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THE HUMAN COST OF UNCONTROLLED ARMS IN AFRICA

Cross-national research on seven African countries

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Prolonged conflict, proxy wars, and inter-communal strife characterize many regions in Africa. This violence has caused untold atrocities, deaths, sexual violence, and displacement, as well as accelerating poverty and shattering lives and communities across the continent. Uncontrolled arms in Africa fuel this violence and are increasingly putting lives at immense risk. This report provides evidence about the human costs of uncontrolled arms: injuries and fatalities, internally displaced people and refugees, gender-based violence, and erosion of social cohesion and communal trust. Covering Mali, Central African Republic, South Sudan, Sudan, Democratic Republic of Congo, Somalia and Libya, it provides arms control recommendations to African states, the African Union and Regional Economic Communities, donor communities, and the private sector.

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EXECUTIVE SUMMARY

The question of uncontrolled arms, their illicit acquisition and their transfer is a recurring security dilemma in Africa. The concentration of most of Africa's estimated 100 million uncontrolled small arms and light weapons (SALW) in crisis zones and other security-challenged environments often exacerbates and elongates conflicts. This brings devastating costs to individuals, families, and communities who experience displacement, erosion of social cohesion and trust, gender based violence (GBV), injuries and fatalities. Most conflicts in Africa involve non-state actors who use uncontrolled arms. Since non-state actors (such as militias, warlords and extremist groups) have no legal authority to purchase or bear arms, they resort to illicit means of arms acquisition – mainly through diversion from state stockpiles, black markets and trafficking, as well as locally produced arms.

This report recounts the stories of people affected by armed conflicts to document the human costs of uncontrolled arms in Africa, and especially these seven countries: Central African Republic (CAR), Democratic Republic of Congo (DRC), Libya, Mali, South Sudan, Sudan and Somalia. The stories and anecdotes constitute evidence in support of the arms' control campaign which Oxfam launched in Africa in April 2015, to encourage countries to ratify and implement the Arms Trade Treaty (ATT) and other regional arms control agreements.

The human cost of uncontrolled arms

Injuries and fatalities
Data on conflict fatalities in Africa are scarce and inconsistent, although most deaths recorded in conflict and security-challenged environments in the continent are caused by uncontrolled arms. It is safe to state that in the last two decades, millions of lives were lost as a direct result of wars in Africa. For instance, during the period 1983–2005 in DRC, Sudan and Rwanda combined, between 4.3m–8.4m people lost their lives due to armed conflict[1]. Stories gathered in this report indicate that many people have had their family members, friends and neighbours killed by rebels, militias, vigilantes and gangs using uncontrolled arms.

Internally displaced people (IDPs) and refugees
Forced population movements within and across borders are generally motivated by the need to avoid injuries and deaths from uncontrolled arms. Although data on refugees and IDPs are fluid and variegated, they point to massive displacements of people due to the increased deadliness of armed groups and conflicts. Countries and regions affected by violence, such as CAR, DRC, Lake Chad Basin, Mali, Somalia, South Sudan and Sudan, generally record the highest numbers of IDPs and refugees in Africa. However, quantitative data cannot tell the full story of how uncontrolled arms contribute to the disruption of family and community lives unless it is combined with qualitative data and personal testimonies that tell the stories of survivors.

Gender-based violence (GBV)
The risk of GBV heightens in conflict situations and it is estimated that about 45.6 percent of African women have experienced GBV[2] as a result of armed conflict, compared to 35 percent globally. It is estimated that most African women and girls will experience a form of GBV in their lifetime. In conflict contexts, GBV is generally associated with armed groups and combatants who use SALW to humiliate, intimidate, displace and traumatize individuals and communities. For instance, at the height of violent conflict in 2013, DRC became known as the world's rape capital, with an estimated 48 women raped per hour by rebels and Congolese soldiers.[3] But statistics alone cannot describe the full effect of uncontrolled arms on GBV in Africa. Stories from conflict-affected countries such as Mali, DRC, CAR, and South Sudan indicate that the socio-cultural and psychological impacts on victims and relatives are huge, with victims experiencing abduction, stigmatization, post-traumatic stress disorders, risk of HIV/AIDS, etc.

Erosion of social cohesion and communal trust

Uncontrolled arms do not necessarily cause conflict, but they do exacerbate tensions and tip the balance towards violent confrontations. Illicit arms reduce the use and effectiveness of dialogue and negotiated settlement of disputes; uncontrolled arms contribute to the choice of violence to settle disputes. The spread of uncontrolled arms increases mutual suspicion and mistrust, encourages retaliatory measures, and worsens social divides and disagreements among different groups. In South Sudan and CAR, to name just two, targeted killings with uncontrolled arms have fragmented communities and countries along ethnic, religious and political lines.

Recommendations

States

1. States that are members of the ATT should put in place appropriate measures required to domesticate and start implementing the ATT.

2. Non-signatory states, especially arms-producing countries, should consider acceding to the treaty and ensure that arms procurement and transfer within their jurisdiction are vetted in accordance to global norms.

3. African states should address the root causes of conflict, which are indeed exacerbated by uncontrolled arms, poverty, social, economic and gender inequality, governance and development deficit, and lack of citizenship rights.

African Union (AU) and Regional Economic Communities (RECs)

4. The AU should provide a continent-wide platform for the monitoring of uncontrolled arms transfer in Africa. The African Union Peace and Security Roadmap 2016–2020 is a good strategy to influence uncontrolled arms across the continent. Putting the roadmap in action can alter the current situation of uncontrolled arms.

5. There is under-utilized knowledge among the victims/survivors of uncontrolled and illicit arms across Africa, which is key to addressing the various angles of the problem. Commitment to arms control will be enhanced if people's knowledge and experiences are brought to the attention of policymakers, through consultations with and briefings by local civil society and women's rights organizations.

6. Since the ATT aligns organically with the African Union's 'Silencing the Guns by 2020' Vision, an ambitious and futuristic goal of realizing a conflict-free Africa by 2063, contextualizing its provisions within the African reality should become a priority.

Donor community

7. African states should be supported with the technical and financial resources they need to implement the ATT and ensure SALW proliferation is stemmed within their territories.

8. Donor agencies should ensure that the resources they provide are used in a transparent manner to achieve their objectives. Funding should be extended to support civil society actors, including women's rights organizations, to monitor and support states' progress on the implementation of the ATT.

9. Donor agencies should ensure that states are in compliance with export assessment, as per article 7 of the ATT.

10. Donor agencies should realize that arms control programming is not a standalone issue. It is closely linked to poverty reduction, Sustainable Development Goals (SDGs), various kinds of inequality, and illicit financial flows. Hence, it is vital to package arms control issues within development programming.

Private sector

11. In some regions of Africa, mineral resource extraction and uncontrolled arms are extremely closely linked. Illicit financial flows and their exchange for arms need to be further explored to inform policy formulation to control the exchange phenomenon.

1 INTRODUCTION

1.1 BACKGROUND

Prolonged conflict, proxy wars, and inter-community strife characterize many regions in Africa. Such violence continues to accelerate structural poverty and processes of impoverishment across the continent. It has caused untold atrocities, including deaths, sexual violence, displacement, shattered communities and loss of hope for a decent standard of living. Global experts estimate that at least 500,000 people die every year, on average, and millions more are displaced and abused as a result of armed violence and conflict.[4] This is a worldwide estimate. In terms of the economic cost of war, a study has shown that conflicts in Africa cost the continent over $300bn between 1990 and 2005 – an amount equivalent to all the international aid received by sub-Saharan Africa in the same period.[5] In addition, Oxfam has calculated that $18bn per year is lost to Africa as a result of conflict.[6]

New conflicts are emerging and, increasingly, putting lives under immense threat. Apart from conventional violent conflict, non-conventional threats are evolving, such as the spread of violent extremist groups in numerous locations in Africa. This spread has been enabled by the unregulated flow of arms, among other socio-economic and political factors. By the same token, proxy wars are also taking lives, dividing communities and bringing about prolonged suffering.

This report focuses on uncovering the human costs of uncontrolled and illicit weapons in Africa. Illicit SALW include revolvers, self-loading pistols, assault rifles, submachine guns, light and heavy machine guns, grenade launchers, anti-aircraft guns, anti-tank guns, etc., either purchased illegally or diverted/captured from state institutions by oppositions or unauthorized groups.[7] The report explores how these weapons have fuelled and shaped violent conflicts across Africa. It then discusses the need for a concerted effort, at the national, continental and global levels, to combat the illicit flow of arms within and across conflicts zones in Africa using the ATT. The ATT is a remarkable piece of international law brought into force by UN member states in 2014 to control the global trade in conventional weapons to prevent the illicit trade and transfer of arms, including SALW.

The report documents stories and anecdotes about people affected by uncontrolled and illicit trade of SALW in conflict situations across Africa, but especially in these seven countries that are currently in conflict: CAR, DRC, Libya, Mali, South Sudan, Sudan and Somalia.

1.2 METHODOLOGY

The research draws on three methods. The first is the content analysis of extant literature on uncontrolled arms, illicit arms, and conflict and insecurity in Africa more generally. The second is the use of semi-structured interviews and focus group discussions (FGDs) to generate primary data from respondents in the field. Three countries, namely CAR, Mali and South Sudan, were visited for on-the-spot assessment and interaction with relevant stakeholders on the impacts of uncontrolled arms. Discussions and interviews were held with survivors, state officials and humanitarian and development agencies. The field missions also included visits and interaction with people in communities most affected by armed conflicts, and IDPs. The third is the documentation of stories (from secondary sources) of people impacted by uncontrolled arms in the remaining four countries that were not visited (DRC, Libya, Somalia and Sudan).

The use of and reliance on qualitative evidence, in the form of first-person accounts from those affected by uncontrolled arms in the selected countries, is rationalized by the limited availability of reliable, consistent, and up-to-date empirical data on the subject matter. Given that each context of armed conflict and insecurity has unique dynamics and that there are varied entry points to address illicit arms, the research contextualizes its analysis to the most appropriate conflict, security type and pattern. Some of the potential policy anchors for the analysis in selected case studies are: disarmament, demobilization and reintegration (DDR) programmes; violent extremism; staggering peace; conflict elongation; and regional dynamics.

1.3 CONFLICT AND INSECURITY IN AFRICA

Conflicts in Africa are constantly evolving. This process is exacerbated by the flow of uncontrolled arms. Three key features have characterized Africa's conflict patterns and trends in the past decade: first, the changing nature of conflict and insecurity. Most current conflicts reflect interwoven causes and triggers, complex networks of transnational actors and processes, as well as their increasing regionalization and internationalization. Second, their spillover effect as they spread, creating a wider radius of impact. Third, their exhibited continuities, as well as new patterns regarding their causes, actors, protraction, and underlying socio-political, economic and humanitarian impacts.

A previous report co-authored by Oxfam, *Africa's Missing Billions: International arms flows and the cost of conflict*, showed how certain processes – illicit arms procurement, the growth of gun culture, diversion of resources from productive expenditure, etc. – were either triggered or sustained by the interaction between conflict/insecurity and uncontrolled arms.[8] The report went on to highlight the impact of this interaction on social cohesion, with an emphasis on the tangible and intangible costs of conflicts in Africa.[9] Much has changed since the report was published in 2007. New or renewed conflicts and cases of insecurity have emerged (Libya, South Sudan, Mali, Lake Chad Basin crisis, etc.), while old ones remain protracted (CAR, Somalia, LRA, Eastern DRC, Darfur, Western Sahara. In particular, there has been a surge in incidences of insecurity, as numerous armed conflicts have re-emerged across Africa in the last decade. At present, about 25 African states are battling one or more forms of insecurity, such as organized rebellion or civil war, organized crime, violent extremism, ethno-political militancy, secessionist agitations, etc.[10]

**Table 1: Countries with ongoing conflicts or incidences of insecurity in Africa**

Country	Civil war or rebellion	Violent extremism and/or terrorism	Inter-state conflict	Organized crime	Ethno-political militancy	Secessionist agitation
Algeria		Y				
Angola						Y
Burundi					Y	
Cameroon		Y				
CAR	Y				Y	
Chad		Y			Y	
Congo DR	Y			Y	Y	
Cote d'Ivoire		Y			Y	
Djibouti		Y				
Egypt		Y				
Ethiopia					Y	Y
Eritrea			Y			
Libya	Y	Y		Y	Y	Y
Mali	Y	Y		Y	Y	Y
Mauritania				Y	Y	
Niger		Y		Y	Y	
Nigeria		Y			Y	Y
Senegal						Y
Somalia	Y	Y			Y	
South Sudan	Y				Y	Y
Sudan	Y	Y			Y	Y
Tunisia		Y				
Uganda	Y					Y
Western Sahara					Y	Y

Source: Compiled from various sources

Available data shows that conflicts in Africa represent a significant percentage of global conflicts. In a 2015 report on conflict, violence and extremism in Africa, the Institute for Security Studies (ISS) noted that 52 percent of global armed conflict incidents in 2014 occurred in Africa, despite Africa having only 16 percent of the world's population.[11] Statistics collated from the Heidelberg Conflict Barometer show that 87 of the 236 global high-intensity conflicts between 2011 and 2015 took place in Africa. Africa's security situation is fluid, and conflicts occur at
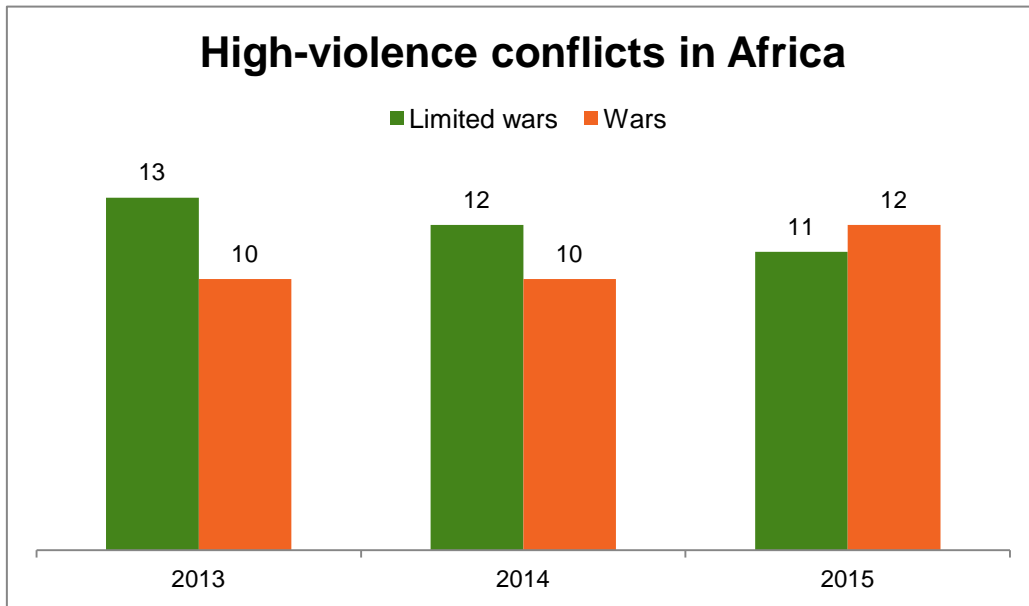
varying degrees of intensity. As indicated in figures 1 and 2, between 2013 and 2015, an average of 22 new and ongoing wars was recorded annually.

Figure 1: Conflicts in Africa disaggregated by their intensity, 2011–2015
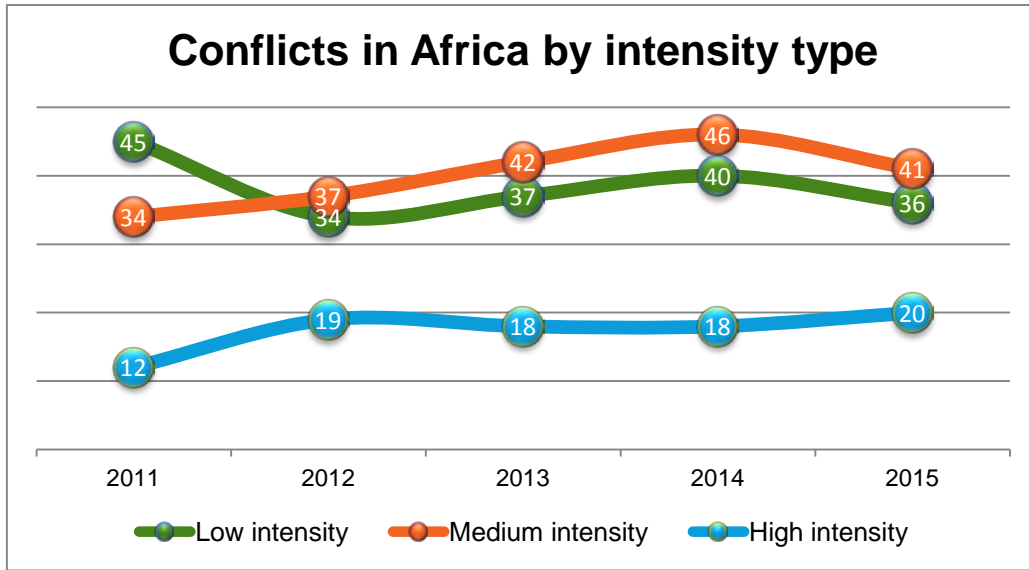
Source: Compiled based on data from Heidelberg Conflict Barometer, 2011–2015

Figure 2: High violent conflicts in Africa 2013–2015

Source: Compiled based on data from Heidelberg Conflict Barometer, 2013–2015

Most conflicts in Africa occur at the sub-state level, and are fought using uncontrolled arms. This is because these conflicts are primary among non-state actors, or between non-state actors and national governments. Since non-state actors (including militias, warlords and extremist groups) have no legal authority to purchase or bear arms, they resort to illicit means of arms acquisition. While it is important to note that intra-state conflicts are not necessarily caused by SALW, the fundamental implication of illicit circulation of arms in conflict zones is the heightened risk of higher and more deadly levels of violence. Uncontrolled access to weapons encourages violence instead of dialogue. It creates a false sense of entitlement among competing interests that 'might is right'. Such a mindset results in protracted conflicts. For

instance, the proliferation of firearms across Somalia is a major cause of instability in the country; weapons such as the Duska 108mm heavy machine gun and the PKM general purpose machine gun are reportedly sold in Mogadishu's Bakara market.[12] The root cause of Somalia's unending conflict cannot be attributed to SALW, yet the abundance of illicitly purchased uncontrolled weapons and the ease of acquisition are key factors in the protraction of the conflict.[13]

Another emergent pattern since 2000 is the rise in political violence in the form of electoral violence, protests against long-term leaders, and constitutional crises. This has occurred in around 15 African countries including Algeria, Burundi, CAR, Côte d'Ivoire, DRC, Egypt, Ethiopia, Libya, Mali, Niger, Nigeria, South Africa, South Sudan, and Sudan. The nexus between uncontrolled arms and political violence is evident in the level of electoral violence, as politicians either seek to forcefully attain or hold on to power. For instance, Charlotte Osei, Ghana's Electoral Commission (EC) Chair, noted that the proliferation of illegal small arms constituted a danger to the country's 2016 presidential elections.[14] The use of SALW was responsible for over 800 deaths recorded during the post-electoral violence that erupted after the 2011 presidential elections in Nigeria.[15]

2 UNCONTROLLED ARMS IN AFRICA

The problem of uncontrolled arms, as well as their illicit acquisition and transfer, is a recurring security challenge in Africa. While they do not directly cause conflict, their concentration in crisis zones often sustains or prolongs them. Uncontrolled arms also fuel civil wars, empowering non-state armed groups to launch attacks against governments and local communities. For instance, in DRC, conflict and insecurity are fuelled by the continued inflow of illicit SALW. Notwithstanding a subsisting UN arms embargo, illicit arms are traced to stockpiles from past conflicts and new supplies from a variety of sources in the Great Lakes region. For instance, the Democratic Forces for the Liberation of Rwanda (FDLR) reportedly received different types of SALW from Tanzania by boat in June 2008, March 2009 and November 2009.[16]

The Council of Foreign Relations puts the annual monetary value of the illicit arms trade at $1bn.[17] This represents between 10 and 20 percent of global trade in SALW,[18] and the use of these weapons continues to have devastating consequences on individuals, families and communities across Africa, where over 100 million small arms are estimated to be in circulation (Table 2)[19].

Table 2: Firearms data for some African countries

Country	Privately owned firearms (licit and illicit)	Civilian firearms possession per 100 population
Algeria	1,900,000	7.6
Angola	2,800,000	17.3
CAR	40,000	1.0
Cote d'Ivoire	400,000	2.4
DRC	800,000	1.4
Ghana	2,300,000	8.55
Libya	900,000	15.5
Mali	143,000	1.1
Mozambique	1,000,000	5.1
Nigeria	2,000,000	1.5
South Africa	3,400,000	6.61
South Sudan	3,000,000	28.23
Sudan	2,000,000	5.5
Somalia	750,000	9.1
Uganda	400,000	1.4

Source: Compiled based on statistics obtained from www.gunpolicy.org, accessed 27 May 2016

2.1 SOURCES OF UNCONTROLLED ARMS FLOWS IN AFRICA

2.1.1 Diversion from state stockpiles

The diversion of legally acquired arms by African countries is a common source of uncontrolled and illicit arms. This can occur in several forms, including the illegal sale of official arms by corrupt officials to non-state actors. For example, some Nigerian soldiers were arrested in February 2016 for illegally selling arms to Boko Haram members,[20] while Ethiopian and Ugandan soldiers serving with the African Union Mission in Somalia (AMISOM) were accused of selling weapons from their stockpiles to traders in Somalia's illicit arms market.[21] Official stockpiles are also diverted through targeted looting of state armoury by armed groups, as was the case with the Séléka rebels in CAR in 2013.[22] Similarly, the Libyan military armouries were looted after the fall of Muammar Gaddafi. In other instances, licit arms are also seized by non-state armed groups during raids and battles with state forces, such as in northern Mali.

The diversion of state arms stockpiles is also facilitated by the poor welfare conditions of uniformed personnel, weak governance and a lack of oversight over arms procurement and accountability of weapons stockpiles. Soldiers in most African countries are underpaid, and their salaries are often delayed for several months. This has reportedly led to riots, sexual violence, looting and involvement in corrupt practices, as has been reported in the DRC, Burkina Faso, Mali, and Guinea. In some cases, official acquisitions are either undeclared or unreported by buyers and suppliers in order to bypass extant procedures, thereby complicating official tracing and accountability.[23] In short, poor stockpile management, and limited transparency and accountability in arms procurement, aid the illegal sale of state weapons by their custodians.[24]

> *'It surprised everyone when the rebels took Tessalit. This was where the rebels got a lot of weapons. I wonder why the government puts a huge stock of weapons in Tessalit when the army lacks the capacity to defend them. There is a saying that a bad soldier is killed by his weapon. This applies to the Malian army.'*
> Tuareg political activist, Bamako, Mali[25]

2.1.2 Black markets and illicit trafficking

The number of conflicts in Africa illustrates the thriving scope of the illicit arms trade in the continent. Locally-made arms and diverted stocks are traded in parallel arms markets. In 2013, Cameroonian security forces arrested a man who was transporting 655 guns to Nigeria, and another 5,400 AK-47 rifles were intercepted in Maroua, in the northern region of Cameroon.[26] Based on the Small Arms Survey assessment of Libya's illicit arms market, SALW such as heavy machine guns, shoulder-fired recoilless weapons, rocket launchers, anti-tank guided missiles, man-portable air defence systems, grenade launchers, and different types of rifles can be bought online.[27]

2.1.3 Poorly regulated local arms production

Several unauthorized local arms producers exist across Africa, and the limited regulation of their activities contributes to the ready availability of SALW. In Ghana for instance, as of 2005, local gunsmiths have the capacity to produce over 200,000 weapons annually, including pistols, single and double barrel guns, traditional dane guns, and pump-action shotguns.[28] Over 60 percent of illegal arms in southeast Nigeria are locally made.[29] In Mali, locally made weapons are widespread, and are used to commit crimes. This led to the enactment of law 040-50/ANLM to regulate the manufacture, use and trade in locally made weapons, and the promulgation of decree 05-441/P-RM for the enforcement of the law.[30]

The Human Cost of Uncontrolled Arms in Africa

2.1.4 External sources

Although most of the proliferated uncontrolled arms in circulation in Africa are being trafficked and transferred within the continent, weapons are initially shipped into conflict zones from outside the continent. For example, the UN Panel of Experts on Sudan identified certain countries, including Ukraine, China, Canada, Israel, Bulgaria, Slovakia, Iran and Russia as major suppliers of large stockpiles of arms and other materiel to South Sudan.[31] The UN-mandated Somalia and Eritrea Monitoring Group (SEMG) also noted that one of al-Shabaab's supply lines originates in Yemen, with weapons delivered through multiple receiving points on the Somali coast.[32]

2.2 FACTORS THAT DRIVE THE PROLIFERATION AND USE OF UNCONTROLLED AND ILLICIT ARMS IN AFRICA

2.2.1 Struggle for political power

The struggle for political power in Africa often takes violent dimensions, which are underscored by the use of arms in the competition for power. Conflicts often break out when power is manipulated to include or exclude certain individuals, communities, groups, religions or regions.[33] Those excluded resort to extreme measures such as violent protests or armed rebellion with the use of illicit arms. Illicit weapons were used in electoral violence in various parts of the continent.

2.2.2 Governance and development deficit

The worsened economic situation of most African countries in the past 20 years has further eroded their capacity to address pressing developmental challenges such as poverty, unemployment and poor infrastructure. A 2016 World Bank African Poverty Report confirms that poverty levels among Africans are higher than in the 1990s.[34] When provided, employment opportunities and infrastructure are mainly concentrated in urban centres or constituencies that are loyal to ruling political parties, thus fuelling or compounding inequality. As such, many deprived or excluded groups express grievances through the use of illicit arms against the state. The widespread poverty and limited economic opportunities in Nigeria's northeast region were exploited by Boko Haram to recruit and radicalize poor, uneducated and vulnerable young people.[35] For instance, one of the group's recruitment strategies involved the provision of cash loans to potential recruits.[36] The underdevelopment of Mali's northern regions, relative to the South, has been identified as a major reason why the Tuaregs decided to bear arms against the Malian state.[37]

> *'The way the state has been governed in the last decade contributed to the conflict in CAR. Societies that feel abandoned have resorted to arms to express their grievances. There is a huge gap between the state and its citizens. A lot of areas occupied by Muslims have limited state presence and are marginalized. Many communities especially in the north and eastern parts of the country are not being taken care of. In the past, investments in social amenities and infrastructure are mostly concentrated in regions where presidents and other high-level state officials come from.'*

State representative, Batangafo, Central African Republic[38]

2.2.3 Natural resources

The control, access and distribution of natural resources has triggered, sustained or exacerbated conflicts in many resource-rich countries in Africa. Illicit arms have contributed to the escalation and deadliness of such conflicts in recent years. This includes conflicts over hydrocarbons, mineral deposits or grazing land. For example, illicit arms are a key factor in the militancy and insecurity in the Niger Delta region of Nigeria, Katanga areas of DRC, and the gold-rich Tibesti region in northern Chad. In fact, the gold mines in Tibesti have become a theatre of war fuelled primarily by SALW from Gaddafi-era SALW stockpiles.[39] Similarly, illicit arms have increased the spate of violent clashes and casualties between herders and farmers in Mali and Nigeria, Bororo in CAR, as well as Barara in Chad. In fact, herdsmen in Sudan and South Sudan openly display SALW, and cattle raids, involving the use of SALW, in rural areas of South Sudan led to over 2,000 deaths and 34,000 displacements in Pibor in January 2012.[40]

2.2.4 Radicalization and violent extremism

The growth and activities of religious groups that espouse radical extremist ideologies have contributed to the spread and use of illicit arms in Africa. The existence and possession of SALW by violent extremist groups have negatively impacted security in West, Horn and North Africa. The open display of SALW is a requisite element in the identity of violent extremist groups, and extremist groups appear deadlier as their access to and quantity of SALW increases. For instance, radical Tuareg militias and Al-Qaeda in the Islamic Maghreb (AQIM) in northern Mali have initiated and sustained armed insurgencies because of their access to and use of SALW. Islamist militancy has garnered the most attention as a consequence of the violent attacks of Boko Haram, Al-Qaeda in the Islamic Maghreb, Al-Shabaab and other similar groups operating across Africa.[41] Based on UNDP estimates, 24,771 people were killed and 5,507 wounded between 2011 and 2015, with most of the fatalities recorded in Nigeria and Somalia.[42] The porous border and swathes of 'ungoverned spaces' in the Sahel and West Africa are exploited for the illicit transfer of arms to extremist groups. .

2.2.5 Organized crime

The flow of uncontrolled arms plays a crucial role in the activities of organized crime networks across Africa; they are either the object of illicit trafficking and/or used to protect the infrastructures used for criminal activities. There is a convergence of organized crime, SALW availability and armed conflict, including violent extremism, in places such as the Sahel, Libya and Somalia. Pirates use illicit arms in the Horn of Africa and the Gulf of Guinea region to attack and seize ships and to kidnap crews for ransom. Similarly, South American drugs heading for Europe are trafficked through West Africa and the Sahel, and SALW are used to protect the trafficking routes. A 2013 report by the United Nations Office on Drugs and Crime (UNODC) put the annual cost of drugs trafficked through West Africa at $1.25bn.[43] The cost of piracy in the Gulf of Guinea and Somali coast to the global economy in 2015 was $719m and $1.32bn, respectively.[44]
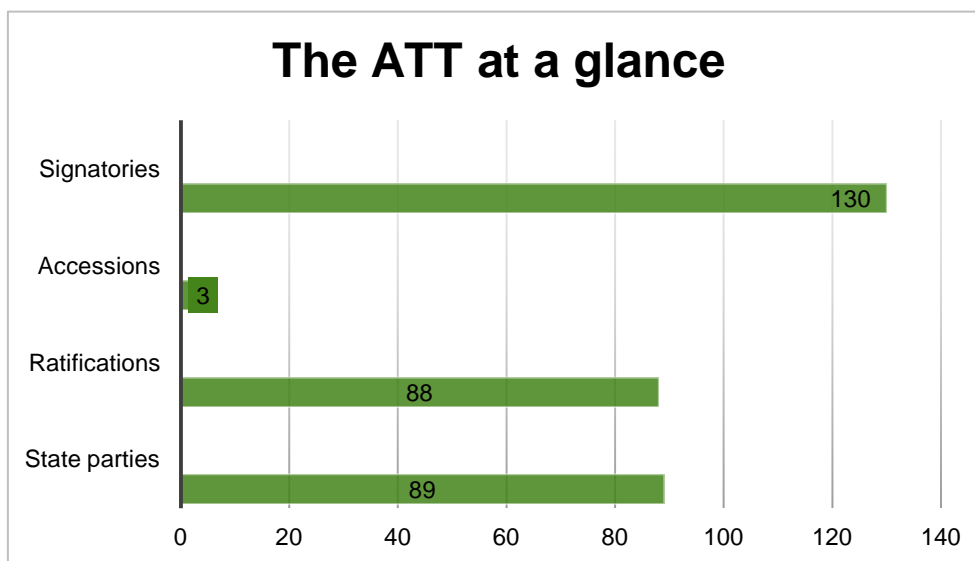
2.3 THE GLOBAL ARMS TRADE TREATY (ATT)

The passage of the ATT in April 2013 and its entry into force in December 2014 are vital steps in tackling the problem of uncontrolled and illicit arms transfer into and within Africa. The ATT is a multilateral treaty that regulates the international trade in, and transfer of, conventional weapons across and within national borders. It is the first internationally legally binding agreement which sets globally common standards for the regulation of the conventional arms

trade and prevention of illicit arms trade and transfer (see Figure 3).[45] Under the ATT, member states are obliged to:

- Block arms exports if they breach their international obligations or could be used to commit genocide or war crimes.

- Assess the possibility that arms exports would disrupt peace and security or could be used to violate international humanitarian or human rights law.

- Submit reports on their implementation of the treaty, detailing their transfer control systems, and annual reports on their arms exports and imports.

- Establish and maintain a national control system to regulate the export and/or import of arms parts and components, as well as ammunitions or munitions fired, launched or delivered by conventional arms.

- Take measures to ensure all authorizations for the export of conventional arms, and make available appropriate information on the authorization upon request, to the importing and transit states.

- Take appropriate measures to regulate, where necessary and feasible, the transit or trans-shipment of arms and ammunitions of conventional arms under their jurisdiction.

- Take measures under their national laws, to regulate brokering taking place under their jurisdiction for conventional arms.[46]

Figure 3: Number of countries that have signed, ratified or accessed the ATT

The ATT at a glance

Category	Value
Signatories	130
Accessions	3
Ratifications	88
State parties	89

Source: www.un.org/disarmament/convarms/att/, accessed 30 January 2017

2.4 THE ATT AND ARMS CONTROL IN AFRICA

Concerns remain over the implementation of the ATT, especially in Africa. While the treaty is expected to guide proper regulation and monitoring of global arms sales and transfer, the active cooperation of arms-exporting countries is crucial to reducing illicit arms transfer to Africa. The global legal trade in SALW in the past decade has been accompanied by increasing difficulties in how to deal with their diversion and illicit transfer, especially in Africa. The legal arms import by African states increased by 45 percent in 2005–2009 and 2010–2014,[47] yet it only accounts for 1.5 percent of global arms transfer.[48] Apart from South Africa, Egypt and Sudan, African states are limited in their capability to produce arms and ammunition. This implies that most weapons in Africa, both legal and illicit, originate from outside the continent. Ninety five percent of arms used in Africa come from outside the continent[49]

Some countries that export arms to Africa, such as China, Israel, Turkey, Ukraine and the United States, are either yet to ratify or accede to the treaty.[50] For SALW-producing countries that are signatories, including Bulgaria, Czech Republic, Romania, Serbia, Slovakia etc.,[51] it remains contentious whether the political will to enforce the treaty's provisions exists at leadership and institutional levels.

> *'Oxfam's advocacy should focus on influencing states to implement the treaty. Foreign countries should cooperate with, and assist African states in, implementing the treaty. There should be coordination among states for progress to be made. States should also create the legal frameworks for the ATT in their respective jurisdictions, and display strong political will towards its implementation.'*
> State official, Ministry of Interior, Bangui, CAR

2.5 THE ATT, THE AFRICAN UNION, REGIONAL ECONOMIC COMMUNITIES (RECS) AND MEMBER STATES

Given the security situation in Africa, there is a need for coordinated efforts at the regional and multilateral level to combat the flow of uncontrolled arms and illicit arms transfer. Extant conventions and legal instruments on arms control in Africa mirror the ATT's objectives; for example, the 2000 AU 'Bamako Declaration' detailed a common African position on illicit arms trafficking and proliferation of small arms.[52] There is also the African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, with the overall objective of eradicating arms proliferation and trafficking in Africa.[53] Related conventions at the sub-regional level include the 2001 Southern African Development Commission (SADC) Protocol on the Control of Firearms, Ammunition and other Related Materials;[54] the 2004 Nairobi Protocol on the Control, Prevention and Reduction of Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States;[55] the 2006 Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunitions and Other Related Materials;[56] and the 2010 Central African Convention for the Control of SALW, their Ammunition and Parts and Components that can be used for their Manufacture, Repair or Assembly.[57]

Although these conventions offer invaluable foundations and coordination mechanisms for the ATT, the crucial challenge lies in the need to domesticate and implement its provisions. Since the treaty aligns organically with the African Union's 'Silencing the Guns by 2020' Vision, an ambitious and futuristic goal of realizing a conflict-free Africa by 2063,[58] contextualizing its provisions within the African reality becomes a priority. The implementation of the ATT depends on two crucial factors: the state's capacity, as well as political will and leadership. Importantly, given the emerging patterns and trends in conflicts and insecurity in Africa, tackling the proliferation and flow of illicit arms requires a more holistic effort beyond those of individual states.

Figure 4: Number of African countries that have signed, ratified or accessed the ATT
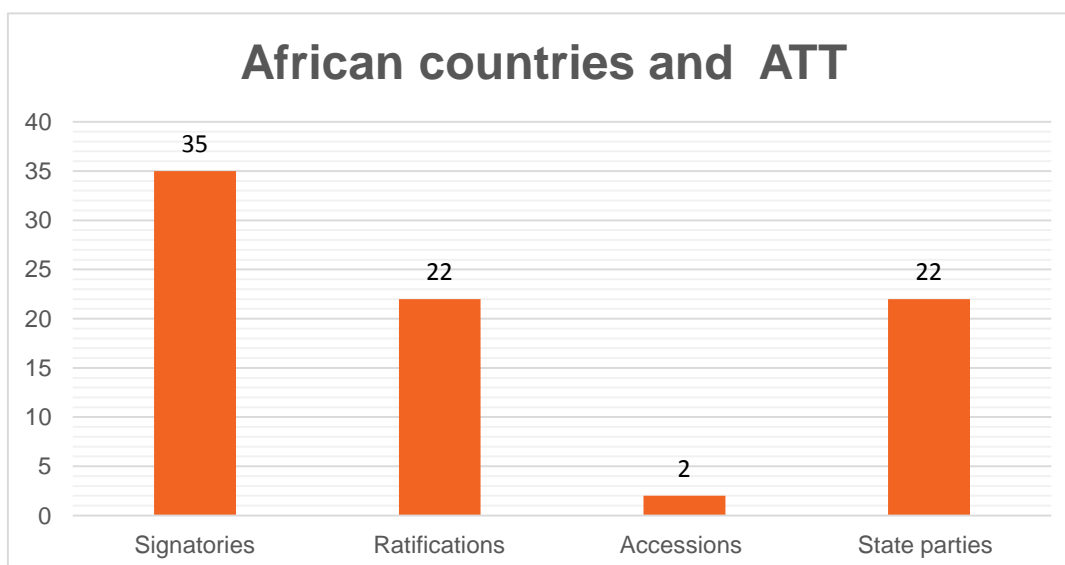
Source: www.un.org/disarmament/convarms/att/, accessed 30 January, 2017

3 THE HUMAN COST OF UNCONTROLLED ARMS IN AFRICA

3.1 CONTEXT OF ILLICIT ARMS AND INSECURITY IN SELECTED COUNTRIES

Across selected case studies, this report identifies how uncontrolled arms have affected populations. Some costs are more prevalent among certain demographics, disaggregated by gender, age, religion and status. For example, the struggle for political power and socio-political inclusion by the Muslim minority in CAR has resulted in attacks and counter-attacks by Séléka militias and anti-Balaka militants.[59] This is not to disregard other factors such as resource contestation, poor governance and regional dynamics.[60] In DRC, the regional dynamics of the Great Lakes region, extraction of natural resources, especially the illicit exploitation of mineral resources and the availability of SALW, fuel armed conflict and insecurity.[61]

Although the Libyan crisis can be situated within the context of the 2011 Arab Spring uprisings against authoritarian leaders in North Africa, the fall of Gaddafi led to the proliferation of an estimated 1,700 armed groups, organized along regional, tribal, ethnic and ideological lines.[62] More importantly, the flow of uncontrolled arms in and out of Libya creates security challenges for neighbouring countries and the wider Sahel region.[63] In Mali, three separate yet interrelated events explain armed conflict and insecurity, including the January 2012 rebellion by the Mouvement National pour la Libération de l'Azawad (MNLA); armed uprising by jihadist groups (e.g. AQIM, MUJAO, and Ansar Dine); and political and constitutional crises arising from the March 2012 military overthrow of a democratically elected Toure government. A military alliance between MNLA and the Islamists which resulted in the capture of Mali's northern regions of Gao, Kidal and Timbuktu in 2012 allowed the rebels to loot weapons left behind by retreating government soldiers. Although the French-led military intervention ousted the Islamist groups in January 2013, large parts of northern Mali remain outside the government's control.

The political undercurrents of Somalia's crisis are consistent with Somali history, but violent extremism has reshaped the nature and landscape of insurgency.[64] Since 2006, al-Shabaab, an Islamic movement with links to Al-Qaeda, has maintained a foothold in Somalia. But the conflict has multifaceted regional implications, since all neighbouring countries and several other state and non-state actors are affected. Somalian conflict and insecurity is sustained because violent extremist groups and clan militias have access to uncontrolled weapons, despite efforts by the government and other external actors to curb the influx of uncontrolled arms to the country.[65]

South Sudan's security situation is fluid and unpredictable, as clashes between armed groups have characterized much of its short post-independence history. The current crisis erupted in December 2013 between President Salva Kiir and his former deputy, Riek Machar. The 2015 peace agreement failed to end hostilities, and the country remains at risk of returning to full-blown war. In neighbouring Sudan, the conflict in Darfur began in 2003 when opposition groups who accused the government of wilful neglect of the region took up arms against the state.[66] The crisis is driven by a number of issues, including disagreements over resource control, power struggles, problems resulting from inequalities, and perceived marginalization.[67] Furthermore, the presence of oil, and the more recent discovery of large gold deposits in the Jebel Amir Hills of North Darfur, have deepened the crisis.[68]

3.2 HUMAN COST: INJURIES AND FATALITIES

Underscoring uncontrolled arms proliferation in Africa is the huge number of human casualties they cause. Many people have had family members, friends, neighbours and close relatives killed by people (militias, opposition groups, vigilantes and gangs) using uncontrolled arms. Data on conflict fatalities in Africa are scarce and inconsistent, however, most deaths recorded in conflict and security-challenged environments in the continent are caused by uncontrolled arms. For example, an estimated 1,689 to 3,713 were killed between 2012 and 2014 in Mali alone.[69] Most of these deaths were civilians killed by rebels and other armed groups.

Beyond the numbers, killings involving illicit arms are horrific and psychologically devastating to victims and their relatives. For example, Seydou, 34, lost his parents to heavily armed bandits who shot them and looted their home in northern Mali.[70] In Beni in DRC, around 600 Congolese have died since 2014,[71] and 64 bodies with gunshot wounds were recovered by local officials after rebels attacked the village in August 2016.[72] Similarly, in CAR, Halimatou, 42, a Muslim woman, was forced to watch as her husband was shot with a pistol and hacked to death by anti-Balaka fighters.[73] Another example is that of Patricia, 43, whose son was killed by a stray bullet fired by a militia; a situation that has left her psychologically scarred and mentally unwell.[74] Estimates of Libya's body count show that 2,825 and 1,523 people were killed in 2014 and 2015, respectively,[75] and up to August in 2016, 902 deaths have been recorded.[76] While the figures of deaths in recent years are dwarfed by the estimated 50,000 fatalities in 2011,[77] the huge arsenals of uncontrolled arms in the possession of non-state armed groups, and increasing reports of clashes with pro-government forces, suggests that unarmed civilians will continue to be victims of uncontrolled arms.

> *'I escaped from my house on 5 December 2013 to the IDP camp. When leaving, I realized that my husband was missing. I believe they [militias] killed him because I have not heard from him since then. A few days later, my brother told me he was returning home for some of our belongings. I was reluctant to allow him to leave, but he insisted on going. On his way, he was shot and killed by Séléka militias. I cry every time I think of my husband and brother.'*
>
> Internally displaced woman, Bangui, CAR[78]

> *'I was in Bentiu when the conflict started, but I had to run to the Protection of Civilians site (POC) for my safety because soldiers were killing people from the Nuer tribe. Women and girls were raped and killed by the soldiers. But they kept the ones they liked captive. The soldiers came to my village and took all our belongings. It was difficult to survive so I went to the POC with my children. I came to the camp in October 2015. Before the crisis, I related freely with the Dinkas. Now I am afraid to do so. My husband is a soldier. He escaped through the bush during the crisis. I have not heard from him since.'*
>
> Internally displaced woman, Juba, South Sudan[79]

3.3 HUMAN COST: INTERNALLY DISPLACED PEOPLE AND REFUGEES

While internal and cross-border displacements are common denominators of violent conflicts in Africa, enforced population movements are generally motivated by the need to avoid injuries and deaths from uncontrolled arms. Although data on refugees and IDPs are fluid and varied, they point to massive displacements of people due to the increased deadliness of armed groups

and conflicts. Available data shows that 466,000 and 434,174 Central Africans are refugees and IDPs respectively.[80] Based on UNHCR's 2015 estimates, as a percentage of its population, CAR has one of the highest amounts of IDPs and refugees.[81] As of July 2016, the total figure of DRC refugees in neighbouring countries was estimated at 450,474, while the number of registered refugees in Congo was put at 387,963. From 31 May to 31 July 2016, the UNHCR recorded 201,642 DRC refugees in Uganda, 73,504 in Rwanda, 61,090 in Tanzania, 53,669 in Burundi, 14,908 in South Sudan, 12,269 in Congo Brazzaville, 4,836 in CAR, 997 in Ethiopia and 799 in Sudan.[82] The International Organization for Migration (IOM) Displacement Tracking Matrix Round 5 Report of August 2016 set the total estimate of IDPs in Libya at 348, 372. This reflects a slight drop from the July 2015 estimate by the Internal Displacement Monitoring Centre (IDMC) that put IDPs in Libya at 434,000.[83] Statistics from UNHCR show that more than 134,000 Malian refugees are in neighbouring Mauritania, Burkina Faso and Niger, and over 36,000 are internally displaced.[84] The UNHCR also put the total figure of registered Somali refugees at 972,215, as at July 2016,[85] while 1.3 million are internally displaced.[86] UNHCR estimates the number of South Sudanese refugees to be 1,291,323.[87] Uganda and Sudan have received 110,000 and 100,000, of them respectively.[88]

> *'I was living in Lakouaga, the Muslim area, with my husband and eight children. We had to flee when the conflict started, to the IDP camp next to the MUNISCA office. The Séléka later attacked the camp. I am the treasurer of the Women Association which made me the custodian of the group's money. I also kept the Parish's (church) money. Everything was lost when the IDP camp was burnt. I also lost personal property. I am not prepared to return to Lakouaga. Everyone that was displaced from the area is still living in the IDP camp. Séléka in Lakouaga is still armed. It will be a big risk to return to such an environment.'*
>
> Female IDP, IDP Camp, Batangafo, CAR[89]

However, quantitative data cannot tell the full story of how uncontrolled arms contribute to the disruption of family and community lives. The devastating impact of uncontrolled arms on citizens can be gleaned from stories and anecdotes of citizen displacements and entire communities that are directly affected. For example, in CAR, a 53-year-old woman was forcibly displaced from her home when Séléka militias brandishing different kinds of weapons, including rifles, pistols, rocket-propelled grenades (RPGs), and machine guns, threatened to kill her entire family. Her house was burned, together with all the family belongings. They survive on donations from aid agencies and the Batangafo Women Association (BWA). The woman's husband is a retired civil servant, but cannot access his state pension because his documents were destroyed with their house. Her son-in-law was shot and killed with a pistol when their house was attacked. Her daughter is traumatized, and finding it extremely difficult to move on with life.[90]

This woman's account represents a common trend among many displaced Central Africans. For instance, a 38-year-old man who works in a Chinese company moved into an IDP camp in Bangui, because the widespread availability of uncontrolled arms has made his neighbourhood unsafe for his family. Before he eventually moved to the camp, his house was attacked by armed men with AK-47 rifles and other smaller weapons, and his property was looted.[91] In Mali, a 32-year-old mother of three has lived as an IDP in the outskirts of Bamako since 2012. She fled to Bamako when her hometown of Timbuktu was occupied by Islamists. She left with her family due to repeated threats from armed men with weapons. Without the militia's possession of high numbers of sophisticated weapons, she believes many people would not have left Timbuktu.[92] Similarly, a 35-year-old housewife and mother of five from the Gao region has been displaced since 2012, when militias overran her village. While the Islamists have since left, establishing security remains a significant problem as different armed groups, with seemingly unlimited access to weapons, fight for control. It is the presence of these armed gangs that makes her reluctant to return home.[93]

'The conflict started at night, and it was difficult to move outside of Juba. If not, I would have gone to another country. So I moved to the POC camp with eight of my children on 16 December 2013. I am traumatized. I have bad memories which I am struggling to forget. I also have psychological problems. I lost a child, and my other children are suffering, and I cannot access my money in the bank. A lot of bank accounts belonging to Nuer people were closed.'

Male IDP, Juba, South Sudan[94]

3.4 HUMAN COST: GENDER-BASED VIOLENCE

Gender-based violence (GBV) is widespread in Africa, especially in conflict situations. It is estimated that about 45.6 percent of African women have experienced GBV, compared to 35 percent globally.[95] It is estimated that most African women and girls will experience a form of GBV in their lifetime.[96] Data from the UN Secretary General's Special Representative on Violence in Conflict shows that between 2014 and 2015, 2,527 cases of conflict-related sexual violence were documented in CAR.[97] 60,000 cases of GBV were also recorded by NGOs in the country in 2015.[98] The DRC's Ministry of Gender estimates that there were 15,645 cases of sexual violence in 2012, with women, girls, and boys constituting 98 percent of survivors.[99] In Mali, data from a 2014 USAID Fact Sheet shows 38 percent of women aged 15 and above have experienced physical violence, while more than 10 percent of women between 15 and 49 years have been sexually assaulted.[100] The UN also recorded 90 allegations of conflict-related sexual violence, 69 rapes and 21 sexual assaults in the regions of Gao and Timbuktu in 2014.[101] According to the Somalia Gender-Based Violence Working Group, over 5,000 cases of GBV were reported in 2014, of which 75 percent involved physical and sexual assault including rape.[102] In South Sudan, the Office of the UN Secretary-General Special Representative on Sexual Violence in Conflict documented 167 incidents of conflict-related sexual violence affecting 236 persons, including 75 incidents affecting 116 minors.[103] A UN Human Rights Council report showed that over 1,300 rapes were reported in Unity State between April 2015 and September 2015.[104]

In conflict situations, GBV is generally associated with armed groups and combatants who use SALW to humiliate, intimidate, displace and traumatize individuals and communities. For instance, earlier this decade DRC became known as the world's rape capital, with an estimated 48 women raped per hour by rebels and Congolese soldiers at the height of violent conflict in 2013.[105] But statistics barely reveal the contribution of uncontrolled arms to GBV in Africa. Its real scale can be better understood from the accounts of victims and their relatives. For instance, in CAR, a 38-year-old woman was resting in her house on 5 December 2013, when Séléka militias broke her house and raped her multiple times. Later, she said she would have resisted the militias if she hadn't been afraid that they would kill her, since they were carrying weapons.[106] Similarly, a 27-year-old woman was accosted by two Séléka fighters when she left her IDP camp in search of water. She was physically abused and raped. She offered little resistance because the militias were armed with AK-47s. Rather than resist, she pleaded for her life. Her testimony suggests that she would have resisted if they had not been carrying weapons.[107]

'On 24 December 2015, six masked men with guns and machetes came to my house. They first asked my brother to have sex with me, but he refused. He was shot and then hacked to death for refusing. Two of the men later took a turn to rape me with guns pointed at me. My husband could not cope with the incident. He was thinking too much about it. This led to his death. I keep thinking about him. I think a lot about life.'

Female IDP, IDP Camp, Bangui, CAR[108]

'It is with much pain and regret that I will tell my story. This is the first time I am talking about it. On 5 December 2013, I started hearing gunshots at 4am. I didn't think it was that serious as we are used to that. I remained at home with my children. The gunshots continued until 11am. That was when we decided to leave for the IDP camp. I was able to save some money while working for Oxfam in the camp. I used the money to start an income-generating activity. On 10 April 2015, I went to buy goods which I resell. The vehicle that I was travelling in when returning was stopped by anti-Balaka fighters wielding rifles, pistols and other weapons. They took everything I had including my clothes. The leader of the group told his members to pick their wives [from] among the women in the vehicle. That was how five men raped me. I came back to the camp naked.'

Female IDP, IDP Camp, Bangui, CAR

In DRC, Mayifa, a 38-year-old mother of five from Luvungi village, was raped by gunmen who also looted her belongings. Mafiya, her husband and children were forced to transport the goods looted by the gunmen from their village deep into the forest. Mafiya has not heard from her husband and children, and she thinks that they were killed.[109] In Mali, a 15-year-old girl was gun-raped, impregnated, and subsequently gave birth to twins in 2012. Since then, she has suffered from neglect, emotional and physical abuse, and stigmatization by her family and community. The man that raped her refused to accept her children or cater for their needs. The girl is uneducated and has no source of livelihood. She receives no support from family or friends.

'I have worked with women and girls who are affected by GBV. We attend to victims of gun violence. I have seen cases of women killed for refusing to have sex with their husbands, or to get married. I have also attended to many incidences of rape and domestic violence.'

Humanitarian (NGO) worker, Bamako, Mali[110]

Nura is a widow in one of the IDP camps in the west of Mogadishu. She was gang-raped on 29 December 2013 by seven government soldiers while her children were sleeping. Her cries for help yielded no result, as people were afraid for their lives. Nura's ordeal was perpetrated by men armed with AK-47s. 'They slapped me, ordered me outside and raped me. They did all kind of things to me. I couldn't fight them or defend myself. How could I fight against seven armed men?' she said.[111]

In South Sudan last year, Theresa was a few metres away from her home in the UN POC site in Juba, when five government soldiers grabbed her. Although they were in plain sight of the UN compound, the soldiers took their time debating what to do before offering Theresa two options: to choose who would rape her, or they all would. Theresa begged the soldiers to kill her, but they refused. Instead, she was dragged to the roadside and was raped in the open.[112]

On 11 July 2016, South Sudanese troops went on a four-hour rampage through a residential compound housing foreigners, in the worst targeted attack on aid workers in South Sudan's three-year civil war. The soldiers forced residents to watch as they raped several foreign women. A solder pointed an AK-47 at the head of a foreign aid worker and gave her a choice: to allow him to rape her, or he would make every man around rape her before shooting her in the head.[113]

'GBV is a very big issue in South Sudan. Girls as young as two have been raped. Children are gang raped and gun-raped. These children are sometimes killed after rape. Girls are married off as young as 12. Boys are also being raped. It often happens within the context of a family.'

Female clinical psychologist, Juba, South Sudan[114]

3.5 EROSION OF SOCIAL COHESION AND COMMUNAL TRUST

The division of people and communities is visible evidence of the erosion of public trust caused by armed violence. Uncontrolled arms are used to exacerbate religious and tribal tensions in already fragile situations. For instance, in CAR, the Fifth District of Bangui is known for its tolerance, having been a home to Christians and Muslims who live peacefully together and even intermarry across religious and tribal lines. However, things have changed since the crisis started. A state official talked about the current distrust and disaffection among the inhabitants of the Fifth District, as a result of killings with uncontrolled arms. The religious divide makes peaceful coexistence difficult, if not impossible. The state official's deputy is a Muslim, but working together is daunting due to high levels of distrust among citizens.[115]

A 53-year-old Christian man used to live in a neighbourhood near a Muslim community until his house was set on fire by heavily armed Séléka militias on 26 September 2015.[116] Similarly, a 27-year-old Muslim man relocated to the Muslim-populated Third District after Anti-balaka militias destroyed his house and property.[117]

> *'The crisis is a political one. However, a new type of conflict which is inter-communal has emerged because of the conflict between Séléka and Anti-balaka militias. This conflict has made communities pitch tent with either of these groups along religious and tribal lines. Though it has its root in politics, people feel these groups are protecting their religion, communities and tribes.'*
> State representative, Batangafo, CAR[118]

Uncontrolled arms also play a significant role in the dislocation of communities. For instance, in Mali, a 35-year-old woman fled Timbuktu with her husband and four children, leaving her elderly parents and other relatives behind when Islamists took control of the ancient city. The imposition of Sharia law and its strict interpretation resulted in the destruction of many of the city's historical sites and cultural heritage. Punishments meted out by armed Islamists for disobedience included flogging, amputation and execution. A similar picture was painted of Gao by a journalist based in the city. When Gao was occupied by Islamists, many people left, and those that decided to stay had no choice but to conform to the dictates of the Islamists. This means obeying Sharia law as interpreted by these groups.[119]

Targeted killings have fragmented South Sudan along ethnic and tribal lines. One of the direct consequences of this has been an increase in the number of South Sudanese seeking refuge at UN POC sites across the country. A 30-year-old housewife and mother of five was preparing the family's lunch when government soldiers stormed her neighbourhood around noon on 16 December 2013. They ransacked the houses on her street, killing all the Nuer men, women and children that they found. Her husband, brother, neighbours and other relatives were killed. She managed to escape with her children to the UNMISS POC site in Juba. She has been living there with her children since the incident, as she feels protected by UNMISS soldiers.[120]

Table 3: Estimated numbers of people in UNMISS POC sites, South Sudan

State	Location	Number of people
Jubek (Central Equitoria)	UN POC I, II, and III, Juba	38,874
Jonglei	Bor	2,004
Eastern Nile (Upper Nile)	Malakal	33,052
	Melut	700
Northern Liech (Unity)	Bentiu	120,333
Wau (Western Bahr Ghazal)	Wau	198
	Adjusted Area	28,851
Total		117,604

Source: http://reliefweb.int/sites/reliefweb.int/files/resources/161212%20Update%20-%2014608.pdf, accessed 10 January 2017.

4 COMBATING UNCONTROLLED ARMS IN AFRICA: THE RELEVANCE OF THE ATT

The concerted attempt to regulate the global trade of conventional weapons through the ATT is a welcome development, especially for Africa, given the destructive effects of uncontrolled arms and their illicit transfer on the continent. The ATT can potentially strengthen the rules of engagement on the global sale and transfer of arms, in a manner that will promote transparency and enhance confidence among countries. For instance, it prohibits the transfer of arms and ammunitions to countries if this will lead to war crimes and crimes against humanity.[121] The treaty also places an obligation on every signatory state party to evaluate the risk of the end-use and user of the weapons, and proceed only when there is no chance of a crime resulting from that transaction.[122] It also makes provisions for state parties to keep records of all arms transfer (exports and imports) for a minimum of 10 years.[123] Prior to ATT, such risk assessments and record keeping were not required. This provided arms dealers, corrupt regimes, and non-state actors the chance to exploit the gaps in global regulations.

4.1 THE RELEVANCE OF THE ATT TO STEMMING UNCONTROLLED ARMS IN AFRICA

Potentially, Africa stands to significantly benefit from the ATT, given the destructive impact of arms proliferation on the continent. If well implemented, the treaty could stem the flow of uncontrolled arms into conflict zones across Africa. A sizeable reduction in arms proliferation would have a huge impact on Africa's peace and security. If arms sales to authorized end-users are properly vetted to guard against their illicit use or transfer to unauthorized users, this reduces the capacity of militias and other armed groups across Africa to commit atrocities. Another important advantage of proper vetting of arms sales is its potential to reduce incidences of insecurity that, in turn, could enhance the continent's inchoate peace and security. More importantly, a peaceful and secure environment offers the prospect of stability that is a prerequisite of socio-economic development.

4.2 GOVERNANCE ISSUES INVOLVED IN IMPLEMENTING THE ATT IN AFRICA

Since the ATT is normative international legislation, African state party countries that have signed and ratified the treaty must demonstrate the political will at the appropriate levels of politics and governance, and ensure the administrative, financial and technical capacity, to implement the treaty successfully. While their domestic realities might vary, four key governance issues must be addressed by all African countries for the treaty to have a meaningful impact.

Broadly, these are: domestic laws, oversight processes over arms procurement, the arms control system, and management of the weapons stockpile.

4.2.1 Enactment of domestic legislation

The ATT places the primary responsibility of establishing and implementing national control systems for the regulation of conventional arms transfer within national borders on respective state parties. Carrying out this responsibility might require the establishment of adequate frameworks to ensure that certain provisions of the treaty are enforceable under domestic law. For instance, to enforce Article 6, which prohibits arms transfer, or Article 7, which calls for proper vetting of every arms sale, a new legal framework might be required to ensure compliance. Doing this might require the adoption and incorporation of the treaty's provisions into extant local laws, or the outright enactment of new laws. Most African countries still lack the legal framework for regulating the proliferation of uncontrolled arms within their territory. As such, the ATT provides a template which can be adjusted to suit the domestic realities of individual countries across the continent.

4.2.2 Improved parliamentary oversight over arms procurement and transfer

In Africa, arms procurement is shrouded in secrecy, and the ensuing lack of accountability often leads to corruption. It is essential, therefore, that suitable and robust structures and processes are institutionalized for the oversight of arms procurement and transfer. The legislature should have a role to play in a country's arms procurement process, for purposes of transparency and accountability to the public. But in most African countries, the legislature has a very restricted role in weapons sales and procurement. The principle behind the parliamentary scrutiny of arms procurement is that it provides the necessary checks and balances to ensure that only deals that secure the public good are conducted. Such oversight is crucial for the monitoring and review of executive actions. Since weapons are bought with public funds, it becomes parliament's responsibility to examine and decide on the budget and justification given by the executive.

More importantly, proper parliamentary oversight of arms procurement may reduce the danger of arms proliferation and illicit transfer because the appraisal of weapons procurement entails a holistic decision-making process that includes threat assessment, evaluation of existing defence capacity and long-term requirements, budget allocations for arms procurement, technical quality assurance, and post-procurement performance audit. Parliamentary oversight makes weapons procurement more transparent by opening the process to public participation. Thus, it is important that parliaments participate more in the regulation of arms procurement and transfer. By so doing, parliamentarians can make a meaningful contribution towards addressing the humanitarian and criminal damage caused by uncontrolled arms in Africa.[124]

4.2.3 Establishment of national arms control management systems

The ATT calls for the establishment of arms control management system by state parties. Articles 6–12 provide the necessary guidelines on what should be controlled, as well as how to control, with respect to brokering, preventing arms diversion, record keeping and reporting of arms transfers. This requires the establishment of institutional control mechanisms based on the terms of the ATT and respective national laws. If done properly, an arms control management system will essentially keep the state updated on the movement of arms within its territory. A proper control system must also be accompanied with the resources and personnel to stem the flow of uncontrolled arms.

4.2.4 Better management of weapons stockpiles

Adequate and secure arms depots can help mitigate the problem of uncontrolled of arms. They allow for the comprehensive scrutiny and prompt assessment of types of stockpile and their locations. Arms stockpile surplus is also more easily identified and controlled through prompt policy responses and actionable processes to prevent the diversion of surpluses to unauthorized hands.[125] This strategy aligns with the UN framework for activities to stop illicit trade of arms, as outlined in the Programme of Action (PoA) and Nairobi Protocol on small arms already signed by countries such as South Sudan.[126] The PoA and Nairobi Protocol instructs countries to undertake regular reviews to determine arms stockpiles held by their armed forces, to identify arm surpluses, to secure them safely, and to dispose of them appropriately.[127] Adoption and adherence to these measures can help minimize the flow of uncontrolled arms and ammunition in Africa.

4.3 ADDRESSING THE WELFARE NEEDS OF ARMED OFFICERS

Finally, the welfare of armed state officials, including members of the armed forces, police and other paramilitary units, must be a key priority. Poor and delayed remunerations of salaries are one of the many reasons why armed state officials engage in corrupt practices, including the illegal sale of arms. Most of those who engage in this act are poor and vulnerable people that view their access to arms as a last resort. As such, African governments must ensure that these groups of people are adequately catered for in terms of remuneration and general social and economic needs. This will help efforts to control arms in Africa, and reduce corrupt practices that are associated with uncontrolled arms transfers.

5 CONCLUSION

Uncontrolled SALW in Africa is a factor that has shaped socio-political and security concerns across the continent. SALW have been used in struggles for political power, conflicts over natural resources, radicalization and violent extremism, and organized crime. Structural governance weaknesses in most African countries encourage the proliferation of uncontrolled SALW, through the diversion of state stockpiles, illicit sales, and trafficking of local and foreign arms. Due to the human costs of SALW, such as high refugee and IDP populations, GBV, deaths, erosion of trust, and dislocation of communities, efforts to regulate the global sale of SALW through the ATT is a welcome development. But tackling the proliferation of uncontrolled arms in Africa requires the involvement of African and non-African stakeholders. While Oxfam's arms control campaign is a step in the right direction, the success of the drive, and the reduction of uncontrolled SALW in Africa, will be dependent on a cross-sectoral coordination of stakeholders and interested parties at local, national, regional, and global levels.

NOTES

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