

# Bilateral agreements and co-operation

Paragraph 3A(ix) of the Bamako Declaration calls for the conclusion of binding agreements between State Parties and the strengthening of regional and continental co-operation. Although these two are separate commitments, they have been discussed in one chapter because of their interrelatedness. All the seven countries have entered bilateral agreements on matters of security in general and SALW in particular.<sup>96</sup> This chapter briefly discusses the existing security instruments that directly or indirectly relate to SALW.

In this regard, the following instruments are pertinent:

- The United National Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;
- The Protocol Against Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition Supplementing the United Nations Convention Against Transnational Organised Crime; and
- The Bamako Declaration, the Nairobi Declaration, the SADC Firearms Protocol and the ECOWAS Moratorium.

Other relevant instruments include the Solemn Declaration on the Conference for Security, Stability, Development and Co-operation in Africa (CSSDCA), 10–12 July 2000, Lomé, Togo, paragraphs 2, 9, 10(h) and 14(l); and the Algiers Declaration, 35th Ordinary Session of the Assembly of Heads of State and Government, 12–14 July 1999. At the bilateral level, Ethiopia

<sup>96</sup> Examples of explicit documents on small arms include the Bamako Declaration, the Nairobi Declaration, the SADC Protocol, the ECOWAS Moratorium and the OAU Resolution CM/Res. 363 (LXVI), CM/Res.1593 (LXII) and CM/Res. 1628 (LXIII) on landmines.

has entered into agreements with some of its neighbours on issues related to peace and security, extradition of criminals and, recently, terrorism. In some of these agreements issues of small arms can be inferred.

On landmine matters there exist a number of regional agreements, as in the case of SALW. Apart from the MBT, other supplementary protocols by the OAU/AU include the OAU Resolution CM/Res.1593 (LXII) CM/Res.1628 (LXIII) – Resolution on the Revision of the 1980 United Nations Convention on Certain Conventional Weapons and Problems Posed by the Proliferation of Anti-Personnel Mines in Africa (1996) and the Plan of Action of the First Continental Conference of African Experts on Landmines (1997). There is also the Maputo Declaration of the States Parties to the UN Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 7 May 1999, Para. 6.

Inter-agency collaboration at regional and continental levels is defined by both bilateral and multilateral agreements. It involves the sharing and exchanging of intelligence information among the formal security, military and paramilitary agencies.

In addition to the above instruments, others exist at regional level. In West Africa, key agreements defining relations on SALW include:

- Chapter X, Article 46 of ECOWAS 1999: Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, Abuja: Executive Secretariat;
- The Declaration on the Moratorium on the Importation, Exportation and Manufacture of Light Weapons. This voluntary, non-binding Moratorium has developed a Code of Conduct for the Implementation of the Moratorium.
- As part of the processes for controlling SALW, Decision A/DEC.13/12/99 Establishing National Commissions for the Control of the Proliferation and Illicit Circulation of Light Weapons has also been adopted;
- ECOWAS Convention A/P1/7/92 on Mutual Assistance in Criminal Matters; and
- The ECOWAS Convention A/P1/8/94 on Extradition.

Such agreements have also incorporated elements of capacity-building. In this regard, joint training to strengthen co-operation has taken place at

relevant institutional levels within the region, such as the National War College, Abuja, Nigeria, the Command and Staff College, Teshie, Ghana, and the Kofi Annan International Peacekeeping Training Centre (KAIPTC). Joint exercises on detection and destruction have taken place during Operation Kompeingha and Operation Korza.<sup>97</sup>

SARPCCO<sup>98</sup> was established in 1995 to co-ordinate work between the police on issues that were undermining security and stability in the sub-region. A legal framework for co-operation – Agreement in Respect of Cooperation and Mutual Assistance in the Field of Crime Combating – entered into force in July 1999. It provides a forum for regional collaboration on issues that fall entirely or partly outside the ambit of the defence departments of the Southern African states. The SADC Council of Ministers, as the implementation agency, has also mandated SARPCCO for the SADC Policy on Small Arms and Cross-Border Crime Prevention and the implementation of the SADC Protocol. South Africa actively participated in the SADC Committee on SALW during 2000 in order to obtain agreement on the Protocol. The Protocol was tabled in the South African Parliament in December 2002 and ratified in March 2003.

This agreement has enabled the SAPS to co-operate with neighbouring countries and participate in various regional forums. These include quarterly workshops with Swaziland, Mozambique and Lesotho. The Border Police are represented on five forums with neighbouring countries, and have entered close co-operation with both Interpol and the Legislation Committee for Border Control.<sup>99</sup>

Joint operations to combat motor vehicle theft, trafficking in drugs and the proliferation of SALW are usually conducted in phases in the sub-region. For example, during 2002, “Operation Mangochi” targeted motor vehicle theft and trafficking in drugs and firearms between Namibia, Botswana, Zimbabwe, Lesotho, Swaziland and Mozambique, while “Operation Scorpion” covered Angola and Namibia. Operations “Green

97 These are ECOWAS joint military operations for collective action as and when the need arises.

98 The twelve member countries of SARPCCO are: Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

99 A Minnaar, Policing the ports: Reducing illicit trafficking in South Africa, in *ISS Monograph No 84*, May 2003, p 24.

Mamba” and “Katse” focused on the tracing of illicit firearms in Swaziland and Lesotho respectively.<sup>100</sup>

Perhaps a good example is Operation Rachel. Operation Rachel is the joint initiative between South Africa and Mozambique to collect and destroy arms caches remaining from the country’s wars. Between 1995 and 2002, eight operations comprising 19 missions were undertaken. There was one operation each in 1995, 1996, 1997, 1998; four in 1999; seven in 2000; two in 2001; and two in 2002. The following areas of Mozambique have so far been covered: Cabo Delgado, Massingir, Maputo, Gaza, Sofala, Zambezia, Ponto d’Ouro and Nampula. To date, the types of weapons collected include firearms, ammunition, rockets, launchers, cannons, landmines (anti-personnel and anti-vehicle), mortars, grenades and detonators and fuses. According to President Thabo Mbeki, since 1995 more than 1,000 tons of small arms, landmines and other unexploded devices have been destroyed.<sup>101</sup>

Through these operations, the SAPS has been able to transfer intelligence-gathering skills and weapon destruction technical know-how to the Mozambique Police Service (PRM). This collaboration between the two police forces has enabled the PRM to develop an indigenous capacity to carry out this work, although it is still carried out jointly.

In another operation, Operation Qeto, South Africa provided logistical financial and technical support to the Kingdom of Lesotho to destroy surplus small arms. The aim was to destroy excess and redundant weapons in the armouries of the Lesotho Defence Force (LDF). At Lesotho’s request, the SANDF provided technical assistance to the LDF and helped facilitate the South Africa-based elements of the operation, including escorting the shipment from the border with Lesotho to Johannesburg, obtaining the necessary import certificates and working with the US Embassy in Pretoria to secure funding for the operation. While South Africa assisted the LDF with the planning of the weapon destruction and provided the necessary infrastructure, the Operation

100 Interview with Senior Superintendent Stan Joubert, *Illegal Firearms and Selected Operations*, South African Police Service, 10 February 2004.

101 President Thabo Mbeki, *Address to the Assembly of the Republic of Mozambique*, Maputo, 2 May 2002.

enabled the LDF to manage and execute the destruction on their own. As a result, 3,843 weapons at the LDF headquarters in Maseru were destroyed. These, and related accessories, brought the total number of destroyed pieces to 4,200 on 16 November 2001.<sup>102</sup>

In 2002, the Permanent Co-ordinating Committee of SARPCCO requested the SAPS to design a training curriculum and course and develop Standard Operating Procedures (SOPS) for cross-border operations and weapons destruction programmes for member countries. The training material consists of a number of modules covering: international and regional protocols and agreements; planning cross-border operations; firearm destruction operations; identification and safe handling of munitions and explosive devices; air support; utilisation of global positioning systems; mine detectors, lifting arms caches; and information management. The manual is currently being tested through pilot courses.<sup>103</sup>

Co-operation among security agencies of signatory states to the Nairobi Declaration has been *ad hoc*. But this is bound to change with the signing of the Nairobi Protocol on Prevention, Control and Reduction of SALW in the Great Lakes Region and the Horn of Africa during the Second Ministerial Review meeting slated for 21–22 April 2004. The Protocol sets out legal uniformity and establishes minimum standards to govern:

- manufacture;
- possession;
- import, export, transfer and transport;
- provisions relating to weapons collection and destruction, police co-operation, information exchange; and
- raising awareness.

Once signed, the Nairobi Protocol will be a regional instrument to increase control over the proliferation of SALW in the Great Lakes Region and the Horn of Africa. It will be a historic document in the control and

<sup>102</sup> *Op cit*, S Meek and N Stott, November 2003.

<sup>103</sup> Interview with Senior Superintendent Stan Joubert, Illegal Firearms and Selected Operations, South African Police Service, 10 February 2004.

management of SALW.<sup>104</sup> It will provide the region with a legal basis upon which to deal with both the legal and the illicit trade in firearms and will further hold governments accountable to their commitments.

It has been established that there is no bilateral agreement that makes specific reference to SALW and that what exists lies in the broader field of peace and security. However, a host of multilateral agreements do exist that are pertinent to SALW.

It is also clear that inter-agency collaboration which is governed both by regional and international regulations appears to be more established in West and Southern Africa than in Eastern Africa. In West Africa, ECOWAS-related instruments are the driving force, while in Southern Africa, South Africa is playing a key role in facilitating some of the objectives. In the former the donors through the ECOWAS are initiating and facilitating the bulk of the inter-collaboration among security agencies. It was established that cross-regional co-operation, for example between the Horn of Africa and West Africa or between Southern Africa and West Africa, is minimal.

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<sup>104</sup> Others are the SADC Protocol on the Control of Firearms, Ammunitions and Other Related Materials, 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.