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Tackling illicit arms in Africa: Building cooperation between Africa, China and Europe



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Abbreviations

ACE	Africa-China-Europe
ATT	Arms Trade Treaty
AU	African Union
CACDA	China Arms Control and Disarmament Association
CAR	Central African Republic
CFSP	Common Foreign and Security Policy
CSP	Conference of States Parties (ATT)
DRC	Democratic Republic of the Congo
ECOWAS	Economic Community of West African States
EPF	European Peace Facility
EU	European Union
FOCAC	Forum on China-Africa Cooperation
PoA	Programme of Action [to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects]
PSSM	Physical security and stockpile management
RECSA	Regional Centre for Small Arms
SALW	Small arms and light weapons
SRIC	Security Research & Information Centre
UN	United Nations
UNREC	United Nations Regional Centre for Peace and Disarmament in Africa

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A soldier walks past women carrying their belongings near Bentiu, northern South Sudan. REUTERS/Siegfried Modola

Preface

On 31 July 2019, the Council of the European Union (EU) passed the Council Decision of the Common Foreign and Security Policy 2019/1298 in support of a project on ‘Africa-China-Europe dialogue and cooperation on preventing the diversion of arms and ammunition in Africa’.¹ Building on the achievements of a past EU-funded project on ‘EU-China-Africa dialogue and cooperation on conventional arms controls’ (2012–2014),² the new project is being implemented by Saferworld in cooperation with the Beijing-based China Arms Control and Disarmament Association (CACDA) and the Nairobi-based Security Research & Information Centre (SRIC). This briefing is the final in a series of publications that have been produced under this project between November 2019 and October 2022.

This Africa-China-Europe (ACE) tripartite process has provided a unique platform for stakeholder dialogue on security issues that directly impact communities living in conflict-affected contexts. It has illustrated the importance of dialogue and cooperation among experts from different world regions, and has shown how fresh perspectives and insights can be developed and harnessed towards constructive ends. Ultimately this project has shown that, despite the existence of geo-political tensions, cooperation on practical initiatives is still possible; it is hoped that this project can provide a basis for future opportunities for cooperation.

For more information on the ACE project see <https://www.a-c-eproject.eu>

Introduction

This is the final report under the ACE project established pursuant to EU Council Decision (CFSP) 2019/1298 of 31 July 2019 in support of an Africa-China-Europe dialogue and cooperation on preventing and combatting the diversion of arms and ammunition in Africa. The purpose of this report is to highlight the findings and conclusions of the ACE project over the three-year project period, while identifying the scope for potential future actions involving African states, China, and EU member states – both individually and collectively – to tackle the illicit trade and diversion of arms into and within Africa.



A mortar round is handed carefully from one soldier to another before being placed in a pit for detonation at a site near Mogadishu, Somalia. A team consisting of soldiers from Burundi and Uganda dispose of weapons on a weekly basis in order to ensure they no longer pose a risk to civilians. © UN Photo/Tobin Jones

Part 1: Developments in transfer control impacting arms proliferation in Africa

Sustaining and operationalising FOCAC's commitment to the control of small arms and light weapons

During the two decades since its establishment, the triennial Forum on China-Africa Cooperation (FOCAC) has, through high-level ministerial or heads of government conferences, become the key strategic framework for China-Africa cooperation on economic, political, social and security matters. FOCAC has explicitly addressed the problem of small arms and light weapons (SALW) proliferation in Africa on five occasions³ while also pledging support for the African Union's (AU) 'Silencing the Guns'⁴ initiative in 2018. Most recently, the Eighth FOCAC Ministerial Conference held in Senegal in November 2021 gave rise to the Dakar Action Plan,⁵ which stated:

'China and Africa commit to cooperate to fight against the illicit transfer and misuse of small arms & light weapons and their ammunition and to engage in exchanges on policies, experiences and pragmatic cooperation for the identification, tracing and management of end users of small arms & light weapons and their ammunition.'

This is a hugely important statement as it commits China and African countries to jointly engage in information sharing and to undertake practical actions that would make a tangible impact on the illicit trade and misuse of SALW and ammunition into and within Africa. This is a significant outcome for the ACE project, which has worked to put the issue of SALW proliferation high on the FOCAC agenda; it also enhances the prospect of further substantive cooperation among the ACE project partners to further research the nature of the SALW problem in different national contexts across Africa, and for the development and implementation of practical solutions. Furthermore, in his opening address to the 2021 FOCAC Ministerial Conference,⁶ President Xi Jinping committed China to undertake "ten peace and security projects" for Africa that would include provision of military assistance to the AU, support for regional security and countering terrorism, joint exercises, training for African peacekeeping troops, and cooperation on small arms control.

In order to implement these and other high-level FOCAC commitments adopted since 2000, the Chinese Government has established a FOCAC Follow-up Action Committee.⁷ This comprises 37 government ministries, departments or agencies, including the Ministry of Foreign Affairs, Ministry of Commerce, Ministry of Finance, State Administration of Science, Technology and Industry for National Defence, and the China International Development Cooperation Agency. The Committee sits within the Department of African Affairs of the Ministry of Foreign Affairs, with the Department's Director-General Wu Peng serving as the Committee's Secretary-General.

Another mechanism that provides a potential vehicle for the implementation of FOCAC's SALW agenda is the United Nations (UN) Peace and Development Trust Fund.⁸ Established by China and the UN in 2016 this fund supports the work of the UN to promote international peace, security and development. A wide range of projects have been funded under this mechanism, including UN peacekeeping operations, anti-piracy and counter-terrorism efforts, law enforcement capacity building, and strengthening UN crisis management capabilities. China has provided assistance to police in several African countries; for example, the Central African Republic (CAR) and Namibia. Additionally, more than 1,800 Chinese personnel are currently carrying out UN peacekeeping missions in five African mission areas including Mali, Congo (Kinshasa) and South Sudan. While SALW projects do not appear to be an explicit priority overall, during 2018 and 2019 the fund did provide support for the implementation of the 'Silencing the Guns' initiative (see below).

Given President Xi's statement at the opening of the Dakar FOCAC meeting, there is hope that the UN Peace and Development Trust Fund could, in the future, expand its involvement in SALW control initiatives in Africa.

China's accession to the Arms Trade Treaty⁹ and UN Firearms Protocol¹⁰

In recent years, the ACE project, through ongoing dialogue and communication between its Expert Working Group and Saferworld, CACDA and SRIC, has sought to provide an effective, unofficial platform for exchanges between stakeholders in Africa, China and Europe on arms control-related issues. This engagement has played an important

role in supporting the development of China's arms control discourse in the context of the international arms control system. Thanks to these and other efforts, China officially joined the Arms Trade Treaty (ATT) as its 107th State Party on 4 October 2020. This move was widely welcomed as a sign of China's commitment to working within the rules-based international system to prevent the poorly regulated and irresponsible trade in conventional arms. China has indicated that it will continue working to enhance national principles, laws, and regulations concerning arms exports to ensure compliance with ATT obligations.

As a major exporter of conventional arms,¹¹ China has a significant role to play in upholding international law and norms governing arms transfers, working with other ATT States Parties to promote transparency and responsibility in the international arms trade, and preventing human suffering, as per the Object and Purpose (Article 1) of the Treaty. Efforts to prevent diversion are also at the heart of the Treaty. These include, under Article 11, promoting cooperation between exporting and importing countries in order to identify and mitigate diversion risks. In this regard, China's support for SALW control programmes in Africa could play a key role in reducing the illicit trade and diversion of arms – both from existing stocks and from new shipments. It is now vital that African States Parties, China and EU member states work to assist other states to join and then implement the Treaty, thereby enhancing its universality.

Finally, it is also notable that China has begun the domestic process for ratifying the UN Firearms Protocol, as announced on 24 September 2022 by Chinese Foreign Minister Wang Yi during the 77th session of the UN General Assembly, providing a further context within which China could provide support for multilateral approaches to addressing the global proliferation of firearms and to the maintenance of international and regional peace and security.

African initiatives

In recent years African states, sub-regional organisations and the AU have focused their attention on a range of initiatives that seek to tackle the proliferation of SALW. The following represents an outline of the types of activities that have been undertaken in recent years.

Pan-African initiatives

The AU's 'Silencing the Guns in Africa' initiative seeks to achieve a conflict-free Africa. Developed in 2016 and adopted by the AU Assembly a year later, 'Silencing the Guns' is more than just an arms control project – it is an ambitious initiative with objectives to address the forces driving violent conflict on the continent, and seeks to encourage action to address the political, economic, social, legal and security challenges facing many African states. Preventing and combatting the illicit trade in arms – and SALW in particular – is an important element of this initiative. One of the six practical steps identified in the original AU 'Master Roadmap for Silencing the Guns by 2020', it aims to ensure the effective implementation of agreements on landmines and the non-proliferation

of SALW. The original timeline for 'Silencing the Guns' has been extended until 2030 with the recognition that, in order to realise this goal, progress will be required at national, sub-regional and continent-wide levels. As regards the non-proliferation of SALW, since 2017 the AU has declared September 'Africa Amnesty Month', with national efforts receiving support from the UN. In September 2021, gun amnesty initiatives launched in Madagascar, Niger and Uganda included nationwide outreach through local and national media to raise public awareness of the dangers of illicit SALW ownership and trade. These efforts were accompanied by training for community-based police in arms management and record-keeping. The projects were completed in April 2022, with public events involving the destruction of illicit weapons surrendered during the amnesties. In 2022, Liberia, Tanzania and Togo were designated to receive similar support.¹²

West Africa

Following a collaboration between the UN Regional Centre for Peace and Disarmament in Africa (UNREC) and the Economic Community of West African States (ECOWAS) exploring synergies and complementarities between the ATT,¹³ the ECOWAS Convention on SALW and other relevant instruments, a series of ECOWAS Technical Experts' meetings was convened between March 2019 and December 2020 to discuss the practical implications of this work, with funding provided by the EU and German Government 'Organised Crime: West African Response to Trafficking' (OCWAR-T) project. In September 2021 the resultant 'ECOWAS Model Guide for the Implementation of the ECOWAS Convention on SALW and the ATT',¹⁴ to which Saferworld contributed, was approved and adopted by ECOWAS government experts. This guidance provides a useful resource for ECOWAS member states as they seek to adopt the provisions of both the ATT and the ECOWAS Convention on SALW into their national laws in a rigorous and consistent manner. In addition, the OCWAR-T project has also supported weapons destruction initiatives, including one that took place in Liberia in October 2022 which sought to destroy more than 100,000 weapons collected across Liberia.

A second initiative – to develop assistance guidelines for member states in the implementation of the arms brokering provisions of the ECOWAS Convention on SALW (Article 20) – was being finalised at the time of writing. This effort, a collaboration between ECOWAS and the Bonn International Centre for Conversion, also involved Saferworld, who were invited to participate in a meeting of experts in May 2022 and to provide input into an early draft of the guidelines.

East and Central Africa

The Regional Centre for Small Arms (RECSA) has, since its establishment in 2005, played an important role in tackling small arms proliferation in East and Central Africa. Its activities have centred on four specific areas – arms marking, physical security and stockpile management (PSSM), arms amnesties/destruction, and capacity building for small arms control.¹⁵

Arms marking RECSA has supplied all of the member states with at least three arms marking machines; some countries – such as the Democratic Republic of the Congo (DRC) – have received an additional two. Despite this, national implementation of arms marking remains patchy; there have been particular concerns around the use of the software provided and a number of states have opted to use their own. Countries that have made good progress include Burundi, Kenya, Rwanda and Uganda, who have marked over 80 per cent of their small arms. DRC has made the least progress, with only 30 per cent of state-owned arms having been marked. Additionally, RECSA, with support from partners, has trained officers in arms marking, including in Burundi, CAR, Kenya, Rwanda, South Sudan, Sudan and Uganda.

Arms amnesties/destruction Under the AU's 'Amnesty Month' of September, with funding provided by Germany and Japan through the UN Office for Disarmament Affairs, RECSA has overseen implementation of arms amnesty and destruction initiatives in 13 member states since 2020, including:

2020 – Kenya (1,099 illegal guns destroyed), Ethiopia, DRC (160)

2021 – Uganda (378)

2022 – Tanzania (ongoing)

In addition, RECSA states have destroyed obsolete weapons with funding from the African Development Bank. Tanzania, for example, destroyed over 5,000 obsolete weapons in December 2021 with this assistance.

Capacity building RECSA has supported institutional capacity building in CAR, DRC, the Republic of Congo and South Sudan, with training conducted to strengthen the National Small Arms Focal Points involving a total of 30 participants from each country.

RECSA has also undertaken training sessions in PSSM, involving 40 participants from each of most RECSA member states (DRC received two such sessions). Only Eritrea and Djibouti have yet to benefit from PSSM training.

RECSA has collaborated with Kenya on training of Border Police Units in weapons and ammunition management and has provided six containerised armouries (arms storage facilities). By the end of 2022 Uganda should also have received three containerised armouries. In Tanzania five permanent armouries have been constructed with support from the US State Department, while Rwanda has received one containerised armoury under EU-RECSA funding.

The EU

Over the past decade the EU has taken a number of important decisions relating to arms transfer control.

Under the July 2016 EU Strategy on China, the EU Council commits to establishing a regular and substantive dialogue on a range of issues including non-proliferation and disarmament.¹⁶ It also seeks to explore possibilities for EU-China security and defence cooperation, with a particular focus on Africa, where cooperation on counter-piracy and peacekeeping has proved a success.

The November 2018 EU Strategy against illicit firearms, SALW and their ammunition – 'Securing Arms, Protecting Citizens'¹⁷ – seeks to guide EU action to prevent and combat the illicit acquisition of SALW and ammunition by a range of unauthorised entities and to foster accountability and responsibility in the context of the government-authorized arms trade. The ATT and the UN Programme of Action on SALW (PoA)¹⁸ are viewed as principal mechanisms for achieving these goals. Accordingly, the EU Strategy pledges to tackle the problem of illicit SALW at every point in their life cycle, notably by supporting effective stockpile management and the destruction of surpluses. Additionally, the EU commits to supporting the establishment of effective arms transfer controls, marking, record-keeping and tracing of SALW, and to building enforcement capacity. Through this strategy the EU also pledges to support the AU and relevant regional economic communities in their efforts against the illicit trade in SALW and their ammunition – as encapsulated, for example, in the 'Silencing the Guns' initiative. One key manifestation of the EU's commitment to tackling the spread and misuse of illicit weapons can be seen in the 2019 EU Council Decision supporting the implementation of the ACE project – of which this is the final report (see Preface and Introduction for more information). Other important EU-led initiatives which have some relevance to Africa include EU Council Decisions (CFSP) 2018/1789 and (CFSP) 2021/1726 'in support of combating the illicit trade in and proliferation of SALW in the Member States of the League of Arab States'.

In March 2021 the EU adopted the European Peace Facility (EPF), the declared purpose of which is to 'finance Common Foreign & Security Policy (CFSP) actions with military and defence implications that will enhance the Union's ability to prevent conflicts, build peace, and strengthen international security'.¹⁹ Civil society, including Saferworld, has raised concerns that implementation of the EPF, by promoting increasingly militarised responses to fragile and conflict-affected contexts, is at risk of making bad situations worse and thereby of undermining the objectives of the 2018 EU Strategy. Weaknesses in oversight and accountability mechanisms for the EPF are a further cause for concern.²⁰

The EPF was originally anticipated as having a significant African focus; however, its extensive role in facilitating the EU's response to Russia's invasion of Ukraine has for the moment upended this expectation. Moreover, the way in which the facility has been used with respect to Ukraine – that is, for the extensive supply of military equipment and platforms designed to deliver lethal force – is not how the the EPF's scope was envisaged when it was being established. This use of the EPF should not be used as precedent for future implementation in African contexts, which in all likelihood will bear very little resemblance to the situation in Ukraine.

One potential way of addressing fears that the EPF could fuel arms proliferation would be for it to do more to support and encourage measures to reduce the proliferation and misuse of arms; for example, through SALW collection, destruction, marking and tracing.

Part 2:

ACE project achievements, insights, outcomes and recommendations for addressing the illicit trade and diversion of arms in Africa

Achievements of the ACE project

From November 2019 to October 2022 the ACE project was carried out under unprecedented restrictions caused by the COVID-19 pandemic. Despite these difficulties, the project has achieved the following:

- **Six substantive policy and research reports** including: a briefing on opportunities for China-Africa joint action on SALW through FOCAC;²¹ a report on arms diversion in Africa and strategies for prevention and mitigation;²² three in-depth case studies of illicit arms in three separate national contexts (Burkina Faso,²³ South Africa²⁴ and South Sudan²⁵); and this final research report highlighting lessons learnt, achievements and next steps.
- Creating opportunities for CACDA to publicise and receive feedback on the work it is involved with in **developing new, cutting-edge technical approaches to marking, record-keeping and tracing of SALW and ammunition** that could be employed in African contexts to prevent and combat proliferation and diversion.
- **Nine meetings of the Expert Working Group** to discuss project developments and future plans, including one meeting with the *Haute autorité de contrôle des importations d'armes et de leur utilisation* (High Authority for the Control of the Importation and Use of Weapons) in Burkina Faso.
- A meeting with the **South Africa National Planning Commission** to discuss research findings and consider actionable recommendations.
- **One policy seminar** in Beijing on 'The ATT: international cooperation and global standards for responsible arms transfers'.
- **One side event** on the margins of the preparatory meetings for the Eighth Conference of States Parties (CSP8) to the ATT where a major project report on arms diversion was launched.
- **One side event** on the margins of the Eighth Biennial Meeting of States under the PoA, which profiled each of the three case studies and the new Chinese marking, record-keeping and tracing technologies.

Research and policy insights, outcomes and recommendations

The activities and achievements of the project have provided comprehensive insights into the illicit trade and diversion of arms and ammunition in a variety of contexts and have yielded a significant number of research and policy recommendations:

FOCAC

In November 2020, the ACE project published a research report, 'Addressing the Illicit Trade and Diversion of Arms and Ammunition in Africa: The Role of China-Africa Cooperation',²⁶ which sought to encourage the 2021 FOCAC Conference to (re)address specifically the issue of illicit SALW and ammunition. In support of this, members of the ACE project Expert Working Group held in-person discussions on the SALW issue with key African and Chinese stakeholders in advance of the Eighth FOCAC Ministerial Conference held in Dakar, Senegal, on 29–30 November 2021. The recommendations that had been put forward by the ACE project were ultimately consistent with the outcome of the conference. Moreover, in his opening remarks President Xi announced a new joint 'China-Africa Cooperation Vision 2035' – the first three-year plan of which pledges China to work closely with African countries to implement nine programmes of work, with the ninth of these directly referencing increased cooperation on SALW.

Additionally, the final FOCAC 2021 Action Plan²⁷ asserts that 'China and Africa commit to cooperate to fight against the illicit transfer and misuse of small arms and light weapons and their ammunition, and to engage in exchanges on policies, experiences, and pragmatic cooperation for the identification, tracing, and management of end users of small arms and light weapons and their ammunition.' The report recommended that China link its current actions to the existing regional SALW control initiatives, and that China and its African partners recommit to implementing existing agreements. This significant commitment should enhance possibilities for a range of joint, impactful actions that will address the problem of SALW and ammunition in Africa.

Arms diversion into and within Africa

An in-depth research report produced under the ACE project on the subject of 'Preventing and mitigating the diversion of arms in Africa'²⁸ identified a number of the drivers of arms diversion. These include:

- the existence of armed conflict, instability and/or armed violence
- a lack of effective state control over the ownership and use of arms, in particular SALW
- the potential for diversion of arms during transfer and from arms stockpiles and holdings
- the potential for both government and non-government actors to be involved in arms diversion
- the potential for diversion to be a deliberate, premeditated act, or to be the result of loss, theft or neglect
- different perspectives among supplier and recipient states about whether recipient states have the right to retransfer or reassign weapons that have been purchased legally

The report further illustrates that the exact combination of factors driving arms and ammunition diversion into and within Africa will vary according to the nature and

dynamics of any given context; this means that different strategies will be required to advance tailored solutions in order to have the most impact on the problem of illicit arms.

The report also stresses the importance of action to prevent and combat arms and ammunition diversion into and within Africa on the part of both arms exporting and importing states. It notes opportunities for bilateral cooperation on issues such as post-shipment controls (currently being explored or implemented by several EU states, and discussed in the ATT context) and for multilateral cooperation such as through the UN, through regional organisations and through the ATT CSP process. In both contexts, states should consider possibilities for support to address technical and capacity challenges among African states and to promote information sharing on diversion risks.

Burkina Faso

The first case study²⁹ published under the ACE project focused on illicit arms and ammunition in Burkina Faso. This report explored the provenance of a quantity of seized illicit weapons, identifying the ways they might have entered the illicit sphere.

This research concluded that the principal vector for the weapons examined (in particular, locally produced single-shot shotguns and imported pistols and shotguns) appears to be diversion from legally obtained civilian holdings. In the case of illicit assault rifles, many that were seized were 'legacy weapons' from past conflicts; however, newly manufactured weapons also featured, and significant quantities of new ammunition were also found. Other findings showed that a principal source of illicit arms that have fallen into the hands of armed groups is the Burkinabe security forces' weapons stockpiles – particularly stockpiles located in remote areas.

Based on these findings, the report identified a number of priorities, including: strengthening national regulations governing weapons purchases by civilians; expanding weapons marking beyond police firearms to include those belonging to other state security forces; and developing protocols around safe and timely disposal/destruction of illicit and surplus SALW. The report listed specific equipment needs that, if met, would be of considerable assistance in addressing these priorities.

South Africa

The second case study³⁰ published under the ACE project examined the sources and impact of illicit firearms in South Africa, noting in particular that the country suffers from their extensive use in violent crime. Despite past successes in tackling the issue, from 2012 onwards the use of firearms in murder and robbery has steadily increased. A range of factors were judged to have contributed to this rise, including: increasing sophistication in the operations of criminal gangs exploiting weaknesses in laws and regulations relating to firearms acquisition and ownership; institutional failings, corruption and capacity challenges in the South African Police Service; and an outdated licensing system in the Central Firearms Registry (CFR).



A Chinese peacekeeper decorates the camp of Chinese medical unit of the United Nations Interim Force in Lebanon (UNIFIL) to celebrate the Chinese Lunar New Year of the Rat in south-eastern Lebanon, 24 January 2020. © Huang Shifeng/Xinhua/Alamy Live News

Recognising the nature and extent of the country's growing problem with illicit firearms, the South African government has begun to pursue a number of policy and practical changes. These include: introducing proposals for amendments to the Firearms Control Act, such as removing the provision that anyone over the age of 21 can apply for a firearms permit based on a requirement for self-defence; a new 'turnaround strategy' for the CFR with a view to transforming this from a paper-based to an electronic system; measures to improve the safeguarding of police firearms, particularly at the station level; and enhanced regulations pertaining to firearms access and use by the private security industry.

South Sudan

The third case study under the ACE project focused on South Sudan, a country that has suffered greatly from the widespread proliferation and misuse of arms throughout its relatively short existence, driven by a multiplicity of security and economic challenges. Failure to implement the most recent peace agreement (2018) has undermined efforts to reform the security sector and tackle the existence of a plethora of armed groups and militias. Moreover, the inability of the state to provide security for the civilian population continues to fuel demand for weapons for self-defence, while economic hardship has rendered SALW and ammunition valuable, tradeable commodities.

The continuing realities of the diversion, illicit trade and misuse of arms in South Sudan will require comprehensive efforts to tackle not only the prevalence of illegal weapons but the underlying causes that perpetuate cycles of armed violence. Steps towards this include: measures to strengthen the implementation of the UN embargo on the transfer of arms and related material to the territory of South Sudan and, in particular, to prevent diversion of arms shipments as well as smaller-scale trafficking from neighbouring countries; international efforts to support and revitalise the disarmament, demobilisation and reintegration (DDR) and security sector reform (SSR) processes; the provision of support to the South Sudan government for the development and implementation of controls on storage, transfer, possession and use of SALW and for the creation of effective border management capacity; and encouragement of gun amnesties, gun-free zones and the destruction of illicit weapons in order to reduce the impact of gun violence on civilians.

Part 3: Preventing the diversion of arms and ammunition in Africa – the role of Africa, China and the EU

As illustrated in Section 1, addressing the illicit trade and diversion of arms into and within Africa is a priority not only for African states, sub-regional organisations and the AU, but also for China and for the EU, both of which have made a series of commitments in support of arms control – and in particular SALW control – on the African continent. These commitments are valuable in their own right, particularly if they pave the way for the provision of financial and technical support for tangible initiatives that will have a meaningful impact on the illicit trade and diversion of arms in Africa. However, in many cases, information on exactly how these commitments are being operationalised is not readily available, and the impact of any practical actions on the illicit trade and diversion in arms often remains unclear.

The findings of the ACE research case studies in Burkina Faso, South Africa and South Sudan all illustrate the fact that there are many areas where support could be given to African states that are severely affected by the proliferation and misuse of arms, such as: legislative reform; training for law enforcement; weapons and ammunition management including PSSM, marking and record-keeping; and destruction of illicit arms. No two national contexts are the same, however, and the key to effective and impactful responses will be to ensure that they are tailored to the specific requirements of each recipient state. A follow-up second phase of the ACE Project is being developed; as part of this, the project partners will be exploring and taking forward actionable, context-specific projects to reduce the risk of diversion and misuse of arms, particularly SALW.

The role of arms suppliers in preventing diversion

Supporting African states to better respond to the problem of illicit arms is only part of the solution. For their part, African governments must show their intent to tackle the proliferation of arms at national, sub-regional and continental levels by working to implement their existing regional and international commitments, and by engaging in information sharing and practical cooperation, such as in tracing illicit arms, in order to close down trafficking routes and networks.³¹

At the same time, arms-exporting states must take all necessary measures to avoid adding to the already-huge quantities of illicit arms currently circulating in Africa. While it is important for all states – including those which seldom export arms or ammunition – to have an arms transfer control system, those with a substantial role in the manufacture, export, transit, import, and brokering of arms (including many EU states, a handful of African states and China) require comprehensive systems that are responsive both to technological developments and the changing dynamics of the international arms market.

The bedrock of any arms transfer control system is up-to-date, comprehensive and effective legislation and implementing regulations that fully reflect a state's obligations under international law (such as the ATT, UN Firearms Protocol, Ottawa Convention, Cluster Munitions Convention, ATT, UN embargoes and any legally binding regional/sub-regional agreements) and additional relevant commitments (such as the PoA, International Tracing Instrument and any regional/sub-regional political agreements). The system should be administered by fully trained officials operating within a competent authority and acting with rigour and impartiality.

One of the principal tasks of a competent authority is to be satisfied that any arms or ammunition exports are being acquired by an authorised end-user for legitimate purposes and will not be diverted. This will require a full risk assessment which considers whether the proposed end-user:

- has a legitimate need for the arms or ammunition in question
- has a track record of diversion or unauthorised re-transfer of arms or ammunition
- is situated in a region of conflict where there is high demand for illicit arms
- is situated in relative proximity to an embargoed country which cannot obtain arms or ammunition legally on the open market

In addition, the risk assessment should establish:

- the authenticity of the accompanying documentation, particularly the end-use(r) certificate
- that the end-use(r) certificate includes a commitment not to re-export the arms or ammunition in question without the prior written authorisation of the original exporting state
- the *bona fides* not only of the end-user, but also of any other parties to the transfer (for example, brokering agents, transportation agents and customs agents)
- whether the intended shipping route will pass through any transit/transshipment hubs with a lax approach to export control enforcement

Arms exporting states should also take steps to agree to delivery-verification and post-shipment cooperation measures with the importing state which would, for example, establish the right of the exporting state to conduct an on-site inspection in the recipient state, to verify that the arms are in the possession of the declared end-user and are being used in accordance with any end-use restrictions. This issue was debated at the ATT CSP8 on the basis of a discussion document produced by the German Presidency and is likely to be discussed further during the CSP9 cycle.

Conclusion

Overall, there is significant scope for concrete action to prevent and combat the illicit trade and diversion of arms and ammunition into and within Africa, and for African, EU and Chinese stakeholders all to have an important role to play. The work of the ACE project between November 2019 and October 2022 points to three key conclusions.

Firstly, there is still much work to be done to identify opportunities for action to address arms diversion into and within Africa. The case studies described above illustrate the value of context-specific, action-orientated, expert research in identifying specific points of leverage in tackling this problem. There is significant potential for similar research to be conducted by African researchers with a view to mobilising support for diversion prevention in additional African contexts.

Secondly, despite a plethora of political agreements seeking to address the proliferation of arms and in particular SALW in Africa, these commitments are not always followed up with concrete and transparent actions. States and multilateral organisations should regularly review how they are following through on their commitments to tackle the illicit trade and diversion of arms to ensure that they are providing appropriate, practical support for initiatives that meet the needs of both governments and communities. They should also take steps to profile the work that they are supporting in order to raise awareness of achievements and lessons learnt.

Finally, African states, China and EU member states are all committed to addressing the illicit trade and diversion of arms – in particular SALW – into and within Africa. They should explore and pursue all possible means for information exchange, cooperation and joint action through bilateral and multilateral channels and frameworks, including the PoA and the ATT (for example, through the Treaty's Diversion Information Exchange Forum), to maximise the possibilities for effective action while also avoiding unnecessary duplication or conflicting approaches.

Notes

- 1 Council of the European Union (2019), 'Council Decision (CFSP) 2019/1298 of 31 July 2019 in support of an Africa-China-Europe dialogue and cooperation on preventing the diversion of arms and ammunition in Africa' (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019D1298>)
- 2 Council of the European Union (2012), 'Council Decision 2012/121/CFSP of 27 February 2012 in support of activities to promote EU-China-Africa dialogue and cooperation on conventional arms controls' (<https://op.europa.eu/en/publication-detail/-/publication/e81cf191-6bb5-405b-817e-18897a7c4260/language-en>)
- 3 2000, 2003, 2006, 2012, 2021
- 4 The 'Silencing the Guns' campaign is an initiative of the African Union (AU) that aims to achieve a conflict-free Africa, prevent genocide, make peace a reality for all and rid the continent of wars, violent conflicts, human rights violations, and humanitarian disasters (<https://au.int/en/flagships/silencing-guns-2020>)
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