

**UNIVERSITY OF NAIROBI**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**AN ASSESSMENT OF THE EFFICACY OF POLICY AND ACTION  
AGAINST THE PROLIFERATION OF SMALL ARMS AND LIGHT  
WEAPONS: A CASE STUDY OF KENYA AND UGANDA**

**BY**

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**REG. NO: R50/75928/2014**

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**A DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR AWARD OF MASTERS OF ARTS  
DEGREE IN INTERNATIONAL STUDIES AT THE INSTITUTE FOR  
DIPLOMACY AND INTERNATIONAL STUDIES (IDIS), UNIVERSITY  
OF NAIROBI**

**JUNE, 2015**

**DECLARATION**

I declare that this research is my original work and has not been presented for academic award or qualification in any institution of higher learning. In addition appropriate referencing has been made where concerned.

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## **ACKNOWLEDGEMENT**

My first gratitude is to the almighty God, for opening ways for me. I acknowledge and appreciate the Ministry of Foreign Affairs for selecting me to undertake this programme, and I wish to acknowledge the National Defence College for providing the right environment.

My greatest acknowledgement and appreciation goes to my supervisor Dr. Kisiangani Emmanuel for his guidance and contribution in shaping this research study.

Finally I wish to acknowledge and sincerely thank my family for their immense support and understanding, being always there for me and wishing me the very best in all my endeavours.

My beloved children, Eva, Turi, Fiona and Angela for enduring my “absence” and; to my husband Emilio Kathuri, for all the love and encouragement.

God bless everyone else who has made my research journey a success.

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## **LIST OF ABBREVIATIONS**

|               |                                                    |
|---------------|----------------------------------------------------|
| <b>AK-47</b>  | Alexander Kalashnikov-47                           |
| <b>APFO</b>   | Africa Peace Forum                                 |
| <b>ASAL</b>   | Arid and Semiarid Land                             |
| <b>ATT</b>    | Arms Trade Treaty                                  |
| <b>ATT</b>    | Arms Trading Treaty                                |
| <b>AU</b>     | African Union                                      |
| <b>CCM</b>    | Convention on Cluster Munitions                    |
| <b>CEWARN</b> | Conflict Early Warning and Response Mechanism      |
| <b>CFR</b>    | Central Firearms Registry                          |
| <b>CIPEV</b>  | Commission of Inquiry into Post-Election Violence  |
| <b>CSOs</b>   | Civil society organizations                        |
| <b>DDR</b>    | Disarmament, Demobilization and Reintegration      |
| <b>DDR</b>    | Disarmament, Demobilization and Reintegration      |
| <b>DRC</b>    | Democratic Republic of Congo                       |
| <b>DRC</b>    | Democratic Republic of the Congo                   |
| <b>EAC</b>    | East African Community                             |
| <b>EAPCCO</b> | East Africa Police Chiefs Cooperation Organization |
| <b>EAPCO</b>  | East African Police Chiefs Organization            |
| <b>ECCAS</b>  | Economic Community of Central African States       |
| <b>ECOWAS</b> | Economic Community of West African States          |
| <b>ESS</b>    | European Security Strategy                         |
| <b>EU</b>     | European Union                                     |
| <b>FDI</b>    | Foreign Direct Investment                          |
| <b>GOK</b>    | Government of Kenya                                |

|              |                                                            |
|--------------|------------------------------------------------------------|
| <b>ICT</b>   | Information Communication Technology                       |
| <b>IDS</b>   | International and Development Studies                      |
| <b>IGAD</b>  | Intergovernmental Authority on Development                 |
| <b>IGOs</b>  | International Global Organizations                         |
| <b>IRG</b>   | International Resource Group                               |
| <b>KNFP</b>  | Kenya National Action Plan for Arms Control and Management |
| <b>KNFP</b>  | Kenya National Focal Point                                 |
| <b>KPR</b>   | Kenya Police Reserve                                       |
| <b>LRA</b>   | Lord's Resistance Army                                     |
| <b>MDGs</b>  | Millennium Development Goals                               |
| <b>NAP</b>   | National Action Plan for Arms Management                   |
| <b>NAP</b>   | National Action Plan                                       |
| <b>NATO</b>  | North Atlantic Treaty Organization                         |
| <b>NEPAD</b> | New Partnership for Africa's Development                   |
| <b>NGO</b>   | Non- Governmental Organization                             |
| <b>NGOs</b>  | Non-governmental organizations                             |
| <b>NP</b>    | Nairobi Protocol                                           |
| <b>NSC</b>   | National Security Committee                                |
| <b>OAS</b>   | Organisation of American States                            |
| <b>OAU</b>   | Organization of African Unity                              |
| <b>OSCE</b>  | Security and Cooperation in Europe                         |
| <b>PDC</b>   | Policy Drafting Committee                                  |
| <b>PEAP</b>  | Poverty Eradication Action Plan                            |
| <b>PfP</b>   | Partnership for Peace                                      |
| <b>POA</b>   | Program of Action                                          |

|               |                                                       |
|---------------|-------------------------------------------------------|
| <b>RECSA</b>  | Regional Centre on Small Arms                         |
| <b>RTFs</b>   | Regional Task Forces                                  |
| <b>SA</b>     | South Africa                                          |
| <b>SADC</b>   | Southern African Development Community                |
| <b>SADCC</b>  | Southern African Development Co-ordination Conference |
| <b>SALW</b>   | Small Arms and Light Weapons                          |
| <b>SAS</b>    | Sub-Saharan Africa                                    |
| <b>SAWG</b>   | Small Arms Working Group                              |
| <b>SLDF</b>   | Saboat Lands Defence Force                            |
| <b>TPG</b>    | The Rendon Group                                      |
| <b>UN</b>     | United Nations                                        |
| <b>UN</b>     | United Nations                                        |
| <b>UNDP</b>   | United Nations Development Programme                  |
| <b>UNIDIR</b> | United Nations Institute for Disarmament Research     |
| <b>UNITA</b>  | National Union for the Total Independence of Angola   |
| <b>UNPoA</b>  | UN Programme of Action on Small Arms                  |
| <b>US</b>     | United States                                         |
| <b>USA</b>    | United States of America                              |



## **ABSTRACT**

The overall objective of this study is to assess the efficacy of policy and action against the proliferation of small arms and light weapons with a specific focus on Kenya and Uganda. This paper argues that improving the efficacy of policy and action in dealing with small arms is essential to fighting the illicit proliferation of SALW in Africa.

The study highlights the consequences of SALW, and assesses the policy choices and initiatives at various levels aimed at dealing with the SALW problem. The objective is to identify gaps that undermine efforts to reduce SALW and also to propose alternative policy choices. The study will, thus, inform policy makers on threats associated with the illicit proliferation of SALW and also propose policy options and actions to regulate the spread and effect of SALW.

The study utilized both primary and secondary data sources including interviews and material published in various forms. The study's running argument is that the proliferation of SALW tends to escalate and prolong violent conflict. In the end, the study concludes by underscoring the need for a realistic or coherent political and socio-economic framework that expands on the traditional concept of "security" - from state security to human security in order to address the multiple root causes and misuse of SALW proliferation.

The study found a response rate of (60%) - which was considered adequate for further data analysis. The study found that the participants had a lot of experience and proper understating of this field, based on their duration of stay in their respective Ministries.

The study notes that (97%) of the respondents had ever heard of the concept of small and light weapons, in addition, most (98%) were also familiar with the SALW proliferation.

The study concludes that three common approaches define the current thinking on the relationship between armed conflict and development. The first relates to the expansion of traditional concepts of "security" a shift from military and state-defined notions of security to a view that posits "humans", with their multiple needs and capacities, at the centre of the picture.

The study recommends a radical review and overhauling of gun legislation by way of greater cooperation within the four sub-Saharan regional organizations could be very instrumental in limiting the amount of guns and other SALW in circulation and thus reducing their use.

## STUDY AREA MAP



Source : Google maps (2015)

# CHAPTER ONE

## INTRODUCTION

### 1.1 Background of the study

The proliferation and circulation of illicit small arms and light weapons (SALW) is one of the most serious security concerns facing the world currently. Despite progress in tackling the proliferation of illicit SALW, since the Programme of Action (POA) was adopted worldwide by the United Nations, there are still many remaining challenges when it comes to small arms and light weapons.

The United Nations estimates that at least 875 million small arms and light weapons SALW<sup>1</sup> are in circulation today. Their widespread availability and misuse has a devastating impact on the lives and livelihoods of millions of people. The threat or use of guns undermines human and economic security and in many countries, violence and insecurity are key concerns for the communities.<sup>2</sup>

According to North Atlantic Treaty Organization (NATO)<sup>3</sup> the proliferation of small arms and light weapons SALW affects security while anti-personnel mines and explosive remnants of war kill and maim both people and livestock long after the end of hostilities.<sup>4</sup> Therefore both can have destabilizing effects on social, and economic development and can represent major challenge to regional and national security. In addition, large accumulations and flows of arms, both legal and illegal, have destabilized regions, escalated, intensified and prolonged conflicts, and contributed to banditry, crime and social violence.

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<sup>1</sup> Small arms refer to the weapons that a single individual can carry and operate. They may include revolvers, self-loading pistols, rifles, carbines, assault rifles, submachine guns, light machine guns and associated ammunition. Light weapons refer to weapons that can be operated by two or more people. They may include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft and missile launchers, recoilless rifles, small mortars of less than 100mm calibre, explosives, anti-personnel mines and ammunition for all of these.

<sup>2</sup> Small Arms Survey (2007) *Guns and the City*. Cambridge University Press.

<sup>3</sup> The North Atlantic Treaty Organization (NATO) also called the North Atlantic Alliance is an intergovernmental military alliance based on the North Atlantic Treaty which was signed on 4 April 1949. The organization constitutes a system of collective defence whereby its member states agree to mutual defense in response to an attack by any external party. NATO's headquarters are in Brussels, Belgium, one of the 28 member states across North America and Europe, the newest of which, Albania, and Croatia, joined in April 2009.

<sup>4</sup> North Atlantic Treaty Organization (2014) *Small Arms and Light Weapons and Mine Action*. NATO.

A major player in global efforts to prevent and combat the uncontrolled accumulation and proliferation of SALW as well as their ammunition is the European Union.<sup>5</sup> It was among the first regional organizations to recognize the negative impact of the uncontrolled proliferation of SALW on security and development in many regions of the world. Since the late 1990s, the EU has accordingly been in the process of elaborating a coherent and comprehensive policy to address small arms proliferation.<sup>6</sup> The central element of these efforts is the EU's 2005 'Strategy to combat illicit accumulation and trafficking of SALW and their ammunition'. Its adoption represents a significant step towards the integration of action against proliferation of SALW proliferation into the EU's overall foreign policy.

In Africa, the Organization of African Unity (OAU) adopted the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of SALW in 2000 in Bamako, Mali. The Declaration provides a framework for coordinating measures against small arms across the continent and was, in 2003, augmented by the African Union Plan of Action for the Prevention and Combating of Terrorism in Africa which, among other things, calls for efficient and consolidated action to prevent, combat and eradicate the problem of the illicit proliferation and trafficking of small arms; an African definition of small arms and; action on disarmament, demobilization, rehabilitation and reconstruction (DDRR) efforts in post-conflict situations.<sup>7</sup> Indeed, the issue of small arms proliferation has been particularly devastating in Africa, where these weapons have been used in deadly conflicts between states and at sub-national levels in Sudan, Uganda, Sierra Leone, Rwanda,

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<sup>5</sup> The European Union (EU) is a politico-economic union of 28 member States that are located primarily in Europe. The EU operates through a system of supranational institutions and intergovernmental negotiated decisions by the member states. The key institutions are: the European Commission, the Council of the European Union, the European Council, the Court of Justice of the European Union, the European Central Bank, the Court of Auditors and the European Parliament.

<sup>6</sup> European Commission, Communication from the Commission to the Council and the European Parliament, Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking, Com(2013) 716 final, 21 Oct. 2013.

<sup>7</sup> Laban Cheruiyot & Kizito Sabala (2008), "Human Security and the Control of Small Arms," in Makumi Mwagiru, *Human Security Setting the Agenda for the Horn of Africa*, (Africa Peace Forum: Nairobi).pp 77-100.

Angola, the Democratic Republic of Congo, Somalia and other African countries.<sup>8</sup> These arms have been a great problem in Africa, as they are frequently recycled from Country to Country.

In Southern Africa, the adoption by heads of government of the Southern African Development Community (SADC)<sup>9</sup> of the *Protocol on the Control of Firearms, Ammunition and other Related Materials* in August 2001 was also meant to respond to the problem of SALW but countries in the region are still faced with the significant challenges of implementing its numerous broad provisions.<sup>10</sup>

The primary objective of the SADC Protocol<sup>11</sup> is to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials. SADC members are conscious to the fact that illegal firearms, most commonly used in the perpetration of crime, contribute to high levels of instability, extended conflict, violence and social dislocations as a whole within the SADC region, The Protocol answers to the urgent need to prevent and eradicate the illicit manufacturing of firearms ammunition and other related materials as well as the accumulation, trafficking, possession and use of these weapons.

In Eastern and Central Africa, the states of the Great Lakes Region<sup>12</sup> and the Horn of Africa<sup>13</sup> signed the Nairobi Declaration on the Problem of the Proliferation of Illicit SALW in the Great Lakes Region and the Horn of Africa in March 2000, which was subsequently,

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<sup>8</sup> Ibid.

<sup>9</sup> The Southern African Development Community (SADC) is an inter-governmental organization headquartered in Gaborone, Botswana. Its goal is to further socio-economic cooperation and integration as well as political and security cooperation among 15 southern African states. It complements the role of the African Union. Originally known as the Southern African Development Co-ordination Conference (SADCC), the organization was formed in Lusaka, Zambia on 1 April 1980, following the adoption of the Lusaka Declaration.

<sup>10</sup> Kathi Austin (2002), *Illicit Arms Brokers: Aiding and Abetting Atrocities*, Brown Journal of World Affairs, Spring Volume IX, Issue 1. P. 20.

<sup>11</sup> In order to enable this kind relationship, several legal and institutional instruments have been put into place to guide and standardize the work of SADC with Member States. One of these instruments is the SADC Protocols, which enshrine the aims of the Community by providing codes of procedure and practice on various issues, as agreed by Member States.

<sup>12</sup> Countries in the African Great Lakes region (sometimes also called Greater Lakes region) include Burundi, the Democratic Republic of Congo, Kenya, Rwanda, Tanzania and Uganda.

<sup>13</sup> The Horn of Africa denotes the region containing the countries of Eritrea, Djibouti, Ethiopia and Somalia.

developed into - the Nairobi Protocol for the Prevention, Control and Reduction of SALW in the Great Lakes Region and The Horn of Africa and came into force on 5th May 2006. These agreements commit states to take a series of measures to address the scourge of small arms and light weapons within their territories.

Kenya and Uganda are currently signatories to the Nairobi Protocol.<sup>14</sup> Article 18 that establishes the Regional Centre on Small Arms (RECSA) as an Intergovernmental body corporate that coordinates and implements the efforts of the member states to fight the proliferation of illicit small arms in the region. The Nairobi-based RECSA (formerly Nairobi Secretariat) coordinates the implementation of the Nairobi Declaration and the Nairobi Protocol on SALW in all member states. Laban Cheruiyot and Kizito Sabala observe that RECSA is, among others, “mandated to assist in the establishment of National Focal Points (NFPs) in the member states and to ensure that they coordinate the implementation process at the national level.”<sup>15</sup> NFP are supposed to provide a framework for combating cross-border criminal activities associated with small arms and to oversee the implementation of the coordinated Agenda for Action. To date eleven NFPs have been established and are functional, but majority remain grossly under staffed and under resourced.<sup>16</sup> There are other state and non state mechanisms such as the Eastern Africa Police Chiefs Cooperation Organisations founded in 1998 and the Inter-Governmental Authority on Development (IGAD) that are active in promoting peace and security matters broadly.

According to Njoroge Mbugua, the proliferation of SALW in Esat<sup>1</sup> is one of the biggest security challenges currently facing Kenya and the East African sub-region (Uganda,

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<sup>14</sup> All signatories include Burundi, Democratic Republic of Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Seychelles, Sudan, Uganda and Tanzania.)

<sup>15</sup> Laban Cheruiyot and Kizito Sabala (2008), “*Human Security and the Control of Small Arms*,” in Makumi Mwangi, *Human Security Setting the Agenda for the Horn of Africa*, (Africa Peace Forum: Nairobi). pp 77-100.

<sup>16</sup> Ibid.

Tanzania and Kenya).<sup>17</sup> The trafficking and wide availability of these weapons fuel instability, conflict and pose a threat, not only to security, but also to sustainable development. The widespread proliferation of small arms is contributing to alarming levels of armed crime, in rural and urban areas.

## **1.2 Problem Statement**

According to the United Nations, 600 million light weapons are in circulation in the world and, of the 49 major conflicts in the 1990s, (47) were fought using SALW as the main weapons. The consequences of the excessive accumulation and uncontrolled spread of small arms and light weapons (SALW) are central to four of the key challenges (terrorism, the proliferation of weapons of mass destruction and regional conflicts) identified in the European Security Strategy (ESS) adopted on 13 December 2003.

Anatole states that although armed conflicts in Africa have declined dramatically in the past decade, small arms and light weapons continue to exacerbate conflict, civil unrest and criminal activities in Africa. African governments have, however, committed themselves to addressing the proliferation of small arms as one important way to save lives, end human suffering, and create a more sustainable and peaceful future through various policies and actions.<sup>18</sup>

The illicit proliferation of SALW does fuel and prolong armed violence and support illegal activities and the emergence of violent groups. While various international, regional and nation initiatives aimed at dealing with the problem of SALW, the repeated occurrence of incidences of violence linked to SALW in parts of Uganda and Kenya still point to challenges in policy responses to SALW proliferation. It is in this context that the study aims to examine the efficacy of the various policy initiatives and actions aimed at dealing with the problem of

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<sup>17</sup> Njoroge, Mbugua (2007) *Small Arms and Light Weapons in Kenya*.

<sup>18</sup> Anatole, Ayissi, (2001). *Cooperating for peace in West Africa: an agenda for the 21st century*. Geneva: United Nations Institute for Disarmament Research, p. 79.

SALW in Kenya and Uganda.

Ultimately, this study will argue that there is need for a comprehensive approach and commitment (politically and financially) to deal with the multi dimensional aspects of SALW including the factors that drive demand for SALW.

### **1.3 Objectives**

The overall objective of this study was to assess the efficacy of policy and action against the proliferation of SALW in Kenya and Uganda. Specific objectives were;

**1.3.1** Examine and analyse the nature and dynamics of SALW proliferation in Kenya and Uganda

**1.3.2** Assess the impact of the proliferation of SALW in Kenya and Uganda.

**1.3.3** Outline and critically evaluate the various instruments adopted by both Kenya and Uganda in dealing with the problem of SALW.

### **1.4 Research Questions**

**1.4.1** What are the drivers of SALW proliferation in Kenya and Uganda?

**1.4.2** What are the regional and local responses to the proliferation of SALW in Kenya and Uganda?

**1.4.3** What is the efficacy of initiatives against the proliferation of SALW in Kenya and Uganda?

**1.4.4** Who are the key actors against the proliferation of SALW in Kenya and Uganda?



## 1.5 Literature Review

Since 1990 SALW have cost the lives of over four million people worldwide. Louse in his work on the relationship between the proliferation of SALW, states that the effect of globalization and societal disintegration have been greatly under-researched.<sup>19</sup>

The proliferation of small arms and light weapons SALW affects security in many parts of the World, while anti-personnel mines and explosive remnants of war kill and maim both people and livestock long after the end of hostilities. Both can have destabilizing effects on social, and economic development and can represent major challenges to regional and national security.<sup>20</sup>

Small arms are personal weapons that can be operated by only one person. They usually include revolvers, self-loading pistols, rifles, submachine guns and light machine guns. A light weapon refers to heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable launchers of antitank and anti-aircraft missile system, and mortars of less than 100 mm caliber.<sup>21</sup> It is safe to say that by virtue of their easy availability, low cost and manageability, small arms and light weapons have become the weapons of choice in most conflicts in the world today.<sup>22</sup>

Small arms proliferation have been particularly devastating in Africa, where these weapons have been used in deadly conflicts within and between states and in places such as Sudan, Uganda, Sierra Leone, Rwanda, Angola, the Democratic Republic of Congo, Somalia and other African countries.<sup>23</sup> They are frequently recycled from country to country, and their ownership is transferred among fighters, security forces and war profiteers.

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<sup>19</sup> Christopher L. (1995) “*The Social Impacts of Light Weapons Availability and Proliferation; International Alert*”. A discussion paper the UNIDIR. P. 11.

<sup>20</sup> North Atlantic Treaty Organization (2014) *Small Arms and Light Weapons and Mine Action*. NATO.

<sup>21</sup> Ibid.

<sup>22</sup> Tool Kit on small arms and light Weapons (2004), *The Regional ecumenical Working group on small arms for East Africa*, Nairobi.

<sup>23</sup> Ibid.

The SALW are used both by government forces (military and police) and by non-state actors (guerrillas, ethnic militias, self-defense units, violent criminals, among others) engaged in conflicts against each other or against the state, or in violent criminal activities. Out of the 49 armed conflicts since 1990, all but three relied on SALW as the only instrument of war, and only one, the 1991 Persian Gulf War, was dominated by heavy weapons.<sup>24</sup>

Small arms play a significant role in determining the winners and losers of conflicts, and in the commission of crimes especially in Africa. Other than legitimate use for security management, misused or illicitly transferred small arms have only had negative effects on the communities affected and largely affect innocent people. They increase the severity of conflicts and extend their duration.<sup>25</sup>

It is recognised that the illicit proliferation, circulation and trafficking of SALW poses a serious threat to peace, security, stability, safety and development of all Member States of the African Union. It is in this context that the Member States of the African Union (AU) developed the “*African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons*” to strengthen coordination and cooperation between and among all implementing bodies with the objective of improving implementation at national, regional and continental levels.<sup>26</sup> The aim of this Action Plan for the Implementation of the Strategy is to define ways and means to achieve the results set out in the Strategy. The structure and the guidelines set forth in the Action Plan are built on the indications provided by the Strategy.

In the existing conditions in Africa, effective action to control arms flows and availability requires determined, comprehensive and co-ordinated action at not only the local and national levels but also at the level of sub-regions and regional levels including the

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<sup>24</sup> The Small Arms Survey, (2001) *Profiling the Problem*. Graduate institute of Geneva, Geneva, Switzerland.

<sup>25</sup> Ibid.

<sup>26</sup> Annon, Kofi. (2000). *We The Peoples: The Role of the United Nations in the Twenty-First century*. New York: United Nations.

(AU).<sup>27</sup> Moreover, the effectiveness of sub-regional action on arms proliferation and trafficking in Africa can only be reinforced through co-operation among member states and through the establishment of information exchange mechanisms between each sub-regional organisation and its counterpart.

Recent increases in awareness of the problems of weapons proliferation and arms trafficking, in Africa and also internationally, are greatly welcome.<sup>28</sup> Here, it is important to recognise the numerous initiatives, resolutions and agreements to address the problem that have recently been taken in Southern Africa (the Operations Rachel on weapons collection, and the Programme of Action for combating illicit arms trafficking are among the most recent), the Sahara-Sahel (for example, the Mali moratorium on the import, export and manufacture of weapons), and which are making an impact on the AU, the UN and its agencies, and other members of the international community.

The proliferation of SALW stems mainly from struggles against colonialism and the Cold War. More recently, civil wars in Uganda, Ethiopia, Somalia, and Sudan have ushered in a boom in the illegal market in, and illicit use of, SALW. These weapons are now being used in conflicts over natural resources and cattle rustling, and have contributed to soaring violent crime rates in cities.<sup>29</sup> The state of demining activities in Southern Africa in the past decade can be characterised as one of mixed results. Despite the displacements caused by landmines, Southern African Development Community members have been slow in ratifying the Ottawa Convention prohibiting the use, stockpiling, and transfer of anti-personnel landmines.<sup>30</sup>

To date, only about seven out of the 14 SADC members have ratified the region

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<sup>27</sup> Ibid.

<sup>28</sup> Annon, Kofi. (2000). *We The Peoples: The Role of the United Nations in the Twenty-First century*. New York: United Nations.

<sup>29</sup> Bourne, Mike. (2007). *Arming Conflict: The Proliferation of Small Arms*. New York: Palgrave Macmillan.

<sup>30</sup> Ibid.

Convention policy on SALW<sup>31</sup> (Malawi, Mauritius, Mozambique, Namibia, South Africa and Zimbabwe). In Angola the prospects for demining have become uncertain following the renewal of hostilities between government and National Union for the Total Independence of Angola (UNITA) forces. Due to deteriorating security conditions, a number of demining operations have been suspended. Some demining organizations have even also stopped their operations to demonstrate their disapproval of the re-laying of mines.<sup>32</sup>

Demining developments in other parts of the region seem quite promising. Osorio Mateus, executive director of Mozambique's National Demining Commission, detailed Maputo's efforts to clear of landmines. He stated that 6,970 km of roads, 362 km of areas surrounding power lines, 90 km of railways and additional areas have been cleared of mines since 1993.<sup>33</sup>

Mozambique has been assisted in its demining operations by various governments and organisations, including South Africa and the European Union. In August, Canada extended US\$ 9 million to Mozambique for education and mine clearance projects. In September, the United Nations Development Programme pledged to make financial contributions to the demining activities in Mozambique, while Handicap International, a European Non-governmental Organization (NGO), assisted in a programme to include mine awareness in the curriculum of primary schools.<sup>34</sup>

Zimbabwe has also made efforts to combat landmines. In August, it began the demining of a 150 km area along its border with Zambia. The operation came following a

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<sup>31</sup> Determined to achieve the objectives outlined in the Declaration on the Moratorium on the Importation, Exportation and Manufacture of Light Weapons in ECOWAS Member States signed in Abuja on 31 October 1998 and in the Code of Conduct for the implementation of the Moratorium adopted in Lome on 10 December 1999.

<sup>32</sup> Cross, P., Flew, C., McLean, A. (2004). *Evidence and Analysis: Tackling the Availability and Misuse of Small Arms in Africa*. Paper prepared for the Commission for Africa.

<sup>33</sup> Small Arms Working Group (SAWG). (2006), *Consequences of the Proliferation and Misuse of Small Arms and Light Weapons*. Small Arms Working Group Facts Sheet.

<sup>34</sup> Cross, P., Flew, C., McLean, A. (2004). *Evidence and Analysis: Tackling the Availability and Misuse of Small Arms in Africa*. Paper prepared for the Commission for Africa.

mine awareness programme launched by the Zimbabwean army. It is anticipated that the operation will remove more than 22, 000 mines between Victoria Falls and parts of Lake Kariba. Landmines in this area have been responsible for the loss of lives of civilians, as well as domestic and wild animals.<sup>35</sup>

East Africa has been faced with a major flow of arms as a result of the continued conflicts in Somalia and the Great Lake Regions. Insecurity has been on the rise with increased cases of gun related crimes and cattle rustling. In 1999 when the East African Community (EAC) was formed, it was suggested that sub-regional initiatives were necessary to help alleviate the problems caused by SALW proliferation. “[The EAC was] interested in Police cooperation to combat illicit trafficking and a security building approach to engage with the problem of reducing arms flows to conflict zones and managing disarmament in the context of demobilization programs.”<sup>36</sup>

Talks on the issue between the East African countries culminated in the signing of the Nairobi Protocol which “encourages small arms registration to allow better tracing of weapons in cases of diversion.”<sup>37</sup> Though the East African countries are actively attempting to reduce the impact of SALW in the area, they are faced with multiple problems. As seen earlier, one of the national responses necessary to curb SALW trafficking is control over borders. Within the EAC, the borders are still open and traffickers find it easy to move weapons into and out of the conflict areas. For the Nairobi protocol to be effective, it will be important to establish better control over the borders.

Kenya shares porous borders with some of the most politically unstable countries in Africa such as Somalia and South Sudan. Kenya’s long and isolated borders with Tanzania, Uganda, Sudan, Somalia and Ethiopia – and its 536 km coastline – are difficult to patrol

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<sup>35</sup> Ibid.

<sup>36</sup> Owen, Green (2000), “*Examining International Responses to Illicit Arms Trafficking*,” Crime, Law and Social Change 33: pg 159.

<sup>37</sup> Ibid.

owing to limited resources and insufficient training. Poor and corrupt policing of the borders between Kenya and its neighbours has facilitated the influx of large quantities of small arms into Kenya. Individuals have been able to acquire weapons for overt criminal purposes. The fact that the borders are not properly and effectively policed means that arms traffickers and bandits find easy entry points along the porous borders.<sup>38</sup>

The proliferation of small arms and light weapons (SALW) is one of the biggest security challenges facing the East African region as a whole and Kenya and Uganda in particular. The spread of SALW has, among others, increased various forms of conflict, undermined peace, and contributed to increase in criminal activities especially in urban areas in the region.<sup>39</sup> As part of the response, chiefs of police from ten countries in the Eastern Africa region (Kenya, Uganda, Tanzania, Burundi, Rwanda, Ethiopia, Seychelles, Sudan, Djibouti and Eritrea) came together and formed the East African Police Chiefs Organization (EAPCO) with the goal of uniting their efforts and sharing resources in the fight against transnational crime in the region. EAPCO targets the proliferation of small arms and light weapons, banditry and cattle rustling, international car-theft syndicates, drug trafficking and money laundering as well as the emerging threat of global terrorism.<sup>40</sup> In addition to these regional or international agreements, most governments have national policies in place to regulate imports and exports of light weapons.

Individuals have been able to acquire weapons for overt criminal purposes. Specifically the rebel movements in Ethiopia, Sudan and Uganda benefit from this state of affairs.<sup>41</sup> Therefore towns on or close to the borders of these countries are major entry points

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<sup>38</sup> Kizito Sabala (2002), *"The Proliferation, Circulation and Use of Illegal Firearms in Urban Centers: Case of Nairobi, Kenya."* Bonn: BICC.

<sup>39</sup> "Statement by His Excellency Hon. Daniel T. arap Moi," at the Great Lakes Region and the Horn of Africa Conference on Proliferation of Small Arms and Light Weapons," Nairobi, Kenya, March 14, 2000, p. 3.

<sup>40</sup> Owen, Green (2000), *"Examining International Responses to Illicit Arms Trafficking,"* Crime, Law and Social Change 33: pg 159.

<sup>41</sup> Kizito, Sabala, (2002) *"The Proliferation, Circulation and Use of Illegal Firearms in Urban Centers: Case of Nairobi, Kenya."* Bonn: BICC.

for illegal firearms.

Recently, the governments of Kenya and Uganda recognized that the control of SALW should be a priority and underscored the need to actively engage at the international, national and regional levels in advancing effective responses. The governments realized that initiatives are unlikely to succeed without community involvement. To this end the both Kenya and Uganda governments launched the Community Policing Initiative in 2005 and encouraged community members to be on the forefront of fighting all forms of crime. The Initiative is still active, particularly in pastoralist communities, where local leaders are encouraged to oppose the possession and use of illegal guns.

## **1.6 Theoretical Framework**

### **1.6.1 Regionalism Theory**

The purpose of this section is to outline a theoretical framework on the basis of which to assess the efficacy of policy and action against the proliferation of small arms and light weapons in cases of Kenya and Uganda. Therefore this study applied Regionalism Theory.

The Regionalism theory refers to regionalization of region/sub region security where security is analyzed in the concept of regional and sub-regional arrangements. Regionalism is understood as a tool to establish a regional order and to mitigate local instabilities and conflicts, and to prevent future outbreaks of interstate and intrastate violence.<sup>42</sup> Regionalism has become an important factor in many conflicts and contexts since the end of the Cold War. During the Cold War, both the Soviet Union and the United States would support opposing forces in conflicts outside of their countries, thus fighting each other by proxy.

A functional region is a system or subsystem in which the actors have a perceived and

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<sup>42</sup>Alagappa Muthiah (2012), *Regionalism and Conflict Management: "A Framework for Analysis"* Review of International Studies, Vol. 21, No. 4 (Cambridge University Press), pp. 359-387.

mutual relationship, be it economic, cultural and/or military. Such a mutually perceived relationship creates a shared stake in regional stability.<sup>43</sup>

In international relations, regionalism is the expression of a common sense of identity and purpose combined with the creation and implementation of institutions that express a particular identity and shape collective action within a geographical region. Regionalism is one of the three constituents of the international commercial system. According to this theory, a more important role is given to regional/sub regional organizations in maintaining peace and security in their respective regions or sub-regions. Besides intervention by sub-regional organizations in conflicts, supporters of regional arrangements argue that regional economic and political integration are mitigating factors to both interstate and intrastate conflicts. Additionally, they continue to emphasize that regional mechanism for conflict resolutions have the potential to present a systemic approach for addressing endemic conflicts.<sup>44</sup> For the purpose of this study, regional mechanisms may be defined as formal and informal ways or means put in place by regional or sub-regional organizations to manage conflicts in their regional or sub-regional areas.

According to Hettne and Soderbaum, regionalism is a comprehensive, multifaceted and multidimensional process, implying the change of a particular region from relative heterogeneity to increased homogeneity mainly in terms of culture, security, economic policies and politics.<sup>45</sup>

Likewise, the international community has a role to play in the search for a solution to the human sufferings. In the same vein, other global actors are best positioned to address humanitarian requirements and financial support. The role of regional actors remains

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<sup>43</sup> Ibid, pp. 359-387.

<sup>44</sup> Anna Ohanyan, (2012) “*Regional Integration as a Conflict Management Strategy in the Balkans and South Caucasus*”, (IREX 2121 K Street, NW, Suite 700, Washington, Dc 20037), p.2.

<sup>45</sup> Hettne Bjorn and Soderbaum (1998) ‘*The New Regionalism Approach*’, Politeia, 17, 3, pp6-21.



determining factor- due to their understanding of regional, domestic as well as cultural dynamics within the region. However, it suffices to note that regional actors are better positioned for benchmarking in the control of the proliferation of SALW because of cultural similarities than outsiders. This argument is based on the fact that, the regional actors are well vast with regional realities. Secondly, based on past experiences, history has shown that-imported solutions rarely work in offering long lasting remedies. Most importantly, mediators from the region tend to have an inner attachment to the problem as opposed to outsiders.

Regionalism theory would therefore best fit this study since it better understand cultural, geopolitical, historical, and special attachment of a region, especially when it come to SALW.

### **1.7 Justification of the Study**

This study examines the challenges in dealing with the proliferation of small arms and light weapons in Africa, using a case study of Kenya and Uganda.

Several studies have been undertaken on the proliferation and circulation of illicit small arms and light weapons – but little study has been done in the recent past to identify gaps in policy responses and action especially in the context of Kenya and Uganda.

The shift from the traditional security view point, to the emanating security threats from asymmetric threats will be useful to policy makers as they deal with emerging challenges such as terrorism and intra state conflicts due to SALW. This has led to a paradigm shift in analyzing the sources of insecurity in Kenya and especially that related to refugee influx.

At the moment there is need to further on the existing knowledge on threats to national security, with particular reference on gaps in effective management of illicit Small Arms and Light Weapons (SALW), and their potential threat to security.

The study will highlight the real consequences of Small Arms and Light Weapons (SALW), how and who manages the crisis with identification of the possible gaps that can threaten the national security. The study will thus inform policy makers on threats associated with the illicit Small Arms and Light Weapons (SALW) crisis and inform formulation of appropriate policies to regulate the effects.

This study intends to illustrate how small arms and light weapons contribute to the erosion of national security of a state, through creation of further conflict rather than providing the primary purpose of their acquisition.

## **1.8 Research Hypothesis**

**1.8.1** The proliferation of small arms and light weapons in Kenya and Uganda is caused by and is a consequence of poverty and underdevelopment.

**1.8.2** The proliferation of small arms and light weapons has undermined peace in Kenya and Uganda.

**1.8.3** The governments of Kenya and Uganda have not managed to effectively deal with the proliferation of SALW because they lack the capacity and political will.

## **1.9 Methodology of the Study**

### **1.9.1 Introduction**

This part covers the procedures that were followed in conducting the study that is; research design, research method, and target population, sampling methods, data collection and the ethical issues during the research.

The study was based on both primary and secondary sources, such as, interviews, journals, books, and media reports and other academic publications and technical reports by governmental and Non-governmental Organizations.

The research design of this study was informed by the very nature of the study. The effort to acquire primary materials was involved discussing the relevant questions with key

informants through interviews to obtain their views. The process of secondary data was involved investigating and analyzing documents published in different forms.

The study utilized both quantitative and qualitative research techniques for data collection to accomplish the set objectives. Quantitative approach in this case is meant to come up with numerical data and results. Qualitative approach aimed at corresponding with quantitative techniques by concentrating on data that is unquantifiable.

### **1.9.2 Data analysis procedures**

The collected data was sorted and analyzed using document analysis and thematic analysis techniques, based on the emerging issues under study. Document analysis is a form of qualitative research in which documents are interpreted by the researcher.

Thematic analysis is a qualitative analytic method for identifying, analysing and reporting patterns (themes) within data. It minimally organizes and describes the main data set in (rich) detail. However, frequently it goes further than this, and interprets various aspects of the research topic.

A theme captures something important about the data in relation to the research question and represents some level of patterned response or meaning within the data set. Adequate data will be presented to allow a reader to assess whether or not the interpretation is supported by the data.

The qualitative data generated from analysis of reports will be categorized in themes in accordance with research objectives and reported in narrative form along with quantitative presentation. The qualitative data will be used to reinforce the quantitative data.

### **1.9.3 Research ethics**

In relation to the ethical considerations, confidentiality, privacy, anonymity and voluntary and informed consent were observed. This involved the treatment of research respondents with sensitivity, care and dignity. The researcher ensured that information is

obtained in a proper way.

### **1.10 Definition of Key Terms**

The following terms will be restricted to the definition and explanation as given or as used in this study.

**1.10.1** Conflicts refer to fight, battle, war or an armed conflict. It is an competitive or opposing action of incompatibles: antagonistic state or action (as of divergent ideas, interests, or persons), mental struggle resulting from incompatible or opposing needs, drives, wishes, or external or internal demands.

**1.10.2** Light Weapons refers weapons designed for use by two or more persons serving as crew, although, some may be carried and used by a single man. They include inter alia, heavy machine guns, hand-held under-barrel and mounted launchers, portable anti- aircraft guns, portable launcher of anti-tank missiles, rocket launchers and mortars of a caliber of less than 100 millimeters.

**1.10.3** National Security refers to the freedom from danger or threats to a nation's stability to protect itself, promote its values and interest, and enhance the well-being of its people.

**1.10.4** National Security Threat refers to the increase in crime wave, crisis and violent conflict, which endanger people's lives and the safety of the properties a nation. It may as well destabilize a seating government and make a country ungovernable to particular levels.

**1.10.5** Non-States Actors refers to any other actor in the international system, other than state governments. They include mercenaries, armed militias, armed rebel groups and other private security companies that affect events in the international system.

**1.10.6** Proliferation refers to the spread of small arms and light weapons, either into a country or across international boundaries. It may be vertical proliferation (meaning, an

increase in the amount or devastating capacity of any currently existing arms within a state), or, Horizontal proliferation, (meaning, the spread of arms to a state that have not previously possessed them).

**1.10.7** Small Arms refer to weapons designed for individual use. They include inter alia revolver and self loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns.

**1.10.8** Stockpiles refer to the accumulation, in large quantities, of SALW in illegal hands.

**1.10.9** Terrorism refers to the use of force or violence against persons or property in violation of the criminal laws of the nation for the purpose of intimidation, coercion, or ransom, or, the premeditated, politically motivated violence perpetrated against non-combatant targets by sub- national groups, or clandestine agents, usually intended to influence an audience.

**1.10.10** Trans-Border Crimes represents a number of illegal and notorious activities carried out by individuals or groups, along national or international borders, either for financial or economic benefits and also, socio-political cum religious considerations. It is a set of criminal acts whose perpetrators and repercussions go beyond territorial borders. This would include human trafficking, drug trafficking, trafficking of weapons or arms smuggling, cross-border terrorism, to mention but these notable few.

**1.10.11** Transfer refers to imports, export, transit, shipment and transport, or any other movement whatsoever of small arms and light weapons, ammunitions and related materials from or through one territory to the other.

## **1.11 Chapter Outline**

**1.11.1** Chapter one consists of the background to the study, statement of the problem, objectives, literature review, theoretical framework and methodology.

**1.11.2** Chapter two examines the proliferation of small arms and light weapons in Africa.

**1.11.3** Chapter three examines regional and national responses to the proliferation of SALW in Kenya and Uganda.

**1.11.4** Chapter four provides a critical analysis and discussions of the research findings on the efficacy of policy and action against the proliferation of small arms and light weapons with a focus on Kenya and Uganda.

**1.11.5** Chapter five consists of the summary, conclusion and recommendations. It makes several key conclusions and recommendations on the way forward.

## CHAPTER TWO

### PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS IN AFRICA

#### 2.1 Introduction

Small Arms and Light Weapons have many uses beyond their primary function as weapons of war. As a consequence, the effects of their proliferation are widespread. The first cluster of effects is connected with conflict and insecurity, and includes both the direct costs (deaths and injuries in conflicts) and the indirect costs (post-conflict insecurity, inter-communal tensions, among others) of SALW proliferation and use.<sup>46</sup> Although the presence or proliferation of small arms and light weapons does not cause the conflicts that are evident around the world, they do contribute to their level of violence, and generally therefore make the resolution of these conflicts more difficult.

Apart from the notorious AK-47 and its derivatives, another frequent SALW in Africa is the

US-made M-16 assault rifle which was widely used in Liberia during the civil wars of 1989-96 and 1999 -2003. In the Democratic Republic of Congo Israeli Galil assault rifles and Uzi sub-machine guns were widely used as well as Vector R4/R5 assault rifles from the South Africa (SA). German-made Heckler and Koch G3 assault rifles also belong to circle of weapons of choice in sub-Saharan Africa (SSA) especially in Uganda, Tanzania and Kenya.<sup>47</sup>

Some news sources state that many of the people who were killed in the wake of the contested presidential elections in Kenya of December 2007, died as a result of gun wounds inflicted on them by G3s. The G3 has been the standard weapon of the Kenyan police force and army for more than 30 years.<sup>48</sup> The G3 is also widespread in Nigeria and is used by both state security forces and rebels in Nigeria's crisis region number one, the Niger Delta

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<sup>46</sup> McEvoy C and E LeBrun (2010), *Uncertain Future: Armed Violence in Southern Sudan*, HSBA Working Paper 20. Pp 102.

<sup>47</sup> Eckman A *et al.*, (2007) *Exploring Dimensions of Masculinity and Violence*, (CARE/ICRW).

<sup>48</sup> Ibid.

according to the National Guardian Newspaper.<sup>49</sup> Socio-economic underdevelopment presents both a breeding ground for and a consequence of the proliferation and misuse of SALW.<sup>50</sup>

The long-term impact and costs of SALW in terms of human and economic development are detrimental as the proliferation of SALW affect whole societies. SALW, have adverse effects in terms of increasing armed violence, poverty, social spending and they also undermine economic development thus perpetuating human suffering. SALW can have a negative and destructive impact on various aspects of human development including on health education, generation of income and undermining the standard of living, and disrupting community participation in development activities.<sup>51</sup>

Small Arms and Light Weapons also play a key role in promoting criminal activities, which have a negative impact on employment, investment and growth. Widespread use of small arms has a detrimental effect on business activity and employment which in turn fuels poverty. As a result, there may be less opportunity to work and earn an income as investment declines – not only large-scale Foreign Direct Investment (FDI), but also by local or regional entrepreneurs who may not want to take risks in such contexts.<sup>52</sup>

Sunday Edeko observes that there is an increasing recognition that the Millennium Development Goals (MDGs) will not be achieved unless more is done to increase and promote security, as a secure environment is a pre-condition for development. Edeko adds that, the proliferation of SALW interferes with the provision of basic needs, and creates difficulty in carrying out development programmes because of the threat of violence.<sup>53</sup>

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<sup>49</sup> Ibid.

<sup>50</sup> Eckman A *et al.*, (2007) *Exploring Dimensions of Masculinity and Violence*, (CARE/ICRW).

<sup>51</sup> Kizito, Sabala (2004). *African Commitment to Controlling Small Arms and Light Weapons: A Review of Eight NEPAD Countries*. NL: African Human Security Initiative.

<sup>52</sup> Ibid.

<sup>53</sup> Edeko, Sunday (2011), “*The Proliferation of Small Arms and Light Weapons in Africa: A Case Study of the Niger Delta in Nigeria*”, *Sacha Journal of Environmental Studies*, Vol. 1. No. 2.



Bonn International Centre for Conversion observes that this state of affairs has contributed to a state of insecurity, which trickles down to poverty and underdevelopment in most parts of the country and region.<sup>54</sup>

In realization of this devastation, Kenya and states in the region signed regional and international instruments with the aim of combating and eradicating illicit proliferations of SALW.<sup>55</sup>

These instruments include the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW, the UN Firearms Protocol, the Nairobi Declaration on the Problem of the Proliferation of Illicit SALW in the Great Lakes Regions and the Nairobi Protocol. Kenya has continued to subscribe to the current Geneva Declaration on Armed Violence and Development. In addition, Kenya co-authored the UN General Assembly Resolution 61/89 of the 6th December 2006 on Arms Trade Treaty (ATT) and played a leading role in the international and regional efforts in negotiating and developing the ATT.<sup>56</sup> Kenya's contribution to the development of various SALW policy frameworks underlines the Government's commitment to seeking solutions to the problem of uncontrolled arms transfers.

## **2.2 Impact of Small Arms and Light Weapons in Africa**

According to United Nations, there is no agreed definition of Small Arms and Light Weapons (SALW). Most widely used is the definition proposed by the UN Panel of Experts on Small Arms in its 1997 report. There is no universally accepted definition of a 'small arm' or of a 'light weapon'. The Small Arms Survey largely adopts the proposal put forward by the 1997

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<sup>54</sup> Bonn International Centre for Conversion, *Communities Safe from Small Arms in Southern Sudan. A Handbook for Civil Society*, (BICC, 2007), [www.bicc.de/uploads/pdf/publications/other/salw\\_booklet\\_sudan/salw\\_booklet\\_sudan\\_vol\\_2.pdf](http://www.bicc.de/uploads/pdf/publications/other/salw_booklet_sudan/salw_booklet_sudan_vol_2.pdf).

<sup>55</sup> Bonn International Centre for Conversion, *Communities Safe from Small Arms in Southern Sudan. A Handbook for Civil Society*, (BICC, 2007), [www.bicc.de/uploads/pdf/publications/other/salw\\_booklet\\_sudan/salw\\_booklet\\_sudan\\_vol\\_2.pdf](http://www.bicc.de/uploads/pdf/publications/other/salw_booklet_sudan/salw_booklet_sudan_vol_2.pdf).

<sup>56</sup> Ibid.

UN Panel of Governmental Expert) which considers portability a defining characteristic. The Panel's list includes civilian, private, and military weapons that fire a projectile with the condition that the unit or system may be carried by an individual, a small number of people, or transported by a pack animal or a light vehicle.

The Panel's list is organized into 'small arms' and 'light weapons', small arms: revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns and light machine guns. In addition the Panel defined light weapons as; heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft systems (MANPADS); and mortars of calibres of less than 100 mm.

An international study by the Small Arms Survey estimates that there were more than 500 million military-style small arms in the world, and between the years 1980 - 2000 the annual production of military style small arms was estimated at 2.1 million and 21 billion units of ammunition. Worldwide there are about 98 countries with the capacity to produce small arms and 1000 companies are involved in some aspect of small arms production. In 2001, 720 000 military-style small arms – pistols, rifles, sub-machine guns and machine guns – and 7 million commercial firearms – handguns and long guns- were produced. In addition 16 billion units of military calibre small arms ammunition were also produced.<sup>57</sup>

The UN Panel of Experts states that, small arms include revolvers and self-loading pistols, rifles and carbines, sub-machineguns, assault rifles and light machine guns. Light weapons, include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles (sometimes mounted), portable launchers of anti-aircraft missile systems (sometimes mounted), and mortars of

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<sup>57</sup> Small Arms Survey. *Small Arms Survey 2002: Counting the Human Cost*. A Project of the Institute of International Studies, Geneva, 2002 pp. 11-14.

calibre less than 100 mm. Ammunition and explosives includes cartridges (rounds) for small arms, shells and missiles for light weapons, mobile containers with missiles or shells for single-action anti-aircraft and anti-tank systems, anti-personnel and anti-tank hand grenades, landmines and explosives.<sup>58</sup>

Small arms and light weapons are sourced through various means and suppliers. According to the Small Arms Survey, at least 38 companies currently produce small arms in sub-Saharan Africa, with the largest production facilities located in more developed nations, such as South Africa. However, Africa's domestic manufacturing fails to satiate domestic demand. Thus, African countries rely on the thriving international small arms market to meet their needs.

In 2006, the US alone transferred over US\$8.5 million worth of small arms into African countries. With small arms selling from a few hundred dollars to a few thousand dollars, depending on the model, the total reflects a significant number of weapons. A lack of transparency in the international small arms trade makes it impossible to quantify the value and sources of small arms sold to Africa accurately – but China France, Germany, Italy, Russia, the United Kingdom and the US are known as the major legal sources of African weaponry.<sup>59</sup> However, the illicit trade is quite active in Africa, and anecdotal accounts now suggest that Russia has supplanted China as the main supplier of small arms to African arms dealers.

In Africa, the proliferation of small arms is increasing in proportion. These small arms being the remnants of conflicts in Mozambique, Angola, Somalia, Liberia, Sudan, and Sierra Leone among others, as well as licensed weapons being stolen or lost, have played a major role in

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<sup>58</sup> United Nations (1997) *Report of the Panel of Government Experts on Small Arms*, United Nations Document A/52/298, United Nations, New York, 7 August 1997. page 22.

<sup>59</sup> United Nations (1997) *Report of the Panel of Government Experts on Small Arms*, United Nations Document A/52/298, United Nations, New York, 7 August 1997.

exacerbating crimes and armed violence in Eastern Africa, the Great Lakes and even in places like Nigeria.<sup>60</sup> The continent is a major trans-shipment point for the international trade, as well as a major producer of local arms. This SALW phenomenon threatens the consolidation of democracy and security in the region, which is necessary for sustainable development. Arms trafficking and the conflict they feed divert scarce resources away from social services, disrupt trade, discourage tourism, and contribute to the breakdown of family structures.<sup>61</sup> The pervasiveness and persistence of the conflict also have grave psychological consequences as children are traumatized or become accustomed to cultural violence.

Schroeder, Matt and Lamb, Guy observe that the nature of small arms and light weapons regarding the exacerbation of violence and collateral damage such as its major socio-economic consequences at local and international levels. The authors estimate that 100 million small arms exist in Africa, especially around the Horn, including Somalia, Ethiopia, Southern Sudan, the violent belt of Central Africa and many areas of West Africa. Accurate figures are hard to obtain.

Even Africa has its manufacturers and illicit sales. Egypt, Ethiopia, South Africa and Zimbabwe all have manufacturing and distribution factories and illicit sales networks. AK-47s can be bought in some countries on the open market for as little as the price of a sack of flour or a chicken. In some countries like Sudan, Somalia and the Democratic Republic of Congo, guns are part of the culture; almost everyone carries a personal weapon. Tanzania, Kenya and South Africa, along with Nigeria and Ghana in the west, blame the proliferation on huge increases in violent crime.

Canada, sought to positively influence Canadian disarmament policy - particularly on SALW

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<sup>60</sup> Ikelegbe, Augustine (2005) “*The Economy of Conflict in the Oil Rich Niger Delta Region of Nigeria*” Nordic Journal of African Studies, Vol. 14, No. 2.

<sup>61</sup> Schroeder, Matt and Lamb, Guy (2006) ‘*The Illicit Arms Trade in Africa: a Global Enterprise*’. African Analyst Quarterly, Autumn 2006, pp. 69-78.

in Africa.<sup>62</sup> Project Ploughshares observes that working with partners in the Horn who are confronted by the effects of SALW weapons daily keeps the organization aware of the problems of social, economic, and political insecurity created by the proliferation and misuse of SALW, and also provides insight into what needs to be done to bring about change.

Collier states that for decades, life in the Greater Horn of Africa has been characterized by destruction and extraordinary human suffering from long and interrelated civil and inter-state wars.<sup>63</sup>

The numbers of SALW that permeate this region further exacerbate the suffering of the civilian population. The proliferation of SALW stems mainly from struggles against colonialism and the Cold War. More recently, civil wars in Uganda, Ethiopia, Somalia, and Sudan have ushered in a boom in the illegal market in, and illicit use of, SALW.<sup>64</sup> These weapons are now being used in conflicts over natural resources and cattle rustling, and have contributed to soaring of violent crime rates in cities such as Nairobi, Mogadishu, and Kigali. These problems reflect the fact that Africa is transiting through a trying phase in the history of its evolution as a major world civilization.<sup>65</sup> These trying challenges are characterized by the extremes of hunger, the conditions of massive refugee flow and internally displaced persons occasioned by the gruesome phenomenon of violent conflicts and wars.

Ten years after the small arms problem burst onto the world stage, there is a clear consensus that it is key to the understanding and control of contemporary violence. The proliferation and misuse of small arms and light weapons (SALW) occurs in a variety of contexts: receding conflict, post-conflict, and high-crime areas. Small arms are responsible for hundreds of thousands of deaths per year, including 200,000 from homicides and suicides

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<sup>62</sup> Collier, Paul (2003) *Breaking the Conflict Trap: Civil War and Development Policy*. World Bank, p. 17.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Collier, Paul (2003) *Breaking the Conflict Trap: Civil War and Development Policy*. World Bank, p. 17.

and perhaps 300,000 from political violence. A wide range of negative consequences from their use has been revealed: deaths and injuries to innocent civilians, human rights violations, denial of socio-economic development; sparking, fuelling, and prolonging conflicts; obstruction of human.<sup>66</sup>

Weapons on the African continent are circulated through conflicts, leaving one conflict zone and entering another where demand is greater. In West Africa, for instance, the same weapons, and sometimes even the same soldiers, moved from one conflict to another – from Liberia to Sierra Leone, then to Côte d’Ivoire, and then to Guinea – during the decade and a half of conflict in the region. Weapons from Chad have been used in Darfur, while weapons in Somalia have originated from Djibouti, Ethiopia, Egypt, Eritrea and Libya, Uganda and Yemen. Stockpiles of Cold War weaponry used in the course of Soviet and US proxy wars are also readily available throughout the continent.<sup>67</sup>

### **2.3 Action and Policy on Small Arms and Light Weapons in Africa**

African Union (AU), Member States have made significant progress, over the years, in addressing the scourge of illicit Small Arms and Light Weapons (SALW), on the continent. The African Common Position on the Illicit Proliferation, Circulation and Trafficking of SALW, also known as the Bamako Declaration, which was adopted by the Council of Ministers of the OAU in December 2000, remains the main policy document for the Commission. In this Declaration, Member States undertook to identify, seize and destroy illicit weapons. The Declaration also provides for the establishment of measures to control the circulation, transfer and use of small arms and light weapons.

Kofi Annan, states that humanitarian crises in Africa are prolonged and exacerbated by the misuse and availability of small arms and light weapons. Their availability has been

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<sup>66</sup> Rachel Stohl and Rhea Myerscough (2007) ‘*Sub-Saharan Small Arms: The Damage Continues*’. Current History.

<sup>67</sup> Heinrich M (2006), *Small Arms and Development: The Results of the UN Small Arms Review Conference 2006 and Their Policy Implications*, (International Peace Bureau).

responsible for turning the traditional communal activities of pastoral societies or inter-communal competitions over resources – cattle rustling, for example - into deadly confrontations in communities in Sudan, Ethiopia, Uganda, Democratic Republic of Congo (DRC), Zambia and Kenya.<sup>68</sup> According to Annan the source of the demand for these SALW stems from economic and physical insecurity. Most of Africa's conflicts are in countries in the bottom end of the UN's Human Development Index. Thus it is not only a matter of controlling supply; the demand for small arms also needs to be addressed as a matter of urgency.

In Africa, according to Muggah and Batchelor, the rising criminal violence, weak health, education and social services, the wide displacement of people, and declining economic activity are all consequences of the proliferation of SALW.<sup>69</sup> The greater cost of policing leads governments to divert funds from development purposes.<sup>70</sup> Therefore it is important to note that while the proliferation of small arms is generally associated with conflict and post-conflict situations, the reality especially in African countries in transition either from conflict to peace or authoritarianism to democracy, has also shown that they are integrally linked to crimes such as robberies, burglaries, hijackings, drug trafficking, gang-related violence, money laundering and stock-theft.<sup>71</sup>

Wensley observes that the long and porous nature of Africa's borders and the relative ease of concealing small arms make it difficult to control the movement of weapons. Moreover, the agencies responsible for border control are underfunded and ineffective. In Southern Africa, South Africa and Zimbabwe, for different reasons, are countries where

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<sup>68</sup> Edeko, Sunday (2011), *The Proliferation of Small Arms and Light Weapons in Africa: A Case Study of the Niger Delta in Nigeria*, Sacha Journal of Environmental Studies, Vol. 1. No. 2.

<sup>69</sup> Robert Muggah and Peter Batchelor (2002), *Development Held Hostage: Assessing the Effects of Small Arms on Human Development*. New York: United Nations Development Programme, pp. 6-7.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

violent crime is common and, in the case of South Africa, small arms have accounted for thousands of murders every year since its first democratic elections in 1994.<sup>72</sup>

Until recently the disarmament and non-proliferation debate mainly focused on weapons of mass destruction. The issue of small arms and light weapons proliferation was initially raised by, among others, the former Secretary General of the United Nations Mr. Boutros Boutros-Ghali through his Supplement to an Agenda for Peace, 1995, wherein he concentrated on "macro-disarmament".<sup>73</sup>

Kirsten states that this meant practical disarmament in the context of the conflicts the United Nations is actually dealing with and of the weapons, most of them light weapons, which are actually responsible for the deaths of large numbers of civilians and combatants.<sup>74</sup>

The SALW continue to pose security challenges in Kenya they are preferred weapons of choice for committing crimes such as robberies, acts of terrorism, cattle-rustling, poaching and inter-ethnic strife. Their presence in conflict situations escalates the risk of injury, death, destruction of property and heightens fear and insecurity.<sup>75</sup>

Regional instability continues to catalyze the threats posed by the illicit proliferation of SALW. The problem is compounded by the easy availability of illicit SALW and weak legal framework. The outcomes of the national assessments on SALW have highlighted a range of issues and challenge the Government in the region need to address.<sup>76</sup>

The process of developing the Focal point policy was steered by the Kenya National Focal Point (KNFP) through the Policy Drafting Committee (PDC) established in 2005. The PDC drew upon a range of sources to inform the development of the policy. Foremost was

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<sup>72</sup> Rob Wensley, (2002) *Deputy-Director, Arms Control, Department of Foreign Affairs, South Africa*, "Operation Rachel and Bilateral Co-Operation: Political Dimensions." Presentation to an ISS Workshop.

<sup>73</sup> El Jack A, (2002) *Gender Perspectives on the Management of Small Arms and Light Weapons in the Sudan*, (BICC).

<sup>74</sup> Adèle Kirsten, (2005) *Guns Under Fire: Initial results of the 2005 firearms amnesty*, SA Crime Quarterly: No 12.

<sup>75</sup> Kenya National Focal Point (2005) Kenya.

<sup>76</sup> Ibid.



the outcome of the national assessment of the SALW problem in Kenya, conducted by the KNFP.<sup>77</sup>

In accordance with the 2010 constitution, this policy document has gone through a series of consultations with relevant Government departments and agencies, Civil Society Organization and the general public.<sup>78</sup> Between January 2005 and August 2013 various consultative and sensitization meetings, and validation forums on the final draft with stakeholders were undertaken. During the same period, a series of consultations were conducted with members of parliament too.

The struggle against the proliferation of small arms and light weapons in Africa can claim a number of recent successes. Parliamentarians can take credit for several of them. The Nairobi Declaration and Protocol, for instance, were signed by most countries in the Great Lakes Region and Horn of Africa and are internationally renowned and accepted as far-reaching instruments to curb the use and illicit trade in small arms. Members of Parliament passionately supported these international agreements, the ratification of which completely hinges on the legislators' commitment and consent.

In a different development, parliamentarians from Burundi, the Democratic Republic of Congo and Rwanda have made huge headway towards harmonizing their countries' laws against illicit small arms trade, making it much more difficult for illicit traders to find a safe haven in a region that has been hard hit by the damaging effects of indiscriminate use of small arms.

In Africa, as in many other parts of the world, the availability and misuse of small arms and light weapons presents a serious threat to safety, security and development. The vast majority of today's armed conflicts are fought with these weapons and their availability

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<sup>77</sup> Constitution of Kenya (2010).

<sup>78</sup> Hughes-Wilson J and A Wilkinson (2001), *Safe and Efficient Small Arms Collection and Destruction Programmes: A Proposal for Practical Technical Measures*, (United Nations Development Programme (UNDP)).

serves to intensify and exacerbate fighting, whilst undermining efforts aimed at conflict prevention and resolution. They are also widely used in the commission of crime and other violent activities, including cattle-rustling, and thus present a variety of threats to personal security. In turn, this climate of insecurity serves to undermine economic development through restricting freedom of movement, and access to services and opportunities for income generation.

In recognition of this threat, the Government of Uganda has resolved to take an urgent and determined approach to tackling this problem, and has made this a national priority. The Government of Uganda has, therefore, in partnership with civil society, developed a National Action Plan on Small Arms and Light Weapons (NAP). The NAP has been developed and is currently being implemented under the co-ordination of Uganda's National Focal Point on Small Arms and Light Weapons, which brings together all those Ministries and Departments with a role to play in tackling the small arms problem, as well as representatives from civil society.

More than a year has passed since the international community chose to document and formally address the growing global problems associated with the increased proliferation, availability, and misuse of small arms and light weapons (SALW). In the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNGA, 2001b), agreed to at the July 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN Small Arms Conference), national governments adopted a wide-ranging set of commitments that, if implemented, would greatly aid in preventing and reducing the negative impact of these weapons.

A key step in the follow-up to the UN Small Arms Conference will be taken towards the end of 2002, when the First Committee of the UN General Assembly (UNGA) meets to

develop an agenda and process for the 2003 biennial meeting. As recommended in the Programme, the biennial meeting will give states an initial opportunity, under UN auspices, 'to consider the national, regional and global implementation of the Programme of Action.

#### **2.4 Policies and Agreements in Small Arms and Light Weapons in Africa**

Some African regions have adopted regional policies to fight the proliferation of small arms. These instruments contain very strong references to the need not to transfer arms where they risk being used in breach of international humanitarian law (IHL). These instruments are also legally-binding.

Recently, one particular category of weapons - small arms and light weapons - has received growing attention from researchers and policy makers because the presence of these weapons is perceived as an especially important factor for the outbreak, continuation and intensification of most current violent conflicts. This attention has resulted in a range of efforts to collect empirical material on the production, transfer and storage of small arms, with the intention of supporting assumptions on the role of small arms in conflicts.

Clearly, the unchecked flow of small arms and light weapons to areas of conflict represents a significant threat to world peace and security. While it cannot be said that such weapons are a primary cause of conflict, their worldwide availability, low cost and ease of operation make it relatively easy for potential belligerents of all kinds to initiate and sustain deadly conflict. Accordingly, policy-makers have begun to highlight the need for new international controls in this area. In a January 1998 message to the UN Conference on Disarmament, Secretary-General Kofi Annan said, "With regard to conventional weapons, there is a growing awareness among member-states of the urgent need to adopt measures to reduce the transfer of small arms and light weapons. It is now incumbent on all of us to translate this shared awareness into decisive action."

In order to put in place the UN Instruments regarding the proliferation and transfer control of SALW, various African regional instruments have been fixed. Some of them are legal and others political. Three of Africa's sub-regions, namely the Great Lakes and Horn of Africa (GLHA), West Africa and Southern Africa, have established their regional coordinating agencies in line with the Bamako Declaration, among many others.

## **2.5 The Bamako Declaration**

The Decision AHG/Dec. 137 (LXX), adopted by the 35th Ordinary Session of the Assembly of Heads of State and Government held in Algiers, Algeria, from 12 to 14 July 1999, which called for an African approach on the problems posed by the illicit proliferation, circulation and trafficking of small arms and light weapons, and for the convening of a Ministerial preparatory conference on this matter prior to the holding of the United Nations Conference; and the decisions adopted on this matter by the Council of Ministers, at its 68th Ordinary Session held in Ouagadougou, Burkina Faso, from 1 to 6 June 1998 (CM/Dec. 432 (LXVIII)), the 71st Ordinary Session held in Addis Ababa, Ethiopia, from 6 to 10 March 2000 (CM/Dec. 501 (LXXI)), and the 72nd Ordinary Session held in Lome, Togo, from 6 to 8 July 2000 (CM/Dec. 527 (LXXII)).

In December 2000, in preparation for the 2001 UN Program of Action, the OAU member states met in Bamako (Mali) to develop "An African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons" commonly referred to as the Bamako Declaration.

The Bamako Declaration bound signatory governments to embrace common measures to eradicate the proliferation of SALW within Africa. The declaration was the base for further regional commitments.

The Bamako Declaration set an agenda for Africa's fight against the proliferation and illicit trafficking of small arms and light weapons in the continent, based on seven pillars; An

institutional framework with a national program and focal point to coordinate regulations. Regional cooperation and coordination in efforts, programs, and initiatives - legislative measures to develop a uniform and standard legal framework regarding the manufacture, possession, import, export, transfer, transit, transport and control of small arms; and operational capacity-building to ensure available resources to support the regional institutions, the control, seizures, forfeiture, distribution, collection and destruction of SALW in each country, exchange of information, data collection and up-to-date record keeping and programs to create public awareness of the consequences of the proliferation of SALW.

### **2.5.1 The Nairobi Declaration and the Nairobi Protocol on Small Arms and Light Weapons**

The Nairobi Declaration (ND) on the Proliferation of Illicit SALW was adopted in 2000. The document is not legally binding but contains a plan to deal with the proliferation of small arms in the region. It aimed at the disarmament in the Horn of Africa. The signatories were members in East Africa and Great Lakes: Burundi, the DRC, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Tanzania and Uganda. The ND enhances good governance, respect for human rights and rule of law, improvement of democracies and promotion of economic development. It identified aspects to be improved: border security and measures and improve living standards of pastoralist; that multi-national agencies, NGOs and civil society will assist the government in controlling and reducing proliferation and illicit trafficking of SALW.

The Nairobi Protocol<sup>79</sup> (NP) for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, adopted in 2004 entered into force on 5 May 2006. It constitutes a further step to the ND, as it is a legally-binding instrument and associated to the Best Practice Guidelines on Arms Control and Management adopted in June 2005. The signatory governments are obliged to address the

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<sup>79</sup> Constitution of Kenya (2010).

problem of internal conflict which is the magnet for light weapons flowing into Central and East Africa. The protocol requires states to pass laws outlawing the illicit manufacture, trafficking, possession and misuse of SALW. Signatories to the protocol are: Burundi, DR Congo, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Sudan, Uganda and Tanzania. The Nairobi Secretariat that coordinated the initiatives and actions at regional level has become RECSA.

### **2.5.2 The ECOWAS Convention on Small Arms and Light Weapons**

The ECOWAS Convention on Small Arms and Light Weapons contains agreed principles on arms transfers that member states should put forward during negotiations on a global Arms Trade Treaty. For instance, the Convention stipulates that all decisions to transfer small arms and light weapons should respect States' obligations under international law, including United Nations Security Council resolutions imposing arms embargoes. In addition, the Convention says that transfers of small arms and light weapons will be denied if the arms were to be used to violate international humanitarian law or human rights, or would adversely affect regional security, sustainable development, and other regional interests.

Regarding the scope of weapons to be covered in an Arms Trade Treaty, discussions at the UN have focused on conventional weapons. As West African States possess mainly small arms and light weapons, curbing the region's problems will therefore require that an Arms Trade Treaty cover small arms and light weapons. Ammunition transfers should also be regulated, as arms are nothing without ammunition!

### **2.5.3 The Southern African Development Community Protocol on the Control of Firearms, Ammunition and Related Materials**

In March 2001, the SADC Declaration was adopted. It concerns Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC). It was signed by some SADC members: Mozambique, South Africa, Swaziland, Zambia, and Zimbabwe. Signatories committed themselves to develop and adopt a legal instrument in the form of a regional protocol.

In August 2001 the legally binding SADC Protocol<sup>53</sup> on Control of Firearms, Ammunition and Other Related Materials was adopted.

The objectives are to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials; regulate the import and export of legal small arms and harmonise national legislation in the region.

### **2.5.4 The Kinshasa Convention on Small Arms Control**

The ‘Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition, Parts and Components that can be used for their Manufacture, Repair and Assembly’, also known as the Kinshasa Convention, was signed on 19 November 2010 in Brazzaville, Republic of the Congo. The signatories were Angola, Cameroon, Chad, Democratic Republic of Congo, Equatorial Guinea, Gabon, the Central African Republic, the Republic of Congo and Sao Tomé and Príncipe.

The governments of Burundi and Rwanda have not yet signed the convention which will come into force once it is ratified by six signatories. The implementation plan was later adopted by the Kinshasa Convention state parties in November 2010 at Brazzaville.

### **2.5.5 Small Arms Disarmament and Arms Collection**

Disarmament, Demobilization and Reintegration (DDR) processes have taken place in most post-conflict African countries and in certain areas where there is abundance of SALW. In Angola and Congo, cease-fires were accompanied by programmes to collect weapons and munitions from rival factions. DR Congo has followed a program of disarmament. In Mozambique, from 1995 to 2000, the Christian Council of Churches undertook a collection of weapons, in exchange for various tools and machinery. The confiscated weapons were turned into public art and practical objects.

Arms collection and destruction programs have taken place in various other countries, such as, Kenya, Lesotho, Liberia, Mali, Mozambique, Rwanda, Sierra Leone, South Africa and Uganda (among others). Only partial success was achieved at rounding up weapons.

### **2.5.6 Others**

Regional organisations such as the Organisation for Security and Cooperation in Europe (OSCE) and the NATO Partnership for Peace (PfP) have decided on normative and/or operational measures to combat illicit small arms. Similar measures have also been adopted by the European Union (EU), the Organisation of American States (OAS) and the Economic Community of West African States (ECOWAS).

The UN Development Programme (UNDP) also plays an important part in the fight against the uncontrolled proliferation of small arms and light weapons. It supports governments in developing countries in their efforts to combat illicit trafficking in arms, particularly by introducing targeted legislation.



In 1999, on the initiative of Switzerland, the Geneva Graduate Institute of International and Development Studies (GGIIDS) launched a research programme on small arms, the Small Arms Survey. This competence centre is internationally regarded as the institution of reference for small arms and light weapons. Its publications include an annual report with detailed information, analyses and statistics on this subject.

In October 1998 ECOWAS adopted a 3 year Moratorium on the Importation, Exportation and Manufacture of Light Weapons in West Africa. It aimed at coordinating a regional approach to control the illicit proliferation of small arms in West Africa. This strong political will to stop the proliferation of arms also facilitated the Disarmament, Demobilization and Reintegration (DDR) processes.

In October 2001, the Moratorium was extended for a further three years. In January 2003, a consultative review of the Moratorium by West African civil society highlighted various issues of concern pertaining to the inefficiency of the Moratorium. These included: the exclusive focus on importation at the expense of manufacture that was widespread within the region; the need to popularize the Moratorium so that communities could monitor its implementation; need to transform the Moratorium into a regional legally binding Convention on Small Arms.

In June 2006, the ECOWAS Moratorium was converted into the ECOWAS Convention on Small Arms and Light Weapons, their Ammunition And other Related Materials. It has a Plan of Action that prescribes major actions and activities and identifies responsible parties in the implementation process. Benin, Burkina Faso, Cape Verde, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo ratified the Convention.

In March 2010 ECOWAS governments adopted a five-year Plan of Action for the Implementation of the 2006 ECOWAS Convention and approved the database mechanism to

promote transparency in the transaction and imports of small arms among member states.

## **2.5 Chapter Summary**

This chapter gives a historical account of the problem and an instrument established to deal with the problem of SALW and observes that the lack of clear and coordinated regional standards has hindered the cooperation of regional government to deal with the proliferation of SALW. This is due to legal and policy divergence among them and yet the proliferation of arms is not limited to national borders.

There is therefore need for a regional approach to dealing with the challenges of small and light weapons.

The Regional and international agreements identified above provide a road map for reducing the illicit small arms trade, both in Africa and globally. Efforts have been made and some steps taken, but they are insufficient and the proliferation and illicit trafficking of SALW is still rampant. The progress made by signatory countries in implementing the agreements varies greatly. Implementing these agreements requires significant and sustained political will and resources. The international community must do more to prevent the human suffering these weapons cause. Where Focal points exist they have facilitated the collaboration of civil society with the government, forces and police, favouring progress and building trust between government and civil society.

The Kenyan Government has developed the Policy on Small Arms and Light Weapons. The policy provides a framework within which the problem of illicit arms will be addressed. It also provides for legislative reviews and harmonization of all existing laws on small arms. It comprehensively addresses the demand and supply areas with proposals on programs for averting the scenario. While the policy has not been passed by parliament, part implementation of the same is ongoing alongside the Proposed Policy on Peace building and

Conflict management and the Protocol on cattle rustling.

## CHAPTER THREE

### DYNAMICS, ACTORS AND ISSUES IN PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS IN KENYA AND UGANDA

#### 3.1 Evidence of Small Arms and Light Weapons

In Africa as elsewhere, the illicit trade in small arms and light weapons is opaque, amorphous and dynamic. It has also global dimensions given that the illicit weapons across Africa come from virtually every major arms producing country in the world.

The Human Rights Watch observes that much of East Africa and the Horn of Africa are flooded with guns, predominantly small arms, and a large number of those weapons spill over into Kenya. Since the late 1970s the countries bordering Kenya to the north (Ethiopia, Somalia, Sudan, and Uganda) have experienced long periods of unrest and internal armed conflict.<sup>80</sup> During the cold war these wars were fueled in part by the huge quantities of arms pumped into East Africa by the United States, the Soviet Union, and their allies.

The torrent of free or subsidized arms flowing to the African continent subsided significantly after the end of the cold war, but large quantities of arms have continued to pour into the region from numerous arms producers, including China, Bulgaria, and other countries of central and eastern Europe. Kenya is a signatory to a number of regional protocols and agreements that deal with the problem of small arms and light weapons. These include the Nairobi Declaration on SALW, the Nairobi Protocol and the Intergovernmental Authority on Development (IGAD)'s Conflict Early Warning and Response Mechanism, (CEWARN).

The Kenyan Government has ratified and domesticated most of these instruments as a sign of political commitment and goodwill. In addition Kenya hosts the Regional Centre on Small Arms (RECSA) that brings together 13 countries within the Great Lakes Region and

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<sup>80</sup> Human Rights Watch (1998), "*Global Trade, Local Impact: Arms Transfers to all Sides in the Civil War in Sudan*," A Human Rights Watch Report, vol. 10, no. 4.

Horn of Africa. Internationally, Kenya has signed the UN Programme of Action on Small Arms (UNPoA), the Ottawa Convention that bans Land mines and the Convention on Cluster Munitions (CCM) which Kenya endorsed in December 2008 in Oslo, Norway. This, too, in principle is an indication of the country's commitment to support efforts aimed at limiting the indiscriminate consequences of SALW on civilians.

The Convention on Cluster Munitions in particular, provides a vital link to the other existing Conventions and strengthens their role in limiting the proliferation of weapons and enable development in areas affected after clearance. The above depicts Kenya's commitment to addressing the problem of proliferation of illicit SALW not only in the country but also in the region and beyond coercive.

Kenya has experienced the misuse and effects of small arms and light weapons for many years, but the unprecedented violence that erupted following the December 2007 general elections placed the issue of small arms reduction higher on the country's national agenda. Earlier, the issue of illicit firearms and light weapons in Kenya had been the subject of the 2003 National Mapping for Illicit SALW, carried out by the KNFP. The Kenya National Action Plan for Arms Control and Management (KNFP) was set up in June 2002 (operational in March 2003) in regard to Kenya's obligations under the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and The Horn of Africa. The 2003 National Mapping exercise informed the development of the Kenya National Action Plan for Arms Control and Management.<sup>81</sup>

Broadly, the availability, misuse and effects of small arms and light weapons have long been felt through-out the Kenyan society. Muchai observes that the effects of small arms availability and misuse have long been felt throughout the Kenyan society. Pastoralist

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<sup>81</sup> Manasseh Wepundi, Eliud Nthiga, and Eliud Kabuu, *et al.*, (2012) *Availability of Small Arms and Perception of Security in Kenya: An Assessment, Special Report*, June 2012, Available at [www.smallarmssurvey.org/fileadmin/docs/C-Special-reports/SAS-SR16-Kenya.pdf](http://www.smallarmssurvey.org/fileadmin/docs/C-Special-reports/SAS-SR16-Kenya.pdf), Accessed 17 March 2015.

communities with relatively little police presence and numerous challenges (such as conflict over grazing and water access for their cattle) are greatly affected. This is especially so for communities in the North Eastern, Upper Eastern, and North Rift areas, which are believed to suffer excessively from high levels of illicit firearms and insecurity.<sup>82</sup> Urban centres like Nairobi, Mombasa, Eldoret, Thika, and Kisumu have also suffered from the illicit trade in small arms.

According to the Commission of Inquiry into Post-Election Violence (CIPEV), the unprecedented levels of armed violence that erupted after the December 2007 general elections in Kenya placed the problem of small arms higher on the national agenda. According to the report of the Commission of Inquiry into Post-Election Violence (also known as the Waki Report-named after the commission's chairperson, Justice Philip Waki), a total of 1,133 people died as a consequence of the election related unrest that was largely attributed to small arms. More than 3,500 Kenyans suffered injuries and over 100,000 private properties were destroyed.<sup>83</sup> The Waki Report observed that '[g]unshots accounted for 962 casualties out of whom 405 died'.

The last several decades have seen an escalation in interethnic resource conflicts and banditry among pastoralists in the Kenya-Uganda border region, fuelled by a growing number of small arms. State management has been largely unsuccessful and often counterproductive in reducing numbers of small arms. Civilians in the region use SALW for stock rustling, settling local disputes and in the administration of their own security especially around the poorly policed border areas. The area has also become vulnerable to violent robberies – especially in the recent past, and cross border attacks. A combination of factors such as the vast unregulated borders, hostile weather, rough terrain, and poor communication

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<sup>82</sup> Muchai, Augusta. (2005). 'Insecurity: A Case Study of Northern Kenya.' In MichaHollestelle and Simon Simonse, eds. *Security When the State Fails: Community Responses to Armed Violence*, Vol. 5. The Hague: Pax Christi, pp. 113–29.

<sup>83</sup> CIPEV (Commission of Inquiry into Post-election Violence). 2008. *Report of the Findings of the CIPEV*. Nairobi: Government Printers.

have limited the government's ability to effectively police these regions and protect their inhabitants<sup>84</sup>.

The outcome has been heavy losses of lives as cattle raids assume commercial levels. The creation of paramilitary institutions in the border regions of Kenya and Uganda have contributed to exacerbating the problem by intensifying conflicts and competition for weapons.<sup>85</sup>

Understanding these dynamics and the sources of arms acquisition is significant in developing responses that can help curb the increase in proliferation of arms and the attendant violence. Bevan observes that pastoralists living in the border regions provide a large market for small arms.

Traditionally, pastoralists practiced cattle rustling using bows and arrows. Today, with the availability of cheap and easy-to-use high-powered assault rifles, namely the AK-47, the conflict has taken on epidemic proportions with increased fatalities and indiscriminate killing during raids. A 2008 study in Karamoja, Uganda, found that 88 percent of respondents recalled a small arm being used in the last violent attack on their community.<sup>86</sup>

McEvoy and Murray state that small arms are used in 96.9 per cent of cattle rustling events in the Kenya-Sudan border region.<sup>87</sup> While it is difficult to estimate the exact number of small arms in circulation in the region, experts estimate that the figure is well over 300,000.<sup>88</sup>

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<sup>84</sup> MakumiMwagiru, (2008) *Human Security Setting the Agenda for the Horn of Africa*, Nairobi: Africa Peace Forum, p. 41.

<sup>85</sup> Muchai, Augusta. (2005) 'Insecurity: A Case Study of Northern Kenya.' In MichaHollestelle and Simon Simons, eds. *Security When the State Fails: Community Responses to Armed Violence*, Vol. 5. The Hague: Pax Christi, pp. 113–29.

<sup>86</sup> Bevan, James. (2008) *Blowback: Kenya's Illicit Ammunition Problem in Turkana North District*. Occasional Paper 22. Geneva: Small Arms Survey.

<sup>87</sup> McEvoy, Claire, and Ryan Murray (2008) *Gauging Fear and Insecurity: Perspectives on Armed Violence in Eastern Equatoria and Turkana North*. Small Arms Survey Working Paper 14. Geneva: Small Arms Survey.

<sup>88</sup> Ibid.

In Uganda, for example, the proliferation of small arms and light weapons helped fuel and perpetuate the two-decades-old conflict between the Ugandan government and the Lord's Resistance Army (LRA). The LRA, which was initially armed by the Sudanese government in the Uganda-Sudan proxy war but now mainly depends on the illicit regional arms trade, mostly targets civilians and typically attacks civilian camps, loots supplies, burns huts, and rapes and abducts innocent civilians. Villagers are often mutilated to in still fear and perpetuate insecurity. Children are frequently abducted to serve as porters, troops, and sex slaves.

In rural areas, small arms have replaced traditional weapons in ethnic warfare over land, water and livestock. In one of the most vicious eruptions of conflict in northern Kenya in recent years, more than 70 people were killed in Marsabit District on 12 July 2005, when armed raiders, believed to have been members of the Borana ethnic group, attacked villages inhabited by the Gabra community. Scores were wounded and thousands displaced. The attack underlined the volatility of relationships between communities in arid areas, where pasture and water sources are often limited and rivalry between pastoralists - who are often armed with illegally acquired weapons - is intense.

The use of firearms has risen to alarmingly high levels in Kenya during the past two decades, a trend blamed on the easy availability of small arms, mostly pistols and assault rifles. Armed conflicts in the Horn of Africa, especially in Somalia, some parts of Ethiopia and the Great Lakes region, have been cited as one way through which illegal guns have found their way into Kenya and Uganda and fallen into the hands of gangsters and livestock thieves. Indeed, most the conflicts in the region remain intractable. With the exception of the more conventional Eritrean-Ethiopian conflict (1998-2000), efforts to end conflicts in the Horn of Africa have yielded no lasting successes.



One obstacle is war-profiteering by soldiers and guerrillas. The arms market continues to offer many opportunities to those who possess assets other than hard currency to finance weapons purchases. Diamonds, gemstones, and minerals enable cash poor governments and insurgent groups the ability to acquire arms.

### **3.2 Actors in Proliferation of Small Arms and Light Weapons**

The proliferation of small arms and light weapons is an immediate security challenge to individuals, societies, and states in the East and Horn of Africa and around the world. SALW continue to pose an enormous hurdle to sustainable security and development. Small arms fuel civil wars, organized criminal violence, and terrorist activities.

In the Horn of Africa, Somalia is the quintessential failed state that illustrates the cost of small arms and light weapons proliferation and the challenges of recreating the conditions for sustainable.

In April 2005, the Kenyan government started an exercise to collect firearms voluntarily surrendered by communities in the northern Rift Valley districts of Pokot, Turkana, Marakwet, Samburu, Trans-Nzoia and Laikipia - areas where interethnic violence, mostly prompted by cattle rustling and rivalry over water and pasture, had claimed the lives of hundreds of people during the past decade. Some 2,300 firearms and 5,000 rounds of ammunition were surrendered in the six districts, a paltry figure considering that people in these areas were estimated to hold 50,000 illegally acquired firearms.

Kenya is part of the regional and international initiatives for the reduction and control of the proliferation of SALW. These include the UN Programme of Action on SALW, the Geneva Declaration on SALW; the Nairobi Protocols and Declaration on SALW among other legal instruments. Kenya currently hosts the Regional Centre on Small Arms (RECSA) which is an intergovernmental body supporting members states. The Kenya National Focal Point for SALW is responsible for issues of SALW.

Several factors challenge law enforcement efforts to control the proliferation of small arms. They include: inadequate physical presence of law enforcement officers, poor infrastructure, corruption, scarcity of resources, and difficult terrain in the small arms and conflict hotspot areas. Some police security initiatives have equally posed blowback challenges. For instance, Bevan observes that the Kenya Police supplies almost 50 per cent of the ammunition that circulates illegally in Turkana North in order to provide the Turkana with some defence against rival groups from South Sudan and Uganda.<sup>89</sup>

Numerous attempts to formally disarm civilian populations in Kenya have been implemented, with varying degrees of success. In 2010/11–2014/15 Strategic Plan, the KNFP underscored its commitment to the realization of a ‘peaceful, secure and prosperous society free of illicit SALW [small arms and light weapons] for sustainable development’. The KNFP’s focus areas include stockpile management, capacity building among stakeholders and other actors in small arms, awareness raising on the dangers of illicit small arms, and institutional capacity strengthening for mitigating small arms challenges.<sup>90</sup>

The KNFP derives its mandate from the various international, regional and sub-regional legal instruments to which Kenya is a signatory and is responsible for liaison with states at sub-regional, regional and international level, as well as with relevant organizations, on all matters relating to their implementation. This includes developing policy guidelines and research; monitoring efforts to combat, prevent and eradicate illicit trade in small arms and light weapons in all its aspects; and coordinating collection and destruction of small arms and light weapons.

Ndung’u notes that among other government efforts to manage security challenges has been the establishment and deployment of members of the Kenya Police Reserve (KPR).

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<sup>89</sup>Bevan, James. 2008. *Blowback: Kenya’s Illicit Ammunition Problem in Turkana North District*. Geneva: Small Arms Survey.

<sup>90</sup>Ibid.

In their role as volunteers, KPRs are called upon in times of need to support regular police units during problematic security situations.<sup>91</sup> However, some members of these units have privatized the small arms given to them by the government and allegedly use them for criminal ends.

### **3.3 Policy Responses to the Problem of Small Arms and Light Weapons**

In response to the vast failings of coercive disarmament, multilateral and bilateral agencies are exploring alternative approaches to mitigating pastoral conflicts. Regional bodies, host governments and donors are becoming increasingly more aware of the spillover effects of the pastoralist conflict. Consequently, peace building initiatives are gaining more attention and resources from governments than in the past.

Kenya is one of the few countries around the Great Lakes Region and the Horn of Africa that has escaped the ravages of large scale war since gaining its independence. It is surrounded by Somalia to the North East, Uganda to the West and Ethiopia to the North as well as Sudan to the North West. All these countries at one point or another have undergone or are currently undergoing conflict. Its porous borders mean that small arms are moved into the country with an element of ease. As a result Kenya has been at the forefront of efforts to prevent and resolve conflicts in the sub region and in particular in tackling the proliferation of illicit small arms and light weapons.

The key objective and purpose of the ATT (Arms Trading Treaty) is to establish the highest possible common international standards to regulate trade in conventional arms, including SALW. Similarity in wording and intention between the ATT and the other three instruments reinforces complementarily in addressing the problem of the proliferation of SALW in RECSA and Economic Community of Central African States (ECCAS) sub-

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<sup>91</sup> Ndung'u, James. 2010. *A Reserve Force in Decline: Dilemmas of Supporting Community Security through Auxilliary Police in Greater Marsabit*. Unpublished report. Marsabit: Catholic Justice and Peace Commission.

regions.

At the national level, there are several policy and legal regimes that shall be critical to the implementation of National Action Plan for Arms Control and Management (NAP). Its interpretation and implementation shall seek to link with these policies and legislations including the Kenya Vision 2030, Information Communication Technology (ICT) Policy, the Arid and Semi-arid Land (ASAL) Development Policy, the Peace Building and Conflict Management Policy and the Gender Policy.

The Government is now party to a number of regional and international agreements and legal instruments on SALW control that set forth a common understanding both of the nature of the problem and how it impacts on societies, as well as the measures that need to be taken to effectively tackle it from a global and regional dimension.

The development of policy will significantly be informed by these instruments and it shall be linked in its interpretation and implementation to the East Africa Police Chiefs Cooperation Organization (EAPCCO-Cattle Rustling Protocol); Nairobi Protocol for the Prevention, control and reduction of SALW in the Great Lakes and the Horn of Africa; the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects; The Bamako Declaration On An African Common Position On The Illicit Proliferation, Circulation And Trafficking Of Small Arms And Light Weapons; The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa; Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa; and Implementation Plan of the Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa.

The long term success of any efforts at reduction and ultimately elimination of illicit

SALW from Kenya shall rely on the ability of law enforcement agencies to provide satisfactory security management and policing services especially in the marginal areas. Enhancing the capacity and ability of the police to provide security removes the need or incentive for civilians to arm themselves in order to provide for their own security.

Traditional dispute resolution and peace committee mechanisms imbued in peace declarations have been instrumental in reducing armed conflict between communities. In some of these communities, the enforcement of peace declarations has witnessed substantial reduction of SALW, thereby considerably reducing the cost of security operations and opening up opportunities for public investment in socio-economic ventures with a positive impact on the populace. The Government shall improve legislation to strengthen the community peace building initiatives through strengthening moral empowerment of the peace declarations.

The administration and management of refugee affairs is an important international obligation of the republic of Kenya. Kenya already has a Refugee Act. For the purposes of Arms Management and Control, considering that illicit arms proliferation into Kenya is mainly from the conflict zones in the neighbouring countries in which some of the refugees may be active participants.

Over the past decade, there have been clear and deliberate efforts by the government of Kenya to improve security at the local and national levels, particularly with regard to the reduction of illicit small arms and light weapons (SALW). Even though the exact number of illicit firearms in circulation is not known, it is widely believed that they continue to be a great threat to human security in the country, particularly amongst pastoralist communities and to the general public, both in urban and rural Kenya. The government has been undertaking a number of initiatives to address the problem, especially disarmament and destruction of recovered firearms, but so far without a guarantee of improved security.

The vast lands occupied by pastoralist and other marginalized communities could be turned into gold mines if only their potential would be tapped through improved community involvement at all levels; from formulation to the implementation of policy. Addressing the reasons for demand and supply of both firearms and ammunition would also increase available funds for development of pastoralist regions and other marginalized parts of the country as opposed to expensive disarmament operations that the government has continued to conduct.

Destruction of recovered firearms should also be conducted at the village level to increase ownership of disarmament processes as the communities would feel it is their personal responsibility to cooperate with security agencies in view to improve much desired security and achieve high levels of development.

### **3.4 Policy Gaps of Small Arms and Light Weapons**

Small arms proliferation is potentially the greatest security threat facing Kenya, and perhaps the East African region as a whole. Under mounting pressure to respond to the threat and maintain security, Kenya's National Assembly will soon make a decision on modernizing its small arms and light weapons (SALW) legislation.<sup>92</sup>

Kenya currently has a wide range of pieces of legislation with relevance to SALW including the Firearms Act, Police Act, Explosives Act, Armed Forces Act, Customs and Excise Act, Wildlife Act, Extradition Act, Penal Code, Immigration Act, Administration Police Act, Prisons Act, Forests Act and Refugee Act. Despite the existence of these pieces of legislation, there is disjointed and cumbersome approach to addressing the problem of SALW in all its aspects.

Part of the challenge in responding to the issue is Kenya's outdated legislation, which

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<sup>92</sup> Kizito, Sabala (2004). *African Commitment to Controlling Small Arms and Light Weapons: A Review of Eight NEPAD Countries*. NL: African Human Security Initiative.

has been left in the proverbial dust by modern security challenges such as piracy, terrorism, and small arms proliferation. The Firearms Act became law in 1954, and has not been updated since. Many issues, such as civilian possession of weapons such as the AK-47 and other powerful yet light weapons were not of major concern when the bill entered into effect.

Relatively few details about The Small Arms and Light Weapons Control and Management Bill are currently available, but some media sources in Kenya have released details. It was drafted as a joint venture between branches of the Kenyan government and civil society actors - with the United Nations Development Programme as a key sponsor.<sup>93</sup>

One of the more noteworthy components of the legislation is a general increase in penalties for SALW possession. Currently, sentences for such crimes frequent the range of two to three years. Penalties under the new law would be much harsher. For example, failure to secure a firearm so as to prevent injury or threat to a third party would carry a prison term of “no less than 18 months.” Harsher still, anyone who lends their firearm to another could be face a fine of KShs. 10 million (approx. US\$ 114,000) and seven years in prison.

The government’s response to the violence and the ultimate chances of reducing SALW proliferation in the region are complicated by a few major problems. Countries in the region suffer from porous borders enabling smugglers to change their routes almost at will; many also travel through multiple countries before reaching their destination. Perhaps worse still, Kenya shares a 1,000-kilometre border with Somalia, the world’s archetypal failed state.

Compounding the problem, border policing in Kenya is a disjointed and seemingly uncoordinated venture. It is currently a joint effort between most of the country’s security agencies; the Kenyan Army, the Rural Border Patrol Unit of the Administration Police, immigration officials, intelligence officers, and anti-terrorism police. Officials have recently announced plans to acquire unmanned aerial vehicles to enhance border protection.

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<sup>93</sup> Ibid.

Undoubtedly, more details regarding the Small Arms Bill will be released once the legislation comes under review by the National Assembly, giving a clearer picture of the legislation's chances for success. With any luck, the changes will make disarmament that much more achievable.

However, despite acknowledging the support of multiple development partners, the KNFP is constrained by limited financial, institutional, and human resources. This was considered a major reason for its inability to fully implement its National Action Plan (designed to run from 2004 to 2009).

The KNFP is confronted by bureaucratic challenges and competing national priorities. And when it comes to small arms issues, disarmament operations are sometimes triggered by larger political and security considerations beyond the preserve and/or control of the KNFP. The most strategic solution for the KNFP in this regard is to lobby for the adoption of the National Small Arms Policy and the finalization and enforcement of the Development and Disarmament Policy Framework. This way, regardless of the overarching political and security motivations for any arms control initiative, it would be within the confines of existing policy frameworks.

In stockpile management, while disarmament operations such as Okoa Maisha and Dumisha Amani are entirely overseen by independent command chains, the KNFP coordinates efforts to publicly destroy recovered arms. By March 2010 Kenya had destroyed over 25,000 illegal arms and 50,000 rounds of ammunition.

The Okoa Maisha operation security forces carried out hundreds of extrajudicial killings and the torture and arbitrary detention of thousands, including in the course of mass round-ups of men and boys. since 2008, victims' families, despite themselves facing threats and intimidation, have gradually begun to come forward, informing local human rights organizations that their family members had been "disappeared," either abducted by the



Sabotage Lands Defence Force (SLDF) arrested by the army in the course of Okoa Maisha.

Additionally, disarmament plans (such as Operation Dumisha Amani meaning “Uphold/sustain peace”) have often failed to alleviate conflict and suffering in these regions.

Atrocities in Mt. Elgon ceased in mid-2008 after national and international human rights organizations drew attention to the insurgency and the army’s brutality in addressing it. The army and police claimed to be conducting internal investigations into the conduct of units operating at Mt. Elgon, but ultimately dismissed the allegations of abuse, and no one was ever held accountable. Similarly, despite the fact that over 3,000 men were rounded up and detained (on suspicion of being members or supporters of the SLDF, to date only four people have been convicted of manslaughter; but hundreds of killings, forced disappearances, and cases of rape and torture committed by the SLDF in Mt. Elgon between 2006 and 2008 have gone unpunished.

The KNFP has acquired five firearms-marking machines<sup>15</sup> and by May 2011 had marked over 60,000 firearms. It has also overseen the improvement of data records, and the installation of software for tracking brokerage and trade in arms. Marking government firearms has strengthened identification and traceability, significantly reducing the misuse of these firearms.

The Uganda National Action Plan for Arms Management (NAP) was initially a five year plan that brought together all sectors of Ugandan society in the efforts to prevent, control and reduce the proliferation of illicit small arms and light weapons in Uganda, the Great Lakes Region, Horn of Africa and Bordering States. The plan was developed through a comprehensive process of research, planning and active engagement of several stakeholders from Government, Regional and International arms control initiatives in close consultation and collaboration with civil society. This approach to the development and subsequent implementation of NAP ensured that this initiative is both effective and sustainable in the

medium and long term. Implementation commenced on 1st of July 2004.

The Great Lakes Region is at the hub of the proliferation of small arms and light weapons in comparison to Central, and Southern Africa. For the past fifty years the fallout from decolonisation and the struggle for liberation of African peoples has impacted on security and development in the region. Compounding this instability have been the proxy wars and political machinations of the Cold War that have been played out on the battlegrounds and the logistical bases and support mechanisms for these conflicts.

In Africa, as in many other parts of the world, the availability and misuse of small arms and light weapons presents a serious threat to safety, security and development. The vast majority of today's armed conflicts are fought with these weapons and their availability serves to intensify and exacerbate fighting, whilst undermining efforts at conflict prevention and resolution. They are also widely used in the commission of crime and other violent activities, including cattle-rustling, and thus present a variety of threats to personal security. In turn, this climate of insecurity serves to undermine economic development through restricting freedom of movement, and access to services and opportunities for income generation.

In recognition of this threat, the Government of Uganda has resolved to take an urgent and determined approach to tackling this problem, and has made this a national priority. The Government of Uganda has, therefore, in partnership with civil society, developed a National Action Plan on Small Arms and Light Weapons (NAP). The NAP has been developed and is currently being implemented under the co-ordination of Uganda's National Focal Point on Small Arms and Light Weapons, which brings together all those Ministries and Departments with a role to play in tackling the small arms problem, as well as representatives from civil society.

The widespread availability and misuse of small arms in Uganda threatens the safety, security and development prospects of communities across the country. In order to provide a framework for concerted action to tackle the small arms problem in all parts of the country, the Government of Uganda has developed a National Action Plan on Small Arms and Light Weapons (NAP). The NAP is a comprehensive national strategy for addressing the proliferation of small arms in Uganda, and for implementing Uganda's commitments to control small arms, as outlined in the regional and international small arms agreements to which Uganda is a party. The Uganda National Focal Point on Small Arms and Light Weapons (NFP) developed the NAP, with the support of international NGOs Saferworld and SaferAfrica.

The NAP, which is presented in detail within this publication, is based upon thorough research of the problem across the country and provides a comprehensive framework for addressing the small arms problem. As such, the NAP outlines action to be taken in a broad range of areas to tackle small arms proliferation and focuses on addressing those factors which create a demand for small arms as well as those factors which enable their supply. The NAP is a central component of national efforts to promote development and security and its implementation is prioritised within the Poverty Eradication Action Plan.

The National Security Committee (NSC) formally approved Uganda's NAP in June 2004 and the NFP publicly launched the NAP in September 2005. NAP implementation is included as a priority within Uganda's Poverty Eradication Action Plan (PEAP) and important progress has already been made in this regard. Uganda established a policy drafting committee and has developed a draft firearms policy, which is now awaiting approval. In addition, Regional Task Forces (RTFs) have been established in each of Uganda's 12 police administration regions and are being trained in order to ensure that they have the capacity to implement the NAP at the regional level. Civil society organizations (CSOs) throughout the

country are also being trained to take action on small arms and are preparing public awareness-raising campaigns. In addition, a national stocktaking of surplus and redundant small arms has taken place, and over 50,000 small arms destroyed.

The NAP was formally agreed in 2004 and its implementation is already well underway. A new draft policy on small arms control is currently being developed and civil society organizations are implementing training and awareness-raising activities on small arms control in many parts of the country. Over 50,000 weapons have also been destroyed and thus permanently removed from society.

The Government of Uganda is proud to present this publication which provides a detailed analysis of the problem of the proliferation of small arms in Uganda, history of the NAP's development and the research that underpinned it, as well as the detailed contents of the NAP itself. As such this publication provides the background to Uganda's fight against small arms and provides an important model for others in a similar situation who might wish to adopt the same approach.

The Government of Uganda is fully committed to tackling the problem of small arms through the implementation of the NAP and calls upon civil society organisations, community members and international partners to join in this vital endeavour.

Regional Task Forces (RTFs) have been established in each of Uganda's 12 police administration regions and are being trained in order to ensure that they have the capacity to implement the NAP at the regional level.<sup>94</sup>

Civil society organizations (CSOs) throughout the country are also being trained to take action on small arms and are preparing public awareness-raising campaigns. In addition,

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<sup>94</sup> United Nations Programme of Action to Prevent, (2001) *Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects*, signed in July 2001.

a national stocktaking of surplus and redundant small arms has taken place, and over 50,000 small arms destroyed.<sup>95</sup>

In Uganda, the Central Firearms Registry (CFR) maintains records of state-owned small arms as well as those that have been licensed for civilian use. The CFR should enable LEAs to monitor the legal possession of small arms by civilians and should provide information on the number and types of weapons legally owned by civilians. However, the national assessment found that there was a low level of confidence in the accuracy of the records held by the CFR. In order to establish and maintain an accurate record of all small arms legally owned by civilians, LEA officials recommended that procedures for updating, maintaining and accessing information in the CFR be reviewed and improved. In addition, it was recommended that the data in the CFR be verified and brought up to date by conducting an audit of all civilian and state-owned small arms and of illicit small arms seized or captured by LEAs.

It is difficult to gather accurate information regarding the number of small arms held by civilians, since official records will relate to legally held weapons only and will not include illicit possession, which is by its very nature unregulated and covert. Furthermore, until improvements to record-keeping and legislation are made, it is difficult to determine the number of small arms that are legally owned by civilians and to distinguish between those arms that are legal and illegal. Nonetheless, there are a number of indicators of the extent of civilian possession of small arms that can be used. A number of questions were included in the population survey in order to gather information from the public about civilian possession of, and access to, small arms as well as on the perceived impact of small arms within communities. In addition, police and crime statistics provide a further indication of the nature of small arms possession and use.

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<sup>95</sup> Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime.

Police and crime statistics suggest that many of the small arms possessed by civilians are military-style weapons, which cannot be legally held by civilians according to Ugandan legislation. In most regions, police statistics indicated that sub-machine guns were among the most common weapons used in recorded firearms related crimes. In Eastern region, for example, police statistics list 315 firearms related crimes recorded in the quarter ending September 2002. Of these, more than two-thirds involved the use of sub-machine guns. The others involved a range of weapons, including grenades and self-loading rifles.<sup>96</sup>

The population survey included a series of questions designed to gauge levels of civilian possession and access to small arms. It is possible that analysis based on these responses might tend to underestimate actual levels of civilian ownership because respondents may have been reluctant to disclose sensitive information on possession or access to small arms. When asked a series of questions about household assets, including whether they, or someone in their household, owned a firearm, 5.4 percent of the people surveyed reported that they possessed at least one firearm. To the extent that the sample surveyed is representative of the population as a whole, this would suggest that 5.4 percent of households in Uganda, or approximately 280,000 households, own at least one firearm. This was relatively consistent across Uganda's regions, with the exception of the North East, where 21 percent of households surveyed reported owning a firearm.<sup>97</sup>

Furthermore, laxity in the management of small arms issued to vigilante groups to compliment efforts by Law Enforcement Agencies in provision of community security also contributed to proliferation of illegal Small Arms and prevalence of crime. This laxity can

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<sup>96</sup> Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime.

<sup>97</sup> Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime.

also be attributed to non-adherence to recommended stockpile management and recordkeeping practices.

The Government of Uganda is committed to addressing issues of SALW and has demonstrated this commitment through the various steps it has undertaken. During the Implementation of NAP (2004-2009) the NFP learnt some experiences, which helped in the development of NAP 2011-2015 which, adopted previous success stories and also addressed the oversights identified within that period.

The Horn of Africa illustrates the challenges that small arms and light weapons proliferation and their misuse can pose for sustainable security and development. Much of the Horn of Africa is awash with small arms, particularly Ethiopia, Somalia, Sudan, and Uganda, and all of these countries have seen long periods of unrest and internal armed conflict.

Furthermore, some governments and private dealers supply rebel forces in other countries with guns and ammunition, deliberately adding to the number of weapons in circulation. For example, the government of Sudan has supported insurgents in Ethiopia, Eritrea, and Uganda; the governments of Uganda, Eritrea, and Ethiopia have supported the Sudanese opposition in the South; and Eritrea and Ethiopia, because of their unresolved border conflict (they fought a war from 1998 to 2000) - have supported opposing groups in Somalia and rebel groups operating in each other's countries.

In Kenya, armed violence is common in the northern and north-eastern regions of the country. Access to guns has also exacerbated urban crime and political violence. Most small arms in Uganda and Kenya appear to enter illegally from neighbouring war-torn areas. Ammunition comes from both neighbouring countries and from Kenyan security forces, principally the police and police reserves. Weapons are smuggled into the country a few at a time and sold by traders in secret markets, with some larger-scale illegal trading also

reportedly taking place. Yet the impact of even a modest increase in weapons has been significant.

The proliferation of small arms and light weapons is most serious along Kenya's northern and western borders where pastoralist communities have ready access to assault rifles and other military weapons. The introduction and spread of such, sophisticated weapons among these communities has intensified conflict and blurred the line between longstanding ethnic competition, manifested in cattle rustling - political violence, and crime. Guns are now widely used to carry out acts of banditry and cattle rustling in Kenya and have been responsible for growing numbers of human casualties, including during armed confrontations that pit ethnic groups against each other

### **3.5 Chapter Summary**

The study notes that the number of armed conflicts experienced within East and Horn of Africa regions evidently depict the negative impact of poor Arms controls. The study underscores the security, social, economic and humanitarian consequences of the illicit and unregulated trade in SALW.

The study notes that generally, the continued nature of challenge of small arms proliferation hinges on the nature of leadership and good governance in Africa. Governance is adjudged good or bad depending on the performance of such a government and the attention it pays to the provision of the basic goods and services needed for both collective and individual development of its citizens and the state.

Study observes that one of the biggest problems encountered is corruption as it affects both the efficiency and the significance of border management. Furthermore, this phenomenon can also have repercussions on the capacity of other State agencies to carry out their work (the police, justice sector, among many other sectors). Border agents are particularly affected by this phenomenon because they constitute the first interface



encountered by transnational organised crime.

## **CHAPTER FOUR**

### **EFFICACY OF POLICY AND ACTION AGAINST THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS**

#### **4.1 Introduction**

The overall objective of this study was to assess the efficacy of policy and action against the proliferation of small arms and light weapons in Kenya and Uganda. This chapter presented the outcome of the analysis of the data collected during the research study.

Studies have been undertaken on the proliferation and circulation of illicit small arms and light weapons, but little work has been done in the recent past to identify gaps in policy responses and action especially in the context of Kenya and Uganda

Data was collected, sorted, cleaned and analysed using document analysis and thematic analysis techniques, based on the emerging issues (contents analysis). The outcomes of the study were presented in form of pie charts, bare graphs, frequency tables and narrative format.

This part of the study was divided into seven sections. Section 4.1 covered introductions, section 4.2 gave summary of the respondents' response profile, section 4.3 gave the concept(s) under study, section 4.4 gave information on the efficacy of initiatives against the proliferation of small arms and light weapons with a focus on Kenya and Uganda, section 4.5 gave information on the efficacy of practice against the proliferation of small arms and light weapons with a focus on Kenya and Uganda, section 4.6 gave information on the efficacy of key actors against the proliferation of small arms and light weapons with a focus on Kenya and Uganda, section 4.7 gave evidence against the proliferation of small arms and light weapons and finally section 4.8 gave the chapter summary.

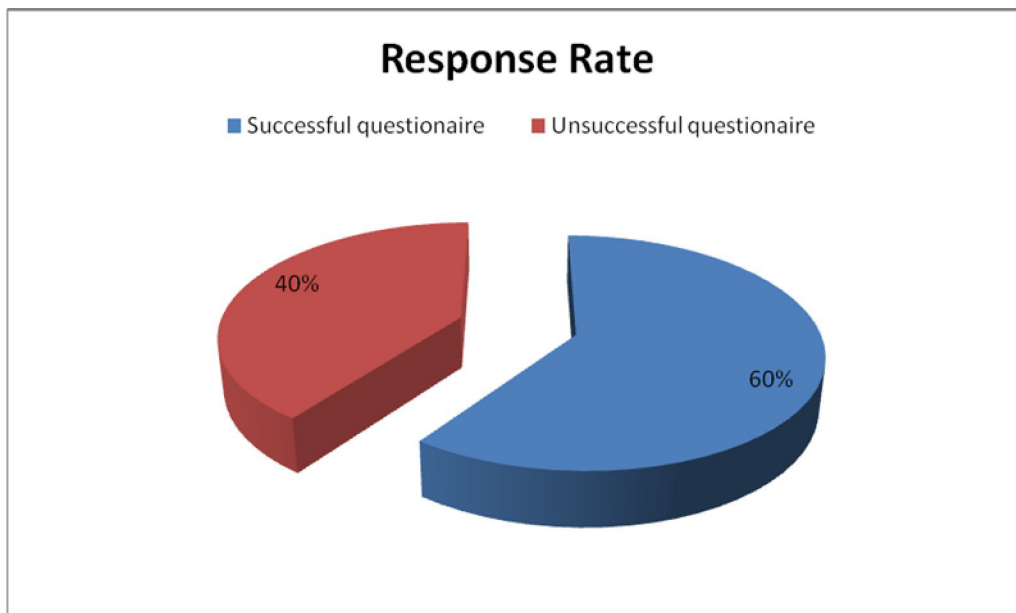
The study aimed to highlight the real consequences of SALW, it aimed to look at how and who manages the crisis of SALW plus identification of the possible gaps that can threaten the national security. The study thus aimed inform policy makers on threats associated with

the illicit Small Arms and Light Weapons and inform formulation of policies.

## 4.2 Respondent profile

### 4.2.1 Response rate

The study was only able to capture (30 participants) respondents, out of a total of (50 participants) initially targeted. This represented (60%) response rate which was considered adequate.



**Figure 1:** Response rate

The figure 1 shows the total participant response rate. Out of a total of the initial 50 (100%) targeted, only 30 (60%) successfully filled the questionnaire while 20 (40%) were unsuccessful. The response rate is therefore (60%) - which was considered adequate for further data analysis. This response rate was possible as a result of participant orientation, the proper following of research techniques plus continuous guidance from the supervisor assigned.

#### 4.2.2 Age distribution

The respondents were asked to indicate their age. The responses are presented in table 1.

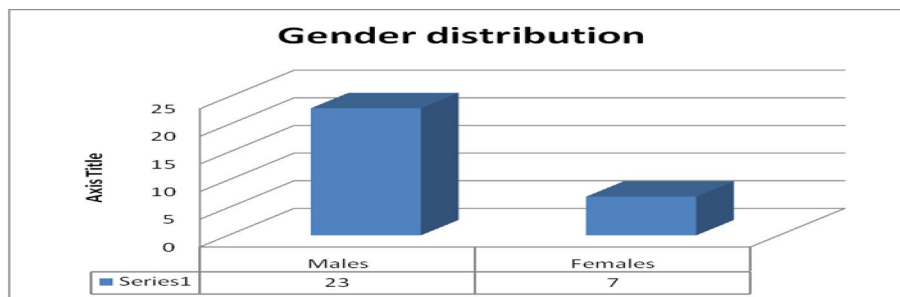
**Table 1:** Age of Respondents

| Age (years) | Frequency | Percentage (%) |
|-------------|-----------|----------------|
| Below 30    | 2         | 7              |
| 30 - 39     | 6         | 20             |
| 40 - 49     | 10        | 33             |
| 50 - 59     | 9         | 30             |
| 60 – 69     | 3         | 10             |
| Total       | 30        | 100            |

The study distribution showed an age interval of 10 years, where the majority of the participants were in (40-49) years 33% and the minority were below (30) years 7%. The study therefore inferred that the majority of the participants were found in age group 40 - 49 (33%), a likely indication of years of professional service.

#### 4.2.3 Gender distribution

The respondents were asked to indicate their gender. The responses are presented in figure 2.

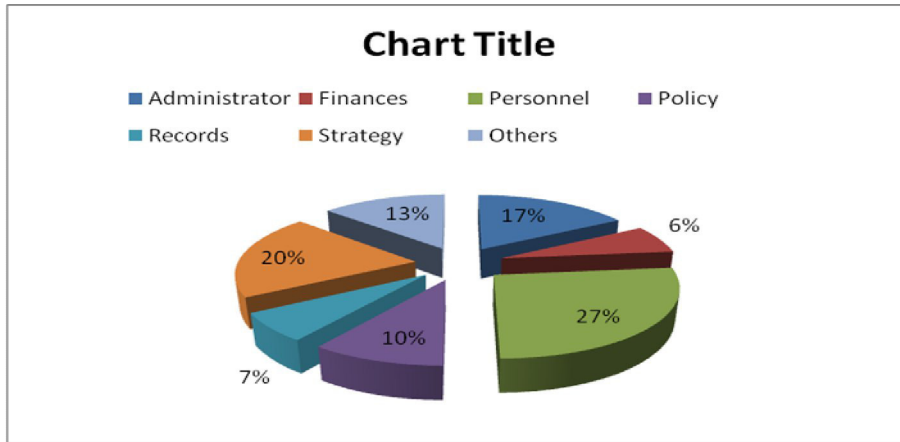


**Figure 2:** Gender of respondents

Figure 2 revealed that 25 (83%) of the respondents were males, while 7 (17%) were female, the number of males that responded was higher than that for female yet it is expected that the gender rule is applied in all organizations that were under study.

#### 4.2.4 Occupation distribution

The study was only able to capture (30) respondents, out of a total of (50) initially targeted based on their areas of specializations at their offices.



**Figure 3:** Occupation

The figure 3 shows the total participant response rate. Out of a total of the initial 30 targeted - personnel (8), strategy (6), administrator (5), others (4), policy (3), finance (2) and records (2).

#### 4.2.5 Ministry distribution

The respondents were asked to indicate their designation. The responses are presented in table 2.

**Table 2:** Ministry distribution

| Ministry                                          | Frequency | Percentage (%) |
|---------------------------------------------------|-----------|----------------|
| Ministry of Defence                               | 5         | 17             |
| Ministry of Foreign Affairs                       | 10        | 33             |
| Ministry of Internal Security                     | 8         | 26             |
| Ministry of Devolution                            | 2         | 7              |
| Ministry of Migration / High Commission of Uganda | 5         | 17             |
| Total                                             | 30        | 100            |

The study distribution by ministry fund that the majority came from Ministry of foreign affairs (33%).

#### 4.2.6 Duration in office

The respondents were asked to indicate their total durations served in the organization (Ministry). The responses are presented in table 3.

**Table 3:** Duration in organization

| <b>Duration (years)</b> | <b>Frequency</b> | <b>Percentage (%)</b> |
|-------------------------|------------------|-----------------------|
| 1 – 6                   | 3                | 8                     |
| 7 – 12                  | 4                | 10                    |
| 13 – 18                 | 8                | 20                    |
| 19 – 24                 | 10               | 27                    |
| 25 – 30                 | 6                | 17                    |
| 31 – 36                 | 5                | 13                    |
| Above 37                | 2                | 5                     |
| Total                   | 38               | 100                   |

On the distribution of participants by duration in - the study revealed that majority of them had served for at least 25 – 30 years (17%) in service, while the lowest numbers had served 1 – 6 years (8%). This shows that the most of the participants interviewed had a lot of experience and deeper understanding of the concepts under investigation, based on their duration of stay in their respective Ministries.

#### 4.3 Concepts under study

The concept(s) under study was the efficacy of policy and action against the proliferation of small arms and light weapons, in the case of Kenya and Uganda. Specifically the study was interested in the efficacy of initiatives against the proliferation of small arms and light weapons, the efficacy of practice against the proliferation of small arms and light weapons, the efficacy of key actors against the proliferation of small arms and light weapons and finally the evidence against the proliferation of small arms and light weapons with a focus on

Kenya and Uganda.

Spurred on by the United Nations (UN) Small Arms Conference, a wide-range of actors, including states, International Global Organizations (IGOs), and non-governmental organizations (NGOs), are now engaged in the process of raising awareness, developing norms and policy tools, and implementing policies and programmes at all levels - local, national, regional, and global. These actors have all contributed to agenda setting to date in the fight against SALW, although it is less certain that they will all participate in agenda-setting during the next phase of policy development, as the current security focus in respect of small arms makes for restricted policymaking.

The study observed that the experience of organizational collaboration and partnering is mixed. At the local level, national governments from donor and affected states, IGOs, and NGOs, both local and transnational - have demonstrated they can collaborate effectively. On the other hand, due to the primacy of the national security dimension to date, much more could be done to develop the collaboration and partnering required to implement truly global and multidimensional policies.

The study found that (97%) of the participants had ever heard (were familiar with) the concept of small and light weapons, in addition, most (98%) were also familiar with the SALW proliferation, especially in the case of Kenya and Uganda. Some participant further stated that; 'Small arms' are weapons designed for personal use, including: light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles.

The study found that, small arms and light weapons are easily concealed, thus making it relatively easy for corrupt officials to permit illicit trafficking or for criminals to transfer these weapons, especially in nations that lack the human and financial resources needed for

adequate inspections and export/import controls. Routes used for smuggling excess weapons into zones of conflict are chosen specifically to defy discovery and monitoring. Furthermore, poorer nations desperate for hard currency are tempted to market excess weapons to secure this revenue.

The participants stated that, in just a few years, a marked indifference to, or denial of, the global nature of the small arms problem has given way to a situation where the generation of policy involves a process not unlike the political bargaining one finds within states. The study also notes that there were some operational programmes and policies being developed and implemented at various levels against SALW.

The participants gave an example of the US, where the study further noted that in the case of the United States, more than a year has passed since the international community chose to document and formally address the growing global problems associated with the increased proliferation, availability, and misuse of small arms and light weapons (SALW). A key component of efforts to curb small arms proliferation, the participants pointed to the removal of these SALW weapons from society. A broad range of programmes has been carried out in recent years - in every region of the world, for the purpose of collecting and or disposing of small arms and light weapons. Weapons collection conducted in a peacetime setting for the purpose of reducing and preventing crime is often, though not always, voluntary in nature, with a wide variety of incentives (and sanctions) deployed for the purpose of recovering firearms from legal (and illegal) owners. Curbing the proliferation of small arms and light weapons in a given society is a complex undertaking involving three distinct tasks: reducing demand, controlling supply, and recovering stocks. Governments can reduce the demand of their citizens for weapons by ensuring public safety, promoting full employment, facilitating political participation.



#### **4.4 Challenges Against the Proliferation of Small Arms and Light Weapons**

##### **4.4.1** The proliferation of small arms and light weapons has raised the level of armed violence in the East and Horn of Africa

The study notes that (80%) of the respondents stated that small arms and light weapons (SALW) are a serious threat to the security and development of East Africa. However, Burundi, Kenya, Rwanda, Tanzania and Uganda are tackling the illicit trade in SALW, developing new legislation, defining national objectives, and in some cases implementing action plans, and coordinating with the Regional Center on Small Arms and Light Weapons and the East Africa Community.

Yet due to the lack of capacity and the extent of the SALW problem in the sub-region, international assistance in implementing SALW programmes is necessary.

The participants stated that most SALW assistance received between 2001 and 2005 went toward disarmament, demobilization and reintegration (DDR) programmes; only 5% of assistance was used to implement other SALW projects, primarily in Kenya, Tanzania and Uganda. Each of the five states presented in this case study are at different levels of implementation and have different capacities available to implement the UN Programme of Action on the Illicit Trade in Small Arms and Light Weapons. By early 2008, the states will have passed revised policies and legislation on SALW, and thus assistance in awareness-raising on, training in and enforcement of the policies and legislation will be key. Strengthening the capacity of the National Focal Points is a particular priority for Burundi and Rwanda, and improving the capacity and resources available along borders and at border entry points, record-keeping, stockpile security and management, and marking of arms are among the top needs consistently identified by states in the sub-region. In addition to presenting the results of the case study on international assistance in East Africa, this report also includes some general policy recommendations for improving resource mobilization.

Individual profiles of each state, outlining SALW action and needs for assistance, are presented at the end of the report.

East Africa faces a broad range of SALW problems. For instance, violent cattle rustling affects the pastoralist lands of northern Kenya, eastern Uganda, south-eastern Sudan and western Somalia; ethnic tensions affect the border regions of Burundi, the Democratic Republic of the Congo (DRC), Rwanda, Tanzania and Uganda; rebel groups have provided mutual support in southern Sudan and in northern Uganda; and armed violence impacts the major cities.

The reasons for arming, and consequently what will enable disarming, vary across the sub-region irrespective of political boundaries. Rather, ethnic, economic and environmental factors have a predominant influence on how and where these problems manifest. And given their geographic extent, a sub-regional approach to SALW problems is essential for combating the illegal trade in SALW. Furthermore, four of these five countries, Burundi, Rwanda, Tanzania and Uganda - are classified as Least Developed Countries. While the low level of development negatively impacts a state's capacity to monitor and control the illicit trade in SALW and reduces a state's ability to provide protection and security for its population, the overall lack of economic opportunity for the population fosters rivalries, disputes over resources and crime.

The sub-region lacks the necessary equipment, training and manpower for border control, while arms smugglers exploit the unpatrolled areas in between checkpoints. Existing border procedures and systems, for issues such as immigration and revenue, often do not take account of SALW-related matters. Surveillance of the Great Lakes is very weak despite the fact that they serve as a significant transit point for arms smuggling. Airports have basic screening technology, however there are no procedures for investigating irregular and emergency landings; those interviewed wished to know more about the risks such pose in

terms of arms diversion in the subregion.

Similarly, although the coordinators of the NFPs are aware of the multilateral discussions on brokering, the majority of other departments had little practical understanding of the issue and the extent of the problem in their respective countries.

Another major problem in the sub-region is the lack of national control of arms due to ineffective record-keeping systems of private and state stocks. In order for states to monitor and account for stocks, there must be an effective record-keeping system in which data can be easily accessed and retrieved.

A strong administrative and governing sector is essential to sustain the benefits of any initiative to address the illicit trade in SALW and to deter the types of crime that flourish as a result of weak infrastructure. SALW-related assistance activities that are implemented in isolation to development and building national capacity are likely to offer only temporary fixes. Thus, Uganda has included the issue of SALW within its national poverty reduction plan, an approach that is gaining popularity in other parts of the globe.

The driving force behind small arms action in East Africa is the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa. While the East African states recognize the international significance of the PoA, the Nairobi Protocol is more prominent since member states are legally required to implement its provisions and the Protocol is tailored to regional concerns.

The Nairobi Protocol Signed in 2004 and with the Best Practice Guidelines on Implementation of the Protocol following in 2005, the Nairobi Protocol entered into force in May 2006. As required, all five East African states have established NFPs to oversee implementation of the Protocol, which are also the points of contact for PoA implementation<sup>15</sup> and the focal points for SALW-related activities of the EAC. The NFPs in East Africa consist of representatives from the police forces, national defence forces, various

ministries (such as Foreign Affairs, Interior, and Immigration), and representatives from civil society in varying numbers. Each of the five states have reviewed and modified their legislation in accordance with the provisions outlined in the Nairobi Protocol, which aims to harmonize the SALW legislation of its member states.

Practical disarmament in the context of crime prevention, the focus of the preceding section, can be contrasted with practical disarmament in situations of political and communal conflict. Efforts to combat such violence are commonly referred to as peace-building.

When armed conflict ends through surrender or settlement, it is essential to disband irregular militias, disarm their fighters, and redirect the latter towards peaceful and constructive activities. Such DDR measures might also be needed for regular security forces. DDR considerably reduces the risk of renewed civil war as well as the possibility that former soldiers and guerrilla fighters will turn to armed banditry. In demobilization centres set up for this purpose, ex-combatants surrender the weapons they bring with them and are given clothing, food, money, official papers, training, and/or other assistance in order to prepare them for a new life in the regular security forces or in civil society. Collected weapons are often destroyed publicly, some-times immediately and on-site.

Kenya, Tanzania and Uganda, in cooperation with local and international civil society organizations, have conducted assessments of the SALW situation in their territories. The results of these assessments informed the development of National Action Plans (NAPs). These plans set a state's agenda on SALW for a period of five years. The types of international assistance sought are to support implementation of the NAP objectives. Burundi and Rwanda are in the early stages of preparing NAPs. Funded by Belgium and in collaboration with RECSA, two civil society organizations, the Groupe de recherche et d'information sur la paix et la sécurité (GRIP, Belgium) and the Security Research and Information Centre (SRIC, Kenya), are assisting the NFPs to assess the SALW situation in

Burundi and Rwanda. The assessments are expected to feed into the development of NAPs for both states. In addition, Burundi has prepared a National Strategy to Combat the Proliferation of Small Arms and Light Weapons and to Promote Civilian Disarmament, which was adopted in October 2006.

The NAPs outline a state's objectives and commitments for a designated period; however, they do not distinguish between activities that a state is capable of implementing and activities with which they will require assistance. In this regard, Uganda holds regular donor meetings and Kenya states that it is in the process of developing a resource mobilization strategy. Nevertheless, it is essential for national and international resources to be mobilized early in the NAP preparation phase. Delays in funding can hinder a NAP's effective implementation, which can undermine public confidence in the state's handling of SALW issues, having serious implications for disarmament and security.

**4.4.2** The proliferation of Small arms and light weapons undermine development and have far-reaching negative consequences on society

Aimed violence carried out primarily with small arms is a major contributing factor that has led to

increasing poverty and human insecurity. Cheap, portable, and readily available, small arms are the weapons of choice, in gang violence, organized crime, civil wars or inter-state conflict. Their widespread availability can threaten the welfare and stability of communities, states and regions.

Because of their long life span, small arms are continuously recycled from old conflicts. AK-47s and M-16s used by combatants during the Vietnam War have resurfaced as far afield as Burundi more than 30 years later. Highly durable, they frequently outlast peace-agreements and can be taken up again well after the conflict has ended.

The study notes that SALW, leads to declining economic activity – formal and informal trade, household and commercial investment (FDI and ODA), and agricultural production can also rapidly deteriorate in situations of armed insecurity. The presence of arms has negative implications for inter-personal transactions and can undermine productive activities that are essential for livelihoods and food security.

The study notes that as a result of SALW, leads to reduced government resources - high levels of armed violence and forced displacement can have a negative effect on government revenue (through lower tax collection) and rates of domestic savings. Lower levels of domestic savings reduce the available resources for investment and can contribute to declines in economic activity.

The study notes that removing small arms from conflict or potential conflict situations can save lives and promote development. A preventive development approach is essential for dealing with the impact of small arms availability and use. Such an approach should focus on both the sources of supply of these weapons and the reasons why people possess them.

The study reveals that in the case Kenya and Uganda of High levels of small arms availability can have negative implications for a society's social capital in terms of family and communal cohesion, gender relations, and customary institutions that condition social control and may undermine the prospects for human development. In Kenya, customary institutions among pastoralists such as bridal dowries, elder's councils, common property resources and informal exchange mechanisms have been distorted by small arms availability.

Small arms availability has generated insecurity for development agencies, often resulting in a withdrawal from regions that are particularly affected. The frequency of security incidents involving small arms have increased the costs of doing development across the board, including transportation, logistics and, perversely, the opportunity costs of not intervening.

Small arms hurt men and women in different ways. While men are the primary direct victims of firearms in conflict situations, small arms are a strong tool often used for sexual violence towards women. Moreover, in such situations, women are affected more than once by the same weapon, first for the perpetuation of the sexual assault, then as a threat to avoid reporting to a health center or to the police, leaving such crimes unpunished and the perpetrator free to repeat it.

**4.4.3** East Africa, particularly Kenya and Uganda have faced a major flow of arms as a result of the continued conflicts in Somalia and the Great Lake Regions.

The participants stated that Kenya is firmly against the trade of illegal small arms. A recent poll has said that more than 2,000 people are killed in western and southern Africa every day. In 2007 the United Nations called for stronger laws in Kenya prohibiting small arms trade. The global impact of this situation is great, for Kenya and other countries are receiving illegal weapons from Somalian refugees, and with war zones in neighbouring countries such as Somalia, Ethiopia, and Sudan.

The study noted that 90% of the participants observed that there is a readily available market, particularly among nomadic communities in northern Kenya, along the Sudanese border, and also among the Kuria people along the Tanzanian border and in the underworld of major cities and towns such as Nairobi, Mombasa, Kisumu, Nakuru and Eldoret. In fact, among African cities, Nairobi has the third worst problem with small arms after Lagos and Johannesburg.

The majority of the participants quoted the author Kizito Sabala, when they stated that Kenya shares porous borders with some of the most politically unstable countries in Africa such as Somalia and Sudan. Kenya's long and isolated borders with Tanzania, Uganda, Sudan, Somalia and Ethiopia – and its 536 km coastline – are difficult to patrol owing to limited resources and insufficient training. Poor and corrupt policing of the borders between

Kenya and its neighbours has facilitated the influx of large quantities of small arms into Kenya. Individuals have been able to acquire weapons for overt criminal purposes.<sup>98</sup>

As a result of the fact that the borders are not properly and effectively policed means that arms traffickers and bandits find easy entry points along the porous borders. Specifically the rebel movements in Ethiopia, Sudan and Uganda benefit from this state of affairs. Towns on or close to the borders of these countries are major entry points for illegal firearms

#### **4.5 Initiatives against Proliferation of Small Arms and Light Weapons in Kenya and Uganda**

**4.5.1** East Africa, particularly Kenya and Uganda have faced a major flow of arms as a result of the continued conflicts in Somalia and the Great Lake Regions

The study reveals that removing small arms from conflict or potential conflict situations can save lives and promote development. A preventive development approach is essential for dealing with the impact of small arms availability and use. Such an approach should focus on both the sources of supply of these weapons and the reasons why people possess them.

The study further reveals that there are two major approaches to small arms reduction, by either attempting to contain the supply of these weapons, or by reducing the demand through various initiatives. While these approaches can be used in combination, it is ultimately necessary to address the root causes of armed conflict and social violence. This focus on the demand side is linked to the preventive development approach, which assumes that without well-balanced and sustainable human development, armed conflict and social violence are more likely to emerge, and thereby increase the demand for arms.

The study also found that there is a growing consensus around the idea that a lack of

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<sup>98</sup> Kizito Sabala,( 2002) "The Proliferation, Circulation and Use of Illegal Firearms in Urban Centers: Case of Nairobi, Kenya." Bonn: BICC.



opportunity and perceived injustice and inequality compels some people to take up arms. As a result, effort to combat the proliferation of small arms must address the issue of trust among people by building confidence, by forging collaborative networks in the community, and by supporting genuinely participatory initiatives and a long-term commitment between stakeholders. Somalia's long-running instability since the 1991 ousting of President Siad Barre has also contributed to the small arms problem in Kenya. The earlier Somali irredentist struggle, also historicised as the 'shifita' war of 1963–67, affected Kenya's North Eastern. Firearms remained a concern in Kenya and Uganda.<sup>99</sup>

**4.5.2** There is, however, little evidence to suggest success in the fight against the proliferation and circulation of illicit small arms and light weapons in Kenya and Uganda

The majority of the participants noted that the international instruments require states parties to adopt such legislative measures as may be necessary to control possession and use of small arms, regulate manufacturing, trade and transfers, and measures to prohibit illicit trafficking.

The African Union adopted Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons to strengthen coordination and cooperation between and among all implementing regional bodies with the objective of improving implementation at national, regional and continental levels. The overall objective of this Strategy is to prevent, combat and eradicate the illicit proliferation, circulation and trafficking of small arms and light weapons in an integrated and holistic manner across all regions of Africa, especially in Kenya and Uganda.

**4.5.3** That lack/limited success in dealing with the problem of Small Arms and Lights

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<sup>99</sup> Murunga, Godwin Rapando. 2005. 'Conflict in Somalia and Crime in Kenya: Understanding the Trans-territoriality of Crime.' African and Asian Studies, Vol. 4, Nos. 1–2. Leiden: Brill.

Weapons is due to poor governance, lack of enforcement of the relevant laws and agreements

Majority respondents point out that in recognition of the disastrous impact and effect of these arms on African communities, African governments have initiated various mechanisms aimed at addressing the problem of proliferation and abuse of these weapons. Amongst these initiatives is the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons and the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, the latter forming focus of this article. The two instruments address the problems posed by SALW at both continental and sub-regional level.

The Nairobi Declaration is a political declaration that is sub-regional in scope and envisages a broad partnership between governments, multi-lateral agencies and representatives of civil society groups.<sup>100</sup>

The participants notes that the Declaration aims to provide a comprehensive and multi-faceted strategy that involves, for example, improvement of national laws and regulations governing the manufacture, trade, acquisition, possession and use of arms; weapons collection and destruction programmes; capacity building for law enforcement officers, such as the police, border control officers and customs officials. It also makes provision for monitoring of arms transfers through the establishment of national databases and communication systems. Information exchange between regional law enforcement officers and public awareness programmes are also some of the envisaged strategies aimed at

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<sup>100</sup> B Knighton, (2002) *The State as Raider among the Karamajong*; Where there are no guns, they use the threat of guns, p. 1.

halting the proliferation of SALW in the sub-region

The respondents further noted that the desperate resource situation in East Africa means that there is an urgent need to ensure that adequate support is given to institutions such as the Nairobi Secretariat and NFPs in order to enable them to execute their responsibilities under the Declaration. One of the major problems to regional co-operation efforts in many parts of Africa has been the lack of advanced tools of communication. These and other resource needs have a direct impact on the execution of duties and fulfilment of regional mandates.

#### **4.6 Key Actors against Proliferation of Small Arms and Light Weapons**

##### **4.6.1 What are the drivers of SALW proliferation in Kenya and Uganda**

Majority of the respondents noted that small arms and light weapons also play a role in facilitating and fuelling other illegal cross-border activities such as cattle rustling, drug trafficking and trade in endangered species. In the pastoral communities bordering Kenya and Sudan, as well as those at the border between Kenya and Somalia, there are often deadly skirmishes between communities from either side of the border. Conflict and incidents of cattle-rustling date back about a century but were not characterised by today's high mortality rates. The availability of small arms amongst pastoralist countries has turned these conflicts into brutal 'low intensity' wars.

The study found that the demand from communities for weapons is increasing and has become a driver of SALW proliferation. Competition between pastoralist communities for pasture and water, cattle-rustling and criminal activities linked to low levels of economic development in frontier areas have led to increasing insecurity and inter-communal violence. At the same time, state institutions responsible for security are barely present, often relying on the National Police Reserve (NPR) drawn from communities to undertake policing

responsibilities in these areas. Members of the NPR themselves have allegedly been implicated in the diversion of state-owned firearms and their subsequent misuse.

The majority of respondents stated that communities feel vulnerable and as a result they are arming themselves to fill the void left by the failure of the state to provide security. The perception in many areas is that accessing and possessing weapons guarantees security. At the same time, many community members acknowledge that their weapons caches have not led to any positive changes in their security situation and have not made them feel any safer.

According to one respondent, a crucial issues emerging from these discussions is the recognition that the misuse of government weapons is a key driver of violence in their communities. As a result, the National Police Service, the Kenya National Focal Point on SALW , Saferworld and other national and local civil society organisations have developed an electronic database to record and monitor stockpiles which should lead to more accountable and effective stockpile management and reduce the misuse of state-owned weapons.

The study also found that attempts to address SALW misuse must take a holistic approach; reducing the accessibility and availability of small arms and at the same time addressing the causes of insecurity which push people and communities towards arming themselves, including by increasing the effectiveness and, crucially, accountability of local security services. This requires supporting communities and security providers to work together to identify and address problems. Using this approach, ongoing work in these counties promises to make a real difference to people's lives.

Some participants stated that due to the fact that the production of SALW does not necessarily involve sophisticated or hi-tech capacity and also because they are produced for

military, police and civilian usage, there are a lot of producers and suppliers all over the world. This makes them cheap to procure especially as much of them are being recycled from conflict to conflict.

Others state that due to their relative simple nature, SALW are quite easy to use even by people who have had very little or no military training. This explains their use by untrained combatants and even child soldiers as it was the case in many armed conflicts like in Liberia, Sierra Leone and Uganda. In addition, they require little maintenance and logistical support and can remain operational for very long periods of time. The long lifespan of SALW makes them a constant threat to the society in which they are especially if they are present in large numbers (UNDP).

#### **4.6.2 Key actors against the proliferation of small arms and light weapons in Kenya and Uganda**

The study notes that ambiguous and ambivalent relations between civil society, national governments and the Nairobi Secretariat have dogged the Declaration. Civil society organisations have played an impressive role in the formulation of the Declaration. However tensions seem to exist between these groups and the Secretariat. The problems regarding the role of civil society groups in the entire Declaration framework is problematic at two levels.

The study further notes that civil society is not homogeneous and possesses different levels of expertise and resources. There are also multiple organisations working on the issue of SALW in the sub-regions. The latter issue becomes more complex when member states are required to select particular groups as implementation partners. Any resentment or accusations that this creates can be counterproductive to progress.

## **4.7 Evidence Against Proliferation of Small Arms and Light Weapons in Kenya and Uganda**

### **4.7.1 Efficacy of initiatives against the proliferation of small arms and light weapons**

The study reveals that removing small arms from conflict or potential conflict situations can save lives and promote development. A preventive development approach is essential for dealing with the impact of small arms availability and use. Such an approach should focus on both the sources of supply of these weapons and the reasons why people possess them.

The study further reveals that there are two major approaches to small arms reduction, by either attempting to contain the supply of these weapons, or by reducing the demand through various initiatives. While these approaches can be used in combination, it is ultimately necessary to address the root causes of armed conflict and social violence. This focus on the demand side is linked to the preventive development approach, which assumes that without well-balanced and sustainable human development, armed conflict and social violence are more likely to emerge, and thereby increase the demand for arms.

The study notes that there is a growing consensus around the idea that a lack of opportunity and perceived injustice and inequality compels some people to take up arms. As a result, effort to combat the proliferation of small arms must address the issue of trust among people by building confidence, by forging collaborative networks in the community, and by supporting genuinely participatory initiatives and a long-term commitment between stakeholders.

### **4.7.2 The regional and local responses to the proliferation of SALW in Kenya and Uganda**

According to the participant, the Nairobi Declaration has a regional bias, focus and intention. This means the design of programme and other initiatives have a regional scope and utilise regional institutions. The Implementation Plan explicitly stipulates that

organisations such as EAPCCO and civil society groups across the region be involved in the activities designed to fulfil the objectives of the Declaration.

#### **4.8 Chapter Summary**

Based on the literature review, the study notes that many regional legal instruments exist that can build strong regional cooperation in fighting SALW proliferation in the Great Lakes and Eastern Africa.

The study further notes that there are also some cross-border arrangements between Rwanda and her neighbours, but bilateral mechanisms that would help in building a strong regional arms control regime are still missing. International partners must continue to adequately support local and regional efforts to build and sustain collective security and combat illicit SALW.

It is worth noting that most light weapons do not require complex training or operational expertise, making them suitable for insurgents and irregular forces, which lack the formal infrastructure of a professional army. The rate of increase of small arms and light weapons (SALW) in Kenya and Uganda, and the corresponding effects are alarming despite the government efforts to deal with the problem. Effects are serious in both rural and urban areas although more vivid in the latter.

## **CHAPTER FIVE**

### **SUMMARY, CONCLUSION AND RECOMMENDATIONS**

#### **5.1 Summary**

The study revealed that small arms and light weapons have posed a serious challenge to most states in the world. Their increased proliferation has led to devastating effects. In recent times the problem has been escalating in urban centres, causing insecurity to person and property.

The effects that small arms and light weapons proliferation can have on societies are as significant as those produced by the proliferation of major weapons systems. Because they have many uses beyond their primary function as weapons of war, the effects of their proliferation are more widespread.

Small arms, by themselves, do not cause internal conflict and development failures, but they often multiply their effects. They play an important role in triggering and lengthening the lethality, scale, and consequences of armed conflict and social violence. In other words, small arms, whether newly introduced or circulating from earlier conflicts, constitute important risk factors that aggravate pre-existing structural disparities and inequalities - ensuring widespread insecurity and inescapable poverty traps among vulnerable groups.

Combined with other risk factors such as systemic poverty, social marginalisation, persistent unemployment and horizontal inequality, self-perpetuating cycles of violence are ensured by the ready availability of such weapons.

The study also reveals that small arms are weapons designed for personal use. Such weapons include light machine guns, submachine guns, including machine pistols, fully automatic rifles and assault rifles, semi-automatic rifles, and firearms.

On the other hand, ammunition means the complete round or its components, including cartridge cases, primers, propellant powder, bullets, or projectiles that are used in a



small arm or light weapon.

According to UN guidelines, small arms and light weapons include rifles, pistols, revolvers and all weaponry of not more than 100 mm caliber. Because they are lightweight, easy to conceal, hard to track or control, cheap, easy to circulate and transport, and last a long time once in circulation, they have encouraged proliferation. In East Africa criminals commonly use G3s, pistols, rifles, short guns, Marks, Gobores (locally manufactured gun though with a sophisticated degree of imitation), and Uzis.

Small arms have both direct and indirect impacts on human development. Direct impacts refer to the immediate physical effects of armed violence—deaths and injuries. The indirect effects of small arms include high levels of criminality, violence-induced displacement, collapsing public services, declines in normal economic activity, and the erosion of a society's social capital. Increasingly, these indirect impacts affect development interventions and the relative safety and security.

Attempts to reduce the supply of weapons to war-affected countries and regions through sanctions, embargoes and moratoriums, have not been particularly successful. In many cases, disarmament programmes have been undertaken in the absence of a realistic or coherent political and socio-economic framework.

Alternatively, small arms collection and destruction programmes have been conceived as a loose “add-on” to peace-negotiations. In the aftermath of conflict, peace missions and demobilisation, disarmament, and reintegration (DDR) programmes have frequently adopted a narrow perspective by concentrating on technical supply-side issues, such as collection of arms.

The easy availability of small arms has played a role in re-igniting conflicts that were considered over, such as in the Balkans, Central America, and Sub-Saharan Africa. Some of these weapons are looted from vast stockpiles of guns collected from ex-combatants during

episodes of civil and political unrest. Overall, small arms are likely to become more readily available during periods of growing insecurity, such as when there is a marked decline in public confidence in the legitimacy of the state and its public institutions like the police.

The study sought to prove the hypothesis that the proliferation of small arms and light weapons in Kenya and Uganda is caused by and is a consequence of poverty and underdevelopment. The study found that small arms and light weapons have been called weapons of individual destruction and been used to kill and destroy lives, particularly for civilian populations struggling to recover from conflict and escape poverty. SALW therefore remain the primary weapons of intra- and inter-communal feuds, local wars, armed insurrections, armed rebel activities and terrorism throughout the subregion. Every East African country – Kenya and Uganda included, have experienced widespread violence in which small arms featured.

Another hypothesis was that the proliferation of small arms and light weapons has undermined peace in Kenya and Uganda. The study found that proliferation of small arms and light weapons has inauspiciously deepened the spectre of challenges confronting the African continent as a whole, and indeed, the East Africa sub-region. The uncontrolled presence of SALW has not only led to conflict, it has also exacerbated conflicts on various occasions, and indeed, encouraged the revisit of old conflicts, thereby, undermining the security arrangement of the sub-region, and also impacting negatively on all aspects of life. Therefore the study proves that the proliferation of small arms and light weapons has undermined peace in Kenya and Uganda. Violence fuelled by firearms also represents a significant threat to the reinstatement of democratic governance, which is essential to sustainable development.

Firearms associated violence has been identified as a major impediment to the provision of basic health care as well as diverting resources from other health and social

services. In East Africa, scarce hospital resources are absorbed in dealing with such violence, health care personnel are increasingly themselves the target of firearms related attacks, and even hospital wards are not safe.

The final hypothesis was that the governments of Kenya and Uganda have not managed to effectively deal with the proliferation of SALW because they lack the capacity and political will. It is widely acknowledged that the simple availability of arms does not in itself lead to violence. However, easy access to weapons does make a significant difference to the way tensions are managed. There is strong evidence both in countries at peace and in areas of conflict that the easy availability of small arms tends to escalate and prolong violence and increases the lethality of violent encounters. Regulating civilian possession of weapons in itself will not eradicate violence and it is certainly not a panacea. However, a reduction in the availability of firearms can reduce the lethality of violent confrontations and reduce the impact on human security issues.

## **5.2 Conclusion**

Three common approaches define the current thinking on the relationship between armed conflict and development. The first relates to the expansion of traditional concepts of “security”— a shift from military and state-defined notions of security, to a view that posits “humans”, with their multiple needs and capacities, at the centre of the picture.

A second relates to the view that security is a pre-requisite for development, and that the absence of equitable and sustainable development often exacerbates social conflict and insecurity. This approach reflects current thinking on the “root causes” of conflict, such as horizontal inequality, exclusive politics, poor governance and weak public authority among states, and notes how these constitute insecurities that can lead to violence.

A final approach relates to the fact that small arms undermine development and contribute to widespread human insecurity and unvirtuous cycles of violence. The study

therefore concludes that promoting alternative livelihoods in northern Kenya and Uganda, such as exploiting the huge potential in minerals extraction and processing, tourist attraction centres, the livestock industry, and agriculture. Similarly, community empowerment programmes should be designed that engage the youth in income-generating activities to reduce the allure of banditry and gun-related violence. Improving infrastructure in northern Kenya to unlock the entire region's immense potential, most of northern Kenya lacks paved roads, while communication infrastructure is underdeveloped, diverting the community away from small arms and light weapons proliferation.

This conclusion is align with Wepundi, who stated that particularly among pastoralists, implementing cultural awareness programmes that dissuade communities from gun cultures and negative cultural practices. An example is a Catholic Justice and Peace Commission's integrated peace and livelihoods initiative in greater Samburu that has infused conflict sensitivity into its activities to encourage cooperation and dialogue among rival Samburu, Pokot, and Turkana.<sup>101</sup>

The study concludes that the regulation of civilian possession and misuse of firearms is largely based on the notion that firearms do not cause violence but do increase its lethality. The heart of the policy response to gun violence focuses on efforts to reduce gun use in crime by restricting supply and thus making it more difficult, time-consuming or costly for a violent individual to obtain a gun. By limiting access to guns by people who may misuse them one can reduce the occurrence and lethality of certain types of crime. Domestic firearms regulation also reduces the ease with which legal arms are diverted to illicit markets. Although controls on availability in themselves will not eradicate violence, the reduction of

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<sup>101</sup> Wepundi, Manasseh. 2010. *Study on Practical Disarmament for the RECSA Region*. Unpublished report. Nairobi: Regional Centre on Small Arms/Institute for Security Studies.

the availability of firearms can reduce the lethality of violent confrontations. Assaults with firearms are more likely to result in deaths than assault with other weapons.

The study concludes that while it is obvious that there is a correlation between the proliferation of small arms and light weapons, societal violence and a general weakening of the social fabric, identifying the exact nature of this relationship in any one situation or universally is more problematic. In addition, too little is known about the international trade in these weapons and the true extent of societal militarization in Kenya and Uganda.

### **5.3 Recommendations**

The study recommends a radical review and overhauling of gun legislation by way of greater cooperation within the four sub-Saharan regional organizations could be very instrumental in limiting the amount of guns and other SALW in circulation and thus reducing their use. It is true that three of these regional organizations have come together to work out ways of reducing the proliferation of SALW and related materials, two of which are binding, but there has been no attempt to create a common gun legislation. With the major challenge of border porosity in many African countries, gun legislation limiting the legal proliferation of weapons in civilian use can only be successful, if neighboring countries also have similar legislations. In case this does not happen, guns will inevitably flow from countries within a given region with stringent legislation to others with less strict laws.

In order to establish effective policies dealing with the civilian control of small arms, the study recommends that there is also a need to address the many other factors driving demand and misuse of SALW, including economic inequality, fear of security forces or crime, corruption, hopelessness, injustice or oppression, cultures of violence. Similarly supply factors, which enable availability and access to SALW, need to be addressed.

The study also recommends that another approach would be to develop international norms specifying the elements of adequate national controls on civilian possession. These

include national regulations and systems for licensing, registering, record-keeping, safe-storage, carrying, and trade of SALW by civilians. Under each of such headings, specific national controls would differ. For example, licensing regulations will differ profoundly between states where licences for civilian possession might be issued for the purposes of self-defence, and those states where only hunting and sporting purposes are acceptable. However, information exchange and development of good practices relating to each aspect of controls on civilian possession could help states to develop effective regulations that at least are adequate to enable other aspects of the PoA to be implemented effectively.

#### **5.4 Areas for further studies**

**5.4.1** Pastoralist communities and the use of small arms

**5.4.2** Firearms and the owner(s) protective factor

**5.4.3** Linkages between the proliferation of small arms and light weapons.

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## APPENDICES

**Appendix 1:** Data Letter

**Appendix 2: Questionnaire**

The study seeks to assess the efficacy of policy and action against the proliferation of small arms and light weapons with a focus on Kenya and Uganda. The personal information is optional – this study is purely for academic purposes only.

Request that you please give a verbal consent to be a participant in this study, before we begin. Thank you for taking time to participate in this research, please fill in the questionnaire appropriately.

**Section A: Bio Information**

1. Respondent's age?.....
  
2. Gender?.....  
.....
  
3. Occupation?.....  
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4. Ministry?.....  
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5. Designation?.....  
.....

6. Duration in office?.....

7. Ever hear of the concept of small and light weapons proliferation and the policies surrounding it?.....

**Section B:** Challenges and responses to the proliferation of small arms and light weapons in Kenya and Uganda.

Please provide responses to the questions below on a rating scale of 1-5 where 1 = Agree Very much; 2 = Moderate; 3 = A little; 4 = Not at all, 5 = Do not know, respectively and provide a justification

8. The proliferation of small arms and light weapons has raised the level of armed violence in the East and Horn of Africa

Response.....  
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Justification.....  
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9. The proliferation of Small arms and light weapons undermine development and have far-reaching negative consequences on society

Response.....

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Justification.....

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**10.** East Africa, particularly Kenya and Uganda have faced a major flow of arms as a result of the continued conflicts in Somalia and the Great Lake Regions.

Response.....

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Justification.....

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**11.** There are many initiatives including regional protocols and agreements and policy responses to deal the problem of proliferation of small arms and light weapons in both Kenya and Uganda.

Response.....

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Justification.....

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**12.** There is, however, little evidence to suggest success in the fight against the proliferation and circulation of illicit small arms and light weapons in Kenya and Uganda.

Response.....  
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Justification.....  
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**13.** That lack/limited success in dealing with the problem of Small Arms and Lights Weapons is due to poor governance, lack of enforcement of the relevant laws and agreements and poor coordination between states in the region.

Response.....  
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Justification.....  
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**14.** What are the drivers of SALW proliferation in Kenya and Uganda?

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**15.** What are the regional and local responses to the proliferation of SALW in Kenya and Uganda?

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**16.** What is the efficacy of initiatives against the proliferation of small arms and light weapons in Kenya and Uganda?



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**17.** Who are the key actors against the proliferation of small arms and light weapons in Kenya and Uganda?

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**18.** Final, any other comments/observations/suggestions.

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**Section C: Reviewed policy documents**

Some examples of supporting documents that will be interrogated include;

- a. Bilateral agreements
- b. United Nations Arms Proliferations Guide
- c. Kenya's foreign policy
- d. Standard operating procedures
- e. Others.

| No. | Document title | Summary | Office |
|-----|----------------|---------|--------|
| 1.  |                |         |        |
| 2.  |                |         |        |
| 3.  |                |         |        |
| 4.  |                |         |        |
| 5.  |                |         |        |
| 6.  |                |         |        |
| 7.  |                |         |        |
| 8.  |                |         |        |

|     |  |  |  |
|-----|--|--|--|
| 9.  |  |  |  |
| 10. |  |  |  |

