



Cooperating to Disarm

TOPIC:

**CHALLENGES OF COMBATING CROSS
BORDER CRIMES:**

- **SMALL ARMS**
- **TERRORISM**
- **DRUGS**
- **HUMAN TRAFFICKING**

PRESENTED BY:

**DR. FRANCIS K. SANG, CBS
EXECUTIVE SECRETARY
REGIONAL CENTRE ON SMALL ARMS
(RECSA)**

INTRODUCTION:

Allow me from the onset to extend my gratitude to the Foreign Service Institute, the organisers and facilitators of this course for inviting me to share with you my experience on the Challenges ***of Combating cross border crimes: namely Terrorism, drugs, human trafficking and Small Arms.***

As you may be aware the Regional Centre on Small arms and Light Weapons in the Great Lakes Region and Horn of Africa and Bordering States (RECSA) has a mandate to coordinate action on the implementation of the Nairobi Protocol on prevention control and reduction of Small arms and light weapons in all 12 Member countries signatory to the Protocol. Rwanda and Kenya are both signatories to this instrument.

My presence and interaction with you today demonstrates the cordial relationship between the Foreign Service Institute and RECSA. Not of course to mention the importance our organization attaches to this course which has 15 Rwandese Diplomats.

While some of the issues I was asked to present on are broad and outside the mandate of RECSA which addresses issues of small arms and light weapons, I would like to emphasize that terrorism, drugs, and human trafficking are crimes with a close relationship with small arms. They have an international dimension and are indentified as a threat to the lives and social welfare of the citizen of every country.

The pervasive character of these crimes presents a major challenge to law enforcement agencies due to the discrete nature of their occurrence which takes place in an environment of corruption, intimidation, lack of stringent legislation, poor cooperation among policing agencies that may operate under different national legal structures or enforcement mandates.

The challenge of addressing these crimes allows criminals to become more adept by continually honing their skills and techniques while developing new approaches to the disadvantage of law enforcement and other regulatory agencies.

My presentation will mainly be centered on small arms and terrorism.

WHAT ARE SMALL ARMS AND LIGHT WEAPONS?

Small arms are a category of weapons defined by size, technical and operational capacity, and by how many people can operate them. Small arms are light, portable, and some are concealable. They can be carried and used by one person. They include rifles, sub-machine guns, shot guns, pistols/revolvers.

Lights weapons are designed for use by several persons serving as a crew and can be transported by a pack animal or small vehicle. They include heavy machine guns, mortar launchers, anti-aircraft weapons and shoulder-fired missiles. Included within the definition of small arms and light weapons are also the ammunition used with these weapons, explosives and other related material

ADDRESSING THE PROBLEM OF SMALL ARMS AND LIGHT WEAPONS

The political economy of the arms industry is dynamic and transnational in nature. According to studies, more than 1,000 companies worldwide are involved in one or more aspect of small arms production, whereas 98 countries produce or have capacity to produce small arms and/or ammunition. The total global value of small arms production in the year 2000 was at least \$7.4 billion.

The supply and demand of small arms and light weapons can be viewed as interrelated variables, with a chain process that stretches from the original 'production' to their 'end use' on the ground. The control and management of these two variables must include controlling and managing their production, transfer, brokering and trade. Studies done indicate that the demand factor stimulates movement of weapons at every stage that they are traded, brokered, or leaked from stockpiles and from the manufacturing point.

The beneficiaries of this movement of small arms and light weapons include individuals, rebel groups, government officials and international gun-runners. Supply and demand sustain trade in small arms, as individuals and other interest groups fight to maintain the status quo.

The internationalization of small arms is by and large a construct of the internationalization of conflict, crime and their proxy identities. Efforts to curb and control small arms proliferation therefore require strategic and comprehensive approaches.

The issue of small arms should be treated as a collective interest issue which if addressed appropriately forms an important ingredient towards international peace and security. International co-operation is the very vehicle through which the problem of small arms and light weapons can be adequately addressed to deliver this good. Co-operation entails diplomatic engagement, international legal co-operation and inclusion of civil society.

REGIONAL RESPONSES TO THE PROBLEM OF SMALL ARMS

Perhaps because Africa was a principal victim of armed violence, it was one of the first regions in the world that acknowledged the complex dynamics and problems

associated with excessive accumulation and increased availability of small arms and light weapons.

The African responses to the problem of small arms have taken various forms.

These can be categorised as common African continental approaches where by the Bamako Declaration of December 2000 was signed to develop an African Common Position on the illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons in All Its Aspects prior to UNPOA meeting in July 2001.

The other regional approaches such the ECOWAS Moratorium, SADC Protocol and The Nairobi Declaration and Nairobi Protocol are instruments signed by the Member States at the sub- regional levels to implement small arms measures at the national level.

Implementation of these problems has not been without hiccups. The provisions of the ECOWAS Moratorium, for example, have been routinely flouted, with disastrous consequences on human rights and regional security. The contributing factors have often been found to include lax

arms export controls from the supplier countries and other regional allies who provide cover or trans-national arms traffickers motivated by profit on valuable commodities such as diamonds or timber concessions for arms.

In the recognition of these salient problems of the soft basis of the Moratorium, the ECOWAS states in June 2006 signed ECOWAS Convention that will be legally binding on its ratification. The establishment of the Small arms Unit within the ECOWAS to coordinate the implementation of the Convention with the National Commission of the signatory states will ultimately realize the principles of the Moratorium and the Convention.

THE PROBLEM OF SMALL ARMS IN THE GREAT LAKES AND HORN OF AFRICA REGIONS

The problem of small arms and light weapons in the Great Lakes Region and Horn of Africa trace back to history and the endless military and political conflicts we have had in the region in the past few decades.

The Great Lakes and Horn of Africa Regions, you will agree have been the most affected sub-regions in Africa. Among the major causes of these conflicts are: internal political strives often characterized by the fight between rival ethnic groups; regionalism where the political leadership give priority to their places of origin on matters related to social and economic infrastructure and welfare.

The other major cause of conflicts has been lack of good governance whose main characteristics are corruption, politically generated violence, dictatorship, misuse and unfair distribution of national resources culminating to the absence of social justice.

The conflicts have provided both the environment and tools to armed groups and organized criminals to flourish who pursue political and economic ambitions through armed violence.

The proliferation of the illicit small arms in the Great Lakes and the Horn of Africa Region has also been recognized to be caused by inadequate and ineffective policies and stringent legislation to control and manage cross- border flow of illicit small arms and light weapons. It has been established that

small arms and light weapons have been a major factor in sustaining armed conflict, cross-border cattle rustling and other serious armed crimes in the region.

The presence of small arms in society therefore undermines security and perceptions of security. In cases where the State is not able to provide security, the citizens have normally resorted to providing for their own security through the illegal possession and use of small arms.

The challenges faced in bringing stability to the Kenya-Uganda border region where instability is the result of rampant armed cattle rustling is an example that calls for effective security measures.

The pastoralists' communities are known to have stated that until they feel safe from attacks by their rival groups they will continue to bear arms to protect themselves.

NAIROBI DECLARATION AND ITS ACHIEVEMENTS:

The achievements made by the Member States of the Great Lakes Region and Horn of Africa using the regional

cooperation approach in the fight against small arms are acknowledged across the world. This is specifically in the implementation 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 signing of the Nairobi Declaration in March 2000 by 10 member states, namely Burundi, DRC, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Uganda and Tanzania set its Agenda for Action in the prevention, management and resolution of the problem of proliferation of SALW in the region. On signing of the Nairobi Protocol, Seychelles and Somalia brought the number of the countries to 12 who are signatories to the initiative.

On signing of the Nairobi Declaration, a Coordinated Agenda for Action and its Implementation Plan was developed to promote human security to ensure that all states have in place adequate laws, regulations and administrative procedures to exercise effective control over the possession and transfer of small arms and light weapons. Seven key areas key implementation were identified as follows:-

- (i) Institutional Framework;

- (ii) Regional Cooperation and Coordination;
- (iii) Legislative measures;
- (iv) Operational and Capacity Building;
- (v) Control Measures (seizures, forfeitures, distribution, collection and destruction);
- (vi) Information exchange and record keeping; and
- (vii) Public awareness

THE NAIROBI PROTOCOL

The most significant steps taken by the Member States, four years after the signing of the Nairobi Declaration is the signing of a legally binding instrument, under 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.

The Nairobi Protocol seeks to harmonize legislation across the Great Lakes Region and Horn of Africa. It is a comprehensive and far reaching instrument covering strategic measures to fight against the proliferation and management of small arms in the region.

The objective of the Protocol is to prevent and eradicate the illicit manufacturing of, trafficking in, possession and use of small arms and light weapons in the sub-region. The protocol encourages the promotion and the sharing of information; accountability and law enforcement.

To implement the Nairobi Protocol, RECSA with the Coordinators of the National Focal Points had to unpack the Protocol and developed the Best Practice Guidelines and the

Regional Legislation Harmonization Guidelines for reviewing national legislation on SALW in conformity with the Protocol.

TERRORISM

The terrorist attacks of 9/11 ushered in a new era of global terrorism quite distinct in shape and form from anything that has gone on before. Prior to the end of the Cold War terrorism was largely associated with the rise of nationalism and the establishment of the nation state, or more specifically nations without states. For the most part this form of terrorism was undertaken locally with terrorist strategies directed at specific national targets. Those terrorist movements that emerged since the Cold War have a global and geopolitical focus to their activities, in that they seek to restructure world society in their own image.

The emergence of the new forms of terrorism is as a result of a mixture of factors mainly related to technological advancement that have brought the world closer – the global village concept. Though these developments underpin legitimate commercial activities in the day-to-day's fast-

paced global market, criminal networks have also geared up their operations. Unscrupulous individuals and or syndicates of organized criminals have used the same developments to perpetrate their ill schemes against mankind.

Terrorism is therefore an indiscriminate terror that is transnational in nature and requires more effective international cooperation to tackle it. It does not pick the poor from the rich nor does it choose between men and women or between children and the very old. If they intend to attack they go for their target without any consideration. This is what makes terrorism the worst crime on the earth today.

There is no casual relationship between the proliferation of small arms and terrorism, but small arms and light weapons are the means of committing terrorism acts. Examples are the Nairobi bombers who used pistols to scare away the security guards before planting the car bomb outside the US Embassy.

The Second example is the Israel passenger air craft, flying out of Mombasa in November 2002 which came under attack from two surface-to-air missiles. Although the missiles

missed their target, the event sent shock waves far and wide, creating the perception that the East African region was insecure.

DRUG TRAFFICKING

Drug trafficking is the crime of the moment and a matter that requires increased coordination among law enforcement agencies at both national and international levels.

The international criminal networks and drug trafficking organizations have taken advantage of dramatic changes in technology to become more sophisticated and flexible in their operations.

The movement of illicit drugs, internationally, is almost completely controlled by transitional organized groups. Drugs, for these groups or syndicates, are an important source of their revenue. A large number of criminals are now extending their activities from crime such as robbery and extortion to national and international drug trafficking due to the huge profit margin.

The major drug smugglers engage even specialists and other legal experts to research commercial flows and learn more about tariff laws and administrative procedures in the world's major commercial ports. With such information, the traffickers are able to exploit international air, sea, and land shipping to move drugs past the customs and law enforcement agencies.

Countries with weak social institutional structures are particularly vulnerable to drug abuse and trafficking. Some of these countries have collapsed state structures leaving institutional vacuums being exploited by drug trafficking syndicates. These vacuums are caused by non-existence of effective police systems, financial and commercial regulatory mechanisms. In particular the criminal groups will always take advantage of the lax border controls and trade barriers.

TRAFFICKING IN HUMAN BEINGS

The trafficking of human beings is an international organized, criminal phenomenon that has grave consequences for safety, welfare and human rights of the victims.

Women from developing countries and young children all over the world are especially vulnerable to trafficking for the purpose of sexual exploitation (prostitution), production of child pornography movies, forced labour, removal of organs or illegal adoption in the case of children.

Trafficking in women for sexual exploitation is a multi-billion-dollar business which involves citizens of most countries and helps sustain organized crimes. Trafficking in human beings is a violation of human rights; it destroys the lives of its victims.

Child sexual exploitation on the internet ranges from posting of their photos to visual recordings of brutal sexual crimes. One of the Interpol's main tools for helping police fight this type of crime is the INTERPOL Child Abuse Image Database. Created in 2001, it contains hundreds of thousands of images depicting child sexual abuse submitted by member countries, thereby facilitating the sharing of images and information to assist law enforcement agencies with the identification of new victims and their captors.

At least 60% of foreign commercial sex workers in Italy hail from African countries. The trans-national criminal nature of trafficking overwhelms many law enforcement agencies in many countries which are not equipped to fight organized criminal gangs that operate across the national boundaries with impunity.

Today, the UN estimates that trafficking in persons generates between US\$7 to US\$10 billion annually for traffickers.

MAJOR CHALLENGES TO COUNTERING SMALL ARMS PROLIFERATION, TERRORISM, DRUGS AND HUMAN TRAFFICKING

The proliferation of small arms and terrorism will definitely continue to be a major concern globally, regionally and indeed within our countries. Effective cooperation among States and their respective law enforcement agencies will be necessary.

Like drug trafficking, other criminal organizations and terrorist groups will become more sophisticated through the use of computer technology that enhances their communications and logistics networks. This will call on countries to embrace the intelligence- led policing to pre-empt crimes before they are committed.

The new *modus operandi* in the commitment of transnational crimes will call for 24 hours internet patrol by well trained law enforcement officials to analyze and detect such crimes before they spread or are committed.

The law enforcement officers should undergo continuous training to sharpen their investigative skills to be able to combat the proliferation of small arms and terrorism.

Sharing of information and intelligence on organized groups should be enhanced towards disrupting their funding channels with the aim of countering these types of crimes.

Countries should strive to come up with legislation that adequately address international crimes such as terrorism, human trafficking, trafficking of illicit arms and drugs.

The issue of Extradition treaties needs to be reviewed, as the lack of such agreements is often a bottleneck when dealing with crimes of such an international nature.

CONCLUDING STATEMENT

It is imperative that a holistic and partnership approach between governments, international bodies and civil society be employed to combat small arms proliferation, terrorism, human trafficking and drugs.

Harmonized legislation and specific regime controls to govern regional crime management among States is of paramount importance if people's lives and economic endeavors are to be secured. The lone-state approach to regional threats only increases vulnerability.

The world today is fighting a new kind of war. It is a war without borders and spans all continents. This is because the national borders are irrelevant to criminals. It is a war that no single country can hope to fight alone and succeed.

It is a war that would needs a different kind of response.

The victory will only occur if we act much earlier than the next illicit arms proliferators, human traffickers, terror attackers and drug traffickers.

All countries must remain on the offensive, pre-emptively stopping terrorists seeking to harm our countries and citizens. This way the environment will become inhospitable to terrorism.

THANK YOU

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