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To sign or not to sign? The Arms Trade Treaty (ATT) and the Horn

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Editorial principles

The Horn of Africa Bulletin is a regional policy periodical, monitoring and analysing key peace and security issues in the Horn with a view to inform and provide alternative analysis on on-going debates and generate policy dialogue around matters of conflict transformation and peacebuilding. The material published in HAB represents a variety of sources and does not necessarily express the views of the LPI.

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About Life & Peace Institute

Since its formation, LPI has carried out programmes for conflict transformation in a variety of countries, conducted research, and produced numerous publications on nonviolent conflict transformation and the role of religion in conflict and peacebuilding. The main focus of our work has been on Africa, with the Horn of Africa Programme being established and well-known in the 1990s, not least our work in Somalia. Other initiatives have been carried out in Congo-Brazzaville, Croatia, Sri Lanka and East Timor. We have strengthened the capacity of our civil society partners to address the conflicts in their own context, in some of the most difficult and war-torn countries.

Currently, we run conflict transformation programmes in the Horn of Africa and Great Lakes regions in partnership with local civil society organisations and universities in Somalia, Sudan, Ethiopia, Kenya and the DRC. There is also a common programme including publications, policy work and methodology design based in Sweden.

Why don't states in the Horn of Africa join the ATT?

The text of the Arms Trade Treaty (ATT) which came into force in December 2014, has been hailed as a milestone in facilitating the regulation of international arms transfers. Africa countries were instrumental in the process; forty seven African states voted yes and Kenya co-drafted the text of the Treaty.

The ATT has the potential to be of great strategic significance to the Horn of Africa (HOA). The proliferation of SALWs and ammunition, facilitates multiple sources of insecurity in the Horn such as; insurgencies, 'terrorism', intra-religious/intra-communal clashes, trans-boundary criminality. States in the region have often in the past transferred weapons and ammunition to non-state actors in a bid to destabilize neighbouring unfriendly governments, which has escalated tensions in the Horn. The provisions of the ATT would also ensure that arms transfers and the arms trade to the region and within the region, would be more transparent, which would facilitate greater accountability on the part of governments to their citizens regarding uneconomical expenditure. The region is lagging behind on joining the ATT as only one state in the Horn is a signatory of the ATT.

The ATT represents an outstanding example of successful civil society advocacy on an issue that states customarily view as within the realm of their national security concerns. The ATT has the potential to have a marked effect on international arms transfers and diversions that could have a salutary effect on peace and security dynamics in the global south.

However, the ATT should be problematized. The ATT cannot be disentangled from hegemonic aspirations and dynamics in the form of liberal multilateralism and the associated doctrines of humanitarian intervention and the reformulation of sovereignty implied in the notion of 'responsibility to protect'.

Several states in the Horn region, have developed the capacity to manufacture weapon systems and ammunition which may pose an obstacle to signing on to the ATT. National security concerns, positioning as arms importers, unease with arms transfer/export controls that could impede access to arms, the incongruity of the elements of the ATT such as arms transfer controls which have little bearing on problems such as SALW, reduce the incentive for states in the Horn to sign on to the ATT.^[1] This of course begs the question: which elements of the ATT would be most relevant for Africa in general and the Horn in particular? Or, should the emphasis be on new instruments that would be much more tailored to fit the requirements of the countries of the Horn? We believe that states' commitment to control illicit flow of arms, whether through import or various types of transfers, would necessitate joining the ATT and other regional instruments. There are elements of complementarity among these instruments, when considered, would result in a better peace and security situation within the region.

The states of the Horn are aware of the problems associated with the proliferation of SALWs. They have formulated national laws and mechanisms to tackle proliferation. Being cognisant of the reality that proliferation of SALWs is a trans-boundary phenomenon and regional issue, states in the Horn have also formulated regional positions and instruments as a response to the problem. In 2000, the governments in the region issued the 'Nairobi Declaration on the Problem of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa'. In 2004, governments in the Horn signed the 'Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region, the Horn

of Africa and Bordering States' (entered into force 2006)^[1]. The Nairobi Declaration and Protocol seek to ensure stronger regulation and control on possession, maintenance and transfer of SALWs and ammunition at the national and regional level through legislation and control mechanisms. The Regional Centre on Small Arms (RECSA) is an intergovernmental entity that emerged out of the Nairobi Declaration and Protocol that coordinates efforts at the regional level in line with the principles and objectives of the Declaration and Protocol.

This issue of the Horn of Africa Bulletin (HAB) is a joint issue involving Oxfam Liaison Office to the African Union and the Life & Peace Institute. The articles in this issue of the HAB are optimistic regarding the potential benefits of the ATT to Africa in general and the Horn in particular. The article by Slijper explores the scope and ramifications of military expenditure and the arms trade in the HOA. It provides useful insights into what is usually an opaque issue area. The article is also revealing in its insight that while states in the Horn are not major arms importers by global standards, in the African context the scope of the arms trade is significant. The article by Melaku discusses the added benefits of the ATT relative to earlier initiatives and suggests an advocacy strategy to encourage governments to sign on to and ratify the ATT. The article suggests the utility of a country specific advocacy approach to popularize the ATT in the HOA. Butcher's article provides a very detailed and intriguing background to the negotiations that led to the ATT and reveals the key role of governments from the Horn in formulating the ATT. The article concludes by outlining the value added of the ATT compared to earlier initiatives and suggests that the HOA would derive immense benefits from adhering to the ATT. The article by Gutbi explores the humanitarian cost of uncontrolled arms and suggests that joining the ATT although will not necessarily end the conflicts within the region, but would certainly contribute to multifaceted efforts of a realization of a safer region.

Omayma Gutbi and Demessie Fantaye

Editors

[1] Arabia, Christina & Bromley, Mark. 2016. 'ATT-Related Outreach And Assistance Activities in Sub-Saharan Africa: Identifying Gaps and Improving Coordination.' *SIPRI Background Paper*. books.sipri.org/files/misc/SIPRIBP1602.pdf

[2] The Republic of South Sudan is not a signatory of the Nairobi Protocol.

Arms transfers to the Horn of Africa- a snapshot

By Frank Slijper

Large parts of the Horn of Africa have suffered from prolonged conflicts. With thousands of deaths and hundreds of thousands of people displaced in recent years as a consequence of armed violence, civilians pay the highest price.

The abundance of weapons perpetuates violence and is a barrier to solving the various problems in the region. Also, good governance^[1] is the exception rather than the rule, feeding a general sense of insecurity, aggravated by the use of weapons by both states and non-state actors. Military expenditures often displace social investments. In the Horn, conflicts often have a regional dimension, with neighbouring countries militarily involved in Somalia and South Sudan. It is therefore key that arms transfers to the region fulfill preconditions, as outlined e.g. under the Arms Trade Treaty (ATT), to ensure that they will not undermine peace and security. While it is clear how devastating weapons in non-state hands continue to be^[2], this article analyses transfers of major conventional weapons to governments in the Horn of Africa.

Military spending

The level of military spending by a government is often a good predictor of the level of arms imported, especially when domestic military production is limited, as is the case for the Horn of Africa, with the exception of Sudan and possibly Ethiopia, two of Africa's few arms producing states. A significant constraint, especially in the Horn, is the lack of reliable, publicly available data.^[3] While SIPRI (the Stockholm International Peace Research Institute) maintains what is probably the most comprehensive public database on military spending, it has been unable to make credible estimates for Eritrea and Somalia for the whole period from 2005-2015. Also, data for Djibouti and Sudan are lacking for the last number of years (see table 1).

Table 1: Military spending in the Horn of Africa

	In constant (2014) US\$ million			As % of Gross Domestic Product (GDP)		
	2005	2010	2015	2005	2010	2015
Djibouti	66	..	..	6.3	..	..
Eritrea	..	..	..	..	..	..
Ethiopia	638	422	405	2.5	1.0	0.6
Kenya	691	790	1,002	1.7	1.9	1.5
Somalia	..	..	..	..	..	..
South Sudan	xxx	964	968	xxx	4.1	13.8
Sudan	2,461	..	..	3.3	..	..
Uganda	331	759	340*	2.4	3.8	1.4

xxx: not yet existing as autonomous/independent State for full year

..: data unavailable

*: SIPRI estimate

Source: SIPRI Military Expenditure Database 2015, <http://milexdata.sipri.org>

Where data are available, patterns are quite different among countries. Ethiopia, for example has steadily decreased its military spending, both in constant (i.e. corrected for inflation) dollar values, as well as a percentage of its Gross Domestic Product (GDP). At 0.6% it is among the lowest in Africa. By way of comparison: global military spending is estimated at 2.3% of global GDP.^[4]

At the other end of the spectrum is South Sudan, where civil war has imploded the oil-dependent economy and relatively stable levels of military spending have significantly increased as a proportion of its GDP. At 13.8% for 2015, only Saudi Arabia and Oman spent similar parts of their GDP on the armed forces.

Uganda's data show a huge two-year spending spike for 2010-11, more than twice of what was spent quite steadily in either previous years, or in the years 2012-2015.

Kenya, finally, shows a steady and significant growth of its military budget, which appears to be balanced by similar levels of economic growth, since relative levels of military spending have fluctuated between 1.3-1.9% of GDP for the past twenty years.

Arms transfers to the Horn

Most of a military budget is spent on personnel (incl. salaries and pensions) and military equipment (incl. purchases, operational costs, maintenance). Therefore, it is revealing to see whether changes in expenditure are reflected in the volume of weapons imported.

Again, SIPRI's arms transfers database is widely considered the most comprehensive public source of information. For its database SIPRI covers what it terms 'major (conventional) weapons', excluding for example military trucks or small arms, "since publicly available information is inadequate for the tracking of all weapons and other military equipment".^[5]

None of the states in the Horn are among the top global importers of weapons among the 179 recipients identified by SIPRI for the period 2005-2015. Sudan is the biggest, at number 50, followed by Uganda (59), whereas Djibouti (131) and Somalia (164) have very few reported arms imports.

Table 2: Position on SIPRI's top list of global arms importers

	2005-2010	2010-2015	2005-2015
Djibouti	138	122	131
Eritrea	87	..	104
Ethiopia	102	55	68
Kenya	84	71	85
Somalia	..*	153	164
South Sudan	91	83	92
Sudan	47	48	50
Uganda	92	49	59

* However for that period Somalia's Union of Islamic Courts (UIC), which ruled significant parts of the country until 2006, was ranked 158...: no data

Source: SIPRI Arms Transfers Database:

http://armstrade.sipri.org/arms_trade/toplist.php

While arms transfers to the Horn of Africa are minor compared to top ten importers such as India, Saudi Arabia, and the UAE, they are certainly significant, particularly within the African continent. States ranked at the level between Sudan and Uganda (numbers 51-58) include Austria, Denmark, Kazakhstan and Romania. Also Nigeria, Africa's most populous country, is in that range.

Comparing 2005-2010 and 2010-2015 datasets (table 2), the higher positions of Ethiopia (due to a few major purchases, despite decreased military spending) and Uganda (in line with its 2010-11 spending spike) stand out. To a lesser extent Kenya, South Sudan and Djibouti appear to have increased their arms purchases. Sudan has steadily kept the highest position of Horn of Africa countries, ranked at around 50.

Looking at individual countries' arms imports for the 2010-2015 period only, the following are among the most noteworthy:[\[6\]](#)

Djibouti's low rank is directly related to its size, with less than one million inhabitants. At the same time it is a highly militarised country with significant US, French and recently also Chinese military presence. Most of Djibouti's imports have been second-hand, often in the form of military aid, including seven armoured vehicles and ten self-propelled guns from Italy and (up to) 25 US armoured vehicles and two transport aircraft.

No imports for Eritrea have been recorded by SIPRI since 2010, suggesting that the arms embargo against the country is effective. In December 2009 Security Council Resolution 1907 established sanctions against Eritrea including an embargo on the supply of arms and military equipment to and from Eritrea. "The sanctions were imposed in reaction to the findings by the UN Monitoring Group on Somalia that Eritrea had provided political, financial and logistical support to armed groups in Somalia and to the Eritrean refusal to withdraw its forces from disputed territory on the border with Djibouti and engage in diplomatic dialogue about this issue."[\[7\]](#)

Ethiopia's main arms imports come from former Eastern Bloc inventories, such as twelve

Mi-24V/35 combat helicopters from Hungary and 64 towed guns from Serbia. Probably its largest import has been a \$100 million dollar deal with Ukraine from 2011, which included 211 T-72 tanks and accompanying anti-tank weapons. There are also unconfirmed reports of thirty armoured vehicles supplied by China.

Kenya's air force reportedly bought fifteen F-5 (modernised) fighter aircraft from Jordan surplus stocks for \$38 million. At least five armed helicopters were bought from China and up to 67 armoured personnel vehicles from South Africa. Particularly controversial, a \$60 million deal with a Spanish shipyard for a patrol vessel was delayed for years because of corruption investigations.

Somalia received, often as aid, up to 31 British and UAE armoured vehicles. Thirteen French vehicles - paid by the US - are supposed to be delivered over 2016. A deal for six Dutch patrol vessels is reported as coast guard aid under a 2013 contract, although their delivery is unknown.

The US has reportedly transferred three second-hand light aircraft to Puntland's maritime police, and South Africa sent one Alouette helicopter.

In 1992 UN Security Council Resolution 733 established an arms embargo on Somalia in reaction to the ongoing conflict and deteriorating humanitarian situation; in 2007 it was amended to allow arms supplies to Somali Government Forces.[\[8\]](#)

Between 2012-14 South Sudan reportedly bought 25 Typhoon and 20 Cougar armoured vehicles from Canadian company Streit from its UAE production line. In 2011 9 Mi-17 transport helicopters were delivered from Russia, as well as ten South African armoured personnel carriers. China is also an important source of weapons, including 1200 Red Arrow anti-tank missiles and 100 missile launchers supplied in 2014 - in the midst of the civil war.

In late 2015, the Government had at least three operational Mi-24 attack helicopters, and was awaiting the delivery of a fourth, procured from a private Ukrainian company, Motor Sich, for \$42.8 million. Under a contract with Bosasy Logistics, based in Uganda, another four attack helicopters have been purchased for \$35.7 million. Both attack helicopter deals were mentioned in the January 2016 report of the UN Panel of Experts on South Sudan.[\[9\]](#)

The European Union's 1994 arms embargo on Sudan was amended in 2011, to prohibit arms transfers to newly independent South Sudan as well. The South Sudan embargo has been extended since.[\[10\]](#)

Apart from that EU embargo[\[11\]](#), Sudan has also faced a partial UN embargo since 2004, prohibiting any arms transfers to Darfur. The embargo has been extended from non-governmental groups to all parties to the N'djamena Ceasefire Agreement, which includes the Sudanese government. However, the embargo allows the provision of arms and military equipment to the government of Sudan outside Darfur.

That provision has allowed Sudan to be the largest arms importer in the Horn. Its main

suppliers are Russia, China, Ukraine and Belarus. Recent deliveries included fifteen Su-25 and four Su-24 ground attack aircraft as well as four Mi-24V/35 combat helicopters from Belarusian surplus stocks. Ukraine has supplied 190 tanks, fifty infantry fighting vehicles, 46 self-propelled guns and thirty of the notorious Grad multiple rocket launchers, amongst others. China has both exported weapons and supplied production technology, which Sudan uses to assemble rocket launchers, infantry fighting vehicles and tanks.

In its January 2015 report, the UN 'Panel of Experts on the Sudan' highlight a number of air-delivered and ground-launched munitions used in Darfur, including for example Soviet-developed S-8DM 80mm air to ground rockets. According to the UN the rockets had been legally delivered by an unspecified state to Sudan "conditional on their non-use in Darfur", while Sudan's transfer of the missiles to Darfur has been a breach of the embargo.^[12] The UN panel mentions use of these missiles in an attack in Darfur, almost certainly carried out by Su-25 aircraft.

Also in its February 2014 report it notes that "the Panel received various reports mentioning the use of attack/close air support aircraft in air strikes on civilian targets." In addition, "all munitions observed at El Fasher and Nyala forward operating bases during the mandate are of the air-to-surface type and typical for the Su-25 aircraft: FAB-250, bombs, FAB-500 bombs, RBK-500 cluster bombs, B-8M1 rocket launcher pods and S-24 air-to-surface rockets."^[13]

Finally, Uganda received substantial amounts of weapons since 2010, including the remarkable purchase of six highly advanced Su-30MK fighter-bomber jets, received in 2012 under a \$635 million deal with Russia, from which it also bought 44 T-90 tanks. From second hand stocks it got 42 South African Casspir armoured vehicles and one Belarusian Mi-35 combat helicopter. It also got 25 military vehicles and two Cessna aircraft from the US, some of which specifically for use with the AMISOM mission in Somalia. The UN Panel of Experts on South Sudan asserts that, according to independent sources, "there is a standing unwritten agreement to supply the Government of South Sudan with arms and ammunition through Uganda", including the previously mentioned attack helicopters.^[14]

Conclusion

Clearly, the availability and quality of data on military expenditure and arms transfers, especially in the Horn of Africa, is limited at best. Despite that constraint, a few conclusions can be drawn.

First, some UN sanctions appear effective in terms of bringing major arms supplies to a near stop (Eritrea), or being tightly controlled (Somalia).

Conversely, the UN embargo on Darfur appears to be marginally effective and difficult to enforce. Moreover, it does not cover South Kordofan and the Blue Nile, Sudan's other continuing internal conflicts.

Regional embargos, such as the EU embargos against South Sudan and Sudan, do indeed stop arms transfers from that region, but can be circumvented fairly easily, since some non-EU states appear to have less qualms. For that reason, civil society organisations have called for a UN embargo against South Sudan.[15]

Where no embargos prevail the Arms Trade Treaty (ATT) could make a difference, if implemented strictly - and provided that supplying states are parties to the treaty (or at least adhere to its norms). However, major suppliers to the Horn, such as Russia, China, Ukraine and Belarus, have not acceded to the ATT.[16] In the medium-term, changing their calculations regarding arms transfers to the region will be essential to diminish the flow of arms into the Horn.

Compliance remains a serious issue, as recent UK (an ATT member state) arms transfers to Saudi Arabia have shown. Despite a seemingly clear and “overriding risk” they “could be used to commit or facilitate a serious violation of international humanitarian law” in Yemen, arms exports have been allowed.[17] Hopefully, adherence to the budding international norm will soon become commonplace, and such transfers - as with many that exacerbate violence in the Horn of Africa - will become a thing of the past.

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Sources

[1] Using it here as “the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights in a manner essentially free of abuse and corruption, and with due regard for the rule of law” (see: <http://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx>)

[2] See e.g.: ‘Evolving Traditional Practices: Managing Small Arms in the Horn of Africa and Karamoja Cluster’, Small Arms Survey ‘Issue Brief’, June 2014

(<http://www.smallarmssurvey.org/about-us/highlights/highlights-2014/ib-traditional-practices.html>); Claudio Gramizzi, ‘Tackling illicit small arms and light weapons and ammunition in the Great Lakes and the Horn of Africa’, Africa-China-EU Expert Working Group on conventional arms, June 2014

(<http://www.saferworld.org.uk/resources/view-resource/838-tackling-illicit-small-arms-and-light-weapons-and-ammunition-in-the-great-lakes-and-the-horn-of-africa>) or Jonah Leff and Emile LeBrun, ‘Following the Thread: Arms and Ammunition Tracing in Sudan and South Sudan’, Small Arms Survey HSBA Working Paper 32, May 2014 (<http://www.smallarmssurvey.org/about-us/highlights/highlight-2014/highlight-hsba-wp32.html>).

[3] see also: Pieter D. Wezeman, Siemon T. Wezeman and Lucie Béraud-Sudreau, 'Arms Flows to Sub-Saharan Africa', SIPRI Policy paper 30, December 2011, p.25.

[4] Sam Perlo-Freeman, Aude Fleurant, Pieter D. Wezeman and Siemon T. Wezeman, 'Trends in world military expenditure, 2015', SIPRI Fact Sheet, April 2016 (<http://books.sipri.org/files/FS/SIPRIFS1604.pdf>).

[5] For more information on the methodology:
<http://www.sipri.org/databases/armstransfers/armstransfers/background>

[6] Based on data from SIPRI's Arms Transfers Database (http://armstrade.sipri.org/armstrade/page/trade_register.php), unless other sources are referenced.

[7]
http://www.sipri.org/databases/embargoes/un_arms_embargoes/rritrea/Arms_embargo_on_Eritrea

[8] http://www.sipri.org/databases/embargoes/un_arms_embargoes/somalia

[9] Final Report of the panel of Experts on South Sudan established pursuant to Security Council Resolution 2206 (2015), 22 January 2016.

[10] Council Decisions 2011/423/CFSP (18 July 2011) and 2014/449/CFSP (10 July 2014)

[11] http://www.sipri.org/databases/embargoes/eu_arms_embargoes/sudan

[12] 'Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005)', UNSC, January 2015, p.19.

[13] 'Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005)', UNSC, February 2014, p.36.

[14] Final Report of the panel of Experts on South Sudan established pursuant to Security Council Resolution 2206 (2015), 22 January 2016, p.28-29.

[15]
<http://www.paxforpeace.nl/stay-informed/news/support-an-arms-embargo-for-south-sudan>

[16] While Ukraine has signed but not ratified the ATT.

[17] article 7 of the ATT.



The potential benefits of the Arms Trade Treaty for peace and security in East Africa

By Martin Butcher

Africa has suffered terribly from conflicts and armed violence linked to the irresponsible and illicit trade in arms. Oxfam reports that compared to peaceful countries, African countries in conflict have, on average 50 per cent more infant deaths; 15 per cent more undernourished people; life expectancy reduced by five years; 20 per cent more adult illiteracy; 2.5 times fewer doctors per patient; and 12.4 per cent less food per person.^[1] The negative consequences of illicit and irresponsible arms flows fall as heavily in East Africa and the Horn as elsewhere. These huge challenges to socio-economic development have been recognised in African regional agreements to control arms, the Nairobi Protocol for East Africa and the Horn, and in support for global measures such as the UN Programme of Action on Small Arms and Light Weapons (UN PoA), and for negotiation of the Arms Trade Treaty (ATT). The need for robust, legally binding measures to control arms flows and reduce the terrible human consequences of conflict and armed violence have been recognised in East Africa as elsewhere on the continent.

And yet, in stark contrast to West Africa, no East African nation has ratified the Arms Trade Treaty. Indeed, in the region only Djibouti has even signed it. This article demonstrates the strong support of East Africa for the negotiation and adoption of the Arms Trade Treaty, and explores the benefits the ATT would bring for East Africa and the Horn.

Support for ATT in East Africa during negotiation of the treaty

Nations from the Horn and East Africa were, for the most part, strongly supportive of Arms Trade Treaty from the beginning. Kenya was the co-author of the first resolution at the United Nations (Towards an Arms Trade Treaty (2006) — A/RES/61/89) which began the official Arms Trade Treaty process, remaining a leader throughout the negotiations.

As important was the support from other nations in the region for a robust Treaty text which was strong from the beginning of the negotiating process, remaining so until Treaty adoption by the UN General Assembly. .

For example, on the day the Second ATT Negotiating Conference opened, Burundi, Djibouti, Ethiopia, Kenya, Rwanda and South Sudan signed a 108 nation Statement for a Strong ATT which said *inter alia* that:

“We recognize that the unregulated trade of conventional arms and their diversion to the illicit market are contributory factors to armed conflict, the displacement of people, transnational organized crime and terrorism, thereby undermining peace, reconciliation, safety, security, stability and sustainable social and economic development.

The overwhelming majority of Member States agree with us on the necessity and the urgency of adopting a strong Arms Trade Treaty. Our voice must be heard. ...A weak ATT

could serve to legitimize the irresponsible and illegal arms trade. This is an outcome we must avoid.”[2]

A few days later, several East African states[3] signed a similar statement insisting that ammunition be included in the scope of the Treaty, a key dividing point in the talks:

“Comprehensive control of the international transfer of ammunition and munitions is fundamental to the goals and objectives of the Arms Trade Treaty. Bullets need to be controlled as well as guns; shells need to be controlled as well as tanks, and this is the same for all conventional arms.[4]

This saw East African nations resisting powerful pressure from the United States and their allies. A final statement[5] urged a push to meet the humanitarian goals set for the ATT which said:

“The scope of the Treaty has to be comprehensive. The provisions regarding small arms and light weapons seem less comprehensive, as the current text does not contain a common reference point of what small arms and light weapons are. Munitions, ammunition, parts and components need to be brought more fully into the Treaty. The definition of transfer should be comprehensive enough to encompass all types of transfers.

The text still needs to better reflect existing international legal norms and standards. The provision on prohibitions must capture all war crimes and systematic human rights violations.”[6]

This public support for a robust Treaty was not shared by all States in the region. Sudan was amongst the group of sceptical States, as was Eritrea, while representatives of Somalia said little if anything publicly.. However, the support was strong and in the final vote to adopt the ATT, almost all States of the region actively supported the Treaty - even Eritrea. The only exception was Sudan, which abstained.

Why Should East African States Join the Arms Trade Treaty?

African states have worked hard to build frameworks for sub-regional arms control of SALW, primarily for the prevention of illicit transfers. The Nairobi Protocol establishes many of the principles and practices enacted in the ATT, but only for small arms and light weapons. The one global agreement in this area, the PoA, is only a voluntary agreement.

The ATT will not compete with these previous agreements but rather will complement and reinforce them in a number of ways. The security and governance benefits of the ATT will significantly enhance efforts for sustainable peace and development in East Africa.

Legally Binding

The ATT is legally binding on all States Parties, in contrast to the PoA. Its provisions on

respect for international humanitarian law (IHL) and human rights, peace and security, transparency, the establishment of rigorous controls for import, export and transit of arms, controls over brokers, prevention of diversion, and corruption apply to the actions of exporter states just as much as to importers. Its annual reporting on implementation will make challenging poor practice much easier, as will annual debates at Conferences of States Parties. That these controls are mandatory on States Parties will, in the long term, make the ATT the most effective means of controlling conventional arms flows. It is worth noting that Africa's various regional agreements have in some ways provided the model for the ATT, for example in the principle that respect of human rights and IHL are integral to controlling arms transfers.

Addressing the Supply Side

The ATT constrains the actions of arms suppliers as much as of arms importers. Given that it is estimated that as many of 95% of small arms circulating in Africa originate outside the continent, controls on those weapons are vital. In addition, while sub-regional agreements within Africa can address the flows of weapons within their territorial scope, a global agreement is necessary to prevent arms reaching the continent in the first place. The ATT places a legal obligation on arms suppliers to support peace, security, human rights and IHL in East Africa. This can only benefit its people.

Focus for donor nations in assistance for implementation

Donor nations, such as EU member States, have been reluctant to work with sub-regional agreements on arms control, preferring to work at an African Union (AU) level. This is despite Africa's difficulties in cooperating at the continental level. The ATT provides a focus for these donor nations to provide Security Sector Reform (SSR) related funding from Official Development Assistance (ODA). Eligible activities include improving civilian control over the security system, (oversight, budgeting and management), civilian peace building, the prevention of the recruitment of child soldiers, and the control of small arms and light weapons and their ammunition, amongst other arms. Funds available for this come from the UN ODA run UNSCAR; the assistance mechanisms including a voluntary Trust fund established by the Treaty; and from regional organisations like the EU and individual donor nations. This will fill the donor nations' goal of supporting implementation of the ATT, and support African security goals embodied in the regional agreements - in effect supporting their implementation at the same time as the ATT.

The Capacity building Function of the ATT

The ATT calls on States Parties with the capacity and resources to provide assistance to other States Parties which require assistance to implement the Treaty. The assistance provided by donors, and African nations' own resources, will have a positive effect on governance as well as arms control. From better training and operation of customs and border control, to more efficient security services controls over arsenals, and better control over procurement and budgeting, the effects of the ATT, if robustly implemented, could have a significant impact on governance in African states. For example,

transparency in arms procurement will reduce corruption, as will more effective operation of customs and border controls. Better arsenal control will reduce diversion and therefore the illicit transfer of arms, which is also a source of corruption. All of these measures would improve governance at the national level. This is an outcome that all East African peoples have a strong interest in, and one that would bring socio-economic benefits for all.

Working with other Global Frameworks

The ATT will be implemented in conjunction with other global frameworks and organisations. As a legally binding treaty this will carry more force than the voluntary PoA. States will be able to link arms transfer controls to Interpol, UNODC and World Customs Organisation to combat illicit trafficking and others to enhance the effectiveness of the Treaty's implementation. Good cooperation between agencies and agreements will be essential to best use financial, technical and human resources to optimise implementation.

Controls on and Transparency in Legal Transfers will Enhance Illicit Transfer Controls

The ATT controls the legal trade in arms, but has the eradication of the illicit trade as a goal too. Enhanced controls over the import, export and transit in arms; measures to prevent diversion and corruption; controls on brokers, and enhanced transparency in the legal trade will all assist in eradicating the illicit trade from which East Africa suffers so badly. Firstly, if properly implemented, the ATT will draw a much sharper distinction between the legal and illicit arms shipments, allowing much easier identification of illegal transfers. Secondly, enhanced controls over arms should lead to far less arms reaching the illicit market in the first place. Thirdly, controls on brokers, who are responsible for the vast majority of the illicit trade, should also assist in constraining that trade significantly. Taken together, these measures will enhance the operation of sub-regional agreements in Africa such as the Nairobi Protocol. This will also enhance the operation of the UN PoA, particularly in its work on national transfer controls and arms diversion by providing a legally binding global framework for that work.

The ATT Goes Beyond SALW

Unlike the Nairobi Protocol and the PoA, the ATT deals with all conventional arms from SALW to the largest aircraft carriers. As such it will control arms, munitions and equipment currently uncontrolled in Africa. At a time when conventional arms stocks are growing in some African countries this is welcome. Transparency in arms flows of larger weapons and weapon systems into the continent will do much to enhance confidence and security between neighbours, and to ensure that an illicit trade in armoured vehicles, for instance, does not emerge in Africa.

Conclusion

East African States have made great efforts to date to reduce the effects of conflict and armed violence through arms control. The ATT can be extremely beneficial to existing

agreements, and go beyond them, in producing security and governance benefits for East African nations, and for the continent as a whole.

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The Arms Trade Treaty: A leap towards a safer Africa

By Omayma Gutbi

Whilst some parts of Africa are experiencing stability, democracy and economic growth, prolonged conflict, proxy wars, and inter-communal strife characterize other regions. Such violence continues to accelerate structural poverty and processes of impoverishment across the continent and have caused untold suffering, including deaths, sexual violence, displacement, shattered communities and loss of hope for a decent standard of living.

In terms of the economic cost of war, a study shows that conflicts in Africa cost the continent over 300 billion U.S. dollars between 1990 and 2005 – an amount equivalent to all the international aid received by sub-Saharan Africa in the same period. In addition, Oxfam has calculated that \$18 billion per year is lost as a result of conflict.

The impact of conflict in Africa is particularly severe on women and adolescent girls who are especially susceptible to sexual abuse, rape, recruitment by armed forces, trafficking, HIV/AIDS and complications from pregnancies. Such experiences have long term and devastating effects on their lives and those of their children.

The humanitarian impact of conflict in Africa is alarming. Conflict and insecurity in Africa's Sahel region is exacerbating the region's humanitarian crisis. Poor countries in the Sahel are forced to spend more on security and less on humanitarian needs. The humanitarian problems afflicting the nine countries in the Sahel are enormous. The UN reports that 23.5 million in the region will not have enough to eat in 2016.^[1] In the Horn of Africa the number of people requiring humanitarian assistance, in some cases exacerbated by conflict is similarly dire, with at least 19.49 million people estimated to be in need of relief assistance.^[2]

New conflicts are emerging and, increasingly, putting lives under immense threat. Apart from conventional violent conflict, non-conventional threats are evolving, amongst which is the spread of terrorism and violence of extremist groups in the Horn of Africa (HOA), the Chad Basin and Sahel region. This spread has been enabled by the unregulated flow of arms, amongst other socio-economic and political factors. By the same token, proxy wars are also taking lives, dividing communities and bringing about prolonged suffering. Again, such violent conflicts are enabled by the unregulated global arms trade.

It is evident that most of the small arms and light weapons (SALW) used in African conflicts are actually brought in through global networks which catalyse already enflamed situations. Although there are many continental and regional agreements on arms in Africa, the globalization of the arms trade will best be controlled through an international treaty, with continental and regional enforcement (i.e. the Arms Trade Treaty (ATT) that came into force in December 2014). Arms manufacturing companies and states alike are involved in selling, transferring and brokering deals across Africa. The ATT binds exporters and importers alike to put firm regulations on the global, regional and national circulation of arms to minimize the impact of conflict. Oxfam

believes that African nations can contribute to this through ratifying and acceding to the ATT, which has the potential to lead to more effective governance of arms and security forces, reducing corruption and arms diversion and helping to prevent arms entering illegal markets. Such action will help build a global norm for the effective control of arms transfers, and force sceptical states such as Russia, the US and China to comply with the Treaty in order to continue sales to African ATT Member States. It has been stated that the signing and ratification of the ATT alone will not bring peace to Africa, but will build a voice against uncontrolled arms and shake the silence towards conflict.

Undoubtedly, insecurity in connection to arms has been one of the prime concerns of the African Union (AU). The initiative and framework of ‘Silencing the Guns by 2020’, and its inclusion in the AU’s continental action plan, Agenda 2063, illustrates a strong commitment to control flow and unauthorized use of arms in the continent.

Regional protocols on small arms and light weapons: a substitute to joining the ATT?

Across the continent, numerous legally binding normative and policy documents to aid the control of flow of arms have been adopted by AU member states at both continental and regional levels. Key among the AU documents are, the Protocol establishing the Peace and Security Council itself, the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000), the Common African Defence and Security Policy (2004) and the African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and light Weapons.

Member states of Regional economic communities (RECs), have adopted the Southern Africa Development Community (SADC) Protocol on the Control of Firearms, Ammunition and other Related Materials (2001), the Nairobi Protocol on the Control, Prevention and Reduction of Small Arms and Light Weapons (SALW) in the Great Lakes Region, the Horn of Africa and Bordering States (2004), the Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunitions and other Related Materials (2006), and the Central Africa Convention for the Control of SALW, their Ammunition and Parts and Components that can be used for their Manufacture, Repair or Assembly (2010).

Notwithstanding the regional frameworks on control of SALW, African states, understanding the global connections of the arms trade, played an important role in the ATT negotiations. They insisted on the inclusion of ammunition despite US opposition and supported calls for strong provisions based on international human rights and humanitarian law. Nigeria, Ghana, Zambia, and Liberia all played active roles within a progressive group of states, and Kenya was one of the “co-author” countries that drafted all the ATT resolutions. Notably, African lobbying of China was decisive in achieving the inclusion of Small Arms and Light Weapons (SALW) in the categories of arms controlled under the Treaty.

Forty seven African states voted in favour of ATT adoption. However, despite this level of

support, Africa is currently under-represented amongst ratifying states, with 17 states having ratified the treaty to date.^[3] A modest participation indeed especially when linked to the upcoming event of the Second Conference of States Parties to the Treaty which will take place in Geneva in August. The status of ratifications in HoA is alarming where Djibouti is the only signatory.

Conclusion

African representation amongst ratifying states needs to increase as soon as possible so that the continent acquires a strong voice in the ATT Preparatory Committees and Conference of States Parties in 2016. If Africa remains largely outside the Treaty, the voices of the states and the voices of the people will not be heard in the current negotiations of key issues.

At the domestic level, when African states join and implement the ATT it would translate into better import, export and transit controls with better accounting for arms in stock piles as they enter and leave a country. This should lead to improved standards in stockpiling weapons systems and ammunition, and necessitate training for security forces on the ATT and how to implement it. Such efforts have the power to positively influence the security situation in Africa and demonstrate to the world that progress that can be made in arms control even in the most challenging of circumstances.

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The ATT and previous arms control instruments: Convergence and progress

By Michael Melaku

Endorsed three years ago by United Nations General Assembly and entering in to force in 2014, the Arms Trade Treaty (ATT) is a legally-binding mutual agreement that creates universal principles for the international trade in conventional weapons and seeks to reduce the illicit arms trade. With 47 African countries voting in favour of ATT[1], the treaty intends to reduce human distress by improving regional security and stability.

Many African countries that are experiencing bloody conflicts are victims of uncontrolled weapons and illicit arms trade that flow in the region. The case of Somalia during the cold war is an apt example of uncontrolled weapons flows affecting the country and the region in the context of the cold war competition between the then Soviet Union and USA[2]. The arms flows into the region intensified inter-state and intra-state conflicts in the region. The cycles of militarization and violent conflict during the cold war had deleterious economic effects on the Horn.

There is also a very plausible argument to make for the link between the proliferation of SALWs (Small Arms and Light Weapons) and state collapse in Somalia. The proliferation of SALWs was a critical factor in the ubiquity of warlords and the eruption of the internecine conflicts that have devastated Somalia.

In the Horn of Africa, state failure, internecine intra-state conflict and consequent socio-economic collapse have been fuelled by the illegal trade and proliferation of conventional weapons. Even if various initiatives have been made to realize the aim of ATT, of the 54 African countries, 37 countries are signatories, while only 17 countries ratified the treaty.[3]

Previous Initiatives and the ATT

There were several initiatives formulated regarding the international trade in weapons and ammunition at different levels before the ATT ranging from the United Nations Programme of Action (PoA) that came in to being in July 2001 to regional arms control agreements in Africa from 2001 onwards.[4] The PoA on illicit trade in Small Arms and Light Weapons (SALW) sought to manage all aspects of illicit weapons. On the other hand, the regional arms control agreements in Africa (Protocol on the Control of Firearms, Ammunition and other Related Materials (2001); the Nairobi Protocol on the Control, Prevention and Reduction of Small Arms and Light Weapons (SALW) in the Great Lakes Region; the Horn of Africa and Bordering States (2004)) established firm control over weapon accumulation and arms transfer. The agreements were instrumental in maintenance of regional peace and security.[5]

The regional frameworks proved to be inadequate to control illicit arms trade and flows as the trade in arms has transnational characteristics necessitating a framework that engages all international actors without being limited to specific countries/continents. It

is this understanding that led to the development of ATT as a means to strengthen previous initiatives.

Article one of the ATT clearly outlines the objective of the treaty i.e.[6] to establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms; and prevent, eradicate the illicit trade in conventional arms and prevent their diversion. The treaty requires all states-parties to adopt basic regulations and approval processes for the flow of weapons across international borders, establishes common international standards that must be met before arms exports are authorized, and requires annual reporting of imports and exports to a treaty secretariat. In particular, the treaty requires that states establish and maintain a national control system, including a national control list and designate competent national authorities in order to have an effective and transparent national control system regulating the transfer of conventional arms.[7]

The ATT in comparison with earlier initiatives such as the PoA and the Firearms Protocol, is more limited in scope (covering only small arms and light weapons), but wider in some areas of application (e.g. production, stockpile management, weapons-marking and tracing, transfers, collection and destruction). In contrast to PoA, ATT is legally binding on all states parties making it to have more force than PoA.

In supplementing and enhancing PoA provisions on international transfer controls (export, import, transit) and brokering, the ATT will make a significant contribution to the existing framework governing international transfers of SALW as ATT not only addresses the demand side but also focuses on the supply side as well. The fact that previous initiatives before the ATT were not legally binding and the lack of transparency on the part of governments in disclosing their military equipment accumulation coupled with the lack of political will by major arm supplier countries, can be taken as some of the major reasons for not achieving the aims of ATT.

How Should ATT become effective?

The objective of ATT is praiseworthy as it aims to lessen human suffering through improving regional security and stability. However, to make it more effective and practical, further initiatives and actions must be undertaken.

Creating awareness about the importance of ATT (Strong Campaign)

The general public's awareness about the aims of the ATT should be enhanced through a methodical awareness creation and raising campaign. This campaign would have the objective of bringing on board countries that have not signed or ratified the treaty. The awareness raising campaign should employ a variety of strategies and seek to change awareness at the higher levels of government and simultaneously at the grass roots. Different Medias would play an instrumental role. The medias must have a significant role in telling the stories of so called "failed states" such as Somalia and the role the uncontrolled trade in weapons and small arms played in the destabilization of Somalia.

Use country specific approach

In African countries like Ethiopia where cultural aspects play a significant role in implementing policies, the approach should consider the socio-cultural and economic aspects of the country. In the lowlands of Ethiopia, much of the population practices nomadic pastoralism. These pastoralist communities attach high value to bearing arms in order to protect, or gain access to, water supplies, grazing lands and livestock. On the other hand the Horn has porous borders which make the flow of illicit arms trade easy and a source of economic income for many at the border areas. Hence while designing strategy to sink in the concepts and principles of ATT, a country specific approach must be considered in order to address the livelihood impact in that specific country. This approach will facilitate the implementation of ATT.

Work closely with government and other stakeholders

ATT can only be achieved through the collaborative efforts of all stakeholders and closely working with government. The ATT agenda should not be perceived as an external agenda imposition on government which requires justifying the ATT in terms of its contributions to the peace, security and development nexus. Various mechanisms must be designed to engage civil societies, government and other stakeholders.

The Role of the UN and the AU

The UN Peace and Security Council and the AU Peace and Security Council should be at the forefront in realizing the ATT. The aim and principles of ATT should be on the agenda of AU head of states annual meetings and UN General Assembly meetings. In order for this to happen, formal and informal diplomatic lobbying using countries that have ratified the treaties should be made. The UN and the AU must play a significant role in enforcing countries to join, sign and ratify the treaty.

Establishing regional offices

There must be a centralized command that works full time to realize the implementation of ATT's objectives and principles. There must be a task force that engages in various countries specific and regional activities. Hence in order to coordinate efforts and work collaboratively there must be a regional office either within the AU, UN or a separate entity.

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