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# SALW Parliamentary Handbook Africa 2007-2008



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The Parliamentary Forum on Small Arms and Light Weapons is a membership based organization. As such the members – parliamentarians – own and direct the activities of the Forum. Following the decisions of its members, the Forum undertakes various projects in co-operation with a number of international or parliamentary organizations.

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## Foreword

In the shadow of disappointment over the failure of the United Nations Small Arms Review Conference in New York 2006, we face an uphill struggle in curbing the proliferation of Small Arms and Light Weapons (SALW). The failure of an outcome document at state level demonstrated the significance of the work committed by Parliamentarians worldwide towards reinforcing SALW jurisdiction and control at national and regional levels.

The proliferation of SALW in Sub-Saharan Africa is causing tremendous suffering and the expenditures, both economic and humanitarian, are immense. Aside from the direct costs in lives, SALW crucially contributes to an escalated feeling of insecurity in society, which drives the demand for such weapons. This is exacerbated by the fact that many countries in Africa lack an adequate level of citizen security. In some cases, the perceived insecurity is only a feeling and not a real threat. Subsequently the numbers of weapons increase in society and the perceived feeling of insecurity then turns into the real threat of insecurity.

While international efforts to restrain SALW proliferation tend to concentrate on the manufacture and supply of new weapons, it is vital as Parliamentarians to keep in mind that it is not SALW alone that causes conflicts and endorses criminality. Their presence nonetheless facilitates and exacerbates such encounters.

Therefore, it is of the greatest significance that Parliamentarians persist in demanding national legislative compliance with all relevant international and regional obligations, while also advocating for international, legally binding documents for the control of transfers of SALW. An even greater key to tackling the proliferation of SALW comes in linking disarmament with effective measures to tackle the social causes of demand in society. Without this approach, all other efforts are meaningless.

The Parliamentary Handbook for Sub-Saharan Africa is one attempt to facilitate the work of Parliamentarians in the region. Not simply by counting stockpiles and numbers of collected and destroyed weapons, but also by identifying possible root causes of demand and recommending activities to address these causes. This work is intended to remain as a living document. It is not meant to be static and exclusive, but rather progressive and inclusive. To obtain this vision You, Parliamentarians, must be committed to working both internally as well as externally to develop and improve existing tools in the struggle against SALW proliferation.

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## Acronyms

AU	African Union
CACD	Community Arms Collection and Destruction Program
CCOAIB	Conseil de Concertation des Organisation d'Appui Auz Initives de Base (Rwanda)
CLADO	Collectif des ligues et associations de defense des droits de l' homme au Rwanda
Coprecel	Committee for the Prevention and Control of Small Arms and Light Weapons (Ministry of Interior, Mozambique)
DD&R	Demobilisation, Disarmament and Re-integration
DRC	Democratic Republic of Congo
ECOWAS	Economic Community of West African States
FRELIMO	Frente de Libertação de Moçambique (Mozambican Liberation Front)
GGE	Group of Government Experts
HMG	Heavy Machine Guns
IDP	Internally Displaced People
KNAP	Kenya National Action Plan
KNFP	Kenya National Focal Point
MANPAD	Man-Portable Air Defence System
NatCom	National Commission
NCSA	National Committee on Small Arms
NGO	Non Governmental Organisation
NSC	National Steering Committee
ONUMOZ	United Nations Operation in Mozambique
PCASED	Program for Coordination and Assistance for Security and Development in Africa
PoA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its aspects
PSC	Private Security Company
RAFAL	Réseau Africain Francophone sur les Armes Légères (the Francophone Network on Small Arms)
RNFP	Rwanda National Focal Point
RECSA	Regional Centre on Small Arms
RENAMO	Resistência Nacional Moçambicana (Mozambique National Resistance Movement)
RNFP	Rwanda National Focal Point
SADC	South African Development Community
SALW	Small Arms and Light Weapons
SANSA	Senegalese Action Network on Small Arms
SARPCCO	Southern African Regional Police Chiefs Co-operation Organisation
SLANSA	Sierra Leone Action Network on Small Arms
SMG	Sub Machine Gun
SSR	Security Sector Reform
TAE	Arms into Ploughshares Programme
UN	United Nations
UNAMSIL	United Nations Mission in Sierra Leone
UNDP	United Nations Development Program
UNFP	Ugandan National Focal Point
VCCU	Violent Crime Crack Unit
WAANSA	West African Action Network on Small Arms

# SALW Parliamentary Handbook

## 1 What are SALW?

There is no widely accepted, international definition of SALW. The United Nations have produced what they refer to as a '*definition*,'<sup>1</sup> which is essentially an incomplete list of weapon types, and therefore difficult to use in a diplomatic or operational environment. Nonetheless, it is generally agreed that the term SALW refers to weapons and ammunition of 100mm calibre and below. Therefore the term includes, not only, assault rifles, pistols and machine guns, but also mortars, man-portable surface to air missiles (MANPADS), shoulder launched anti-tank rockets, all types of ammunition for such weapons, conventional explosives and detonators. The closest the UN has come to an official definition is contained in the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (A/60/88), adopted by the United Nations General Assembly on 8 December 2005. In that document, "small arms and light weapons" mean ***any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive.*** A definition constructed on the basis of social and political concerns, is that small arms and light weapons are: highly available and relatively inexpensive, portable, and easy to use. Children are widely exposed to them as combatants and they can be comfortably dismantled and re-assembled, which makes them particularly easy to hide and transfer illegally. They are effortlessly recycled from one conflict to another or from one violent community to the next and each year SALW maim and kill far more than any conventional weapon.

## 2 What impact do SALW have on communities and society?

There are estimated to be at least 600 million rifles, pistols and other small arms or light weapons in worldwide circulation today. These weapons are playing an increasingly large role in fuelling criminality, terrorism, political instability, conflict and violence. SALW have a huge impact on society in that they are allegedly used to kill approximately 300,000 people per year in armed conflicts and 200,000 per year in criminal activities.<sup>2</sup> With the use of SALW, millions more are terrorised, sexually abused, wounded, maimed or forced from their homes to live as refugees or internally displaced persons (IDP). A major problem in some of the conflicts in Africa is sexual and gender-based violence where SALW play a significant role in the molesting of victims.

Within Sub-Saharan Africa the impact of uncontrolled proliferation and possession of SALW continues to constitute a major threat to social and economic development. SALW contribute to a continued rise in criminal elements and organised crime, in the role as enablers of violence and threat. A similarly negative outcome is visible in SALW's effect on internal and regional stability, security and confidence building.

### Impact of SALW

- Undermines the rule of law.
- Enablers for crime and instability.
- Exacerbates community tensions and increases the threshold of violence.
- Acts as an obstacle to development and peace building.
- Resources spent on security are unavailable for development.
- Negates confidence and security building measures.
- Contributes to human rights violations and abuses.
- Discourages investment and tourism.
- Encourages violent rather than peaceful resolution to problems.
- Contributes to a 'gun culture.'
- Increases risks of terrorism.
- Undermines the legal arms trade.

<sup>1</sup> Annex A.

<sup>2</sup> This is a figure that has been widely used by many sources, but has yet to be statistically confirmed. Therefore it should be used with caution, and with an appropriate caveat.

### 3 What is SALW control?

The term 'SALW control' refers to '*those activities, which, individually or jointly, aim to reduce the political, social, economic and environmental impact of uncontrolled SALW proliferation, use and possession*'.

From this aim, operational objectives that reflect the situation within any chosen target community, should then be developed as part of the intervention or programme planning. Such objectives may include:

- a) The control of legal weapons (civilian owned, state owned and surplus stockpiles) through national legislation and registration
- b) The reduction in the number of weapons available to criminals
- c) The reduction in the number of weapon and ammunition accidents
- d) The need to make a public connection between the availability of weapons and the amount of violence in society (by both national authorities and the civilian population at large)
- e) The necessity to build community awareness of the problem and hence community solidarity
- f) The reduction and disruption of the transfer and illicit trade of weapons on the black market
- g) The recovery of stolen weapons from the community
- h) The reduction of openly visible weapons in the community as well as addressing weapon culture
- i) The development of norms against the illegal use of weapons and/or
- j) The use of SALW control as a launch framework for future capacity building, and as part of broader and longer-term processes of security and justice sector reform, for the purpose of achieving sustainable development, reducing poverty and promoting good governance
- k) The creation of dialogue space for Parliamentarians and civil society involvement in all SALW control stages, as a step towards improving transparency and accountability

#### SALW Control Activities

- Legislative and Regulatory Issues
- SALW Survey
- SALW Awareness
- SALW Collection
- SALW Destruction
- SALW Stockpile Management
- Cross Border Controls
- Management of Information

### 4 Origins of SALW problems within Sub-Saharan Africa

The proliferation and illicit possession of SALW within the countries of Sub-Saharan Africa has been influenced by a variety of factors. Although the situation is slightly different for each country, some common patterns may be identified from the following:

- **Recent and on-going conflicts.** The legacy of recent and on-going conflicts in Sub-Saharan Africa have resulted in the notable rise in the number of weapons within civilian communities. Historically, the proliferation was in many cases sponsored and implemented by state institutions and para-military formations. There are also significant amounts of SALW left over from the Cold War era when both Western and Soviet powers supported various rebel causes. Despite efforts in recent years to remedy the proliferation of weapons through Demobilisation, Disarmament and Re-integration (DD&R) programmes, many such programmes have fallen short of their intended goals, providing the opportunity for SALW to be recycled and used in neighbouring conflict areas. It is therefore the primary responsibility of governments to impose effective SALW Control measures to remedy the consequences of weapon proliferation given past and current conflicts.

- ❑ **Ineffective implementation of national legislation leading to public perceptions of insecurity.** Most of the national Parliaments in Sub-Saharan Africa have passed or are in process of adopting arms control legislation that is harmonised with the African Union (AU) standards or regional agreements on the issue. However, in many cases, these laws are not supplemented with the required subsidiary legislation by governments, which undermine their legislative effectiveness. In cases where the subsidiary legislation is in place, the executive branch does not always possess sufficient political will to commit the financial, technical and human resources necessary to ensure the implementation of SALW control measures. As a result, public compliance with the rule of law with regard to for example illicit weapons possession, decreases.
- ❑ **Transitional Security Sector.** As a result of recent or on-going conflicts, many states have been unable to develop an efficient security sector, which is able to target and respond to internal and external security concerns. A weak or poorly developed security sector creates demand for SALW. One reason for the fragile state of the security sector in Sub-Saharan Africa is derived from the politicisation of the sector. This politicisation has led to a lack of accountability, increased corruption, lack of co-ordination with other stakeholders, limited professional competence and inter-agency rivalries which in turn create partial security vacuums that are easily filled by armed factions. Consequentially, the sense of insecurity invariably rises with a corresponding increase in the demand for and the use of weapons by the community.
- ❑ **Ineffective border controls.** Many countries in Africa have large and porous borders, which are difficult to control. This fact has been exploited by arms traffickers as well as by military groups. Border control has also been hindered by the fact that some Governments have given both *ad hoc* and systematic support to rebel groups in neighbouring countries. Thus the inability of States to ensure secure borders, both historically and to-date, is paralleled by easier supply opportunities for SALW, fuelling greater demand for such arms due to public perceptions of insecurity in border areas.
- ❑ **Lack of opportunities.** Looking further into the demand for SALW illustrates a fundamental problem, which presents even more challenges than improving legislation and tightening border controls. Poverty, lack of access to education and work opportunities, desire for power, status and social recognition – the lack of opportunities in society give many people no other choice but to join armed forces or criminal networks. Any work to address illicit arms proliferation must take into consideration the root causes of SALW demand in order to initiate sustainable and effective change.

## 5 The role of Parliaments in SALW control

Democratic development and human security require that executive bodies act with efficiency and effectiveness. This presupposes representation and accountability: two of the core functions of Parliaments. Parliaments connect citizens with the State and can hold Governments to account for their actions or lack of action. They are also a natural place for mediation, where competing points of view can be articulated and where dialogue can build consensus. These core functions are essential in mitigating, resolving and communicating human security issues. SALW control should also fall within these responsibilities, and Parliaments have a major impact on assisting Governments in formulating and monitoring national SALW control policies. Key areas where Parliaments can exercise their power and influence include:

- ❑ **Establishment of a national SALW control legislative framework.** The framework should include regulation of all SALW-related activities, principally production, brokering, transfers and stockpiling, as well as the acquisition, possession and use of SALW. Legislation should envisage adequate sanctions and be based on a licensing or authorisation system. It should also apply to all weapons and violence-related issues such as gender-based violence against children, women and elderly people; and protection in the way of security companies and the regulations of their firearms.
- ❑ **Participation in the formulation of a national SALW policy.** Parliaments should develop, together with their Governments, a National SALW Strategy and a National SALW Action Plan, or their equivalent, and assist in their implementation by supporting the establishment of a National SALW Commission. Moreover, Parliaments should ensure that national legislation is supported by the provision of adequate financial and



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institutional capacities, including training and equipment for the national authorities charged with law enforcement in arms control.

- ❑ **Oversight of SALW Control implementation.** Parliaments should designate or create a Parliamentary Committee to engage with the Government in a regular debate on national SALW control. Furthermore, Parliaments should request regular reporting by Governments on SALW transfers to allow for informed debate on Governments' compliance with the relevant policy and legislation on transfers.
- ❑ **International SALW instruments.** Parliaments should make it a national priority to; 1) ratify the multilateral SALW control treaties that their Governments have signed; or 2) accede to such treaties where appropriate. The provisions of such treaties and agreements can then be incorporated into appropriate domestic legislation, thereby assuring their timely implementation.
- ❑ **International cooperation.** Parliaments should exchange information on national SALW control legislation in order to build a better understanding of regional controls, and also to identify existing best practices. One way to do so is via parliamentary networks.

## 6 The role of Parliamentarians in SALW control

Parliamentarians have at their disposal many effective instruments that are applicable in addressing SALW issues:

- ❑ Parliamentarians in their **representative role** have the opportunity to raise issues of concern with the executive (i.e. cases of armed violence, firearms misuse by state security forces, etc.) They can, in addition, raise awareness on these issues with the media, and equally as important, within their constituency and civil society. By identifying community small arms problems and their underlying causes, Parliamentarians have the power to influence the Government to act, turning SALW control into a political issue of immediate concern.
- ❑ If a country has a national SALW control commission, parliamentarians should be formally represented on the commission. In many countries, civil society groups make up the bulk of representation.
- ❑ Parliamentarians are obliged to attend SALW conferences and seminars. As members of Government delegations to such events, Parliamentarians are able to represent the concerns of citizens in a way that diplomats cannot, while at the same time holding Governments accountable for the commitments made at these meetings.
- ❑ Parliamentarians in their **legislative role** can introduce new legislation or propose thorough reviews of existing legislation on activities and subjects relating to SALW, such as civilian possession, arms production, transfers and export controls, reducing armed violence (including gender-based violence) and criminality and voluntary weapons collection processes.
- ❑ Parliamentarians in their **oversight role** can ensure that the executive honours and implements its international commitments (i.e. derived from treaties, declarations and so on)

Annex D suggests a range of activities that Parliamentarians may engage in to support effective SALW control.

## Annex A – The UN ‘Definition’ of SALW

A United Nations Group of Government Experts (GGE) developed a definition of SALW in the 1990’s, and this ‘definition’ listed them in three categories:

### **Small Arms**

- Revolvers and Self-Loading Pistols
- Rifles and Carbines
- Sub Machine Guns (SMG)
- Assault Rifles
- Light Machine Guns (LMG)

### **Light Weapons**

- Heavy Machine Guns (HMG)
- Hand Held, Under Barrel and Mounted Grenade Launchers
- Portable Anti-Aircraft Guns
- Portable Anti-Tank Guns and Recoilless Rifles
- Portable Launchers of Anti-Tank Missiles and Rocket Systems
- Portable Launchers of Anti-Aircraft Missile Systems
- Mortars (Calibre <100mm)

### **Ammunition and Explosives**

- Cartridges (Rounds) for Small Arms
- Shells and Missiles for Light Weapons
- Mobile Containers with Missiles, or Shells for Single Action and Anti-Aircraft and Anti-Tank Systems
- Anti-Personnel and Anti-Tank Grenades
- Landmines
- Explosives

## Annex B - International Instruments

A considerable international track record on tackling the proliferation of SALW has been established in recent years. Internationally and regionally, a number of agreements and forums for substantial dialogue have been established. In addition, donors and beneficiary countries have undertaken a number of specific projects. The countries in Sub-Saharan Africa have agreed to tackle the proliferation of SALW throughout the region under the umbrella of an array of international agreements under the auspices of the UN, AU, Economic Community of West African States (ECOWAS), South African Development Community (SADC) and Regional Centre on Small Arms (RECSA).

FRAMEWORK OR INSTRUMENT	SUMMARY
<b>GLOBAL SALW CONTROL AGREEMENTS AND MECHANISMS</b>	
<b>UN Firearms Protocol (2001) entered into force on July 2nd 2005</b>	The UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organised Crime, is the first <b>legally binding</b> , major policy document on SALW adopted at the UN. Measures stipulated in the UN Firearms Protocol include: marking requirements, border control, criminalisation, and international co-operation through <i>inter alia</i> enhanced information exchange among Governments on illicit firearms, their traders, sources and trafficking routes. The scope of the Protocol is limited to illicit firearms and combating trans-national criminality.
<b>UN Programme of Action on SALW (2001)</b>	The UN Programme of Action (PoA) is of a more comprehensive character than the UN Firearms Protocol. Described as an enabling document, it envisages actions of SALW control at the international, regional, national and local levels, and calls for close co-operation among States to reach stated goals, including information sharing, assistance and standard setting, while at the same time highlighting the role of regional organisations in fostering this co-operation. The PoA is <b>not legally binding</b> , although several of its measures are based on, or include references to, existing obligations under international law.
<b>Identify and Trace, in a Timely and Reliable Manner, Illicit SALW (2005)</b>	The report of the open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons was adopted by the UN General Assembly in December 2005. It is <b>not a legally binding</b> instrument, but it establishes, albeit weakly, minimum standards for marking, record-keeping and tracing procedures for illicit SALW. Unfortunately, ammunition is not included in its scope. The follow-up of the implementation of the instrument should be done within the framework of the PoA.

FRAMEWORK OR INSTRUMENT	SUMMARY
<b>AFRICAN INSTRUMENTS</b>	
<p><b>The Bamako Declaration (2000)</b></p>	<p>The Bamako 2000 Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons articulates joint standards and measures for Africa on SALW control. It recognises that the problem of SALW must be addressed at many levels: local, national, regional, continental and international. The scope of the Bamako Declaration includes the creation of national co-ordination agencies for SALW and the promotion of comprehensive solutions such as addressing both supply and demand in the illicit proliferation of SALW. The Bamako Declaration does not include ammunition and other related material in their definition of SALW. This Declaration is <b>not legally binding</b> and was intended to be a preparatory document for the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The Declaration was originally developed as an African Common Position on the Illicit Proliferation, Circulation and Trafficking of SALW.</p>
<p><b>AU Peace and Security Council (2002)</b></p>	<p>The Peace and Security Council of the African Union was created as a standing decision-making organ for the prevention, management and resolution of conflicts, in addition to its role as a collective security and early warning arrangement to facilitate timely and efficient response to conflict and crises situations in Africa. The Protocol relating to the establishment of the Peace and Security Council of the AU reiterates the growing concern on the impact of SALW circulation, trafficking and proliferation on Africa's peace and security, as well as on its economic and social development. It therefore emphasises the need for a well-resolved and coordinated framework of cooperation to tackle this problem. Nonetheless, for the Peace and Security Council to be formally established, a minimum of 27 ratifications are required. So far, 19 countries have endorsed it.</p>
<b>AFRICAN REGIONAL INSTRUMENTS</b>	
<p><b>ECOWAS Moratorium (1998)/ ECOWAS Convention (2006) enters into force after the ninth ratification.</b></p>	<p>The Moratorium of the Economic Community of West Africa (ECOWAS) on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa, was signed in Abuja, Nigeria on the 31<sup>st</sup> of October 1998, for an initial period of three years. From that point, West Africa became the first region in the world to announce a halt in further light arms procurement. It was extended in 2001 by three additional years and was then transformed and adopted as the ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials on the 14<sup>th</sup> June 2006. The ECOWAS Convention is a <b>legally binding</b> document; however, it will not enter into force until the ninth ratification. The Convention is remarkable by not making any distinction between weapons, components, parts and ammunition. It is also unique given its ban on transfers of small arms to non-state actors who are unauthorised by the importing member state, which is particularly relevant for the region. Other interesting provisions include a firm stance regarding collection and destruction of SALW, including all surplus arms as well as strict regulations regarding brokering of SALW, not only taking into account citizens and companies dealing with arms, but also financial agents and transportations agents.</p>

FRAMEWORK OR INSTRUMENT	SUMMARY
<p><b>Nairobi Declaration (2000)/ Nairobi Protocol (2004) entered into force on May 5, 2006.</b></p>	<p>The Nairobi Declaration on the Problem of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa was signed on March 15, 2000 to coordinate action against SALW proliferation in the region. Subsequently, the Nairobi Protocol on SALW was adopted and replaced on April 21, 2004 and turned into a <b>legally binding</b> Protocol on May 5, 2006. The main objective of the Nairobi Protocol is to provide a comprehensive framework to combat the easy availability of illicit SALW, through a concrete and co-ordinated action agenda that ensures and enables states parties to put in place adequate laws, regulations and administrative procedure to exercise effective control over the possession and transfer of SALW. The Nairobi Protocol provides for the total prohibition of civilian possession and use of all light weapons, automatic and semiautomatic rifles and machine guns. It recognises the importance of adequate national legislation to control the possession and transfer of small arms and light weapons, as well as national measures aimed at regulating manufacturers, traders, brokers, transporters and, significantly, financiers.</p>
<p><b>SADC Declaration (2001) entered into force on November 8, 2004</b></p>	<p>The Southern African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and Other Related Materials is the first <b>legally binding</b> agreement on small arms control in Africa. It was signed August 14, 2001 and entered into force on November 8, 2004. The main goal of the SADC Protocol is to prevent, combat and eradicate the illicit manufacturing of firearms; ammunition and other related materials and regulate the import and export of legal small arms. The Protocol aims for the harmonisation of national legislation across member states on the manufacturing and ownership of SALW. The SADC Protocol provides for a total prohibition on the possession and use of light weapons, automatic and semiautomatic rifles and machine guns by civilians. Member states are obliged to establish direct communication systems to facilitate a free and fast flow of information among the law enforcement agencies in the region.</p>



## Annex C - Country Summaries and Parliamentary Action

### West Africa

The majority of West African countries have in recent decades experienced armed conflicts. More than 8 million firearms are estimated to be in circulation in the region and SALW have produced a notable destabilising effect. Despite mechanisms that have been put in place to halt the influx of firearms, SALW remain the primary weapon of armed conflicts and criminal activities. In general, the proliferation and misuse of illicit SALW in West Africa can be attributed to the following factors:

- Weapons left over from anti-colonial struggles;
- The advent of military rule and dictatorships;
- Super-power competition for allies;
- Local arms producers (gunsmiths);
- Lost or stolen weapons from state security services, and leakage from Government repositories or returning peacekeepers; and,
- The massive flow of weapons from Central and Eastern Europe following the end of the Cold War paralleled by the loosening of controls on the arms industry due to the collapse of the Soviet Union.

On October 31st 1998, the ECOWAS signed the Moratorium on Exportation, Importation and Manufacture of Light Weapons. This political declaration marked an important first step for a regional action plan to combat the proliferation of SALW. The intention was to develop a permanent and legally binding framework on the basis of the same principles and spirit. On the 14<sup>th</sup> of June 2006, the ECOWAS Convention on Small Arms and Light Weapons was finally adopted by the Heads of State and Government of ECOWAS.

One of the major innovations of the ECOWAS Moratorium on SALW is its provision for the creation of National Commissions (NatComs) to deal with illicit weapons proliferation by member states. NatComs are meant to serve as hubs around which national and regional initiatives revolve. Their main functions are to formulate strategies to counter the proliferation of small arms and to sensitise the public on the need to hand over illegally-held weapons to security forces. The Moratorium also requires Member States to provide relevant data to the ECOWAS Secretariat as well as to develop systems for sharing information and best practices with other NatComs.

#### General Sub-Regional Recommendations to Parliamentarians:

- ❑ Act to rapidly ratify the ECOWAS Convention and assure national legislative compliance with all relevant international obligations. Promote harmonization with neighbouring countries;
- ❑ Ensure that Parliamentarians are actively involved in the NatComs work;
- ❑ Call for strengthened border controls. When appropriate, promote mutual confidence-building SALW destruction in conflict-plagued border areas;
- ❑ Actively participate in policy elaboration on SALW Control. Enlarge the involvement of Parliamentarians in all relevant institutional bodies, keeping SALW-related issues on the political agenda; and,
- ❑ Demand compliance to the “Anything but Arms” initiative.

## Senegal

### SALW situation

Despite Senegal's relative peace and stability on a national level, the Western African region has experienced several armed conflicts over the past decades contributing to SALW proliferation and trafficking. In the southern region of Casamance, a low-level war has been unfolding since the beginning of the 1980s. Porous borders in the region have further facilitated SALW proliferation in the area, Senegal included. Non-State actors, such as mercenaries, ethnic militias and private security companies, operating mainly in conflict areas, are important sources of SALW trafficking, and have directly influenced the numbers of SALW in circulation in the country.

The most commonly used SALW in Senegal are weapons with blades and modern firearms weapons. Ninety percent of the weapons sized are craft weapons; however anti-personnel landmines are also an issue of concern, particularly in the Casamance region. In addition, many Kalashnikov-type weapons have also reportedly been found in the region.

In compliance with the Moratorium, the Senegalese Government set up a NatCom in October 2000. The NatCom in Senegal works with broad participation from various governmental departments. However, the will to implement SALW controls is often hampered by the lack of capacity at the official level and by the long and demanding procedures to request and obtain assistance at the national, regional and international level. Nonetheless, the Senegalese NatCom has organised a training workshop for security forces in partnership with a Programme for Co-ordination and Assistance (PCASED), dealing with the exemption procedure for the sale of weapons in Senegal. The NatCom has also held awareness-raising campaigns together with civil society organisations. Thanks to their activities, in April 2003 eight thousand stockpiled weapons were collected and destroyed.<sup>3</sup>

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<sup>3</sup> Agboton- Johnson, Ebo and Mazal. **Small Arms Control in Ghana, Nigeria and Senegal**, International Alert, West Africa Series No 2, March 2004. Available at <http://www.international-alert.org/publications/getdata.php?doctype=Pdf&id=46>



## Legal Instruments

Senegal has a well-structured regulation system; however revisions are necessary in combating modern routes of SALW proliferation. The possession of firearms is regulated by Law 66-03 from 1966 and its implementation decree. The Senegalese legislation is significantly more restrictive than other international initiatives such as the ECOWAS Convention and PoA. It covers production, import and export, trade, stockpiling, acquiring, possessing and transporting of SALW, their ammunition and other separate parts, as well as any kind of “specialised material” which could be used to produce SALW, and establishes sanctions in the event of a breach. However, these general requisites do not cover all weapons, for example weapons and ammunition for the use of the armed forces and other state security forces. In addition, the 1966 law establishes seven different categories of weapons such as military weapons, defence weapons and hunting rifles, most of them, but not all, requiring a license.

Most categories require licenses, which the Ministry of Interior is responsible for authorising. The general policy of the Senegalese Government tends to be restrictive and only one-fifth of license requests are granted. However, it is worth noting that the requests for licenses have been on the rise in recent years, which appears to result from the increasing perception of insecurity and the inadequate number of security forces both in urban and rural areas.<sup>4</sup>

INTERNATIONAL INSTRUMENT	DATE JOINED OR RATIFIED
UN Firearms Protocol (2001)	Ratified April 2006
UN Programme of Action on SALW (2001)	Joined July 2001
International Instrument on Tracing (2005)	
Protocol Relating to Establishment of the Peace and Security Council of the African Union (2002)	Ratified September 2003
ECOWAS Moratorium (1998 renewed 2001)	Signed 1998/2001
ECOWAS Convention (2006)	Signed May 2006
Nairobi Declaration (2000)	Not applicable
Nairobi Protocol (2004)	Not applicable
SADC Firearms Protocol (2001)	Not applicable
Bamako Declaration (2000)	Signed 2000

### Recommendations to Senegalese Parliamentarians:

- ❑ Call for license requirements for all categories of weapons;
- ❑ Support regional networks and structures, not only at the governmental level but within civil society (WAANSA, Senegalese Action Network on Small Arms and RAFAL);
- ❑ Encourage the work of the NatComs and call for specialists to be hired so the Commission can become fully operational. Make sure reports are presented to Parliament with adequate evaluation and follow-up mechanisms;
- ❑ Raise awareness with the media on the increased requests for weapons licenses. Make known the consequences of increased SALW presence in society;
- ❑ Identify the underlying causes for their presence and make it a political concern, force the Government to take responsibility; and,
- ❑ Denounce unwarranted SALW transfers to the country, especially if they are illegal. Seek alliances with fellow MPs in exporting countries for such denunciation.

<sup>4</sup> Ibid.

## Sierra Leone

### SALW situation

In the beginning of 2002, the 10-year conflict in Sierra Leone was officially declared over. It is estimated that over 45,000 combatants were involved in the conflict and somewhere between 500,000 and 1 million weapons flowed into the country during that time.

As less than 100,000 weapons were collected during the official DD&R process, the Sierra Leone police, together with United Nations Mission in Sierra Leone (UNAMSIL) and local community leaders, initiated another programme, the Community Arms Collection and Destruction programme (CACD), which focused on the grassroots level, not only targeting former combatants but also civilians suspected of hiding weapons. By using the carrot-and-stick method, the CACD programme collected a total of 9,237 weapons and 34,035 rounds of ammunition. Inspired by this approach, the Government of Sierra Leone and the police, in collaboration with United Nations Development Programme (UNDP) and UNAMSIL, developed CACD II, which was launched in November 2002. The three partners and additional stakeholders encouraged the collection and destruction of surplus weapons from the country's DDR programme in exchange for funding for development projects. Like the previous programme, CACD II emphasised grassroots participation by empowering local communities to take part in arms collection without threat of legal prosecution. The programme was built on four concepts: a grassroots approach; decentralisation; community incentives and assessment of socio-psychological impacts. This strategy emphasised the link between security and development.

In compliance with the Moratorium, the Government of Sierra Leone established a National Committee on Small Arms in July 2002. The Committee serves as a focal point through which national initiatives on small arms are co-ordinated, in place of a legally established NatCom. The major obstacle in establishing a fully functional NatCom in Sierra Leone was rivalry between key government departments for control. Instead, the National Committee has been part of the steering committee for the UNDP CACD II programme and has also worked closely with the Sierra Leone Action Network on Small Arms (SLANSA) in sensitising the public on the virtues of a weapon-free society.<sup>5</sup>

All firearms used by primary security forces are recorded in a master register with the manufacturer's registration number, type and other identification features. Sierra Leone does not export or import weapons and since 1996 a government ban forbids private possession of firearms. There are no signs of brokering at the moment. While local craft gun manufacturing is rudimentary, it is insignificant, mainly because the guns produced are not marked, which means that they are not recorded and cannot be traced.<sup>6</sup>

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<sup>5</sup>Bah, **Implementing the ECOWAS Small Arms Moratorium in Post-War Sierra Leone**, Project Ploughshares, working paper, May 2004. Available at <http://www.ploughshares.ca/libraries/WorkingPapers/wp041eng.pdf>

<sup>6</sup> National Report of the Republic of Sierra Leone on the Implementation of the UN Programme of Action on Illicit Trade in Small Arms and Light Weapons in all Its Aspects, June 2005. Available at <http://disarmament.un.org/cab/nationalreports/2005/Sierra%20Leone.pdf>

### Legal Instruments

Sierra Leone's legal framework reflects a system created by former colonial powers, which presents problems. The diverse cultural background in the sub-region accounts for differences in customary law, which affects firearms legislation in the area. The legal statute for control over the production, import, export, transit and transfer of SALW is the Arms and Ammunition Ordinance of 1955. The Government has initiated a review of its firearms legislation to reflect the current security realities within its borders and across the sub-region of Sierra Leone.<sup>7</sup>

INTERNATIONAL INSTRUMENT	DATE JOINED OR RATIFIED
UN Firearms Protocol (2001)	No
UN Programme of Action on SALW (2001)	Joined July 2001
International Instrument on Tracing (2005)	
Protocol Relating to Establishment of the Peace and Security Council of the African Union (2002)	Ratified June 2003
ECOWAS Moratorium (1998 renewed 2001)	Signed 1998/2001
ECOWAS Convention (2006)	Signed 2006
Nairobi Declaration (2000)	Not applicable
Nairobi Protocol (2004)	Not applicable
SADC Firearms Protocol (2001)	Not applicable
Bamako Declaration (2000)	Signed 2000

### Recommendations to Sierra Leone's Parliamentarians:

- Propose ratification of the UN Firearms Protocol;
- Make sure the procedure for transforming the National Committee on Small Arms, into a NatCom progresses immediately. Encourage co-operation between governmental departments where their diverse expertise can be incorporated and used for the common purpose of combating illicit SALW proliferation;
- Encourage and continue to develop the consistent stockpile management of SALW;
- Suggest marking and tracing controls for local craft gun manufacturing;
- Support local surveys and initiatives aimed to promote a better understanding of SALW related phenomena, particularly in sub-regional areas where the cultural perspective might be widespread and diverse. Propose regular budgetary allocations for this purpose; and,
- Monitor and request formal reports from the Government on the successes or failures of SALW collection campaigns.

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<sup>7</sup> Ibid.

## Central and Eastern Africa

Proliferation of SALW is one of the most important challenges currently facing the Central and Eastern Africa sub-region. The trafficking and wide availability of SALW not only fuels armed conflicts and agitates instability, but it also poses a threat to sustainable development in the region. Supply of arms both to Governments and armed groups continues to grow. It is estimated that over 1 million SALW are outside state control in the Great Lakes Region, and it is likely similar in the Horn of Africa.<sup>8</sup>

On March 15, 2000, ten countries signed the Nairobi Declaration on SALW. Subsequently the Nairobi Secretariat was set up in order to follow up on decisions taken. The Secretariat was further developed into an institution, the Regional Centre on Small Arms and Light Weapons (RECSEA). In April 2004 the Nairobi Declaration was replaced by the Nairobi Protocol and turned into a legally binding document when it entered into force May 2006. As a step towards implementation of the Protocol, each member state will establish a National Focal Point to implement the National Action Plan.<sup>9</sup>

In 1998, a group of Parliamentarians in the Great Lakes region decided to create a forum for cooperation and development towards sustainable peace in the region, the Amani Forum. Today, Amani Forum has a membership of over 650 Parliamentarians and plays a significant role as a voice for peace in the region, decidedly committed to SALW control.

In 2003 and 2004 Parliamentarians from Burundi, Democratic Republic of Congo and Rwanda attended several workshops in order to define common principles and understanding for harmonising their respective national legislations in all SALW control related areas. This process was accompanied by AWEPA (European Parliamentarians for Africa) and the UNDP Regional Program to reduce SALW circulation in the Great Lakes Region.

### General Sub-Regional Recommendations:

- ❑ Assure compliance of national legislation with all relevant international obligations and promote harmonisation with neighbouring countries;
- ❑ Ensure parliamentary participation in the National Focal Points, with frequent reports presented to Parliament on how the work is proceeding;
- ❑ Establish a mechanism obliging the Government to present annual reports to Parliament concerning arms export and transfer issues;
- ❑ Create a national working groups consisting of Parliamentarians from different political parties, establishing dialogue on how to approach SALW problems in a trustworthy and sustainable way; and,
- ❑ Call for strengthened border controls and, when appropriate, promote mutual confidence-building SALW destruction activities in conflict-plagued border areas.

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<sup>8</sup> AWEPA bulletin UNDP Kenya, **Special Edition: Small Arms Reduction and Control**, Quartely: vol.17, nr.4, 2003. Available at [http://www.iansa.org/regions/cafrica/documents/awepa\\_bulletin\\_nov2003\\_eng.pdf](http://www.iansa.org/regions/cafrica/documents/awepa_bulletin_nov2003_eng.pdf)

<sup>9</sup> Amani Forum, Saferworld and RECSEA organized, in February 2007 in Addis Ababa, Ethiopia, a parliamentary meeting on the implementation of the Nairobi Protocol. For further information, please consult: [www.amaniforum.org](http://www.amaniforum.org).

## Kenya

### SALW situation

There are several factors contributing to illicit SALW proliferation in Kenya, including political instability in the region and civil wars in neighbouring countries. Due to spiralling violence, structural and economic development has come to a halt, which has worsened the situation for the country's poor and increased feelings of insecurity with the need for armed protection.

In early 2004 the Kenyan National Action Plan was completed. Subsequently over 6,000 assorted weapons have been collected through amnesties, voluntary surrender, and forceful recoveries. Over 3,500 weapons were destroyed in a public ceremony while the rest of them posed a legal burden. Since June 2005 the Kenyan and Ugandan governments have been involved in a community-based disarmament program, which has resulted in the total recovery of 1619 assorted weapons and 2099 rounds of ammunition. In May 2006 the government of Kenya launched a large scale, military-led operation to disarm communities in the North Rift region. However, the operation was criticised as whole communities, instead of criminal elements, were allegedly harassed. Lack of information has also led to reluctance in co-operating and understanding the reasons for disarmament.<sup>10</sup>

Kenya has established a national co-ordinating agency, referred to as the Kenya National Focal Point (KNFP), in accordance with the Nairobi Declaration. Their function and responsibilities, among others, are to co-ordinate relevant groups, conduct research, identify and apply lessons learned. The KNFP is a key component of the National Steering Committee (NSC) whose mandate is to consolidate peace building, conflict management and development programmes among pastoral communities.<sup>11</sup>

Kenya has a nascent arms industry, restricted to the production of lower calibre ammunition for use by the security sector. The Government has adopted community policing as a crime reduction strategy and has embarked on multi-pronged community based strategies to discourage a gun culture. This is done by public awareness raising campaigns where alternative means of livelihood, apart from livestock alternatives, are presented.<sup>12</sup>

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<sup>10</sup> Report of round-table meeting on: Developing a strategy to respond to the Government of Kenya's disarmament program, 29 June 2006, Nairobi. Available [http://www.amaniforum.org/reports/KD\\_Roundtable\\_Meeting\\_Report.pdf](http://www.amaniforum.org/reports/KD_Roundtable_Meeting_Report.pdf)

<sup>11</sup> Sabala, **African Commitments to Controlling Small Arms and Light Weapons – A review of eight NEPAD countries**. A Monograph for the African Human Security Initiative (AHSI), September 2004. Available at <http://www.iss.co.za/pubs/Other/ahsi/Sabala/Contents.html>

<sup>12</sup> National Report of the Republic of Kenya on the Implementation of the UN Programme of Action on Illicit Trade in Small Arms and Light Weapons in all Its Aspects, June 2005. Available at <http://disarmament.un.org/cab/nationalreports/2005/Kenya.pdf>

## Legal Instruments

Current national legislation, the Firearms Act Chapter 114 of 1963, regulates weapon manufacturing, possession, trade, export, import and transit. However, it does not regulate brokerage and stockpiling, nor does it differentiate SALW from conventional arms. While the Act has been revised 22 times over the years, it still needs revision to ensure compliance with the PoA and the Nairobi Protocol.<sup>13</sup>

INTERNATIONAL INSTRUMENT	DATE JOINED OR RATIFIED
UN Firearms Protocol (2005)	Ratified January 2005
Programme of Action on SALW (2001)	Joined July 2001
International Instrument on Tracing (2005)	
Protocol Relating to Establishment of the Peace and Security Council of the African Union (2002)	Ratified December 2003
ECOWAS Moratorium (1998 renewed 2001)	Not applicable
ECOWAS Convention (2006)	Not applicable
Nairobi Declaration (2000)	Signed 2000
Nairobi Protocol (2004)	Signed 2004 and later ratified
SADC Firearms Protocol (2001)	Not applicable
Bamako Declaration (2000)	Signed 2000

### Recommendations to Kenyan Parliamentarians:

- ❑ Demand a clear distinction between SALW and conventional weapons in the national law as well as in regulations of brokerage and stockpiling;
- ❑ Request an update from the Government on the multi-pronged community based strategies to discourage a gun culture, i.e. to define the effect the programme has generated and how it could be further developed;
- ❑ Make suggestions for confidence building activities that increase the feeling of security in society;
- ❑ Encourage and support economic investments in areas where structural and economic development has stopped due to insecurity;
- ❑ Ensure local participation and involvement in upcoming disarmament actions and improve communication to the target population; and,
- ❑ Continuing to work for a strong role and active part in SALW questions in the region.

<sup>13</sup> National Report of the Republic of Kenya on the Implementation of the UN Programme of Action on Illicit Trade in Small Arms and Light Weapons in all Its Aspects, June 2006. Available at <http://disarmament.un.org/cab/nationalreports/2006/kenya.pdf#search=%22Kenya%20Firearms%20Act%22>

## Rwanda

During the Rwandan genocide, machetes and knives were used as the primary weapon of choice, yet firearms also played a significant role in the war. Due to porous borders and low prices, SALW are constantly present and pose a threat to the fragile region with its ongoing political and military conflicts. Several reports from the UN mention Rwanda as one of many countries to violate the arms embargo on the Democratic Republic of Congo (DRC).

One noteworthy achievement in reducing the influx of SALW in Rwandan society is the establishment of the Rwanda National Focal Point (RNFP) in March 2003. The RNFP has been actively involved in several activities arranged by the civil society, such as seminars, workshops and public awareness campaigns. In close collaboration with the Rwanda National Police and the Ministry of Defence, the RNFP has collected and publicly destroyed approximately 6000 small arms and 261 tons of ammunitions. Stockpile management is under the control of the Ministry of Defence and the Ministry of Internal Affairs/National Police.

Rwanda has no weapons production industry and the Government is responsible for the importation of firearms.<sup>14</sup>

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<sup>14</sup> National Report of the Republic of Kenya, 2005

### Legal Instruments

The history of legislation on firearms in Rwanda originates from 1964. After reviews in 1979, the law was amended in 2001 enforcing control measures, like firearms registration, checks on authorised persons and other procedures relating to licensing and issuing of end-user certificates. Rwanda is currently in the process of reviewing the law to adapt it to the Nairobi Protocol.<sup>15</sup>

INTERNATIONAL INSTRUMENT	DATE JOINED OR RATIFIED
UN Firearms Protocol	No
UN Programme of Action on SALW (2001)	Joined July 2001
International Instrument on Tracing (2005)	
Protocol Relating to Establishment of the Peace and Security Council of the African Union (2002)	Ratified May 2003
ECOWAS Moratorium (1998 renewed 2001)	Not applicable
ECOWAS Convention (2006)	Not applicable
Nairobi Declaration (2000)	Signed 2000
Nairobi Protocol (2004)	Signed November 2004 ratification not available
SADC Firearms Protocol (2001)	Not applicable
Bamako Declaration (2000)	Signed 2000

### Recommendations to Rwandan Parliamentarians:

- ❑ Demand ratification of, and adherence to, the UN Firearms Protocol;
- ❑ Support regional networks and structures, not only at the governmental level but also within civil society (Safer Rwanda, CLADHO, CCOAIB.);
- ❑ Request border control measures and Government programmes to address arms trafficking. Create a group of Parliamentarians that monitor and evaluate the progress, working with neighbouring countries in order to strengthen border controls and reduce illicit trafficking;
- ❑ Monitor and request formal reports from the Government on the successes or failures of SALW collection campaigns. Propose budget allocations for SALW surveys in the target areas and evaluate results, i.e. if favourable public perceptions of security have increased, or if other action is necessary; and
- ❑ Propose a special group to create and maintain complete inventories of state-owned small arms, sufficient to effectively trace the movement of these weapons.

<sup>15</sup> National Report of the Republic of Kenya, 2006



## Tanzania

### SALW situation

Tanzania has been spared from major internal armed conflict in the Post-Cold war era, even though the region has been caught in conflagration. Instead of civil strife, Tanzania has been host to several African liberation movements, and its territory used for arms smuggling and caching to conflicts in Rwanda, Burundi and Democratic Republic of Congo. This situation has led to domestic security problem, where a large percentage of the population, crucially in border areas, finds it necessary to arm themselves for protection.

In 2001 a National Focal Point (NFP) was established to oversee the implementation and development of the National Plan of Action (NPA), together with the National Committee and Provincial Task Forces. In August and September of 2006 the NPA registered all legal guns in civilian hands, thereby allowing police to trace illicit SALW to the source of diversion from the legal trade. Tanzania, like Democratic Republic of Congo, is a member of both the Nairobi Protocol and the SADC.

The country has facilities to manufacture small calibre ammunition and is currently looking for opportunities to update its industrial infrastructure. All production is intended to cover the internal needs of governmental security forces.<sup>16</sup>

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<sup>16</sup> National Report of the Republic of Tanzania on the Implementation of the UN Programme of Action on Illicit Trade in Small Arms and Light Weapons in all Its Aspects, June 2006. Available at <http://disarmament.un.org/cab/nationalreports/2006/tanzania.pdf>

### Legal Instruments

Before 2001 and the adoption of the SADC Protocol and the Nairobi Protocol, Tanzania's legislation for firearms was addressed in 19 different pieces of legislation. The Firearms and Ammunition Act of 1991 covered the broader issues of SALW, but did not comply with the minimum standards of PoA. Yet, after reviews, the law now stipulates control over the production, export, import, transit, and transfer of SALW and ammunition in the Laws of Tanzania (revised addition of 2002), Chapter 223, the Arms and Ammunition Act and Chapter 246, the Armaments Control Act.<sup>17</sup>

INTERNATIONAL INSTRUMENT	DATE JOINED OR RATIFIED
UN Firearms Protocol (2005)	Ratified May 2006
UN Programme of Action on SALW (2001)	Joined July 2001
International Instrument on Tracing (2005)	
Protocol Relating to Establishment of the Peace and Security Council of the African Union (2002)	Ratified September 2003
ECOWAS Moratorium (1998 renewed 2001)	Not applicable
ECOWAS Convention (2006)	Not applicable
Nairobi Declaration (2000)	Signed 2000
Nairobi Protocol (2004)	Ratified February 2005
SADC Firearms Protocol (2001)	December 2002
Bamako Declaration (2000)	Signed 2000

### Recommendations to Tanzanian Parliamentarians:

- ❑ Propose regular budget allocations for SALW awareness campaigns directed to particular target communities that have seen an increase in the population arming themselves for protection;
- ❑ Raise awareness with the media (i.e. how increased proliferation of SALW has negative impacts on the country's development and society);
- ❑ Propose budget allocation for SALW surveys to find out how citizen security can be improved;
- ❑ Propose allocation of budgetary funding for monitoring of activities performed by the National Action Plan;
- ❑ Request a report on the registration of all legal guns in the country during August and September; and,
- ❑ Denounce unwarranted SALW transfers to the country, especially if they are illegal. Seek alliances with fellow MPs in exporting countries for such denunciation.

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<sup>17</sup> Ibid.

## Uganda

### SALW situation

Uganda has been marked by political and military unrest since the country's independence in 1962. Clearly, the situation reflects the high presence of SALW in the country. In 2001, the Ugandan National Focal Point (NFP) was established to coordinate the implementation of the Bamako Declaration. Uganda also adopted a National Action Plan (NAP) in 2004, which provides a framework for comprehensive and coordinated actions.

Between 2001 and 2003, disarmament exercises were carried out in the Karamoja region and over 10,000 illicit SALW were recovered. In October 2004 the exercises were resumed and close to 1,000 illicit SALW have been recovered since then.<sup>18</sup> Civil society organisations have also been actively involved in disarmaments activities; together with civic leaders and the police, 400 firearms in the North West district Yumbe have been collected. In 2003, the Government launched Operation Weambly, today known as Violent Crime Crack Unit (VCCU), which disposed of approximately 10,000 weapons. National Armed Forces, police and other authorised bodies have destroyed over 6,000 anti personnel mines during 2003, with over 41,000 SALW and 400 tonnes of ammunition declared for destruction.

In May 2006 the Ugandan Government smelted over 50,000 SALW. The weapons were collected through national security agencies, voluntary and amnesty programmes and DDR programmes (including stockpiles owned by the military and police). Preparations have been made for the destruction of 300 tonnes of redundant, seized and obsolete ammunition and explosives in state possession.<sup>19</sup>

During disarmament exercises, particularly in North Western Uganda, problems have arisen given the lack of co-ordinated activities with neighbouring countries, like Sudan and Kenya. Security threats have interrupted disarmament exercises, which swiftly led to re-arming from other regions. Uganda is another one of the countries that has been mentioned several times in UN expert reports on violations of the arms embargo on DRC.

Uganda possesses small calibre ammunition manufacturing capacities. Production is intended to cover the internal needs of governmental security forces.

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<sup>18</sup> National Report of the Republic of Uganda on the Implementation of the UN Programme of Action on Illicit Trade in Small Arms and Light Weapons in all Its Aspects, 2005. Available at <http://disarmament.un.org/cab/nationalreports/2005/Uganda.pdf>

<sup>19</sup> National Report of the Republic of Uganda on the Implementation of the UN Programme of Action on Illicit Trade in Small Arms and Light Weapons in all Its Aspects, July 2006. Available at <http://disarmament.un.org/cab/nationalreports/2006/uganda.pdf>

### Legal Instruments

Uganda has several domestic laws that regulate the acquisition and use of SALW. The most comprehensive piece of domestic legislation is the Firearms Act of 1970, which regulates acquisition, import, export, registration and licensing. However, there are no provisions dealing with marking and tracing.

The main problem with the current firearms legislation in Uganda is that the legislation is outdated; however, a review process has been initiated.<sup>20</sup>

INTERNATIONAL INSTRUMENT	DATE JOINED OR RATIFIED
UN Firearms Protocol (2005)	Ratified March 2005
UN Programme of Action on SALW (2001)	Joined July 2001
International Instrument on Tracing (2005)	
Protocol Relating to Establishment of the Peace and Security Council of the African Union (2002)	Ratified March 2004
ECOWAS Moratorium (1998 renewed 2001)	Not applicable
ECOWAS Convention (2006)	No applicable
Nairobi Declaration (2000)	Signed 2000
Nairobi Protocol (2004)	Signed 2005 ratification not available
SADC Firearms Protocol (2001)	Not applicable
Bamako Declaration (2000)	Signed 2000

### Recommendations to Ugandan Parliamentarians:

- ❑ Demand the incorporation of marking and tracing within the national legislation;
- ❑ Support civil society organisations and their work. Co-operate and get involved in various projects to show commitment and engagement;
- ❑ Promote and support all relevant peace initiatives, both internal and regional;
- ❑ Request that the Government conducts SALW data collection and analysis, adjusting its SALW policies based on that result; and,
- ❑ Elaborate relevant and effective legislative responses in order to better protect vulnerable groups, such as children and women, who are particularly exposed to suffering conflict violence. For instance, enforce strong penalties to punish those who commit crimes related to sexual abuses, abduction and forced enrolment within armed groups, etc.

<sup>20</sup> Op cit. footnote 11.

## Southern Africa

During the Cold War large amounts of SALW were transferred into the Southern African region to support the numerous armed conflicts unfolding there. Those weapons still remain in the region today and spark the flame for arising conflicts and violent criminal actions. SALW proliferation has led to co-ordinated actions in the region, mainly within the framework of the SADC. In May 1998, a regional programme on SALW and illicit trafficking was agreed upon. The four key issues to cover were:

- Combating illicit trafficking;
- Strengthening regulations and controls on accumulation and transfers;
- Promoting the removal of arms from society and the destruction of surpluses; and,
- Enhancing transparency, information exchange and consultation.

This programme laid the foundation for the SADC Protocol on Firearms, Ammunition and Related Materials that aims to create regional control over trafficking and possession of SALW. It was signed on 14<sup>th</sup> of August 2001 and entered into force on 8<sup>th</sup> of November 2004 as the first legally binding document in Africa. Member states have also formed the Southern African Regional Police Chiefs Co-operation Organisation (SARPPCO) to tackle cross-border criminal activity.<sup>21</sup>

### General Sub-Regional Recommendations for Parliamentarians:

- ❑ Assure national legislative compliance with all relevant international obligations and promote harmonisation with neighbouring countries;
- ❑ Request a sub-regional body whose primary function is to co-ordinate implementation of the SADC Protocol;
- ❑ Establish a National Focal Point in each country, responsible for the respective national implementation; and,
- ❑ Make sure that a mechanism is in place to push for annual Government reports to Parliament concerning arms export, import and other transfer issues.

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<sup>21</sup> Ibidem.

## Mozambique

### SALW situation

During the civil war in Mozambique, large quantities of SALW were transferred into the country. While a large percentage of those weapons have been collected and destroyed by the military and the police, an unknown quantity still remain unaccounted for. Mozambique has a difficult border to control and the dilemma of national security versus SALW destruction has been raised over the years.

It is estimated that during the civil war, the Mozambican Liberation Front (FRELIMO) and the Mozambican National Resistance (RENAMO) distributed nearly 1.5 million firearms to civilians. No records and no licenses were maintained for these weapons and their situation today is unknown. In the final years of the war, approximately 200,000 SALW were collected by UN peacekeeping forces and Mozambique authorities, of which only 24,000 were destroyed and the remaining weapons became the responsibility of the new state armed forces, which soon proved incapable of managing such a stockpile. In 1995 the country joined efforts with South Africa to destroy arms caches in Operations Rachel, an intelligence-driven operation, which gave incentives for reliable information on arm caches. Between 1995 and 2003 over 600 arms caches were discovered and several tonnes of arms and ammunition were destroyed.

Initiatives from civil society led by the Christian Council of Mozambique, known as the Arms into Ploughshares Programme (TAE), focuses on weapons collection, development and public awareness. Two complementary programmes have been established, the Weapons Collection programme and the Peace, Justice and Reconciliation programme. Since 1995, Mozambique has destroyed approximately 7,000 weapons and hundreds of thousands of rounds of ammunition.

In addition, the UNDP – in co-operation with the Mozambican Government, IANSA and several IANSA-members – has recently launched a SALW programme. That programme addresses, amongst other: stockpile management, reform of the firearms legislation, and a destruction and collection scheme.

Currently there are no firearms manufacturers in Mozambique. <sup>22</sup>

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<sup>22</sup> Leaõ, Country Report: Mozambique in **Hide and Seek: Taking Account of Small Arms in Southern Africa**, Gould and Lamb, 2004. Available at <http://www.iss.co.za/pubs/Books/Hide+Seek/Mozambique.pdf> and Faltas and Paes, **Exchanging Guns for Tools**, brief 29, Bonn International Centre for Conversion, 2004. Available at [http://www.smallarmssurvey.org/files/portal/spotlight/country/afr\\_pdf/africa-mozambique-2003-a.pdf](http://www.smallarmssurvey.org/files/portal/spotlight/country/afr_pdf/africa-mozambique-2003-a.pdf)

### Legal Instruments

Mozambique's primary firearms regulation, Statute 1/73 from 1973, known as the Arms and Ammunition Act, dates back to the colonial period. There is a common understanding and agreement among Government officials, that the legislation needs to be reviewed in order to be in line with regional and international agreements.

The country has established a Committee for the Prevention and Control of Small Arms and Light Weapons (Coprecal) to oversee the implementation of the SADC Protocol. Coprecal falls under the Ministry of Interior and is responsible for supervising implementation of national, international and regional agreements as well as co-ordinating research and disseminating information.<sup>23</sup>

INTERNATIONAL INSTRUMENT	DATE JOINED OR RATIFIED
UN Firearms Protocol (2005)	Ratified September 2006
UN Programme of Action on SALW (2001)	Joined July 2001
International Instrument on Tracing (2005)	
Protocol Relating to Establishment of the Peace and Security Council of the African Union (2002)	Ratified May 2003
ECOWAS Moratorium (1998)	Not applicable
ECOWAS Convention (2006)	Not applicable
Nairobi Declaration (2000)	Not applicable
Nairobi Protocol (2004)	Not applicable
SADC Firearms Protocol (2001)	Ratified September 2002
Bamako Declaration (2000)	Signed 2000

### Recommendations to Mozambique's Parliamentarians:

- ❑ Make sure that Parliamentarians are present in Coprecal's work, pushing for regular reports to Parliament;
- ❑ Actively take part in the review of the domestic legislation on firearms;
- ❑ Demand regular updates on stockpiles, i.e. what has been collected, marked and destroyed;
- ❑ Push for Parliament, or its competent committees, to pay special attention to the issue of weapons and ammunition surpluses. Take action with a view to rapidly destroy such surpluses;
- ❑ Support the destruction of SALW surpluses in public statements at national and international forums;
- ❑ Explore bipartisan approaches and solutions, given Mozambique's recent history and its evident link to the present SALW situation; and,
- ❑ Encourage the work led by the NGO community, such as the work of the Christian Council of Mozambique.

<sup>23</sup> Ibid.

## Malawi

Very little research on SALW has been conducted in Malawi and it is therefore difficult to get hold of reliable information concerning SALW. Historically, this could be explained by the absence of armed conflict. While, the common perception amongst Malawian people is that SALW proliferation has increased in recent years, in comparison to its neighbours, the number of registered firearms in Malawi is relatively low with approximately 30,000 registered, civilian-owned firearms. However, the numbers of illicit firearms in Malawi, which are believed to make up the majority of firearms in the country, are at present unknown. The country has played a key transit role for illicit arms proliferation in the region, particularly to and from Mozambique.

SALW are not manufactured legally in Malawi, but there are reports of illegal, “artisan” production. According to various sources, the bulk of SALW are imported from South Africa (Denel/Armcor), Belgium, the USA and Zimbabwe.



### Legal Instruments

SALW activities in Malawi are governed by the Firearms Act of 1967, which regulates the import, export, sales, permit processes, manufacture, transport and possession of firearms and ammunition. No review of the Firearms Act has been carried out since the law's passing in 1967 which, given the current situation of SALW, is warranted.<sup>24</sup>

INTERNATIONAL INSTRUMENT	DATE JOINED OR RATIFIED
UN Firearms Protocol (2005)	Ratified March 2005
UN Programme of Action on SALW (2001)	Joined July 2001
International Instrument on Tracing (2005)	
Protocol Relating to Establishment of the Peace and Security Council of the African Union (2002)	Ratified July 2003
ECOWAS Moratorium (1998)	Not applicable
ECOWAS Convention (2006)	Not applicable
Nairobi Declaration (2000)	Not applicable
Nairobi Protocol (2004)	Not applicable
SADC Firearms Protocol (2001)	Ratified September 2002
Bamako Declaration (2000)	Signed 2000

### Recommendations to Malawi Parliamentarians:

- Request that the Government conducts appropriate SALW data collection and analysis and adjusts its SALW policies based on that result;
- Initiate review of the Firearms Act;
- Advocate for implementation of a National Commission on SALW;
- Establish working groups to identify tools to stop the proliferation of illicit SALW in the country, highlighting the problem with Malawi as transit point for trafficking in the region;
- Initiate an investigation regarding home-made weapons production; and,
- Make sure that lessons learned and best practices from other countries in the region are used before new activities are initiated.

<sup>24</sup> Cross et al. **The Law of the Gun**, 2003. Available at [http://www.smallarmssurvey.org/files/portal/spotlight/country/afr\\_pdf/africa-malawi-2003.pdf](http://www.smallarmssurvey.org/files/portal/spotlight/country/afr_pdf/africa-malawi-2003.pdf) and Mwakasungula and Nungu, Country Report: Malawi in **Hide and Seek: Taking Account of Small Arms in Southern Africa**, Gould and Lamb, 2004. Available at <http://www.iss.co.za/pubs/Books/Hide+Seek/Malawi.pdf>



## Annex D – Exploring the Parliamentary Role<sup>25</sup>

AREA	PARLIAMENTARIANS ROLE		
	REPRESENTATIVE	LEGISLATIVE	OVERSIGHT
<b>All SALW Areas</b>	<ul style="list-style-type: none"> <li>▪ Raise issues of concern with the executive (i.e. cases of armed violence, firearms misuse by state security forces, etc.)</li> <li>▪ Attend SALW conferences and seminars as members of government delegations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Regularly introduce legislation, or amend existing legislation to incorporate international and national SALW commitments and policies in the national legal system.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Maintain regular parliamentary oversight of the Government’s SALW policies.</li> </ul>
<b>Legislative and Regulatory Issues</b>	<ul style="list-style-type: none"> <li>▪ Act as parliamentary representative on the National SALW Commission.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Introduce new legislation, or propose a thorough review of existing legislation on civilian possession, international and domestic transfers, voluntary weapons collection processes, etc.</li> <li>▪ Elaborate and adopt inclusive consultation mechanisms in order to guarantee contribution from all stakeholders, relevant actors and involved categories.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ensure that the executive honours and implements its international commitments. (treaties, declarations, etc.)</li> <li>▪ Encourage your state to regularly comply with the reporting requirements of SALW mechanisms and instruments. (e.g. regional instruments with provisions on NatComs, National Focal Points, etc.)</li> <li>▪ Include, in reports to Parliament, analysis on compliance with relevant legislation and established policies when authorizing licenses, etc.</li> <li>▪ Press for Governments to respect arms embargoes and secure redress and sanctions in cases of violation of arms embargoes</li> </ul>

<sup>25</sup> Some items extract from *Parliamentary Oversight of the Security Sector*, DCAF, Geneva, 2004.

AREA	PARLIAMENTARIANS ROLE		
	REPRESENTATIVE	LEGISLATIVE	OVERSIGHT
<b>Proliferation of SALW</b>	<ul style="list-style-type: none"> <li>Identify whether your constituency is affected by SALW proliferation and propose adequate counter measures to the local authorities.</li> </ul>	<ul style="list-style-type: none"> <li>Push for control of the international arms trade to be high on the parliamentary agenda.</li> <li>Consider the introduction of legislation or temporary moratorium on the sale of surplus SALW until the Government adopts a national SALW Strategy.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure an up-to-date national policy on arms transfers and ensure it is duly presented to Parliament for approval.</li> <li>Push for Parliament or its competent committee(s) to pay special attention to the issue of weapons and ammunition surpluses. Take action with a view to prevent or control any transfer of arms surpluses from or through your country.</li> <li>Further press for the Government to take action to identify the companies involved in illicit import, transfer or export of weapons and ammunition. Monitor their activities.</li> </ul>
<b>Cross Border Controls</b>	<ul style="list-style-type: none"> <li>Attend regional/international gatherings to address cross border issues</li> <li>Facilitate confidence building initiatives, promote information sharing</li> <li>Build common understanding with neighbouring stakeholders and regional/international partners.</li> </ul>	<ul style="list-style-type: none"> <li>Consider proposing financial resources for the implementation of integrated border management systems.</li> </ul>	<ul style="list-style-type: none"> <li>Request the adoption of an integrated border management programme by the Government and monitor its implementation.</li> <li>Urge for increased cooperation on border controls with the neighbouring states.</li> </ul>

AREA	PARLIAMENTARIANS ROLE		
	REPRESENTATIVE	LEGISLATIVE	OVERSIGHT
<b>SALW Survey</b>	<ul style="list-style-type: none"> <li>▪ Distribute findings from SALW surveys to local authorities in the constituency and monitor the progress of implementation</li> <li>▪ Support local surveys and initiatives aimed to promote a better understanding of SALW related phenomena.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Propose regular budgetary allocations for SALW surveys.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Request that Government conducts appropriate SALW data collection and analysis, adjusting SALW policies based on their results.</li> <li>▪ Establish a mechanism for the Government to present annual reports to Parliament concerning international transfer issues.</li> <li>▪ Create a mechanism for Government to present annual reports to Parliament concerning domestic SALW control.</li> <li>▪ Give inputs, comments and recommendations on the reports published by the Government, in order to help improve the quality of information, dialogue among institutions and practices of transparency.</li> </ul>
<b>SALW Awareness</b>	<ul style="list-style-type: none"> <li>▪ Raise awareness on the issue with the media, within the constituency and civil society by identifying community small arms problems as well as what the underlying causes are.</li> <li>▪ Advocacy action turning SALW control a priority political issue.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Propose regular budgetary allocations for SALW awareness campaigns.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Request an up-date from Government on the effectiveness of SALW awareness campaigns.</li> </ul>
<b>SALW Collection</b>	<ul style="list-style-type: none"> <li>▪ Discuss with local authorities in the constituency the need for local SALW collection campaigns and support their efforts.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Propose budgetary allocations for the collection of surplus SALW.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Request that the Government adopts or amends subsidiary legislation on SALW collection to reflect existing international 'best practices.'</li> <li>▪ Monitor and request formal reports from the Government on the successes or failures of SALW collection campaigns.</li> </ul>
<b>SALW Destruction</b>	<ul style="list-style-type: none"> <li>▪ Support the destruction of surplus SALW in public statements at national and international forums.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Propose budgetary allocations for the destruction of surplus SALW.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Push for Parliament or its competent committee(s) to pay special attention to the issue of weapons and ammunition surpluses. Take action with a view to rapidly destroy such surpluses.</li> </ul>

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