

MINISTERIAL DECLARATION

THE FIRST MINISTERIAL REVIEW CONFERENCE OF 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

Nairobi, August 7-8, 2002

Ministerial Declaration for Continued Concerted Action in the Great Lakes Region and the Horn of Africa

We, the Ministers for Foreign Affairs of the countries of the Great Lakes Region and the Horn of Africa namely, Burundi, Democratic Republic of the Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and United Republic of Tanzania, meeting at Nairobi on 7-8 August, 2002 on the occasion of *The First Ministerial Review Conference of 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*;

Reaffirming the inherent right of states to individual or collective self defence as recognised in Article 51 of the United Nations Charter;

Gravely concerned with the problem of the proliferation of illicit small arms and light weapons in the Great Lakes Region and the Horn of Africa and the devastating consequences they have had in sustaining armed conflict, abetting terrorism, cattlerustling and other serious crimes in the region;

Concerned about the supply of small arms and light weapons into the region and conscious of the need for effective controls of arms transfers by suppliers outside the region (including measures against transfer of surplus arms) to prevent the problem of illicit small arms and light weapons;

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, illicit possession and use of small arms and light weapons, ammunition and other related materials, owing to the harmful effects of those activities on the security of each state and the sub-region, their social and economic development and their right to live in peace;

Acknowledging that the problem of proliferation of illicit small arms and light weapons in the region has been exacerbated by internal political strife and extreme poverty, and that a comprehensive strategy to arrest and deal with the problem must include putting in place structures and processes to promote democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth, and practical measures to ensure peace and security in Africa as expressed during the launch of the Africa Union in Durban in July 9, 2002;

Noting that in Africa preventing, combating and eradicating the illicit proliferation of small arms and light weapons is a key element to promoting long-term security and creating conditions for sustainable development which is a cornerstone of the New Partnership for Africa's Development (NEPAD) endorsed by the African Heads of State and Government on 11 July 2001 during the Organisation of African Unity (OAU) Summit in Lusaka, Zambia;

Further Noting the recommendations of the NEPAD Sub-Committee on Peace and Security on practical steps to ensure efficient and consolidated action for the prevention, combating and eradication of small arms, and land mines proliferation in Africa of June 2002; .

Reaffirming the commitment undertaken by our governments in support 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 of July 2001.

- The Protocol against the Illicit Manufacturing of, and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime of June 2001, and taking into account the compatible elements thereof in the African Convention on the Prevention and Combating of Terrorism;

- The OAU Bamako Declaration on the Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, of December 2000; and

- 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 of March 2000; its Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa [SAEM/GLR.HOA/1 of November 2000] and its Implementation Plan [SAEM/GLR.HOA/2 of November 2000];

Supporting similar African initiatives such as, the Central African States initiative taken at N'djamena in October 1999 in the framework of the UN Standing Committee of Security in Central Africa; the Economic Community of West African States (ECOWAS) extension of its Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa of 2001 and the signature of a Protocol on the Control of Firearms, Ammunition and other Related Materials in the Southern African Development Community (SADC);

Acknowledging the results of other initiatives in support of similar objectives such as the *African Conference on the Implementation of the United Nations' Programme of Action on Small Arms: Needs and Partnerships* between African and OECD countries of March 2002;

Commending the work undertaken by the Nairobi Secretariat in charge of the regional coordination for the implementation of the above-mentioned commitments and the preparation of this First Ministerial Review Conference;

Further Commending the work undertaken by the Eastern Africa Police Chiefs Committee (EAPCCO) in preparing the Draft Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa undertaken in 2001;

Welcoming the contribution of civil society organisations in supporting the implementation of the Nairobi Declaration and sensitising society as to the dangers of the proliferation and illicit trafficking of small arms and light weapons and, in particular, the results of the Djibouti Seminar of 10-11 December 2001 on the "Establishment of National Focal Points" organised by the Nairobi Secretariat, the Regional Interpol Office, the IGAD Secretariat and civil society; and

Thanking the international community for its continued support for the implementation of the Nairobi Declaration and welcoming the establishment of the Friends of the Nairobi Declaration initiative.

We do hereby declare our firm determination to take all necessary steps to prevent, combat and eradicate the trafficking in, and the illicit proliferation of small arms, light weapons, ammunition and other related materials in the region.

To this end, our governments will, inter alia, undertake to:

1. Improve the coordinating mechanisms that will guide and facilitate the Implementation Plan of the Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa [SAEM/GLR.HOA/2 of November 2000] through:

a. Reaffirming the designation of the Kenyan Government to co-ordinate the follow-up to the Nairobi Declaration in consultation with state's respective national mechanisms dealing with the problem of small arms and light weapons as stated in the Operational Guidelines [Nairobi Declaration (iv)].

b. Endorsing the institutional framework of the Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa mandating the Nairobi Secretariat as regional co-ordinator for action. [SAEM/GLR.HOA/1 (1 .3)].

c. Reinforcing the institutional framework of the Implementation Plan of the Coordinated Agenda for Action of November 2000 [SAEM/GLR/HOA/2 11.3) by:

(i) Providing technical and logistical support to the Nairobi Coordination Unit established as the Nairobi Secretariat and its responsibilities therein mandated;

ii) Endorsing the revised and updated Secretariat Work Plan for implementation, and the new Operational Guidelines that have been developed by the Nairobi Secretariat during August 2002 which will guide the procedures for interactions on all aspects related to the implementation of the Coordinated Agenda for Action;

(iii) Agreeing that the Nairobi Secretariat should develop a regional character, representation and location in line with the Operational Guidelines; and

(iv) Supporting the immediate provision of start-Up assistance for National Focal Points in line with submitted proposals

2. Improve the national and regional co-ordinated capacity to prevent, control and reduce the small arms and light weapons problem In the region by:

a. Calling on the Eastern Africa Police Chiefs Committee (EAPCCO) to adopt the Draft Regional Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (as developed during 2001 by the EAPCCO legal sub-committee) at the forthcoming EAPCCO Annual General Meeting for presentation to governments for signature during 2002.

b. Undertaking to enhance the capacity of law enforcement agencies to prevent, combat and reduce the illicit proliferation of small arms and light weapons through, inter alia, the following measures:

(i) Developing training curricula for law enforcement officials that should cover different levels of officials including senior management, detectives and firearm desk officers.

(ii) Developing proposals for potential joint operations for weapons control and reduction.

(iii) Urging the EAPCCO and Regional Interpol secretariats to ensure compatibility of training and facilitate the development of joint

operations between regional member states.. .

c. Reviewing national legislation as agreed in the Co-ordinated Agenda for Action in order to facilitate the urgent adoption of the following measures:

(i) Prohibit the unrestricted civilian possession of small arms¹ and the total prohibition of the civilian possession and use of light weapons² and automatic and semi-automatic rifles and machine guns;

(ii) Regulate and centralise the registration of all firearms owned by civilians;

(iii) Regulate and control the manufacture, import, export, brokering, possession, and use of small arms, light weapons, ammunition and other related materials;

(iv) Standardise the marking and identification of small arms and light weapons at the time of manufacture, import and export;

(v) Improve the operational capacity of the police, customs officials, border guards, the military and the judiciary in order to combat the illicit trafficking in small arms and light weapons, ammunition and other related materials;

(vi) Promote national and regional public education and awareness programmes concerning the curbing of the proliferation of small arms and light weapons;

(vii) Improve the control over small arms and light weapons owned by the State, including the development and adoption of programmes for the collection, safe storage, destruction and responsible disposal of small arms and light weapons, rendered surplus, redundant or obsolete through, inter alia, peace agreements, demobilisation or integration of excombatants or re-equipping or restructuring of national armed forces or armed State bodies;

(viii) Provide for mutual legal assistance and information exchange between focal points and the Nairobi Secretariat in a concerted effort to suppress the illicit manufacturing of, trafficking in, possession and use of firearms and ammunition and other related materials;

(ix) Institute appropriate and effective measures for cooperation between law enforcement agencies in order to curb corruption associated with the illicit manufacturing of and trafficking in, possession and use of small arms, light weapons, ammunition and other related materials; and

(x) Adopt applicable national legislation and take administrative measures that will:

Adequately provide for the seizure, confiscation, and forfeiture to the State of all small arms and light weapons manufactured or conveyed in transit without or in contravention of licences, permits or written authority;

Provide for effective control of small arms and light weapons including the storage and usage thereof, competency testing of prospective small arms owners and restriction on owners' rights to relinquish control, use and possession of small arms;

Monitor and audit licenses held in a persons' possession, and the restriction on the number of small arms that may be owned;

Prohibit the pawning and pledging of small arms and light weapons;

Prohibit the misrepresentation or withholding of any information given with a view to obtain any license or permit; and Promote legal uniformity in the sphere of sentencing.

3. Ensuring a sustainable solution to the problem through the pursuit of national long-term coordinated and concerted efforts through:

a. Establishment and effective operationalisation of National Focal Points to deal with the problem of small arms and light weapons in all its aspects and to oversee the implementation of the Co-ordinated Agenda for Action at the national level, and to interact effectively with the regional coordinating unit of the Nairobi Secretariat; and

b. Establishment of sustainable and comprehensive national plans for implementation of action on arms management and disarmament.

We firmly believe that these measures will contribute towards preventing, combating and eradicating the stockpiling and illicit trafficking in small arms and light weapons, ammunition and related material in the Great Lakes Region and the Horn of Africa.

Furthermore,

We encourage the participation by civil society and international like-minded agencies and organisations in preventing and reducing the problem of illicit small arms and light weapons;

We appeal for financial, technical and political support from other sub-regions and, organisations in the continent, and from the international community for the effective implementation of this Ministerial Declaration for Continued Concerted Action in the Great Lakes Region and the Horn of Africa; and

We mandate the Nairobi Secretariat to assist the region to prepare for the Interim Ministerial Meeting of 2003 leading to the UN Review Conference of 2006 and to hold a further Ministerial Review Conference to oversee implementation and development of this Declaration in the year 2004.

In witness thereof, We the Ministers for Foreign Affairs of the countries of the Great Lakes Region and the Horn of Africa have signed this Declaration.

Done at Nairobi on this 8th day of August 2002, in two (2) original texts, in the English and French languages, both texts being equally authentic.

¹ As defined in the OAU Bamako Declaration and the Draft EAPCCO Protocol.

² As defined in the OAU Bamako Declaration and the Draft EAPCCO Protocol.