

Consideration of the Draft Common African Position on the 4th Review Conference of the United Nations (UN) Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (UNPoA)

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Tomorrow (13 May) the African Union (AU) Peace and Security Council (PSC) will convene to consider the draft Common African Position of the 4th Review Conference of UNPoA, which will be held in June, in New York.

Following opening remarks by Ambassador Innocent Shiyo, Permanent Representative of the United Republic of Tanzania to the AU and Chairperson of the PSC for May 2024, Bankole Adeoye, Commissioner for Political Affairs, Peace and Security (PAPS) is expected to make a statement. The session is also likely to have the participation of representatives from the different Regional Economic Communities and Regional Mechanisms (RECs/RMs) and a representative from the United

Nations Office for Disarmament Affairs (UNODA).

Tomorrow's meeting is being convened pursuant to the decision made during PSC's [1105th](#) meeting held on 15 September 2022 during the commemoration of the 2022 Africa Amnesty Month (AAM) which took place from 4 to 7 September 2022, in Lomé, Togo. The decision directed the AU Commission "...to take steps, including convening a meeting of experts from member states, to elaborate a common African position which will provide guidance to AU member states during the 4th Review Conference of the Programme of Action on Small Arms...". In addition, the Thirty-Sixth Ordinary Session of the Assembly of the Union held from 18 – 19 February 2023, following the adoption of Assembly decision [Assembly/AU/Dec.843\(XXXVI\)](#), directed the AU Commission to "...initiate a process of elaborating a Common African position, which will provide guidance to AU member states during the 4th Review Conference of the Programme of Action on Small Arms..." Building on this, a 3-day meeting of experts on small arms and light weapons control from AU member states, RECs, RMs and Intergovernmental Regional Bodies (RBs) as well as the Chair of the Peace and Security Cluster of the Economic, Social and Cultural Council (ECOSOCC) was held in November 2023. The [convening](#) aimed to elaborate and adopt the draft Common African Position and review the progress made in the implementation of the Programme of Action to prevent, combat and eradicate the illicit trade in Small Arms and Light Weapons (SALWs) in all its aspects". It is expected that the document will contain elements of consideration from the different perspectives from the national, regional and international levels.

In Africa, unregulated Small Arms and Light Weapons (SALW) Trade is a major driver of conflicts on the continent. The ease of access to SALW incentivises the resort to and eruption of conflicts. It is one of the factors that impede efforts for the resolution of conflicts. In countries in transition, such

as South Sudan, it is a main factor that threatens and at times leads to the unravelling of vulnerable peace agreements and transitional processes. As seen in parts of West Africa and the Horn of Africa, unregulated trade and circulation of SALW are turning intercommunal clashes into deadly conflicts. Indeed, this is one of the factors that have contributed to the increase in the number of conflicts and the expansion of the geographic spread of such conflicts, particularly those involving armed terrorist groups.

As highlighted in [Amani's Insight](#) for PSC's 1085th meeting which was held on 18 May 2022, it was noted that there are at least three factors that exacerbate the proliferation and trafficking of illicit SALW. These factors include: 1) the challenge surrounding the availability of reliable data on stockpiles of member states and the safekeeping of those stockpiles – this, in particular, pertains to the issue of auditing of stockpiles in member states and enhancing capacities for the safekeeping of stockpiles; 2) diversion of lethal and non-lethal Contingent Owned Equipment (COE) that are deployed for use in peace support operations into illicit market; and 3) in cases where no effective framework and resources for undertaking DDR as part of peace agreements for settling conflicts are provided for, weapons in the hands of armed groups ends up being traded. Similarly, the poor implementation of DDR includes the proper accounting of weapons and arms in the hands of various armed groups in the DDR process which means that such weapons and arms remain outside of the control of formal institutions.

Additionally, at policy and institutional levels, there is a need for reinforcing continental institutional mechanisms for countering the scourge of SALW. The various RECs have established frameworks within their respective regions. Although this is a positive step, it has resulted in parallel legal regimes and has made responses fragmented. Even in regions that have instruments, implementation is still

lacking. The fragmented response has also left regions such as the Sahel without an established instrument. The very nature of the flow of illicit weapons necessitates a response that is trans-regional and a standardized continental framework.

At the international level and of particular importance for the Common African Position is the need for the establishment of an international body that tracks, monitors and reports on an annual basis on illicit trade, supply and circulation of arms and weapons, which among others, lists the actors involved in and enables these. This body should take the form of an international commission on control of illicit trade, supply and circulation of arms and weapons that end up fueling conflict. Building on UN Security Council (UNSC) Resolution 2457 on Silencing the Guns in Africa adopted on 27 February 2019, this body should be empowered to report to the UNSC for appropriate action including sanctions against such actors.

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Additionally, as part of the effort to fend off diversion, which is one of the main sources of illicit circulation of SALW, the Common African Position needs to call for dedicated resources for building and strengthening the capacity and regulatory infrastructure of states. This will help in enhancing the implementation of the International Tracing Instrument (ITI), adopted in 2005 by the UN, which requires states to ensure that weapons are properly marked, records are kept in a timely and reliable manner and that the ITI provides a framework for cooperation in weapons tracing. It is thus anticipated that AU member states and all the stakeholders involved in the drafting of the common African position will consider the complex dynamics surrounding the prevention, combating and eradication of the illicit trade in Small Arms

and Light Weapons in all its aspects.

The Review Conferences are held every six years to assess progress and challenges in implementing the Programme of Action (PoA) and the ITI on preventing, combating and eradicating the illicit trade in small arms and light weapons.

The previous conference, the 3rd Review Conference, took place in 2018 and served as an important opportunity for countries to strengthen their efforts in the prevention and proliferation of small arms and light weapons.

The expected outcome of the session is either a press statement or a communique. The PSC may welcome the drafting and presentation of the draft Common African Position and adopt the common position with amendments. As part of the Common Position, the PSC may highlight the need for developing and implementing national action plans to help countries put in place comprehensive measures to prevent, combat and eradicate the illicit trade in these weapons in order to support the implementation of the UNPoA. This includes measures for effective regulation of the manufacture, acquisition, transfer, stockpiling, retention and disposal. It may also encourage national strategies to incorporate a gender-mainstreaming approach to the implementation of the UNPoA and ITI, and to ensure the alignment of these national strategies with relevant regional and international frameworks and ensure the meaningful participation of women and youth. Apart from calling for collaborative efforts between the AU, RECs/RMs which is vital for curbing the illicit proliferation of SALW, the PSC may on the other hand call for a standardised continental framework as part of the UNPoA that addresses fragmentation and lacuna in the existing diverse frameworks and the lack of uniformity in the existence and institutional arrangements. Additionally, it is likely that the PSC may call for the AU Commission and RECs/RMs to support member states in developing standards and harmonising their national legislation on the manufacture, trade, brokering, possession

and use of small arms and light weapons. In this respect, as part of the Common Position, the PSC may urge for the establishment of dedicated resources, such as an international fund, that avails to the UN, AU and RECs/RMs the resources for building and strengthening the capacity and regulatory infrastructure of states for effectively implementing ITI. In the expansive efforts of the fight against the illicit trade and diversion of illicit small arms and light weapons, there could be the consideration of supporting effective monitoring and protection by incorporating the agenda in AU-led, AU-authorized and AU-endorsed Peace Support Operations as well as UN Peacekeeping Operations.

In terms of emerging technological developments that ease the production and circulation of weapons, the Common Position expresses support for the call in the UN for the appointment of a Group of Governmental Experts (GGE) to undertake a comprehensive study on new and emerging technologies related to the manufacturing of small arms and light weapons, including polymer and modular weapons produced using 3D printing. The study should take into account the intermediacy of the unconditional provision of such manufacturing technologies to developing states, the technological gaps that exist between developing and developed countries, as well as the diverse national legal systems governing the regulation of these evolving small arms and light weapons capabilities, in order to better understand the implications and identify appropriate responses to address any associated challenges or risks while ensuring equitable access for developing nations.

Perhaps most crucial for purposes of addressing the growing threat posed by SALW in Africa is for the PSC to urge the incorporation of an international body that tracks, monitors and reports on an annual basis on illicit trade, supply and circulation of arms and weapons, which among others, lists the actors involved in and enable such acts. Finally, the PSC may also underscore the need for harnessing the contribution and

role of civil society organizations.