

CHAPTER TWO

FROM THE INTERNATIONAL TO THE LOCAL: POLICY CONTEXTS

International small arms policy

The 1997 United Nations Report of the Panel of Governmental Experts on Small Arms provided the first definitive framework for addressing small arms and light weapons proliferation. In the section entitled “Nature and Causes of Excessive and Destabilizing Accumulations of Small Arms and Light Weapons,” the report laid the groundwork for what could have become a balanced supply-and-demand approach to fighting proliferation:

“The variety of different causes [of proliferation] is usefully categorized by demand and supply factors... Accumulations are always a combination of both factors but the predominance of either demand or supply varies by subregion and State, as well as by time period.”¹

Despite the clause about subregion and state, the report found that all regions shared certain common problems, including insecurity, weapons culture, and youth recruitment into violent activities. Subsequent research in Africa has reinforced this idea, especially with regard to youth recruitment.²

The report goes on to define the concepts of insecurity, weapons culture, and cultures of violence, specifically focusing on the way these factors drive demand. State-level failure to provide security is cited as a major cause of demand-based proliferation:

“When the State loses control over its security functions and fails to maintain the security of its citizens, the subsequent growth of armed violence, banditry and organized crime increases the demand for weapons by citizens seeking to protect themselves and their property.”³

This kind of demand is especially prevalent in the context of pastoral areas, where ‘personal security’ was the most frequently cited reason for the possession and use of illegal small arms. The people who use the ‘self-defence’ justification are not necessarily interested in using guns to further criminal

activity or violence as a tool for personal gain. They simply see no other option where governments fail to provide functional alternatives. The stockpiling and purchase of guns even with the intention only to use them in self-defence, however, can quickly escalate inter-tribal or district-level arms races which culminate in the use of the weapons aggressively, for example in cattle raids.

Culturally, the report acknowledges that “possession of military-style weapons is a status symbol, a source of personal security, a means of subsistence, a sign of manliness and, in some cases, a symbol of ethnic and cultural identity.” This weapons culture results in an increase in demand mostly “when a State cannot guarantee security to its citizens or control the illicit activities in which these weapons are utilized”.⁴

Despite these strong and persuasive arguments for the importance of demand as a cause of small arms and light weapons (SALW) proliferation, the report’s recommendations both to reduce the destabilizing effect where there was already an excess of weapons and to prevent such accumulation were supply-side measures. These include increased guidelines for arms transfers, adapting national laws and regulations, imposing licensing requirements, marking and safeguarding weapons, and restricting manufacture.⁵ In its failure to carry demand factors over from the section on causes to the list of recommendations, the Experts’ Report set an example for the supply-side focus that has characterized every policy response since. Supply-side measures assume the desire and ability of government to control its territory, establish and protect clear borders in every sense, and enforce laws through a formal system of courts. It is becoming increasingly clear that markets in the borderlands are subject to a different set of laws and locally based systems of control that exist and operate outside of government control and, often, knowledge.

The Organization of African Unity (OAU) met in Bamako, Mali in 2000 to develop an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, in anticipation of the 2001 UN Conference on Small Arms.⁶ Using the 1998 ECOWAS Moratorium and the 2000 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, among other African regional initiatives, as a starting point, the Bamako Declaration put demand reduction strategies on the policy map. While carefully reaffirming the values of sovereignty, non-interference, and the right to individual and collective self-defence, the signatories emphasized that “the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons... sustains conflicts...promotes a culture of violence...has

adverse effects on security and development...and is both one of supply and demand." It goes a step further in suggesting that the problem should be dealt with not only by controlling suppliers, but also through:

"the promotion of measures aimed at restoring peace, security and confidence among and between Member States, the promotion of structures and processes to strengthen democracy, the observance of human rights, and economic recovery and growth, the promotion of conflict prevention measures, and the promotion of solutions that include both...supply and demand aspects."⁷

In August of 2001, the Southern African Development Community (SADC) adopted the Protocol on the Control of Firearms, Ammunition, and Other Related Materials in the SADC Region. Like the Bamako Declaration, the SADC Protocol focuses mostly on supply-side interventions, but also acknowledges the key relationship between limiting the availability of weapons and maintaining stable peace processes and post-conflict situations. Article 13 specifically mentions public education and awareness programmes to "encourage responsible ownership and management of firearms, ammunition, and other related materials."⁸

The July 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and its adopted Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, provided the first forum in which internationally recognized political declarations were discussed and accepted. The focus is on suppliers; the goals are centred on putting into place "adequate laws, regulations, and administrative procedures to ensure the effective control over the export and transit of small arms and light weapons."⁹ The Programme of Action does refer to five general areas of demand reduction effort: promoting dialogue and a culture of peace, public awareness and confidence-building programmes, humanitarian and health development, security sector reform, and conflict prevention and resolution. However, discussion of these areas is extremely vague compared to that of supply-side measures, indicating a lack of political will to implement them.

Regional policy: The Nairobi Declaration

The Nairobi Declaration of March 2000 was signed by Burundi, the Democratic Republic of the Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda, and the United Republic of Tanzania. It is, at its

core, an attempt to form a regional partnership between governments, multi-lateral agencies, and civil society groups. Its signing also indicated a collective desire and will to adapt international and African initiatives at a more practical level. The Declaration has a practical agenda for action and an implementation plan. The implementation plan had a three-year timeline beginning in 2001 through 2003, but the First Ministerial Review Conference in Nairobi in August 2002 adopted a revised timeline to reflect the realistic factors impeding quick progress.

The Declaration recognizes that small arms and the markets that trade in them are not limited by national borders in East Africa and the Horn, and that civil conflicts, weak state presence on national borders, and economic troubles are key contributors to the problem of proliferation. The strategies involved in combating illegal small arms trafficking include the establishment of broad-based consultative mechanisms at the national level known as National Focal Points (NFPs), as well as the improvement of national laws and regulations governing the manufacture, trade, acquisition, possession and use of arms. At the regional level, the Nairobi Declaration proposes co-operative monitoring and control of small arms transactions and the general strengthening of sub-regional cooperation between national intelligence, security, and police forces. Information exchange through jointly available databases and cross-border public awareness programmes also have a role in the vision of a future region harmonized in its approach to the negative effects of illegal guns.

This ambitious framework contains excellent theory but has been more difficult to implement in practice.¹⁰ There is little mention in the document itself about how the main principles could be integrated into the mandates of already-active regional economic and development initiatives such as the Inter-governmental Authority on Development (IGAD) and the East African Community (EAC). The mandates of the regional security operations covered by the Eastern Africa Police Chiefs' Cooperation Organization (EAPCCO) also fail to be a focus. The varying political, economic, and development situations of the signatories have rendered the regional plan for synchronized coordination difficult because of the inconsistent efforts at the national level. Some have argued that national progress and bilateral agreements should be the foundation of what will grow into a more regional approach, thus allowing the NFPs more freedom to function without the necessity of lock-step regional movement. In his writing on weapons destruction, Khadiagala writes:

“Bilateral mechanisms that would serve as building blocks for a strong regional arms control regime are missing from the Nairobi

Declaration. Principles and mechanisms formulated at a regional level should draw on bilateral efforts, which are more focused and likely to achieve results.”¹¹

National and local policy: Arid lands and borderlands

Kenyan law with regard to legal firearm ownership is extremely stringent. Very few Kenyan citizens, especially those living in remote areas, meet the criteria for a gun license and can afford to pay the associated fees. Arms control laws are also very strict in prohibiting and punishing unauthorized civilian ownership of guns, yet national laws have failed to check the proliferation and sale of small arms throughout the country. In both urban and rural communities, guns are for sale according to local market prices: between July and September 2003, the cheapest price for an AK-47 with one full clip of ammunition could be found in the markets of Eastleigh just outside of Nairobi. The gun dealers there are mostly of Somali origin, and bring supplies across the border by hiding them with other goods or by bribing underpaid border officials. AK parts are smuggled inside dead goats placed in trucks of livestock, and ammunition is packed sporadically in shipments of plastic containers. One of the most expensive places to purchase the same commodity was in Baragoi in the Samburu district, where presumably more risk was involved in the transportation over difficult roads, and the demand was high because of constant tensions between the Turkana and Samburu tribes.

The problem of small arms arguably has the most impact in the pastoral regions of Kenya, or those covered by the World Bank-funded Arid Lands Resource Management Project (ALRMP). This programme began with the severe droughts in 1990 and 1991, when the World Bank offered assistance. The initial funding was for five districts and covered only emergency drought recovery, a ‘quick fix’ for a problem of environmental degradation and competition over scarce grazing resources that clearly needed longer-term attention and investment. Phase I of the official ‘Arid Lands’ project had as its objective the inculcation of resilience to drought’s effect on vulnerable pastoral communities in ten districts.

The establishment of Arid Lands offices through the Office of the President (thereby granting them direct access to political action through the executive branch) led to a comprehensive, community-based approach to drought management that grew to include some conflict prevention aspects. The District Commissioner in each district sits as the chair of a District Steering Group

(DSG) that coordinates stakeholders to develop a similar approach and avoid overlap. The DSGs include NGOs and civil society groups. At the national level, donors and government officials meet on a regular basis to coordinate larger-scale efforts. Some communities include a more political component, with Members of Parliament sitting on the steering group, but there is considerable autonomy as to how the local groups are run.

Phase II of the Arid Lands project is just beginning, and will expand to include semi-arid areas. There will be an increased focus on the issues around environmental and resource management, including gender equality in funded programmes and a greater focus on conflict in the development context as part of the problem. Community-driven development will be marked by a shift from relief projects to economic self-sustainability and education. HIV/AIDS education, alternatives to pastoralism, and managing insecurity will all be built into future programmes.

The Arid Lands project, while not focused directly on small arms, is significant because it overlaps directly with the rural areas affected by proliferation. In the district-level government, the District Steering Groups mirror what are known as District Security Committees (DSCs). The DSGs assembled through Arid Lands are open to civil society participation and input, but most District Commissioners interviewed affirmed that security committees are different. Although many of the same civil society groups are working on both resource management and conflict, they are not included in coordinating security because they are not 'vetted' by the government. This exemplifies the rift between government and local civil society on issues of arms control and management. One District Commissioner, when asked about illegal guns in his area, replied that "illegal guns will not be tolerated," although on a practical level it seemed by the level of firearms trafficking happening both inside and outside urban areas that this was an impossible statement to act upon.

Kenyan government strategy in the past has largely centred on coercive weapons collection by security forces, with occasional presidential amnesties to encourage voluntary surrender. The coercive approach is still largely used even though it has been proven ineffective as a long-term policy. The continued proliferation of small arms in areas targeted for government disarmament, such as the Turkana district, have indicated that until the root causes of gun ownership are addressed, forceful removal of weapons from communities that fear for their security does not prevent the black market from providing replacements. One study of small arms proliferation in the North Rift Province identifies the problem of government intervention as follows:

“Where the State fails or is unable to provide [basic] security to its people, logic demands that the people seek alternative means to meet these challenges. In the North Rift, communities have resorted to self-arming owing to the widespread insecurity and the availability of small arms in the region... When the Government’s credibility is this deeply challenged, no community leader can make his or her community hand over illegally acquired arms for destruction. As has happened in the past, people simply reject the idea.”¹²

In interviews, pastoralists often referred to coercive weapons collection as ‘forced upgrades’ because the only net effect is the need to replace seized guns with the newer models now available on the market.

While there may be a rift between civil society and government on the need to democratize human security, there is nothing short of a chasm between communities and government regarding the need for civilians to defend themselves using guns. Every community has its own myth or fable about how and when guns arrived, with each tribe accusing another for having them first. There are very few facts that can be established regarding the influx of small arms to Kenya: usually these are limited to wars in neighbouring countries. In 1979, the overthrow of Idi Amin in Uganda led to open season on arms caches and ammunition depots on the Kenya-Uganda border. In 1983, the conflict in Southern Sudan began to escalate, leading to an increased trade in the instruments of war. Nonetheless, it has not been determined which tribe, if any, first began acquiring and using small arms for cattle raids. The final fact, rarely disputed even by the government, is that adequate state protection does not extend to the borderlands, and therefore people living on or outside the edges of ‘the nation’ arm themselves to avoid being killed or having their property stolen.

As a solution to this problem, the government tried arming citizens as Kenya Police Reservists (KPR) in more remote areas. Unfortunately, the uses of such weapons in places like West Pokot and Marakwet in the Rift Valley are reportedly indistinguishable from the uses of illegal weapons. The KPR consists of men who are, by most accounts, more loyal to their tribe and to local politicians than to the distant national government, and their arms are an extension of their political loyalties. In a recent update issued by the Kenya National Council of Churches, an article quoted Internal Security Minister Dr. Chris Murungaru as saying that police reservists would be disarmed for being “partisan in their fight against crime.” The report also said that “Dr. Murungaru, who was on a tour of the North Rift region, also said the government would no longer entrust the security of its people on non-uniformed officers and

armed civilians.”¹³ The chairman of the Anglican Justice and Peace Commission, Kitale diocese, confirmed that most reservists had been known to lend their guns to raiders who use them for attacks instead of keeping security. He also said that some politicians used the weapons to gain political mileage, often by ensuring that their constituencies were excluded from national government operations to repossess illegal firearms.

All politics is local, all peace is political: a peace worker's story

I was born in 1970, to the Sabey tribe. From 1977 to 1979, when I was a young boy, I remember seeing the conflict between the Sabey and the Pokot. The Pokots would come and we (the women and children) would go up to the caves with the animals to sleep there where it was safe. The women would wail. They fought with bows and arrows then, I never saw a gun. Even the home guards were not armed, but they were very serious about duty. One time a man neglected his shift and he was beaten in front of his children, then fined a goat and a jerry can of local brew.

I remember hearing that one of our great warriors had been killed by the Pokot and I really felt it. I was happy when our warriors came with Pokot cows to divide among themselves. It was a source of pride and a big part of our culture. Now, with guns, things are different. I never thought I would end up doing peace work. We thought that was something for the government. We also knew there was something called the UN that should help the government and keep them in line. Things are different now. We know that everything is local.

While governments and policy makers are busy debating top-down intervention strategies, locally based CBOs, NGOs, and peace committees take a different approach to both small arms and conflict. They ask different questions about why people are buying into both guns and conflict. These local peace builders form their own associations, walk for miles to facilitate inter-tribal dialogue among conflict-ridden clans, and are the first to rush in to hot zones when conflict breaks out. Largely unrecognized at the policy-making level, they have made a huge impact in increasing security. This is especially, but not exclusively true in places where the government is so far away, people do not know which country they live in. Increasingly, national-level policy in the African context should and, of necessity, will become more inclusive of these people's perspectives.

Notes

1. United Nations Report of the Panel of Governmental Experts on Small Arms, A/52/298, August 27, 1997, p 15.
2. A McIntyre and K Aning, Politics, war, and youth culture in Sierra Leone, *African Security Review*, 11(3), 2002. See also K Peters and P Richards, Why we fight: Voices of youth combatants in Sierra Leone," *Africa*, 68(2), 1998.
3. UN Report of the Panel of Governmental Experts on Small Arms, op.cit. p 21.
4. Ibid. p 16
5. Ibid, p 21–23.
6. Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation, and Trafficking of Small Arms and Light Weapons, 1 December 2000.
7. Ibid, Paragraph 2
8. Protocol on the Control of Firearms, Ammunition, and Other Related Materials in the SADC Region, Blantyre, 14 August 2001.
9. Report of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, Programme of Action, New York, 9–20 July 2001 (A/Conf.192/15).
10. G Khadiagala, "Protection and Poverty: Community Weapons Collection Experiences in Northern Kenya", Oxfam GB, undated.
11. Ibid. p 3.
12. J Kamenju et al. *Terrorized Citizens*, SRIC, 2003, p 6.
13. The Update on Peace and Development, Issue 122, April 30, 2003.