

Background, structure and methodology

1.1 Background

This review of commitments to controlling small arms and light weapons by a selection of seven African countries is inspired by the aims and ambitions of the New Partnership for Africa's Development (NEPAD) and the newly launched African Peer Review Mechanism (APRM). The challenge of NEPAD for African political leaders is to improve governance on the African continent in order to create the conditions for growth and development, both through the continent's own efforts and by attracting greater investment and development assistance from international partners. The peer review mechanism is meant to monitor and encourage adherence to the NEPAD standards of good governance. Nineteen countries have so far signed up to the APRM and the first peer reviews are taking place in 2005.³

This monograph forms part of the African Human Security Initiative (AHSI). Our aim is to add value to the official peer review process. Although NEPAD is "inherently a state-centric initiative, pitched at the level of African political leadership taking responsibility for the continent's development",⁴ the plan envisages a supportive role for civil society. The AHSI reviews do not attempt to duplicate the APRM methodology, but concentrate instead on particular aspects of good political governance that lie within the remit of their expertise. In our case, this means the field of

³ The 19 countries are: Algeria, Angola, Benin, Burkina Faso, Cameroon, the Democratic Republic of the Congo, Egypt, Ethiopia, Gabon, Ghana, Kenya, Mali, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa and Uganda.

⁴ J Cilliers, *Human and state security in Africa: A conceptual framework for review*, AHSI, Pretoria, 2004, p 20.

peace and security studies broadly defined. Our review therefore focuses on AU commitments to good governance that have a particular impact on *human security* on the African continent.

Since the establishment of the Organisation of African Unity (OAU) and now the African Union (AU)⁵ in 1963, African governments have continued to, at least in theory, underscore the importance of peace and stability as a prerequisite for socio-economic development and political transformation. Through various diplomatic instruments,⁶ African Heads of State have consistently pledged to guarantee their people's individual, communal and national security. The instruments define the guiding principles, rules, norms and values aimed at enhancing human security in Africa.⁷ They cover broad areas of governance; respect for human rights; peaceful resolution of conflicts; and institutional and legal structures to fight, control and manage corruption, organised crime, and the illicit proliferation of small arms and light weapons (SALW) and the eradication of the devastating impact of landmines.

Despite this undertaking, however, an examination of compliance with these instruments reveals a wide discrepancy between policy and reality. What has become increasingly evident is the constant use or misuse of the principles of sovereignty and non-interference by heads of state, who turn a blind eye to incidences of bad governance and human rights abuse across their borders. Notwithstanding this, it appears that the current

5 The African Union was established in 2002 following the dissolution of the OAU.

6 For the purpose of this monograph, no differentiation is made between Conventions, Treaties, Acts, Protocols, Declarations and Decisions made at the OAU/AU Heads of State Assemblies /Summits.

7 Principles and rules are the most empirically observable elements in any institutional relationship and set the limitations within which the more concrete rules and norms are facilitated. Thus, principles are the result of the development of a common understanding and collective interpretation of reality of individual incidents that affect member states. Norms are the standardised defined behavioural patterns, rights, duties, obligations and reciprocal expectations. Rules relate to written guidelines within a specific issue area that actors (especially state actors) within a specific issue-area have voluntarily agreed to uphold. See Rittberger, Volker, *et al.* 1990 Toward an East-West security regime: The case of confidence- and security-building measures, *Journal of Peace Research*, 27(1) and S Krasner, Structural causes and regime consequences: regimes and intervening variables, *International Organisation*, 36(2), 1982, Spring.

generation of African leaders recognises that this practice has been largely responsible for many regional conflicts on the continent.

Although they are still uneasy when questioned about their track record on compliance with regional and international instruments,⁸ in principle, African governments have acknowledged that they can no longer afford to remain passive in the face of potential and real conflict on the continent. However, they still need to be reminded of their obligations under such instruments. The emergence of the New Partnership for Africa's Development (NEPAD) and, in particular, the African Peer Review Mechanism (APRM) affirms this view.

The fact that the problem of small arms and landmines has consistently remained high on the agenda of regional and continental initiatives in Africa justifies a review of compliance with commitments made by African governments to address these two issues. This review is, however, neither a technical verification nor a formal inspection. Rather, it is an attempt to take stock of the progress made so far and to hold governments accountable to their obligations regarding SALW and landmines. Although it is unrealistic to expect full implementation of the Bamako Declaration only three years after it was signed and the Mine Ban Treaty almost five years after entry into force, it is both reasonable and rational to assume that signing states have by now made noticeable progress towards compliance. The purpose of this exercise is to help the countries under review improve their policy interventions, adopt better methodologies and comply with established protocols and norms.

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⁸ In this monograph, 'regional action' refers to action at a specified geographical location, such as the Southern African Development Community (SADC), the Economic Community of West African States (ECOWAS) or the Horn and the Great Lakes (in relation to the Nairobi Declaration) and 'international action' refers to actions at the level of the United Nations.

1.2 Methodology

This survey is based on two distinct agreements entered into by a number of African governments on the problem of SALW and landmines. The first is the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (Bamako Declaration), while the second is the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine Ban Treaty or MBT).

These two agreements constitute the yardstick against which to measure the compliance of governments regarding the OAU/AU values and norms on small arms management and landmine control and eradication. Whereas the MBT is not an African instrument as such, its internationally binding nature calls for African compliance. Its provisions also dovetail with the African (Kempton Park) position on anti-personnel landmines.⁹

The study's research methodology consisted of an interview schedule; closed and open-ended questionnaires; observation; regular correspondence with respondents; conferencing; and secondary data. The interview schedule targeted representatives from national and regional co-ordinating agencies or commissions, the police and justice systems, and members of civil society working on small arms and landmines.

However, a number of methodological challenges were encountered. They included the unavailability of some of the key respondents and reconciling the official position with reality. This could be summarised as a reality check problem. In some situations, lack of established structures addressing small arms and landmines made it difficult to gather adequate information, as those available for interviews were either in an acting capacity and/or did not have adequate knowledge of the subject matter. In addition, some officers were sceptical and reluctant to give information, fearing that such information would expose their lack of knowledge of the issues. These obstacles notwithstanding, adequate representative data was gathered, resulting in this monograph that provides sufficiently accurate evidence on the status of compliance by the countries under study.

⁹ Adopted at the First Continental Conference of African Experts on Landmines, held in May 1997 in Kempton Park, South Africa.

1.3 Definitions, scope and justification

This monograph adopts the small arms definition of the 1997 UN Panel of Experts, which distinguishes between small arms and light weapons. It defines small arms as those weapons designed for personal use, and includes revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns and light machine guns. It states that light weapons are weapons designed for use by more than one person serving as a crew. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-tanks and anti-aircraft guns; recoilless rifles; portable launchers of anti-tank and anti-aircraft missiles; and mortars or carbines less than 100mm. Ammunitions and explosives are considered an integral part of small arms and light weapons. This definition is limited to lethal weapons generally used by the military and paramilitary forces, excluding items such as knives.

The definition of anti-personnel landmines is taken from the Mine Ban Treaty, which describes an anti-personnel mine as “a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.”¹⁰

A ‘moratorium’ simply refers to a deferment or delay of any action. Other expressions of this concept include suspension, reprieve, respite, halt, stay, postponement, cessation, abeyance, standstill and let-up.

The adoption by heads of government of a common position on illicit proliferation and misuse of SALW and landmines in Africa is a reflection of the collective intention and will to address the devastating effects of these tools of destruction on the continent. This places greater responsibility on governments as they are faced with the challenge of moving from words to deeds in an effort to implement the numerous broad provisions contained in the two instruments.

The focus of this inquiry is seven countries out of the nineteen that have acceded to the flagship of both the AU and NEPAD, namely the APRM. These are Ethiopia, Ghana, Kenya, Nigeria, Senegal, South Africa, and Uganda.¹¹ The criteria for their selection were that they are fairly

10 Art. 2.1 of the Mine Ban Treaty.

11 The initial study included Algeria. However, owing to the unavailability of sufficient information it was decided that a fair portrayal of how the country has adhered to the provisions of the Bamako Declaration and the MBT would not be possible.

representative of the various regions of the continent and also some of the states with the strongest adherence to the norms, values, rules and principles that are being developed in Africa. For instance, Nigeria, South Africa and Senegal were not only central in initiating NEPAD, which launched the APRM, but also remained at the forefront of championing its ideals. Nigeria and South Africa are also instrumental in initiating and implementing regional and continental security frameworks in Africa. Kenya on the other hand is strategically located in the Horn of Africa to play a key role in the APRM initiative. To show its commitment to the APRM, Kenya is among the first countries to establish a national NEPAD secretariat. In the Great Lakes region and the Horn of Africa, Nairobi was not only instrumental in initiating the meeting that led to the signing of the Nairobi Declaration, but also hosts the regional secretariat (the Nairobi Secretariat) on the same.

It should be noted that for the purposes of this monograph it is not always possible to distinguish between efforts to implement the Bamako Declaration and the United Nations Programme of Action to Prevent, Combat or Eradicate the Illicit Trade in SALW in All Its Aspects (UNPoA)¹² and other associated regional and international agreements. This is because, apart from being obliged to comply with the Bamako Declaration, the concerned actors have related commitments at national, regional and international level.

1.3.1 Evolution and development of the small arms debate in Africa

The concern about the effects of SALW in Africa dates back to 8–10 July 1996 when the OAU decided to conduct an in-depth study into ways of reducing the proliferation and dissemination of low-calibre war arms.¹³ In July 1999, during the 35th Summit of the OAU held in Algiers, African leaders committed themselves to combating the illicit proliferation,

12 UNPoA stands out as the central global agreement on preventing and reducing trafficking and proliferation of small arms and light weapons. It was agreed in July at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

13 Africa: Preparing for the 21st Century, Yaoundé Declaration, 32nd Ordinary Session of the assembly of heads of state and government, Yaoundé, Cameroon, 8–10 July 1996, para. 27.

circulation and trafficking of small arms, light weapons and landmines at both the regional and continental levels.¹⁴

The same Summit also called for an African common approach to address problems related to the use, transfer and illegal manufacturing of small arms, and expressed its support for a UN conference on the subject in 2001. In May 2000, the OAU convened the First Continental Meeting of African Experts on SALW in Addis Ababa, Ethiopia. The meeting agreed on the adoption of an African common position and went ahead to make recommendations for the adoption of policies, institutional arrangements, and operational measures for addressing the problems caused by the illicit trafficking, proliferation, accumulation and unlawful use of SALW. This was achieved a year later under the Bamako Declaration.

Prior to the Bamako meeting, various regional initiatives on small arms took place across the continent. In the Great Lakes Region and the Horn of Africa, the Nairobi Declaration on the *Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*¹⁵ (hereafter referred to the Nairobi Declaration) signed on 15 March 2000 calls on signatory states to, among other things,

- strengthen and harmonise legislation on the control of firearms;
- strengthen the operational capacity of law enforcement agencies;
- increase cross-border co-operation between law enforcement agencies;
- collect and destroy weapons;
- enhance the demobilisation and re-integration of ex-combatants;
- improve police/community relations; and
- enhance public education and awareness raising.

In West Africa, the Economic Community of the West African States (ECOWAS) Moratorium on Exportation, Importation and Manufacture of

¹⁴ Solemn Declaration on the Conference for Security, Stability, Development and Co-operation in Africa (CSSDCA), 10–12 July 2000, Lomé, Togo, paras 2, 9, 10 (h) and 14 (l); Algiers Declaration, 35th Ordinary Session of the assembly of heads of state and government, 12–14 July 1999.

¹⁵ State parties to the Nairobi Declaration are: Burundi, DRC, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and the United Republic of Tanzania.

¹⁶ State parties to the Moratorium are: Benin, Burkina Faso, Cape Verde, the Ivory Coast, the Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo. All 16 countries signed, including Mauritania, which has since threatened to withdraw from ECOWAS.

Light Weapons,¹⁶ (hereafter referred to as the ECOWAS Moratorium) was signed on 31 October 1998. This political declaration marked an important first step for a regional action plan to combat the proliferation of SALW. Following the development of a Plan of Action to implement the Moratorium, the UNDP Programme of Co-ordination and Assistance of Security and Development (PCASED) was established to provide technical assistance for an initial period of five years. It identified the following key priority areas:

- Improved controls at harbours, airports and border crossings;
- Reforming military, security and police forces through regional training programmes;
- Collection and destruction of weapons;
- Co-operation with civil society organisations;
- Established dialogue with arms manufacturers; and
- Establishment of a databank and a small arms register in West Africa.

In Southern Africa, a regional programme on SALW and illicit trafficking was agreed upon in May 1998 and officially endorsed by the SADC¹⁷ and European Union (EU) foreign ministers in November the same year. The Regional Action Programme covered four key areas, namely:

- Combating illicit trafficking;
- Strengthening regulations and controls on accumulation and transfers;
- Promoting the removal of arms from society and the destruction of surplus; and
- Enhancing transparency, information exchange and consultation.

This regional programme laid the foundations for consensus on a SADC Declaration on Small Arms and subsequently for the adoption of the SADC Protocol on the Control of Firearms, Ammunitions and Other Related

¹⁷ State Parties to the SADC Protocol are: Botswana, the DRC, Lesotho, Malawi, Mauritius, Mozambique, Namibia, the Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. Angola has not signed although it indicated its interest to do so and Seychelles was due to leave SADC in August 2004.

Materials (hereafter referred to as the SADC Firearms Protocol) in March 2001 and August 2001 respectively. The SADC Firearms Protocol is a regional instrument for increasing control over the proliferation of arms in Southern Africa. As of June 2004, the SADC Protocol remains one of the few multilateral legally binding instruments on the control of small arms and light weapons,¹⁸ and is due to enter into force during the latter half of 2004. It is a far-reaching instrument, providing the region with a legal basis upon which to deal with both the lawful and illicit trade in firearms. It outlines the following key measures that State Parties are legally bound to fulfil:

- Review and harmonise the legislations governing the control of firearms;
- Enact proper controls over the manufacturing, possession and use of firearms and ammunition;
- Improve the operational capacity of the law enforcement agencies;
- Collect and destroy the surplus, redundant or obsolete state-owned firearms, ammunition and other related materials;
- Raise awareness and educate the public on the impact of firearms on society;
- Review controls over state-owned firearms;
- Provide mutual legal assistance and exchange information;
- Ensure controls and limitation on legal civilian possession of firearms;
- Ensure a standardised marking of firearms at the time of manufacture, export or import; and
- Provisions relating to brokering.

The overarching regional initiative is the Bamako Declaration. Signed on 1 December 2000 in Bamako, Mali, the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms includes many important commitments

¹⁸ The others are the Organisation of American States' Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials and the United Nations Protocol Against the Manufacturing of and Trafficking in Illicit Firearms, Ammunition and Related Materials.

elaborated in various sub-regional declarations and deemed relevant across Africa. It spells out a wide range of key norms, standards and programmes. In setting the commitments at the international, regional and national levels, the Bamako Declaration established a blueprint, which proved to be very influential in guiding discussions at the first United Nations Small Arms Conference in 2001. Some analysts think that the declaration largely reflects the comprehensive approach preferred by sub-Saharan African countries.¹⁹ For example, the Small Arms Survey states that “ultimately the Bamako Declaration proved to have an important impact on the final text of the UN Programme of Action” and in some sense, “was designed, from the beginning, to ensure that Africa had an influence on the final text of the Conference Programme of Action.”²⁰

The Bamako Declaration was developed to

“Promote measures aimed at restoring peace, security and confidence among and between Member States with a view to reducing the resort to arms; promote structures and processes to strengthen democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth; and, importantly, to promote comprehensive solutions to the problem of the illicit proliferation circulation and trafficking of small arms and light weapons that include both control and reduction, as well as supply and demand aspects; that are based on the co-ordination and harmonisation of the efforts of the Member States at regional, continental and international levels and which involve civil society in support of the central role of governments.”²¹

The devastating impact of the uncontrolled proliferation of SALW on the African continent is well captured in the Bamako Declaration. Paragraph 2 states that SALW:

19 Small Arms Survey, *Counting the human cost*, Oxford: Oxford University Press, 2002, pp 213–214.

20 Small Arms Survey, *Counting the human cost*, Oxford: Oxford University Press, 2002, pp 213–214.

21 The Bamako Declaration 2000, para. 2.

- “Sustains conflicts, exacerbates violence, contributes to the displacement of innocent population and threatens international humanitarian law, as well as fuels crime and encourages terrorism;
- Promotes a culture of violence and destabilises societies by creating a propitious environment for criminal and contraband activities, in particular the looting of precious minerals and the illicit trafficking in and abuse of narcotic drugs and psychotropic substances and endangered species;
- Has adverse effects on security and development especially on women refugees and other vulnerable groups as well as on infrastructure and property;
- Has devastating consequences on children, a number of whom are victims of armed conflict, while others are forced to become child soldiers; and
- Undermines good governance, peace efforts and negotiation, jeopardises the respect for fundamental human rights and hinders economic development.”

In February 2003, the Bamako Declaration received impetus when the NEPAD Sub-Committee on Peace and Security urged its implementation. The Committee identified small arms proliferation as a priority area for action. At the AU-NEPAD Consultation on Peace and Security, a Plan of Action was adopted which among other things called for 1) efficient and consolidated action for preventing, combating and eradicating the problem of the illicit proliferation and trafficking of SALW, 2) an African definition of SALW and 3) action on disarmament, demobilisation, rehabilitation and reconstruction (DDRR) efforts in post-conflict situations.

The declaration aims to ensure that action on small arms is coordinated across Africa. It is also an important guide and reference instrument of African states as they proceed with the complementary processes of implementing the other key African agreements that have been concluded at all levels. In 2002, the Bamako Declaration earned yet another recognition when the AU adopted a “Plan of Action for the Prevention and Combating of Terrorism in Africa” which includes “developing and strengthening border control-points and combating the

illicit import, export and stockpiling of *arms, ammunition and explosives* [emphasis added].²²

The Bamako Declaration has been reinforced by the development of national and regional action plans and more binding instruments such as the SADC Protocol. The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa was signed on 21 April 2004 during the Second Ministerial Review Conference.

1.3.2 The Mine Ban Treaty framework

Although the exact magnitude of global landmine contamination is difficult to measure, the negative humanitarian impact of emplaced mines is today recognised as a problem that needs to be solved in a co-ordinated and multifaceted manner. The indiscriminate nature of landmines and the fact that they are “victim-activated” have earned them the distinction of being branded “weapons of mass destruction in slow motion”. They have a devastating effect on the lives of innocent civilians the world over. While there is no scientific baseline data on which to base accurate figures of emplaced mines, the number of landmines in the ground is estimated to be between 60 million and 200 million. The number of landmine survivors and annual casualties can also only be estimated. However, what can be definitively stated is that the vast majority of mine survivors and victims are civilians. While acknowledging that it is impossible to arrive at an exact figure, Landmine Monitor projects that the number of new landmine casualties is between 15,000 and 20,000 each year.²³

In view of the tragic consequences of landmine use, the successful negotiation of the MBT in September 1997 was acclaimed by UN Secretary-General, Kofi Annan, as “a landmark step in the history of disarmament” and “a historic victory for the weak and vulnerable of our

22 Plan of Action of the African Union High-Level Intergovernmental Meeting on the Prevention and Combating of Terrorism in Africa, Algiers, Algeria, 11–14 September 2002. [Mtg/Hlig/Conv.Terror/Plan (I)]

23 International campaign to ban landmines, in *Landmine Monitor Report 1999: Towards a mine-free world*, Human Rights Watch, Washington DC, 1999.

world.”²⁴ The Mine Ban Treaty was developed and agreed upon in only one year; signed by 122 nations in Ottawa, Canada when it opened for signature on 3 December 1997; and entered into force on 1 March 1999 when Burkina Faso, on 16 September 1998, became the fortieth country to ratify.

1.3.3 The landmine debate in Africa

Following the adoption of an action plan at the First Continental Conference of African Experts on Landmines, held in May 1997 in Kempton Park, South Africa, the 66th Ordinary Session of the OAU Council of Ministers held in May/June 1997 approved the Plan of Action and urged member states to participate fully and actively in what had by then become known as the “Ottawa Process”. The Council also, as an interim measure, called upon those that had not yet done so to accede to the 1980 Convention on Conventional Weapons (CCW)²⁵ and its Protocol II that regulates the use of landmines. As a result some 30 African countries participated in the Oslo Diplomatic Conference that led to the adoption of the MBT and many turned up at the signing ceremony in Ottawa in December 1997.

In early 1995 the OAU, in partnership with the International Committee of the Red Cross (ICRC), hosted regional seminars in Ethiopia, Zimbabwe and Cameroon on the problems posed by the proliferation of anti-personnel mines in Africa, with the aim of mobilizing support for a regional response. At its 62nd and 63rd Ordinary Sessions in June 1995 and February 1996 respectively, the Council of Ministers adopted Resolutions CM/Res. 1593 (LXII) and CM/Res. 1628 (LXIII) expressing the OAU’s preference for a total ban on mines and the development of Inter-African Co-operation in the field of mine clearance and assistance to

²⁴ K Annan, Statement at the Signing Ceremony, Ottawa, Canada, 3 December 1997.

²⁵ The Convention on the Prohibitions or Restrictions on the Use of Certain Conventional Weapons, which may be deemed to be “excessively injurious” or to have “indiscriminate effects”, came into force on 2 December 1983. The convention was supplemented by three protocols, the second of which relates to the restrictions on the use of mines, booby-traps and other devices. Before the MBT came into force, Protocol II of the CCW was the only legally binding international agreement regulating the use of anti-personnel and anti-vehicle mines.

victims. In Resolution CM/Res. 1662 (LXIV), adopted in Yaoundé in July 1996, the Council called for the adoption of national and regional measures to ban anti-personnel mines.

Other organs of the OAU also adopted similar resolutions. For instance, the African Commission on Human and Peoples' Rights, at its 17th Session held in Lomé, Togo from 13–22 March 1995, recommended “that concrete and effective measures be taken urgently to ban the manufacture of anti-personnel mines and that, in the meantime, the existing stockpiles be destroyed and an international monitoring mechanism be established”. The 5th Ordinary Session of the Conference of African Ministers of Health, held in April 1995 in Cairo, Egypt also pronounced itself in favour of a ban on anti-personnel mines.

In October 1996, the OAU participated in the first Ottawa landmines conference of 50 “like-minded states” at which the then Foreign Minister of Canada, Lloyd Axworthy, dramatically invited the “entire international community to join Canada in negotiating a Convention to ban anti-personnel mines by the end of 1997” and “to return to Ottawa to sign the document in little over a year.”²⁶

The First Continental Conference of African Experts on Landmines, which was held in Kempton Park, South Africa, under the auspices of the OAU, remains one of the landmark events that supported the adoption of the MBT. This meeting provided an overview of the devastating impact of landmines in Africa and galvanised African states into calling for a total and immediate ban on anti-personnel landmines. As a result of this meeting, many African governments were instrumental in ensuring a successful conclusion to the negotiations in Oslo that led to the MBT.

The Conference discussed 1) African policies on anti-personnel landmines, 2) the momentum towards a global ban on anti-personnel landmines, 3) legal aspects of humanitarian law pertaining to landmines and 4) the pursuit of Africa as a landmine-free zone. Participants resolved the following:

26 M. Cameron, *To walk without fear: The global movement to ban landmines*, Oxford University Press, Oxford, 1998.

- that the problem of landmines needed to be addressed in a co-ordinated and multifaceted manner and that efforts with regard to mine clearance and mine victim assistance needed to be intensified;
- to adopt as a goal the elimination of all anti-personnel landmines in Africa and the establishment of Africa as an Anti-Personnel Landmine-Free Zone; and
- that all African states should end all deployments of anti-personnel landmines and establish national prohibitions on their use, production, stockpiling and transfer, and ensure their destruction.

The Plan also detailed actions on mine clearance, assistance to survivors of landmine explosions and international co-operation and finance by the international community, international financial agencies, and the private sector working in the military field, for providing mine-affected African countries with all the necessary assistance for the demining of their countries. Assistance was seen as comprising financial and technical components and the training of de-miners.

Following the Kempton Park Conference, regional groupings in Africa took the process a step further. For instance, in the Southern African region, the 17th SADC Summit held on 8 September 1997 in Blantyre, Malawi, issued and endorsed a declaration entitled “Towards a Southern Africa Free of Anti-personnel Landmines”. The Declaration envisaged a “landmine free” southern Africa and called for a total ban on the use, production, trade and stockpiling of anti-personnel landmines in the territories of SADC member countries.

Almost two-thirds of the world’s nations have already signed and/or ratified the Treaty banning anti-personnel landmines.²⁷ By July 2003, more than two-thirds (134) of all countries had signed the MBT. Some commentators have attributed this to the role that African countries played both before and during the negotiations conference in Oslo in September 1997. In some sense, Africa’s pivotal role can be attributed to the fact that it is regarded as the most heavily mined continent.²⁸ Landmine and unexploded ordinance (UXO) affected countries and areas

²⁷ [http:// www.landmines.org/UK/7](http://www.landmines.org/UK/7)

²⁸ Landmine Monitor Report 1999.

in Africa include: Algeria, Angola, Burundi, Chad, the DRC, Djibouti, Egypt, Eritrea, Ethiopia, Guinea-Bissau, Kenya, Liberia, Libya, Malawi, Mauritania, Morocco, Mozambique, Namibia, Niger, Republic of Congo, Rwanda, Senegal, Sierra Leone, Somalia, Somaliland, Sudan, Swaziland, Syria, Tunisia, Uganda, Western Sahara, Zambia and Zimbabwe.²⁹

Between January 2001 and June 2002 landmine/UXO casualties were reported in the following African countries or areas: Algeria, Angola, Burundi, Chad, the DRC, Egypt, Eritrea, Ethiopia, Guinea-Bissau, Kenya, Mauritania, Mozambique, Namibia, Rep. Congo, Rwanda, Senegal, Somalia, Somaliland, Sudan, Tunisia, Uganda, Western Sahara and Zimbabwe.

1.4 Commitments examined

The following commitments have been examined in this monograph:

- *The institutionalisation of national and regional programmes for action aimed at preventing, controlling and eradicating the illicit proliferation, circulation and trafficking of SALW in Africa;*
- *The establishment, where they do not exist, of national co-ordination agencies or bodies and the appropriate institutional infrastructure responsible for policy guidance, research and monitoring on all aspects of SALW proliferation, control, circulation, trafficking and reduction;*
- *The enhancement of the capacity of national law enforcement and security agencies and officials to deal with all aspects of the small arms problem, including appropriate training in investigative procedures, border control and specialised actions, and upgrading of equipment and resources;*
- *The development and implementation, where they do not exist, of national programmes for the voluntary surrender of illicit SALW; identification and the destruction, where necessary, of surplus, obsolete and seized stocks in the possession of the state; and the reintegration of demobilised youth and those who possess SALW illegally;*

²⁹ Landmine Monitor Report 1999.

- *The signing of bilateral agreements*, on a voluntary basis, with neighbouring countries, so as to put in place an effective common system of control, including the recording, licensing and collection of SALW, within common frontier zones;
- *The strengthening of regional and continental co-operation among police, customs, immigration and other border control services* to address the illicit proliferation, circulation and trafficking of SALW. These efforts should include, but not be limited to, training, the exchange of information to support common action to contain and reduce illicit SALW trafficking across borders, and the conclusion of necessary agreements; and
- *The development and implementation of public awareness programmes* on the problem of the proliferation and illicit trafficking of SALW.

On the MBT, the monograph examines whether or not the selected countries have signed and/or ratified the Convention and whether or not they have taken steps to totally prohibit the manufacture, stockpiling, transfer and use of all types of anti-personnel landmines and to destroy existing stockpiles under their jurisdiction or control.³⁰

Action Plans have been put in place to help achieve the broad objectives contained in the Bamako Declaration and the MBT at regional and sometimes national levels. In the Great Lakes region and the Horn of Africa there is the Co-ordinated Agenda for Action and the Implementation Plan on the Illicit Small Arms and Light Weapons. In West Africa, there is the Plan of Action for the implementation of the PCASED and the Code of Conduct for the implementation of the ECOWAS Moratorium. In Southern Africa, in 2002, a SARPCCO “Action Plan on [the] SADC Protocol on the Control of Firearms, Ammunition and other Related Materials” was developed.

30 Other obligations under the MBT which will not be examined in this study include: “the destruction of all anti-personnel mines in mined areas under a state’s jurisdiction or control; tak[ing] all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a state party under the Convention and undertaken by persons or on territory under its jurisdiction or control.”

This plan lists a number of workshops for countries in the sub-region that have been identified as priority areas for implementation. In some senses it restates the obligations of the Protocol, albeit with timelines and specifying which SARPCCO sub-committee is responsible for co-ordinating the particular task. The action plan identifies the need for the development of standard operating procedures and training programmes for countries in the region in respect to, amongst other things, joint operations and the destruction of firearms. The plan also sets timelines for the amendment of national laws regulating the possession of firearms and for the promulgation of legislation to facilitate the rendering of mutual legal assistance. At a national level, a number of states have already started to implement the provisions of the SADC Protocol. In some instances, the Protocol contains obligations that certain countries are already meeting, for example assessing border controls and entering into bilateral agreements on assistance with the location and destruction of arms caches.³¹

With regard to the MBT, Africa has a Plan of Action following the First Continental Conference of African Experts on Landmines, held in Kempton Park, South Africa, in May 1997, which is a *de facto* common landmine policy for Africa.³²

1.4.1 Why these commitments?

Firstly, the choice of the commitments is based on the assumption that, if implemented, they would contribute immensely to improving human security in the seven countries under consideration and also have spill-over effects on the rest of the continent.

31 N Stott, *Implementing the Southern Africa Firearms Protocol: Identifying challenges and priorities*, *ISS Occasional Paper 83*, November 2003.

32 Plan of Action: First Continental Conference of African Experts on Landmines, published in *Towards a landmine-free Africa: Proceedings of the First Continental Conference of African Experts on Landmines*. (The First Continental Conference of African Experts on Landmines was held in Kempton Park, Republic of South Africa, 19–21 May 1997. The Conference was attended by 40 member states of the AU, UN specialised agencies, a wide spectrum of representatives of the donor community and non-governmental organisations. A copy is available at <http://www.iss.co.za> or <http://www.smallarmsnet.org>

Secondly, the commitments are easily measurable and, as mentioned earlier, fit well with the objectives that informed the Plan for Action on peace and security in Africa during the AU/NEPAD Consultation in Addis Ababa, Ethiopia, in February 2003.

Thirdly, some of them, such as the establishment of national co-ordination agencies, are important points of departure, given their national and regional dimensions and especially their affinity with UNPoA. Co-ordinating agencies act as watch dogs over national compliance with the commitments and enhance human security within the seven APRM states in the study. The study examines progress on measures that have the effect of implementing the Bamako Declaration even if some or all the actors involved were more explicitly concerned with local, national, or sub-regional commitments and programmes.

Fourthly, while the study would have wished to review all the 13 broad commitments in the Bamako Declaration and all the provisions of the MBT and all the countries that have acceded to the APRM, limited time and resources made this impossible.

Finally, the selected commitments can be converted into practical researchable indicators to monitor.

The data in this monograph covers compliance between December 2000 when the Bamako Declaration was signed and March 2004 for SALW. The MBT entered into force in 1999. However, it is important to note that some of that action/measures may have been in place before the two instruments entered into force.

1.5 Structure

This monograph is divided into nine chapters. Chapter One provides the background, objectives and conceptual framework of the study. In discussing the framework, the focus is mainly on the evolution of the issue of small arms and landmines in Africa that preceded the Bamako Declaration and the MBT respectively. Both instruments are situated within the context of relevant regional and international protocols, their main provisions outlined and the complementary nature of various regional and international initiatives highlighted. This chapter also

Table 1: Selected commitments and indicators

Commitment	Indicators
To institutionalise programmes on SALW	Do laws and institutional frameworks exist at both national and regional levels?
To establish co-ordination agencies	Which bodies, if any, have been established to co-ordinate SALW issues at national and regional levels?
To build capacity for law enforcement agencies	What form of training has been undertaken to date?
To develop and implement national programmes for:	Do programmes of this kind exist?
The surrender and destruction of SALW and reintegration of the youth	Are there any records of arms destruction and evidence of youth development programmes?
The signing of bilateral agreements on SALW	How many agreements have been signed and of what kind?
Strengthening the co-operation of police and customs officers at regional and continental level	Have joint training and operations been undertaken?
Providing public awareness programmes on SALW	Have these programmes been provided?
Implementing the MBT	What is the status of signature, ratification and reporting to the UN in each country? Have they destroyed their stockpiles? Have they ceased production, use and transfer of SALW?

defines the key concepts adopted by the study, delimits the scope of the study by introducing the focal countries, and identifies commitments and accompanying indicators before justifying the choice of the commitments.

Chapter Two discusses national and regional legal and structural frameworks that have been put in place to institutionalise programmes aimed at preventing, controlling and eradicating the illicit proliferation, circulation and trafficking of SALW in Africa.

Chapter Three examines evidence with respect to enhancing the capacity of national law enforcement and security agencies that deal with the problem of small arms. In this regard the focus is on investigative

methods, border control, specialised actions, and upgrading of equipment and related resources.

Chapter Four reviews the development and implementation of programmes for the voluntary surrender of illicit SALW; the identification and destruction of surplus, obsolete and seized stocks in the possession of the state; and the reintegration of demobilised youth and other former holders of SALW.

Chapter Five examines the extent to which the selected countries have signed bilateral agreements on a voluntary basis with their neighbours to establish an effective common system of control; to record, license and collect SALW, within common frontier zones, and to strengthen regional and continental co-operation among police, customs and immigration officers, and other border control services. These efforts include training programmes and the exchange of information.

Chapter Six examines mechanisms developed for sensitising the public to the problem of the proliferation and illicit trafficking of SALW.

Chapter Seven looks at African states' compliance performance regarding the MBT. It specifically examines compliance with respect to the main provisions of the Convention: to totally prohibit the manufacture, stockpiling, transfer and use of all types of anti-personnel landmines; to enact domestic legislation to "prevent and suppress any activity prohibited" by the treaty; to clear mines; to destroy existing stocks; and to provide programmes that address the socio-economic re-integration of survivors of landmine incidents.³³

Chapter Eight concludes the monograph by synthesising all data in respect to the research question: "to what extent have the selected countries implemented selected commitments under the Bamako Declaration and the Mine Ban Treaty?" General conclusions and identification of some of the emerging challenges likely to impact on future commitments are submitted in this chapter.

33 Article 1 of the Convention sets out the general obligations of the Convention as follows:

- 1) Each State Party undertakes never under any circumstances a) to use anti-personnel mines; b) to develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines; c) to assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention.
- 2) Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.