



From Mombasa to Mombasa

A Parliamentarians' Handbook on The Small Arms Issue

The devastating impact small arms and light weapons have on the Great Lakes Region and the Horn of Africa and what parliamentarians can do against them

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SLE, Sierra Leone, 1999: Small Boys Unit of the RUF in Lunsar.

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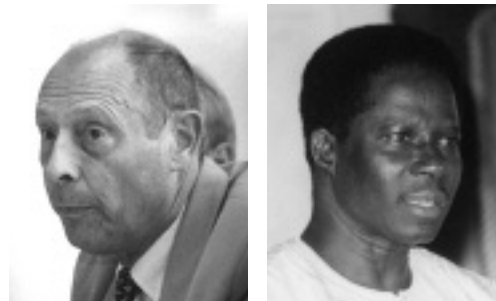
Introduction

The struggle against the proliferation of small arms and light weapons in Africa can claim a number of recent successes. Parliamentarians can take credit for several of them. The Nairobi Declaration and Protocol, for instance, were signed by most countries in the Great Lakes Region and Horn of Africa and are internationally renowned and accepted as far-reaching instruments to curb the use and illicit trade in small arms. Members of Parliament passionately supported these international agreements, the ratification of which completely hinges on the legislators' commitment and consent. In a different development, parliamentarians from Burundi, the Democratic Republic of Congo and Rwanda have made huge headway towards harmonising their countries' laws against illicit small arms trade, making it much more difficult for illicit traders to find a safe haven in a region that has been hard hit by the damaging effects of indiscriminate use of small arms. This initiative is seen as a source of inspiration for similar harmonisation efforts elsewhere in the region and a prime example of what Members of Parliament can do. Dr. Luc Dhoore, AWEPA's Honorary Vice President, has been a key supporter of this process. I thank him for his inspiration and relentless efforts to help the parliamentarians of these three countries move forward.

Few other regions in the world have been hit so hard by so many wars and domestic conflicts as the countries in the Great Lakes Region and the Horn of Africa over the past fifteen years. Traders and brokers of small arms cool-headedly spotted the opportunities in these regions. Local demand was huge as many militia and rebel groups needed weapons and didn't particularly care about international trading regulations or conventions. As a result, Northeast Africa and the Great Lakes Region are awash with small arms and light weapons.

It will take many more years before this problem will be brought under control completely. Members of Parliament for years to come will have to continue to devote their unique capabilities and mandates - to make laws, monitor their implementation and give a voice to people who suffer from the impact of small arms - to the struggle against this scourge.

AWEPA, together with UNDP, has been supporting parliamentarians in this struggle for sever-



*Left: Dr. Luc Dhoore, Honorary Vice President, AWEPA
Right: Ambassador Ibrahima Fall, Special Representative of the UN Secretary General for the Great Lakes Region*

al years. It will continue to do so, within the framework of the International Conference for the Great Lakes Region. We are pleased to work with Mr. Ibrahima Fall, Special Representative of the UN Secretary General for the Great Lakes Region, and very grateful for his support and contribution to the region's efforts to develop a pact on Stability, Security and Development which, among other things, would have the effect of curbing the scourge of illicit small arms.

This handbook is earmarked to be a source of information and reference for Members of Parliament who are engaged in the issue of small arms and light weapons or who are trying to become acquainted with the issue. It provides an overview of the impact of the proliferation of small arms, what Members of Parliament can do about this problem and has an annex with the unedited texts of several of the most important agreements and protocols regarding small arms and light weapons. When putting together this handbook, AWEPA thankfully built on expertise and documents developed by GRIP, the Small Arms Survey, IANSA, UNDP, Saferworld, RECSA and many other organisations and experts.

We hope Members of Parliaments will find a useful and reliable companion in this book of reference regarding small arms and light weapons.

Dr. Jan Nico Scholten
President AWEPA
Amsterdam/Nairobi, March 2006

1 The impact of the proliferation of small arms

Small arms and light weapons have a devastating effect on people and development

Cheap, durable, easy to use and widely available, they are the weapons of choice for rebels, bandits, big city youth gangs as well as for regular armies. Small arms and light weapons are the most widely used equipment to impose force in this world and cause the most casualties of all arms. This section provides the key facts about their proliferation as well as on the impact they have on people and countries.

1.1 PROLIFERATION

There are more than 600 million small arms and light weapons in circulation worldwide. More than three quarters of these weapons are in the possession of civilians. The problem that small arms and light weapons represent is truly global and only a relatively small number of the world's small arms - about 30 million - are estimated to be in circulation in Africa. Nevertheless, the damage these weapons cause to the African continent and its people is huge.

Although Sub-Saharan Africa may be one of the smallest markets for small arms in terms of its value and turnover; it is among the hardest hit regions in the world. The comparatively large number of victims resulting from the distribution of these weapons is said to be related to the high incidence of 'weak states', an abundance of rebel movements, and a high density of violent incidents among civilians, related to poverty and fierce competition for scarce resources.

The large majority of the firearms circulating in Africa are in the hands of people who are not supposed to be carrying guns. According to the Small Arms Survey, small arms in Africa are distributed among their users as follows:

- 79 % are in the hands of civilians
- 16 % of the military
- 3 % of the police
- 2 % of insurgents.

The Great Lakes Region and Horn of Africa are gravely affected by the proliferation of small arms and light weapons. Long, porous borders in the sub-region mean that small arms and light weapons can circulate quite easy from country to country, fuelling conflict and high levels of crime - particularly in urban areas. In rural areas, small arms often contribute to interethnic conflicts. They make ongoing, relatively modest conflicts nastier and more difficult to resolve. Cattle rustling for instance, a recurring problem in the region, has become much more difficult to contain due to the use of illicit fire-arms over the past years compared to previous decades when less arms were available.

Most deliveries of small arms to countries in Sub-Saharan Africa are not registered and therefore hardly quantifiable. However, it is clear, according to experts, that the number of small arms and light weapons pumped into the region is huge in absolute figures. The low prices for firearms - only 25 dollars, for instance, for a machine gun in Somalia - is telling.

Although small arms do not themselves cause wars, the easy availability and accumulation of these weapons exacerbates conflicts. In the Republic of Congo (Congo-Brazzaville), for instance, researchers found that after the war of



Members of parliament discuss the issue

1998-1999, an estimated 67,000 to 80,000 small arms and light weapons were in the country. These weapons, cached away by individual former combatants or their leaders, included AK-47 assault rifles, Israeli Galils and South African Vector R4 and R5s. The wide distribution of the weapons, which were either imported or looted from army barracks, is thought to have contributed to renewed fighting in the country in March 2002, which lasted until April 2003.

1.2 ARMS HAMPER DEVELOPMENT

Not only do small arms cause deaths and injuries, the impact of armed violence on development is considerable. As UNDP points out, every year small arms kill, maim and injure hundreds of thousands of people, destroy livelihoods, and promote cultures of fear and terror, "compromising the development of many countries worldwide".

Small arms and light weapons not only constitute great human but also tremendous social and economic cost. The negative impact of armed violence on development - though difficult to quantify - becomes visible in many ways:

- Deterioration of access to schools and health care. Education and health care are often deliberately targeted in situations of firearm-related insecurity. Armed groups often target health clinics and schools in search of young recruits, food, equipment or medical supplies. Eroded education and health services lead to a decline in school enrolment rates, missed immunization

“ Given the central role that small arms play in armed violence in both conflict and crime,” UNDP concludes in a publication on its website, “it is essential that development programming prioritize small arms issues, from weapons reduction to efforts to understand and address the demand for small arms and assistance to states in building and strengthening national controls.”

campaigns, and therefore higher death rates. In the Democratic Republic of Congo, net primary school enrolment dropped by nearly 20 percent between 1990 and 1998 as the country's war intensified, according to UNDP. In areas particularly affected by armed violence, such as North Kivu, more than 68 percent of children aged 5-14 were out of school between 1995 and 1996.

- Armed violence inhibits economic activity. It undermines food security and causes higher transport costs and destruction of infrastructure. It is estimated that Africa's economy loses \$15 billion per year due to armed conflicts. Widespread armed violence can dramatically reduce government revenue, due to interrupted tax collection services and lower domestic savings. Armed insecurity also keeps foreign investors at a distance and discourages tourism. According to an Oxfam/Amnesty International report, during the war in Mozambique, foreign direct investments dwindled to \$12 million per year compared to \$443 million per year after the conflict ended. In countries where armed violence is widespread, governments are forced to spend more on defence and security, diverting important
- Armed violence can also damage the social structure of societies in terms of family and communal cohesion, gender relations, and customary institutions.
- The withdrawal of development assistance is often a consequence of high levels of armed violence. Throughout Sub-Saharan Africa, local and international development and humanitarian agencies have often decided to reduce the distribution of relief supplies, including food aid, for fear of armed attack.
- Countries plagued by armed violence in situations of crime or conflict often perform poorly in terms of the Millennium Development Goals (MDGs). All but two of the 28 countries involved in armed conflict in 2003 were in the

bottom half of states ranked according to UNDP's human development index. A country with a civil war within its boundaries typically only has one-third the per-capita income of a country with similar characteristics but at peace.

1.3 IMPACT: DEATHS AND INJURIES

Estimates of the number of deaths as a result of the use of small arms and light weapons at the global level vary widely. But experts agree that the number of deaths as a result of the proliferation of these weapons must at least run into the hundreds of thousands per year.

Scholars at the Graduate Institute of International Studies in Geneva came up with a more exact figure and estimated in 2003 that more than 300,000 people die each year as results of the use of small arms, primarily in the world's poorest countries.

According to a slightly different calculation, direct conflict deaths are estimated at about 100,000 per year, most of which are caused by small arms. But the number of additional indirect conflict deaths is thought to be much greater: scores of people die as a result of starvation, the destruction of social infrastructures or other consequences of armed conflict.

Small arms violence during acts of crime kills at least 200,000 people per year. Even in societies 'at peace', armed criminality has widespread negative implications for the quality of life of civilians. In countries as varied as Cambodia, Jamaica, Papua New Guinea, the Philippines, South Africa, and the United States firearms figure prominently in violent crime and are the dominant weapon used in attempted murders.

What are Small Arms and Light Weapons?

The terms 'small arms and light weapons' generally refer to weapons that are easy to carry around, easy to use and relatively inexpensive. They range from revolvers and pistols to shoulder launched missiles, rocket propelled grenades and mortars. Kalashnikovs, or AK-47's, are probably the best known and most widely available small arms. Ammunition and explosives, such as hand grenades, are also considered to belong to the category of small arms and light weapons.

Experts usually define small arms as those that can be carried around and used by one person, while light weapons need two or three people to

be operated and can be transported by a pack animal or a small vehicle. Experts of the UN distinguish the following three categories of small arms and light weapons:

1 Small arms:

- Revolvers and self-loading pistols;
- Rifles and carbines;
- Sub-machine guns;
- Assault rifles;
- Light machine guns.

2 Light Weapons:

- Heavy machine guns;
- Hand-held, under-barrel and mounted grenade launchers;
- Portable anti-aircraft guns;
- Portable anti-tank guns and recoilless rifles;

- Portable launchers of anti-tank missile and rocket systems;
- Portable launchers of anti-aircraft missile systems;
- Mortars with a calibre of less than 100mm.

3 Ammunitions and explosives:

- Cartridges (rounds) for small arms;
- Shells and missiles for light weapons;
- Mobile containers with missiles or shells for single-action and anti-aircraft and anti-tank systems;
- Anti-personnel and anti-tank grenades;
- Landmines;
- Explosives.

Source: GRIP, Saferworld



A third area where small arms are said to play a significant and rather devastating role is terrorism. However, there are no estimates available about the number of deaths caused by terrorist attacks in which small arms and light weapons played a prominent role.

In addition to deaths, millions of people are seriously injured as a result of the use of small arms and light weapons. Every year, millions of lives are thus destroyed in armed conflict and criminal violence.

Africa

There are no figures available on the exact number of small arms related deaths and injuries in the Great Lakes District and Horn of Africa. However, it is clear that the region has been hard hit. Small arms have been the main weapons used in both recent wars between states and domestic conflicts, including the civil wars in Sudan, the Democratic Republic of Congo, Burundi and Somalia and the

internal rebellion of the Lord's Resistance Army in northern Uganda. Small arms have played a significant role in the war in Rwanda and the conflict between Eritrea and Ethiopia

In addition to armed conflict and crime, the proliferation of illicit small arms is understood to be closely related to terrorism as well. The widespread availability of small arms is said to have made it easier for terrorists to operate in the region. The Great Lakes Region and Horn of Africa have seen several acts of terrorism. In 1998, Al Qaida carried out high-profile attacks on the US embassies and tourist sites in Kenya and Tanzania and in November 2002, terrorists attempted to shoot down an Israeli aeroplane shortly after take-off from the airport in Mombasa, Kenya. The attackers used a shoulder-fired anti-aircraft weapon, a typical example of a light weapon. Illicit small arms and light weapons have been used in terrorist attacks and to enable terrorist organisations to secure and maintain bases from which they operate and plan terrorist activities.

Small arms hurt men and women in different ways

Small arms hurt men and women in different ways. While men are the primary direct victims of firearms in conflict situations, small arms are a strong tool often used for sexual violence towards women. Moreover, in such situations, women are

affected more than once by the same weapon, first for the perpetuation of the sexual assault, then as a threat to avoid reporting to a health centre or to the police, leaving such crimes unpunished and the perpetrator free to repeat it.

Armed robberies often include sexual violence towards women when present at the scene, therefore, small arms in such situations could, in addition to violating basic human rights, facilitate the spread of HIV/Aids.

2

The impact of the proliferation of small arms

Sources of small arms and light weapons in the region

Stolen from army barracks, bought with black money in shady nocturnal transactions at remote airports, or simply distributed to youth gangs by deserting army officers; the ways small arms get into the wrong hands are manifold. But before they leak into Africa's illicit arms trafficking market, small arms and light weapons are manufactured in perfectly legal arms factories all over the world. Most arms factories are located in Europe, although production is increasingly outsourced to emerging markets, making it even more difficult to monitor and control.

2.1 ORIGIN OF SMALL ARMS IN AFRICA

The illicit small arms circulating in the Great Lakes Region and Horn of Africa come from three primary sources: leaks from existing legal stocks; local arms factories; and imported from outside of Africa.

The single most important source of small arms circulating in Africa are existing stocks of small arms. These were legally transferred but have subsequently leaked into the illicit market. The number of arms originating from the 'official' arms depots of the armed forces and police is far bigger than from any other source. Through theft, corruption and negligence, arms from these depots end up in the hands of rebels and criminals. During civil wars and violent power-shifts in particular, huge numbers of formerly legal arms enter the illicit market. When Idi Amin was overthrown in 1979, for instance, many of the state armouries were broken into and soldiers fled to Zaire with their weapons. During other violent changes of power in Uganda and several other countries, arms held by the state have been retained by soldiers of the outgoing regime. With a change of rule, soldiers once legally in possession of state arms become rebels with illegal arms.

The second source of small arms is local manufacturers. A limited number of African states in the Great Lakes Region and Horn of Africa have some form of manufacturing capability. In Kenya, for instance, the Ordnance Factories Corporation in

Eldoret produces ammunition. According to Jane's Intelligence Review, the plant, which was partly built by FN Herstal of Belgium, has a capacity of 20,000 to 60,000 bullets per day. Uganda and Tanzania are also known to have arms or ammunition manufacturing capacity within their borders. Through theft or corruption, products from these plants occasionally end up in the illicit arms market.

The third major source of small arms is import from abroad. Dozens of factories producing arms are located in Europe, the US and, increasingly Asia. The flow of arms from these manufacturing plants into Africa includes both legal imports to meet legitimate defence needs and firearms supplied directly to rebels, insurgents, terrorists or criminals. On the African continent, South Africa is a significant producer of small arms and light weapons.

The Security Paradox

The relationship between security and proliferation of arms is paradoxical. On the one hand, the widespread availability of small arms undermines security in a particular region. At the same time, many people resort to these weapons to protect themselves against the insecurity they feel surrounds them. As experts have pointed out, the struggle against the proliferation of small arms, therefore, requires measures to curb the illicit possession of arms as well as measures to effectively increase and safeguard security for citizens.

2.2 THE MANUFACTURERS

Virtually all countries in Western Europe host companies producing some military small arms or small arm parts. Only in about half a dozen countries, however, are standard military small arms, such as assault rifles, produced.

The Belgian company FN Herstal and the German Heckler & Koch dominate the military small arms market within Western Europe. These companies belong to the handful of major suppliers worldwide. After Heckler & Koch and FN Herstal, the most significant European military small arms producers are the Italian company Beretta and the Austrian Steyr Mannlicher, as well as the small arms producing facilities of the French GIAT Industries, the Spanish Santa Bárbara Sistemas, and the Greek Hellenic Defence Systems. Information about the size of small arms production within these companies is, with the exception of Beretta, insufficient. Beretta, FN Herstal, Heckler & Koch, the Austrian Glock, and the German companies Carl Walther and JP Sauer are important producers of pistols for law enforcement forces.

There are no reliable estimates about the overall size of the European small arms and light weapons industry. The industry is secretive. Company officials are reluctant, or flatly refuse, to talk to the media or academic researchers. Researchers from the Small Arms Survey project estimate that combined sales and employment in military and law enforcement small arms produced in Western Europe amounted to roughly EUR 150–160 m. (USD 170–180 m.) and 1,400–1,500 workers, respectively, in 2003. Revenues from the production of light weapons in Western Europe are unknown as information about this industry segment is even scarcer than that of small arms. At least nine European companies produce mortars. Several manufacture anti-tank grenades and shoulder launched explosives.

Researchers from the Small Arms Survey have pointed out that exports from West European companies to non-industrialized countries have decreased. The arms manufacturers make most of their money by selling arms within Europe and by exporting to the United States. Heckler & Koch, for instance, exported 7 and 11 per cent of total sales to countries outside Europe and the United States in 2003 and 2002, respectively, compared to more than 20 per cent in the early 1990s. Scholars

therefore suggest that, from a business point of view, it seems to make little sense for these companies to go through the hassle of applying for an export licence to potentially unstable or 'unreliable' countries and run the risk of becoming the centre of attention of public protest campaigns in Europe. Yet, most producers seem to think otherwise. They apparently still want to take any opportunity to sell arms wherever they can. And Western European governments continue to support the export of weapons to highly controversial recipients. A recent example of an export that critics said was at clear risk of contributing to the severe violation of human rights was the sale of Steyr Mannlicher heavy sniper rifles to Iran in 2005. In early 2004, the Belgian export credit agency announced that it would authorize a contract with New Lachaussee for the export of small arms ammunition manufacturing equipment to Tanzania. After protests from NGOs, an export authorization was denied.

2.3 THE ISSUE OF OUTSOURCING ARMS MANUFACTURING

Small arms may find their way into the illicit market through theft, illegal export transaction that knowingly evade regulations or via an untraceable path of deals between subcontractors, brokers and local arms dealers. Increasingly, strict regulations in industrialised markets are evaded by outsourcing. Several western companies decided to move production of weapons to developing countries, where labour is cheaper and manufacturing and exporting regulations less strict.

In March 2004, the Austrian arms manufacturer Steyr Mannlicher announced it would transfer the licence for the production and sale of all military small arms to Malaysia, a step allegedly taken with the purpose of evading Austrian arms export controls. Wolfgang Führlinger, the owner and manager of the company, was quoted as saying: "We will no longer produce military equipment in this country. As a business man I am tired of being considered at a par with drug dealers and pimps."

There are more recent examples of outsourcing. In January 2005, the Norwegian company Nammo announced it would transfer technology free of charge to the Polish ZM Mesko armament plant, the investigative journalist and illegal arms trade specialist Brian Johnson-Thomas reported in an article published in Scanorama (October 2005). The value of the projects exceeds 870 million dollars, according to a Polish government official, and will last until at least 2013. Under this agreement, Mesko will produce modern ammunition for armaments, including ammunition for F-16 fighter jets and armoured personnel carriers. In exchange for the technology and production lines, Mesko will take care of selling and exporting the ammunition produced in Poland. Through this deal, Norway, which has one of the most stringent sets of export controls in the world, is giving Poland the capacity to produce and export more ammunition. Poland, of course, will impose its own export controls "but the criteria Poland uses to approve weapons exports will not necessarily be the same ones used by Norway", according to Brian Johnson-Thomas.

Another example of transferring production across the globe reveals that a chain of outsourcing deals may result in military technology be transferred from countries with a very strict arms export regime to countries that are considered to constitute a risk in terms of regional stability and human rights. Brian Johnson-Thomas explained how very sophisticated radar technology developed by the Swedish company Ericsson Radar Electronics might end in the hands of Iran. The Ericsson company has licensed the production of its Upgraded Super Fledermaus radar system to India.

“ On the African continent, South Africa is a significant producer of small arms and light weapons.”

Subsequently, the Indian state owned company called Bharat Electronics sought clearance for the export of this system to the Islamic Republic of Iran - India and Iran signed a defence agreement in 2002 under which India agreed to consider supplying weaponry to the Iranian armed forces. This deal, which was submitted for approval in 2005, could apparently be pursued without any intervention from Sweden.

Similarly, armoured vehicles designed by the British company Land Rover ended up in Uzbekistan. After this transaction had created controversy in Great-Britain, the British government conceded it would never have granted permission for a direct transfer of the vehicles from the UK to Uzbekistan, where security forces shot

at unarmed protesters in Andijan in May 2005. However, the vehicles were supplied by the Turkish Otokar company, to which Land Rover had earlier licensed the production of the armoured carriers. The transaction remained outside of the jurisdiction of British authorities.

Loopholes

Limiting the production of arms for a long time seemed to be a matter of taking tough measures in industrialised countries, where most weapons were produced, juxtaposed to measures to reduce demand in countries in the developing world. However, this typical geographical distinction between supply and demand regions is gradually losing relevance as a result of globalisation of arms production and outsourcing. There is no comprehensive global agreement on the criteria that should be applied when deciding whether to export weapons to another state. As a result, manufacturers apparently are able to find several loopholes to evade national restrictions on arms exports.

As European manufacturers are outsourcing production to Asian countries, where labour is cheaper and export legislation allegedly more lenient, measures taken in Europe, such as the EU Code of Conduct, may become less relevant to actually stopping small arms from flowing into Africa. It could also mean that efforts to stem the flow of small arms from manufacturing countries into Africa should shift, or widen, from Europe and other industrialized regions to Asia, or should develop a real global scope. This is one of the reasons why efforts to adopt a global Arms Trade Treaty (ATT) seems to be extremely relevant.

Decline in sales

The decline in sales to countries outside Europe and North America is likely a result of both the increased competition from non-European producers and the tightening of export controls in Western Europe in response to the significant increase in public attention to the devastating and long-lasting effects of uncontrolled flows of small arms to regions of conflict. It constitutes a significant change from the period between the early 1960s and the late 1980s, when small arms produced in Western Europe, as well as licences and machinery for their production, were exported to repressive regimes and governments involved in armed conflicts almost without restrictions.

2.4 EASTERN EUROPE AND RUSSIA

Supplier countries often depicted as active traders include most Central and Eastern European states. Especially Belarus, Slovakia, Ukraine, Bulgaria, Romania, the Federal Republic of Serbia-Montenegro and Russia are considered to be the origin of relatively large numbers of small arms and light weapons transported abroad. China and Israel are also often cited as suppliers of weapons to conflict regions for profit.

The arms industry in Eastern Europe and Russia experienced a dramatic drop in production after the cold war. Two categories of manufacturers evolved from this deep change: companies that managed to adjust to the new circumstances and became successful modern weapon producers. Other companies that were less flexible went bankrupt or are still struggling to survive. This latter category represents the biggest risk to illicit proliferation of small arms and light weapons.

Defence industry companies that were unable to adjust to the new circumstances often have large unsold stocks, serious financial difficulties, and gloomy prospects. In order to avoid liquidation, company management or representatives are sometimes eager to raise resources through uncontrolled sales or cooperation with dubious partners.

Since Western European markets turned out to be much less welcoming than expected, Eastern, Central, and Southeast European defence producers turned towards developing world markets. At the beginning of the 1990s this market shift,

according to some observers, mirrored the sheer desperation of crisis-stricken defence producers—they were ready to sell weapons in large quantities, even at depressed prices, to generate revenue. Unfortunately, this meant that they often sold weapons to conflict areas and participated in illicit deals. Bulgaria and Romania allegedly were particularly noted as actors in this type of activity. NATO membership and aspirations to become members of the European Union, according to a Small Arms Survey publication, have moved these countries closer to EU member states in terms of arms procurements, production and trade regulations.

Emerging markets, nonetheless, still feature as the first and most promising choice for military producers of Eastern, Central, and Southeast Europe. African countries such as Algeria, Angola, Congo, and Yemen; Asian countries, including India, Indonesia, Malaysia, Myanmar, and Pakistan; and Latin American states, such as Colombia and Peru, appeared on the buyers' list.

Throughout the 1990s, in a bid to save the industry and provide the country with indispensable hard currency earnings, Bulgaria pursued a hazardous arms export policy. The country sold large amounts of weapons—principally cheap small arms that ranged from handguns and assault rifles to anti-tank mines and ammunition—to conflict areas. Destinations included the former Yugoslavia and several African, Asian, and Latin American countries. In the late 1990s, Bulgaria gained a particularly bad reputation as an arms-exporting nation, because weapons exported from Bulgaria ended up in Angola in the hands of UNITA (National Union for the Total Independence of Angola).

Sierra Leone: an example of the untraceable path of small arms

From 1998-2002, the government of Sierra Leone imported from Ukraine four helicopters, including two specially geared for combat. It received up to 17,500 automatic rifles and other small arms and ammunition as aid from the UK government. When the Guinean govern-

ment also became involved in the conflict, it received 40 mortars from Croatia, three multiple rocket launchers from Moldova, 12 towed guns from Romania and four helicopters as well as four reconnaissance vehicles from Ukraine. Records of weapons surrendered by

Revolutionary United Front (RUF) members include weapons that were originally produced in Eastern Europe, Belgium, Germany, the UK, and the USA. It remains unclear when and how the weapons ended up in Sierra Leone.

(Source: SIPRI)

'Turning Kalashnikovs into peaceful products'

Mikhail Kalashnikov, the designer of the AK-47, has stated in various interviews with the international press that he wished that he had invented something that would have been more beneficial to humankind, such as a 'lawnmower', instead of having his name associated with a weapon that has killed millions of people since its con-

ception. A few years ago he sold his name as a trademark to a German firm that will produce various consumer goods under the Kalashnikov name. At present the firm produces umbrellas, razors, tennis rackets, and wrist-watches but it has indicated that it is interested in using the Kalashnikov name to produce anything from cars to

mineral water. It seems likely that soon the name Kalashnikov will be associated with products other than assault rifles; however, the Kalashnikov assault rifle will still go down in history as the most successful assault rifle ever produced. Approximately 100 million AK-47s have been sold since the firearm's was first made in 1947.

Among the most successful Eastern European small arms producers are the Česká Zbrojovka (Czech Republic), Arcos Co (Bulgaria), S.C. Cugir (Romania), Sellier & Bellot (Czech Republic), FS 2000 Magyar Loszergyarto in Sirok (Hungary), and HS Product (Croatia).

HS Product from Croatia is an example of how the best firms of the region are part of an 'invisible' integration into the globalizing defence industry. It appears that even the most successful weapons are marketed under foreign trademarks, and by established Western trade companies. The Croatian company's name is visible on the weapon itself, but is smaller than the foreign brand name. In the case of subcontractors, and the subcontractors of subcontractors, participation in globalizing production networks is even less visible and more difficult to trace.

Russia

Russia is a major exporter of SALW on the world market. The gun that made Russian small arms famous around the world, the Kalashnikov AK-47, is no longer produced in Russia in its original design, although its derivatives are still made. Russia's major small arms production centres are Tula and Izhevsk. Despite the steadily improving control systems at defence plants, Russia's small arms plants remain sources of the illegal proliferation of weapons. Local law enforcement bodies report that manufactured small arms as well as their assembly parts contin-

ue to trickle from the manufacturing facilities. Often, the assembly parts are used for illegal small arms manufacture. At the same time, it must be said that theft from production facilities and illegal production of small arms from stolen parts is very limited. The quantity of small arms entering the illicit market in this manner only consists of the odd weapon here and there.

One case of illicit arms production in Russia was the production of Borz sub-machine guns organized by the Chechen authorities at the Krasny Molot plant in Grozny in 1994-99. The exact number of weapons manufactured there is not known, but they did not win great popularity, due to their low quality and the affordability and availability of large quantities of Soviet/Russian-made small arms.

Russia has quite extended regulations and restrictions in place. However, a risk of breaching regulations is still real, a report from the Small Arms Survey said. Decision-making on arms exports is highly centralised and the Russian parliament has a very limited role in the decision-making process. The main powers controlling Russian arms export lie with the government, who can exercise them without consultation with parliament. According to independent Russian researchers, there are plenty of opportunities for certain groups to influence government decision-making bodies to get lucrative contracts or industrial assets. "The problem is not the legislation, but how it is implemented," they say.

3 A parliamentarian's role in curbing the proliferation of small arms

Parliamentarians play a decisive role in the struggle to curb the proliferation of small arms. They adopt laws setting limits to producing, possessing and trading small arms, and oversee the implementation of these laws. Members of Parliament also are in the best position to increase awareness about the problem of small arms in their constituencies.

3.1 PARLIAMENTARIANS' FOCAL AREAS

Parliamentarians can make a unique and crucial contribution and, in doing so, put their mark on the struggle against small arms and light weapons:

- a. Parliamentarians are responsible for promoting and adopting legislation that sets clear rules for the entire life cycle of arms: from production, transfer, management of stocks, trading, brokering to the possession, use and disposal of arms.
- b. Parliamentarians are crucial to overseeing the implementation of national laws and regulations. They are in an ideal position to be on top of what the government does in terms of arms imports or exports. Members of parliamentary security and defence committees are in an ideal position to exercise oversight over small arms issues.
- c. Parliaments are, in most cases, indispensable for the ratification of international agreements.

WHY PARLIAMENTARIANS JOIN THE STRUGGLE AGAINST SMALL ARMS

Ethiopian MP: acting against small arms is a national security interest

Although small arms and light weapons do not represent an acute threat domestically in Ethiopia, Members of Parliament of the northeastern African country are keen to adopt legislation to curb the proliferation of small arms. "Fighting small arms and light weapons is a matter of national security," says MP

Mohammed Ali, who was elected in 2005. "There have been many armed conflicts in our neighbouring countries, such as Somalia and Sudan, and as a consequence huge numbers of weapons have flowed into our region. Even though this hasn't affected us directly domestically so far, the abundance of small

weapons close to our borders increases the risk of terrorists or rebels who would want to destabilize Ethiopia getting access to fire arms," he pointed out. "At this point, we don't see a threat in this regard, but we want to act preventively and curb the amount of weapons in the region before it is too late."



Parliaments are empowered to verify whether the government respects international agreements and treaties regarding small arms it has signed. They can also monitor whether the government respects arms embargoes issued by the UN Security Council. Members of Parliament can claim places at the national delegations that governments send to regional or international conferences where arms issues are discussed and treaties or protocols negotiated.

- d. Parliamentarians have an important role in providing information about small arms issues to the people in their constituencies. Parliaments have the power to demand funding for national public information or 'sensitisation' campaigns aimed at the general population. In their role of being the voice of the people, Members of Parliaments can bring important information about the devastating impact of small arms at the local level to a wider, national audience. By performing their role as gatherers and distributors of information they can stimulate debate about small arms issues at both the local and national level.
- e. Members of Parliament can play a major role in enhancing harmonisation of legislation within regions. As the flow of arms respects no borders, fighting the damaging effects of small arms should be coordinated across borders as well. Members of Parliament can enter dialogue with colleagues in neighbouring countries to assess what may need to be changed to their laws in order to make them coherent. Members of Parliament from Burundi, Rwanda and the DRC have demonstrated what great achievements are possible in this area (see chapter 3.3).
- f. Members of Parliament can help reduce demand for small arms by contributing to addressing the root causes of conflict. Conflicts are often caused or exacerbated by underdevelopment, bad governance, malfunctioning of the judicial system and ethnic and religious tension. By addressing these issues and contributing to finding solutions to them, Members of Parliament can enhance social and political stability, and as a result reduce the chance of violent conflict; the less conflict, the less demand for arms.

3.2 WHAT MAKES A GOOD SMALL ARMS LAW? THE KEY PROVISIONS OF EFFECTIVE SMALL ARMS LEGISLATION

What makes a good and effective law against the illicit proliferation of small arms and light weapons? Members of Parliament designing or amending legislation aimed at curbing the proliferation of small arms and light weapons should ensure that at least the following items are included:

• Definitions

The sort of arms and ammunitions the law applies to should be clearly described. Preferably, definitions used in one country are in line with definitions used in legislation adopted in neighbouring states, ensuring harmonized, consistent action against small arms. This obviously requires that Members of Parliament from different countries meet and share information on their respective small arms legislation. The Nairobi Protocol, signed by most countries in the Great Lakes Region, includes clear definitions of all relevant actors and items.

• Controls on civilian possession and use

It should be clearly defined under what conditions civilians are allowed to possess and carry firearms. A licence, permit or other form of special authorisation should be required for possession of small arms in all cases, experts say. Control on civilian possession of arms is addressed in Article 5 of the Nairobi Protocol.

• Record keeping and marking

States should keep record of licenses issued to civilians for the possession of arms as well as of permits issued to trade in small arms. The manufacture of small arms should also be registered, so that government agencies know what arms were made at what location in what numbers. Record keeping requires an elaborate administrative system, which must be updated regularly. Members of Parliament should therefore ensure that sufficient manpower and funding is allocated to such a system. Proper registration is only possible if arms are marked. This means that every individual weapon should have a unique serial number punched into it. A

WHY PARLIAMENTARIANS JOIN THE STRUGGLE AGAINST SMALL ARMS

Small arms disregard ethnic differences

Ethnic rivalries make it hard to get to the heart of the small arms problem in Zambia, a Zambian MP says. Because the issue is easily interpreted in terms of ethnic rivalry, it is hard to get the government raise the issue in local communities.

“The biggest problem of stopping the proliferation of small arms in Zambia is often that the issue is lost in emotions,” the MP, a member of the opposition, pointed out.

“The laws are there, the protocols are there, but they are not being enforced. When I raise the issue, I am accused of trying to play the card of tribal rivalries. For instance, I addressed the problem of Angolan refugees entering Zambia. Many of these people bring their firearms with them, which is a problem. But I was criticized by a Zambian Member of Parliament who is of the same ethnic background as most of the Angolan refugees in West-Zambia.

He accused me of trying to put his ethnic group in a bad light. This attitude keeps us from adopting national programmes to move into the communities and raise awareness and set the stage for enforcing measures against the proliferation of small arms. It is my goal to overcome these ethnic rivalries and convince Members of Parliament and government officials that the issue of small arms should be raised nationally, regardless of ethnic identities.”

good small arms law stipulates exactly what information should be contained in the marking and where on the small arms the marking should be placed. In the Nairobi Protocol, record keeping and marking is dealt with in article 7, and so is tracing.

• Tracing

Legislation preferably would contain provisions regarding a tracing system. Such a system obliges buyers and sellers of arms to document how, where and when they bought or sold arms. By making every change of ownership of a weapon visible and traceable, authorities will be able to trace these weapons. A well-functioning tracing system by definition requires international agreement and standardization, because most transactions involve more than one country. Authorities in one country should be able to access records on the trade of small arms that occurred previously in other countries.

• Import, export and transit

A law regulating small arms must require traders to apply for a license for the import, export or transit of small arms. Such legislation might prohibit the import of certain types of weapons altogether. Issuance of licences should be based on clear criteria. Licenses should not be granted, for instance, in cases where exported arms may be used to breach international humanitarian and human rights law.

A license to export or transit arms would typically be issued only after the trader has submitted an end-user certificate: a document that registers the

Why is tracing important?

A tracing system, which documents every change of ownership a weapon is submitted to in its life cycle, will make it possible to hold providers of arms and ammunition responsible for misuse of weapons. In the massacre in Gatumba in Burundi, for instance, in which 150 people were killed in 2004, spent cartridges showed that the ammunition used in the attack was manufactured in China, Bulgaria and Serbia. However, the lack of any tracing mechanism made it impossible to prove how it got there. Had a tracing mechanism existed, those who sold the ammunition to the killers could have been held accountable and future supplies could have been stopped.

final destination and 'end-user' of a weapon. This certificate should be a legally binding commitment, whereby the recipient must notify the exporting country in case he intends to re-export the arms and must make a commitment that the arms will not be used to breach international law.

• Brokering

States should consider establishing a system whereby arms brokers must be registered and are obliged to obtain authorisation for each individual transaction. Such a system would ensure that brokers operate in a transparent manner and are subject to regular checks. States should also consider

establishing controls over national brokers operating outside national territory. Although the Nairobi Protocol calls for a brokerage regulating system (in Article 11), brokering is a neglected area among states in the Great Lakes Region and the Horn of Africa. As of writing, only the Seychelles had legislation in place putting some control over brokers. The Nairobi Protocol includes provisions aimed at limiting arms brokerage.

- **Manufacture**

States should consider establishing clear controls over the manufacture of small arms. Licensing requirements should cover the persons who manufacture small arms as well as the premises in which manufacture takes place. The legislation should clearly stipulate that manufacturing small arms without a license is a criminal offence. States might also consider introducing a requirement for the registering of gunsmiths and for the keeping of records in relation to the repair of small arms.

- **Trade**

As regional and international agreements call for the effective control of traders and small arms transfers, national parliaments should ensure such legislation is in place at the national level. A license or special authorisation must be required to trade in small arms. Legislation should be accompanied by clear criteria for issuing such licences, such as standardized tests to assess the applicants ability to use, carry and store small arms responsibly and of

the applicant's knowledge of the laws relating to small arms. Provisions regarding trade are in article 10 of the Nairobi Protocol.

- **Seizure, disposal and enforcement**

Small arms legislation should include provisions for the seizure, confiscation and forfeiture of small arms. Provisions for the disposal of seized and confiscated weapons should also be in place. Destruction of arms is obviously the most secure way of disposal of small arms, as it prevents the arms from being used ever again. Most countries in the Great Lakes region and Horn of Africa have provisions for the seizure of small arms (Djibouti is an exception) but few have provisions for their disposal. See Article 8 and 9 of the Nairobi Protocol for its provisions on the disposal of arms.

- **Arms embargoes**

Small arms legislation should make it a criminal offence to breach UN Security Council arms embargoes and other international sanctions on the export of weapons. No states in the Great Lakes Region and Horn of Africa had such provisions as of writing this handbook.

- **Control of state-owned small arms**

To ensure that state-owned small arms are responsibly used and managed and do not therefore leak into the illicit market, states should consider establishing detailed procedures, where they do not



3.3 HARMONIZING LAWS: BURUNDI, DRC AND RWANDA

On the sidelines of an UNDP/AWEPA conference on small arms in Mombasa in November 2003, parliamentary delegations of Burundi, the Democratic Republic of Congo and Rwanda reached a landmark agreement on initiating common efforts to help reduce the problem of illicit arms. Step-by-step they have been moving towards harmonisation of their countries' arms legislation and bring them in line with the requirements of the Nairobi Protocol.

The Members of Parliament of the three nations were extremely motivated to align their legislation, because their war torn countries had experienced the horrific consequences of the proliferation of small arms. Step by step, in several sessions facilitated by AWEPA and UNDP, the Members of Parliament worked to align their countries' laws on small arms, which is considered to be a prerequisite for stopping the spread of light weapons across borders.

exist, regarding the issuing of firearms to state employees. All states should also consider introducing mechanisms to identify surpluses of weapons held in stock at police stations or army barracks. They should introduce programmes for the responsible disposal of small arms rendered surplus.

- **Penalties**

Legislation regulating small arms should contain penalties for breaking regulations. Ideally, penalties and fines are roughly the same across the region, to prevent law-breakers from concentrating their activities in the country where penalties are mildest.



Members of Parliament from Burundi, the DRC and Rwanda joined forces: a landmark process towards harmonisation of small arms legislation

WHY PARLIAMENTARIANS JOIN THE STRUGGLE AGAINST SMALL ARMS

Sudanese MP: Moving closer to implementation of Nairobi Protocol

Recent wars and clashes have inspired Members of Parliament in Sudan to cooperate in favour of the implementation of the Nairobi Protocol.

“One of our problems is that we have a 7,000 kilometre border. Arms are brought into our country by smugglers and brokers - sometimes our security forces become engaged in skirmishes with the brokers themselves. However, we don't think that our neighbouring countries are the

main cause of the small arms problem. We think most arms are brought in from Europe. Not long ago, somebody was arrested with a new rifle in his hand. it was manufactured in the Czech Republic. Weapons manufactured in the First World are easy to use and always end up here in Africa. We, the underdeveloped countries, are suffering from poverty, ignorance and unequal distribution of health. We need to narrow the gap between the rich world, and

us because this is a major factor in the small arms problem. Recently we reached a peace agreement between the north and south and Sudanese Parliamentarians from both regions are unified in their commitment to implement the Nairobi Protocol. We have the draft text ready and it will be brought to the national assembly soon. We hope that Sudan will be the second country after the Seychelles to adopt all points of the Nairobi Protocol.”

From 24 to 30 March 2004, parliamentarians from the three countries met in Bujumbura, where they identified exactly what articles of their respective laws required improvement. The Members of Parliament and the experts who helped them during the meetings, assessed, for instance, that the definitions of several aspects of illicit arms trafficking, such as brokering, in all three countries were not in line with the Nairobi Protocol's requirements. The Members of Parliament also assessed gaps in legislation on small arms and light weapons.

At a meetings in October 2004 in Brussels, the parliamentarians paid special attention to their countries' rules regarding export, import and transit of small arms and sought to harmonise legislation regarding the possession of arms, including sanctions.

Subsequently, at a third meeting of the parliamentarians, in April 2005 in Kigali, the delegations presented the amendments they had written to ensure their respective countries laws were in line with each other. Special focus was on marking, registering and tracing of arms.

A fourth step in the process was the meeting of November 2005 in Kinshasa, again supported by AWEPA, where the parliamentarians came yet closer to full harmonisations of legislation by ensuring their countries' laws were in line with several international regulations, such as the Vienna Protocol.

One of the problems identified was that there were inconsistencies between the different laws that the three countries had in place. Also, in several cases the wording of laws could give rise to confusion. It was not always clear, for instance, whether the term 'military' in the countries' legislation referred to the types of weapons or to the persons carrying them. As a result, it could be unclear to the police or judges whether the law had been broken or not.

The arms registers used were different in all three countries. None of the three countries had one overall national register for arms in place, making it difficult to get an overview of the number and types of arms that are in legal possession or use. A major gap in the legislation of the three countries was brokerage. No bans or restrictions were in place in this area, despite the fact that brokerage has been a real problem in the three countries - in fact, it has been identified as one of the main channels for illicit arms to have entered the Great Lakes Region recently.

The Parliamentarians from the three countries were expected to reach a final agreement in 2006 on harmonisation of their legislation, including agreement on concrete amendments ensuring their legislation will be brought in line with the Nairobi

Protocol. Such an agreement was expected to work as a model, according to Dr. Luc Dhoore, Honorary Vice-President of AWEPA and a great supporter of the harmonisation effort. The Members of Parliament of the three countries said they hoped their agreement could work as a catalyst for harmonising laws in the entire region.

3.4 KEY INTERNATIONAL AGREEMENTS ON SMALL ARMS AND LIGHT WEAPONS

In the new millennium, a significant number of international treaties and agreements have been signed to limit the proliferation of illicit small arms and light weapons. Parliamentarians played a crucial role in the design and ratification of many of them.

Members of Parliament will continue to be involved in the ratification of new agreements, embedding the substance in domestic legislation and overseeing executive enforcement of domestic legislation. It is highly desirable, therefore, that Members of Parliament be well informed about all relevant international treaties and protocols.

• The Nairobi Declaration

In March 2000, countries of the Great Lakes region and the Horn of Africa adopted the Nairobi Declaration. Burundi, Djibouti, the DRC, Eritrea, Kenya, Rwanda, Sudan, Tanzania and Uganda signed this political document outlining a series of principles and actions geared towards stopping the illicit proliferation of small arms. They were later joined by the Seychelles, Congo-Brazzaville and the Central African Republic. The Nairobi Declaration member states promised to address in a comprehensive manner the illicit proliferation of small arms, starting with the establishment of a sub-regional coordinating structure, the Nairobi Secretariat, manned with a team of expert managed by a Coordinator, and at the country level with the establishment of National Focal Points gathering representatives of key ministries and civil society under a designated coordinator entrusted with the design and implementation of a national action plan. The Nairobi Declaration member states' major commitment: to put in place "adequate laws, regulations and administrative procedures to exercise effective control over the possession and transfer of small arms" (for the full text of the Nairobi Declaration see the Annex of this handbook).

ANTI-PERSONNEL MINES

Land Mines Banned in 1997

The struggle against the use of anti personnel mines - a specific category of small arms - made a huge leap forward 1997, when 121 countries signed the Ottawa Convention against Land Mines. Many Members of Parliament take this agreement as an inspiration for the struggle against the proliferation of other small arms.

The Ottawa Convention was a non-governmental initiative, gaining support of over 900 organisations. The campaign leading to the signing of the convention was one of the first international campaigns

in which the Internet played a crucial, of not decisive role. Activists were able to communicate and conduct their advocacy work effectively for very low costs and very fast. The Ottawa Convention, which was the result of the campaign, bans the use of anti personnel mines.

Unfortunately, some of the major producers of land mines - the United States, Russia, and China - have not signed the convention. Countries in the Great Lakes Region, who are all State Parties to the Ottawa Convention, agreed to never:

- use anti-personnel mines,
- develop, produce, acquire, stockpile, retain or transfer to anyone anti-personnel mines,
- assist, encourage or induce anyone to engage in any activity prohibited to a State-Party under this convention. Furthermore, each State Party undertakes to destroy or endure the destruction of all anti-personnel mines.

Although by and large proliferated through similar channels as regular small arms, anti personnel mines are usually treated separately.

• The UN Programme of Action (PoA)

At the first UN conference dedicated to the issue of small arms in 2001, member states adopted the UN Program of Action on Small Arms (July 2001), urging that small arms proliferation be curbed through legislation, stockpile management, destruction, identification and tracing of illicit arms. A few months before the UN small arms conference, African countries adopted the Bamako Declaration (December 2000) as their common position for this conference. Signatory states to the Bamako Declaration and the UN Programme of Action agreed to put in place adequate laws, regulations administrative procedures to control the production, the transfer, the brokering and the possession of small arms. At the same time, state-parties engaged themselves in establishing a national coordination agency for policy guidance, research and monitoring of efforts. A designated national point of contact will act as liaison between States on matters relating to the implementation process.

Parliamentarians have an excellent opportunity to influence the fine-tuning and implementation of the UN Programme of Action in 2006, as the Review Conference of the plan will be held in New York from 26 June to 7 July of this year. This meet-

ing, coming five years after the groundbreaking 2001 UN Conference on Small Arms, will be a critical point for assessing progress by governments, regional organisations and the international system, in implementing steps outlined in the UN Programme of Action. It will also be a critical opportunity to look forward and develop the future global process on small arms. What form this may take is yet to be determined, and NGOs - and potentially Members of Parliament - have a pivotal role to play in contributing to a visionary and vital agenda for action for 2006 and beyond.

IANSA, the International Action Network on Small Arms, summed up what non-governmental actors, and Members of Parliament, could do to influence the outcome of the Review Conference:

- Your government has committed itself to annual reporting to the UN on its implementation of the PoA. You can help ensure that your government's report is as comprehensive and transparent as possible.??
- Participate in meetings related to small arms that take place in your region, particularly those focusing on specific issues (such as "brokering") related to the PoA.
- Press your government to play an active and positive role in the review process and work to

“ One of the problems identified was that there were inconsistencies between the different laws that the three countries had in place.”

see that Members of Parliament from your country or region can be present in New York in July 2006.

- If possible come to New York if possible, to help influence the agenda of the 2006 meeting.

• UN Firearms Protocol

In 2001, the UN also adopted the UN Firearms Protocol, which is legally binding. It came into force in the summer of 2005, after two-thirds of the signatory states had ratified the protocol. The Firearms Protocol commits UN Member States to regulate the manufacture, export, import and transit of firearms. It also requires firearms to be marked and records to be kept for ten years. Kenya, Uganda, Malawi and Zambia are among the African countries that ratified the protocol.

• National Focal Points

In accordance with the Nairobi Declaration, National Focal Points (NFPs) were set up in the signatory countries to oversee implementation of the measures. The Nairobi Secretariat supervises implementation of measures at the regional level.

In the summer of 2005, the mandate of the Nairobi Secretariat was widened to include coordination of small arms programmes initiated by the International Conference on the Great Lakes Region, an initiative of 11 states aimed at reaching a Peace Pact for the region before the end of 2006. This peace pact will include several provisions regarding the proliferation of illicit small arms. To express its extended role, the Nairobi Secretariat in June 2005 was dubbed Regional Centre on Small Arms for the Great Lakes and the Horn of Africa (RECSA) (see box for RECSA's mandate).

• Mombasa Plan of Action

At a conference organised by AWEPA and UNDP in November 2003 in Mombasa, parliamentarians of eight countries in the region adopted the Mombasa Plan of Action aimed at pressuring governments to comply with all agreements to curb small arms.

Burundi, the DRC and Rwanda began a landmark process to harmonise their legislation (see Chapter 3.3 Harmonizing laws: Burundi, DRC and Rwanda).

RECSA: Pushing for implementation of the Nairobi Protocol

Established by Ministerial Declaration dated June 20th and 21st 2005 as the successor to the Nairobi Secretariat, the Regional Centre on Small Arms for the Great Lakes and the Horn of Africa (RECSA), has been mandated for the following activities:

- Facilitate, promote and strengthen the cooperation at the regional and international levels to effectively prevent, combat and eradicate the illicit manu-

facturing and use of small arms and light weapons.

- Promote peace and stability in the region by encouraging accountability, law enforcement and creating mechanisms for efficient control and management of small arms and light weapons held by State parties and civilians.
- Promote and facilitate information sharing and cooperation between the governments, intergov-

ernmental organizations and civil society in all matters related to the illicit trafficking and proliferation of illicit small arms and light weapons.

The membership to the Centre, as well as adherence to the Nairobi Protocol, is open to States in the Great Lakes Region and the Horn of Africa and bordering States, which subscribe to the same principles, aims and objectives.

The SADC Protocol

In August 2001, the SADC countries except for Angola signed the SADC Protocol on the Control of Firearms, Ammunition and other Related Materials. The SADC Protocol and the Nairobi Protocol are very similar. Four countries of the Great Lakes/Horn of Africa Region are among the 14 signatories to the Protocol: Angola (which joined later), Democratic Republic of Congo, Tanzania and Zambia. After it was ratified by two-thirds of member states, the SADC Protocol entered into

force on 8 November 2004. This means states are now legally obliged to enforce the controls and commitments contained in the Protocol. Although implementation has been “somewhat disappointing”, according to IANSA's ‘Biting the Bullet report’ on implementing the UN Programme of Action (published in 2005), some concrete steps have been taken. For instance, representatives from SADC member states Botswana, Mozambique, Namibia, South Africa, Tanzania and Zimbabwe

formed a task force that agreed on developing a regional process for the marking of arms. The organisation of Police Chiefs of the region (SARPCCO) was closely involved in designing the system. In August 2004, civil society representatives from the SADC region decided to establish the Southern African Action Network on Small Arms (SAANSA), to lobby governments to further implement the SADC Protocol. SAANSA also raises popular support for the global Control Arms campaign.

• The Nairobi Protocol

In April 2004 signatory countries to the Nairobi Declaration signed the Nairobi Protocol, as the legally binding follow-up to the Nairobi Declaration. In September 2005, six of eleven signatory states had ratified the Protocol, which meant it would likely come into force before the end of 2006. The 2004 Nairobi Protocol, mainly inspired by the SADC Protocol, details the minimal standards for harmonized legislative measures, inter-state cooperation of law enforcement agencies, confirm the role of the Nairobi Secretariat, and welcome the accession of additional member states. In June 2005, the Secretariat of the Nairobi Declaration became a Regional Centre on Small Arms in the Great Lakes Region and the Horn of Africa (RECSA), therefore gaining its own independent legal identity as a sub-regional body. (See the Annex for the full text of the Nairobi Protocol)

• Pace of implementation varies

Countries in the Great Lakes Region and Horn of Africa have signed the Nairobi Protocol, although the pace of ratification is uneven. It is their legal obligation under the protocol to have national action plans. However, the pace and capacity to develop and implement National Action Plans to address adequately the proliferation of illicit small arms, as expected from their

adherence to the SADC and Nairobi Protocols, remains uneven.

The Central African Republic and the Republic of Congo (Congo-Brazzaville), not party to any of the sub-regional protocols, have however been very active on disarmament issues, in the framework of DDR (Disarmament, Demobilization and Reintegration) or Weapons for Development programmes. Other countries, while signatories to sub-regional protocols, have not drafted or started implemented national action plans on illicit small arms, and, in the case of countries affected by small arms proliferation, clear cases of lack of capacity and support can be illustrated, Gilbert Barthe, an expert on small arms issues, said in a review of measures taken in the region.

The country currently at the most advanced stage of implementation of its National Action Plan is Tanzania, which can report to both SADC and Nairobi Protocol, being a signatory to both. From the 11 IC/GLR countries, only three East African countries (Tanzania, Kenya, Uganda) have drafted a National Action Plan. In a general sense, the Nairobi Protocol, while being the latest adhered to, seems now to have taken the lead with regard to the implementation level demonstrated by its signatories, although a significant number of post-conflict countries are still facing real implementing difficulties.

AWEPA'S Role

A number of international efforts are under way to fight the proliferation of illicit small arms and light weapons. For a number of years AWEPA has been committed to joining this struggle. It uses its expertise and network in Africa and Europe to help parliamentarians to better

regulate the production and proliferation of illicit small arms. In November 2003, AWEPA, in conjunction with UNDP, organised a conference on the issue, which led to the Mombasa Plan of Action, the first official statement in which parliamentarians of the region explicitly committed

themselves to fighting small arms. AWEPA also organised workshops to assist both European and African Members of Parliament in identifying what changes are needed to harmonise national legislation with the requirements of small arms agreements, such as the Nairobi Protocol.

3.5 OTHER INITIATIVES

In early 2006, several activities related to small arms were under way:

- **International Conference on the Great Lakes Region**

The struggle against small arms, the implementation of the Nairobi Protocol in particular, is to become an important part of the Peace Pact that regional leaders hope to sign at the next session of the International Conference on the Great Lakes Region, envisioned for the second half of 2006. This International Conference, a long overdue initiative finally brought to fruition in November 2004 in Dar es Salaam, is one of the latest comprehensive efforts to bring peace and stability in this part of Africa. UN Secretary General Kofi Annan has been a key driver behind this conference. His special representative in the Great Lakes Region, Ibrahim Fall, steers a joint AU/UN regional Secretariat (www.icglr.org) that supervises the several sessions of the International Conference. Ambassador Fall's Secretariat works closely with RECSA on the small arms issue.

A preparatory meeting was envisioned for April 2006, at which the integration of small arms and light weapon issues into the regional Peace Pact were expected to be discussed. Members of Parliament might be able to influence the negotiation process, either through their national delegations attending preparatory meetings or by seeking to gain a place in one of the technical committees preparing the next plenary meeting of the International Conference on the Great Lakes Region.

- **The international Arms Trade Treaty (ATT)**

In October 2003, Oxfam, Amnesty International and IANSA (the International Action Network on Small Arms) launched a campaign pushing for a legally binding, international Arms Trade Treaty. In doing so, the organisations sought to help stop weapons being sold to destinations where they might undermine human rights, fuel conflict or exacerbate poverty. Political leaders of countries including Brazil, Cambodia, Mali, Macedonia, Costa Rica, Finland and the Netherlands gave their support to the planned treaty. In 2004, the initiative got another major boost when it gained backing from the UK. The international community has global, legally binding treaties covering chemical, biological and nuclear weapons in place, but lacks such legally-binding international treaty on conventional arms exports, British government pointed out, adding it was time to adopt an international treaty on conventional arms.

Proponents of the Arms Trade Treaty say it should be:

- legally binding;
- cover all conventional arms, including small arms;
- should be based on certain core principles that make clear when exports would be unacceptable;
- must have an effective mechanism for enforcement and monitoring
- as a minimum, signatory countries should impose criminal penalties on those who flout its rules.

The International Parliamentary Forum on Small Arms and Light Weapons, which supports the Control Arms Campaign, launched a Global Parliamentary Action in 2005. Members of Parliament joining this initiative call for parliamentary support for a global Arms Trade Treaty. The International Parliamentary Forum, established after a small arms conference in Stockholm in 1999 and headed by the Swedish MP Hakan Juholt, also developed a model parliamentary resolution and urges national parliaments to debate and adopt the resolution.



- **A project of the International Conference on the Great Lakes Region (IC/GLR)**

This project fights the proliferation and use of small arms and light weapons. This project – called ‘Coordination of activities and Reinforcement of capacities in the sub-region to fight the proliferation of illicit Small Arms and Light Weapons’ – will be coordinated by RECSA.

Its goals: ensure that countries in the region sign Memorandum of Understanding; promote the signing in Brazzaville and Lusaka of MOU between RECSA, ECCAS and SADC and the Governments of Angola, CAR, RoC and Zambia; draft sub-regional public information campaign strategy on SALW; commission a study to identify key players in illicit small arms proliferation in the GLR.

- **Revision of the EU Code of Conduct**

One of the most significant European initiatives in the realm of small arms and light weapons has been the Code of Conduct on Arms Exports, which the European Union adopted in May 1998 after years of intensive lobbying by European non-governmental groups. It laid down eight criteria for arms exports and contained a series of operative provisions. In the Code of Conduct, EU states pledge not to approve arms exports in cases where the sale would violate the exporting state's commitments under the UN Charter or specific arms control agreements. Exports are also banned in cases where there is a “clear risk” that the weapons would be used for internal repression, or if the arms could provoke or prolong armed conflict, or if there is a clear risk that the arms would be used aggressively against another country.

Under the Code of Conduct, EU members also agreed to take into account a number of provisions when making their export decisions:

- the risk of use of weapons against allies
- the risk of unintended diversion of technology
- the importing state's record on terrorism, implementation of humanitarian law (non-use of force against civilians), and arms control agreements
- the effectiveness of the importing state's export control laws and mechanisms
- the economic situation in the importing state, including relative levels of military and social spending

The EU Code also has an operative mechanism designed to increase transparency among EU members while discouraging states from using such information to undercut sales denials by other EU states. EU members are to report to each other “through diplomatic channels” when an export license has been denied based on the Code criteria. If another state intends to grant a license for an “essentially identical transaction” within three years, it must first consult with the state that first made the denial. Member states are also required to provide to each other “in confidence” an annual report on their arms exports and implementation of the Code.

EU member states also pledge to try to get other countries to subscribe to the principles of the Code. Several Central and Eastern European states, Canada, and South Africa have endorsed the EU Code's principles. At the December 1999 US-EU Summit, the US also endorsed the Code principles for small arms transfers in the US-EU

The OSCE collected Best Practices

The Organisation for Security and Cooperation in Europe in 2004 published a Handbook of Best Practices on Small Arms and Light Weapons, a set of guidelines developed by the Forum for Security and Co-operation to help reduce the circulation of illegally held weapons. According to the

OSCE, the Handbook is one of the most comprehensive manuals to-date on SALW and provides best practices regarding the fight against the proliferation of small arms. The OSCE, which has its centre of gravity in Europe, believes that the book's guidelines and recommendations

are relevant for other countries and regions in the world as well. The Handbook of Best Practices on Small Arms and Light Weapons is available at the OSCE website in Arab, French, English, German, Italian, Russian and Spanish (see: www.osce.org/fsc/; click on 'Publications').

Statement on Common Principles on Small Arms and Light Weapons. The US and EU expressed their intention to work together on a common set of conventional arms transfer principles at the December 2000 US-EU Summit. After ten new, mostly Eastern-European, member states joined the EU in May 2004, the Code's geographical scope widened significantly.

Although some new provisions and guidelines have been added to the Code since its initial adoption in 1998, observers and European members of

Parliament agreed that the Code had serious shortcomings. Officials of EU member states began a revision process of the Code in 2004, which had not been finalized as of writing of this handbook. But officials were close to agreeing a revised Code, which will include new provisions on arms brokering, transit and shipment and on the electronic transfer of technology. Several Members of European Parliament said the revision should result in adopting a mechanism for sanctions and a push toward making the code politically binding.

Annexes

1 Nairobi Declaration

2 Ministerial Declaration - The Second Ministerial Review Conference of The Nairobi Declaration

3 Mombasa Parliamentary Plan of Action on illicit small arms and light weapons reduction

4 Nairobi Protocol

4a Text of the Nairobi Protocol

4b List of countries that ratified the Nairobi protocol as reported by RECSA (latest update February 2006)

5 EU Code of Conduct

6 Draft text of the international Arms Trade Treaty (ATT)

7 Process of harmonisation of laws: Burundi, DRC, Rwanda, 2004-2006 (French)

7a Plan d'Action de Bujumbura (Mars 2004)

7b Engagements conference armes legeres, Kigali (Avril 2005)

7c Conclusion sur l'integration regionale - Kinshasa (Novembre 2005)

8 Addresses and Web links

1 NAIROBI DECLARATION

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

15 March 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 has 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 ongoing 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 peacebuilding 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 ongoing 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 the 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 of 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, 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 the 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) Recognising that the effective implementation of this declaration by individual states requires the co-operation of the UN, international organisations, regional organisations, as well as participation by civil society in preventing and reducing the problem of illicit small arms and light weapons, we further decide to:-
- Appeal for the 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 the effective implementation of the relevant decisions of the UN, the OAU 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 Kenyan government 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.

Done at Nairobi this 15th day of March 2000.

For the Republic of Burundi
 For the Democratic Republic of Congo
 For the Republic of Djibouti
 For the Federal Democratic Republic of Ethiopia
 For the State of Eritrea
 For the Republic of Kenya
 For the Republic of Rwanda
 For the Republic of The Sudan
 For the United Republic of Tanzania
 For the Republic of Uganda

2 MINISTERIAL DECLARATION - THE SECOND MINISTERIAL REVIEW CONFERENCE OF THE NAIROBI DECLARATION

The Second Ministerial Review Conference of 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, April 20th and 21st, 2004.

Ministerial Declaration for Improved Capacity for Action on SALW in the Great Lakes Region and the Horn of Africa

We, the Ministers for Foreign Affairs and other plenipotentiaries of the countries of the Great Lakes Region and the Horn of Africa namely, Burundi, Democratic Republic of the Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and the United Republic of Tanzania, meeting at Nairobi on 20 th and 21 st of April 2004 on the occasion of The Second Ministerial Review Conference of 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;

- **Reaffirming** 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 Region and the Horn of Africa and the devastating consequences they have had in sustaining armed conflict and armed crime, degrading the environment, fueling the illicit exploitation of natural resources and abetting terrorism and other serious crimes in the region;
- **Concerned** about the supply of small arms and light weapons into the region and conscious of the need for effective controls of arms transfers by suppliers and brokers outside the region (including measures against transfer of surplus arms) to prevent the problem of illicit small arms and light weapons;
- **Aware** of the urgent need to prevent, combat and eradicate the illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, illicit possession and use of small arms and light weapons, ammunition and other related materials, owing to the harmful effects of those activities on the security of each state and the sub-region, their social and economic development and their right to live in peace;
- **Acknowledging** that the problem of proliferation of illicit small arms and light weapons in the region has been exacerbated by internal political strife, terrorist activities 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, and practical measures to ensure peace and security in Africa as expressed in the New Partnership for Africa's Development (NEPAD) initiative and the African Union (AU) Protocols and structures agreed in the Durban and Maputo Summits of 2002 and 2003 respectively;
- **Noting** that in Africa, preventing, combating and eradicating the proliferation of illicit small arms and light weapons is a key element to promoting long-term security and creating conditions for sustainable development which is a cornerstone of NEPAD and one of the eight agreed priorities of the African Peace and Security Agenda (APSA) agreed upon in Addis Ababa on February 18, 2003.

- **Reaffirming** the commitment undertaken by our governments in support of:
 - * The United Nations' Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects of July 2001, and the discussions on its implementation in Africa (2002) and at the United Nations First Biannual Meeting of States to consider progress made in implementing the United Nations Programme of Action in New York (2003);
 - * The Protocol against the Illicit Manufacturing of, and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime of June 2001, and taking into account the compatible elements thereof in the African Convention on the Prevention and Combating of Terrorism;
 - * The OAU Bamako Declaration on the Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, of December 2000;
 - * 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 of March 2000; its Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa SAEM/GLR.HOA/1 of November 2000 and its Implementation Plan SAEM/GLR.HOA/2 of November 2000; and,
 - * The recommendations for Continued Concerted Action of the First Ministerial Review Conference of 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, including its annexes on the operational guidelines for the improvement of the Nairobi Secretariat, of August 2002.
- **Supporting** similar African initiatives such as those conducted by the Central African States, the Economic Community of West African States (ECOWAS), and the Southern African Development Community (SADC) States, including the holding of the African Conference on the Implementation of the United Nations' Programme of Action on Small Arms: Needs and Partnerships between African countries and Organisation for Economic Cooperation and Development (OECD) countries of March 2002;
- **Welcoming** the initiative to undertake an international conference on the implementation of the United Nations Programme of Action for North African and Arab countries in Cairo, Egypt during December 2003;
- **Congratulating** the SADC States for having signed and ratified a legally binding Protocol on the Control of Firearms, Ammunition and other Related Materials that has entered into force in 2004;
- **Commending** those States Parties to the Nairobi Declaration who have established and made operative their National Focal Points and initiated national assessments, leading to the establishment of National Action Plans for Arms Management and Disarmament,
- **Further commending** the work undertaken by the Nairobi Secretariat in charge of the regional coordination for the implementation of the above-mentioned commitments, the restructuring and strengthening of its Secretariat, the development of coordinating and training tools for effective assistance to National Focal Points, the engagement with experts and with civil society, and the preparation of this Second Ministerial Review Conference;
- **Thanking** the Police Chiefs of the region for having adopted the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa as developed by the Eastern African Police Chiefs Cooperation Organisation (EAPCCO) legal sub-committee in 2001 and mandated in the First Ministerial Review Conference of the Nairobi Declaration of 2002;
- **Welcoming** the contribution of civil society organisations in supporting the implementation of the Nairobi Declaration and sensitising society as to the dangers of the proliferation and trafficking of small arms and light weapons and, in particular, for providing technical assistance and support to the Nairobi Secretariat;
- **Thanking** the international community in general, and the UK Government through the Department for International Development (DFID) in particular, for its continued support for the implementation of the Nairobi Declaration through their support to the Nairobi Secretariat and States Parties engaged in National Action Plans; and
- **Welcoming** the establishment of the Friends of the Nairobi Declaration initiative in support of approved coordination mechanisms and activities.
- **We do hereby declare** our commitment to continue to take all necessary steps to prevent, combat and eradicate the trafficking in, and the proliferation of small arms, light weapons, ammunition and other related materials in the region. To this end, our governments will, *inter alia*, undertake to:
 1. Implement the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa by:
 - a. Undertaking to ratify the Nairobi Protocol (see Annex A) as signed at this meeting by 31 December 2004;
 - b. Confirming the Nairobi Secretariat as the coordinating agency for the ratification and implementation of the Protocol; and
 - c. Mandating the Nairobi Secretariat to:
 - i. Develop and implement the work plan for the implementation of the Protocol.
 - ii. Promote the rapid ratification of the Protocol by the States Parties.
 - iii. Report back in writing to Ministers on the progress of ratification and implementation on a six monthly basis.
 - d. Mandating the National Focal Points to be responsible for monitoring the ratification, the implementation, the execution and evaluation of this protocol on the national level, in liaison with law enforcement agencies, and ensuring adherence to the standards set out therein and informing Secretariat on a regular basis of progress thereof.
 - e. Appointing the National Focal Point Coordinator in each Signatory State as the liaison between the Nairobi Secretariat and the relevant agencies in each Signatory State on all matters relating to the ratification and implementation of the Protocol.
 - f. Requesting the National Focal Point Coordinators of each Signatory State to forward a ratification schedule to the Nairobi Secretariat in accordance with Article 22 of the Protocol, within 30 days of signature of the Protocol that will indicate the following:
 - i. Steps for ratification as required by the Constitutional Procedure of the Signatory State.
 - ii. Proposed timeframe for ratification of the Protocol with the completion date no later than 31 December 2004.
 - g. Mandating the Coordinator of the Nairobi Secretariat to facilitate an information exchange and coordination process on ratification as a matter of urgency.
 2. Consolidate the Nairobi Secretariat as the coordinating agency of the implementation of the Nairobi Declaration and the Nairobi Protocol as well as the leading sub-regional body for small arms and light weapons action in the Great Lakes Region and the Horn of Africa by:
 - a. Calling on sub-regional, regional and international organisations to work with the Nairobi Secretariat in co-ordinating their activities on small arms and light weapons in the Great Lakes Region and the Horn of Africa to ensure compatibility with the objectives of the Nairobi Declaration.

- b. Calling on the Commission of the AU to support the implementation of the Nairobi Declaration and other existing regional and national programmes of action by acknowledging that these existing regional and national plans of action have been developed in direct response to the Bamako Declaration of 2000 and are aligned to its recommendations; and promoting support to these initiatives in all meetings relating to the financial support to APSA priorities within the G8/NEPAD partnership and similar initiatives.
 - c. Calling on States Parties to the Declaration to ensure the effectiveness and sustainability of the Nairobi Secretariat by working to identify and activate alternative sources of funding in the sub-region.
 - d. Calling on the Friends of the Nairobi Declaration to pursue their efforts as laid out in the approved Terms of Reference (see Annex B), and continue to provide support to the Nairobi Declaration and the Secretariat while State Parties are working to identify and activate alternative sources of funding in the sub-region.
 - e. Welcoming the proposal from the Republic of Kenya to establish a Committee of Experts to draft an Agreement relating to the establishment of an inter-governmental entity with the legal personality of a body corporate – the Regional Centre on Small Arms (RECSA) -- to ensure a co-ordinated implementation of the Nairobi Declaration and the Nairobi Protocol (See Annex E).
 - f. Mandating the Nairobi Secretariat to constitute a Committee of Experts drawn for all States Signatories from the Nairobi Declaration and the Nairobi Protocol. This Committee shall submit a final draft of the Agreement to establish RECSA to the 3rd Ministerial Review Conference in 2005.
 - g. Requesting the Nairobi Secretariat to organise and hold a Ministerial Review Conference in 2005 to assist Signatory States in their preparation for the United Nations Biannual Meeting in 2006 and review progress with the implementation of the Nairobi Declaration and the Nairobi Protocol.
3. Improve the sub-regional and national capacity to prevent, control and reduce the problem of small arms and light weapons in the region by:
 - a. Urging States Parties, that have not yet done so, to establish and operationalise National Focal Points and develop and implement sustainable and comprehensive National Action Plans for Arms Management.
 - b. Enhancing the capacity of law enforcement agencies to prevent, combat and reduce the illicit proliferation of small arms and light weapons by mandating the Nairobi Secretariat and National Focal Points to:
 - i. Implement the approved training curricula for law enforcement officials (see Annex C).
 - ii. Develop and implement standard operating procedures for joint operations for small arms control and reduction.
 - iii. Develop and implement a reference and operational manual (ROM) for interaction and co-ordination between National Focal Points and between National Focal Points and the Nairobi Secretariat.
 - c. Improving the capacity of civil society to support the National Focal Points and the Nairobi Secretariat in the implementation of the Nairobi Declaration and the Nairobi Protocol by encouraging the implementation of the approved training curricula for organised civil society (see Annex D).
 4. Build broader support for the Nairobi Declaration by:
 - a. Inviting other states bordering the Great Lakes Region and the Horn of Africa, that are not yet members of similar initiatives, to sign the Nairobi Declaration and its ensuing documents and the Nairobi Protocol and join States Parties in the prevention, control and reduction of small arms and light weapons in the sub-region.
 - b. Inviting the Republic of Seychelles to sign this Ministerial Declaration and the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa. Further inviting the Republic of the Seychelles to sign 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.
 - c. Further inviting other like-minded states and organisations to join the Friends of the Nairobi Declaration and provide support to the Nairobi Secretariat in its endeavour to implement the Nairobi Declaration.
 - d. Encouraging the Nairobi Secretariat to develop region to region interaction for exchange of information and lessons learned.
 - e. Recognising the important role that civil society organisations have played in support of the Nairobi Declaration and hereby Mandating the Nairobi Secretariat to establish and support a sub-regional Civil Society Dialogue Forum for:
 - i. Inter-action and exchange of information between civil society, National Focal Points and the Nairobi Secretariat.
 - ii. Co-ordination of civil society activities in support of the Nairobi Declaration.
 - iii. Providing training and support for civil society activities in support of the implementation of the Nairobi Declaration.
- **We firmly believe** that these measures will contribute towards preventing, combating and eradicating the stockpiling and illicit trafficking in small arms and light weapons, ammunition and related material, as well as guide effective implementation of the Declaration in the Great Lakes Region and the Horn of Africa.
 - **Furthermore,**
We continue to appeal for financial, technical and political support from other sub-regions and organisations on the continent, and from the international community for the effective implementation of this Ministerial Declaration for Improved Capacity for Action in the Great Lakes Region and the Horn of Africa; and
 - **We mandate** the Nairobi Secretariat to assist the region to prepare for the UN Interim Ministerial Meeting of 2005 leading to the UN Review Conference of 2006 and to hold a further Ministerial Review Conference to oversee the implementation and development of this Declaration in the year 2005.

In witness thereof, We the Ministers for Foreign Affairs and other plenipotentiaries of the countries of the Great Lakes Region and the Horn of Africa have signed this Declaration.

Done at Nairobi on this 21st of April 2004, in three original texts, in the English, French and Arabic languages, all three texts being equally authentic.

For the Republic of Burundi

For the democratic republic of the Congo

For the Republic of Djibouti

For the State of Eritrea

For the Federal Democratic Republic of Ethiopia

For the Republic of Kenya

For the Republic of Rwanda

For the Republic of Seychelles

For the Republic of Sudan

For the Republic of Uganda

For the United Republic of Tanzania

3 MOMBASA PARLIAMENTARY PLAN OF ACTION ON ILLICIT SMALL ARMS AND LIGHT WEAPONS REDUCTION

Preamble

Subsequent to the Nairobi Declaration of March 15, 2000, on the proliferation of illicit small arms and light weapons in the Great Lakes and Horn of Africa region, signed by 10 Member States, UNDP in partnership with AWEPA organized a parliamentary conference on illicit small arms sensitization, awareness and reduction in Mombasa from the 26th-28th of November 2003.

In this regard, the conference brought together delegations from the Parliaments of Burundi, Republic of Congo, Democratic Republic of Congo, Central African Republic, Kenya, Rwanda, Tanzania, Uganda and from the East African Legislative Assembly, including representatives of the civil society from the region and Parliamentarians from Europe.

The conference recognized the international conventions and agreements on issues related to small arms and fully shared the growing international concern that easy accessibility to illicit small arms and light weapons escalates conflicts and undermines political stability, and has devastating impacts on human security and development. When populations continue to live in great poverty, under social injustice and inequitable distribution of resources efforts to reduce small arms and light weapons will not be achieved.

With respect to the proliferation of illicit small arms and light weapons the conference has at length debated on the following themes:

- Poverty, social and economic injustice,
- Good governance, Security
- Corruption at State and other levels (State brokering, use of brokers by states),
- Porous borders, cattle rustling
- Unstable states,
- Proxy wars, restriction of supply to non-state actors, arms manufacturers and unscrupulous middlemen
- Weak legal and institutional frameworks (structure, human resources, sustainability),
- Inadequate legislation,
- Demobilisation, reintegration of ex-combatants, exiles, and displaced persons,
- Source of weapons and weapons surplus

The participants to the Parliamentary Conference agree on the following Plan of Action:

- 1) To create a Regional Inter-Parliamentary Network to lobby and influence issues related to armed violence and calls on the UNDP and AWEPA to support this initiative;
- 2) To review and amend if necessary existing national legislation and to support the harmonization of laws as called for in the agenda for action of the Nairobi Declaration;
- 3) To promote ongoing international action in the United Nations framework with the aim of developing and adopting a binding international agreement on the marking, record keeping, and tracing of small arms and an international arms trade treaty;
- 4) To strengthen the capacities of Parliaments in order to improve the ability to review and harmonize legislation;
- 5) To harmonize legislation on border controls;

- 6) To accelerate the establishment of National Focal Points where they do not exist, and strengthen the already existing National Focal Points in accordance with the Nairobi Declaration agenda for action;
- 7) Welcome the expressed wish on behalf of the delegates from the Republic of Congo and the Central African Republic to for their respective countries to join the Nairobi Declaration;
- 8) To take action in our respective Parliaments including but not limited to:
 - a) Becoming stakeholders of the Nairobi Declaration and strongly supporting executive action in its implementation;
 - b) Creation of ad-hoc committees seized of the small arms issue;
 - c) Asking questions of the executive in Parliament;
 - d) Asking the responsible Minister and relevant Committees to report regularly to Parliament in plenary or in Committee on the activities of the National Focal Point Coordinators for the Nairobi Declaration;
 - e) Identifying pertinent small arms issues and their underlying causes in the members' constituencies and propose means to Parliament or the relevant Minister to address these issues;
 - f) Proposing private members' bills to address the issues;
 - g) Requesting that small arms issues be placed on the Parliamentary agenda for debate;
 - h) Interacting regularly with the media on small arms issues in order to raise visibility and understanding of the issues.
- 9) To call on European MPs including members of AWEPA to;
 - a) Critically study the legislation and factual situations in their respective home countries as to the regime governing manufacturing, marking, trade, brokering and export of arms;
 - b) Draw the attention of their governments on UNDP involvement in small arms issues from a development perspective and lobby for increased support for such programmes;
 - c) Call on AWEPA to raise the matter with the appropriate European Parliamentary bodies such as the European Parliament and the Parliamentary assembly of the Council of Europe and to envisage a follow-up conference.
- 10) To seek the active involvement and collaboration of Civil Society in the pursuance of these efforts,
- 11) To seek sanctions against the users and suppliers of illicit arms and States who promote these type of practices

Participants of this conference agree to report about the actions they will have undertaken pursuant to this plan of action within three months time, at the latest by 29 February 2004.

Finally, the participants of this conference wish to thank the host country Kenya and to thank UNDP and AWEPA for having co-organized the conference.

Mombasa, Kenya, 28 November 2003

4 NAIROBI PROTOCOL

4a Text of the Nairobi Protocol

Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa

Preamble

We, the Ministers of Foreign Affairs and other plenipotentiaries of
 Republic of Burundi
 Democratic Republic of Congo
 Republic of Djibouti
 Federal Democratic Republic of Ethiopia
 State of Eritrea
 Republic of Kenya
 Republic of Rwanda
 Republic of Seychelles
 Republic of the Sudan
 United Republic of Tanzania
 Republic of Uganda
 (Hereafter referred to as the States Parties);

Reaffirming the inherent right of states to individual or collective self-defence as recognized 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 Region and the Horn of Africa and the devastating consequences they have had in sustaining armed conflict and armed crime, degrading the environment, fuelling the illegal exploitation of natural resources and abetting terrorism and other serious crimes in the region;

Concerned about the supply of small arms and light weapons into the region and conscious of the need for effective controls of arms transfers by suppliers and brokers outside the region (including measures against transfer of surplus arms) to prevent the problem of illicit small arms and light weapons;

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, illicit possession and use of small arms and light weapons, ammunition, and other related materials, owing to the harmful effects of those activities on the security of each state and the sub-region and the danger they pose to the well-being of the population in the sub-region, their social and economic development and their right to live in peace;

Acknowledging that the problem of proliferation of illicit small arms and light weapons in the region has been exacerbated by internal political strife, terrorist activities 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;

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 movement of armed refugees across national borders in certain countries, have greatly contributed to the proliferation of illicit small arms and light weapons;

Recommending that States Parties should consider becoming parties to international instruments relating to the prevention, combating and eradication of illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, illicit possession and use of small arms and light weapons and to implement such instruments within their jurisdiction;

Acknowledging the work of the United Nations, the African Union, the European Union, the Organisation of American States, as well as the efforts in Africa to address problems associated with illicit small arms and light weapons;

Agreeing that they shall fulfil their obligations and exercise their rights under this Protocol in a manner consistent with the principles of sovereign equality, territorial integrity of States and non-intervention in the domestic affairs of States Parties;

With the purpose of reaffirming the goals of, and implementing, the Nairobi Declaration and the Coordinating Agenda for Action,

Hereby agree as follows:

Article 1

Definitions

In this Protocol, unless the context otherwise indicates:

“**broker**” is a person who acts:

- (a) for a commission, advantage or cause, whether pecuniary or otherwise;
- (b) to facilitate the transfer, documentation and/or payment in respect of any transaction relating to the buying or selling of small arms and light weapons; or
- (c) as an intermediary between any manufacturer, or supplier of, or dealer in small arms and light weapons and any buyer or recipient thereof.

“**brokering**” means acting:

- (a) for a commission, advantage or cause, whether pecuniary or otherwise;
- (b) to facilitate the transfer, documentation and/or payment in respect of any transaction relating to the buying or selling of small arms and light weapons; or
- (c) thereby acting as intermediary between any manufacturer, or supplier of, or dealer in small arms and light weapons and any buyer or recipient thereof.

“**illicit manufacturing**” shall mean the manufacturing or assembly of small arms and light weapons:

- (a) from parts and components illicitly trafficked;
- (b) without a licence or authorisation from a competent authority of the State Party where the manufacture or assembly takes place; or
- (c) without marking the small arms and light weapons at the time of manufacture, in accordance with Article 7 of this Protocol.

“**illicit trafficking**” means the import, export, acquisition, sale, delivery, movement or transfer of small arms and light weapons from or across the territory of one State Party to

that of another State Party if any one of the State Parties concerned does not authorise it in accordance with the terms of this Protocol or if the small arms and light weapons are not marked in accordance with Article 7 of this Protocol;

“**light weapons**” shall include the following portable weapons designed for use by several persons serving as a crew: heavy machine guns, automatic cannons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder-fired rockets, anti-aircraft weapons and launchers, and air defence weapons;

“**small arms**” are weapons designed for personal use and shall include: light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles.

“**small arms**” shall also include:

“**firearms**”, meaning:

- (a) any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;
- (b) any other weapon or destructive device such as an explosive bomb, incendiary bomb or gas bomb, grenade, rocket launcher, missile, missile system or mine

“**ammunition**”, meaning the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a small arm or light weapon, provided that those components are themselves subject to authorisation in the respective State Party;

and “**other related materials**”, meaning any components, parts or replacement parts of a small arm or light weapon, that are essential to its operation.

“**tracing**” shall mean the systematic tracking of small arms and light weapons from manufacturer to purchaser for the purpose of assisting the competent authorities of States Parties in detecting, investigating and analyzing illicit manufacturing and illicit trafficking.

Article 2

Objectives

The objectives of this Protocol are to:

- (a) prevent, combat and eradicate the illicit manufacturing of, trafficking in, possession and use of small arms and light weapons in the sub-region.
- (b) prevent the excessive and destabilising accumulation of small arms and light weapons in the sub-region.
- (c) promote and facilitate information sharing and cooperation between the governments in the sub-region, as well as between governments, inter-governmental organisations and civil society, in all matters relating to the illicit trafficking and proliferation of small arms and light weapons.
- (d) promote cooperation at the sub-regional level as well as in international fora to effectively combat the small arms and light weapons problem, in collaboration with relevant partners.
- (e) encourage accountability, law enforcement and efficient control and management of small arms and light weapons held by States Parties and civilians.

Article 3

Legislative Measures

- (a) Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its national law the following conduct, when committed intentionally:
 - (i) Illicit trafficking in small arms and light weapons.
 - (ii) Illicit manufacturing of small arms and light weapons.
 - (iii) Illicit possession and misuse of small arms and light weapons.
 - (iv) Falsifying or illicitly obliterating, removing or altering the markings on small arms and light weapons as required by this Protocol.
- (b) States Parties that have not yet done so shall adopt the necessary legislative or other measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations and/or regional organisations.
- (c) States Parties undertake to incorporate in their national laws:
 - (i) the prohibition of unrestricted civilian possession of small arms;
 - (ii) the total prohibition of the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns;
 - (iii) the regulation and centralised registration of all civilian-owned small arms in their territories (without prejudice to Article 3 c (ii));
 - (iv) measures ensuring that proper controls be exercised over the manufacturing of small arms and light weapons;
 - (v) provisions promoting legal uniformity and minimum standards regarding the manufacture, control, possession, import, export, re-export, transit, transport and transfer of small arms and light weapons;
 - (vi) provisions ensuring the standardised marking and identification of small arms and light weapons;
 - (vii) provisions that adequately provide for the seizure, confiscation, and forfeiture to the State of all small arms and light weapons manufactured or conveyed in transit without or in contravention of licenses, permits, or written authority;
 - (viii) provisions for effective control of small arms and light weapons including the storage and usage thereof, competency testing of prospective small arms owners and restriction on owners' rights to relinquish control, use, and possession of small arms;
 - (ix) the monitoring and auditing of licenses held in a person's possession, and the restriction on the number of small arms that may be owned;
 - (x) provisions prohibiting the pawning and pledging of small arms and light weapons;
 - (xi) provisions prohibiting the misrepresentation or withholding of any information given with a view to obtain any license or permit;
 - (xii) provisions regulating brokering in the individual State Parties; and
 - (xiii) provisions promoting legal uniformity in the sphere of sentencing.

Article 4

Operational Capacity

States Parties shall:

- (a) 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;

- (b) enhance the capacity of national law enforcement and security agencies, including appropriate training on investigative procedures, border control and law enforcement techniques, and upgrading of equipment and resources;
- (c) establish and improve national databases, communication systems and acquire equipment for monitoring and controlling small arms and light weapons movements across borders;
- (d) establish or enhance inter-agency groups, involving police, military, customs, home affairs and other relevant bodies, to improve policy co-ordination, information sharing and analysis at national level;
- (e) develop or improve national training programmes to enhance the capacity of law enforcement agencies to fulfil their roles in the implementation of the agenda for action.

Article 5

Control of Civilian Possession of Small Arms and Light Weapons

- (a) States Parties undertake to consider a co-ordinated review of national procedures and criteria for issuing and withdrawing of small arms and light weapons licenses, and establishing and maintaining national databases of licensed small arms and light weapons, small arms and light weapons owners, and commercial small arms and light weapons traders within their territories.
- (b) State Parties undertake to :
 - (i) introduce harmonised, heavy minimum sentences for small arms and light weapons crimes and the carrying of unlicensed small arms and light weapons;
 - (ii) register and ensure strict accountability and effective control of all small arms and light weapons owned by private security companies;
 - (iii) prohibit the civilian possession of semi-automatic and automatic rifles and machine guns and all light weapons.

Article 6

Control and Accountability of State-owned Small Arms and Light Weapons

States Parties undertake to:

- (a) establish and maintain complete national inventories of small arms and light weapons held by security forces and other state bodies, to enhance their capacity to manage and maintain secure storage of state-owned small arms and light weapons;
- (b) ensure strict national accountability and the effective tracing of all small arms and light weapons owned and distributed by the state.

Article 7

Marking and Tracing of Small Arms and Light Weapons and Record-keeping

States Parties undertake to:

- (a) mark each small arm or light weapon at the time of manufacture, with a unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number. The marking should be on the barrel, frame and, where applicable, the slide.
- (b) mark each small arm or light weapon at the time of import, with a simple marking permitting identification of the country of import and the year of import, and an individual serial number if the small arm or light weapon does not bear one at the time of import so that the source of the small arm or light weapon can be traced.
- (c) ensure that all small arms and light weapons in the possession of the state are marked with a unique mark.

- (d) ensure the maintenance, for not less than ten years, of information in relation to small arms and light weapons that is necessary to trace and identify those small arms and light weapons which are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include:
 - (i) the appropriate markings required by this Article;
 - (ii) in cases involving international transactions in small arms and light weapons, the issuance and expiration dates of the appropriate licenses or authorisations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles.

Article 8

Disposal of State-owned Small Arms and Light Weapons

States Parties undertake to identify and adopt effective programmes for the collection, safe-storage, destruction and responsible disposal of small arms and light weapons rendered surplus, redundant or obsolete, in accordance with domestic laws, through, inter alia, peace agreements, demobilisation or (re-)integration of ex-combatants, or re-equipment of armed forces or other armed state bodies. States Parties shall accordingly:

- (a) develop and implement, where they do not exist, national programmes for the identification of surplus, obsolete and seized stocks of small arms and light weapons in possession of the state;
- (b) ensure that small arms and light weapons rendered surplus, redundant or obsolete through the implementation of a peace process, the re-equipment or re-organisation of armed forces and/ or other state bodies are securely stored, destroyed or disposed of in a way that prevents them from entering the illicit market or flowing into regions in conflict or any other destination that is not fully consistent with agreed criteria for restraint.

Article 9

Disposal of Confiscated or Unlicensed Small Arms and Light Weapons

States Parties undertake to:

- (a) adopt within their domestic legal systems, such measures as may be necessary to enable confiscation of small arms and light weapons that have been illicitly manufactured or trafficked;
- (b) maintain and further develop joint and combined operations across the borders of States Parties to locate, seize and destroy caches of small arms and light weapons left over after conflicts and civil wars;
- (c) encourage law enforcement agencies to work with communities to identify small arms and light weapons caches and remove them from society;
- (d) establish an effective mechanism for storing impounded, recovered or unlicensed illicit small arms and light weapons pending the investigations that will release them for destruction.

Article 10

Import, Export, Transfer and Transit of Small Arms and Light Weapons

- (a) Each State Party shall establish and maintain an effective system of export and import licensing or authorisation, as well as of measures on international transit, for the transfer of small arms and light weapons.

- (b) Before issuing export licences or authorisations for shipments of small arms and light weapons, each State Party shall verify:
 - (i) that the importing States have issued import licences or authorisations; and
 - (ii) that, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.
- (c) Le permis ou l'autorisation d'exportation et d'importation et la documentation qui les accompagne contiendra des informations qui, au minimum, comprendront le lieu et la date d'octroi, la date d'expiration, le pays d'exportation, le pays d'importation, le destinataire final, une description et la quantité d'armes légères et de petit calibre et, chaque fois qu'un transit se fait, les pays de transit. Les informations contenues dans le permis d'importation doivent être fournies en avance aux Etats de transit.
- (d) L'Etat Partie importateur informera l'Etat exportateur de la réception du chargement d'armes légères et de petit calibre expédié.
- (e) Chaque Etat Partie prendra, dans les limites des moyens disponibles, les mesures qui s'imposent pour s'assurer que les procédures d'octroi de permis ou d'autorisation sont sûres et que l'authenticité des documents d'octroi de permis ou d'autorisation peut être vérifiée ou validée. Les Etats Parties peuvent adopter des procédures simplifiées pour l'importation et l'exportation temporaires et le transit d'armes légères et de petit calibre, pour des motifs légaux vérifiables tels que la chasse, le tir sportif, l'évaluation, les expositions ou les réparations.

Article 11

Trafiquants, courtiers et courtage

Les Etats Parties qui ne l'ont pas encore fait mettront sur pied un système national de réglementation concernant les trafiquants et les courtiers en armes légères et de petit calibre. Ce système de contrôle comprendra:

- (i) la réglementation de tous les fabricants, les trafiquants, les commerçants, les financiers et les transporteurs d'armes légères et de petit calibre par le système de permis;
- (ii) l'inscription de tous les courtiers opérant dans leur territoire;
- (iii) faire en sorte que tous les courtiers inscrits demandent et obtiennent une autorisation pour chaque transaction individuellement;
- (iv) faire en sorte que toutes les transactions de courtage donnent tous les détails sur les permis ou autorisations ainsi que les documents portant les noms et localisations de tous les courtiers impliqués dans la transaction; et
- (v) l'octroi de permis, l'inscription et la vérification régulière et au hasard de tous les fabricants indépendants, les trafiquants, les commerçants et les courtiers.

Article 12

Remise volontaire

States Parties shall introduce programmes to encourage:

- (a) small arms and light weapons in lawful civilian possession may be voluntarily surrender their small arms and light weapons for destruction/disposal by the State in accordance with its domestic laws;
- (b) illegal small arms and light weapons holders shall surrender their small arms and light weapons for destruction. In such cases, the State may consider granting immunity from prosecution.

Article 13

Public/Community Education and Awareness Programmes

States Parties undertake to develop local, national and regional public/community education and awareness programmes to enhance the involvement of the public and communities and support for efforts to tackle the proliferation and illicit trafficking of small arms and light weapons, and to encourage responsible ownership and management of small arms and light weapons. These programmes shall:

- (a) Promote a culture of peace;
- (b) Involve, and cooperate with, all sectors of society.

Article 14

Mutual Legal Assistance

- (a) States Parties shall engage in the creation of a mutual legal assistance system in order to cooperate with each other to afford mutual legal assistance in a concerted effort to eradicate the illicit manufacturing and trafficking of, and control the possession and use of, small arms and light weapons. Mutual legal assistance shall, inter alia, include the following:
 - (i) investigation and detection of offences;
 - (ii) obtaining evidence and/or statements;
 - (iii) execution of searches and seizures;
 - (iv) communication of information and transfer of exhibits;
 - (v) inspection of sites or examination of objects and/or documents;
 - (vi) request for judicial documents;
 - (vii) service of judicial documents;
 - (viii) communication of relevant documents and records;
 - (ix) identification or tracing of suspects or proceeds of crime; and
 - (x) application of special investigative techniques, such as forensics, ballistics and fingerprinting.
- (b) States Parties may further agree upon any other form of mutual assistance consistent with their national laws.
- (c) States Parties shall designate a competent authority which shall have the responsibility and power to execute and monitor requests for mutual legal assistance.
- (d) Requests for mutual legal assistance shall be made in writing to the competent authority and shall contain :
 - (i) the identity of the authority making the request;
 - (ii) the subject matter and nature of the investigation or prosecution to which the request relates;
 - (iii) the description of the assistance sought;
 - (iv) the purpose for which the evidence, information or action is sought; and
 - (v) all relevant information available to the requesting State Party and which may be of use to the requested State Party.
- (e) A State Party may seek any such additional information, which might be necessary for the execution of the request in accordance with its national laws.

Article 15

Law Enforcement

- (a) States Parties shall establish appropriate mechanisms for cooperation among law enforcement agencies to promote effective law enforcement including :
- (i) strengthening 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 necessary agreements in this regard;
 - (ii) establishing direct communication systems to facilitate free and fast flow of information among the law enforcement agencies in the sub-region;
 - (iii) establishing multi-disciplinary/specialized law enforcement units for combating the illicit manufacturing of and trafficking in, possession and use of small arms and light weapons;
 - (iv) promoting cooperation with international organisations such as the International Criminal Police Organisation (INTERPOL) and the World Customs Organisation (WCO) and to utilise existing data bases such as the Interpol Weapons and Explosives Tracing System (IWETS);
 - (v) introducing effective extradition arrangements.

Article 16

Transparency, Information Exchange and Harmonisation

States Parties undertake to :

- (a) establish National Focal Points to, inter alia, facilitate the rapid information exchange to combat cross-border small arms and light weapons trafficking;
- (b) develop and improve transparency in small arms and light weapons accumulations, flows and policies relating to civilian-owned small arms and light weapons, including serious consideration to the development of a sub-regional small arms and light weapons register on civilian possession;
- (c) encourage the exchange of information among law enforcement agencies on criminal groups and their associates, types of small arms and light weapons, sources, supply routes, destinations, methods of transportation and financial support of these groups;
- (d) establish national small arms and light weapons databases so as to facilitate the exchange of information on small arms and light weapons imports, exports and transfers;
- (e) establish systems to verify the validity of documents issued by licensing authorities in the sub-region;
- (f) establish a sub-regional system to facilitate intelligence exchange on small arms and light weapons violations and trafficking;
- (g) establish a sub-regional system to harmonise relevant import, export and transfer documents and end-user certificates.

Article 17

Corruption

States Parties shall institute appropriate and effective measures for cooperation between law enforcement agencies to curb corruption associated with the illicit manufacturing of, trafficking in, illicit possession and use of small arms and light weapons.

Article 18

Institutional Arrangement

- (a) States Parties mandate the Nairobi Secretariat to oversee the implementation of this Protocol.
- (b) In this regard the Nairobi Secretariat shall be responsible for :
 - (i) development and issuance of guidelines and instructions for the implementation of, monitoring the implementation of, the execution of, and the evaluation of this Protocol, in liaison with law enforcement agencies, and ensuring adherence to the standards set out therein informing Ministers on a regular basis of progress thereof;
 - (ii) attending to the difficulties experienced in the application of this Protocol.

Article 19

Settlement of Disputes

Disputes arising out of the interpretation or application of this Protocol, which are not settled amicably, shall be settled in accordance with the principles of public international law.

Article 20

Amendments

An amendment to this Protocol shall be adopted by a decision of three quarters of the members of the States Parties.

Article 21

Signature

This Protocol shall be signed by duly authorised representatives of Member States.

Article 22

Ratification

This Protocol shall be ratified by the Signatory States in accordance with their constitutional procedures.

Article 23

Entry Into Force

This Protocol shall enter into force thirty (30) days after the deposit of the instruments of ratification by two thirds of the Member States.

Article 24

Accession

This Protocol shall remain open for accession by any Member State.

Article 25

Depositary and Languages

- (a) The original text of this Protocol will be in English, French and Arabic; the three texts being equally authentic
- (b) Instruments of ratification and accession shall be deposited with the Nairobi Secretariat, who shall transmit certified copies to all Member States.

In witness whereof, we, the Ministers of Foreign Affairs and other plenipotentiaries of the States Parties have signed this Protocol.

Done at Nairobi this 21st day of April 2004.

..... For the Government of Republic of Burundi For the Government of Democratic Republic of Congo
..... For the Government of Republic of Djibouti For the Government of Federal Democratic Republic of Ethiopia
..... For the Government of State of Eritrea For the Government of Republic of Kenya
..... For the Government of Republic of Rwanda For the Government of Republic of Seychelles
..... For the Government of Republic of the Sudan For the Government of the Republic of Uganda
..... For the Government of United Republic of Tanzania	

4b List of countries that ratified the protocol as reported by RECSA (latest update February 2006).

1. Ethiopia. The government of the Federal Democratic Republic of Ethiopia by proclamation No. 429/2004 dated 25th November, 2004 ratified the Protocol and deposited on the 9th day of February, 2005 with the Secretariat.
2. Uganda. The Uganda Government Cabinet in compliance with Section 3 (a) of the Ratification of Treaties Act and the Constitution of the Republic of Uganda authorised the Minister of Foreign Affairs to sign the instrument of ratification which is dated on the 15th day of February, 2005. it was deposited with the Secretariat on the 10th day of May, 2005.
3. Eritrea. The Minister of Foreign Affairs on behalf of the Government of the State of Eritrea, signed the instrument of ratification of the Protocol on the 4th day of May, 2005 and deposited the same at the Secretariat on the 11th day of May, 2005.
4. Rwanda. The Government of the Republic of Rwanda by Presidential Order No. 61/01 of 28th day of December, 2004 endorsed the ratification of the Protocol which instrument dated 8th day of May, 2005 was deposited with the Secretariat on the 16th day of May, 2005.
5. DRC. The government of the Democratic Republic of Congo ratified the Nairobi Protocol by instrument No. 130/01481/2005 dated 14th day of June, 2005 and the Ministry of Foreign Affairs and International Cooperation deposited it with the Secretariat on the 20th of June 2005.
6. Kenya. The Government of the Republic of Kenya ratified the Protocol on the 6th day of September, 2005 and deposited the instrument of ratification with the Secretariat on the 11th day of September, 2005.
7. Djibouti. The Government of the Republic of Djibouti ratified the Nairobi Protocol and deposited with the Secretariat the instrument of ratification No. 072/PRE dated 22nd day of June, 2005 on the 23rd September, 2005.
8. Tanzania
9. Burundi
10. Sudan
11. Seychelles

The governments of the United Republic of Tanzania, The Republic of Burundi, The Republic of Sudan and the Republic of Seychelles have given to the Secretariat their reports on the advanced stages of the process of ratification. All state parties aimed at having completed the ratification - and deposit - process in the spring of 2006.

5 EU CODE OF CONDUCT

EU Code of Conduct for Arms Exports, 8 June 1998

The Council of the European Union:

- **Building** on the Common Criteria agreed at the Luxembourg and Lisbon European Councils in 1991 and 1992,
- **Recognising** the special responsibility of arms exporting states,
- **Determined** to set high common standards which should be regarded as the minimum for the management of, and restraint in, conventional arms transfers by all EU Member States, and to strengthen the exchange of relevant information with a view to achieving greater transparency,
- **Determined** to prevent the export of equipment which might be used for internal repression or international aggression, or contribute to regional instability,
- **Wishing** within the framework of the CFSP to reinforce their cooperation and to promote their convergence in the field of conventional arms exports,
- **Noting** complementary measures taken by the EU against illicit transfers, in the form of the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms,
- **Acknowledging** the wish of EU Member States to maintain a defence industry as part of their industrial base as well as their defence effort,
- **Recognising** that states have a right to transfer the means of self-defence, consistent with the right of self-defence recognised by the UN Charter, have adopted the following Code of Conduct and operative provisions:

Criterion One

Respect for the international commitments of EU member states, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations. An export licence should be refused if approval would be inconsistent with, inter alia:

- a) the international obligations of member states and their commitments to enforce UN, OSCE and EU arms embargoes;
- b) the international obligations of member states under the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention;
- c) their commitments in the frameworks of the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Wassenaar Arrangement;
- d) their commitment not to export any form of anti-personnel landmine.

Criterion Two

The respect of human rights in the country of final destination

Having assessed the recipient country's attitude towards relevant principles established by international human rights instruments, Member States will:

- a) not issue an export licence if there is a clear risk that the proposed export might be used for internal repression;

- b) exercise special caution and vigilance in issuing licences, on a case-by-case basis and taking account of the nature of the equipment, to countries where serious violations of human rights have been established by the competent bodies of the UN, the Council of Europe or by the EU.

For these purposes, equipment which might be used for internal repression will include, inter alia, equipment where there is evidence of the use of this or similar equipment for internal repression by the proposed end-user, or where there is reason to believe that the equipment will be diverted from its stated end-use or end-user and used for internal repression. In line with operative paragraph 1 of this Code, the nature of the equipment will be considered carefully, particularly if it is intended for internal security purposes. Internal repression includes, inter alia, torture and other cruel, inhuman and degrading treatment or punishment, summary or arbitrary executions, disappearances, arbitrary detentions and other major violations of human rights and fundamental freedoms as set out in relevant international human rights instruments, including the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

Criterion Three

The internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts. Member States will not allow exports which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination.

Criterion Four

Preservation of regional peace, security and stability

Member States will not issue an export licence if there is a clear risk that the intended recipient would use the proposed export aggressively against another country or to assert by force a territorial claim.

When considering these risks, EU Member States will take into account inter alia:

- a) the existence or likelihood of armed conflict between the recipient and another country;
- b) a claim against the territory of a neighbouring country which the recipient has in the past tried or threatened to pursue by means of force;
- c) whether the equipment would be likely to be used other than for the legitimate national security and defence of the recipient;
- d) the need not to affect adversely regional stability in any significant way.

Criterion Five

The national security of the member states and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries

Member States will take into account:

- a) the potential effect of the proposed export on their defence and security interests and those of friends, allies and other member states, while recognising that this factor cannot affect consideration of the criteria on respect of human rights and on regional peace, security and stability;
- b) the risk of use of the goods concerned against their forces or those of friends, allies or other member states;
- c) the risk of reverse engineering or unintended technology transfer.

Criterion Six

The behaviour of the buyer country with regard to the international community, as regards in particular to its attitude to terrorism, the nature of its alliances and respect for international law. Member States will take into account inter alia the record of the buyer country with regard to:

- a) its support or encouragement of terrorism and international organised crime;
- b) its compliance with its international commitments, in particular on the non-use of force, including under international humanitarian law applicable to international and non-international conflicts;
- c) its commitment to non-proliferation and other areas of arms control and disarmament, in particular the signature, ratification and implementation of relevant arms control and disarmament conventions referred to in sub-paragraph b) of Criterion One.

Criterion Seven

The existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions

In assessing the impact of the proposed export on the importing country and the risk that exported goods might be diverted to an undesirable end-user, the following will be considered:

- a) the legitimate defence and domestic security interests of the recipient country, including any involvement in UN or other peace-keeping activity;
- b) the technical capability of the recipient country to use the equipment;
- c) the capability of the recipient country to exert effective export controls;
- d) the risk of the arms being re-exported or diverted to terrorist organisations (anti-terrorist equipment would need particularly careful consideration in this context).

Criterion Eight

The compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources.

Member States will take into account, in the light of information from relevant sources such as UNDP, World Bank, IMF and OECD reports, whether the proposed export would seriously hamper the sustainable development of the recipient country. They will consider in this context the recipient country's relative levels of military and social expenditure, taking into account also any EU or bilateral aid.

Operative Provisions

1. Each EU Member State will assess export licence applications for military equipment made to it on a case-by-case basis against the provisions of the Code of Conduct.
2. This Code will not infringe on the right of Member States to operate more restrictive national policies.
3. EU Member States will circulate through diplomatic channels details of licences refused in accordance with the Code of Conduct for military equipment together with an explanation of why the licence has been refused. The details to be notified are set out in the form of a draft pro-forma at Annex A. Before any Member State grants a licence which has been denied by another Member State or States for an essentially identical transaction within the last three years, it will first consult the Member State or States which issued the denial(s). If following consultations, the Member State nevertheless decides to grant a licence, it will notify the Member State or States issuing the denial(s), giving a detailed explanation of its reasoning.

The decision to transfer or deny the transfer of any item of military equipment will remain at the national discretion of each Member State. A denial of a licence is understood to take place when the member state has refused to authorise the actual sale or physical export of the item of military equipment concerned, where a sale would otherwise have come about, or the conclusion of the relevant contract. For these purposes, a notifiable denial may, in accordance with national procedures, include denial of permission to start negotiations or a negative response to a formal initial enquiry about a specific order.

4. EU Member States will keep such denials and consultations confidential and not to use them for commercial advantage.
5. EU Member States will work for the early adoption of a common list of military equipment covered by the Code, based on similar national and international lists. Until then, the Code will operate on the basis of national control lists incorporating where appropriate elements from relevant international lists.
6. The criteria in this Code and the consultation procedure provided for by paragraph 2 of the operative provisions will also apply to dual-use goods as specified in Annex 1 of Council Decision 94/942/CFSP as amended, where there are grounds for believing that the end-user of such goods will be the armed forces or internal security forces or similar entities in the recipient country.
7. In order to maximise the efficiency of this Code, EU Member States will work within the framework of the CFSP to reinforce their cooperation and to promote their convergence in the field of conventional arms exports.
8. Each EU Member State will circulate to other EU Partners in confidence an annual report on its defence exports and on its implementation of the Code. These reports will be discussed at an annual meeting held within the framework of the CFSP. The meeting will also review the operation of the Code, identify any improvements which need to be made and submit to the Council a consolidated report, based on contributions from Member States.
9. EU Member States will, as appropriate, assess jointly through the CFSP framework the situation of potential or actual recipients of arms exports from EU Member States, in the light of the principles and criteria of the Code of Conduct.
10. It is recognised that Member States, where appropriate, may also take into account the effect of proposed exports on their economic, social, commercial and industrial interests, but that these factors will not affect the application of the above criteria.
11. EU Member States will use their best endeavours to encourage other arms exporting states to subscribe to the principles of this Code of Conduct.
12. This Code of Conduct and the operative provisions will replace any previous elaboration of the 1991 and 1992 Common Criteria.

ANNEX A

_____ (name of Member State) has the honour to inform partners of the following denial under the EU Code of Conduct:

Destination country: _____

Short description of equipment, including quantity and where appropriate, technical specifications: _____

Proposed consignee: _____

Proposed end-user (if different): _____

Reason for refusal: _____

Date of denial: _____

6 DRAFT TEXT OF THE INTERNATIONAL ARMS TRADE TREATY (ATT)

Working Draft of 25 May 2004 (reflecting, with minor modifications, the text circulated at the UN biennial PoA meeting, New York, July 2003)

Draft Framework Convention On International Arms

Transfer

Preamble

[...]

PART I

Article 1

Authorization of International Arms Transfers

Contracting Parties shall adopt and apply in accordance with their national laws and procedures a requirement that all international arms transfers be authorised by the issuing of licences.

PART II

Article 2

Express limitations

A Contracting Party shall not authorise international transfers of arms which would violate its obligations under international law. These obligations include those arising under or pursuant to:

- a. the Charter of the United Nations, including decisions of the United Nations Security Council;(5)
- b. international treaties by which that Contracting Party is bound;(6)
- c. the prohibition on the use of arms that are incapable of distinguishing between combatants and civilians or are of a nature to cause superfluous injury or unnecessary suffering; and(7)
- d. customary international law.(8)

Article 3

Limitations based on use

A Contracting Party shall not authorise international transfers of arms in circumstances in which it has knowledge or ought reasonably to have knowledge that transfers of arms of the kind under consideration are likely to be:

- a. used in breach of the United Nations Charter or corresponding rules of customary international law, in particular those on the prohibition on the threat or use of force in international relations;(10)
- b. used in the commission of serious violations of human rights;(11)
- c. used in the commission of serious violations of international humanitarian law applicable in international or non-international armed conflict;(12)

- d. used in the commission of genocide or crimes against humanity;(13)
- e. diverted and used in the commission of any of the acts referred to in the preceding subparagraphs of this Article.

Article 4

Other considerations

In considering whether any international transfer of arms may be authorised in accordance with Article 1 of this Convention, Contracting Parties shall take into account whether transfers of arms of the kind under consideration are likely to:

- a. be used for or to facilitate the commission of violent crimes;
- b. adversely affect regional security;
- c. adversely affect sustainable development; or
- d. be diverted and used in a manner contrary to the preceding sub-paragraphs and in such circumstances there shall be a presumption against authorisation.

PART III

Article 5

National measures

Contracting Parties shall establish authorisation and licensing mechanisms under their national law as are necessary to ensure that the requirements of this Convention are effectively applied in accordance with the minimum standards set out in Annex I.

Article 6

International measures

1. There shall be established an International Registry of International Arms Transfers.
2. Each Contracting Party shall submit to the International Registry an annual report on international arms transfers from or through its territory or subject to its authorisation in accordance with the requirements of this Convention.
3. The International Registry shall publish an annual report and other periodic reports as appropriate on international arms transfers.

PART IV

Article 7

Definitions

For the purpose of this Convention, the following definitions shall apply:

1. "Arms" means small arms and light weapons within the meaning of these terms in the Report of the Panel of Government Experts on Small Arms (A/RES/52/298) save that the enumerated categories therein are not to be regarded as restrictive of the definition.
2. "International transfers" means the transfer, shipment or other movement, of whatever form, of arms from or across the territory of a Contracting Party.

Article 8

Relationship to other rules and instruments

This Convention shall be applied as a minimum standard, without prejudice to any more stringent national, regional or international rules, instruments or requirements.

Article 9

Protocols

1. This Convention may be supplemented by one or more protocols.
2. It shall be a requirement that participation in any protocol to this Convention shall only be open to Contracting Parties to this Convention.
3. A Contracting Party to this Convention is not bound by a protocol unless it becomes a Party to the Protocol in accordance with the provisions thereof.

Article 10

Signature, ratification and entry into force

[...]

Commentary

- (1) The *Framework Convention on International Arms Transfers* (“the Framework Convention”) is a draft convention prepared under the auspices of a group of Nobel Peace Laureates convened by former Costa Rican President Oscar Arias. The object of the Convention is to provide a legal framework within which further issues can be addressed over time, building up a series of interlocking instruments. Subsequent initiatives could either take the form of protocols to the Convention or self-standing instruments associated with the Convention in some other way.

A framework instrument is proposed for a number of reasons. First, it is recognized that while the international community urgently needs to agree a set of common core principles to regulate and control the arms trade, certain issues remain controversial. Rather than attempting to regulate all aspects of the arms trade in a comprehensive manner in a single instrument, the Framework Convention contemplates the elaboration of a binding regime in a step-by-step manner. It starts by identifying core substantive prohibitions that reflect existing international legal commitments as well as establishing mechanisms necessary for their effective implementation. The Convention would crystallize, in the context of international arms transfers, commitments already assumed by States *inter alia* under the United Nations Charter, the Geneva Conventions of 1949, other widely supported international conventions, and established principles of customary international law as reflected, for example, in the U.N. International Law Commission’s Articles on Responsibility of States for Internationally Wrongful Acts (see General Assembly Resolution A/RES/56/83 of 12 December 2001).

A second advantage of a framework convention is that it would allow detailed technical issues to be addressed by means of subsequent instruments rather than encumbering the framework text.

Proceeding by means of a framework convention would also give States flexibility in assuming commitments. Once a Contracting Party has acceded to the Framework Convention, it can decide which, if any, additional instruments or protocols it wishes to ratify and can do so in a progressive manner.

The Framework Convention focuses on commitments of States in respect of the international transfer of arms. It proceeds on the basis that important related issues such as brokering, licensed production and end-use monitoring will be addressed in subsequent instruments. The definition of arms in the draft is on international transfers of small arms and light weapons coming within the scope of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in

Small Arms and Light Weapons in All Its Aspects (A/CONE.192/15). Those involved in promoting the Framework Convention nevertheless affirm that the principles and mechanisms laid down in the Convention should be applied equally to the broadest possible range of weapons and technical assistance and material devices for training to make use of weapons.

- (2) Article 1 lays down the basic obligation requiring Contracting Parties to adopt national mechanisms for the authorization of all international transfers of arms by the issuing of licenses. The minimum requirements of such a licensing system would be addressed in an Annex to the Convention in accordance with Article 5. As a minimum, each application for an authorization should be reviewed and licensed individually. This obligation is already an element in the arms control procedures of most States. It is also incorporated into regional arms control arrangements.
- (3) Part II contains the substantive obligations of the Convention. The first two provisions codify existing limitations under international law on States’ freedom to transfer and to authorize transfers of arms. Article 2 reflects express limitations on manufacture, possession, use and transfer. Article 3 addresses limitations based on the use or likely use of the arms.
- (4) Article 2 codifies express limitations on the transfer of arms based on existing express limitations on manufacture, possession, use and transfer of arms including those:
- (5) Arising under the Charter of the United Nations, including pursuant to decisions of the United Nations Security Council such as those imposing arms embargoes. In Resolution 1196 of 16 September 1998, the Security Council called upon States to adopt legislation making the violation of arms embargoes a criminal offence;
- (6) Arising under or pursuant to other international treaties by which the particular Contracting Party is bound, including embargoes adopted by other international and regional bodies and organisations established pursuant to a treaty, as well as those arising from the prohibition of arms transfers in other agreements such as the protocols to the 1980 Convention on the Use of Certain Conventional Weapons Which May Be Considered Excessively Injurious and the 1997 Anti-personnel Mines Convention;
- (7) Arising pursuant to the prohibition on the use of arms that are incapable of distinguishing between combatants and civilians or are of a nature to cause superfluous injury or unnecessary suffering. This obligation derives from universally accepted principles of international humanitarian law. It applies in respect of arms the use of which, although not the subject of a specific treaty commitment, is nevertheless prohibited because they are incapable of distinguishing between civilians and combatants or because they are of such a nature as to cause superfluous injury or unnecessary suffering (see, for example, the Advisory Opinion of the International Court of Justice in *Legality of the Threat or Use of Nuclear Weapons* (1996), at paragraph 78). The prohibition on transfers follows from the appreciation that the transfer of such arms would be irreconcilable with the *per se* prohibition under international humanitarian law of the use of such arms. This prohibition would also cover arms the use of which is prohibited by a specific convention but where the convention does not address the question of transfers.
- (8) Arising under or pursuant to customary international law. In some circumstances, arms transfers from one State to another or to persons in the territory of another State without the latter State’s consent will amount to a breach of existing obligations under customary international law relating, for example, to the threat or use of force in international relations. Transfers to persons other than those exercising governmental authority may also amount to a breach of the principle of non-intervention in the internal affairs of the State.

- (9) Article 3 addresses limitations on the freedom to transfer arms based on the use or likely use that would be made of the arms. The responsibility of the Contracting Party of export to prohibit arms transfers under this principle flows from the obligation not to participate in the internationally wrongful acts of another State. This principle is stated in Article 16 of the U.N. International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts, adopted in 2001 (see General Assembly Resolution A/RES/56/83 of 12 December 2001), in terms which reflect customary international law binding on all States, as follows:
 "A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if:
 (a) that State does so with knowledge of the circumstances of the internationally wrongful act; and
 (b) the act would be internationally wrongful if committed by that State."
- (10) Arms transfers that would be in breach of the United Nations Charter or corresponding rules of customary international law in consequence of the use of such arms would include arms used in breach of the prohibition of the threat or use of force in international relations in Article 2(4) of the Charter, and related principles concerning threats to the peace, breaches of the peace and acts of aggression in Article 39 of the Charter, in General Assembly Declaration of Principles of International Law of 1970 (General Assembly Resolution 2625 (XXV) of 1970) and in other standard-setting United Nations resolutions. Corresponding rules apply at the level of customary international law.
- (11) The commission of serious violations of human rights would include violations of the non-derogable provisions of the 1966 International Covenant on Civil and Political Rights and of regional human rights instruments such as the 1950 European Convention for the Protection of Fundamental Rights and Freedoms, the 1969 American Convention on Human Rights and the 1980 African Charter on Human and Peoples' Rights. Fundamental human rights relevant to this provision are also set out in a range of other widely accepted multilateral conventions such as the 1984 Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.
- (12) Serious violations of international humanitarian law includes grave breaches of the 1949 Geneva Conventions as well as violations of fundamental principles of international humanitarian law contained in other standard-setting multilateral agreements and in customary international law. This provision is consistent with the existing obligation to respect and ensure respect for international humanitarian law.
- (13) The 1948 Convention on the Prevention and Punishment of the Crime of Genocide defines genocide *inter alia* as "acts committed with intent to destroy in whole or in part, a national, ethnical, racial, or religious group, as such". Acts punishable under this heading include genocide, the conspiracy to commit genocide, direct and public incitement to commit genocide, attempts to commit genocide and complicity in genocide. Crimes against humanity are similarly defined in a number of international instruments. In both cases, the definitions are largely uncontroversial.
- (14) Unlike Articles 2 and 3, Article 4 does not prohibit the authorization of arms transfers. Rather, it requires Contracting Parties to take into account the effect of transfers of arms of the kind under consideration by reference to three principal factors. These factors, together with others, are identified in Section I of the Programme of Action as well as in regional instruments concerned with arms transfers. The first factor is whether the transfer of arms is likely to be used for or to facilitate the commission of violent crimes. This is an important consequence of the proliferation of arms. The second factor is whether the transfer of arms is likely to adversely affect regional security. The third factor is whether the transfer of arms is likely to adversely affect sustainable development. Where such circumstances are apparent, the Article establishes a presumption against authorization.
- (15) Part III of the Framework Convention addresses the mechanisms to be adopted at the municipal and international levels to facilitate the effective implementation and application of the substantive provisions of the convention.
- (16) Article 5 requires the establishment of such mechanisms of national law as are necessary to ensure that the authorization provisions of the Convention will be effectively applied. It contemplates that minimum standards relevant to the authorization process will be laid down in an Annex to the Convention addressing such matters as the need for a transaction-by-transaction licensing mechanism, minimum disclosure requirements by applicants for licences, mechanisms for parliamentary scrutiny, etc.
- (17) Article 6 deals with implementation at the international level, requiring the establishment of an International Registry of International Arms Transfers. It also provides that Contracting Parties shall submit to the International Registry an annual report on arms transfers from or through their territory or subject to their authorization and that the International Registry will publish annual and other periodic reports as appropriate on international arms transfers. Specific details of Contracting Parties' reporting obligations as well as any additional international implementation measures may be addressed in protocols to the Convention.
- (18) Part IV of the Framework Convention contains definitions, concluding provisions and final clauses.
- (19) Article 7 lays down definitions. For purposes of the present draft, the definition and description of "arms" adopted as a working text is that of the 1997 Report of the Panel of Government Experts on Small Arms (A/RES/52/298, at paragraphs 24 – 33). The principal elements of this definition are:
- small arms are weapons designed for personal use, and light weapons are those designed for use by several persons serving as a crew;
 - weapons in this class are capable of being carried, if a small arm, by one person or, if a light arm, by two or more people, a pack animal or a light vehicle;
 - such weapons include revolvers, self-loading pistols, rifles and carbines, sub-machine guns, assault rifles, light machine-guns, heavy machine-guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns and recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, mortars of calibers of less than 100 mm, ammunition and explosives.
- Without prejudice to this definition for purposes of this working draft, those involved in promoting the Framework Convention affirm that the principles and mechanisms laid down in the Convention should be applied equally to the broadest possible range of weapons and munitions for use in military operations and law enforcement, including their components, technologies, and technical assistance and material resources for training to make use of such weapons and munitions.
- (20) Article 8 indicates that the principles laid down in the Framework Convention are to be applied as a minimum and shall not prejudice the application of any more stringent national, regional or international rules, instruments or requirements.
- (21) Article 9 addresses the issue of protocols to the Convention, providing essentially that participation in any protocol to the Convention will only be open to Contracting Parties to the Convention. This is consistent with the scheme and object of the Convention as establishing a framework within which other rules on arms transfers may be elaborated.

7 PROCESS OF HARMONISATION OF LAWS: BURUNDI, DRC, RWANDA, 2004-2006 (FRENCH)

7a Plan d'Action de Bujumbura (Mars 2004)

Dans le cadre du suivi du Plan d'Action Parlementaire de Mombassa du 26 au 28 novembre 2003, faisant suite à la Déclaration conjointe des délégations parlementaires du Burundi, de la République Démocratique du Congo et du Rwanda, les délégations participant à la conférence interparlementaire sur la prolifération des armes légères et de petit calibre, tenue à BUJUMBURA, du 29 au 30 mars 2004,

- ayant examiné à fond les questions liées à la problématique de la prolifération des armes légères et de petit calibre dans la sous-région des Grands Lacs,
- déterminé à harmoniser les législations de leurs pays respectifs en matière de limitation de cette catégorie d'armes,
- animés par l'esprit de la restauration de la paix dans la sous-région fortement secouée par des conflits armés découlant de la prolifération de ces armes légères et de petit calibre

décident du Plan d'Action Parlementaire articulé autour des quatre étapes suivantes :

Première étape : Débattre du rapport de la conférence de Bujumbura au sein des parlements de la sous-région

Deuxième étape : organiser une rencontre à Bruxelles au moins de juin de l'année 2004 entre une délégation parlementaire des trois pays et d'autres experts légaux pour identifier les thèmes, les chapitres à harmoniser et les termes de référence pour des experts nationaux.

Troisième étape : Echanger les informations, commentaires et ébauches des textes des experts nationaux entre les parlementaires, le secrétariat de la Déclaration de Nairobi faisant office de coordonnateur.

Quatrième étape : organiser une rencontre parlementaire à Kigali en décembre 2004 qui aboutira à une proposition de loi harmonisée.

Fait à Bujumbura, le 30 mars 2004

Pour la République du Burundi :

Le SENAT : Honorable Libère BARABUNYERETSE, Président du Sénat de Transition

L'Assemblée Nationale de Transition : Honorable Dr Jean MINANI, Président de l'Assemblée de Transition

Pour la République Démocratique du Congo

Le SENAT : Honorable ILUNGA KABUYI Joseph, Deuxième Rapporteur Adjoint, Chef de délégation

L'Assemblée Nationale : Honorable MENGA LUBUELE François, Chef de délégation

Pour la République du RWANDA

Le SENAT : Honorable BIZIMANA Jean Baptiste,

Pour la Chambre des Députés : Honorable KANYEMERA Samuel KAKA, Chef de délégation

7b Engagements conference armes legeres, Kigali (Avril 2005)

Conférence parlementaire sur les armes légères et de petit calibre, tenue à Kigali le 18 et 19 avril 2005

Engagements des délégations du Burundi, de la République Démocratique du Congo et du Rwanda sur les améliorations à apporter aux textes de loi afin d'obtenir des législations actualisées et harmonisées

A. Thèmes identifiés

1. Définitions

Le Burundi a repris intégralement les définitions du contenu dans le Protocole de Nairobi. Il faudrait cependant changer la définition des munitions en remplaçant celle de la proposition nationale par la définition contenue dans le Protocole de Nairobi. Il faudrait aussi inclure le mot « notamment » à la suite des mentions « les armes légères comprennent..... les armes de petit calibre comprennent..... ».

En ce qui concerne la proposition de la RDC, la phrase « il s'agit aussi des armes à canon portatives..... » doit être déplacée en fin de la phrase définissant les « armes légères ».

Le Rwanda précise que sa législation est actuellement plus limitée que les clauses du Protocole de Nairobi et va étendre les concepts dans sa nouvelle proposition. Il faudrait également ajouter au point 3 de sa proposition actuelle « pour nous adapter aux clauses pertinentes du Protocole de Nairobi ».

2. Champ d'application

Le Burundi et le Rwanda vont rédiger un chapitre sur le champ d'application, car il manque dans leur proposition actuelle.

3. Les autorisations d'importation, de transit, de stockage et d'exportation des armes et munitions

La RDC va définir un article additionnel sur la question de l'exportation. Dans sa proposition actuelle, le stockage des armes légères est seulement prévu au niveau des forces armées et dans les cas de saisies. Il faudrait prévoir une disposition pour le stockage par des armuriers. Ainsi que détailler le stockage des armes autorisées chez les privés, telles que « non chargées, et séparant les munitions ».

Le Burundi va préciser les clauses sur les bornes, au-delà de la mention « d'autorisation préalable » et va ultérieurement réglementer les aspects du stockage.

Le Rwanda va détailler les conditions requises pour obtenir des permis et détailler la réglementation de l'exportation. Le stockage est mentionné actuellement comme soumis à autorisation, mais les détails sont inclus dans un arrêté. Il faudrait donc détailler le stockage dans la loi également.

4. Les permis de détention, de port, de commerce, de fabrication d'armes et de munitions

Au deuxième paragraphe de l'article 6 de la proposition Burundaise, la mention « toutefois, l'acquisition et la détention » va être avancée dans l'article 2 de la proposition. Aussi, les armes légères ne seront plus mentionnées comme « prohibées », mais comme « soumises à autorisation ». Il faudra également ajouter « les armes légères seront interdites aux civils ».

Les délégations du Burundi, de la RDC et du Rwanda s'engagent à définir séparément les armes prohibées et les armes soumises à autorisation et à inclure la notion d'interdiction contenue au dernier point de l'article 5 du Protocole de Nairobi.

Le Burundi et le Rwanda limitent le nombre d'armes autorisées à deux par personne, alors que la RDC en autorise une seule par personne. Pour les trois pays, la connaissance de la législation, ainsi que des visites médicales régulières pour les requérants d'autorisation seront incluses dans les conditions pour l'obtention et le renouvellement d'un permis. Le Burundi va séparer les notions de détention et de port d'armes dans l'article 3 de sa proposition, alors que le Rwanda s'engage à réglementer la fabrication des armes, car elle n'est pas prévue dans sa proposition actuelle.

En ce qui concerne la révocation des permis, le Burundi va détailler les conditions de révocations afin d'éviter des actions arbitraires. En général, afin de ne pas entrer dans trop de détails, les trois délégations mentionneront, comme clause de révocation « en cas de non respect des conditions du permis ». Ceci remplacera notamment pour le Rwanda la notion « pour mauvais usage » contenue dans sa proposition actuelle.

En ce qui concerne la confiscation et la saisie d'armes, le Rwanda, la RDC et le Burundi vont modifier l'article de leurs propositions actuelles pour que les armes confisquées et saisies soient détruites, et non vendues.

5. Les infractions, les taxes et les pénalités

L'article 24 de la proposition de loi Burundaise devrait faire référence à une autre loi qui précisera la peine, au lieu de mentionner directement la peine de mort. Les articles 38 à 42 de la proposition de la RDC ne mentionnent pas les montants de la peine car ils seront définis par le Parlement, alors que le Rwanda reverra les peines actuelles.

Les trois délégations devront définir un moyen d'échanger des informations sur les peines requises pour les infractions, afin que la même infraction soit punie d'une manière identique dans les trois pays. Les délégations devront expliquer cet aspect important dans leurs Chambres.

6. Les dispositions transitoires et abrogatoires

Les délais de mise en œuvre des modifications doivent être définis d'une manière uniforme dans les trois pays, et communiqués auprès du public et des autorités locales.

B. Nouveaux thèmes

1. Le marquage, l'enregistrement et le traçage des ALPC

Les nouvelles propositions devraient préciser les notions de marquage unique, nom du fabricant, pays ou lieu de fabrication et numéro de série. Pour ce qui est des armes importées, il faut prévoir un marquage simple qui identifie le pays et l'année d'importation. Les exportateurs ou importateurs sont ceux chargés du marquage. Il faut aussi procéder au marquage des armes appartenant déjà à l'Etat.

Pour l'enregistrement, il faut prévoir un système d'information centralisé et informatisé, qui maintient les données enregistrées d'une manière permanente.

En ce qui concerne la RDC et le Rwanda, qui ont déjà mentionné l'enregistrement dans leurs propositions, il faudrait encore distinguer le marquage à effectuer lors de la fabrication, et celui à appliquer lors de l'importation.

2. Le courtage

Le courtage est mentionné dans la proposition du Burundi, mais pas réglementé dans ses détails. Pour les trois pays, les résidents et nationaux doivent se faire enregistrer en tant que courtiers, et obtenir des licences spécifiques pour chaque transaction. La notion d'extraterritorialité doit y figurer, forçant les nationaux à demander une autorisation dans son pays quand ils effectuent une opération depuis l'étranger.

La RDC va changer dans sa nouvelle proposition le besoin de s'enregistrer, pour un courtier, aux trois ministères et définir une formule la plus efficace. Dans la proposition actuelle du Rwanda, le courtage n'est pas réglementé, ce qui devra être rectifié dans la prochaine proposition.

3. Coopération régionale et code de conduite

Les délégations proposent de favoriser la coopération régionale pour la mise en œuvre des lois harmonisées et de préparer un projet de code de conduite à soumettre aux signataires du Protocole de Nairobi.

Egalement, les délégations proposent à mettre en activité le groupe d'amitié des parlementaires de la sous-région des Grands-Lacs sur la question des armes légères et d'en définir les termes de référence.

Les délégations vont partager leurs nouvelles ébauches, en utilisant les services d'AWEPA pour la distribution, au plus tard deux mois avant la réunion sur l'harmonisation de Kinshasa.

Fait à Kigali, le 19 avril 2005

Signé par :

1. Honorable BUKURU Thomas
République du Burundi

2. Honorable Sénateur MANENGIKONG Tzippe André
République Démocratique du Congo

3. Honorable Député HENRI Mukashung
République Démocratique du Congo

4. Honorable Député KANYEMERA SAM Kaka
République du Rwanda

7c Conclusion Sur L'integration Regionale - Kinshasa (Novembre 2005)

Conférence Interparlementaire sur les Armes Légères et de Petit Calibre et sur l'Intégration Régionale

CONCLUSIONS SUR L'INTEGRATION REGIONALE

Les Délégations Parlementaires du Burundi, de la République Démocratique du Congo (RDC) et du Rwanda, réunies à Kinshasa du 2 au 4 Novembre 2005 à l'occasion du Séminaire Régional sur les Armes Légères et de Petit Calibre et sur l'Intégration Régionale.

Considérant l'importance capitale de la coopération et de l'intégration régionale pour le développement durable, la paix et la sécurité dans la Région des Grands Lacs,

1. Se réfèrent aux conclusions :

- De la rencontre des ministres des Affaires Etrangères du Burundi, de la RDC et du Rwanda sur la relance de la CEPGL à Bruxelles le 11 Juillet 2004 ;
- De la Réunion des Chefs d'Etat et des gouvernements du 20 Novembre 2004 à Dar es Salaam ;
- De la Conférence Interparlementaire de Kigali réunie du 18 au 19 Avril 2005 ;
- De la Conférence des Présidents des Assemblées Parlementaires du Burundi, de la RDC, du Rwanda et de la Belgique sur la Région des Grands Lacs, réunie les 9 et 10 mai 2005 ;
- Du Comité Interministériel de la Conférence Internationale sur la Région des Grands Lacs, réuni à Lusaka les 22 et 23 juillet 2005.

2. Réitérent leurs engagements d'encourager leurs pays respectifs à lever les obstacles qui retardent encore la relance de la CEPGL.

3. Invitent les ministres des trois pays en charge de la Coopération Internationale et Régionale à se réunir en vue de se concerter sur les mesures concrètes requises pour la relance effective de l'organisation.

4. Insistent pour que l'évaluation des projets existants soit accélérée conformément aux décisions de Bruxelles de juillet 2004.

5. Souhaitent notamment qu'ils soit procédé à l'actualisation du cadre institutionnel existant de la CEPGL en tenant compte de l'évolution politique et socio-économique dans les trois pays ; cette actualisation ne pouvant être un obstacle à la relance de projets concrets qui seraient fait l'objet d'une évaluation positive et préalable et d'un consensus des trois pays.

6. Expriment leurs souhaits, que les Parlements soient étroitement associés à toutes les phases de la relance de la CEPGL afin de s'assurer notamment que les nouvelles orientations visent l'amélioration du niveau de vie de la population.

8 USEFUL ADDRESSES/WEBSITES

Addresses

AWEPA - The Association of European Parliamentarians for Africa
 European Office
 Prins Hendrikkade 48-G
 1012 AC Amsterdam
 The Netherlands
 Tel: + 31 20 524 5678, Fax: + 31 20 622 0130
 Email: amsterdam@awepa.org
 www.awepa.org

UNDP Small Arms Reduction Programme for the Great Lakes Region
 P.O. Box 30214 Gigiri - Nairobi, Kenya
 Tel: + 254 20 624414, Fax: + 254 20 624491
 Email: smallarmsunit.nairobi@undp.org
 For detailed information contact Mr. Gilbert Barthe, Programme Manager

Regional Center on Small Arms and Light Weapon
 (formerly known as Nairobi Declaration Secretariat)
 PO Box 7039 – 00200 Nairobi, Kenya
 Tel: + 254 20 577456/562384/568016, Fax: + 254 20 577397
 Email: nssalw@nbnet.co.ke

Bureau for Crisis Prevention and Recovery (BCPR)
 11 chemin des Anemones, Chatelaine
 CH-1219, Geneva
 Switzerland
 Tel: + 41 22 917-8540
 Fax: + 4122 917-8060
 Email: erd.geneva@undp.org

7. Insistent également sur le fait qu'une relance de la CEPGL doit déboucher sur des avantages repartis équitablement, générer de la confiance entre les partenaires et favoriser la sécurité dans la région.

8. Reconnait les droits à un pays membre de l'organisation de pouvoir appartenir à d'autres ensembles régionaux qui rencontrent ses intérêts spécifiques.

9. Insistent sur l'importance de faire des efforts substantiels pour rétablir la sécurité dans la région, spécialement à l'Est de la RDC, en y accélérant la DDRR ; il s'agit d'une condition sine qua non du développement économique et social et de la coopération interrégionale.

10. Insistent pour que la relance de la CEPGL s'inscrive dans la perspective d'une éventuelle ouverture à d'autres pays de la région.

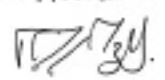
11. Prennent l'engagement de mettre sur pied dans les plus bref délais un groupe d'amitié interparlementaire visant à renforcer la confiance entre les pays membres.

12. Saluent les efforts de la Communauté Internationale (ONU, Union Africaine, Union Européenne, ...) visant à soutenir la coopération et l'intégration des pays des Grands Lacs.

KANYEMERA chef de délégation
 Rwanda.

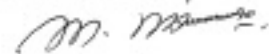
M^{me} NZIKORUKUNDO Yolande

1^{er} Vice-Président du Sénat burundais

 chef de délégation.
 BUREAU

REPUBLIQUE DEMOCRATIQUE DU CONGO (R.D.C.)

Honorable EUGENIE NDIKUMANA



Websites

www.iansa.org

International Action Network on Small Arms (IANSA) – has regional networks in Africa

www.grip.org

Groupe de recherche et d'information sur la paix et la sécurité – research institute with strong focus on small arms issue

www.saferworld.co.uk

Saferworld – works to increase human security and prevent armed violence

www.amaniafrika.org

Africa Peace Forum – works to promote peace in Greater Horn of Africa and beyond

www.bicc.de

Bonn International Centre for Conversion – seeks to contribute to disarmament and human development

www.cdiss.org/hometemp.htm

Centre for Defence and International Security Studies – independent defence and security research, based in UK

www.cdd.org.uk

Centre for Defence and International Security Studies – aims to promote democracy and peace in Africa

www.ploughshares.ca

Ploughshares – peace centre of the Canadian council of churches

www.fas.org

Federation of American Scientists – conducts research and advocacy related to arms control

www.gca.org.za

Gun Control Alliance – campaigns for stricter control on firearms in South Africa

www.smallarmssurvey.org

Independent research project located at the Graduate Institute of International Studies, Geneva

www.crisisweb.org

International Crisis Group – organization committed to preventing and resolving conflict

www.geneva-forum.org

Geneva Forum – supports multilateral security and disarmament initiatives

www.smallarmsnet.org

Information portal for groups and individuals working to contain the proliferation of small arms in Africa. Provides extended number of official documents relevant to the issue.

www.nisat.org

<http://www.nisat.org> Norwegian Initiative on Small Arms Transfers – seeks to block the spread of small arms to vulnerable regions

www.international-alert.org

International Alert – works towards enhancing sustainable peace

www.osce.org

Organisation for Security and Cooperation in Europe - published a handbook with hands-on advice and guidelines to reduce the number of illicit small arms in a country (see link: http://www.osce.org/fsc/item_11_13550.html)

