

MICHIGAN STATE UNIVERSITY

The African e-Journals Project has digitized full text of articles of eleven social science and humanities journals. This item is from the digital archive maintained by Michigan State University Library. Find more at:

<http://digital.lib.msu.edu/projects/africanjournals/>

Available through a partnership with



Scroll down to read the article.

Stemming the Flow of Arms into Africa: How African NGOs can Make a Difference*

Joost R. Hiltermann**

Abstract

The arms trade is a symptom, not the cause of conflict. Yet a strong case can be made for the argument that stemming the flow of weapons to an area of armed conflict can have a positive, albeit limited, impact. A continuous flow of arms provides protagonists with the material and psychological means to sustain a conflict. This means that a ban on further shipment of arms to one or all sides to an armed conflict could advance the cause of peace. This paper attempts to offer a perspective on the nature of the arms trade as it affects Africa, list the supply-side measures (like an international code of conduct) that are currently making some headway, and propose a number of mechanisms that governments and non-governmental organisations in Africa can activate in order to curb the inflow of weapons.

The Arms Trade as Symptom, Not Cause, of Armed Conflicts

Conflicts have many causes. Poverty, inequality, and ambitions to power are perhaps the principal ones. Arms transfers are normally seen not as a cause of conflict but as a symptom. Once a conflict escalates into an armed conflict (within or across borders), arms begin to play an important role, as they are the primary tools by which the various sides seek to settle their differences. Resources are shifted to enable the purchase of weapons, and, on the supply side, arms traders start offering their wares in what is a highly competitive trade.

Because the arms trade is not a cause of conflict, putting a halt to it will not end the conflict. To do that, one would have to address the conflict's root causes, which is a long-term process; or wait until one side is defeated, or all sides have exhausted

themselves and recognise that there is no option better than a settlement of some sort.

Yet a strong case can be made for the argument that stemming the flow of weapons to an area of armed conflict can have a positive, albeit limited, impact. A continuous inflow of arms provides the recipients with two things: the physical tools with which they can seek to prevail over their adversaries, and equally important, a sense that the international community, which has the ability to control the arms trade, condones the conduct of their armed forces which tends to be highly abusive (i.e. in violation of the standards set by international humanitarian law, also known as the rules of war). The latter is a political message with psychological consequences which give the beneficiaries of arms trafficking the impression that they can continue to operate with impunity.

This means that a ban on further shipments of arms to one or all sides of an armed conflict, especially the ones that commit gross abuses of human rights and the rules of war, will send a powerful message that abusive conduct will no longer be tolerated by the international community. This may have a positive impact on how parties to an armed conflict behave themselves, and this, in turn, may encourage non-violent ways of settling the conflict. In short, there is some utility in addressing the symptoms of armed conflict—over and above the all-important task of addressing its root causes.

Demilitarisation and Arms Embargoes

Any discussion of demilitarisation in Africa—essentially a demand-side problem—needs to be accompanied by a discussion of the principal external obstacles to demilitarisation in Africa which is the supply side. Although the problem of arms proliferation on the African continent has, through the years, to some extent become a problem of regional circulation requiring a regional solution, the continuing inflow of weapons, in particular to conflict zones, aggravates the situation and undermines the possibility of tackling the problem in any effective way. The success of African-generated measures to control the proliferation of conventional weapons requires political space. The unfettered transfer of weapons by actors external to Africa militates against the creation of political space by encouraging militarisation, violent conflict, and rule by decree.

At present, there is much talk, especially in Europe and the United States, of launching a campaign to curb the trade in small arms and light weapons. The would-be campaign's organisers are seeking to capitalise on the success of the NGO-led campaign to ban anti-personnel landmines, which produced the Ottawa Treaty in December 1997. While a campaign against conventional weapons *per se* is going to look very differently from a single-issue campaign like the landmines campaign or the new campaign against child soldiers, one important element is worth taking into consideration. The international movement to ban landmines

made the strategic decision earlier on to fight for a comprehensive ban on anti-personnel landmines. This was only a first step, but one seen as absolutely necessary from the perspective of prevention, to the complete elimination of all anti-personnel landmines, both existing stocks and the millions that lie buried in the ground across the world. The signing of the Ottawa Treaty last December therefore signified that the battle was half won. If implemented, the treaty will prevent the further production, stockpiling, trade and laying of mines. This will provide both de-miners and those working for victim rehabilitation with a clearer picture of the extent of the task ahead and a sense that they are dealing with a finite problem.

Likewise, any attempt to tackle the proliferation of conventional weapons will have to take a preventive approach, in addition to any curative measures as are already being implemented. This will require turning off the arms spigot, or at least stemming the flow of arms into Africa. In this paper, I intend to offer a perspective on the nature of the arms trade as it affects Africa, list the supply-side measures (like an international code of conduct) that are currently making some headway, and propose a number of mechanisms that governments and nongovernmental organisations in Africa can activate in order to curb the inflow of weapons.

Flooding the African Market

Weapons are provided to buyers in Africa by two types of actor: governments, and private entrepreneurs. Governments often, but by no means always, have a political agenda, of which arms transfers can form an important part; private traders rarely do. Not too infrequently, governments will ship arms to buyers covertly via private dealers or *nominally* private dealers. The U.S. government, for example, supplied approximately \$250 million in covert aid (i.e., through the CIA) to UNITA forces in Angola between 1986 and 1991, contributing mightily to the great misery in which the country finds itself today. As part of this assistance, the CIA shipped weapons via the former Zaire, using private cargo companies to cloak its role. Similarly, China, in shipping arms to various abusive actors throughout Africa, has often disguised the nature of the cargo, while denying any role in such shipments.

In its third report issued in 1996, the International Commission of Inquiry (a.k.a. UNICOI), set up by the U.N. Security Council in September 1995 to investigate violations of the 1994 arms embargo on Rwanda, drew a picture of the arms trade in the Great Lakes region. This picture portrayed large overlapping networks spanning several continents and run by business people who often carry out completely legitimate trading activities in addition to their (usually) illicit and highly profitable arms deals, and use any number of cargo carriers, including large aircraft, small planes that can land on small airstrips, ships, trains, and trucks. Often the operators have been in the business from the days of the Cold War, when they learned the tricks of the trade. For example, some of the persons involved in the

CIA-UNITA operation are still active in the international arms market today, but now as established private entrepreneurs. In delivering weapons from the assembly line to the front line, they know prospective buyers, the most reliable operators and channels, and the persons to bribe; thus they know how to deliver, which is a basic qualification in this business. Corrupt officials form an indispensable link in the arms-trade equation. They are often military officers, who arrange deals, or customs authorities, who close their eyes to suspect cargo. The former Zaire became a major hub for arms trafficking, for example, because of the activities of members of the Mobutu clique who, encouraged by the CIA-UNITA pipeline, became heavily involved in the arms trade arranging weapons shipments to UNITA, the government of Chad, and other clients in Africa.

In investigations over the past five years, Human Rights Watch (HRW) found that weapons used in the war in Angola originated, on the Angolan government side, in republics of the former Soviet Union (especially Russia, Belarus, and Ukraine), Bulgaria, Brazil, China, Cuba, the Czech Republic, Israel, Nigeria, North Korea, Portugal, Spain, and Switzerland; and on the UNITA side, in (again!) Bulgaria, (pre-independence) Namibia, South Africa, the United States, and the former Zaire. In Rwanda, weapons in the hands of the génocidaires came from Belgium, Bulgaria, China, Egypt, France, Israel, Libya, (apartheid) South Africa, and the United States. The current Rwandan government has received arms from (again!) China, and (post-apartheid) South Africa. In Burundi, HRW found that weapons had arrived from Azerbaijan, Bulgaria, China, France, Russia, South Africa, Turkmenistan, and Ukraine.

The arms-exporting countries are not the only culprits when it comes to supplying weapons to forces (be they government armies, state-sponsored paramilitary forces, or guerrilla groups) that commit serious abuses of human rights. It is important to put the spotlight on the role of trans-shipment countries, whose ports are used by arms traders to ship weapons from seller to buyer. Several European countries have been trade favorites, such as Belgium, Bulgaria, Cyprus, France, Malta, and the Netherlands, in part because they have large harbours or busy airports. In Africa, South Africa has played a prominent role both as arms exporter and as transshipment country. In the Great Lakes, the states neighbouring Rwanda and Burundi have all provided transshipment points for arms that ended up in the hands of highly abusive forces.

For example, HRW found that weapons transferred by Chinese state-owned companies to both Rwanda and Burundi in 1994-96 arrived by ship in the port of Dar es Salaam, were then placed on trains of either the Tanzania Railways Corporation or Uganda Railways, and under escort of Ugandan troops were taken to the town of Mwanza on Lake Victoria for apparent on-shipment to either Rwanda or Burundi via Uganda. Burundian rebels, in another recent example, received weapons by train from South Africa via Zambia and Tanzania. The

Seychelles, in a third example, sold weapons to the Rwandan génocidaires via the former Zaire at the height of the genocide, with the buyer, Col. Théoneste Bagosora, who is now awaiting trial by the international tribunal in Arusha, using a Zairian government passport and accompanied by a senior Zairian military officer.

Often it is difficult to identify precisely the responsibility of individual states in the export of weapons by private entrepreneurs and their transshipment through air, sea and lake ports, as well as land border crossings. Yet to make that determination is important, as the stigma of being an accessory to serious human rights abuse can affect a state's subsequent behavior, or the decision-making of the international community, in positive ways. When HRW exposed the role of France in arming the Rwandan génocidaires, for example, the French government responded, predictably with a lot of huffing and puffing, and flat denials. The positive effect of this exposure is that HRW have not seen further evidence of open French government involvement in arms shipments to parties in the Great Lakes (that doesn't mean that these do not occur, but merely that they have been driven further underground), and at present a French parliamentary investigation is underway into France's role in the genocide. What is equally significant, the Security Council established the aforementioned Commission of Inquiry, which has done some interesting investigative work and is currently conducting a follow-up investigation in the Great Lakes, looking not only at arms shipments to Rwandan rebels, but at the problem of arms proliferation in this subregion generally.

In any case, even if we cannot determine exactly whether a private trader received a nod and a wink from an exporting government, or whether a shipment of arms arriving at a certain airport received the blessings of airport authorities or their superiors, HRW's position is that the burden of proof, and the onus of preventing arms transfers to abusive forces, lies with the individual government that has both oversight and authority over such ports. Therefore governments must act to prevent exports of military goods and services to governments and nongovernmental forces that abuse human rights, and control the flow of such goods and services through their territories. Their failure to do so, by acts of commission or omission, or by simple negligence, makes them an accessory to the abuses that are carried out with the weapons that have been transferred.

The Next Wave

Although one could argue with some justification that in Africa there are already enough weapons to go around and there is no need for more, the reality is that new weapons keep flowing in, and the end of the Cold War is not helping either. Military forces worldwide have been reduced in size since the late 1980s,¹ and have started to modernise their weaponry, especially members of the former Warsaw Pact. As a result, huge amounts of weapons have already become available, and even larger

numbers are expected to flood the market in the coming years, as new NATO members and Partnership for Peace states upgrade their weaponry to NATO standard, discarding both their used and obsolete weapons.² Meanwhile, arms production continues, as states maintain their arms industries out of fear of undercutting their military preparedness, and also feel compelled to manufacture in order to protect domestic employment.

Many weapons coming on the market, including used ones, are in excellent condition. Most small arms are rugged, simple to use and easy to repair. For example, more than seventy million AK-model rifles have been produced by the original Russian manufacturer (Kalashnikov) and under licence in other countries like Bulgaria, China, and Iran – and most are still operational today. At the end of the war in Mozambique, according to Peter Batchelor of the Centre for Conflict Resolution in South Africa, an estimated 1.5 million AK-47s remained uncollected. A number of these have ended up in South Africa, where they have contributed to violent crime.

The more weapons are thrown onto the market, the cheaper they become, prompting competition between arms dealers and undermining even the few restrictions that exist. An AK-47-type assault rifle can now be purchased in quantity for \$200-\$250 each from international weapons dealers. Local prices can vary greatly. In certain parts of Africa, an AK can be traded for a chicken or a bag of maize. Other weapons are similarly cheap, at least to governments and guerrilla forces that squander a disproportionate amount of their assets on arms. The Isle of Man-based company, Mil-Tec, whose documents were found in a bus-cum-rebel-headquarters abandoned by retreating Rwandan génocidaires in Goma, eastern Congo, in the fall of 1996, was involved in the sale of several shipments of weapons to the defeated Rwandan government in 1994. One such shipment contained 100 AK-47s at \$25,000 (\$250/each), 10,000 hand grenades at \$200,000 (\$20/each), 4,000 60mm mortar bombs at \$340,000 (\$85/each), and 800,000 rounds of ammunition at \$200,000 (\$0.25/each), and all of them for a total cost, including shipping, insurance and handling, of just under \$1.0 million.

NATO headquarters in Brussels and individual NATO member states appear woefully uninformed about and uninterested in this unintended but predictable and highly problematic consequence of the alliance's expansion eastward; viz., the flooding of the international arms market. When HRW raised this issue with NATO this past spring, NATO Secretary-General Javier Solana responded dismissively, declaring that what NATO members do with their excess weapons stock is their own business, and assuring us that since these are responsible governments, the disposal of their surplus weapons is certain to occur in a responsible fashion. That may sound good on paper, but the wholesale transfer (often gifts) of left-over weapons from the former East Germany to Greece, Indonesia, and Turkey, among others, in the early 1990s bodes ill for what may yet

transpire. Yet no one within NATO is raising this issue, except for the government of Canada, which has commissioned a study.

International Measures

In trying to tackle the proliferation of conventional weapons, there is no panacea – no single mechanism by which the spigot can be turned off and, obviously, not even a combination of measures that will put an end to the arms trade as such. Seeking to ban conventional weapons, or even a sub-class larger than a single weapon system, is unrealistic. Instead, we have to look at various options, legislate for and implement what is possible, and through a multiplicity of measures (1) make it difficult for states to export weapons to certain international actors (governmental forces or nonstate actors) and (2) reduce the profitability of the arms trade for the private traffickers.

There now exist a number of mechanisms by which the unbridled proliferation of conventional weapons, and especially small arms and light weapons that are easy to smuggle, easy to carry, and easy to use, can be reined in: binding international codes of conduct for arms exporters, conventions to curb illicit arms trafficking, multilateral arms-trade conventions, national and regional controls on the private arms trade, international bans on the use of inhumane weapons, international arms embargoes, transparency mechanisms, voluntary import moratoria, and arms-destruction and buy-back schemes. None of these mechanisms is perfect; none of them can be effective in isolating the others. And all are currently the subject of intense debates, as a campaign against small arms and light weapons, loosely modeled on the landmines campaign, is slowly beginning to take form.

Among supply-side mechanisms, an international code of conduct and an international convention to crack down on arms trafficking are the two most significant ones. An international code addresses the responsibility of members of the international community not to provide weapons to actors about whom a consensus exists that they are beyond the pale (because of their conduct in armed conflict, their human rights record at home, etc.).³ A binding international code, devoid of loopholes, scrupulously implemented, carefully monitored, and strictly enforced can go a long way in keeping weapons out of the hands of abusive forces. But it must go hand in hand with an international convention to crack down on arms trafficking. The OAS has adopted such a convention. Other regional institutions, like the OAU, should consider adopting one, and a global one also needs to be drafted. A critical component of such a treaty is enhanced inter-state cooperation between national police agencies, intelligence organisations, and customs authorities.

Neither code of conduct or trafficking convention will even come close to succeeding without explicit clauses that emphasise the need for transparency, and without additional mechanisms that are based on the principle of transparency. One

such mechanism is the U.N. Conventional Weapons Register which, as a confidence-building mechanism, has been voluntary in nature in the first years of its existence. Regrettably, the Register only covers the seven major weapon systems, excluding the small arms and light weapons that create such havoc among civilian populations the world over during armed conflicts. The Register should be extended to include these, and regional institutions like the OAU and subregional frameworks like ECOWAS, IGAD and the SADC should consider creating their own registers. Knowledge of one another's arms import and export practices will reduce fears and thereby contribute to conflict resolution and conflict prevention.

Just a note about international (or regional) arms embargoes. These are heavy-handed mechanisms that should be implemented only when other efforts at ending an armed conflict and its attendant major violations of international humanitarian law have failed, and large massacres, including genocide, have been committed or are likely to be committed. They will not work without a carefully constructed implementation mechanism; nor will they work without the cooperation of the countries that share a common border with the one which is experiencing the armed conflict. They certainly will not work if there is no monitoring of violations, or sanctions for violators, as in the case of Somalia and Angola, among others. And most of all, they will not work if the very states that were instrumental in imposing them proceed to violate them, as the United States and Britain did in the case of Bosnia and Sierra Leone, respectively, and Tanzania and Uganda seemingly continue to do in the case of Burundi.

Africa's Role in Stemming the Arms Flow

In Africa most attention is focused understandably, on issues of immediate regional concern, like fomenting armed conflict and consequently, removing the internal obstacles to its development, dictatorial rule, the abuse of human rights, injustice and so on. Yet, some energy should be expended as well on addressing powerful external factors, like the constant inflow of weapons. Those in Africa and other parts of the world who are concerned with these issues have an important role to play, as they are in a uniquely moral position – as unwilling recipients of weapons and other forms of military assistance – to challenge arms-exporting and transshipment states on their policies and practices to the extent that these affect the possibilities for peaceful development in the continent.

For the truth is that in Africa, as elsewhere, none of the above-mentioned supply-side measures will work in the absence of strong pressures from below to ensure their implementation. No arms-exporting state is going to implement a code of conduct if it knows that its violation will go publicly unnoticed and therefore unpunished. And what is equally true is that no factor is as effective in creating the political will for a state to stop supplying arms to abusive forces as public stigmatisation.

I will here propose three concrete ways in which nongovernmental actors in African civil society, joined by "like-minded" governments, can make sure that arms-exporting and transshipment states that "talk the talk" will also, indeed, "walk the walk", or, in other words, practice what they preach by implementing and strengthening the positions they have taken. These three ways are:

- (1) Devising a mechanism by which to investigate and report in a systematic fashion the facts about the arms trade that can embarrass and stigmatise the governments of arms-exporting and transshipment states for their irresponsible behavior, and thereby effect a change in policy and/or practice.

The availability of accurate information is absolutely vital: information about the extent of the trade, the actors involved, the channels that are used, and the horrible suffering that is caused, and information about the role of specific governments in specific arms deals that have specific consequences for the human rights situation in country X, Y, or Z. Both sets of information, widely and publicly disseminated (through the international media, the Internet, etc.), can have a tremendous public impact and can thus be used as levers vis-à-vis governments to undertake specific corrective actions. Just as western human rights organisations and some governments, like the U.S. government, publish annual human rights reports, so an annual arms-trade-and-use report can be produced in Africa, in addition to any occasional issue-specific publications as might be useful to highlight the devastating impact of the uncontrolled arms trade.

- (2) Establishing a mechanism through which direct pressure can be exerted on arms-exporting and transshipment states to tighten controls.

In addition to stigmatising governments with information linking them to human rights violations or abusive conduct in war through their arms transfers, it will be necessary for those at the receiving end of the trade – the victims of war and repressive government, and the many who are forced to forego education, health, and other critical elements of development because of budgets that are skewed unevenly toward military expenditures – to petition these governments directly. To do so, they will need **the names** of officials at specified government ministries or international organisations, and **their fax numbers**. What would happen, for example, if the Secretary-General of NATO were to be inundated one fine day with letters from civic groups in Africa, Central Asia and elsewhere? These letters might express a profound fear at the prospect of an avalanche of cheap weapons that may destroy communities, and a dismay at the lack of interest on the part of NATO, which has a clear responsibility in this regard. They should make a specific demand of NATO, to be supported by the OAU and responsive governments in Africa, that

present and future excess weapons stocks be disposed of responsibly, and not be sent cascading down to conflict zones (via nominally responsible governments that issue non-enforceable end-user certificates) with utter disregard for the consequences of such actions. A central database with an up-to-date "who's who" in relevant governments and international organisations will be a powerful tool in the hands of those who want to play the role of aggrieved petitioners.

- (3) Setting up a monitoring group that can establish arms-trade priorities for arms-exporting and transshipment states, and issue annual score cards.

The existence of a permanent monitoring group will ensure consistency and continuity; both prerequisites for effectiveness. The monitoring group must also be independent, to ensure its credibility. It could take responsibility for the annual arms-trade report referred to above, and rate governments according to measures taken or not taken, laws implemented or violated.

The above efforts must receive financial backing from western foundations, and be supported by western NGOs, which in their turn can exploit the standing they have with their own governments to effect change in the conduct both of individual governments and of international organisations with respect to the transfer of conventional weapons. Smooth cooperation and coordination between western NGOs, on the one hand, and the permanent monitoring group and any other African NGOs that work on this issue, on the other, can only increase pressure for change.

Notes

* This paper was first presented at the conference on "Leadership Challenges of Demilitarisation in Africa" organised by the Africa Leadership Forum and Arias Foundation in Arusha, Tanzania, July 22-24, 1998.

** Executive Director, Arms Division, Human Rights Watch.

1 The Bonn International Center for Conversion cites a figure of 23.6 million military personnel in 1995 against 28.8 million in 1987.

2 According to the *South China Morning Post*, the Chinese military also has plans to cut 100,000 or more personnel each year through much of the next decade, in addition to the demobilisation of 500,000 personnel that has already been announced,

3 President Oscar Arias and other Nobel Laureates are the principal proponents of such a code, which has found echoes at the regional (e.g., the European Union's code) and national (e.g., the draft U.S. code) levels.