



SESSION FIVE

Prioritising pillar four – Building the capacity of subregional organisations

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EAST AFRICAN CO-OPERATION

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Given the prevalence of civil turmoil and wars in East Africa, the Greater Horn and the Great Lakes region, the need to implement programmes that will contain the illegal trafficking in arms cannot be overemphasised. As every country in these regions is affected by this problem – as shown by increasing incidences of firearm-based crime – it is time that national perspectives and priorities are merged into a comprehensive regional programme.

On a positive note, the EAC Secretariat would like to observe that this meeting is coming in the wake of the signing of the *Treaty for the Establishment of the East African Community*. By seeking to strengthen partner states' economic, social, cultural and political ties to enable their balanced and sustainable development, the Treaty is a renewed source of hope in the region. This is as true for security, as it is for all the co-operation interests of the new community.

The magnitude of the problem

Historical perspectives

During the Cold War and the struggles for independence, governments in opposite camps facilitated that traffic in small arms and light weapons to groups and governments which they sponsored to fight to advance their Cold War interests. Once weapons were given to rebels and clandestine groups, the control over those weapons was immediately relinquished. Almost invariably, weapons continued to be deployed for other purposes after the original objective was either accomplished or lost.

Localised wars and sporadic military conflicts that arose, have persisted in many places, and millions of lives have been lost in continuing conflicts, with a remarkable concentration in this region.

Consequences of the historical dimensions of the problem

Until the late 1980s, however, the availability and use of illegal small arms in East Africa were not significant problems. The region's experience of conflict used to be restricted in the past to local skirmishes, for example, between Somalia and Kenya in the 1960s, between Uganda and Tanzania in the 1970s, and the civil war in Uganda during the Obote II regime. But, the situation started to change and was compounded by the civil and political instability which subsequently developed in the countries neighbouring East Africa. This has been characterised by the erstwhile civil war in Ethiopia, the turmoil in Somalia, the combination of civil war and strife in the Sudan, the Congo, Rwanda and Burundi. The effect of these instabilities has been a boom in the illegal small arms market.

As a result of the massive shipment of arms through official channels to interstate or intrastate conflicts, the escalation of these conflicts sometimes leads to an even more serious collapse of central authorities. This usually leaves a vacuum and creates great opportunities for the indiscriminate use of and trafficking in arms by criminal elements. The ease with which arms can be obtained and used, has led to the proliferation not only of crime, but also of ethnic violence and social disorder. This explains the incessant reporting in the region of all sorts of banditry, cattle-rustling, poaching, drug-trafficking, bank robberies, home burglaries, carjacking and money-laundering.

On a slightly higher plane, but with the same criminal intent, is the rivalry for resources and feelings of insecurity. Related to this is the struggle for power or territory, which often leads to armed conflict within or between countries.

On the supply side of the equation is the existence of an elaborate and all-powerful alliance between the armaments industry, international arms merchants and governments, which use or support them. For reasons of profit or strategic leverage, the alliance will insist on the continued steady production and distribution of these offensive commodities. The alliance will ensure the supply and, where it wanes, will have the means to stimulate demand. As long as this alliance holds sway, it will perpetuate the flow of small arms and light weapons to recipient countries.

The EAC plans and successes

EAC strategy

The EAC strategy to deal with the problem of the proliferation of small arms falls under the area of co-operation in maintaining peace, security and stability in the region. This can be traced back to the provisions of the 1993 *Agreement for the Establishment of the Permanent Tripartite Commission for East African Co-operation*.

According to these provisions, the promotion of co-operation between EAC member states in several fields, including security, is the key responsibility of the Permanent Tripartite Commission, the EAC's highest decision-making organ.

This position has been elaborated in both the EAC Development Strategy 1997-2000 and in the Treaty. According to the strategy, the existence of peace, security and political stability in the region is a precondition for the success of development efforts. The strategy, therefore, provides for the harmonisation and rationalisation of member states' policies on the following aspects of security:

- border security;
- immigration;
- refugee management;
- training in security matters;
- co-ordination of security operations;
- disaster management;
- joint maritime and rescue operations;
- mutual assistance in handling of own border criminal activities; and
- shared information regarding criminal activities within the region, including trafficking in drugs and arms.

These aspects are all critical cornerstones in the struggle to contain problems such as the illegal use of and trafficking in arms and related crimes.

Institutional arrangement for pursuing the strategy

Within the EAC, this strategy and its plans are actualised through the Interstate Security Committee. The Committee's membership comprises representatives from departments of Defence, Public Security, State Security, Immigration and Refugees. The Committee is charged with co-ordinating action in aspects of co-operation stipulated in the strategy. It is charged with formulating programmes that translate the strategy into operational activities.

This committee has regularly addressed, since its inception in 1996, all issues pertaining to these aspects of its mandate. At the insistence of the Permanent Tripartite Commission, it has also addressed emergency problems that have threatened peace and security in the region, for example, terrorism and safety on Lake Victoria. In both cases the recommendations have given rise to far-reaching decisions by the Permanent Tripartite Commission.

As a result of work so far undertaken, the Secretariat has also developed a *Paper on the Proliferation of Small Arms in the Great Lakes Region, East Africa and the Horn of Africa*.

In this paper, the Secretariat has advanced some recommendations for positive measures to be taken to reduce and ultimately eliminate this proliferation. Some of the steps which can be taken, are as follows:

- States should determine in their national laws and regulations which arms are permitted for civilian possession and the conditions under which they are held and used.
- States should ensure that they have adequate laws, regulations and administrative procedures in place to exercise effective control over the legal possession of small arms and light weapons and over their transfer, in order to prevent illicit trafficking.
- States emerging from armed conflict should impose or reimpose licencing requirements as soon as possible on all civilian possession of small arms and light weapons on their territory.
- States should exercise restraint with respect to the transfer of surplus small arms and light weapons manufactured solely for the possession of and use by the military and police forces. All states should also consider the possibility of destroying all surplus weapons.
- States should ensure the proper storage and safeguarding of these weapons against loss through corruption or theft, particularly from storage facilities.
- States and regional organisations, where applicable, should strengthen international and regional co-operation among police, intelligence, customs and border control officials in combating the illicit circulation of and trafficking in small arms and light weapons and in suppressing criminal activities related to the use of these weapons.
- The establishment of mechanisms and regional networks for information sharing for the above purposes should be encouraged.
- The UN should urge relevant organisations, such as Interpol and the World Customs Organisation, as well as all states and their national agencies, to

co-operate closely in the identification of the groups and individuals engaged in illicit trafficking activities, and the modes of transfer used by them in order to stop their activities.

- The UN should encourage the adoption and implementation of regional or subregional moratoria, where appropriate, on the transfer and manufacture of small arms and light weapons.

New dimensions of the strategy

In the EAC Treaty, member states have pledged to:

- foster and maintain an atmosphere that is conducive to peace and security with a view to prevent, manage and resolve disputes and conflicts;
- promote and maintain good neighbourliness as a basis for promoting peace and security within the Community;
- agree to enhance co-operation in the handling of crossborder crime, and provide mutual assistance in criminal matters; and
- undertake to co-operate in reviewing the region's security, particularly the threat of terrorism.

Necessary links and partnerships

The EAC collaborates with other African organisations in the spirit of the *Abuja Treaty* for the establishment of an African Economic Community. These include the Common Market for East Africa (COMESA), the Organisation of African Unity (OAU), the Inter-Governmental Authority on Development (IGAD) and the Southern Africa Development Community (SADC). The EAC also co-operates internationally with the UN and the European Union. These links should be used in adopting and pursuing a regional strategy for dealing with the proliferation of arms in the Great Lakes, the Greater Horn and East Africa.

Challenges

The EAC faces the following challenges:

- *the timely implementation of the strategy* and the translation of the opportunities offered in the treaty into tangible benefits;
- *the need for a legal framework* – member states have to ratify and incorporate the treaty into local legislation;
- *the timely implementation of decisions* – some decisions of the Commission have yet to be implemented, and this inertia needs to be overcome;
- *the need for political will and public support* – the success of any regional programmes and the enhancement of capacities will require political will and public support; and
- *the availability of resources* – substantial resources will be required not only

to implement the Treaty, in general, but also to carry on with programmes in each area of co-operation, in particular. Control over the proliferation of small arms, for instance, necessitates financial resources for undertaking research, educating the population about the dangers, engaging more personnel and modern approaches to investigations and post-investigation activities, and forging international links with security authorities in neighbouring countries.

Conclusion

The EAC has a firm foundation to tackle the problem of illicit use and trafficking in arms. At the moment, the successes may only be evident at the planning stage, but they underlie focused plans for the region's aspirations in this and related security issues.

THE EASTERN AFRICAN POLICE CHIEFS COMMITTEE

Senior Assistant Commissioner Peter Kimundi, Head: Interpol Subregional Bureau, Nairobi

Origins of EAPCCO

The first signs of police co-operation in East Africa came about in 1992. This was the time when the police chiefs of Kenya, Uganda and Tanzania met in Kampala. They wanted to explore the possibilities of police co-operation in the region as recommended by the Interpol General Secretariat. They realised that individual preventive actions by governments were not enough as they invariably resulted in the displacement of criminal activities to other counties where preventive measures were not in place or were not as effective.

The idea of establishing EAPCCO was mooted after another meeting in Kampala in 1998. EAPCCO member states are Burundi, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, the Seychelles, Somalia, Sudan, Tanzania and Uganda.

Establishment of the Interpol Subregional Bureau

The Subregional Bureau in Nairobi opened in September 1999. It has a number of crime desks, including terrorism, cattle-rustling, firearms-trafficking, drug-trafficking, motor vehicle theft, and financial and economic crime. Firearms have been identified as a common denominator in all these crimes except in economic crime.

Bilateral co-operation in the subregion

Bilateral co-operation is already under way. Law enforcement officers from Kenya and Tanzania met in April 2000 and deliberated on matters related to crossborder crime along the Kenya/Tanzania border regions of the Rift Valley, Coast and Arusha, Kilimanjaro and Tanga.

They resolved that:

- Information and intelligence on criminals should be speedily and regularly exchanged, including photographs and fingerprints.
- Programmes should be developed to sensitise border communities on common crossborder crimes and encourage them to co-operate in combating these crimes.
- District police commanders of corresponding border districts should convene quarterly meetings to address crossborder crimes and security matters.
- Provincial and regional commanders of the corresponding provinces and regions should conduct biannual security meetings to address crossborder crimes and security matters within their respective areas of command.
- The directors of CID Kenya and Tanzania should convene, on rotational basis, annual joint border security meetings for all relevant officers.
- Member states should establish effective communication systems at all major border points to ensure the speedy exchange of information on crossborder crimes.
- The legal and harmonisation committee of EAPCCO should be tasked to harmonise legislation on the possession of firearms in transit between Kenya and Tanzania, and should report its findings to the EAPCCO meeting.
- The respective district police commanders should conduct proper and regular border patrols to intercept smuggled goods, and gather and exchange information and intelligence on such activities.
- The problem of Somali bandits is common to both Kenya and Tanzania and the issue should therefore be brought to the attention of the respective chiefs of police so that joint operations could be organised and conducted.
- The police and military in member states should share information on recovered, stolen or illicit firearms.

Suggested initiatives to enforce solutions

In order to maintain international peace and security, the illegal possession of firearms needs international co-operation. EAPCCO member states, through the Nairobi Subregional Bureau, have suggested the following initiatives towards achieving such co-operation:

- identifying and strengthening legal controls over weapon possession;
- promoting uniformity in licencing, possession and trading of firearms by civilians;
- developing a uniform method of screening applicants and dealers in firearms;
- harmonising the number and types of weapons to be possessed by individuals at any time;
- establishing national electronic databases for licenced firearm owners and dealers;
- exchanging intelligence on a regular basis to curb the menace posed by small arms and light weapons;
- introducing a standard document for use in the export and import of firearms, whether new or used; and
- conditioning manufacturers to mark their products clearly with the manufacturer's name, place and date of manufacture, and a unique serial number.

Pertinent requirements for government bodies

Government firearms also fall into the wrong hands. In order to minimise this trend, the following should be put in place if not yet applicable:

- National inventories of arms, ammunition and associated equipment held by government bodies must be maintained.
- Legally mandated regular checks on inventories should be carried out to ensure compliance.
- A method of establishing and retrieving excess arms must be put in place to prevent them from entering the illicit market.

It was suggested that the legal and harmonisation committee should be tasked with this assignment in order to advise member states.

Proliferation of small arms in East Africa

The issue of the proliferation of small arms in EAPCCO member states is an open secret. The countries are situated in an area which is one of the most volatile on the continent. It has accumulations of big caches of illegal arms, which have not only fuelled conflicts, but also prolonged them. Their diffusion has led to unacceptable levels of violence, suffered disproportionately by civilians. Although weapons do not in themselves cause conflict, they are the sole tools responsible for casualties among innocent people, including women and children.

Although there is no data available on the widespread of this menace in the region yet, it is already acknowledged by police chiefs in the area that crime figures are rising. They pose a serious threat to some of states, governments and democratic institutions, and violate the security of the individual. During the EAPCCO subcommittee meeting in Nairobi in April, both Ugandan and Kenyan delegates reported that, in the last five years, each country has recovered close to 4 000 illegal firearms during police operations. All countries therefore need to pay urgent attention to this problem.

Due to the fact that no single government can police its borders completely and as a result of the clandestine nature of the trade in small arms, it is very difficult for one country alone to attempt to curb the flow with any reasonable measure of success.

It requires international commitment and support, as well as regional co-operation among governments and NGOs.

Conclusion

The proliferation of firearms is a very sensitive issue. Most people may not be free to admit openly that it is widespread in their own countries. This attitude has sadly inhibited the development of firearm intelligence in the region. The difficulties can be summarised as follows:

- rigidity by member states to amend their firearm legislation;
- political distrust and differences in the region;
- suspicion among police forces;
- parliaments, press and others asking questions about sovereignty and the rationale of interference by foreign forces; and
- difficulties in communication

While this may not be the cause of these problems, it has to be admitted that EAPCCO co-operation has so far not been documented. Until now, police chiefs have been co-operating based only on a gentleman's agreement. However, during the EAPCCO subcommittee meetings in Nairobi in April, a draft document was produced by the legal and harmonisation subcommittee. This document contains proposals for a constitution, an agreement, regulations, as well as a working document.

These will be tabled for approval before the Khartoum EAPCCO annual general meeting in June 2000, which will be attended by police chiefs and ministers in charge of the police of member countries.

The recommendations of the conference held by the Kenyan government in Nairobi in March 2000 and attended by foreign ministers from EAPCCO member states, will also form part of the agenda and will be discussed comprehensively.

THE INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT

Dr Kipyego Cheluget, Chief: Conflict Prevention, Management and Resolution

Much has happened since the Kampala meeting earlier this year. The *Nairobi Declaration* was indeed the high point, which formed the starting point for future action.

At the IGAD Secretariat, the appointment of Dr Attalla Hamad Bashir from Sudan as Executive Secretary took place last month. IGAD member states have also paid their subscriptions in full, a sign indicating that the IGAD movement is alive and well. Dr Bashir has said that the IGAD Secretariat will fully support the efforts of this meeting in the endeavour to control the illicit trafficking of small arms in the region.

IGAD has a mandate from its seven member states to prevent, manage and resolve conflicts. During the revitalisation process of IGAD in 1996, it was realised that development in the region could not take place if the many conflicts were not resolved. The IGAD summit therefore decided to create a division for political and humanitarian affairs, with a director and two section chiefs: one for conflict prevention, management and resolution, and one for humanitarian affairs.

The conflict prevention, management and resolution section has already established an operational plan, based on a document entitled *Programme on Conflict Prevention, Management and Resolution – Terms of Reference for the elaboration of a strategy for the IGAD region*. In this document, four critical areas of activities are identified:

- capacity-building in the IGAD region on conflict prevention, management and resolution (Project 9.1);
- documenting the demobilisation and post-conflict peacebuilding experience in the region (Project 9.2);
- promoting a culture of peace and tolerance in the region (Project 9.3); and
- developing an early warning mechanism for the region (Project 9.4).

Project 9.1 has been briefly described above and EU engagement has just begun. Project 9.4 has also been launched recently, and is supported by grants from USAID and GTZ. The objective of this project is to develop, what is known as CEWARN, the Conflict Early Warning and Response Mechanism. At the completion of this project, the IGAD Secretariat will be able to propose a system of early warning of and response to conflict to member states. The CEWARN project will be designed through a number of workshops, one of which will be held in Nairobi in July. Other workshops will also be held in other member states.

Projects 9.2 and 9.3 need further development, and delegates are called upon to assist in developing them. The IGAD Secretariat and Saferworld are already studying the possibilities for joint collaboration in preventing the illicit trafficking of small arms in the Horn of Africa. Ways of working together with other organisations in the area of training in conflict prevention, management and resolutions are also being established. The IGAD Secretariat and the Life and Peace Institute have begun a series of pioneering activities in this area.

Besides these long-term projects, IGAD has been active in trying to bring about lasting peace in Sudan and Somalia. The IGAD peace process for Sudan has achieved measurable success in bringing about a permanent solution to the conflict in Southern Sudan. Peace talks were held in Nairobi and Addis Ababa in 1999, which culminated in the establishment of a permanent secretariat based in Nairobi. The IGAD Secretariat has kept the international community abreast of developments, and support from partner countries has been critical in keeping the peace momentum going. This was done under the auspices of the IGAD Partners' Forum (IPF).

In terms of Somalia, Ethiopia was mandated to take a lead role and organised several important meetings which culminated in what may now be called the Djibouti Peace Process. The Somali Peace Conference, which was convened in Djibouti recently, has the ambitious objective of creating a government for Somalia by the end of 2000. The process is ongoing and the goodwill of members of IGAD and the international community is required in order to be able to create lasting peace in Somalia.

The IGAD Secretariat is keenly following other worrisome conflicts, for example, between Ethiopia and Eritrea, and calls for the respect of the IGAD Agreement, which requires member states to solve their problems in a peaceful manner. The IGAD Secretariat is also concerned about the escalating conflict in the Great Lakes.

Proposals for action

The following are some of the advantages of addressing issues related to peace through regional organisations, given the fact that most of the conflicts are intrastate rather than interstate:

- National actors may feel less threatened by a regional process than by the intervention of non-regional actors.
- Regional organisations may have a better understanding of the specific problems that are to be addressed.
- Regional organisations generally have a more direct stake in peace as intrastate conflicts often have a considerable political and socio-economic impact on neighbouring countries (refugees, trade, spillover of tensions or violence, among others).
- The principle of ownership necessitates attempts to engage the people most directly concerned in the prevention, management and resolution of violent conflicts. In this, regional organisations are perceived to be closer to the people.
- Many potential or actual problems that might lead to violent conflict may only find a lasting solution within a regional context.

It is for these reasons, therefore, that regional organisations are best suited to handle peace issues. In Africa today, efforts are made by regional organisations to deal with conflicts. In Southern Africa, SADC is deeply involved in trying to resolve the conflict in the DRC. ECOWAS is involved in Sierra Leone and IGAD in Somalia and Sudan. The degree of success attained by these organisations in resolving conflicts will be directly proportional to the extent to which member states of these organisations and the international community commit themselves to build their capacities in the area of conflict prevention, management and resolution.

In light of the above, the following proposals for future action are made, in support of the proposals made in Kampala in January 2000:

- IGAD, COMESA and the EAC should co-ordinate their activities in this area as soon as possible with a view to emulate the ECOWAS moratorium on small arms.
- IGAD member states should discuss this in one of their policy organ meetings with a view to harmonise activities. It is encouraging that all IGAD member states are represented in this meeting. They are urged to consult their respective governments to utilise the mandate they have given to IGAD.

- The IGAD Secretariat and Saferworld should further develop the proposal for capacity-building in the area of small arms control. It could start immediately by targeting IGAD focal point ministries.
- Training programmes organised by the IGAD Secretariat should focus on the issue of the illicit trafficking in small arms.
- The CEWARN project should also address the issue of small arms.

The IGAD Secretariat looks forward to participate in the implementation of the deliberations of this important seminar.

THE NAIROBI SECRETARIAT

Mr Philip Owade, Head: Legal Division, Ministry of Foreign Affairs, Kenya

The *Nairobi Declaration* was signed by foreign ministers from ten countries at the Great Lakes region and the Horn of Africa conference on 15 March 2000. The declaration mandates the Kenyan government to co-ordinate the follow-up in consultation with the respective national mechanisms dealing with the problem of illicit small arms and light weapons.

A small arms secretariat has subsequently been established in the Kenyan Ministry of Foreign Affairs, working directly under the director of political affairs. Member states were keen to avoid a multitude of institutions and decided not to establish a separate body. The cost of the Secretariat is covered by the Kenyan Ministry of Foreign Affairs. Kenya has requested states to inform the Secretariat of national focal points, and a draft action plan to facilitate the implementation of the declaration has been circulated for consultation. A conference report has also been produced and has been circulated.

The Kenyan government stresses the importance of co-ordination and the need to avoid duplication. Kenya recognises that there are many stakeholders and that progress will come through partnerships. Kenya is aware of the valuable work being undertaken by the ISS, Saferworld, the SRIC and UNAFRI. This spirit of co-operation should continue.