



# Africa in arms

## Taking stock of efforts for improved arms control

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### Summary

The future of Africa's development is intrinsically linked to the continent's ability to take charge of its peace and security. The African Union (AU) Commission is best placed to lead this process. However, the organisation and its member states have continuously been challenged by the widespread and uncontrolled flow of arms and ammunition. The AU Commission and its affiliated sub-regional organisations have put into place a number of initiatives and mechanisms that align their efforts with global processes, but Africa is yet to fully enjoy the dividends of these measures. This paper reviews the achievements attained so far, explores some of the drivers of the demand for arms and identifies recommendations for bolstering existing efforts.

### Recommendations

To strengthen current efforts, the AU, regional economic communities (RECs) and regional mechanisms (RMs) should consider the following:

- **Strengthening stockpile management systems within member states.** This should include the construction of modern armouries and capacity building for relevant personnel.
- **Enforcing the implementation of arms embargoes,** in collaboration with the UN sanctions committees and embargo monitoring groups.
- **Addressing terrorism comprehensively.** Terrorism is increasingly becoming a major driver for illicit arms flows. There is an urgent need for the AU and its sub-regional organisations to coordinate efforts to eliminate this growing menace.
- **Regulating artisanal arms manufacturers.** These manufacturers should be supported in a framework that allows them to operate in a more formalised way. Failure to do this would exacerbate illicit arms proliferation and manufacturing.

This paper focuses on:



## Introduction

In Africa, the illicit flow of arms – defined as the illicit transfer of arms, their parts, accessories and ammunition within a territory or across international borders – occurs in a complex context of transnational organised crime. As well as fuelling armed conflict, illicitly acquired arms facilitate other forms of organised crime. Illegal arms trafficking is a multi-faceted phenomenon perpetrated by criminal syndicates that operate across regions and between countries, exploiting gaps in the regulatory systems, porous borders, communication weaknesses and lax laws, to conduct their trade.<sup>1</sup>

In this respect, it is like other forms of transnational organised crime seen in similar environments, including drug trafficking and human trafficking; illegal mining; illegal fishing and wildlife trades;<sup>2</sup> and oil theft.<sup>3</sup> The interlinkages between regulated (formal) trade and informal trade, which is widespread in Africa, mean criminals can easily conceal their activities within informal practices.

Although not all informal trade is illicit, the resulting grey area between formal and informal trade adds to the complexity of tackling all forms of trafficking, not least arms trafficking, on the continent.<sup>4</sup> Even when they don't occur in tandem, arms trafficking abets most other forms of transnational organised crime (TOC). For instance, in the case of illegal organ trade, criminals use illicitly acquired arms for the protection and facilitation of their nefarious acts.<sup>5</sup>

The United Nations (UN) and organisations such as the African Union (AU) have for years sought to address the problem of arms trafficking. In particular, the AU and its subregional organisations have devised a number of measures aimed at combating illicit arms flows. These form part of and serve to bolster various international and subregional initiatives. These measures are concrete steps to help reduce the impact of uncontrolled arms flows on developing countries.<sup>6</sup>

This paper examines the current challenges posed by illicit arms flows in Africa, together with efforts made by the UN through its Sustainable Development Goals (SDGs) to eradicate the problem. It then looks at how the AU and the regional economic communities (RECs) and regional mechanisms (RMs) are contributing to the alleviation of the widespread effects of illicit arms flows through their engagement in global arms-control initiatives.

The paper contends that the AU, RECs and RMs, despite their institutional challenges, remain the custodians of the mandate to mobilise continental efforts to control illicit arms flows. This is especially so because of the policy contribution that these organisations are making towards limiting illicit arms flows. The paper goes further to analyse some of the contemporary trends in illicit flows of arms in Africa, and concludes with recommendations on how to mitigate the identified challenges.

## Sustainable Development Goals and illicit arms flows

When adopting the Sustainable Development Goals in 2015, the UN underscored the importance of stamping out illicit flows, among them illicit arms flows. This approach was very much in line with the 2013 Solemn Declaration by the Heads of State and Government of the AU, which developed a roadmap for ending the illicit arms trade in Africa by 2020 – popularly referred to as 'Silencing the Guns' or 'Vision 2020'.<sup>7</sup> These policies are at the centre of today's focus on arms control.

The AU, and its predecessor, the Organisation of African Unity (OAU), has made numerous efforts to tackle the illicit flow of arms and ammunition. In April 2013, the UN General Assembly adopted the Arms Trade Treaty (ATT), a multilateral instrument aimed at regulating the US\$70 billion-plus international trade in conventional weapons.<sup>8</sup> Initially, Africa showed overwhelming support for the ATT, and only three African states abstained from the vote.<sup>9</sup>

Other recent developments show further determination to 'silence the guns': the solemn declaration (referred to above) made at the 50th anniversary of the AU in 2013 being one of these initiatives.<sup>10</sup> The declaration, also known as Agenda 2063, provides a strategic framework for Africa's socio-economic transformation over the next 50 years.<sup>11</sup> It commits the heads of state and government not prevent the burden of conflict from being passed on to future generations; and to end all conflict on the continent by 2020. Specifically, the heads of African states committed themselves to:

- Addressing the root causes of conflict
- Ending impunity
- Ensuring accountability and upholding justice
- Addressing emerging sources of conflict, such as transnational organised crime and terrorism
- Pushing forward the agenda of conflict prevention and post-conflict reconstruction and development

- Ensuring enforcement of, and compliance with, agreements to end hostilities
- Ensuring the implementation of arms-control agreements, including those on conventional weapons<sup>12</sup>

From this declaration evolved the AU Master Roadmap of Practical Steps to Silence the Guns in Africa by year 2020, also known as the Lusaka Master Roadmap of 2016 (and popularly referred to as 'Silencing the Guns').<sup>13</sup>

This initiative reinforces the global concern surrounding arms control, aligning the continent with the essence of goal 16, target 4 of the 2030 Agenda for Sustainable Development Goals, which were adopted at the UN summit in 2015.<sup>14</sup> The target is for the UN member states to significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime by 2030.<sup>15</sup>

The AU has worked steadily towards fulfilling this vision. In 2017, it introduced an African Union Amnesty Month,<sup>16</sup> during which civilians are encouraged to voluntarily surrender illegally owned weapons without being subjected to arrest or prosecution (and other consequences).

However, the challenge posed by the illicit circulation and proliferation of small arms and light weapons (SALW) in Africa is a complex one, and merely declaring an amnesty month is not enough to address it. Additional steps are outlined in the Master Roadmap (see figure 3), which gives effect to the practical implementation of Vision 2020.

According to timelines agreed upon in the Master Roadmap, between 2017 and 2020 the AU and its RECs and RMs will endeavour to stop suppliers and recipients from promoting and sustaining illicit business in arms. They intend to achieve this by promoting the signing, ratification and implementation of regional, continental and international instruments on illicit weapons.

As a further deterrent, these organisations plan to publicly 'name and shame' suppliers and recipients of illicit arms, including at their summits. This strategy is in line with a policy advocated by Kofi Annan during his tenure as UN Secretary-General. The strategy is based on the belief that publicly identifying international arms merchants is the single most important tool in combating the problem of arms trafficking.<sup>17</sup> If applied, the policy would serve not only to deter illegal arms

brokering, but also to help expose the proponents of this criminal trade.

The AU also aims to establish inquiry groups that will investigate cases of illicit arms transfers in member states. These would look at the countries of origin and transit, and the destination of shipments, identifying facilitators, modes of transport, payment and storage methods, and uses of illicit arms reaching Africa.<sup>18</sup> These are additional ways in which the AU would support the implementation of UN arms embargoes on the continent.

The Master Roadmap is comprehensive, and one of the most pragmatic recent tools among the AU's arms-control initiatives. It also revitalises the role of the AU as the key continental coordinator of the efforts undertaken by RECs and RMs to tackle the menace of illicit arms circulation.

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There is no doubt, however, that it is an ambitious endeavour to silence the guns that have for decades circulated illicitly across the continent by 2020. Through this intervention, the AU has shown that there is an urgent need to tackle the problem, and the Master Roadmap guidelines stipulate that between 2017 and 2020, the AU should produce clear and effective directives to member states on how to achieve this.

The demand for arms is driven largely by armed conflict, which, in turn, stifles development – not only by disrupting people's daily lives, but also because governments divert resources from other priority areas, such as food security, health and education, to fund wars.

So far, African countries have responded positively, at least at the policy level, to various global instruments aimed at controlling the proliferation of SALW on the continent. Many of the subregional organisations and agencies have ratified, acceded to and domesticated these instruments – and that is commendable.

As the analysis below shows, Africa already has many arms-control instruments in various stages of adoption and domestication. But there is one major challenge: the efforts invested have not yet yielded tangible results in terms of reducing armed conflicts, which are the main drivers of the demand for arms and ammunition, whether licit or illicit, on the continent.

## Tracing the AU's measures to control proliferation

As noted above, the AU, RECs and RMs have invested – at least at the policy level – in several initiatives to mitigate arms trafficking on the continent.

To begin with, the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, adopted by the OAU in 2000, was one of the first binding instruments on arms control at the continental level. The declaration is also a forerunner of many initiatives introduced by the UN. The declaration articulates a common understanding by all AU/OAU member states of the need to combat the problem – as was also noted during the Continental Conference of African Governmental Experts on the Illicit Trade in Small Arms and Light Weapons in 2005.<sup>19</sup>

Africa's subregional organisations are built around the issue of peace and security. Arms control is therefore a common rallying theme

When the UN adopted the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA)<sup>20</sup> in 2001, again, African countries were at the forefront, having initiated the Bamako Declaration the previous year.

At Africa's subregional level, the need to combat illicit arms flows had been identified before the Bamako convention. For instance, back in 1998 the Economic Community of West African States (ECOWAS) agreed on the Moratorium on the Importation, Exportation

and Manufacture of Small Arms and Light Weapons in West Africa.<sup>21</sup>

In 2006 the moratorium was transformed into the ECOWAS Convention on Small Arms and Light Weapons, Ammunition and Other Related Materials,<sup>22</sup> and became legally binding. The convention was in line with developments brought about by the UNPoA and other global instruments, which intensified the debate on the need for countries to tighten controls on the arms trade.

Around the same time, other African subregions were also adopting a stronger position. In East Africa for instance, member states of the East African Community (EAC) transformed the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons, established in 2000, into the Nairobi Protocol for the Prevention of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (known as the Nairobi Protocol) in 2004. The protocol entered into force a year later.<sup>23</sup>

Similarly, the 2001 Southern African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and Other Materials entered into force in 2004.<sup>24</sup> In the same vein, the member states of the Economic Community of Central African States (ECCAS) welcomed the entry into force, in March 2017, of the Central African Convention for the Control of Small Arms, Light Weapons, Related Ammunition, Components, Other Parts (also known as the Kinshasa Convention).<sup>25</sup>

As a way of implementing the UNPoA, countries in Africa have established implementation structures in the form of National Focal Points or National Committees, whose function is to coordinate national initiatives on SALW. National Focal Points (also referred to as NFPs) and National Commissions (also referred to as NatComs) are composed of various government ministries and departments, including the police and the military. These are headed by national points of contact – individuals in charge of NAPs and NatComs.

The RECs and RMs task their member states with developing their own National Action Plans (NAPs), which serve as a roadmap of how the country will implement arms-control instruments and processes.

The AU member states' NFPs or NatComs have been engaged in implementing processes such as disarmament, arms destruction, public campaigns and marking government-owned stockpiles. This strong institutional presence of bodies across the continent

that are coordinating arms-control initiatives shows the commitment of African states to the course of peace.

Likewise, Africa's subregional organisations are built around the issue of peace and security. Arms control is therefore a common rallying theme. This means that many global initiatives on peace and security have been well received by African countries. For instance, a number of review conferences that followed the adoption of the UNPoA, and which led to the development of the International Tracing Instrument (ITI) in 2005<sup>26</sup> and recommendations in other areas, such as arms brokering, easily found their way in Africa's arms control instruments.<sup>27</sup>

The ITI enables countries to trace illicit SALW in a timely and reliable manner, while the brokering instrument helps to deter illicit brokers from engaging in the illegal transfer of arms. These initiatives have resonated well with the aims of Africa's subregional instruments.

No sooner had the UN Security Council (UNSC) adopted the ITI than Africa's subregions embarked on domesticating it. The principles of the ITI and its translation into domestic policy enable states to systematically track illicit SALW that are found or seized within their national jurisdictions, back to the weapon's point of manufacture or importation. The process of tracing allows state authorities to identify at which point along a weapon's supply chain the weapon became illicit (i.e the grey area).

This is therefore a key tool for African countries that are challenged by armed non-state actors carrying illicitly procured arms within and across national borders. In an effort to implement the ITI, the National Focal Points and National Commissions have been marking arms in government stocks. Notable examples of these efforts can be seen in various regions across Africa (see the case study below).

### Case study: examples of Africa's regional progress on arms control

In East Africa and the Horn, The Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA) coordinates regional efforts to address the proliferation of illicit SALW. Established in 2005, RECSA is an intergovernmental organisation composed of 15 member states. It is mandated to build the capacity of the member states and monitor the implementation of the Nairobi Protocol.<sup>28</sup>

As part of its implementation framework, RECSA developed best-practice guidelines on the implementation of the Nairobi Protocol on SALW. It emphasises the marking and tracing of weapons, as required in the ITI. The guidelines provide elaborate ways in which countries could achieve this, including by combating illicit arms brokering.<sup>29</sup>

Similarly, the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) established the Regional Coordinating Committee (RCC) in 2007 to spearhead the implementation of the SADC Firearms Protocol. The committee has undertaken extensive marking of SALW in member states and raised awareness of arms brokering.<sup>30</sup>

Article 18 of the ECOWAS Convention<sup>31</sup> calls upon the member states to mark and maintain a database of arms in government stockpiles, an activity that most of the REC's 15 member states have been implementing.

Meanwhile, in Central Africa, the Central African Convention for the Control of Small Arms and Light Weapons<sup>32</sup> entered into force in March 2017. Article 14 of this convention contains provisions on marking and tracing weapons.<sup>33</sup>

In North Africa and the Sahel region, efforts have also been gaining momentum. The UN Regional Centre for Peace and Disarmament (UNREC) has identified that undocumented arms and ammunition threaten the safety and security of communities, and that transnational criminal networks, including terrorists, violent extremists, rebel groups and other non-state actors, often have easy access to these arms in the region, which they use in crimes such as terrorism, human trafficking and drug trafficking.<sup>34</sup>

In response, the UN, AU and ECOWAS have combined efforts with the support of international partners, in search of long-term intervention measures in the Sahel. A major concern has been how to better secure stockpiles of arms to stop their diversion into the illicit market.

Through UNREC, the region has embarked on implementing measures on physical security and stockpile management, with financial support from the European Union and the UN Office for Disarmament Affairs. The project, which focuses on strengthening regional security, supports six countries in the Sahel: Burkina Faso, Chad, Mali, Mauritania, Niger and Nigeria.<sup>35</sup>

Figure 1: Sub-regional arms control initiatives in Africa



# ARMS CONTROL

## Africa's regional progress

The five regions of Africa have committed – at least at the policy level – to a range of initiatives to fight arms trafficking. Here are the key instruments:

### NORTH AFRICA

**Regional instrument:** Physical Security and Stockpile Management (PSSM)

**Key fact:** UN REC-project that supports six countries in the Sahel, focused on strengthening regional security

**Entered into force:** June 2015

### WEST AFRICA

**Regional instrument:** ECOWAS Convention on SALW, their Ammunition and Other Related Materials

**Key fact:** Calls on member states to make and maintain databases of arms in government stockpiles

**Entered into force:** June 2006

### CENTRAL AFRICA

**Regional instrument:** Central African Convention for the Control of SALW, their Ammunition and all Parts and Components that can be used for their Manufacture, Repair and Assembly

**Key fact:** Is focused on reducing the proliferation of SALW

**Entered into force:** March 2017

### EAST AFRICA

**Regional instrument:** The Nairobi Protocol for the Prevention, Control and Reduction of SALW in the Great Lakes Region and the Horn of Africa (Nairobi Protocol)

**Key fact:** Has developed best practices on marking and recordkeeping on SALW through the Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA)

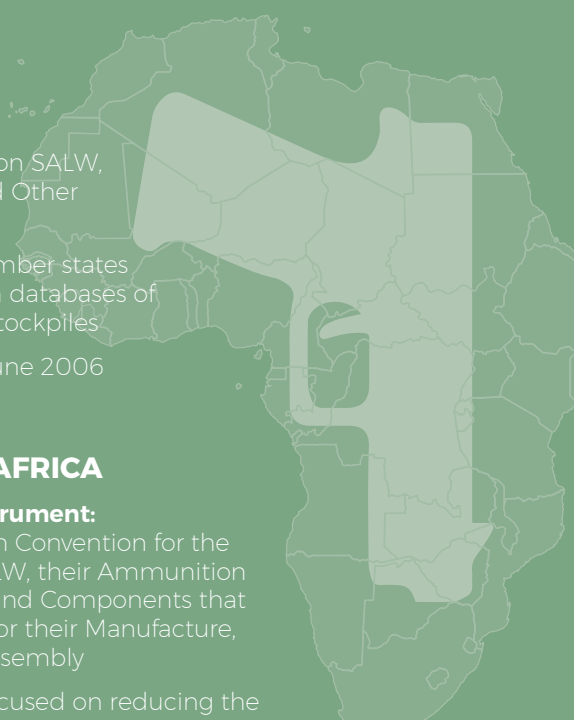
**Entered into force:** May 2005

### SOUTHERN AFRICA

**Regional instrument:** Southern African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and Other Materials (SADC Firearms Protocol)

**Key fact:** Has undertaken extensive marking of SALW through the Regional Coordinating Committee (RCC) of the Southern African Police Chiefs Co-operating Organisation (SARPCCO)

**Entered into force:** November 2004



Source: [www.enact.africa](http://www.enact.africa)

As can be seen, therefore, there is sufficient evidence on commitments shown by African regions to address illicit arms flows. The UN, in its 2007 report by the Group of Governmental Experts on Illicit Brokering in SALW, recognised Africa's regional efforts in adhering to the principles of arms marking and combating brokering as among the fundamental approaches to controlling illicit arms flows.<sup>36</sup>

Nevertheless, despite the progress made across Africa, the continent still faces considerable challenges, many of which emerge from the ever-present drivers of conflict.

## Conflict as a factor creating demand for arms

Despite the efforts mentioned above, armed violence and the illicit flows of arms and ammunition continue to be of great concern. According to a report by the Stockholm International Peace Research Institute (SIPRI), the volume of international transfers of major weapons in the period 2012 to 2016 was 8.4% higher than in 2007 to 2011, making it the highest figure for any five-year period since 1990.<sup>37</sup>

The report indicates that whereas the flow of arms to Asia, Oceania and the Middle East increased between the same periods, there was a decrease in the flow to Europe, the Americas and Africa (with the exception of Egypt, which was included in the totals for the Middle East, and not Africa). According to the report, in 2016

military spending in Africa was US\$37.9 billion, which was 1.3% lower than in 2015. This comes after 12 years of continuous increase in arms imports into Africa. Comparatively, in spite of this general decrease, African military spending remained 48% higher than it was 10 years ago (i.e. in 2007).<sup>38</sup>

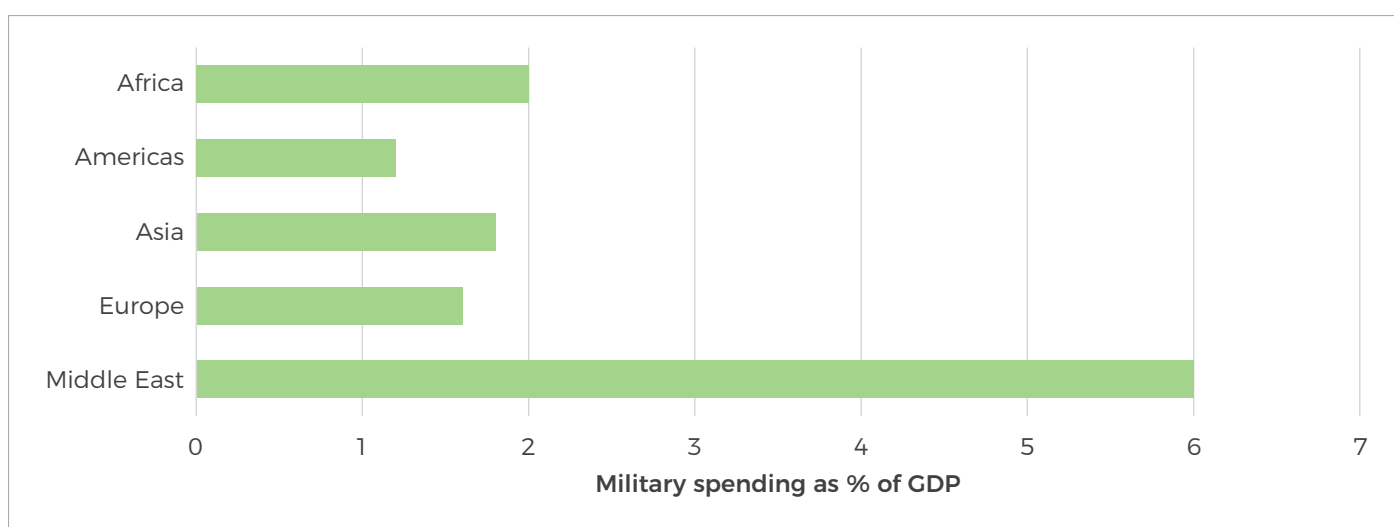
Although the decrease in arms imports by African countries in 2016 is a positive move, it does not seem to translate into either a reduction in levels of armed conflict on the continent, or a reduction in illicit arms proliferation within Africa.

So, why do illicit arms continue to circulate in Africa despite the plethora of institutional instruments designed to control them? The challenge lies in detecting and suppressing illicit transfers and the diversion of legally imported arms into illicit circulation.

## Armed violence and the illicit flows of arms and ammunition continue to be of great concern

As Figure 2 shows, Africa, a continent with comparatively less capacity for arms production, was ranked second globally in terms of military expenditure as a percentage of gross domestic product (GDP). This is in contrast to the smaller GDP ratio on arms imports spent by major arms producers the Americas, Asia and Europe.

**Figure 2: Global military spending, 2016**



Source: Adapted from SIPRI data, <http://visuals.sipri.org/>

These statistics point to Africa and the Middle East as net consumers of arms. One of the drivers of this demand is armed conflict. In view of the impact that arms purchases have on the continent's GDP, it is reasonable to conclude that resources that could have lifted Africa out of poverty are spent on arms purchases instead.

Africa's case can be contrasted with that of countries that have negligible budgets for the military. According to the 2016 Happy Planet Index,<sup>39</sup> Costa Rica – a country that abolished its state army in 1948 following a civil war, was the highest-ranking country. The savings accrued from the diversion of military spending has funded advances in environment, education and health. The Index finds that Costa Ricans enjoy high standards of living, are reportedly the 'happiest people in the world' and share one of the 'world's safest borders' with its demilitarised neighbour, Panama.<sup>40</sup>

## Resources that could have lifted Africa out of poverty are spent on arms purchases instead

According to Jeremy Williams, in this age of austerity and troubled government expenditure, one of the great opportunities for cost savings is in military expenditure. He argues that in 2010, about 2.6% of the world's GDP was spent on the military.<sup>41</sup>

Williams further makes the point that preventing climate change would cost 1% of the global GDP. The Millennium Development Goals (now SDGs) would have required only 0.7% of the developed countries' income to be implemented. With this analogy, he concludes that the world could have ended poverty, halted climate change and still have plenty left over by redirecting the 2.6% of global GDP of military expenditure in 2010.

Whereas it may sound ambitious for African countries to emulate Costa Rica, what is realistic (at least at present) is for African countries to harness their resources optimally, and fully utilise them on improving the wellbeing of their citizens. The AU and its regional structures should be more innovative in the search for locally initiated approaches to controlling the demand for arms, including shutting down the channels through which illicit transfers take place.

Other researchers such as Paul Williams<sup>42</sup> call for a closer look at the nature of conflicts in Africa, arguing that whereas most active conflicts in Africa involve the use of arms, these conflicts are not of the same nature, nor do they merit similar approaches. Williams identifies two categories of conflicts that swell the demand for arms on the continent.

The first are those kinds of conflict based on regime survival, international politics, or 'realpolitik.' These are typically regime-change conflicts that sometimes pit a rebel movement against a ruling regime that is perceived to be bent on rent-seeking rather than providing societal welfare.

Then there are conflicts that involve non-state actors, sometimes organised in the form of clan or ethnic groups. Such groups also have the potential to transform into rebellions with an environmental or natural-resource focus. Examples here are the rebel activities in the eastern Democratic Republic of the Congo (DRC) and the endemic cattle rustling in the Horn of Africa and the East African regions.

Williams's categorisation is helpful, in that it enables policymakers to seek targeted responses to the challenges that he highlights. However, there is a need to add a third category of conflict – violent extremism.<sup>43</sup> The growing number of terrorist attacks in Africa is cause for concern, as this phenomenon contributes to other trends in illicit arms transfers, as discussed below.

## Extent and effects of illicit arms transfers

The illicit trade in arms is viewed as an activity that contravenes the laws of states and/or international law.<sup>44</sup> Most of the arms-control instruments discussed above, and to which many African countries are bound, prohibit illicit arms transfers and illicit flows are seen as a breach of international law or of the laws of the exporting, transit and/or importing states – or a combination of these laws.<sup>45</sup>

Armed conflict remains one of the main drivers of the demand for arms in Africa and armed non-state actors pose increasing challenges to state security. Global arms sales to the developing world totalled US\$28 billion – equivalent to 60% of declared arms deliveries worldwide in 2012. It was the record highest value of arms sold to the developing world since 2004.<sup>46</sup> It is also estimated



that Africa loses over US\$18 billion every year because of armed violence.<sup>47</sup>

So, while the number of battle fatalities may have decreased in general terms, armed conflicts in sub-Saharan Africa – particularly in South Sudan, Somalia and the Central African Republic – have become lengthy and interminable. This has led to deaths from disease and malnutrition, the intractable displacement of large numbers of people and destruction of property.<sup>48</sup> New generations are born and raised in a state of war, devoid of education, security and skills. This marks a stark reversal of the objectives of human growth and development for Africa.

Frustrated by the incessant suffering brought about by armed conflict on the continent, some of Africa's partners have gone as far as to suggest that weaponry should form part of development aid, so African countries could become more effective in combating militant groups.<sup>49</sup> Is this worth exploring, or should other alternatives be prioritised? Several counter-arguments have been explored, including the need to develop the capacity of the African youth instead, who, because of poverty, are often the main targets of recruitment by extremist groups. This, it is argued, would help transform the youth, who are Africa's 'demographic assets' into 'demographic dividends'. It is an interesting debate that calls for the engagement of all parties, but one that lies outside the scope of this paper.

Despite the many ongoing initiatives, armed conflict in Africa has not abated, and neither has the illicit flow of arms. What, then, are the sources of these illicit arms flows in Africa?

## Sources of illicit arms transfers in Africa

Most arms start their life as legal products manufactured for legitimate distribution. Looking at how arms enter the illicit market provides us with an idea of how 'the rain started beating Africa' – in other words, it provides an indication of where the grey areas are that lead to illicit diversion of arms.

The illicit arms market involves various actors, ranging from the manufacturer to the end user, and includes illicit brokers, who conceal their acts within a highly complex transnational organised criminal network.<sup>50</sup> The clandestine nature of arms trafficking makes it inherently difficult for anyone outside of these networks

to discern the actors involved: it is far easier to see the effects of trafficking than identify traffickers and illicit brokers.

## It is far easier to see the effects of trafficking than identify traffickers and illicit brokers

In Africa, the illicit arms market is fed by various sources – diversion of weapons from government stockpiles (i.e. legitimate stocks), from battlefields and from international sources acting in complicity with internal actors.

### Diversion from legitimate (government) stockpiles

Licit stocks are one of the main sources of illicit arms flows in Africa. In fact, most illegally circulated weapons were manufactured legally. Diversion refers to the entry into the illicit market, or the unauthorised use or re-export of arms or ammunition without the consent of the legitimate owner or original exporting state.<sup>51</sup>

In Africa, diversion occurs in several ways. One is when armed militias or rebels overrun government forces and raid government arsenals, or when rogue soldiers trade arms with rebels in return for payment. This is most rampant in cases where government forces are underpaid.

Diversions also occur in peacekeeping missions. In 2014, the Small Arms Survey, an independent research organisation, undertook a review of 11 peace missions deployed in Sudan and South Sudan by the AU and the UN over a period of 12 years, from 2002. Within this period, it was estimated that there were at least 22 incidents in which peacekeeping troops lost arms and ammunition. In almost half of the cases, the scale of the loss was put at 50 to 99 firearms or between 2 500 and 4 999 rounds of ammunition.<sup>52</sup>

### Battlefield losses

State-owned arms can also leak into illicit circulation through corrupt sales, theft or surrender to an enemy. A typical example is the case of the DRC. At the height of the March 23 Movement (known as M23) rebellion in

the eastern DRC, President Joseph Kabila dismissed his commander of the land forces, General Gabriel Amisi Kumba, over accusations that he had been involved in an arms-trafficking network that supplied arms and ammunition to rebel groups.<sup>53</sup> The diversion of weapons was cited as a main cause of the M23 rebels' victory over government forces in November 2012.<sup>54</sup> The rebels overran Goma with the help of the diverted arms and ammunition. After entering Goma, they looted government armouries.<sup>55</sup>

## Complicity of international sources and internal actors

It is very difficult in Africa to find recent cases where arms dealers have been prosecuted successfully. Even in situations where arms and/or ammunition have been detected in suspicious circumstances, the case often fizzles out as quickly as it surfaces. In most instances, authorities do not undertake investigations that would lead to prosecution.

## It is very difficult in Africa to find recent cases where arms dealers have been prosecuted successfully

For instance, in 2013 Conflict Armament Research, a UK-based NGO that monitors the movement of arms globally, released a report that identified 10 cases of ammunition circulation in illicit markets. The report pointed out that the ammunition had been traced to nine countries – Côte d'Ivoire, the DRC, Guinea, Kenya, Niger, Nigeria, South Sudan, Sudan and Uganda.<sup>56</sup> Yet none of these countries interrogated the findings. Indeed, it is rare to see instances where states try to validate such research findings, and follow through by investigating such cases with the aim of prosecuting perpetrators.

Informal discussions with senior policymakers, experts and academics within the AU, the RECs, and research and training organisations suggest that the sensitivity of arms-related matters make most African countries reluctant to disclose acts of arms trafficking within their territories, as it would be shameful for a country to acknowledge that such activities were taking place in their territory.<sup>57</sup>

There are several reasons for this. First is fear of the negative image that could accompany such disclosure, especially within the community of nations. Secondly, to move large consignments of arms, whether licit or illicit, there is a need for an elaborate and efficient network or supply chain of interconnected actors. This often involves government authorities, influential politicians and high-profile business actors. The 2004 case of Mark Thatcher and his South African accomplice and arms dealer, Nick du Toit, and others illustrates this point.<sup>58</sup> This exceptional case of an attempted coup by mercenaries would have evaded detection had the flight carrying the coup plotters not stopped in Harare en route to Equatorial Guinea.<sup>59</sup>

Another case took place in 2008. In the run-up to the general elections in Zimbabwe, when a Chinese vessel, the *An Yue Jiang*, attempted to deliver a cargo of 77 tonnes of arms and ammunition – including bullets, mortar bombs, grenades and assault rifles. Destined for Zimbabwe, the shipment was to arrive at the Durban Port, from where it would be transported by land to Zimbabwe. This was after Russia and China vetoed a UN Security Council resolution on Zimbabwe in July 2008.<sup>60</sup> The resolution would have imposed an arms embargo on Zimbabwe.

Suspecting that the arms would be used in human-rights abuses, civil society in South Africa and the SADC region raised the alarm and dubbed the vessel the 'ship of shame'.<sup>61</sup> A court ruling rescinded the initial transfer authorisation. At the same time, the neighbouring states of Mozambique, Namibia and Angola are said to have refused the ship permission to dock.<sup>62</sup> It still remains unclear, however, whether the arms eventually reached Zimbabwe or not.

Similarly, in December 2014 a cargo aircraft, suspected to have originated from Russia carrying arms, bulletproof vests and a helicopter, landed at Aminu Kano Airport in Kano, Nigeria, after developing mechanical problems. The plane was on its way to Chad. Russia instantly denied ownership of the aircraft.<sup>63</sup>

Then there is the infamous case of the Russian arms dealer, Viktor Bout. Misol refers to Bout's willingness to work with Charles Taylor during Sierra Leone's civil war:

All Taylor needed were regional allies such as Burkina Faso willing to provide false cover for weapons deliveries, arms suppliers such as Ukraine willing to sell weapons with no questions asked, and the vast networks provided by private traffickers such as Victor

Bout to acquire and move the goods from Point A to Point B, falsifying the paperwork along the way. ... But in spite of about a dozen U.N. investigative reports on violations of arms embargoes imposed on gross abusers – in Angola, Liberia, Rwanda, Sierra Leone, and Somalia – not one of the persons named in the reports has been convicted in national courts for having breached these embargoes and thus having facilitated horrific abuses.<sup>64</sup>

The ways in which Taylor and his accomplices such as Bout transferred arms illustrate the circuitous ways in which arms traffickers endeavour to conceal their acts. This involves the use of several countries, middlemen and front organisations.

Rothe and Ross posit that many African governments or, at the very least, state institutions, such as intelligence and defence agencies, also play a significant role in the sales of arms in the grey and black markets. They argue that state involvement in illicit arms trafficking takes on many forms, along a continuum from implicit to complicit involvement.<sup>65</sup>

Regardless of the role of international actors, however, it is African leaders who must carry the bulk of the responsibility when it comes to making committed efforts to thwart arms trafficking in their own territories. This includes public disclosure and prosecution of the culprits. In many instances, the protracted denials and endless investigations that ensue following suspicious incidents of arms trafficking make the entire process opaque. Eventually, the public loses interest and cases fade into oblivion.

## Artisanal arms

Artisanal arms (also referred to as craft arms), usually produced by blacksmiths, are found predominantly in a number of countries in the ECOWAS region.<sup>66</sup> Chapter three of the ECOWAS Convention calls on:

...each Member State [to] regulate the activities of local small arms and light weapon manufacturers and [...] undertake to adopt strategies and policies to the reduction and/or limitation of the manufacture of small arms and light weapons so as to control the local manufacture as well as their marketing in [the] ECOWAS region.<sup>67</sup>

Of all the five African regional communities, ECOWAS, through its convention, is the most comprehensive in

terms of addressing the issue of craft arms production – as a response to the growing number of local artisanal producers in the region. The ECOWAS Convention calls on member states to maintain an exhaustive list of local manufacturers and record them in the national arms registers.

The artisanal arms smith's skills are not acquired formally, but are passed down genealogical lines.<sup>68</sup> Despite being a hereditary skill that has been preserved in some families, artisanal arms manufacturing poses challenges similar to industrially manufactured arms, not least because they exact the same menace. There have been cases where manufacturers of artisanal arms have been arrested for violating national laws. In Ghana, for instance, cases have been cited where artisanal weapons have found their way into local markets, showing how easily such arms can enter into illicit circulation.<sup>69</sup>

## Other sources of illicit arms

Incidents of illicit arms flows continue to be recorded across the continent, in defiance of the AU and regional measures that are in place to prevent them. With greater transparency (which could be achieved by better sharing of information within the continent) and by implementing measures such as UN arms embargoes, it may well become much easier to detect and disrupt illicit arms flows than was the case during the Cold War era, when global cooperation was limited. Indeed, a number of recent cases suggest this may be so.

A case study on Sudan is an example of where greater transparency and adherence to mechanisms is called for. Although the Sudanese Air Force stockpiles have remained relatively secure from abuse and contamination, things have changed in recent years. According to Conflict Armament Research, the air force arsenal has seen several recent additions, including commercially available Chinese unmanned aerial vehicles, or drones, a T-85 main battle tank and a Chinese-manufactured anti-materiel rifle.<sup>70</sup>

In addition to the above, UN panels of experts have reported the use of Sudanese aircraft in Darfur in contravention of the existing weapons embargo, as well as the use of these aircraft to transport weapons to entities under UN arms embargo. These cases clearly contribute to the illicit weapons flow across northern and central Africa.<sup>71</sup>

Similarly, there is an outflow from both Ivorian and Malian state stockpiles. Weapons that most likely originate from Ivorian stockpiles have been seized and documented as far as the Central African Republic.<sup>72</sup> Sudan features prominently in illicit weapons transfer research, with Sudanese-manufactured mortars and ammunition documented in Côte d'Ivoire, the DRC and the Central African Republic.

Chinese ammunition, repackaged in Sudan, has been discovered in Libya.<sup>73</sup> Although the complete chain of custody of the weapons is yet to be uncovered, it is clear that a large quantity of weapons is trafficked across North, East and central Africa from Sudan.<sup>74</sup> Newly manufactured Sudanese military materiel has been seized from non-state armed groups in South Sudan, the Central African Republic, Côte d'Ivoire, Libya, Mali and Niger.<sup>75</sup>

## The number of access points and transport methods mean that states will have to develop sophisticated countermeasures

In 2016 the Italian Anti-Mafia District Directorate coordinated an investigation of transnational organised arms-trafficking syndicates that involve Italian and Egyptian networks. The investigations were initiated following the seizure in June 2015 of a parcel containing firearms and ammunition. The investigation identified suspects and pointed to the involvement of Egyptian organised-crime networks that operate migrant-smuggling activities.<sup>76</sup>

A study on firearms by the UN Office on Drugs and Crime (UNODC), published in 2015, provides details of the intricacies relating to transnational organised criminal networks that interweave Africa and the other parts of the world. The study confirms the existence of smuggling routes between Europe and Africa facilitating the flow of illicit weapons.<sup>77</sup>

The same study revealed that in Burkina Faso, a landlocked country, all the illicit weapons that had been seized were transported by land. Ghana, Burkina Faso's neighbour, declared that most of its seizures of illicit weapons were transported by land, sea and air.<sup>78</sup> Ghana reported that some of the seized weapons were

destined for Nigeria by land, implying that Togo and Benin may have become unsuspecting transit countries, according to the study.<sup>79</sup>

Examining possible trading routes helps identify points of entry for illicit weapons in Africa, including Ghana and Côte d'Ivoire into West Africa;<sup>80</sup> Sudan into East Africa;<sup>81</sup> and Mali<sup>82</sup> into North Africa.<sup>83</sup>

The number of access points and transport methods mean that states will have to develop sophisticated countermeasures to the illicit arms trade. The spread of weapons indicates smuggling routes spanning several countries, and it shows the failure of weapons control processes in the transit countries.

## Factors abetting illicit arms flows

It is evident that the licit and illicit arms markets are separated by a very thin line. Several factors enable weapons to enter the illicit supply chain. To help prevent this, there is need for greater transparency at three critical points – the manufacturing, brokering and end-user (recipient) markets. Arms traffickers use various processes to abet illicit arms flows, outlined in the subsections below.

### Falsification of end-user certificates

There are no internationally agreed-upon standards or guidelines on the issuance of end-user certificates. Falsification can take three forms: forged documents; false, misleading or incomplete end-use information; and the unauthorised diversion of authorised shipments.<sup>84</sup>

At present there are no conventional standards on the information that an end-user certificate should contain, or whether it's the prerogative of the manufacturing state to issue certificates or whether the manufacturers or dealerships should issue such certificates. Because the arms industry supply chain, as well as defence and security manufacturing agencies, and security agencies interact in a complex web of business relations with non-governmental actors, brokers and private transport agents, it is increasingly difficult to monitor, assess and authenticate end-user certificates and import/export licences. Such documents are therefore easily falsified or reused.

A number of best practices have been developed to streamline arms transfer documents. However, many countries continue to produce government-issued end-

user certificates that lack many of the core elements needed to ensure effective monitoring and assessment. This leads to many cases of suspicious transfers of arms and ammunition. For example, some of the cases identified in a study by the Stockholm International Peace Research Institute (SIPRI) involve suspicious end-user certificates relating to arms transfers to Equatorial Guinea and Chad.<sup>85</sup>

## Exploiting the grey market

This process involves one of four techniques: disguising the real owner by use of fraudulent documents; disguising the military nature of the goods through fraudulent documents; falsifying declarations of the supply company to conceal its true identity; and disguising arms as 'humanitarian aid'.<sup>86</sup>

Smaller weapons and ammunition can be smuggled in briefcases and cargo containers. However, when it comes to smuggling battle tanks, fighter jets and other heavy weaponry, the grey market becomes instrumental.

## Traffickers often disguise such transactions within a supply chain dominated and controlled by large, legitimate companies

According to Potter et al,<sup>87</sup> syndicates exploit the grey market by disguising themselves as 'employees' of legitimate corporations, or by fronting entities that pass themselves off as those corporations. This way, they are able to make grey-market transactions using a false flag. This is why traffickers often disguise such transactions within a supply chain dominated and controlled by large, legitimate companies to move large quantities of arms. These companies provide both the cover and the means to make the transfers. The trafficking networks use legitimate export-licensing processes in the same way that a 'legitimate' arms-brokering company would do.

In addition to these technical and industry-based practices, there are local and geopolitical factors that also facilitate illicit flows of arms and ammunition. These include the porosity of international borders and lack of control over trans-shipments.

## Porosity of borders

Certain international borders in Africa pose a considerable challenge to law enforcement. These borders are often ungoverned spaces prone to corruption, conflict and political instability. Weak state capacity makes it difficult to monitor things like the cross-border proliferation of arms, which occurs insidiously.

Armed groups and militias cross borders easily in conflict zones, as do shipments of arms and ammunition, which follow the same trail. Smugglers also exploit irregular sea routes in an effort to conceal the transportation of weapons, as this is difficult for security forces to detect. Terrorist and violent extremist groups, such as Boko Haram and al-Shabaab, also operate across borders using irregular routes and taking advantage of poorly secured border points to smuggle weapons.<sup>88</sup>

## Trans-shipment

At present, there are no internationally agreed-upon standards that govern the transiting and trans-shipment of arms and ammunition. States are deterred from imposing rigorous controls for fear of harming legitimate trade. This is one area where the Arms Trade Treaty (ATT), which entered into force in 2014, could play a major role. Article 7 of the ATT stipulates in paragraph 6 that when exporting conventional arms:

Each exporting State Party shall make available appropriate information about the authorization in question, upon request, to the importing State Party and to the transit or trans-shipment States Parties, subject to its national laws, practices or policies.<sup>89</sup>

By calling upon states parties to clearly outline the key elements of transit and trans-shipment controls that countries ought to have in place, the ATT could help to level the playing field between potential transit countries, and improve control factors. This would also help to show that the ATT is relevant for all states interested in preventing illicit and destabilising arms transfers, and not just for major arms exporters.

## Mitigation

Various arguments have been put forward on how best to tackle illicit arms flows. According to Baker, less attention should be paid to the perpetrators, and more given to the proceeds of the crime.<sup>90</sup> On the other

hand, other sources, the UN included, contend that gun violence – a manifestation of a society awash with illicitly acquired arms – results from circumstances that vary enormously.<sup>91</sup> As such, there cannot be one single solution, but rather a combination, including measures aimed at reducing the existing stockpile, reducing the supply of new weapons, curtailing the diversion from legal to illegal markets and reducing the demand for arms.<sup>92</sup>

In Africa, as noted earlier, many countries have ascribed to the various global and regional norms on arms control. If only the ratification of these instruments could be accompanied with implementation, the continent would be at the forefront of reaping the rewards. Unfortunately, though, that is not the case, and most indications point to a grim reality.

The onus is on African leaders to take the required practical measures to deal with the issue – for instance strengthening the security of government stockpiles, as well as enforcing measures relating to arms embargoes – as discussed further below.

## Strengthening stockpile-management systems

The physical security and stockpile management (PSSM) systems of most African countries rely on outdated, colonial-era armouries for the storage of their weapons. Many of these are dilapidated, making them vulnerable to theft and vandalism.

For decades, African countries have borne the burden of illicit arms flows while searching, in vain, for a sustainable solution

For decades, African countries have borne the burden of illicit arms flows while searching, in vain, for a sustainable solution. Often, this is due to malpractices in PSSM systems.

Poorly stored arms and ammunition pose various risks, including unplanned explosions and diversion. A review of the explosions that occurred in Brazzaville in 2012<sup>93</sup> and Maputo in 2007<sup>94</sup> points to malpractices in stockpile management, such as the storage of expired

ammunition. Diversion stems from stockpile theft and/or illicit trade.<sup>95</sup>

In some cases, an armoury is simply a room with a lock and key, devoid of secondary security features, which increases risk of theft. Diversion therefore remains a significant means for rebels, gangs, criminal organisations, pirates, terrorist groups and insurgents to bolster their firepower.<sup>96</sup>

Weak PSSM systems in Africa mean that more focus should be placed on building the required capacity to address this challenge – not least by documenting what countries are doing to combat diversion. Similarly, more information is needed on obsolete, unstable and redundant stockpiles across the continent.<sup>97</sup>

## Enforcing the implementation of arms embargoes

The AU Peace and Security Council (PSC) has been at the forefront of appealing to AU member states to monitor and enforce existing UN arms embargoes. According to the PSC's Report of the Chairperson of the Commission on Arms Control, Disarmament and Nonproliferation,<sup>98</sup> the capacity of African countries to enforce the embargoes remains limited. The report cites porous borders and the absence of coordinated information exchange as key factors.

In 2016, as part of its collaboration with the PSC, the Institute for Security Studies conducted a study on the effectiveness of arms embargoes in Africa. Part of the findings indicated that most global arms embargoes are directed at Africa (at least, as of 2016). The study confirmed that the capacity of African states to effectively monitor and enforce arms embargoes remained very low.<sup>99</sup>

According to the UN, the objective of arms embargoes is to prevent the supply, sale or transfer of arms and related materiel of all types – including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts. The scope of this definition spans a very wide range of actors in the supply chain, including individuals, groups and entities from a particular country and nationals from outside it, or those using their flag vessels or aircraft, or those who offer technical advice, help or training related to military activities.<sup>100</sup> Therefore, to enforce a UN arms embargo successfully, a country must seal off all avenues of illicit arms flows, both inside and outside of its territory.

In an ideal world, the effective control of arms would be made possible by international standards that are agreed and adhered to by all nations. All actors in the arms industry know that this is the right thing, just as it is evident that the simplest way to render the most lethal weapon in Africa, the AK-47 rifle, useless would be to stop manufacturing its ammunition. A lack of will when it comes to observing these ethical tenets, however, means that UN Security Council-enforced arms embargoes remain one of the few viable ways of correcting the behaviour of violators.

## General recommendations

It is evident that the AU recognises the need for practical measures to combat illicit arms. It has developed ambitious policies, but their implementation has been hindered by capacity and resource constraints. To address these challenges, a monitoring and evaluation framework for its Vision 2020 roadmap should be developed by the policy organs of the AU and the RECs/RMs.

This will play an essential role in developing effective, evidence-based policies and programmes. It would also be strengthened through the participation of civil-society organisations, which are ideally positioned to provide regional and thematic expertise.

The following recommendations may help the AU achieve its objectives.

### 1. Evidence-based policy research

There is an enormous amount of research on arms proliferation in Africa. Most of this research, however, suffers from a weakness: most of it focuses on the problem itself, and eschews the human factor. In other words, there is a false assumption that revealing how arms are trafficked allows for an effective response. This does little to identify why people traffic arms, what they do with the proceeds of trafficking and what alternatives (in the form of other forms of livelihoods) there are to dissuade people from trafficking.

### 2. Capacity building on physical security and stockpile management

There is a need for a risk assessment on the state of weapon stockpiles and general weapon management procedures, including emergency measures to mitigate risks of explosion.

### 3. Awareness raising on arms embargoes

Africa's main hope lies in the ability of the AU to rally its member states towards a common vision. One way of ensuring this is by adhering to the spirit of arms embargoes, which are a tool used mainly by the UN. This is a form of sanctions regime that the Security Council applies to member states or entities without recourse to force. It is recommended that research and training on all aspects of sanctions are provided at the three critical levels of policymaking in Africa:

- a) At the AU Secretariat: The approach here would be to review, together with the PSC, the institutional frameworks, operations and the readiness of the PSC to set up an AU sanctions committee. At a practical level, this may include a mission by PSC officials to the UN Secretariat on a fact-finding mission, whose objective would be to forge a clearer common understanding of the UN Secretariat's sanctions regime. AU sanctions committee officials would engage with both the Security Council Subsidiary Organs Branch and the respective sanctions committees that focus on African countries, to improve methods of collaboration and information exchange.
- b) At the regional level: This would target policymakers, practitioners, academia and civil-society organisations within the RECs/RMs. Priority may be put on those RECs/RMs that have countries under arms embargoes. As revealed in a study by the Institute for Security Studies, most African countries are confronted with limited information, technical inability and the lack of wherewithal to implement UN arms embargoes.<sup>101</sup> A regional approach, in which the RECs and RMs are capacitated, would therefore provide one of the most effective ways of supporting the efforts of the UN, the AU and individual states.
- c) At the national level: Here, the training should target primarily countries that are under arms embargoes. The objective would be to capacitate them with the knowledge and skills needed to implement existing arms embargoes.

### 4. Institutional collaboration

A key partner that could contribute significantly to the AU's efforts in detecting illicit arms trafficking is the World Customs Organization (WCO). The WCO recognises the serious threats to security and safety

that the proliferation of SALW and materials of mass destruction, including explosives and illicit diversion of dual-use goods, pose not only to the security and safety of people, but also to economic development, political stability and social cohesion of countries across the globe.<sup>102</sup>

The WCO's further role in the prevention of terrorism, counterfeiting, commercial fraud, transnational organised crime and piracy has a direct influence on countering arms trafficking, because of the similarity in the modus operandi used by those who perpetrate these crimes. To address its needs, WCO developed the Customs Enforcement Network to help the international customs enforcement community gather data and information on seizures and offences, which includes photos required for the analysis of illicit trafficking in the various areas of the competence of WCO.<sup>103</sup>

The WCO can assist the AU with Africa-centric analysis with the aim of developing an understanding of the big picture and effective countermeasures. The WCO can also help with monitoring and evaluation to determine if countermeasures are effective, and to provide guidance if new trends emerge.

## 5. Combating violent extremism

Former UN secretary-general Ban Ki-moon's description of violent extremism as an 'arc of upheaval and distress'<sup>104</sup> captures the state of instability caused by terrorism. Easy access to arms adds to the lethal nature of such acts.

So far, the AU has been active in seeking a solution, introducing measures that incorporate research, policy and advocacy, as well as capacity building for subregional organisations. Although this is commendable, to curb the demand for arms, the approach should be accompanied with practical steps that address identified causes, such as weak state capacity, the marginalisation of some communities, poor service delivery, endemic poverty and the lack of coordination between the national and regional levels.<sup>105</sup>

## Recommendations for the AU and its subregions

In addition to the above recommendations, the AU should heed the following recommendations, which

are categorised in terms of the steps outlined in its roadmap, Vision 2020:

### 1. At the political level

- a) The PSC should intensify its efforts to address the issue of SALW as part of its conflict management and resolution initiatives. The monitoring and evaluation framework will be crucial to this end, and should include a focus on the proliferation of illicit ammunition.
- b) The ratification of international arms treaties, including the ATT should be accelerated in all the subregions.
- c) The AU should step up its engagement with major arms-producing countries, such as Italy, Austria, Germany, Belgium, Russia, Albania, US, UK, France and China, with a view to have them commit to the goals of the AU Master Roadmap of Practical Steps to Silence the Guns in Africa by year 2020. Negotiations with these countries should be conducted at two levels: with relevant government authorities and with senior management of arms-producing companies.
- d) Collaboration with the UN Security Council and its sanctions committees should be enhanced to ensure the effective enforcement and monitoring of arms embargoes. The PSC is ideally positioned to assist African states in their efforts to implement sanctions regimes. A significant step will be the formation of the long-awaited sanctions committee within the PSC. The matter of sanctions should also be included on the agenda of the annual consultations between the PSC and the Security Council. The AU PSC sanctions committee, whose aim would be to harmonise the working relations between the UN sanctions and the AU, would be an ideal platform for channeling the views of African states on UN-based sanctions, thus enhancing their influence in this area and securing their increased support.
- e) The AU should help countries by providing more effective border-security management strategies to target the illicit trade in weapons and by encouraging better cooperation among member states. The goal should be for states to have effective and well-secured borders with efficient monitoring and surveillance



equipment that can detect arms and weapons in real time.

- f) National programmes for the collection and destruction of illicit arms owned by individuals and non-state groups should be encouraged and promoted, as well as the destruction of surplus and obsolete national stockpiles of weapons.

## 2. At the economic level

- a) The AU should be explicit in its recognition of the direct links between conflict and illicit arms flows and, therefore, enhance efforts to secure arms stockpiles in conflict situations.
- b) The development of anti-corruption guidelines within the AU and its subregions should be promoted as a measure for targeting institutionalised facilitation or participation in illicit arms trade within government structures.

## 3. At the social level, there is a need to:

- a) Accelerate conflict prevention, management and resolution in countries experiencing enduring conflicts. Such efforts should also aim to curb the flow of arms to these countries.
- b) Combat terrorism, radicalisation and violent extremism should be hastened by promoting evidenced-based and integrated military, criminal-justice and developmental approaches to stop the cycle.

## 4. At the legal level, there is need to:

- a) Develop and document African best practices on arms control. This should include examples of sound legislative practice.
- b) Support the development and enactment of national arms-control legislation along set guidelines in all states. National legislation should set out clear prohibitions or offences regarding the illicit import, export and smuggling of SALW into, within or out of Africa.
- c) Offer capacity-building support to national institutions for targeted programmes aimed at strengthening those institutions charged with curbing, detecting and recovering illicit arms.
- d) Enhance information-sharing. This should include establishing national databases to centralise

information gathered by all relevant institutions (e.g. police, customs, border-control agencies and armed forces); harmonising procedures of these institutions in collecting information; establishing coordination mechanisms and systems for sharing information with international partners, including at the regional level.

## Conclusion

Africa's journey towards effective arms control is defined by successes and challenges in equal measure. It is a struggle that is transnational in nature, and that is why Africa's fate is intrinsically interwoven with the global environment of disarmament and the implementation of globally agreed-upon instruments. The successes can be seen in the efforts that the continent has made in domesticating international arms-control regimes. The challenge is the scale of the illicit arms flows that continue to destabilise the continent.

Africa's efforts may have been successful as far as embracing the legal instruments is concerned, but the continent's institutions have been weak in implementing them. The abundant levels of international and regional arms-control instruments in Africa are not matched by levels of compliance and implementation. Some of the reasons put forward to explain this include limited budgets (or non-allocation of funds in national budgets, for arms control work); lack of relevant technical capacity; differences in legal systems inherited from different colonial legacies; lack of synergies among government ministries/ departments (working at cross purposes); lack of harmonisation of ratification processes; lack of a national coordinating mechanism; conflicting national and subregional priorities; bureaucracy; and lack of political will.<sup>106</sup>

In a report that examines SALW control initiatives over a period of 10 years (2005–2015) in 16 countries across the Greater Sahel region, Alusala presents a review of the initiatives so far undertaken and the challenges that these countries face in implementing the projects. Some of the lessons learnt from this study include the fact that projects implemented at the regional level tend to have a wider impact and are therefore more effective than those implemented at the national level; innovative research is useful in establishing new approaches to arms control; project design and tools should be tailored to local needs and

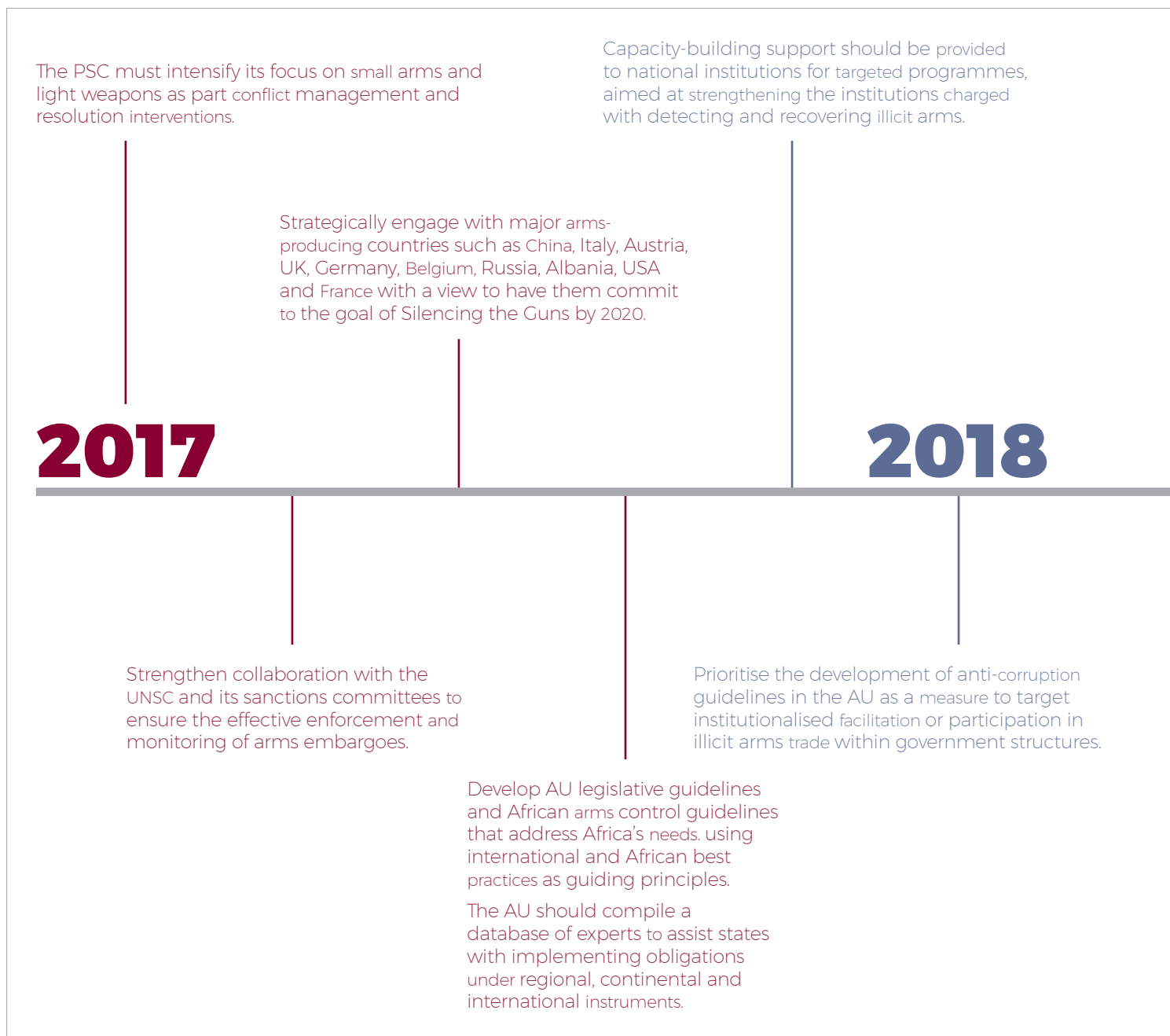
capacities before projects are implemented; projects should be protected, where possible, from changes in donor priorities and internal donor restructuring; overfunding and duplication of projects should be addressed through increased donor coordination and national planning.<sup>107</sup>

The future success in overcoming these challenges will lie in the commitment shown by the AU and its RECs/RMs to implement the AU Master Roadmap

of Practical Steps to Silence the Guns in Africa by year 2020.

This paper has interrogated what ails Africa in terms of the illicit arms trade, and proposed practical solutions that, if considered, could contribute to the strengthening of the ability of the AU and the RECs/RMs to effectively implement this roadmap. The practical steps towards realising the AU's vision of silencing the guns are summarised in Figure 3 below.

**Figure 3: Practical recommendations for silencing the guns in Africa by 2020**



Source: ENACT



By 2019, all AU member states to have national legislation in place that sets out clear prohibitions regarding the illicit importation, exportation and smuggling of small arms and light weapons into Africa.

The AU should assist countries with more effective border security management to target the illicit trade in weapons by encouraging better cooperation between all member states.

AU member states to accelerate the ratification and universality of international arms treaties, including the Arms Trade Treaty (2014).

**2019**

**2020**

Work to terminate ongoing threats related to terrorism, radicalisation, violent extremism and other unconventional conflicts. by prioritising evidence-based military, criminal justice and developmental approaches.

Support the expansion of national programmes for the collection and destruction of privately owned illicit arms. including individuals and non-state groups.

The AU should explicitly recognise direct links between conflict and illicit arms flows, and intensify current efforts to resolve ongoing conflict on the continent, for example in South Sudan. Securing arms stockpiles in emergency and conflict situations should be prioritised.

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## About ENACT

ENACT builds knowledge and skills to enhance Africa's response to transnational organised crime. ENACT analyses how organised crime affects stability, governance, the rule of law and development in Africa, and works to mitigate its impact.

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**THE GLOBAL INITIATIVE  
AGAINST TRANSNATIONAL  
ORGANIZED CRIME**

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