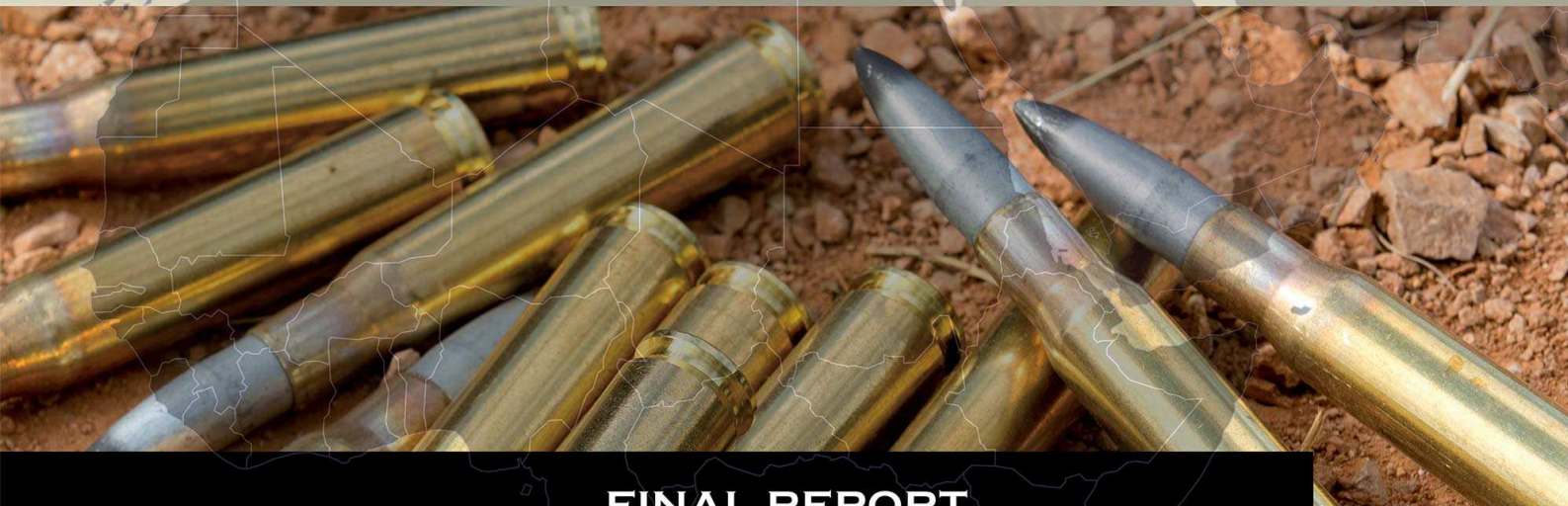




PREVENTING AND TACKLING ILLICIT TRAFFICKING IN CONVENTIONAL ARMS IN AFRICA

HIGH-LEVEL SEMINAR
ORGANISED BY THE DELEGATION FOR STRATEGIC AFFAIRS
- FRENCH MINISTRY OF DEFENCE -

PARIS, 2-3 OCTOBER 2014



FINAL REPORT

EXECUTIVE SUMMARY

The Delegation for Policy and Strategic Affairs (French Ministry of Defence) organised a high-level seminar at the *Cercle National des Armées* (Paris) on the 2nd & 3rd of October 2014 on the international assistance that could be provided to countries in sub-Saharan Africa to tackle illicit trafficking in conventional arms.

The seminar was organised in response to the commitments made at the *Elysée Summit for Peace and Security in Africa* (Paris, 6-7 December 2013) but also the recent adoption of the *Arms Trade Treaty* (ATT) whose implementation France has committed to facilitating.

It brought together over 70 participants including representatives of the African regional and sub-regional organisations most active in the fight against arms trafficking on the continent. These organisations were invited to express their concrete expectations and define their priority needs for assistance in the presence of the main international actors (including the United Nations and the European Union) capable of providing them with technical and financial support.

The discussions were structured around five round-table sessions:

- The first session was devoted to assessing illicit flows of conventional arms in Africa. It enabled clearer definition of the threat and hence identification of the priority fields for action;
- The second was devoted to the *Arms Trade Treaty* adopted by the General Assembly of the United Nations on 2 April 2013. With the treaty due to enter into force at the end of the year, the different speakers addressed the stakes and challenges related to its implementation;
- Numerous programmes have already been carried out across Africa to help African States build their capacity to prevent and tackle arms trafficking. The third and fourth round-table sessions provided an opportunity to take stock of existing mechanisms and the projects undertaken, assess the results obtained and highlight the difficulties encountered;
- The fifth and last round-table session was devoted entirely to examining ways of improving management of future assistance programmes.

In the context of these discussions, the following priority themes for cooperation were identified:

- i. **adapting and harmonising national legislation** relating to arms control and, in particular, with regard to the new provisions introduced by the Arms Trade Treaty;
- ii. limiting the risk of illicit spread of weapons and ammunition through **destruction of stockpiles** and better **management and security of arms depots and armouries**;
- iii. **developing regional cooperation** in all its aspects: exchange of information and intelligence; development of arms databases; strengthening customs cooperation and cooperation between police and security forces; mutual assistance in investigation, prosecution and judicial proceedings. On this point some speakers stressed the central role of



the African Union, the only body in a position to foster better coordination between the different African players, while at the same time regretting the inadequacy of its resources in this area;

- iv. reinforcing **border controls** notably through training actions but also transfer of equipment and technologies (detection and surveillance equipment).

The seminar ushered in a new dynamic of consultation and cooperation between the different actors – donors and beneficiaries – engaged in preventing and tackling illicit trafficking of conventional arms, and in this respect, fully achieved its objectives.

The process will continue in the framework of the *Dakar Forum on Peace and Security in Africa* to be held on 15 and 16 December 2014, where this issue will be addressed in a specific workshop. It will enable a more in-depth examination of these first avenues for reflection and lead to definition of concrete projects, some of which have already been informally outlined.



INTRODUCTION

VICE-ADMIRAL CHARLES-HENRI DE LA FAVERIE DU CHÉ – *Deputy Director, Delegation for Policy and Strategic Affairs, Ministry of Defence, France.*

*Honourable Ambassadors,
Distinguished General Officers,
Ladies and Gentlemen,*

It is a pleasure and great honour for me to open this high-level seminar devoted to strengthening mechanisms of assistance and cooperation to combat the illicit trade in conventional arms in Africa.

Let me first of all welcome the presence of eminent representatives of the African regional and sub-regional organisations that have set up programmes of action in the field of arms control and combating all forms of arms trafficking – the African Union, the Economic Community of West African States, the East African Community, the Economic Community of Central African States, the Regional Centre on Small Arms in the Great Lakes Region and the Horn of Africa – together with several African countries particularly active in the combat against arms trafficking, such as Niger, Nigeria, Kenya and South Africa.

I would also like to thank our colleagues from the United Nations, the European Union, Interpol, Germany, the United Kingdom, Japan, Australia and the United States who kindly accepted our invitation.

Lastly, I welcome the presence of the civil society representatives here with us today – the International Committee of the Red Cross and the specialised research centres Small Arms Survey and the Group for Research and Information on Peace and Security (GRIP), which play a crucial role in studies and mobilization around these issues.

Together, over these two days, we will have an opportunity to exchange views and engage in discussion but also – I sincerely hope – identify new avenues to strengthen the tools for countering trafficking, improve coordination and better meet the real needs of countries that are victims of the uncontrolled spread of conventional weapons, a significant threat to peace and regional security.

As you know, France's commitment to tackling the illicit trade in conventional arms and fostering creation of instruments to control and regulate arms transfers on the international level dates back many years. Our commitment has traditionally been significant in Africa, given our responsibilities and our particular links with the continent, but also because of the scale of trafficking in this region, which fuels conflict zones, armed violence, organised crime and terrorism, the main victims of which are the civilian population.

Over the last few years, France – like many of the countries represented here today – has made strenuous diplomatic efforts to support adoption of the Arms Trade Treaty (ATT). France was one of the first countries to sign and then ratify this treaty, which will contribute towards better



control of international arms transfers. With entry into force scheduled for the end of this year, France is today working to secure universalisation of the treaty. As it stressed throughout the negotiations, France considers that the treaty's effectiveness depends on adherence by the greatest possible number of States.

All States, whether exporters, importers or transit states, have a role to play in improving control of the arms trade and preventing illicit trafficking. This is the global – but also African - context in which, at the Elysée Summit for Peace and Security in Africa in December 2013, France offered to provide assistance with implementation of the Arms Trade Treaty to those African States so requesting, in line with the commitment made by the 53 African States represented at the Summit – and I quote – "to sign and ratify the treaty as soon as possible"

France's engagement in the international arena is also reflected in the important general policy document "The White Paper on Defence and National Security", approved by the President of the Republic in 2013. This document indicates that combating arms trafficking must be one of the priorities of our defence and security policy, stressing – and I quote – that "substantial efforts must be made to combat arms trafficking, in particular small arms and associated ammunition " and that "we will reinforce assistance to countries that have become victims of arms trafficking."


The strong impetus provided by the White Paper led to concrete results with the adoption in autumn 2013 of a National Strategy for preventing and tackling the illicit trade in conventional arms. This strategy is organised around three pillars, each subdivided into numerous action plans: 1) stepping up our diplomatic initiatives; 2) increasing consultation and cooperation with the private sector and 3) developing our international assistance programmes.

Implementing this strategy brings into play all the ministries and services concerned: foreign affairs, defence, customs, police, intelligence services, etc. Their representatives are here with us today and I would like to thank them for their presence. Lastly, this global approach prompts us to consult representatives of civil society – non-governmental organisations, private sector experts, researchers – that can make a very significant contribution to this common goal of a safer world: a world in which States would have the means to exercise responsible control over international arms transfers, in compliance with the great principles underpinning the international system.

This strategy aims to step up – and even more important – coordinate our actions. Coordination, whether on the national or multilateral level, is crucial, and indeed the major objective of our seminar is to improve coordination of actors on the international level: coordination between those responsible for existing and future programmes to ensure a better match with real needs on the ground and avoid unnecessary duplication; regular consultation and coordination with all the actors, public and private, national, regional and sub-regional organisations, leading, perhaps, to creation of a genuine international network of actors engaged in the fight against arms trafficking.

Consultation, collaboration, coordination – these are the goals this seminar should enable us to achieve. It should allow us, through direct and open dialogue, to consolidate or forge partnerships and foster the emergence of a community of experts and actors pursuing common goals and - in many cases - possessing complementary means.





It should also allow all participants to express their views. This is why we have asked the great majority of our guests to speak during the different round-table sessions and are asking all of you to express yourselves freely during the exchanges that will follow the presentations. Thank you all for having agreed to share your experience, your know-how and your ideas to identify avenues for progress.

Many actions have already been undertaken, notably by the United Nations and the European Union, but also by individual States represented here today, including the United States, Germany, the United Kingdom and Australia. African regional and sub-regional organisations have also played – and will continue to play – a crucial role, whether by adopting regional conventions and strategies or through their involvement in implementing assistance programmes.

There must be no slackening of these efforts and this seminar in Paris bringing together the main actors engaged in combating arms trafficking in Africa offers us the possibility of going further together and coordinating our action in the interests of greater effectiveness.

ROUND-TABLE SESSION 1: TRAFFICKING IN CONVENTIONAL ARMS IN AFRICA – THE CURRENT SITUATION.

DR. PAWOU MOTOM C. AGNEKETHOM – *Director, Peace and Regional Security, Economic Community of West African States.*

MR. ERIC BERMAN – *Director, Small Arms Survey.*

MR. DIMAN DIMOV – *Firearms project coordinator for the United Nations Office on Drugs and Crime.*

COLONEL NICOLAS JOVANOVIĆ – *Head of the Africa department, Delegation for Policy and Strategic Affairs, Ministry of Defence, France.*

The seminar's first round-table session was devoted to an analysis of conventional arms trafficking in Africa (origin of arms, nature of flows, trends and recent developments, etc.).

The first point emphasized was the diverse origin of the arms circulating illicitly in the region: stockpiles left over from the Cold War; arms illicitly acquired by non-state actors; diversion of legally transferred arms; arms "recycled" from one conflict to another in the same regional space; theft (from the arsenals of local police and security forces but also from peacekeeping missions); attacks on convoys; arms recovered from the battlefield; unauthorised craft production, etc.

The growing link between arms trafficking and other forms of trafficking – and, more generally, with transnational organised crime – was also highlighted. The routes used in trafficking of firearms, drugs and migrants are often identical, added to which the proceeds from criminal activities can be used to finance acquisition of weapons.

It was also noted that in the great majority of cases, this trafficking concerns small arms and light weapons (SALW) – easy to use, conceal and transport – but also their ammunition. Man-portable air defence systems (ManPADS) are considered a real threat, although some participants stressed they had no proof that non-state actors were in possession of these weapons.

According to the different speakers, this trafficking is facilitated by a combination of factors. The first point highlighted was the inadequacy of resources – human, material and financial – available to police and security forces at a time when we are seeing the emergence in Africa of a galaxy of often heavily armed non-state actors. Secondly, the weaknesses observed in the management and security of arms and ammunition depots facilitate theft and diversion. Thirdly, borders – land, sea and air – are porous due to inadequate control (primarily because of their geographical extent and a lack of human and material resources).

Numerous actions have already been undertaken by African States, regional and sub-regional organisations and the wider international community to counter this trafficking. And yet, there are still many challenges to be met. On this point, the different speakers laid emphasis on:

- development and harmonisation of arms control regulation and, more particularly, the need to **build law enforcement and judicial capacities** - in compliance with the provisions of the



UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition – to facilitate investigation and prosecution of groups or individuals involved in trafficking (definition of specific criminal offences, adoption of provisions facilitating the seizure and destruction of arms). To be effective, these measures must be known to the public (information and awareness-building campaigns) and concretely implemented by the services responsible for enforcement (training, reinforcement of means, etc.);

- systematic tracking to identify the arms seized and also trace the source of flows. On this point, the discussions emphasized the importance of developing a genuine "**tracing culture**" in the different States and capitalising on existing instruments such as the iARMS (*Illicit Arms Records and Tracing Management System*) tool recently developed by Interpol with the support of the European Union;
- **development of regional and international cooperation in all its aspects**, including exchange of intelligence. At the present time, this cooperation is still rudimentary for several reasons (lack of political will; inadequate financial resources and technical communications systems; lack of coordination at national level between the different law enforcement agencies; absence of contact points, etc.);
- limiting the risk of illicit spread of arms and ammunition by **destroying stockpiles** (of both arms and ammunition) and improving management and security of depots and armouries;
- reinforcing **border controls**;
- Improved **monitoring of the actions undertaken** to prevent and tackle conventional arms trafficking and better coordination between the different donors. For instance, while arms marking campaigns have indeed been undertaken, it could be useful to ascertain whether the machines distributed are being used as intended and are in good working order. Likewise, while numerous States have set up commissions or national focal points on small arms, it is now important to ensure that these entities have the means they require to carry out their functions.



ROUND-TABLE SESSION 2: ARMS TRADE TREATY – IMPLEMENTATION AND CHALLENGES.

MR. HOLGER BEUTEL – *Director, Export Monitoring, Information Analysis, War Weapons Control, Verification, Outreach, Federal Office of Economic Affairs and Export Control (BAFA), Germany.*

MR. MANUEL BUFALA – *Advisor-Negotiator for the Arms Control Sub-Directorate and OSCE, Ministry of Foreign Affairs and International Development, France.*

MR. ROMAIN CLERCQ-ROQUES – *Legal advisor on international humanitarian law for the International Committee of the Red Cross.*

HIS EXCELLENCY THE AMBASSADOR SMAÏL CHERGUI – *Commissioner for Peace and Security, African Union.*

MR. PIERRE ARNAUD LOTTON – *Chairman of the Conventional Arms Exports Working Group, Council of the European Union, European External Action Service.*

HIS EXCELLENCY THE AMBASSADOR JEAN-HUGUES SIMON-MICHEL – *Permanent Representative of France to the Geneva Conference on Disarmament, Ministry of Foreign Affairs and International Development, France.*

The *Arms Trade Treaty* was adopted by an overwhelming majority of States in the UN General Assembly on 2 April 2013. Opened for signature on 3 June 2013, the treaty has already mustered 122 signatures, including the United States and several EU countries among the largest exporters of arms. Ratified by 54 States, it will enter into force on 24 December 2014.

This second round-table session stressed the fact that the *Arms Trade Treaty* is the first arms control instrument negotiated by the United Nations since adoption of the *Comprehensive Nuclear-Test-Ban Treaty (CTBT)* in 1996. With this treaty, the international community has for the first time established a legally binding instrument to regulate the arms trade.


Another point highlighted was the central role played by France, the European Union and African regional and sub-regional organisations throughout the negotiations, notably to ensure inclusion in the scope of the treaty of small arms and light weapons and their ammunition.

With the imminent entry into force of the treaty, we must now tackle the issue of implementation. On this point, the different speakers highlighted the following challenges:

1. Challenges related to universalisation of the treaty.

The stated objective of the treaty is to establish a common international standard for regulating international transfers of conventional arms. Given the very nature of the goods traded, the arms trade has not until now been covered by international trade regulations.

However, as for any standard, its effectiveness will depend, first of all, on the willingness of major actors to join the treaty. Some speakers pointed out that as long as certain States accounting for a substantial share of the world arms market (United States, Russia, China, etc.) have not adhered to the treaty, it cannot fully play its standard-setting role. This is why it is crucial to encourage the greatest possible number of States – including the major actors in the arms trade – to ratify the treaty.



During the negotiations, several States expressed reservations concerning certain provisions of the treaty seen as undermining their sovereignty or national security. This attitude of mistrust can still be observed in some countries, including in Africa.

Some speakers therefore called for **development of outreach activities aimed at better explaining the stakes and constraints involved in regulating the arms trade but also the benefits resulting from implementation of the treaty.**

2. "Regulatory" challenges associated with implementation of the treaty.

Implementation of the *Arms Trade Treaty* requires adoption of complex regulatory and administrative measures. In effect, the States Parties undertake to establish a national system for controlling transfers – and brokering – of conventional arms from, to or across their territory. They are required to issue prior authorisations for arms exports, entailing an analysis of risks based on the criteria defined in the treaty (serious violations of international humanitarian law and international human rights law, offences under conventions relating to terrorism or organised crime, etc.). States also undertake to regulate the transit, trans-shipment, import and brokering of conventional arms. Likewise, they must adopt measures to prevent diversion of the arms thus transferred to the illicit market. Lastly, States Parties are also obliged to submit reports on their national control systems and arms transfers.

Implementing all these provisions is a major challenge for many States, particularly since certain treaty provisions were deemed by some speakers to be "ambiguous" and "open to interpretation".

Adding to this first difficulty is articulation of the treaty with regional African conventions to tackle the spread of small arms and light weapons. The treaty's scope of application – in terms both of the equipment and the activities covered – is in effect much broader. In addition, some of these provisions could be deemed "incompatible" with those agreed at the regional level.

For this reason, **legal assistance** is considered essential. It could be provided in various ways: visits by experts, organisation of seminars or publication of "*guidelines*". The International Committee of the Red Cross (ICRC) has, for instance, announced publication of a guide intended to assist states in applying the criteria defined in article 7 of the *Arms Trade Treaty*, together with a detailed analysis of the treaty (available early in 2015).

For its part, France confirmed its willingness to cooperate with any States requesting assistance in implementing the treaty.

The European Union presented the assistance programme adopted in December 2013 (Council Decision 2013/748/CFSP) to support rapid entry into force of the treaty, its effective implementation and universalisation. This programme, allocated a total budget of €6.4 million over three years, will be supervised by the German Export Control Office (BAFA). It will assist States that so request with implementing the provisions of the treaty: drafting legislative measures and administrative control procedures, sharing of best practices, promoting transparency, outreach actions, etc. The programme will make it possible to fund comprehensive projects to the benefit of a dozen or so States signing the treaty, but also another 10 or so ad-hoc projects and regional seminars. The European Union advises States wishing to take advantage of this programme to make contact as rapidly as possible with the European External Action Service (EEAS) or BAFA.



3. Challenges linked to strengthening dialogue between States on these issues.

Once the treaty comes into force, it could foster emergence of a community of responsible actors. Many of the articles, once applied, will facilitate international cooperation and exchange of information between States Parties (see Article 15), but will also help establish constructive dialogue and confidence-building measures between arms importing and exporting States (see Articles 7 and 11).

This dialogue could bring about sharing of "*best practices*", notably as concerns preventing the risk of diversion of legally transferred arms. **States should therefore reflect, as of now, on ways of encouraging development of such cooperation within the treaty bodies.**



ROUND-TABLE SESSIONS 3 AND 4 : ASSISTANCE AND COOPERATION – MAIN INSTRUMENTS AND ASSESSMENT OF THE ACTIONS UNDERTAKEN

COLONEL HUBERT COTTEREAU – *Assistant Director for International Affairs, General Secretariat for Defence and National Security, France.*

MR. MARCO KALBUSCH – *Director, United Nations Regional Centre for Peace and Disarmament in Africa.*

MR. THÉONESTE MUTSINDASHYAKA – *Executive Secretary of the Regional Centre on Small Arms (Horn of Africa and the Great Lakes Region).*

MR. CÉDRIC POITEVIN – *Deputy Director, Group for Research and Information on Peace and Security (GRIP).*

MR. HUGO SADA – *Senior Research Fellow and Special Advisor for the Dakar Forum for Peace and Security in Africa, Foundation for Strategic Research, France.*

MR. WILLIAM SAYIA – *Director, Kenya National Center on Small Arms and Light Weapons.*

MR. FRANCK SCHMIEDEL – *Policy Officer, European External Action Service (EEAS).*

Many assistance programmes have been implemented since the beginning of the 21st century to build the capacity of States and regional organisations to counter the spread of small arms and light weapons: drafting national legislation, definition of national action plans, distribution of marking machines, disarmament programmes, destruction of stockpiles, etc. States in Sub-Saharan Africa have been among the main beneficiaries of this assistance. These projects have been implemented by a wide array of actors: international organisations, regional organisations, civil society, governments, etc.

These two round-table sessions highlighted the instruments developed and the actions undertaken by the following actors:

1. The United Nations.

Within the United Nations, several agencies offer technical or financial assistance to States in the field of disarmament and combating the spread of small arms and light weapons. They include the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC) and the United Nations Office for Disarmament Affairs (UNODA), acting through, *inter alia*, the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC).

UNREC is mandated to provide, upon request, substantive support to States and regional and sub-regional organisations for initiatives and actions in favour of peace, arms limitation and disarmament. In particular, it supports implementation of international and regional arms control instruments: sharing best practices and standards, regulatory assistance, technical assistance (e.g. rehabilitation of arms depots), training actions, disarmament programmes, material assistance (e.g. distribution of marking machines, broker registration software tools), etc.

The main instruments relating to arms control and combating illicit trafficking were also adopted within the framework of the United Nations: *the Arms Trade Treaty*, *the United Nations Programme of Action on Small Arms and Light Weapons*, *the United Nations Firearms Protocol*, *the International Tracing Instrument* and *the Convention on Certain Conventional Weapons*. These different instruments include provisions allowing States Parties to benefit from assistance with implementation. Voluntary trust funds have been set up for this purpose, such as the *UN Trust Facility Supporting Cooperation on Arms Regulation* (UNSCAR), created by the States and UNODA in 2013 to promote implementation of the *Arms Trade Treaty* and the *Programme of Action on Small Arms and Light Weapons*.

2. African regional and sub-regional organisations.

Numerous regional and sub-regional organisations are tasked with coordinating and facilitating implementation of the different regional agreements on small arms adopted in Africa. We might in particular mention the role played by the *African Union-Regions Steering Committee on SALW*, the *Small Arms Unit* of the Community of West African States, or the *Regional Centre on Small Arms in the Great Lakes Region and the Horn of Africa* (RECSA).

RECSA assists States in implementing the *Nairobi Protocol on Small Arms and Light Weapons*. In this capacity, it manages several assistance programmes, including the "*Fight Against Illicit Accumulation and Trafficking of Firearms in Africa*" initiative, funded by the European Union (€3.3 million), which aims to build States' institutional and regulatory capacities. It also provides support for arms marking and stockpile management. RECSA has conducted several projects in this field: distribution of marking machines, construction of armouries, joint development of national action plans on small arms and light weapons, setting up national commissions, etc.

3. National small arms commissions and focal points.

Many African States have established commissions / focal points tasked with implementing national action plans to combat the spread of small arms. Kenya, for instance, has set up the *Kenya National Focal Point on Small Arms and Light Weapons* (KNFP), which coordinates all actions undertaken to reinforce arms control and combat illicit flows. Through the KBPF, Kenya has collaborated with numerous regional and international partners and benefited from regulatory (adoption of a national action plan, support for implementing the Nairobi Protocol, creation of a national control system), technical (training for customs officials, destruction of weapons and ammunition stockpiles) and material assistance (delivery of marking machines).

4. The European Union.

The European Union funds numerous projects through the Instrument contributing to Stability and Peace (IcSP), the European Development Fund (EDF) and the Common Foreign and Security Policy (CFSP) budget. By way of example, the European Union is currently funding the following projects in Africa: a programme to support implementation of the United Nations Firearms Protocol in West Africa, rolled out by UNODC (€2.3 million); a weapons collection programme in Niger, Mali, Nigeria, Ivory Coast, Guinea, Liberia and Sierra Leone. This project is conducted in partnership with ECOWAS and UNDP (€5.6 million); a programme to collect data on the flow of small arms in conflict regions, implemented by *Conflict Armament Research* (€2 million).



5. Bilateral assistance offered by certain States.

Some States offer technical or financial support for conducting projects in Africa. They include Germany, the United Kingdom, the United States, Australia and Japan.

For its part, France adopted a "National Strategy for preventing and tackling the illicit trade in conventional arms" in the summer of 2013, intended to improve coordination of the actions carried out by the different ministries brought into play around this issue. One of the strategy's key elements is stepping up the assistance provided to regional organisations or States that so request. These actions cover many aspects: security and defence cooperation, equipment transfer, civilian disarmament efforts, destruction of small arms and light weapons, ammunition and explosive remnants of war, etc. Africa, which is particularly exposed to arms trafficking and destabilising flows, is a key focus of France's policy in this domain.

France gives priority to a multi-disciplinary approach for tackling conventional arms trafficking. A few examples are listed below:

- the JUSSEC Sahel project ("*Justice and Security in the Sahel-Saharan Region*"), which aims to strengthen the combat against terrorism and trafficking by supporting enforcement capacities (courts, police, customs) in Mali, Mauritania and Niger;
- the support provided to the *Centre de perfectionnement de la Police Judiciaire* (CPPJ) and the *Centre de perfectionnement aux actions post-confliktuelles de déminage et de dépollution* (CPADD) in Benin (respectively: judicial police and post-conflict mine and munitions clearance training centres);
- a munitions and explosive remnants of war clearance programme in the Kindia region in the Republic of Guinea;
- disarmament and arms and ammunition destruction operations carried out by the French armed forces currently engaged in the Central African Republic and Mali.

5. Civil society.

Civil society representatives (Small Arms Survey, Oxfam, SaferWorld, etc.) are also very active in this field in Africa and regional networks have gradually been established. The International Committee of the Red Cross, for instance, is particularly active in assisting States with implementation of the *Arms Trade Treaty*. It recently organised seminars on the articulation between the ATT and regional instruments for combating arms trafficking (Abuja and Dar-es-Salam in May 2014, Kinshasa in October 2014). National seminars will shortly be organised in Uganda, Seychelles, Burundi, Ethiopia, Kenya and Mauritius.

Hence, over the last two decades, a great many initiatives have been rolled out in Africa to prevent and combat trafficking in small arms and light weapons. The different projects undertaken – and the challenges encountered by both donors and beneficiaries – are a rich source of lessons for future programmes.





The different speakers stressed the following points:

- the **budget constraints** they face, which limits the scope of projects;
- **low awareness** of these issues on the part of political authorities and the civilian population;
- a **lack of political will**, reflecting not only the complexity of the issue but also its sensitivity (some States have not yet implemented the regional instruments they signed for combating the spread of small arms). We note here that a clear commitment from State authorities at the highest level is imperative if assistance initiatives are to be successful;
- **inadequate coordination at the regional** – participants particularly regretted the lack of a structure in the African Union specifically dedicated to the issue of small arms and light weapons – **and global level** (between donors and beneficiaries);
- **projects not adapted to the specific needs or capacities** of the beneficiary States.



ROUND-TABLE SESSION 5: STRENGTHENING INTERNATIONAL ASSISTANCE: WHAT SHOULD THE PRIORITIES BE?

DR. PAWOU MOTOM C. AGNEKETHOM – *Director, Peace and Regional Security, Economic Community of West African States.*

MR. SELEBASTO MOKGOSI – *Regional Manager (firearms), Interpol.*

MR. THÉONESTE MUTSINDASHYAKA – *Executive Secretary of the Regional Centre on Small Arms (Horn of Africa and the Great Lakes Region).*

MR. LÉONARD ONYONYI – *Peace and Security Expert, East African Community.*

MR. NICOLAS REGAUD – *Assistant Defence Policy Director, Delegation for Policy and Strategic Affairs, Ministry of Defence, France.*

MR. THIERRY ZANG – *Small Arms and Light Weapons Expert for the Economic Community of Central African States.*

In this last round-table session, African regional and sub-regional organisations were invited to express their concrete expectations and define their priority needs for assistance. These exchanges led to identification of priority areas for cooperation:

1. Setting up national systems for control of arms transfers.

The different speakers called for provision of **legal assistance**, notably in the framework of transposing the *Arms Trade Treaty* into their national legislation. They stressed the following needs:

- support for States as concerns **interpretation** of the treaty provisions;
- analysis of **areas of complementarity** between the treaty and regional instruments for tackling the spread of small arms;
- development of "**guidelines**" facilitating application of the different articles of the treaty;
- adapting national legislation to the treaty provisions and fostering **harmonisation between them**;
- support for implementation of measures to **prevent diversion** of legally transferred arms (e.g. end-user certificate templates, registration of brokers);
- promoting **transparency** and improving States' capacities in the area of maintaining and operating arms registers;
- **reinforcing the institutional and technical capacities** of enforcement agencies (courts, police and customs).



2. Outreach and awareness-building actions.

Dialogue could be established with the political and military authorities of the States to raise their awareness of the stakes involved in regulating the arms trade and countering the spread of small arms and light weapons. The main objective of these actions would be to encourage States in the region to adhere to the *Arms Trade Treaty*. Another objective would be to encourage States that have not yet done so to set up national commissions responsible for coordinating actions to combat the illicit arms trade and defining national action plans. On this last point, the speakers also called for **institutional support** to strengthen existing national commissions and focal points.

Awareness-building actions aimed at the civilian population should also be rolled out to act on demand: campaigns to encourage voluntary surrender of arms; information campaigns focusing on the regulations in force as concerns ownership and use of firearms, etc.

3. Development of regional cooperation.

Numerous speakers emphasized the need to improve regional cooperation in all its aspects:

- **exchange of information and intelligence** (on illicit flows, the individuals or groups engaged in trafficking, etc.);
- development of **arms databases** (drawing on existing instruments including those developed by Interpol);
- strengthening **cooperation between police and security services and customs officials**. On this point, several speakers noted the recent creation of the AFRIPOL police cooperation mechanism and called for it to be supported;
- development of **mutual assistance in investigation, prosecution and judicial proceedings**

Some speakers stressed the central role of the African Union, the only body in a position to foster better coordination between the different African actors, while at the same time regretting the inadequacy of its resources in this area. They therefore called for **creation of a structure within the African Union specifically dedicated to the issue of small arms and light weapons**, tasked with coordinating all the actions undertaken in this field across Africa.

4. Strengthening management and security of arms and ammunition depots.

For many speakers, one of the priorities is to improve management and physical security of stocks. On this point, the States called for:

- development of **best practices** and sharing of international standards, while adapting them to local realities;
- provision of **technical and material assistance** to facilitate collection and destruction of surplus arms and ammunition;
- strengthening capacities in the field of **arms marking**;





- **construction of depots** or improving their security;
- **training** of specialised agents.

5. Reinforcing border controls.

The States called more particularly for **transfer of equipment and technologies** (detection and surveillance equipment) contributing to more effective control of borders.



CONCLUSION

VICE-ADMIRAL CHARLES-HENRI DE LA FAVERIE DU CHÉ – *Deputy Director, Delegation for Policy and Strategic Affairs, Ministry of Defence, France.*

Dear friends,

I know that you have enjoyed rich and productive exchanges since my opening address yesterday morning. I also know that these two days of discussion and work have been tiring, particularly for those who travelled a long distance to join us. So, let me reassure you – I will not be making a long speech.

As I told you yesterday, this high-level seminar was intended to provide useful insights – if not answers – on at least on three major issues, which I recall here: What developments are we seeing in the illicit arms trade in Africa and what challenges must African States address to comply with the obligations of the Arms Trade Treaty they have committed to implementing? What assessment can we make of past assistance programmes and what lessons can be drawn for the future? Lastly, in view of the growing number of international programmes, how can we effectively strengthen this assistance and what are the priorities?

The work you have done has indeed allowed us to provide some answers and identify avenues for progress.

The first two round-table sessions highlighted the fact – and it comes as no surprise, unfortunately – that illicit trafficking in conventional weapons in Africa is not a problem of the past. It affects every region of the continent and particularly areas of crisis, conflict or tension. Some major trends were identified, highlighting the superimposition of different types of trafficking, the increasingly close links with terrorism and organised crime and the absence of shared tools for tracking development of illicit flows.

The main challenges to be addressed in connection with adherence to the Arms Trade Treaty were highlighted by several experienced observers. They include aligning national regulation with the provisions of the treaty. Its imminent entry into force will require African States to go beyond a concern with the spread of small arms and light weapons and embark on the process of adapting their legislation and administrative processes to enable them to control arms transfers across a much broader material scope.

The third and fourth round-table sessions, devoted to assessing the efforts already made in terms of assistance and cooperation and the new instruments developed, allowed us to draw some useful lessons for reflecting on what must be done today and tomorrow to combat illicit trafficking and implement tools of control and prevention. We would like to thank in particular the representatives of the European Union for drawing the audience's attention to the many mechanisms developed on the European level to assist States with implementing the Arms Trade Treaty. As was emphasized, to activate these programmes States must express their particular needs for assistance; this is even more

important in that implementation of a single programme can lead to organisation of exercises on a regional basis.

This seminar gave regional and sub-regional organisations – and the international actors willing to provide assistance – an opportunity to clearly indicate their expectations. During the seminar but also in the framework of the last round-table session, representatives of these organisations laid particular emphasis on their needs in terms of border control, management and security of arms and ammunition depots and development of legislative or regulatory tools in the field of arms control. They also stressed the need to strengthen coordination and exchange of information on the regional level.

These ideas are valuable and will naturally be highlighted in the Seminar Proceedings that will be forwarded to all participants.

In addition, I would like to announce that this issue, which we consider of vital importance, will be tackled in a special workshop during the Dakar Forum scheduled for 15 and 16 December this year. I am confident that this workshop, drawing on our seminar, will make it possible to explore in greater depth the avenues for progress identified and, I hope, lead to concrete proposals for action.

We should take advantage of the two months between now and this major forthcoming event to hone our ideas and the conditions for implementing concrete projects. This sole ambition of this seminar was to foster a new dynamic of consultation and cooperation looking to the imminent entry into force of the Arms Trade Treaty. Our assembly here could contribute to building a network of influential people and experts with the capacity to pursue this process of reflection, allowing joint formulation of reasonable and concrete proposals to strengthen States' capacity to counter trafficking and control sensitive transfers.

From this perspective, dear friends, I express the wish that this assembly will continue to meet since, as all of you here have emphasized, our discussions not only keep us informed about each other's activities – they also foster international cooperation.

After these two days in which each participant freely expressed their views and suggested avenues for improvement, I believe that the time has come for us to part. I suggest we do this around a last friendly toast. So, let us bring our work to a conclusion and enjoy a light meal together before we go our separate ways.

PROGRAM

THURSDAY 2 OCTOBER 2014

8.30 a.m. Welcome.

9.00 a.m. Opening Speech.

Vice-admiral Charles-Henri de la Faverie du Ché - Deputy Director, Delegation for Policy and Strategic Affairs, Ministry of Defence, France.

9.15 a.m. - Round Table session 1

Trafficking in conventional arms in Africa: The current situation.

Moderator: Colonel Nicolas Jovanovic - Head of the Africa department, Delegation for Policy and Strategic Affairs, Ministry of Defence, France.

Criminal justice response to firearms trafficking in West Africa.

Mr. Diman Dimov - Firearms project coordinator for the United Nations Office on Drugs and Crime.

Countering Trafficking in Conventional Arms in Africa: making the most of existing tools, expertise, and resources.

Mr. Eric Berman – Director, Small Arms Survey.

Arms trafficking in West Africa: A case study.

Dr. Pawoumotom C. Agnekethom - Director Peace and Regional Security, Economic Community of West African States.

11.00 a.m. Coffee break

11.30 a.m. - Round Table session 2

The Arms Trade Treaty : Implementation and challenges.

Moderator : His Excellency the Ambassador Jean-Hugues Simon-Michel - Permanent Representative of France to the Geneva Conference on Disarmament, Ministry of Foreign Affairs and International Development, France.

France and the Arms Trade Treaty.

Mr. Manuel Bufala - Advisor-Negotiator for the Arms Control Sub-Directorate and OSCE, Ministry of Foreign Affairs and International Development, France.

Assistance provided by the ICRC to African States in order to implement conventions related to conventional arms transfers.

Mr. Romain Clercq-Roques - Legal advisor on international humanitarian law for the International Committee of the Red Cross.

The Arms Trade Treaty: issues and challenges for the African States.

His Excellency the Ambassador Smaïl Chergui – Commissioner for Peace and Security, African Union.



The EU ATT Outreach Project - EU Activities in the Support of the Implementation of the Arms Trade Treaty.

Mr. Pierre Arnaud Lotton – Chairman of the Conventional Arms Exports Working Group, Council of the European Union, European External Action Service.

Mr. Holger Beutel – Director, Export Monitoring, Information Analysis, War Weapons Control, Verification, Outreach, Federal Office of Economic Affairs and Export Control (BAFA), Germany

*1.00 p.m. Buffet lunch
- Salon des Cuirassiers —*

2.30 p.m. - Round Table session 3

Assistance and cooperation: Assessment of the actions undertaken.

Moderator: Mr. Frank Schmiedel - Policy Officer in Security Policy and Sanctions Division for the European External Action Service.

Confronting the proliferation of conventional arms in Africa: Work undertaken by the United Nations Regional Center for Peace and Disarmament in Africa.

Mr. Marco Kalbusch - Director, United Nations Regional Centre for Peace and Disarmament in Africa.

AU-UE transregional small arms project: Achievements and challenges.

Mr. Théoneste Mutsindashyaka - Executive Secretary, Regional Centre on Small Arms in the Great Lakes region and the Horn of Africa.

Implementating the Arms Trade Treaty: feedback and lessons learned from past assistance programs.

Mr. Cédric Poitevin - Deputy Director, Group for Research and Information on Peace and Security (GRIP).

Addressing the Problem of Illicit small arms and light weapons in Kenya: Towards Enhanced and Sustained Cooperation.

Mr. William Sayia – Director, Kenya National Focal Point on Small Arms and Light Weapons

4.30 p.m. *End of day one*

*7.30 - 10.00 p.m. Dinner
- Salon des Cuirassiers —*





Friday 3 October 2014

8.30 a.m. – Welcome.

9.00 a.m. - Summary of day one discussions.

Dr. Nicolas Regaud - Assistant Defence Policy Director, Delegation for Policy and Strategic Affairs, Ministry of Defence, France.

9.15 a.m. - Round Table session 4

International assistance on offer: Main tools.

Moderator: Mr. Hugo Sada - Senior Research Fellow and Special Advisor for the Dakar Forum for Peace and Security in Africa, Foundation for Strategic Research, France.

Tools and mechanisms developed by the United Nations.

Mr. Marco Kalbusch - Director, United Nations Regional Centre for Peace and Disarmament in Africa.

EU Instruments for Preventing and Tackling Illicit Trafficking in Conventional Arms in Africa.

Mr. Frank Schmiedel - Policy Officer in Security Policy and Sanctions Division for the European External Action Service.

Preventing and tackling illicit trafficking in conventional arms: the French interministerial strategy.

Colonel Hubert Cottureau - Assistant Director for International Affairs, General Secretariat for Defence and National Security, France.

10.30 a.m. Coffee break

11.00 a.m. - Round Table session 5

Increasing International assistance: What should the priorities be?

Moderator: Dr. Nicolas Regaud - Assistant Defence Policy Director, Delegation for Strategic Affairs, Ministry of Defence, France.

Strengthen international assistance: Expectations and priority needs of the Economic Community of West African member States.

Dr. Pawoumotom C. Agnekethom - Director, Peace and Regional Security, Economic Community of West African States.

Fighting against illicit arms trafficking: expectations and priority needs of the Economic Community of Central African member States.

Mr. Thierry Zang - Small Arms and Light Weapons Expert, Economic Community of Central African States.





Implementation of the UNPoA and the Nairobi Protocol: The EAC Experience.

Mr. Leonard Onyonyi - Peace and Security Expert, East African Community.

SALW control initiatives, lessons learned and priority areas. The case of Great Lakes region and the Horn of Africa.

Mr. Théoneste Mutsindashyaka - Executive Secretary, Regional Centre on Small Arms in the Great Lakes region and the Horn of Africa.

The Implementation of SADC protocol on firearms, ammunition and related material: Challenges and way forward.

Mr. Selebatso Mokgosi - Regional Manager (firearms), Interpol

1.00 p.m. - End of day two.

Vice-admiral Charles-Henri de la Faverie du Ché - Defence Policy Deputy Director, Delegation for Policy and Strategic Affairs, Ministry of Defence, France.

*1.30 p.m. Buffet
- Salon des Cuirassiers -*



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