

Southern African Development Community, African Regional Bodies

Declaration Concerning Firearms, Ammunition and other Related Materials in the Southern African Development Community

Legislation as at 9 March 2001

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Southern African Development Community

Declaration Concerning Firearms, Ammunition and other Related Materials in the Southern African Development Community

Published

Commenced in full

[This is the version of this document at 9 March 2001.]

Preamble

WE, the Heads of State or Government of:

The Republic of Angola

The Republic of Botswana

The Democratic Republic of Congo

The Kingdom of Lesotho

The Republic of Malawi

The Republic of Mauritius

The Republic of Mozambique

The Republic of Namibia

The Republic of Seychelles

The Republic of South Africa

The Kingdom of Swaziland

The United Republic of Tanzania

The Republic of Zambia

The Republic of Zimbabwe

GRAVELY CONCERNED with the illicit manufacturing, stockpiling of, trafficking in, possession and use of firearms and, especially those used in the commission of violent crimes and their contribution to the high level of instability, prolonged conflict, and social dislocation that is evident in Southern Africa and the African continent as a whole;

REAFFIRMING that priority should be given to preventing, combating and eradicating the illicit manufacturing of, stockpiling of, trafficking in, possession and use of firearms, and ammunition and other related materials, because of their links with, *inter alia*, drug trafficking, terrorism, transnational organised crime, mercenary activities and other violent criminal acts;

AWARE of the urgent need to prevent, combat and eradicate the illicit manufacturing of, stockpiling of, trafficking in, possession and use of firearms and ammunition, and other related materials, and owing to the harmful effects of those activities on the security of each State and the region, the danger they pose to the well-being of people in the region, their social and economic development and the right to live in peace;

CONVINCED that the prevention, combating and eradication of the illicit manufacturing of, stockpiling of, trafficking in, possession and use of firearms and ammunition and other related materials requires international

co-operation, the exchange of information, and other appropriate measures at the national, regional and global levels;

STRESSING the need, especially during peace processes and post-conflict situations to maintain effective control over firearms and, ammunition and other related materials;

RECOGNIZING:

- the work of the United Nations, through its Group of Experts on Small Arms; and the progress made in the Draft Protocol Against Illicit Manufacturing of and Trafficking in Firearms, Ammunition and other Related Materials, supplementary to the Convention Against Transnational Organised Crime,
- the work undertaken by the Preparatory Committee for the 2001 United Nations Conference on the illicit Trade in Small Arms and Light Weapons in All its Aspects, and
- the Joint SADC/EU Declaration on Illicit Trafficking in Small Arms and Light Weapons of November 2000;

REAFFIRMING the Organisation for African Unity initiatives, in particular the adoption on 1st December 2000 by the OAU Ministerial Council of the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, as well as the preparatory work on the draft declaration, done by the First Continental Meeting of African Experts that was held in Addis Ababa during May 2000;

COMMENDING the work done by the Southern African Regional Police Chiefs Co-operation on preventing, combating and eradicating proliferation of small arms, including work undertaken in the preparation of the SADC Draft Protocol on Firearms, Ammunition and other Related Materials, and its Implementation Programme;

FURTHER COMMENDING the work undertaken by the SADC Small Arms Working Group and its successor, the SADC Committee on Small Arms; and

WE, do hereby declare our firm determination within the SADC region, to take all necessary steps to prevent, combat and eradicate the trafficking in, and the illicit proliferation of firearms and ammunition and other related materials in the region.

Our Governments will *inter alia*, undertake to review national legislation in order to—

Prohibit the unrestricted civilian possession of small arms and the total prohibition of the possession and use of the light weapon by civilians.

Regulate and centralise the registration of all firearms owned by the civilians.

Regulate and control the manufacture, import, export, transfer, possession and use of firearms and ammunition, and other related materials.

Standardise the marking and identification of firearms at the time of manufacture, import and export.

Regulate firearms brokering.

Adopt national legislation and take other measures that sanction the violation of arms embargoes mandated by the Security Council of the United Nations.

Improve the operational capacity of the police, customs officials, border guards, military and the judiciary in order to combat the illicit trafficking in firearms and ammunition and other related materials.

Promote national and regional public education and awareness programmes concerning the curbing of the proliferation of firearms.

Improve the control over firearms owned by the State.

Develop and adopt effective programmes for the collection, safe-storage, destruction and responsible disposal of firearms rendered surplus, redundant or obsolete through *inter alia*, peace agreements, demobilisation, or integration of ex-combatants or re-equipping or re-structuring of national armed forces or armed State bodies.

Adopt co-ordinated national policies that ensure that confiscated or unlicensed firearms that come into the possession of State authorities are destroyed.

Develop joint and combined operations to locate, seize and destroy caches of firearms and ammunition and other related materials left over after armed conflicts and civil wars.

Introduce programmes that encourage the reduction of legal firearms and the voluntary surrender of illegal firearms.

Co-operate in providing mutual legal assistance in a concerted effort to suppress the illicit manufacturing of, trafficking in, possession and use of firearms and ammunition and other related materials.

Promote information exchange relating to the accumulation of firearms owned by civilians, and develop policies that reflect transparency in the control of such firearms.

Institute appropriate and effective measures for co-operation between law enforcement agencies, in order to curb corruption, associated with the illicit manufacturing of and trafficking in, possession and use of firearms, and ammunition and other related materials.

WE, undertake to develop and adopt a legal instrument in the form of a regional Protocol on the control of firearms and ammunition and other related material.

WE, firmly believe that this will contribute towards preventing, combating and eradicating the stockpiling and illicit trafficking in firearms in Southern Africa.

IN WITNESS WHERE OF, WE, the Heads of State or Government of the SADC, have signed this Declaration.

Done at Windhoek on this 9th day of March 2001, in three (3) original texts, in the English, French and Portuguese languages, all texts being equally authentic.