

## *Annex 3*

# ***Southern Africa Regional Action Programme on Light Arms and Illicit Arms Trafficking***

**Conclusions from the Institute for Security Studies/Saferworld Conference on ‘Developing Controls on Arms and Illicit Trafficking in Southern Africa’, Pretoria, South Africa, 3- 6 May 1998**

### *Preface*

The following text outlines an Action Programme for Southern Africa – the Southern African Development Community (SADC) and its members – to tackle light arms proliferation and illicit arms trafficking. It also indicates areas where the EU and its member states could co-operate with and support such a programme. The text constitutes the agreed conclusions and recommendations of the participants to the Saferworld/Institute for Security Studies conference on ‘Developing Controls on Arms and Illicit Trafficking in Southern Africa’ held at Halfway House, near Pretoria, South Africa from 3 to 6 May 1998. The participants primarily comprised officials and experts from SADC member states and from the European Union and its member states; officials from certain other concerned states and international organisations were also present.

There is a growing recognition of the problem and associated effects of illicit trafficking in arms, particularly light arms, in Southern Africa. Conflicts such as the long civil wars in Angola and Mozambique have led to the large scale circulation and trafficking of illicit arms in the region and the consequent fuelling of conflict, crime and violence. In recognition of the severity of these problems, and with a desire to identify ways in which the EU and its member states might help Southern African countries address these problems, the UK Government decided to sponsor this seminar as part of the effort to implement the *EU Programme on Preventing and Combating Illicit Trafficking in Conventional Arms*, agreed in June 1997. The aims of the seminar were to:

- help to improve understanding of the ways by which Southern African countries could strengthen the effectiveness of their efforts to control arms, and combat illicit arms trafficking, in the Southern Africa region;
- improve understanding of the ways in which the EU and its member states could assist Southern African countries, and associated regional organisations, in such efforts.
- develop agreement amongst selected officials and non-governmental experts from Southern Africa on appropriate and effective elements and priorities for a regional ‘action plan’ involving EU assistance programmes, particularly within the framework of the new *EU Programme for preventing and combating illicit trafficking in conventional arms*.

These conclusions are those of the conference participants themselves, and do not necessarily reflect the policies of the countries or organisations they represent. Nevertheless, the conclusions are expected to be considered by the SADC and EU governments and relevant committees. It is hoped that they will form the basis for developing an official programme within SADC, with EU co-operation and under the framework of the EU Programme, and organised through SADC-EU dialogue structures.

The conference was jointly organised by Saferworld (UK) and ISS (South Africa), who are grateful for the support of the UK Department for International Development, and for the contributions and commitment of all conference participants.

There is an urgent need for a SADC action programme to tackle light arms proliferation and illicit arms trafficking, and the EU and other donors have an important role to play in co-operating with and supporting SADC countries in their efforts to develop and implement such a programme. We also hope that this plan, and the process which gave rise to it, may provide a useful model for similar initiatives in other sub-regions.

Saferworld is an independent foreign affairs research group working to identify, develop and publicise more effective approaches in the tackling and preventing of armed conflicts. Saferworld’s Arms Trade Programme seeks to encourage restraint and transparency in the global arms trade. Central to this is Saferworld’s Light Weapons Project which aims to stem

the flow of, and reduce the demand for, small arms and light weapons within regions of conflict. Currently the project’s primary focus is on developing and implementing the *EU Programme on Preventing and Combating Illicit Trafficking in Conventional Arms* agreed in June 1997. In particular the project seeks to develop a constructive dialogue between EU government and Commission officials and representatives from African governments and regional/sub-regional organisations on the monitoring and tackling of illicit transfers of arms.

The Institute for Security Studies (ISS) of South Africa is an independent NGO. Its mission is to enhance human security in Africa through applied research and the dissemination of information relating to individual, regional and international security. The Institute is committed to democracy, good governance and the promotion of common security. Its programmes include: the Security and Governance Programme (SAG); the Operational Analysis and Security Information Services (OASIS); the Africa Programme; and the Arms Management Programme (AMP). The Arms Management Programme consists of three projects: Towards Collaborative Peace (the small arms project), Children in Armed Conflict (ACT), and Training for Peace (TfP).

### *Preamble*

The proliferation of light weapons and illicit arms trafficking in Southern Africa poses a major threat to peace, security and development in the region. Although they do not in themselves cause the conflicts and criminal activities in which they are used, the wide availability, accumulation and illicit flows of such weapons tend to escalate conflicts; undermine peace agreements; intensify violence and the impacts of crime in society; impede economic and social development; and impede the development of social stability, democracy and good governance.

There is a close relationship between peace and security in Southern Africa, both internally and internationally, and the economic, social and political development of countries in the region.

In the existing conditions in Southern Africa, effective action to control arms flows and availability requires determined, comprehensive and

co-ordinated action at not only the local and national levels but also at the level of the region of Southern Africa. Moreover, the effectiveness of regional action on light arms proliferation and illicit arms trafficking in Southern Africa would be reinforced through co-operation with the OAU, the EU and its member states, SADC and/or its members, and also with the wider international community.

Recent increases in awareness of the problems of light arms proliferation and illicit arms trafficking, in Southern Africa and also internationally, is greatly to be welcomed. It is also important to recognise the numerous initiatives, resolutions and agreements to address the problem that have recently been taken in Southern Africa, the Sahara-Sahel, the OAU, the OAS, the UN and its agencies, and other members of the international community.

Recent initiatives by the EU, particularly the establishment in 1997 of its *Programme for preventing and combating illicit trafficking in conventional arms*, and progress towards an EU Code of Conduct, are noteworthy and welcome. They provide an important opportunity to develop co-operation between the EU and Southern Africa to tackle light arms proliferation and illicit arms trafficking.

However, it is important to recognise that present actions to tackle these problems in Southern Africa remain inadequately developed and often ineffective. Awareness of the severity of the problem still needs to be increased in some quarters. The problem requires a co-ordinated regional approach, but a Southern African action programme has yet to be developed. An integrated and comprehensive response is needed to meet the complex challenges of light arms proliferation and illicit trafficking, yet most of the responses remain fragmented and inadequately resourced. Programmes to develop effective controls on legal arms possession and transfers, amongst civilians and state security forces, remain inadequate. So too are programmes to disarm ex-combatants, remove excessive or unlicensed arms from civilians, and destroy or safely dispose of 'surplus' stocks of arms or confiscated illicit weapons. Transparency, information exchange and consultation amongst Southern African countries on arms and illicit trafficking remain weak. All of these problems need urgently to be addressed.

### *Elements of a Southern African Regional Action Programme on Light Arms and Illicit Arms Trafficking*

A co-ordinated, determined and comprehensive regional 'Action Programme' on light arms proliferation and illicit arms trafficking is urgently needed in Southern Africa. To enhance capacity in Southern Africa to develop and implement such a programme, and to re-inforce its effectiveness, co-operation with the EU and other members of the international community should be developed, particularly through the EU-SADC dialogue.

This Action Programme needs to be comprehensive in its approach. The challenges of light arms proliferation and illicit arms trafficking are complex, and no single type of policy response would be adequate. Programmes to address illicit arms trafficking must be combined with actions to strengthen controls on legally held arms; remove, destroy or safely dispose of, excess or confiscated arms; and enhance transparency, information collection and exchange, and consultation across the region.

The programme of action on light and illicit arms should be co-ordinated across the region of Southern Africa, so that local and national actions are mutually re-inforcing and appropriate actions are taken at the regional level. It should build upon, and further strengthen, regional institutions and structures.

Moreover, to be effective, the regional programme to tackle arms proliferation and illicit trafficking must be integrated with wider programmes to promote individual and community security; implement peace agreements; and advance post-conflict reconstruction, economic and social development, and good governance – both within the region and across Africa.

Thus the region requires an integrated approach. In line with this requirement, donors and international co-operation partners assisting with the implementation of the action programme should adopt a proportional and integrated approach to promoting security and development. In much of the donor community, this has become known as the 'security-first' approach to development co-operation. SADC countries and the EU and its member states (and any other outside donors) should explicitly endorse this

integrated approach, and establish consultations and procedures to ensure that this is effectively implemented.

Within this framework, Southern African countries should carry out an action programme to tackle light arms proliferation and illicit trafficking including the following elements. The EU should support this programme, where appropriate, as part of its EU-SADC co-operation.

## 1 COMBATING ILLICIT TRAFFICKING

Southern African states need to strengthen their collective efforts to prevent and combat illicit trafficking of arms – particularly of firearms, small arms and light weapons – on and through their territories. The main parts of a programme to achieve this should be as follows.

### 1.1 Strengthening laws and regulations to combat illicit arms trafficking

A comprehensive programme to strengthen controls and regulations on legal possession and trade of arms must play a central role in combating illicit arms trafficking. This is discussed in section 2 below. Regulations need to be developed across the region to ensure that any unlicensed arms possession and trading is clearly illicit, and subject to appropriate punishment. Further, regional consultations could usefully be established to develop effective extradition agreements amongst all SADC members.

### 1.2 Strengthening operational capacity to combat illicit trafficking

A range of agencies has a crucial role to play in enforcing regulations to combat illicit trafficking in light arms – including police, customs, border guards, the judiciary, and also the military. However, in most Southern African countries, several of these agencies lack critical capacity to fulfil their role. Moreover, inter-agency co-ordination within and amongst the countries needs improvement. At *national level*, Southern African states should embark on programmes to strengthen the capacity of police and customs, including:

- Undertaking co-ordinated national training programmes for police, customs and border guards, the judiciary and other

agencies involved in preventing or combating illicit arms trafficking. One objective of such programmes should be to strengthen the investigative capabilities of police and customs, and their familiarity with appropriate criminal procedure. This could be enhanced by increasing the analytical and training capacity within SARPCCO, which should be developed to allow appropriate participation of customs and border guards as well as police.

- Establishing and improving national data-bases, communication systems, and equipment for monitoring and controlling movements across borders, while ensuring computability of systems between agencies and across the region.
- Establishing inter-agency joint working groups, involving police, customs, home affairs, the judiciary and other relevant groups, to improve policy co-ordination, information sharing and analysis at national level.

At *regional level*, SADC member states should embark on a concerted regional programme to strengthen the capacity of the police, customs authorities, border guards and criminal justice systems to combat illicit trafficking. Such programmes should build on existing security co-operation agreements in Southern Africa, such as the ISDSC and SARPCCO. In this context, SADC countries should consider:

- Activating and sustaining information sharing and analysis functions, internationally and regionally. This will necessitate strengthening lines of communication between police and customs in different SADC countries; developing and utilising regional (SARPCCO/Interpol) and international databases (e.g. IWETS); developing regional aspects of intelligence information sharing on light and illicit arms, in particular, developing dedicated training programmes on use of intelligence.
- Undertaking joint training exercises of officials from the police, customs and other relevant agencies (including the military where it is involved with border controls) from countries within the region, and exploring the possibility for exchange programmes for such officials within the region, and with their counterparts in the EU.
- Promoting a rapid processing of firearm investigations when captured illicit weapons are investigated in relation to crime patterns.

- Establishing bi-lateral and regional agreements to facilitate tracking, pursuit, seizure and destruction (e.g., agreements to co-operate in pre-planned cross-border operations).
- Strengthening facilities for training at a national and regional level for police, customs and other relevant groups, co-ordinated through SARPCCO/Interpol and creating a specialised information, training and analysis unit on firearms in SARPCCO, staffed by one officer per member state.
- Developing an independent financial capability at SARPCCO headquarters which would strengthen its capacity to undertake more regular pre-planned cross-border operations similar to the South Africa-Mozambique-Swaziland Operation Rachel.

In view of the above national and regional requirements, the EU could consider:

- ~ Providing technical support, equipment and training (e.g. most SADC countries lack the necessary technical equipment – computers, communications equipment, searching equipment – at border posts) to facilitate timely information exchange across borders.
- ~ Exchanging relevant experience and expertise through customs/police exchange programmes.
- ~ Supporting efforts to strengthen facilities for training at national and regional level for police, customs and other relevant groups.
- ~ Developing systems to enhance information sharing between EU and SADC in order to enhance co-operative efforts to combat illicit trafficking.

### 1.3 Improving systems to trace illicit arms flows

The circulation of illicit arms can only be effectively monitored if efforts are made to ensure that weapons are traceable and easily identified. The Southern African countries will seek to increase the level of traceability in arms flows by:

- Strengthening systems for national registration, control, and marking of legally held arms to enhance capacity to identify and combat illicit trafficking.

- Establishing a regional system for the effective tracing of illicit arms, making use of the systems for marking and registering and maintaining data-bases on legally held arms. Regional systems could be established, probably through SARPCCO, for timely responses to requests for information on confiscated or suspicious arms between relevant authorities in Southern Africa, linked with the international systems for collecting and communicating such data within Interpol.

### 1.4 Improving information exchange

Improvements in regular, timely and efficient information exchange and consultation across the region between officials and agencies involved in combating illicit arms trafficking are a major priority. Measures to achieve such improvements are discussed further in section 4 below.

## 2. STRENGTHENING REGULATION AND CONTROLS ON ACCUMULATION AND TRANSFERS OF ARMS

Southern African countries need to embark on a collective programme to strengthen and harmonise their national regulations and controls on the transfer, possession and use of arms. This is required to enable them to meet their responsibilities to exercise control and restraint in the import, export, transit and accumulation of arms, and to help combat illicit possession and trafficking. This programme should be closely associated with collective efforts to update and develop compatible national policies relating to the possession, accumulation and transfer of both commercial arms and armaments held by state agencies; this is urgently needed in many areas.

Such a programme should include national and regional measures to implement the following actions.

### 2.1 Strengthening controls over civilian possession of firearms

National systems for licensing and controlling civilian possession and trading of firearms and ammunition need to be strengthened throughout Southern Africa, and made more effective and compatible through regional co-operation, using SARPCCO and other available regional institutions.

To pursue this objective, SADC countries should consider the following measures:

- Conducting a co-ordinated review of national procedures and criteria for issuing and holding firearms licences, making full use of SARPCCO, with the aim of agreeing to common systems and ‘model statutes’ reflecting the best practice in stringently controlling civilian possession of firearms in the region. Such procedures should aim to limit, and ultimately remove, the scope for civilians legitimately to possess firearms for the purposes of self-defence (unless they require them for special professional duties), as confidence in the state’s ability to assure individual security improves. Procedures for periodically reviewing licenses should be adopted, and also for requiring or encouraging the surrender and destruction or responsible disposal of weapons that are no longer needed.
- Establishing a regional consultation process, through SARPCCO or other relevant institutions, to agree on common penalties for fire-arms related offences across the region and adopt the best practice on regulating the types of arms that can legally be held by civilians (for example, banning possession of automatic weapons or military assault rifles), and other issues of concern.
- Establishing and maintaining national electronic databases of licensed arms, gun owners and commercial arms traders within each SADC country, and establishing regional systems to allow authorities in partner countries efficiently to check licenses and backgrounds of migrants, etc.
- Establishing a standardised and effective system across the region for licensing and monitoring commercial arms dealers and brokers, and for issuing import, export and transit licences for commercial arms.

## **2.2 Enhancing restraint and controls over accumulation and transfer of light arms and associated military equipment**

Southern African countries should exercise restraint in the accumulation of military equipment and maintain and improve their systems controlling arms transfers, taking account of the fact that all states in the region are potential sources, recipients and transit states

in the relation to light arms flows. In line with this, countries should consider:

- Establishing and maintaining complete national inventories of arms, ammunition and related equipment held by security forces and other state bodies, to enhance countries’ capacity to manage and maintain secure storage of military equipment, and to facilitate review of whether numbers are above requirements for national self-defence.
  - Carrying out a programme across the region to strengthen Southern African countries’ national systems for licensing imports, exports and transit of military equipment, including light arms. This includes establishing systems for ensuring licenses are only issued when they fully comply with national criteria and with the full authorisation of government authorities; aiming to harmonise relevant licensing documents and end-use control and (where practicable) monitoring systems; and establishing regional systems to facilitate checks on the validity of documents issued by neighbouring licensing authorities.
  - Developing an agreed regional code of conduct providing agreed criteria governing the import, export or transit of arms (including light or small arms) and ammunition. Such criteria would cover issues relating to the situation or character of the recipient such as the impact on regional or internal security; human rights; and an assurance that arms will not be diverted to rebel armies or otherwise undesirable end-users and so on (along the lines of the UNDC and EU Codes of Conduct). Systems of information exchange and consultation systems amongst SADC countries relating to the implementation of the code of conduct would also need to be established.
- ~ EU states could provide advice and support where appropriate on the development and operation of a regional code of conduct such as the one proposed above.

## **2.3 Improving capacity to monitor and trace light arms possession and transfers**

At present there are substantial weaknesses in national and regional capacity to monitor and trace flows of both civilian and military

arms, and thus to enforce controls. To rectify this problem, states should consider:

- Establishing harmonised regulations to address the problem of non-unique or ambiguous serial numbers for each item of commercial and military equipment, and to ensure that adequate and accessible records are maintained by manufacturers and dealers to enable subsequent tracing of weapons.
  - Establishing agreed systems throughout Southern Africa to ensure that arms are marked at the time of manufacture or import, and also to examine the possibility and value of marking military equipment that is in transit
  - Establishing comprehensive, up-to-date and compatible national electronic data-bases relating to the character and history of each licensed weapon are established.
  - Working in co-operation with EU member states and other supplier or transit states outside Southern Africa, to promote the capacity to trace weapons transferred internationally.
- ~ EU states should consider providing technical assistance in order to help with marking of manufactured arms and to establish database systems for registering ownership of weapons.

### **3. PROMOTING THE REMOVAL OF ARMS FROM SOCIETY AND THE DESTRUCTION OF SURPLUS ARMS**

Southern African countries need to develop a co-ordinated programme to promote the removal of arms in circulation amongst civilians and destruction of confiscated or surplus arms. This programme should include the following elements

#### **3.1 Collection, removal from circulation, and destruction of 'surplus' military arms**

Southern African countries should identify and adopt effective programmes for the collection, safe-storage, responsible disposal, and destruction of arms rendered 'surplus' through peace agreements, demobilisation or integration of ex-combatants, or re-equipment of armed forces or other armed state bodies. To this end, they should consider:

- Encouraging full preparation for, and implementation of, arms collection, safe-storage, and responsible disposal or destruction of arms as part of the implementation of peace agreements in Africa or elsewhere. Where possible, conditions and levels of disarmament and demobilisation should be specified in peace accords.
- Reviewing and developing appropriate programmes for demobilisation and (re-) integration of ex-combatants as conflicts come to an end in Southern Africa, in association with the UN and other relevant international agencies;
- Establishing and implementing guidelines and procedures for ensuring that arms or ammunition rendered 'surplus' to requirements (through the implementation of peace agreements, demobilisation of ex-combatants, or re-equipment or re-organisation of armed forces or other state bodies) are securely stored and disposed of in a way that ensures and prevents them entering the illicit arms market or flowing into regions in conflict, or any other destination that is not fully consistent with agreed criteria for restraint.
- Encouraging states wherever possible to destroy surplus military equipment. To promote and improve capacity for such practices, the establishment of regional or international mechanisms should be considered, in co-operation with the UN, EU and other interested international bodies, to facilitate and monitor the destruction of 'surplus' arms throughout the region. This could include co-ordinating technical facilities for the safe physical destruction of such arms, maintaining systems for verifying and recording such destruction, and developing systems to enhance public awareness of such activities so as to encourage local and national initiatives to collect and destroy arms.

~ The EU and other members of the donor community could consider encouraging the destruction of old stocks by contributing funds to offset lost income or by contributing to the process of disabling or destroying such weapons. The prospects of such assistance should tend to be enhanced if the recipient state has committed itself to a reduction in its military holdings.

### **3.2 Removing confiscated and unlicensed weapons from circulation**

Illicit or unlicensed arms, ammunition and other military equipment that is captured or confiscated needs to be permanently removed from circulation, to prevent illicit leakage. SADC states should consider the following measures to achieve this requirement:

- Adopting co-ordinated national policies to the effect that confiscated or unlicensed arms that come into the possession of state authorities are normally destroyed, and establishing national or regional systems to implement, oversee and report such a policy.
- Maintaining and further developing joint and combined operations across borders amongst groups of Southern African states, to capture and destroy weapons and arms caches left over after conflicts and civil wars – similar in character to the Operations Rachel between South Africa, Swaziland and Mozambique for the locating, capturing and on-site destruction of arms caches.

### **3.3 Voluntary weapons collection and exchange programmes**

Southern African countries should expand and improve programmes for voluntary collection or exchange of arms from civilian possession, both nationally and through co-ordinated regional programmes. To develop such programmes, they should consider:

- Establishing a co-ordinated regional programme to review experiences, inside the SADC region and elsewhere, with voluntary arms collection or exchange projects, with the aim of identifying and promoting the best practice. This programme would aim to co-ordinate the expansion of such activities throughout the region, and to help to ensure that the conditions and resources required for the success of such projects (such as availability of police forces in which local communities have confidence) are in place.
- Integrating arms collection or exchange projects with development aid projects in the targeted communities, to make services or goods that the local communities value available for exchanges for guns.

- Establishing the policy that arms collected through gun exchange or collection projects would normally be destroyed, and in any case disposed of responsibly and securely, and aim to mobilise the necessary resources for implementation.

- ~ The EU and its member states should consider supporting such arms collection exchange and destruction programmes.
- ~ The EU should consider supporting, wherever possible, post-conflict demobilisation initiatives and should link these with longer term reintegration projects.

### **3.4 Reversing cultures of violence**

Programmes are needed throughout much of Southern Africa to promote community awareness of, and involvement in, programmes to remove weapons from society and to reverse the ‘cultures of violence’ that have developed in parts of the region. Such programmes should be seen as part of a wider integrated programme to improve governance and enhance the capacity of the police and other services to assure the security of citizens (and enhance the confidence of all citizens in such services). In this context, Southern African countries should consider:

- Developing national and regional public education and awareness programmes to enhance public involvement and support for efforts to tackle light arms proliferation and illicit trafficking, and to challenge and reverse ‘gun cultures’ or cultures of violence where they occur.
- Establishing systems of information exchange and consultation throughout the region, and also developing contacts with relevant groups beyond the sub-region, to identify and learn from successful practices in this area.

## **4. ENHANCING TRANSPARENCY, INFORMATION EXCHANGE AND CONSULTATION ON ARMS IN SOUTHERN AFRICA**

A prerequisite for Southern African states to exercise responsibility, control and restraint in the import, export, transit and accumulation of arms, is the development of confidence-building and information exchange measures

between states within the sub-region. This will require the establishment of improved mechanisms for information exchange, consultation and wider transparency.

#### 4.1 Enhancing public transparency

Transparency in arms accumulations, flows and policies, and also regarding the role and importance of arms in society, is essential not only for international confidence building but also to engender public confidence in the state and to enhance the public's perception that their security is assured.

Southern African countries should consider enhancing public transparency on arms by:

- Participating regularly in the UN Register of Conventional Arms and supporting its extension in scope to include at least some 'lighter' categories of armaments.
- Starting a process of establishing a regional register covering information relevant to light arms.
- Exchanging information, within the region, on levels of armaments in order to arrive at a common understanding of the appropriate level of armaments which is required for national or self defence
- Developing an arms control community in the region, and strengthening and developing centres for disarmament studies.
- Recognising the useful role NGOs can play in enhancing such transparency.

#### 4.2 Information exchange and consultation

Inter-governmental information exchange and consultation on issues such as the transfer and seizure of small arms is an essential part of successful confidence building and conflict prevention initiatives. Southern African countries should seek, nationally and regionally, to foster regular information exchange between policy makers and those responsible for implementing policy, and to increase progressively, at national and regional level, transparency on legal and illegal transfers, holdings and seizures by:

- Increasing transparency on illicit seizures through increased information exchange, the establishment of an appropriate and accessible database and/or increased utilisation of Interpol's IWETS database, with SARPCCO the primary institution in this regard.
- Compiling details of national holdings and exchanging information on a confidential basis within ISDSC, placing particular emphasis on increasing transparency on national holdings/ inventories on small arms and facilitating participation in global transparency initiatives (e.g., UN Register).
- Developing capacity to collate, organise and publish information on small arms transfers through establishment of national databases and exchanging information on imports, exports and transfers, with a view to the establishment of a regional small arms register – SADC/ISDSC are the principal institutions in this regard.

Southern African countries should seek to develop *ad hoc* bilateral and multilateral dialogues within SARPCCO in order to address issues relating to the trafficking and circulation of arms.