



Uganda and international small arms transfers:

Implementing UN Programme of Action commitments

July 2008



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Acronyms

EAC	East African Community
ESO	external security organisation
ICAO	International Civil Aviation Organization
IGAD	Inter-Governmental Authority on Development
ISO	internal security organisation
KIDDP	Karamoja Integrated Disarmament and Development Programme
MoD	Ministry of Defence
Nairobi Protocol	Nairobi Protocol for the Prevention, Reduction and Control of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa
NAP	National Action Plan on Small Arms and Light Weapons
NFP	National Focal Point on Small Arms and Light Weapons
PRDP	Peace Recovery and Development Plan for Northern Uganda
PSO	private security organisation
RECSA	Regional Centre on Small Arms
SALW	small arms and light weapons
UN	United Nations
UN PoA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
UPDF	Uganda Peoples' Defence Force
UPF	Uganda Police Force
URA	Uganda Revenue Authority

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Executive summary

THE PURPOSE OF THIS REPORT is to evaluate Uganda's performance in implementing UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA) commitments as they apply to international transfers of small arms and light weapons (SALW).

The proliferation of small arms in Uganda and its neighbouring territories is acknowledged by the Ugandan government as presenting a serious threat to the safety and security of its citizens. Small arms can and do act as the facilitating and enabling tools of violence in conflict and crime within Uganda, in a number of different contexts.

International transfers of SALW by civilians are negligible, while the Government of Uganda (GoU) does not export SALW. The state does import significant quantities of SALW and ammunition, and cases of transit of SALW to neighbouring governments also occur. The most significant challenge that Uganda faces in relation to controlling international transfers of SALW is in countering illicit trafficking through its porous borders. This occurs particularly in the northern areas of the country, including Karamoja, and is a key contributory factor to instability, violence and conflict.

The GoU has taken a number of steps to address the threats posed by the widespread availability and misuse of SALW, including developing a National Action Plan on SALW. Uganda has been an active and progressive member of regional and international processes addressing SALW, supporting the Arms Trade Treaty (ATT) and contributing to the development of the Nairobi Protocol's Best Practice Guidelines on the import, export, transfer and transit of SALW. The GoU efforts in this regard and the political will demonstrated by members of the GoU to improve the management and control of SALW are to be commended.

Legal controls on the international transfer of SALW

There are a number of laws and regulations that control the international transfer of SALW into, from and through Uganda. These contain provisions that go some way to fulfilling Uganda's commitments under the UN PoA. However, effective legal controls have not been enacted on certain activities and there is scope to strengthen and elaborate existing controls. Notably, Uganda has already made significant strides in this direction through the development of a new draft policy on SALW control. This draft policy, and its detailed guidelines for the review of legislation, addresses many of the existing gaps and weaknesses.

Authorisation of international transfers of SALW

Uganda has a number of pieces of legislation containing provisions relating to the authorisation of the international transfers of SALW. These laws provide:

- A system of import, export and transit permits for the international transfer of SALW and ammunition by civilians and private security organisations; and
- Procedures for the import, export and transit of state-owned SALW and ammunition.

There are however a number of gaps within existing legislation. These gaps include:

- No specific procedures and criteria for processing and assessing export and transit permits, including reference to the risk of diversion of SALW into the illicit market;
- No controls on transshipment or the activities of brokers;
- No requirements for authenticated end-user certificates or to control the re-transfer of SALW;
- Procedures for the import, export and transit of state SALW and ammunition are not established in law;
- No easily accessible, codified, common control list of SALW;
- No provisions establishing violations of UN arms embargoes as an explicit offence under Ugandan law;
- National penalties to criminalise the illegal trade in SALW are inconsistent in application and severity; and
- No requirement to keep records of international transfers of SALW.

The development of a new draft Firearms Policy by the National Focal Point on SALW has set out guidelines for the review of legislation, including a significant revision and extension of the legal framework. This review has the potential to address nearly all of the above gaps and ensure the operation of a much stronger and more effective system of authorisation for international transfers of SALW. It is unclear, however, whether the proposals for the review of the existing Firearms Act would be applicable to international transfers of SALW made by the GoU or in transit to foreign governments.

The provisions of the draft Firearms Policy, if implemented in full, would ensure:

- The development of a detailed set of definitions both of goods and activities, drawn from the Nairobi Protocol;
- The establishment of a system of authenticated end-user certificates and that obtaining such end-user certificates would be a prerequisite for approval of all transfer permit/licence applications;
- The prohibition of the re-export of goods (as part of end-use stipulations at the time of export), unless approval had been given by the GoU; and
- The marking of all imported arms at the time of importation (if not already marked), including an individual serial number.

However, it is unclear whether the proposals for the review of the existing Firearms Act would also make provisions for record keeping of all international transfers of SALW compulsory, including specifically any that might be conducted by the state.

Restrictions and conditions relating to international transfers of SALW

With regard to the restrictions and conditions that apply to international transfers of SALW – through control lists, end-use controls, re-transfer controls, record keeping and marking, and controls on manufacturing – Uganda has the following provisions in its legislation and regulations:

- A number of laws and regulations setting-out various definitions of SALW and ammunition; and
- Legislation to exercise effective control over the commercial manufacture of SALW and to criminalise the illicit manufacture of SALW and ammunition.

Offences and penalties

The necessary legislative measures are in place to criminalise the illegal import, export and transit of SALW, and ensure that those activities can be prosecuted. However, prosecutions are few and far between, and tend to be brought as an ‘act of terrorism’ rather than for the illegal trade in SALW.

While criminal penalties are in place, there is a level of inconsistency between the penalties applied to particular illegal activities, and between the penalties applied by different laws. This inconsistency needs to be addressed. Uganda also does not have any laws or regulations in place which explicitly criminalise the violation of a UN Security Council arms embargo (though prosecutions for other offences relating to the handling of firearms may be applicable in certain circumstances where an embargo has been breached).

The provisions of the draft Firearms Policy, if implemented in full, would ensure that violations of UN or regional arms embargoes become an explicit criminal offence. In addition, a much stronger and more consistent range of offences should be established including the explicit offences of illicit trafficking and illicit brokering in firearms, their components and ammunition.

Enforcement – countering illicit trafficking

Border controls

A number of Uganda’s neighbours have been wracked by instability and have weak or strained systems of governance. The borders with these states are long and in many respects porous. In addition, Uganda has an international airport at Entebbe, which serves as a hub for flights to countries in the Great Lakes region, as well as to and from other regions of Africa, Europe, the Middle East and Asia.

Incidences of illicit trafficking of SALW through Uganda’s gazetted land and lake border points appear to be infrequent. However, the capacity to patrol between border posts is very limited. Significant quantities of SALW are passing through land borders, particularly in north-eastern Uganda. While concerns about SALW trafficking on Uganda’s lakes are less serious, the potential for smuggling on Lake Albert needs addressing. The trafficking of SALW directly into Uganda by air appears to be limited. However, the use of Entebbe Airport as a possible transit point for trafficking to conflict zones is cause for concern.

Minimising the risks of diversion

The misuse and leakage of state SALW is well-documented and acknowledged by the GoU. Efforts have been made to address this, including the marking of nearly all firearms in the possession of the police. There is also the will among officers in the army and police to further improve controls. Awareness of the importance of effective stockpile management needs to be raised more broadly in the army and police, and capacity challenges need to be overcome.

There do not appear to have been incidences of leakages from shipments of SALW in transit. The authorisation procedures for SALW in transit are being strengthened through the proposed draft Firearms Policy.

While Uganda's exports of SALW are negligible, an assessment of the risk of diversion is not included in the current controls. However, the draft Firearms Policy includes provisions to assess the risk of diversion for export licences, should exports be considered in the future.

Tackling underlying causes of illicit trade in SALW

The northern regions of Uganda have been blighted by conflict and insecurity through separate insurgencies in West Nile and Acholi and inter-clan cattle raiding, armed crime and conflict in Karamoja. Two major programmes have been developed to promote peace and development: the Karamoja Integrated Disarmament and Development Programme (KIDDP); and the Peace Recovery and Development Plan for Northern Uganda (PRDP). These have the potential to contribute to Uganda's control of the transfer of SALW. In addition, the control of international transfers of SALW has been identified as a priority in its own right by the GoU, which has developed a National Action Plan on SALW.

International discourse on 'international arms transfer controls' tends to focus on effectively regulating the authorisation, delivery and end-use of arms transfers. Yet in a context such as northern Uganda, the challenges of controlling illegal transfers are in large part not readily addressed by better authorisation procedures or end-use verification. Creating the conditions in which there is no longer the need or desire for arms within communities – through security provision, better governance and effective and sustained development – should be the current priority, with only a limited focus on disarmament (and international transfer controls on SALW).

Co-operation and co-ordination

Given the nature of illicit trafficking and the practicalities of enforcing controls on the international transfer of SALW, a number of different law enforcement agencies, institutions and ministries are necessarily involved. However, ensuring that these agencies effectively co-operate is critical to the operation of an effective system of control. At the national level there are a number of fora, processes and mechanisms, not least the National Focal Point on SALW, through which co-operation and co-ordination does occur. At the regional and international level, there are also a number of institutions and processes through which co-operation and co-ordination can occur. Some, like the Regional Centre on Small Arms (RECSA), focus specifically on SALW. Others, like the regional civil aviation bodies could be used as platforms to further co-operation against illicit SALW trafficking.

Oversight, transparency and accountability

All laws and regulations are published at the time of their adoption in the Uganda Gazette. General procedures for state exports and imports of arms, or arms in transit to other governments, are not readily available to the public. No regular public report or statement of GoU international SALW transfer policy or practice is produced, nor are detailed reports made to parliament on this issue. There appears to be little formal opportunity for civil society to scrutinise the practice of the GoU in conducting international transfers of arms. Civil society has, however, been involved in the development of policy on international SALW transfers. A Parliamentary Committee on Defence and Internal Affairs is able to provide some scrutiny of GoU policy and practice in relation to international SALW transfers. However, it is still maturing as an oversight body and due both to a lack of capacity and limited transparency from the GoU, its ability to provide effective oversight is constrained.

Recommendations

Uganda has made some positive steps towards improving its controls on the international transfer of SALW and has gone some way towards fulfilling its commitments under the UN PoA. There is a strong commitment to improve controls among key GoU stakeholders. Nonetheless, Uganda's regulation and enforcement of controls on the international transfer of SALW could be strengthened in a number of areas. In light of both the hierarchy of needs and limitations on capacity, this report makes seven principal recommendations:

Agree draft Firearms Policy and amend legislation

The draft Firearms Policy provides a strong basis for closing the loopholes and gaps within current legislation, as well as establishing needed practices and institutions to better control international transfers of SALW. The Firearms Policy should be implemented and legislation revised accordingly, as a priority.

Enhance inter-agency co-operation and co-ordination between, and training of, border security personnel

Given the range of different agencies operating at land, air and lake border points and their different responsibilities, priorities and mandates, effective co-operation and co-ordination is vital in countering trafficking on SALW and other goods. Structures and procedures for inter-agency co-operation should be reviewed. Specific inter-agency training for officials at border posts (including on SALW trafficking) should be conducted.

Strengthen transit controls

From past experience and potential weak points in enforcement practice, the transit of SALW represents the greatest risk from a control perspective, outside the widespread illicit trafficking in northern Uganda. Inspections and intelligence gathering in relation to goods in transit should be enhanced.

Enhance controls on imports of SALW by the state

There is no legislation that determines the process by which the GoU should authorise and undertake the international transfer of SALW (imports, potential exports, and SALW in transit to other governments, whether as military aid or government-to-government transfers). Legislation and regulations should be developed to clearly elaborate the framework within which international transfers by the state should operate.

Minimise diversion risks through enhanced stockpile management, record keeping and marking

From past experience, the internal control of SALW within the possession of Uganda's defence and security forces has presented a challenge. Internal controls must be strengthened through better stockpile security and management procedures to minimise these diversion risks. Marking and record keeping practices should be addressed as a priority. Broader practices for stockpile management and security should subsequently be considered.

Enhance transparency, oversight and accountability

While levels of international transfers of SALW into, out of and through Uganda are relatively small in global terms, the GoU should still publish regular information on its policy and practice. Formal systems of parliamentary oversight should also be enhanced.

Address the underlying causes of instability, conflict and underdevelopment in northern Uganda

Although not a traditional international transfer control response, Uganda's single biggest current and potential threat relates to the proliferation of SALW in northern Uganda. The KIDDP and PRDP, despite containing notable weaknesses, provide a framework within which progress could be made and are therefore worthy of support.

Introduction

SINCE THE UN SALW Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA) was agreed in 2001, there has been progress towards its implementation in a number of countries around the world. This progress has been less pronounced than many had hoped. Nevertheless, the UN PoA remains the most important and comprehensive international framework for addressing SALW control ‘in all its aspects’.

Evidence suggests that in many cases, progress has been slow even in countries where there is political will to work towards implementation and in which there is at least some capacity in relevant departments and ministries. A primary reason for this may be a lack of knowledge and capacity in the process of translating rhetorical political commitment into practical action. In the absence of such knowledge states have not been able to effectively identify or communicate their needs, with the consequence that international co-operation and assistance has not been forthcoming. This report examines the extent to which Uganda is meeting its UN PoA commitments to strengthen controls on the international transfer of SALW and identifies priorities for future action by both Ugandan officials and the international donor community.

More specifically, the assessment is designed to:

- alert key actors within Uganda to their UN PoA transfer control commitments;
- establish where the gaps in UN PoA implementation lie;
- chart a ‘roadmap’ for addressing those gaps; and
- begin to build the necessary constituency committed to honouring those obligations.

This report, focusing on Uganda, forms part of a broader international programme of work designed to improve implementation of PoA commitments on international SALW transfers. It limits itself to looking at the international transfer of SALW, which here is taken to include the import, export, transit, transshipment and brokering of transfers of SALW across international boundaries (both temporarily and permanently).

The report is organised as follows:

Part 1 provides an overview of the SALW situation in Uganda, and the nature and extent of international transfers of SALW involving Uganda.

Part 2 focuses on legal controls on the international transfer of SALW, including the authorisation of international transfers, restrictions and offences and penalties. It also

touches on broader controls on the movement of goods and people.

Part 3 addresses the enforcement of controls on the international transfer of SALW. It examines how illicit trafficking in SALW is countered through border controls, controls minimising the risks of diversion of shipments and the role of broader national development initiatives. Finally, it looks at issues of co-operation and co-ordination as these relate to the enforcement of international transfer controls.

Part 4 examines what oversight mechanisms exist and the levels of transparency and accountability in relation to international transfers of SALW.

Part 5 concludes the report and provides a series of recommendations aimed at the GoU, Uganda's international partners and civil society. It does not present an exhaustive list, but gives priority to those issues that are deemed most important and that can be practically addressed.

Uganda and international transfers of SALW

SALW control in Uganda

THE PROLIFERATION OF SMALL ARMS in Uganda and its neighbouring territories is acknowledged by the Ugandan government as presenting a serious threat to the safety and security of its citizens.¹ Small arms can and do act as the facilitating and enabling tools of violence in conflict and crime within Uganda, in a number of different contexts. Ever since independence in 1962, Uganda's history has been scarred by violent rebellion and insurgency. The legacy of previous rebellions persists and is manifested through a culture of violent resistance, the presence of caches of small arms and the arming of local militias or defence units to counter insurgencies.

Conflict and crime – particularly in the form of violent cattle raiding and banditry in Uganda's north-eastern region and organised criminality in Kampala – have presented further security threats. Reports suggest that armed crime, particularly of an organised nature, has decreased recently, but small arms remain a central element of the sporadic yet serious violence in Karamoja. Finally, Uganda is also faced with considerable external threats to its security. To the north, peace in Southern Sudan remains precariously fragile. The vast quantities of SALW in circulation within southern Sudan and the consequences of future instability spilling across the border present Uganda with notable security challenges. Finally, to Uganda's west lies the vast, partially governed and war-ravaged territory of DRC, driven by conflict and both a source and destination for small arms within East Africa.

The GoU has taken a number of steps to address the threats posed by the widespread availability and misuse of small arms. Uganda established a National Focal Point on Small Arms and Light Weapons (NFP) in 2002² with responsibility for co-ordinating efforts to manage and control small arms. The NFP has developed, and begun to implement, a National Action Plan on Small Arms and Light Weapons (NAP).³ The

¹ Uganda National Focal Point on Small Arms and Light Weapons, *Mapping the small arms problem in Uganda: The development of Uganda's National Action Plans on Small Arms and Light Weapons* (Uganda National Focal Point on Small Arms and Light Weapons, Kampala, 2007), page 7.

² The NFP includes members from the following government departments and civil society organisations: Ministry of Internal Affairs (including Police, Customs, Prisons), Office of the President (including ESO), Ministry of Foreign Affairs, Ministry of Information, Ministry of Education of Sports, Ministry of Gender, Labour and Social Development, Ministry of Justice and Constitutional Affairs, Ministry of Tourism, Trade and Industry, Ministry of Defence, Ministry of Finance, Planning and Economic Development, Prime Minister's Office and civil society organisations (People with Disabilities, Oxfam, Cecore and Uganda Joint Christian Council).

³ For more information, see op cit Uganda National Focal Point on Small Arms and Light Weapons (2007), pages 57–75.

NAP provides the primary framework for enhancing SALW management and control in Uganda. It covers a comprehensive range of issues from the review of SALW legislation and stockpile management, to addressing the demand for SALW, raising public awareness and collecting and destroying SALW. Outside of the direct framework of the NAP, the GoU has also sought to tackle small arms related crime and conflict through military and law enforcement operations. Operation Wembley (conducted in 2002)⁴ and subsequently the Violent Crime Crack Unit (VCCU – established in 2003 and largely a Police unit) have sought to address organised crime in Kampala. In Karamoja, a number of army-led disarmament programmes have been conducted.

These programmes have included attempts at both voluntary and forced disarmament and have collected several thousand SALW. However, they have been highly controversial, with strident criticisms of the methods used⁵ and a negligible overall impact on levels of violence and small arms proliferation.⁶ The most recent programme, known as the Karamoja Integrated Development and Disarmament Programme (KIDDP), has sought to address some of these concerns and shortcomings, though it is too early to assess its impact.

International transfers of SALW

In recent years Uganda has played an increasingly progressive role in the development of transfer control initiatives at the regional and international levels. It is for instance, a signatory to the 'Nairobi Protocol' and is committed to implementing the Best Practice Guidelines developed under the Protocol. Uganda has played an active part in the UN PoA review process, making progressive statements at each Biennial Meeting of States and at the 2006 Review Conference. Uganda is an active and vocal supporter of the proposed international Arms Trade Treaty (ATT).⁷ At the national level, a new draft small arms policy, which incorporates the provisions of the Nairobi Protocol Best Practice Guidelines, is soon to be finalised. Despite the positive developments outlined above, much remains to be done to enact and enforce a strong regime of controls on the international transfer of small arms.

Authorised imports to Uganda

The most significant imports of SALW are destined for the national army, the Uganda Peoples' Defence Force (UPDF), to meet its operational needs. In recent years the UPDF has loaned SALW to other state security agencies within Uganda, such as the Uganda Police Force (UPF). Indeed, the UPF have not directly imported any small arms in the past three to four years.⁸ While Uganda does not produce any statistics on its imports of SALW, some data is available from the United Nations Commodities Trade Statistics database (COMTRADE). These figures – the most recent of which

⁴ The tactics employed during Operation Wembley were criticised for being heavy handed with claims that the rights of those targeted were abused. In particular, members of Operation Wembley were implicated in extrajudicial killings and committing abuses against civilians. See for example, Amnesty International, 'Uganda', in *Amnesty International Annual Report 2003* (2003); *New Vision* (Kampala) *Rights Group Accuses Security Forces of Killing Civilians* (30 May 2003); and Human Rights Watch (HRW), 'Uganda' in *Human Rights Watch World Report 2003* (2003) <<http://www.hrw.org/wr2k3/africa13.html>>.

⁵ Human Rights Watch, *Get the Gun! Human Rights Violations by Uganda's National Army in Law Enforcement Operations in Karamoja Region* (Vol 19, 13(A)), (Human Rights Watch, New York, 2007).

⁶ Small Arms Survey, 'Responses to pastoral wars: A review of violence reduction efforts in Sudan, Uganda and Kenya' in *Sudan: Human Security Baseline Assessment* (Issue Brief, No 8, September 2007), p 5. See also, Mkutu K, *Pastoralist Conflict and Small Arms: The Kenya-Uganda border region* (Saferworld, London, 2003), p 30–31.

⁷ In 2006, Uganda was one of 153 Member States to vote in favour of General Assembly Resolution 61/89 setting in train a process to establish 'common international standards for the import, export and transfer of conventional arms'. As part of this process, the GoU submitted a supportive response to the UN Secretary-General setting out its views of the feasibility, scope and draft parameters for an ATT based upon states' obligations under international law.

⁸ Interviews with Quartermaster, UPF and Lieutenant General Katumba Wamala, UPDF, Commander of Land Forces (and former Inspector General of the UPF).

cover the year 2005 and are likely to include SALW for private and government end-use – indicate that during the period 2003 to 2005 the most significant exporters of SALW to Uganda were China, Israel, South Korea and Tanzania (see Annex 2).

Civilians, firearms dealers and private security organisations (PSOs) licensed to possess firearms may be authorised to import firearms.⁹ In practice (as Table 1 below illustrates) the quantity of authorised civilian or commercial imports to Uganda is very small.

Table 1: Import licences issued¹⁰

2008 (Jan–Feb)

2 rifles imported by Game Trails for legal hunting purposes

2007

32 rifles imported by Game Trails for legal hunting purposes

2 airguns and 3 pistols imported by a PSO for training purposes

7 pistols imported by UN Staff

4 firearms for private citizens

2006

50 semi-automatic pistols, imported by firearms dealer, Saracen

Authorised exports from Uganda

Uganda does not have a large defence industry. A quasi state-run body, Luwero Industries Ltd / National Enterprise Corporation, operates the lone arms factory in Nakasongola. According to government officials the factory operates solely to supply the national defence forces, producing ammunition and refurbishing arms. Indeed, government officials indicated that the quantities of ammunition produced by the Nakasongola factory are insufficient to meet UPDF needs and as such are supplemented by imports.¹¹ Government officials also stated that no state exports of SALW occur. The GoU has in the past, and in response to questions during this assessment, strongly refuted allegations made elsewhere that arms and/or ammunition have been exported from Uganda.¹²

COMTRADE contains only two recent entries for arms exports from Uganda: one pistol to Tanzania in 2005 and \$2,867 worth of ‘bombs, grenades, ammunition, mines and others’ to DRC in 2002. As with imports, levels of civilian and commercial exports are negligible. In 2007, there were only four export licences issued (apart from firearms leaving the country that were temporarily imported for hunting purposes).¹³

Authorised shipments of SALW in transit through Uganda

Cases of authorised transit of civilian and commercial SALW are infrequent. No transit licences have been issued in the past three years. The GoU indicated that, in principle, the transit of arms destined for neighbouring governments could also be permitted.¹⁴ Such transfers could take place provided prior notice is received from both exporting and importing states, no regional or international agreements (including embargoes) would be breached and the transfer was deemed safe.¹⁵

⁹ There are estimated to be ‘a few thousand’ firearms licensed to civilians (though the exact number wasn’t available from the licensing authority), around 50 PSOs licensed to carry firearms and six licensed dealers.

¹⁰ Data provided by Department for Private Security and Firearms, UPF.

¹¹ Lt General Katumba Wamala, Commander Land Forces, UPDF, written response 13 June 2008.

¹² See, for example, Amnesty International, *Democratic Republic of Congo: arming the East* (Amnesty International, July 2005, AFR 62/006/2005); Danssaert, P. & B. Johnson Thomas, *Greed & Guns: Uganda’s Role in the Rape of the Congo*, (IPIS); Marks, J. *Border in Name Only: Arms Trafficking and Armed Groups at the DRC-Sudan Border* (Small Arms Survey, May 2007); United Nations, *Report of the Group of Experts on the Democratic Republic of the Congo pursuant to Resolution 1533 (2004)*, 25 January 2005, S/2005/30, para 210.

¹³ Data provided by the Department for Private Security and Firearms, UPDF.

¹⁴ Op cit Lt General Katumba Wamala.

¹⁵ Ibid.

In addition, transit, of a kind, is occurring in parts of north-western Uganda. Here, due to issues of accessibility and ease of movement within Southern Sudan, Sudan Peoples Liberation Army (SPLA) personnel are allowed to pass through Uganda between the border posts of Oraba and Kajo Keji.

Illicit trafficking of SALW

Illicit trafficking of SALW occurs in a number of different ways and environments in Uganda. Reports examining the illicit supply of SALW and ammunition to DRC indicate that Uganda has been used as a transit route.¹⁶ Illicit trafficking is bringing SALW and ammunition into Uganda most notably to supply warriors in Karamoja, insurgent or terrorist groups and criminal groups. Published research and information provided during interviews for this assessment indicate that a number of immediate external sources¹⁷ of SALW and ammunition are commonly stated. These sources include:

1. Regions neighbouring Karamoja in the north-eastern corner of Uganda – that is, north-western areas of Kenya and south-eastern Sudan;¹⁸
2. Somalia, via an ‘arms corridor’ connecting north-eastern Uganda and southern Sudan with, northern Kenya and Somalia; and
3. DRC.¹⁹

In terms of volume alone, the single greatest concentration of illicit small arms is found in Karamoja. Finally, from an arms movement perspective, it is important to note that warriors in the Karamoja region and Ugandan insurgent groups may also be sources of supply to external actors.

¹⁶ See, All Party Parliamentary Group on the Great Lakes Region, *Arms Flows in Eastern DR Congo* (APPG, London, December 2004); United Nations, Reports of the United Nations Group of Experts on the Democratic Republic of Congo pursuant to Resolution 1533 (2004) of: 25 January 2005 (S/2005/30); 26 July 2005 (S/2005/436); 27 January 2006 (S/2006/53); 18 July 2006 (S/2006/525); 31 January 2007 (S/2007/40*); 16 July 2007 (S/2007/423); and 13 February 2008 (S/2008/43).

¹⁷ ‘Immediate sources’, here implies the provenance of the arms before entering Uganda, rather than the original place of production, or the intermediary points through which the arms may have passed, and indeed may have been previously used.

¹⁸ See: op cit Small Arms Survey; Akabwai D and Ateyo P E, *The Scramble for Cattle, Power and Guns in Karamoja*, (Tufts University, Feinstein International Center, December 2007); op cit Mkutu, K.

¹⁹ See, op cit All Party Parliamentary Group on the Great Lakes Region; op cit United Nations, *Reports of the United Nations Group of Experts on the Democratic Republic of Congo pursuant to Resolution 1533 (2004)*; and op cit Akabwai D and Ateyo P E, page 20.

3

Legal controls on the international transfer of SALW

THIS PART OF THE REPORT examines how Uganda's existing laws and regulations measure up to the commitments contained within the UN PoA. Below we examine the provisions that relate to the authorisation procedures and requirements, the restrictions and conditions, and penalties and offences, that apply to international transfers of SALW.

While this report focuses on the commitments of the UN PoA, it is important to note that Uganda is also party to a number of other regional and international instruments²⁰ that shape its approach to international transfer controls. Most significantly Uganda has ratified the legally binding Nairobi Protocol. The Protocol sets forth a number of commitments on the international transfer of SALW covering the strengthening of legislation and measures to enhance the enforcement of controls. The provisions of the Protocol have been further elaborated in a set of detailed best practice guidelines. These represent the most progressive set of guidelines on international arms transfer controls to have been agreed at State level to date.²¹

National laws, regulations and policy

There are a number of laws and regulations that control the transfer of SALW into, from and through Uganda. These contain provisions that go some way to fulfilling Uganda's commitments under the UN PoA. However, effective legal controls have not been enacted on certain activities and there is scope to strengthen and elaborate existing controls. Notably, Uganda has already made significant strides in this direction through the development of a new draft policy on SALW control. This draft policy, and its detailed guidelines for the review of legislation address many of the existing

²⁰ These include the UN Firearms Protocol, Bamako Declaration, Nairobi Declaration and Nairobi Protocol.

²¹ RECSA, *Best Practice Guidelines for the Implementation of the Nairobi Declaration and Nairobi Protocol*, (RECSA, Nairobi, 2005), Chapter 2.

gaps and weaknesses. The draft policy is likely to be finalised and passed to Cabinet for approval in the second half of 2008. The provisions of the draft SALW policy are considered in more detail below.

Overview of existing legal controls

A number of pieces of legislation and regulations contain provisions relevant to the control of the international transfer of SALW. Some relate directly to the transfer and movement of SALW, while others provide controls applicable more broadly to the movement of people, goods and vehicles. Table 2 below outlines the main pieces of legislation.

Table 2: Ugandan international SALW transfer control legislation

Firearms Act 1970	Primary piece of legislation relating to the authorisation and control of civilian and commercial transfers of SALW, including licensing requirements for SALW imported to, exported from and transiting through Uganda
Uganda Peoples' Defence Force Act 2005	Contains provisions relating to the use and handling of arms by the army, though no explicit coverage of state transfers of SALW
Police Act 1994 and Standing Orders (1984)	Provisions relating to the handling and use of firearms by the police, though no explicit coverage of imports and exports to or from the police
Anti-Terrorism Act 2002	Establishes offences involving the trafficking of firearms in relation to terrorism
Civil Aviation Authority Act 1991	Contains provisions relating to the movement and security of goods and people by air, with limited reference to the movement of firearms by air
East African Community Customs Management Act 2004	Contains provisions relating to the control of the movement of goods, into, out of and through Uganda, including controlled items such as firearms
Draft Lake Victoria Transportation Bill 2007	Contains provisions relating to the control of the movement of goods and people on Lake Victoria, though no specific coverage relating to firearms
Public Procurement and Disposal of Public Assets Act 2003	Contains provisions potentially relevant to the acquisition and disposal of SALW by the state
Public Finance and Accountability Act 2003	Contains provisions relating to the auditing of public expenditure, including classified expenditure and therefore state acquisitions of military equipment
Uganda Citizenship and Immigration Control Act	Contains provisions relating to the auditing of public expenditure, Contains provisions regulating the movement of people into and out of Uganda

Authorisation of international transfers of SALW

This sub-section examines the procedures, such as licensing processes and registration requirements that should be established in law to effectively control international transfers of SALW. Relevant UN PoA commitments in this regard include to:

- put in place **adequate laws, regulations and administrative procedures** to exercise effective control over the **export, import, transit or retransfer of SALW** including the use of authenticated end-user certificates and effective legal and enforcement measures (Section II, paragraphs 2 and 12);
- establish or maintain an **effective national system of export and import licensing or authorisation**, as well as measures on international transit, for the transfer of all SALW (Section II, paragraph 11);

- ensure that applications for **SALW export authorisations** are assessed according to **strict national regulations and procedures** that are consistent with **existing responsibilities of states under international law**, taking into account in particular the **risk of diversion** of these weapons into the illegal trade (Section II, paragraph 11); and
- develop **adequate national legislation** or administrative procedures for the **regulation of SALW brokering** and including measures such as registration of brokers, licensing or authorisation of brokering transactions and appropriate penalties for all illicit brokering activities (Section II, paragraph 14).

Import – current laws and regulations

Imports by civilians and private security organisations The import of SALW and ammunition into Uganda is governed by the Firearms Act 1970. Any person seeking to import SALW into Uganda must do so in accordance with an import permit²² issued by the Chief Licensing Officer of the UPF, under the direction of the Ministry for Internal Affairs.²³ In order to qualify²⁴ for an import permit, civilians must hold a valid ‘firearms certificate’,²⁵ while dealers must be registered.²⁷

In terms of the import of arms and ammunition by PSOs, according to the Control of Private Security Organisations Regulations 1997, the Inspector General of Police can make a recommendation to the Minister for Internal Affairs for authority to import specified quantities and types of arms and ammunition.²⁸ Import permits would then have to be issued.

Imports by the state The import of SALW and ammunition into Uganda for defence purposes is governed by the Uganda Peoples’ Defence Forces Act 2005. The procurement of SALW and ammunition for the UPDF is conducted by the Chief of Staff of the Defence Forces, in liaison with the Ministry of Defence and in compliance with the Public Procurement and Disposal of Public Assets Act 2003.²⁹ All UPDF expenditure is approved by parliament. However, there are no regulations elaborating the procedures that guide the process of importing SALW for state purposes.

In terms of SALW and ammunition for use by the UPF, there do not appear to be any specific provisions within existing legislation relating to their direct import. According to interviews with police and army officials, SALW and ammunition may be loaned from MoD supplies through Police Central Stores. In the last three to four years, the Police have not procured any new arms from the UPDF. This downstream procedure of loaning arms for service from the UPDF or UPF, is also utilised for arming other state agencies, such as Uganda Wildlife Authority, when need arises.

Export – current laws and regulations

The export of civilian owned SALW from Uganda is governed by the Firearms Act 1970. The requirements for obtaining an export permit are the same as those for

²² Part III, Section 25(1), Firearms Act 1970.

²³ Part I, Section 1, Firearms Act 1970.

²⁴ Applicants for a firearms certificate must fulfil a number of criteria detailed under Part II, Section 3(4), Firearms Act 1970.

²⁵ Part III, Section 26(3)(a), Firearms Act 1970.

²⁶ Firearms certificates can be renewed for one year (Part II, Section 3(8)(d) and (e), Firearms Act 1970). A firearms certificate must specify the nature, description and mark or identification of the firearm in respect of which it is issued; or if it is in relation to ammunition, the quantity and type authorised to be held at any one time (Part II, Section 3(8)(c) Firearms Act 1970).

²⁷ See Part II, Section 11(1)(a), Firearms Act 1970. Prospective dealers must fulfil a set of criteria to have their registration approved (Part II, Section 12(2), Firearms Act 1970). Registration as a dealer lasts until 31 December and can be renewed on a yearly basis (Part II, Section 14(3) and (4), Firearms Act 1970).

²⁸ See Part III, Section 22, the Control of Private Security Organisations Regulations 1997. In practice, according to the UPF, about seventy percent of the arms used by PSOs are leased from police stores (Saferworld interview with representative of the Private Security and Firearms Department, UPF, February 2008).

²⁹ Part III, Section 45, UPDF Act 2005.

obtaining an import permit (see above). Notably, there are no criteria elaborated to guide the suitability or otherwise of an application for an export permit, including reference to the risk of diversion. There is also no requirement that end-user certificates be obtained when SALW are to be exported.

Transit – current laws and regulations

The transit of commercial SALW through Uganda is governed by the Firearms Act 1970. The Ministry of Internal Affairs regulates transit permits, which are issued by customs officers in consultation with the Chief Licensing Officer.³⁰ Transit permits are required to state the date, time and person transiting through Uganda, as well as the entry and exit points.³¹ For the commercial transit of large caches of arms, an armed escort from both the transiting company and reinforcements from the UPF (usually the Area District Police) and/or UPDF is required. For those transiting individual firearms for civilian purposes, no escort is needed. However the exporter must confirm to the GoU that the licensed firearm reached its end-user.³²

Transshipment – current laws and regulations

There is no relevant legislation relating explicitly to the transshipment of SALW through Uganda. However, the UPF licensing authority indicated that in practice transit permits would be required if SALW were to be transhipped.

Brokering – current laws and regulations

Arms brokering is not explicitly established as an activity under Ugandan law. There are some provisions within the Penal Code that could potentially be applied to brokering activities, while Chapter 92 of the Investment Code Act, requires background checks for internationals proposing to operate in Uganda. These provisions have never been applied to arms brokering activities and were deemed by officials to be extremely ‘loose’.³³ In law and in practice there are effectively no legal controls on arms brokers and on arms brokering activities.

Policy proposals for a new licensing system

The guidelines for the review of legislation contained within the draft Uganda National Policy on Firearms, Ammunition and Other Related Materials (as of 31 March 2008), propose a significant revision and extension of the existing legislation on imports and exports of SALW, SALW in transit or being transhipped and on brokering activities. The draft policy proposes that:

- In addition to the current practice of **licensing** import, export, and transit of SALW, licences should also be required for each individual SALW transaction that is being transhipped through Uganda or that involves at any stage the services of an arms broker.³⁴

³⁰ Part III, Section 27(1), Firearms Act 1970.

³¹ Saferworld interviews with representative of the URA, February and March 2008.

³² Saferworld interview with representative of the Private Security and Firearms Department, UPF, February 2008.

³³ Saferworld interview with representative of the Ministry of Justice and Constitutional Affairs, February 2008.

³⁴ Uganda National Focal Point on Small Arms and Light Weapons, *Uganda National Policy on Firearms, Ammunition and Other Related Materials*, Sections 22.1 and 22.13 (Draft 31 March 2008).

- A **new licensing system** should be introduced. Most significantly this would require that all applicants for licences to import, export, transit, tranship and broker would be required to first register and acquire a **competency certificate**.³⁵
- A set of **arms transfer criteria** should be established in law against which all licences would be assessed. These criteria should include provisions ensuring that transfers are not undertaken that would: breach obligations under international law; be used for violations of human rights or international humanitarian law; facilitate acts of aggression; worsen the internal security situation of recipient state; be used for terrorist acts; be used other than for legitimate defence/security needs; facilitate violent crime; facilitate genocide; be used in acts of aggression against another state; adversely affect regional security; adversely affect sustainable development; involve corrupt practices; contravene other international commitments. In addition, the policy should state that consideration should also be given to the risks of diversion from the intended end-user when considering licence applications.³⁶
- Significantly, given the absence of explicit legal controls and transparent systems for authorising international transfers of SALW by the state, the policy should also stipulate that the arms transfer criteria should be applied to all firearms and ammunition that form part of a **military aid package or other government-to-government deal**, or that have been manufactured in Uganda.³⁷
- The activities of **brokering and shipping agents** should also be controlled. The policy states that these controls should apply to Ugandan passport holders (wherever located), any foreign national resident in Uganda and any company registered or incorporated in Uganda. All brokers or shipping agents would be required to obtain a licence to operate and apply for licences for each individual transaction. The policy also sets out a series of activities that should be covered in relation to brokering and shipping activities.

A much stronger and more effective system of authorisation for international transfers of SALW would be established if the current proposals of the draft Firearms Policy are accepted in full. This would fill nearly all of the gaps identified above. However, two issues do need further consideration. It is unclear:

1. whether the proposals for the review of the existing Firearms Act would be applicable to international transfers of SALW made by the GoU or in transit to foreign governments; and
2. when, by whom and against what criteria different acts are applied to particular offences. For instance, how is it determined and by whom that someone should be charged under the Anti-terrorism Act rather than the Firearms Act, or vice versa, for illicit possession? In addition, should the UPDF Act be applied to civilians rather than the Firearms Act, in cases of illicit possession, or vice versa? This needs clarifying.

Restrictions and conditions

This sub-section examines the restrictions and conditions that may apply to international transfers of SALW. Relevant UN PoA commitments in this regard include to:

- adopt and implement provisions which involve providing notification to the original exporting State before the **retransfer** of imported SALW (Section II, paragraph 13); and

³⁵ Ibid, Section 5.2.

³⁶ Ibid, Section 22.5.

³⁷ Ibid, Section 22.1.5.

- ensure comprehensive and accurate **records** are kept for as long as possible on the transfer of SALW (Section II, paragraph 9).

Control lists

Control lists detail the types or categories of goods that are to be covered by laws on the international transfer of SALW and ammunition.

Current controls There is no control list that specifically details the types or categories of arms for the purposes of international arms transfer controls. Definitions are included under the Firearms Act 1970,³⁸ which is the primary piece of legislation regulating the import and export of civilian firearms, and the Uganda Peoples' Defence Forces (Arms, Ammunition and Equipment Ordinarily the Monopoly of the Defence Forces) Regulations 2006.^{39 40} However, these definitions are not exactly the same.

New policy proposals The draft Firearms Policy sets forth a detailed set of definitions both of goods and activities that would be applicable to SALW and ammunition transferred internationally.⁴¹ This should act as the single, codified control list for all international transfers of SALW and ammunition. The draft Firearms Policy includes definitions of the following goods: airgun; ammunition; antique firearm; dangerous airgun; firearm accessories; imitation firearm; light weapons; small arms; firearms; other related materials; toy firearm; and replica firearm.

End-use controls

Current controls There are no relevant legislation or administrative procedures which require end-use(r) certificates, or any similar such documentation, to accompany international transfers of SALW or ammunition.

New policy proposals The draft Firearms Policy states that a system of authenticated end-user certificates should be established and that obtaining such end-user certificates should be a prerequisite for approval of all transfer permit/licence applications.⁴²

Re-transfer controls

Current controls There is no relevant legislation or administrative procedures requiring notification to the original exporting state of any subsequent re-transfer of SALW.

New policy proposals The draft Firearms Policy states that, as part of end-use stipulations at the time of export, the re-export of goods shall be prohibited unless approval has been given by the GoU and that where such approval has been granted, notification must be provided to Uganda before the re-export of the specified goods.

Record-keeping

Current controls There are no provisions in Ugandan law requiring the GoU to keep records on international transfers of SALW. However, at an administrative level, it has become practice for limited record-keeping to take place.

³⁸ See, Part III, Section 25(8), Firearms Act 1970.

³⁹ Statutory Instrument 2006, No 13, Section 2. The regulations do not relate explicitly to international transfers, but rather to the use of arms and ammunition owned by the defence forces. However, by implication, those contravening the regulations through unauthorised international transfer of these weapons could be prosecuted under the UPDF Act and regulations.

⁴⁰ Further definitions, relating to firearms used by Private Security Organisations, are contained within Schedule III of the Private Security Organisations Regulations 1997.

⁴¹ Op cit Uganda National Focal Point on Small Arms and Light Weapons (2008), Section 2.

⁴² Op cit Uganda National Focal Point on Small Arms and Light Weapons (2008), Section 22.6.

As such, the UPF do keep paper records of licences granted for civilian and commercial transfers,⁴³ and the URA records the entry and exit of firearms and ammunition into and out of Uganda at customs points.⁴⁴ However, for civilian and commercial transfers, record-keeping is neither systematic nor comprehensive (no requirements to record information on transactions of SALW in transit or being transhipped, for instance). A minimum period for the maintenance of records is not stipulated, nor are regulations in place setting out what information needs to be captured in records. It is practice, however, that all imported firearms for civilian or commercial use must be marked with the manufacturers mark.⁴⁵

As with civilian transfers of SALW there is no legislation or regulation that requires the maintenance of records on international transfers of SALW to or from state agencies, or in transit to foreign governments. Nor is there any legislation or regulation that stipulates what information should be recorded. In practice, SALW distributed among state agencies are subject to some record-keeping requirements, though these vary between agencies.

New policy proposals Under the draft Firearms Policy a Central Firearms Register is to be established.⁴⁶ The Register should include information on all licences and permits issued (as well as refusals) and on those involved in the international transfer of SALW (transporters, importers, exporters and brokers). Information on the activities of manufacturers would also be held in the Register. It is unclear, however, whether the proposals for the review of the existing Firearms Act would also make provision for record keeping of all international transfers of SALW compulsory and so include information on international transfers by the state. Such provision should be included.

Manufacturing

Current controls The manufacture of SALW and ammunition by civilians is prohibited in Uganda under the Firearms Act 1970.⁴⁷ However, a quasi state-run company (National Enterprise Corporation/Luwero Industries Ltd) does manufacture small arms ammunition (7.62 x 39mm), as well as refurbishing SALW belonging to the UPDF and maintaining the UPDF artillery weapons.⁴⁸ The factory officially operates solely to meet the needs of the UPDF, producing only limited quantities of ammunition, which the UPDF supplements with additional imports. Beyond this, there is little publicly available information on the operations of the Nakasongola factory. The UPDF, in a written response to inquiries, indicated that “information on the operation of Luwero Industries Ltd is available to the Uganda Parliament Security Sub-Committee, and can be accessed on demand on a need to know basis”.⁴⁹ In the course of its investigations into the operation of the arms embargo on the DRC, the UN Group of Experts inspected the Nakasongola factory in February 2007. They were also provided with information on dates of manufacture, evolution of manufacturing process and post-production treatment and markings.⁵⁰ From a legislative perspective, there appear to be no regulations or procedures established in law directly relating to the operation and oversight of the Nakasongola arms factory.

⁴³ Saferworld interview with representative of Private Security and Firearms Department, UPF, February 2008.

⁴⁴ Saferworld interview with representative from URA, March 2008.

⁴⁵ Saferworld interview with representative of Private Security and Firearms Department, UPF, February 2008.

⁴⁶ Ibid Section 4.5 & 4.6.

⁴⁷ Part II, Section 10(1), Firearms Act 1970.

⁴⁸ Op cit Lt General Katumba Wamala.

⁴⁹ Ibid.

⁵⁰ Op cit United Nations (S/2007/423), para 129–131.

New policy proposals The draft Firearms Policy includes detailed provisions that will apply if, in the future, the GoU decides to allow the commercial manufacture of SALW and/or ammunition. These include requiring any potential manufacturers to acquire a manufacturer's licence, setting out detailed record keeping requirements, requiring the marking of all manufactured firearms and placing restrictions on the transfer of manufactured arms and ammunition (both internally and internationally).⁵¹

However, the policy does not explicitly state whether these provisions will be applicable to quasi state-run companies, such as Luwero Industries, or others that might in future provide a manufacturing service for the GoU. Such clarification and a clear statement that the provisions of the policy are to be adhered to by Luwero Industries should be made within the final iteration of the Firearms Policy. Furthermore, the policy should also expand the provisions relating to the marking of manufactured goods to include the marking of ammunition. Adequate marking should, at a minimum, involve: a unique lot number including the year of manufacture, the code of the country of origin, the manufacturer code and possibly the code of the initial purchaser. Adding the date of manufacture, model and calibre would also be possible.⁵²

Offences and penalties

This sub-section examines the activities stipulated as criminal offences under Ugandan law and the regime of administrative and custodial penalties that operate. The UN PoA commits states to:

- take appropriate measures against any activity that violates a **UN Security Council arms embargo** (Section II, paragraph 15);
- develop **adequate national legislation** or administrative procedures for the **regulation of SALW brokering** and including measures such as registration of brokers, licensing or authorisation of brokering transactions and **appropriate penalties** for all illicit brokering activities (Section II, paragraph 14); and
- adopt and implement the necessary legislative (or other) measures to **criminalise the illegal trade in SALW** and to ensure that those engaged in such activities can be **prosecuted** (Section II, paragraph 3).

Current controls The Firearms Act, the UPDF Act, the Anti-Terrorism Act and the East African Community Customs Management Act all stipulate various criminal penalties that could be applied where the unauthorised transfer of SALW and ammunition into and out of Uganda has taken place. It is an offence under the Firearms Act 1970 to be in possession of a firearm without appropriate authorisation. However, there is no specific offence of 'illicit trafficking in SALW'. Notably, there are also no laws or regulations that explicitly make the breach of a UN arms embargo a criminal offence (though other laws relating to the illicit handling of firearms may be applicable where the breach of an embargo takes place), nor that establish illicit brokering in SALW as an offence.⁵³

Penalties for the contravention of the Firearms Act 1970 range from imprisonment for a term not exceeding six months or a fine not exceeding two thousand shillings for various offences including the transit of firearms or ammunition,⁵⁴ to life imprisonment for the manufacture of small arms⁵⁵ or for the import or export of small arms

⁵¹ Op cit Uganda National Focal Point on Small Arms and Light Weapons (2008), Section 7.

⁵² Berkol, I et al, *Marking, Record-Keeping, and Tracing of Small Arms and Light Weapons: Contribution to the Third Session of the Preparatory Committee to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (GRIP, March 2001).

⁵³ Saferworld interview with representative from Ministry of Justice and Constitutional Affairs, February 2008.

⁵⁴ Part III, Section 27(2), Firearms Act 1970.

⁵⁵ Part II, Section 10(3), Firearms Act 1970.

which are prohibited or for which a permit has not been obtained.⁵⁶ There is a level of inconsistency among these penalties that is cause for concern. For example, the penalty for the illicit transit of firearms is in no way comparable with the penalty for the illicit import or export of firearms. In addition, the fines contained within the Firearms Act have not been reviewed since 1970 and are therefore in need of revision in line with inflation.

Under the UPDF Act 2005, persons found in possession of small arms or ammunition ordinarily being under the control of the Defence Forces (for example, automatic rifles such as AK-47s), are subject to military law⁵⁷ and may be liable for penalties varying from fines, custodial sentences or the death penalty as decided by a military court.⁵⁸ Under the East African Community Customs Management Act 2004, any person who imports or exports restricted goods⁵⁹ contrary to any condition regulating the importation or exportation of those goods is liable to imprisonment for a term not exceeding five years and/or a fine equal to fifty per cent of dutiable value of the goods involved.⁶⁰

It should be noted, however, that while there are sanctions and penalties available to the Ugandan authorities to prosecute offenders for the illicit import, export or transit in SALW and ammunition, prosecutions under these legislative regulations are few and far between. Where prosecutions do take place under the Firearms Act these frequently relate to the illegal possession of firearms.⁶¹ Annex 3 provides an overview of cases involving the illegal use of firearms during 2007.

The absence of investigative capacity and difficulties in tracing ownership and provenance of seized firearms mean that invariably it is easier to gain a prosecution for illegal possession, even where there is a strong likelihood that the seized firearm may have been transferred illicitly.⁶² Furthermore, prosecutions tend to occur in relation to the crime in which the firearm was used, such as robbery or murder, without prosecution being sought for other, potentially minor offences that may have also been committed. In 2007, 162 people were on trial for crimes involving firearms, yet only 20 were on trial for the specific offence of illegal possession (see Annex 3). Often, therefore, a person who is suspected of committing an offence in which a firearm was used, may only be charged with a single offence, which is frequently not for the suspected offence under the Firearms Act.

It does appear, however, that prosecutions are being sought and achieved for offences involving the import of firearms, but under the Anti-Terrorism Act rather than the Firearms Act. The Anti-Terrorism Act defines the unlawful importation of firearms or ammunition as an “act of terrorism” for which those found guilty may be sentenced to death.⁶³ No other requirement of proving *intent* to use or import a firearm or ammunition for an act of terrorism is required. Therefore, under the Anti-Terrorism Act, an individual may be liable for the death penalty without demonstrating any political intention to commit an act of terrorism by importing arms into Uganda. This offence also has extraterritorial scope.⁶⁴

⁵⁶ Part III, Section 25(3), Firearms Act 1970.

⁵⁷ Part V, Section 119(h)(i), UPDF Act 2005.

⁵⁸ Part X, Section 221, UPDF Act 2005.

⁵⁹ Second Schedule, Part B provides that “Arms and ammunition” are restricted imports, and Third Schedule which provides for Partner States to legislate restricted exports.

⁶⁰ Part XVII, Section 200(a)(ii) and (c)(ii), East African Community Customs Management Act 2004.

⁶¹ Saferworld interview with representative from the Ministry of Justice and Constitutional Affairs, February 2008.

⁶² Ibid.

⁶³ Part III, Section 7(2)(h), The Anti-Terrorism Act 2002.

⁶⁴ Part II, Section 4(4), The Anti-Terrorism Act 2002.

New policy proposals The draft Firearms Policy sets out a range of offences that should be promulgated in revised firearms legislation. Crucially these offences include the illicit trafficking of firearms, their components and ammunition, violations of UN or regional arms embargoes and illicit brokering in firearms, their components and ammunition.⁶⁵

The draft policy does not elaborate specific penalties but does set out in broad terms the types of penalties – custodial and / or administrative – that are deemed appropriate for different types of offences, while also identifying, again in broad terms, the severity of penalties relating to specific offences, or categories of offences.⁶⁶ In doing so, the draft policy calls for consideration to be given to the Nairobi Protocol Best Practice Guidelines on penalties.

Conclusions

Uganda has a functioning system of controls on international transfers of SALW that fulfils in part its commitments under the UN PoA. However, there are notable gaps and there are a number of ways in which the legal and regulatory framework for controlling the international transfer of SALW could be strengthened. The development of a new Firearms Policy, which recommends promulgating a new Firearms Act and provides detailed guidelines for the review of firearms legislation, is a very positive initiative. Indeed, if the guidelines contained within the current version of the draft Firearms Policy (draft as of 31 March 2008) are translated in full into new legislation, Uganda would have a strong and comprehensive system of legal controls and nearly all of the existing gaps in legislation, identified above, would be filled.

⁶⁵ Op cit Uganda National Focal Point on Small Arms and Light Weapons (2008), Section 27.1.

⁶⁶ Ibid Section 27.2.

4

Enforcement

PUTTING IN PLACE LEGAL CONTROLS on all of the different elements of the international transfer of SALW should close existing loopholes within Ugandan law and clearly delineate what constitutes legal practice. While strengthening this legal framework is vital, by far the greatest challenge for Uganda lies in the enforcement of controls and the effective countering of illicit trafficking.

This section provides an overview of the enforcement of controls on the international transfer of SALW within Uganda. Specifically it examines:

- how illicit trafficking is currently being countered, examining border controls and initiatives addressing the underlying causes of illicit trade in SALW; and
- what mechanisms and processes exist for co-operation and co-ordination between agencies nationally and on the regional and international stage.

Border controls

Uganda is a land-locked country, bordered to the south by Tanzania, to the east by Kenya, to the north by Sudan and to the west by DRC and Rwanda. Uganda has 2,698 kilometres of border, including sections of border that run through Lakes Albert and Victoria. In addition, Uganda has an international airport at Entebbe, which serves as a hub for flights to countries in the Great Lakes region, as well as to and from other regions of Africa, Europe, the Middle East and Asia.

As highlighted above Uganda faces a number of threats from the current and potential trafficking of SALW. Ensuring that effective controls are in place to inspect and monitor the movement of goods into, out of and through Uganda is therefore important in countering potential risks related to the concealed, illicit trade of small arms. As noted, Uganda neighbours a number of states wracked by instability and with weak or strained systems of governance. The borders with these states are long and in many respects porous, a situation compounded by the 'arbitrary' and 'artificial' nature of the border created by colonial division and rule. In effect, there are many communities and tribes formally divided by national boundaries yet for whom such division is meaningless and consequently frequently unobserved. Given the limits on and competing priorities for resources and capacity that Uganda faces, securing Uganda's borders presents an immense challenge. The NAP on SALW recognises this challenge

and has begun to set out a useful approach focusing specifically on movement control and refugees.⁶⁷

The policing of Uganda's borders is undertaken by a range of different agencies. Table 3 below provides an overview of the roles and responsibilities of government agencies and indicates which agencies are deployed at border posts.

Table 3: Policing of Uganda's borders

Agency	Roles and responsibilities for international SALW transfer control	Deployment at borders		
		Land	Lake	Air
Uganda Police Force	<ul style="list-style-type: none"> ■ Licensing of civilian (including PSOs) imports, exports and transit ■ Enforcing Firearms Act – investigation of breaches ■ Border control ■ Distribution of SALW to police, SPCs, LDUs, PSOs and other militia ■ Security provision to SALW in transit 	Yes	Yes	Yes
Uganda Peoples' Defence Force	<ul style="list-style-type: none"> ■ Main procurement authority for state SALW ■ Enforcement role where national security and/or territorial integrity is threatened – role in trafficking enforcement operations and border security (present at all border posts and patrolling function in unstable areas) ■ Security provision to arms in transit ■ Stockpile management and security of SALW held by state 	Yes	Yes	Yes
Intelligence services (ESO and ISO)	<ul style="list-style-type: none"> ■ Responsible for the collation of intelligence on illicit SALW trafficking ■ Deployed at all border posts 	Yes	Yes	Yes
Uganda Revenue Authority (Customs)	<ul style="list-style-type: none"> ■ Primary responsibility for revenue collection ■ Law enforcement section responsible for countering illicit trafficking, including of SALW ■ Verifies and administers paperwork at border posts, ensuring compliance of entry / exit permits 	Yes	Yes	Yes
Immigration	<ul style="list-style-type: none"> ■ Responsible for controlling the movement of people into / out of Uganda ■ Limited direct responsibility for controlling movement of SALW 	Yes	Yes	Yes
Civil Aviation Authority	<ul style="list-style-type: none"> ■ Responsible for managing the day-day-day operations of Uganda's aerodromes ■ Primarily concerned with air safety, security issues are within mandate ■ Responsible for inter-agency co-ordination between the various state and commercial entities on security and other issues ■ Responsible for approving flight plans, and monitoring and controlling air traffic 	No	No	Yes
Chief Marine Officer	<ul style="list-style-type: none"> ■ Concessionaire responsible for management of ports on Lake Victoria ■ Responsible for inter-agency co-ordination 	No	Yes	No
Presidential Guard	<ul style="list-style-type: none"> ■ Presidential protection, occasionally deployed to airport, carrying out security functions 	No	No	Ad hoc

Land borders

The majority of Uganda's commercial import, export and transit traffic passes through land border points. The greatest quantity of imports come from Mombasa, Kenya, passing through the border posts at Malaba and Busia. More limited quantities of imports also enter the country from Sudan, DRC and Rwanda.

There have been relatively few interdicted cases of illicit trafficking of small arms through Uganda's land borders. However, it is well-documented that small arms are

⁶⁷ Republic of Uganda, *National Action Plan on Small Arms and Light Weapons* (2004), Serial 6.

passing through Uganda's porous borders, especially in north and north-eastern Uganda.

The research team made two field-visits to border points in the West Nile region to evaluate administrative procedures and the enforcement capacity to control the cross-border trade.

Box 1: Case study – Oraba and Vurra border posts

The posts of Oraba (bordering Sudan) and Vurra (bordering the DRC) deal mainly with exports and goods in transit. Of these two gazetted points, Oraba receives by far the greater volume of traffic, with between 80–100 trucks of cargo a day. In comparison, the small border post at Vurra may receive up to ten trucks a day. However, these figures continue to grow with the continuing stability in the region.

URA (customs) take the lead in administering the movement of goods through the border posts, including cross checking paperwork and confirming the contents of consignments. Crucial information is captured in Bills of Entry, including how the goods are being transported, the truck or container number, and entry and exit points. At entry, the cargo is sealed by customs to prevent tampering with cleared goods. The information is then transmitted to regional URA officials and forwarded to the exit point for confirmation.

Customs officials have the power to carry out physical inspections. At the busier border posts, like Oraba, physical inspections are only conducted on a small percentage of containers or trucks. For example, where a seal may have been tampered with or the paperwork does not comply. However, at the smaller border post of Vurra, physical inspection takes place for each and every consignment.

Where the import, export or transit involves more sensitive items, the enforcement agencies will take a more active role in cross-checking paperwork against goods. For military items, such as small arms, the enforcement agencies take the lead, providing physical escorts of transiting small arms, or requiring arms to be kept in the custody of enforcement officials. The customs agency provides some oversight to the process.

Both stations felt that this was sufficient manpower to meet their needs. However, the need to enhance capacity to conduct border patrols, enhance communication systems and improve interaction and co-operation with neighbouring states were identified.

Challenges and recommendations

- Communications – border posts are networked to a central URA system. However, not all posts are linked to the RADEX system which enables customs officials in Uganda to confirm electronically when consignments of goods have entered and been cleared through Kenyan territory.
 - URA should increase the number of border posts with access to the system. And should explore how to enhance communication links with DRC and Sudan customs officials.
- Detection and scanning – URA has limited scanning capacity, with static cargo scanners in Kampala but only two mobile scanning trucks. At posts where the volume of traffic is high it is possible to conduct detailed physical inspections on relatively few cargo trucks.
 - URA should explore the possibility of sourcing further mobile scanning units.
 - Consideration should also be given to deploying trucks to areas where the risk of illicit firearms trafficking is high (this may not be where overall volume of traffic is high or the smuggling of other contraband is high).
- Patrolling borders – Uganda has long porous borders where small but frequent shipments of SALW can easily be smuggled illicitly into and through the country. Patrols do take place yet the human and physical capacity to conduct these is very limited.
 - URA and UPF should, where possible, provide further capacity (4 x 4 vehicles, for instance) to carry out patrols of ungazetted border areas where there is suspected illegal movement of arms.

- Training – there is a need for enhanced knowledge relating to firearm trafficking among staff from all agencies manning border posts. The coherence of operations among different agencies at border posts could also be enhanced.
 - Develop targeted training on smuggling and concealment-techniques, and improved knowledge of firearms-related issues such as firearm identification.
 - Develop specific, inter-agency training for all personnel (from all government agencies) deployed at border posts on their mandate, roles and responsibilities and how inter-agency co-ordination should function in practice.
- Co-operation with neighbouring states – the capacity of law enforcement agencies in neighbouring states, in particular in DRC and Sudan, is limited. Informal, ad hoc, systems of communication and interaction do exist. The GoU has Memoranda of Understanding with Rwanda, and is developing memoranda with DRC and Sudan, to define specific areas of co-operation. With Kenya, Uganda has also developed and is piloting a ‘one-stop shop’ where Ugandan and Kenyan border controls are combined.⁶⁸ These are encouraging steps. Building on these initiatives to strength co-operation, co-ordination and interaction with officials from neighbouring states will be key to countering illicit trafficking (of firearms and other goods).
 - The GoU should seek to develop formalised systems for communication and information-sharing with counterparts in bordering states (remote and face-to-face communication).
 - The GoU should discuss harmonising (and strengthening) inspection and enforcement procedures with neighbouring states.
- Prioritisation of SALW trafficking – current customs priorities (beyond SALW) are the smuggling of counterfeit products (such as cigarettes, polythene, pharmaceuticals and fuels) and other commercial goods, primarily with a focus on revenue connection. Consequently, the deployment of resources (scanners and manpower) is driven primarily on a revenue raising basis, focusing on the major transit regions and areas of commercial business, and the major consumption regions (Kampala, Kenya). In many areas SALW trafficking is not a major concern. However, areas of high risk for SALW trafficking (from DRC, Southern Sudan and north-western Kenya) are not high priority areas from a revenue collection perspective. There is potential, therefore, for insufficient resources being dedicated to illicit SALW trafficking. Balancing security (risks from SALW trafficking) with revenue collection considerations is important.
 - URA should consult with other law enforcement agencies to consider its risk assessment process and how SALW trafficking is evaluated and prioritised.

Lake borders

Uganda’s lakes are not a major entry points for goods or people, with negligible levels of traffic compared to Uganda’s air and land entry points. Uganda has borders along two major lakes:

Lake Victoria Part of Uganda’s southern border with Kenya and Tanzania, it is the largest waterway in East Africa. There are two gazetted border posts currently operating on Lake Victoria, at Port Bell, on the outskirts of Kampala, and at Jinja. In addition to these formal gazetted entry points, there are numerous un-manned landing sites all along the shore of Lake Victoria. While Lake Victoria is not considered to be a major trafficking point for illicit goods, including SALW, there is concern that small vessels

⁶⁸ The ‘one-stop shop’ is primarily focused on enhancing the speed and efficiency with which people and goods can be handled. The pilot project is being developed under the World Bank at the Kenya/Uganda border of Malaba and may be extended to other border posts.

are able to exploit the numerous small, unmanned landing sites along the lake shore.⁶⁹ The UPF (Police Marine Unit), UPDF and URA (Revenue Protection Service) operate separate marine patrols, with plans being developed to establish an inter-agency patrol team.

Lake Albert Part of Uganda's western border with DRC. There are no gazetted posts on Lake Albert and no major cargo carrying vessels operate on the lake. Until recently, Lake Albert had been ranked as a low priority for the smuggling of goods in general. However, an upsurge in economic activity along the Ugandan side of the lake coupled with the detection of incidences of smuggling has meant that customs officials are now focusing greater attention on the lake.⁷⁰ Indeed, a number of law enforcement officials pointed to the potential use of Lake Albert as an arms trafficking point resulting from: the instability on the Congolese side of the lake; the suspected activity of the Allied Defence Force rebel group in eastern DRC; and the tightening of controls along Uganda's western borders to the north and the south of Lake Albert. Independent reports suggest that these concerns are well-founded, as they have highlighted that arms trafficking has occurred across Lake Albert.⁷¹ No patrols are conducted on the lake.

Box 2: Case study – Port Bell

Port Bell (and Jinja port) is operated by a private concessionaire, Rift Valley Railways. Rift Valley Railways co-ordinates the management of the port, working alongside the various government agencies manning the border post. Predominantly, Port Bell handles imports, with smaller quantities of exports and transit goods to Tanzania, Sudan and DRC. Container stored cargo constitutes the majority of cargo and is carried on railway wagons.

Imports For containerised goods documentation and customs seals are inspected at the port before the goods are transferred to the Railway Goods Shed. At the Railway Goods Shed, depending on the profile⁷² of the importer, a detailed inspection of goods may take place. The Railway Goods Shed does not have capacity to scan containers. Loose cargo is inspected, verified and processed at the port.

Exports Containers are verified at the Railway Goods Shed, with the relevant documentation processed (manifests, invoices and bills of entry) and URA seals applied.

Transit Documentation checks are carried out at the Port, with containers passing through the Railway Goods Shed. However, goods in transit are not routinely subjected to detailed inspections.

Movement of arms Officials knew of no cases of illicit trafficking through Port Bell or of authorised civilian transfers. Occasional government shipments of arms do take place, moving from Dar es Salaam to Mwanza to Port Bell. In these circumstances, the UPDF takes over the management and security of the port during the processing and handling of arms shipments.⁷³

Challenges and recommendations

Given the limited quantities of traffic passing through Port Bell and the low levels of concern that the port is being exploited as a general smuggling or arms trafficking point, in the short term, there do not appear to be any major issues that need addressing from an enforcement perspective. Though not a priority, potential soft-spots do exist that are worth highlighting:

- Patrols – there are numerous unmanned landing sites and limited capacity to patrol the Lakes Victoria and Albert.

⁶⁹ Saferworld interview with official from external security organisation, January 2008.

⁷⁰ Intervention from URA official at consultation meeting, 12 March 2008.

⁷¹ See, op cit United Nations (S/2006/525), para 181; op cit pages 25–26.

⁷² Importers are profiled and assigned a channel of entry: green or red. 'Green Channel' status is assigned to known importers with an established record of compliance. 'Red Channel' status tends to be assigned to new importers or importers significantly increasing the quantities they import.

⁷³ Saferworld interview law enforcement official, Port Bell, March 2008.

- Efforts to develop (and perhaps expand) an inter-agency patrol team on Lake Victoria should be supported.
- Explore opportunities for interaction between law enforcement agencies and Ministry of Agriculture and Fisheries in regulation of landing sites.
- Consideration should be given to establishing patrols on Lake Albert.
- Licensing of vessels – a Transport Licensing Board does exist, which is mandated to licence and inspect water vessels but its capacity is very limited.
 - The provisions of the draft EAC Lake Victoria Transportation Act Enforcement, 2007, should be implemented thereby establishing a maritime administration unit and detailed system of licensing for vessels.⁷⁴
- Training – there is a need for enhanced knowledge relating to firearm trafficking among staff from all agencies manning border posts. The coherence of operations among different agencies at border posts could also be enhanced.
 - Develop targeted training on firearm smuggling and concealment-techniques, and improved knowledge of firearms-related issues such as firearm identification.
 - Develop specific, inter-agency training for all personnel (from all government agencies) deployed at border posts on their mandate, roles and responsibilities and how inter-agency co-ordination should function in practice.
- At Port Bell, officials highlighted that the physical security of the site could be improved; bag and people scanners would aid their work.

Airports

Uganda operates six aerodromes: Arua, Bakuba, Entebbe, Kasese, Kisoro and Gulu. Gulu is capable of handling some larger jet planes, such as SC130s, Ilyushin 76s and Antonovs, while Arua, Bakuba, Kasese and Kisoro are limited to smaller aircraft. By far the most significant aerodrome, however, is Entebbe International Airport which handles the vast majority of Uganda's international air traffic, both passenger and cargo. All of Uganda's six international aerodromes are managed by the Civil Aviation Authority, which operates under the Ministry of Works and Transportation. While the quantity of traffic and consequently capacity deployed to manage and secure Uganda's international aerodromes differs hugely between Entebbe and the other airports, the same management and security procedures are in theory applied to all six aerodromes.

Official imports of arms for the GoU are shipped by air into Uganda through Entebbe, as on occasion are much smaller consignments of commercially purchased arms for dealers, individuals or private security companies. Officials working at Entebbe did not recall incidences where illicit shipments of arms shipped by air had been interdicted in Uganda. Nonetheless, a number of independent reports suggest that there is considerable risk that Entebbe Airport, as a hub that services the conflict-affected Great Lakes region, has been used as a transit and transshipment point for illegally trafficked arms⁷⁵. Reports also suggest that known arms brokers have operated from Entebbe⁷⁶ and that air operators using Entebbe Airport have in the past breached UN arms embargoes and been suspected of operating illegally⁷⁷ and that these operators have been involved in arms trafficking.⁷⁸

⁷⁴ East African Community Secretariat, Draft Lake Victoria Transportation Act 2007, Section 11. Uganda is also moving towards becoming party to the International Maritime Convention and a member of the International Maritime Organisation.

⁷⁵ Op cit United Nations (S/2005/30), para 139; Amnesty International, *Dead on Time – arms transportation, brokering and the threat to human rights*, ACT 30/008/2006 Amnesty International, London, 2006, page 92; and Control Arms, *The Call for tough arms controls: Voices from the Democratic Republic of Congo*, (Amnesty International, IANSA, Oxfam; London, January 2006), page 13.

⁷⁶ Op cit Amnesty International (2005), page 22.

⁷⁷ Op cit United Nations (S/2006/53), para 142–143; and op cit Amnesty International (2005), page 26.

⁷⁸ Op cit United Nations (S/2007/40*), para 69–71; and op cit United Nations (S/2005/30), para 41.

Box 3: Case study – Entebbe International Airport

Entebbe handles passenger and cargo flights, operating flights to and from Europe, Middle East, Asia and other parts of Africa. Entebbe operates as an important hub for flights to the Great Lakes region. While most airlines carry cargo and passengers,⁷⁹ there are also a number of airlines specialising in the carriage of cargo.⁸⁰ Private ground handling companies deal with the physical movement of cargo and passenger luggage, and in order to operate are required by the EAC Customs Act to register. In addition, the airfield is also used as a major UN logistics base to receive and forward goods, including military hardware, to UN operations in the region.

Security arrangements

- National Aviation Security Programme details interaction and co-operation between the different agencies working at the airport.
- Airport Security Programme details the specific roles of each agency.
- All agencies (government bodies and private companies) operating at the airport are represented on the Airport Security Committee (meets monthly).
- Office of the Chief of Joint Security Operations, headed by the Aviation Police, co-ordinates the day-to-day operations of the security agencies. Sub-committees on operations, threat analysis, finance and administration work under this office.
- A three-week Basic Aviation Security Training programme is conducted for law enforcement officials operating at the airport.

Enforcement procedures

Commercial/private imports of arms and ammunition Where arms and ammunition are imported as unaccompanied cargo, the planes are met by customs officials to check documentation. This will include the cargo manifest (which should have been received in advance and include a description of goods and quantities), airway bills, certificate of origin, contract orders and invoices, and relevant import and export licences (which should specify the type of arms, quantity and any after-sales service that will be provided). Rotation documents (indicating how cargo has been loaded and organised on board) may also be checked. Once documentation has been verified by customs, the ground-handling company will inform Aviation Police and will complete a storage form. Aviation Police will then inspect the goods and escort the arms to the airport police station for storage, at which point the end-user of the arms will be informed of their arrival. Where arms are imported by individual passengers, an import licence will be required and the goods will be inspected and cleared by Police.

Government imports of arms and ammunition The Ministry of Internal Affairs will issue an authorisation document specifying the goods and quantities that will be imported. The usual documentation for commercial imports will also be required. Ground handling companies may be involved in receiving imports of arms or ammunition, but the shipment will be met and escorted at all times by the UPDF (Inspectorate General for Military Equipment or the Chief of Logistics). The UPDF will also verify the documentation and self-clear the shipments.

Goods in transit or transshipment Similar documentation is required for goods in transit as for imports. In addition, pre-notification should have been received that arms are to arrive, and the police and/or UPDF will be involved in escorting and securing the arms on arrival. A firearms transit licence should accompany the shipment along with the documentation required for shipments of other goods, with customs verifying this documentation. Confirmation of the shipment should also be sought from the original exporting country and the country of final destination.

Challenges and recommendations

It is notable that the CAA at Entebbe Airport appears to be making significant efforts to enhance safety and security and modernise the operation of the airport.⁸¹ As highlighted above there are, however, a number of enforcement challenges that need addressing. Key issues to address include:

⁷⁹ Airlines carrying cargo and passengers include: Emirates; Kenya Airways; British Airways; Ethiopian Airways; South African Airways; KLM; Brussels Airlines; Egypt Air; Air Uganda; Showa Trade (Ugandan-owned, operating to DRC, flying Antonov 12s); Air Navette (Ugandan-owned, operating mostly to DRC, flying Antonov 12s); and Services Air (Indian-owned, operating between Entebbe, Dubai and DRC, flying Antonov 12 to DRC and Ilyshin 76 to Dubai).

⁸⁰ Airlines specialising in the carriage of Cargo include: DAS Air Cargo (Ugandan-registered, operating DC-10s); MK Airlines (South African registered); Avient Airlines (Zimbabwean registered); and Air France.

⁸¹ Entebbe Airport is subject to a series of audits to check its compliance with safety and security standards. Since 2001, the International Civil Aviation Organization (ICAO) has conducted one major and three follow-up Universal Civil Aviation Security Audits. In 2008, a Universal Safety Oversight Audit will take place (also under auspices of ICAO) and American authorities will conduct an International Aviation Safety Assessment to determine whether flights can be made direct from Entebbe to the United States.

- Inter-agency co-operation and co-ordination – the level of interaction and co-ordination at Entebbe Airport is significantly more developed and sophisticated than at other border points. While noting these efforts and recent improvements, a number of law enforcement officers highlighted the need for further improvements in this area.
 - Evaluate need for additional or revised joint inter-agency training covering the different mandates and responsibilities of different agencies and how they will work together.
- Training on SALW trafficking – while some customs officials had received a small amount of training, many airport officials highlighted the need for more substantive and detailed training on SALW trafficking.
 - CAA (with URA, UPE, UPDF) should explore opportunities for joint training for law enforcement and airport security staff on interdicting SALW trafficking (methods of concealment, identification of traffickers, detection and inspection techniques, trafficking methods, sensitive destinations and countries of origin etc) possibly as part of Basic Aviation Security Training but with regular updates.
- Goods in transit – this represents perhaps the greatest risk from a SALW control perspective, both from experience and potential weak points in enforcement practice. Resource constraints mean that there is limited capacity to offload and inspect shipments in transit, while the falsification of documents often occurs. In addition, poor inspections do take place at points of origin and/or previous transiting points, which weakens controls where officials rely on the inspection of documentation as the sole means of verifying cargo.
 - CAA and law enforcement agencies should afford greater priority to the risk of illicit shipments of SALW transiting through Entebbe Airport.
 - URA and law enforcement agencies should conduct more regular physical inspections of goods in transit.
 - Intelligence on arms trafficking should be actively sought. As a starting point consult with experts in the transportation of arms by air and on the basis of a risk profile (sensitive destinations, points of origin, routes, companies etc) examine where and how intelligence gathering and sharing internationally could be enhanced.
- Technical landings and overflight – customs officials do have the power to inspect and verify the crews and cargo of planes making technical landings at Entebbe, but in practice this very rarely happens.
 - URA should conduct ad hoc and targeted inspections (based on intelligence and building profiles and establishing criteria of high risk flights) of planes making technical landings.
 - CAA should ensure that sufficient information is declared relating to the crew and cargo of planes requesting overflight, and that mechanisms for verifying this information are adequate.
- Information sharing – sharing information with customs services in other countries could be an important means of identifying illicit arms trafficking. The Immigration Service has a computer link with services in Europe, through Interpol, that provides alerts on sensitive persons.
 - URA should explore the potential for establishing an interface similar to that used by immigration to provide alerts on potentially suspect movements of goods.
 - URA and CAA should explore opportunities for exchanges with customs agencies and CAA in other countries to examine and learn from their enforcement practices.

Minimising risks of diversion

During or after any international transfer of SALW there is a risk that the SALW may be diverted to an unauthorised end-user or for an unauthorised end-use.⁸² Such diversion may happen during the initial movement of SALW from exporter to final recipient, or at some time after receipt. For Uganda the primary risks of diversion relate to imports and SALW in transit. Addressing the risks of diversion is important for two reasons: firstly, to ensure that SALW transiting through Uganda or that have been imported do not leak into the illicit market; and secondly, to promote Uganda's international reputation and probity as a responsible recipient state.

Stockpile management and security (including marking and record keeping)

Reports,⁸³ interviews with government officials,⁸⁴ indeed, even official government documents,⁸⁵ have identified that arms held by state and auxiliary forces have on occasion been misused, lost, stolen, hired out to criminals and/or illegally transferred. According to UPF statistics, in 2007, 52 members of the state forces were arrested for offences involving the misuse of firearms (see Annex 3). Officials from within the UPDF and the UPF recognise that internal controls on SALW and ammunition in the possession of their respective forces need to be strengthened through better stockpile security and management procedures, including marking of all SALW and enhanced record keeping.⁸⁶

Current controls on the possession, use and management of SALW in the possession of the UPDF and police (the two agencies with the largest stocks of SALW), are detailed under UPDF Standard Operating Procedures and Police Standing Orders.⁸⁷

This assessment was not able to consider in any detail the regulations and procedures for the physical security of stocks or the procedures for managing the handling and use of arms by state agencies (including auxiliary forces). These issues have been considered in part during the development of the draft Firearms Policy. The NAP also contains a whole section dedicated to improving Uganda's stockpile management practices.⁸⁸ Laudably, the GoU has destroyed over 50,000 collected and obsolete small arms, as well as several tonnes of ammunition.

Here, we focus on the key issue of marking and record keeping, where some important progress has also been made. While current legislation does not require stockpiles or imports of SALW to be marked, in practice, all firearms that are imported for civilian or commercial use must be marked with the manufacturers mark.⁸⁹ In addition, the UPF has in the past three years marked nearly all of the firearms in its possession.⁹⁰

⁸² For a more detailed discussion of diversion of SALW see, Greene O and Kirkham E, *Small arms and light weapons transfer controls to prevent diversion: developing and implementing key programme of action commitments*, (Saferworld and University of Bradford, London, UK, August 2007).

⁸³ Op cit Small Arms Survey, page 3; and op cit Akabwai D and Ateyo P E, page 19–20.

⁸⁴ Saferworld interviews with: UPF Officers, January and February 2008; and Official from Ministry of Justice and Constitutional Affairs, February 2008.

⁸⁵ Office of the Prime Minister, Republic of Uganda, Karamoja Integrated Disarmament and Development Programme: Creating Conditions for Promoting Human Security and Recovery in Karamoja 2007/2008–2009/2010 (Revised final draft 22 May 2007), pages 11–12. This highlights how Local Defence Units, supplied with arms and ammunition by the military, have in the past misused their weapons and supplied ammunition to the illicit market. It also acknowledges (page 61) that rogue UPDF elements have also been a source of arms and ammunition to UPDF warriors.

⁸⁶ Saferworld interviews with: Lieutenant General Katumba Wamala, Commander of Land Forces, UPDF, February 2008; and Commissioner of Police for Community Affairs, Asan Kasingye, February 2008.

⁸⁷ UPF, Police Standing Orders, 1984, Chapter 4, pages 59–64. It was not possible to obtain access to the UPDF Standard Operating Procedures. Uganda People's Defence Force Act, 2005, sections 122 & 125 contains provisions regulating the handling of arms by members of the defence forces. Additional regulations (Uganda Peoples' Defence Forces (Arms, Ammunition And Equipment Ordinarily The Monopoly Of The Defence Forces) Regulations (Statutory Instrument 2006, No 13) prohibit the possession and use of arms and ammunition ordinarily used by the defence forces.

⁸⁸ Op cit Uganda National Focal Point on Small Arms and Light Weapons (2008), Section 23; and op cit Republic of Uganda (2004), Serial 3.

⁸⁹ Saferworld interview with representative of Private Security and Firearms Department, UPF, February 2008.

⁹⁰ The vast majority of UPF firearms are reported to have been marked. Where this has not taken place, the reason forwarded was the process of decentralisation and creation of new districts over the past three years, which has meant that some of the new districts may not have received marking kits.

Using 50–60 marking kits procured from the UK, each district has been allocated an individual alphanumeric code, with the codes entered into paper-based registers. Limited capacity with the Department of Firearms and Private Security has meant that transferring this information to a computer database has proved difficult. Encouragingly, the UPDF has also shown interest in this process⁹¹ and has used the marking kits to mark the arms used on peacekeeping duties in Somalia and those carried by the Military Police.

The draft Firearms Policy states that all imported arms should be marked at the time of importation to Uganda so that the country from which the arms have been imported and the year of importation can be identified. If arms imported into Uganda do not bear an individual serial number, such a number should also be marked on the arm.⁹² A Central Firearms Register will include all of this information.⁹³

A study was undertaken in 2007 by the international NGO, GRIP, to examine Uganda's tracing infrastructure.⁹⁴ The report provides a detailed analysis of Uganda's existing marking and record keeping infrastructure and practices. It provides a useful point of reference for the GoU to review and strengthen its capacity to effectively mark and trace SALW and ammunition within its possession. Drawing on the GRIP report⁹⁵ and the research undertaken for this study some of the key issues that should be addressed in relation to marking, record keeping and stockpile management, from a diversion perspective include:

- Ensuring the adoption and translation into legislation of the commitments contained within the draft Firearms Policy to mark all SALW within state possession,⁹⁶ establish a Central Firearms Registry and Firearms Register,⁹⁷ and strengthen regulations on the possession and use of firearms by employees of state agencies.⁹⁸
- Strengthen procedures on stockpile management in line with the provisions of the NAP.⁹⁹
- Acquiring adequate marking equipment (and sufficient training for personnel) to maintain, update and mark newly acquired arms in the possession of the UPF. Ideally there should be a sustainable marking capacity within each district police station.
- Acquiring adequate marking equipment for the UPDF to enable marking of all existing stocks, their updating and the ongoing marking of newly acquired stocks.
- Establishing greater awareness of the importance and urgency of improving marking and record keeping procedures within the UPDF and UPF, among a wider constituency of senior officers.
- Acquiring the necessary software and equipment to establish electronic databases for the firearms register. This should include a networked system linking the proposed central Firearms Register to, in the first place, regional registries (within the army, police and prison service). Resources permitting, rolling this system out to the districts would be the ideal. Central to such a process will be the acquisition of equipment and the longer-term planning (including budget considerations) for regular training, updating and maintenance on the systems.

⁹¹ Saferworld interview with Lieutenant General Katumba Wamala, Commander of Land Forces, UPDF, February 2008.

⁹² Op cit Uganda National Focal Point on Small Arms and Light Weapons (2008), Section 21.3.

⁹³ Ibid Section 4.5 & 4.6.

⁹⁴ Anders H and Kitiku J, *Tracing illicit SALW in Uganda: Scope for Strengthening the national tracing infrastructure* (GRIP – Unpublished).

⁹⁵ Ibid pages 15–16.

⁹⁶ Op cit Uganda National Focal Point on Small Arms and Light Weapons (2008), Section 21.2.

⁹⁷ Ibid Sections 4.5 & 4.6.

⁹⁸ Ibid Section 23.

⁹⁹ Ibid Section 24, and, op cit Republic of Uganda (2004), Serial 3.

Assessing diversion risks when authorising international transfers

Should Uganda export SALW and/or ammunition in the future, whether as government-to-government transfers, gifts or commercial transactions, assessment of the risk of diversion from the intended end-user should take place. It will also be imperative that the arms exported are marked and detailed records kept of the transfer. Encouragingly, the draft Firearms Policy includes provision for evaluation of end-use and the end-user before any transfer licence is granted and requirement for an end-use certificate to be provided for any export.¹⁰⁰

Tackling underlying causes of illicit trade in SALW

As highlighted in the introduction to this report, Uganda has been severely affected by conflict and insecurity, particularly in the northern regions of the country. As a result, special attention has been given to these regions to attempt to promote peace and development. Two major programmes have been developed that have the potential to contribute to Uganda's control of the transfer of SALW, an issue that has been central to the instability and conflict in the north of Uganda. In addition, the control of SALW has been identified as a priority in its own right by the GoU, which has developed a National Action Plan on SALW.

The northern regions of Uganda have been blighted by conflict and insecurity through separate insurgencies in West Nile and Acholi, and by inter-clan cattle-raiding, armed crime and conflict in Karamoja. While the insecurity and conflict in these regions have in many ways been distinct, they have all had a notable cross-border dimension – and have been influenced by the instability in neighbouring states – and have been fuelled by and contributed to the international trafficking of SALW. Indeed, the levels of illegal ownership of SALW in Karamoja are far higher than in any other region of Uganda. Bringing stability and development to Karamoja represents the single greatest SALW-related challenge in Uganda.

International discourse on 'international arms transfer controls' tends to focus on effectively regulating the authorisation, delivery and end-use of arms transfers. Yet in a context such as northern Uganda, the challenges of controlling illegal transfers are in large part not readily addressed by better authorisation procedures or end-use verification. With unimpeded freedom of movement across borders, extremely high levels of arms possession, easily replenished sources of arms and the absence of effective systems of law and order, the challenges are much more those of establishing the conditions under which effective governance can be exercised and development sustained. Therefore, while the international movement of arms and the porosity of Uganda's borders in Karamoja are important issues that need to be addressed, they should not be considered the highest priority. Instead, creating the conditions in which there is no longer the need or desire for arms within communities – through security provision, better governance and effective and sustained development – indeed, with a limited focus on disarmament itself, should be the current focus. It is important to highlight that the NAP, dedicates a section to Human Development Planning, which sets out a range of actions addressing the broader security, conflict and development dimensions of the demand for SALW.¹⁰¹ As such, it provides a useful frame of reference to developing responses in northern Uganda.

¹⁰⁰ Op cit Uganda National Focal Point on Small Arms and Light Weapons (2008) Sections 22.5 & 22.6

¹⁰¹ Op cit Republic of Uganda (2004), Serial 7.

Two major programmes have been developed to address peace, security and development in northern Uganda: Karamoja Integrated Disarmament and Development Programme (KIDDP) and Peace Recovery and Development Plan for Northern Uganda (PRDP). Both of these programmes contain provisions relevant to better controlling the international transfer of SALW.

Karamoja Integrated Disarmament and Development Programme

The KIDDP, launched in April 2008,¹⁰² represents the latest in a series of attempts by the GoU to address the high levels of arms possession and misuse in Karamoja. While not perfect, the KIDDP represents the GoU's best attempt yet to begin to address some of these underlying causes of armed violence in Karamoja. The KIDDP frames a series of disarmament interventions, complemented by efforts to enhance security and address the development needs identified as roots causes of armed violence in Karamoja. It recognises the international dimension of arms proliferation in the region and includes the following initiatives in response:

- Component 1 – deployment of UPDF along international borders to address trafficking of arms and ammunition, and facilitate cross-border disarmament interventions, including undertaking joint military operations to stem arms trafficking;¹⁰³ and
- Component 2 – regulating the cross-border movement of people and goods (including establishment of cross-border commissions) and strengthening customs and immigration checks and patrols.¹⁰⁴

Peace Recovery and Development Plan for Northern Uganda

The PRDP presents a plan for recovery in the conflict-affected regions of northern Uganda – including Karamoja (the PRDP and KIDDP therefore overlap) covering the period 2007–2010. However, implementation has not yet begun in earnest. The PRDP identifies four strategic objectives: consolidation of state authority; re-building and empowering communities; revitalising the economy; and peace-building and reconciliation. From an international transfer controls perspective the PRDP contains a number of elements of some relevance under the first objective of consolidating state authority, including:

- West Nile – gradual demilitarisation and redeployment of UPDF, coupled with a strengthening of border security;¹⁰⁵
- North (Acholi) – enhancing strength of civilian police, with gradual demilitarisation and redeployment of UPDF to perimeter and border security roles;¹⁰⁶ and
- Across the northern regions, enhancing the capacity (numbers and deployment) of the UPE, along with a rationalisation of auxiliary forces, with a shift from support to military functions to providing support to police operations.¹⁰⁷

Key issues in implementing the KIDDP and PRDP There are a large number of factors that will influence the success or otherwise of the PRDP and KIDDP, and these are well beyond the scope of this assessment. These factors include the outcomes of ongoing peace negotiations, the manner of their implementation, the robustness of the baseline analysis and the success in securing necessary financing for the programme. While

¹⁰² Though launched the KIDDP does not yet have a detailed roll-out plan, and financial backing for elements of the programme is still being sought.

¹⁰³ Op cit Office of the Prime Minister (2007), Objectives 1 and 5, pages 64, 86 & 88.

¹⁰⁴ Ibid Objective 3, pages 67, 94 & 95.

¹⁰⁵ Republic of Uganda, Peace, Recovery and Development Plan for Northern Uganda, 2007–2010, page 38.

¹⁰⁶ Ibid page 38.

¹⁰⁷ Ibid pages 42–44, and pages 51–53.

recognising that ‘international transfer controls’ by themselves will have limited immediate impact, efforts such as strengthening of border patrols and customs checks should help lay the foundations for the effective operation of controls on international transfers of SALW in the long term. In the short term, addressing broader elements of law and order, security provision, re-conciliation and development will reap greater rewards.

Co-operation and co-ordination

National co-ordination

Given the nature of illicit trafficking and the practicalities of enforcing controls on the international transfer of SALW, a number of different law enforcement agencies, institutions and ministries are necessarily involved. However, ensuring that these agencies effectively co-operate is critical to the operation of an effective system of control. Co-operation and co-ordination already occurs in a number of different fora and locations, including the following:

Border post co-ordination As highlighted above, a number of different agencies are present at Uganda’s border posts. At Entebbe Airport formal co-operation procedures and structures have been established. However, at the land and lake entry points such formal practices and structures do not appear to be in operation. A number of interviewees highlighted inconsistent, and at times, poor inter-agency co-operation and co-ordination at border posts as an issue of concern.

National Focal Point on SALW An inter-departmental committee called the National Focal Point on Small Arms (NFP) was established in 2002. The NFP is charged with co-ordinating Uganda’s efforts on SALW control and is the institutional home for SALW management and control in Uganda. The NFP contains representatives from a range of government departments and agencies, as well as representatives from civil society.¹⁰⁸ The NFP has developed a National Action Plan addressing the proliferation of small arms in Uganda and has led the development of a draft Firearms Policy. The NFP also represents Uganda in international fora and is the designated point of contact for engagement with other states, with international bodies such as the UN and for handling tracing requests under the International Tracing Instrument. The NFP is well-placed to be the central agency co-ordinating and leading any efforts to strengthen controls on the international transfer of SALW.

Co-operation in licensing Given the very small number of export and transit licences issued, it is unsurprising that there is not any formal interaction between ministries and departments on this issue. The draft Firearms Policy envisages the establishment of an Arms Management and Disarmament Committee, which would be charged with overseeing the operation of a new firearms act and of providing advice to the Minister (of Internal Affairs). The draft Firearms Policy does not specify any particular body or arrangement to consider the operation of the proposed international transfer provisions. The GoU should:

- Consider mandating the Arms Management and Disarmament Committee, or other suitable body, with this responsibility and in particular making recommendations on the operation of the arms transfer criteria and the suitability or otherwise of applications for licences.

¹⁰⁸ Members of the National Focal Point include: Ministry of Internal Affairs (including Police, Customs, Prisons); Office of the President (including ESO); Ministry of Foreign Affairs; Ministry of Information; Ministry of Education of Sports; Ministry of Gender, Labour and Social Development; Ministry of Justice and Constitutional Affairs; Ministry of Tourism, Trade and Industry; Ministry of Defence; Ministry of Finance, Planning and Economic Development; Prime Minister’s Office; and civil society organisations (People with Disabilities, Oxfam, Cecore and Uganda Joint Christian Council).

Joint Intelligence Committee Includes representatives from police, intelligence agencies and the UPDF (Chief of Military Intelligence) and considers and shares information on security threats.¹⁰⁹ Also provides a co-ordination point for co-operation between security agencies. SALW is an issue that falls within its purview.

Law enforcement co-operation Inter-agency law enforcement co-operation has occurred in relation to counter terrorism and violent crime, including a focus on illicit SALW trafficking. A Joint Task Force on Terrorism, including officers from police, army and intelligence, has been in operation since 1998, conducting intelligence gathering, rapid response and investigations. Interdicting SALW trafficking falls within the remit of this unit. The Violent Crime Crack Unit (VCCU), which includes members of the police and army, has also been involved in some efforts to trace SALW, as part of operations to counter armed crime. The NAP (and draft Firearms Policy) also envisages formal co-operation on SALW through regional and district level Task Forces.¹¹⁰ Establishing these Task Forces is a stated priority of the NFP.

Initiatives to enhance inter-departmental co-operation The Inter-Governmental Authority on Development (IGAD) is currently supporting an initiative to improve inter-departmental co-operation in countering terrorism. The trafficking of SALW should fall within the scope of this process and could provide a useful vehicle to enhance co-operation in this area. It will be important therefore that the issue of SALW trafficking is factored into discussions.

Regional and international co-operation and co-ordination

Uganda's NAP under Serial 5¹¹¹ covers a range of actions to enhance co-operation, information sharing and interaction regionally and internationally, including establishing cross-border task forces and conducting joint law enforcement operations. It provides a sound framework for addressing some of the key cross-border SALW control issues. In addition, there are a number of different fora, processes and mechanisms through which Uganda engages in sub-regional and international co-operation and co-ordination relating to SALW, including:

Nairobi Protocol and the Regional Centre on Small Arms (RECSA) The Nairobi Protocol is the single most important regional framework on SALW for Uganda. RECSA co-ordinates its implementation and regular interaction among NFPs, enabling general information-sharing and discussion of specific issues, such as, for instance, the regional harmonisation of legislation. Some discussions, such as those on the development of Best Practice Guidelines for the implementation of the Nairobi Protocol, have focused on international transfer controls. The Nairobi Protocol process and RECSA offer good opportunities for sub-regional interaction on international transfer controls on SALW.

East African Community (EAC) The EAC brings together the Republic of Kenya, Uganda, the United Republic of Tanzania, Republic of Burundi and Republic of Rwanda with the aim of deepening co-ordination on political, economic and social issues. The EAC has a SALW Secretariat, which provides support to member states and promotes common approaches to SALW control. The EAC provides an important forum and driver for co-ordinated approaches to SALW with Uganda's neighbours. An EAC Customs Union exists, with EAC-wide laws being developed on a range of issues, including the EAC Customs Management Act 2004.

¹⁰⁹ Saferworld interview with External Intelligence Organisation official, January 2008.

¹¹⁰ Op cit Republic of Uganda (2004), Serial 1, Objective 3; and op cit Uganda National Focal Point on Small Arms and Light Weapons (2008) Sections 4.3 & 4.4.

¹¹¹ Op cit Republic of Uganda (2004), Serial 5.

Interpol The Silaha Project was established by Interpol within the Great Lakes region and Horn of Africa to centrally collect, store and analyse information on illicit arms dealings in the region, with a view to identifying major illicit arms brokers and traffickers, their sources and modus operandi.¹¹² However, implementation of the project has been slow. For instance, since September 2007, only three tracing requests on illicit SALW have been made in Uganda and information is still being followed-up.¹¹³ Other Interpol mechanisms focussing on firearms also exist, such as the International Weapons and Explosives Tracing System. However, Uganda does not use this system.

Tripartite Plus Commission Including DRC, Rwanda, Uganda and Burundi, the Commission deals with the question of foreign armed groups operating in the region.¹¹⁴ Among its objectives are to: create a mechanism to address regional instability and a process of political and diplomatic rapprochement; tackle any security threat prevailing at the parties' common borders among and between the parties; ensure respect for the sovereignty and territorial integrity of the parties; and cease support for armed groups or militias within the territories of the parties.

Civil Aviation Authority There are a number of mechanisms through which Uganda interacts with other states in the sub-region and internationally. Predominantly this exchange of information concerns issues relating to air safety, rather than security issues such as SALW trafficking. However, these fora, could perhaps be used for discussions of such topics in the future. Uganda engages with regional civil aviation bodies in the East African Community, Latin American and European Community, as well as with the African civil aviation body.

Conclusions

The enforcement of an effective system of controls on the international transfer of SALW operates at a number of different levels and involves a wide range of actors. The control of international transfers of SALW also fits within broader programmes of security provision, law enforcement and administration. As such, there are numerous factors that can contribute to the effectiveness of controls on international transfers of SALW, ranging from general issues of inter-agency co-operation, numbers of personnel and levels of professionalism, to specific issues directly related to international transfers of SALW, such as intelligence gathering on illicit trafficking and training in SALW trafficking interdiction techniques. Based on the challenges and threats that Uganda faces, and considering capacity and potential resource constraints, there are a few areas for action that should be considered as priorities. These key recommendations relate to:

- strengthening transit controls;
- enhancing inter-agency co-operation;
- minimising the risks of diversion through enhanced record keeping and marking of SALW; and
- addressing the underlying causes of conflict, under-development and insecurity in northern Uganda.

¹¹² For more information see, for example, <<http://www.interpol.int/Public/ICPO/speeches/EAPCCO20070829.asp>>; and <[http://disarmament.un.org/Library.nsf/e5e236cc645fcd048525731d006514e5/9c71a92a5b67c5ba85257344004991a0/\\$FILE/a-62-162.pdf](http://disarmament.un.org/Library.nsf/e5e236cc645fcd048525731d006514e5/9c71a92a5b67c5ba85257344004991a0/$FILE/a-62-162.pdf)>.

¹¹³ Saferworld interview with Interpol representative, January 2008.

¹¹⁴ Memorandum of Intent on Regional Security in the Great Lakes amongst the Democratic Republic of Congo, the Republic of Rwanda and the Republic of Uganda, 2004.

5

Oversight, transparency and accountability

THIS SUB-SECTION EXAMINES oversight, transparency and accountability in relation to international transfers of SALW. Relevant UN PoA commitments in this regard include to **make public national laws, regulations and procedures** that impact on the prevention, combating and eradicating of the illicit trade in SALW (Section II, paragraph 23).

Publication of laws

All laws and regulations are published at the time of their adoption in the Uganda Gazette. Copies of all laws and regulations are available for purchase from the Ugandan Printing and Publishing Corporation. There is no on-line source available. Other procedures, where not stipulated explicitly in legislation, such as the general procedures for state exports and imports of arms, or arms in transit to other governments, and the Standard Operating Procedures relating to the management of arms in the possession of the UPDF, are not readily available to the public. The Police Standing Orders covering the management and use of arms by the police were made available to the research team.

Civil society involvement

Public reporting No regular public report on GoU international SALW transfer policy or practice is produced, nor are detailed reports made to parliament on this issue. Uganda has provided information to the UN Commodities Trade Statistics Database. The GoU's stated position is that no exports (other than for private individuals) of SALW take place. As such, Uganda has nothing to report to the UN Register of Conventional Arms and does not make a submission.

- The GoU should provide information on *all* its international SALW transfers to the UN Register of Conventional Arms (where there are transfers to report) and the UN Commodities Trade Statistics Database.

- The GoU should immediately move to publish detailed national reports of all SALW transfers entering, leaving or crossing Ugandan territory (and, once the legislation is amended accordingly, brokered by Ugandan citizens or Ugandan-registered companies).

Civil society scrutiny There appears to be little formal opportunity for civil society to scrutinise the practice of the GoU in conducting international transfers of arms. However, civil society has been involved in the development of policy on international SALW transfers, with representation on the National Focal Point and the SALW Policy Drafting Committee, as well as through public consultations on the draft policy document.

Parliamentary oversight A Parliamentary Committee on Defence and Internal Affairs, which comprises 20 members of parliament, scrutinises government procurement of arms and other spending by the Ministry of Defence, as well as examining government policy and practice. UPDF expenditure is approved by parliament and Article 210 of the Constitution also authorises parliament to regulate the UPDF. However, the level of detail provided to the Committee of spending on SALW – often a figure indicating the value of procurement plus a general statement, such as, ‘equipment for the enhancement of the UPDF’ – is insufficient to enable meaningful scrutiny. In addition, no regular reports are made to the Committee on matters of SALW policy or practice.

Notably, the composition of the Committee changed in 2006. Since then the Chair of the Committee has been a parliamentarian rather than an acting officer of the UPDF. The Committee’s role as an oversight body is still maturing in light of this change, as is its relationship with the Ministry of Defence. In this regard, the general level of knowledge of issues of SALW control among members of the Committee was deemed to be quite limited, which has weakened its ability to question the government on such matters.¹¹⁵

Encouragingly, the Committee is beginning to grapple with some important SALW-related issues. It is currently conducting an investigation into the distribution of SALW by the MoD to local militias. This investigation, and the manner in which key ministries and the UPDF engage with and respond to the recommendations of the Committee, will be a test-case for the maturity of parliamentary oversight of arms issues. It offers an excellent opportunity for the GoU to demonstrate its commitment to transparent, accountable and open government. The substance of the investigation itself should also provide a better understanding of the diversion of state stockpiles.

Some post-facto scrutiny can also take place of the importation of arms, as the auditing of classified expenditure is provided for under the Public Accountability Act 2003. The Act gives the Minister authority to determine what level of confidentiality and exposure may be given in relation to the auditing of classified expenditure. It is unclear in practice what level of information is provided in relation to arms procurement and to whom information is released.

¹¹⁵ Saferworld interview with Member of Parliament, March 2008.

Conclusions

Uganda has some mechanisms for public scrutiny of its policy and practice on international SALW transfer controls. These are limited, however. The GoU should provide more detailed publicly-available information on its policy and practice, create more opportunities for public scrutiny, strengthen formal mechanisms of oversight and pro-actively respond to and engage with parliament and civil society on SALW issues. Key areas for action include:

- Strengthening the role of the Parliamentary Committee on Defence and Internal Affairs; and
- Improving national reporting on policy and practice in relation to international transfers of SALW by the state and civilians.

Recommendations

UGANDA HAS MADE SOME POSITIVE STEPS towards improving its controls on the international transfer of SALW. Since 2001, Uganda has gone some way towards fulfilling its commitments under the UN PoA. Uganda has:

- Established a national point of contact and national co-ordination agency in the form of the National Focal Point on SALW;
- Developed a National Action Plan on SALW – a wide ranging national strategy and action plan to address the range of challenges and threats relating to SALW in Uganda, including addressing key elements relating to the international transfer of SALW;
- Developed a detailed and progressive draft Firearms Policy, calling for the review, strengthening and amendment of existing legislation on SALW, including detailed guidelines for the review legislation on international transfers of SALW, as well as other issues;
- Undertaken an initiative to mark all police arms and some of those held by the defence forces;
- Created good levels of buy-in within key institutions and within the GoU for tightening controls on SALW; and
- Actively engaged in and promoted the regional implementation of the Nairobi Protocol, including the development of best practice guidelines on the international transfer of SALW.

Nonetheless, Uganda's regulation and enforcement of controls on the international transfer of SALW requires strengthening in a number of areas. The commitments of the UN PoA provide a broad framework to guide Uganda in this regard. However, the manner in which these broad commitments are elaborated will be crucial. The devil will be in the detail of the regulations and enforcement practices that are adopted.

Throughout this report challenges and needs have been highlighted. To some degree addressing all of these issues will contribute towards improving Uganda's controls on international transfers of SALW. However, there is obviously a hierarchy of needs and important considerations of sequencing. In addition, all states face considerable competition for the limited human and financial resources that are available.

As Uganda develops, seeking to lift its people from poverty and to re-build parts of the country ravaged by conflict, these resource constraints are particularly pressing.

Uganda's NAP details a comprehensive programme of actions, which if implemented would contribute to reducing the prevalence and impact of illicit transfers of SALW.

The NAP should therefore be seen as the primary vehicle through which to take forward the recommendations highlighted below. While the NFP, as the institutional home for SALW management and control in Uganda, should be the central actor in co-ordinating their implementation. In light of these considerations, seven principal recommendations, drawn from the above sections, have been highlighted as priorities:

1. Agree draft Firearms Policy and amend legislation

The draft Firearms Policy provides a strong basis for closing the loopholes and gaps within current legislation, as well as establishing needed practices and institutions to better control international transfers of SALW. The implementation of the Firearms Policy will present significant administrative and financial challenges – for instance, in the establishment and maintenance of a Central Firearms Register. The Firearms Policy and review of legislation also relate to SALW issues beyond international transfer controls, such as civilian possession. The provisions of the policy relating to international transfer controls should not be implemented in isolation but as part of a broader programme of reform.

The GoU should:

- Finalise and agree the draft Firearms Policy as a matter of urgency;
- Ensure that provisions of the draft Firearms Policy relating to international transfers of SALW are applied to international transfers (import, export, transit, transshipment) by the state as well as by civilians;
- Through the NFP, develop an implementation plan for the Firearms Policy, including setting out the process for amending legislation, and identifying priorities within the policy to implement with urgency (these could be establishing the structures to administer revised legislation and addressing issues relating to marking, record keeping and stockpile management);
- Initiate and promote, as a matter of urgency, the amendment of existing legislation in line with the guidelines for review of legislation contained in the draft Firearms Policy; and
- Plan and budget for the implementation of amended legislation, well ahead of the finalisation of any revised or new legislation, and engage international donors for financial and technical assistance.

International partners should:

- Offer financial support, where requested, for the implementation of revised legislation;
- Offer technical support and expertise, where available, to support the review of legislation and its implementation; and
- Explore opportunities for sharing information and experience on international transfer controls, in particular, in relation to the development and implementation of legislation.

Civil society should:

- Lobby for the draft Firearms Policy to be adopted, for the review of legislation to be undertaken quickly in line with the policy guidelines of the draft Policy, and for revised legislation to be fully implemented; and
- Actively participate in the development of revised legislation and its implementation, through the NFP, public consultations on the Policy and draft legislation and pro-active engagement with government.

2. Enhance inter-agency co-operation and co-ordination between, and training of, border security personnel

In practice, a range of agencies are involved in the enforcement of controls on the international movement of goods and people. Given the range of different agencies operating at land, air and lake border points and their different responsibilities, priorities and mandates, effective co-operation and co-ordination is vital in countering trafficking on SALW and other goods. It is apparent that the sophistication of practices and formal procedures for co-operation and co-ordination among security agencies is significantly more developed at Entebbe Airport than at land or lake border points. Examining practice at Entebbe Airport, reviewing its effectiveness and drawing lessons applicable for other border points, could be a useful starting point.

The GoU should:

- Review the effectiveness of the systems, structures and procedures at Entebbe airport (recognising the notable difference between the airport and other border posts) for inter-agency co-operation and identify lessons that could inform co-operation at other border points;
- Review, clarify and clearly document the responsibilities and lines of authority of, and interaction between, agencies at border points;
- Implement joint training programmes on border security for officials from the different agencies. These should be regularly conducted and promote inter-agency co-operation;
- Develop training modules on enforcement and countering illicit trafficking including training on trafficking in SALW (such as methods of concealment, identification of traffickers and detection and inspection techniques). These should form part of the above training. The NFP, with input from experts in border security, could co-ordinate the development of SALW specific training modules; and
- Explore the opportunity presented by the Inter-Governmental Authority on Development (IGAD) initiative on inter-agency co-operation on counter-terrorism to enhance co-operation on issues of SALW trafficking among the seven Member States (Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda).

International partners should:

- Offer to share experience on the operation of border security, through expert advice, exchange visits, sharing of procedures and plans, invitations to participate in established training programmes etc.; and
- Offer financial support to the development of enhanced border security practices.

Civil society should call for information on the steps that the GoU plans to make to improve the operation of security at its border posts and hold the GoU to account for the implementation of these plans.

3. Strengthen transit controls

From past experience and potential weak points in enforcement practice, the transit of SALW represents the greatest risk from a control perspective, outside the widespread illicit trafficking in northern Uganda. The movement of goods in transit through land, lake and in particular air (Entebbe Airport), entry points therefore needs to be addressed as a priority. The reliance on document checks and 'sight inspections', and the absence of physical inspections and offloading of shipments, means that there is a real risk of illicit shipments of arms and ammunition passing through Uganda.

The GoU should:

- Conduct more regular inspections both targeted and ad hoc of goods in transit;
- Undertake specific intelligence gathering on traffickers, sensitive destinations and points of origin, trafficking routes and modes of concealment, to build risk profiles to aid targeting of inspections;
- Institute awareness raising programmes and training for law enforcement personnel to identify suspect transit shipments; and
- Ensure that the criteria established in the draft Firearms Policy against which to adjudge applications for licences are implemented in legislation and rigorously applied. Licences should be required for all shipments of SALW and ammunition passing through Uganda in transit, including shipments bound for other governments.

International partners should:

- Offer to share experience on the operation of transit controls in their countries;
- Invite Uganda to participate in discussions on minimising the risks of diversion of SALW transfers, and discuss with Uganda the challenges that it faces in effectively controlling SALW in transit, to inform their own practices; and
- Share intelligence, and intelligence gathering techniques, on the operation of SALW trafficking.

4. Enhance controls on imports of SALW by the state

The GoU is by far the largest importer of SALW, yet there is no legislation that determines the process by which the GoU should authorise and undertake the international transfer of SALW (imports, potential exports, and SALW in transit to other governments, whether as military aid or government-government transfers). Procedures may exist detailing how international transfers of SALW for state purposes are conducted, but they are not established in law, nor are they generally available for public scrutiny. It is unclear if the provisions of the draft Firearms Policy will apply to government transactions. Obviously, state transfers of SALW are a politically sensitive area, and the specifics of government transactions may, to a greater or lesser extent, be necessarily secret. Nonetheless, state transfers of SALW should still be reflective of the GoU's commitments under the UN PoA.

The GoU should:

- Ensure and clearly state that the draft Firearms Policy will apply to government transactions. In so doing, the GoU should clarify how in practice such a system will function. This should be done as a matter of priority; and
- Legislation and regulations should clearly elaborate the framework within which international transfers by the state should operate, clarifying how decisions are made, against what criteria, how these transfers are verified and by whom, what record-keeping and marking should take place and the systems of public and/or parliamentary oversight and scrutiny that should operate to ensure full accountability of the GoU decisions relating to the international transfers of SALW.

Civil society should:

- Call for the GoU to include in legislation a clear framework for controlling the international transfer of SALW by the state; and
- Call for the highest levels of transparency from the GoU in relation to international transfers of SALW by the state.

5. Minimise diversion risks through enhanced stockpile management, record keeping and marking

There are a number of areas relating to the control of existing stocks within the possession of state agencies that should be addressed as a priority, both to minimise the risk of misuse or leakages and, where leakages do occur, to enable effective tracing to be carried out. From past experience, the internal control of SALW within the possession of Uganda's defence and security forces has presented a challenge. Reports have identified that arms held by state and auxiliary forces have previously been misused, lost, stolen, hired out to criminals and/or illegally transferred. Internal controls must be strengthened through better stockpile security and management procedures to minimise these diversion risks. Marking and record keeping practices should be addressed as a priority. Broader practices for stockpile management and security should subsequently be considered

The GoU should:

- Implement systematic marking and electronic record keeping of all SALW in the possession of the UPDF, the UPF, any auxiliary forces and PSOs, and other state agencies possessing SALW. Records should be kept and maintained permanently (or for at least 20 years¹¹⁶);
- Create greater awareness of the importance and urgency of improving marking and record keeping procedures within the UPDF, the UPF and PSOs, in particular among a wider constituency of senior officers in the UPF and UPDF;
- Adopt and implement the draft Firearms Policy establishing the Central Firearms Registry and Firearms Register;
- Acquire sufficient marking equipment and carry out training in marking techniques to ensure that new acquisitions of SALW by all state agencies can be marked (including making provision for regular training of new staff and budgeting for replacement of marking equipment);
- Review the legislative framework that applies to controlling PSOs, including provisions for systematic record-keeping of stocks of firearms. Effective oversight and accountability should be developed to minimise the risk of state stocks of SALW being diverted through PSOs; and
- Ensure that stockpile management procedures of all state agencies are reviewed in line with the provisions of the draft Firearms Policy.

6. Enhance transparency, oversight and accountability

While levels of international transfers of SALW into, out of and through Uganda are relatively small in global terms, the GoU should still provide regular information on its policy and practice. In the absence of this public reporting on international arms transfers, there appears to be little formal opportunity for civil society to scrutinise the policy or practice of the GoU in conducting international transfers of SALW, and to ensure that the GoU is accountable to its international, regional and national commitments. Given the low levels of authorised transfers such reporting need not be onerous for the GoU. Formal systems of parliamentary oversight should also be enhanced.

¹¹⁶ Such record keeping requirements are in keeping with the Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, 8 December 2005, art. 12, <<http://disarmament.un.org/cab/docs/International%20Instrument%20English.pdf>>.

The GoU should:

- Strengthen the role of the Parliamentary Committee on Defence and Internal Affairs by providing it with regular and detailed information on the GoU's policy and practice in relation to international transfers of SALW, data on procurement practices and budgetary spending on the purchase of arms;
- Ensure that key Ministries and members of the defence and security forces should co-operate fully in an open and engaged manner with Committee members in regard to the Committee's investigative role. The Committee's recommendations should be considered in detail with formal detailed responses provided on how such recommendations will be acted upon;
- Publish national reports on policy and practice in relation to international transfers of SALW by the state and civilians, including numerical values on the numbers of licences authorised for the transfer of SALW into, out of and through Uganda; and
- Report to international institutions, including the UN Register of Conventional Arms (if appropriate) and the UN Commodities Trade Statistics Database.

The Parliamentary Committee on Defence and Internal Affairs should ensure that it proactively seeks to build its knowledge of SALW issues through engagement with the National Focal Point on SALW and interested civil society organisations.

Civil society should:

- Call for the GoU to provide annual statements or reports on GoU policy and practice in relation to international transfers of SALW; and
- Hold the GoU to account over its commitments under regional and international instruments on SALW (like the Nairobi Protocol) and national policy statements and action plans (i.e. the NAP) in relation to international transfers of SALW.

7. Address the underlying causes of instability, conflict and underdevelopment in northern Uganda.

While this is not a traditional international transfer control response, Uganda's single biggest current and potential threat relates to the proliferation of SALW in northern Uganda. In Karamoja, where illicit SALW possession is already very high, and in Acholi and West Nile areas, where the potential for influxes of SALW from neighbouring states risks destabilising post-conflict reconstruction. Controlling both the supply of and demand for SALW should be addressed as parallel priorities. While controlling the international transfer of SALW is important, the reality is that alone such measures will not address the most pressing of Uganda's SALW-related problems – the insecurity and conflict in northern Uganda. The KIDDP and PRDP, while containing notable weaknesses, provide a framework within which progress could be made and are therefore worthy of support.

The GoU should ensure implementation of the KIDDP and PRDP, prioritising those elements that address the underlying causes of insecurity (and hence demand for SALW), to create the necessary conditions for disarmament to succeed in the medium to longer term.

ANNEX 1: Methodology

The methodology for the assessment of Uganda's controls on the international transfer of small arms combined desk and field based research. The desk based research focused on the background of the nature of any SALW transfer problems and in identifying the formal transfer controls framework under which Uganda theoretically operates. Published reports, media coverage, regional and international agreements, and national laws, regulations and operational procedures were all examined.

Three field visits were conducted in 2008 from: 23 January to 1 February; 18 to 22 February; and 3 March to 13 March. In Kampala and Bombo a series of interviews – individual and group based – were held with key actors from: Uganda Police Force ((UPF) Headquarters, CID, and Quartermasters Unit); Uganda Peoples' Defence Force (UPDF); Uganda Revenue Authority (URA – Customs); Immigration; Ministry of Works and Transportation; Uganda National Focal Point on SALW (NFP); Ministry of Constitutional Affairs and Justice; External Security Organisation (ESO); and the Parliamentary Committee on Defence and Internal Affairs.

Visits were undertaken to the following border posts:

- Port Bell, Lake Victoria – interviews were conducted with officials from UPDF, UPF, URA (Customs), Immigration and Rift Valley Railway Company;
- Entebbe Airport – interviews were conducted with officials from UPDF, UPF, Civil Aviation Authority, URA (Customs), Immigration, Enhas (cargo handling company) and ESO; and
- Vurra and Oraba border posts, West Nile – interviews were conducted with UPDF, UPF (border officials and Regional Police HQ), URA ((Customs) border officials and regional HQ), Immigration, Internal Security Organisation and External Security Organisation.

A final wrap-up meeting was arranged to present and validate the initial findings of the assessment. In addition, written responses were received and telephone interviews conducted.

The assessment's primary focus was on the existing legal controls and enforcement mechanisms that are in place to control the international transfer of small arms. As such, while the assessment, necessarily, sought to build a broad picture of the nature of illicit small arms trafficking in to, through and from Uganda based on existing sources, it did not seek to collate detailed information on specific incidences of trafficking.

ANNEX 2: Exports to Uganda: Comtrade* Statistics 2003–2005

United Nations Commodity Trade Statistics Database – Exports to Uganda

Year	Country of export	Category of arms	Quantity and/or value
2005	China	Bombs, grenades, ammunition, mines and others	\$1,596,114
		Sporting and hunting rifles	180 units \$713
		Canon, mortar and others	\$968,771
	Israel	Sporting and hunting rifles	2 units \$50
		Parts and accessories for SALW	\$785,816
		Pistols and revolvers	1 unit \$5,112
	South Korea	Canons, mortars and others	\$2,070,776
	United Arab Emirates	Shotgun cartridges	\$126
	United Kingdom	Shotgun cartridges	\$573
	United States of America	Sporting and hunting rifles	30 units \$218
2004	China	Canons, mortars and others	\$173,075
		Part and accessories for SALW	\$84,170
	Italy	Sporting and hunting shotguns	19 units \$4,185
		Pistols and revolvers	14 units \$1,735
	Kenya	Military rifles, machine guns and others	\$500,000
	South Africa	Pistols and revolvers	24 units \$1,180
		Shotgun cartridges	45 units \$756
	United Kingdom	Shotgun cartridges	1,128 units \$14,838
	United States of America	Sporting and hunting shotguns	440 units \$14,838
2003	China	Parts and accessories for SALW	\$80,000
	France	Parts and accessories for shotguns and rifles	\$15,919
	Israel	Parts and accessories for revolvers and pistols	\$10,177
	Netherlands	Parts and accessories for revolvers and pistols	\$9,437
	Slovakia	Pistols and revolvers	\$11,274
	South Africa	Parts and accessories for shotguns	\$2,979
		Shotgun cartridges	\$3,354
	Switzerland	SALW ammunition	\$703
	Tanzania	Military rifles, machine guns and others	\$200,000
		Canons, mortars and others	\$360,000
	United Arab Emirates	Bombs, grenades, ammunition, mines and others	\$659
	United Kingdom	Airgun pellets, lead shot, parts of shotgun cartridges	\$1,721
		Sporting and hunting shotguns	\$1,030
		Shotgun cartridges	\$9,979
	United States of America	Parts and accessories for SALW	\$658

* UN Comtrade details the flow of goods across international borders as reported in the national trade statistics of 140 participating states. This includes customs code 93 which covers “Arms and ammunition; parts and accessories thereof: military weapons; revolvers and pistols; other firearms and similar devices which operate by the firing of an explosive charge (for example, sporting shotguns and rifles, muzzle-loading firearms, Very pistols and other devices designed to project only signal flares, pistols and revolvers for firing blank ammunition, captive-bolt humane killers, line-throwing guns); other arms (for example, spring, air or gas guns and pistols, truncheons); Bombs, grenades, torpedoes, mines, missiles and similar munitions of war; and Swords, cutlasses, bayonets, lances and similar arms and parts thereof”.

ANNEX 3: Statistics on the incidence of crime involving firearms in Uganda (1 January to 31 December 2007)

1. Total number of cases involving firearms reported and prosecuted

Total number of cases

Reported	Taken to court	Under inquiry	Closed
270	121	99	50

2. Summary of persons arrested and prosecuted for crimes involving firearms

Total number of persons

Arrested	On trial	Convicted	Dismissed	Under inquiry
251	162	23	9	57

3. Summary of arrests and prosecutions for illegal possession of firearms

Number of cases	Number of persons				
Reported	Arrested	Convicted	Dismissed	On trial	Under Police inquiry
48	59	14	6	20	19

4. Summary of arrests and prosecutions for illegal possession of ammunition

Number of cases	Number of persons				
Reported	Arrested	Convicted	Dismissed	On trial	Under Police inquiry
22	28	2	6	19	1

5. Summary of arrests and prosecutions for importing/possessing firearms under Anti-Terrorism Act

Number of cases	Number of persons		
Reported	Arrested	On trial	Under Police inquiry
5	9	8	1

6. There were no cases of illegal manufacturing of firearms or ammunition

7. Misuse of firearms by state forces (including robbery, threatening violence, unlawful possession of ammunition and murder)

Number of cases	Number of persons				
Reported	Arrested	Convicted	Dismissed	On trial	Under Police inquiry
42	52	5	6	32	8

Information provided by Uganda Police Force, Criminal Investigations Directorate
(15 May 2008)

Saferworld works to prevent and reduce violent conflict and promote co-operative approaches to security. We work with governments, international organisations and civil society to encourage and support effective policies and practices through advocacy, research and policy development and through supporting the actions of others.



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