

MINISTERIAL DECLARATION

THE SECOND MINISTERIAL REVIEW CONFERENCE OF
THE NAIROBI DECLARATION ON
THE PROBLEM OF THE PROLIFERATION OF ILLICIT
SMALL ARMS AND LIGHT WEAPONS IN THE
GREAT LAKES REGION AND THE HORN OF AFRICA

Nairobi, April 20th and 21st, 2004

**Ministerial Declaration for Improved Capacity for Action on SALW in
the Great Lakes Region and the Horn of Africa**

We, the Ministers for Foreign Affairs and other plenipotentiaries of the countries of the Great Lakes Region and the Horn of Africa namely, Burundi, Democratic Republic of the Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and the United Republic of Tanzania, meeting at Nairobi on 20th and 21st of April 2004 on the occasion of *The Second Ministerial Review Conference of the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*;

Reaffirming the inherent right of states to individual or collective self defence as recognised in Article 51 of the United Nations Charter;

Gravely concerned with the problem of the proliferation of illicit small arms and light weapons in the Great Lakes Region and the Horn of Africa and the devastating consequences they have had in sustaining armed conflict and armed crime, degrading the environment, fuelling the illicit exploitation of natural resources and abetting terrorism and other serious crimes in the region;

Concerned about the supply of small arms and light weapons into the region and conscious of the need for effective controls of arms transfers by suppliers and brokers outside the region (including measures against transfer of surplus arms) to prevent the problem of illicit small arms and light weapons;

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, illicit possession and use of small arms and light weapons, ammunition and other related materials, owing to the harmful effects of those activities on the security of each state and the sub-region, their social and economic development and their right to live in peace;

Acknowledging that the problem of proliferation of illicit small arms and light weapons in the region has been exacerbated by internal political strife, terrorist activities and extreme poverty, and that a comprehensive strategy to arrest and deal with the problem must include putting in place structures and processes to promote democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth, and practical measures to ensure peace and security in Africa as expressed in the New Partnership for Africa's Development (NEPAD) initiative and the African Union (AU) Protocols and structures agreed in the Durban and Maputo Summits of 2002 and 2003 respectively;

Noting that in Africa, preventing, combating and eradicating the proliferation of illicit small arms and light weapons is a key element to promoting long-term security and creating conditions for sustainable development which is a cornerstone of NEPAD and one of the eight agreed priorities of the African Peace and Security Agenda (APSA) agreed upon in Addis Ababa on February 18, 2003.

Reaffirming the commitment undertaken by our governments in support 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 of July 2001, and the discussions on its implementation in Africa (2002) and at the United Nations First Biannual Meeting of States to consider progress made

in implementing the United Nations Programme of Action in New York (2003);

- The Protocol against the Illicit Manufacturing of, and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime of June 2001, and taking into account the compatible elements thereof in the African Convention on the Prevention and Combating of Terrorism;
- The OAU Bamako Declaration on the Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, of December 2000;
- The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa of March 2000; its Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa SAEM/GLR.HOA/1 of November 2000 and its Implementation Plan SAEM/GLR.HOA/2 of November 2000; and,
- The recommendations for Continued Concerted Action of the First Ministerial Review Conference of the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light weapons in the Great Lakes Region and the Horn of Africa, including its annexes on the operational guidelines for the improvement of the Nairobi Secretariat, of August 2002.

Supporting similar African initiatives such as those conducted by the Central African States, the Economic Community of West African States (ECOWAS), and the Southern African Development Community (SADC) States, including the holding of the *African Conference on the Implementation of the United Nations' Programme of Action on Small Arms: Needs and Partnerships* between African countries and Organisation for Economic Cooperation and Development (OECD) countries of March 2002;

Welcoming the initiative to undertake an international conference on the implementation of the United Nations Programme of Action for North African and Arab countries in Cairo, Egypt during December 2003;

Congratulating, the SADC States for having signed and ratified a legally binding Protocol on the Control of Firearms, Ammunition and other Related Materials that has entered into force in 2004;

Commending those States Parties to the Nairobi Declaration who have established and made operative their National Focal Points and initiated national assessments, leading to the establishment of National Action Plans for Arms Management and Disarmament,

Further Commending the work undertaken by the Nairobi Secretariat in charge of the regional coordination for the implementation of the above-mentioned commitments, the restructuring and strengthening of its Secretariat, the

development of coordinating and training tools for effective assistance to National Focal Points, the engagement with experts and with civil society, and the preparation of this Second Ministerial Review Conference;

Thanking the Police Chiefs of the region for having adopted 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 as developed by the Eastern African Police Chiefs Cooperation Organisation (EAPCCO) legal sub-committee in 2001 and mandated in the First Ministerial Review Conference of the Nairobi Declaration of 2002;

Welcoming the contribution of civil society organisations in supporting the implementation of the Nairobi Declaration and sensitising society as to the dangers of the proliferation and trafficking of small arms and light weapons and, in particular, for providing technical assistance and support to the Nairobi Secretariat;

Thanking the international community in general, and the UK Government through the Department for International Development (DFID) in particular, for its continued support for the implementation of the Nairobi Declaration through their support to the Nairobi Secretariat and States Parties engaged in National Action Plans; and

Welcoming the establishment of the Friends of the Nairobi Declaration initiative in support of approved coordination mechanisms and activities.

We do hereby declare our commitment to continue to take all necessary steps to prevent, combat and eradicate the trafficking in, and the proliferation of small arms, light weapons, ammunition and other related materials in the region.

To this end, our governments will, *inter alia*, undertake to:

1. Implement the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa by:

- a. *Undertaking* to ratify the Nairobi Protocol (see Annex A) as signed at this meeting by 31 December 2004;
- b. *Confirming* the Nairobi Secretariat as the coordinating agency for the ratification and implementation of the Protocol; and
- c. *Mandating* the Nairobi Secretariat to:
 - i. develop and implement the work plan for the implementation of the Protocol.
 - ii. Promote the rapid ratification of the Protocol by the States Parties.
 - iii. Report back in writing to Ministers on the progress of ratification and implementation on a six monthly basis.
- d. *Mandating* the National Focal Points to be responsible for monitoring the ratification, the implementation, the execution and evaluation of this protocol on the national level, in liaison with law enforcement agencies, and ensuring

adherence to the standards set out therein and informing Secretariat on a regular basis of progress thereof.

- e. *Appointing* the National Focal Point Coordinator in each Signatory State as the liaison between the Nairobi Secretariat and the relevant agencies in each Signatory State on all matters relating to the ratification and implementation of the Protocol.
- f. *Requesting* the National Focal Point Coordinators of each Signatory State to forward a ratification schedule to the Nairobi Secretariat in accordance with Article 22 of the Protocol, within 30 days of signature of the Protocol that will indicate the following:
 - i. Steps for ratification as required by the Constitutional Procedure of the Signatory State.
 - ii. Proposed timeframe for ratification of the Protocol with the completion date no later than 31 December 2004.
- g. *Mandating* the Coordinator of the Nairobi Secretariat to facilitate an information exchange and coordination process on ratification as a matter of urgency.

2. Consolidate the Nairobi Secretariat as the coordinating agency of the implementation of the Nairobi Declaration and the Nairobi Protocol as well as the leading sub-regional body for small arms and light weapons action in the Great Lakes Region and the Horn of Africa by:

- a. *Calling* on sub-regional, regional and international organisations to work with the Nairobi Secretariat in co-ordinating their activities on small arms and light weapons in the Great Lakes Region and the Horn of Africa to ensure compatibility with the objectives of the Nairobi Declaration.
- b. *Calling on the Commission of the AU to support the implementation of the Nairobi Declaration and other existing regional and national programmes of action by acknowledging that these existing regional and national plans of action have been developed in direct response to the Bamako Declaration of 2000 and are aligned to its recommendations; and promoting support to these initiatives in all meetings relating to the financial support to APSA priorities within the G8/NEPAD partnership and similar initiatives.*
- c. *Calling* on States Parties to the Declaration to ensure the effectiveness and sustainability of the Nairobi Secretariat by working to identify and activate alternative sources of funding in the sub-region.
- d. *Calling* on the Friends of the Nairobi Declaration to pursue their efforts as laid out in the approved Terms of Reference (see Annex B), and continue to provide support to the Nairobi Declaration and the Secretariat while State Parties are working to identify and activate alternative sources of funding in the sub-region.

- e. **Welcoming** 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 co-ordinated implementation of the Nairobi Declaration and the Nairobi Protocol (See Annex E).
- f. *Mandating* the Nairobi Secretariat to constitute a Committee of Experts drawn from all States Signatories to the Nairobi Declaration and the Nairobi Protocol. This Committee shall submit a final draft of the Agreement to establish RECSA to the 3rd Ministerial Review Conference in 2005.
- g. *Requesting* the Nairobi Secretariat to organise and hold a Ministerial Review Conference in 2005 to assist Signatory States in their preparation for the United Nations Biannual Meeting in 2006 and review progress with the implementation of the Nairobi Declaration and the Nairobi Protocol.

3. Improve the sub-regional and national capacity to prevent, control and reduce the problem of small arms and light weapons in the region by:

- a. *Urging* States Parties, that have not yet done so, to establish and operationalise National Focal Points and develop and implement sustainable and comprehensive National Action Plans for Arms Management.
- b. *Enhancing* the capacity of law enforcement agencies to prevent, combat and reduce the illicit proliferation of small arms and light weapons by mandating the Nairobi Secretariat and National Focal Points to:
 - (i) *Implement* the approved training curricula for law enforcement officials (see Annex C).
 - (ii) *Develop and implement* standard operating procedures for joint operations for small arms control and reduction.
 - (iii) *Develop and implement* a reference and operational manual (ROM) for interaction and co-ordination between National Focal Points and between National Focal Points and the Nairobi Secretariat.
- c. *Improving* the capacity of civil society to support the National Focal Points and the Nairobi Secretariat in the implementation of the Nairobi Declaration and the Nairobi Protocol by encouraging the implementation of the approved training curricula for organised civil society (see Annex D).

4. Build broader support for the Nairobi Declaration by:

- a. *Inviting* other states bordering the Great Lakes Region and the Horn of Africa, that are not yet members of similar initiatives, to sign the Nairobi Declaration and its ensuing documents and the Nairobi Protocol and join

States Parties in the prevention, control and reduction of small arms and light weapons in the sub-region.

- b. *Inviting* the Republic of Seychelles to sign this Ministerial Declaration and the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa. Further inviting the Republic of the Seychelles to sign the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa.
- c. *Further inviting* other like-minded states and organisations to join the Friends of the Nairobi Declaration and provide support to the Nairobi Secretariat in its endeavour to implement the Nairobi Declaration.
- d. *Encouraging* the Nairobi Secretariat to develop region to region interaction for exchange of information and lessons learned.
- e. *Recognising* the important role that civil society organisations have played in support of the Nairobi Declaration and hereby *Mandating* the Nairobi Secretariat to establish and support a sub-regional Civil Society Dialogue Forum for:
 - i. Inter-action and exchange of information between civil society, National Focal Points and the Nairobi Secretariat.
 - ii. Co-ordination of civil society activities in support of the Nairobi Declaration.
 - iii. Providing training and support for civil society activities in support of the implementation of the Nairobi Declaration.

We firmly believe that these measures will contribute towards preventing, combating and eradicating the stockpiling and illicit trafficking in small arms and light weapons, ammunition and related material, as well as guide effective implementation of the Declaration in the Great Lakes Region and the Horn of Africa.

Furthermore,

We continue to appeal for financial, technical and political support from other sub-regions and organisations on the continent, and from the international community for the effective implementation of this Ministerial Declaration for Improved Capacity for Action in the Great Lakes Region and the Horn of Africa; and

We mandate the Nairobi Secretariat to assist the region to prepare for the UN Interim Ministerial Meeting of 2005 leading to the UN Review Conference of 2006 and to hold a further Ministerial Review Conference to oversee the implementation and development of this Declaration in the year 2005.

In witness thereof, **We** the Ministers for Foreign Affairs and other plenipotentiaries of the countries of the Great Lakes Region and the Horn of Africa have signed this Declaration.

Done at Nairobi on this 21st of April 2004, in three original texts, in the English, French and Arabic languages, all three texts being equally authentic.

FOR THE REPUBLIC OF BURUNDI

FOR THE DEMOCRATIC
REPUBLIC OF THE CONGO

FOR THE REPUBLIC OF DJIBOUTI

FOR THE STATE OF ERITREA

FOR THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA

FOR THE REPUBLIC OF KENYA

FOR THE REPUBLIC OF RWANDA

FOR THE REPUBLIC OF SEYCHELLES

FOR THE REPUBLIC OF SUDAN

FOR THE REPUBLIC OF UGANDA

FOR THE UNITED REPUBLIC OF
TANZANIA