coordinated manner and to address the root causes of conflicts and violence. The OAU Member States and the international community were invited to establish an appropriate legal and institutional environment to enable the collection and exchange of data on the different aspects of the problem of proliferation of small arms and the illicit trade in arms.

ITEM II: The Dynamics of the Proliferation of Small Arms and Light Weapons — The Regional Perspective

24. This session was chaired by Amb. Sahnoun, and the theme was introduced by Mrs. Virginia Gamba. Discussants included representative of IGAD, SRIC, ECCAS, SARPCO, ISS, OSCE, PCASED, Bonn International Centre for Conversion, the President of the UN International Commission of Inquiry on Rwanda and the Great Lakes Region, as well as Representatives of the Government of Mali and the EU. The session highlighted that the uncontrolled and illicit accumulation of small arms is a vital instrument for the conduct and escalation of armed conflicts, as well as the perpetration of violence against civilian populations. It was, therefore, felt that arms collection and reduction should be planned as an important step towards sustainable post-conflict peace building. It was noted, however, that in conflict resolution processes, the dynamic of peace

is often not followed by a climate conducive to arms collection and destruction, a prerequisite for sustainable conflict resolution and peace building. Thus, it was suggested that confidence and trust should be built in order for arms collection programmes to be effective.

25. It was reiterated that regional cooperation and coordination is fundamental for the prevention, management and reduction of small arms proliferation. The following points were made on various regional experiences.

26. In **Eastern Africa**, several initiatives are being deployed to address the problem. At the sub-regional level, they include the recent convening by the government of Kenya of a conference on small arms attended by ten countries from the Great Lakes and the Horn of Africa. This ministerial conference has adopted the Nairobi Declaration (15 March 2000). Inter-governmental organizations (the EAC, the IGAD and COMESA) have established the East African Regional Police Chiefs Conference (EARPCCO), and the latter is working in cooperation with the EAC which has set up a permanent desk on small arms issues. IGAD, which has received a mandate for conflict resolution, has set up an early warning mechanism. At the level of civil society organizations, several NGOs are actively involved in the field of small arms and conflict management, including the implementation of the Nairobi Declaration.

27. In **Southern Africa**, the escalation of cross-border criminality led SADC Member States to establish the Southern African Regional Police Chiefs Co-operating Organization (SARPCCO) in October 1995, which operates in the framework of the Interpol office in Southern Africa. SARPCCO has identified a number of priority crimes to combat. This work is complemented by a computerized database on firearms. In 1999, SADC took a decision to establish a working group on small arms. It was also decided that SARPCCO should draft a protocol that would deal with the illicit use, transfer and manufacture of small arms and light weapons within the sub-region. SARPCCO will also act as the implementing agency for this envisaged small arms protocol. At the end of April 2000, SADC was presented with this draft protocol and the SADC working group has, since, referred the draft protocol to the various Member States for further discussion at their respective national levels. Together with the Draft Protocol on Small Arms, SADC is also considering a Draft Declaration and Draft Programme of Action of the implementation of the Protocol once it is ratified. It is the hope of SADC Member States that these three documents will be finalized in time for the Heads of State Summit, this forthcoming August. Bilateral initiatives include community-based activities, such as operation Rachel (August 1995) mounted by Mozambican and South African Police to collect and destroy the remnants of previous conflicts.

28. In **West Africa** the Member States of the Economic Community of West African States (ECOWAS) have declared a three-year renewable moratorium on the importation, exportation and manufacture of light weapons, and adopted a Code of Conduct governing its implementation. ECOWAS has also established a regional project administered by UNDP called the Programme for Coordination and Assistance for Security and Development (PCASED). Since its establishment in Bamako in March 1999, PCASED has begun the implementation with the following activities: developing a culture of peace, training of security forces, collection and destruction of surplus and unauthorized weapons, revision and harmonization of national laws on weapons, dialogue with supplier and producer countries, enlargement of the moratorium, and the establishment of a database

and an arms register. The "Flame of Peace" project (March 1996) in Mali gave momentum to ECOWAS disarmament efforts. The meeting was informed of the initiative taken by the Current Chairman of the Economic Community of West African States (ECOWAS), President of the Republic of Mali, to convene a consultative meeting in which the Current Chairman of the OAU and the Current Chairmen of the Regional Economic Communities (RECs) would participate, in Abuja, Nigeria, concurrently with the celebration of the 25th anniversary of ECOWAS, scheduled from 27 to 28 May 2000.

29. The meeting would focus mainly on the establishment of interregional partnership in integration and security, particularly in the establishment of a common platform for the control of the proliferation of small arms.

30. In North Africa, the view prevails that effective programme for mines clearance should be put in place. The initiatives on curbing the proliferation of small arms should focus on transparency and on Confidence Building Measures (CBMs). Furthermore, North African countries would support the initiative of setting up national Registers on small arms and light weapons.

31. In Central Africa, measures have been taken at the national and sub-regional levels to resolve the problem. At the sub regional level, actions have been taken to operationalize the Council of Peace and Security (COPAX) and its support organs: Central African Multinational Force (FOMAC) and Early Warning Mechanism (MARAC). The purpose of these organs is to follow up on the political situation with a view to preventing the outbreak of crises and conflicts. Small arms proliferation is a real and serious problem in this sub-region, given its great number of conflicts and the porosity of borders:

32. The experiences of the European Union and the Organization for Security and Cooperation in Europe (OSCE) were shared in order to enlarge understanding and enable Africa to build appropriate partnership with other parts of the world.

a) The European Union has adopted three instruments: the programme to fight against the proliferation of small arms (June 1997), the Code of Conduct on the transfers of conventional weapons (June 1998) and the Common Action to prevent the accumulation and destabilizing proliferation of arms (December 1998). In addition, the EU has initiated a partnership with SADC to support its action programme. Such partnership is also being launched with ECOWAS.

b) The OSCE has established a Crime Prevention Centre in Vienna, at its Headquarters, and has been active in the field of conflict resolution. It is important to note that the majority of OSCE Member States are arms producers and suppliers.

ITEM III: Proliferation of Small Arms and Light Weapons elements of an International Action Agenda

33. The Session was chaired by Mr. Michel Rocard, and the theme introduced by both the Chairman and the Count Albi, Honourable Albrecht Gero Muth. Discussants included representatives of the Bonn International Centre for Conversion, the Regional Centre for Peace and Disarmament in

Africa and the Norwegian Institute on Small Arms transfers, as well as the Chairman of the 2001 UN PreComm for the UN Conference in illicit trafficking in small arms and light weapons in all its aspects.

34. The view was reiterated about the need to develop a common definition and understanding of what constitutes small arms from an African perspective. However, opinion was expressed that deviation from the commonly accepted UN definition may not be constructive, and that it is important to agree on a common perspective. It was agreed that Africa would play a key role in the outcome of the 2001 UN Conference if it could adopt a "proportional and integrated" approach. Such an approach could explore the complementary role that several initiatives, such as the firearms protocol that forms part of the Vienna Convention on Transnational and Organized Crime, could play. Africa may also seek to build upon North-South alliances with select partner countries and groupings.

35. It was further suggested that the millennium report of the United Nations Secretary General, Mr. Kofi Annan, provides an appropriate and realistic starting point for such an approach.

36. It was stressed that any international agenda should be at the level of norm setting and through co-operation at the national, sub-regional, regional and international levels. Norm setting could include:

a. *Revision and tightening of the criteria for licit transfers from the producer countries into, and out of, conflict prone regions and the tightening of controls over indigenous small arms and ammunition manufacturing as well as state armouries.*

b. *Standardization of legal arms transfer codes by, amongst others, generating criteria for global and regional registries for transparency on arms deals.*

c. *Codification and standardization of systems of marking of small arms.*

d. *Deployment of efforts towards a common approach for harmonizing legislation related to firearm licensing and information sharing.*

e. *Establishment and/or enhancement of regional interactions through committees and point agencies for the exchange of information and the management of joint operations to contain and reduce the extent of the illicit flows.*

f. *Assistance in the development of technical and legal national capacity to control and curb illicit transfers and holdings.*

g. *Verification of the status of licensing laws on a comparative basis to help identify the loopholes that allow illicit trafficking of small arms.*

37. The need was reiterated for data collection and policy oriented research to inform efforts to control the illicit small arms trade, in particular the supply and demand dynamics for the small

weapons market in Africa.

38. Emphasis was placed on the need for training government officials and other key interlocutors. It was agreed that long term strategies to reverse the culture of violence and gun-dependency would require education and socio-economic development projects. This would, in turn, require a change in culture and an approach that provides both incentives and disincentives to give up small arms, and to dissuade their continued proliferation. Undertaking peace-building strategies that could tie small arms control to the review of criminal justice systems and sustainable development at local levels will have to be part of such approaches.

ITEM IV: Towards a Coordinated African Approach: Elements for an African Common Position

39. The meeting approved the following recommendations related to:

- a. Prevention and reduction of Illicit Proliferation and Trade in Small Arms and Light Weapons.
- b. Policy, Institutional Arrangements and Operational Measures for addressing Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons.

Prevention and Reduction of Illicit Proliferation and Trade in Small Arms and Light Weapons

On preventive measures

40. The meeting discussed the issue of identification of elements that could improve the capacity of member states to prevent future illicit proliferation of small arms and light weapons. The meeting reaffirmed that there were no short term answers since many of the challenges that face Africa with regard to small arms will only be met within a framework of an international climate conducive to sustainable development, good governance, sound economic policies, respect for international law and human rights.

41. Some elements of the discussion are presented below:

- a. Transparency on licit and illicit trade occurs on two dimensions: those of suppliers and recipients; and at national, regional and international levels. Transparency also impacts upon imports, exports, manufacturing, holdings, seizures and destruction.
- b. Some delegations pointed out that, in some instances, national security considerations could inhibit complete transparency at a national level.
- c. The meeting discussed the issue of public transparency on the small arms holdings of governments, some calling for complete transparency in this regard.
- d. Some delegations agreed that governments should maintain registers of the small arms holding of government departments as well as those of their citizens.

e. Some delegations proposed the issue of limiting to governments the trade in small arms. Other delegations added registered/licensed recipients/ traders to this list.

f. Some delegations proposed that sub-regional and international arms registers could play a role with regard to transparency regarding licit weapon holdings. Sub-regional agreements may also provide for a degree of certification of arms transfers. A comprehensive register should then provide for imports, exports, manufacturing, holdings, seizures and destruction.

g. The meeting also discussed the review and enhancement of national legislation governing manufacture, trading, brokering, possession, and use of firearms and ammunition. Although legislation differs between countries, all legislations share a number of common features. The meeting agreed that standardization in this regard would enhance international efforts. The meeting called on the OAU and/or sub-regional bodies, such as ECOWAS, ECCAS and SADC, to review and enhance national legislations towards greater harmonization. Common standards could include those of marking, registers, and controls governing imports, exports and licit trade.

h. Enhancement of regional and international cooperation among police, customs and border control services against the illicit circulation and trafficking of arms with a view to putting an end to cross border crimes such as terrorism, drug trafficking, contraband and organized crime.

i. The Interpol database on stolen vehicles was quoted as an experience that could be used to further the efforts to contain illicit trade.

j. The meeting called on the supplier community to render all necessary assistance to African initiatives to control and reduce arms proliferation and the illicit trade in arms and for a dialogue with supplier countries in this regard.

k. The meeting agreed that long term strategies to reverse the culture of violence and gun-dependency would require education and socio-economic development projects. This would, in turn, require a change in culture and an approach that provides both incentives and disincentives to give up small arms and to dissuade continued proliferation.

On Reduction measures

42. The meeting dealt with the identification of elements that could improve the capacity of member states to address the problem of small arms proliferation and illicit trade in arms. The following issues are summarized in this regard:

a. The meeting expressed support for the identification of surplus and obsolete stocks of licit and illicit arms and light weapons and destruction of surplus, obsolete and captured material. In the case of the West-African moratorium, surplus requirements are based on Member States declarations regarding their national requirements. The meeting also pointed to the important role that the international community could play regarding the destruction of arms since this exercise is expensive.

- b. The meeting pointed to the negative practice that was evident from non-African supplier countries of the dumping of surplus small arms stocks on Africa, and called upon a responsible approach by the international community in this regard.
- c. The meeting agreed that the civilian possession of military style arms (automatic and semi-automatic, etc.) was unacceptable.
- d. The meeting gave its support and priority to voluntary weapons collection programs and called for the support of regional organizations and the international community.
- e. The meeting supported joint operations for the identification, removal and destruction of illicit arms and ammunition caches in post conflict environments.
- f. The meeting supported an approach that seeks to enhance the capacity of regional organizations and of the OAU to provide oversight and monitoring of disarmament operations during international peace support operations in Africa.
- g. The meeting agreed that national and regional long-term programs should be undertaken in support of communities who wish to surrender arms and called upon the support of the international community, as well as the promotion of associated development projects. The state could play a proactive role in this regard.
- h. The meeting agreed that long-term programs to assist in the demobilization, disarmament and reintegration of combatants, as well as the rehabilitation of child soldiers, should be supported and encouraged.
- i. The meeting supported the creation of mechanisms to ensure that small arms control initiatives accompany existing and emerging initiatives on topics such as de-mining operations, child soldiers demobilization and rehabilitation, and the combating of transnational crime, drug trafficking and terrorism.

Policy, Institutional Arrangements and Operational Measures for Addressing Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons

43. The meeting considered common elements that might enhance the African capacity to coordinate policy, increase the capacity of existing institutional arrangements to address Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, and to ensure the implementation of common actions to resolve the arms problem.
44. The meeting recommended that Member States should focus on three key items, namely: coordinated approaches, institutional arrangements and operational measures. Certain specific recommendations were made on each of these items.

On a coordinated approach

45. The meeting recommended:

a. the establishment, as soon as possible, of national coordinating agencies or bodies on small arms issues in all Member States;

b. the establishment of Regional information exchange mechanisms with a view to:

i) sharing information on items such as captured and seized illicit weapons; and

ii) supporting common actions on the combating of the arms problem across borders. The existing police and security organizations could develop these regional information exchanges and improve their information exchange capacity. The Regional secretariats of SARPCCO, EARPCCO, WARPCCO and CARPCCO could be utilized to establish such a regional and inter-regional exchange.

c. Some delegations felt that more opportunities should be given to engage in dialogue between regions and organizations, so that coordination on the combating of the arms problem could be undertaken uniformly, benefiting from all experiences. Thus the Conference recommended that all organizations, and particularly the OAU, engage in frequent coordinating workshops and seminars among Member States of a region, among the Regional Economic Communities (RECs) and at the continental level on common themes, and also to address the root causes of the arms problem in all its aspects, with a view to finding possible solutions.

d. Some delegations proposed that this experience of sharing information and experiences be complemented by the encouragement of joint projects and operations by similar international organizations such as the OAU, all UN agencies, international humanitarian organizations, and civil society.

On institutional arrangements

46. The meeting recommended:

a. The improvement and strengthening of the capacity of law enforcement and security agencies to address all aspects of the arms problem, including the capacity of all agencies that had functions in the control of the arms problem, such as police, security and armed forces, judicial, customs, immigration, etc. The meeting was also in favour of improving and strengthening training, equipment and resources and the conclusion of necessary regional agreements between agencies to cooperate on common issues such as border controls.

b. That the exchange of information and the undertaking of joint activities by Regional Organizations be encouraged. This issue referred to sub-regional developmental organizations

working hand in hand with police organizations and other security, political and similar entities. This would ensure that there is no duplication of initiatives and that all organizations have a role to play in combating the arms problem.

On operational measures

47. The meeting recommended the establishment of national and regional databanks on all aspects related to the arms problem, which could be linked to the coordinating bodies and work closely with the Regional Police Chiefs Secretariats (Interpol offices), particularly on the control and impact of those arms. Research should be carried out on key areas, such as the manufacture of home made weapons; the state of border controls; impact of arms on communities; integrity of national registers; problems of law enforcement, security, firearm-related crimes, and other arms problems; use of firearms on violent crime.

48. It was agreed that a similar type of exercise could be undertaken on firearm related injuries suffered by civilians; on reintegration and rehabilitation of child soldiers; and on demobilization and reintegration of ex combatants.

49. It was suggested that research could be undertaken on the links and impact of arms on other types of crime, such as drug traffic; the impact of arms on human security and socio-economic development; and the impact of arms on economic and environmental issues.

50. The meeting called for the establishment of common standards for the training of law enforcement and security agents on investigative procedures, border control and other specialized units that are called to act together in combating the arms problem.

51. Regarding the Plan of Action, the following suggestions were offered:*

a). the Plan of Action should take into account the existing regional action programmes in collaboration with all relevant regional institutions, such as IGAD, ECOWAS, SADC, EAC, ECCAS, SARPCCO, EAPCCO, WARPCCO, CARPCCO, COPAX, ISDSC and other similar organizations.

b). the Plan of Action should also include research parametres that could assist in the effective implementation of the actions proposed, in close collaboration with civil society and specialized agencies.

c). the Plan of Action should encourage the development of a culture of peace in Africa; mobilize resources and facilitate dialogue with suppliers and manufacturers.

V. ADOPTION OF THE REPORT

52. The meeting adopted its report on 19 May 2000 after having made the necessary amendments, which are reflected in this document.

53. In his concluding statement, the Assistant Secretary General in charge of Political Affairs, Amb. Saïd Djinnit, remarked that each time Africa presented a united front on the international scene,

it made its voice heard. He indicated that the meeting was the first stage of a series of consultations on the problem of small arms and light weapons in Africa, which should lead to the adoption of an African common position at the Ministerial Conference scheduled in Bamako, Mali, from 31 October to 3 November 2000.

54. Amb. Said Djinnit, reiterated the OAU's gratitude to all Government Experts, African Personalities, Resource Persons and Members of the Eminent Persons Group for their invaluable contribution to the discussions. He paid particular tribute to Mr. Eteki-Mboumoua, former Secretary General of the OAU, to Amb. Mohamed Sahnoun, former Assistant Secretary General of the OAU, and Mr. Michel Rocard, former Prime Minister of France. Furthermore, he thanked all the partners and collaborators of the OAU Secretariat, particularly, the partner countries for their political and financial support, the staff of the UN Regional Centre for Peace and Disarmament in Africa and of the Institute for Security Studies, especially Mrs. Virginia Gamba, for their intellectual and quality contribution to the deliberations.

55. Finally, he declared closed the First Continental meeting of African Experts on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons.

* Egypt expressed its reservations

F

NAM Ministerial Conference: Cartagena, Columbia: 6-9 April 2000

NAM MINISTERIAL CONFERENCE : CARTAGENA, COLOMBIA :6-9 APRIL 2000

TEXT OF SMALL ARMS & DISARMAMENT RELATED PARAGRAPHS

CHAPTER I GLOBAL ISSUES

The International Context since the Durban Summit

5. We emphasize that even when the spectre of a nuclear holocaust seems more remote than in the recent past and several countries resolved to reduce their military budgets in order to devote such resources to meet the social and economic development requirements of their people, great powers continue to endanger the future of humankind through the unjustified stockpiling and development of nuclear weapons and other weapons of mass destruction and a rampant traffic in armaments continues to put in jeopardy the security and stability of vast regions of the world

Disarmament and International Security

80. We remain deeply concerned over the illicit transfer, manufacture and circulation of small arms and light weapons and their excessive accumulation and proliferation in many countries, with destabilizing effects. We fully share the regional and international concern that the easy availability of illicit small arms and light weapons escalate conflicts, undermine political stability and have a devastating impact on peace and security. We invite the international community, in cooperation with international and other regional organizations to work together towards resolving the problem of proliferation of illicit small arms and light weapons. In this context, we welcome the decision adopted by the 35th Summit of Heads of State and Government of the Organisation of African Unity (OAU) held in Algiers, Algeria, regarding the illicit proliferation, circulation and trafficking of small arms and light weapons; the entry into force on July 1, 1998, of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials; the decision on prevention and combating of illicit trafficking in small arms and related crimes adopted by the Council of Ministers at the 19th Summit of Heads of State or Government of the Southern African Development Community held in Maputo, Mozambique; the initiative taken by the States members of the Economic Community of West African States in declaring a moratorium on the importation, exportation and manufacture of small arms and light weapons in West Africa; 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 adopted at the Great Lakes Region and the Horn of Africa Conference on the Proliferation of Small Arms and Light Weapons held in Nairobi, Kenya, from 12 - 15 March 2000 and we encourage similar initiatives in this regard.

81. We express our support for the convening of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects which will be held in 2001, and welcome the establishment of the Preparatory Committee for the Conference which held its first meeting from 28 February 3 March 2000. We recall that the General Assembly at its 54th session, in resolution 54/54 V, decided that the scope of the UN Conference will be the illicit

trade in small arms and light weapons in all its aspects. We reiterate our call for the Chairman of the Preparatory Committee to utilize the intersessional period to conduct open-ended informal consultations in a transparent manner to facilitate the widest possible exchange of views on all issues related to this Conference. We are also in favour of informal intersessional meetings prior to the second session on all issues pertaining to the illicit trade in small arms and light weapons in all its aspects provided that such meetings should be held in New York in order to ensure the widest possible participation of States, in particular countries with limited representation, and to ensure continuity in the work of the Preparatory Committee. We invite the Chairman of the Preparatory Committee to submit a report to the Preparatory Committee at its second session on the outcome of consultations conducted in the intersessional period. We stress that the venues of future Preparatory Committee session and the Conference should ensure the broadest participation of all Member States of the United Nations, in particular countries with limited representation. In this regard, we take note with appreciation, of the offer made by the Republic of Kenya to host one of the future Preparatory Committee Sessions. We believe that the Conference should be chaired by a representative of a country affected by the illicit traffic in small arms and light weapons.

G

NAIROBI DECLARATION ON SMALL ARMS AND LIGHT WEAPONS

March, 2000

On March 15, 2000, government delegates from the Horn of Africa and the Great Lakes region concluded a four-day conference addressing the problem of the proliferation of small arms and light weapons. The representatives of Burundi, the Democratic Republic of Congo (DRC), Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Tanzania, and Uganda signed the Nairobi Declaration, which attempts to tackle the problem. The Declaration reads as follows:

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

Nairobi, March 15, 2000

We the Ministers for Foreign Affairs of the countries of the Great Lakes Region and the Horn of Africa namely, Burundi, Democratic Republic of Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and United Republic of Tanzania, meeting at Nairobi on 12- 15 March, 2000 on the occasion of the Great Lakes Region and the Horn of Africa Conference on the Proliferation of Small Arms pursuant to UNGA resolutions regarding the convening of the United Nations Conference on the illicit Trade in Small Arms And Light Weapons In All Its Aspects in June -July 2001 and in particular A/C.1/54/L.24 /Rev 1 of December, 1999, as well as the African common position contained in the OAU decision AHG/DEC 137(LXX) adopted by the OAU summit in Algiers in July 1999 fully share the growing international concern that the easy availability of illicit small arms and light weapons escalates conflicts and undermines political stability and have devastating impacts on human and State security.

- *Re-affirming the inherent right of States to individual or collective self-defence as recognised in Article 51 of the United Nations Charter;*
- *Gravely concerned with the problem of the proliferation of illicit small arms and light weapons in the Great Lakes and Horn of Africa Region and the devastating consequences they have had in sustaining armed conflict and abetting terrorism, cattle rustling and other serious crimes in the region;*
- *Recognising that the problem derives mainly from past and on-going armed conflicts in the region, as well as from illicit trade and terrorist activities by which these arms are infiltrated into the region;*
- *Recognising also that the inadequate capacity of States in the region to effectively control and monitor their borders, poor and sometimes open immigration and customs controls, as well as mass movement of armed refugees across national borders in certain countries, have greatly contributed to the proliferation of illicit small arms and light weapons ;*
- *Acknowledging that the problem of the proliferation of illicit small arms and light*

weapons in the region has been exacerbated by internal political strife and extreme poverty, and that a comprehensive strategy to arrest and deal with the problem must include putting in place structures and processes to promote democracy, the observance of human rights, the rule of law and good governance as well as economic recovery and growth;

- *Underlining that a sustainable solution to the problem requires active and concerted regional effort as well as international understanding and support;*
- Considering the international concern regarding the problem of illicit small arms and light weapons;
- Acknowledging the work of the United Nations, the Organisation of African Unity, the European Union, the Organisation of American States as well as the efforts in West and Southern Africa to address problems associated with illicit small arms and light weapons;
- Considering also the impact on crime and security in the sub-region exacerbated by the problem of illicit small arms and light weapons which emanate from outside the region;
- Appalled by the devastating effects of armed conflicts particularly on women and children, and by the unconscionable exploitation of children in armed conflicts;
- Considering that peace, stability, and security are prerequisites for sustainable development in the sub-region, and that the prevailing conflicts hinder the prospects of realising the full economic potential of this geo-strategically important region;
- Recognising the relationship between security and development and the need to develop *comprehensive and effective peace-building and other measures aimed at reducing the resort to arms and to help curb the problem of illicit small arms and light weapons within the region;*
- Acknowledging also that the resolution of on-going conflicts in the region requires the nurturing of environments in which root causes of conflicts can be adequately addressed and durable stability established;
- *Emphasising the need to pursue negotiated solutions to conflicts so as to ensure their peaceful resolution, to promote a culture of peace, and to encourage education and awareness raising programmes on the problem of illicit small arms, involving all sectors of society;*
- Conscious of the need for effective controls of arms transfers by suppliers outside the region, including measures against transfers of surplus arms to prevent the problem of illicit small arms;
- Acknowledging the difficulties in addressing the question of illicit trade and accumulation of illicit small arms and light weapons due to different situations obtaining in the respective countries;

- Welcoming the Nairobi Initiative on Small Arms and Light Weapons for State and human security as a significant step in addressing the problem of illicit small arms and light weapons and their socio- economic and political impacts on the people of the region;
- Having deliberated in depth on the subject, decide to:-
 - i) Rededicate ourselves to continue our efforts towards the peaceful resolution of the conflicts in the region and towards this end, call for genuine and serious commitment of all parties concerned as well as the international community;
 - ii) Seize this opportunity to comprehensively address the problem of the proliferation of illicit small arms and light weapons in the sub-region;
 - iii) join efforts to address the problem, recognising the need for information sharing and co-operation in all matters relating to illicit small arms and light weapons including the promotion or research and data collection in the region and encouraging co-operation among governments and civil society;
 - iv) Encourage a concrete and co-ordinated agenda for action for the sub-region to promote human security and ensure that all States have in place adequate laws, regulations and administrative procedures to exercise effective control over the possession and transfer of small arms and light weapons through measures inter alia to:-
 - Pursue positive policies and measures to create social, economic and political environments to reduce the resort to arms by individuals and communities;
 - Urge the strengthening, and where they do not exist, the adoption of national laws and regulations and control mechanisms to govern civilian possession of arms;
 - Call on States to co-ordinate and publicise their policies, regulations and laws relating to possession of arms by civilians;
 - Urge source countries to ensure that all manufacturers, traders, brokers, financiers, and transporters of small arms and light weapons are regulated through licensing;
 - Urge also the States in the sub-region to monitor and effectively control all transactions relating to small arms and light weapons to licensed entities;
 - Call on States to strengthen sub-regional co- operation among police, intelligence, customs and border control officials in combating the illicit circulation and trafficking in small arms and light weapons and suppressing criminal activities relating to the use of these weapons;

- Call upon States to strengthen or establish national mechanisms to deal with the problem of illicit small arms as well as to implement the Nairobi Declaration and invite them to hold regular meetings in this regard;
- Invite the UN in co-operation with the OAU and other regional and international organisations to assist countries of the region to carry out a detailed study on the problem of illicit arms within the region and to draw up appropriate programmes for the collection and destruction of illicit small arms and light weapons. The States Parties to this Declaration will define the parameters of the study.

v) Recognizing that the effective implementation of this declaration by individual states requires, the co-operation of the United Nations, international organisations, regional organisations, as well as the participation by civil society in preventing and reducing the problem of illicit small arms and light weapons, we further decide to:-

- *Appeal for support of other sub-regions in the continent as well as the international community in order to effectively implement the measures agreed upon in this Declaration;*
- *Appeal also for increased international support for programmes and initiatives that advance human security and promote conditions conducive to long term peace, stability and development in the sub-region;*
- *Call for effective implementation of the relevant decisions of the United Nations, the Organisation of African Unity and other regional arrangements to address the problem of illicit small arms and light weapons in the sub-region;*
- *Appeal for financial, technical and political support from the international community for the effective implementation of this Declaration;*
- *Designate the Government of Kenya to co-ordinate the follow-up to the Nairobi Declaration in consultation with States' respective national mechanisms dealing with the problem of illicit arms and light weapons.*

**PROTOCOL RELATING TO THE MECHANISM FOR CONFLICT PREVENTION,
MANAGEMENT, RESOLUTION, PEACE-KEEPING AND SECURITY**

WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF
THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS);

MINDFUL OF the ECOWAS Revised Treaty signed in Cotonou on 23 July 1993 notably its
Article 58;

MINDFUL OF the relevant provisions of the Charter of the Organisation of African
Unity (OAU);

MINDFUL OF the United Nations Charter, with particular reference to its Chapters
VI, VII and VIII;

MINDFUL OF the provisions of Protocols A/P1/5/79, A/SP2/7/85, A/SP1/7/86,
A/SP1/6/88, A/SP2/5/90 relating to the free movement of persons, the right of
residence and establishment;

RECALLING the Protocol on Non-Aggression signed in Lagos on 22 April 1978 and the
Protocol on Mutual Assistance in Defence signed in Freetown on 29 May 1981, notably
our resolve to give mutual aid and assistance for defence against any armed threat
or aggression on a Member State;

CONSIDERING the Framework Agreement of the Protocol on Non-Aggression and
Assistance in Defence (ANAD) signed in Abidjan on 9 June 1977;

CONSIDERING ALSO the Protocol on the enforcement of the above-mentioned Framework
Agreement signed in Dakar on 14 December 1981, as well as the subsequent Protocols;

REAFFIRMING our commitment to the ECOWAS Declaration of Political Principles
adopted in Abuja on 6 July 1991, on freedom, people's rights and democratisation;

RECALLING the relevant provisions of the ECOWAS Conventions on Mutual Assistance in
Criminal Matters and on Extradition, signed in Dakar on 29 July 1992 and in Abuja
on 6 August 1994, respectively;

RECALLING ALSO the Cairo Declaration of 29 June 1993 on the establishment of a
Mechanism for Conflict Prevention, Management and Resolution in Africa adopted by
the 29th Session of the OAU Conference of Heads of State and Government;

CONCERNED about the proliferation of conflicts which constitute a threat to the
peace and security in the African continent, and undermines our efforts to improve
the living standards of our peoples;

CONVINCED OF the need to develop effective policies that will alleviate the suffering of the civil population, especially women and children, and, restore life to normalcy after conflicts or natural disasters, and desirous of making further efforts in the humanitarian sphere;

CONSCIOUS OF THE FACT that good governance, the rule of law and sustainable development are essential for peace and conflict prevention;

RECALLING the Declaration of the moratorium on the Importation, Exportation and Manufacture of Light Weapons, adopted by the 21st Session of the Authority of Heads of State and Government of ECOWAS, held in Abuja on 30 and 31 October, 1998;

RECALLING also the conclusions of the meeting of ECOWAS Ministers of Foreign Affairs on the effective implementation of PCASED, held in Bamako on 24 March, 1999;

CONVINCED that cross-border crimes, the proliferation of small arms and all illicit trafficking contribute to the development of insecurity and instability and jeopardise the economic and social development of the sub-region;

AWARE that these phenomena constitute serious social and economic problems which can only be resolved within the framework of increased and well-coordinated multilateral cooperation;

RECOGNISING the need to make the relevant treaties and protocols more adequate, effective and pragmatic;

DESIRING to consolidate our achievements in the resolution of conflicts through the ECOWAS Cease-fire Monitoring Group (ECOMOG).

RECALLING our Decision A/DEC.11/10/98 adopted in Abuja on 31 October 1998, relating to the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security;

DESIROUS to establish an operational structure for the implementation of the said Decision;

HEREBY AGREE ON THE FOLLOWING:

DEFINITIONS

For the purposes of this Protocol;

"Treaty" means the revised Treaty of the Economic Community of West African States (ECOWAS) signed in Cotonou on 24 July 1993;

"Community" means the Economic Community of West African States referred to under Article 2 of the Treaty;

"Authority" means the Authority of Heads of State and Government of the Economic Community of West African States established by Article 7 of the Treaty;

"Mediation and Security Council" means the Mediation and Security Council as defined by Article 8 of this Protocol;

"Defence and Security Commission" means the Defence and Security Commission as defined in Article 18 of this Protocol;

"Executive Secretary" means the ECOWAS Executive Secretary appointed in accordance with Article 18 of the Treaty;

"Council of Elders" means the Council of Elders as defined in Article 20 of this Protocol;

"Meeting of Ambassadors" means the meeting of Ambassadors as defined by Article 14 of this Protocol;

"Special Representative" means the Special Representative as defined by Article 32 of this Protocol;

"Deputy Executive Secretary" means the Deputy Executive Secretary in charge of Political Affairs, Defence and Security as referred to in Article 16 of this Protocol;

"Institution" means any of the structures provided for under Article 4 of this Protocol;

"Organ" means any of the structures provided for under Article 17 of this Protocol;

"Observation and Monitoring Centre" means the Regional Peace and Security Monitoring Centre as provided for under Article 58 of the Treaty and referred to in Article 23 of this Protocol;

"ECOMOG" means the ECOWAS Cease-fire Monitoring Group which constitutes the Community's intervention force as defined in Article 21 of this Protocol;

"Force Commander" means the Force Commander appointed in accordance with the provisions of Article 33 of this Protocol;

"Trans-border crime" refers to all crimes organised or perpetrated by individuals, organisations or networks of local and/or foreign criminals operating beyond the national boundaries of a Member State, or acting in complicity with associates based in one or several States adjoining the country where the crimes are actually committed or having any connection with any Member State;

"Member State in crisis" refers both to a Member State experiencing an armed conflict as well as a Member State facing serious and persisting problems or situations of extreme tension which, if left unchecked, could lead to serious humanitarian disaster or threaten peace and security in the sub-region or in any Member State affected by the overthrow or attempted overthrow of a democratically elected government.

CHAPTER I

ESTABLISHMENT, PRINCIPLES AND OBJECTIVES

OF THE MECHANISM

Article 1: Establishment

There is hereby established within the Economic Community of West African States (ECOWAS), a mechanism for collective security and peace to be known as "Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security".

Article 2: Principles

Member States reaffirm their commitment to the principles contained in the Charters of the United Nations Organisation (UNO) and the Organisation of African Unity (OAU) and to the Universal Declaration of Human Rights, as well as to the African Charter on Human and People's Rights, particularly the following fundamental principles:

that economic and social development and the security of peoples and States are inextricably linked;

promotion and reinforcement of the free movement of persons, the right of residence and establishment which contribute to the reinforcement of good neighbourliness;

promotion and consolidation of a democratic government as well as democratic institutions in each Member State;

protection of fundamental human rights and freedoms and the rules of international humanitarian laws;

equality of sovereign States;

territorial integrity and political independence of Member States;

Article 3: Objectives of the Mechanism

The objectives of the Mechanism shall be as follows:

prevent, manage and resolve internal and inter-State conflicts under the conditions provided in Paragraph 46 of the Framework of the Mechanism ratified as per Decision A/DEC.11/10/98 of 31 October 1998;

implement the relevant provisions of Article 58 of the Revised Treaty;

implement the relevant provisions of the Protocols on Non-Aggression, Mutual Assistance in Defence, Free Movement of Persons, the Right of Residence and Establishment;

strengthen cooperation in the areas of conflict prevention, early-warning, peace-keeping operations, the control of cross-border crime, international terrorism and proliferation of small arms and anti-personnel mines;

maintain and consolidate peace, security and stability within the Community;

establish institutions and formulate policies that would allow for the organisation and coordination of humanitarian relief missions;

promote close cooperation between Member States in the areas of preventive diplomacy and peace-keeping;

constitute and deploy a civilian and military force to maintain or restore peace within the sub-region, whenever the need arises;

set up an appropriate framework for the rational and equitable management of natural resources shared by neighbouring Member States which may be causes of frequent inter-State conflicts;

protect the environment and take steps to restore the degraded environment to its natural state;

safeguard the cultural heritage of Member States;;

formulate and implement policies on anti-corruption, money-laundering and illegal circulation of small arms.

CHAPTER II

INSTITUTIONS OF THE MECHANISM

Article 4 : Institutions

The institutions of the Mechanism shall be:

The Authority;

The Mediation and Security Council;

The Executive Secretariat;

Any other institution as may be established by the Authority.

Article 5: Composition and Meetings of the Authority

The Authority is composed of Heads of State and Government of Member States as stipulated in Paragraph 1, Article 7 of the Revised Treaty.

The Authority shall meet as often as necessary.

Article 6: Functions

The Authority shall be the Mechanism's highest decision-making body.

It shall have powers to act on all matters concerning conflict prevention, management and resolution, peace-keeping, security, humanitarian support, peace-building, control of cross-border crime, proliferation of small arms, as well as all other matters covered by the provisions of this Mechanism.

Article 7: Delegation of Powers

Without prejudice to its wide-ranging powers as provided under Article 9 of the Treaty and in Article 6 above, the Authority hereby mandates the Mediation and Security Council to take, on its behalf, appropriate decisions for the implementation of the provisions of this Mechanism.

Article 8: Composition of the Mediation and Security Council

The Mediation and Security Council shall comprise nine (9) Member States of which seven (7) shall be elected by the Authority. The other two (2) members shall be the current chairman and the immediate past chairman of the Authority, each of whom shall have an automatic right to membership of the Mediation and Security Council.

The elected Members of the Mediation and Security Council shall serve for two (2) years renewable.

Article 9: Quorum and Decisions

The meeting of the Mediation and Security Council shall be properly constituted when at least two-thirds of its Members are present.

Decisions of the Mediation and Security Council shall be taken by a two-thirds majority vote of Members present.

Article 10: Functions

The Mediation and Security Council shall take decisions on issues of peace and security in the sub-region on behalf of the Authority. It shall also implement all the provisions of this Protocol.

Pursuant to the provisions of Article 7 of this Protocol and Paragraph 1 above, the Mediation and Security Council shall:

decide on all matters relating to peace and security;

decide and implement all policies for conflict prevention, management and resolution, peace-keeping and security;

authorise all forms of intervention and decide particularly on the deployment of political and military missions;

approve mandates and terms of reference for such missions;

review the mandates and terms of reference periodically, on the basis of evolving situations;

on the recommendation of the Executive Secretary, appoint the Special Representative of the Executive Secretary and the Force Commander.

Article 11: Meetings of the Mediation and Security Council

Deliberations of the Mediation and Security Council shall be held at three (3) levels: Heads of State and Government, Ministerial and Ambassadorial levels.

All meetings of the Mediation and Security Council shall be presided over by the Member State elected as the current Chairman of the Authority.

Article 12: Meeting at the Level of Heads of State and Government

The Heads of State and Government of the Mediation and Security Council shall meet at least twice a year in ordinary sessions. Extraordinary Sessions may be convened by the Chairman when the need arises or at the request of a simple majority of the Members of the Council.

The Heads of State and Government of the Mediation and Security Council shall take final decisions on all issues under their authority and competence, including field missions and approve the terms of reference, for such missions.

Article 13: Meeting at the Ministerial Level

The Ministers of Foreign Affairs, Defence, Internal Affairs and Security of the Mediation Security Council shall meet at least once every three (3) months to review the general political and security situation in the sub-region. They may also meet when the need arises.

The recommendations emanating from the Ministerial meetings shall be submitted to the member Heads of State and Government of the Mediation and Security Council.

Article 14: Meeting at the Ambassadorial Level

ECOWAS Member States shall accredit Ambassadors as permanent representatives to the ECOWAS Executive Secretariat. These Ambassadors may also be those accredited to the Federal Republic of Nigeria.

The Ambassadors of Member States of the Mediation and Security Council shall meet once a month to review issues relating to sub-regional peace and security. They may also meet when the need arises.

All reports and recommendations of meetings of the Ambassadors shall be forwarded by the Executive Secretary to all Member States of the Mediation and Security Council and to the Member States concerned. The Reports shall also be submitted for consideration by the meeting of Ministers of the Mediation and Security Council.

Article 15: Role and Functions of the Executive Secretary

The Executive Secretary shall have the power to initiate actions for conflict prevention, management, resolution, peace-keeping and security in the sub-region. Such actions may include fact-finding, mediation, facilitation, negotiation and reconciliation of parties in conflict.

The role of the Executive Secretary shall include the following:

recommend the appointment of the Special Representative and the Force Commander for approval by the Mediation and Security Council ;

appoint members of the Council of Elders;

have responsibility for political, administrative and operational activities and provide logistic support for the mission;

prepare periodic reports on activities of the Mechanism for the Mediation and Security Council and Member States;

deploy fact-finding and mediation missions, on the basis of his/her assessment of the existing situation;

convene, in consultation with the Chairman of the Authority, all meetings of the Mediation and Security Council, the Council of Elders, and the Defence and Security Commission;

Implement all decisions of the Mediation and Security Council.

The ECOWAS Secretariat shall service the Mediation and Security Council and the Defence and Security Commission.

In implementing the provisions of this Mechanism, the Executive Secretary shall be assisted by the Deputy Executive Secretary in charge of Political Affairs, Defence and Security.

Article 16: The Deputy Executive Secretary

1. Under the direction of the Executive Secretary, the Deputy Executive Secretary in charge of Political Affairs, Defence and Security shall initiate and undertake all activities relating to the implementation of the Mechanism.

2. The office of the Deputy Executive Secretary for Political Affairs, Defence and Security, shall be headed by a statutory officer appointed in accordance with Paragraph 4 (a), Article 18 of the Treaty. He shall have under his supervision appropriate departments, divisions and sections, as may be necessary, including:

the Department of Political Affairs;

the Department of Humanitarian Affairs;

the Department of Defence and Security;

the Observation and Monitoring Centre; and

such other departments as may be established by the Council of Ministers on the recommendation of the Mediation and Security Council.

CHAPTER III

SUPPORTING ORGANS OF THE INSTITUTIONS OF THE MECHANISM

In carrying out their missions, the Institutions stipulated in Article 4 shall be assisted by the organs enumerated in Article 17 of this Protocol.

Article 17: Organs

The following organs are hereby established to assist the Mediation and Security Council.

The Defence and Security Commission;

The Council of Elders;

ECOWAS Cease-fire Monitoring Group (ECOMOG).

Article 18: Composition of the Defence and Security Commission

The following representatives from Member States shall constitute the Defence and Security Commission:

Chiefs of Defence Staff or equivalent;

Officers responsible for Internal Affairs and Security ;

Experts of the Ministry of Foreign Affairs;

Depending on the agenda, Heads of any of the following services may be invited:

Immigration;

Customs;

Drug/Narcotic Agencies;

Border Guards; and

Civil Protection Force.

Article 19: Functions

The Defence and Security Commission shall examine all technical and administrative issues and assess logistical requirements for peace-keeping operations. It shall

assist the Mediation and Security Council in:

formulating the mandate of the Peace-keeping Force;

defining the terms of reference for the Force;

appointing the Force Commander;

determining the composition of the Contingents.

The Defence and Security Commission shall meet once every quarter and when necessary. The Commission shall examine reports from the Observation and Monitoring Centres and make recommendations to the Mediation and Security Council.

Article 20: Composition and Mandate of the Council of Elders

The Executive Secretary shall compile annually, a list of eminent personalities who, on behalf of ECOWAS, can use their good offices and experience to play the role of mediators, conciliators and facilitators. The list shall comprise eminent persons from various segments of society, including women, political, traditional and religious leaders. The list shall be approved by the Mediation and Security Council at the level of the Heads of State and Government.

These Personalities shall be requested by the Executive Secretary or the Mediation and Security Council, whenever the need arises, to deal with a given conflict situation.

Whenever the circumstances require, the Executive Secretary shall assemble eminent personalities from the approved list who shall now constitute the Council of Elders.

The composition and mandate of the Council of Elders shall be defined by the Executive Secretary on the basis of the missions to be carried out.

Members of the Council of Elders selected to deal with a given situation shall report to the Executive Secretary.

The Executive Secretary shall report to the Mediation and Security Council on the initiatives taken in conformity with the provisions of Paragraphs 2 and 3 of this Article

Members of the Council of Elders shall be neutral, impartial and objective in carrying out their mission.

Article 21: Composition of ECOMOG

The ECOWAS Cease-fire Monitoring Group (ECOMOG) is a structure composed of several Stand-by multi-purpose modules (civilian and military) in their countries of origin and ready for immediate deployment.

Article 22: Role of ECOMOG

ECOMOG is charged, among others, with the following missions:

Observation and Monitoring;

Peace-keeping and restoration of peace;

Humanitarian intervention in support of humanitarian disaster;

Enforcement of sanctions, including embargo;

Preventive deployment;

Peace-building, disarmament and demobilisation;

Policing activities, including the control of fraud and organised crime;

Any other operations as may be mandated by the Mediation and Security Council.

CHAPTER IV

SUB-REGIONAL PEACE AND SECURITY OBSERVATION SYSTEM

(EARLY WARNING)

A sub-regional peace and security observation system known as the Early Warning System or "The System" is hereby established for the purposes of conflict prevention and in accordance with Article 58 of the Revised Treaty. The System shall consist of:

An Observation and Monitoring Centre located at the Secretariat;

b. Observation and Monitoring Zones within the sub-region.

Article 23: Observation and Monitoring Centre

The Observation and Monitoring Centre shall be responsible for data collection and analyses and preparation of reports for the use of the Executive Secretariat.

The Centre shall collaborate with the United Nations Organisation, the Organisation

of African Unity, research centres and all other relevant international regional and sub-regional organisations.

Article 24: Observation and Monitoring Zones

Member States shall be divided into zones on the basis of proximity, ease of communication and efficiency. Each zone shall be identified by a number and each shall have a zonal headquarters. The following four (4) Observation and Monitoring Zones are hereby created:

ZONE N° COUNTRIES ZONAL CAPITAL

Cape Verde - Banjul

The Gambia

Guinea-Bissau

Mauritania

Senegal

Burkina Faso - Ouagadougou

Côte d'Ivoire

Mali

Niger

Ghana - Monrovia

Guinea

Liberia

Sierra Leone

Benin - Cotonou

Nigeria

Togo.

The zoning provided for in Paragraph 1 above may be altered, if necessary, by the

Authority of Heads of State and Government.

Each zonal headquarters shall be provided with an office and placed under the authority of the Executive Secretary, through the office of the Deputy Executive Secretary.

Member States hereby undertake to guarantee the freedom of operations of the zonal headquarters in accordance with the privileges, immunities and security to property, assets and staff of the bureaux as provided by the ECOWAS General Convention on Privileges and Immunities and the Headquarters Agreement.

The Zonal Bureau shall maintain working relations with the host country and local and international institutions.

The Zonal Bureaux shall, on a state by state and day-to-day basis, collect data on indicators that impact on the peace and security of the zone and the sub-region.

The Zonal Headquarters shall process the data collected and prepare a report which they shall send to the Observation and Monitoring Centre. Accordingly, each of the Zonal Headquarters shall be directly linked by appropriate communication means to the Observation and Monitoring Centre.

CHAPTER V

APPLICATION OF THE MECHANISM

Article 25: Conditions for Application

The Mechanism shall be applied in any of the following circumstances:

In cases of aggression or conflict in any Member State or threat thereof;

In case of conflict between two or several Member States;

In case of internal conflict:

that threatens to trigger a humanitarian disaster, or

that poses a serious threat to peace and security in the sub-region;

(d) In event of serious and massive violation of human rights and the rule of law.

In the event of an overthrow or attempted overthrow of a democratically elected government;

Any other situation as may be decided by the Mediation and Security Council.

Article 26: Authority to Initiate

The Mechanism shall be put into effect by any of the following:

Upon the decision of the Authority;

Upon the decision of the Mediation and Security Council;

At the request of a Member State;

On the initiative of the Executive Secretary;

At request of the Organisation of African Unity or the United Nations.

Article 27: Procedure

The Mechanism shall be applied according to any of the following procedures:

The Executive Secretary shall inform Member States of the Mediation and Security Council and, in consultation with the Chairman, take all necessary and urgent measures;

The Mediation and Security Council shall consider several options and decide on the most appropriate course of action to take in terms of intervention. Such options may include recourse to the Council of Elders, the dispatch of fact-finding missions, political and mediation missions or intervention by ECOMOG;

The Mediation and Security Council shall issue a mandate authorising the Executive Secretary to set up a mission and define its terms of reference;

Where necessary, the Mediation and Security Council shall appoint the principal officers, such as the Special Representative of the Executive Secretary and the ECOMOG Force Commander.

The Chairman of the Mediation and Security Council shall submit a report on the situation to the Organisation of African Unity and the United Nations;

The Executive Secretariat shall mobilise all the resources required for the operations.

CHAPTER VI

CONFLICT MANAGEMENT

Article 28: Composite Stand-by Units

Member States hereby agree to make available to ECOMOG units adequate resources for the army, air force, navy, gendarmerie, police and all other military, paramilitary or civil formations necessary for the accomplishment of the mission.

Each Member State shall provide ECOMOG with a unit the size of which shall be determined after consultation with each Member State.

The strengths of these units shall be reviewed according to the situation on the ground.

Article 29: Mandates of the Force and Missions of Deployed Units

Whenever the force is deployed, the strength, mandates and missions of the units shall vary according to the evolving situation on the ground.

Article 30: Training and Preparation of the Composite Stand-by Units

The Executive Secretary, through the departments concerned and, in consultation with Member States, shall contribute to the in training of civilian and military personnel that shall be part of the stand-by units in various fields, particularly in international humanitarian law and human rights.

In this regard, he shall:

support the development of common training programmes and instruction manuals for national schools and training centres;

organise training and proficiency courses for personnel of the units in the regional centres in Côte d'Ivoire and Ghana;

work towards the integration of these centres into sub-regional centres for the implementation of this Mechanism.

take the necessary measures for the organisation of periodic staff and commanders' exercises and joint operations.

Article 31: Observation Missions

Unarmed civilian and military personnel provided by Member States may be deployed alone or in conjunction with armed personnel. They shall, inter alia, supervise and monitor cease-fires, disarmament, de-mobilisation, elections, respect for human rights, humanitarian activities and investigate any complaints or claims brought to their notice. They shall undertake such other activities under the terms of

reference as determined by the Mediation and Security Council.

The Observer Missions shall report on their activities and findings to the Executive Secretary.

Article 32: Appointment and Functions of the Special Representative

On the recommendation of the Executive Secretary the Mediation and Security Council shall appoint a Special Representative for each Operation undertaken by ECOMOG..

The principal role and functions of the Special Representative shall include the following:

Serve as the Chief of the Mission and shall be responsible for the political orientation of the mission;

Direct peace-keeping activities and initiate political and diplomatic negotiations with the parties, neighbouring States and other Governments involved in conflict resolution;

Brief troop-contributing States and other States on the situation and operations of the mission as and when required;

Coordinate activities of the sub-regional and international organisations, including NGOs involved in humanitarian relief and peace-building activities in the mission area. Where necessary, he shall be assisted by a Deputy responsible for humanitarian affairs;

Maintain constant contact with and submit regular reports to the Executive Secretary.

Article 33: Appointment and Functions of the ECOMOG Force Commander

On the recommendation of the Executive Secretary an ECOMOG Force Commander shall be appointed by the Mediation and Security Council and in consultation with the Defence and Security Commission for each operation.

The role and functions of the ECOMOG Force Commander shall include the following:

He shall be responsible for the efficiency of operational, administrative and logistical plans of the mission;

He shall issue instructions to contingent commanders for all operational activities.

He shall ensure the security of personnel and materiel of humanitarian organisations' in the mission area.

The ECOMOG Force Commander is accountable to the Executive Secretary, through the Special Representative.

Article 34: The Chain of Command

The Special Representative shall report directly to the Executive Secretary.

The Force Commander shall report to the Executive Secretary through his Special Representative.

All Contingent Commanders shall report directly to the Force Commander.

All Civil Units shall report directly to the Special Representative.

Article 35: Role of Member States

In addition to their responsibilities as stipulated by the Treaty and this Protocol:

Each Member State shall immediately, upon request, release Stand-by Units with the necessary equipment and materiel;

Member States hereby undertake to fully cooperate with ECOWAS in carrying out the mandates of this Protocol, including all forms of assistance and support required for the Mechanism, especially as regards the free movement of ECOMOG within their territories.

CHAPTER VII

FINANCING OF THE MECHANISM

Article 36: Funding

The Executive Secretariat shall make provision in its annual budget, for funds to finance activities of the Mechanism. As soon as the Protocol governing conditions for application of the Community Levy enters into force, a percentage of the said Levy shall be earmarked for these activities.

Special requests for funds shall be made to the United Nations and other international agencies.

Funds for operations may also be raised from the OAU, voluntary contributions and

grants from bilateral and multilateral sources.

Article 37: Pre-Financing

The States contributing contingents may be invited to bear the cost of operations during the first three (3) months.

ECOWAS shall refund the expenditure incurred by the States within a maximum period of six (6) months and then proceed to finance the operations.

Article 38: Logistical Support

The organisation of logistics, including troop transport, shall be determined by the Executive Secretariat in consultation with the host country and the States contributing troops.

Article 39: Remuneration and Service Conditions

The remuneration and conditions of service of the personnel shall be determined by the Council of Ministers on the recommendation of the Mediation and Security Council.

CHAPTER VIII

HUMANITARIAN ASSISTANCE

ECOWAS shall take active part in coordinating and conducting humanitarian assistance.

Article 40: Responsibilities of ECOWAS

ECOWAS shall intervene to alleviate the suffering of the populations and restore life to normalcy in the event of crises, conflict and disaster.

In this regard, ECOWAS shall develop own capacity to efficiently undertake humanitarian actions for the purposes of conflict prevention and management.

Where the environment of a Member State is gravely devastated, appropriate steps shall be taken to rehabilitate it.

ECOWAS shall recognise, encourage and support the role of women in its initiatives for conflict prevention, management, resolution, peace-keeping and security.

Article 41: Cooperation with Other Organisations

ECOWAS shall cooperate with the following institutions and organisations:

national, regional NGOs and religious organisations;

Organisation of African Unity, the United Nations and its agencies;

other international organisations intervening in the humanitarian sector.

The ECOMOG unit shall be adequately equipped to undertake humanitarian activities in their mission area under the control of the Special Representative of the Executive Secretary.

ECOMOG shall provide assistance to all national, regional and international agencies, particularly on security issues.

When necessary, ECOMOG shall coordinate the activities of humanitarian agencies in the field.

CHAPTER IX

PEACE-BUILDING

The Community hereby adopts a graduated strategy for building peace which shall be implemented as a continuum.

Article 42: ECOWAS Institutional Capacity for Peace-Building

To stem social and political upheavals, ECOWAS shall be involved in the preparation, organisation and supervision of elections in Member States. ECOWAS shall also monitor and actively support the development of democratic institutions of Member States.

ECOWAS shall endeavour to assist Member States emerging from conflicts to increase their capacity for national, social, economic and cultural reconstruction.

In this regard, all ECOWAS financial institutions shall develop policies to facilitate funding for reintegration and reconstruction programmes.

Article 43: Peace-Building During Hostilities

In zones of relative peace, priority shall be accorded to implementation of policies designed to reduce degradation of social and economic conditions arising from conflicts.

Article 44: Peace-building at the End of Hostilities

To assist Member States that have been adversely affected by violent conflicts, ECOWAS shall undertake the following activities:

Consolidation of the peace that has been negotiated;

establishment of conditions for the political, social and economic reconstruction of the society and governmental institutions;

Implementation of disarmament, demobilisation and reintegration programmes including those for child soldiers;

Resettlement and reintegration of refugees and internally displaced persons;

Assistance to vulnerable persons, including children, the elderly, women and other traumatised groups in the society.

Article 45: Restoration of Political Authority

In situations where the authority of government is absent or has been seriously eroded, ECOWAS shall support processes towards the restoration of political authority. Such support may include the preparation, organisation, monitoring and management of the electoral process, with the cooperation of relevant regional and international organisations. The restoration of political authority shall be undertaken at the same time as the development of respect for human rights, enhancement of the rule of law and the judiciary.

CHAPTER X

SUB-REGIONAL SECURITY

Article 46: Control of Trans-Border Crime

In order to facilitate the control of trans-border crime, ECOWAS shall promote close cooperation among the security services of Member States.

The security services of Member States shall assist one another and ensure proper coordination for the apprehension of criminals.

Member States shall establish specialised departments within their ministries of Justice, Defence and Security with trained personnel and communication equipment for coordination and centralisation of cooperation matters in particular, mutual assistance in criminal matters, and extradition requests.

Member States shall supply the Executive Secretariat with documents setting out the details of criminal procedures in their countries. The information provided by

Member States shall include a summary of the criminal process, from beginning to end, and shall outline what is needed for each State to grant a request for mutual assistance, extradition or the restraint or forfeiture of proceeds of crime. Member States shall also provide all the contract particulars for their national units and exchange information concerning any other relevant authorities and provide updated lists of the said units. The information shall be translated and circulated by the ECOWAS Secretariat to all the specialised units (Central authorities) established to handle requests and other related matters that may arise in the course of implementation.

With a view to strengthening national legal instruments on mutual legal assistance and extradition and making them more functional and efficient, all Member States shall harmonize their domestic law in accordance with the relevant ECOWAS Conventions on Mutual Assistance in Criminal Matters and Extradition. Member States undertake to adopt a convention to incriminate and make punishable the most commonly committed crimes in the sub-region.

Member States shall keep statistics, in particular, on the number of mutual legal assistance and extradition requests received and sent, as well as results obtained. There shall also be periodic meetings of the specialised departments of the Ministries of Justice, Defence and Security and the Interpol National Central Bureaux for the purpose of exchanging information on past or on-going cases and on measures aimed at improving cooperation.

Member States shall develop simplified restitution procedures for vehicles and other stolen objects seized by the requested State.

The judicial and police authorities of ECOWAS Member States shall consider the red notices published by the ICPO-Interpol at the request of an ECOWAS Member State as valid requests for provisional arrest for the purpose of Article 22 of the ECOWAS Convention on Extradition.

Member States shall establish a special fund for detected proceeds of crime. This fund can be used for preventive and criminal justice response to, inter alia, trans-border crime and drug trafficking. Member States shall also give consideration to the establishment of confiscated asset management offices, where required.

Legislation on forfeiture of proceeds of crime in Member State shall be applicable to all crimes.

ECOWAS shall establish a Crime Prevention and Criminal Justice Centre (ECPCJS) to serve as focal point for mutual legal assistance. The Centre shall be part of the Legal Department within ECOWAS. This ECPCJC shall assist in linking up ECOWAS Member States to non-ECOWAS Member States in Mutual Assistance Matters. It shall

also serve as a supervisory power to ensure that countries implement conventions they sign.

Article 47: Coordination of Policies

The Executive Secretary shall be responsible for the coordination and implementation of all decisions relating to sub-regional security.

Article 48: Anti-Corruption Measures

To eradicate corruption within their territories and in the sub-region, ECOWAS and its Member States shall promote transparency, accountability and good governance.

Article 49: Measures Against Money Laundering

The ECOWAS Secretariat and Member States shall adopt strategies for combatting the problem of money laundering, by extending the scope of offences, enabling the confiscation of laundered proceeds and illicit funds and easing bank secrecy laws within and outside the sub-region.

Article 50: Control of the Proliferation of Small Arms

While taking into account the legitimate national defence and security needs, and those of international peace-keeping operations, ECOWAS shall establish effective measures to:

control the importation, exportation, manufacture and eradicate the flow of small arms.

register and control the movement and use of legitimate arms stock;

detect, collect and destroy all illicit weapons;

encourage Member States to collect and destroy all surplus weapons.

Article 51: Preventive Measures Against the Illegal Circulation

of Small Arms

ECOWAS shall take all the necessary measures to combat illicit trafficking and circulation of small arms. These measures shall include:

developing a culture of peace;

training for military, security and police forces;

enhance weapons control at border posts;
establishment of a database and regional arms register;
collection and destruction of surplus and illegal weapons;
facilitating dialogue with producers and suppliers;
reviewing and harmonising national legislation and administrative procedures;
mobilising resources.

ECOWAS shall strengthen its institutional and operational capabilities and those of its Member States for the effective implementation of the measures mentioned in Paragraph 1 above.

The Executive Secretariat's Department of Political Affairs, Defence and Security shall coordinate and monitor implementation of all programmes and activities and shall analyse information from the zonal headquarters.

In order to promote and ensure coordination of concrete measures at national level, Member States shall, in accordance with guidelines adopted by ECOWAS, establish national commissions made up of representatives of the relevant authorities and the civil society.

At the beginning of any ECOMOG peacekeeping operations, all dedicated light weapons and ammunition shall be declared to the Executive Secretariat so as to ensure their effective control as well as removal upon completion of the operations.

All weapons collected during any disarmament exercise shall be destroyed.

CHAPTER XI

COOPERATION WITH THE ORGANISATION OF AFRICAN UNITY, UNITED NATIONS AND OTHER INTERNATIONAL ORGANISATIONS

Article 52: Cooperation

In pursuit of its objectives, ECOWAS shall cooperate with the Organisation of African Unity (OAU), the United Nations Organisation (UNO) and other relevant international organisations.

In the implementation of this Mechanism, ECOWAS shall fully cooperate with the OAU Mechanism for Conflict Prevention, Management and Resolution.

In accordance with Chapters VII and VIII of the United Nations Charter, ECOWAS shall inform the United Nations of any military intervention undertaken in pursuit of the objectives of this Mechanism.

CHAPTER XII

SPECIAL PROVISIONS

Article 53: Abrogation

The provisions of this Protocol shall replace all the provisions of the ECOWAS Protocol relating to Mutual Assistance in Defence signed on 29 May 1981, which are in conflict with the spirit of this Protocol.

The provisions of the Protocol on Non-Aggression signed on 22 April, 1978, which are incompatible with those of the present Protocol are hereby declared null and void.

Undertakings devolving from the provisions of this Protocol shall not be interpreted as being against the spirit of Conventions or Agreements between one Member

State and a third State; provided such Conventions and Agreements are consistent with the spirit of this Protocol, otherwise, such provisions are null and void.

Article 54: Rationalisation of Subregional Institutions

ECOWAS shall take necessary measures to rationalise all mechanisms, institutions and organs of the sub-region, having similar aims and objectives with this Mechanism.

To this end, ANAD may be transformed into a specialised agency of ECOWAS.

CHAPTER XIII

GENERAL AND FINAL PROVISIONS

Article 55: Amendments

Any Member State may submit proposals for the amendment or revision of this Protocol.

Any such proposals shall be submitted to the Executive Secretary who shall notify other Member States not later than thirty days after the receipt of such proposals. Amendments or revisions shall not be considered by the Authority unless Member States shall have been given at least one month's notice thereof.

Amendments or revisions shall be adopted by the Authority.

Article 56: Withdrawal

Any Member State wishing to withdraw from this Protocol shall give a one-year written notice to the Executive Secretary who shall inform Member States thereof. At the end of this period of one year, if such notice is not withdrawn, such a State shall cease to be a party to the Protocol.

During the period of one year referred to in the preceding paragraph, such a Member State shall nevertheless continue to observe the provisions of this Protocol and discharge its obligations thereunder.

Article 57: Entry into Force

This Protocol shall enter into force provisionally upon signature by Heads of State and Government. Accordingly, signatory Member States and the Executive Secretariat hereby undertake to start implementing all provisions of this Mechanism upon signature.

This Protocol shall definitely enter into force upon ratification by at least nine (9) signatory States in accordance with the constitutional procedures of each Member State.

Article 58: Depository Authority

This Protocol and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposit of instruments of ratification by the Member States and shall register it with the Organisation of African Unity (OAU), as well as the United Nations (UN) and any other Organisation as may be decided by the Council.

IN FAITH THEREOF,

WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS PROTOCOL.

DONE AT LOME, THIS 10TH DAY OF DECEMBER, 1999

IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE
LANGUAGES, ALL TEXTS, BEING EQUALLY AUTHENTIC.

.....
H.E. Mathieu KERKOU

President of the Republic
of Benin

H.E. Blaise COMPAORE

President of Faso
Chairman, Council of Ministers
of Burkina Faso

.....
Hon. Alexandre Dias MONTEIRO

Minister of Commerce, Industry
and Energy
For and on behalf of the
President of Cabo Verde

H.E. Henri Konan BEDIE

President of the Republic
of Côte d'Ivoire

.....
H.E. Mrs Isatou NJIE-SAIDY
Vice-President,
Secretary of State for Health, Labour,
Social Welfare and Women's Affairs,
For and on behalf of the President
of the Republic of The Gambia

H.E. Flt.-Lt. Jerry John RAWLINGS
President of the Republic
of Ghana

.....
Hon. Zainoul Abidine SANOUSSI
Minister of Foreign Affairs in the
President's Office

For and on behalf of the President
of the Republic of Guinea

Hon. José Pereira BATISTA
Minister of Foreign Affairs
and
International Cooperation
For and on behalf of the President
of the Republic of Guinea-Bissau

.....
Hon. Enoch DOGOLEAH
Vice-President
For and on behalf of the President
of Liberia

H.E. Alpha Oumar Konare
President of the Republic of
Mali

.....
Hon. Sidi Mohamed Ould BOUBACAR
Minister, Secretary-General at the Presidency
For and on behalf of the President of the
Islamic Republic of Mauritania

H.E. Squadron Leader Daouda
Malam WANKE
President of the Council for
National Reconciliation, Head of
State of the Republic of Niger

.....
H.E. Olusegun OBASANJO
President, Commander-in-Chief
of the Armed Forces of the Federal
Republic of Nigeria

H.E. Abdou DIOUF
President of the Republic
of Senegal

.....
H.E. Ahmad Tejan KABBAH
President of the Republic
of Sierra Leone

H.E. Gnassingbé EYADEMA
President of the Togolese
Republic



SADC DECISION ON SMALL ARMS

SADC Council Decisions on the Prevention and Combating of Illicit Trafficking in Small Arms and Related Crimes, adopted at the Summit of the Heads of State or Government of the Southern African Development Community (SADC)

Maputo, Mozambique, 17-18 August 1999

The Council noted that conflicts in the SADC region over many years have led to a proliferation of arms, including light weapons. This has in turn contributed to an increase in criminal activities such as armed robberies and illicit trafficking in small arms.

The Council noted the various arrangements for combating illicit arms trafficking and cross-border crime. These include the Regional Agreement for Cooperation and Law Enforcement and the establishment of the Southern African Regional Police Cooperation (SARPCCO).

The Council noted that these developments would require a well-coordinated framework in SADC. A developmental dimension to the problem was required over and above a focus on law enforcement.

It was further agreed that small arms was a simple means for promoting crime. SADC needed to combine regional energies and resources to prevent resorting to small arms as a means of survival.

Bearing in mind the above, the following steps were approved by the Council:

- SADC should commit itself to the effective combating of armed transborder crime and the reduction and control of the flow of illicit arms;
- SADC should establish a regional policy for control of small arms and light weapons. SARPCCO should be appointed as the implementing agency of the SADC policy on small arms and cross-border crime prevention. The ministries responsible for law and order or safety should be the SADC national focal points on the issues of prevention and combating of small arms and related crimes.
- A working group consisting of Mozambique, South Africa, Swaziland (Chair), Zambia, Zimbabwe, the Secretariat and SARPCCO should be appointed to work out the SADC policy on small arms and develop a programme for implementation at the regional level. Other member States wishing to join the working group may do so.



OAU DECISION ON SMALL ARMS

OAU Decision on Small Arms, July 1999

ASSEMBLY OF HEADS OF STATE AND GOVERNMENT

Thirty-fifth Ordinary Session of OAU/Third Ordinary Session of AEC, 12-14 July, 1999, Algiers, Algeria

AHG/Draft/Dec.1-8 (XXXV) Rev.

AHG/Draft/OAU/AEC/Dec.1 (III) Rev.

DRAFT DECISIONS OF THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT

AHG/Draft/Dec.6 (LXX) Draft Decision on the Illicit Proliferation, Circulation and Illicit Trafficking of Small Arms and Light Weapons - (Doc. CM/2097 (LXX) Add.2))

The Assembly:

1. **TAKES NOTE** of the Report;
2. **ADOPTS** the proposals contained therein;
3. **HAILS** the Declaration on the moratorium on the import, export and manufacture of light weapons adopted in Abuja in October 1998 by the Heads of State and Government of the Economic Community of West African States (ECOWAS);
4. **WELCOMES** the appeal contained in the said Declaration **CALLING ON** the OAU to support implementation of the moratorium and **ENCOURAGE** similar initiatives in other regions of the continent;
5. **WELCOMES** the initiatives being undertaken by Member States and regional organisations concerning the question of small arms, in particular, the ECOWAS moratorium on small arms, the destruction of surplus and obsolete small arms in South Africa and the destruction of illicit weapons in Mozambique;
6. **FURTHER WELCOMES** the work of the United Nations, through its Group of Experts on Small Arms and the draft Protocol on the Illicit Manufacturing, circulation and proliferation of as well as illicit trafficking in Firearms, Ammunition and other related materials, supplementary to the Convention against Transnational Organised Crime; the European Union, through its Joint Action on Small Arms; and the Organisation of American States, through its Convention against the illicit manufacturing, trafficking, circulation and proliferation of firearms, ammunition, explosives and other related Materials;
7. **APPEALS** to the International Community to render to the affected African countries all necessary assistance to enable them to implement programmes to effectively deal with the problems associated with the proliferation of small arms and light weapons;
8. **REITERATES** the urgency and the need for inter-African co-operation in addressing the problems

associated with the illicit use, transfer and manufacture of small arms and light weapons, and EMPHASISES the primary role the OAU can play in coordinating actions in those affected areas;

9. URGES the Secretary-General to further seek the views of Member States on the illicit trafficking, circulation and proliferation of small arms and light weapons, in particular, to seek their views on actions to be undertaken;

10. CALLS for a coordinated African approach to the problems posed by the illicit trafficking, circulation and proliferation of small arms, under the OAU, taking into account the regional experiences and activities in this matter;

11. STRESSES the impact of the illicit proliferation, circulation and trafficking of light weapons on the increased involvement of children as soldiers and the psycho-social trauma thereof and the need to comply with the African Charter for the Rights and Welfare of Children and the Convention on the Rights of the Child;

12. FURTHER APPEALS to all Member States and to the International Community to assist in the psycho-social rehabilitation of children who have been affected by the trafficking, circulation and the proliferation of light weapons;

13. REQUESTS the OAU Secretariat to organize, to that effect a continental experts preparatory conference on this matter, prior to the International Conference scheduled for the year 2001 and to seek the support of the relevant UN agencies and other actors concerned, so as to evolve an African common approach;

14. FURTHER REQUESTS the Secretary-General to report to the next Session of the Council of Ministers.

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SARPCCO DECLARATION ON SMALL ARMS¹

Illegal small arms² and especially the illegal firearms:³ most commonly used in the perpetration of crime, contribute to the high levels of instability, extended conflict, violence and social dislocation evident in Southern Africa and the African continent as a whole.

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials, and owing to the harmful effects of those activities on the security of each state and the region as a whole, and the danger they pose to the well-being of people in the region, their social and economic development and their right to live in peace, the Ministers responsible for policing in the region are concerned about these weapons and the effect they are having in the region. The Ministers have accordingly agreed to co-operate towards improving controls over small arms.

The Ministers also recognise the work of the United Nations, through its Group of Experts on Small Arms and the Draft Protocol Against Illicit Manufacturing of and Trafficking in Firearms, Ammunition and other Related Materials, supplementary to the Convention Against Transnational Organised Crime; the European Union through its Programs of Action on Arms Trafficking and its December 1998 Joint Action Against the Spread of Small Arms and Light Weapons; and the Organisation of American States, through its Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials and its Model Regulations for the Control of the International Movement of Firearms, on small arms and illicit trafficking thereof;

The Ministers have therefore agreed to pursue, within the context of Southern Africa, those steps which may be taken to combat small arms trafficking in the region. Among those issues which will be considered are prohibitions on civilian possession of automatic and military weapons; co-ordination of procedures for the import, export and transit of small arms shipments, ensuring the registration of all small arms in a country, and, where appropriate, ensuring that proper controls be exercised over the manufacture of small arms to prevent their entrance into the illicit market; to promote the destruction of surplus arms. Through such actions, and the initiation of discussions on drafting a regional instrument on small arms, SARPCCO can contribute to preventing the further proliferation of small arms in the Southern African region.

Notes

¹ For the purpose of this document, unless otherwise indicated, "small arms" refers to both "small arms" as defined in footnote 2 and "firearms" as defined in footnote 3.

² The United Nations Panel of Government Experts on Small Arms defined "small arms" as including revolvers, and self-loading pistols, rifles, and carbines, sub-machine guns, assault rifles, and light machine-guns. The report of the Panel was adopted at the 52nd General Assembly in 1997.

³ The revised draft Protocol Against the Illicit Manufacturing and Trafficking in Firearms, Ammunition

and other Related Materials, supplementary to the United Nations Convention on Transnational Organised Crime defines "firearm" as "any barrelled weapon that will or is designed to or may be readily converted to expel a bullet or projectile by action of an explosive, (including any frame, or receiver of such as a barrelled weapon, but) not including any antique firearm manufactured before the 20th century or its replicas in accordance with domestic law.



ECOWAS WEAPONS MORATORIUM

ECOWAS Moratorium on the Importation, Exportation, and Manufacture of Light Weapons

October 31, 1998

WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES(ECOWAS);

CONSIDERING the principles and objectives embodied in the revised ECOWAS Treaty, the Charter of the Organisation of African Unity, and the United Nations Charter;

CONSIDERING the fact that the proliferation of light weapons constitutes a destabilising factor for ECOWAS Member States and a threat to the peace and security for our people;

CONSIDERING the resolutions of the United Nations conference on conflict prevention, disarmament and development held in Bamako in November 1996;

CONSIDERING the directives of the fourth extraordinary session of the ECOWAS Authority of Heads of State and Government which took place in Lome, on 17 December, 1997, relating to the establishment of a sub-regional mechanism for conflict prevention, management, resolution, peacekeeping and security;

CONSIDERING the recommendations of the meeting of ECOWAS Ministers of Foreign Affairs, Defence, Internal Affairs and Security held in Yamoussoukro on 11 and 12 March 1998;

CONSIDERING the reaffirmation of the commitment made by the ECOWAS Member States at the Oslo Conference held on 1 and 2 April 1998, and the declared support of the international community for the proposal to place a moratorium on light weapons in West Africa;

CONSIDERING the repeated encouragement of the United Nations for disarmament in West Africa as stipulated in the relevant Resolutions of the 50th, 51st and 52nd Sessions of the General Assembly;

CONSIDERING the outcomes of the meetings of Ministers of Defence, Internal Affairs and Security and of Ministers of Foreign Affairs held in Banjul on 23 and 24 July 1998, and in Abuja on 26 to 29 October 1998 respectively, endorsed by us in Abuja on 31 October, 1998;

CONSIDERING the unqualified approval demonstrated by Member States of the Wassenaar Arrangement and on other arms manufacturers for a moratorium on Light Weapons in West Africa;

HEREBY SOLEMNLY DECLARE A MORATORIUM ON THE IMPORTATION, EXPORTATION AND MANUFACTURE OF LIGHT WEAPONS IN ECOWAS MEMBER STATES WHICH SHALL TAKE EFFECT FROM THE FIRST DAY OF NOVEMBER,

1998 FOR A RENEWABLE PERIOD OF THREE (3) YEARS.

DIRECT the ECOWAS Executive Secretary, in collaboration with the United Nations system to convene a meeting of Ministers of Foreign Affairs and of experts to launch the operational framework for the associated measures of the moratorium under the Programme for Coordination and Assistance for Security and Development (PCASED)

SEEKING TO ENSURE the success of the Moratorium;

HEREBY SOLICIT the assistance of the Organisation of African Unity, the United Nations and the international community in implementing the Programme for Coordination and Assistance for Security and Development (PCASED).

Direct the Executive Secretary, in collaboration with PCASED to convene a meeting of Ministers of Foreign Affairs to assess and evaluate the moratorium at the end of the initial three-year period.

IN FAITH WHEREOF, WE THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THIS DECLARATION.

DONE AT ABUJA, THIS 31ST DAY OF OCTOBER, 1998 IN SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES BOTH TEXTS BEING EQUALLY AUTHENTIC.

H.E Mathieu Kerekou- President of the Republic of Benin

Hon.Ablasse Ouedraogo- Minister of Foreign Affairs for and on behalf of the President of Burkina Faso

Hon. Carlos Alberto Wahanon de Carvalho Veiga-Prime Minister of the Republic of Cabo Verde

H.E. Henri Konan Bedie- President of the Republic of Cote D'Ivoire

H.E. Col. Yahya A.J.J.Jammeh- President of the Republic of the Gambia

H.E. (Rtd) Flt.-Lt Jerry John Rawlings- President of the Republic of Ghana

H.E. General Lansana Conte- President of the Republic of Guinea

H.E. Joao Bernardo Vieira- President of the Republic of Ginea-Bissau

H.E. Charles Taylor- President of the Republic of Liberia

H.E. Alpha Oumar Konaré- President of the Republic of Mali

S.E. Mohamed A. Ould Moine- Ambassador for and on behalf of the President of the Islamic Republic of Mauritania

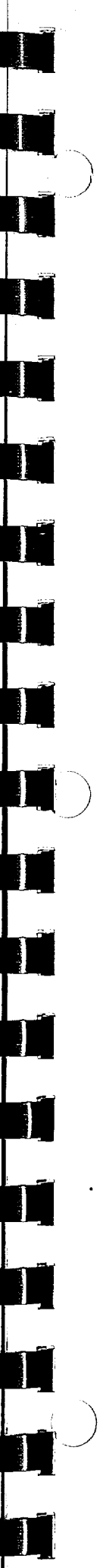
H.E. Ibrahim Mainassara Bare- President of the Republic of Niger

H.E. General Abdulsalami Abubakar- Head of State, Commander-in-Chief-of the Armed Forces of the Federal Republic of Nigeria

H.E. Abdou Diouf- President of the Republic of Senegal

H.E Alhaji Ahmad Tejan Kabbah- President of the Republic of Sierra Leone

H.E. Gnassingbe Eyadme- President of the Togolese Republic



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Southern Africa Regional Action

Programme on Light Arms and

Illicit Arms Trafficking

Conclusions from the Institute for Security Studies/Saferworld Conference on 'Developing Controls on Arms and Illicit Trafficking in Southern Africa', Pretoria, South Africa, 3-6 May 1998

PREFACE

The following text outlines an Action Programme for Southern Africa—the Southern African Development Community (SADC) and its members—to tackle light arms proliferation and illicit arms trafficking. It also indicates areas where the European Union (EU) and its member states could co-operate with and support such a programme. The text constitutes the agreed conclusions and recommendations of the participants to the Saferworld/ Institute for Security Studies Conference on Developing Controls on Arms and Illicit Trafficking in Southern Africa, held at Halfway House, near Pretoria, South Africa from 3 to 6 May 1998. The participants primarily comprised officials and experts from SADC member states and from the EU and its member states; officials from some other concerned states and international organisations were also present.

There is a growing recognition of the problem and the associated effects of illicit trafficking in arms, particularly light arms, in Southern Africa. Conflicts such as the long civil wars in Angola and Mozambique have led to the large scale circulation and trafficking of illicit arms in the region and the consequent fuelling of conflict, crime and violence. In recognition of the severity of these problems, and with a desire to identify ways in which the EU and its member states might help Southern African countries to address these problems, the UK government decided to sponsor this seminar as part of its efforts to implement the EU Programme on preventing and combating illicit trafficking in conventional arms, agreed in June 1997. The aims of the seminar were to:

- help to improve understanding of the ways in which Southern African countries could strengthen the effectiveness of their efforts to control arms, and combat illicit arms trafficking, in the Southern Africa region;
- improve understanding of the ways in which the EU and its member states could assist Southern African countries, and associated regional organisations, in such efforts; and
- develop agreement among selected officials and non-government experts from Southern Africa on appropriate and effective elements and priorities for a regional “action plan” involving EU assistance programmes, particularly in the framework of the new EU Programme for preventing and combating illicit trafficking in conventional arms.

These conclusions are those of the conference participants themselves, and do not necessarily reflect the policies of the countries or organisations they represent. Nevertheless, the conclusions are expected to be considered by SADC and EU governments and relevant committees. It is hoped that they will form the basis for developing an official programme within SADC, with EU co-operation under the framework of the EU Programme, and organised through SADC-EU dialogue structures.

The conference was jointly organised by Saferworld (UK) and the ISS (South Africa) which are grateful for the support of the UK Department for International Development, and for the contributions and commitment of all conference participants.

There is an urgent need for a SADC action programme to tackle light arms proliferation and illicit arms trafficking, and the EU and other donors have an important role to play in co-operating with and supporting SADC countries in their efforts to develop and implement such a programme. We also hope that this plan, and the process which gave rise to it, may provide a useful model for similar initiatives in other sub-regions.

PREAMBLE

The proliferation of light weapons and illicit arms trafficking in Southern Africa pose a major threat to peace, security and development in the region. Although they do not in themselves cause the conflicts and criminal activities in which they are used, the wide availability, accumulation and illicit flows of such weapons tends to escalate conflicts; undermine peace agreements; intensify violence and the impacts of crime in society; impede economic and social development; and impede the development of social stability, democracy and good governance.

There is a close relationship between peace and security in Southern Africa, both internally and internationally, and the economic, social and political development of countries in the region.

In the existing conditions in Southern Africa, effective action to control arms flows and availability requires determined, comprehensive and co-ordinated action not only at the local and national levels but also at the level of the region of Southern Africa. Moreover, the effectiveness of regional action on light arms proliferation and illicit arms trafficking in Southern Africa would be reinforced through co-operation with the OAU, the EU and its member states, SADC and/or its members, and also with the wider international community.

The recent increased awareness of the problems of light arms proliferation and illicit arms trafficking, in Southern Africa and also internationally, is to be welcomed. It is also important to recognise the numerous initiatives, resolutions and agreements to address the problem that have recently been taken in Southern Africa, the Sahara-Sahel, the OAU, the OAS, the UN and its agencies, and other members of the international community.

Recent initiatives by the EU, particularly the establishment in 1997 of its Programme for preventing and combating illicit trafficking in conventional arms, and progress towards an EU Code of Conduct, are noteworthy and welcome. They provide an important opportunity to develop co-operation between the EU and Southern Africa to tackle light arms proliferation and illicit arms trafficking.

However, it is important to recognise that present actions to tackle these problems in Southern Africa remain inadequately developed and often ineffective. Awareness of the severity of the problem still needs to be increased in some quarters. The problem requires a co-ordinated regional approach, but a Southern African action programme has yet to be developed. An integrated and comprehensive response is needed to meet the complex challenges of light arms proliferation and illicit trafficking, yet most of the responses remain fragmented and inadequately resourced.

Programmes to develop effective controls on legal arms possession and transfers, among civilians and state security forces, remain inadequate. So too are programmes to disarm former combatants, remove excessive or unlicensed arms from civilians, and destroy or safely dispose of "surplus" stocks of arms or confiscated illicit weapons. Transparency, information exchange and consultation among Southern African countries on arms and illicit trafficking remain weak. All these problems need to be addressed urgently.

ELEMENTS OF A SOUTHERN AFRICAN REGIONAL ACTION PROGRAMME ON LIGHT ARMS AND ILLICIT ARMS TRAFFICKING

A co-ordinated, determined and comprehensive regional "Action Programme" on light arms proliferation and illicit arms trafficking is urgently needed in Southern Africa. To enhance capacity in Southern Africa to develop and implement such a programme, and to reinforce its effectiveness, co-operation with the EU and other members of the international community should be developed, particularly through the EU-SADC dialogue.

This Action Programme needs to be comprehensive in its approach. The challenges of light arms proliferation and illicit arms trafficking are complex, and no single type of policy response would be adequate. Programmes to address illicit arms trafficking must be combined with actions to strengthen controls on legally-held arms; to remove, destroy or safely dispose of excess or confiscated arms; and to enhance transparency, information collection and exchange, and consultation across the region.

The programme of action on light and illicit arms should be co-ordinated across the region of Southern Africa, so that local and national actions are mutually reinforcing and appropriate actions are taken at the regional level. It should build upon and further strengthen regional institutions and structures.

Moreover, to be effective, the regional programme to tackle arms proliferation and illicit trafficking must be integrated with wider programmes to promote individual and community security; implement peace agreements; and advance post-conflict reconstruction, economic and social development, and good governance— both within the region and across Africa.

Thus, the region requires an integrated approach. In line with this requirement, donors and international co-operation partners assisting with the implementation of the action programme should adopt a proportional and integrated approach to the promotion of security and development. In much of the donor community, this has become known as the "security first" approach to development co-operation. SADC countries and the EU and its member states (and any other outside donors) should explicitly endorse this integrated approach, and establish consultations and procedures to ensure that this is effectively implemented.

Within this framework, Southern African countries should carry out an action programme to tackle light arms proliferation and illicit trafficking including the following elements. The EU should support this programme, where appropriate, as part of its EU-SADC co-operation.

1. COMBATING ILLICIT TRAFFICKING

Southern African states need to strengthen their collective efforts to prevent and combat illicit

trafficking of arms — particularly firearms, small arms and light weapons — on and through their territories. The main parts of a programme to achieve this should be as follows.

1.1 Strengthening laws and regulations to combat illicit arms trafficking

A comprehensive programme to strengthen controls and regulations on legal possession and trade of arms must play a central role in combating illicit arms trafficking. This is discussed in section 2 below. Regulations need to be developed across the region to ensure that any unlicensed arms possession and trading are clearly illicit, and subject to appropriate punishment. Further, regional consultations could be established to develop effective extradition agreements among all SADC members.

1.2 Strengthening operational capacity to combat illicit trafficking

A range of agencies have a crucial role to play in enforcing regulations to combat illicit trafficking in light arms — including police, customs, border guards, the judiciary, and also the military. However, in most Southern African countries, several of these agencies lack critical capacity to fulfil their role. Moreover, interagency co-ordination within and among the countries needs improvement. At a national level, Southern African states should embark on programmes to strengthen the capacity of police and customs, including:

- Undertaking co-ordinated national training programmes for police, customs and border guards, the judiciary and other agencies involved in preventing or combating illicit arms trafficking. One objective of such programmes should be to strengthen the investigative capabilities of police and customs, and their familiarity with appropriate criminal procedure. This could be enhanced by increasing the analytical and training capacity within SARPCCO, which should be developed to allow appropriate participation of customs and border guards, as well as the police.
- Establishing and improving national databases, communication systems, and equipment for monitoring and controlling movements across borders, while ensuring computability of systems between agencies and across the region.
- Establishing interagency joint working groups, involving police, customs, home affairs, the judiciary and other relevant groups, to improve policy co-ordination, information sharing and analysis at national level.

At a regional level, SADC member states should embark on a concerted regional programme to strengthen the capacity of the police, customs authorities, border guards and the criminal justice system to combat illicit trafficking. Such programmes should build upon existing security co-operation agreements in Southern Africa, such as the ISDSC and SARPCCO. In this context, SADC countries should consider:

- Activating and sustaining information sharing and analyses functions, internationally and regionally. This will necessitate strengthening of lines of communication between the police and customs officials in different SADC countries; developing and utilising regional (SARPCCO/Interpol) and international databases (e.g. IWETS); developing regional aspects of intelligence information sharing on light and illicit arms; and in particular, developing dedicated training programmes on the use of intelligence;

- Undertaking joint training exercises of officials from the police, customs and other relevant agencies (including the military where it is involved in border controls) from countries within the region, and exploring the possibility for exchange programmes for such officials within the region, and with their counterparts in the EU;
- Promoting a rapid processing of firearm investigations when captured illicit weapons are investigated in relationship to crime patterns;
- Establishing bilateral and regional agreements to facilitate tracking, pursuit, seizure and destruction (e.g. agreements to co-operate in pre-planned cross-border operations);
- Strengthening facilities for training at a national and regional level for police, customs and other relevant groups, co-ordinated through SARPCCO/Interpol and creating a specialised information, training and analysis unit on firearms in SARPCCO, staffed by one officer per member state;
- Developing an independent financial capability at SARPCCO HQ which would strengthen its capacity to undertake more regular pre-planned cross-border operations similar to the South Africa-Mozambique-Swaziland “Operation Rachel”.

In view of the above national and regional requirements, the EU could consider:

- *Providing technical support, equipment and training (e.g. most SADC countries lack necessary technical equipment — computers, communications equipment, and searching equipment — at border posts) to facilitate timely information exchange across borders;*
- *Exchanging relevant experience and expertise through customs/police exchange programmes;*
- *Supporting efforts to strengthen facilities for training at a national and regional level for police, customs and other relevant groups;*
- *Developing systems to enhance information sharing between the EU and SADC in order to enhance co-operative efforts to combat illicit trafficking.*

1.3 Improving systems to trace illicit arms flows

The circulation of illicit arms can only be effectively monitored if efforts are made to ensure that weapons are traceable and easily identified. The Southern African countries will seek to increase the level of traceability in arms flows by:

- Strengthening systems for national registration, control, and marking of legally-held arms to enhance capacity to identify and combat illicit trafficking;
- Establishing a regional system for the effective tracing of illicit arms, making use of the systems for marking and registering and maintaining databases on legally-held arms. Regional systems could be established, probably through SARPCCO, for timely responses to requests for information on confiscated or suspicious arms between relevant authorities in Southern Africa, linked with the international systems for collecting and communicating such data within Interpol.

1.4 Improving Information Exchange

Improvements in regular, timely and efficient information exchange and consultation across the region between officials and agencies involved in combating illicit arms trafficking are major priorities. Measures to achieve such improvements are discussed further in section 4 below.

2. STRENGTHENING REGULATION AND CONTROLS ON ACCUMULATION AND TRANSFERS OF ARMS

Southern African countries need to embark on a collective programme to strengthen and harmonise their national regulations and controls on the transfer, possession and use of arms. This is required to enable them to meet their responsibilities to exercise control and restraint in the import, export, transit and accumulation of arms, and to help to combat illicit possession and trafficking. This programme should be closely associated with collective efforts to update and develop compatible national policies relating to the possession, accumulation and transfer of both commercial arms and armaments held by state agencies; this is urgently needed in many areas.

Such a programme should include national and regional measures in the following areas:

2.1 Strengthen Controls over Civilian Possession of Firearms

National systems for licensing and controlling civilian possession and trading of firearms and ammunition need to be strengthened throughout Southern Africa, and made more effective and compatible through regional co-operation, using SARPCCO and other available regional institutions.

To pursue this objective, SADC countries should consider the following measures:

- Conduct a co-ordinated review of national procedures and criteria for issuing and holding firearms licences, making full use of SARPCCO, with the aim of agreeing common systems and “model statutes” reflecting best practice in stringently controlling civilian possession of firearms in the region. Such procedures should aim to limit, and ultimately remove, the scope for civilians to possess firearms legitimately for the purposes of self-defence (unless they require them for special professional duties), as confidence in the state’s ability to assure individual security improves. Procedures for periodically reviewing licenses should be adopted, and also for requiring or encouraging the surrender and destruction or responsible disposal of weapons that are no longer needed.
- Establish a regional consultation process, through SARPCCO or other relevant institutions, to agree common penalties for firearms-related offences across the region and adopt best practice on regulating the types of arms that can legally be held by civilians (for example, banning possession of automatic weapons or military assault rifles), and other issues of concern.
- Establish and maintain national electronic databases of licensed arms, gun owners, and commercial arms traders within each SADC country, and establish regional systems to allow authorities in partner countries efficiently to check licenses and backgrounds of migrants, etc.
- Establish a standardised and effective system across the region for licensing and monitoring

commercial arms dealers and brokers, and for issuing import, export and transit licences for commercial arms.

2.2 Enhance restraint and controls over accumulation and transfer of light arms and associated military equipment

Southern African countries should exercise restraint in the accumulation of military equipment and maintain and improve their systems controlling arms transfers, taking account of the fact that all states in the region are potential sources, recipients and transit states in the relation to light arms flows. In line with this, countries should consider:

- Establishing and maintaining complete national inventories of arms, ammunition and related equipment held by security forces and other state bodies, to enhance countries' capacity to manage and maintain secure storage of military equipment, and to facilitate review of whether numbers are above requirements for national self-defence.
- Carrying-out a programme across the region to strengthen Southern African countries' national systems for licensing imports, exports and transit of military equipment, including light arms. This includes establishing systems for ensuring licenses are only issued when they fully comply with national criteria and with the full authorisation of government authorities; aiming to harmonise relevant licensing documents and end-use control and (where practicable) monitoring systems; and establishing regional systems to facilitate checks on the validity of documents issued by neighbouring licensing authorities.
- Developing a regional code of conduct that provides agreed criteria governing the import, export or transit of arms (including light or small arms) and ammunition. Such criteria would cover issues related to the situation or character of the recipient such as the impact on regional or internal security; human rights; and an assurance that arms will not be diverted to rebel armies or otherwise undesirable end-users and so on (along the lines of the UNDC and EU Codes of Conduct). Systems of information exchange and consultation systems among SADC countries relating to the implementation of the code of conduct would also need to be established.
- *EU states could provide advice and support where appropriate on the development and operation of a regional code of conduct such as the one proposed above.*

2.3 Improve capacity to monitor and trace light arms possession and transfers

At present, there are substantial weaknesses in the national and regional capacity to monitor and trace flows of both civilian and military arms, and thus to enforce controls. To rectify this problem, states should consider:

- Establishing harmonised regulations to address the problem of non-unique or ambiguous serial numbers for each item of commercial and military equipment, and to ensure that adequate and accessible records are maintained by manufacturers and dealers to enable subsequent tracing of weapons.
- Establishing agreed systems throughout Southern Africa to ensure that arms are marked at the

time of manufacture or import, and also to examine the possibility and value of marking military equipment in transit

- Establishing comprehensive, up-to-date and compatible national electronic databases related to the character and history of each licensed weapon.
- Working in co-operation with EU member states and other supplier or transit states outside Southern Africa, to promote the capacity to trace weapons transferred internationally.
- *EU states should consider providing technical assistance in order to help with marking manufactured arms and to establish database systems for registering ownership of weapons.*

3. PROMOTE THE REMOVAL OF ARMS FROM SOCIETY AND THE DESTRUCTION OF SURPLUS ARMS

Southern African countries need to develop a co-ordinated programme to promote the removal of arms in circulation among civilians and the destruction of confiscated or surplus arms. This programme should include the following elements.

3.1 Collection, removal from circulation, and destruction of "surplus" military arms

Southern African countries should identify and adopt effective programmes for the collection, safe-storage, responsible disposal, and destruction of arms rendered "surplus" through peace agreements, demobilisation or integration of former combatants, or re-equipment of armed forces or other armed state bodies. To this end, they should consider:

- Encouraging full preparation for, and implementation of, arms collection, safe storage, and responsible disposal or destruction of arms as part of the implementation of peace agreements in Africa or elsewhere. Where possible, conditions and levels of disarmament and demobilisation should be specified in peace accords;
- Reviewing and developing appropriate programmes for demobilisation and (re)integration of former combatants as conflicts come to an end in Southern Africa, in association with the UN and other relevant international agencies;
- Establishing and implementing guidelines and procedures for ensuring that arms or ammunition rendered "surplus" to requirements (through the implementation of peace agreements, demobilisation of former combatants, or re-equipment or reorganisation of armed forces or other state bodies) are securely stored and disposed of in a way that ensures that they are prevented from entering the illicit arms market or flowing into regions in conflict or any other destination that is not fully consistent with agreed criteria for restraint (ref. discussions to develop a regional Code of Conduct for arms transfers from Southern Africa).
- Encouraging states, where possible, to destroy surplus military equipment. To promote and improve capacity for such practices, the establishment of regional or international mechanisms should be considered, in co-operation with the UN, EU and other interested international bodies, to facilitate and monitor the destruction of "surplus" arms throughout the region. This could include co-ordinating technical facilities for the safe physical destruction of such arms,

maintaining systems for verifying and recording such destruction, and developing systems to enhance public awareness of such activities in order to encourage local and national initiatives to collect and destroy arms.

- *The EU and other members of the donor community could consider encouraging the destruction of old stocks by contributing funds to offset lost income or by contributing to the process of disabling or destroying such weapons. The prospects of such assistance should tend to be enhanced if the recipient state has committed itself to a reduction in its military holdings.*

3.2 Removing confiscated and unlicensed weapons from circulation

Illicit or unlicensed arms, ammunition and other military equipment that are captured or confiscated, need to be permanently removed from circulation, to prevent illicit leakage. SADC states should consider the following measures to achieve this requirement:

- Adopting co-ordinated national policies to the effect that confiscated or unlicensed arms that come into the possession of state authorities are normally destroyed, and establish national or regional systems to implement, oversee and report such a policy;
- Maintaining and further developing joint and combined operations across borders among groups of Southern African states to capture and destroy weapons and arms caches remaining after conflicts and civil wars — similar in character to Operation Rachel between South Africa, Swaziland and Mozambique for the locating, capturing and on-site destruction of arms caches.

3.3 Voluntary weapon collection and exchange programmes

Southern African countries should expand and improve programmes for the voluntary collection or exchange of arms from civilian possession, both nationally and through co-ordinated regional programmes. To develop such programmes, they should consider:

- Establishing a co-ordinated regional programme to review experiences, inside the SADC region and elsewhere, with voluntary arms collection or exchange projects, with the aim of identifying and promoting best practice. This programme would aim to co-ordinate the expansion of such activities throughout the region, and to help ensure that the conditions and resources required for the success of such projects (such as the availability of police forces in which local communities have confidence) are in place;
- Integrating arms collection or exchange projects with development aid projects in the targeted communities, to make services or goods valued by the local communities available in exchange for guns;
- Establishing the policy that arms collected through gun exchange or collection projects would normally be destroyed, and in any case disposed of responsibly and securely, and aim to mobilise the necessary resources for implementation.
- *The EU and its member states should consider supporting such arms collection exchange and destruction programmes;*
- *The EU should consider supporting, where possible, post-conflict demobilisation initiatives*

and should link these with longer term reintegration projects.

3.4 Reversing cultures of violence

Programmes are needed throughout most of Southern Africa to promote community awareness of, and involvement in programmes to remove weapons from society and to reverse the “cultures of violence” that have developed in parts of the region. Such programmes should be seen as part of a wider integrated programme to improve governance and enhance the capacity of the police and other services to assure the security of citizens (and enhance the confidence of all citizens in such services). In this context, Southern African countries should consider:

- Developing national and regional public education and awareness programmes to enhance public involvement and support for efforts to tackle light arms proliferation and illicit trafficking, and to challenge and reverse “gun cultures” or cultures of violence where they occur;
- Establishing systems of information exchange and consultation throughout the region, and also developing contacts with relevant groups beyond the subregion, to identify and learn from successful practices in this area.

4. ENHANCE TRANSPARENCY, INFORMATION EXCHANGE AND CONSULTATION ON ARMS IN SOUTHERN AFRICA

A prerequisite for Southern African states to exercise responsibility, control and restraint in the import, export, transit and accumulation of arms, is the development of confidence-building and information exchange measures between states within the subregion. This will require the establishment of improved mechanisms for information exchange, consultation and wider transparency.

4.1 Enhancing Public Transparency

Transparency in arms accumulations, flows and policies, and also regarding the role and importance of arms in society, is essential not only for international confidence-building, but also to engender public confidence in the state and to enhance the public’s perception that their security is assured.

Southern African countries should consider enhancing public transparency on arms by:

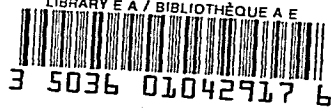
- Participating regularly in the UN Register of Conventional Arms and supporting its extension in scope to include at least some “lighter” categories of armaments;
- Starting a process to establish a regional register covering information relevant to light arms;
- Exchanging information, within the region, on levels of armaments in order to arrive at a common understanding of the appropriate level of armaments which is required or national for self-defence;
- Developing an arms control community in the region, and strengthening and developing centres for disarmament studies;
- Recognising the useful role NGOs can play in enhancing such transparency.

4.2 Information exchange and consultation

Inter-governmental information exchange and consultation on issues such as the transfer and seizure of small arms are essential parts of successful confidence-building and conflict prevention initiatives. Southern African countries should seek, nationally and regionally, to foster regular information exchange between policy-makers and those responsible for implementing policy, and to increase progressively, at national and regional level, transparency on legal and illegal transfers, holdings and seizures by:

- Increasing transparency on illicit seizures through increased information exchange, the establishment of an appropriate and accessible database and/or increased utilisation of Interpol's IWETs database, with SARPCCO the primary institution in this regard;
- Compiling details of national holdings and exchanging information on a confidential basis within ISDSC, placing particular emphasis on increasing transparency on national holdings/inventories on small arms and facilitating participation in global transparency initiatives (e.g. the UN Register).
- Developing the capacity to collate, organise and publish information on small arms transfers through the institution of national databases and exchanges of information on imports, exports and transfers, with a view to the establishment of a regional small arms register — SADC/ISDSC are the principal institutions in this regard;
- Southern African countries should seek to develop *ad hoc* bilateral and multilateral dialogues within SARPCCO in order to address issues related to the trafficking and circulation of arms.

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