



SESSION THREE

Key issues for a comprehensive subregional approach

Chair:

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PILLAR ONE: ESTABLISHING LEGAL CONTROLS OVER WEAPONS POSSESSION AND TRANSFER

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A comprehensive approach in tackling the proliferation of small arms must address the management, prevention and resolution of the problem. Management involves activities such as joint training programmes, information-sharing, joint operations and transparency. Prevention involves measures such as harmonising legislation, marking weapons, establishing codes of conduct and reversing cultures of violence. Resolution requires the development of weapons collection programmes, the destruction of surplus stocks, and the effective demobilisation and reintegration of former combatants.

Legislation is the one thing which is common to all three pillars; none of them can work without it. International law has to filter down and has to be incorporated into national legislation. Old laws have to be updated to address new situations.

Do national police Acts provide for co-operation with neighbouring countries? If not, they need to be updated. Do customs and immigration Acts provide for co-operation and information-sharing with the police? Legislation must be in place to enable the problem to be tackled in an holistic way.

There is an analogy of a spear and shield. If law enforcement agencies are the point of the spear which attacks the problem, then other government departments must act as the shaft to support them. Legislation should act as a shield to protect and provide a basis for attack.

PILLAR TWO: ENHANCING OPERATIONAL CAPACITY TO COMBAT ILLICIT

ARMS TRAFFICKING: A CASE-STUDY OF THE SOUTHERN AFRICA REGIONAL POLICE CHIEFS CO-OPERATION ORGANISATION (SARPCCO)

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SARPCCO is an organisation presently covering 12 countries: Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The organisation was formed in 1999 in Victoria Falls, Zimbabwe to promote, strengthen and perpetuate co-operation and foster joint strategies for the management of all forms of cross-border and related crimes with regional implications. The Interpol Subregional Bureau in Harare is the secretariat of SARPCCO.

Structure of SARPCCO

The Council of Police Chiefs (CPC) constitutes the highest decision-making authority responsible for policy, the efficient functioning of SARPCCO and all matters relating to regional police co-operation.

The Permanent Co-ordinating Committee (PCC) is the second structure and consists of heads of criminal investigation services of the member police forces who are responsible for formulating strategies to combat crime in the region and the creation of operational mechanisms.

Two subcommittees have so far been established by the PCC – the legal subcommittee and the training subcommittee.

The Council of Ministers, responsible for the police in the region, convenes at the annual general meetings of SARPCCO to scrutinise and endorse the recommendations of the CPC on behalf of their governments. This gives immediate effect to those recommendations as they become resolutions.

Co-operation agreement

An agreement for co-operation and mutual assistance was signed by ministers from 11 countries in October 1997. This has so far been ratified by eight countries – Botswana, Lesotho, Mozambique, Namibia, South Africa, Tanzania, Swaziland and Zimbabwe – and is therefore now in effect.

Firearm desk

The Subregional Bureau has dedicated a desk to the problem of firearms trafficking as it has been identified by the regional chiefs of police as a priority

crime. Firearms are a common denominator in most of the priority crimes. Crime trends have shown that, where a large number of firearms are stolen or illegal firearms are seized, the number of murders, motor vehicle theft/hijackings, robberies and rape are increasing. There is therefore a relationship between an abundance of illegal firearms and an increase in violent crime.

The role of the firearm officer is to:

- strengthen and improve international co-operation;
- provide support to national central bureaux of Interpol in their daily work;
- facilitate a smooth and effective exchange of criminal intelligence;
- evaluate regional crime trends by monitoring cross-border crime; and
- advise national law enforcement agencies of any trends so that they may take steps to counter possible incidents of crime either as individual states, or with others through joint operations.

Joint operations

The co-operation agreement allows visiting police officials to enter the territory of another country for the purpose of police investigations, or the seizure of exhibits relating to an offence or suspected offence committed in the territory of the visiting police officials. However, the police service of the host country shall be responsible for tracing, arresting, detaining, guarding or keeping in custody any person suspected of having committed any offence. The host country shall also be responsible for searching for, seizing, removing or transporting any exhibit known or suspected to be involved in the commission of any such offence.

Police forces in the Southern African region have undertaken joint operations to address a number of crossborder crimes, including firearms trafficking. Nine bilateral operations have been conducted during the last 12 months alone. Furthermore, six regional joint operations were conducted covering all the countries under SARPCCO. In these operations, police officers from a number of countries converged under a joint operational command structure in a particular country to carry out an assigned task. The joint operations targeted crimes such as motor vehicle theft, firearms trafficking, illegal immigrants, stock theft and others.

During the operations conducted in the last year, at least 370 motor vehicles were recovered, as well as 79 firearms and 20 071 pieces of ammunition.

This is exclusive of bilateral operations and national operations which recovered

thousands of weapons, especially the well-known Operations Rachel between South Africa and Mozambique. The chiefs of police have encouraged the PCC to continue with current joint operations and to plan and execute new ones.

SARPCCO is closely monitoring the armed conflicts in Angola and in the DR Congo. Experiences with surplus firearms in the Mozambique conflict and in other previous armed conflicts have led to the expectation that, at the end of these conflicts, those weapons that are not brought to the authorities shall end up being used in other conflicts or in committing crimes.

Intelligence-gathering

SARPCCO operations should be intelligence-driven. To facilitate this, Interpol has provided the X-400 communication system to all national central bureaux in Southern Africa. Interpol has also made its International Weapons and Explosives Tracking System (IWETS) database available to assist regional police organisations to capture information on stolen and recovered firearms and to be able to have access to the particulars of recovered firearms in a bid to trace their origins. The system is international and enables the identification of a firearm in the event that it is recovered elsewhere in the world.

The sensitivity with which the firearm issue is treated by most countries has inhibited the development of firearms intelligence in the region. Countries have only just begun to realise the possible benefits of contributing to the international database.

Legal matters

The various legal systems and national laws applicable in SARPCCO countries have been identified as one of the factors that inhibit progress in the region's desire to control illicit firearms trafficking. To this end, the SARPCCO legal subcommittee has produced a *Draft Protocol on the Control of Firearms, Ammunition and other related materials in the SADC Region*. The draft protocol has been discussed widely with various stakeholders and is to be presented to the SADC Council of Ministers for adoption.

Furthermore, the SARPCCO legal subcommittee is working towards the harmonisation of legislation in the region that are not conducive to, or hinder regional co-operation.

Initiatives

SARPCCO's activities are presently within the parameters of the design of the

Southern Africa Regional Action Programme on Light Arms and Illicit Arms Trafficking which was developed at a seminar sponsored by the Institute for Security Studies, Saferworld and the UK Department for International Development.

Strengthening operational capacity

The SARPCCO training subcommittee has drawn up an extensive programme to improve regional policing through training at identified centres of excellence within the region. They have already conducted an operation skills course, a number of operational predeployment courses, a middle management course and several drug interdiction courses. At least one border control course was conducted in the last year and more are planned. Joint courses and seminars with customs and immigration officers have been planned and at least one will be conducted during this year.

Improving systems to trace illicit arms flows

The flow of intelligence to assist in tracing illicit flows has not reached the expected capacity. It is for this reason that the Subregional Bureau is conducting a seminar on intelligence-sharing, sponsored by the ISS in Pretoria in July. The draft protocol should improve the flow of intelligence once it is adopted. Presently, there is no regionally accepted legal instrument to enforce this desirable, but very sensitive issue.

Declarations

In recognition of the problems presented by illegal firearms, SARPCCO made a *Declaration on Small Arms* on 29 July 1999, pledging to combat and eradicate the illicit manufacturing and trafficking in firearms, ammunition, explosives and other related materials.

In a resolution made at the same meeting, the Council of Police Chiefs "approved that SARPCCO Collaborates with the Institute for Security Studies on matters relating to the proliferation of firearms in the region."

SADC Committee on the prevention, combating and control of illicit trafficking in small arms and light weapons

The SADC Council of Ministers, at its meeting in Maputo in August 1999, established the SADC Committee on the Prevention, Combating and Control of Illicit trafficking in Small Arms and Light Weapons. The members of the committee are Mozambique, South Africa, Swaziland (Chair), Zambia, Zimbabwe, the SADC and SARPCCO secretariats. This committee met for the

first time on the 21-22 October 1999 in Gaborone and also met recently to finalise the draft protocol.

Co-operation with the United Nations Security Council

Mr Robert Fowler, permanent Canadian representative at the United Nations and chairperson of the UN Security Council Committee on Angola, visited the Subregional Bureau on 24 May 1999 to find out how Southern Africa could help to provide intelligence on the continuing supply of military hardware to UNITA contrary to UN sanctions. All SARPCCO member countries have been advised to assist with intelligence in this regard, and pledges were made that such assistance will be forthcoming.

PILLAR THREE: REFUGEES AND SECURITY – A CASE-STUDY OF REFUGEE ISSUES IN WESTERN TANZANIA

Christer Skarp, International Security Liaison Officer, UNHCR

Background

In 1993 and 1994, the western regions bordering Rwanda and Burundi witnessed the biggest influxes of refugees ever experienced in Tanzania. Hundreds of thousands of people fleeing ongoing ethnic massacres and changes of leadership in their countries, sought asylum in Tanzania. Among the refugees were also former army and militia members.

The construction of refugee camps along the Tanzanian borders with Burundi and Rwanda and the presence in those camps of former army and militia members, caused great concern to the newly established leaderships in these countries. Tanzania was accused of hosting and supporting a potential enemy.

In 1996, the forced repatriation of Rwandan refugees by the Tanzanian government drove former army and militia members, who would not return home for fear of reprisals, into the bush. This set the ground for an increase in armed robberies and road ambushes in the north-western region.

The civil war in Burundi is ongoing and still forces a considerable number of refugees, and potential rebel fighters across the Tanzanian border. There are ten refugee camps located along the Burundian border in the Kigoma and Kagera region, hosting 360 000 Burundian and Rwandan refugees. Tanzania has frequently been accused by the Burundi government of hosting and supporting rebels in the refugee camps. From time to time, rumours about a possible attack against the refugee camps have been circulating.

The war in the DRC, with fighting between different rebel fractions, the Kabila government and foreign troops from Rwanda and Uganda, has also created an influx of refugees across Lake Tanganyika into Tanzania. Two major refugee camps in the Kigoma region are hosting a total number of 106 000 Congolese refugees.

The security package

What is commonly referred to as the 'security package' is an assistance project based on a memorandum of understanding, concluded between UN High Commission for Refugees (UNHCR) and the government of Tanzania.

The UNHCR has agreed with the government to provide assistance and support to the Tanzanian authorities, in particular the police, to enable them to ensure the civilian and humanitarian character of the refugee camps and to maintain law and order in the camps. The agreement is also meant to reduce the number of incidents of sexual and gender-based violence in and around the camps.

Its main purpose is to ensure a full-time presence in the refugee camps by a dedicated civilian police contingent. The UNHCR has agreed to cover mobilisation and demobilisation costs, daily subsistence allowances, basic office and accommodation structures, and to provide logistic support, vehicles and radio equipment.

For this purpose, 278 police officers have been recruited from the Tanzanian Police Force. They receive refugee and camp-specific training upon arrival in the camps. The contingent is rotated at six-month intervals.

The package also includes the presence of one international security liaison officer, with a mandate to support and advise the police contingent in its security-related work. The minimum of international security liaison officers is four, as estimated by the UNHCR. Two more will be recruited shortly. The presence of international security liaison officers is of crucial importance.

Security and safety management in the camps

Refugee camps are non-fenced areas covering between 12 to 18 km² each. They are organised in villages, and divided into zones and blocks, or streets. The camps look more like big villages, than refugee camps. The houses are simple mud constructions with grass roofs. The Burundian refugee camps are within walking distance from the border. The average population in each of the Burundian camps are 45 000 refugees.

Each refugee camp in the Kigoma region has a police presence of 20 officers. According to the memorandum of understanding, there will be at least two female police officers in each camp. This has not been implemented. Hopefully, this goal can be achieved at the next mobilisation of police officers. The security liaison officer has recommended that the number of police officers in the Burundian camps are increased to 30.

A basic police station is constructed in each camp. An officer in charge of the station is responsible for the police performance in camp. The officer reports to the officer in charge of the district, in line with the national police command structure. The district officer co-ordinates police operations in the district, and supervises the groups in the camps. The regional police commander is in charge of the region.

The police are assisted in the camps by refugee guards. There are about 80 guards in each camp. They have applied for the job, and have been selected by the UNHCR and the Ministry of Home Affairs' camp commandant. The refugee guards receive a small monthly incentive from the UNHCR. The refugee guards are the ears and eyes of the police, especially when reporting on general crimes. Refugee guards and the police patrol the camps 24 hours a day. Each refugee guard is located in a certain area of the camp. The police and the refugee guards do not patrol in mixed groups. The police patrol the camp on foot, supported by a light patrol car.

The security package in Ngara district, Kagera region has a different set-up, with a central response unit in Benaco. Some 100 police officers are kept at this base. They have their own command structure parallel to the district and regional level. Only six police officers are present in the two camps during the day. The international security liaison officer has recommended that this should be changed with an adequate number of police officers stationed within the two refugee camps, Lukole A and Lukole B. It is preferable to use the district command structure and if necessary strengthen this structure, as part of capacity-building instead of having a parallel structure.

Reported security incidents

A number of security incidents threaten the civilian and humanitarian character of the refugee camps. There have been reports of refugees leaving the camps to cross the border and fight in Burundi. These movements normally take place at night and is difficult to verify as there are no international staff in the camps

during the night. The last reported movement is alleged to have taken place in mid-February 2000, when a group of 630 refugees from the camps in Kibondo district crossed the border to fight in Burundi. They allegedly belonged to the FDD Jean-Bosco rebel group.

The recruitment of combatants and the collection of contributions to rebel activities are taking place in the camps. A number of persons participating in these activities are known to the Ministry of Home Affairs and the police. They are supposed to be separated from the refugee population. The Mwisa holding facility in Karagwe has been constructed to receive such persons, but has not been utilised due to unclear legal aspects. The police presence in the camps is vital to maintain the civilian character of the camps.

Hidden guns are occasionally recovered inside refugee camps by the police. Normally, the police would be tipped off by the refugee guards or by their own informants. A person found with a gun will normally be charged with being in illegal possession of a firearm.

It seems that the general level of criminality in refugee camps is lower than among the local population in the region, but all different types of crimes are committed in the camps. However, the number of reported sexual and gender-based violent crimes are above average. One reason seems to be that the awareness has been raised among women, and that they are reporting these crimes to a larger extent.

It is generally believed that no military training activities take place inside the camps in Tanzania.

The security incident reports and other material received by the security liaison officer have been analysed and useful recommendations have been made to the police and the UNHCR.

Police training

Police members serving as part of the 'security package' have been selected by police headquarters in Dar es Salaam, based on certain standards. It is a general belief among UNHCR staff and NGOs working closely with the police in the camps, that the contingent that arrived in September 1999, were better trained and more dedicated to the work.

Upon arrival in the different camps, these groups were given a general camp

orientation briefing. Later on, they were given more specific training about the refugee environment, international laws and conventions, and the *National Refugee Act* (1998). The camp police were advised to adopt a system of community policing to gain confidence among the refugee population. Some police officers received specific training on sexual and gender-based violence and how to draft charges.

Lessons learned

The monitoring and advisory role of international security liaison officers are particularly important in refugee camps where the humanitarian and civilian character is threatened. International security liaison officers should be employed as early as possible in the process to assess different needs.

The separation of combatants and persons involved in subversive activities is essential to maintain the civilian character of refugee camps. A legal structure must be put in place to handle these situations. The lack of a suitable facility and a clear policy on how to handle these combatants have been the major shortcoming in the security package in Tanzania.

DISCUSSION

Arms in refugee camps

There was a discussion about how to stop small arms being brought into refugee camps. People are prohibited to go further than 4 kilometres away from camps according to the Tanzanian *Refugee Act*. But this is very difficult to enforce. Refugee guards work closely with community and religious leaders to gather intelligence on firearm movements and militarisation in the camps. The co-operation between the police and the camp populations is apparently quite good. The police have been encouraged to patrol the camps on foot to build trust. The co-operation between the refugee guards and the police has worked very well.

Determining genuine refugees

This is a difficult process, but the final decision lies with governments. If the UNHCR has suspicions about persons, it reports them and the government has to take a decision.

Landmine injuries

People enter the camps with landmine injuries which have been sustained on the Burundian side of the border.

Harmonisation of legislation

There was a discussion about the process of harmonising firearm legislation in the Great Lakes region and Horn of Africa. All participants agreed that there was a need to move towards a more common system of control and regulation. However, it was pointed out that there were some obstacles to harmonisation because of different national legal systems, different statutes, the lack of a central executive body, the lack of resources, and the fact that states have not all signed and ratified the same UN treaties. Some participants felt that the approximate harmonisation of laws might be a more realistic aim than absolute harmonisation. Other participants pointed out that Southern Africa had taken great strides towards harmonisation with the development of a draft protocol and that this could provide a model for the Great Lakes region and the Horn of Africa.