

SUMMARY ON THE THIRD MINISTERIAL REVIEW CONFERENCE ON THE NAIROBI DECLARATION AND NAIROBI PROTOCOLE ON SMALL ARMS AND LIGHT WEAPONS

On 20th to 21st June, 2005, Ministers of Foreign Affairs and other Plenipotentiaries from Member States signatories to the Nairobi Declaration and the Nairobi Protocol for the Prevention, control and reduction of small arms and light weapons in the Great Lakes Region and the Horn of Africa namely : Burundi , Democratic Republic of Congo ; Djibouti; Ethiopia ; Rwanda ; Kenya; Seychelles ; Sudan; Tanzania and Uganda met at Safari Park Hotel, Nairobi, for the Third Ministerial Review Conference on the Nairobi Declaration and the Nairobi Protocol. The Transitional Federal Government of Somali Republic also attended the Conference and was accepted by the Council of Ministers as the 12th Member States party to Nairobi Declaration and the Nairobi Protocol.

Also in attendance were representatives from United Nations agencies: UNDP; UNDP/BCPR; UNIFEM as well as the International Conference on the Great Lakes Region. Regional and International civil society organizations involved in the fight against illicit small arms attended the meeting. These are: EAANSA; Security Research and Information Centre (SRIC); Institute for Security Studies (ISS); Saferworld; SaferAfrica as well quite a number of local and international Medias Houses.

During that meeting, the Director / Coordinator of Nairobi Secretariat Mr. Francis K. A. Sang presented to Ministers and other Plenipotentiaries the report on the progress of the implementation of the Nairobi Declaration and the Nairobi Protocol since the last Ministerial Review Conference held on 20th – 21st April 2004.

Three documents previously discussed and adopted by Governmental Experts during their meeting held on 16th to 20th June, 2005 were presented to Ministers and other Plenipotentiaries for approval and signature .These are:

1. The Draft Agreement on the establishment of a Regional Centre on Small Arms;
2. The Draft Ministerial Declaration for Practical Action on Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa; and
3. The Best Practice Guidelines and minimum common standards on key issues in the implementation of the Nairobi Protocol.

ESTABLISHMENT OF THE REGIONAL CENTRE ON SMALL ARMS AND LIGHT WEAPONS (RECSA)

Ministers from Member States signatories to the Nairobi Declaration and the Nairobi Protocol signed the Agreement to establish the Regional Centre on Small Arms and Light Weapons (RECSA) during the Third Ministerial Review Conference held in Nairobi on 20th to 21st June, 2005. The fundamental objective of the Agreement is to transform the Nairobi Secretariat into an inter-Governmental institution with international juridical personality to effectively implement the Nairobi Declaration and the Nairobi Protocol.

The proposal to establish the Regional Centre was adopted during the Second Ministerial Review Conference held in Nairobi on 20th and 21st April, 2004. The Ministers and other Plenipotentiaries from the Member States welcomed the proposal from the Republic of Kenya to establish a committee of Experts to draft an agreement relating to the establishment of an inter-Governmental entity with the legal personality of a body corporate – the regional centre on small arms (RECSA) – to ensure a coordinated implementation of the Nairobi Declaration and the Nairobi Protocol.

The Ministers and other Plenipotentiaries mandated the Nairobi Secretariat to constitute a committee of Experts drawn from the States signatories to the Nairobi Declaration and the Nairobi Protocol. Further, the Drafting Committee which was composed of the Nairobi secretariat, four member States, namely: Kenya, Tanzania, Sudan and Djibouti and civil society organizations; SRIC, Saferworld and SaferAfrica.

This committee held five meetings and submitted a final draft report of the agreement to establish RECSA to the Governmental Experts Meeting held in Nairobi, Kenya, from 16th to 20th June 2005.

The Governmental Experts meeting was held on 16th to 20th May, 2005 endorsed and approved the draft agreement for presentation to this Ministerial Review Conference for discussion and final approval. The same was discussed, adopted and signed by Ministers and other Plenipotentiaries on 21st June 2005.

With the signing of the above Agreement, the Nairobi Secretariat is now converted into the Regional Centre on Small Arms and Light Weapons and given more mandate with legal status as an Intergovernmental entity. After the signing of the Agreement establishing the Regional Center on Small Arms and Light Weapons, Ministers and other Plenipotentiaries from member States signed the Ministerial Declaration on Practical Implementation of Small Arms Action in the Great Lakes Region and the Horn of Africa, through which, inter-alia, mandated the Nairobi Secretariat to:

- a) Urgently develop a Staff manual and a full budget for RECSA ensuring its sustainability, including full staffing requirements, overheads and operational costs;
- b) Finalize the budget and forward it to Member States within a month of the signing of the RECSA Agreement;
- c) call an extraordinary meeting of the Council of Ministers to discuss the budget for adoption on the basis of an agreeable formula;
- d) urge Member States to ensure the continued functioning of the Secretariat, and in particular to:
 - i. request the Government of Kenya to consider continuing the present level of support for the Nairobi Secretariat ;
 - ii. implore Uganda and Tanzania to continue to support the effort;
 - iii. request other Member States to the Nairobi Declaration to also extend support to the Nairobi Secretariat;
- e) request the Government of the Republic of Kenya to expeditiously enter into a host Headquarters Agreement with RECSA; and;

f) urge the international community and Friends of Nairobi Declaration to commit financial resources in support of RECSA and its approved activities on a regular basis

In addition, Ministers and other Plenipotentiaries approved and adopted the best practices guidelines and minimum common standards on key issues in the implementation of the Nairobi Protocol. The Best practices guidelines are the outcome of five workshops on five following key areas identified in the implementation of the Nairobi Protocol:

- 1) Stockpile management;
- 2) Import, Export and Transfer Control ;
- 3) Marking , tracing and brokering;
- 4) Public awareness and destruction; and
- 5) Mutual Legal Assistance and operation capacity.

By approving the Best practices guidelines; the harmonization of legislations on firearms at national level will incorporate the guidelines in accordance with member States legal procedures. According to the approved Nairobi Protocol implementation Plan, the domestication of these guidelines is expected to take place before end of April 2006.

Finally, Ministers and other Plenipotentiaries signed a Joint Communiqué, in which inter – alia, they thanked the Government of Kenya for agreeing to expeditiously sign a host agreement with the Regional Centre in accordance with the Agreement on its establishment and also thank them for the sustained political and financial support it has accorded to the Nairobi Secretariat and encouraged the Government of Kenya to continue this support for the transitional period of the Regional Centre.