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## African Contributions to the International Debate

Virginia Gamba  
*Institute for Security Studies (South Africa)*

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# African Contributions to the International Debate

by Virginia Gamba

## INTRODUCTION

In 1995, UN secretary-general Boutros Boutros-Ghali acknowledged the impact of small-arms proliferation on the security of people and made a general call for “microdisarmament,” or the reduction in the level of small arms and light weapons world-wide.<sup>1</sup> As a result of this call, the United Nations created a Panel of Experts on Small Arms and Light Weapons, which commenced a two-tier process to analyze the extent and scope of the problem of small-arms proliferation and its potential for control and reduction.

The recommendations of the Panel of Experts<sup>2</sup> led to many regional efforts to understand, control, and stem proliferation. The first to bear fruit was the Inter American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other related materials undertaken by the Organization of American States (OAS) during 1997. Since then, many other regional processes and debates have engaged the attention of the international community in preparation for a United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects (July 2001).

In parallel, the United Nations during 1998 also embarked on an attempt to reduce illicit manufacturing and trafficking in firearms. The General Assembly directed that an International Instrument (Convention) Against Trans-National Organised Crime,<sup>3</sup> which was being negotiated in Vienna, should include a protocol explicit to firearms and ammunition. That protocol, on the Illicit Trafficking and Manufacture of Firearms and Ammunition, has been a work in progress and has only been finalized during March 2001. The protocol aims at introducing measures that will be binding internationally and that will improve international cooperation to, *inter alia*, prevent and combat the illicit trafficking of firearms. Some of the aspects of the draft protocol that are of relevance to the small-arms discussions are being entertained at the UN Conference on Illicit Trade. These include obligations for governments to:

- 1) make it a criminal offense to illegally traffic, manufacture, possess, or use a firearm; to remove the markings on a firearm; or to illegally reactivate a deactivated firearm.

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Virginia Gamba is head of the Arms Management Programme, Institute for Security Studies, South Africa.

- 2) adopt strict measures that require the registration and licensing of firearms brokers.
- 3) introduce legislation for the confiscation and forfeiture of firearms that have been illegally trafficked;
- 4) ensure that firearms are appropriately marked as stipulated in the protocol;
- 5) keep detailed records on firearms, including the markings at the time of manufacture, particulars of import or export licenses, and particulars of the final recipient of the firearm; and
- 6) establish an effective system of import and export licensing.

Since the Vienna firearm protocol has been in progress for so long, it follows that it has influenced the draft agenda of the UN conference. That draft agenda, for example, looks at national, regional, and global measures to improve transparency, tracing, and record-keeping; improve import and export controls; and criminalize illicit firearm offenses, among other issues. All of these recommendations echo the dimensions of the Vienna process.

Given the topicality of the small arms debate, it is fitting to concentrate here on a) the way Africa has managed this process and b) the impact of African subregional debates at the national and international level.

## AFRICAN SUBREGIONAL INITIATIVES

African subregional initiatives on small arms and light weapons commenced in 1996 and have yielded a number of positive results.

1) *ECOWAS Moratorium on the Import, Export and Manufacture of Small Arms and Light Weapons (1998)*. In West Africa, member states of the Economic Community of West African States (ECOWAS) declared a three-year renewable moratorium on the import, export, and manufacture of light weapons and adopted a Code of Conduct governing its implementation. ECOWAS has also established a regional project administered by the United Nations Development Program called the Programme for Coordination and Assistance for Security and Development (PCASED). Since its establishment in 1999, the activities planned under the PCASED have reflected a growing concern with the linkages between arms availability and a culture of violence in West Africa; revision of legislation; training of law-enforcement agencies; weapons collection and destruction; and improvement in record-keeping and transparency.

2) *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* was concluded in draft form in November 2000. The implementation mechanism is entitled "Draft Coordinated Agenda for Action and its Implementation Plan" (2000). This draft, formally launched by the Minister for Foreign Affairs of Kenya in March 2001 in New York, consolidates regional agreement on a common institutional framework of

coordination and ensures regional cooperation. The Agenda for Action focuses on:

- 1) legislative measures;
- 2) operational and capacity-building measures;
- 3) measures for the control, seizure, forfeiture, distribution, collection, and destruction of small arms and light weapons;
- 4) information exchange and record keeping;
- 5) public awareness programs with a strong link and coordination with civil society and nongovernmental organizations.

Thus, the Nairobi Initiative focuses on the harmonization of legislation, on the improved controls over government stocks, on accountability of all stocks, on public awareness, and on improved border controls. The recommended controls affect producers, intermediaries and users.

3) *The Declaration Concerning Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC)*. This declaration was signed by heads of state in Namibia on March 9, 2001. Fourteen countries in southern Africa committed themselves to taking all necessary steps to prevent, combat, and eradicate the trafficking in and illicit proliferation of firearms, ammunition, and other related materials in the SADC.<sup>4</sup> They committed to undertaking reviews of national legislation; prohibition on unrestricted possession; regulation of central registration; regulations and controls over manufactures, imports, exports, transfer, possession, and use; standards for marking; regulations over brokers; legislation to comply with sanctions on violation of embargoes; improvement of operation capacity to combat the illicit trade; promotion of national and regional public education programs to reduce demand; improved controls over state-owned small arms and light weapons; development of effective programs for collection, storage, and destruction of surplus and redundant stocks; joint and combined regional operations to locate, seize, and destroy caches; development of programs to reduce legal firearms possession and availability; provision of mutual legal assistance to suppress illicit manufacturing, trafficking, possession, and use of arms; information exchange and transparency; and institutionalization of measures for cooperation between law-enforcement agencies in order to rub out corruption.

All of these commitments were expressed in the announcement that a legally binding instrument in the form of an SADC regional protocol will be developed along these lines, with signature and ratification expected before the end of 2001.

4) *The Southern African Police Chiefs Cooperation Organization (SARPCCO) Declaration on Small Arms and Light Weapons (1999)*. The police agencies of Africa have also been engaged in discussions on small arms and illicit trade, and it is important to note progress in their deliberations. In 1998, SARPCCO issued the first formal declaration of its kind on the issue of the negative impact of arms availability on crime and human security. Since then, SARPCCO has been involved through its legal sub-committee in providing assistance to the SADC secretariat on the drafting of the

Regional Protocol on Firearms. Furthermore, it has begun a police process leading to the creation of a regional database on seized and captured arms.

5) *The Eastern African Regional Police Chiefs Cooperation Organization*. In Eastern Africa, during 2000, the regional police organization (EARPCCO) engaged in discussion and workshops leading to the creation of an Action Programme to combat small arms proliferation in the region. These discussions have focused on:

- the urgent need to strengthen legal controls on weapons possession and transfer;
- the need to enhance operational capacity to combat illicit arms trafficking;
- an emphasis on the removal and destruction of surplus weapons and on the development of education programs.

An interesting and strong recommendation from this body is the immediate need to enhance the capacity of subregional institutions for implementation of any policy on arms prevention, control, and reduction.

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There have been other international efforts with direct impact on the way African subregions address the problem of small arms and light weapons. Of these, the most important is the European Union (EU)-SADC collaboration on an Action Programme for the control and reduction of illicit small arms trafficking. In 1999, an EU/SADC Working Group on Small Arms was created; it met for the first time in early 2000. Its usefulness is best expressed in terms of the Joint Communiqué of the Ministerial Conference between SADC and EU of November 2000 in Gaborone, Botswana, which states:

The Conference noted the common wish expressed by both the SADC Council of Ministers and the Council of Ministers of the EU to continue to collaborate in tackling the problems associated with the destabilising accumulation and proliferation of small arms and light weapons, with the aim of reaching further common positions and substantive results at the UN Conference on the Illicit Trade of Small Arms and Light Weapons in All its Aspects, to take place in New York on 9-20 July 2001. The Conference considered that close consultation between the EU and SADC was likely to contribute also, after the recent failure of negotiations in Vienna, to the finalising of the Protocol on the fight against manufacture and trafficking of illicit firearms and their component parts and ammunition, which was additional to the Convention against organised cross-border crime. This collaboration should be undertaken mainly through the EU/SADC Working Group on Small Arms.<sup>5</sup>

All of these subregional initiatives in Africa share a broad and comprehensive approach. Thus, most countries in Africa have found that any resolution of small-

arms proliferation must include measures that would address the prevention, reduction, and control of the problem. In so doing, the emphasis is both on improving the quality of controls and in reducing the availability of arms. This is why different subregions have arrived at similar conclusions and recommendations without necessarily having started from a broad mandate for action. Despite this being the case, the similarity in scope and character of subregional recommendations makes implementation very easy to coordinate as well as lays the grounds for improved information exchange from subregion to subregion. Thus, one of the recommendations of the OAU Ministerial Declaration of 2000 (discussed below) particularly calls on the OAU to assist in coordination of subregional program implementation.

This extensive African subregional debate has necessarily had an impact on the continental level. This was evidenced at the OAU Ministerial Meeting of December 1, 2000, in Bamako Mali, where the member countries agreed on a Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons.<sup>6</sup> In fact, the key issues taken up at the African continental level, as expressed in the Bamako Ministerial Declaration of December 2000, include many of the elements identified at the subregional level, such as the need to:

- create national coordination agencies on all aspects of the control of arms,
- enact stronger legislation with more prohibitions on possession (civilian and state);
- create programs for destruction of surplus arms and action programs for recovery and destruction,
- improve and standardize record keeping and transparency (nationally and regionally);
- ensure effective implementation of decisions through the creation of follow-up mechanisms that are mostly police-centered;
- improve coordination between civil society and government officials.

## NATIONAL AND INTERNATIONAL IMPACT

In Preparatory Committee meetings in advance of the July 2001 UN Conference, it became clear that there is a strong correspondence between the African regional processes and the ongoing international debate. This makes the potential impact of Africa on the creation of an international agenda in 2001 enormous, for three reasons.

- 1) Because the African subregional initiatives and the nature and scope of the OAU Bamako Declaration of 2000 recognize the links between the licit and illicit markets and emphasize the need for practical and feasible plans of action, the international debate will have

little choice but to consider broadening the scope of the July 2001 conference to cover the full extent of the problem.

- 2) Likewise, since African subregional and regional initiatives are concentrating on practical plans of action for their implementation, the need for a substantial follow-up process to the UN conference has already been identified.
- 3) All African initiatives so far, including the OAU Bamako Declaration, have recognized the role of NGOs and civil society in stopping the small-arms trade and in reducing its impact. This has set a precedent that will enlarge the role of NGOs during the 2001 UN Conference—a role that has already produced assistance in the identification of primary issues of concern in the drafting of the preparatory papers to the UN conference.

The elements of the African subregional initiatives, adequately reflected in the Bamako Declaration, have also acquired a strategic importance because they shed light on the basic pillars of a strategy that can ultimately unite international political will behind a common objective. For example, the link between licit and illicit trade, and the need to strengthen legal controls and the manner in which they are enforced, are on par with the need to contain and reduce illicit trafficking in arms through, *inter alia*, enhanced border control and improved exchange of information and capacity among specialized agencies.

None of these basic elements was seen in a clear-cut way in the previous discussions that the international community entertained on this subject. Before the African processes were under way, the international dialogue had two defects: 1) it looked at supply and demand issues only and 2) it was based on input and information from a very specific sector of the international community: that of weapons suppliers. With the more practical input of victims of violence and those most affected by the proliferation of arms, the discussion at the global level has become enriched and strengthened.

## CONCLUSION

The way that Africa is managing the small-arms proliferation debate should be of interest to the international community because it demonstrates that regions most affected by a problem also have a better understanding of what is needed to find permanent solutions. Since the small-arms agenda is a very real one in Africa, the solutions that are favored by Africans are much more pragmatic and comprehensive than those offered by interested members of the international community, such as the weapons-producing states. Thus, it is not surprising that, in clear recognition of the linkages and responsibilities in preventing, managing, and reducing small-arms proliferation, African initiatives are also assisting international efforts to look at a problem in a comprehensive, feasible, and long-term manner.

Lastly, by recognizing that arms proliferation and its impact on people is a collective problem that requires collective solutions, African countries are also embarking on a protracted discussion within the continent that cannot but become in itself a trust-building exercise leading to an integrated approach to human security in Africa.



### Notes

1 "Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations," UN Doc. A/50/60, January 3, 1995, p. 14.

2 UN General Assembly, A/52/298, August 27, 1997.

3 The UN Convention against Transnational Organised Crime and the two ancillary protocols, one against trafficking in women and children and the other against smuggling migrants, were signed in Palermo in December 2000. Agreement by this time could not be reached on the aforementioned protocol on firearms.

4 Letter dated March 16, 2001, from the permanent representative of Namibia to the UN under-secretary-general for disarmament affairs, UN Doc. A/CONF.192/PC/35.

5 Article 60 of the Joint Communiqué of the Ministerial Conference between the Southern African Development Community (SADC) and the European Union (EU) Gaborone, Botswana, November 29–30, 2000.

6 "OAU Ministerial Declaration on the Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons," Bamako, Mali, December 1, 2000, reproduced in *Agreements, Resolutions, Initiatives and other Documents on Small Arms and Related Issues*, 3d ed. (ISS, 2001).



