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**EXECUTIVE COUNCIL
Eighth Ordinary Session
16 – 21 January 2006
Khartoum, SUDAN**

EX.CL/234 (VIII)

**DRAFT COMMON AFRICAN POSITION ON THE UN REVIEW
PROCESS ON THE PLAN OF ACTION ON SMALL ARMS
AND LIGHT WEAPONS**

**DRAFT COMMON AFRICAN POSITION ON THE UN REVIEW PROCESS
ON THE PLAN OF ACTION ON SMALL ARMS AND LIGHT WEAPONS**

Small arms and light weapons (SALW) continue to be a major problem for African countries. Recent estimates place the number of illicit weapons circulating in Africa at over twenty million. In order to address this problem, Africa adopted the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons in December 2000. This formed the basis for African participation in the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which adopted the UN Programme of Action on Small Arms and Light Weapons (UNPoA) in July 2001. The Bamako Declaration made a significant impact on the UNPoA, both in its form and its substance, and provided the basis for African actions to address the illicit trade in small arms and light weapons, by focusing on African needs and priorities. However, despite the progress made in addressing the problem, the illicit trade in small arms and light weapons continues to pose challenges to peace and development efforts on the continent.

The UNPoA provides for a 5-year review that will take place in June-July 2006, and which will be preceded by a Preparatory Committee meeting that begins in New York on 8 January 2006. It is in the light of this that the Commission convened a meeting of experts from Member States, that was held in Windhoek, Namibia, from 14 – 16 December 2005. The meeting was attended by thirty six Member States, and was opened by the Minister for Public Safety and Security of Namibia. The meeting adopted an African Common Position to the Review Conference on Progress Made in the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

Among other issues addressed by the African Common Position is that of sustained follow-up at the continental level, including mechanisms within the AU. The meeting identified a number of actions to be undertaken in order to ensure that the AU engage the issue of the illicit trade in small arms and light weapons in a sustained manner. Included among these actions is a request that the Commission initiate a process to develop a legally binding instrument to prevent, combat and eradicate the illicit trade in small arms and light weapons. The meeting also requested that the issue of small arms and weapons be mainstreamed into all the relevant processes and documents of the AU, including the Peace and Security Council, with particular reference to disarmament, demobilization and reintegration (DDR) processes. The Commission is now in the process of drafting a comprehensive workplan to ensure that these resolutions are implemented.

Once the African Common Position is adopted by the Executive Council, it shall be presented to the UNPoA Review Conference.

EC.CL/234 (VIII)
Annex

**AFRICAN COMMON POSITION TO THE REVIEW CONFERENCE ON
PROGRESS MADE IN THE IMPLEMENTATION OF THE UNITED
NATIONS PROGRAMME OF ACTION TO PREVENT, COMBAT AND
ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT
WEAPONS IN ALL ITS ASPECTS**

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**Second Continental Conference of African
Governmental Experts on the Illicit Trade in
Small Arms and Light Weapons
14-16 December 2005
Windhoek, Namibia**

**SALW/Exp. (II)
Original: English**

**AFRICAN COMMON POSITION TO THE REVIEW CONFERENCE ON
PROGRESS MADE IN THE IMPLEMENTATION OF THE UNITED
NATIONS PROGRAMME OF ACTION TO PREVENT, COMBAT AND
ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT
WEAPONS IN ALL ITS ASPECTS**

**AFRICAN COMMON POSITION TO THE REVIEW CONFERENCE ON PROGRESS
MADE IN THE IMPLEMENTATION OF THE UNITED NATIONS PROGRAMME OF
ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN
SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS**

1. The Second Continental Conference of African governmental experts and Regional Economic Communities (RECs) on the illicit trade in small arms and light weapons (SALW) was held in Windhoek, Namibia from 14 to 16 December 2005.
2. The Conference, organized by the African Union and hosted by the Government of Namibia, was attended by Member States of the AU, as well as the Regional Economic Communities (RECs), and other relevant regional and UN bodies and was held in preparation for the *2006 Conference to Review Progress Made in the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade of Small Arms and Light Weapons in all Its Aspects* (hereafter referred to as the UNPoA Review Conference) to be held in New York from 27 June to 7 July 2006, including its Preparatory Committee meeting to be held in New York from 9 to 21 January 2006.
3. The Conference reaffirmed the *Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons*, adopted at the OAU ministerial meeting that was held on 30 November and 1 December 2000 in Bamako, Mali.
4. The Conference recalled relevant OAU/AU Resolutions/Decisions, including Decision CM/Dec.527, adopted by the 72nd Ordinary Session held in Lomé, Togo, from 6 to 8 July 2000, which welcomed the outcome of the First Continental Meeting of African Experts on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, held in Addis Ababa, Ethiopia, from 17 to 19 May 2000; and which called for the full participation of Member States in the Ministerial preparatory conference on this matter prior to the holding of the United Nations Conference, mandated by the 35th Ordinary Session of the Assembly of Heads of State and Government, held in Algiers, Algeria, from 12 to 14 July 1999, which called for an African Approach on the problems posed by the illicit proliferation, circulation and trafficking of Small Arms and Light Weapons.
5. The Conference reiterated that both the UNPoA and the Bamako Declaration are key elements in supporting conflict prevention and resolution and sustainable post-conflict reconstruction, promoting long term peace and security, and creating conditions for sustainable development through the prevention, combating and eradication of the illicit trade in small arms and light weapons.
6. The Conference noted that, although the UNPoA and Bamako represent key elements in peace and security, not all issues pertaining to small arms and light weapons are encompassed in the mandate of the UNPoA. Nevertheless, there are now sufficient mechanisms in place in the AU to proceed with their

discussion at the continental or regional levels rather than at the international level.

7. The Conference also considered developments, instruments and initiatives pertaining to African peace and security processes which have emerged since 2001, and recalled the commitment of African leaders to promote lasting peace and security, through initiatives such as the Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), the New Partnership for Africa's Development (NEPAD), the Protocol Relating to the Establishment of the Peace and Security Council (PSC), and the Solemn Declaration on a Common African Defence and Security Policy (CADSP), the Common Defence and Non-aggression Pact, the Protocol to the Convention on the Prevention and Combating of Terrorism and the ongoing process to elaborate an African policy on post conflict reconstruction and development.
8. The Conference stressed the continued importance and relevance of the UNPoA because of the negative impact and harmful effect of the illicit trade in small arms and light weapons that is of critical continental concern as expressed in the Bamako Declaration and the UNPoA.
9. The Conference took note of the special circumstances prevailing in the Republic of Somalia and called for special international assistance to be extended to the Transitional Federal Government of Somalia to enable it to effectively address the problem of the illicit trade and proliferation in small arms and light weapons. This assistance should give priority to the strengthening of the capacity of Somali law enforcement agencies to deal with the problem.
10. **The Conference, having:**
 - (a) *Reviewed* continental progress in the implementation of the 2001 *United Nations Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* as well as regional and national initiatives;
 - (b) *Noted* that, since the First Continental Conference of African Experts on SALW, significant progress has been made in Africa towards the goal of preventing, combating and eradicating the illicit trade in SALW in all its aspects; however, difficulties remain in implementing the UNPoA, due to the lack of capacity and insufficient resources;
 - © *Considered* relevant documents of the Africa Union and pertinent regional initiatives (Annex A) that directly or indirectly impact on the small arms and light weapons issue in Africa, as well as relevant international initiatives in relation to the problem and its solution; and,
 - (d) *Emphasized* the needs and requirements for sustained and accelerated action in the continued implementation of the UNPoA in Africa, and other requirements to mainstream issues of illicit trade in small arms and light weapons into existing African processes.

Agrees to present an African Common Position in all relevant meetings leading to the 2006 Review Conference on Progress made in implementing the UNPoA to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects; and **requests** all Member States to actively promote and defend this position in the relevant discussions and negotiations during 2006 along the following lines:

11. The Conference believes that, in tackling the problems associated with the illicit trade in small arms and light weapons, as expressed in the Bamako Declaration and UNPoA, it is important to reaffirm that it can only be addressed in a coordinated and multifaceted manner at the respective national levels, through the adoption of national and regional measures as well as international initiatives, the enhancement of inter-African co-operation, and with enhanced support from the international community.
12. The UNPoA represents an important international achievement and provides a flexible framework for action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, since it “bears in mind the different situations, capacities and priorities of States and regions”, thereby reaffirming the Bamako Declaration recommendations to this effect.
13. The Conference also noted a number of other initiatives introduced since 2001 that have enriched the broader debate on illicit small arms and light weapons such as those related to the civilian possession of military-style small arms and light weapons, the transfer of small arms and light weapons to armed non-state actors, the Transfer Control Initiative, as well as the Arms Trade Treaty, and recognized that these discussions are continuing at their own pace outside the review process of the UNPoA.
14. Therefore, the **conference agrees** that in the implementation of the UNPoA, Member States should,
15. **At the national level:**
 - (a) Ensure the sustainability of national initiatives by, *inter-alia*, developing needs and resource assessments; promoting relevant partnerships for implementation with civil society; and accepting primary responsibility of states in the implementation of action;
 - (b) Strengthen the existing National Focal Points/ national coordinating agencies;
 - © Consider as priorities for national action the mechanisms recommended in the Bamako and UNPoA frameworks, such as:
 - (i) The establishment and development of operative national focal points, national action plans and/or national coordinating agencies where they do not already exist;

- (ii) The need for strengthening of regulations for arms management, including the need to strengthen and harmonize legislation to that effect;
 - (iii) The need to engage in training and capacity building programmes for law enforcement agencies on all aspects of the issue but particularly on border controls, stockpile management and record-keeping;
 - (iv) The improvement, where needed, of operational capacity for enforcement including stockpile management, monitoring, destruction, recordkeeping and border controls;
 - (v) The enhancement of information exchange and cooperation mechanisms to prevent combat and eradicate illicit small arms and light weapons trade;
 - (vi) The strengthening of the ability of member states to cooperate, especially amongst neighboring states, in identifying and tracing in accordance with the provisions of the International Instrument to enable states to Identify and Trace, in a Timely and Reliable Manner; Illicit Small Arms and Light Weapons, in a timely and reliable manner illicit small arms and light weapons.
- (d) Urge all States, which have not yet done so, to engage in the implementation of the UNPoA;
- (e) Urge all States to:
- (i) Regulate stockpile management and secure them against theft or disappearance; and,
 - (ii) Adopt, as soon as possible, where they do not exist, the necessary legislative and other measures to establish as a criminal offence under national law, the illicit manufacturing of, trafficking in, and illegal possession and use of small arms and light weapons, ammunition and other related materials.

16. At Regional Level:

- (a) Establish or designate, as appropriate, a point of contact within sub-regional and regional organizations to act as liaison on matters relating to the implementation of the UNPoA, and
- (b) Encourage negotiations, where appropriate, with the aim of concluding relevant legally binding instruments aimed at preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects, and where they do exist to ratify and fully implement them.

17. **At the International level:**
- (a) Request multilateral and regional financial institutions to include provisions for small arms and light weapons programmes, where appropriate, in the reconstruction and rehabilitation efforts in post-conflict areas, in the consolidation of governance issues, in the area of strengthening legislation and improving operational capacity of law enforcement agencies on small arms and light weapons, and in the promotion of socioeconomic developmental agendas that include public awareness on small arms and light weapons issues;
 - (b) Encourage, where appropriate, regional support for national disarmament, demobilization and reintegration programmes, particularly in post-conflict situations, with specific reference to the introduction, adherence to, implementation or strengthening of relevant laws, regulations and administrative procedures; to promote effective stockpile management and security, in particular physical security measures, and; to encourage regions to develop, where appropriate and on a voluntary basis, measures to enhance transparency to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects;
 - © Urge all States and appropriate international and regional organizations in a position to do so should, upon request of the relevant authorities, seriously consider rendering assistance, including technical and financial assistance where needed, such as small arms funds, to support the implementation of the measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects as contained in the Programme of Action;
 - (d) That States and international and regional organizations should, where appropriate, cooperate, develop and strengthen partnerships to share resources and information on the illicit trade in small arms and light weapons in all its aspects;
 - (e) In order to facilitate the implementation of the Programme of Action, States and international and regional organizations should seriously consider assisting interested States, upon request, in building capacities in areas including the development of appropriate legislation and regulations, law enforcement, tracing and marking, stockpile management and security, destruction of small arms and light weapons and the collection and exchange of information, thereby emphasizing the responsibility of all Member States to ensure the sustainability of national initiatives in the implementation of all the UNPoA undertakings.
18. Furthermore, the Conference reaffirms that ensuring the reduction of the availability, supply and demand for small arms and light weapons is critical to the well being of its Member States and can be achieved through actions/initiatives at the national, regional continental and international levels in that respect in general, but in particular through:

- (a) Political commitment and action to address the root causes of conflict in a comprehensive manner;
- (b) Preventing, combating and eradicating the illicit manufacture, possession, stockpiling and trade in small arms and light weapons;
- © Placing emphasis on public awareness and education;
- (d) Engaging in effective collection and destruction mechanisms for both surplus and illicit arms;
- (e) Effective disarmament, demobilization and reintegration measures in peace agreements as may be applicable;
- (f) Providing for rehabilitation and reintegration assistance to demobilized soldiers, ex-combatants and in particular child soldiers as referred to by the PCRD debate in the African Union;
- (g) Recognizing the need for small arms and light weapons programmes to continue beyond post conflict and transitional stages, through mainstreaming of small arms reduction and management in all national and local action plans related to development, crime prevention, and reconstruction.

19. Finally, **The Conference**

- (a) *Reaffirms* the continued relevance of the UNPoA, whose integrity should be maintained and which should not be subject to negotiation;
- (b) *Recommends* that the product of the Review Conference be a report on progress made in the implementation of the UNPoA;
- © *Further recommends* that the UN convene another UNPoA Review Conference not later than 2012 in order to review further progress on the implementation of the UNPoA, with BMS meetings every two years in 2008 and 2010.

FOLLOW-UP

20. **The Conference** requests the AU Commission to:

- (a) Organize Biennial High Level Governmental Meetings in 2008, 2010 and 2012, to review progress made in the implementation of the UNPoA;
- (b) Undertake exchange of information and communication processes to encourage Member States to submit reports to the AU Commission in preparation for these Biennial Meetings that contain relevant policies and progress made in implementing the UNPOA provisions at national and regional level;

- © Convene a technical and legal workshop with the aim of developing a legally binding instrument to prevent, combat and eradicate the illicit trade in small arms and light weapons.¹
- (d) Ensure that all necessary logistical support for the AU follow up processes is provided for and made available;
- (e) Ensure that illicit trade in small arms and light weapons issues and this *African Common Position* be mainstreamed into relevant African processes and documents in all peace and security policies and actions of the Peace and Security Council, and in particular, as needed in the development of an African PCRD policy including its DDR components;
- (f) Submit this African Common Position to the AU Peace and Security Council, and to the Executive Council in January 2006, and ensure that the PSC remains seized of the matter.

Windhoek, December 16 2005

¹ With the reservation of Egypt

**ANNEXURE ON NATIONAL AND REGIONAL PROGRESS IN
IMPLEMENTATION OF THE UNPOA 2001-2005**

The Conference noted that, since the First Continental Conference of African Experts on SALW, significant progress has been made in Africa towards the goal of preventing, combating and eradicating the illicit trade in SALW in all its aspects. In this respect, the Conference highlighted the following:

- i) Six months after the First Continental Conference of May 2000, the Ministerial Declaration on the Illicit Proliferation, Circulation and Trafficking in SALW was adopted by the OAU in Bamako, Mali;
- ii) The Bamako Declaration was presented as the Common African position to the discussions leading to the adoption of the UNPOA in New York in July 2001;
- iii) The Southern African Development Community's Protocol on Firearms, Ammunition and Related Materials was signed in August 2001, ratified by member states and entered into force in July 2004;
- iv) An Africa wide governmental conference on implementation of the UNPOA: Needs and Partnerships was signed in Pretoria in March 2002.;
- v) The Nairobi Protocol on Small Arms Proliferation was signed in Nairobi in June 2004 and is in the process of ratification;
- vi) The Nairobi Declaration of 2000 was made operative and has held three ministerial review conferences to date, in 2002, 2004 and 2005;
- vii) 24 Member States have signed and/or ratified the Firearms Protocol of the UN Convention against Trans-National Organized Crime, allowing the said convention to enter into force in May 2005;
- viii) 6 Member States have commenced sustainable national action plans for the implementation of SALW initiatives and conventions between 2001 and 2005;
- ix) 28 Member States have institutionalized national commissions or national focal points on SALW to improve their coordination of the SALW agenda;
- x) 10 Member States have developed national conferences, campaigns and collection and destruction programmes affecting illicit firearms and ammunition;
- xi) 8 Member States have undertaken stockpile reviews, management and destruction of surplus SALW from their armouries;

- xii) 25 Member States have commenced cross-border operations to reduce illicit small arms trafficking;
- xiii) 20 Member States have or are in the process of revision and harmonization of legislation governing the firearms.
- xiv) 10 Member States have updated their national registers, improved their record-keeping and or computerized their central registers.
- xv) 30 Member States have improved the operational capacity of their law enforcement agencies to assist in the national implementation process on SALW issues.
- xvi) 3 regions have developed dedicated SALW coordination units to improve information exchange.

2006

Draft common African position on The UN review process on the plan of action on small arms and light weapons

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