



The Arms Trade Treaty (ATT) in the Horn of Africa

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Executive summary

An integrated approach against regional and national challenges in peace and security is a growing practice in the Horn of Africa. Other challenges aside, the Horn is most volatile in the proliferation of Small Arms and Light Weapons (SALW). This policy brief explores the provisions of the Arms Trade Treaty (ATT) (2013) and highlights its possible contributions to the regional approach already adopted by Horn states. If adopted, the ATT will address the challenges posed by all conventional arms and set clear mechanisms of accountability, unparalleled by any other instrument.

Key points

- ❖ Countries of the Horn of Africa, known to have interwoven security needs and wants, have adopted a regional approach to state and human security by establishing inter-governmental institutions and adopting regional legal frameworks. The need for a regional approach, especially in arms control is justified by, (1) the regional nature of arms proliferation and diffusion, (2) the regional nature of direct violence inflicted by most arms and (3) the regional nature of some techniques of arms control (like disarmament).
- ❖ The Arms Trade Treaty (ATT), an international instrument endorsed by the UN General Assembly on 2 April 2013, aims among other things to improve regional security and stability.
- ❖ States of the Horn of Africa should collectively and individually consider the regional benefits of signing the ATT in addressing protracted conflicts and aiding peace building efforts in the region.
- ❖ This policy brief recommends that countries that have not already signed and ratified the ATT should do so with the understanding that the agreement has provisions and benefits not covered in existing mechanisms.

Introduction

The Horn of Africa¹ is a security complex with interwoven security needs and wants, to the extent that one state's or sub-state's security cannot be guaranteed without the other's.² A security complex is defined as "a group of states whose primary security concerns link together sufficiently closely that their national securities cannot realistically be considered apart from one another".³ The region is known for several inter- and intra-state conflicts, several borderland community-pastoralist conflicts, and national border disputes between Ethiopia and Eritrea, and Sudan and South Sudan. These conflicts are inter-related and thus regional in nature. More so, the influx of arms in one conflict is likely to fuel conflict in the other.

The Arms Trade Treaty (ATT) is an international instrument with regional implications. On 2 April 2013, the United Nations (UN) General Assembly endorsed the treaty by a vote of 156-3, with 23 abstentions.⁴ The treaty opened for signature on 3 June 2013, and entered into force on 24 December 2015.⁵ It establishes common standards for the international arms trade and targets a reduction in the trade of illicit arms. Among the aims of the treaty is the improvement of regional security and stability. The ATT promises to provide a mechanism that keeps expenditure on arms in check, especially in Africa, a continent that spends a significant sum on arms (\$18 billion per year), roughly equal to the amount received in development aid.⁶ The ATT has a trust fund to support the development of national regulatory agencies and improved arms transfer controls. It also links the issue with wider developmental goals.⁷

The ATT works with, but does not replace, domestic instruments. In fact, it encourages states to "designate competent national authorities in order to have an effective and transparent national control system regulating the transfer of conventional arms".⁸ Arms exporting states would have to conduct assessments to ensure that the influx of arms does not "contribute to or undermine peace and security"⁹ including terrorism and transnational organized crime. In addition to state-level arms deals, the treaty bestows the responsibility to "take the appropriate measures, pursuant to its national laws, to regulate brokering taking place under its jurisdiction" on states.¹⁰ It also sets in place mechanisms to address the diversion of legally transferred weapons to non-state and illegitimate actors through corruption and other grey areas.

While the treaty requires state parties to submit reports on authorized or actual exports and imports, it also gives them the liberty to exclude "commercially sensitive or national security information".¹¹ In this regard, the ATT can complement other arms control instruments and organizations such as the Nairobi Protocol, which is being implemented by the Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA), based in Nairobi, Kenya. RECSA was established in June 2005 "to build the capacity of the Member States, coordinate and monitor the implementation of the Nairobi Protocol within the RECSA Region".¹²

Another aspect of the ATT is International Assistance.¹³ The following are the major provisions:

- ❖ In implementing this Treaty, each State Party may seek assistance including legal or legislative assistance, institutional capacity building, and technical, material or financial assistance. Such assistance may include stockpile management, disarmament, demobilization and reintegration programmes, model legislation, and effective practices for implementation. Each State Party in a position to do so shall provide such assistance, upon request.
- ❖ Each State Party may request, offer or receive assistance through, inter alia, the United Nations, international, regional, sub-regional or national organizations, non-governmental organizations, or on a bilateral basis.
- ❖ A voluntary trust fund shall be established by States Parties to assist requesting States Parties requiring international assistance to implement this Treaty. Each State Party is encouraged to contribute resources to the fund.¹⁴

Stockpile management, disarmament, demobilization and reintegration programmes are human and material resource intensive programmes. More often than not, middle and low-income countries, such as those in the Horn, face financial and capacity restrictions to implement such activities. The ATT requires that state parties, with the capacity to do so, provide technical, material or financial assistance to such activities. These are opportunities available to state parties individually and collectively, as part of a regional and sub-regional inter-governmental organization.

The need for a regional approach

Arms are a weapon of insecurity causing much harm in the Horn of Africa. However, conclusive regional data is not available and even the available data are restricted to estimations due to lack of proper record keeping and limited access to information. States need to thoroughly understand the status of arms in their territories and the region because of their responsibility to protect their citizens from insecurity. Arms are a regional phenomenon in the Horn of Africa for the following three reasons: (1) the territoriality of arms proliferation and diffusion (2) the territoriality of violence and (3) the territoriality of techniques of arms control such as disarmament. The territorial nature of these elements compels a regional security approach in addressing each one.

The regional nature of arms proliferation and diffusion:

The term 'diffusion' has dominated the lexicon of arms discussions and replaced the term 'proliferation'. Proliferation refers to the increase of the small arms market and the availability of arms; either through formal or informal markets. Diffusion, on the other hand, "suggests the dispersion of arms within societies, extending not only to governments and state-owned entities but also to private armies and militias, insurgent groups, criminal organizations and other non-state actors".¹⁵ Diffusion takes place among actors that are geographic neighbours. There is easy availability of small arms in the East Africa region, especially in border areas. Instability in the region, such as in Somalia and

the informal trade between Kenya and Uganda, has created a boom in small arms circulation.¹⁶ Leftovers from wars during the Cold War,¹⁷ state security forces,¹⁸ and coups¹⁹ are a few of the sources of illicit arms.

The flow of arms, to some extent, illustrates the pattern of armed conflict in the region. Although the small arms trade was present before colonialism, it was short lived because it was banned by colonial powers. During the Cold War, a large number of small arms were injected into the region due to “wars...fuelled in part by the huge quantities of arms pumped into East Africa by the United States, the Soviet Union, and their allies”.²⁰ Even after the end of the Cold War, the flow of arms to the region grew steadily, entering the market during the fall of governments in Ethiopia (1991), Rwanda (1994), Somalia (1991), and Uganda (1979 and 1986).²¹ The international community has been attentive to the small arms trade since the end of the Cold War. This is reflected in the blossoming of several treaties such as the UN Programme of Action (PoA) (2001), the African Protocol on the Control of Firearms, Ammunition and other Related Materials (2001), and the Declaration Concerning Firearms, Ammunition and Other related Materials in the SADC (2001). Yet we see a whole society of civilians being affected because of small arms that entered the continent of Africa during and after that period.

The regional nature of direct violence inflicted by most arms:

Concerning SALW, the most famous assault rifle used in the Horn, the AK47, has an effective range of about 1 kilometre (km). Other conventional arms have a maximum effective range of 550 km. In places where states do not

possess access to nuclear weapons, such as the Horn of Africa, arms in use are mainly short distance attack arms with the ability to destabilize immediate communities in the geographic region.

The regional nature of some techniques of arms control:

A vast part of the literature on small arms globally, and a significant amount in the Horn of Africa, focuses on disarmament. Failed disarmaments are typical in the region, such as South Sudan’s Comprehensive Peace Agreement (CPA) between the Government of Sudan and SPLM/SPLA (2005). A common failure, besides inadequate planning, lack of involvement of the communities under the programme, and lack of capacity in implementation, are attacks committed by neighbouring communities targeting those disarmed;²² hence, the need for a regional approach to disarmament. Further, the steady supply of arms from regional supply chains after disarmament is another major challenge.

Policy implications and recommendations

Regional cooperation schemes are already in place in the Horn of Africa. A large section of the provision of the ATT addresses what is missing in the regional and national instruments in the Horn of Africa. Most importantly, while the Nairobi Protocol focuses on SALW, the ATT has a wider scope covering items where governments spend the most: battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles, and missile launchers. The ATT has mechanisms

that will enhance the implementation of some provisions in the Nairobi Protocol such as the inclusion of provisions in domestic laws to allow the appropriation of illicitly manufactured or illicitly acquired SALW.²³ The ATT also has a wider scope of mechanisms for coordination,

accountability, and transparency, both to civilians, regional and international bodies. The following are signatories of the ATT, the Nairobi protocol and the members of RECSA.

No	Name	Nairobi Protocol	RECSA member	Signatory	ATT Ratification
1	Burundi	√	√	√	
2	CAR		√		7-Oct-15 Accession
3	Congo		√	√	
4	DRC	√	√		
5	Djibouti	√	√	√	
6	Ethiopia	√	√		
7	Eritrea	√	√		
8	Kenya	√	√		
9	Rwanda	√	√	√	
10	Seychelles	√	√	√	2-Nov-15 Ratification
11	South Sudan		√		
12	Somalia		√		
13	Sudan	√	√		
14	Tanzania	√	√	√	
15	Uganda	√	√		

Source: Arms Trade Treaty, Status as of 2 March 2017

Subsequent to the above discussion, this article proposes the following policy recommendations for countries in the Horn of Africa, and the wider region:

- ❖ Countries that have not already signed and ratified the ATT should do so with the understanding that the agreement has provisions not covered in the Nairobi Protocol and that the two can complement each other;
- ❖ Governments should consider the benefits of national economic, defence and technology cooperation and assistance opportunities that are presented by signing the ATT;
- ❖ Governments should take into account the potential of the ATT in helping their countries achieve the arms control goals already set in their domestic instruments and the Nairobi Protocol;
- ❖ Horn of Africa states and bordering countries should collectively and individually consider the regional benefits of signing the ATT in addressing protracted conflicts and aiding peace building efforts in the region;

- ❖ Governments should consider the potential of the ATT in providing assistance to already existing regional arms control efforts through the ATT Trust;
- ❖ RECSA and its member states should consider taking the lead in encouraging and signing/ratifying the ATT;
- ❖ Ethiopia and Kenya should display the same commitment in the ratification and enforcement of the ATT as they have in promoting peace and security during past initiatives. For instance, Ethiopia's positive peace building contribution has been clear in peace processes in Sudan, South Sudan,

and Somalia, mostly within IGAD initiatives. And Kenya has served as the founding member of RECSA, which is the only African organization dedicated to the control of SALW.

About the Author

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End Notes

1 For the purpose of this paper, the Horn of Africa refers to countries of the greater Horn, namely, Sudan, South Sudan, Eritrea, Ethiopia, Djibouti, Somalia, Kenya, Uganda, Tanzania, Rwanda and Burundi. Small Arms and Light Weapons (hereafter SALW), refers to arms/ firearms that can be operated by a single person while Light Weapons refers to arms that require 2 or 3 people.

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14 Ibid.

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21 Ibid.

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