

Approved for tabling.

Paper Laid by  
V. Chair Regional  
Integration  
Hon Ali Wario  
on 30/3/2021

BWA  
SNA  
30/3/2021

REPUBLIC OF KENYA



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TWELFTH PARLIAMENT - (FIFTH SESSION)  
THE NATIONAL ASSEMBLY

THE SELECT COMMITTEE ON REGIONAL INTEGRATION

REPORT ON THE CONSIDERATION OF THE EAST AFRICAN LEGISLATIVE  
ASSEMBLY'S REPORT OF THE COMMITTEE ON REGIONAL AFFAIRS AND  
CONFLICT RESOLUTION ON THE OVERSIGHT ACTIVITY ON THE  
PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS IN THE EAST  
AFRICAN REGION

Directorate of Audit, Appropriations and  
Other Select Committees,  
National Assembly,  
Parliament Buildings,  
Nairobi

March, 2021

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 30 MAR 2021	DAY: TUESDAY
TABLED BY:	Hon Ali Wario MP
CLERK AT THE TABLE:	P MUIGA

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## **LIST OF ABBREVIATIONS/ACRONYMS**

- EAC East African Community
- EACJ East African Court of Justice
- EALA East African Legislative Assembly
- EASCOF East Africa Civil Society Organizations Forum
- RACR Regional Affairs and Conflict Resolution
- RECSA Regional Centre on Small Arms

**FOREWORD**

This Report contains the Committee’s consideration of the Report of the Committee on Regional Affairs and Conflict Resolution on the Proliferation of small arms and light weapons in the East African Region. The report was tabled at the 1<sup>st</sup> meeting of the 3<sup>rd</sup> Session of the 4<sup>th</sup> East Africa Legislative Assembly (EALA) held in Arusha, Tanzania from 16<sup>th</sup> September to 5<sup>th</sup> October 2019.

The Report was transmitted to the National Assembly for deliberation as provided for in Article 65 of the Treaty Establishing the East African Community and subsequently committed to the Select Committee on Regional Integration for consideration and reporting. The Committee considered the Reports in a retreat held in Machakos County on 24<sup>th</sup> to 27<sup>th</sup> September, 2020.

In considering the reports, the Committee received and incorporated views from the Ministry of East African Community and Regional Development.

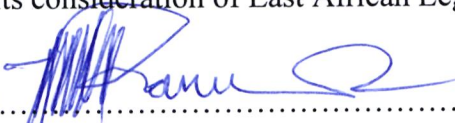
The Committee observed that the successful management of movement of Small and Light Weapons in the region largely depends on the implementation of the EAC Peace and Security Protocol. Partner states implementation of the protocol and funding of its activities is below the expected performance levels.

The Committee further noted that while the EAC Protocol on Peace and Security has been ratified by all Partner States, it does not indicate the institution charged with its implementation. There is urgent need of establishing such an institution to handle issues related to peace and security.

The Committee supports the recommendations as adopted by the Assembly and further urges the Council of Ministers to expedite the development of a regional legislative framework for the control of small arms and light weapons in the EAC.

May I take this opportunity to thank all Members of the Committee for their input during the consideration of this report. The Committee expresses its gratitude to the Office of the Speaker and the Clerk of the National Assembly for the support accorded to the Members of the Committee in execution of its mandate.

On behalf of the Select Committee on Regional Integration and pursuant to the provisions of Standing Order 199(6), it is my pleasant duty to present to this House the Report of the Committee on its consideration of East African Legislative Assembly Resolutions.

Signed..........Date.....

**Hon. Ali Wario, MP CBS**  
**Chairperson**  
**Select Committee on Regional Integration**



## **1.0 PREFACE**

### **1.1 Establishment and mandate of the Committee**

1. The Select Committee on Regional Integration is established under the National Assembly Standing Order 212. It was constituted in December 2017 following adoption of a motion on membership of committees by the House.
2. As provided for in the Standing Order 212 (2), the Committee is mandated to;
  - (a) enhance the involvement of the National Assembly in intensification and development of the integration process in the East African Community and the greater African region;
  - (b) examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;
  - (c) examine the Bills introduced in the East African legislative Assembly and Acts of the East African Community;
  - (d) examine records of relevant debates and resolutions of Pan African Parliament, the African Caribbean and Pacific- European Union Joint Parliamentary Assembly and other regional bodies;
  - (e) inquire into and examine any other matter relating to regional integration generally requiring action by the House.

### **1.2 Committee Membership**

3. The Committee comprises of the following Members:

#### **Chairperson**

Hon. Ali Wario, CBS, M.P,  
Bura Constituency

#### **Jubilee Party**

#### **Vice- Chairperson**

Hon. Capt. Ruweida Mohamed, M.P  
Lamu County Women Representative

#### **Jubilee Party**

Hon. Ezekiel Machogu Ombaki, M.P  
Nyaribari Masaba Constituency  
**NAPK Party**

Hon. Malulu Injendi, M.P  
Malava Constituency  
**Jubilee Party**

Hon. Kubai Iringo, M.P  
Igembe Central Constituency  
**Jubilee Party**

Hon. Janet Teiyaa, M.P  
Kajiado County Women representative  
**Jubilee Party**

Hon. Mathias Robi, M.P  
Kuria West Constituency  
**Jubilee Party**

Hon. Abdi Mude Ibrahim, M.P,  
Lafey Constituency  
**Economic Freedom Party (EFP)**

Hon. Erastus Nzioka, M.P.  
Mbooni Constituency  
**ND Party**

Hon. Ndindi Nyoro, M.P.  
Kiharu Constituency  
**Jubilee Party**

Hon. Geoffrey Omuse, M.P  
Teso South Constituency  
**Orange Democratic Movement**

Hon. Janet Ongera, M.P  
Kisii County Women Representative  
**Orange Democratic Movement**

Hon. Dr. Gideon Ochanda, M.P.  
Bondo Constituency  
**Orange Democratic Movement**

Hon. Kassim Sawa Tandaza, M.P.  
Matuga Constituency  
**ANC**

Hon. Nasri Sahal Ibrahim  
Nominated  
**FORD-K**

Hon. Hilary Kiplang'at Kosgei, M.P.  
Kipkelion West Constituency  
**Jubilee Party**

Hon. James Mwangi Gakuya, M.P.  
Embakasi North Constituency  
**Jubilee Party**

Hon. Ali Wario Guyo, M.P.  
Garsen Constituency  
**Wiper Democratic Movement Party**

The Hon. Alfred Sambu, MP  
Webuye East  
**ANC**

Hon. Paul Kahindi Katana, MP  
Kaloleni Constituency  
**Orange Democratic Movement**

Hon. Jane Wanjiku Njiru, M.P  
Embu County Women Representative  
**Jubilee Party**

Hon. John Kiarie Waweru, M.P.  
Dagoretti South Constituency  
**Jubilee Party**

Hon. Elijah Memusi Kanchory, M.P  
Kajiado Central Constituency  
**Orange Democratic Movement**

### **1.3 Committee Secretariat**

4. The Committee secretariat comprises of:

- |                           |                              |
|---------------------------|------------------------------|
| 1. Mr. Abdullahi Aden     | Principal Clerk Assistant II |
| 2. Dr. Kefa Omoti         | Principal Research Officer   |
| 3. Mr. Sidney Lugaga      | Legal Counsel I              |
| 4. Ms. Ruth Mwhaki Gakuya | Clerk Assistant II           |
| 5. Ms. Catherine Mukunyi  | Serjeant At Arms             |
| 6. Mr. Boniface Mugambi   | Sergeant At arms             |



## **2.0 INTRODUCTION**

5. The East African Legislative Assembly is the legislative organ of the East African Community established under Article 9 of the Treaty Establishing the East African Community. Article 49 of the Treaty bestows upon the Assembly the functions of legislation, oversight and representation and provided for the establishment of committees by the Assembly for such purposes, as it deems necessary.
6. The Regional Affairs and Conflict Resolution (RACR) is one of the six (6) Standing Committees of the EALA charged with amongst others, matters related with free movements of persons, labour, services, right of establishment and residence, cooperation in political matters, cooperation in other fields, international organizations and development matters. The Committee operates on the basis of reports from the relevant Sectoral Committees as well as work initiated on its own motion.
7. The Report of the Committee on Regional Affairs and Conflict Resolution on the Proliferation of small arms and light weapons in the East African Region was tabled and adopted by the EALA during its 1<sup>st</sup> meeting of the 3<sup>rd</sup> Session of the 4<sup>th</sup> Assembly held in Arusha, Tanzania from 16<sup>th</sup> September to 5<sup>th</sup> October, 2019,
8. Article 65 of the Treaty provides for relations between the East Africa Legislative Assembly (EALA) and the National Assemblies of the partner States. It is in line with the Treaty provisions that the Report was tabled before the Kenya National Assembly on 7th November, 2019 and subsequently, committed to the Committee for consideration in line with the provisions of Standing Order 212. The Committee considered the Reports in a retreat held in Machakos County on 24th to 27th September 2020.
9. The Committee considered the Reports in a retreat held in Machakos County on 24<sup>th</sup> to 27<sup>th</sup> September, 2020. In considering the Report, the Committee sought and received submissions from the Ministry of East African Community and Regional Development. The deliberations and findings of the Committee are discussed hereunder.

## **3.0 CONSIDERATION OF THE REPORT OF THE EALA COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT RESOLUTION ON THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS IN THE EAST AFRICAN REGION**

10. The Committee considered the Report of the EALA Committee on Regional Affairs and Conflict Resolution on the Proliferation of small arms and light weapons in the East African Region and noted that:
  - a. In March 2019, the Regional Affairs and Conflict Resolution (RACR) Committee analyzed the Council of Minister's report on the progress made by the EAC on the development of its common foreign and security policies. The Committee Report was thereafter discussed and adopted by EALA.



- b. Notably, the RACR report had highlighted many serious security challenges facing the East African region such as the persistent issues of illicit Arms trafficking, misuse of Small Arms and Light Weapon (SALW), Terrorism and other transnational organized crimes. Consequently, RACR Committee resolved to undertake a comprehensive activity to assess the prevalence of the proliferation of SALW and its effects on security as well as the impact of the control of SALW.
- c. The objective of the activity was to make recommendations to the Assembly for consideration by the Council of Ministers on measures to be undertaken to effectively address the challenge of SALW in order to ensure lasting peace in the EAC region.
- d. The implementation of the EAC dream through operationalization of the pillars of the Integration process would be futile unless deliberate measures designed to ensure peace and stability are also pursued. The Treaty for the establishment of EAC thus provides for cooperation in regional peace and security matters.
- e. The observed rapid increase in number of SALW in the region presents a direct threat to the development of the East African region and the African Continent as a whole. This is compounded by easy availability and immovability of SALW which in turn, escalates armed conflict, sustained poaching and cattle rustling coupled with terrorism and other serious crimes.
- f. Besides the regional level, the proliferation of small arms is also a matter of concern at the African Union and international level. At the regional level, during the 13<sup>th</sup> EAC Council of Ministers meeting held in November 2006, the Council adopted the EAC Peace and Security Strategy as a framework to guide EAC interventions in the peace and security sector. The Strategy covers the collaboration on cross border crimes, auto theft and drugs trafficking.
- g. The Committee in its enquiry had engaged and interacted with key regional bodies on security among them the Regional Centre on Small Arms (RECSA) and the International Committee of the Red Cross.
- h. The Committee examined the magnitude and impact of the proliferation of SALW in East Africa and the progress made by EAC partner States in strengthening security of the community.

11. The findings of the report were as follows:

- a) On the magnitude of Small Arms Challenge. The Committee was informed that according to the 2018 Geneva Small Arms Survey, there are 7.8 million small arms in the wrong hands in a region where almost half of the Countries - Somalia, South Sudan, Sudan, Democratic Republic of Congo and Burundi are experiencing or just emerging from conflict.
- b) Contributing factors: The factors promoting the demand and supply of SALW in the region are:
  - i. chronic instability in some of the countries of the sub-region;
  - ii. intra-state ethnic violence among pastoralists;

- iii. gun culture especially in the pastoral zones;
  - iv. availability of the guns in the market;
  - v. fear of insecurity;
  - vi. porous borders;
  - vii. ethnic rivalries;
  - viii. scarcity and contestation over shared resources;
  - ix. cross bordering regional land use conflict;
  - x. organized crimes; and
  - xi. poverty and unemployment.
- c) **Legal instruments:** At the EAC regional level, the Peace and Security protocol is the sole existing instrument whose objectives are to foster regional peace and security, combating terrorism and piracy, peace support operations, control of the proliferation of SALW.
- d) At the continental level, the Nairobi Protocol for the Prevention, Control and Reduction of SALW in the Great Lakes Region and the Horn of Africa and bordering States was signed in April 2004 and entered into force in 2006. The Protocol is one of the most comprehensive legally binding regional agreement on SALW. A regional office Secretariat (RECSA) to coordinate and oversee the implementation of the protocol was established in Nairobi. All partner states have established National Focal Points (NFP) to oversee the implementation of the Protocol and have reviewed and modified their legislation in accordance with the provisions of the Nairobi Protocol.
- e) **Institutional arrangements:** All the EAC Countries have established the National Focal Offices to coordinate the issues of illicit flow of fire arms, regional office Secretariats (RECSA) to coordinate and oversee the implementation of the protocol was established in Nairobi, Kenya.

12. The Committee had made the following observations:

- a. That while the EAC Peace and Security Protocol is the only existing legal instrument for fostering peace and security in the region, the Protocol lacks a modus operandi framework, without proper funding and human resource capacity. Its implementation is therefore timid and slow.
- b. The East African States are among the 36 countries across the globe which have signed the Arms Trade Treaty (2013) that entered into force in December 2014. However, none of them has ratified the treaty.
- c. The United Republic of Tanzania and the Republic of South Sudan have not yet ratified the Nairobi protocol but have signed and are in the process of implementation.
- d. The EAC does not have a coordinated and harmonized approach in dealing with the problem of illicit flow of firearms and light weapons. This has created an institutional lacuna in the operationalization and implementation of the agreed areas of cooperation.



- e. The EAC region is still lagging behind in the marking and registration of firearms, which is one of the crucial aspects of the Nairobi protocol on illicit flow of firearms and light weapons. The Republics of Uganda, Rwanda and Kenya are the only EAC Partner States marking and registering firearms. In the republic of Burundi, only the Burundi National Police is marking firearms.
- f. Inadequate border control mechanisms - a history of conflict in the Horn of Africa and the great lakes region as well as minimal police presence in vast and porous parts of the East Africa Region have created a favorable environment for illicit small arms trafficking and possession.
- g. Proliferation in SALW is predominant in areas where resources and development are less and scarce such as Turkana and Karamojong.
- h. Although awareness and sensitization campaigns on eliminating SALW is very critical, it has not been given the necessary attention
- i. There is need for all partner states to enhance flow and exchange of information in order to deal with illicit flow of arms.

13. The EALA Committee had made the following recommendations:

- a. That the Council of Ministers—
  - i. Ensures that all the EAC partner States expedite the process of ratification and domestication of the Nairobi Protocol and the Arms Trade Treaty;
  - ii. Urgently expedite developing a regional legislative framework of addressing the problem of proliferation of SALW in the EAC;
  - iii. Expedite the establishment of the relevant institutions to implement, coordinate and operationalize the provisions of these Protocols; and
  - iv. Introduce sunset clauses and give specific timelines for partner States to ratify these protocols.
- b. That the Council of Ministers to ensure that as a matter of priority, all EAC countries prioritize the process of marking and registering the firearms and light weapons in order to enhance the fight against the transboundary crime.
- c. Development of an integrated, holistic and comprehensive long-term civilian approach towards disarmament. This should be complemented by socio-economic inputs and confidence building measures between public and security officers. In addition, the approaches should be of regional nature and should address the alternative livelihoods and demobilize the minds.
- d. That the Council of Ministers to ensure that as a matter of priority, urgent measures are undertaken to ensure that the necessary funding is advanced to RECSA to enable it implement the Nairobi protocol.
- e. Partner states develop requisite laws to regulate the flow and movement of firearms within the region.

- f. The EAC establishes a regional database to enable generation and dissemination of information in a timely manner on proliferation of SALW.

### **3.1.1. Submissions from the Ministry of East African Community and Regional Development**

The Principal Secretary, Ministry of East African Community and Regional Development, Dr. Kevit Desai informed the Committee that the recommendations of the Assembly supported the ongoing regional initiatives on the control of proliferation of SALW and hence need concurrence. The regional initiatives include the establishment of National Focal points/Agencies, marking and tracing small arms and light weapons and record keeping, and sensitization of the public on voluntary surrender of illicit arms.

## **4.0 COMMITTEE OBSERVATIONS**

14. Upon Consideration of Report of the EALA Committee on Regional Affairs and Conflict Resolution on the Proliferation of small arms and light weapons in the East African Region the Committee made the following observations, that:

- 1) Successful management of movement of Small and Light Weapons in the region largely depends on the implementation of the EAC Peace and Security Protocol. Partner states implementation of the protocol and funding of its activities is below the expected performance levels
- 2) The EAC Protocol on Peace and Ssecurity has been ratified by all Partner States but does not indicate the institution charged with its implementation. There is urgent need of establishing such an institution to handle issues related to peace and security.

## **5.0 COMMITTEE RECOMENDATIONS**

15. Having considered the Report of the EALA Committee on Regional Affairs and Conflict Resolution on the Proliferation of small arms and light weapons in the East African Region, the Committee supports the Committee recommendations as adopted by the Assembly and urges the Council of Ministers to expedite the development of a regional legislative framework for the control of small arms and light weapons in the EAC.

Signed..........Date.....11/03/2021.....

**Hon. Ali Wario, MP CBS**  
**Chairperson**  
**Select Committee on Regional Integration**



KENYA NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - (FIFTH SESSION)

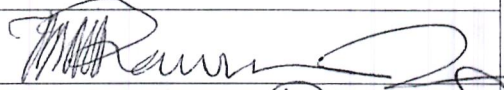
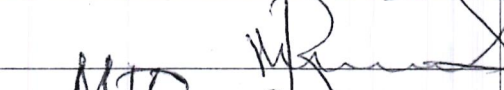
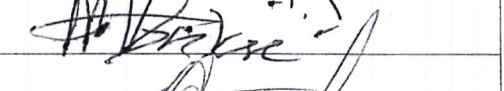
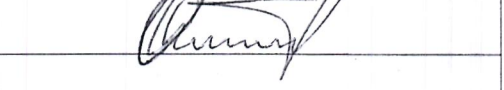
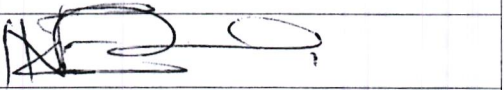

SELECT COMMITTEE ON REGIONAL INTEGRATION

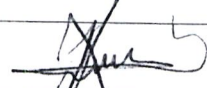
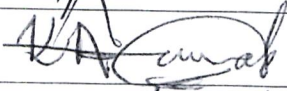


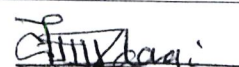

ADOPTION LIST

REPORT ON THE CONSIDERATION OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY'S :-

1. REPORT OF THE COMMITTEE ON AGRICULTURE, TOURISM AND NATURAL RESOURCES, ON THE OVERSIGHT ACTIVITY ON THE PERFORMANCE OF THE TOURISM SECTOR IN THE
2. REPORT OF THE COMMITTEE ON ACCOUNTS ON ITS OVERSIGHT ACTIVITY TO THE LAKE VICTORIA BASIN COMMISSION
3. REPORT OF THE COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT RESOLUTION ON THE OVERSIGHT ACTIVITY ON THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS IN THE EAST AFRICAN REGION

Date : 03/3/2021

	NAME	SIGNATURE
1.	Hon. Ali Wario, CBS, M.P. - Chairperson	
2.	Hon. (Capt.) Ruweida Mohamed, M.P. - Vice Chairperson	
3.	Hon. Ezekiel Machogu Ombaki, MP	
4.	Hon. Cyprian Kubai Iringo, M.P	
5.	Hon. Moses Malulu Injendi, M.P.	
6.	Hon. Janet Marania Teyiaa, M.P.	
7.	Hon. Mathias Nyamabe Robi, M.P.	
8.	Hon. Abdi Mude Ibrahim, M.P.	
9.	Hon. Erastus Kivasu Nzioka, M.P.	
10.	Hon. Samson Ndindi Nyoro, M.P.	
11.	Hon. Geoffrey Omuse, M.P.	
12.	Hon. Janet Ong'era, CBS M.P.	
13.	Hon. Memusi Ole Kanchoro, M.P. <i>Elisah Memusi Kanchoro</i>	
14.	Hon. Gideon Ochanda, M.P.	

15.	Hon. Ali Wario Guyo, M.P.	
16.	Hon. Kassim Sawa Tandaza, M.P.	
17.	Hon. Nasri Sahal Ibrahim, M.P.	
18.	Hon. Hilary Kosgei, M.P.	
19.	Hon. James Mwangi Gakuya, M.P.	
20.	Hon. Alfred Sambu, M.P.	
21.	Hon. Paul Kahindi Katana, M.P.	
22.	Hon. Jane Wanjuki Njiru, M.P.	
23.	Hon. John Kiarie Waweru, M.P.	

**MINUTES OF THE 6<sup>TH</sup> SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON WEDNESDAY 3<sup>RD</sup> MARCH, 2021 IN THE COMMITTEE ROOM ON 5<sup>TH</sup> FLOOR, CONTINENTAL HOUSE, AT 2.30 PM**

**PRESENT**

1. The Hon. Ali Wario, CBS, M.P. - **Chairperson**
2. The Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. The Hon. Ezekiel Machogu Ombaki, MP
4. Hon. Kubai Iringo, M.P
5. The Hon. Elijah Memusi Kanchory, M.P.
6. The Hon. Erastus Kivasu Nzioka, M.P.
7. The Hon. Ali Wario Guyo, M.P.
8. The Hon. Kassim Sawa Tandaza, M.P.
9. The Hon. Nasri Sahal Ibrahim, MP
10. The Hon. James Mwangi Gakuya, M.P.
11. The Hon. Jane Wanjuki Njiru, M.P.
12. The Hon. Paul Kahindi Katana, M.P.

**ABSENT WITH APOLOGIES**

1. The Hon. Sen. Janet Ongera, CBS, MP
2. The Hon. Mathias Nyamabe Robi, M.P.
3. The Hon. Ndindi Nyoro, M.P.
4. The Hon. Abdi Mude Ibrahim, MP
5. The Hon. Gideon Ochanda, M.P.
6. The Hon. Hilary Kosgei, M.P.
7. The Hon. Geoffrey Omuse, M.P.
8. The Hon. Moses Malulu Injendi, M.P.
9. The Hon. John Kiarie Waweru, M.P
10. The Hon. Janet Teyiaa, M.P.

**ABSENT WITHOUT APOLOGIES**

1. The Hon. Alfred Sambu, M.P.

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Aden Abdullahi - Principal Clerk Assistant II
2. Ms. Ruth Mwhaki Gakuya - Clerk Assistant II
3. Mr. Boniface Mugambi - Serjeant-At- Arms

**MIN. NO. NA/RIC/2021/18**

**PRELIMINARIES**

The Chairperson called the meeting to order at forty five minutes past two O'clock and prayers were said.



**MIN. NO. NA/RIC/2021/19****CONFIRMATION OF MINUTES**

Minutes of the 1<sup>st</sup> sitting held on Tuesday 9<sup>th</sup> February, 2021 were confirmed as a true record of proceedings of that day and proposed by Hon. Erastus Kivasu Nzioka, M.P and seconded by Hon. Nasri Sahal Ibrahim, M.P.

Minutes of the 2<sup>nd</sup> sitting held on Friday 19<sup>th</sup> February, 2021 at 10.00am were confirmed as a true record of proceedings of that day and proposed by Hon. Paul Kahindi Katana, M.P and seconded by Hon. Kubai Iringo, M.P.

Minutes of the 3<sup>rd</sup> sitting held on Friday 19<sup>th</sup> February, 2021 at 2.30 pm were confirmed as a true record of proceedings of that day and proposed by Hon. Kubai Iringo, M.P and seconded by Hon. Paul Kahindi Katana, M.P.

Minutes of the 4<sup>th</sup> sitting held on Saturday 20<sup>th</sup> February, 2021 at 9.30 am were confirmed as a true record of proceedings of that day and proposed by Hon. Abdi Mude Ibrahim, M.P and seconded by Hon. Paul Kahindi Katana, M.P.

Minutes of the 5<sup>th</sup> sitting held on Saturday 20<sup>th</sup> February, 2021 at 3.30 pm were confirmed as a true record of proceedings of that day and proposed by Hon. Kubai Iringo, M.P and seconded by Hon. Abdi Mude Ibrahim, M.P.

**MIN. NO. NA/RIC/2021/20****CONSIDERATION AND ADOPTION OF COMMITTEE REPORTS**

The Committee considered the following reports: -

1. Report of the East African Legislative Assembly (EALA) Committee on Accounts on its oversight activity to the Lake Victoria Basin Commission to assess the status of implementation of the Assembly recommendations on the EAC Audited Accounts.

The Committee considered the report and made the following observations:

- i. The Lake Victoria Basin Commission just like many other critical institutions and Organs of the East African Community continue to suffer from the effects of delayed remittance of Partner State Contributions to the Community. This has affected the implementation of key projects that are crucial to the management of the Lake Victoria Basin .
- ii. The environmental sustainability of the Lake Victoria Basin catchment remains under threat from pollution, soil erosion ,deforestation and land degradation amongst other factors. This has been attributed to lack of a regional legal mechanism to guide environmental protection.
- iii. The East African Legislative Assembly passed the EAC Forest Conservation and Management Bill, 2015 which put in place a regional framework for the protection and Management of forests in the region. However, the Bill was yet to be assented to by all the Partner States.



- iv. The low staffing levels noted within the ranks of the Lake Victoria Basin Commission reflect the staff challenges experienced by other sister EAC institutions. This has been attributed to an ongoing Institutional Review of EAC which started more than 10 years ago and is yet to be completed.

The Committee made the following recommendations, that:

- i. To address issues of funding, the Lake Victoria Basin Commission should explore alternative funding mechanisms including partnerships with the private sector to ensure resource mobilization and attract funding for its activities.
- ii. For continued environmental sustainability, the Committee urges the LVBC to involve all stakeholders including local populations, religious-based organizations, non-governmental organisations, the civil society and local political leaders to help galvanize support for its activities.
- iii. In order to provide a regulatory framework for the conservation and protection of forests, the Committee supports the EALA recommendation urging the Council of Ministers to urge the Summit to sign into law the EAC Forest Management Bill, 2015;
- iv. To address the challenges associated with the slow institutional review, the Committee supports the EALA recommendation urging the Council of Ministers to conclude the institutional review process

**The report was unanimously adopted having been proposed and seconded by the Hon. Erastus Kivasu Nzioka and the Hon. Paul Kahindi katana respectively.**

2. Report of the Committee on General Purpose on the oversight activity to assess the level of preparedness of partner in the management of ebola and dengue fever epidemics;

The Committee considered the report and observed that: -

- i. The free movement of goods and services advocated by the EAC had the potential to fuel spread of epidemics especially in high risk cross border districts.
- ii. There was need for the review of the regional Policy on the management of Communicable diseases in the region particularly in light of the emergence and spread of COVID 19.

The Committee made the following recommendations, that: -

- i. The EAC secretariat and Partner States Ministries of Health are encouraged to develop a policy for collaboration in response to epidemics and the spread of communicable diseases.
- ii. In order to enhance regional preparedness for addressing spread of communicable diseases, Centre's of excellence for the development of vaccines and storage of emergency response commodities should be developed in all partner States; and
- iii. That the Council of Ministers should fast track the development of the Regional Policy on Management of Communicable Diseases.

**The report was unanimously adopted having been proposed and seconded by the Hon. Elijah Memusi Kanchory and the Hon. Erastus Kivasu Nzioka respectively.**

3. Report of the Committee on General Purpose on the petition from East Africa Civil Society Organizations Forum (EASCOF) on matters of crucial importance to the community;

The Committee considered the report and made the following observations, that: -

- i. The petition had raised weighty matters touching on financing of crucial EAC activities and projects. It was important that the EALA committee recommendations on the same be implemented by the Council of Ministers; and
- ii. There was need to establish alternative financing mechanisms for the EAC in order to reduce the reliance on Partner States contributions, whose delay affected the operations of the Secretariat and the implementation of EAC planned programs and activities.

The Committee made the following recommendations: -

- i. The Committee reiterated the EALA recommendation that the Council of Ministers should:
  - a. finalize on the alternative financing mechanisms and present it to the Heads of State Summit for consideration.
  - b. reviews the Zero budget arrangement and puts in place a financing mechanism that reflects current magnitude of EAC institutions and operations.

**The report was unanimously adopted having been proposed and seconded by the Hon. Ali Wario Guyo and the Hon. Elijah Memusi Kanchory respectively.**

4. Report of the EALA Committee on Agriculture, Tourism and Natural Resources on the oversight activity on the Performance of the Tourism Sector in the Region.

The committee considered the report and observed, that:

- i. The EAC Protocol on tourism and wildlife management was yet to be concluded.
- ii. There was need for well-coordinated regional efforts geared towards improvement of the tourism sector in the EAC as the sector had great potential for development as well as the potential to address high levels of poverty and youth unemployment in the region if well developed.
- iii. The efforts to market EAC as a single tourist destination should be encouraged and resourced.
- iv. Partner States continued to exhibit discriminatory practices against citizens from other partner States that seek to access tourist facilities and sites.

The Committee made the following recommendation, that : -

- i. The Council of Ministers should fast track the conclusion of the EAC Protocol on Tourism and Wildlife Management in order to provide a framework for managing the tourism sector in the East African Community.

**The report was unanimously adopted having been proposed and seconded by the Hon. Nasri Sahal Ibrahim and the Hon. Jane Wanjuki Njiru respectively.**



5. Report of the Committee on Regional Affairs and Conflict Resolution on the proliferation of small arms and light weapons in the East African Region.

The Committee considered the report and made the following observations, that:

- i. The successful management of movement of small and light weapons in the region was largely dependent on the implementation of the EAC Peace and Security Protocol. Partner states implementation of the protocol and funding of its activities was below the expected performance levels.
- ii. The EAC Protocol on Peace and Security had been ratified by all Partner States but did not indicate the institution charged with its implementation. There was urgent need of establishing such an institution to handle issues related to peace and security.

The committee made the following recommendation: -

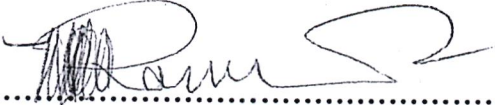
- i. Reiterated its support for the committee recommendations as adopted by the East African legislative Assembly and urged the Council of Ministers to expedite the development of a regional legislative framework for the control of small arms and light weapons in the EAC.

**The report was unanimously adopted having been proposed and seconded by the Hon. Elijah Memusi Kanchory and the Hon. Nasri Sahal Ibrahim respectively.**

MIN. NO. NA/RIC/ 2021/21

ADJOURNMENT

There being no other business, the meeting adjourned at fifty minutes past three O'clock.

SIGNED.....

(Chairperson)

DATE.....11/3/2021

Laid on Table on 30/9/2019  
Adopted by the Assembly on  
1<sup>st</sup> October 2019



*(Signature)*

**REPORT OF THE COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT  
RESOLUTIONS ON THE OVERSIGHT ACTIVITY ON THE PROLIFERATION  
OF SMALL ARMS AND LIGHT WEAPONS IN THE EAST AFRICAN REGION.**

(25<sup>TH</sup> - 28<sup>TH</sup> AUGUST, 2019)  
(NAIROBI, KENYA)

THE NATIONAL ASSEMBLY  
PAPERS LAID

DATE: 07 NOV 2019

DAY

Clerk's Chambers  
3<sup>rd</sup> Floor, EALA Wing  
EAC Headquarters' Building  
Arusha, TANZANIA

September, 2019



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## **LIST OF ACRONYMS AND ABBREVIATIONS**

<b>ATT</b>	Arms Trade Treaty
<b>AU</b>	African Union
<b>EAC</b>	East African Community
<b>EAPPCCO</b>	Eastern African Police Chiefs Cooperation Organization
<b>EALA</b>	East African Legislative Assembly
<b>ICRC</b>	International Committee on Red Cross
<b>IHL</b>	International Humanitarian Law
<b>IO</b>	International Organizations
<b>ITI</b>	International Tracing Instrument
<b>KRCS</b>	Kenya Red Cross Society
<b>MS</b>	Member States
<b>MOU</b>	Memorandum of Understanding
<b>NFPs</b>	National Focal Points
<b>RACR</b>	Regional Affairs and Conflict Resolution
<b>RECSA</b>	Regional Centre on Small Arms
<b>RECS</b>	Regional Economic Communities
<b>RSTS</b>	Regional Small Arms Tracing Software
<b>SADC</b>	Southern African Development Community
<b>SP</b>	State Parties
<b>SALW</b>	Small Arms and Light Weapons
<b>SARPCCO</b>	Southern African Regional Police Chief's Cooperation Organization
<b>TRCS</b>	Tanzania Red Cross Society
<b>UN</b>	United Nations
<b>UNPOA</b>	United Nation Programme of Action
<b>UN</b>	United Nations

## 1.0 INTRODUCTION

In line with the oversight role of the East African Legislative Assembly, as stipulated in Article 49 (2), (d) of the Treaty for the Establishing the East African Community inter alia that “the Assembly shall discuss all matters pertaining to the Community and make recommendations to the Council as it might deem necessary for the implementation of the Treaty”.

In March 2019, the Regional Affairs and Conflict Resolution (RACR) Committee analysed the Council of Minister’s report on the progress made by the EAC on the development of its common foreign and of security policies.

The Committee compiled a report that was tabled and presented before the House. The Assembly unanimously adopted the report. As the House may recall, the report highlighted many serious security challenges facing the East African region among others, the persistent issues of illicit Arms trafficking, misuse of Small Arms and Light Weapon (SALW), Terrorism and other transnational organized crimes (piracy, poaching, cattle rustling, human trafficking, narcotics and other contraband), internal conflicts; etc.

Suffice to note, the widespread proliferation of the small arms continues to be a source of permanent insecurity and instability, to ruin lives and set back development with potential to derail the EAC integration agenda.

Thus, during the consideration of the Committee work plan, the Committee resolved among its priorities, to interact with one of key regional bodies, especially the Regional Centre on Small Arms (RECSA), involved in matters of security cooperation; and the International Committee of the Red Cross (ICRC). ICRC is an international independent and neutral organization, whose mandate is to ensure the protection of lives and dignity of victims of armed conflicts and other situations. ICRC also advocates for the ratification and the implementation of the Arms Trade Treaty (ATT) that establishes common international standards for regulating the international trade in conventional arms and seeks to stop irresponsible transfers of arms.

It was therefore resolved to undertake a comprehensive activity to assess the prevalence of the proliferation of SALW and its effects of insecurity and fragility; materialised by conflicts, violence, poverty and other threats to state security. The activity also assessed the impact of the control of SALW lessons learnt and proposed practical recommendations for a harmonized regional approach to effectively tackle the illicit proliferation and the misuse of SALW and ammunitions. The purpose is to strengthen regional resilience and stability towards regional integration and prosperity.



This activity was undertaken in accordance with Rule 81 (C,E,F) and Annex 5 E of the Rules of Procedure of the East African Legislative Assembly. It was held in Nairobi from 25<sup>th</sup> to 28<sup>th</sup> August, under the theme “**Building Capacity for the Effective Implementation of the Arms Trade Treaty among EALA Legislators**”. The ICRC Nairobi delegation hosted the meeting and facilitated the discussions.

The Committee interacted with RECSA and ICRC in a fruitful, cordial and frank discussion. Members received first-hand information on the extent of the proliferation of SALW, and on the existing institutional and legal framework for co-ordination regulation of the transfer and circulation of firearms, in order to mitigate human suffering caused by weapons and ensure sustainable peace and security in the region. The forum provided a unique opportunity for Members to interrogate matters of regional security and assess how EAC Partner States (individually or collectively), are addressing the persistent issue of illicit arms trafficking, possession and misuse of SALW and its impact in our region.

The report thus examines the magnitude and the impact of the proliferation of SALW in East Africa, the progress made by the EAC Partner States in strengthening security of the Community and its Partners as directed by Chapter 23 and article 123 3( b) of the Treaty for the establishment of the EAC. The report recommends a number of recommendations that EAC needs to undertake to enhance the implementation of the existing instruments; and expedite the ongoing initiatives to finalise establishment of the EAC Peace and Security architecture.

The Report is structured into seven parts:

Part one is about the background information. Part Two highlights the objectives of the oversight activity; while Part three explains the methodology used. Part four addresses the analysis of the prevalence and the extent of the proliferation of the SALW in the Great Lakes Region and Horn of Africa; while part five is dedicated to the Assessment of the ratification, domestication and the implementation of international and regional instruments on SALW. The Sixth and the Seventh parts outline respectively the general observations & recommendations. The final part is the conclusion.

## **2.0 BACKGROUND**

Regional Integration accelerates political, social, and economic development. Ensuring that lasting peace and stability exists in the East African region is a key panacea in the realization of the process of integration of the East African Community. Article 6 of the Treaty establishing the East African Community spells out the fundamental principles that are mandatory for governing the achievements of the Community. They include but are not limited to mutual

trust, political will, sovereign equality, peaceful co-existence and good neighbourliness among others. As the EAC implements the pillars of the integration process, recognizing and undertaking deliberate measures designed to ensuring a peaceful and stable EAC remains a paramount goal of the Community.

In order to attain the objectives of the Community, peace and security are key pre-requisites for all the stages of integration. This factor is further amplified by the vision of EAC which envisages "a prosperous, competitive, secure, stable and politically united East Africa." The objectives further necessitate the Community to ensure regional stability if the integration is to deepen and widen.

The Treaty for the establishment of EAC provides for the cooperation in regional peace and security matters.

Article 124 of Treaty recognizes that peace and security are prerequisites for social and economic development. Stability cannot be attained unless if governments guarantee safety and secure environment to ensure trust a secure environment , until people are safe, trust each other, their governments to guarantee their protection and accord them a safe and secure environment to live, settle, trade, and travel freely.

The illicit rapid increase in number of SALW presents a direct threat to the development of the East African region and the African Continent as a whole. The easy availability and movability of SALW continue to escalate armed conflict, sustained poaching and cattle rustling abet with terrorism and other serious crimes.

SALW have increased the propensity of resorting to armed violence to resolve disputes coupled with weak functioning institutions. They have led to violent shifts of political regimes, massive violations of human rights, state instability, as well as abetting terrorism and other transnational organized crimes such as piracy, poaching, cattle rustling, and trafficking of humans, narcotics and other contraband.

SALW is a global issue and as such the people of East Africa continue to suffer from arms that are in the wrong hands. The Great Lakes region and the Horn of Africa are severely affected by proliferation of SALW. To this end, international, regional and national instruments have been enacted to control the escalation of SALW and monitor their transfer and use:



**i) At the global level:**

- The issue of the proliferation of SALW was raised at the United Nations (UN) forum in 1995 General assembly resolution (A/RES/50/70B)
- At the UN Conference on the illicit trade in SALW and in all its aspects held at UN headquarters in New York from 9th- 20th July 2001, Member States (MS) adopted a Program of Action (UNPoA) to Prevent, Combat and eradicate the Illicit Trade in SALW in All its Aspects.
- The UN Protocol against the Illicit Manufacturing and Trafficking in Firearms, their Parts, Components and Ammunitions was adopted on May 2001 to compliment the UN Convention against Transnational Organized Crime.
- The Arms Trade Treaty (ATT), was negotiated in New York at global conference under the auspices of UN from 2<sup>nd</sup> -27<sup>th</sup> July 2012. It was adopted on 2<sup>nd</sup> April 2013 and entered into force on 24<sup>th</sup> December 2014. The ATT is an international instrument that seeks to regulate the international trade of conventional weapons for the purpose of contributing to international peace, reduce human suffering; and promote co-operation, transparency, and responsible action among States.

**ii) At AU level:**

- The Protocol Relating to the Establishment of the AU Peace and Security Council as an umbrella for key AU mechanisms for promoting peace, security and stability in the African continent;
- The Protocol on the Relations between the AU and the RECs;
- The MOU between the AU and the RECs on Peace and Security;
- The AU theme “silencing the guns by 2020 “adopted by the AU Heads of State and Government during the 50<sup>th</sup> anniversary of the AU in 2013, as a flagship project of Agenda 2063.

**iii) At the sub-regional level:**

- The Ministers of Foreign Affairs of Burundi, the Republics of Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania, Uganda and the Democratic Republic of Congo signed the Nairobi declaration on the issue of proliferation of illicit SALW in the Great Lakes Region and the Horn of Africa in March 2000, in recognition of the problems caused by SALW.
- SADC Protocol on the Control of Firearms, Ammunition and other Related Materials, reaffirms that priority should be given to prevent,



combat, and eradicate the illicit manufacturing of firearms, ammunitions, and others related materials among Members States(MS)

- The Nairobi Protocol of the Prevention, Control and Reduction of SALW in the Great Lakes Region and the Horn of Africa was signed with the aim of implementing the Nairobi Declaration of 2000.
- The Best Practices Guidelines for the Implementation of the Nairobi Declaration and the Nairobi Protocol on SALW provides a framework for development of policy, review of national legislation, general operational guidelines and procedures on all aspects of SALW.

**iv) At the EAC Regional level:**

- The 13<sup>th</sup> EAC Council of Ministers meeting held in November 2006, adopted the EAC Peace and Security Strategy as a framework to guide EAC interventions in Peace and Security Sector. The Strategy covers the collaboration on cross border crimes, auto theft, drugs trafficking, terrorism, money laundering and other crimes
- The Protocol on Peace and Security was established to promote peace, security and stability within the Community and good neighborliness among the Partner States.
- In 2014, EAC conducted a security threat assessment of the EAC Region, focusing on the conflicts dynamics; the emerging threats; and the need to adopt practical measures. The outcome of the assessment informed the EAC Regional Strategy on Peace and Security adopted by the Council of Ministers in November 2014.
- Other protocols especially the Protocol on combating illicit drug trafficking in the East African Region; the East African Community Protocol on Co-operation in Defense have also been concluded.

Given the fact that illicit arms are mostly manufactured outside the continent, they are transferred from legal to illegal hands through diversion and illicit trafficking.

The lack of harmonized approaches to prevent and control the movement of contraband including illicit arms across EAC borders is a hindrance to regional security and integration. The illicit flow of SALW is a major cause of insecurity and fragility in the Great Lakes and Horn of Africa region.

It is thus crucial that Partner States undertake a comprehensive regulatory and control mechanism to tackle the problem of proliferation of SALW. The Nairobi declaration on the proliferation of illicit SALW in the Great lakes region

and the Horn of Africa signed was signed on the 15<sup>th</sup> –March -2000 recognises the growing international concern that the easy availability of illicit SALW escalates conflicts and undermines political stability and has devastating impacts on human, state security and political stability.

In 2004, Partner states across EAC and the Horn of Africa put in place the Nairobi Protocol to establish the RECSA whose mandate is to coordinate and regulate all SALW interventions within the Partner States.

Therefore, it is imperative that all the relevant actors establish the necessary institutions, put in place the relevant legislation, and initiate cross-border cooperation and coordination to finding a lasting solution to the human security question. This will entail galvanizing harmonized approaches that will enable law enforcement agencies across all EAC borders to identify the criminal networks that are involved in the illicit flow of SALW and dismantle them effectively.

### **3.0 OBJECTIVES OF THE ACTIVITY**

In line with Article 49 (2) (D) of the Treaty for the Establishment of the East African Community and Rule 81 (E), the objectives of the activity included the following:

- a) To understand the concepts and principles of the SALW;
- b) To deepen the members understanding and awareness of the magnitude of SALW in East Africa;
- c) To assess the impact of SALW on the state of security in East Africa;
- d) To study the relevant institutional and legal frameworks in place to addressing the problem of SALW in East Africa;
- e) To deepen and broaden the Committees understanding of the challenge and extent of proliferation of SALW in East Africa and to;
- f) Make recommendations to the Assembly for consideration by the Council of Ministers on measures to be undertaken to effectively address the challenge of SALW in order to ensure a complete and lasting stability of EAC region.

### **4.0 METHODOLOGY**

In undertaking this activity, the Committee used the following methodology;

- a) Reviewed and made reference to a number of documents including but not limited to:
  - i) The Treaty for the Establishment of East African Community;



- ii) The Rules of Procedure of the East African Legislative Assembly 2015 edition;
  - iii) The 2001 UN Protocol against the Illicit Manufacturing and Trafficking in Firearms, their Parts, and Components.
  - iv) The Nairobi protocol for the prevention, Control and reduction of SALW in the Great Lakes region and the Horn of Africa;
  - v) The Protocol Relating to the Establishment of the AU Peace and Security Council as an umbrella for key AU mechanisms for promoting peace, security and stability in the African continent;
  - vi) The AU commitment of “silencing the guns by 2020;
  - vii) The Protocol Relating to the Establishment of the AU Peace and Security Council;
  - viii) The Protocol on the Relations between the AU and the RECs;
  - ix) The Protocol on Peace and Security of the EAC;
  - x) Protocol on combating illicit drug trafficking in the East African Region;
  - xi) East African Community Protocol on Co-operation in Defence;
  - xii) The International convention on the Arms Trade Treaty;
  - xiii) The Memorandum of understanding on cooperation in the area of peace and security between the African Union, the Regional Economic Communities and coordinating mechanisms of the Regional standby Brigades of Eastern Africa and Northern Africa;
  - xiv) EAC Regional Strategy on Peace and Security 2006;
  - xv) EAC Regional Strategy on Peace and Security 2014;
  - xvi) The 2001 SADC Declaration Concerning Firearms, Ammunition and other Related Materials;
  - xvii) The Best Practices Guidelines for the Implementation of the Nairobi Declaration and the Nairobi Protocol on SALW;
  - xviii) Regional Action Plan Against Piracy to ensure Regional Maritime Security;
  - xix) The Bamako Declaration on the Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, December 2000 ;
  - xx) ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, June 2006;
  - xxi) Kinshasa Convention 2010-Central African Convention for the Control of SALW, Their ammunition and all Parts and Components that can be used for their Manufacture, Repair and Assembly.
- b. Held interactive meetings with the Management and Head of Delegation of the International Committee of the Red Cross and the Secretary General of the Regional Centre on Small Arms and Light weapons.



## **5.0 ANALYSIS OF THE PREVALENCE AND THE EXTENT OF THE PROLIFERATION OF THE SALW IN THE GREAT LAKES REGION AND HORN OF AFRICA; AND THE EXISTING LEGAL INSTITUTIONAL MECHANISMS THAT HAVE BEEN PUT IN PLACE TO ENSURE THAT PEACE AND SECURITY PREVAIL IN THE EAC.**

### **5.1 Magnitude of the proliferation of SALW**

Small arms are weapons specifically designed to be used by one person. Although there are numerous types of small arms, the main ones include rifles (including the assault rifles) pistols, light machine guns and sub machine guns. On the other hand light weapons are meant to be used by a crew of two or more persons. They include heavy machine guns, mortars, grenades, grenade launchers, anti-aircraft guns and anti-tank guns. All the light weapons use less than 100 mm calibre ammunition. One of the most significant and pressing security threats facing the Horn of Africa is the apparent and increased proliferation of SALW.

Suffice to note, that these weapons cannot be used without the requisite ammunition and explosives such as shells, missiles, and cartridges for use in arms as well as missiles and shells used in light weapons.

As a result of the misuse of these weapons, millions of people have lost their lives in the region through decades of long protracted violent conflicts. The proliferation and misuse of small arms affects people from all over the world. As such, it is a complex and multi-dimensional phenomenon. Owing to the fact that the SALW are cheap and easy to manage. This has made them the most preferred weapons in most violent conflicts globally. They have led to the emergence of armed conflicts in previous peaceful areas.

### **5.2 Some Statistics**

- ▶ Globally it is estimated that there are 640 millions firearms in circulation;
- ▶ Africa alone has an estimated 100 millions firearms;
- ▶ Sub Saharan Africa has an estimated 30 million of which;
  - 59% are in the hands of civilians;
  - 38% are held by Government Armed Forces;
  - 2.8% are in possession by the Police;
  - The black-market trade for small arms stands at US \$1 billion.

- ▶ During the Committee interaction with RECSA, the Committee was informed that according to the 2018 Geneva Small Arms Survey, there are 7.8 million small arms in the wrong hands in a region where almost half of the Countries — Somalia, South Sudan, Sudan, Democratic Republic of Congo and Burundi — are experiencing or just emerging from conflict.
- ▶ In the Horn and the Great Lakes, the possession of small weapons is seen as a source of income, security and a cultural symbol.

The estimated distribution of civilians in Eastern Africa: 7,802,000 persons out of the total population of 416,676,000 who possess firearms; an average of 1.23%.

### **5.3 Factors that contributes to the acquisition of SALW in East Africa**

The factors promoting the demand and supply of SALW in the region are and not limited to:

- Chronic instability in some of the countries of the sub-region;
- Intra-state ethnic violence among pastoralists ;
- Gun culture especially in the pastoral zones;
- Availability of the guns in the market;
- Fear of insecurity;
- Porous borders;
- Ethnic rivalries;
- Scarcity and contestation over shared resources;
- Cross bordering regional land use conflict;
- Organized crimes;
- Poverty and unemployment;
- Criminal groups organized and structured for purposes of committing serious crimes for profit (trafficking in SALW and persons, cattle rustling, cybercrimes, poaching, money laundering, etc.).

### **5.4 Progress made by EAC in the promotion of peace and security in the Region**

#### **5.4.1 Peace and Security Structure in EAC**

The international community promotes cooperation and to ensure complementarities, coordination and synergy in efforts to deal with the illicit trade of illicit SALW. EAC is party to the UNPoA whose mission is to prevent, combat and eradicate the illicit trade in SALW in all its aspects.

Since its revival, EAC has undertaken measures to ensure that the benefits of integration agenda are shared across all the East African countries. This

entails ensuring that all the efforts are put in place in the areas of crisis prevention, conflicts resolution, SALW control and the promotion of good governance.

Article 123 (5), the Treaty establishes an institutional frame work through the establishment of various sectoral councils and committees to give direction and policy guidance. They include:

- Council on cooperation on interstate security;
- Council on cooperation in Defence;
- Council on Foreign Policy Coordination;
- Council on Defence and;
- Interstate Security and Foreign Policy Coordination.

EAC Peace and Security sector is geared towards prevention and peaceful prevention settlement of conflicts.

#### **5.4.2 EAC Peace and Security legal and institutional Frame work**

##### **1) EAC Peace and security legal Frame work**

The framework is hinged on the following;

- EAC Treaty, 1999;
- EAC Regional Strategy on Peace and Security, 2006;
- EAC revised MoU on Cooperation in Defence matters, 2001;
- EAC Instrument establishing the Panel of Eminent Persons, 2012;
- EAC instrument on conflicts prevention, management and resolution mechanism, 2012;
- Protocol on the establishment of EAC Common Market, 2009;
- EAC Development Strategy 2011/2012-2015/2016;
- 5<sup>th</sup> EAC Development Strategy 2016/2017 -2021/2022;
- Protocol on Peace and Security, 2013;
- Protocol on SALW;
- Protocol on Illicit trafficking;
- Draft protocol on conflict prevention management and resolution;
- Draft protocol on Foreign Policy Coordination which is ongoing;
- Draft frame work on good governance which is in progress and;
- Draft protocol on preventing and combating corruption is being developed.

##### **2) EAC Peace and Security institutional frame work**

**The institutional framework includes;**



- Peace and security department;
- Early warning Centre: a situation Room for anticipating, monitoring, and analysing conflicts within the region, as well as in the neighbouring countries;
- Panel of Eminent Persons;
- Defence Liaison Office and;
- Nyerere Centre for Peace Research.

### **5.4.3 Status of Implementation**

The EAC Peace and security protocol is the sole existing instrument whose objectives are to foster regional peace and security, combatting terrorism and piracy, peace support operations, control of the proliferation of SALW; etc.

Article 2 of the protocol state that the protocol shall enter into force upon ratification by all the Partner States.

Article 15 stipulates that the EAC council shall make a determination of the institutional arrangements for the implementation of the protocol which is yet to be realized.

### **Committee observations**

The protocol only makes sense on paper but in practice it lacks a modus operandi framework, without proper funding and human resource capacity. The implementation is still timid and slow.

***The Committee recommends to the Assembly to urge the Council of Ministers to ensure that;***

- i. All the Partner States should as matter of urgency ensure full implementation and domestication of the protocol.***
- ii. Council should also put in place a robust legal instrument for the protocol to move from theoretical framework to a practical modus operandi.***
- iii. The Council should develop instruments aimed at enforcing mechanisms to effectively address any threat or breach to Peace and Security in the EAC region.***

### **5.4.4 EAC SALW Programme**

Action against SALW proliferation has been boosted with the establishment of an experts group to prepare for a regional arms management policy which will inform and guide the legislative harmonization process deemed at having a collective approach to dealing with SALW. At the same time, a study was commissioned to establish the prevalence of the SALW in the region in all its aspects. The outcome is expected to guide future interventions in the SALW issues from an informed perspective.

#### 5.4 .5 EAC Security Challenges

EAC faces a broad range of SALW issues, for instance violent cattle rustling affects pastoral land of Northern Kenya, Northern Eastern Uganda, Southern South Sudan, and Western Somalia.

Broadly they include;

- Insecurity and threats to peace and stability persist in EAC despite initiatives;
- Unemployment and underdevelopment in the Region create a fertile ground for recourse to crime and other ills;
- The extent of environmental degradation, climate change and the competition for the meagre natural resources are other emerging issues;
- Intra and inter-states conflicts remain matters of concern.

The Committee takes note that the 12<sup>th</sup> September 2019, H.E President Yoweri. Museveni and H.E. President Uhuru M. Kenyatta launched in Naitakwae, Mororo Town; a Cross-Border Programme for Sustainable Peace and Development in Karamoja. This event was witnessed by various of stakeholders including the UN Agencies.

This sub-region is characterised by recurrent conflicts (cattle rustling, human wildlife conflicts, natural resources conflicts, natural and human induced shocks (droughts, flash floods, pest and disease outbreaks); food insecurity, and over-dependency on livestock. This region has a great potential for tourism, mineral development (oil, gas, etc. It is located along porous borders in proximity with States experiencing instability and is a major source of market for the illicit arms in the region.

#### **Committee observations / recommendations**

***The Committee recommends to the Assembly to urge the Council of Ministers to;***

- i. Urge the EAC and RECSA to strengthen their collaboration in entrenching weapons control programs in their peace and security initiatives. Based on the experiences of the Nairobi protocol and the EAC Protocol on peace and security.***
- ii. To integrate arms control into their National Development Plans for sustainable peace, security and development in line with the sustainable development goals. Noting the inextricable relationship between illicit arms, security and underdevelopment.***



- iii. *Expedite the updating and harmonization of laws on SALW with regional and international frameworks on arms, management and control to facilitate better cross-border cooperation between law enforcement and judicial agencies.*
- iv. *Invest in safe storage infrastructure for weapons and ammunitions, ethical training of armed personnel, enhanced remuneration and facilitation to avert the risk of diversion of the weapons.*
- v. *Support and initiate the stabilization efforts of neighbouring Countries and also promote comprehensive boarder security cooperation that are sensitive to the community dynamics including the movements of persons and goods / trade.*
- vi. *EAC has enacted various peace and security legal instruments, and others are in process of being developed. There is need to focus and codify into single improved instrument that constitutes a legal reference for all matters related to Peace and Security. These instruments should also identify the gaps in the existing framework and endeavour to address them.*
- vii. *The EAC Protocol on Peace and security has been ratified by all Partner States does not indicate the institution charged with implementation. As a matter of fact there is urgent need of establishing such an institution to handle issues related to peace and security. The Committee recommends to Council that this institution should be established to handle issues of peace and security.*

## **6.0 ASSESSMENT OF THE RATIFICATION, DOMESTICATION AND THE IMPLEMENTATION OF INTERNATIONAL AND REGIONAL INSTRUMENT ON SALW BY EAC.**

### **6.1 Status of ratification**

In a bid to address the problem of proliferation of SALWs, instruments have been developed to guide and coordinate all the actors in the implementation and harmonization of the framework of the Small Arms Light Weapons. The instruments were developed by the international community and regional Governments. Furthermore, they provide for definitions, marking, tracing, institutional framework (including designation of focal point of contact by each state), technical assistance, development and harmonization of legislation, cooperation and mutual legal, sharing of information, reporting, public awareness creation, disposal and confiscation, community and non-state actors participation, dispute settlement, acquisition of licenses, arms trade (imports and export), transportation, brokerage and offences. The instruments also make provisions on how States can acquire, manufacture,



transfer and retain SALW for their own use. The instruments include the following;

**a) ARMS TRADE TREATY (2013)**

The ATT was promulgated to establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms. It aims at preventing and eradicating illicit trade in conventional arms and light weapons.

The ATT also applies to all conventional arms, such as missiles and missile launchers, battle tanks, armoured combat vehicles, calibre artillery systems, combat aircraft, attack helicopters, warships and SALW. The Treaty does not apply to the international movement of conventional arms by, or on behalf of, State Parties for its use provided that the conventional arms remain under that SP's ownership.

The Treaty provides for control and regulation of sale of ammunition, trade in parts and components, and requires its implementation to be broad, consistent, objective and non-discriminatory. The Treaty also obligates State parties to establish and maintain a national control system, including a national control list that shall be availed to the ATT Secretariat.

It further prohibits State Parties from authorizing the transfer of conventional and or items, if the transfer would violate a UN Security Council resolution or imposed arms embargo. The transfer is also barred if there is suspicion or knowledge that the arms or parts would be used to commit genocide, crimes against humanity, war crimes or used against civilian objects or civilians in protected areas. The ATT further provides for export and export assessment, imports, transit and trans-shipment, brokering, record keeping, prevention of diversion, reporting, and enforcement.

Regarding the exports, all the State parties are obliged to assess whether the conventional arms or items would contribute to or undermine peace and security and/or could not be used to commit or facilitate a serious violation of international humanitarian law and human rights, and commit or facilitate terrorism or transnational organized crime. While for transportation, transit and transshipment the Treaty requires each importing state to take measures to regulate transit or trans-shipment and to ensure that appropriate and relevant information is provided, upon request pursuant to its national laws, to the exporting state, to assist the exporting State Parties in conducting its national export assessment.

The Treaty also specifically promotes international cooperation of States in its implementation and establishes a secretariat to facilitate effective and implementation of the Treaty.

**EA States are among the 36 countries across the globe which have signed the ATT that entered into force in December 2014. But none of them has ratified the same so far.**

**b) THE NAIROBI PROTOCOL FOR THE PREVENTION, CONTROL AND REDUCTION OF SALW IN THE GREAT LAKES REGION AND HORN OF AFRICA (2004).**

The Nairobi Protocol for the Prevention, Control and Reduction of SALW in the Great Lakes Region and the Horn of Africa and bordering States was signed in April 2004 and entered into force in 2006.

The Protocol is one of the most comprehensive legally-binding regional agreement on SALW and it was modelled on the following:

- i) The UN PoA on the illicit Trade in SALW in all its aspects, which was signed in July 2001;
- ii) The Bamako declaration on the Common African Position on the illicit proliferation, circulation and trafficking of small arms and light weapons, which was signed in December 2000;
- iii) The SADC Protocol on control of firearm, ammunitions and other related materials which was signed in 2000;
- iv) The ECOWAS convention on small arms and light weapons, their ammunition and other related materials which was signed in June 2006 and;
- v) The Kinshasa Convention and the Central African convention for the control of SALW, their ammunition and all parts and components that can be used for their manufacture, repair and assembly which was signed in 2010.

The Central African Republic, Somalia, Seychelles, South Sudan, Tanzania have signed the protocol, commenced its implementation but not yet ratified it.

The primary objectives of the Nairobi Protocol (NP) include the following;

- i) To prevent, combat and eradicate the illicit manufacturing, trafficking, possession and use of SALW in the sub-region.
- ii) To prevent the excessive accumulation of SALW, control and management.
- iii) To promote of information sharing, cooperation, accountability, law enforcement, control and management of SALW held by governments and civilians;



- iv) To adopt legislative measures to establish as criminal offences under the national law acts of illicit possession and misuse of SALW, falsifying or illicitly obliterating, removing or altering the markings on SALW.
- v) To provide for the strengthening of operational capacity of national law enforcement and security agencies to enhance combating the proliferation of Small Arms and Light Weapons.
- vi) To provide for control and accountability of state-owned SALW and also provides for voluntary surrender of SALW by illegal holders and destruction thereof by the State.
- vii) To enhance public awareness campaigns. It requires state parties to develop local, national and regional public and community education and awareness programmes to enhance the involvement of the public and communities and support efforts to tackle the proliferation and illicit trafficking of SALW.
- viii) To enhance cooperation with other regional players, the protocol provides for regional cooperation on SALW issues and provision of mutual legal assistance that require state parties to create a mutual legal assistance system to enhance their cooperation in mutual legal assistance in a concerted effort to eradicate the illicit manufacturing and trafficking, and control the possession and use of SALW.
- ix) Enjoins State Parties to establish appropriate mechanisms for cooperation among law enforcement agencies to promote effective law enforcement and provides for mechanisms for cooperation through transparency, information exchange and harmonization.
- x) The protocol also commits states to establish national focal points to facilitate the rapid information exchange combat cross-border SALW trafficking and;
- xi) In addition, the state parties commit to institute appropriate and effective measures for cooperation between law enforcement agencies to curb corruption associated with the illicit manufacturing of, trafficking in, illicit possession and use of SALW. They also undertake to establish national focal point and mandate the Nairobi secretariat (RECSA) to oversee the implementation of this protocol.
- xii) The protocol undertakes to institute disarmament initiatives. These include undertaking collection programmes, voluntary surrender, forceful disarmament, and states considering granting immunities from prosecution to those who have voluntarily surrender.



- i. All the EAC Countries have established the National Focal Offices to coordinate the issues of illicit flow of fire arms and light weapons;
- ii. The United Republic of Tanzania and the RSS have not yet ratified the Nairobi Protocol, but have they have signed and are in the process of implementation;
- iii. A regional office Secretariat (RECSA) to coordinate and oversee the implementation of the protocol was established in Nairobi – Kenya

#### Committee Recommendations

*The Committee recommends to the Assembly to urge the Council of Ministers to:*

- i. *Urge the United Republic of Tanzania and RSS to expedite the ratification of the protocol.*
- ii. *Endeavour to implement and ensure that the National Focal Offices are fully operational and functioning with the requisite resources to help in coordinating the national responses to the illicit flow of fire arms and light weapons.*
- iii. *Galvanize all the Partner states to ensure that they implement all the provisions contained in the protocol.*

#### e) THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) PROTOCOL ON THE CONTROL OF FIREARMS, AMMUNITION AND RELATED MATERIALS (2001)

The Protocol aims at preventing, combating and eradicating the illicit manufacturing of firearms, trafficking, possession and use in the Region.

- i) It promotes and facilitates cooperation and exchange of information. State parties also commit to consider becoming parties to international instruments relating to the prevention, combating and eradication of illicit arms and light weapons.
- ii) It also prohibits manufacturing and trafficking in, possession and use of firearms, ammunition and other related materials and to ensure that state parties implement such instruments within their jurisdictions. The SADC Protocol on SALW (2001) is applicable to RECSA because of the dual membership of some states;
- iii) Just like in the Nairobi protocol, the protocol requires member states to enact necessary legislation and take other measures to establish as

- criminal offences under their national law to prevent, combat and eradicate the illicit manufacturing of firearms and ammunition;
- iv) The protocol obligates the national legislation to ensure that provisions on legal uniformity and minimum standards for sentencing, manufacture, control, possession, import, export and transfer of firearms;
  - v) The protocol further prohibits total prohibition of the possession and use of light weapons by civilians, co-ordination of procedures for the import, export and transit of firearms shipments and regulation and registration of all civilian owned firearms and;
  - vi) It further provides for manufacturing of SALW and ammunition, marking and identification, monitoring and audit, seizure, confiscation and forfeiture of SALW, pawning and pledging, storage and brokering.

**f) UNITED NATIONS PROGRAMME OF ACTION TO PREVENT, COMBAT AND ERADICATE ILLICIT TRADE IN SALW IN ALL ITS ASPECTS (2001)**

The United Nations Programme of Action to Prevent, Combat and eradicate illicit trade (UN PoA) was adopted in 2001 by the resolution of UN Member states who attended the UN Conference on illicit SALW in New York in 2001. The UN PoA provides for actions and commitments by the Member States during the conference.

The State Parties agreed to undertake national, regional and international measures to prevent, combat and eradicate the illicit trade in SALW in all its aspects. Some of the actions are similar to those enshrined in the Nairobi Protocol and Arms Trade Treaty.

The key actions under UN PoA include:

- i) Putting in place legislative measure to prevent, control and regulate SALW, establishment of criminal offences acts of illegal manufacture, possession, stockpiling and trade of SALW.
- ii) Establishment of designated as appropriate, national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW.
- iii) Providing for actions on disarmament, demobilization and re-integration, stockpile management, disposal and destruction and;
- iv) Ensuring that public awareness measures are put in place to combat the illicit proliferation of SALW.



This instrument is both the basis the source of the Nairobi Protocol and continues to guide the EAC peace and security policy.

## **6.2 Progress made in the implementation of the Nairobi Protocol**

EAC Partner States have demonstrated the commitment to address SALW at international, regional and national levels; and have resolved to combat the illicit flows of SALW. In so doing, policies and the legislation related to this has been developed in coordination with the RECSA. Nevertheless, the magnitude of SALW and the lack of capacity constitute a big challenge. Furthermore, in order to address the regional security of threats, the EAC deemed it essential to implement fully the Nairobi Protocol which is tailored to regional concerns, by working and coordinating closely with RECSA.

All Partner States have established NFPs to oversee the implementation of the protocol which are also the points of contact for UNPoA

Partner States have therefore reviewed and modified their legislation in accordance with the provisions of the Nairobi Protocol.

### **❖ RECSA Key achievements**

**The key activities being undertaken by RECSA in the proliferation of SALWfield are:**

#### **a) Public awareness campaigns and education programs**

RECSA has undertaken public awareness and education programs throughout the Partner States on the illicit flow and usage of fire arms and light weapons. This is being done in close collaborations with ministries in charge of Internal Affairs, Police departments, Civil Society, institutions of learning, and non-Governmental Organizations.

#### **b) Addressing gaps in the Institutional Review Development.**

RECSA is working with Partner states in addressing the gaps of institutional review development. In this aspect, it has facilitated the Partner States to establish the formal National Focal Points (Commission, Agency, and Directorate) which coordinates RECSA activities in the various Partner States.

#### **c) In order to enhance cross border agency coordination, RECSA has undertaken the following activities ;**

- Promotion of coherence of action, information sharing and effective coordination at the national levels;



- Confidence building, dialogue, coordination and joint action;
- Bilateral dialogue and awareness raising on SALW issues;
- Promotion of inter-agency dialogues at the national level;
- Been conducting regional forums for dialogue on the implementation of the Nairobi Protocol;
- It has supported the joint operations being undertaken by Eastern African Police Chiefs Cooperation Organization (EAPPCCO) and the Southern African Regional Police chief's cooperation Organization (SARPCCO).
- It has enhanced cooperation with other Regional Economic Communities (RECs) and International Organizations to strengthen regional voice and action on SALW;

The following activities have been undertaken in order to promote confidence building, dialogue, coordination and joint action;

- It has enhanced bilateral dialogue and awareness raising on SALW issues;
- It has been promoting inter-agency dialogues at the national level and;
- Has supported regional forums for dialogue on the implementation of the Nairobi Protocol.

#### **c. The Arms Marking Programs.**

Has put in place regional standard firearms marking system that can easily identify and trace fire Arms. This system is designed to enhance fire arms accountability and tracing. In order to facilitate this exercise, arms marking machines have been provided and training conducted in all RECSA Member States.

In a bid to enhance the physical security & stockpile management, RECSA in collaboration with all the member countries has put in place a reliable and strong data base that is customizable with Small Arms Tracing Software (RSTS). This database is meant to ensure that data is electronically recorded and kept safe. The software facilitates easy tracing, retrieval and keeping. Innovative safe storage infrastructure has also been provided to various RECSA Countries to prevent diversion, theft, and expulsion of the ammunition.

#### **d) Destruction Activities.**

The destruction of SALW is essential for post-conflict societies where peace-building efforts have often been hampered by the easy availability and

continued misuse of such weapons. Their timely destruction in such situations will help to stem the flow of arms and ammunition from one conflict or post-conflict zone to another. Destruction however has to be undertaken under professional guidance with due care to safety and the environment.

Suffice to note, the over 400,000 firearms and more than 2000 tons of unexploded Ordinances (UXOs) have been destroyed in the last 10 (ten years). In addition, deliberate measures have been undertaken to ensure that destructive practices follow internationally environment-friendly practices. A shear crushing machine – has been provided to all RECSA countries.

#### **e) Control of civilian ownership of guns.**

In order to ensure that the fire arms do not fall into the hands of wrong elements, RECSA has adopted the following measures to control the civilian ownership of guns.

- Supported voluntary civilian disarmament initiatives;
- Developed and disseminated regional guidelines on practical civilian disarmament;
- Supported the marking of civilian firearms;
- Undertook a baseline assessment on civilian disarmament in the region;
- Carried out civilian disarmament campaigns in Burundi, Kenya, South Sudan & Uganda;
- Carried out awareness raising activities on the dangers of possessing fire arms. These are meant aimed at disarming the hearts & minds of civilians;
- Carried out Synergies and partnership building activities with Civil Society Organizations for civilian sensitization on gun ownership.

#### **CHALLENGES FACING SALW CONTROL**

In the process of implementation of its mandate, RECSA has faced the following challenges;

- Limited financial resources to implement activities;
- Limited prioritization of SALW management and control in National Development strategies and planning;
- Limited capacity of the national institutions responsible for SALW management and control;
- Slow harmonization of legislation with regional and international instruments;

- Weak Cross-border cooperation on SALW interventions and porous borders;
- Geopolitical shifts among the RECSA partner states especially like Somalia, Eretria, and Djibouti. These have many vested interests due to their proximity to the Middle East (Yemen, Saudi, Qatar and UAE). The effect of this has been that throwing them into the arena of power politics and directly bearing the power competition. For instance, Djibouti has many military bases from China, United States, and Japan while Somalia has become the dice for Saudi – United Arab Emirates politics. All the above-mentioned Countries are outdoing each other to woo Somalia for oil and other international perceptions and;
- Most RECSA members' states have given more attention to redress measures than prevention.

#### **Committee observation**

**By implementing the Nairobi Protocol EAC Partner States are also somewhat implementing many international instruments related to SALW. The lacuna remain in the ratification and the domestication of ATT which has a lot of similarities with the Nairobi Protocol.**

### **7.0 GENERAL OBSERVATIONS/RECOMMENDATIONS**

**1. The East African Community Partner states to urgently ratify, domesticate and operationalize the Nairobi protocol and the Arms Trade Treaty.**

#### **Committee Observations**

The Committee observes the following;

- Proliferation and trafficking of the SALW will continue to escalate in the region since the Partner states are less committed and enthusiastic at signing the protocols which are aimed at that ending the flow of the Small Arms and Light Weapons.
- There is a probability of these weapons falling into wrong hands and terrorist networks since EAC does not have coordinated and harmonized approaches in dealing with the problem of illicit flow of fire arms and light weapons. This has created an institutional Lacuna on the operationalization and implementation of the agreed areas of cooperation.

***The Committee recommends to the Assembly to urge the Council of Ministers to;***



- i. *Ensure that all the EAC Partner States expedite the process of ratification and domestication of these protocols;*
- ii. *Urgently expedite developing a regional legislative framework of addressing the problem of proliferation of SALW in the EAC;*
- iii. *Expedite the establishment of the relevant institutions to implement, coordinate and operationalize the provisions of these protocols and;*
- iv. *Introduce sunset clauses and give specific timelines for Partner States ratify these protocols.*

## **2. Urgent need for Mandatory firearms registration**

As enumerated above, the EAC region is still lagging behind in the marking and registration of firearms and yet this is one a crucial aspect of the Nairobi protocol on illicit flow of firearms and light weapons. The Committee was informed that Republics of Uganda, Kenya and Rwanda are the only EAC Partner States currently marking and registering the firearms. For the Republic of Burundi it's only the Burundi National Police which is marking the firearms.

*The Committee recommends therefore to the Assembly to urge the Council of Ministers to ensure that as a matter of priority, all the EAC countries prioritises the process of marking and registering the firearms and light weapons in order to enhance the fight against the Trans boundary crime.*

## **3. Harmonized approaches of disarmament of civilians in EAC Countries.**

The Committee observed that there are 39 million illegal firearms in the hands of civilians in Africa, of which 7.8 million are in East Africa, the Horn and Great Lakes region. This has situation has been occasioned by the history of conflicts in the region, inadequate border control mechanisms and minimal police presence in vast and porous parts of East Africa region. This has created a favourable environment for illicit small arms trafficking, and possession.

The Committee further notes that whereas some Partner States in EAC have been relatively successful in disarming their citizens, it has been difficult to mop up arms in all the EAC Partner States. The lack of a holistic disarmament approach within the all the EAC Countries will undermine the integration process.

*The Committee recommends to the Assembly to urge the Council of Ministers to;*

*Develop an integrated, holistic, and comprehensive long-term civilian approach towards disarmament. This should be complemented by socio-economic inputs and confidence building measures between the public and security officers. In addition, the approaches should be of regional nature and should address the alternative live hoods and demobilize the minds.*

#### **4. Urgent need to address the challenges of implementation of the Nairobi protocol**

The Committee observed the following challenges in the implementation of the Nairobi protocol;

The limited human and financial resources in Partner States in addition to conflicting priorities, continues to hinder significant progress to the implementation of the Nairobi protocol. Since its inception, RECSA has been dependent on foreign donors and non-governmental organizations. This is problematic.

Review and developing legislation is a major challenge. The following key provisions in the protocol require states to develop legislation covering a broad range of issues like;

- Pertaining to the importing and exporting of firearms,
- Restricting the number and type of firearms civilians may possess;
- Regulating the brokering of firearms
- Dealing and manufacturing of firearms and;
- Marking, seizure and confiscation of firearms

The Committee observed that despite the commitments by the Member States to the Nairobi Protocol, measurable progress in amending or adopting new firearms legislation to cover all aspects outlined in the protocol is yet to be effected.

This has been attributed to limited political will, technology capacity, lack of capacity constrains the process. The Committee noted that Partner states face a wide range of challenges and amending firearms legislation may not be a priority for a particular government, which makes any advancement of the process difficult.

- i. *The Committee recommends to the Assembly to urge the Council of Ministers to ensure that as a matter of priority urgent measures are undertaken to ensure that the necessary funding is advanced to RECSA to enable it implement the Nairobi protocol.*



- ii. *Partner States should develop the requisite laws to regulate the flow and movements of firearms within the region.*
- iii. *Should actively enhance its role by providing states with technical legal assistance and feedback on legislative issues in order to encourage effective implementation of the Nairobi Protocol.*

## **6. Lack of Awareness and Sensitization**

The Committee observed that in order to boost the Member States to stifle illicit accumulation and trafficking of Small Arms and Light Weapons, undertaking intensive awareness and sensitization campaigns on raising on the dangers and necessity to eliminate the firearms is of paramount importance. The Committee noted that this critical aspect of the campaign against the illicit flow of the firearms has not been given the necessary attention that it deserves both by RECSA and the ICRC.

When the public and other stakeholders are sensitized on the dangers of the firearms, they will collaborate with the law enforcement agencies to ensure that they do not engage in the proliferation of the firearms and also report those involved in the trafficking and possession of the firearms.

*The Committee recommends to the Council of Ministers to ensure that in partnership with RECSA the sensitization campaigns are undertaken with key stakeholders like the religious organization, civil society, school's community and local Governments to ensure that they are sensitized on the dangers of the firearms.*

## **7. International cooperation to prevent illicit proliferation of firearms**

The Committee observed that in order to prevent the illicit proliferation of firearms there is need for all the Partner States to enhance the flow and exchange of information in order to monitor illicit arms flows, identifying new threats, generating actionable weapons intelligence, and coordinating responses.

*The Committee recommends to the Council of Ministers to ensure that regional database is established which should be able to generate and disseminate information in a timely manner on the usage, acquisition so as to facilitate and regulate the flow of firearms in the region.*

## **8. Lack of resources and developmental initiatives as a motivating factor to the illicit proliferation of SALW**



The Committee observed that the proliferation of SALW in East Africa and Horn of Africa is predominant in areas where resources and development are less and scarce.

The Committee notes that these weapons are used as a source of protection or as a source of means for attaining developmental needs. The Committee notes that the search for pasture and water among the Topsea, Tulkana, Jie, and Karamajong Communities will continue to pose a challenge to the elimination of these small arms and light weapons. The Committee applauds the recent signing of the memorandum of understanding between Presidents H.E Uhuru Kenyatta and Yoweri Museveni to ensuring that developmental projects are undertaken in the Tulkan region.

*The Committee recommends to the Council of Ministers to ensure that;*

- i. The Committee notes that although these initiatives will enhance and bolter development in the Communities between Uganda and Kenya, the problem is much bigger which require the broader interventions and engagements of all the countries in the region including the Republic of South Sudan and Ethiopia are taken. It therefore imperative that the Republic of Uganda and Kenya engage the Republic of Sudan to join the MOU between Kenya and Uganda and;*
- ii. Urge the Republic of Uganda and Kenya to expedite the provision of the necessary services such as water, electricity, roads to the pastoralist communities of West Pokot, Turkana and Karamoja.*

## **8 Peace and security framework in the EAC**

The Committee observed that the institutions that are mandated to deal with peace and security are not empowered to efficiently handle internal and external threats to the peace and security in EAC region. This due to the lack of clear decision making process in the instruments that create those institutions. Lack of sustainable and reliable funding mechanism affect the operations of these institutions.

*The Committee recommends to the Council of Ministers to ensure that;*

- i. EAC Peace and security institutions should endeavour to use peaceful means in the settlement of conflicts. Furthermore, EAC should consider learning from other experiences with other RECs and set up a uniquely empowered organ to deal with serious situations. This institution should be in charge of coordinating other bodies and organs that deal with the peace and security.*

- ii. *The mandate of this institution should be clear with a sustainable funding mechanism of peace and security operations.*
- iii. *EAC Treaty needs to be very explicit to provide the rest of instruments and the flexibility to allow then to provide the peace and security frame work to undertake necessary measures in order to fill the gaps that it contains. Therefore, the Treaty needs to be amended.*

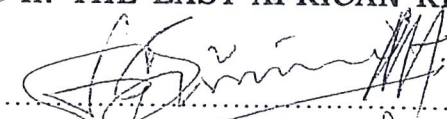
## **8.0 CONCLUSION**


The Committee undertook an oversight activity to understand and assess the extent of SALW in the region; and to analyse the international, and regional legal and institutional framework availed to EAC to handle SALW issues and other emerging security challenges. A comprehensive report that proposes actions to be undertaken and other recommendations has been compiled. The Committee therefore urge the august Assembly to adopt the report.


Progress has been made but more needs be done.


**REPORT OF THE COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT RESOLUTIONS ON THE OVERSIGHT ACTIVITY ON THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS IN THE EAST AFRICAN REGIONS FROM 25<sup>TH</sup> -28<sup>TH</sup> AUGUST, 2019**


1. Hon. Victor Burikukiye
2. Hon. Jean Marie Muhirwa
3. Hon. Rose Akol Okullu
4. Hon. Mary Mugenyi
5. Hon. Pierre-Celestin Rwigema
6. Hon. Gideon Gatpan Thoar
7. Hon. Dr. Ngwaru J. Maghembe
8. Hon. Dr. Abdullah H. Makame
9. Hon. Leontine Nzeyimana
10. Hon. Gabriel Alaak Garang
11. Hon. Simon Nganga Mbugua
12. Hon. George Stephen Odongo
13. Hon. Lawrence Mpuru Aburi
14. Hon. Francine Rutazana
15. Hon. Fatuma Ndangiza
16. Hon. Fancy Nkuhi Haji
17. Hon. Thomas Dut Gatkek
18. Hon. Dr. Oginga Oburu

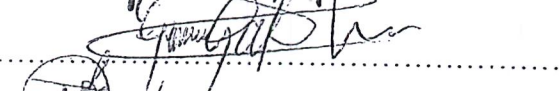
  
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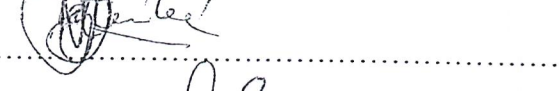
  
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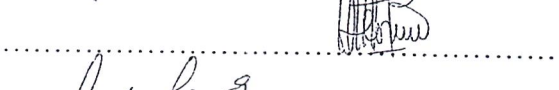
  
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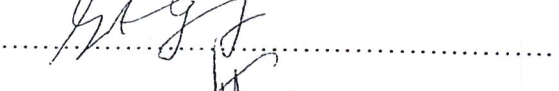
  
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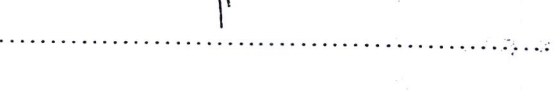
  
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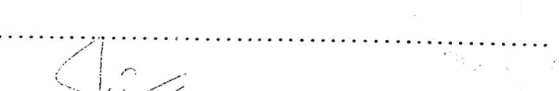
  
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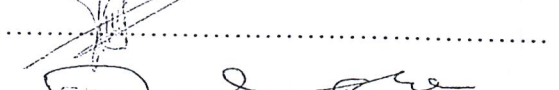
  
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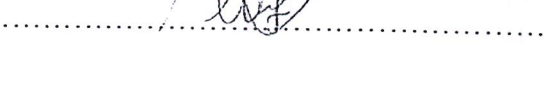
  
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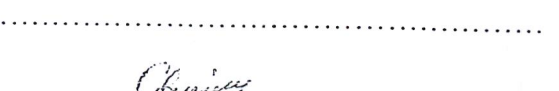
  
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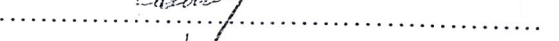
  
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