

**Review Conference on the Progress Made in the
Implementation of the Programme of Action to Prevent,
Combat and Eradicate the Illicit Trade in Small Arms and
Light Weapons in All Its Aspects (UNPoA)**

**An African Civil Society Perspective
on the
African Common Position to the Review
Conference on the Progress Made in the
Implementation of the UNPoA**

**IANSA Preparatory Workshop for the UN Review Conference
on Small Arms: Eastern, Central & Southern Africa**

Tshwane (Pretoria), South Africa

15 - 17 May 2006

Towards the Review Conference on the Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA)

Introduction

1. From 15 - 17 May 2006 African members of the International Action Network on Small Arms (IANSA) convened a workshop in Tshwane (Pretoria), South Africa in order to prepare for the forthcoming United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA) [hereafter referred to as the Review Conference], scheduled for 26 June to 7 July 2006 at the UN Headquarters in New York.
2. The meeting brought together 30 participants from the following African countries: Burundi, Cameroon, Ethiopia, Kenya, Lesotho, Malawi, Mozambique, Namibia, Rwanda, South Africa, Uganda and Zambia, representing the following Civil Society Organisations: Accao Mocambicana de Combate ao Crime e Reinsercão Social de Prisioneiros, Africa Peace Forum, Amnesty International (South Africa), Associacao Instituto De Promocao De Paz, Breaking the Wall of Silence, Cameroon Youth and Students Forum for Peace, Ceasefire Campaign, Centre for Conflict Resolution (Uganda), Centre for Human Rights and Rehabilitation, Coalition for Peace in Africa, Colonie des Pionniers du Development, Fellowship of Christian Council in the Great Lakes and Horn of Africa, Gun-Free South Africa, Institute for Security Studies, International Physicians for the Prevention of Nuclear War, Kenyan Coalition Against Landmines, Oxfam GB (Regional Centre & Kenya Programme), SaferRwanda, Security Research and Information Centre, Transformation Resource Centre and Zambia Healthworkers for Social Responsibility. Also attending were representatives of the Geneva-based Centre for Humanitarian Dialogue as well as members of the IANSA Secretariat based in London.
3. Participants took note of the outcome document of the African governmental experts that met in Windhoek, Namibia for the Second Continental Conference of African Government Experts on Illicit Trade in SALW from 14 to 16 December 2005 culminating into the African Common Position to the Review Conference on the Progress Made in the Implementation of UNPoA (hereafter referred to as the African Common Position), which was subsequently endorsed by the Executive Council of the African Union in January 2006.¹
4. Participants, while noting with some concern that African civil society, as key contributors to the effective implementation of the UNPoA at the international, regional and particularly national levels, were not present in Windhoek, nevertheless saw the African Common Position as an important framework document which complements the Bamako Declaration of 2000, and other complimentary documents as contained in the annexure to the African Common Position as one which will go a long way in enhancing the implementation of the UNPoA and in improving co-operation to prevent, combat and eradicate the proliferation of small arms and light weapons in their countries and sub-regions.
5. Participants welcomed and affirmed the African Common Position as an important contribution to the full implementation of the UNPoA at both the global and continental levels, and representing the determination of the Member States of the African Union (AU) to implement the UNPoA in terms of both its spirit and letter.
6. Participants further noted and welcomed the fact that at the sub-regional level in Africa important developments have taken place since the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. These include the entry into force of two legally binding Protocols: the Southern Africa Development Community (SADC) Protocol on Firearms, Ammunition and Other Related Materials (November 2004); and, the Nairobi Protocol for the Prevention, Control and

¹ Decision on a Common African Position on the UN Review Process On The Plan of Action on Small Arms And Light Weapons (DOC.EX.CL/215 (VIII), African Union, Eighth Ordinary Session. 16-21 January 2006. Khartoum, Sudan.
http://www.africa-union.org/root/au/Documents/Decisions/com/AU6th_ord_Council_Decisions_Jan2006_Khartoum.pdf

Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (5 May 2006). In addition, participants welcomed the drafting of an ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, which is due to be considered by West African ministerial and governmental experts in May 2006 in Bamako, after which it will be submitted to the ECOWAS Heads of State Summit for possible adoption in June 2006.

7. Notwithstanding these positive developments, it was also highlighted that the July 2003 and July 2005 Biennial Meetings of States (BMS) had shown various shortcomings in the implementation of the UNPoA, including that not all UN Member States have informed the UN Department for Disarmament Affairs of a designated official Point of Contact on small arms, and only about 50% of states have established National Commissions or National Focal Points. About one-third of states have conducted some form of domestic disarmament, and around one-quarter have reviewed or revised their laws and procedures for regulating firearm ownership. In sub-Saharan Africa, governments often lack the capacity to effectively police their borders and points of entry, as well as to secure stockpiles. Technical and financial burdens inhibit computerised record-keeping and regular programmes for the collection and destruction of firearms, ammunition and other related materials rendered surplus, redundant or obsolete or which have been confiscated. Funding for integrated approaches that address factors that drive the demand for arms and which support alternative arrangements to enhance human security are insufficient.
8. In their discussions, delegates noted the outcomes of the following recent meetings held in Africa to prepare for the Review Conference: Regional Consultative Seminar to Integrate Development into the UNPoA Process in the Great Lakes Region and the Horn of Africa, hosted by the Regional Centre on Small Arms (RECSA); a meeting of the Small Arms and Light Weapons Roundtable, a network of South African civil society organisations, to prepare a statement for the South African Government with respect to the Review Conference, and, a PROPAZ hosted workshop which brought together Mozambican civil society organisations engaged in the problem of small arms culminating in the development of a common position to be passed onto the Mozambican authorities for consideration.
9. Delegates also welcomed the forthcoming IANSA Women's Network meeting for Eastern, Central and Southern Africa immediately following this workshop as well as the civil society meeting to be held in Kigali, Rwanda in late May and organised by SaferRwanda to develop similar NGO approaches to the UNPoA and Review Conference.
10. In the interest of brevity and focusing on areas within the competence of those present, this submission covers selected aspects of the African Common Position to the Review Conference on the Progress Made in the Implementation of UNPoA (African Common Position) which the participating IANSA members propose should be highlighted in the following ways:
 - a. In African governmental statements to the Review Conference;
 - b. In Bi-lateral and Multi-lateral governmental meetings during the Review Conference;
 - c. In meetings between African civil society and their respective relevant governmental departments and ministries, United Nations Mission representatives and delegates to the Review Conference;
 - d. In meetings with the New York Africa Group;
 - e. In meetings with the representatives of the African Union (UN).

The IANSA participants believe that these issues are crucial to the strengthening and evaluation of the progress made in implementing the UNPoA in Africa as well as assisting in the endeavour to develop a concrete work programme leading up to the proposed next Review Conference scheduled in some five to six years time.

Comments on Aspects of the African Common Position and Suggestions for Issues to be Highlighted by African Governments

We, African members of the International Action Network on Small Arms (IANSA) highlight and provide these comments and recommendations on the following issues against the relevant clauses in the African Common Position:

On Development and Small Arms

Relevant Article(s) in the African Common Position

Political commitment and action to address the root causes of conflict in a comprehensive manner. [18 a]

Delegates welcomed the recognition of the need to address the fundamental issues and root causes of conflict as important means by which armed violence in general and in particular the availability, supply and demand for small arms and light weapons can be significantly reduced if not eliminated.

From States in long-term conflict, in crisis or in the post-conflict phase, to countries beset by social violence and crime, arms availability and armed violence exacerbate poverty, discrimination, disease and malnutrition, inhibit access to social services and divert resources away from efforts to improve human security and development. This is especially true for countries in Africa.

Development cannot be sustained in an environment made insecure either by conflict or by high levels of armed crime. Livelihoods are destroyed and opportunities to escape poverty are lost; health and education services are devastated, trade and foreign direct investment are reduced, tourists stay away and the management of infrastructure and national resources is disrupted. The UN Secretary General's March 2005 report, *In Larger Freedom*, clearly recognises that 'the accumulation and proliferation of small arms and light weapons continues to be a serious threat to peace, stability and sustainable development.' In addition, the General Assembly resolution 60/68 of December 2005 called upon States to address the humanitarian and development impact of small arms more effectively.

Both the Bamako and Nairobi Declarations of 2000 emphasise the relationship between development and small arms control. The New Partnership for Africa's Development (NEPAD) initiative and the African Union (AU) protocols and structures agreed to in the Durban and Maputo Summits of 2002 and 2003 respectively acknowledge the need for a comprehensive strategy to arrest and deal with the proliferation of SALW, including 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, and practical measures to ensure peace and security in Africa.

The Review Conference offers a major opportunity to elaborate how the problem of the proliferation of SALW in relation to human and sustainable development might be addressed.

In this respect, the UN small arms process needs to be reoriented to include action at the community level. Communities are key actors in tackling illicit small arms proliferation in conflict, post-conflict and non-conflict areas, and a community dimension should be added to the UNPoA process.

As IANSA African civil society, we therefore call for:

- African and other States to include in the Review Conference Outcome Document language on the following key issues:
 - A new focus on action at community level. There is an urgent need to fully address the community dimension within the UN small arms process, to underscore and support the importance of local initiatives. Initiatives at this level should have genuinely participatory, bottom-up approaches, in

partnership with civil society and giving specific attention to all affected groups, with particular focus on gender and age.²

- Reflect small arms in national development initiatives and vice versa. National action plans on small arms, armed violence prevention programmes and other initiatives to address the availability, misuse and demand for small arms should be integrated with poverty reduction strategies. These measures should be conducted in consultation and collaboration with members of the affected community and stakeholders engaged in the community, including survivors of armed violence, and make use of locally-appropriate development incentives. Similarly, small arms experts should be involved in the development of poverty reduction strategy papers and frameworks to ensure that policies and programmes are sensitive to and address armed violence and conflict.³
- A focus on the root causes of armed violence and demand factors for small arms. Surveys, research and assessments of the root causes of violence and the demand factors for small arms should be undertaken and integrated into national action plans on small arms and other relevant programmes and policies, such as those relating to development, security sector reform, governance etc.⁴
- Encourage and support States to enhance community-based security measures. This to be done through prevention and measures such as accountable community policing, neighbourhood-watch associations, support to traditional and peaceful conflict transformation mechanisms, gun free zones, appropriate time-bound restrictions and prohibitions on alcohol and gun carrying, and local judicial and penal alternatives.
- To encourage and support public-private partnerships in the design, implementation and monitoring of armed violence reduction and small arms control measures. These partnerships could include a number of stakeholders such as community groups and associations, government bodies, international and regional organisations and the private sector.
- Regional and sub-regional work linking small arms and development: Regional and sub-regional organisations contributing to UNPoA implementation should commit to integrating development into small arms control by, for example, fully integrating human security and development approaches in defining and implementing security strategies.
- States and international and regional organisations should provide increased technical and financial assistance, including small arms funds, to explicitly integrate armed violence prevention and reduction measures into peacebuilding, reconstruction and long-term development programming as well as funding action-orientated research for the development of evidence-based policies. This should include weapons collection and destruction, stockpile management, weapons for development programmes, adequate national arms regulation and legislation and the prevention of illicit transfers of small arms.⁵
- As a means of continuing discussions on small arms and development linkages, that the Secretary-General of the United Nations commission a high level report on these links in search of ways to strengthen the implementation of the UNPoA.

On National firearms legislation

Relevant Article(s) in the African Common Position

Consider as priorities for national action the mechanisms recommended in the Bamako and UNPoA frameworks, such as:

The need for strengthening of regulations for arms management, including the need to strengthen and harmonize legislation to that effect. [15 c ii]

² This builds particularly on preamble para 2, the various references to civil society in the UNPoA and the need for dialogue and culture of peace (UNPoA II, 41).

³ This builds particularly on UNGA resolution 60/68 1a) and d), the need for funding (60/68 1d) and UNPoA III, 3) and development programming (UNPoA III, 17).

⁴ This builds particularly on preamble para 7.

⁵ This builds particularly on the need for technical and financial assistance (GA resolution 60/68 1b, UNPoA III, 3) and development programming (III, 17), as well as action-oriented research (III, 18).

Urge all States to:

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 [15 e viii]

Delegates acknowledged the importance of strengthening legislation for the management of firearms. They felt that the link between management and legislation needs to be clearly spelt out and that priority needs to be given to arms control. They noted that virtually all illicit small arms begin as legal weapons owned by a government agency, a company or a private individual. Preventing diversion of these weapons to illegal markets requires effective regulation of all aspects of the trade, holding, storage and use of small arms. According to the World Health Organization, the majority of people killed and injured with small arms die in 'peaceful' and 'post-conflict' contexts, rather than in armed conflict.

The World Health Organisation has further stated that the largest number of gunshot victims and survivors, as well as the majority of perpetrators of armed violence, are men – young men in particular.⁶ Therefore, while not neglecting women and children, delegates felt that interventions targeting young men are especially important.

There has been a clear and growing level of interest in the importance of regulating weapons in the hands of civilians as part of the strategy to end the illicit trade in small arms since 2001. Thus in December 2005, the General Assembly noted the importance of addressing firearms in the hands of civilians in societies recovering from war. The General Assembly Resolution 60/68 called upon States to address the humanitarian and development impact of small arms more effectively by:

Systematically including national measures to regulate small arms and light weapons in longer term post-conflict peacebuilding strategies and programmes.

There is thus a need for a prohibition on certain users of guns, including convicted criminals, perpetrators of domestic violence and the youth. There is also an urgent need to prohibit the possession and ownership of certain firearms, in particular military assault rifles and stricter regulations with respect to the sale and possession of ammunition is required.

As African civil society, we therefore call for:

- States to share information through the UN small arms process on how they regulate civilian-owned guns.
- States, who have not already done so, to urgently review their national firearm policies and to bring them in line with the UNPoA and international trends and agreements and/or sub-regional legally binding Protocols and Conventions, including, but not limited to, systems for the registration of all firearms and their owners, defining of minimum criteria for private ownership of guns by introducing a national system of licensing, prohibiting civilian possession of military-style weapons and regulating manufacturers, dealers and brokers.

On Assistance to Survivors of Small Arms Violence

Relevant Article(s) in the African Common Position

Furthermore, the Conference reaffirms that ensuring the reduction of the availability, supply and demand for small arms and light weapons is critical to the well being of its Member States and can be achieved through actions/initiatives at the national, regional continental and international levels in that respect in general, but in particular through: [18]

⁶ World Health Organisation (2002), World Report on Violence and Health, WHO, Geneva, pp. 274–275.

Providing for rehabilitation and reintegration assistance to demobilized soldiers, ex-combatants and in particular child soldiers as referred to by the PCRD debate in the African Union. [18 a]

Delegates welcomed the provision of rehabilitation and reintegration assistance to demobilized soldiers, ex-combatants and child soldiers but noted that assistance to survivors of armed violence and misuse of firearms has been a neglected area of research, policy and advocacy in both the UN small arms process and in processes at the regional, sub-regional and national levels in Africa.

As African civil society, we therefore call for:

- Action-oriented research on the needs of survivors in order to develop effective policies within National Action Plans/Programmes.
- The inclusion of provisions for survivors of armed violence in general in national action plans, disarmament, demobilisation and reintegration programmes and peace-building strategies to ensure proper reintegration into society and prevent outbreaks of post-conflict violence.
- The full implementation of UN Security Council Resolution 1325 on women, peace and security passed in 2000 which recognises the need for an increased flow of information about the impact of armed conflicts on women, and which recognises the important role of women in peace-building and the gender dimensions of peace processes and conflict resolution.⁷
- The inclusion of assistance programmes for survivors of armed violence among the priorities for international co-operation and assistance.
- The inclusion of survivors of gun violence in the design and implementation of such assistance policies and programmes at the national level.

On International Transfer Controls

Relevant Article(s) in the African Common Position

The Conference also noted a number of other initiatives introduced since 2001 that have enriched the broader debate on illicit small arms and light weapons such as those related to the civilian possession of military-style small arms and light weapons, the transfer of small arms and light weapons to armed non-state actors, the Transfer Control Initiative, as well as the Arms Trade Treaty, and recognized that these discussions are continuing at their own pace outside the review process of the UNPoA. [13]

While participants welcomed the recognition that there is a need for international transfer controls as mentioned in Paragraph 13 of the African Common Position, much greater emphasis should be placed on this by African governments at the Review Conference. Irresponsible transfers of small arms, light weapons and ammunition continues to fuel conflict, undermine development and contribute to countless human rights abuses in Africa.

In the 2001 UNPoA, States agreed to regulate international transfers of small arms and light weapons in a manner consistent with their existing responsibilities under international law.⁸ Implementation of UNPoA commitments on international transfers of small arms and light weapons will remain weak and inconsistent, if States do not establish a common understanding of these existing legal responsibilities.

While regional and sub-regional agreements on transfer controls are encouraging and needed, a global agreement on transfers is necessary.

⁷ Resolution (S/RES/1325).

⁸ Programme of Action (UNPoA), Section II, paragraph 11, commits States 'To assess *applications* for export authorisations according to strict national regulations and procedures that cover all small arms and light weapons and are *consistent with the existing responsibilities of States under relevant international law*, taking into account in particular the risk of diversion of these weapons into the illegal trade.' [emphasis added]

As African civil society, we therefore call for:

- All States to reach a common understanding of their existing responsibilities under relevant international law.
- African States to actively participate in the work of the Group of Governmental Experts on Brokering which is due to report to the 61st Session of the First Committee of the UN General Assembly in October 2007.
- All States to submit comprehensive national reports on international transfers of small arms and light weapons to the UN Registry.
- The development of minimum global guidelines for national controls on transfers based on States' existing responsibilities under international law and that these be published in the Review Conference Outcome Document.

On the Role of Civil Society and National Action Plans and Focal Points

Relevant Article(s) in the African Common Position

The African Common Position only refers to the role of civil society in Paragraph 15a.

Ensure the sustainability of national initiatives by, inter-alia, developing needs and resource assessments; *promoting relevant partnerships for implementation with civil society*; and accepting primary responsibility of states in the implementation of action [emphasis added] [15 a].

As mentioned above, delegates expressed their concern that they had not been invited to the Second Continental Conference of African Government Experts on Illicit Trade in SALW in December 2005.

As organisations concerned about the destructive and destabilising impact of armed violence, and who on a daily basis undertake research, advocacy and capacity-building with a view to reducing the proliferation of small arms and armed violence, African Civil society has a crucial partnership role to play with governments in the implementation of the UNPoA and other relevant international and sub-regional agreements.

As African civil society, we therefore call for:

- The inclusion and full participation of civil society in National Focal Points (NFP), National Commissions and other relevant structures and fora.
- The inclusion of civil society representatives on national delegations to UN meetings, including, the Review Conference.
- The allocation of more resources (both financial and personnel) by national governments for the effective and transparent operations of National Focal Points and National Commissions.
- An investigation into the feasibility of establishing sub-regional centres on small arms and light weapons in Southern Africa, West Africa and in North Africa modelled on the Regional Centre on Small Arms (RECSA) based in Nairobi, Kenya.

On the convening of a technical and legal workshop with the aim of developing a legally binding instrument to prevent, combat and eradicate the illicit trade in small arms and light weapons

Relevant Article(s) in the African Common Position

The Conference requests the AU Commission to:

Convene a technical and legal workshop with the aim of developing a legally binding instrument to prevent, combat and eradicate the illicit trade in small arms and light weapons. [20 c]

Delegates welcomed this initiative recalling also Paragraph 13 of the African Common Position, which states that:

The Conference also noted a number of other initiatives introduced since 2001 that have enriched the broader debate on illicit small arms and light weapons such as those related to the civilian possession of military-style small arms and light weapons, the transfer of small arms and light weapons to armed non-state actors, the Transfer Control Initiative, as well as the Arms Trade Treaty, and recognized that these discussions are continuing at their own pace outside the review process of the UNPoA. [13]

and, Paragraph 15a on the role of civil society.

Ensure the sustainability of national initiatives by, *inter-alia*, developing needs and resource assessments; promoting relevant partnerships for implementation with civil society; and accepting primary responsibility of states in the implementation of action. [15 a]

Delegates took note of the African Common Position that, “although the UNPoA and Bamako represent key elements in peace and security, not all issues pertaining to small arms and light weapons are encompassed in the mandate of the UNPoA. Nevertheless, there are now sufficient mechanisms in place in the AU to proceed with their discussion at the continental or regional levels rather than at the international level”. [6]

Delegates felt that it would be important for this technical and legal workshop to be used as a vehicle to achieve common understandings within Africa on the three essential issues, presently being discussed outside of the UNPoA process, namely:

- The transfer of small arms and light weapons to armed non-state actors;
- The Transfer Control Initiative;
- The Arms Trade Treaty.

As African civil society, we therefore call for:

- This Workshop to be convened as soon as possible after the Review Conference.
- An invitation be extended to African civil society from all sectors to attend and that we be afforded the opportunity to fully participate as both practitioners in the field and as important contributors to the effective implementation of the UNPoA and more generally in our joint endeavour to prevent, combat and eradicate the proliferation of small arms and light weapons on our continent.
- The results of the workshop to be communicated to all UN Member States concerned with preventing, combating and eradicating the proliferation of weapons globally.