

Conclusion – progress and prospects

This monograph has attempted to establish the extent to which the seven countries in Africa have implemented the eight key commitments under the Bamako Declaration three years after it was signed, on the one hand; and the 1997 Mine Ban Treaty and the OAU/AU Plan of Action to curb the proliferation of SALW on the other. There is sufficient evidence to suggest that whereas some countries have registered remarkable progress, others have not performed as well. It has also been established that countries had acted long before the signing of the Bamako Declaration in the year 2000.

There is evidence of functioning co-ordinating agencies at both national and regional level. The respective regional instruments influence the names of these agencies. In the Great Lakes and Horn of Africa region, for example, the national co-ordinating agency is referred to as NFP, as indicated in the Nairobi Declaration, while in West Africa the name is National Commission as stated in the ECOWAS Moratorium. Kenya, Nigeria and Uganda have relatively well established agencies. Those in Ethiopia, Ghana and Senegal are nascent, while South Africa relies on other mechanisms in co-operation and co-ordination. The mandate of the Nigerian National Commission is broader than the rest. It includes controlling the import and manufacture of all SALW, registering and controlling the movement and use of legitimate arms stock, detecting and destroying all illicit and surplus weapons and granting or permitting exemptions to the Moratorium in accordance with strict criteria. For the rest, the task is left to the security agencies. The overall composition of the co-ordinating agencies reflects the contribution of key stakeholders, including civil society, in the fight against small arms. However, security agencies tend to dominate.

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Co-ordinating agencies have also been established at the regional level. In the Great Lakes and the Horn of Africa, the agency is known as the Nairobi Secretariat. In West Africa the ECOWAS Secretariat is the co-ordinating agency, while in Southern Africa there are two structures, the SADC Committee and SARPCCO. They are all active in overseeing the implementation of the regional and continental aspects of SALW.

With respect to legislation, all seven countries have developed legislation on domestic firearms control, while some are in the process of reviewing their current laws to make them more effective. It is only South Africa that has enacted new laws controlling the export and brokering of firearms. It has reached an agreement with firearm manufacturers with a view to standardising marking and thus makes tracing easier. It has developed and implemented a policy position that all surplus, redundant, obsolete and confiscated small arms below and including the calibre of 12.7mm be destroyed in order to prevent them from ending up in the illicit small arms market. Others such as Kenya and Uganda, while acknowledging the loopholes in the existing guns legislation, are yet to start revision.

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It is only South Africa that has also enacted national laws on a total ban on anti-personnel landmines. Its landmine legislation is now viewed as a model by international standards. This is reflected, for example, in its clarity on what is, and what is not, allowed during joint operations with states not party to the MBT and in relation to the definition of anti-personnel mine used in its domestic legislation. South Africa will not participate in combined operations with any force that uses anti-personnel mines and its definition of an anti-personnel mine makes any victim-activated munitions an anti-personnel mine.

Some progress has been made towards enhancing the capacity of the law enforcement agencies to deal with issues of SALW. This has taken place at national, bilateral or multilateral levels. The West African region has made significant progress in terms organising joint capacity-building

programmes under the rubric of ECOWAS. In the Great Lakes and Horn of Africa, training curricula for the law enforcement agencies have been developed through an interactive process of several stakeholders. It is hoped that once operationalised it will facilitate joint training programmes at a regional level. In Southern Africa, South Africa has been instrumental in facilitating regional capacity-building programmes under SADC and through bilateral arrangements. Non-state actors such as the civil society organisations have also been organising targeted capacity-training workshops for law enforcement agencies.

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Four countries, Kenya, Nigeria, South Africa and Senegal, have all on occasion recovered weapons. Ethiopia, Uganda and Ghana have not.

Although no progress has been registered in concluding bilateral agreements on issues of small arms since the signing of the Bamako Declaration, a host of multilateral agreements have been signed. These agreements remain the basis for international co-operation on small arms.

Comparatively speaking, progress in strengthening regional and continental co-operation among customs and immigration officers is lower in Eastern Africa than in West and Southern Africa. The existence of more established security mechanisms in the latter regions has been instrumental in facilitating inter-agency co-operation. Also playing a facilitating role are the hegemonic tendencies of Nigeria and South Africa in their respective regions.

Overall, little progress has been made in strengthening regional and continental co-operation among customs and immigration officers between regions in Africa. From available information it is not possible to establish whether significant inter-regional co-operation is taking place, despite the fact that this is one of the commitments in the Bamako Declaration.

With respect to public awareness campaigns, significant progress has been recorded. A synergy between state and non-state actors has contributed immensely towards raising awareness on issues of small arms. This has been done through workshops, seminars, print and electronic

media, not to mention T-shirts, caps and stickers with messages against small arms. Ethiopia, Senegal, South Africa and Uganda are the only countries with programmes to raise awareness on the mine problem. Relevant government agencies in these countries with the support of donors are the driving force in this respect.

Remarkable progress has been registered in the implementation of the MBT. Five countries out of the seven have ratified the MBT while Ethiopia has signed and Nigeria acceded. Except for Ethiopia and Nigeria, the rest of the countries have submitted their initial transparency reports as required under Article 7. All seven countries voted for the 2002 UNGA Resolution 57/74 calling for the Universalisation and Implementation of the Mine Ban Treaty on 22 November 2002 and they also attended the Fourth meeting of State Parties. Among the reviewed countries, South Africa is the only country that has been a producer and exporter of landmines. Some of the countries, such as Kenya and South Africa, have destroyed their entire stock of anti-personnel mines two years ahead of their own set deadlines and continue to submit regular progress reports to the UN Secretary-General.

With the exception of parts of the Ziguichor region in Senegal and northern Uganda, landmines are not a major problem in other countries. South Africa, while it is not considered mine-affected, has had incidents, especially during the liberation struggle. The South African government is fully committed not only to banning the production of anti-personnel landmines on its soil and destroying all of its stockpile but also to providing affected countries with mine risk education, clearance of laid mines and victim assistance in Southern Africa.

Challenges and opportunities

Possible challenges confronting all the countries are institutional and operational weaknesses at both national and regional level. This is compounded by lack of sufficient resources and skills for implementation. This situation sometimes places an additional burden on some of the countries viewed by neighbours as being capable of assisting them in meeting their obligations.

However, enormous potential seems to reside in the emerging partnership between various security agencies, relevant government agencies and the broader civil society. Furthermore, the donor community is still interested in the agenda of small arms and light weapons

It can therefore be concluded that progress in implementing the Bamako Declaration and other related instruments on small arms and light weapons and the MBT by the seven countries has been mixed. While significant progress has been registered in some areas, performance in others is not encouraging. It is therefore fitting to conclude that the selected countries have been implementing selected commitments, albeit with varied success. This survey has validated their compliance, albeit with varying results, with the Bamako Declaration and the MBT/OAU/AU protocols on landmines.