

Controlling Small Arms in the Horn of Africa and the Great Lakes Region

**Supporting Implementation of the
Nairobi Declaration**



A joint publication of Africa Peace Forum



and Project Ploughshares

Africa Peace Forum



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About this Publication

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Africa Peace Forum

Africa Peace Forum (APFO) is a non-governmental organization based in Nairobi, Kenya, which carries out research and analysis on peacebuilding, conflict resolution, and security issues in the Horn of Africa and Great Lakes region. APFO engages civil society and the political community in ongoing and joint exploration of new approaches to security arrangements in the region. APFO is a founding member of the International Action Network on Small Arms (IANSA).

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Project Ploughshares

Project Ploughshares is an ecumenical agency of the Canadian Council of Churches established to work with churches and related organizations, as well as governments and non-governmental organizations, in Canada and internationally, to identify, develop, and advance approaches that build peace and prevent war. Project Ploughshares is affiliated with the Institute of Peace and Conflict Studies, Conrad Grebel University College, University of Waterloo, and is a founding member of the International Action Network on Small Arms (IANSA).

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PREFACE

Estimates put the number of small arms in global stockpiles at around 639 million – and growing. The continued accumulation and uncontrolled spread of these weapons in many regions of the world produce a wide range of negative political and socio-economic consequences and pose a serious threat to the peace, reconciliation, safety, security, and sustainable development of the civilian population.

The Horn of Africa and the Great Lakes subregions are parts of the world that are severely affected by these weapons, which exacerbate and prolong armed conflicts and contribute to overall human insecurity.

In recognition of the problems caused by small arms, the Ministers of Foreign Affairs of Burundi, the Democratic Republic of Congo, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania, and Uganda signed the *Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa* in March 2000. This Declaration links security and development and outlines steps governments need to take at the national and regional levels to deal with small arms proliferation and misuse.

Along with the UN Programme of Action on small arms, agreed to in July 2001, the Nairobi Declaration is an important regional instrument in the struggle to counter the effects of these weapons.

In the Nairobi Declaration's Coordinated Agenda for Action, civil society is recognized as an effective support for governments. Governments are encouraged to utilize civil society expertise, particularly in the areas of research, data collection, raising awareness, and public engagement at the grassroots level. Cooperation between governments and civil society is encouraged.

Based on this agenda, Africa Peace Forum (APFO) and Project Ploughshares developed a project to support activities that would encourage civil society input in the implementation of the Nairobi Declaration. The project received financial support from Foreign Affairs Canada.

The first phase of the project, from May 2002 to June 2003, focused on increasing awareness of the Declaration in both civil society and government officials. The project also sought to strengthen and support civil society in their efforts to ensure that governments established National Focal Point offices, national bodies that were tasked to coordinate implementation of the Declaration in their respective countries.

Workshops were held to bring together the principal stakeholders – government officials, law enforcement agencies, and a wide range of civil society organizations. Participants gained a fuller understanding of the commitment governments had undertaken to implement both the Declaration and the UN Programme of Action.

In June 2003 the first Regional Workshop in support of the project was held. Participants reported on the national workshops, networking, and civil-government dialogue on implementation of the Nairobi Declaration and small arms issues more generally. This workshop was instrumental in encouraging the development of national civil society small arms networks, which are seen as a necessary first step in building the capacity of civil society to effectively contribute to and monitor the implementation of the

Nairobi Declaration.

Activities undertaken in the second phase of the project, from August 2004 to February 2005, continued to support the work of civil society in implementing the Nairobi Declaration. National workshops and related regional meetings brought together civil society and government officials to discuss the problems of small arms, with the intent to support further implementation of the Declaration, strengthen the small arms sub-regional infrastructure, and highlight the human security dimensions of the problem in the two sub-regions.

As well, five research papers were commissioned to develop the capacity of indigenous researchers, contribute expert knowledge, and develop policy options on small arms. These papers were presented at the Second Regional Workshop, *Supporting Implementation of the Nairobi Declaration*, from 7-9 February 2005 in Nairobi. These research papers are published for the first time here.

Over the course of three years, the project has been successful in supporting civil society in their efforts to move the Nairobi Declaration from its 'declaratory' phase to action and implementation. Civil society has provided support for the structural and operational maturation of the Nairobi Secretariat and created national small arms networks. To date, civil society has proved to be an effective and constructive complement to government in activities related to the implementation of the Nairobi Declaration.

CROSS-BORDER COOPERATION IN FIGHTING SMALL ARMS PROLIFERATION AND ILLICIT WEAPONS: THE CASE OF RWANDA WITH HER NEIGHBOURS

by Dr. Anastase Shyaka (CCM/NUR)

INTRODUCTION

The fall of the Berlin Wall in 1989 and the end of the Cold War were expected to mark the dawn of a new era of global peace, security, and stability. However, this perspective quickly became an illusion as many countries were embroiled in civil wars and internationalized conflicts and the Great Lakes Region has remained among the zones in the world most affected by violent armed conflicts.

The global rates of death and injury from small arms violence are alarming enough to demand alternative thinking and action. UNDP (IRIN 2004) figures show that, each year, about 500,000 people die from guns, of whom 200,000 are in countries at peace. Over the last 10 years, the use of small arms has killed thousands of people in the Great Lakes. Small arms and light weapons (SALW) also played a leading role in the 1994 genocide that killed a million people in Rwanda.

The Great Lakes Region of Africa has been threatened by deep-rooted conflicts and chronic insecurity for more than a decade. Those conflicts are internal but also transnational and even international. The Rwanda genocide generated new challenges and security problems in this subregion. The militia Interahamwe and former Rwandan Army (ex-FAR) who committed that genocide fled with arms and weapons to neighbouring countries, where they continued military activities and recruitment. Since 1994, they have established their Headquarters and operational bases in the Democratic Republic of Congo (DRC), where they are trained and supplied in arms through regional and international networks and transnational alliances. They constitute a major source of illicit arms in Rwanda.

These genocidal forces continue to fuel violent conflicts in neighbouring countries and threaten Rwanda in particular. They have not been disarmed by the international community and the continued arms traffic has complicated the problem of combating illicit SALW proliferation and securing peace and security in this subregion. The regional and international instruments used to respond to these problems did not bring the expected results.

The aim of this work is to provide a field-based research report on cross-border cooperation against small arms proliferation and illicit weapons in the troubled Great Lakes region. The specific cross-border focus is Rwanda and her neighbours, particularly DRC and Tanzania.

A comprehensive methodology was necessary to respond adequately to these tasks and comprised field-oriented and documentation-based techniques. These included, among others, analytical, historical, and comparative approaches. Fact-finding field trips and qualitative interviews with key actors were conducted. The fieldwork covered many institutions in Rwanda including the Ministry of Defense, Ministry of Internal Security, Ministry of Local Administration, the National Army, and the Police. Investigations were conducted at provincial and local levels at the Rwanda-Tanzania border (Kibungo Province), the

Rwanda-DRC border (Gisenyi and Cyangugu Provinces), and the Rwanda-Burundi border (Butare, Cyangugu, and Gikongoro provinces).

The main focus of this research is therefore to:

- identify threats and analyze the situation and cross-border problems with SALW;
- identify and analyze existing international legal frameworks and governmental instruments between concerned countries to combat illicit SALW;
- identify formal and informal frameworks and mechanisms of cross-border cooperation at the practical (local) level between Rwanda and her neighbours, namely DRC, Burundi, and Tanzania.

INTERNATIONAL AND AFRICAN SMALL ARMS POLICIES

Great Lakes Context

The 1997 UN Report on the Panel of Government Experts on Small Arms provided the first definitive framework for addressing SALW proliferation. This report recognized, among other things, that the variety of different causes of proliferation is usefully categorized by demand and supply factors (p. 15). On 3 December 1997 in Ottawa, Canada, the Mine Ban Treaty (MBT) was signed and entered into force on 1 March 1999. The July 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and its adopted Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects provided the first forum in which internationally recognized political declarations were discussed and accepted.

On the African continent, the concerns about the effects and consequences of SALW and policy-oriented debates started about 10 years ago. In 1996, the Organization of African Unity (OAU) expressed concern and a willingness to find ways of reducing the proliferation and dissemination of low-calibre war arms in the Yaoundé Declaration (para. 27). In 1999, in the Algiers Declaration that came out of the 35th OAU Summit, African leaders expressed their commitments to combating the illicit proliferation, circulation, and trafficking of small arms, light weapons, and landmines at both regional and continental levels. The Lomé Declaration, in July 2000, of the Conference for Security, Stability, Development and Cooperation in Africa contained the same commitment (paras 2, 9, 10 [h] and 14).

The overarching African initiative is the Bamako Declaration. The OAU met in Bamako, Mali in 2000 to develop an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons. The signatories emphasized that “the problem of the illicit proliferation, circulation and trafficking” of SALW “is both one of supply and demand.” They recognized that it “sustains conflicts,” “promotes a culture of violence” and “has adverse effects on security and development” (para. 1; see Weiss 2004, chap. 2). They further suggested that this problem should be dealt with not only by controlling suppliers, but also through “the promotion of measures aimed at restoring peace, security and confidence among and between States,” “the promotion of structures and processes to strengthen democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth,” “the promotion of conflict prevention measures,” and “the promotion of comprehensive solutions to the problem of the illicit proliferation, circulation and trafficking of small

arms and light weapons that include both control and reduction, as well as demand and supply aspects” (para. 2).

Prior to the Bamako Declaration, various regional initiatives on SALW took place across the continent. In West Africa, the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Light Weapons was signed on 31 October 1998. In southern Africa, members of the Southern African Development Community (SADC) agreed upon a regional program on SALW and illicit trafficking and in 2001 they adopted a Protocol on the Control of Firearms, Ammunition and other Related Materials. And in the Great Lakes and the Horn of Africa, The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa was signed on 15 March 2000.

The Nairobi Declaration is, at its core, an attempt to form a regional partnership between governments, multilateral agencies, and civil society groups. Its signing indicated a collective will to adopt international and African initiatives at a more practical level. The strategies involved in combating illegal small arms and trafficking include the establishment of broad-based consultative mechanisms at the national level known as National Focal Points (NFPs), as well as the improvement of national laws and other instruments regulating the manufacture, trade, possession, and use of arms. At the regional level, the Declaration emphasizes cooperative monitoring and control of SALW and the strengthening of cooperation among national intelligence, security, and police forces. It calls also on signatory states to, among other things, enhance public education and awareness-raising, and increase cross-border cooperation between law enforcement agencies.

Under the umbrella of the Eastern Africa Police Chiefs Cooperation Organisation (EAPCCO), a number of protocols have been signed between member states. The most relevant to this study is the protocol for the prevention, control, and reduction of SALW in the Great Lakes Region and the Horn of Africa. This protocol calls on signatory Parties, among other things, to promote cooperation, law enforcement, and efficient control and to strengthen operational capacities in preventing and combating illicit SALW.

Genocidal Forces: Major Factor in Small Arms Proliferation in Rwanda

After the 1994 genocide in Rwanda and the defeat of the former Government, about 50,000 soldiers of the FAR and 100,000 militia who committed genocide fled with arms to neighbouring countries, mainly to the then Zaire. They reconstituted and reorganized their structures and later became the major factor in conflict regionalization. Since then, ex-FAR/Interahamwe have continuously demonstrated that they constitute a real threat to Rwanda and Rwandans. Their presence on DRC territory compromises the sovereignty and territorial integrity of DRC and Rwanda, and they are the key threat to regional peace and stability (Sezibera 2004).

Since 1996, internal processes – related mainly to unity and reconciliation, refugee repatriation and integration, and ex-FAR reintegration in the army and police – and Rwanda’s intervention in DRC have progressively decreased the capacity of the ex-FAR/Interahamwe to derail Rwanda’s recovery. However, they still present an unacceptable threat. Today, these forces are estimated to number between 12,000 and 15,000 men and they are mainly based in the North and South Kivu. They are militarily well organized in two divisions, with two brigades each (Javal, Mexique, Tonnerre, and Soleil) and about 15 battalions in total (Sezibera 2004). They are equipped with all sorts of SALW: revolvers, pistols, submachine guns,

heavy and light machine guns, assault rifles, grenade launchers, mortars, hand-held anti-aircraft and antitank guns, etc. and ammunition for these weapons (Sezibera 2004; Rurinda 2004).

In 2004 alone, these forces – also called Forces démocratiques de Libération du Rwanda / Forces combattantes Abacunguzi (FDLR/FOCA) – carried out 11 incursions in Rwanda from DRC and Burundi territory: eight in the northwest (Ruhengeli and Gisenyi provinces), directly from North Kivu; and three in the south (Gikongoro province), from Burundi. Although all these attacks were repulsed, these forces injured, maimed, and kidnapped some Rwandans and three people in the North died. FDLR/FOCA forces also destroyed and looted civilian properties.

These attacks have a three-part agenda:

- continuation of genocide and killings;
- reversal of achievements in national unity and reconciliation;
- disruption of Rwanda's socio-economic stability and reversal of Rwanda's economic growth.

The genocidal and conflict-fuelling agenda of the ex-FAR/Interahamwe continues to create a “social ground” for SALW and is well known and knowable. But the impact of these attacks on Rwanda's economic resources has not yet been emphasized. FDLR/FOCA see Rwanda's resources as a key target (interview with former FDLR/FOCA overall Commander, Maj.-Gen. Rwarakabije, March 2003). In northern Rwanda, their attacks threaten the Bralirwa brewery, which is the largest revenue source for the Government, major methane deposits, key telecommunication infrastructures, Virunga National Park, and a thriving tourism industry, in which the government has made significant investment over the last few years. In southern Rwanda, attacks threaten the SINELAC hydroelectric plant, a cement factory in Bugarama, tea and coffee factories (Shagasha and Gisakura), and the Nyungwe forest, which is a precious resource, both for the ecosystem but also for the tourism industry (Sezibera 2004).

CROSS-BORDER COOPERATION IN FIGHTING THE PROLIFERATION OF SMALL ARMS AND SUSTAINING PEACE AND SECURITY IN RWANDA

One of the effects of the 1994 genocide is that many weapons were left in civilian hands, both inside and outside the country. Internally, major efforts have been successfully committed to reduce the illicit SALW and secure communities, and Rwanda is now one of the most secure countries in the region. However, the risks of illicit SALW entering Rwanda from outside are still high.

Rwanda is now a State Party and signatory of all UN and African Union (AU) Protocols aimed at reducing SALW. She is also among only three states (along with Burundi and Ethiopia) that had ratified the Nairobi Declaration by the end of January 2005. This shows that there is in Rwanda a commitment and political will to combat and eradicate the problems of illicit SALW through international and regional cooperation.

Bilateral and International Mechanisms

If the ex-FAR/Interahamwe are the major threat to Rwanda's security, they are also the major source of illicit proliferation of arms into Rwanda. Their disarmament is therefore crucial in combating and eradicating SALW proliferation in Rwanda. In the existing Agreements, there are many provisions for dealing

with these forces. But, so far, these provisions have not been implemented and the chances that they will be to the extent that genocidal forces are neutralized are not really high.

Lusaka Agreement

Signed in 1999, the Ceasefire Agreement in the Democratic Republic of Congo (Lusaka Agreement) was an African mechanism to resolve the regional conflict in the DRC that was then referred to as the “First African World War.” The signatories to this agreement were the DRC Government, the two rebel movements (Rassemblement congolais pour la démocratie [RCD], and Mouvement pour la libération du Congo [MLC]), and countries siding with the rebels or the government, namely Rwanda, Uganda, Zimbabwe, Angola, and Namibia. Its three main points were:

- the disarmament of armed groups (based and operating in DRC);
- the withdrawal of foreign armies from the DRC territory; and
- the Inter-Congolese Dialog.

Article 3, para 11 (a) stipulates: “The United Nations Security Council, acting under Chapter VII of the UN Charter and in collaboration with the OAU, shall be requested to constitute, facilitate and deploy an appropriate peacekeeping force in the DRC to ensure implementation of this Agreement; and taking into account the peculiar situation of the DRC, mandate the peacekeeping force to track down all armed groups in the DRC. In this respect, the UN Security Council shall provide the requisite mandate for the peace-keeping force.” Article 3, para 22 stipulates: “There shall be a mechanism for disarming militias and armed groups, including the genocidal forces.” And Chapters 8 and 9 of Annex A set out the modalities of tracking down and disarming the ex-FAR and Interahamwe.

This Agreement also provided two initiatives: the Political Committee and the Joint Military Commission (JMC). All parties to the conflict had to be represented in each of them. On 8 June 2000, the Political Committee adopted mechanisms to disarm armed groups by force and a joint taskforce was formed to disarm. The two measures have therefore a monitoring and confidence-building nature between conflict-ing and signatory parties and a coercive nature vis-à-vis negative forces. The DRC did not want these initiatives and MONUC (Mission des Nations Unies en République Démocratique du Congo) did not show any interest in having them sustained (Sezibera 2004). Today, the Political Committee and JMC are technically dead. While a mechanism of reference, the Lusaka Agreement has not been fully implemented.

Pretoria Agreement

The Pretoria Agreement provisions call for

- disarmament of ex-FAR/Interahamwe and
- withdrawal of Rwandan troops from DRC territory.

While acknowledging that the Lusaka Ceasefire Agreement sets out modalities for the tracking down and disarmament of ex-FAR and Interahamwe forces in the DRC, it recognizes that it has not been possible to effectively implement the decisions relating to these forces (art. 1). The DRC government is committed to track down, to dismantle, and, in collaboration with MONUC and any other Force constituted by the third party, to assemble and disarm the ex-FAR and Interahamwe in the whole of the territory of the DRC (art. 7, 8.1, and 8.2). The Rwandan government undertakes to withdraw its troops from the DRC territory (art. 8.3) following effective measures that address its security concerns, in particular the dismantling of ex-FAR and Interahamwe forces that has been agreed to (art. 5). And MONUC should immediately proceed to implement Phase 3 of its Disarmament, Demobilization, Reintegration, and Repatriation

(DDRR) and finalize its deployment in the DRC, especially in the eastern part of the territory (art. 8.9).

The parties also adopted a program of implementation that gave 90 days to the two parties (Rwanda and DRC) to complete their commitments and 30 more to the third party to complete its final verification process. Rwanda completed withdrawal on 5 October 2002 and this has been confirmed by the Third Party. The DRC did not dismantle or disarm ex-FAR and Interahamwe within the 90 days agreed upon and have not done so yet. Therefore, this agreement has not been fully implemented.

UN Mission in the DRC: MONUC

MONUC was created in November 1999 by UN Security Council Resolution 1291. As stipulated in this resolution and in other UN-related documents, the MONUC mandate and objectives lie in monitoring the implementation by the parties of the ceasefire agreement. This mandate was different from that requested by belligerents in the Lusaka Agreement. The major concern is that it does not include forceful disarmament of negative forces. This difference reveals the gap between what Africans need and ask from the international community to resolve their conflicts and sustain peace, and what the UN system is ready to offer to them.

The DDR program, based on voluntarily disarmament, has helped to repatriate thousands of civilians to Rwanda but does not correctly respond to the challenges of negative forces and the illicit arms they traffic in and use. Despite many soldiers, much equipment, and the financial means, after five years of existence MONUC is neither an effective nor a promising mechanism of conflict resolution and illicit SALW eradication in DRC and the region.

International Conference on Peace, Security, Democracy, and Development in the Great Lakes Region

The old idea of organizing an international conference on the Great Lakes Region was finally realized in November 2004, a decade after the 1994 genocide in Rwanda. The main objectives were to effectively resolve violent conflicts, to make democracy work, to strengthen cooperation and regional integration, and to sustain development in this region. All sectors of society in core countries were involved in that process: women, youth, church leaders, and civil society.

Despite many efforts and commitments, it does not seem that this mechanism will help enough in eradicating the problems of illicit SALW in this region. Apart from other problems internal to the region, there is a problem of missing the focus. When the idea came out in the early '90s, the focus was on the former Belgian colonies (Burundi, DRC, and Rwanda); at the time of drafting the conference document in 2003, there were six committed core countries (Burundi, DRC, Rwanda, Kenya, Uganda, and Tanzania); one year later 11 core countries signed the Dar es Salaam Declaration!

New Initiatives

AU/Nigeria Mediation between DRC and Rwanda Leaders

On 25 June 2004, following the Bukavu insurrection, President Paul Kagame of Rwanda met with his DRC counterpart, Joseph Kabila, in Abuja, Nigeria, under the mediation of Nigerian president Olusegun Obasanjo, who is also the current president of the AU. The two leaders agreed to create a Joint Verification Commission (JVC), which would comprise officers from both parties and MONUC members. The JVC mission was mainly to monitor ex-FAR/Interahamwe military camps in the eastern part of the DRC

and verify DRC allegations of military training of DRC dissidents in Rwanda.

The JVC had two teams: one mainly working in North Kivu and the other assigned to South Kivu. Each team was made of four military officers from DRC, four military officers from Rwanda, and five officials from MONUC – three military, one DDRR program officer, and one political affairs officer (interviews, Gisenyi, 2004). The JVC was granted a one-year mandate and was asked to submit reports regularly. The North Kivu team started monitoring in November 2004 but has not yet submitted a report; the South Kivu team never started its work (interviews in Kigali, Gisenyi, and Goma).

This mechanism does not seem promising. The DRC is not interested in verifying its allegations of dissidents being trained in Rwanda and is not ready to allow Rwanda to fully and freely monitor the ex-FAR military camps. And MONUC is not showing appropriate interest and due neutrality in this process (interviews in Kigali, Gisenyi, and Goma).

Tri-Partite Agreement on Regional Security in the Great Lakes

With facilitation by the US government, leaders of the DRC, Rwanda, and Uganda negotiated and signed the protocol of this agreement in Kigali on 26 October 2004. In its Preamble, this agreement recognizes the existence of a security threat posed by various armed groups operating in the eastern part of the DRC and emphasizes the determination of the Parties to put an end to the security threat for their common good.

The Parties to this agreement aim to enhance their efforts to prevent the use of their territories to arm and support negative forces in the region and to neutralize and eliminate any security threat prevailing at the Parties' common borders among and between the Parties (art. I). The Parties commit themselves to fulfill their obligations and undertakings under existing agreements and to disarm all armed rebel groups or militia, meaning the genocidal forces (i.e., ex-FAR/Interahamwe/ALIR/FDLR/FOCA) and any group under arms hostile to the Government of a Party (art. II, para 1, 2, 3 a & b).

The Parties also agree to establish the Tripartite Joint Commission as an implementation mechanism (art. VII). The Commission shall have as its primary objective to complete the tasks of the 1999 Lusaka Ceasefire Agreement, the 2002 Pretoria Agreement, and the 2002 Luanda Agreement, specifically those provisions relating to the tracking down and disarmament of the armed groups, with particular reference to the ex-FAR/Interahamwe present on the territory of the DRC as well as normalization of the situation along the borders (art. VII, para 1).

The agreement establishes a Council of Ministers, consisting of Ministers of Defense and Foreign Affairs of the Parties, and also creates two technical sub-commissions with a clear mandate – one on Security and Defense Matters and the other on Diplomatic Matters (art.V). The sub-commission on Security and Defense shall specifically design broader monitoring and joint verification mechanisms for the purpose of achieving the objectives of this Agreement (art. VII, para 4).

African Union: Peace and Security Council of the AU

In recent months, the African Union has emerged as the possible centre of conflict resolution on the continent. The Great Lakes region security problems have drawn AU concern and attention. At its 23rd meeting on 10 January 2005 in Libreville Gabon, the Peace and Security Council of the AU adopted a communiqué on the situation in eastern DRC and the relations between DRC and Rwanda.

The Council “[r]eiterates its serious concern over the security situation in Eastern Democratic Republic of Congo (DRC) and over the continued presence, in the Kivus, of the ex-FAR and the Interahamwé, who threaten the peace and security of the DRC and Rwanda, heighten the tension between the two countries and undermine the peace and transition processes in DRC. Council **reaffirms** its support to the commitment of the Heads of State and Government signatories of the Dar-es-Salaam Declaration of 20 November 2004 ... to combat genocide in the Region, neutralize, disarm ... the forces which committed genocide in Rwanda in 1994” (art. 1).

The Council “[a]ffirms that the problem posed by the continued presence of ex-FAR and Interahamwe and other armed groups in Eastern DRC requires a decisive action by the international community at large and Africa in particular, to effectively disarm and neutralize these armed groups. In this regard, Council **welcomes** the support expressed by the President of the DRC to the principle of forceful disarmament of these armed groups by an African force. In this respect, Council **urges** AU Member States to extend the necessary security assistance, including troops, to contribute to the effective disarmament and neutralization of the armed groups” (art. 3).

Implication of CSOs

Civil society organizations have been contributing to conflict resolution, peacebuilding, and poverty alleviation in Rwanda. But the issue of SALW has been left for the government, mainly the military and the police. Only two CSOs – the Center for Conflict Management (CCM) and SaferRwanda – have shown a strong interest and expertise in that area in the last two years, the former researching peace and security in Rwanda and the Great Lakes region and the latter campaigning on SALW. Today, they are about to start a joint project combating illicit SALW if funds become available. They will focus on mapping, sensitization about the effects of SALW, public education, awareness-raising, and advocacy. The first geographic target will be two provinces bordering on DRC: Gisenyi and Cyangugu.

Combating SALW Proliferation in Rwanda: Cross-Border Cooperation

Because of the size of this subject, cross-border cooperation in SALW eradication can not be exhaustively covered in this report. Here we will elaborate only on the DRC-Rwanda border (Gisenyi, Cyangugu), the Rwanda-Tanzania border (Kibungo), and part of the Burundi-Rwanda border (Butare, Gikongo, and Cyangugu).

Rwanda-DRC cross-border cooperation

This study focuses on two Rwandan provinces, Cyangugu and Gisenyi, that border on South and North Kivu respectively. The risk of illicit SALW is high in Gisenyi province, for the following reasons:

- the intensity of insurgency activities;
- the porous border between Gisenyi and North Kivu provinces;
- the availability and easy access across the border.

In Cyangugu province, there is a similar risk from the availability of illicit weapons and the intensity of insurgency on the other side of the border. But the border porosity is a bit different. The Rusizi River forms a border between the two countries, indirectly facilitating control and border-monitoring. But even in this case, it is quite impossible for control-based mechanisms to succeed 100 per cent of the time. Between Gisenyi and North Kivu, there is no natural border (such as a river or forest). For a distance of more than 15 km, people from both sides live and cultivate in the same places, so that it is very difficult

to know where the border lies. This social closeness can also constitute a bridge for the illicit trafficking of guns.

In 2004, security services confiscated more than 100 small arms in Gisenyi province, including pistols, submachine guns (SMG), M-16s, grenades, self-loading rifles, etc. (interviews in Gisenyi, 2005). In the period from 24 December 2004 to 6 January 2005, two people were killed and one injured; eight people were arrested and confessed. Between April and November 2004 there were eight armed incursions of ex-FAR in Gisenyi and Ruhengeli villages (interviews in Gisenyi, 2005).

DRC dissidents and civilians constitute a source of illicit weapons into Rwanda and destabilize both Rwanda and DRC. Of particular note are Col. Mutebutsi's group in Cyangugu, and Congolese refugees (Rwandophones) and RCD dissidents in Gisenyi. Following the Bukavu insurrection of June 2004, Col. Mutebutsi crossed the Rwanda border with more than 200 armed men. They were all gathered in the Ntendezi camp (Cyangugu), disarmed by Rwandan authorities there and later transferred to Munini camp (Gikongoro province), more than 70 km from the Congolese border. This has been confirmed by UNHCR and MONUC and DRC authorities recognized that achievement in the Tripartite Agreement (art. II, 4).

Since 1996, there have been Congolese refugees in Rwanda. Today there are an estimated 20,000 people living in Nkamira refugee camp, about 20 km from the border, on the road to Ruhengeli. There are also RCD dissident soldiers who came to join their relatives. They have all been disarmed by Rwandan authorities so that they do not fuel illicit arms into Rwanda (interviews in Gisenyi, 2005).

Rwanda and DRC have no formal cross-border cooperation. Only in Gisenyi is there informal horizontal communication and information-sharing on cross-border criminality between local authorities, mainly dictated by the cross-border robberies that affect both sides (interviews in Gisenyi, 2005). In the treaty of the Economic Community of the Great Lakes Countries (CEPGL), there are provisions for cooperation in security issues to ensure peace and stability within and among Member States. But this mechanism can't work as the organization itself is technically dead.

Local authority in the eastern DRC is too weak to effectively control illicit small arms and MONUC seems passive about the issue of cross-border proliferation, so Rwandan strategies focus on national policies. These include effective border monitoring and control, community policing, and popular sensitization so that civilians do not constitute a favourable ground for illicit SALW proliferation.

Rwanda-Burundi cross-border cooperation

Five Rwandan provinces share a border with Burundi. This research focuses only on the three in the southwest (Butare, Gikongoro, and Cyangugu). The illicit small arms proliferation from Burundi to Rwanda is due to three factors, which can be interlinked:

- illegal traffic,
- cross-border crime,
- organized rebellion.

The illicit traffic of arms from Burundi to Rwanda can be catalyzed by the surplus weapons in the hands of some rebel groups now preparing for military integration within the framework of the peace process going on in Burundi. This surplus can supply a major "black market" as well as ex-FAR troops.

In 2004, an ex-FAR soldier entered Rwanda from Burundi with two SMGs and ammunition and was arrested in Kiruhura District (Butare province). He later confessed that he wanted to use the guns to steal money to support rebel activities (interviews in Butare, 2004). In the same year, ex-FAR/Interahamwe launched three armed incursions in Nshili District (Gikongoro Province) from the Kibira forest (Burundi), injuring civilians and looting their properties. However, the cross-border trafficking of illicit SALW between the two countries does not reach an alarming magnitude, partly because the mechanisms and arrangements of cross-border cooperation work.

Cibitoke (Burundi) and Cyangugu (Rwanda) provinces have established a formal arrangement of information-sharing and cooperation on cross-border security issues. Meetings are held regularly and attended by civil authorities, military, and the police. Kayanza and Ngozi provinces (Burundi) also have the same mechanism with Butare Province but on an ad hoc basis (interviews in Butare, Cyangugu, 2004).

At the national level, there is a dynamic of strengthening cooperation in combating cross-border crimes and in facilitating cross-border investigation and extradition. In January 2005, Prosecutors-general, judicial authorities, and police officials from all bordering provinces from both countries met in Butare to discuss these issues. A similar meeting was organized in Burundi in 2004.

On small arms and security issues, there is generally a spirit of information-sharing and cooperation at horizontal levels between security and cross-border control organs in both countries.

Rwanda-Tanzania cross-border cooperation

Rwanda-Tanzania cross-border cooperation in fighting illicit SALW is significant not only because of its effectiveness but also because it offers a reference point in building collective security in the region. In 1994, more than one million Rwandan refugees fled to Tanzania, mainly to the Kagera region, and among them were many ex-FAR and militia who crossed the Tanzanian border with arms and intended to attack and destabilize Rwanda from there.

At that time, Tanzania-Rwanda cooperation was crucial in the management of the refugee camps and in dealing with security issues. It was manifested in the following ways:

- sensitize the populations in the camps and later facilitate their peaceful repatriation;
- deny ex-FAR/Interahamwe the use of refugee camps as military training bases;
- deny ex-FAR/Interahamwe the use of Tanzanian territory to attack Rwanda.

This cooperative spirit was lacking from then Zaire and this explains also the reasons why Rwandan refugees and negative forces fled to each country (DRC and Tanzania). The effects and consequences each group of refugees later had on Rwandan and regional security as well as on the illicit proliferation of arms in the whole region are quite different.

Cross-border cooperation between bordering regions of Rwanda and Tanzania started in July 1995 and continues today. This partnership links the Kagera region (Tanzania) to Kibungo and Umutara provinces (Rwanda). The cooperation framework exists both at provincial and district levels.

Provincial-level meetings are held in Tanzania and Rwanda, on a three-month rotation. They are attended by regional and provincial civil authorities, the military, and police and security services from both sides (interviews in Kibungo, 2005). At the local level, the district of Karagwe of the Kagera region cooperates with the districts of Rusumo, Nyarubuye, and Cyarubare of Kibungo province. This cooperation centres

on the problems of Rwandan refugees in Tanzania and their repatriation, border control and security matters, good neighbourliness, and, recently, issues related to people of Rwandan descent living illegally in Tanzania (interviews in Kibungo, 2005).

Despite successful cooperation between the two countries, the cross-border circulation of SALW is still a challenge that needs appropriate measures. The following factors are possible reasons for illicit SALW:

- banditry and goat and cattle rustling,
- illegal traffic,
- criminal guns,
- large-scale destabilization.

Illegal traffic of SALW from Tanzania to Rwanda is of course linked to poverty and economic factors but also to availability and price. SMGs can be illegally purchased for \$200 in Tanzania (interviews in Kibungo, 2005). There is also a phenomenon of replacing SMGs with *mugobole* or “artisan guns” made by local people and that use the same ammunition as SMGs. In 2004, *mugobole* killed two people in Rwanda in robbery cases (interviews in Kibungo, 2005).

Undetected weapons that cross borders have destabilized Rwandan communities along the Tanzanian border. Armed bandits steal cows and goat in Tanzania to sell in Rwanda or cross into Rwandan territory, commit robberies, and go back to Tanzania. The Kinyange group is an illustrative case. Kinyange was an ex-FAR and a refugee in Tanzania. He formed a gang of criminals that operated both in Rwanda and Tanzania. He terrorized people, stole their goods, and destroyed property. This gang also killed two people in Rwanda last year. Thanks to cooperation and information-sharing between Rwanda and Tanzania, the gang was dismantled last year and some of its members are in prison in Rwanda (interviews in Kibungo, 2005).

Cross-border cooperation between Rwanda and Tanzania has met local challenges, but showed weaknesses when faced with international politics. The case of Maj. B. Ntuyahaga, an ex-FAR accused of genocide and arrested in Tanzania a few years ago, is revealing. Although he was wanted by both Rwanda and Belgium, Tanzania refused to extradite him to Kigali and extradited him to Brussels, even though he was a Rwandan citizen who committed genocide in Rwanda and on Rwandans.

Now there are new challenges that need to be looked at carefully if security is to be sustained and illicit trafficking in SALW halted between the two countries. One is Kimisi forest control and the other concerns the issue of “Rwandan illegal immigrants” in the western part of Tanzania. The Kimisi forest is big and borders on Kibungo and Umutara provinces. If not fully controlled by Tanzanian authorities, it can be used by Rwandan negative forces, for instance, for training purposes to destabilize Rwanda. In this case, it could facilitate and catalyze the cross-border proliferation of illicit SALW and become a source of regional insecurity.

The issue of the so-called Rwandan illegal immigrants constitutes also a big challenge with regard to human security of the concerned communities. Many of these people are either refugees who came in 1959, or their relatives. This problem is linked to the 1980 law on land and immigration. For example, this law granted naturalization to immigrants who arrived before 1980 and their children who were born after that date but not to children born before that date. The latter were supposed to apply themselves when they became adults. Ignorant of this requirement, many of them did not apply for naturalization and they are not allowed to do so now when they are threatened (interviews in Kibungo, 2005). Mixed

families are also threatened because immigrant men and women married to Tanzanians are only legal as long as they pay \$120 each year. Official data indicate that more than 50,000 people in Karagwe district, mostly pastoralists, are affected; there are probably hundreds of thousands in the whole Karagwe region.

The existing infrastructures in and between both countries, and the collaborative spirit at local, provincial, and national levels create an important peacebuilding mechanism that needs to be strengthened and sustained.

National Policy in Fighting SALW and Sustaining Peace and Security

Many policies relate to reducing and combating SALW. They mainly focus on demand-side factors and they all intend to:

- increase state transparency and good governance;
- build popular confidence in the state and in the security organs that provide protection to citizens;
- strengthen unity and reconciliation policies at all levels;
- reduce poverty and underdevelopment in communities;
- eradicate genocide ideology and build national identity;
- maintain and strengthen capacities of the RDF and RNP to secure Rwanda's borders and control and combat SALW within the country and across the borders;
- mainstream the solidarity camps (*ingando*) (Human Rights Watch 2000) so that they can be used as a framework to demystify guns and provide social integration into the communities, not only for the ex-combatants/infiltrators and youth but for the whole population;
- emphasize community policing as a key strategy for sustaining peace and security among communities; and mainstream popular participation in all processes of socio-political transformation and stabilization to build and strengthen the people's ownership of these processes.

Major Constraints for Demand-side and Supply-side Approaches

- The legacy of genocide in Rwanda has left many weapons circulating in the region.
- The genocidal ideology continues to spread in Rwanda and in neighbouring countries.
- The continued presence of armed ex-FAR and Interahamwe, operating in and from neighbouring countries, contributes enormously to small arms proliferation, conflicts, and a genocidal ideology.
- The transnational character of unresolved, deep-rooted, and identity-based conflicts persists in Rwanda and neighbouring countries.
- Poverty and underdevelopment are widespread. Ontological needs are far from being met for a big part of the population, especially the youth, and in some areas, such as the eastern part of DRC, arms are seen as a shortcut to overcome economic difficulties; hence, organized cross-border crimes and cross-border trafficking of guns and drugs become a real threat.
- Populations of Rwandan descent face human security threats and hostility from their neighbours in DRC and Tanzania.
- The situation in parts of Burundi and DRC, mainly areas bordering on Rwanda, is volatile, and made worse by the failure of the cross-border partners to prevent arms trafficking and organized crime in their own territory and to cooperate with their neighbours in controlling the illegal arms trade.
- Arms traffickers could exploit and fuel "existential fear" and disagreement between states and

- major actors in order to drive demand.
- The International Community is incoherent and inefficient in controlling supply and sustaining security and peacebuilding mechanisms in the region.

Opportunities

Major opportunities to combat SALW arise from both internal and regional dynamics and can be summarized as follows:

- The Government has made a strong political commitment and begun initiatives on the ground to build peace and unity among the communities and to promote sustainable development.
- Community policing is contributing to security. Communities and security organs are working closely together to ensure safety of goods and people and to eradicate SALW proliferation.
- The Rwandan NFP is entering its operational phase; a launching workshop was held on 25-26 January 2005 in Kigali.
- Rwanda's CSOs are willing to fight SALW through community education, advocacy, and raising awareness about the effects of these weapons.
- Regional cross-border cooperation and information-sharing in combating illicit SALW are growing; Rwanda is playing a big role as a partner in that regional process.
- Post-transition governments should soon be in place in neighbouring Burundi and DRC, with enhanced capacities and new chances for cross-border and regional cooperation.
- Legal instruments are available to combat SALW at African and regional levels.
- The AU seems committed to the forceful disarmament of ex-FAR/Interahamwe. Such disarmament will greatly reduce SALW proliferation, not only in Rwanda but in the whole region.
- A number of international partners and friends of Rwanda and the region are willing to provide support in resolving problems and sustaining stability.

CONCLUSION AND POLICY RECOMMENDATIONS

As proliferation of SALW is all about politics, macro-level policies are always needed, but micro-level strategies are needed for implementation. And the implementation strategies must be developed with the people themselves and owned by them so that it becomes possible to build a society free of guns and to sustain it. Such an approach is applicable not only to Rwanda but to the whole Great Lakes region and other regions of the world facing the problem of weapons proliferation.

In Rwanda, internal dynamics have created measures and processes that have contributed enormously to the reduction of illicit weapons. But to sustain this trend, there is a need to respond to the threats from outside the country. That's why cooperation at local, bilateral, and regional levels is so important for Rwanda.

Many conflict resolution mechanisms – which can also function as tools for the eradication of illicit SALW – have been adopted in the region, but they have not been fully implemented, particularly in disarming negative forces. As these forces are the major source of illicit arms, not only for Rwanda but also for some neighbouring countries, their neutralization is of key importance in building societies free of guns. A comparative overview of the circumstances at the Rwanda-DRC and Rwanda-Tanzania

borders shows clearly how cross-border cooperation can make a big difference in facing transnational security challenges.

Many regional legal instruments exist that can build strong regional cooperation in fighting SALW proliferation in the Great Lakes and Eastern Africa. There are also some cross-border arrangements between Rwanda and her neighbours, but bilateral mechanisms that would help in building a strong regional arms control regime are still missing. International partners must continue to adequately support local and regional efforts to build and sustain collective security and combat illicit SALW.

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THE PROLIFERATION AND EFFECTS OF SMALL ARMS AND LIGHT WEAPONS IN URBAN CENTRES IN TANZANIA: A CASE STUDY OF DAR ES SALAAM

by Theo Macha

BACKGROUND

Small arms and light weapons have posed a serious challenge to most states in the world. Their increased proliferation has led to devastating effects. In recent times the problem has been escalating in urban centres, causing insecurity to person and property. The effects that small arms and light weapons proliferation can have on societies are as significant as those produced by the proliferation of major weapons systems. Because they have many uses beyond their primary function as weapons of war, the effects of their proliferation are more widespread.

It is worth noting that most light weapons do not require complex training or operational expertise, making them suitable for insurgents and irregular forces, which lack the formal infrastructure of a professional army. The rate of increase of small arms and light weapons (SALW) in Tanzania and the corresponding effects are alarming despite the government efforts to deal with the problem. Effects are serious in both rural and urban areas although more vivid in the latter. Security in urban areas is increasingly fragile. Dar es Salaam, which is the centre of most transactions, has been one of the leading victims.

However, the relationship between the proliferation of SALW and socio-economic development in urban centres has not been fully researched. C. Louise (1995, p. 1) notes, "While it is obvious that there is a correlation between the proliferation of small arms and light weapons, societal violence and a general weakening of the social fabric, identifying the exact nature of this relationship in any one situation or universally is more problematic."

Thus this paper intends to look at the causes, effects, and efforts to control the problem in Tanzania. It includes a discussion on the international and regional instruments on small arms and light weapons, which Tanzania has ratified, and the extent of implementation, thus addressing the laws and policies on SALW. The extent of the problem of proliferation in urban centres is emphasized, with Dar es Salaam serving as an example. Therefore, extensive research into the extent of the problem of proliferation of weapons in urban areas in Tanzania is called for.

Concept Defined

Although small arms and light weapons are difficult to define simply, the protocol for the Nairobi Declaration on Small Arms and Light Weapons offers assistance. According to the Protocol (Art. 1), light weapons refer to portable weapons designed for use by several persons serving as a crew.¹ Such weapons may include heavy machine guns, automatic cannons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank

weapons and launchers, recoilless guns, shoulder-fired rockets, anti-aircraft weapons and launchers, and air defence weapons.

Small arms are weapons designed for personal use. Such weapons include light machine guns, submachine guns, including machine pistols, fully automatic rifles and assault rifles, semi-automatic rifles, and firearms.² On the other hand, ammunition means the complete round or its components, including cartridge cases, primers, propellant powder, bullets, or projectiles that are used in a small arm or light weapon.

According to UN guidelines, small arms and light weapons include rifles, pistols, revolvers and all weaponry of not more than 100 mm caliber. Because they are lightweight, easy to conceal, hard to track or control, cheap, easy to circulate and transport, and last a long time once in circulation, they have encouraged proliferation. In Tanzania criminals commonly use G3s, pistols, rifles, short guns, Marks, Gobores (locally manufactured gun though with a sophisticated degree of imitation), and Uzis.

It has been estimated that the total value of the annual global transfer of arms is over \$25-billion US, with two-thirds of the arms going to developing countries. The five major suppliers – the United States, France, the United Kingdom, Russia, and China (the permanent members of the UN Security Council) – account for 80 per cent of all arms supplies (Grimmett 2003). These weapons inflict extraordinary suffering on populations around the globe.

METHODOLOGY

A combination of approaches was employed to collect information during the study. The methods include:

- **Literature Review:** Firearms legislation, policy, and legal documents relating to arms control, as well as media and police records. National and international reports. Where appropriate court files were examined.
- **Focus group interviews:** Police officers, immigration officers, social workers working with refugees, and other security personnel were interviewed. The aim was to gather both quantitative and qualitative data on such issues as the factors behind the increasing supply of small arms in Dar es Salaam and the rise in incidents of armed robbery, the health impact of armed violence, and records on the types of arms used and those recovered.
- **In-depth and open-ended interviews:** With licensed arms dealers, licensing authorities, a senior police officer in the arms control department, and non-governmental organizations.

THE CAUSES OF SALW PROLIFERATION IN URBAN TANZANIA

Civil Wars

Civil wars in Somalia, Rwanda, Burundi, Democratic Republic of Congo (DRC), and Sudan have ushered in a boom in the illegal market in, and illicit use of, SALW. Unscrupulous refugees enter Tanzania with undetected

small arms. These weapons have led to the escalation of crime rates and caused suffering among the civilian population in cities such as Dar es Salaam, Arusha, and Mwanza. Proliferation can also be attributed to the lack of effective controls at borders, the loss of legal firearms by police, hiring out of firearms by those in legal possession, and local manufacturers.

Enforcement Capacity

A poor enforcement capacity has often been linked to weak institutional capacities, a lack of qualified manpower, and inadequate laws. One illustration of the extent of proliferation of SALW in Tanzania is the number of confiscated weapons. In 2000, 1,000 weapons were confiscated; in 2003, 921 and in 2004, 1,500.

One may wonder why SALW have increased at such an alarming rate in most urban centres. It is apparent that due to porous and expansive borders, inefficient government departments, and ineffectual national security systems, SALW are difficult to control or account for as they move within the region. They disperse far beyond armies and police forces to criminals, vigilante squads, and individual citizens. For example, among cross-border pastoralist communities arms are acquired for security purposes, but once they are saturated with arms, the pastoralists become suppliers of arms to non-pastoral rural areas and urban centres. Inadequate policing makes it easy for these illegal arms to circulate without being detected by law enforcement authorities. As a consequence armed criminality in urban areas is on the increase.

Although the total number of SALW circulating around the globe is not known, estimates in *The Small Arms Survey 2003* put the figure at close to 30 million in sub-Saharan Africa alone. Given that the Great Lakes region is one of the most politically volatile in Africa, it is fair to assume that the bulk of such weapons have entered Tanzania via armed refugees who enter through un-official entry points either in exchange for social needs or to be used in committing crime in collaboration with civilians. Also contributing to the problem is a lack of government capacity to effectively control and monitor the borders, and poor or absent immigration and customs controls.

Homemade Guns

The problem of homemade guns is also increasing. These weapons are being used for illicit purposes. With advanced technology, some of these guns are automatic and can use modern ammunition, which is also becoming readily available. These guns are fetching market prices in urban areas where people buy them for security reasons as well as for committing crimes.

Poverty

In some cases the problem of the proliferation of illicit SALW has been exacerbated by extreme poverty. The struggle for survival leads people to produce locally manufactured weapons or to acquire smuggled weapons to commit crimes. From 1995-2001 Tanzania witnessed a sharp increase in the level of criminality involving SALW, as Table I illustrates.

Table I: Criminality involving SALW 1995-2001

Year	Incidents	Firearms	Ammunition rounds
1995	287	240	2808
1996	272	269	1256
1997	396	436	2771
1998	384	418	2076
1999	443	459	1708
2000	438	397	2095
2001	1047	1743	3111

It is also notable that guns are now becoming an integral part of life in cities. For some, guns have replaced the traditional weapons of defence and in many cultures the possession of a firearm is now the ultimate symbol of power and status. Such a situation creates an environment for further acquisition and eventual use, leading to more crime and instability in urban areas.

Although those who buy and use such arms illegally are blameworthy, equally responsible are those who

unhesitatingly manufacture and sell those arms without restrictions. The moment such arms have been sold they can land in the hands of a criminal. Because Tanzania is bordered by conflict-stricken states the supply of such arms to those states will also mean the likely smuggling into Tanzania of significant numbers of those weapons by refugees. Since 1990, Tanzania has harboured millions of refugees, most arriving with some of their belongings, including weapons.

In addition, technological advances in weaponry since 1945 have combined firepower and convenience, while advances in communication and transportation have facilitated the speed, and made more efficient the means, by which weapons are transferred. The emergence of trans-national financial and commercial institutions has been exploited and used to create a sophisticated black market in illegal goods, making the concealment of illicit exchanges of goods and money an easier task for governments and non-governmental groups. The result of these developments has been to lower the price of light weapons, making them more available to more people.

Light weapons are characterized by their durability, cost effectiveness, accessibility, and utility, which match the needs of those who require weapons. The availability of such weapons has also been shaped by factors arising from the transformation of the international order. The pressure to sell and reduce surplus and the expansion of black market opportunities have ensured high levels of light weapons deliveries across the world.

The sharp decline in official military aid to the developing world from 1987 to 1993 was only in the sale of major weapons systems. Contraction in the transfer of expensive high technology equipment has been offset by the continued purchase of less sophisticated, but still extremely lethal light weapons and small arms. Light weapons are also needed to sustain the growing number of ethnic conflicts and riot campaigns in the region.

Non-military demand for weapons has traditionally come from criminal elements and private citizens. The types of weapons acquired have normally been small arms with limited levels of firepower. Diffusion of such weapons could also be associated with technological advances, the emergence of global networks, communication, transportation, and rapid advances in trade practices. The contraction of the world into a single arena has created a marketplace for all commodities, and the development of a sophisticated global black market has facilitated the delivery of illegal goods anywhere in the world. Consequently there have been inextricable linkages, placing the requirements of individual human security at the heart of the international peace and security agenda.

Urbanization

Unplanned expansion of urban areas, increased population, and a shortage of adequate police personnel create another problem. Since the early 1990s there has been rapid urbanization. Unfortunately the majority of those who migrate to towns are jobless. For instance it is estimated that Dar es Salaam harbours at least 3 million people and each day at least five new people move to this city. Some of those who are unemployed join criminal gangs. As a result armed organized crime, which had shown some signs of decreasing, is again on the increase. Crime statistics and records show that the illicit possession of firearms has been rising since 2000.

Table II: Armed robberies in Dar es Salaam

Year	Cases	Suspects Arrested
1995	136	299
1996	166	210
1997	116	258
1998	90	344
1999	156	180
2000	115	142

In Tanzania Mainland 23 per cent of the population live in urban areas while in Tanzania Zanzibar 40 per cent are urban. The proportion of rural/urban varies from one region to another. On the mainland, Dar es Salaam Region has the highest proportion of urbanites (94 per cent), followed by Arusha Region (31 per cent). In Zanzibar, the Urban West Region has the highest proportion of urban residents (82 per cent) while the lowest is found in North Unguja (two per cent).

There has been a moderate increase in the size of the urban population. The urban population for Tanzania Mainland has increased from 18 per cent in 1988 to 23 per cent in 2002. For Tanzania Zanzibar the urban population has increased from 32 per cent in 1988 to 40 per cent in 2002. The increase, illustrated in Table III, seems to be one of the prime reasons for the increasing number of armed incidents and the lack of security in urban areas.

Table III: Census counts, 2002 projected population and intercensal growth rates by region

Actual Population From the Censuses					Projected Population	Growth Rate (%)	
Region	1967	1978	1988	2002	2002	1978-1988	1988-2002
Dodoma	709,380	972,005	1,235,328	1,698,996	1,707,275	2.4	2.3
Arusha	610474*	926223*	744,479	1,292,973	1,221,890	3.8+	4.0
Kilimanjaro	652,722	902,437	1,104,673	1,381,149	2,019,963	2.1	1.6
Tanga	771,060	1,037,767	1,280,212	1,642,015	1,742,413	2.1	1.8
Morogoro	682,700	939,264	1,220,564	1,759,809	1,783,664	2.6	2.6
Pwani	428,041	516,586	636,103	889,154	848,316	2.1	2.4
Dar es Salaam	356,286	843,090	1,360,850	2,497,940	2,547,217	4.8	4.3
Lindi	419,853	527,624	646,494	791,306	848,562	2.0	1.4
Mtwara	621,293	771,818	889,100	1,128,523	1,079,816	1.4	1.7
Ruvuma	395,447	561,575	779,875	1,117,166	1,222,242	3.4	2.5
Iringa	689,905	925,044	1,193,074	1,495,333	1,737,791	2.7	1.5
Mbeya	753,765	1,079,864	1,476,278	2,070,046	2,235,271	3.1	2.4
Singida	457,938	613,949	792,387	1,090,758	1,109,005	2.5	2.3
Tabora	502,068	817,907	1,036,150	1,717,908	1,432,673	2.4	3.6
Rukwa	276,091	451,897	698,718	1,141,743	1,218,977	4.3	3.6
Kigoma	473,443	648,941	856,770	1,679,109	1,240,939	2.8	4.8
Shinyanga	899,468	1,323,535	1,763,800	2,805,580	2,615,565	2.9	3.3
Kagera	658,712	1,009,767	1,313,594	2,033,888	1,957,921	2.7	3.1
Mwanza	1,055,883	1,443,379	1,876,635	2,942,148	2,665,956	2.6	3.2
Mara	544,125	723,827	946,418	1,368,602	1,432,476	2.9	2.5
Manyara	N/A	N/A	603,691	1,040,461	999,729	N/A	3.8
Total, Mainland	11,958,654	17,036,499	22,455,193	33,584,607	33,667,659	2.8	2.9

Source: National Census Report 2002

PROLIFERATION OF SALW AND URBAN SOCIO-ECONOMIC DEVELOPMENT

Generally, widespread availability of small arms and light weapons in Africa has contributed to the development of a culture of violence and massive violations of human rights and international humanitarian law. The easy availability of arms also fuels violent crime and makes disputes and domestic violence more lethal. In addition it has also caused millions of deaths and injuries among the civilian population and psychological trauma among the affected. For instance, more than 3 million civilians have been killed by small arms in Tanzania since 1990 (Robertshaw, Louw & Mtani 2001). The severe physical and psychological effects on women and children, particularly where they are principal or supplementary breadwinners, portend long-term damage to societal stability.

To varying degrees, freedom of movement is restricted in most societies that experience daily violence. For instance, nearly 31 per cent of people feel unsafe in their areas after dark in Dar es Salaam (Robertshaw, Louw & Mtani 2001, p. 97). Most people believe that crime has increased in recent years. The threat of violence widens the gulf between rich and poor, with the rich using their wealth to build defences against perceived growing levels of anarchy. It creates new obstacles to the achievement of human rights objectives, including the most fundamental of all, the right to life, and a prevailing sense of hopelessness in entire societies, especially among the young.

Although small arms and light weapons make up a small proportion of global trade in dollar value, they have a disproportionate and devastating impact on human safety and security. The proliferation of illicit small arms and light weapons in urban areas has had devastating consequences, including more armed robberies and other serious crimes in Tanzania, i.e., car hijacking.

Peace, stability, and security are prerequisites for sustainable development. The prevailing situation of increased crime hinders sustained economic development by creating new disincentives for foreign investments. For instance, a recent spate of bank robberies involving small arms and light weapons resulted in a loss of billions of Tanzanian shillings. In Dar es Salaam there were daylight armed robberies at the Co-operative and Rural Development Bank (CRDB) in 2004, with 3.1-billion shillings stolen; at Stanbic in 2004 with 2.5-billion shillings stolen, and at Citibank in 2002, with 2.2-billion shillings stolen. Other robberies occurred at the Postal Bank Arusha, National Bank of Commerce Kibo Branch Moshi, Exim Bank Mtwara, and the National Microfinance Bank Igunga Branch Tabora. These robberies de-motivate prospective investors in the sector and result in higher interest rates on loans, which, in turn, cause borrowers to default on their loans. As well, interest on deposits will be reduced.

For a country struggling hard to fight poverty such an increase in crime is a serious setback. It was only in the early 1990s that the national government decided to liberalize the economy and encourage private investors to join the fight against poverty. If these robberies continue, it will be difficult for the poverty reduction strategy to be achieved because there will be little money to lend and people will lose their trust in banks.

Individuals have also suffered because of the armed robberies. Some people have lost property and others have lost their lives. The Director of Criminal Investigation, Tanzania admitted that, since 2000, the number of deaths from the use of firearms and the value of property lost in robberies have risen. Family and individual purchasing power is reduced and the standard of living is threatened. Some people hire private companies to

guard their premises, with the result being a further increase in expenditure and rise in the cost of living. However, only a few can afford such expenditures.

There is a relationship between security and development and the need to develop comprehensive and effective peacebuilding and other measures that reduce the resort to arms and help curb the problem of illicit SALW. The availability and use of sophisticated light weapons terrorize civilian populations, either by killing civilians or creating such an atmosphere of fear that they don't feel free to engage in daily socio-economic activities.

Today, heavily armed policemen patrolling streets and armed guards in schools, public buildings, commercial complexes, and private premises are commonplace in Dar es Salaam. Such a proliferation "has often led to the acceptance of weapons as a normal part of life.... These developments have created numerous anxieties, induced by perceived threats to personal security and consequent domestic arms races. The formation of paramilitary, civilian defence and armed vigilante groups can be seen as both symptoms and causal factors in processes of societal militarization and weapons proliferation" (Louise, p. 14).

According to Louise (p. 16), "[t]he trauma experienced by societies in which violence is rife is a consequence of the deep fears that become entrenched in the communal psyche" resulting from "militarization and the unchecked use of weapons.... It can be argued that widespread social trauma is, therefore, a result of weapons proliferation in an unstable environment. One of the more destructive effects of this trauma is the communal division that results" from a lack of trust of one another, thus reducing the social cohesion necessary in production. "Social disintegration linked to gun culture ... is poignantly illustrated in the behaviour and response of children."

The small arms and light weapons issues need to be viewed in the broader picture of concrete societal consequences, including increased medical and public health costs. With every death there could be additional injuries requiring hospitalization. When meagre resources are committed to treat the injured the economy is further crippled.

The table below shows a sharp increase on the level of criminality involving SALW 1995-2001 in Tanzania.

Table IV: Level of criminality involving SALW in Tanzania, 1995-2001

Year	Incidents	Firearms	Rounds of Ammunition
1995	287	240	2808
1996	272	269	1256
1997	396	436	2771
1998	384	418	2076
1999	443	459	1708
2000	438	397	2095
2001	1047	1743	3111

EFFORTS TO CONTROL AND PREVENT THE PROLIFERATION OF SALW

International, Regional, and Sub-Regional Efforts

Tanzania has actively participated in all international, regional, and sub-regional policy initiatives aiming at tackling the proliferation of and illicit trade in small arms and light weapons. Such initiatives are the UN Programme of Action and Vienna Firearms Protocol, the African Union's (AU) Bamako Declaration, Southern African Development Community's Protocol on Firearms, Ammunition and other Related Materials, the Nairobi Declaration, the Nairobi-coordinated Action Plan, and the draft East African Firearms Protocol.

The UN Firearm Protocol against Illicit Manufacturing of and Trafficking in Firearms

The UN Firearm Protocol against Illicit Manufacturing of and Trafficking in Firearms was signed in Vienna on 16 June 2000. The Protocol supplements the UN Convention against transnational organized crime. Its main purpose is to promote, facilitate, and strengthen cooperation among States parties to prevent combat and eradicate the illicit manufacture of and trafficking in firearms, their parts, and ammunition.

In 2001, the United Nations held a Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The Conference recognized the humanitarian consequences of small arms and a Programme of Action was accepted to address the problem. The resultant Programme of Action on the Prevention, Control and Eradication of Illicit Trade in Small Arms and Light Weapons in All Its Aspects notes that the key to small arms proliferation is the demand that is fuelled by adverse social, political, and economic conditions.

The Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons

The member States of the AU met in 2000 to develop an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons in preparation for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

Members agreed to address *inter alia* the problem of the illicit proliferation, circulation, and trafficking of small arms and light weapons in a comprehensive, integrated, sustainable, and efficient manner by promoting comprehensive solutions; better coordination and harmonization of efforts at various levels; and involvement of civil societies to support the central role of governments, provide education and public awareness programs, and put in place national coordination agencies or bodies and appropriate institutional structures for policy guidance, research, and monitoring. Other measures include adopting legislation and enhancing the capacity of national law enforcement and security agencies through training on investigative procedures, border control, and specialized actions; and by upgrading equipment and resources to develop and implement programs on voluntary surrender, identification, and destruction of weapons.

The Nairobi Declaration

In March 2000, the representatives of Burundi, the Democratic Republic of Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Tanzania, and Uganda signed the Nairobi Declaration, which attempts to tackle the problem of small arms and light weapons.

The Declaration requires members to share information and cooperate in all matters relating to illicit small arms and light weapons, including the promotion of research and data collection in the region and encouraging cooperation among governments and civil society.

In addition members have been urged to adopt *inter alia* national laws and regulations and control mechanisms to govern civilian possession of arms; coordinate and publicize policies, regulations, and laws relating to possession of arms by civilians; monitor and effectively control all transactions relating to small arms and light weapons to licensed entities by strengthening sub-regional cooperation among police, intelligence, and customs and border control officials; suppress criminal activities relating to the use of these weapons; and establish national mechanisms to deal with the problem of illicit small arms as well as to implement the Nairobi Declaration.

The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa

This 2004 Protocol aims at implementing the Nairobi Declaration of 2000. It provides clear guidance on the meaning and scope of some of the commonly used terms. The objectives of the Protocol are, *inter alia*, not only to prevent possession but also illicit manufacturing of, trafficking in, and use of small arms and light weapons in the sub-region; to promote and facilitate information-sharing and cooperation between the governments in the sub-region, as well as between governments, inter-governmental organizations and civil society, in all matters relating to the illicit trafficking and proliferation of small arms and light weapons; and to encourage accountability, law enforcement, and efficient control and management of small arms and light weapons held by States Parties and civilians.

Declaration Concerning Firearms, Ammunition and Other Related Materials in the Southern African Development Community, March 2001

As a member of the SADC, Tanzania has signed the SADC Declaration Concerning Firearms, Ammunition and other Related Materials. The Declaration is a framework document that outlines the SADC position on the problem of firearms, ammunition, and other related materials. According to the Declaration, the respective governments will, *inter alia*, review national legislation to prohibit unrestricted civilian possession of small arms and civilian possession and use of light weapons; regulate and centralize the registration of all firearms owned by civilians; regulate and control the manufacture, import, export, transfer, possession, and use of firearms and ammunition, and other related materials; standardize the marking and identification of firearms at the time of manufacture, import, and export; improve the operational capacity of the police, customs officials, border guards, the military, and the judiciary to combat the illicit trafficking in firearms and ammunition and other related materials; promote national and regional public education and awareness programs concerning the curbing of the proliferation of firearms; improve the control over firearms owned by the State; introduce programs that encourage the reduction of legal firearms and the voluntary surrender of illegal firearms; promote information exchange on the accumulation of firearms owned by civilians, and develop policies that reflect transparency in the control of such firearms.

SADC Protocol on the Control of Firearms, Ammunition and other Related Materials

The SADC Protocol reaffirms that priority should be given to prevent, combat, and eradicate the illicit manufacturing of firearms, ammunition, and other related materials among member States.

National Efforts to Control SALW

There have been guidelines, policies, plans of action, and laws to implement the above commitments. In 2001 the Tanzanian government established the National Focal Point on small arms and light weapons, the National Committee for Arms Management and Disarmament, and Provincial Task Forces for Arms Management and Disarmament.

The Legal and Policy Framework for Regulating Small Arms and Light Weapons

The National Community Development Policy (1996)

Although Tanzania has no specific policy on small arms and light weapons, there is a draft National Policy on Firearms. There have been various strategies to address the problem and some cross-cutting policies, which address aspects of national security. The National Community Development Policy touches on various issues necessary for development and declares that stability and democracy are crucial factors for community development. Citizens must realize that “defence and security is the responsibility of every community” (p. 13). Such a policy has borne fruit because people have come forward to inform the police of potential criminals and likely incidents of crime.

The Arms and Ammunition Act (1991)

This Act aims to consolidate and amend the law relating to the control of civilian arms and ammunition in Tanzania. It is divided into seven broad parts.

- *Licence and Licensing Procedures and Marking*

Section 4 prohibits the possession, use, or carrying of arms without a valid licence granted by the Arms Authority duly appointed by the Minister. Such licences must describe the firearm and ammunition by reference to the stamped marks and numbers. The licence must also bear the name of the grantee, number, and the date of issue or renewal and expiry, and cannot be transferred to a third party. All such details are geared towards curbing the problem of illicit trade and haphazard transfer of arms without control. It also tallies with international efforts to establish a tracking mechanism to know where and how the weapons sold are being used. However, the licensing authority has been given such wide powers that it has the discretion to decide which conditions should be included in the licence (Sect 5[2]a).

Although failure to renew a licence within the stipulated time attracts a penalty of a 50 per cent increase of the fee prescribed (Sect 4[4]), the Act has empowered the Authority to grant a grace period not exceeding 15 days if he deems fit (Sect 5[2]b). In case there has been any dissatisfaction resulting from failure to grant or renew a licence or cancellation thereof the aggrieved applicant may appeal to the Minister. In addition, other weapons that were never registered have to be registered, stamped, or marked (Sect 23). A person who acquires the possession or control of any armaments after the commencement of the Act has to surrender them within 14 days of the date of acquisition to the authorized officer or Arms Authority (Sect 22[2]). Surrendered armaments are disposed of by the officer or authority as the Minister may direct.

The Authority, which according to section 5(1) may be a person, public officer, or government department, can exempt any person from the provisions of section 5, which deals with licensing conditions, and subject that person to other special licence conditions. Nevertheless public security must be considered in the granting of all licences, especially in areas in conflict.

■ *Procedures for Importing and Exporting of Arms or Ammunition*

The Act restricts the export and import of arms and ammunition. This seems to be quite an important step due to the deadly effects of arms proliferation not only on Tanzania but also neighbouring countries. It is an offence to export any arms or ammunition without a licence issued by an authorized officer (Sect 8[1]) who must satisfy himself that the arms and ammunition will not be used for warlike purposes and that they are not intended to be disposed contrary to the provisions of the Convention (Sect 8[2]). In addition, the officer may attach conditions that he thinks advisable and may also limit the exportation licence to a particular consignee (Sect 8[3]). Although all the above measures restrict the free movement of arms, it needs to be reckoned that the effects of arms are not only confined to warlike areas; light weapons also bring such social problems as armed robbery. The Act makes it an offence for anyone to import into Tanzania any arms or ammunition without permission (Sect 9 [1], 9[2]), with the exception of travellers who are subjects of the High Contracting Parties, who are authorized by their countries, possess documents of authorization officially stamped, immediately report to the nearest government officer, and give details of the quantity of arms and if so required, produce the arms for inspection. Section 12 clearly states that the Minister may grant, suspend, or refuse a transit licence for the importation of arms or ammunition to a contiguous State. This provision is vital for bringing about peace in the region. Any person suspected of carrying, or having in his possession, or moving any firearms, ammunition, or prohibited arms can be arrested by a police officer without an arrest warrant (Sect 10).

■ *Storage, Transfer and Manufacturing of Arms*

One of the challenges in dealing with arms relates to storage. Section 13 provides that any person who imports arms and ammunition has to deposit them in a public warehouse prior to obtaining a licence from an authorized officer. Sections 14(1) and 15 further provide that every arm or part thereof will be registered with special marks and numbers. To make the exercise easier the person depositing the arms or ammunition must provide the necessary information for registration (Sect 14[2]). This provision aims directly at curbing the illegal infiltration of weapons into Tanzania.

Arms and ammunitions can only be withdrawn from public warehouses with the permission of an authorized official. In granting such permits the authority must be satisfied that they are being dispatched to the designated places or another warehouse or to individuals for legitimate personal use. Upon such withdrawal the official has the power to limit the quantity to be taken at a time (Sect 16[4]), and to determine and require the extent of security needed (Sect 16[5]). To maintain the tracking system, every permit for withdrawal must specify the mark, number, and description of arms and ammunition authorized to be taken (Sect 17).

The Act generally prohibits manufacturing or assembling of arms or ammunition unless done in known arsenals or by the government (Sect 20). Likewise the repairing of arms other than smooth bore muzzle-loading arms is prohibited unless done at government establishments or establishments licensed by the Arms Authority (Sect 21).

It is illegal for a person to sell or transfer any arms or ammunition without a permit. Whoever purchases or accepts by way of gift or any consideration arms or ammunitions without a duly signed permit is also made liable by virtue of section 24 of the Act. Without this provision firearms could end up being traded like ordinary commodities, which would be hazardous.

Sometimes it becomes hard to address effectively the problem of arms proliferation if private warehouses are not controlled and monitored. Section 25 makes it an offence for any person to keep a private warehouse

without a licence from the Arms Authority. A person who has been licensed to keep a private warehouse must ensure that the premises has only one entry with two locks, one of which can only be opened by government officers; be responsible for the arms; give an account on demand; and maintain a register of deposits and withdrawals (Sect 26, 27). Although there are no cases of breaking and entry and stealing of stored weapons, the above precautions do not guarantee security.

Any person who has been licensed to possess or control arms or ammunition must take all necessary precautions to prevent unauthorized persons from taking them (Sect 32[1]). Failure will lead to that person's being charged and the burden of proof that reasonable precautions were taken will be on him (Sect 32[2]). The Act provides a general penalty of 15-years imprisonment or a fine not exceeding three million shillings or both upon conviction. For those who hold a licence or permit, the same will be forfeited or suspended for such a period as the court may deem fit (Sect 34). Although this penalty appears to be strict, the crime rate has continued to escalate. It appears that other complementary initiatives are needed to address the problem. According to section 39 a person can be liable if he is found in possession of an imitation weapon, which means anything that, if observed in daylight, has the appearance of being a lethal, barrelled weapon. Police officers have also been empowered to stop and search any person suspected to be in possession of arms (Sect 39).

Although this Act seems to have addressed most of the crucial issues, poor enforcement and poor record systems have made it less effective.

The Armaments Control Act (1991)

The Armaments Control Act deals with the machinery and mechanism of controlling and managing arms of war. Part I gives the preliminary provisions and Part II deals with the organization for armaments control.

■ *Institutional Mandates*

The Act vests control over armaments in the President of the United Republic of Tanzania (Sect 6). He has also been empowered to facilitate the formulation and implementation of a realistic policy for the control of all dealings in and with armaments in the country for the purpose of enhancing national security (Sect 5). Under Section 7 the Act establishes the National Armaments Control Advisory Board.

The functions of the Board are *inter alia* to advise the government and provide recommendations on issues relating to the formulation and implementation of the national policy on the control of armaments; and to conduct, or promote the conduct of, research for the control of armaments. In addition the Board is to supervise and regulate the manufacture, importation, conveyance, and disposition of armaments in the country (Sect 8[2]a).

■ *Dealing in Armaments*

Part III is on the control of armaments. It is prohibited for any person to carry, convey, or possess any armaments without authorization from the Board (Sect 11[1]). The only exceptions are armaments under the control of the government or controlled on behalf of the government and those in transit in a vessel belonging to a foreign country that notified and secured permission from the government (Sect 11[3]). The Act further restricts the import or export of any armaments unless authorized by the Board (Sect 12). Armaments can only be manufactured or assembled with authorization from the Board and at arsenals established for that purpose (Sect 13).

A SURVEY OF THE APPROACHES EMPLOYED TO DEAL WITH THE PROBLEM

The effort made by Tanzania to sign on to and implement the regional and international agreements is worthwhile. Since 1991 Tanzania has put in place legislation that largely addresses the means to control small arms and light weapons in the country. But legislation also needs effective structures, including a strong, well trained police force.

Although policies normally precede legislation, the government is only now drafting a National Policy on Firearms, which will necessarily lead to some amendments of the existing law. However, the government has relied most on the National Action Plan, which lays down strategies for dealing with the problems of increased SALW. The National Action Plan, which borrows heavily from the UN Programme of Action, the Nairobi Protocol, and the SADC Protocol, has established Regional and District Task Forces that aim to control the illicit proliferation of SALW as a partial fulfilment of international, regional, and sub-regional obligations. The Task Forces embrace the participatory approach and encourage wide ministerial and departmental involvement. Even departments which do not normally participate, such as those dealing with immigration, customs, and refugees, have been included. The Ministry of Regional Administration and Local Government has assisted in the establishment of grassroots security committees and has implemented micro-economic development activities. Such a mechanism has so far attracted mass support for the campaign against SALW.

The Tanzanian police, who are considered the Authority under the Arms and Ammunitions Act, issue firearm licences to civilians for three main reasons: security, hunting, and the protection of crops from wild pigs and monkeys. Firearms are registered at the Firearm Registry of the Tanzanian Police in Dar es Salaam, but the licences are approved in a hierarchical process in which recommendations for approval are transferred from the district, to the regional, and finally the national level. This process ensures that only those people fit to possess a firearm are awarded a licence. However, because staff members at the Firearm Registry lack computers and a suitable computer network they have difficulty keeping records up-to-date. No assessment is made of the proportion of the Tanzanian population who have licensed their firearms. While it is assumed that a fair proportion of the population have registered their firearms, this view cannot be accurate.

The public are generally dissatisfied by the performance of the police force. Some citizens believe that the police are involved in crimes, including the hiring of firearms. More attention should be paid to the actual effectiveness and efficiency of the police force and also to its public image. The conduct and public image of the police force should be assessed. Policing practices might need to be reconsidered. Such measures should help to promote a greater sense of security among the general population and should enhance the success of any firearm reduction strategies.

ACHIEVEMENTS BY TANZANIA IN THE CAMPAIGN AGAINST SALW

Tanzania is a signatory of the Nairobi Protocol. Although there is national legislation on the legal acquisition and use of small arms, proliferation has not been controlled. Those who are legally issued firearms should be constantly monitored and reminded of their obligations as custodians of dangerous weapons.

Since signing the Nairobi Declaration, the Protocol, and the Bamako and SADC instruments, Tanzania has been working on its National Action Plan, which aims at implementing the international and regional agree-

ments on small arms. The following have been accomplished to date:

- establishment of the National Defence and Security Council as the policymaking body on small arms and light weapons;
- draft policy document in place;
- establishment of the National Focal Point Committee on Firearms and Ammunitions, with members appointed by the Ministries and Departments that form the National Defence and Security Council;
- establishment of the Zanzibar Arms Management and Disarmament Committee;
- establishment of the Civil Society National NGO network in all the mainland regions and Zanzibar;
- establishment of the Regional and District Security Committees;
- establishment of the Regional and District Task Force Committees in the mainland regions; and
- establishment of the National Committee on Arms Management and Disarmament (AMAD);
- destruction of 1,000 firearms in Dar es Salaam (August 2003), destruction of 921 firearms in Mwanza (November 2003), destruction of 1,500 firearms in Mbeya (February 2004);
- destruction of 14,000 landmines in Bagamoyo (March and August 2003), and 4,300 landmines in Arusha (January 2004);
- identification of over 100 micro-projects for implementation at different stages of the National Action Plan.

The six main elements of the National Action Plan lead to:

- sensitization of existing national bodies and agencies;
- review of national legislation, administrative procedures, and regulations followed by implementation of the new provisions;
- training and capacity-building;
- developing international and regional cooperation and information exchange;
- cooperation and interaction with civil society to build support for the National Action Plan and secure civil society involvement in its implementation; and
- identification and action on critical areas of control such as cross-border entry points.

The National Action Plan has largely adopted the participatory approach. Such an approach has led to commendable community support of government initiatives.

RECOMMENDATIONS

- A sustainable solution to the problem requires active and concerted regional effort as well as international understanding and support to encourage education and awareness-raising programs on the problem of illicit small arms, involving all sectors of society.
- Effective control of arms transfers by suppliers outside the region, including measures against transfers of surplus arms to prevent the problem of illicit small arms, must be implemented.
- Proliferation of small arms is fuelled by adverse social, political, and economic conditions. More development projects and awareness campaigns on the long-term effects of proliferation of such weapons need to be initiated.

- Further collaboration on the problem of SALW is needed between government and various civil societies in the areas of information gathering and exchange, advocacy, research, public engagement, and raising awareness. NGOs, particularly those in the South, need to cooperate with each other to increase sustainability and share resources, ideas, and experience.
- States need to cooperate more readily with relevant international and regional organizations.
- Governments must improve capacity and accountability to control arms transfers and protect citizens from armed violence.
- Civil society and local government agencies should take effective action to improve community safety by reducing the local availability and demand for arms.
- Incentive schemes should be initiated for the voluntary surrender of illegal arms and supplying of information leading to apprehension and conviction.
- NGOs should be organized to contribute to long-term campaigns according to their core specialties.
- Comprehensive research should be conducted on the effects of proliferation of SALW in urban and rural areas and their impact on ongoing efforts to eradicate poverty.
- Comprehensive indicators of the increase or decrease of SALW should be identified.
- Safer city programs must be promoted and garner mass community involvement.

NOTES

1. “Light weapon” has been used as a generic term to describe all conventional munitions that can be carried by an individual combatant or by a light vehicle. This includes small arms, bazookas, rocket-propelled grenades, light anti-tank missiles, light mortars, shoulder-fired anti-aircraft missiles, and hand-placed landmines. “Small arms” is a sub-category of this classification, defined by the United States Department of Defense as including automatic weapons, up to and including 20mm. This includes sub-machine guns, rifles, carbines, and handguns.

2. Refers to (a) any portable barrelled weapon that expels, is designed to expel, or may be readily converted to expel a shot, bullet, or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899; (b) any other weapon or destructive device such as an explosive bomb, incendiary bomb or gas bomb, grenade, rocket launcher, missile, missile system or mine.

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COMMUNITY POLICING AND REGULATION OF SALW IN URBAN AREAS: A STUDY OF ATTITUDES, STRUCTURES, AND INSTITUTIONS IN KAMPALA AND GULU, UGANDA

by Lydia Karungi

INTRODUCTION

The misuse of small arms and light weapons (SALW) is now widely recognized as a major source of insecurity and human suffering across much of the world, including Uganda. Small arms have:

- caused millions of deaths;
- produced millions of injuries, often leading to permanent disability, thus burdening communities and health systems as a whole;
- killed and disabled the most vulnerable civilians, in particular children and women, and facilitated the recruitment and use of children as soldiers;
- resulted in numerous serious violations of human rights and international humanitarian law;
- fuelled insecurity and increased the risk of wider violent conflicts;
- caused massive social disruption, including forced displacement, resulting in reduced ability to satisfy basic needs;
- acted as a magnifier of violence, both in conflict and non-conflict situations, generating a culture of violence affecting all social groups, including children and women, who have usually been outside the traditional patterns of conflict;
- threatened the security of refugees and displaced people and undermined the civilian and humanitarian nature of camps and settlements;
- prevented many people from achieving a sustainable livelihood. Farming communities are too scared to tend their fields for fear of falling victim to unpredictable assault by armed groups operating in their area;
- created a climate where it is impossible to attract investment and conduct business;
- contributed to the deterioration of the institutions of health and education, producing poor health and educational prospects for local populations;
- contributed to the destruction of essential infrastructure;
- exacerbated crime-related violence; and
- caused the deaths of humanitarian workers and hindered humanitarian access.

In Uganda, the presence of small arms has continued to fuel civil strife, cattle rustling, and violent crime. Violent crimes, committed with the support of firearms, have been rampant in urban areas like Kampala and Gulu. Guns are used to intimidate, frighten, and wound victims in robberies involving cash, motor vehicles, and electronics, as well as to settle scores.

OBJECTIVES

The intention of this research is, therefore, to examine the role of community policing in controlling and preventing the easy spread of small arms in Kampala and Gulu town. The study will trace the nature and

structures of community policing and will consequently evaluate the propriety of using community policing as a strategy against the proliferation of SALW in urban areas in Uganda.

This study seeks to analyse the logic of community policing in regulating the spread of small arms in urban areas. It uses the experiences of Gulu and Kampala to analyze the structures and institutions that have been built to support community policing. In addition, it examines the attitudes of several stakeholders to these institutions and structures, especially with regard to controlling the easy spread of small arms and light weapons. The study analyzes the nature of institutions that have been built to support community policing and the manner in which these structures and institutions have played a pivotal role in controlling the proliferation of SALW in the areas of study.

This study examines structures and institutions of community policing in Kampala and Gulu towns and the attitudes of all stakeholders towards the role of community policing in controlling the spread of small arms. On the one hand it offers examples of what can be positively achieved and sustained in the local community. On the other hand, there are negative lessons to learn from the way in which the communities have responded to anxieties about regional security and organized crime.

METHODOLOGY

The tools and techniques of collecting/gathering the information relevant to the study were structured questionnaires, informal discussions, and secondary data. A series of interviews and discussions were conducted with a cross-section of respondents in Kampala and Gulu. Interviewed were community leaders (including religious leaders and scholars, youth and women, government officials serving in the district), members of the district Security Committee, teachers, Chiefs, District Officers, and security personnel. Sample areas were selected to represent the two urban areas. The sample areas were selected to examine the efficacy and nature of the different community policing programs in the two urban areas. A sample census was carried out in Gulu town in which all the Local Council (LC1s) and their defence assistants from different cells were enumerated.

A self-administered questionnaire was completed by all participants. Those who could not write or lacked proficiency in English received assistance from the enumerators who wrote in their responses. The questionnaire had four sections: one to collect biographical data on each respondent, a section for the Local Councils, a section for the police, and a section for civilians. To gain qualitative information, the questionnaire was designed so that the respondent was not bound or limited to particular information but rather guided to give exhaustive information.

The data obtained from the field was coded appropriately to enable quantitative analysis to be carried out on the qualitative responses. Responses were also categorized so that each of the measurements or responses was classified into one category only. This was done to eliminate any ambiguity that would arise when categorizing responses. Bar charts were generated to illustrate data. Qualitative information from the questionnaire was filtered to obtain responses of interest. Focus group discussions and interviews contributed to the general nature of the study and also captured valuable information of particular interest, especially the attitudes of the different stakeholders towards the police and SALW.

Limitations of the Study

The study tried to include views from different segments of society – the general public, police officers, local council officers, and civil society. We tried to reach most of the institutions that are involved in the implementation of community policing and the regulation of small arms.

Research on illicit small arms proliferation is a uniquely sensitive issue, especially in Gulu town, and therefore several limitations hampered the study. First, most of the respondents lacked knowledge of pertinent facts or may not have wished to reveal certain facts and so several aspects of the study contain limited information. Second, most of the officials interviewed may have feared negative publicity associated with the presence and use of illegal SALW in their regions and so were not willing to discuss armed violence in their locality. Government bureaucratic red tape made it difficult to access data and information about the violent crime rate in the two urban centres, the use of illegal SALW, incidences of attacks, arrests and deaths of criminals, and the deaths of security personnel. In addition, most respondents were illiterate and/or non-English speakers, so we had to translate the questionnaires from English to the local languages, which is often difficult and time consuming. The security factor in Gulu town also affected the flexibility and movements of the researchers.

THE PROBLEM OF SMALL ARMS IN URBAN AREAS

It has been estimated that there are over 100 million small arms and light weapons circulating in Africa (Salopek 2001). While not responsible for the multiplicity of ethnic and religious strife, political instability, and violent crime that abound in the region, the proliferation of small arms certainly does contribute in no small measure in fuelling them. The UN Small Arms Panel Report (1997, p. 15) pointed out that “accumulations of small arms and light weapons by themselves do not cause conflicts in which they are used ... these conflicts have underlying causes which arise from a number of accumulated and complex political, commercial, socio-economic, ethnic, cultural and ideological factors. Such conflicts will not be finally resolved without addressing the root causes.”

This proliferation has been facilitated by, among other factors, lengthy, porous, and often poorly policed borders; inefficient border controls; and corruption, all of which make illicit trafficking in small arms difficult to control. This has been the case with Uganda, which has been devastated by the proliferation of SALW. Long-lasting civil conflicts have facilitated the easy spread of arms. Accessibility of such arms has had an impact on the spread of crime in all areas of Uganda, including urban centres.

Kampala and Gulu have been affected by the same problem for different reasons. The former is the capital where most of the refugees and displaced people end up looking to start life afresh, but bring with them small arms that cannot be easily traced. On the other hand, Gulu town has been the epicentre of Uganda's longest and most devastating rebellion. The Government conflict with the Lord's Resistance Army (LRA) rebels has led to the easy spread of arms in the area.

THE CONCEPT AND RELEVANCE OF COMMUNITY POLICING

Many strategies and programs are being implemented by the government to control and reduce crime. One of these programs is community policing. Community policing was identified as an appropriate strategy for changing the attitudes of people towards crime and creating a more useful and positive partnership between the police and the community in fighting crime.

Community policing can be structured differently in a given community or vicinity. There are three models of community policing. First, community policing can be modeled towards crime prevention and peace preservation. In this case, the main task of the police would be to prevent crimes and preserve the peace. To do this the police must secure the active cooperation of the community. The community is actively involved in monitoring and controlling police activities. The second model is communications policing. This involves communicating about the risk and security in a given society so that the society is able to respond to prevent crime and ensure a safe and peaceful community. Lastly, there is community-building policing. In this case, the police need to penetrate all aspects of the community and develop personal relationships at all levels.

Community policing has been used and tried in many parts of the world to ensure closer relationships between the police and the communities. Community policing is the result of a community and police partnership that identifies and resolves issues to maintain social order. This partnership is expected to be mutual and able to contribute to or maintain social order. Contemporary policing acknowledges that the community is a stakeholder or has ownership in community safety. In this style of policing, community members and the police jointly identify and resolve community issues. To clarify a common misunderstanding held by police and community members alike, enforcement and reactive responses are part of contemporary policing. The main focus is community involvement in combating crime and disorder. Thus community policing is an excellent opportunity for the government and the police to attend to the needs of their “customers” in society. Only if community policing benefits the police, community, citizens, and government should we allocate the manpower and money to implement and sustain it.

In terms of elimination, suppression, and prevention of crime in society, the community and the police force are synonymous and reinforcing. J. Singh (2000, p. 127) states that “crime is a community problem created by societal issues and failures, and not just a police issue or an indication of its effectiveness. Police effectiveness and public order cannot be greatly enhanced unless the community can be persuaded to do more for itself.” Community policing creates new roles for residents to become involved in securing safe neighbourhoods.

In addition, it has been stated that the concept of community policing envisages a police department striving for an absence of crime and disorder, and concerned with the wellbeing of the community. Gianakis and Davis (1998) outlined David Bayley’s (1994) basic elements of community policing as “consultation with community groups regarding their security needs; command devolution so that those closest to the community can determine how to best respond to those needs; mobilization of agencies other than the police to assist in addressing those needs; and remedying the conditions that generate crime and insecurity through focused problem solving.”

Thus it can be said that community policing is a “way of policing, whereby the people in an area and the local police act together to prevent crime and disorder” (Kasingye 2003). Community policing focuses attention on police partnership with the communities it serves. Its intention is to produce a cooperative process of identifying police priorities and to provide a more efficient method of achieving results by a joint effort of the police and the communities it serves. The community should, however, be at the centre of this process. In short, “[c]ommunity policing is a philosophy of full service personalized policing, where the same officer patrols and works in the same area on a permanent basis, from a decentralized place, working in a proactive partnership with citizens to identify and solve problems” (Trojanowicz & Bucqueroux 1994).

History of Policing in Uganda

The police force is a department in the Ministry of Internal affairs headed by the Inspector General of Police (IGP). It is established under Article 212 of the Constitution of Uganda. Its major functions include protection of life and property and prevention and detection of crime.

The police force in Uganda was introduced in 1906 by the colonial government. To ensure maximum expropriation of the colony’s resources for the benefit of the British, the police was used as an instrument of oppression and not as a service to the public.... The post-colonial police force has largely remained accountable and answerable to the state rather than to the public. (Kasingye 2003)

Uganda between independence in 1962 and 1986 “was characterised by political turmoil, and illegitimate or unpopular governments.... The political and civil strife ... crippled government’s ability to combat crime and maintain law and order.... [P]oor economic prospects and massive unemployment provided motivation for the people to commit crimes.” Further, the “decay of government machinery and degeneration of public morals crippled the institutions and process of social control” (Kasingye 2003), severely constraining the capacity of the Ugandan police to deal decisively with the level of crime. Police capacity was further weakened by inadequate logistics and insufficiently trained manpower.

However, when the National Resistance Movement government took over power in 1986, the “need to involve communities in combating crime became more prominent.... To win back the trust and confidence of the members of the public in their police force and forge a partnership with them to fight crime, a more pro-active approach to policing known as ‘community policing’ was initiated in 1989” (Kasingye 2003).

Community policing in the Uganda Police Force started in 1989 in Old Kampala Police Division, under the supervision of Prime Minister Bangirana. The duty of community policing was to patrol and police a given area daily, to liaise with local police officials and provide mentoring; and to give on-the-spot police service and advice to members of the public. However, the program was not fully supported and slowly ran down. It was reinvigorated in 1993 on a national scale with several objectives, including the need to “establish an effective and efficient policing system with the assistance of the public to prevent crime,” “sensitise the communities on crime and its control,” “promote open and honest relations between the police and the public,” “enhance greater accountability in policing to members of the public,” “ensure that policing priorities tally with community or local security needs,” “help promote and foster respect for human rights by the police,” and “improve the quality of police services and integrate them into commu-

nity life” (Kasingye 2003).

Community Policing in Uganda

Community policing is currently implemented through Police Dialogues, Neighbourhood Watch schemes, and Crime Prevention Panels. Crime Prevention Panels “consist of local residents that are trained in crime prevention with a view, not only to empowering people about crime prevention and the requirements of the law, but also that citizens and communities will accept responsibility themselves for law and order in their locality. Two models of Crime Prevention Panels are emerging: one based on the community at large and one based on work associations/employment groups” (Baker 2004, p. 7).

Crime Prevention Panels based on communities at large involve sensitization campaigns which are constituted in small courses.

During the course of 30 2-hour evening sessions, ... local volunteers are given training in such topics as the nature of community policing and crime prevention; the differences between criminal and civil cases; the importance of preserving the evidence at the scene of the crime; the institution of criminal proceedings; the [Local Council] LC judicial structure and the cases that they should and should not handle; summons and warrants; road safety; community service; bomb threats; sexual offences; human rights; constitutional rights; domestic violence; laws as they relate to children; marriage and divorce; and mob justice. The training is conducted by the Panel and the Police. It aims to sensitise citizens in crime matters, but not to turn them into police. As each group passes the training and gets the certificate, they form a local team or sub-panel. Being an entirely voluntary organisation, there are no government funds available for the scheme. ... [T]he elected Crime Prevention Panel executive includes local LC1 and LC2 chairmen and others with experience of civic responsibility. The success of the scheme lies largely in the way people have been mobilised, so that the Crime Prevention Panels are now largely self-sufficient. (Baker 2004, p. 8)

“The second model is based more on work associations than local panels and in practice is more dependent on Police input for sustainability” (Baker 2004, p. 8). The approach in this case is to single out distinct employment groups who are formed into associations. These associations are sensitised on several topics relating to human security.

Employment groups that were brought together in associations included milk sellers, timber merchants, motor cycle taxis, disco and video halls, teachers, probation officers, special hire companies, bars and brothels, and religious leaders. In the process of meeting with these groups, patterns of crime that particularly affected each one were identified and complaints by the public about any member’s activities were directed to these associations. In time, as they began to see their role in policing their own members and community, association members volunteered to attend the crime preventers course. Upon completing the course they were given direct line phone numbers to the District Police Commander (DPC), CID, Human Rights Desk and others, so that they felt the Police were available to help on law and order issues. (Baker 2004, p. 8)

So far over 1,000 participants in Kampala town alone have benefited from this program.

The Community Liaison Officer

The success of community policing in Uganda is usually dependent on the zeal and effectiveness of the

community liaison officer (CLO) found at every station. Usually, the officer in charge of the police station doubles as the CLO. The functions of a CLO are broad but include the following:

- to be a pro-active police officer who teaches or educates the public about the role of police in society;
- to be a means of contact and communication to the public;
- to educate the public on the police duties and procedures and the law ;
- to explain to the public causes of shortcomings in the police performance, e.g., transport;
- to give feedback and briefs to the police administration at the district/divisional level about police performance and policies of community policing;
- to advise police officers about behaviour that tends to reflect badly on their force;
- to organize seminars that can enable the police to inform the public and concerned communities about police work and policies concerning the police while receiving comments and suggestions on police performance;
- to keep the police administration informed; and
- to organize social activities.

FINDINGS OF THE STUDY

Research revealed that over 90 per cent of respondents are aware of the existence of illegal SALW and the exacting toll of their use and abuse. The different types of illegal firearms in the urban areas that were identified during the study include AK-47s, G3s, machine guns, pistols, and landmines. The AK-47 is the most popular weapon, followed by pistols. Prices of illegal firearms vary according to type and need.

In addition, the respondents outlined several negative effects of SALW in the two urban centres. Women and children are the most seriously affected in Gulu town. Children are traumatized after witnessing acts of violence meted out to family members, and are bereaved following the loss of parents or guardians. Vulnerable children lose out on education, suffer poor health, and are forced into labour. Women suffer rape, the loss of spouses, death, maiming, and the extra responsibility of heading a family. Most of the people in Gulu had lost their belongings, were displaced from their traditional homes, and forced to live in the town streets. Poor sanitation, lack of safe drinking water, and lack of access to quality education and medical services are some of their many problems. According to District Education officials, there has been a drop in school enrolment, participation, completion, and performance in the last decade due to persistent insecurity.

In general the effects of SALW in the two urban centres can be said to include:

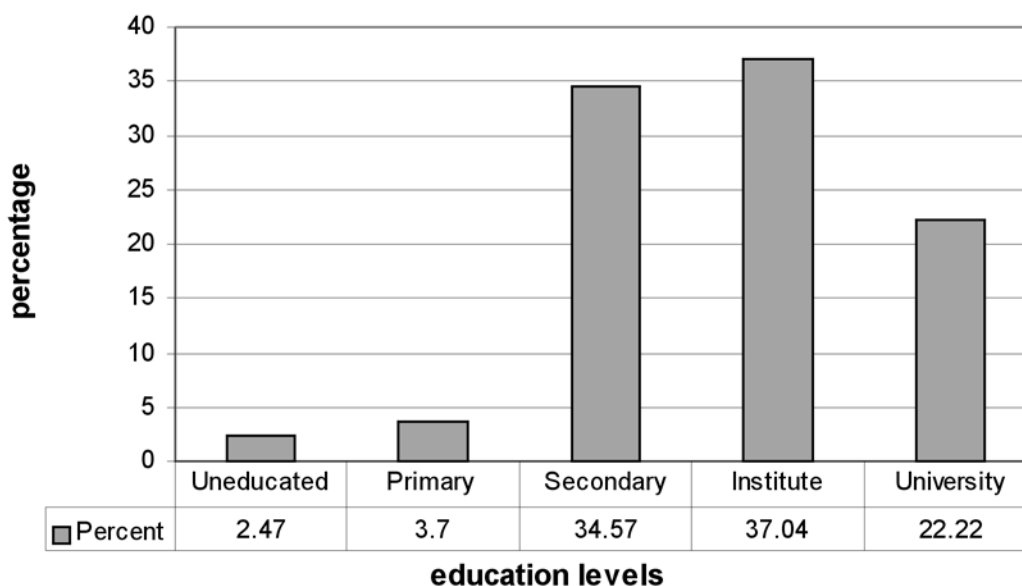
- insecurity and increased crime rate;
- weakened economy;
- little business investment;
- overstretched social amenities, e.g., hospitals, in the case of Gulu;
- reduced interaction among locals;
- overstretched resources – money initially earmarked for development is diverted to security.

Fifty-three per cent of respondents came from Gulu, while 47 per cent were from Kampala. Of the total

respondents, 79.01 per cent were male, and 20.99 per cent female. It was observed that in both urban centres, the women were not as involved in the security sector as men. Most of the local council members interviewed were men and few women were community liaison officers.

Another important factor that was observed in the survey was that most of the community liaison officers were relatively well educated. (Graph 1 shows the different education levels attained by the interviewees.) Most of the local council members interviewed could easily conceptualize the diverse issues related to small arms and light weapons and community policing. In Kampala the case for community policing has been well articulated generally because of the high levels of education of the core personnel responsible for its implementation.

Graph 1: Education levels of respondents



Most of the respondents understood the importance of the police in fostering law and order. However, it was observed that in Gulu, the police were playing second fiddle to Uganda Peoples' Defence Forces in ensuring the rule of law. This was attributed largely to the presence of the insurgency in northern Uganda. One of the respondents in Gulu who had been working as a camp leader narrated his ordeal with the soldiers and explained that it would take much time before people could work closely with the police and the army to control the proliferation of small arms. The respondents all accepted that there was a lot of mistrust between the police, soldiers, and the people and as a result it would take much more time before community policing could start to have an impact in Gulu town.

The research also found that most of the respondents appreciated the role the police were playing in engendering the rule of law in both urban centres. Sixty-one per cent of the respondents acknowledged community policing in their area and indicated that it was bringing the community closer to the police force. However, this number was largely attributed to the manner in which the program has been entrenched in some parts of Kampala and Gulu towns. In most parts of Gulu town, the people were not aware of community policing.

When respondents were asked if crime had actually declined because of community policing in their locality, the responses were more negative. The respondents who actually knew about community polic-

ing were more cautious because it was a new program that was only beginning to take root. Although in most areas surveyed in Kampala a few cases of rape, armed robbery, and murder were still being reported, it was observed generally that the rate of crime was coming down.

Community Involvement

The research found that, although there was a lot of publicity for community policing, especially in Kampala, a lot was still not done on the ground. Most of the respondents observed that the community liaison officers were not going to meet people and assess the progress of the crime prevention panels. In some areas, the panels had long closed down and in a few instances where they could be observed, the researcher noted that morale was generally low. In Gulu town, the researchers found that the police force rarely met with people to discuss their needs and fears.

In both towns, the enthusiasm of the community in participating in its own policing was discernible. In Kampala, Crime Prevention Panels have already started bearing substantial fruit; the same cannot be said of Gulu. Some of the most successful Crime Prevention Panels are found in the Katwe area of Kampala, a region that was famous for the prevalence of crime. The community has been educated in all types of crime and how they can respond to threats. The communities have been informed about when and how they can use firearms in any given situation.

Empowered by knowing what the law required, the local panels of trained crime preventers or the work associations began reporting cases of unlawful activity, including the unlawful possession of firearms, and making recommendations for curbing crime. In most of these areas, the advantage was that the beneficiaries were also local leaders who knew most of the criminal elements in their localities. The main problem reported was lack of follow-up by the police.

The researchers also found that most of the people who had attended crime prevention panels and had attended several sensitization meetings knew where to report all types of cases. Most of the respondents in Kampala, therefore, knew that the LCs did not have powers to deal with offences and crime relating to the use of firearms. In addition, most of them knew where to report such offences and were actively reporting all such suspicious activities. In addition, most of the respondents knew that any unwarranted harassment by soldiers or police could be reported to the Human Rights Desk in the police or to the Human Rights Commission.

In Gulu, most of the respondents had an inherent fear of the police and the army. In fact most of the police officers in Gulu reported that they rarely dealt with gun-related crimes; 45.68 per cent of the officers said that most gun-related crime was dealt with by the army and community policing focused on lesser crimes.

Elected Officials

Community policing requires the support of all community structures to succeed. In Uganda the local council institutions have been vital to its success and sustainability. The LC structure was introduced under the NRM Government at the local urban and rural government level as part of the process of decentralization. LC committees have been instrumental in ensuring law and order and bridging the gap between the communities and the police force generally. The local councils have political clout and the

goodwill of the communities in which they operate. Thus any suspicious activities are first reported to LC officials. In the survey, it was revealed that in both Gulu and Kampala towns, the LC committee members, especially the LC1 chairman and the Defence secretary, were the first officials to be contacted in case of any suspected crime or in case of any disturbance in a given community.

The duties of the LCs at local government levels have included from the beginning: the mobilization of the local community in law and order matters; law enforcement through the LC-funded Local Administrative Police (LAP); the gathering of criminal data; the service provision not only of courts but of psycho-social care of the victims of crime; the establishment of bylaws that reflect local needs; and LC Courts. Community policing has been effective in some areas in Kampala because the LC officials have attended the crime prevention panels and have been able to effectively liaise with the police.

When surveyed as to where people first go to solve a problem involving a firearm, 60 per cent of respondents in both Gulu and Kampala towns said the LC. This response showed that the LCs were becoming instrumental in controlling small arms in both towns. Although people preferred the LCs for many reasons, the most important one was because they trusted the LCs to solve their problems.

The role of LCs in coordinating community policing in urban zones has proved very significant. In the survey of Katanga Zone, which is a high density slum and home for people from a wide variety of ethnic groups from all parts of Uganda, Sudan, and Rwanda, it was reported that the LCs were communicating well with the police and had been actively identifying the criminal elements in their zone. As a result people were no longer robbed or even beaten at night. They also reported the general reduction in the use of arms in crime activity. The Local Councils were able to achieve this through active night patrols together with the police and by arresting all suspicious individuals. With the help of the police, they have been able to identify the most dangerous areas in their zones and provided more security in those specific spots.

Kiti LC1 Mengo Kisenyi III, Kampala Central, which borders on Katwe Zone, also showed positive results of community policing. Residents reported that before the introduction of the Local Council system and the intervention of “OPERATION WEMBLEY now V.C.C.U” there was a high crime rate, including murder, kidnapping of children, rape, defilement, and the illegal possession of weapons. Since then, however, crime has been greatly reduced and this is attributed largely to the work of the LC1, which also operates a night patrol with the assistance of the police and Local Defense personnel.

However, the role of LCs is hampered by a few problems. First, it was said that in some cases the Community Liaison Officer was not on good terms with the communities and so there was mistrust and dishonesty when dealing with the LCs. The respondents also reported instances when the police were continuously letting off the big offenders who use and own guns and who were able to buy them off or effectively threaten them. In addition, lack of formal training meant that the LCs could not easily know how to assuage the fears of house breaking and robbery rampant in both towns. Another challenge facing the police is that the LC members lacked aggressive sensitization campaigns about the advantages and nature of community policing. Even when the community leaders knew about community policing, they still failed to get involved in any incidents that involved the use of arms.

The challenges in Gulu town were quite different from those in Kampala. One of the areas surveyed was Gulu Bus Park area, an area of about 400 residents who rent in and around the bus park in the centre of

Gulu town. It has many lockups and a market that runs every Tuesday, which makes it prone to certain offences. Since the northern war begun in 1988, this area has been seen as a “safe haven” and most of the displaced people come to sleep there. The LCs in the area do not conduct patrols and police have been rendered ineffective because the army has effectively taken over the enforcement of law and order in the area. As a result, most of the respondents in the area reported an increased occurrence of violent crime, rape, drunken fights, and other minor offences. Thus in areas where there was an increased military presence, community policing was not effective and the LCs were also ineffective.

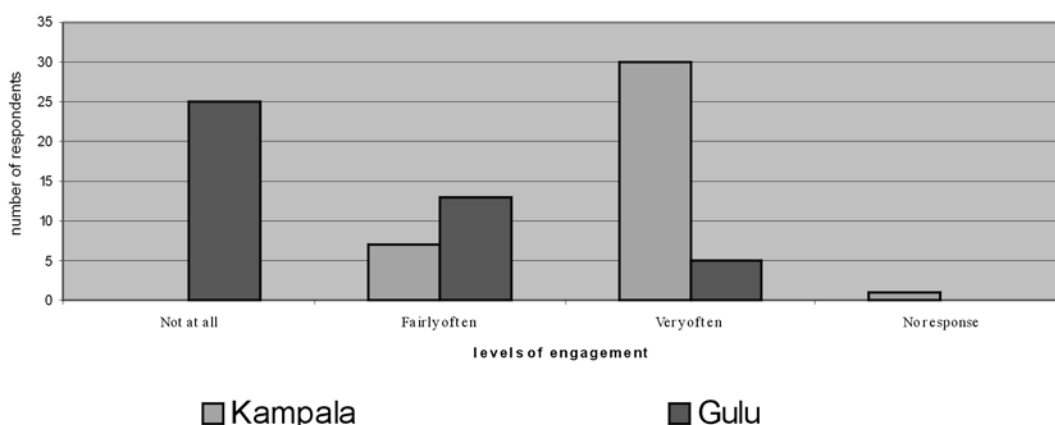
In addition, most of the respondents reported declining enthusiasm and commitment because the volunteers for the patrols in the urban zones were sometimes beaten or ambushed by criminals and the police reacted slowly. Volunteers were not being remunerated, yet they were being asked all the time to pay graduated tax. Thus, they would end up in hiding and subsequently abscond from patrolling. The lack of funds was also advanced as one of the reasons why people were losing interest in the activities and meetings of the LCs. They explained that the LCs were also starting to mistreat them and extort money from the local residents. The respondents decried the increasing levels of corruption in community policing.

Changing Attitudes to Community Policing

Earlier in this report it was stated that community policing was started primarily because people had developed negative attitudes towards the police. With increasing community policing, the relationship between the police and the communities, especially in Kampala, was beginning to change. In the areas surveyed, there was increasing trust and confidence in the police force in Kampala. However, in Gulu town people were still largely indifferent or even scared of reporting to the police any case that involved the use of arms. There was still a lot of resentment as community policing has failed to take root in Gulu.

Through the use of fliers and posters, the communities in Kampala have been encouraged to join Crime Prevention Panels and Neighbourhood Watch programs, which are part of community programs. The survey in both Kampala and Gulu towns showed that there was more continuing community participation. For example, before the Katwe Crime Prevention Panel was formed in 1993, there were very nega-

Graph 2: Levels to which the police engage the community leaders in handling crimes in their respective communities by district



tive attitudes to the police, “arrests could not be made without a gun,” and there was a high incidence of violent crime of all sorts. The common attitude was that the police only existed “to arrest and to torture; they can never be friendly,” and as a result criminals were not handed over to the police and criminals who never intended to use firearms ended up using them. Reinforcing the gulf was “an initial resistance from the local Police” to the community-policing program, for fear of empowering the people in the field and exposing police corruption. Since the Panel’s formation over 35,000 citizens have been trained as *crime preventers*. Given that the Katwe Police Division only has around 450 officers and a few CLOs scattered among four police stations and 20 police posts, this is a considerable crime prevention resource that has inevitably reduced violent crime in Kampala and helped regulate small arms and light weapons.

From Graph 2 we note that the police in Gulu do not involve the community leaders as frequently as Kampala police do; however, we must recognize that Gulu is in a war zone. Gulu police have an idea that even some community leaders may be involved in the violation of human rights, and are in many instances unwilling to cooperate with the police. This may explain why the police do not involve them in issues concerning the protection of community members.

CHALLENGES

The concept of community policing is widely misunderstood in Uganda. The research found that most of the people did not understand the nature and concept of community policing and how it could be used to help curtail the spread of arms among the population.

The design of community policing in Gulu town was not satisfactory and was not well suited to confront the problems of small arms effectively. The idea of vigilantism and volunteerism was shunned for fear of being labelled collaborators by the government.

In addition, it was observed that the concept of controlling small arms was not well integrated into the overall context and management of community policing. Even in Kampala, where it was observed that community policing programs and projects were fairly advanced, the importance of using these initiatives to sensitize civilians in the community about the dangers of small arms had not been fully appreciated and the efforts were rather mundane.

It was also observed that most of the community liaison officers did not fully understand the human rights issues that are central to the curbing and controlling of small arms and light weapons. There was a lack of specialized training in small arms issues among the police and the community in general.

In addition, there were challenges inherent in the negative attitudes and disdain with regard to controlling small arms, especially in Kampala. It was observed that most of the respondents were developing a sense of self-reliance. It was felt that personal security could be bought and was not enhanced by community policing.

Another challenge that was observed is that there were no farsighted plans to ensure the recruitment and training of CLOs. It was also observed that there were no built-in mechanisms to ensure the sustainability of these programs.

CONCLUSION

Community policing in Uganda has had an impact on the spread, proliferation, and ultimate use and abuse of SALW. Sensitization of the communities on the inherent advantages of partnering with the police cannot be overemphasized. Although community policing is good, it should not be regarded as a substitute for all other forms of policing, but rather as a complementary strategy.

Organizing the diverse views on community policing into a coherent whole is a daunting and possibly futile task. Some of the criticism against community policing is based on practical issues of implementation, ensuring public involvement, financial implications, and measurement of success. It was observed that the manner in which community policing was being implemented was not conducive to controlling small arms and light weapons in Uganda. There were no specific interventions or programs that recognize and address the peculiar issues of SALW. To be effective in regulating the abuse and proliferation of illicit SALW, community policing in Uganda needs to be re-examined, taking into consideration the following recommendations.

RECOMMENDATIONS

Community policing structures and institutions need to be reinforced strategically to start addressing the scourge of small arms and light weapons in Uganda. The police should be encouraged to integrate community policing into its general training programs. The community liaison officers need to be empowered to sensitize the communities they work in on the problems relating to the possession and abuse of small arms, encourage the communities to surrender illegal weapons, and encourage them to report suspects. The performance reviews and promotion policies of the community liaison officers should also be streamlined to reflect a serious commitment to active community participation in ensuring law and order.

The Department of Community Affairs in the police force should be assisted in developing a long-term action plan that details specific strategies to combat the scourge of small arms and light weapons in urban areas. The action plan should reflect exigencies of both the demand and supply sides and should also take into consideration the patterns of violent crime in urban areas. In addition, the action plan developed by the police should be harmonized with the plans, guidelines, and strategies of the National Focal Point for small arms and light weapons in the Ministry of Internal Affairs.

Sensitization programs of all segments of society need to be strengthened. The communities should be informed on how they can be involved in the general efforts to eradicate illicit small arms and light weapons within the general framework of the police force. Communities should be encouraged to volunteer and attend more community policing programs and seminars. The people should be taught means of solving minor problems without resorting to the police. Communities should be encouraged to relate more positively with the police and should be given a leading role in community policing.

In addition, there is a need to ensure that community policing includes the participation and support of average citizens, community leaders, and political leaders at all levels. Community policing should be a truly grassroots effort that allows the police to build new bridges of trust with everyone in the community, soliciting the input of everyone in a multi-pronged strategy against the proliferation of SALW.

The existing community policing structures in urban areas need to be made more flexible. They should not only be viewed from a police-centred approach but also from that of the community. Police must develop personal and meaningful relationships with members of all the communities.

CLOs should be carefully selected for their skills in dealing with people and trained CLOs should not be frequently transferred to ensure continuity and allow for maturity of relationships between the communities and the CLOs. In addition, carefully selected community policing volunteers must be recruited from the communities and trained in issues relating to small arms and light weapons specifically and community policing generally.

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SMALL ARMS AND BORDER CONTROLS IN THE HORN OF AFRICA: THE CASE OF MALKASUFTA, ETHIOPIA; MANDERA, KENYA; AND BULA HAWA, SOMALIA

by Ibrahim Farah, Aisha Ahmad, and Daud Omar

INTRODUCTION

The problem of small arms and light weapons (SALW) trafficking on the African continent is systemic, and has fuelled armed conflicts and civil wars in numerous countries throughout the post-colonial era. Weapons left over from Cold War conflicts remain active in African society and are now the tools of destruction in intra-state conflicts, which are ethnic, tribal, or clan-based in nature. The illicit traffic of weapons across borders makes SALW a cross-border, regional problem, as conflict in one country can lead to arms spillover into a neighbouring country. The arms do not only dictate the forms and intensity of local armed conflicts, but also the everyday life of the people (IRIN 2002). Although it is impossible to estimate the quantity of SALW in the region, the Horn of Africa is believed to be one of the most heavily armed parts of the world.

The Nairobi Declaration on the Illicit Proliferation of Small Arms and Light Weapons was signed in Nairobi, Kenya in 2000, for the purpose of bringing together countries from the Horn of Africa and Great Lakes region to address the SALW problem. The Declaration seeks to contain the problem of illicit weapons proliferation and encourage the peaceful resolution of conflict. The Nairobi Declaration was followed by the adoption of the Nairobi Protocol, which addressed the problem of illicit trafficking and defined small arms, light weapons, ammunitions, and other related materials for the purposes of the agreement. Through the use of specific legislative and law-enforcement mechanisms, the Protocol (2004) aimed to achieve the following objectives to

- a. prevent, combat and eradicate the illicit manufacturing of, trafficking in, possession and use of small arms and light weapons in the sub-region.
- b. prevent the excessive and destabilising accumulation of small arms and light weapons in the sub-region.
- c. promote and facilitate information sharing and cooperation between the governments in the sub-region, as well as between governments, inter-governmental organisations and civil society, in all matters relating to the illicit trafficking and proliferation of small arms and light weapons.
- d. promote cooperation at the sub-regional level as well as in international fora to effectively combat the small arms and light weapons problem, in collaboration with relevant partners.
- e. encourage accountability, law enforcement and efficient control and management of small arms and light weapons held by States Parties and civilians. (Article 2)

The SALW problem in the Horn of Africa is particularly acute because of the collapse of the Somali state in the early 1990s, which resulted in a state of political anarchy. For more than 14 years, Somalia has been without a government, in a constant state of militia-run civil war. The Somali problem has created a unique challenge in the regulation of SALW, particularly in the control of illicit arms proliferation across borders. Somalia's geography not only makes it a convenient conduit country for arms exporters who

transport illicit arms to the Horn, but the long, unmonitored borders shared with Kenya and Ethiopia make it difficult for those governments to regulate arms flows into their countries. The collapse of the Somali state presents a fundamental challenge to governments in the Horn of Africa seeking to implement the commitments of the Nairobi Declaration and the Nairobi Protocol.

This study focused on three main districts of the three countries under review: Malkasufta, Ethiopia; Mandera, Kenya; and Bula Hawa, Somalia. Specifically, the research explores the sources of SALW, the existing state-run and non-governmental border control mechanisms, and modes of delivery of illicit SALW. Of the three districts under study, the research determined that Bula Hawa, Somalia was the epicentre of the SALW problem. It was also determined that comprehending the significance of Somali involvement in the arms trade is paramount in resolving SALW proliferation in the region. It is the purpose of this paper to discuss the sources and transport of SALW, and actors and motivations behind their illicit traffic in the Horn of Africa. The research concludes that containment of the Somali problem of state collapse, a resolution to the situation of political anarchy, and the active involvement of grass-roots civil society actors in conflict resolution and community policing are essential to the rectification of the problem of small arms traffic in the three Horn of Africa states under review.

METHODOLOGY

This research utilized both primary field data collection, as well as secondary data analysis and library research. Data collected was qualitative in nature, and no quantitative field study was undertaken. The fieldwork used social science interview models and observational methods with a variety of actors in the three districts under review. The collected interview data was translated from Swahili and Somali languages into English.

Participants in the field study included District Officers and District Commissioners from Mandera and Bula Hawa; local officials from Malkasufta, Ethiopia; as well as key members of the Somali Parliament. Traditional elders, religious leaders, non-governmental organizations, women's and youth groups, businesspeople, qaat traders, and militiamen were also interviewed in the three districts. Given the sensitivity of the data, a number of interviewees requested anonymity.

Secondary source analysis included a review of the United Nations Monitoring Group (UN MG) report on Somalia, as well as a review of UN resolutions on the arms trade in Somalia. Draft commission reports by the 2003 committees, intergovernmental agreements, government documents, and academic publications addressing the SALW problem in the Horn of Africa and particularly in Somalia were also reviewed.

The field research focused on case studies of the three districts of Mandera, Malkasufta, and Bula Hawa, as well as interviews conducted in Nairobi, Kenya, and the Hagadera refugee camp. The data collected was used to infer generalities about the dynamics of the Kenyan-Ethiopian-Somali illicit gun trade, which could be applied to the entire border regions.

Actors interviewed in the field were asked to comment on both their immediate localities, as well as on arms trafficking in general, along the border areas. Therefore, although this study concentrates primarily

on the Mandera-Malkasufta-Bula Hawa triangle, the research presents an elaborate description and analysis of arms trafficking that goes beyond the scope of the three districts to include border control problems in general and the regional implications of SALW proliferation.

To authenticate the data collected from the field, on 23 January 2005 a half-day interactive workshop was held in Eastleigh Estate in Nairobi, Kenya. This event brought together a panel of experts, academics, and NGO personnel from the study area that served to verify and offer a critical analysis of conclusions drawn by the researchers. A complete list of participants of the interactive workshop is noted in Appendix I.

THEORETICAL FRAMEWORK

Different ideological schools of thought place varying degrees of emphasis on the importance of civil society in state security. Security has traditionally been considered the exclusive domain of states, in which governments maintain a monopoly on the legal right and physical capacity to use military force. However, since the end of the colonial era and throughout the period of independence, security considerations in African countries have had a markedly sub-state characteristic. From civil war to anti-state rebellion, African countries have challenged traditional conceptions of security at the national and international levels. Therefore, ideological schools have had to respond to the significance of non-state actors in national security issues, including those related to SALW and intra-state conflicts.

Traditional realist ideology emphasizes the significance of the state as the dominant actor in international relations. Classical realist theory purports that states are the primary actors in international relations and pursue domestic and international policies that maximize self-interest.¹ Neo-realism, while maintaining the primary significance of states within the international order, is less state-centric and more system-centric. According to Kegley (1995), one key assumption of realism is that the state must “never entrust the task of self-protection to international organizations or to international law.”²

Liberal and idealist ideologies, on the other hand, uphold the worldview that “war and injustice are international problems that require collective or multilateral rather than national efforts to eliminate them” (Kegley 1995, pp. 4-5). Neo-liberalism expands on these theoretical principles, maintaining that “with the growth of cross-border communications and organizations, and with the rise of economic interdependence, the ‘hard shell’ of the state has crumbled” (Kegley 1995, p. 4). Moreover, because “neo-liberals have placed morality at the centre of statecraft” (Kegley 1995, p. 4), rather than state sovereignty, neo-liberal theorists consider various inter-state and non-state actors as significant in the global order.

While current events, such as the “War on Terror” and the recent Iraqi crisis, have reinforced the realist concept that states are the primary actors in the international scene, in the resolution of conflict in the Horn of Africa there remains an important role for non-state actors. State failure in Africa demonstrates that alternate theoretical tools are needed to understand the role of states, international organizations, and non-governmental actors and civil society in regional and global orders.

This research seeks to explore the role that civil society actors can play in SALW issues, particularly in limiting the proliferation of arms through community policing and traditional peacebuilding mechanisms.

The significance of civil society in the practical implementation of the commitments of the Nairobi Declaration demonstrates that security in the Horn of Africa must be seen through a theoretical lens that incorporates both state and non-state actors as necessary.

HISTORICAL BACKGROUND

Security and SALW issues in the Horn of Africa must be understood in the context of the region's colonial history and brief period of political independence. In particular, the history of Somalia's state collapse is relevant to developing a comprehensive peacebuilding and state reconstruction agenda, which could assist in the resolution of the problem of SALW proliferation in the Horn of Africa.³

Somalia, which was divided between Britain and Italy during colonialization, won independence as a unified nation in 1960. The colonial partition of Africa divided the greater Somali nomadic community among five countries: French Somaliland (now Djibouti), British Somaliland (now Somaliland), northeast Kenya, Italian Somaliland (now Somalia), and the Ethiopian Ogaden. In 1960 the French, Ethiopian, and Kenyan-British parts of the Somali people remained outside the newly created Somali Republic (van Beurden 1999, p. 157). Between 1960 and 1969, the country was governed by two civilian administrations, the first led by Aden Abdulle Osman "Aden Adde" from 1960 to 1967, and the second by Abdirashid Ali Sharma'arke, from 1967 to 1969.⁴

In 1969, a bloodless military coup led by General Mohammed Siad Barre toppled Somalia's nascent parliamentary democracy, banned all political parties, dismantled the national assembly, and placed the country under military rule. Barre's coming to power was preceded by intense criticism of the civilian governments.⁵

Most scholars of Somalia concede that the current Somali political and social crisis results from the negative impacts of the Ogaden War (1976-78) and that the defeat of the Somali army in the Ogaden War fostered a deep anti-Ethiopian resentment. Furthermore, in addition to the Somali Salvation Democratic Front (SSDF), the military failure at Ogaden gave birth to the formation of three armed rebel groups: the Somali National Movement (SNM) in the northwestern regions of Somalia, the United Somali Congress (USC) in central Somalia, and the Somali Patriotic Movement (SPM) in the southern regions.

From 1988 to January 1991, Somalia was engulfed by a widening civil war that began with brutal fighting in the northwest and gradually spread throughout the countryside, overwhelming Mogadishu by late 1990. The countrywide struggle against Barre resulted in total state collapse.

There has been enormous international and regional involvement in the Somali conflict. Different countries and international coalitions have intervened in Somalia; some, like Djibouti and Kenya, have facilitated peace talks, while others, like Ethiopia, have sent military troops into Somalia to establish security zones.

During the reign of Siad Barre, and partly because of the Cold War, arms were stockpiled in the country to help the military achieve Somalia's expansionist aims to create a "Greater Somalia," which would include all ethnic Somalis in neighbouring countries. Rebel groups distributed many of these weapons

to SNM, USC, and SPM supporters and other ragtag auxiliary forces involved in this struggle. Clan-based militias emerged across Somalia, creating a social and military fragmentation that would characterize the next 14 years of war. Similar sub-state military activity appeared in Ethiopia's Ogaden region and Kenya's North Eastern Province, remote areas where governments were ineffective and insurgents and bandits operated.

Both before and after Barre's fall from power, many armouries were looted by fleeing civilians and fighting militiamen. The circulation and widespread dissemination of weapons, coupled with the lack of a central government in Somalia, posed a serious human security threat not only to the Somali people, but to the entire Horn of Africa sub-region.

The porous Kenya-Somalia and Ethiopia-Somalia borders have facilitated cross-border trade and the maintenance of kinship ties between Kenyan Somalis in the North Eastern Province and Ethiopian Somalis in the Ogaden region. Since the 1980s, illegal trade in SALW has become a commonly accepted source of livelihood between these communities.

This problem of the illicit gun trade in the region is exacerbated by the lack of internationally sponsored programs to disarm, demobilize, and reintegrate ex-combatants on the Somalia side of the border. According to BICC's *Conversion Survey 2002* (p. 82) most ex-combatants who flee to Kenya from Somalia come with AK-47 rifles, which they either give to their kinsmen or sell to strangers in exchange for food. Checkpoint authorities posted along the Kenyan and Ethiopian borders are often extremely poor and so are inclined to corruption and bribery. Officials suffer from poor and irregular pay, lack of promotion and training opportunities, an insufficient number of vehicles, insufficient fuel, and poor shelter, coupled with the harsh ecological decline in the area.⁶

The collapse of the Somali state has had a profound impact on the region. Ethiopian interests in Somalia aggravated intra-state conflict, while Kenya's efforts to restore the Somali government have failed repeatedly. Fourteen years of violence has left the country physically devastated and heavily mined, as well as economically bankrupt and socially fragmented. From colony to Cold War pawn to battleground for countrywide civil war, Somalia has attracted countless forms of illicit activity and crime, including the trafficking of illegal weapons into the Horn of Africa.

POLITICAL CONTEXT

International and Regional Actors

UN arms embargo

In 1992 the United Nations Security Council passed Resolution 733, establishing an embargo on all deliveries of weapons to Somalia.⁷ In 2003 UNSC Resolution 1519 provided for a UN Monitoring Group (MG), which was charged with scrutinizing the implementation of the embargo and reporting violators. The MG has since uncovered numerous "clandestine shipments of assault rifles, mines and detonators into Somalia intended to be used to destabilize the newly elected Somali Government" (UNSC 2004).

UNOSOM

The United Nations mission to Somalia in the 1990s was a political, diplomatic, and military disaster (Peterson 2000, Part I). The initial 1992 UN mission to Somalia (UNOSOM I) in response to the situation of state collapse and famine was authorized for only defensive firing by the UNSC (Peterson 2000, p. 47). However, an anti-UN backlash and violence, which resulted in the slaughter of Pakistani UN troops by local Somalis, led to the adoption in 1993 of UNSC Resolution 837 that formed the UNOSOM II mission and authorized UN troops to use “all necessary measures against all those responsible for the armed attacks” (Peterson 2000, pp. 76-79). This new right to use force resulted in the engagement of US-led UN troops in an intense and large-scale guerrilla war between the international community and the Somali people. Not only were UN forces humiliated by their inability to control the situation on the ground and by repeated failures to capture the warlord Mohammed Farah Aidid, but embarrassing and shocking incidents in which blue helmets fired into crowds of civilian demonstrators, killing women and children, publicly discredited the UN mission in Somalia (Peterson 2000, chaps. 5-6).

The UN mission created an influx of new and modern SALW in Somalia. When the UN “peacekeeping” mission left in March 1995 Somalia was even more fragmented and subsequently collapsed into an unchecked civil war infused with deadly new weapons (Adam 2004, pp. 269-270).

Ethiopia and Somalia

The Ethiopian interest in Somalia’s seaports has disrupted ceasefires and the progress of the peace process. A land-locked country, Ethiopia has sought one of Somalia’s lucrative seaports throughout the period of conflict. Ethiopia has frequently engaged in violent interference, sending armed bands across the border and funding militia activity in Somalia to disrupt peace processes and undermine efforts to rebuild any new government that would oppose Ethiopian interests.

In March 2001 Ethiopia hosted the Somali “peace conference” in Awassa, attended by all Somali warlords, which formed the Somali Reconciliation and Restoration Council (SRRC), with five rotating chairpersons. This effort sabotaged the regional initiative to develop the Somali Transitional National Government (TNG) in Arta, Djibouti. The Ethiopian government also supported General Mohammed Said Hersi Morgan in fighting the pro-TNG Kismayu-based Juba Valley Alliance (JVA) in order to take the port town of Kismayu, cut the supply lines of the Mogadishu-Kismayu road, and facilitate the Rahanwein Resistance Army (RRA) takeover of Merca, Lower Shabelle region, in an effort to isolate the TNG in Mogadishu. The failure of the TNG in Somalia in 2001 can be partly attributed to Ethiopia’s financing and providing arms to militias in Somalia.

Kenya and Somalia

On the other hand, Kenyan involvement in resolving the Somali conflict has been unparalleled. As a leading state of the Intergovernmental Authority on Development (IGAD), Kenya has a significant role as a regional diplomatic power. During the fragile peace process and political development, Kenya hosted the Somali government in Nairobi, and facilitated talks between Somalia’s numerous warlords.

Sharing a lengthy and unmonitored border with Somalia, Kenya maintains a significant interest in resolving the security dilemma in the Somali state, particularly because most weapons coming into Kenya are believed to come through Somalia. Kenya also hosts hundreds of thousands of Somali refugees, who deplete scarce resources. Political resolution of the Somali crisis would allow displaced persons to return to their own country, thus reducing the pressure on the Kenyan government to host refugees.

Current Peace Process in Somalia

The new Transitional Federal Government (TFG) is the most recent effort to bring effective governance to Somalia. Formed and developed in the Kenyan capital, the TFG has established a 275-member parliament, which includes all major clans and prominent, competing warlords. The parliament operates on a 4.5 formula, where the four major Somali clans are accorded 61 seats, while a coalition of minority clan groups are granted 31 seats.

On October 14, 2004 the Parliament elected as the President of the TFG Abdullahi Yusuf, who then appointed Ali Mohammed Gedi as Prime Minister. Although the Parliament initially rejected the Prime Minister and proposed Cabinet in December 2004, the government has since come to a consensus on the Cabinet and is working towards moving the TFG from Nairobi to Mogadishu.

The Somali Parliament is comprised of numerous actors, including Somalia's most notorious warlords. Each of these warlord parliamentarians has the capacity to mobilize private militias on the ground in Somalia. IGAD, other international actors, and the Kenyan government have worked to appease these warlords and have them agree to an armistice. Though signatories repeatedly violated the Declaration on Cessation of Hostilities, Structures and Principles of the Somalia National Reconciliation Process (signed October 27, 2002), diplomats engaged in the peace process have sought to keep all actors involved in political developments. Inclusion of warlords in the parliamentary process is an integral element of the current framework of the political development and peacebuilding process.

The inclusion of warlords in the Somali parliament is also an important factor in controlling the movement of SALW. To develop a comprehensive policy on arms control, warlords participating in the arms trade in their respective territories must come to a consensus on disarmament, demobilization, and reintegration and countrywide demilitarization policies.⁸

SOURCES OF SMALL ARMS AND LIGHT WEAPONS

From Ethiopia

Ethiopia is a suspected source of illicit arms in Kenya and Somalia. While some arms are trafficked directly across the Kenyan-Ethiopian border, most weapons are traded through Somalia, which is both a destination and a conduit for further traffic. According to local administrative officials in Malkasuftu, the Ethiopian government maintains autocratic control over its territory and registers weapons in circulation. The Ethiopia-Kenya border is closely regulated, making an illicit arms trade between Ethiopia and Kenya difficult. However, according to two Somali warlord parliamentarians, Mohamoud Sayyid Adan (SNF/SRRC) and Colonel Abdirizak Isack Bihi (SNF), the 1,600-km border between Somalia and Ethiopia's Ogaden region remains largely unmonitored, so weapons transfers take place below the government radar.

Clan factions move arms from the Ethiopian border to Burhaje, Somalia to Mandera, Kenya. Arms are also smuggled through Bula Hawa into Mandera from the Malkasuftu/Dollo corridor, supplying weapons for both the Somali and Kenyan markets. Arms also travel from Moyale, Ethiopia through Moyale,

Kenya to Elwak, Kenya and then to Elwak, Somalia. The Moyale-Elwak transit route supplies weapons to the entire region from the illicit markets in Elwak, Somalia. From there Somalia sends weapons to Mandera, Kenya and back to Elwak, Kenya, supplying Nairobi's illicit weapons markets.

Into Somalia

The furtive transport of weapons into and through Somalia and other conduit countries makes it exceedingly difficult to determine source countries of new weaponry, although American-, Russian-, Brazilian-, and Cuban-made weapons are suspected to be in wide circulation in the region. The seaport of Boosaaso, which supplies Mogadishu's infamous Bakara Market, is one known entry point for arms shipments from foreign countries (UNSC 2004). It was beyond the capacity of this study to determine the country points of origin of weapons that supply Somalia's largest arms markets.

According to the District Commissioner of Bula Hawa, Mr. Mohammad S. Hassan, Bakara Market is supplied with arms by foreign countries via sea- and airports, in violation of the UN arms embargo. International arms dealers smuggle weapons from West Africa, Ukraine, and UAE into Somalia via routes through Libya, Yemen, Eritrea, Ethiopia, and Djibouti. SALW are also trafficked from Ethiopia to Somalia, not only undermining the peace process and interfering with the sovereignty of the Somali people, but also exacerbating problems of small arms proliferation in the region. The Ethiopian government is able to purchase arms legitimately, and then transfer weapons across borders. Somalia has become a battleground between competing states, in particular Ethiopia and Egypt over the Nile River resources and Ethiopia and Eritrea over the Badme territory. In addition to these resource conflicts, the Eritrean government has historically supported the Oromo Liberation Front (OLF) and the Ogaden National Liberation Front (ONLF) through arms transfers, which pass through Somali territory. These regional dynamics are relevant to understanding the complexity of SALW transfers through Somali territory.

Into Kenya

The District Officer in Mandera, Mr. Hassan Bilow, in a moment of frustration stated that "small arms have no life of their own and are not proliferated in the vacuum, but present themselves as symptoms of complex matters in utter mess ... and unless the various conflicts and other factors supporting the demand for arms are checked and amicably resolved, complex lethal weapons will find their way into Kenyan borders and the Horn of Africa in general." According to Bilow, most arms flowing into Kenya come from Somalia and create a significant problem, particularly along the vast unmonitored stretches of the border. Mr. Bilow also stated that Somalia attracts clandestine arms dealers from the region who take advantage of the state of lawlessness and use Somali agents on the ground to trade weapons. Interviews with the D.O. of Mandera and others suggest that SALW transported into Kenya come primarily from Bakara Market, through the Bay/Bakol region and Gedo region, across the Somali-Kenyan border into the North Eastern Province of Kenya.

Into Ethiopia

Based on interview data collected from the District Officer from Mandera and the District Commissioner from Bula Hawa, this report does not deem Kenya to be a direct supplier of SALW to Ethiopia. Because the District Headquarters is located in Dollo, over 100 kilometres from Malkasufta, the Ethiopian District Commissioner was not available to participate in this study.

Although the Ethiopian government buys arms legitimately on international markets, there is an indirect illegal transfer of SALW from Eritrea to Ethiopia, intended to support the OLF and ONLF militias in Ethiopia. Weapons provided by the Eritrean government go to Bakara Market, and arms bought from Bakara Market are sent directly to recipient rebel forces in Ethiopia. In this way, Somalia acts as a source of arms into Ethiopia. According to the UN Charter Chapter 2(4), such indirect support of resistance movements is a violation of Ethiopia's sovereignty by Eritrea.

MODES OF TRANSFER

The Officer Commanding Police Division (OCPD) in Mandera stressed the difficulty in apprehending arms traders involved in illicit activity at the borders. The challenge in intercepting caches and controlling the flow of arms across the Somali-Kenyan border is twofold. First, arms traders and organized criminals are skilled in evading monitoring mechanisms at the official points of entry, such as the Mandera border point, where regulations on inspecting vehicles and persons for illicit weapons are not carefully followed. D.O. Hassan Bilow stressed that illicit arms dealers are able to evade monitoring systems, and weapons do pass through designated checkpoints. Second, the lengthy unregulated border shared by Kenya and Somalia provides many points of entry, where pastoralists frequently cross with their weapons. According to the Chief Inspector in Mandera, the nomadic culture of these pastoralists results in movements of arms that the Kenyan government finds impossible to measure or regulate.

Arms brought from Somalia into Kenya over short distances are commonly smuggled as regular goods. For example, in October 2004 police in Elwak impounded five revolvers, 25 American pistols, and rounds of ammunition packed in five-litre jerry cans disguised as milk and honey. Women and children are known to strap weapons to their bodies or pack animals, because on-person searches at the border are too time-consuming for police. Weapons are also smuggled on transporters and donkey carts, which regularly transport normal goods between the three districts, as well as through local miraa (qaat) dealers. Long-distance transit of SALW caches uses larger carriers such as wheat transport vehicles travelling from Mandera to Mombassa and Nairobi, buses, lorries, miraa vehicles, and long-distance livestock trackers.

ACTORS

The identification of actors is a difficult and dangerous task. Illicit arms traders are by definition surreptitious and anonymous. However, it is believed that both local and international criminals bring weapons into Somalia from neighbouring countries and abroad to sell in Bakara Market. Through a series of anonymous interviews in Mandera, Kenya, the research team determined that residents of the districts privately know the identity of local arms smugglers. Furthermore, the UN Monitoring Group has publicly identified actors involved in violations of the arms embargo, including high profile businessmen, political figures, and warlords.

Businesspeople in Somalia play a key role in the proliferation of SALW by purchasing weapons to protect their interests from militia exploitation. In particular, in the absence of a formal banking system, local money transfer agencies (*hawaalad* or *Hawala* Banks) that transport large amounts of cash to rural areas

hire armed private militias and security personnel to guard these raw money transfers from bandits, criminals, and militiamen.

Other businesspeople engaged in the trade of contraband goods also play a role in SALW proliferation. According to the UN MG (UNSC 2004), Somali businessmen “have the [financial] capacity to hire up to 1,000 militiamen in one day and to turn confrontation on and off as they wish. They are 10 times stronger in military and economic terms than warlords.”

Warlords, including members of parliament, are also known to be involved in the arms trade. To protect their interests and political positions, warlords maintain heavily armed private militias to check opposing, antagonistic clan factions.

Inter- and intra-clan warfare has dominated the Somali landscape for the past 14 years. Clan-based politics are significant in the regional arms trade. The dominant clan groups in the three districts under study are noted in Table 1.

Table 1: Clan Distribution in Mandera, Kenya; Bula, Hawa, Somalia; and Malkasufta, Ethiopia

District	Significant Clan Presence (in order of dominance)
Mandera, Kenya	1. Garre, 2. Degodia, 3. Murale, 4. Corner tribe
Bula Hawa, Somalia	Marehan (Ali Dere, Hawrarsame, Rer Ahmed, Faqayaqub, and Rer Hassan sub-clans)
Malkasufta, Ethiopia	1. Degodia, 2. Garre, 3. Garre-Mare

While clan violence is self-perpetuating, external actors have aggravated factional fighting by arming and mobilizing one militia against another.

REASONS FOR SALW PROLIFERATION

Demand Factors

The demand for arms is related to a number of key social problems in Somalia, Kenya, and Ethiopia. The lack of alternative employment opportunities often prompts youth to join militias. Poverty-related crime and violence contribute to the demand for and proliferation of SALW, particularly in urban centres such as Nairobi.

In Somalia, the demand for arms has been intensified by a multitude of social, economic, and political factors, the most significant of which is inter- and intra-clan warfare. Clan conflict and warlord interests create an ongoing demand for SALW in Somalia. During active inter- and intra-clan conflicts and during periods of ceasefire stalemate, weapons caches are maintained for both offensive and defensive purposes.

Moreover, according to the UN MG report, warlords and businessmen engaged in illicit economic activities, such as money laundering, counterfeiting, and drug trafficking, purchase SALW to protect

their financial interests. The report (UNSC 2004) notes that there “has emerged a new class of businessmen who, in order to protect their investments, have armed their own militia, or made arrangements with the warlords to whom they provide funds.” Reliance on private militias has emerged as a social and business norm in Somalia.

While business and criminal activities have flourished under political anarchy, the traditional sources of livelihood in Somalia remain agricultural and pastoral. According to Abdi Maalim, a development worker with Arid Lands Resource Management Project (ALRMP), a heavy reliance on a pastoral lifestyle for survival has also contributed to the demand for SALW in the three districts under study. Current security frameworks are designed in response to urban needs, leaving rural security entirely to the village and nomadic peoples. Pastoralists use small arms as defensive tools against cattle and camel rustlers from neighbouring areas that threaten their livelihood and survival. But SALW purchased for defensive purposes also act as offensive weapons, which these pastoralists use to rustle neighbouring herds. While cattle and camel rustling are age-old practices of all herders, the introduction of small arms has had devastating human consequences.

In Kenya, the demand for arms is twofold. First, pastoralists in both Kenya and Ethiopia engage in and are victims of traditional cattle and camel rustling and use SALW in defensive and offensive capacities. Second, high unemployment and poverty levels in the urban centres, particularly in Nairobi, have led to high crime levels. Robberies, banditry, and other violent activities have become income-generating opportunities for the marginalized, frustrated, and unemployed poor. Criminal gangs create significant demand for illicit weapons in Kenya.

Supply Factors

The lure of anarchy has drawn clandestine international actors that use Somalia’s strategic air- and sea-ports and unregulated borders to transport regular and illicit goods into East Africa. Due to the nature of the illegal arms trade, it is difficult to ascertain specifically which arms are secretly exported by foreign governments with interests in destabilizing Somalia, and which arms are traded by private international arms dealers for purely economic gains.

However, some weapons are deliberately smuggled into Somalia to undermine social and political stability. As previously mentioned, the government of Ethiopia intensely covets access to and authority over one of Somalia’s lucrative seaports. Ethiopia regularly supplies SALW to Somalia in an attempt to satisfy its own political and economic interests.

Arms flowing into Kenya come primarily from Somalia, and find their way into the illicit markets in Eastleigh’s slum areas in Nairobi. Local traders, who order their purchases directly from Bakara Market in Mogadishu, supply weapons to criminal gangs in Kenya’s urban centres. Because of the challenge in policing slum areas and corruption among law enforcement officers, the influx of arms from Somali suppliers remains difficult to control.

SOLVING THE PROBLEMS OF ILLICIT SALW

State-based Initiatives

The newly established Somali Transitional Federal Government is a significant development in the effort to curtail small arms traffic in the Horn of Africa. By ending the dominance of warlords, the TFG now has the opportunity to control lawless borders and inhibit illegal business activity in Somali territory. However, the Somali Parliament can only exercise effective political and military control if warlord MPs agree to disband their private militias, or consolidate the forces into a single national armed unit. The consolidation of military power in the form of a national army would act as the foundation of security and stability in Somalia. A comprehensive disarmament, demobilization, and reintegration (DDR) program is also needed to evaluate the SALW problem and bring about the regulation of illicit weapons.

At the international level, key political actions can be taken to thwart the proliferation of SALW in the Horn of Africa and put an end to the use of Somalia as a conduit for weapons trafficking. The new Somali government should become a signatory state to relevant agreements on small arms and light weapons, in particular the Nairobi Declaration on the Illicit Proliferation of Small Arms and Light Weapons (2002), as well as the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000). These agreements would make Somalia a partner in a common regional and continental political effort, and allow the new government to request assistance from neighbouring countries and international actors in meeting the objectives of the agreements.

Civil Society Initiatives

The present lack of capacity and weakness of the Somali central government suggest that civil society should assist in the implementation of small arms agreements. During the period of state collapse non-governmental agents were active in such grassroots activities as community policing and other peacebuilding efforts. Over the past 14 years civil society has developed an expertise in local issues that can be useful in supporting regulatory mechanisms.

Although the three districts under study are high-intensity conflict zones, none currently has any community policing activities run by civil society specifically to curtail arms traffic or reduce illicit weapons proliferation. NGOs have attempted some community-based peacebuilding and reconciliation ventures. For example, a local Somali NGO called Advancement for Small Enterprise Programme (ASEP) received funding from USAID to develop a conflict resolution project to be implemented in Mandera, Kenya; Bula Hawa, Somalia; and Malkasufta, Ethiopia. Acting as a facilitator, ASEP brought together traditional leaders and other members of civil society in a joint peace committee to help resolve cross-border disputes and conflict, using customary laws. The project was eventually disbanded when the authorities from Bula Hawa and Malkasufta failed to support the initiative.

Currently, ASEP is engaged in a number of community activities, particularly the development of joint committees from Bula Hawa and Mandera districts and the creation of an NGO consortium. This consortium seeks to develop border control solutions using traditional methods, including religious, clan, and political tools. Because of the overlapping safety needs of local NGOs, the consortium has developed a multipurpose agenda that engages relevant security issues.

Traditional community leaders have a role in controlling the illicit proliferation of arms. At the rural and village levels, traditional and religious elders have the capacity through community policing mechanisms to organize and mobilize the population, mediate conflict, build peace between and within fragmented communities, and enforce compliance with legal prohibitions on SALW trafficking.

CIVIL SOCIETY PARTICIPATION

The research team determined that the participation of women, youth, NGOs, traditional elders, the business community, regional bodies, academics, and other civil society actors is crucial to the successful implementation of SALW regulations. Each actor, despite the unique challenges of weapons proliferation issues, has a substantive role to play in policing, peacebuilding, and conflict resolution.

Women

The effects of SALW proliferation are particularly acute on women. As victims of physical and sexual violence, women in the border regions of Somalia have an interest in controlling the illicit weapons trade. One role women's groups can play is to alert and warn local populations about potential outbreaks of violence. Women for Peace and Development (WFPD), an NGO based in Mandera, Kenya, has had the most success in SALW issues, community peace initiatives, and policing programs.

WFPD has developed and implemented an ambitious plan for community conflict resolution and has developed conflict resolution mechanisms that address the needs of pastoralists, specifically targeting conflicts between communities. WFPD has established a 24-member cross-border peace committee comprised of peace elders from the various communities on each side of the three border districts under study: Mandera, Bula Hawa, and Malkasufta. The committee is charged with the responsibility of resolving conflict arising between any of the parties. Peace committees have also been established in several other towns along the Kenya-Somalia border, including Omar Jillo, Fino, Lafey, Damasa, and Burhaje. Along the Kenyan border with Ethiopia, WFPD peace committees are operative in BP1 (the camp Border Post One), Bur-Abor, Khalalio, Hareri, Garse, Malkamari, and Banisa. WFPD is also working on a local policing initiative that would be culturally acceptable to the community.

Not only has WFPD provided support and guidance in conflict mediation and negotiations, but the organization has also campaigned against small arms through sensitization programs. Currently they have mobilized a number of youth who were involved in criminal activities to work with both civil society and police to crack down on other criminals.

Youth

Youth in Somalia are the most vulnerable segment of society, suffering from poverty, frustration, depression, and marginalization. Without jobs, education, or other meaningful activities, young men are prone to drug abuse, crime, and violence. The ready availability of weapons in this stressful social environment has increased violent gang and militia activities among young Somali males.

An essential element of civil society's participation in SALW control is the development of social and educational programs that target young people. Somali youth need youth groups that address their social

needs, educational institutions that provide both academic and vocational training, and sensitization programs that alert young people to the repercussions of taking up arms.

Non-governmental Agencies

In complex humanitarian disasters, poorly planned humanitarian responses by NGOs can aggravate conditions. Aid agencies that are ill-equipped to respond to complicated and high intensity environments can actually fuel conflicts, as militia factions target aid and relief goods. To avoid such consequences, improved aid co-ordination and information sharing are necessary.

NGOs have the opportunity to adopt a supervisory role in monitoring grassroots community policing mechanisms and sharing information with domestic and international actors on challenges to regulatory mechanisms. NGOs can act as observers of community activities that relate to SALW and the arms trade. Both local and international NGOs and other civil society actors can provide early warnings to regional governments that allow governments to respond to hostilities at the state level, as well as to engage local conflict resolution mechanisms.

Furthermore, with their knowledge of local politics and personnel on the ground, skilled NGOs can provide logistical support to governments in the implementation of domestic legislation and international agreements. When international or local civil society actors have established levels of trust with their communities, they can act as central actors in DDR and arms control activities, as well as play a consultative role with traditional and community elders and other policing agencies.

Traditional and Religious Elders

As an integral part of Somali society, traditional elders and religious leaders have a distinctive role that can mobilize communities and resolve conflicts. To guarantee the cooperation of communities, governments should engage traditional leaders in support of government-sponsored and locally implemented actions on illegal weapons trafficking. Once the elders are committed to SALW curtailment, their role must be enhanced to utilize the potential of the community in combating the spread of illicit weapons at the grassroots level. Customary Somali law can also be used to resolve conflict within fragmented communities.

Regional Actors

Given the cross-border nature of the SALW proliferation problem, countries in the Horn of Africa have a domestic interest in promoting a stable and credible government in Somalia, and neighbouring countries must consider the ramifications of the ongoing state failure in Somalia when devising foreign policy. The same clan groupings exist in all three communities in Kenya, Somalia, and Ethiopia under study, thereby creating a complex cross-border dynamic. The governments of the three countries must adopt a more flexible approach to border control issues that responds to the presence of these nomadic clans.

Regional organizations would be appropriate forums to address and accommodate the needs of these nomadic peoples. Founded in 1986, the Intergovernmental Authority on Drought and Development (IGADD) was charged with the task of responding to the widespread famine, ecological degradation, and poverty of the sub-region. Reconstituted in 1996, the body was renamed the Intergovernmental Au-

thority on Development (IGAD) and given an expanded mandate for regional development. The agenda of IGAD has included regional cooperation, economic integration, food security, environmental degradation, peace and security, and conflict resolution. IGAD has maintained an active role in the Kenya-based Somali peace process. As an influential member of IGAD, Kenya has hosted the TFG and played an important mediation role in conflicts between antagonistic clan factions and warlords.

Academicians

Further research is needed on the scope and nature of the SALW problem in Somalia and in the Horn of Africa. At present, there is limited statistical data available on the quantity of SALW in the region and on rates of illicit trade and weapons proliferation.

As well, research is needed to determine which countries are in defiance of the UN arms embargo against Somalia, and which state and non-state actors are profiting from illicit trade. The regional implications of violations of the embargo make research on the Somali crisis relevant to IGAD. The reasons behind the constant conflict in the Greater Horn of Africa and the Great Lakes regions must be addressed to remove the demand factors behind SALW proliferation. Identifying the causes of SALW problems will allow researchers to make relevant policy recommendations to the Somali, Kenyan, and Ethiopian governments.

POLICY RECOMMENDATIONS

Domestic Policy Recommendations

The Somali government must:

- maintain the ceasefire between rival warlord-run militia factions and other clan groups. Warlord members of parliament must be kept within the political peacebuilding process through both modern and traditional methods of conflict resolution. Because many members of parliament have military backgrounds, the diplomatic resolution of conflict will be challenging.
- exert control over border points and sea- and airports that are used for illicit arms smuggling and are currently under the control of militias. Warlords must not only agree to constrain their own militias and refrain from profiting from illicit commercial activity, but the government also needs to establish and enforce the rule of law in uncontrolled parts of the country.
- implement a state-wide DDR program, to put an end to militia rule and develop a national army. A universally implemented DDR program will legitimize the government's monopoly on the use of force and provide a means of containing lawlessness. Reintegrated militiamen must be provided with alternative employment opportunities, to avoid regressing into violent or criminal activities.
- move to Mogadishu to establish legitimacy and gain recognition from the Somali people. The threat of violence against the new government cannot be allowed to inhibit the return to the Somali capital. Diplomatic efforts must be made to include the Mogadishu militias in the current peace process.

- make reconciliation the first priority. A well-planned grassroots, inclusive, and countrywide reconciliation program is required to establish social cohesion and justice in post-conflict Somalia. An internal reconciliation process would make unnecessary the inviting of foreign peacekeeping forces to Somalia. UNOSOM operations in Somalia in the early 1990s and the military presence of certain regional actors on Somali soil have left Somalis antagonistic towards foreign peacekeepers. The government's call for a 20,000-member African peacekeeping force has already been interpreted as revenge against the Hawiye clan that dominates the capital city.

Regional and International Policy Recommendations

Policymakers in this chaotic sub-region should have an informed, clear, and explicit understanding of SALW, underlying conditions, and conflict management. Such knowledge will help in the formulation of policies that relate to the current arms trade and its subsequent conflict and criminality, so that the emerging problems of international terrorism and crime can be controlled. Regional actors must develop informed policies that consider socio-economic, political, and cultural factors involved in the arms trade. At the international level, it is also strongly recommended that the mandate of the Djibouti-based US Combined Joint Task Force – Horn of Africa (CJTF-HOA)⁹ be expanded to include enforcing the UN arms embargo against Somalia.

CONCLUSIONS

The problem of SALW proliferation in the Horn of Africa and the sub-region cannot be resolved by international agreements alone. Signatory states to the Nairobi Declaration and Nairobi Protocol must adopt an implementation agenda that reflects regional awareness. Most significantly, control of illicit arms flows in the Horn of Africa requires that Somalia have a stable government and effective legal system.

Somalia must respond to both the demand and supply factors that drive the illicit arms trade. Arms flows into Kenya and Ethiopia will continue unregulated until the Somali TFG is able to exercise control over its seaports and air landing strips and manage its borders. Anarchy has made Somalia's strategic geopolitical location a prime attraction for illicit activities, from contraband sale of goods to terrorism. Resolution of the state of anarchy by means of peaceful conflict resolution, DDR programs for ex-combatants, and the legitimate exercise of political and military authority by the central government are key steps in ending the abuse of Somalia's unregulated borders by arms traders. Stability in Somalia would also reduce the dependency of private businesses on hired militias to protect their interests. Regional and international actors, as well as local community policing bodies, can assist the TFG in the implementation of state regulation of SALW.

Poverty and lack of alternative employment have led to high crime rates and a demand for SALW in Somalia, as well as in Kenyan and Ethiopian urban centres. In Somalia, young people are particularly at risk of joining militias and criminal gangs. Programs that create alternate employment for ex-combatants and youth at risk are essential to address the demand for arms in the Horn of Africa. Both the federal government and civil society actors with implementation capacities can develop these programs.

The pastoral lifestyle must be considered in the development of regionally focused security architecture. Given the cross-border nature of pastoralism and the clan dynamics between these nomadic communities, state-centred policies on arms traffic and weapons proliferation issues will be less effective than a collaborative effort between Horn of Africa countries. In particular, the need to protect cattle and camel herders from rustlers must be addressed.

Furthermore, regional political and military interference in Somalia must be brought to a close. The needs and interests of the region can be brought to the negotiating table through regular diplomatic channels that engage the new TFG at a state-to-state level. In the event that any regional or international actor is found to have engaged in the political or military destabilization of Somalia, the matter should be brought to the attention of the international community, as a violation of international law.

Containment of Somalia's state of political, military, and economic collapse is the essential prerequisite to the control of arms in the Horn of Africa. Somalia's state of anarchy grossly undermines the capacity of neighbouring countries to effectively control arms flows into their countries. As demonstrated by the case of Mandera, Kenya, Malkasufta, Ethiopia, and Bula Hawa, Somalia, the illicit proliferation of SALW in the Horn of Africa is a fundamentally regional issue. Cooperation between affected states is needed to achieve the common goals of regional peace, security, and stability.

NOTES

1. For more on the "Realist Tradition," see Morgenthau 1985, p. 7 and Doyle 1986.
2. See also Nye 1988.
3. For the purposes of this paper, "the Horn of Africa" will be used interchangeably with "the Greater Horn of Africa" to refer to the seven member IGAD countries of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, and Uganda. All except Somalia are members of the Nairobi Declaration on the Proliferation of Small Arms.
4. For comprehensive accounts of politics and development in independent Somalia see Laitin and Samatar 1987, Metz 1992, Lewis 1988, and Samatar 1988.
5. See also Ahmed 1996, p. 154.
6. See also Gebre-Wold et al 2002, p. 14.
7. UNSC Resolutions 751, 733, and 1407 are all related to the arms embargo on Somalia.
8. See Somali National Reconciliation Conference 2002 for a discussion of DDR in post-conflict Somalia. This report will help inform efforts of the TFG in developing a DDR program under the new government.
9. The US Combined Joint Task Force (CJTF) Horn of Africa is based in Djibouti with a mission to detect, disrupt, and defeat terrorists in the Horn. As part of the work of the Djibouti-based US CJTF-HoA, an 11-nation African regional task force was set up on 30 July 2003 to combat disasters and help ward off terrorism in the region. The 11-nation African task force includes Burundi, DRC, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Tanzania, and Uganda. See IRIN 2003.

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APPENDIX I:
LIST OF PARTICIPANTS AT WORKSHOP,
23 JANUARY 2005, NAIROBI, KENYA

1. Ibrahim Farah
2. Aisha Ahmad
3. Daud Omar
4. Adan Abdulkadir
5. Nasra Aweis Abubakar
6. Mohammed Ibrahim
7. Abdiwahhab Sheikh Mohammed
8. Adan Dirie Gurhan
9. Abdullahi Qorrax
10. Johnstone Summit Oketch

APPENDIX II:
LIST OF IDENTIFIABLE INTERVIEWEES

1. Abdi Jama, local Somali NGO official
2. Abdi Maalim, ALRMP
3. Abdille S. Billo
4. Abdirizak Abshir Elmi
5. Abdullahi Qansoy
6. Abshir Abdi
7. Adan Abdulkadir
8. Adan B. Sheikh
9. Adiwahhab Sheikh Mohammed
10. Adbinor Khansoy
11. Ahmed Ismael Uzebe
12. Amina Hassan, WPD
13. Bisharo Abdi
14. Rapahel Kimilu, OCS Mandera
15. Col. Abdirizak Isack Bihi, SNF
16. Halima Abdi
17. Habiba Dhuhollow
18. Hassan Bilow, DO Mandera
19. Ibrahim Ali, former civil servant, Elder in Bula Hawa
20. Mohammad S. Hassan
21. Mohammed Hussein Duale, PPD Network
22. Mohamoud Sayyid Adan, SNF/SRRC
23. Nurta M. Ali
24. Patric Atsali
25. Johnstone Summit Oketch, Regional Analyst

LEGAL AND INSTITUTIONAL ASPECTS OF SMALL ARMS AND LIGHT WEAPONS IN UGANDA

by Alexander Kibandana

INTRODUCTION

The uncontrolled proliferation of small arms and light weapons in the Great Lakes Region and the Horn of Africa continues to threaten people, communities, states, and the region as a whole. Among other effects, small arms undermine human and state security, impair development, and exacerbate conflict and crime. While there is no accurate information regarding the number of legal and illegal small arms flowing into and out of the region, nor how many weapons are circulating internally, it is clear that no state in the region remains unaffected by the problem. As a result, there are legal and institutional rules that are entrenched to regulate and control their use.

Guns were brought into Uganda by Arab traders in about 1840 and some were sold or given as gifts to the Buganda Kingdom; the regulation of arms started in 1905 with the Firearms Ordinance, which was replaced by the 1955 Act that was amended in 1970. This Act was further revised in 2003 as the Statutory Instrument No. 69. However, a more holistic regulatory mechanism has to be traced from other pieces of legislation that directly or indirectly impact on the question of ownership and use of small arms in Uganda. These include the Explosives Act, the Uganda Peoples' Defence Forces, the Uganda Police Act, The Amnesty, and the Prisons Act. There are also pieces of subsidiary legislation that have an impact on the regulation of small arms in Uganda, including The Control of Private Security Organisations Regulations and the Firearms (Fees and Forms) Regulations.

THE NATURE AND CONCEPT OF SMALL ARMS AND LIGHT WEAPONS IN UGANDA

The primary piece of legislation, the Firearms Act, contains no definitions that clearly define small arms and light weapons. As Katherine Kramer (2001, p. 4) notes in her study of Southeast Asia:

The problem of precisely defining what constitutes a small arm or light weapon, much less ammunition, is not unique to Southeast Asia—it has been debated extensively at the international level. It is more than an issue of semantics—it often determines the scope or applicability of particular legislation. The legal definition of what constitutes a small arm or light weapon varies considerably from country to country and even within countries between different sectors (civilian and military). Generally, small arms and light weapons (including ammunition) can be carried by an individual, two or more people, or a pack animal.

In this report, we will use definitions developed by the 1997 UN Panel of Governmental Experts on Small Arms:

- *Small arms*: revolvers and self-loading pistols, rifles and carbines, assault rifles, submachine guns, and light machine guns.

- *Light weapons*: heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank and anti-aircraft missile systems, and mortars of less than 100mm calibre.
- *Ammunition and explosives*: cartridges (rounds) for small arms, shells and missiles for light weapons, mobile containers with missiles or shells for single-action anti-aircraft and anti-tank systems, antipersonnel and anti-tank hand grenades, landmines, explosives.

The Firearms Act provides several definitions. It defines a firearm as “any barrelled weapon (other than an imitation firearm) from which any shot, bullet or other missile capable of causing injury can be discharged, adapted for discharge of any shot, bullet or other missile, and any other weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing dangerous to human beings, and includes any component part of any such weapon as aforesaid and any accessory to which such weapon designed or adapted to eliminate or diminish the noise or flash caused by firing such weapon, but does not include any antique firearm which has been rendered incapable of use as a firearm” (Sect 1[k]).

It also defines arms of war as “artillery of all kinds, apparatus for the discharge of explosive or gas diffusing projectiles, flame throwers, bombs, grenades, machine guns and rifled small-bore, breech-loading weapons, whether all or any of those arms of war are assembled or in parts, but does not include sporting rifles, or personal or other weapons or apparatus not intended for warlike purposes” (Sect 1[g]).

Finally, the Firearms Act defines “ammunition” to include “grenades, bombs and other like missiles and cartridges blank, tracer, explosive, incendiary, observing or signalling cartridges and any ammunition containing or designed or adapted to contain shot, bullet or any noxious liquid, gas or other thing whether capable of use with a firearm or not” (Sect 1[b]).

On the other hand, the Explosives Act defines explosives to include “(i) gunpowder, nitroglycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect, (ii) any fuse, rocket, detonator, cartridge and every adaptation or preparation of an explosive as herein defined and (iii) any other substance which the minister may from time to time by statutory instrument declare to be an explosive.”

As can be seen, the Ugandan definition is very specific and as such runs the danger of being restrictive. However, it can also be said that the definitions are detailed, offering technical descriptions.

POSSESSION AND USE

“The ease with which the civilian population can obtain small arms, coupled with the quantity of arms legally dispersed, can exacerbate national and regional proliferation problems. It is therefore essential to consider legal controls on privately licensed firearms as an aspect of the problem of small arms proliferation” (Kramer 2001, p. 7). In response to this realization the Firearms Act and the Control of Private Security Organisations Regulations govern the licensing of small arms for personal use to individuals in Uganda.

A two-step process determines the eligibility of applicants for a firearm licence. First, applicants must satisfy the general criteria – preconditions that must be met before they can apply for a licence. Secondly, those persons who meet the general criteria must also pass a set of requirements at the individual level.

Firearms Certificates

The Firearms Act provides that valid firearms licences are required for the purchase and possession of small arms and ammunition (Sect 3[1]). Section 4 provides the necessary controls before such a certificate is issued. In the first place, section 4(2) requires the chief licensing officer to keep a register of Firearm Certificates. Such a register is set out in Form FA 3 of the Firearms (Fees and Forms) Regulations. It provides for the name of the licencing area, the entry number, and date of registration. The details required by the register include the name of the owner in full, nationality, address of the owner, nature of the firearm, description and mark or number of identification, quantity and type of ammunition, and number of firearm and certificate issued. As a result, once the register is properly kept and updated, all the firearm certificates issued can easily be accounted for and traced.

Application process

Section 4(3), on the other hand, provides for the application procedure for the firearm. Such an application must be made in the prescribed form to the Chief Licensing Officer (CLO) and must contain all the prescribed particulars. The prescribed form and particulars are also set out in the Second Schedule of the Firearms (Fees and Forms) Regulations as Form FA 4. The Form requires the detailed particulars of the applicant and is set out in a question format, eliciting answers to 20 questions. The applicant has to provide information on the purpose of the firearm, whether or not s/he has previously possessed a firearm, whether or not s/he has any subsisting licences, whether or not s/he has been convicted of a breach of the game laws or arms and ammunitions of Kenya, Tanzania, Uganda, or Sudan and if s/he has a criminal record. Also required is information on whether the applicant has been previously refused an arms licence or firearms certificate and the grounds for such refusal; the nature, description, mark or number of identification of firearm for which the firearm certificate is required; whether the firearm is new or second-hand, and, if the latter, the name of the present owner, his/her address, and the registration number of the firearm; and, finally, the quantity and type of ammunition for which the firearm certificate is required. In addition, a police officer has to certify that the applicant has been tested and is competent to use such a firearm.

While these answers form the basis on which a firearm is issued or refused, Section 4(4) gives the CLO discretionary powers to refuse to issue a firearm certificate without assigning any reason unless he or she is satisfied that the person applying for the firearm certificate is not prohibited by any provision of the Act from purchasing, acquiring or having in his or her possession a firearm or ammunition; has reasonable cause to purchase, acquire or have in his or her possession a firearm or ammunition; is competent to use a firearm of the kind in respect of which the application is made; has attained the age of twenty-five years, is of sound mind and of temperate habits, will take all proper steps to ensure the safe custody of the firearm in respect of which the application is made and will install a minimum safety to the satisfaction of the police officer in charge of the area in which he or she resides and is in all other respects a fit and proper person to purchase, acquire or have in his or her possession a firearm. These controls are wide but so are the discretionary powers of the issuing officer.

Section 4 provides other controls. First, a firearm certificate in respect of a weapon to be used for sport-

ing purposes must be subject to the holder's obtaining, in the case of a shotgun or .22 rifle, a bird licence, and in the case of any other rifle or combined rifle/shotgun, a game licence (Sect 4[5]). Second, the licence must be obtained within three months from the date of the issue (Sect 4[6]) and the CLO may at his or her discretion impose further conditions subject to which a firearm certificate issued may be held (Sect 4[7]).

Issue of the certificate

The nature of the certificate issued is set out in Section 4(8). The certificate must be in the prescribed form, contain all the specified conditions, the nature, description and mark or number of identification of the firearm in respect of which it is issued and, if it is in relation to ammunition, the quantity and type authorized to be purchased and to be held at any one time. In addition, the certificate can only remain in force until 31 December of the year in which it was issued and can only be renewable for a further period of one year by the licensing officer for the area in which the holder resides. The certificate is set out as Form FA 2 of The Firearms (Fees and Forms) Regulations. The certificate provides for the name of the person to whom the certificate is issued, the nature, description, and mark or number of identification, and the quantity and type of authorized ammunition to be purchased and held by the applicant at any one time.

The certificate is held subject to the condition that any change in the permanent address of the holder of the certificate shall be reported within 21 days to the licensing officer who issued the certificate, and to other conditions that may be set out.

The certificate also lays down instructions that must be met by every person from whom the holder of the certificate purchases or acquires the firearm or ammunition: keep a written record of the name of the certificate holder and the number, date, and place of issue of the certificate, and be able to produce such a record for inspection on the request of a police officer. If the holder of the certificate is unknown to him he shall obtain a receipt from the certificate holder and shall produce this receipt for inspection on being required to do so by the police officer. A permit under Section 3(3) of the Act is required before the holder of the certificate can purchase or acquire ammunition. However, the CLO may vary the conditions under which a firearm certificate is held at any time (Sect 4[9]).

There are major oversights in the licensing process in that there is no limit on the number of firearms that can be licenced to one civilian, and no prohibition on civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns.

On the other hand, the Control of Private Security Organisations in Regulation 6 provides a set of requirement that each company must satisfy before it can be licensed to possess firearms. The companies are required to submit an application in the specified form indicating the physical address, particulars of directors or shareholders, bankers, area of operation and type of service, the source of such arms, a declaration to construct appropriate storage for arms and ammunition, and agreement that fingerprinting and vetting of all the operational employees of the organization be carried out by the Inspector General.

Renewal of the certificate

Under Section 8(1) of the Firearms Act, a licensing officer can not renew a licensing certificate unless the firearm to which the firearm certificate relates is shown to him or her for inspection or marking or testing. In addition, no firearm can be issued or renewed unless it bears a mark or number of identifica-

tion (Sect 8[2]). Further conditions that must be satisfied before the firearm is renewed include the following: the licensing officer must satisfy him or herself that the firearm is safe for use, and in a case when an import permit has been issued to an importer other than a licensed firearms dealer the importer shall produce the firearm to the licensing officer of the place in which he or she resides for inspection within 14 days of the issue of the firearm certificate.

Exemptions from holding Firearms Certificates

Certain groups are exempted from holding firearm certificates. These include firearms dealers or gunsmiths, approved carriers or approved warehousemen, persons in charge of any slaughterhouse or persons appointed to take charge of slaughtering instruments and ammunition for the instruments for the purpose of storing them in safe custody at that slaughterhouse.

On the other hand, any person may have in his or her possession a firearm or ammunition on board a ship, or a signalling apparatus or ammunition for it on board an aircraft or at an aerodrome, as part of the equipment of the ship, aircraft or aerodrome, remove such a signalling apparatus or ammunition for it, being another part of the equipment of an aircraft, from one aircraft to another at an aerodrome or airfield, or from or to an aircraft at an aerodrome or from a place appointed for the storage of the signalling apparatus or ammunition in safe custody at that aerodrome or airfield, and keep any such apparatus or ammunition at such a place.

In addition, any person, who is accompanied by another person holding a firearm certificate, may, if duly authorised by that other person so to do, carry, but not use a firearm or ammunition to which the firearm certificate relates; a member of the rifle club approved by the Minister, or of a cadet unit, may use a miniature rifle not exceeding .22 and ammunition suitable for it, at a miniature rifle range or shooting gallery approved by the Inspector General of Police. In addition, a person may use a firearm at an athletic or other sporting meeting if the firearm is licensed in the name of any of the organisers of the meeting, or is a servant of the corporation to which a firearm certificate has been issued. In addition, any person, being the registered owner of the firearm, may deposit or cause to be deposited the firearm and ammunition for it in a police station or other place appointed by the Inspector General of Police without holding a firearm certificate for the period of the deposit; and a person taking part in a theatrical performance or film production or the rehearsal of the performance or production may, without holding a firearm certificate, use a firearm or imitation firearm for the purpose of the performance or production or rehearsal of the performance, on such conditions as the chief licensing officer may impose.

Production of certificate

Under Section 9(1) any police officer or customs officer may demand from any person in possession of a firearm or ammunition, the production of his or her certificate and if such person fails to produce the certificate, such an officer may seize and detain the firearm and ammunition. Section 10(1) conversely provides that a police officer or customs officer may require any person holding a certificate to produce the firearm or ammunition to which the certificate relates at such time and place as may be specified and any person who fails to comply commits an offence and may be liable to imprisonment not exceeding six months or to a fine not exceeding two thousand shillings.

Manufacture of firearms or ammunition

Under Section 11 no person can manufacture or assemble any firearm or ammunition. However, exceptions with regard to assembly are provided in Section 11(2): a firearms dealer or gunsmith and a person

holding a certificate of a firearm that is capable of being stripped and reassembled can reassemble a firearm.

Storage and packing

“The regulation of the storage and packing of small arms, ammunition, and explosives is important, not only for safety reasons, but also to ensure secure stockpile management. Inadequate stockpile management can result in theft, a loss of inventory due to corruption, and a lack of baseline data” (Kramer 2001, p. 14). Section 18(1) of the Firearms Act provides that every firearms dealer or gunsmith must provide and maintain at each of his or her places of business a suitable enclosed store for the safe custody of firearms and ammunition in his or her possession and shall at all times keep all such firearms and ammunition securely within the store. Every store has to be maintained to the satisfaction of the licensing officer of the area in which it is situated and shall have only one means of entry with two different locks and the master key shall be delivered to the licensing officer for safe custody after properly labelling them. Any person who fails to comply with these provisions commits an offence and is liable to a fine not exceeding five thousand shillings.

Dealing in Firearms

Section 12(1) of the Firearms Act provides that no person shall sell or transfer or expose for sale or transfer or have in his or her possession for sale, transfer, repair, test or proof any firearm or ammunition unless he or she is registered under the Act as a firearms dealer. It further provides that no person can repair, test or prove any firearm or ammunition unless he or she is registered under the Act as a gunsmith (Sect 12[1][b]). Thus for a person to sell by auction a firearm, such a person requires an Auctioneer’s Permit as set out as Form FA 7 in the Regulations. The terms set out in the Auctioneers Permit are that the auctioneer shall inform the licensing officer of the name and address of any person purchasing or acquiring any of the firearms and ammunition, precautions shall be taken to ensure that the safe custody of the firearms and ammunition and any loss or theft shall immediately be reported to the police, and, lastly, that the form shall be returned to the licensing officer on the date on which it expires or as soon as the firearm or ammunition to which it relates has been disposed of, whichever date is earlier.

Registration of firearms dealers and gunsmiths

Section 13(1) mandates the chief licensing officer to register firearms dealers and gunsmith and enter into the register the name of any person who applies to be registered as a firearms dealer or gunsmith. Section 13(2) gives wide discretion on exercising powers to register. The CLO may refuse to register any applicant as a firearms dealer or gunsmith without assigning any reason whatsoever if the applicant is prohibited from being registered by an order of court, if the CLO is satisfied that the applicant is not a fit and proper person to be registered, and if the person is not competent or qualified to carry on the business of a dealer or gunsmith. Section 13(4) makes it an offence for a person to make false statements in the process of being registered as a gunsmith or dealer. Such a person is liable to imprisonment for a term not exceeding five years or to a fine not exceeding twenty thousand shillings.

Registration of business

Section 14 provides the nature and process of registering businesses of firearms dealers and gunsmiths. Section 14(1) provides that any person who applies to be registered as a firearms dealer or gunsmith is required to state the particulars of every place of business within the area at which he or she proposes to carry on business as a firearms dealer or gunsmith and the CLO shall register such places of business. In

case a firearms dealer wishes to carry on business in an area where such a place of business is not entered in the register, he or she shall notify the CLO and furnish the CLO with all such particulars as may be prescribed (Sect 14[2]). However, before entering such place on the register, the CLO must be satisfied that the place will not be a danger to public safety or peace (Sect 14[3]). Otherwise, under section 14(4) any person who carries on business in a place which is not entered on the register commits an offence.

Suspension and Revocation of Firearm Certificate

Under Section 5(1) the CLO may at his or her discretion suspend or revoke a firearm certificate without assigning any reason. When the firearm certificate is revoked, the CLO shall ask the holder to surrender the certificate and to deposit the firearm and certificate at the police station within 14 days.

Special Powers of the Court

Section 19 gives the court special powers in any case in which a firearms dealer or gunsmith is convicted of an offence under the Act. The court may order that the name of such a firearms dealer or gunsmith be removed from the register, that such a convict or any person who took part in the management of the business and who was knowingly a party to the offence not be registered as a firearms dealer or gunsmith. The court may also order that any person who employs such a firearms dealer or gunsmith shall not be registered or if already registered be liable to be removed from the register and that any stock in hand of the business shall be disposed of as directed by the Inspector General of Police after consultations with the minister.

OFFENCES

Several offences set out in the Firearms Act and the Penal Code relate to the use, misuse, or abuse of firearms and several penalties are provided for such infractions. Katherine Kramer (2001, p. 20) notes, “Stiff penalties increase the opportunity cost for individuals otherwise inclined to break the law and, in the case of cross-border arms smuggling, often force the relevant business to move to areas where the risk is lower.” This seems to be the thinking underlying the proposed Firearms (Amendment) Bill of 2004. The Memorandum to the Bill states that the object of this bill is to make miscellaneous amendments to the Firearms Act to strengthen the penalties in the Act with a view to combating and providing a sufficient deterrent against offences involving possession and use of firearms. The amendment in clause 25 goes further to suggest that regulations made under Section 42 of the Firearms Act can also prescribe a penalty not exceeding three years imprisonment or a fine not exceeding 180 currency points in case of a first offence and in case of subsequent offences a fine not exceeding 250 currency points or imprisonment not exceeding four years or both. In addition, it provides that the court shall also order forfeiture to the state of anything used for or in connection with the offence.

The table below examines the severity of punishments provided and proposed in the amendment. In Uganda it is also possible to apply more than one law or act in sentencing. This is especially true when the infraction is a violation of the Penal Code and involves a firearm. Thus all the infractions relating to the use of small arms are provided. The penalties range from the death penalty in the Penal Code and life imprisonment in the Firearms Act to negligible fines.

Table 1: Offences and Penalties relating to the Use of Firearms in Uganda

Infraction	Term of imprisonment	Fine (Uganda shillings)	Proposed term of imprisonment	Proposed fine
Possession of firearm or ammunition without a licence (Section 3[1], Firearms Act)	Not exceeding 10 years	Not exceeding 20,000		600 currency points
Purchase of ammunition without a permit (Section 3[4], Firearms Act)	Not exceeding six months	Not exceeding 2,000	One year	60 currency points
Making false statements in the process of procuring a firearm certificate (Section 4[10], Firearms Act)	Not exceeding five years	Not exceeding 20,000		250 currency points
Failing to surrender a firearms certificate upon suspension or revocation within 14 days (Section 5[2], Firearms Act)		Not exceeding 1,000	One year	60 currency points
Failing to comply with a demand for the production of the firearm and ammunition (Section 10[2], Firearms Act)	Not exceeding six months	Not exceeding 2,000	One year	60 currency points
Manufacturing or assembling any firearm or ammunition (Section 11[3], Firearms Act)	Liable to life imprisonment			
Dealing in firearms without being registered (Section 12[3], Firearms Act)	Not exceeding five years	Not exceeding 20,000	Five years	300 currency points
Making false statements in the process of being registered as a firearms dealer or gunsmith (Section 13[4], Firearms Act)	Not exceeding five years	Not exceeding 20,000		300 currency points
Carrying on business as a firearms dealer or gunsmith without being registered (Section 14[4a], Firearms Act)	Not exceeding five years	Not exceeding 20,000		300 currency points
Making false statements so as to be entered on the register of firearms dealers or gunsmiths (Section 14[4b], Firearms Act)	Not exceeding five years	Not exceeding 20,000		300 currency points
Failing to surrender a certificate of registration as a firearms dealer or gunsmith within 14 days (Section 16[3], Firearms Act)		Not exceeding 2,000	One year	60 currency points
Offences relating to transactions in firearms and ammunitions (Section 17[5], Firearms Act)	Not exceeding six months	Not exceeding 2,000	Two years	120 currency points
Failing to comply with storage conditions (Section 18[4], Firearms Act)		Not exceeding 5,000	One year	60 currency points
Taking or accepting firearms or ammunition as security for money lent or performance of any action (Section 20[2], Firearms Act)	Not exceeding six months	Not exceeding 2,000	10 years	600 currency points

Infraction	Term of imprisonment	Fine (Uganda shillings)	Proposed term of imprisonment	Proposed fine
Dealing in firearms and ammunition contrary to Section 21 of the Firearms Act	Not exceeding five years	Not exceeding 20,000		300 currency points
Offences relating to the use of certain types of weapons and ammunition (Section 25[2], Firearms Act)	Not exceeding five years	Not exceeding 20,000	Five years	300 currency points
Importation or exportation of firearms and ammunition contrary to Section 26(3) of the Firearms Act	Liable to life imprisonment			
Making false statements to procure import or export permit (Section 26[7], Firearms Act)	Not exceeding five years	Not exceeding 20,000		300 currency points
Removal of imported firearms and ammunition contrary to Section 27 of the Firearms Act	Not exceeding six months	Not exceeding 20,000	One year	60 currency points
Failing to comply with any condition subject to which a transit permit is issued (Section 28[2], Firearms Act)	Not exceeding six months	Not exceeding 20,000	One year	60 currency points
Failing to keep safe custody of firearms and ammunition (Section 30[3], Firearms Act)	Not exceeding 12 months	Not exceeding 5,000	Two years	120 currency points
Carrying firearm while drunk or disorderly (Section 31, Firearms Act)	Not exceeding six months	Not exceeding 2,000	Two years	120 currency points
Using a firearm or imitation firearm to resist or prevent lawful apprehension or detention or threatening violence to any person (Section 32[1], Firearms Act)	Not exceeding 14 years			
Displaying a firearm or imitation firearm in a public place to cause alarm (Section 32[2], Firearms Act)	Not exceeding six months	Not exceeding 6,000	One year	60 currency points
Discharging any firearm deliberately or negligently in public to cause alarm (Section 32[3], Firearms Act)	Not exceeding two years	Not exceeding 20,000	Five years	300 currency points
Obstructing police enforcement of the provisions of the Firearms Act (Section 36, Firearms Act)	Not exceeding two years	Not exceeding 10,000		120 currency points
Failing to comply with the Ministerial order contrary to Section 41 of the Firearms Act	Not exceeding five years	Not exceeding 20,000	Five years	300 currency points
Going armed to any public gathering or to any place where intoxicating liquor is normally or is being consumed (Section 75, Penal Code Act)	On first conviction not exceeding six month, on subsequent convictions not exceeding five years	On first conviction not exceeding 5,000, on subsequent conviction not exceeding 50,000		

Infraction	Term of imprisonment	Fine (Uganda shillings)	Proposed term of imprisonment	Proposed fine
Carrying an offensive weapon in public without lawful occasion in such a manner as to be liable to cause terror to any person (Section 76, Penal Code)	Not exceeding five years			
Threatening violence contrary to Section 81 of the Penal Code	Not exceeding four years			
Robbery contrary to Section 286 (1) of the Penal Code	On conviction by Magistrates Court not exceeding 10 years, on conviction by High Court liable to life imprisonment			
Aggravated robbery contrary to Section 286(2) of the Penal Code NB: This involves situations where an offender uses or threatens to use a deadly weapon or causes death or grievous harm to any person during or after the robbery. A “deadly weapon” is defined to include any instrument made or adapted for shooting, stabbing, cutting or any instrument which, when used for offensive purposes, is likely to cause death.	Must suffer death			
Committing the following offences while armed: • House breaking and burglary • Entering a house with intent to commit a felony • Breaking into a building and committing a felony • Breaking into a building with intent to commit a felony (Section 299, Penal Code)	Liable to imprisonment for 14 days			

INSTITUTIONAL ASPECTS

Regional Institutions

The Great Lakes and the Horn of Africa have established a regional coordination agency based in Nairobi, Kenya called the Nairobi Secretariat on SALW. The Secretariat serves all the States Parties to the Nairobi Declaration. As Sabala (2004, pp. 27-28) notes:

The broad mandate of the Nairobi Secretariat is to co-ordinate the regional Agenda for Action. Specifically, the Secretariat aims to:

- ensure long-term sustainable commitment towards the achievement of the objectives as enshrined in the Nairobi Declaration;
- develop, implement and sustain a comprehensive strategy to combat the illicit proliferation of small arms and light weapons, taking into account the linkages between arms proliferation and all aspects of human security and the long-term objective of attaining peace, stability and development;
- pursue initiatives for the peaceful resolution of conflicts in the region;
- enhance co-operation and exchange of information among the National Focal Points and other relevant agencies and organisations tasked with addressing the problem of illicit proliferation of small arms and light weapons;
- co-operate with international organisations, regional and sub-regional organisations and civil society in preventing and reducing the problem of the illicit proliferation of small arms and light weapons; and
- co-ordinate international support for the implementation of the regional Agenda for Action.

The secretariat has been instrumental in

the gradual development of the Protocol for the Prevention, Control and Reduction of SALW in the Great Lakes region and the Horn of Africa (EAPCCO Protocol), which the Experts meeting of February 2004 recommended be renamed the Nairobi Protocol. The Protocol sets minimum standards to govern the manufacture, possession, marking, import, export, transit, transfer and stockpiling of SALW, as well as provisions relating to weapons collection and destruction, police co-operation, information exchange and awareness raising (Sabala 2004, p. 28).

National Institutions

In Uganda there are several interdependent institutional frameworks for responding to perceived threats to state and regime security. While there is a plethora of institutions dealing with issues of state security, there is also an impressive amount of intra-agency collaboration concerning information-sharing. The following discussion looks at the different institutions that have a role in regulating small arms and light weapons in Uganda.

Uganda National Focal Point

Sabala (2004, p. 26) writes:

The Ugandan government established a national coordination agency that is [responsible for implementing and coordinating the national agenda on small arms]. The agency is made up of the National Focal Point Forum (NFPF) and the NFP. The NFPF consists of four members drawn from civil society, representatives from relevant government ministries, and members of the NFP Secretariat. The total membership of the NFPF is twenty. The function of the NFPF, which meets quarterly, is mainly to discuss broad policies in the area of SALW. On the other hand, the NFP is the NFP-Executive and consists of an officer from the President's Office, the Police Department and the Ministries of Defence, Justice, and Foreign Affairs. It plans and performs the day-to-day functions of the NFP. The NFP [has finalised] a draft policy paper on co-operation between civil society organisations and government in fighting the scourge of small arms.

The police force

The Uganda police force is established by Article 211 of the Constitution. It is supposed to be “national-istic, patriotic, professional, disciplined, competent and productive; and its members shall be citizens of Uganda of good character.” Article 212 of the Constitution provides the functions of the police force and these include protecting life and property, preserving law and order, preventing and detecting crime and cooperating “with the civilian authority and other security organs established under the Constitution and with the population in general.” Article 213(3) of the Constitution provides that the “Uganda Police Force shall be under the command of the Inspector-General of Police who shall be assisted by the Deputy Inspector-General of Police in the performance of his or her functions.”

The police force is regulated by the Police Act which provides for the structure, organization, and functions of the police force. It also prescribes the police disciplinary code of conduct, a public welfare fund, and a police tender board. The police have wide-ranging powers with regard to the regulation of small arms and light weapons in Uganda. The Firearms Order, 1987 Statutory Instrument No 71 of 1987 appoints the Inspector General of Police as the Chief Licensing Officer and the Director of Criminal Investigations Department as the Deputy Chief Licensing Officer.

The Firearms Act gives the police several powers. Section 34 provides that whenever a police officer has reasonable cause to suspect that any person has contravened any of the provisions of the Firearms Act, he or she can enter any premises and carry out a search, and seize and detain any person, firearm, or ammunition found on the premises when he or she has reasonable cause to suspect that an offence has been committed. In addition, Section 35 empowers the chief licensing officer to ask a police officer, without warrant, to enter the premises of a firearms dealer to ascertain if the provisions of the Firearms Act are being observed.

Section 28 of the Police Act provides that a police officer may use a firearm against a person charged with or convicted of a felony who escapes from lawful custody, a person who, through force, rescues another person from lawful custody, and a person who, through the use of force, prevents the lawful arrest of himself or of any other person.

However, Subsection 3 of the same section provides that resort to the use of arms can only occur in three circumstances. First, the police officer should have reasonable grounds to believe that s/he cannot otherwise prevent any act or effect the arrest. Secondly, the police officer should first have issued a warning to the offender that s/he is going to resort to the use of arms and that the offender has failed to heed the warning. Finally the police officer must have reasonable grounds to believe that s/he or any other person is in danger of grievous bodily harm if s/he does not resort to the use of arms.

National Security Council

Article 219 of the Constitution establishes a National Security Council with the President as Chairperson. The National Security Council is an advisory body to the president on all matters relating to national security. Section 3 of the National Security Council Act provides for the functions of the council, which include informing and advising the president on matters relating to national security, coordinating and advising on policy matters relating to intelligence and security, reviewing national security needs and goals, briefing the cabinet regularly on matters relating to national security, and receiving and acting on reports from the joint intelligence committee. The council is composed of the president, vice-president, and attorney general, and the ministers of finance, internal affairs, foreign affairs, security, and defence

(Sect 4). The National Security Council is supported by district security and intelligence committees that are responsible for the security affairs of their own districts (Sect 6). The district security council committees are in turn supported and advised by the sub-county intelligence committee (Sect 8). The only obligation on the members and staff of the council and committees under the Act is to observe and respect human rights and freedoms in the execution and performance of their own function (Sect 9).

Intelligence services

Article 218 of the Constitution requires parliament to establish intelligence services. The Security Organisations Act (Sect 2) establishes the Internal Security Organisation and External Security Organisation.

Uganda Peoples' Defence Forces (UPDF)

Article 208 of the Constitution establishes the Uganda Peoples' Defence Forces whose functions are "to preserve and defend the sovereignty and territorial integrity of Uganda," "co-operate with the civilian authority in emergency situations and in cases of natural disasters," "foster harmony and understanding between the Defence Forces and civilians," and "engage in productive activities for the development of Uganda."

UPDF is regulated by the Uganda Peoples' Defence Forces Act, which creates martial law. The people subject to military law are set out in Section 15 of the Act. Several offences relating to the use of arms are specified.

CONCLUSION AND RECOMMENDATIONS

Small arms proliferation in Uganda contributes to high levels of violent crime, fuels insurgencies and cattle rustling, intensifies communal conflict, and impedes development. Small arms affect not only human security but law enforcement and public health. Porous borders ensure that these effects are felt and shared throughout the Great Lakes and Horn of Africa. Even if weapons do not originate in a particular country, they may be sold, financed, trafficked, or used there. As the vast majority of illicit small arms originate from legal holdings, national arms controls are of paramount importance. Though the most basic control measures related to civilian possession, domestic transfers, manufacture, repair, and the import and export of arms are provided for, to some degree, in national legislation, many important issues are overlooked. For example, Uganda does not regulate the activities of arms brokers.

Other areas which could be strengthened include controls on ammunition, spare parts and storage, as well as marking standards, computerized registers, and the collection and destruction of confiscated or surplus arms. As seen in some of the legislation reviewed in this study, gaps and opportunities exist for the diversion of legal small arms to illicit circuits. These gaps could be addressed by reviewing existing national legislation, closing loopholes, and promoting greater harmonization with neighbouring countries under the auspices of the Nairobi Secretariat. The reform of national laws and regional harmonization need to be accompanied by a focus on the enforcement of existing arms control laws, beginning with an identification of the equipment, human resources, and judicial infrastructure required for effective implementation. This has already begun under the Justice, Law and Order Sector Program of the Government of Uganda. Opportunities for cooperation at a practical level could also be identified, with an emphasis on providing assistance to those countries lacking the necessary capacity to implement existing legislation.

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ABBREVIATIONS AND ACRONYMS

ALIR	Alliance pour la Libération du Rwanda
ALRMP	Arid Land Resource Management Project
AMAD	Arms management and disarmament
ASEP	Advancement for Small Enterprise Programme
AU	African Union
CCM	Center for Conflict Management
CEPGL	Economic Community of the Great Lakes Countries
CID	Criminal Investigations Department
CJTF	Combined Joint Task Force
CLO	Community Liaison Officer
CS	Civil society
CSO	Civil society organization
DDR	Disarmament, demobilization, and reintegration
DDRR	Disarmament, demobilization, reintegration, and repatriation
DPC	District Police Commander
DRC	Democratic Republic of Congo
EAPCCO	Eastern Africa Police Chiefs Cooperation Organisation
ECOWAS	Economic Community of West African States
FAR	Forces Armées Rwandaises (Rwandan Army)
FDLR	Forces Démocratiques pour la Libération du Rwanda
FOCA	Forces combattantes Abacunguzi
IGAD	Intergovernmental Authority on Development
IGADD	Intergovernmental Authority on Drought and Development
IGP	Inspector General of Police
JMC	Joint Military Commission
JVA	Juba Valley Alliance
JVC	Joint Verification Commission
LAP	Local Administrative Police
LC	Local Council
LRA	Lord's Resistance Army
MBT	Mine Ban Treaty
MG	Monitoring group
MLC	Mouvement pour la libération du Congo
MONUC	Mission des Nations Unies en République Démocratique du Congo
NFP	National Focal Point
NGO	Non-governmental organization
NRM	National Resistance Movement
OAU	Organization of African Unity
OCPD	Officer Commanding Police Division
OLF	Oromo Liberation Front
ONLF	Ogaden National Liberation Front

RCD	Rassemblement congolais pour la démocratie
RDF	Rwanda Defense Forces
RNP	Rwanda National Police
RRA	Rahanwein Resistance Army
SADC	Southern African Development Community
SALW	Small Arms and Light Weapons
SMG	Submachine gun
SNM	Somali National Movement
SPM	Somali Patriotic Movement
SRRC	Somali Reconciliation and Restoration Council
SSDF	Somali Salvation Democratic Front
TFG	Transitional Federal Government of Somalia
TNG	Transitional National Government of Somalia
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNOSOM	United Nations Operations in Somalia
UNSC	United Nations Security Council
UPDF	Uganda People's Defence Forces
USC	United Somali Congress
WFPD	Women for Peace and Development

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