

AFRICAN UNION

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PEACE AND SECURITY COUNCIL
1210TH MEETING

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ADDIS ABABA, ETHIOPIA

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**COMMON AFRICAN POSITION ON THE FOURTH UNITED NATIONS CONFERENCE TO 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 IN ALL ITS
ASPECTS**



COMMON AFRICAN POSITION ON THE FOURTH UNITED NATIONS CONFERENCE TO 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 IN ALL ITS ASPECTS

INTRODUCTION

The meeting of Governmental Experts of African Union Member States, Regional Economic Communities (RECs), Regional Mechanisms (RMs) for Conflict Prevention, and Regional Bodies (RBs) was held in Addis Ababa, Ethiopia from 28 to 30 November 2023 to develop a Draft Common African Position on the Fourth Review Conference of the *United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA)*.

The meeting was held pursuant to decision **Assembly/AU/Dec.843(XXXVI)** of the Thirty-Sixth Ordinary Session of the Assembly of the Union that was held from 18 to 19 February 2023 in Addis Ababa, Ethiopia, which directed the AU Commission to, among others, "... initiate a process of elaborating an 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 line with Peace and Security Council Communiqué [PSC/PR/COMM.1105 (2022)] adopted at its 1105th Meeting of 15 September 2022.

The meeting recalled the "*Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons*", adopted by the Organisation of African Unity (OAU) Ministerial Conference on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons that was held on 30 November and 1 December 2000 in Bamako, Mali. The Common Position guided the participation of AU Member States during the final adoption of the *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*.

It also recalled the Common Position that the Second Continental Conference of African Governmental Experts on the Illicit Trade in Small Arms and Light Weapons that was held from 14 to 16 December 2005 in Windhoek, Namibia, to guide the participation of AU Member States at the Review Conference on Progress made in the Implementation of the *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* that was held from 26 June 7 July 2006 in New York.

The meeting recalled the International Tracing Instrument (ITI), adopted in 2005 by the UN, which requires States to ensure that weapons are properly marked, that records are kept in a timely and reliable manner and that the ITI provides a framework for cooperation in weapons tracing, thereby fulfilling one of the commitments by governments in the Programme of Action.

PREAMBLE

- i. **Considering** the Constitutive Act of the African Union (AU), and the Protocol Relating to the Establishment of the Peace and Security Council (PSC) of the African Union;
- ii. **Reaffirming** the inherent right of all States to individual or collective self-defence in accordance with the Constitutive Act of the African Union and related Continental instruments and policy decisions, and the Charter of the United Nations (UN), including the right of States to manufacture, import, export and transfer of small arms and light weapons for self-defence and security needs, and for peace support operations under the auspices of the AU and peace keeping operations under the UN;

- iii. **Also Reaffirming** the prohibition of the use of force, and the peaceful settlement of disputes, and non-interference in the internal affairs of all States, as well as the respect of the principle of sovereignty and territorial integrity of all States in accordance with the Constitutive Act of the African Union and the Charter of the United Nations;
- iv. **Concerned** about the threat of diversion of small arms and light weapons, from the legal to the illicit market;
- v. **Guided** by the pertinent provisions of the decision of the Assembly of the Union adopted during the 14th Extraordinary Session on Silencing the Guns, held on 6 December 2020 in Johannesburg, South Africa, which extended the implementation of the AU Master Roadmap of Practical Steps to Silence the Guns in Africa for a period of ten (10) years (2021-2030), which also extended the commemoration and conduct of the Africa Amnesty Month during the month of September of each year for a period of ten (10) years (2021-2030), within the framework of the AU's Agenda 2063;
- vi. **Recalling** Communiqué PSC/PR/COMM.1085 (2022) adopted by the AU PSC at its 1085th meeting held on 18 May 2022, directing the AU Commission to elaborate a continental strategy on the fight against illicit firearms in Africa, including a Common African Position in preparation for the 4th Review Conference for the United Nations Programme of Action to be held in 2024; and Communiqué [PSC/PR/COMM.1105 (2022)] adopted at its 1105th Meeting;
- vii. **Acknowledging** the vital importance of the full and effective implementation of the UNPoA, the International Tracing Instrument (ITI), and similarly the Firearms Protocol, as well as the Arms Trade Treaty by their state parties, plus other relevant regional instruments to which a state maybe party – such as the 2001 Protocol on the Control of Firearms, Ammunition and Other Related Materials of the Southern African Development Community (SADC Protocol); 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 (Nairobi Protocol); the 2006 Convention of the Economic Community of West African States on Small Arms and Light Weapons, their Ammunition and Other Related Materials (ECOWAS Convention); and the 2010 Central Africa Convention for the Control of Small Arms and Light Weapons, their Ammunition, Parts and Components that can be used for their Manufacture, Repair or Assembly (Kinshasa Convention)';
- viii. **Concerned** that the poorly regulated international legal trade in small arms and light weapons has an undermining effect on the economic, social and political stability of African Union Member States, fueling communal, interstate and intrastate conflicts, insurgencies, armed violence and rebellion, banditry, kidnapping, and terrorism; and **aware** that the unregulated trade in small arms and light weapons has an adverse impact on sustainable peace, security and socioeconomic development, the rule of law and the full enjoyment of human rights, as well as on international humanitarian law;
- ix. **Recognizing** the necessity of promoting marking and keeping records of the small arms and light weapons in our areas of jurisdiction because it provides a framework for weapons tracing in a timely and reliable manner, which is in line with the commitments made by Member States in the UNPoA;

WE, THE AFRICAN UNION MEMBER STATES, Having deliberated extensively on the various aspects of the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons, and bearing in mind the different capacities and priorities of Member States, States have agreed on the following Common African Position on the illicit proliferation, circulation, and trafficking of small arms and light weapons:

1. **Recognize** our central role in preventing and eradicating the illicit proliferation, circulation, trade-and trafficking in small arms and light weapons;
2. **Also recognize** the important contribution of civil society organisations, including non-governmental organisations (NGOs), Industry and Private Sector inter alia, in assisting governments to prevent, combat, and eradicate the illicit trade in small arms and light weapons in all its aspects;
3. **Emphasize the need** for a common approach and collective action in the continued implementation of the UNPoA as part of the fight against illicit trade, possession and use of small arms and light weapons;
4. **Encourage** African Union Member States during the Fourth Review Conference *on Progress made in implementing the UNPoA to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects to be guided by the following measures*, and similarly encourage all AU Member States to promote and defend this position during the Review Conference, bearing in mind the different situations, capacities and priorities of States and regions:

AT NATIONAL LEVEL:

5. To adopt the necessary policy and legislative measures, as appropriate, and where they do not exist, to criminalize the illicit manufacturing of, trading in, trafficking in, and possession and illegal use, of illicit small arms and light weapons, as part of the efforts to fight illicit small arms and light weapons; and on stockpile management in order to secure them to prevent the theft and loss of national stockpiles;
6. To put in place, where they do not exist, national coordination mechanisms or bodies that will be responsible for policy guidance, research and monitoring on all aspects of small arms and light weapons –including their proliferation, circulation and trafficking – in line with the relevant regional and international instruments to which a state is a party;
7. To criminalise, in accordance with national legal frameworks, the illegal manufacture of small arms and light weapons, and to enforce applicable laws, regulations and administrative procedures effectively;
8. To ensure effective controls with a view to preventing and combatting the illicit trade in small arms and light weapons, including the purchase, sale, export, import, transit and transshipment, consistent with domestic law;
9. To develop and implement national action plans to address the life cycle of small arms and light weapons, in support of the implementation of the UNPoA. In this regard, ensure that National Action Plans are costed and budgeted for as a way of operationalizing the key interventions therein;
10. Work, as appropriate and consistent with national laws and regulations, with relevant stakeholders in the implementation of the UNPoA and the ITI, and the related programmes of Silencing the Guns and the African Amnesty Month (AAM) for the Voluntary Surrender and Collection

of Illicit Weapons, as part of the efforts to fight illicit trade in small arms and light weapons on the Continent;

11. Encourage consideration, where appropriate, and on a case-by-case basis, of the safe destruction of collected illegal weapons, in line with national legislation, and international best practices, including within the context of the “African Amnesty Month for the Voluntary Surrender and Collection of Illicit Weapons”;

12. Develop national strategies, in line with regional and international frameworks, on gender mainstreaming including meaningful participation of women and youth in the implementation of the UNPoA and ITI, to ensure a holistic approach in tackling illicit trade, proliferation, trade and circulation of SALW;

13. Encourage comprehensive DDR programmes and stockpile management, with the support of the UN and AU, taking into account best practices from the different regions of the Continent;

14. Develop and implement legal and administrative measures and standards for marking and record-keeping for legitimate small arms and light weapons in order to facilitate tracing when lost, stolen or diverted;

15. Encourage the ratification and domestication of the regional and international frameworks on SALW, as appropriate;

16. Undertake continuous engagement of the population through awareness-raising programmes to address illegal possession of SALW and to encourage the voluntary surrender of the same amongst communities

17. To consider where appropriate create programmes that provide alternative life safety nets to the youth and women, with the view to addressing the structural drivers leading to some reliance on SALW for their survival, including the provision of livelihood assistance and support to survivors and victims of violence;

18. Apply the relevant provisions of the UNPoA and the ITI on small arms and light weapons manufactured using artisanal, polymer and 3D printing;

19. Encourage the preparation and submission of reports on the progress of implementation of the UNPoA to the UN secretariat and AU Commission as required;

20. Consider, where appropriate developing and applying target-setting initiatives and taking appropriate measures to address any challenges in implementing the UNPoA;

21. Apply measures consistent with relevant national laws, regulations and administrative procedures, aimed at preventing the conversion of non-lethal firearms, deactivated or blank-firing small arms and light weapons into functional weapons, and to criminalise such illicit conversions, including through enhanced cooperation, where appropriate with the industries responsible for their development and manufacture.

AT CONTINENTAL AND REGIONAL LEVELS:

22. Designate a point of contact, where they do not exist, to act as liaison between the RECs/RMs, African Union and AU Member States on all matters relating to the implementation of the UNPoA, including on submitting national reports;

23. The AU Commission and RECs/RMs to provide technical and financial support to, and encourage their Member States to participate in relevant fora on small arms and light weapons control instruments, including to the UNPoA and the ITI;
24. The AU Commission and RECs/RMs, upon request, to support Member States to develop standards, and to harmonise their national legislations on the manufacture, trading, brokering, possession and use of small arms and light weapons, as appropriate;
25. To consider, where appropriate developing and applying target-setting initiatives at the regional level and taking appropriate measures to address any challenges in implementing the UNPoA;
26. Establish, at regional and continental levels, where they do not exist, and as appropriate, fora for Member States to share experiences in the fight against illicit small arms and light weapons on a regular basis;
27. Develop and align regional action plans with the UNPoA and the ITI;
28. Support Member States, upon request, to develop and implement modalities for cross-border cooperation including voluntary sharing of information, intelligence and data between relevant agencies and consider developing a regional disarmament instrument with a view to preventing and combating trafficking and illegal transnational trade in illicit small arms and light weapons;
29. Support Member States, upon request, in reporting on the implementation of the UNPoA, and other relevant regional and multilateral instruments ; to which a state is a party;
30. Consider developing, as appropriate and in-line with national laws and regulations, modalities for accountability, transparency in monitoring regional targets at regional level , with the aim of identifying progress, challenges, and areas that require further attention through target-setting; and also consider developing, as appropriate roadmaps to address shortcomings or obstacles encountered on the regional level;
31. Support Member States, upon request, to develop common standards where they do not exist for marking of small arms and light weapons, and the software for record-keeping, which would enable easy tracing, identification and information sharing in a timely and reliable manner on registered small arms and light weapons when lost or stolen;
32. Develop institutional and capacity-building programmes for Member States on Physical Security and Stockpile Management, small arms and light weapons identification, marking and tracing, upon request;
33. Support Member States to develop strategies in line with the African Union Strategy on Gender Equality and Women's Empowerment, including through targeted action plans, in implementing the UNPoA and ITI;
34. Support Member States to fight violence against women and girls in armed conflicts, including on the role that women should play in conflict prevention, and fight the proliferation of illicit small arms and light weapons within the framework of the *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* and the AU Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons;

35. Support, upon request, the development and/or the revision of regional policy frameworks and strategies, to which a state is a party to prevent unlicensed or unauthorised recipients, including non-state actors, from acquiring, or accessing weapons, including those manufactured using new arms manufacturing technologies like 3D printing and Polymer technologies;

36. Seek the support and commitment of Civil Society Organisations and the Private Sector to work in partnership with governments to accelerate the implementation of UNPoA;

AT INTERNATIONAL LEVEL

37. Increase support, including through the AU Commission and RECs/RMs, for AU Member States to strengthen their efforts to prevent armed conflicts and to combat terrorism and violent extremism.

38. Increase technical and financial support to programmes of AU Member States that are aimed at fighting illegal trade in, manufacturing and diversion of illicit small arms and light weapons, and also support Member States in their disarmament, programmes; promote the participation of women in policy formulation, planning at all levels in implementing the UNPoA, aligning with the AU's Agenda 2063 and the UN's Sustainable Development Goals (SDGs) 2030;

39. Request the international community to provide technical and financial support to Member States in the area of safe and secure management of all weapons stockpiles in peace time, conflict and post-conflict situations, in line with the UNPoA and the ITI;

40. Consider supporting the fight against the illicit trade and diversion of illicit small arms and light weapons in AU-led/mandated, AU-authorized and AU-endorsed Peace Support Operations, as well as UN Peacekeeping Operations, in particular, in the collection, identification, marking, recording-keeping, and destruction of recovered illicit small arms and light weapons;

41. Support international efforts to prohibit the provision or transfer of SALW to non-state actors, including criminal and terrorist groups;

42. Take note of the call for the Secretary General of the United Nations to appoint a Group of Governmental Experts (GGE) to undertake a study on new and emerging technologies on small arms and light weapons manufacturing, including, polymer and modular weapons produced using 3D printing, taking into account the centrality of the unconditional provision of such technologies to developing states, the technological gaps among developing and developed states as well as the diverse national legal systems;

43. Support the development of modalities and strengthen cooperation, where appropriate and in line with national laws and regulations, between Member States, the private sector and industry in the development of technologies that improve the marking, record-keeping, tracing and safe, secure and effective storage of small arms and light weapons;

44. Work with the AU Commission, RECs, RMs and RBs to support Member States to benefit from the – programmes for International Cooperation and Assistance in order to strengthen the implementation of the UNPoA and the ITI; including technical expertise in Member States to develop proposals that will enable them to access funding opportunities;

45. Support the AU Commission, RECs, RMs and RBs to raise awareness, exchange information, experiences, knowledge, technologies, and best practices on new technologies for small arms and light

weapons manufacturing, including artisanal, polymer and modular weapons produced using 3D printing, within the frameworks of the UNPoA and the ITI among Member States;

46. Support the development of national capacities, with the support of developed states and upon request to cope with new technologies to strengthen the identification of illicit small arms and light weapons, including by facilitating the transfer of such technologies from the developed states for the benefit of national security institutions;

IMPLEMENTATION FRAMEWORK

47. AU Member States shall be guided by the positions and principles contained in this *Common African Position on the Fourth Review Conference of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade In Small Arms and Light Weapons in All its Aspects* as a guide for delegations of AU Member States during the Review Conference to be held in June 2024, in New York;

48. Consider using the Common African Position to facilitate the adoption of a strong, meaningful and balanced *revised* Programme of Action that is non-discriminatory, transparent and multilateral, establishing the highest possible common international standards to eradicate the illicit trade and trafficking of small arms and light weapons;

49. African Union Member States, shall deploy all efforts to promote the Common African Position, including through reaching out to partners and other regional groups globally, with a view to securing their support.

2024-05-13

Communiqué of the 1210th Meeting of the Peace and Security Council held on 13 May 2024, on the Consideration of the Common African Position on the 4th United Nations Conference to 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 in All its Aspects.

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