Declaration

I hereby acknowledge that this dissertation is my original work and has not been presented nor published in any other institution. All the material obtained herein from other sources are duly acknowledged.

Wanyiri wa Kagiri

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I hereby declare that I have supervised the student through the process of writing this dissertation. I ascertain that the work done is original and valid.

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Date: 15 July 2004
Signature:  

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DEDICATION

This work is dedicated to all those who are affected by the use of illegally acquired small arms and light weapons (SALW) globally.

We look forward to an “Arms free world”.
ACKNOWLEDGEMENT

This research document marks the climax of my two years participation as a graduate student of M.A. programme at the United States International University (U.S.I.U). The road back to college after five - year stint away in the world of practitioners was bumpy. Special thanks go to Professor Mathew. O Buyu (Deputy Vice Chancellor, Academic Affairs) for giving me an opportunity to pursue this course. His effort and that of Mr. & Mrs. Mathenge (Finance Department, U.S.I.U) led to the realization of this dream.

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Prof. Munene and the theories of war and conflict. How well would we have understood it without the weekly book and article reviews? I almost complained... only to later understand and appreciate. That's the way professor!

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To my classmates; Kennedy Keraro, Nyokabi Kimari, Hussein Ahmed, Carol Nyakio; ours was a small class, but a melting pot of intellectualism! What if we all enrolled for Doctorate Degree? This will make a major contribution to the society through USIU.

To all my friends, thanks for your encouragement. The moral and material support you accorded me was reassuring. Special regards go to my family members for the material and moral support. I always tackled assignments with confidence that all my needs were met.

To my supervisor, Dr. Cirino Hiteng, I say thank you. The guidance, editing, and final approval shaped this final document. Thank you for your relentless efforts to prepare students who can stand on their own intellectually.

Finally, it is God's will that we all live and do whatever we do. I will always thank Him!
ABSTRACT

The illegal trade in Small Arms and Light Weapons (SALW) and the associated impact have been given a raw deal by the vocal dominant powers in the international system. This is explained by the fact that despite the high level of fatality and other undesirable impact emanating from the use of illegally acquired SALW; global attention is primarily focused only on Weapons of Mass Destruction (WMD). Paradoxically, despite a high destructive potential, WMD’s are rarely used globally. Indeed, UN estimates that there are over 500 million small arms in the world today (UN Report 2000). These are used to kill over 500,000 people every year especially in conflict zones. While the large percentage is also in the hands of illegal groups. These are usually illegally acquired and therefore illegally used by these groups.

The focus of this study is on the impact of the use of illegally acquired SALW in Kenya – Uganda – Sudan Border region. The study attempted to document the connection between illegal trade in SALW in the region with international legal manufacturing firms and countries overseas. The local and international actors and/or perpetrators, supply mechanisms; demand sources for trade in SALW are well documented. The factors that lead to illegal trade in SALW globally are also detailed here.
The question of security (both national and human) is further contextualized. This is premised upon the need to understand the connection between use of illegal acquired SALW (Small Arms and Light Weapons), security and peace. The study establishes that these three variables exist in a symbiotic relationship. The use of illegal SALW causes diverse sufferings to human beings in the region and thus threatening both national and human security.

To address the problem of SALW, a collective approach of national, regional and international efforts for solutions need to be explored. After many months of research, this dissertation provides suggestions in form of recommendations on the way forward in combating illegal trade in SALW in the region.
LIST OF ABBREVIATIONS

ACCORD – Africa Centre for Constructive Resolution of Disputes

ADF – Allied Democratic Front

BICC – Bonn International Centre for Conversion

CAR – Central Africa Republic

DRC – Democratic Republic of Congo

EAC – East African Cooperation

FAO – Food and Agriculture Organization

GoS – Government of Sudan

ICRC – International Committee of Red Cross/Crescent

IDP – Internally Displaced Persons

IGAD – Intergovernmental Authority on Development

IRIN – Integrated Regional Information Network

K.sh – Kenya Shillings

LRA – Lord Resistance Army

NEC – National Enterprise Corporation

NALU – National Army for Liberation of Uganda

NGO – Non-Governmental Organization

NRA – National Rifle Association
OCHA – Office for the Coordination of Humanitarian Affairs
OLF – Oromo Liberation Front
OLS – Operation Lifeline Sudan
RGSA – Reference Group on Small Arms
SA – South Africa
SALW – Small Arms and Light Weapons
SAS – Small Arms Survey
SIPRI – Stockholm International Peace Research Institute
SPLM/A – Sudanese People Liberation Movement/Army
UK – United Kingdom
UN – United Nations
UNDP – United Nations Development Programme
UNHCR – United Nations High Commission for Refugees
UNICEF – United Nations Children’s Fund
UNSECOORD – Office of the United Nations Security Coordinator
UPDF – Uganda Peoples Defense Force
USA – United States of America
USSR – Union of Soviet Socialist Republics
WHO – World Health Organization
WNBF – West Nile Bank Front
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1.0 INTRODUCTION

1.1 Background to the Problem

The search for peace and security is a fundamental principle in the study of international relations. States being the key actors in the international system are therefore pre-occupied by security concerns (Morgenthau, 1995, 17). Security is there by pegged on the power relations among states with disregard of the intra-state dynamics and their implications on inter-state relations. However, inter-state relationships are largely determined by the internal dynamics of states. Similarly, the status of states as actors in the international system is largely determined by the internal social-political dynamics.

While there seem to be a consensus regarding the centrality of security in human groups’ relations, be they states or otherwise, the concept of security remains a paradox both epistemologically and ontologically (Barry Buzan, 1991). Indeed the concept has undergone trajectory evolution in conformity with the dominant “paradigms” of international relations. First was the “Wilsonian” School and its emphasis on international regimes as the guarantee for international peace (Steve Smith, Ken Booth, Maryaia Zalewski, 1996). This resulted to the formation of the League of Nations following the outbreak of World War 1 and the United Nations following the outbreak of World War II.

It was the outbreak of World War II following aggression of German and her other allies commonly referred to as the axis that challenged this perspective. Realists, such as Morgenthau et al seemed to have won the debate on security. The acquisition and use of power (economic,
military, and cultural) was therefore regarded as the guarantee for peace. Huge amounts of
resources were therefore committed to research and advancement of the military technology.
Paradoxically, military build-up by states in search of security triggered arms race as states
viewed armament by others as potential sources of threat. Arms race and alliance formation
posed new security challenges in the international system (Vasquez, 1993). The perception of
power as the panacea to security dilemma was therefore shattered. Indeed, cold war became the
dominant mantra of international relations. If international security and stability was ever
guaranteed by cold war, it is the collapse of cold war that re-emphasised the security puzzle.

Globalisation, with all its complexities, replaced cold war as the organising concept of
international relations. Central to the process of globalisation was the shift of security concern
from the militarised states, as emphasised by realists, to individual security based on global
social structures composed of human beings (Wickins et al 1999). Individual security be it
economic, environmental, political, cultural, food formed the basis of human security.

However, the dynamics of cold war and the post-cold war periods influenced the international
system significantly. The disintegration of the Soviet Union culminated to the emergence of new
independent states in Europe. This process was characterised by moments of disorder and
anarchy in the emerging states. This resulted to the proliferation of SALW into the hands of non-
state actors (Sipri, 1998). Arms trade was also depoliticised making it a market driven economic
venture largely guided by market forces. This happened under shrinking domestic and
international markets. Consequently arms manufacturing companies and countries adopted
aggressive marketing strategies including joint ventures and mergers for survival (Sipri, 1998).
Orthodox marketing strategies such as illegal brokerage, deals and transfers were also adopted with the aim of maintaining and possibly increasing the market share.

Similarly, the collapse of regimes in many parts of the world such as the Horn of Africa, following their diminished geo-strategic significance, contributed to the influx of illegal firearms as their firearms stockpiles fell into the hands of illegal non-state actors. Indeed, many of the illegal arms used in Kenya, Uganda, Sudan and other countries in the region originated from Somalia and Ethiopia following the collapse of governments (Muggah Robert, 2000).

Generally, the use of arms poses security threats. However, illegally acquired arms pose greater security challenges as they are characteristically in the hands of illegal groups. Some of the perpetrators of illegal trade in SALW are the international manufacturers, brokers, dealers, criminal groups, cartels, multinational corporations, companies, drug dealers, militia groups, rebel groups, states and individuals (Lumpy, 2000).

While it is hard to quantify the number of illegally acquired firearms with precision, United Nations estimates that there are over 500 million small arms in the world today. About 56% of these are in the hands of legal civilians, 41% in militant arsenals and about 1% in hands of insurgents (UN Report, 2000).

There exist a close relationship between possession of firearms and incidences of violence. This is the relationship that poses insecurity in the society. Indeed firearms are used to kill over 500,000 people every year in conflict zones (UN Report, 2000). This happens under intensive and extensive illegal trade in firearms globally. The UN estimates that illicit trade in small arms account for 20% of total trade in legal arms valued at 4-6 billion a year (Klare, 1999).
1.2 Statement of the Problem

The background information demonstrates that indeed illegal trade and use of SALW and the associated impacts are realities in the world today. Indeed the use of these arms have killed people, destroyed property, destabilised families and other social institutions, displaced people among many other things. However these negative experiences do not deter research, production and use of these arms and ammunition in the world. One is therefore bound to question this phenomenon. However it is not until one understands the dynamics of the arms industry and its thriving political economy globally that one can be able to explain the phenomenon. For instance, what are the sources of these weapons? What are the transfer mechanisms? Who are the main actors in the transactions? Why are these arms transferred despite the acknowledged negative impact?

To understand and explain the problem of SALW, this study focuses on the Kenya, Uganda, and Sudan common border region. The focus on this geographical area is based on the acknowledgement that the region has experienced long periods of armed conflict.

1.3 Objectives

1.3.1 Broad Objective

To establish the impact of illegal proliferation and use of SALW security in the Kenya-Uganda-Sudan border region.

1.3.2 Specific Objectives

1. To establish the sources, transfer mechanisms/routes, perpetrators and demand sources for the illegally traded SALW.

2. To establish the factors that favour illegal trade in SALW in the region.
3. To analyse the impact of illegal trade and use of SALW in the Kenya, Uganda, Sudan border region.

4. To derive from the findings practical and relevant recommendations on how to combat the illegal trade in SALW in the region.

1.6 Methodology

The research adopts a qualitative approach. It is based on an extensive and intensive analysis of secondary sources of information. These include book reviews, journals, newspapers, and major websites that contain research data on arms and other related issues. Maps and tables have been used to analyse and present some of the information. This mode of presentation was adopted in order to ease communication between the author and the reader. The appendices are also attached to provide extra information on the issues discussed.

1.4 Rationale

The decision by the author to write on this topic was largely influenced by the need to understand the dynamics of the illegal trade in small arms and light weapons and their relation to security, especially when used by illegal groups. It is ironical that more emphasis is placed on Weapons of Mass Destruction (WMD) which are rarely used at the expense of small arms and light weapons that are used to kill people daily. The findings of this research are expected to not only sensitise the community on the need to take collective and binding measures to stop illegal use and trade in SALW but also to add to the limited data in the field. It is the author's wish that the data will be useful in finding the solution to the problems posed by the use of illegally acquired SALW. After all, it is through scholarly research that solutions to social vices are found.
The findings are also expected to provoke further interest in the subject. Indeed, it is the author's hope that readers will identify gaps that need more research. Further research meant to fill the identified gaps will generate more knowledge in the area. This generation of knowledge will be a fulfilment of the academic purpose of these research findings. After all, any research worth undertaking should form a basis for further research.

Equally important is the expected input in policy formulation particularly in the effort to combat illegal proliferation and use of SALW. The information gathered and collated is expected to provide policy makers with relevant information for effective policy formulation and implementation.

1.5 Limitations

The research was mainly based on secondary data. There was therefore the risk of transferring the problem of data accuracy that generally characterises arms related issues. Indeed the UN report of 1999 acknowledged the general scarcity of information on arms transfers. This includes records on both private and official inter-state arms transfers. The fact that the military-industrial complex and the related issues are treated with secrecy by states, in the pretext that they are matters of high politics, compounds the problem of data accuracy in arms related researches. The problem of information gathering and data accuracy is further aggravated by the fact that the study focuses on illegal trade in SALW. The illegal nature of this trade is partly responsible for the minimal documentation of transactions. There was therefore a tendency to rely on media reports.
Similarly the study is also confronted by the empiricism-positivism debate. This being a predominantly qualitative analysis, the question of precision in objectivity is likely to rise. However we have adopted an approach that accommodates both quantitative and qualitative aspects of research. It is our conviction that this approach delimits our methodology and in effect improves on the quality of the analysis. It also enables the author to focus the study guided by the set objectives.

1.7 Operationalisation of Concepts

*Endowment:* The rights and resources that people have as a matter of principal These include:
- land, labour and skills.

*Entitlements:* This refers to the range of possibilities that people can have their rights. It emphasises the objective rather than normative aspect of people’s rights. Thus entitlement provides a framework through which individuals command over trade, production; labour; inheritance can be assessed. Denial of entitlements therefore includes violation of an individual.

*Internally Displaced People:* - This term is used to refer to the people who have been forced, to leave their homes due to insecurity posed by circulation and use of SALW, rebel-governments conflicts, cattle raids and other manifestation of insecurity.

*Security:* - "A nation is secure to the extent to which it is not in danger of having to sacrifice core values if it wishes to avoid, and is able, if challenged, to maintain them by victory" (Walter Lippman).
"Security, in any objective sense, measures the absence of threats to acquired values and in a subjective sense, the absence of fear that such values will be attacked" (Arnold Wolfers) (Baillis, 2001, 256).

Refugee: - The paper adopts the definition of refugee as provided for by Article 73 of the Geneva Conventions.

A refugee is a person who, owing to persecution or well founded fear of persecution for reasons of race, colour, religion, political belief or membership of a particular social group:

a) Leaves the state of which he is a nationality, or, if he has no nationality, the state or country of which he is a habitual resident or

b) Being outside such state or country is unable or unwilling to return to it or to avail him of its protection. (Christopher Swinarski, et al, 1987, 852).

Mercenary: - Any person who is specially recruited locally or abroad in order to fight in an armed conflict. He/she is motivated by negotiated private gains and is not a member or national of the party in conflict (Christopher Swinarski, Et al, 1987, 841).

Small arms: - Defined to include pistols, rifles, sub-machine guns, assault rifles and light machines guns.

Light Weapons: - Defined to include heavy machine guns, grenade launchers, portable anti-aircraft, anti-tank and anti-missile launchers, small mortars and "ammunition and explosives" (UN Report of the group of governmental experts on small arms, 1991, pp 24).
**Regimes:** Social institutions that are based on agreed rules, norms, principles, and decision-making procedures. These govern the interactions of various state and non-state actors in issue areas such as the environment, human rights and trade (Adopted from Young 1997).

**Institutions:** Connected sets of rules and practices that prescribe rules and practices that prescribe roles, constrain activity, and shape the expectations of actors. Institutions may include organisations, bureaucratic agencies, treaties and agreements, and informal practices that states accept as binding (Adopted from Haas, et al 1993).
2.0 AN OVERVIEW OF GLOBAL ARMS TRADE

2.1 Global Trade in SALW

Trade in different types of arms form a major component of the overall international trade. International trade is estimated to be worth over US$ 8 billion with overall trade in SALW accounting for approximately US$ 6 billions (Klare, 1999). Illegal trade in small arm is worth between US$ 2 billion and US$ 10 billion (Klare, 1999). The problem of arms proliferation is therefore closely linked with both illicit and licit trade in arms globally. Indeed, there are over half a billion small arms in circulation in the world of which 56% are in legal hands, 41% in military arsenal and less than 1% with insurgents. Estimates indicate that there are between 250 million to 500 million small arms in circulation in US and about 100 million arms in the developing countries (Klare, 1999).

Illicit trade in small arms and light weapons accounts for about 20% of the overall trade.

2.1.1 Main Source/Manufacturers

The five permanent members of the UN Security Council collectively account for over 95% of SALW production globally (See appendix 1). America leads the park as the largest producer, supplier and market for small arms. Russia, Britain, France, Germany, China follow in that order (Sipri, 1998). These countries therefore collectively and individually constitute the main primary sources of both the legally and illegally traded arms.

Legally produced and traded SALW are often redirected into the existing illegal trade networks. This happen in states where there is policy loophole in export controls regimes as well as
government incompetence partly due to lack of capacity and corruption. Likewise unauthorised manufacturers also feed the illicit trade. At times states act as unauthorised manufacturers. This happen when states reverse other country’s (ies) or company’s (ies) licenses without permission (Sipri, 1998). However, both the rebel and the militia groups are also involved in production and distribution of illegal SALW. For instance, the Khmer Rouge militia group was reported to have established factories with a capacity to produce 500-600 landmines and rocket propelled grenades daily (Bangkok Post, 1 Feb. 1998). The acquisition of arms by such groups helps them to sustain their challenge to the recognised authority and therefore threatens security.

Licensed companies and manufacturers operating in different countries from that of the licensing company also have their share of the black market. This happens when companies flout the terms of licences. The existing disparities in arms laws and regulations among different countries facilitate this process. Indeed, many of the companies operating in the region under study are accused of shady deals in arms transfer (Muggah, 2000). For instance, ammunition from the Belgium licensed factory in Eldoret (Kenya) have been supplied to different conflicting groups in the Great Lakes region (East African Alternatives, Nov 2000). Likewise the government of Sudan runs an arms factory at Khartoum (licensed by the Germans) that assembles G3 rifles. These are some of the arms supplied to the militia groups in the SPLA/M controlled regions to create anarchy (Larjour, 2001).

2.1.2 Trends in Global Trade

The concerns for national security have made arms industries enjoy special status world over (Sipri, 1998). Indeed, arms production, transfer and acquisition are clouded with secrecy. States
do not reveal their military arsenal capabilities. Likewise, few governments maintain accurate records for their military transactions. Consequently, there is notable absence of information on either actual private or official transfers and sales of arms (UN report, 1999). This poses a major challenge to researchers in arms-related areas. Indeed, both the amount and accuracy of the available information in the area is inadequate (UN Report 1999).

However, despite these limitations, trends in global arms trade can be demonstrated in terms of the number of producing firms and the number of countries involved.

The table below shows the trends in arms industry from 1960-1990s in terms of the number of manufacturers and number of countries involved.

**Table 1**

<table>
<thead>
<tr>
<th></th>
<th>Africa</th>
<th>Asia Pacific</th>
<th>West Europe</th>
<th>East Europe</th>
<th>Middle East</th>
<th>South Central</th>
<th>North America</th>
<th>Totals</th>
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</thead>
<tbody>
<tr>
<td>1990's</td>
<td>Firms</td>
<td>22</td>
<td>31</td>
<td>137</td>
<td>66</td>
<td>13</td>
<td>17</td>
<td>99</td>
</tr>
<tr>
<td></td>
<td>States</td>
<td>7</td>
<td>14</td>
<td>15</td>
<td>15</td>
<td>6</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>1980's</td>
<td>Firms</td>
<td>10</td>
<td>23</td>
<td>88</td>
<td>12</td>
<td>6</td>
<td>15</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>States</td>
<td>5</td>
<td>14</td>
<td>15</td>
<td>7</td>
<td>4</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>1970's</td>
<td>Firms</td>
<td>2</td>
<td>17</td>
<td>63</td>
<td>12</td>
<td>4</td>
<td>8</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>States</td>
<td>2</td>
<td>10</td>
<td>16</td>
<td>7</td>
<td>2</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>1960's</td>
<td>Firms</td>
<td>1</td>
<td>7</td>
<td>29</td>
<td>10</td>
<td>2</td>
<td>3</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>States</td>
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The table above indicates that 385 companies in 64 countries were manufacturing SALW in the 1990s. While the accuracy of the figures is challenged by the common problem of under-
reporting, an increment in the number of firms and countries manufacturing arms and countries manufacturing arms and ammunition was experienced in the designated period (1960 – 1990’s).

**NB:** More manufacturers did not necessarily denote increment in total arms manufactured. Rather the collapse of cold war and the accompanying dynamics were responsible for this rise. In particular cold war had all along sustained a ready market for arms, both domestic and international, but under a highly politicised arms trade. Consequently the collapse of cold war resulted to depoliticised arms transfers. Trade in arms became a profit driven business venture guided by the fundamental market mechanisms. This was happening under a contracting domestic and international market. This eventually culminated to the liberalisation of arms industry and therefore more manufacturers emerged locally and internationally (Sipri, 1998).

- The disintegration of the former USSR and the culminating emergence of new independent states accounted for the increased number of manufacturing firms and countries in Eastern Europe in the 1990s. (from 10 firms in 6 countries to 66 firm in 5 countries in 1999)

- Europe experienced little in the number of countries manufacturing SALW but there was a doubling of companies involved in production during this period. This had resulted from the consolidation and privatisation of the arms industry (Sipri, 1998).

In general the number of arms producing countries doubled while that of manufacturing firms increased almost six fold especially in the 1990s.

This phenomenon is closely linked to the subject of this study. Cold war resulted to the armament of oppressive regimes in the Horn of Africa among many other regions of the world.
The demise of cold war resulted to a simultaneous demise of the regimes it had sustained. The huge arms stock piles in these countries found their way into the black market thus fuelling the illegal arms proliferation. Contracting domestic markets especially in Eastern Europe and the prevailing profit driven arms trade resulted to the emergence of both legal and illegal brokers and arms dealers. In particular the disintegration of USSR compromised its huge military industrial complex. Huge arms stockpiles fell into the hands of illegal groups. These are the groups that sustain the supply of illegal arms. Indeed most of the illegal arms in Sudan, Kenya and Uganda originate directly or indirectly from Eastern Europe (Muggah, 2000).

On the other hand, increased arms production within a depoliticised international political economy resulted to unregulated arms trade that was largely guided by market forces. As argued elsewhere in the paper, some traders resulted to unorthodox ways of trade. These dynamics helped to sustain the illegal trade.

2.2 Why Illicit Transfer of Arms Globally?

Traders in illegal SALW often exploit policy loopholes within the general government policy framework. This happen in states where governments lack policy mechanisms to control arms transfers. Even in states where such mechanisms exist, lack of capacity or mere government acquiescence to enact such policies sustains the trade. Indeed, trafficking occur even in large, well to do countries with capacity and resources such as US and Britain (Lumpe, 2000).
Similarly, even in situations where tight policy framework exists, some governments treat issues of illegal trade in arms with indifference. For instance, the control of illicit trade in arms is often regarded as belonging to other departments such as the national intelligence agencies. This is often done in disregard of the implications of the trade to the national security.

Covert government policies play significant role in the cross-border illegal transactions. This happens when state(s), in deliberate disregard of the official policies and regulation governing arms transfer, irregularly assist other governments, states, and even non-state actors to procure weapons for economic and political reasons. Sudan and Uganda have been accusing each other of arming rebel groups in the respective countries (Europa publication, 2002).

The complexity of the political economy of arms industry together with the nature of the international system where states are constantly in pursuit of their egoistic interests provides conducive environment for sustenance of illicit trade in arms. (Morgenthau, 1995). This is well demonstrated by the unwillingness by the wealthier states – which are also the main producers and exporters of arms – to reform their domestic laws concerning offshore brokerage of arms deals, improved end-use certification and monitoring of arms transfer. Indeed, in such countries, arms industry enjoys government protection through import and export controls as well as subsidies. This is partly due to constant lobbying by arms dealers through their strong lobby groups such as the National Rifle Association of America.
The dynamics of the international system serves to feed the illegal trade in arms. For instance, the collapse of cold war and the subsequent disintegration of states resulted to proliferation of arms into criminal groups, cartels, drug barons that are key suppliers of illegal arms. On the same note, the depoliticisation of arms transfer implied that arms trade would be market driven. The resultant was a liberalised and profit driven arms trade where actors were out to outdo each other through aggressive marketing strategies (Sipri, 1998). This has served to sustain arms dealers, brokers some of whom engage in illegal deals in face of stiff competition. The laxity by the major arms producers to ratify some of the identified measures of fighting illegal SALW should therefore be understood in the context of a free market system where manufacturers are struggling to maintain and to increase their market share.

Corrupt system of end-use certification: This is the system through which the recipient authorises weapons delivery. It is meant to curb secondary trafficking once officially sanctioned weapons reach their destinations. This monitoring system has been corrupted and not harmonised globally. This has facilitated secondary transfer of weapons even when they have reached their intended destination. Corruption, commercial greed, political corruption and sheer mass of material to be controlled have overwhelmed the system (Lumpe, 2000).

The documentation process right from the source to the intended destination has loopholes that are usually exploited. For instance, the granting of a general import permit that specifies quantities rather than specific transactions leaves room for redirection of transshipments especially where the transit country does not require the document. Such a document may be used to conceal the origin or destination of the consignment.
The current trend towards common market area with an aim of strengthening trade bargain has allowed free flow of trade goods. The free movement of people within regional blocks such as the East Africa Community (EAC) has contributed to proliferation of arms. In particular, relaxed regulations at the main entry points are often exploited to transport SALW from one port to the other or country-to-country. Indeed, the ports of Mombasa, Dar-es-salaam and Mogadishu have been identified as the main entry points for arms in the central and eastern African region (Muggah, 2000).

The activities of private brokers, sellers, transport agents and security companies greatly facilitate global trade in illegal arms. Likewise, offshore banks and tax havens are used to hide and transfer huge amounts of cash that is used in illegal arms sale.

Arms transfer lack explicit prohibition laws: Indeed, there is no internationally accepted regime to govern arms transfer. The few that exist are embedded in the diverse international regimes such as the international humanitarian law, the human rights and series of treaties and conventions (Weeramantry, 1997). The diverse internal arms policies among states complicate the search for a binding international norm. For instance, USA argues that a collective ban on SALW sale to non-state actors would violate her citizens’ rights of owning guns. Indeed, USA has over 250m arms in the hands of non-state actors and individuals. The international community has therefore failed to recognise that increased global trade in arms facilitate smuggling. This was further explained by the failure of the “UN conference on SALW and all its aspect held in July 2001”, to arrive at any binding course of action to be taken by states to
combat the menace. Rather, the conference only managed to get a political commitment among states on the way forward.

Lack of transparency in arms transfer: This is done in the pretext that arms acquisition and trade are issues of high politics. With minimal transparency, the origin and destination of arms remain ambiguous (Lumpe, 2000). However some states have attempted to maintain records of their arms transfers under the United Nations arms register system. However poor response and laxity in record keeping by states still pose a problem of transparency.

The existence of constant demand for arms especially in the conflict zones: For instance, insurgent groups and states experiencing intra-state conflict provide market for arms. Arms trade is ‘defacto’ a transaction between and among state actors. Any transaction with non-state actors unless provided for by domestic arms laws is therefore illegal. Mercenaries, militia groups and security firms, multinational corporations working in conflict zones all serve to facilitate arms proliferation, thus sustaining the demand (Lumpe, 2000).

War profiteering by soldiers, guerrillas, government officials, dealers and brokers sustain the illegal trade in small arms and light weapons.

National political weaknesses based on environmental, economic and political concerns serve to facilitate illegal trade in arms. For instance, some states have poorly controlled borders, either due to lack of capacity or due to rough terrain. This makes cross-border illegal transfer by companies and individuals possible. Indeed, Kenya’s porous borders have facilitated illegal cross-border transfer of arms by local arms traders (Larjour, 2001).
The legal regimes within states nurture the problem of SALW. This is especially so where there is ineffective national legal codes governing firearms possession and commerce.

The General failure by the international community to effectively address issues related to arms: For instance, states have failed to effectively and collectively enforce UN sanctions against violating states, penalise financial institutions that act as conduits for weapon purchases, effect indigenous controls over arms production and sales in sanctioned countries, act against states which have acted as transhipment points (UN Report, July 1999).

2.3 Security Contextualised

Any attempt to derive a specific definition for the term security poses the danger of plunging the discussion into a milieu of academic controversies that are beyond the scope of this research. Indeed the concept of security is a “contended” one (Buzan B. 1991). The centrality of security both in practice and in the study of international relations has never evolved a clear, specific, measurable and uncontended definition for the concept. This prompted Arnold Wolfers’ contention that security is ambiguous and “may not have any precise meaning at all”. W. B Gallie (Mark Black, 1962, 121) refers to such concepts as “essential contested concepts” which generate unsolvable debates about their meaning and application.

However, security both as a concept and as a practice is closely linked to the evolution of international relations, the upper case and the lower case. Indeed, Barry Buzan (1991, 5) posits
that the concept has undergone trajectory stages of evolution similar to prevailing theoretical explanations of international relations. First was the idealist perception of security as the elimination of war. Security would therefore be guaranteed thorough collective search for peace under an international regime. The failure of the League of Nations and the outbreak of the World War II challenged this notion (Dougherty et al, 1996).

Realist’s perception then became dominant. To the realists, such as Morgenthau et al, security was viewed in terms of power (defined in terms of military, economic, cultural influence) (Morgenthau, 1995). The acquisition and use of power therefore guaranteed security. The contradiction was that constant search for security particularly through armament created perceived insecurity among states. The resultant arms race challenged the realist perception of security.

However, the centrality of state as the dominant level of analysis was outright in all these perceptions. This emphasised the importance of national security in international relations.

This paper acknowledges these definitional problems that characterises the concept of security. However, we adopt the following as the working definition for “national security”:

"[National Security is] the preservation of a way of life acceptable to the people and compatible with the needs and legitimate aspirations of others. It include freedom from military attacks or coercion, freedom from internal subversion and freedom from the erosion of the political, economic and social values which are essential to the quality of life" (Barry Buzan, 1991).
The emphasis here is on both the internal and the external security. Security is therefore closely connected to the nature of the state. States are either weak or strong based on internal cohesiveness and external concerns, (Barry Buzan 1991). Cohesiveness is determined by the extent to which the core values of states are defined. Generally, strong states are highly cohesive. In terms of national security, strong states are pre-occupied with protection of their independence, political identity and culture from external threats. On the contrary, weak states focus on internal threats posed by secessionist movements, mass uprising, military coups and political factions (Buzan, 1991). However, there exist an interactive relationship between challenges emanating from the internal political dynamics and those from externalities. For instance, internal political instability can, and do, give pretext for external interference. Indeed, the accusations and counter accusations and at times severed diplomatic relations between Sudan and Uganda can be viewed in the context of the prevailing domestic instability in both states (Europa Publication, 2002)

The countries in focus (Uganda, Sudan, Kenya) display characteristics associated with weak states: high levels of political violence, major political conflict over what ideology to be used in organising the state, lack of coherent national identity, existence of contending national identities (Sudan), no clear and observed hierarchy of political authority (Uganda), high degree of state control over the media, conspicuous role for police in the every body life (Buzan, 1991, 100). The prevailing trade and use of illegal SALW in the sub region is both a product and a contributor to the social economic and political conditions in these countries. The challenge therefore is to evolve strong states so as to avert the threat of disintegration that is being nurtured by the use of illegally acquired arms.
What is even more striking is the evolutionary nature of security concerns in response to the dynamics in the international system. In particular, the collapse of cold war in 1989 resulted to a shift in global security concerns. The concept of human security premised on global social structures that comprised of humanity gradually replaced the orthodox state centric perception (Caroline Thomas, Peter Wilkins et al, 1999).

UNDP development report at a world summit (Copenhagen) summed it as follows:-

"for too long, the concept of security has been shaped by potential for conflict between states. For too long security has been equated with threats to a country’s borders. For too long, nations have sought arms to protect their security. For most people today, a feeling of insecurity arises more from worries about daily life than from income security, health security, security from crime; these are the emerging concerns of human security all over the world" (UNDP 1994; 23).

Though the issues emphasised by this dispensation were not new, the ontological and the epistemological use of the term “security” had all along ignored them. Consequently, the multidimensional and complex nature of security had henceforth been ignored.

The satisfaction of basic human needs such as food, shelter, health; education; work, freedom of impression and expression, freedom of movement, political participation, greater equality and social justice, self-reliance and sustainability became central in the search for security. The connection between human security and human development became obvious as the latter refers to the measure of the level and distribution of need satisfaction (Galtung, 1976).

Human security therefore describes a condition of existence in which basic needs are met and in which human dignity (personal autonomy, control over ones life and unhindered participation in
life in community) is realised. This is collectively pursued and for the benefit of everyone (Wilkins et al 1999).

It is important to understand the link between the illegal trade and use of SALW on one hand and the various threats to human security. This will help in explaining the relationship between security and the acquisition and use of firearms.

Christobal Kay (ed, 1997) has identifies the following as the key aspects of human security and their respective threats:

Table 2: Aspects of human security and their threats

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Threats</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Food Security</td>
<td>- Inadequate food, food entitlements</td>
</tr>
<tr>
<td>3. Health Security</td>
<td>- Infectious and parasitic diseases New viruses, including HIV, respiratory infections from polluted air etc.</td>
</tr>
<tr>
<td>4. Environment security</td>
<td>- Degradation of air, water, soil and forests.</td>
</tr>
<tr>
<td>5. Personal security</td>
<td>- Conflicts; poverty, drugs related crimes violence against women and children, terrorism.</td>
</tr>
<tr>
<td>7. Political Security</td>
<td>- Violation of human rights</td>
</tr>
</tbody>
</table>

2.3.1 Illegal Trade in and use of SALW Security ≤ Peace: - A Cyclic Relationship

The connection between the acquisition and use of illegal SALW on one hand and security on the other can only be understood clearly when the relationship between the two is explained. For instance, is there any connection between use of SALW and conflict and if so what are the implications to the other aspects of security? This section attempts to establish these relationships.

The availability and use of SALW enhances public disorder and disregard for the rule of law. Proliferation of SALW illegally results to further spread of disorder and disregard of law. Public order and the practice of rule of law form the basis of public security. To that extent, SALW pose insecurity to the public.

The direct results from use of illegally acquired arms include death, displacement, famine, food shortage, disease outbreak, and environmental degradation. These are core concerns of human security. The use of SALW results to weakening of the state especially when used by dissenting groups to cause chaos. Such groups include secessionists, militia groups, rebels, rustlers and other criminal groups. Likewise oppressive regimes use arms to suppress the citizens. Collectively, internal challenges result to diversion of state resources from economic development to maintenance of internal security. This affects the country’s leverage in the pursuit of her foreign policy. For instance, constant accusation and counter-accusations between Uganda and Sudan is closely connected with the prevailing internal political problems in both countries (Europa, 2002).

Therefore, availability and use of SALW jeopardises both national and human security.
Security is a major component of peace. The insecurity posed by the presence and use of SALW creates, propagate and intensify conflict. Peace is therefore compromised.

More supply of SALW, legally and illegally, leads to more disorder and conflict. Those feeling insecure seek for more arms as they strive to protect themselves and their property. Eventually, a cyclic state of anarchy ensues. The relationship between illegal trade in SALW, peace and security is therefore cyclic as illustrated below.

**Relationship between illegal trade in SALW – Peace – Security**

- **Availability, acquisition and use of SALW**
- **No peace / Conflict**
- **Public disorder / disregard of the rule of law**
- - Public insecurity
- - National insecurity (Insecurity in all its manifestations)**
2.4 Impact of Illegal Trade and Use of SALW: - A Conceptual Framework of Indicators.

The previous section illustrated the relationship between security, peace and the acquisition and use of SALW. Though this relationship has been illustrated as cyclic, a more objective analysis should indicate the variables that are used to measure this relationship. We present these variables in form of a conceptual framework of impact and indicators. We have derived three broad categories of effects that are further subdivided into specific impact and their corresponding indicators.

This categorisation is informed by the need to have a focussed analysis guided by the set objectives. Indeed we acknowledge the interconnectedness of the aspects discussed.

The table below shows the impact of SALW and the respective indicators

<table>
<thead>
<tr>
<th>Broad Effects</th>
<th>Specific Impact</th>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact on civilian population</td>
<td>1.1 Mortality and injury</td>
<td>Firearms homicide rates; statistics on fatality, permanently disabled as a result of arms injury, demographic profile of victims (size, age, sex).</td>
</tr>
<tr>
<td></td>
<td>1.2 Forced Displacement</td>
<td>Numbers and trends of refugee and Internally Displaced People (IDP) flow, demographic profile of</td>
</tr>
<tr>
<td>Impact on humanitarian and development personnel</td>
<td>IDP/refugees. Vulnerable groups, geographical distribution of the IDP/refugees, abandoned homes homelessness, destruction of property, refugee camps pattern.</td>
<td></td>
</tr>
<tr>
<td>---</td>
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<td></td>
</tr>
<tr>
<td>1.3 Declining access to entitlement and endowments.</td>
<td>Budgetary allocations, health indicators, level of literacy, access to basic needs, impact on children including malnutrition, armed violence, displacement, injuries, widow, households allocations, labour divisions.</td>
<td></td>
</tr>
<tr>
<td>2.1 Targeting of humanitarian and development personnel</td>
<td>Mortality and injuries, psychosocial trauma, staffs turnover, rate of attack incidences, opportunity security logistics cost, diversion of supplies, movement restriction.</td>
<td></td>
</tr>
<tr>
<td>2.2. Militarization of refugee / IDP camps</td>
<td>Incidences of armed violence, victim’s profiles, impact on humanitarian agency mandate, incidences of armed violence between the refugees and the local communities, homicides cases in the camps.</td>
<td></td>
</tr>
<tr>
<td>2.3. Opportunity cost of programmes</td>
<td>Programme impeded, decreasing investment, cost of transportation, communication, security logistics, monetary and security evaluation, budgetary allocations.</td>
<td></td>
</tr>
<tr>
<td>Impact on 3.1 Challenged internal</td>
<td>Crime rates, (car-jacking, armed robbery), armed</td>
<td></td>
</tr>
</tbody>
</table>

30
<table>
<thead>
<tr>
<th>National Security</th>
<th>Legitimacy of the state</th>
<th>gangs and drug groups, vigilante groups etc. Rebel groups activities.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3.2 Challenged international relations of states</td>
<td>Diplomatic offices, exchange of diplomatic relations.</td>
</tr>
<tr>
<td></td>
<td>3.3. Challenged internal and external sovereignty</td>
<td>Incidences of incursions by external forces, military expenditure (budgetary allocation). Existence of armed rebel groups controlling parts of the country, weak political culture, ideology, national identity, foreign relations.</td>
</tr>
</tbody>
</table>
3.0 ILLEGAL TRADE IN SALW ACROSS THE KENYA–UGANDA–SUDAN BORDER REGION.

3.1 Case I – Kenya

3.1.1 Sources and Perpetrators of the Trade

The problem of small arms and light weapons in Kenya has a regional dimension. In particular, the political dynamics in the region plays a significant role in entrenching illegal proliferation of SALW (Muggah, 2000). Four of the countries neighbouring Kenya (Uganda, Sudan, Ethiopia and Somalia) have experienced internal political instability. Specifically the collapse of the government of Somalia and the defeat of the highly militarized Derg regime in Ethiopia together with the prevailing conflict in Southern Sudan (between the government and the SPLA/M rebels) provide conducive environment for illegal proliferation of arms (Sabala, 2000). Lack of effective government in large parts of the neighbouring countries has seen to laxity in control of arms stock -piles. This combined with the highly porous national boundaries has enhanced free movement of arms in the region. The government incapacity to effectively monitor the boundaries together with the harsh climate, rough terrain and elongated boundaries complicates the control of arms flow (Larjour, 2000).

The greater Horn of Africa has been identified as among the areas with huge arms stock- piles in the world. The reasons for this can be traced back to the cold war period. Ethiopia, an ally of former USSR, received massive arms consignment in an effort to deter US influence in the region, Somalia under Siad Barre was also armed by both the USSR and the US governments.
(East African, 5-11 August 2002). Indeed the geo-strategic importance of the region in relation to the US/USSR interests in the Middle East was paramount. Unfortunately the collapse of Cold War in 1989 resulted to a diminished geo-strategic importance of the region. This culminated to the demise of the regimes whose survival was closely tied to the prevailing ideological underpinnings in the international system.

Consequently, the huge stocks of arms, used by these regimes to suppress dissenting voices found their way to the black market. Indeed, international dealers in collusion with the local dealers established functional gunrunning networks in the region. The ports of Mombasa and Kismayu are key entry points of arms in the region (Sabala, 2000).

Indeed SALW are trafficked in and out of Kenya from various directions. Along the Uganda, Sudan, Ethiopia and Somalia border, arms are moved across largely by pastoral herders (Daily Nation, Kenya, and 2nd Oct. 2000). After all, the ethnic dichotomy along each of these borders, demonstrate a people with strong relations (sharing common ethnicity and family lineages). Consequently, regular control of human movement poses a major challenge to the respective governments. For instance, the Somali people are found across the border between Kenya, Ethiopia, and Somalia. The Turkana people transcend Kenya – Sudan border while Karamajong and Turkana, Luhya people transcend Kenya Uganda border. More still the environmental conditions in these regions dictates that nomadic pastoralism be the main economic activity. This similarity in the social-cultural and economic practices has blended well with illegal trade in firearms.
Indeed, it is estimated that there is a total of between 500,000 and one million illegal firearms in Kenya with over 5,000 automatic rifles crossing back and forth across the Somalia border (IRIN report Nov 10th, 2000).

Illegal trade in firearms is concentrated mainly in the vast dry regions of the North Rift, the North Eastern province and in major towns such as Nairobi, Mombasa, Nakuru, Wajir, Garissa, Lokichogio, Dadaad, and Kakuma refugee camps and the surrounding areas (Sabala, 2000). Even within the major towns there are areas of concentration as indicated by the spread of crime. For instance in Nairobi, the main slum areas (Kibera, Mathare and Mukuru) are major hideout for arms (Daily Nation, July 12th 1999).

Striking though is the typology of arms traded. According to IRIN November 10th Report of 2000, fire arms such as AK-47s and Mig 16s with US, Chinese and Bulgarian markings have been collected in border towns of Wajir, Garissa and Wagalla. Others include 303 rifles, Ceska rifles, Browning revolvers, US-manufactured Smith and Weston, Colt revolvers and sporting guns (Sabala, 2000).

Unlike in the case of Uganda and Sudan where protracted political differences provide a great demand for SALW, demand in Kenya result from a combination of inequality, urban crime, rural banditry (pegged on the harsh environmental conditions, economic resources and militarised traditional activities such as
cattle raids), inter-clan conflict and increased desire for self-protection. The diminishing effectiveness by government security institutions as exemplified by increased insecurity has nurtured a feeling of insecurity. Indeed, a survey conducted by the UN-habitat indicated that majority of residents in Nairobi feel insecure (*East African*, 10-16 June, 2002). The emergence of many security groups has also provided market for firearms. Some of these arms find their way into the black market. Indeed there are over 291 security companies in Kenya currently (*East African*, 10-16 June, 2002).

Politics aggravate the problem of illegal small arms whether directly or indirectly. For instance, the various vigilante groups and “*Jeshis*” in major urban areas and even rural areas serve to secure certain interests. The trigger effect is a feeling of insecurity by other excluded groups and consequently formation of many of such vigilante groups. To some extent such vigilante groups create demand for fire -arms. For instance, in a recent confrontation between the police and “Mungiki” adherents in Dandora (Nairobi), it is said that some of the adherents were armed and were shooting in the air while retreating (*Daily Nation*, February 12th, 2003).

Incitements from politicians often culminate to armed conflict. For instance, the 1992, 1997 and 1998 in the Rift Valley Province ethnic clashes which were politically instigated, resulted to the formation of armed counter groups by the belligerents. However, the complacency demonstrated by the state in dealing with both the inciters and the issues of contention put the government on the spotlight. The inciters and suppliers of arms acted with impunity. This resulted to massive loss of life and destruction of property (Parliamentary report on clashes 1992).
The Kenya government has armed some police reservists in the North Rift region as an effort to enhance local policing. However these arms have often been used in illegal banditry activities against the same people they are supposed to protect (sabala 2000). The failure of the state to establish its presence in the region is attributed to an inadequate police force in the country. Indeed the current police-civilian ratio in Kenya stands at 1:1100 far below the UN recommendation of a ratio of 1:450.

Domestic sources are feared to be supplementing external supply of SALW. Leakages from government stockpiles are siphoned into the illegal trade system (IRIN/OCHA, Sept. 14). Indeed, such leakages are common in many countries of the world especially those undertaking reforms in their military. As such countries where there is uncoordinated disposal and control of government stockpiles as well as corrupt officers, government arms are illegally sold to illegal users (Muggah and Eric Berman, 2001).

Kenya has a small ammunition manufacturing factory at Eldoret that was established in 1996 with the help of the FN / Hersal Company of Belgium. It has a capacity of producing over 20 million rounds of ammunition per year. The production and sale of ammunitions from the company is exclusively a government affair. This compromises transparency and accountability. Indeed the factory has been accused of supplying ammunition to some militia, rebel groups in the Great Lakes region (Janes Intelligence Review, 1998). Similarly, ammunitions from the factory are also sold to insurgent groups in Ethiopia as well as criminal groups in Kenya (Janes Intelligence Review, 1998).
3.1.2 Mode of Transport

SALW are transported via donkeys and camels especially in the dry regions of northern Kenya. Long distance cargo carriers (for instance tracks transporting refugees and animals) are also used to transport arms to major urban areas.

Within the towns, garbage collectors, street kids and women are used as conduits. Ordinary people travelling in matatus are similarly used to transport arms from place to place. The slum areas are major hideouts for the weapons (Daily Nation, Kenya, July 12th, 1999). There have been incidences where police have lent their weapons to criminals not to mention the actual involvement of some police officers in criminal activities.

Public vehicles such as long distance travelling buses and “matatus” are also used to transport firearms. For instance on 1st October, 2000, police seized 15 sacks of AK47 bullets, disguised as maize, loaded on a Nairobi bound bus at Busia (Daily Nation; 2nd October 2000).

In pastoral regions, pastoralist and livestock herders physically transport arms during their movements in search for grazing land. Indeed, along the Kenya-Uganda-Sudan border, illicit trafficking of arms is done by small-scale traders and also by the Koromajong pastoralists who receive arms from their accomplices in Southern Sudan and Northern Uganda. (Larjour, 2001)

Private cars and private chartered aircrafts, and government vehicles are also illegally used to transport arms. This is most prevalent in remote areas.
3.1.3 Price

The legal provision in Kenya makes civilian possession of arms illegal. (Firearms Act. Cap 114-section 2). Thus there is no legal price mechanism for arms. In particular, the value of illegal firearms fluctuates according to anticipation of conflict and new fighting. According to one report, a Russian made Kalashnikov (AK 47) assault rifle increased in price from US$ 130 to US$ 200 in just 3 days in mid-august 2000 (IRIN November 10th, 2000). Ammunition also increased from US$ 0.15 to US$ 0.25 at the same period.

An AK 47 goes for two cows or a camel depending on the season (approx. US$ 100) and 1000 of ammunition goes for a single goat (about $25).

3.1.4 Impact

It is generally accepted that the use of small arms leads to death. However, to ascertain with precision the deaths that are caused by arms directly during and after conflict is problematic. The problem is further compounded by the diversity of arms (other than small arms) that are used during combat situation. Fatalities are also caused by other secondary effects such as malnutrition, food-insecurity due to conflict induced famine and diversion of Aid (Europa, 2002).

Confronted with these complexities, the international community has only managed to derive tentative conclusions on the global death toll attributed directly to small arms (WHO, 2001). The under capacities in statistics collection, the under-or over reporting by governments, non-state actors and NGOs, and the general lack of international observance in insecure regions have posed great challenges in accurate data collection and maintenance.
However, despite these complexities, a conservative estimate of 300,000 deaths is caused by small arms globally in conflict like situation (Krug, 2000). These exclude suicide, accidental deaths, or domestic violence occurring during conflict. An additional 200,000 individuals are killed in the so-called peaceful countries due to gunshots wounds (Cuckier 1998). Majority of the casualties are civilians. For instance, an I.C.R.C. surgical data base review revealed that approximately 35% of the victims of gunshots wounds were female and males under 16 and or over 50 (I.C.R.C. 1999:16).

The situation in Kenya is largely a non-combatant one. Most of the firearms related deaths therefore culminate from inter-clan fighting, banditry, criminal gangs, and legal firearms use. This results to other secondary impact such as famine, domestic violence, rape, diversion of development and reduction on endowment and entitlements. In specific terms, Kenya experiences conflict like homicides in many parts. For instance, there were well over 500 firearm related homicides in Nairobi during 1999 (25 per 100,000) and a national rate close to 15 per 100,000 (Robert Muggah & Eric Berman, 2001).

Gun related crimes particularly in urban centres have increased (Sabala 2000). Crimes are manifested in form of car jacking, kidnapping, violent rape, robbery of residents and businesses. In Northern Kenya, livestock raiding, for instance in Baringo, Isiolo, West Pokot and Turkana districts; banditry, and inter-clan conflicts are common. This has threatened not only the lifes of the pastoralists, but also their livelihood. Indeed some of the traditional activities that had cultural meaning have been distorted following militarization (Larjour, 2001).
The replacement of traditional weapons such as spears and arrows with modern and more sophisticated weapons has made these traditional activities deadly. Consequently there has been an escalation of violence and conflict. For instance the crippling of the elder system and therefore the traditional conflict management system, together with the acquisition of arms by young people, has intensified incidences of conflict which in turn has sustained the demand for arms in the region (Larjour, 2001).

The agents of armed conflict and the related criminal activities include armed military groups and individuals. Among the hotbeds of armed conflicts are Lokichoggio, Nairobi, Garissa and Wajir.

A study conducted in Lokichoggio established that 5 shootings are experienced every week and 3 to 4 people killed weekly (app 200/year): a homicide rate of 590 per 100,000 per year; many people were permanently disabled or injuries resulting to death due to lack of hospitals; victims are mostly young unemployed men, livestock herders, merchants, children, political dissidents and impoverished communities in marginal areas (Robert Muggah, 2001).

**Forced Displacement**

Just like the question of SALW related mortality and morbidity, the question of refugees and the internally displaced people is equally complex. Conventionally, Internally Displaced People (IDP) and refugee flows are taken to indicate the availability and use of SALW. However to assume that IDP and refugees are homogeneous and therefore have similar motivations for
movement would be unrealistic. Refugees and IDP are heterogeneous groups comprised of differently motivated individuals. Indeed even among members of the same household, motivations for movement differ.

Indeed,

"to focus – on a single movement of people in one direction and at a particular point in time, would be to give a false, if not comforting, impression that one is dealing with a simple and well circumscribed event rather than untidy process, involving multiple, and sometimes overlapping migrations in both directions, and considerably flexibility with respect to nationality and ethnicity" (Allen & Torton, 1996: pp 14)

It is therefore hard to record all conflict affected and displaced people in ways that corresponds with ideas about collective identity, their livelihood strategies and migration. Such is the complexity of data collection in IDP and refugee situation (R. Muggah, 2001).

However, generally refugees and IDP flow from arms infested societies particularly where direct and indirect threat of arms is apparent. The presence of illegal firearms in the Horn of Africa and other areas has intensified the problem of refugees and the IDPs. Indeed UNHCR has acknowledged handling a significantly increasing number of refugees and IDP than ever before (UNHCR, 2000).

"There is an estimated over 22 million people of concern to UNHCR –This include are 12.8 million refugees, and asylum seekers, 7 million IDP and about 2.5 million returned refugees. The global figure for displacee is 39 million" (UNHCR 2000).
The threat of violence commonly prevalent in areas of origin makes refugees reluctant to return home (Macrea 1999).

Unlike many other countries in the region, Kenya is a recipient rather than a producer of refugees. The conflict system in the region has resulted in influx of refugees into the country. In particular the collapse of Somalia in 1991, the defeat of the Derg regime in Ethiopia and the prevailing conflict in southern Sudan have contributed to the movement of refugees into the country. Indeed some refugees have used family connections to join relatives across border. Small arms and light weapons are the tools of trade in this regional conflict system. The real and imagined threat posed by SALW therefore is accountable for the forced massive movement of people. Indeed, UNHCR (2000) indicated that more that 600,000 refugees poured in to Kenya in the early 1990s.

Violence, drought, and economic stagnation have produced internally displaced people (IDP). The IDP survey of 2000 puts this number at 100,000 persons. The 1990’s politically instigated armed violence resulted to displacement of over 300,000 people and left 1500 dead (UNHCR, 1998). The problem of IDP and refugees is therefore directly and indirectly related to the availability and use of small arms and light weapons not only in Kenya but also in the region.

In relation to collective and individual security, certain clear issues are evident especially in the refugee camps. The confinement of the refugees in designated areas curtails their freedom of movement. While Kenya may argue that the aim is to maintain internal security as well as that of the refugees, the confinement of refugees has curtailed their freedom of movement.
The heterogeneous nature of the refugee camps in terms of social cultural and political backgrounds of the refugees often results to emergence of conflicting factions. This often forms the basis for violent conflict in the refugee camps. Indeed some of the camps house people from as far as Sudan (Dinka); Ethiopia (Oromo) Liberia, Sierra Leone, Uganda and Somalia. Some of them represent various combatant groups that were responsible for the original conflict. Some carry weapons into the camps to safeguard themselves against their opponents. The resultant has been extension of factional fighting in the camps.

Indeed, refugees, in their respective camps are faced by certain direct insecurity. Crisp (1999) identifies five insecurities facing the refugees in the camps as follows: - domestic and community violence which generally characterises putting of many people together and the psycho-social trauma that such people suffer from; sexual abuse and violence especially targeting women during their daily chores and armed robbery among the refugees. The problem posed by the use of arms to settle disputes .The violence meted on the refugees by the local communities; the intra-factional and inter-factional violence between former combatants and rival tribes as they strive to settle old scores.(see additional information inbox)

Strained relations between the refugees and the local communities further complicate the problem. Indeed, instances of conflict are common Kakuma refugee camp (Muggah, 2000). The impoverished, local communities especially due to drought and increased armed banditry and other related forms of violence have had conflict with the refugees at Kakuma camp. This conflict has prompted calls for the closure of the refugee camps especially by the local
politicians. The net effect has been a lot of uncertainty and anxiety among the refugees for the fear of being sent back to their places of origin.

At times, the commercial interactions between the locals and the refugees are inhibited by the presence and use of firearms. This is further aggravated by militarisation of both the local residents and the refugees. Indeed, some of the refugees are arms dealers (Muggah 2000).

The question of environmental degradation in the refugee camps and their immediate environment poses a major security concern. Firewood collection especially in Kakuma and Daadab refugee camps threatens the already scanty vegetation cover. This forced displacement has also affected education, food security and health provisions of the displacees.
Declining Access to Basic Needs

The emphasis here is on the impact of illegal use of small arms and light weapons at the micro-level of analysis i.e. the household. The focus is on endowment and entitlements. Endowment is hereby regarded as the rights and resources that people have in principle such as land, labour, skills, to health services, education and infrastructure. (Macrea, 1999)

Small arms create insecurity that directly or indirectly inhibit people from enjoying these rights and resources. For instance, insecurity results to destabilisation of economic activities, education, health facilities and free-participation in public life. The 1992 – 97 and 98 ethnic conflicts, resulted in the Rift Valley province of Kenya, largely infringed on the victims rights to enjoy their endowments. Though to a minimal extent, the recent security threats posed by the activities of ‘Mungiki’ adherents in Nairobi barred people from engaging in their normal activities. For instance, jobs and schools were closed. Families also incurred extra expenditure in either burying their family members or in treatment for injuries incurred. (Daily Nation, February 12th, 2003).

In relation to ownership, the increased incidences of car-jacking, displacement of people from their land, and armed robberies of businesses and homesteads demonstrates the effect of small arms in violation of enjoyments of these endowments.

Small arms also affect the quality of services provided. The regions regarded as insecure as a result of arms proliferation in Kenya are characterised by poor quality services in education, health, roads and judicial services. For instance, the level of literacy and school enrolment in the North Rift region is lower than that of many other parts of the country (Muggah, 2000). While
there are many other factors that contribute to this, the question of insecurity is paramount. Indeed, government employees prefer to work in other regions that are more secure. The adoption of the quota-system of admission into the public national schools and universities was an acknowledgement of this fact by the government (Muggah, 2000). There are also few medical health facilities in these regions. This affects the health indicators of the residents.

Entitlement: Entitlements deviates from the normative dimension of peoples’ rights. It emphasises the range of possibilities that people can have – “what people should have”. It focuses on the individual’s command over trade, production, labour and inheritance. UNDP report of 2001 identifies the following entitlements that are directly and indirectly linked to human security. Of significance though, is the direct and indirect impact of SALW on the enjoyment of these entitlements.

(i) Trade: Trade based entitlements are those that are related to lawful ownership and transactions of trade resources. Both the illegal and legal possession and use of small arms are strong predicators of armed robbery, intimidation and death. These vices upset the social and legal transactions upon which trade is conducted and negotiated. An example in the violation of this right is where trade transaction between the refugees in the Kakuma camp is disrupted by armed people. The presence of armed bandits in many parts of the North Rift region of Kenya has discouraged trading activities in the region. High incidences of armed robbery make it dangerous to open business premises in some parts of Nairobi at certain hours. Indeed Nairobi is usually a ghost town past 7:30 p.m.
Indeed, armed Violence has obstructed local and national trading systems and infrastructure. Traders and travellers, to and from, the North Eastern province have to be escorted by armed police guards. This has made the cost of trade in the region high as traders have to take security precautionary measures. It is no wonder that minimal trading interaction exist between the region and other parts of the country.

(ii) Production entitlements: These are the assets that one acquires through the use of own resources or resources hired from willing parties.

Small arms have been used to illegally acquire production entitlements or to indirectly affect the value of resources. For instance, the value of assets in areas that are frequented by armed robbers is usually low and unattractive to potential buyers. Similarly, arms have been used to instigate conflicts that have resulted to displacement of people from their property.

The Karamajong of Kenya – Uganda border region use illegally acquired firearms to raid cattle from their neighbours. This has transformed the traditional raiding system into a deadly activity (Hendrickson, et al 1999; 1998). Cattle hold a central position in the Karamajong value system. For instance cattle are used in the payment of dowry during marriage. Consequently, cattle rustling has deprived the Karamajong people their production and inheritance entitlements.

(iii) Labour entitlements: These include self-labour and rights associated with ownership of trade-based or production-based resources.

Individuals who have been directly or indirectly affected by insecurity posed by use of small arms such as victims of homicide, widows and the injured are at high risk of loosing labour
entitlements. The high rate of homicide cases in Kenya is a testimony to the loss of these entitlements by many people (Muggah, 2000).

(iv) *Inheritance and transfer entitlements* – These relate to assets voluntarily given from one person to another (provided the original party legitimately owns them) probably at the owner’s death.

Small arms result to loss of inheritance entitlements for instance through violence or conflict induced displacement. In such instances, land registration cultural property and all manner of assets are often lost. The displacement of people in the Rift Valley region and the acquisition of their land by others are examples of denial to inheritance entitlements induced by armed violence. The worst is where the intensity of violence and the number of alternative utilities derived from guns make them entitlements. This often results to a culture of violence that takes long to eliminate.

Reduction in agriculture carrying capacity and agricultural production due to armed insecurity combined with drought largely curtail entitlements and endowment. For instance drought and decreasing livestock due to raiding led to 20% drop in maize production in 1999 – 2000 from the previous year. The resultant was malnutrition of children that signified food insecurity. An estimated 500000 people were at risk of malnutrition (IRIN, September 14th, 2000).

In areas of insecurity, public goods and services which Kenyans are entitled to have collapsed for instance education, health, and information (Muggah, 2000). The effects on humanitarian work
have been adverse. Indeed, insecurity generally raises the opportunity cost of undertaking humanitarian work. This is experienced when aid workers are killed; relief aids is blocked from reaching the intended destinations and the general redirection of resources to combat insecurity.

3.2 Case II: Sudan

Illicit fire-arms acquisition and trade is prevalent in Sudan particularly in the areas bordering Ethiopia, Kenya, Congo (D.R.C) and Uganda. While most of the arms flowing in South Sudan have been attributed to civil war and cattle rustling, the current illegal trade and acquisition of firearms is largely associated with the prevailing conflict between the rebel group and the government. The causes of this conflict are diverse and intertwined. They range from political, religious, economic, racial, to environmental/ecological factors. However the focus is not on the conflict per se but the problems of illicit proliferation of arms particularly in the border sub-region between Kenya, Uganda and Sudan.

3.2.1 Sources of the Illicit Arms

The main actors in arms supply in the region are the Sudanese Peoples Liberation Army/Movement (SPLA/M) and the government (Larjour, 2001). None of these two have the capacity to produce arms. However the government import arms from Germany, Israel, and Yugoslavia among many other countries. This is acceptable since the government enjoys both internal and external sovereignty. Indeed the international protocol and conventions ratifies transfer of arms among and between states.
However, the government supplies arms to groups and militias in S.P.L.A/M controlled areas in an effort to sabotage and return to its sovereignty, areas controlled by the S.P.L.A/M (Larjour, 2001). These are some of the arms that are illegally traded across border to major urban centres in the region (Larjour, 2001).

Apart from importing arms, the government has a small ammunition factory (Sudan Military Industry Corporation) based in Khartoum and licensed by Germany. The factory is technically supported by different states in Eastern Europe and the Middle East. It assembles automatic G 3 Rifles and produces ammunition (D.S.E, report 1999).

On the other hand, SPLA/M depends on grants from supporter and sympathisers. It lacks the capacity to produce and purchase huge consignment of arms. However the failure by SPLA/M to establish effective government in areas under its control creates a conducive environment for illegal proliferation of arms. Similarly corrupt officials and individuals within its ranks steal and sell weapons from the SPLA/M stores. Deserters and other desperate rebels sell their weapons for food. Some SPLA/M commanders also sell weapons to support their families who have been relocated to urban areas in the region (Larjour, 2001, 20).

Other sources include; Uganda vigilantes, UPDF soldiers, traders in the border region, rebels of the Lords Resistance Army, the Intarahamwe militias and Maimai rebels in eastern Democratic Republic of Congo (D.R.C). However the main primary sources are the legitimate and illegitimate European dealers (Guardian, July 10th, 2001). Indeed United Kingdom (U.K) is the main producer of arms that are illegally possessed in the region. UK account for 20% to 25% of
the overall arms trade while the European Union (EU) members collectively account for 30% of the illegally traded arms in the region (Africa News May 7th, 2001).

3.2.2. Main Market Systems and Transfer Routes

A study conducted by Larjour consultancy (2001) attributed the continued illicit trade in southern Sudan region to the prevailing lawlessness and disorder in the region. It further established existence of intense and almost free flow of arms within southern Sudan and across the national borders.

The table below shows the movement of illegal arms in terms of origins and destination in the Southern Sudan region.

Table 4: Origins and destinations of illegal arms in Southern Sudan

<table>
<thead>
<tr>
<th>County</th>
<th>Origin (perpetrators)</th>
<th>Destination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magwe</td>
<td>Nimule (Acholi)</td>
<td>Bibia (Uganda)</td>
</tr>
<tr>
<td></td>
<td>Pugee (Mudi)</td>
<td>Padibe</td>
</tr>
<tr>
<td>Torit</td>
<td>Agoro (Acholi + SPLA deserter)</td>
<td>Madupei – Uganda</td>
</tr>
<tr>
<td></td>
<td>Loguru (Lotuho + Dinka)</td>
<td>Madupei – Uganda</td>
</tr>
<tr>
<td></td>
<td>Maluma (Lotuho + Dinka)</td>
<td>Madupei - Uganda</td>
</tr>
<tr>
<td></td>
<td>Tseretenya (logir)</td>
<td>Madupei - Uganda</td>
</tr>
<tr>
<td></td>
<td>Lofus (Langi + SPLA deserters)</td>
<td>Namakora (Karamoja)</td>
</tr>
<tr>
<td></td>
<td>Ikotos (Dongatona)</td>
<td>Lokua</td>
</tr>
<tr>
<td></td>
<td>Bira</td>
<td>Karingak</td>
</tr>
<tr>
<td>Budi</td>
<td>Tutohi (Boya +SPLA Deserters)</td>
<td>Kaabong (Karamoja)</td>
</tr>
<tr>
<td>(Chukudum)</td>
<td>Laura (Didinga + SPLA Deserter)</td>
<td>Kalabe (Uganda)</td>
</tr>
<tr>
<td></td>
<td>Lotukei (SPLA deserters + Didinga)</td>
<td>Kaabong (Uganda)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lokichogio (Kenya)</td>
</tr>
<tr>
<td>Kapoeta</td>
<td>Namorunyang (Topasa)</td>
<td>Naita – (Ethiopia)</td>
</tr>
<tr>
<td></td>
<td>Napol pot (Topasa)</td>
<td>Piree (Uganda)</td>
</tr>
<tr>
<td></td>
<td>Nadapal (SPLA deserters + displaced)</td>
<td>Lokichogio (Kenya)</td>
</tr>
<tr>
<td></td>
<td>Narus (Topasa, displaced + deserters)</td>
<td>Naita – Ethiopia (Kenya)</td>
</tr>
</tbody>
</table>


Market forces determine the volume of the trade. However political relations/logic at times explains the volume and destination of trade. For instance the traditional rivalry between the
Turkana and the Toposa (in war and cattle rustling) explains the movement of arms to Naita (Ethiopia) rather than Lokichoggio that is closer to Namoronyang. (see table above)

Despite the efforts by the SPLA/M and at times the UPDF to dismantle the trade networks, new open markets keep on sprouting (Guardian, July 10th, 2001). The study established that by year 2002, the following markets indicated on table 5 were still operational in the Eastern Equatorial region, with perpetrators acquiring arms from different sources:

Table 5: - Functioning markets for illegal arms in Southern Sudan (2002)

<table>
<thead>
<tr>
<th>Market</th>
<th>Country</th>
<th>Perpetrators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agoro</td>
<td>Magwe</td>
<td>Acholi &amp; Madi arms dealers – (Lords Resistance Army, Government of Sudan, SPLA)</td>
</tr>
<tr>
<td>Loguru</td>
<td>Torit</td>
<td>SPLA deserters (Dinka, Government of Sudan) – SPLA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lango arms dealers – SPLA</td>
</tr>
<tr>
<td>Lofus</td>
<td>Torit</td>
<td>SPLA deserters (From different nationalities of East Bank and Dinka, Government of Sudan)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Logir arms dealers – SPLA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dongatona – SPLA</td>
</tr>
<tr>
<td>Laura</td>
<td>Budi</td>
<td>SPLA deserters (Dinka, Government of Sudan)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SPLA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Didinga arms dealers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Turkana arms dealers</td>
</tr>
<tr>
<td>Napotpot</td>
<td>Kapoeta</td>
<td>Toposa arms dealers – Government of Sudan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SPLA deserters</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Didinga Arms Dealers – Government of Sudan/Kapoeta</td>
</tr>
<tr>
<td>Namoronyang</td>
<td>Kapoeta</td>
<td>Toposa – Government of Sudan /Kapoeta Nyangatom</td>
</tr>
</tbody>
</table>

Source: Larjou Consultancy, 2000, 15.

3.2.3 Beneficiaries

The beneficiaries of this illegal trade fall in several categories as follows;

At the local level, there are individuals who include reneged SPLA/M officials, army officers who sell captured arms booties as a way of augmenting their wages, militia strongmen who have
commercialised and criminalized arms, and local youth who use arms to accumulate wealth through cattle rustling.

At the national level, the government supplies arms to militia groups and people of different ethnic groups with an aim of creating discord and conflict. This is partly in order to absolve responsibility of protecting resources and property within its sovereignty particularly in areas controlled by SPLA/M and also as an effort to destabilise the same areas especially in event of disagreements in SPLA/M (Larjou 2000). For instance the government organised the communities of Toposa, Didinga, Mundari, Acholi and Madi to fight the SPLA/M especially after the split in 1991 (Nyaba 1996).

SPLA/M is as a matter of fact, a non-state actor. Therefore, the avenues through which they acquire arms are illegal. However arms sustain the struggle and therefore SPLA/M is also a beneficiary of the trade. The local, regional and international dealers in illegal arms also accumulate profit from the trade. Similarly, the original arms manufacturers in Europe, USA and other countries reap handsomely from the trade. It is no wonder that between 20 to 25 percent of the arms in the illegal hands in the region have originated from Britain (Africa News, May 7th, 2001).

3.2.4 Impact on Security

The impact of small arms in the Southern Sudan region can be viewed in the context of the conflict existing between the government, SPLA/M and other rebel groups.
There has been direct atrocities and loss of life. Indeed, the prevailing conflict has claimed over 2 million people with war-induced famine and disease claiming the majority (Sarah 1996). The indiscriminate bombing on civilians and the scotched earth policy adopted by the government and rebels forces have destabilised communities. Consequently, there has been depletion of the psychological conditions thus negatively affecting the vulnerable groups such as women, children and the elderly. The accompanying war propaganda of extermination has in effect generated the problem of internally displaced people (IDP) and refugees.

Sudan has over 4 million IDP who are spread in different parts of the country (Europa 2002, pp 1049). These I.D.P experience psychological trauma that takes long to heal. Indeed, at the onset of their movement, they experience the trauma of destabilisation of social order, family separation, loss of property, unemployment hunger and diseases (Odhok; 1997). A study conducted at Shilluk camp of Jebel Awila, South of Khartoum indicated that there was a high rate of incidences of psychiatric disorders among the refugees and the IDP (Odhok, 1997).

Apart from the IDP, Sudan also generates and host refugees (Europa 2002, 1050). UNHCR and UN co-ordination unit (1998) estimated that there were about 418,000 Sudanese refugees in five countries in the region (Uganda – 175,000, DRC – 110,000, Ethiopia – 78,000, Kenya – 28,000, CAR – 27,000). Sudan also hosts refugees generated by armed conflict in other countries. For instance over 414,000 refugees have sought asylum in Sudan (Europa, 2002, pp 1050).
In extreme cases, especially among the youths, guns have been romanticised converting them into entitlements. This trend poses the danger of evolving a culture of violence. Violence is a social vice that has dire consequences that are that humanitarian nature.

Reduced productivity has resulted to over reliance on humanitarian relief. A UN assessment conducted in southern Sudan in 1996 indicated that of the 4.25 million people who needed relief assistance, 3.6m of them were located in Southern Sudan (Europa 2002, 1049).

Food shortage has caused malnutrition especially in the conflict zones. This was evidenced in 1996 when the UN requested a donation of US $107.6 million in aid for the famine stricken region of Bahr – al – Ghazel, Jonglei and Upper Nile region (Europa 2002, pp 1049). Similarly, FAO and OLS also estimated that over 2.1 million people were faced with food shortage in the region.

Obstruction of delivery of relief food by government’s restrictions, rebel and militia groups’ activities have often worsened the humanitarian conditions in the region. Similarly, frequent violations of agreements regarding humanitarian relief by both the government and the rebels have frustrated humanitarian activities in the region. For instance the April 1994 IGAD brokered agreement that provided for free transshipment of relief food allegedly failed because John Garang, leader of SPLA/M, failed to sign the final document (Europa 2002, pp 1049).

There has also been a violation of individual rights as evidenced by forced conscription. For instance, the 1997 government declaration of compulsory military service for all male school leavers was done as a response to the escalating insecurity (Europa 2002, pp 1043). The aim was
to boost military capacity in the face of resistance from the rebels in the southern region (*Europa 2002, pp 1044*). Protests from among the conscripts have at times resulted to deaths. For instance, in April 1998, an attempted escape by conscripts from a military camp located south of Khartoum resulted to death of 55 while 260 went missing following capsize of their escape boat (*Europa 2002, 1044*).

In summary, the conflict has resulted to human right abuses propagated by the government, rebels and militia groups as follows.

The government has been accused of: -

- Indiscriminate bombardment of civilian targets in SPLA/M controlled areas.
- Recruitment of minors in the army – child soldier.
- Interference with delivery of food.
- Curtailing freedom of speech, association and political activity.
- Destruction of educational, health, judicial and civil services, denying people their endowment rights.

SPLA on the other hand has been accused of: -

- Extra – judicial detention
- Arbitrary detention
- Forced conscription
- Arrest of foreign relief workers

Both the rebel and the government have been accused of: -
- Indiscriminate abductions – use as sex slaves / human dignity
- Torture
- Rapes especially by security personnel
- Use of physical and psychological torture on prisoners.

State Security has also been threatened through the use of illegal SALW. There have been attempts to overthrow the legitimate government by dissident groups using conflicts situations as the excuse. It is on this ground that military officers who had conspired to take over the port of Sudan were executed (Europa 2002, pp 1044).

The secessionist tendency by the armed rebels in the south threatens sovereignty of the state. An indeed large part of southern Sudan is under the control of SPLA/M. A state whose internal sovereignty is challenged, and therefore enjoys minimal internal legitimacy, is in realistic terms a weak state. These internal concerns reduce its leverage in the pursuit of its interest in the international system.

The relation between Sudan and some of her neighbours is erratic, thanks to the activities of the armed rebels. For instance, Sudan and Uganda both of which share a burden of rebel groups operating within their border regions. (SPLA in Southern Sudan, LRA Northern Uganda) have accused each other of supporting rebels.

Uganda has often abused territorial integrity and sovereignty of Sudan in pursuit of purported rebel hideouts in Southern Sudan (Guardian, July 10th, 2001).
Consequently, the activities of the Lords Resistant Army (LRA) and the SPLA/M have compromised security in the Uganda–Sudan border region. Indeed, the two states have had moments of severed diplomatic relations as each state accused the other of supporting rebels (Guardian, July 10th, 2001).

3.3 Case 111: Uganda

The problem of arms possession by illegal non-state actors cannot be detached from the country’s unstable political history. The frequent coups and counter coups experienced since independence resulted in periods of disorder and anarchy. In all these coups and counter coups, the belligerents heavily used firearms and other weapons. The subsequent transition periods were often characterised by disorder and lawlessness. Consequently, guns and other weapons often fell into the hands of illegal groups. Some of these groups are responsible for the ongoing conflict in the northern part of Uganda. Indeed, some of the armed rebel groups in Uganda are still sympathetic to former presidents (IRIN, February 24th, 2003).

3.3.1 Sources of the Illicit Arms

Rogue soldiers from Ugandan Peoples Defence Force (UPDF) and the rebel Sudanese People Liberation (SPLA) based in southern Sudan are behind main sales of arms and ammunition especially in the eastern sub-region of Karamoja (Africa News, July 27th, 2003).

Similarly, corrupt government officers and army officers participate in the illegal sale of arms. For instance ADOC’S (Action for Development of Local Communities) report implicated the
government and the army of selling captured arms and ammunitions stored at Gulu government reservoirs. Indeed, Gulu has been identified as a major source of illegal arms in northern Uganda (IRIN Report, February 18th, 2002).

In the Karamoja region, SPLA/M is the main source of illegal arms supplemented by Karamoja dealers, corrupt SPLA officers, deserters and desperate rebels who exchange arms for food and other basic facilities (IRIN, December, 9, 1999). They are also traded across border to Turkana’s of Kenya. Some eventually proliferate to the central part of Kenya and to major urban centres where they are used in criminal activities and armed violence (IRIN Report, December 9th, 1999).

The Dinka, Buya and Toposa people of southern Sudan trade directly with guns and ammunition that are sourced from the SPLA/M. Some of the arms traded illegally are part of stock supplied by the government of Sudan to militias and government aligned tribes in order to fight the SPLA/M and to destabilise the region under its control.(Larjour,2001)

The small arms manufacturing factory at Nakasongola (National Enterprise Corporation—which is aided by China’s Wabao enterprises.) is also feared to be a domestic source of illicit ammunition (B. I. R. US Department of State, November 10th, 1999).

Other sources include; the internal arms dealers, vigilante groups, UPDF soldiers and traders who are well connected to the international black market networks and major producing states.
3.3.2 Trade System and Perpetrators

Local dealers acquire and transport arms to markets in the northern part of the country. The main demand sources are the rebel groups. Sudan’s government is also accused of supplying weapons to the rebel groups including the Lords Resistance Army (LRA).

Traders transport arms physically and often concealed in their luggage. They use remote and unmanned routes to contact their accompaniments. For instance:

"The valleys that run between the Kidapo National Park and the Nangnye mountains of Southern Sudan are avenues through which small arms pour into Uganda. Each dealer carries up to five guns strapped to their back" (Africa News, 05, 07, 2001).

Apart from the physical delivery of weapons by the dealers, arms are also illegally transported through other channels. A report by Oxfam observed that: -

"Arms get to Uganda and its neighbours through a number of channels. An air freight company, using largely British crew, transported arms to Sudan in late 1998, but there were no controls to stop them from being sold to Ugandans" (African News 05, 07, 2001)

The other channel is through the port of Dar es Salaam, transported by railway to ports on Lake Victoria, then across the lake to their markets inside Uganda (Amnesty International, September 07th, 2001).

Karamoja area has high concentration of arms (approximately 160,000). These weapons are used during the perennial inter-ethnic conflicts and cattle raiding that are often fatal and destabilising. Kitgum, Gulu, Karamoja, Labwor, Agogo, Arua. Atiak, Butiaba Itoima are major markets for illegal arms in the region.
A UN report has identified Uganda as a major transit country for illegal arms in the East, Central and West African region (US government report to UN conference, New York, July 09th, 2001). Arms are also transported across Uganda – Democratic Republic of Congo (D.R.C), Uganda-Sudan borders by rebels. Similarly, human migration especially by the nomadic pastoralists, refugees and internally displaced people provide major conduit for arms transportation across borders.

3.3.3 Impact

Internally, armed rebel groups that operate in and outside the territory challenge the government of Uganda. These include the Lords Resistance Army (under John Kony), the Allied Democratic Front (under Taban Amin, son of former president Idi Amin Dada), and West Nile Bank Front (under Moses Chaku). Consequently, Uganda government has committed resources towards fighting these groups both internally and externally.

There has been redirection of national resources due to both internal and external security concerns. For instance, in the year 2000/1 budget allocations, security took 14 percent of the total budget trailing third after public administration (19%) and Education (27%). When combined with the allocations for the maintenance of law and order, the overall security budget consumed 20% of the national budgetary allocations. This increased expenditure consumed on other sectors such as health, roads, works and agriculture (Uganda- country report, August, 2000).
The government of Uganda has also committed its forces to fight rebels operating in and out of Uganda. Uganda's involvement in the Congo (D.R.C) conflict can be viewed in this respect. After all, the D.R.C has served as a haven for the rebel groups that are opposed to the government of Uganda. For instance, the ADF operates from Rwenzori mountains in the DRC (IRIN, 9th Dec. 1999), LRA operates in Sudan, Wes: Bank Nile Bank Front from northern Uganda and across border in Sudan. Efforts by the government to combat this problem have resulted to increased defence expenditure. For instance, defence expenditure increased from US$ 94 million in 1995 to 100 million in 1997 and 142 million in 1998 because of involvement in the DRC. (Uganda-Country report, August 2000)

External military involvement has created tension between Uganda and the international community. For instance, in September 2000, the US and UK governments cancelled 80 military scholarships because of the country’s involvement in the DRC conflict (The Monitor, 18th September 2000).

Efforts to fight the rebels often make the government unpopular. This poses danger to internal cohesiveness of the state. For instance, the compulsory camps established in the north aimed at isolating the rebels are very unpopular with the locals (The Monitor, 18th September 2000). Government further puts monetary incentives for the arrest of key rebel leaders. This method of information gathering is expensive in short, the use of illegal SALW in Uganda has resulted to:

- Civilian killings: At least 1000 people mostly civilians were killed by ADF in 1991.
> Abductions of children/women for instance, rebel groups abducted 14,000 children from
1989 to 1999 to improve their numbers (child soldiers, porters and sex slaves),
>
> Armed cattle rustling especially at the Karamajong – Moroto region.
>
> Guerrilla warfare – terror and the associated psychosocial trauma.
>
> Destruction of property, for instance, bombing of Kampala by ADF operatives.
>
> Attacking humanitarian convoys – For instance, by rebel groups such as West Nile Bank
Front.
>
> Forced recruitment into the forces.

> Disruption of the transportation system, trade and the general infrastructure. For instance the
National Army for Liberation of Uganda (NALU) claimed responsibility for three bombings
of passenger buses in August 1999, which reportedly killed 29 people.
>
> Internally displaced people/refugees and the associated problems of destabilisation, loss of
family and communal attachment, food shortages, psycho-social trauma.
>
> Severed diplomatic relations between Uganda and other states such as Sudan, Britain, DRC

*inter alia.*
4.0 A SYNTHESISED ANALYSIS OF THE DYNAMICS OF
THE ILLEGAL TRADE IN SALW AND THEIR
IMPLICATIONS ON SECURITY

4.1 Complexities of Illicit Trade in the Region

The complexity of the illegal trade in fire-arms is compounded by the social, economic, political, and ecological (geographical) characteristics in the region. These include:

- **Minimal government institutions:** Politically, the region has few government institutions and therefore is administratively marginalised. While this has historical explanations, the existence of rebel groups on the Ugandan and Sudan side of the border, hinders effective government control along the respective international borders. Indeed, the S.P.L A/M rebel movement claim control over large part of the southern Sudan. It is no wonder that the southern Sudan region serves as the major secondary source of arms in the region. The activities of the Lords Resistance Army (LRA) and other rebel groups in northern Uganda, lender government’s efforts to disarm the local communities ineffective (OCHA, Nairobi, 5th February 2003). Indeed, the government of Uganda is more pre-occupied with fighting the rebels than engaging in economic development. The Governments of Uganda and Sudan have both incurred extra expenditure in their campaigns against the rebels. This deviation of investment has impacted negativity on economic development of the two states.

- **Ethnically polarised:** The co-existence by the various ethnic communities in the region has been characterised by suspicion and traditional enmity. For instance, low-level conflict has been persistent among the Pokot-Turkana and the Karamojong (Larjour, 2000). The problem is further
compounded by their similar agro-pastoral economy against a background of shrinking ecological resources.

*Economic engagements:* - The inhabitants of the region are predominantly nomadic pastoralists. This nomadic economy is further compounded by low precipitation and drought. The harsh ecological conditions usually trigger stiff competition for the scarce and shrinking natural resources such as watering points, and pastures. Extreme competition often leads to armed violence.

*Traditions associated with Livestock:* - Indeed animals hold central position in the social-economic practices of the communities. For instance, animals are used in dowry payments, provision of food, shelter, transport means and prestige. Livestock form the backbone of the communities' livelihood. It is on this premise that traditional practices such as raiding and counter-raiding are practised among the pastoral communities. While this has been part of the historical inter-community interactions, its militarization through the use of firearms has not only claimed peoples' lives but also criminalised and commercialised cattle raiding.

The trigger effect has been a feeling of insecurity among the concerned communities. This feeling of insecurity has resulted to acquisition of firearms which are meant to protect the individual, the community and the livestock.

*Prevailing conflict:* - Political disagreements based on certain social economic and cultural issues are responsible for the prevailing conflict in the region especially in northern Uganda and southern Sudan border region. In a broader context, the region is part of the conflict system in
both the Greater Horn of Africa (GHA) and Great Lakes regions. This has served as a breeding environment for illegal trade in firearms and light weapons. Any meaningful address of SALW problem in the sub-region

Has, therefore, to address the broad issues that propagate conflict in Uganda and Sudan, GHA and the Great Lakes region.

*Ethnic dichotomy:* communities that claim common family lineage inhabit the region. For instance, the Kenya-Sudan border region is occupied by Turkana people, Kenya-Uganda by the Pokot and Karamajong people, the Uganda-Sudan by the Karamajong. This complicates governments’ efforts to control the cross border human migration.

*Low development:* - The region is poorly developed as indicated by poor infrastructure network, education, health services, and low standard of living compared to many other parts of the respective countries.

Traditional economies based on traditional animal husbandry and minimal subsistence farming form the economic mainstay. There are limited modern financial and production institutions. The residents are rarely exposed to modern methods of farming and animal husbandry. This makes their economy vulnerable to natural vagaries such as weather changes.

*Ecological harshness:* - Low rainfall (precipitation) and frequent drought result to frequent famine. Similarly, drought results to deaths of livestock. This threatens the livelihood of the people. Improved climatic conditions elicit desire to restock. Raids and counter raids are some
of the methods used to restock. When militarized, often result to death, destruction of property and further escalation of insecurity.

Low precipitation also result to competition over watering points and pastures among other things. Low intensity conflicts are therefore persistent among communities in the region. These are the conflicts that boomerang into full-blown armed violence when conditions worsen.
4.2 Regional Trade in SALW (sources, actors, demand sources, supply systems, types)

The three case studies discussed in chapter three provided a case by case analysis of the dynamics of illegal trade in SALW and their impact in each of the three countries studied. This section integrates these findings and evolves a synthesised analysis. This approach is informed by the need to underscore the regional interconnectedness of the various aspects of the trade and the associated impact. Indeed this study has a regional focus.

This section therefore specifically analyses the sources, types of arms traded, demand sources, supply systems and the beneficiaries of the trade. This analysis is presented in the table 6 as follows:

Table 6: Sources, Supply Systems and Demand Source of SALW in the Region

<table>
<thead>
<tr>
<th>SOURCES</th>
<th>1.1 Primary</th>
<th>1.2 Secondary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Manufacturers in Europe: - Britain, Eastern Europe, America, Israel, China, Bulgaria.</td>
<td>Arms profiteers in the regional conflict zones</td>
</tr>
<tr>
<td></td>
<td>Domestic ammunition and firearms assembling factories: - The Sudan military cooperation (Khartoum), Fersal Ammunition Factory (Eldoret – Kenya), National Enterprise Co-operation (Nakasong ola, Uganda).</td>
<td>Local arms traders/dealers/runners.</td>
</tr>
</tbody>
</table>

\[\text{\textbullet\quad Government stock – piles: through corrupt government officials.}\]

\[\text{\textbullet\quad Rebel deserters: For instance, SPLA/M, LRA, unfaithful adherents.}\]
<table>
<thead>
<tr>
<th>2. Typology</th>
<th>2.1 Mostly used firearms</th>
<th>♦ Russian made Kalashnikov Assault Rifle (AK 47)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2.2. Others</td>
<td>♦ Mig-16s with Chinese, US, &amp; Bulgaria markings.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>♦ 303 Rifles, Ceska rifles, Browning revolvers, US manufactured</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Smith and Weston, Colt Revolvers, sporting guns.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>♦ Ground to air missile launchers, hand grenades.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>♦ Anti-Air craft missiles.</td>
</tr>
<tr>
<td>3. Demand Source</td>
<td>3.1 Rebel groups</td>
<td>♦ In Northern Uganda (Lords Resistance Army, Westbank Nile Front, National Army for Liberation of Uganda, ADF etc)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>♦ Sudan: SPLA/M and the other factions within the movement.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>♦ Indirectly creating insecurity – cycle of demand</td>
</tr>
<tr>
<td></td>
<td>3.2 Criminals and Criminal</td>
<td>♦ Robbers, carjackers, drug traffickers, hit squads (especially in urban centres), cattle rustlers, militia groups, poachers, terrorist</td>
</tr>
<tr>
<td>gangs/groups</td>
<td>groups.</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>3.3 Individuals</td>
<td>✦ Pastoralist (feeling insecure) to safeguard their livestocks, civilians who are feeling insecure, youths for prestige, military officers / senior rebel officers to supplement wages and sustain families relocated in major urban centres, refugees in the camps.</td>
<td></td>
</tr>
<tr>
<td>3.4 Security groups (legal and illegal)</td>
<td>✦ Security firms, vigilante groups, reservist groups (example Mungiki, Jeshis), mercenary, militia groups.</td>
<td></td>
</tr>
<tr>
<td>3.5 Governments confronted by internal challenges</td>
<td>✦ Government of Sudan supplying arms to militia groups with an effort to combat the rebels, some of the arms diffuse in to the illegal trade networks. ✦ Arms stolen from government stockpiles/ captured booty at Gulu (Uganda).</td>
<td></td>
</tr>
<tr>
<td>3.6 Business community (corporations), humanitarian agencies etc</td>
<td>✦ Multinational corporations operating in conflict regions beef up security by hiring mercenaries and arming them. Conflict in southern Sudan is partially a resource conflict (oil). There are many oil multinationals interested (example Talis man).</td>
<td></td>
</tr>
<tr>
<td>4.2 International</td>
<td>✦ International Arms dealers / gun runners.</td>
<td></td>
</tr>
<tr>
<td>gun running Network</td>
<td>♦ Arms brokers, Air transport companies workers, governments through brokers (Ukraine), cartels and criminal groups with global networks.</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
</tbody>
</table>
| 4.3 Transportation / Transfer | ♦ Animals (donkeys and Camels).  
♦ Physical by pastoralists across border (Karamajong, Pokots, Turkana, Oromo, Somali), refugees as they cross border to other countries and camps for asylum, traders.  
♦ Government facilities illegally used. (Government vehicles).  
♦ Dealers - Traders carrying them cross border through the rough/unmanned sections e.g. between Sudan – Uganda border e.g. the valley between the Kidepo National Park and the Nangnye mountains, Chartered Air flights and relief air dropping flights.  
♦ Public transport such as buses, animal transporters, relief transporters, matatus.  
♦ Private vehicles.  
♦ In urban areas – Nairobi – Street children and buibui clad women/men. |
<p>| 4.4 Main trading routes | ♦ See appendix |
| 4.5. Prices | ♦ Fluctuates – No price control mechanism since it is illegal trade. However, in general terms the prices of arms in low. At Kitgum during scarcity period, AK 47 can go for Ugsh. 400,000 and drop to 100,000 when guns flood the market (The monitor, 023/01/03) |
| 4.6 Overt supplies | ♦ Governments supply weapons to unlicensed non-state actors. For |</p>
<table>
<thead>
<tr>
<th>5. Beneficiaries</th>
<th>5.1 Individuals</th>
<th>- Corrupt military officers, local youths who use arms to accumulate wealth, local and international dealers, brokers, Senior government officers, warlords and deserters.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5.2 Organised groups</td>
<td>- SPLA/M, governments, criminal groups. Government of Sudan provide arms to militia groups in order to achieve its objectives.</td>
</tr>
<tr>
<td></td>
<td>5.3 Manufacturing companies / states</td>
<td>- Most arms found in the region are Russian made AK47 Rifles, Britain, US, Israel, Eastern European countries are also major sources of arms.</td>
</tr>
<tr>
<td></td>
<td>5.4 Local communities</td>
<td>- Cattle rustling, assurances of security, safeguarding pastures, and watering points.</td>
</tr>
<tr>
<td></td>
<td>5.5. Civil society groups</td>
<td>- Those involved in humanitarian and advocacy work. - Lobby groups such as National Rifle Association in America.</td>
</tr>
</tbody>
</table>

### 4.3 Impact of Use of Illegally Acquired SALW in the Region

Having developed and presented a synthesised analysis of the specific aspects of the illegal trade in SALW in the region, this section further focuses the study on the impact of this trade. Indeed one of the key objectives of the study as indicated elsewhere in chapter one, is to analyse the impact of the illegal trade and use of SALW in the Kenya-Uganda -Sudan border region...
This section presents a synthesised analysis of the impact and the respective indicators. This analysis is guided by the conceptual framework of indicators previously discussed in Chapter 2 (see section 2.4). Though we acknowledge the interconnectedness of various aspects of the impact and their indicators, the presentation is in two broad categories as shown in the table below. (see Table 7)

Table 7: Summary of the Impact of Use of Illegal SALW in Kenya, Uganda and Sudan

<table>
<thead>
<tr>
<th>ASPECTS/IMPACT</th>
<th>SPECIFIC FINDINGS (INDICATORS)</th>
</tr>
</thead>
</table>
| Mortality and injury attributed to the use of SALW | *Type of killing:* - Large scale massacres during cattle raids between tribes, armed banditry and robbery, and inter-clan or intertribal conflicts. In areas inhabited by rebel groups such as northern Uganda and southern Sudan, indiscriminate killing by militias, government scotched earth policy.  
*Firearm related homicides:* - Estimates range from 10 – 1500 firearm deaths per year in Kenya (Muggah and Eric Berman, 2001).  
*Victim profile:* - Young, frequently unemployed, men (livestock herders to wealthy middle class), women of all ages, children, combatants and relief workers. Armed conflict in Sudan has claimed over 2 million lives (Europa 2002, 1049). |
| Forced Displacement                                | *Numbers of refugees and IDPs:* There are about 418,000 Sudanese refugees in five countries in the region (Kenya, Uganda, Ethiopia, CAR, and Chad); Kenya has about 100,000 IDPs (UNHCR Report, 1998). Likewise in Uganda. The problem of refugee and IDP is also subject to among other factors climatic variables.  
*Profile of displaces:* - predominantly civilians or ex-combatants who are |
| Declining access to entitlements | Fleeing violence and persecution in countries of origin.  
Displaced problems: - Psychosocial trauma, loss of property, family breakages, loss of inheritance/property/entitlements, confinement at refugee camps, conflict with host community (ies).  
Instances of return / resettlement: - With prevailing insecurity in areas of origin, it is hard for refugees to be repatriated; refugees are residing in urban and peri-urban parts of the countries.  
- Broad impact on endowments/entitlements: However, there is minimal economic activities, education & health facilities and services, low school enrolment, in areas where armed insecurity is high.  
- Armed insecurity has affected local and national trading systems and infrastructure thus increasing the cost of trade.  
- Vulnerable groups: - Predominantly the under-five as evidenced by high mortality rate, house holds labour distribution, (women headed household). Pastoralists, IDP and refugees are affected in peculiar ways:-  
They are denied the opportunity to enjoy these rights.  
- Children have been abducted and forcefully integrated into the armed groups. Thus, they are subjected to long-term psycho traumatic experiences.  
Doctors, teachers, judges and other civil servants are unwilling to work in areas of insecurity such as North Eastern province of Kenya.  
- Food insecurity and undermined customary institutions: - IDP and refugees livelihoods are destabilised, livestock industry is undermined by arms insecurity (criminalisation of the animal trade), customary institutions (councils of elders, dowry system, common property resources and family)
are eroding due to arms use. Some of the institutions have traditionally provided key conflict management mechanisms and their demise signify problems of conflict management and resolution.

- Labour: Rural-urban flight has created unemployment and also happens in the context of low skill endowment and thus not amenable to formal labour markets.

- Arms have been used to illegally acquire productions entitlement such as property and cattle. They have also been used to deny others inheritance rights, and create food shortage and consequently malnutrition (IRIN Report, 14/09/2000).

| Militarisation of IDP/ Refugee camps | - High incidences of firearm related homicides, armed robbery, armed rape and banditry, near the camps (Kakuma).
| - Incidences of use of firearms inside the refugee camps. For instance Kakuma and Dadaab (Muggah and Berman; 2001, 61).
| - Vulnerable groups: Women (collecting firewood), ex-combatants for senior government and military officers. Livestock herders, humanitarian agency personnel / workers.
| - Impact: High investment in security and prevention logistics diverting resources from direct humanitarian work to other security related undertakings. More expenditure is incurred in case of transferring conflicting groups to new camps. |

| Targeting of humanitarian development personnel | Humanitarian and development personnel directly affected by arms-related insecurity. For instance, they are directly attacked while on duty, car jacked, and kidnapped and even killed, raped in their residences. This also results to other secondary psychosocial trauma, high turnover. Indeed some zones are |
| Opportunity-cost of development programmes and interventions | at times declared no go zones. High cost of field operations due to extra cost of transportation (air and convoy) diverted relief, privatised security and burden of security logistics. Governments and rebel groups frustrating relief activities. Minimal foreign development investment and local investment in arms affected areas such as in the N.E. province of Kenya. Many police reservists hired to guard refugees, camps and also maintain security in affected regions such as North Rift region of Kenya. |
| Increased government expenditure on security. | For instance the Government of Uganda involvement in fighting armed rebels both in and out of the country has incurred to a high military expenditure ( defence expenditure increased from USD 94 in 1995 to 100 million in 1997 and 142 million in 1998). |
| State security threatened | Internal legitimacy and / sovereignty of state challenged by the existing rebel groups, (SPLA/M, Lords, Resistance Army), banditry and cattle rustling groups, poachers, criminal groups and militia groups. General feeling of insecurity among residents of the affected areas and therefore likely to loose confidence in their governments. Disregard of territorial integrity of states. For instance Uganda has severally pursued armed rebel groups into the neighbouring states such as Democratic Republic of Congo, Sudan. Severe diplomatic relations between states for instance Uganda and Sudan – each accusing the other of assisting rebel groups. Thus the pursuit of foreign policies of these countries has been negatively affected. Kenya has been identified as a state with active terrorist cells. The impact of this on tourism and the economy in general has been adverse, unabated |
accumulation of arms especially by dissenting groups is a threat to National Security. The 1998 bombing of the US Embassy and the 2003 attack of EL AL plane in Mombasa testifies the danger posed by illegal acquisition and use of SALW.

4.3.1 Challenges of Confronting SALW Problem

It is now evidenced that the implications of illegal trade in SALW in the region are diverse. Particularly, the threats on security are enormous. However, there are certain unique factors that pose challenges to efforts geared towards combating the vice. We acknowledge that these factors collectively complicate mitigation efforts. However, for the sake of this analysis, they are identified as follows:

- State policy of arming some communities for political reasons: This is due to the state’s failure to assert itself in some regions. This legitimises the use of arms.

- Environmental and topographical challenges in areas largely affected by arms flow: In such cases, illegal arms flow freely due to limitations in the governments control efforts. Ownership of guns bleeds well with the social economic life of some communities. This is so especially among pastoral communities living in insecure areas where ownership of firearms guarantees security.

- The breakdown of the traditional conflict resolution mechanism as a result of acquisition and the use of SALW: Acquisition and misuse of firearms especially by the youths has
diluted the traditional role played by elders especially in conflict resolution. This has resulted to escalation of conflict, which in return sustains demand for firearms.

- Intense polarised societies and in the event of tensions a long ethnic line, acquisition and use of firearms are seen as a way of ensuring security.

- Culture of corruption: This justifies the use of unscrupulous ways in wealth acquisition such as violence. Arms are therefore used in illegal acquisition of wealth.

- In some countries such as Uganda, firearms have been associated with liberation. The processes of changing this perception and replace it with the destructive impact of firearms need a prolonged process of education and socialisation. It requires long-term and integrated efforts to reduce arms supply, improve police protection and increase educational and economic opportunities for young people to break their identification with guns and violence.

- There are limited resources to conduct exercise that goes with disarmament such as decommissioning and reintegration.

- Communication-attitude towards firearms. This happens when firearms are viewed in terms of security. This is so especially in areas of intense insecurity and acute scarcity of vital natural resources such as water and grazing land.

There is a complexity of factors that causes armed violence which demand a holistic approach. For instance, the demand- sources can be curbed through alleviation of poverty and structural inequality (injustice), addressing the political causes of conflict in northern Uganda and Southern Sudan, peace building efforts, provision of services, effective policing and government presence.
The problem of underdevelopment (social and economic), and poor governance compounds the problem of illegal arms trade in the sub region. Lack of social services and government institutions under circumstances of stiff competition over diminishing natural resources make survival of the individual and that of the community difficult. This has served to legitimise possession, use and transfer of firearms.

The diversity of beneficiaries from the trade poses hindrances to the mitigation efforts. These beneficiaries include individuals, rebel groups, government officials, governments and international gunrunners. This diversity sustains the trade as individuals and interest groups fight to maintain the status quo.

Likewise, the diverse national laws that govern arms transfer give room for illegal transfers. Indeed, there lack an internationally negotiated norm to guide international arms transfer. Efforts towards evolving such a norm have met resistance especially when perceived as threatening national interest of states.
5.0 CONCLUSION

This study has established that illegal trade in SALW thrives across the Kenya-Uganda-Sudan border region. An interconnection of local and international illicit trade network sustains a symbiotic relationship that sustains this trade. Most of the arms that are illegally traded in the region originate from European manufacturing companies. Indeed, the three countries (Kenya, Uganda and Sudan) have limited technological capacity to manufacture arms and weapons.

Loopholes in international arms trading regimes, secrecy that characterises arms industry and other dynamics in the international system serve to sustain illegal transfer of SALW. Similarly, the demand – supply system is sustained by other regional specific factors. In particular, the prevailing conflict in southern Sudan, rebel activities in northern Uganda, criminal activities in major urban areas, poachers and cattle rustlers provide a constant demand for firearms.

A complex conglomeration of actors and beneficiaries facilitate local and international trade transactions. They act as the linkage between primary sources and end users of illegal SALW. These groups include senior government officials, rebels, dealers, militia groups, army officers, international dealers, brokers and governments. Similarly, the prevailing social, political, economic and ecological conditions provide a conducive environment for the trade in illegal SALW. Embedded in these conditions is a perennial state of insecurity that sustains demand for SALW. This complexity of interrelated issues poses a big challenge to any meaningful mitigation measures.
This phenomenon has greatly challenged the quest for security, at individual level and collectively. Indeed illicit trade in SALW has resulted to destruction of human life, malnutrition, displacement of people, decline in basic needs, human rights abuse, food shortages, destruction of property, hopelessness and environmental degradation. These are core elements of human security. Similarly state security has been challenged; the many armed rebel groups, gangsters, vigilante groups, and poachers have collectively challenged the legitimacy of the three state. Indeed, secessionist tendencies in Uganda and Sudan have threatened the very existence of the two states. Similarly, rebel activities have resulted to severe diplomatic relations between states in the region.

National security implies states ability to defend certain core values from both internal and external threat. In this regard, illegal trade and use of SALW has resulted to national insecurity. Quite often Uganda and Sudan have threatened to go to war due to alleged support of rebels. Foreign incursions with disregard of sovereignty of states as provided in the international law, (Uganda pursuing rebels into Sudan, D.R.C), signify an extreme security threat posed by illegal trade in SALW in the region.

This challenge to peace calls for an integrated approach given the complexities of the dynamics involved. So what is the way forward?

The author make the following suggestions as the way forward in combating the problem of illegal trade in SALW based on the multi-dimensional nature of the subject studied and the respective output. Consequently, this calls for a multi-disciplinary approach if sustainable solution to the problem is to be developed. I therefore propose a three- prong approach that comprises of national, regional and international measures as the way forward.
Recommendations

There is need to develop and strengthen laws against illegal transfer of SALW. This includes covert supply of SALW by states to unlicensed non-state actors and sanctioned countries. Governments in the region should stop supplying weapons to non-state actors. Likewise, the international coalition of governments and NGOs should evolve a norm to guide arms transfer. Stringent sanctions should be effected against those states that violate the provisions of such regimes.

There is need to establish an international system of authenticated end use certification especially by the states granting exports. This will minimise forgery of documents especially when effected for all arms grants and sales.

The official documentation requirements for transporters, forwarding agents and other subcontractors should be tightened. This will check incidences of cheating since custom inspectors will check and monitor the movements of goods in and out of the country effectively. These improvements should be effected at both the operational and policy level.

The capacity of the custom officials and departments should be improved through training and provision of modern equipments. They should be exposed to the modern tricks used by criminal groups, drug traffickers, and dealers in evading custom controls. This can be done through sharing of experiences with officials from those countries that have undertaken similar reforms. The NGOs and other civil society groups' expertise and resources can be sought in case of shortages.
Custom officials should also be well remunerated to deter them from corruption. This can be accomplished through formation of a joint kitty by the states involved. For instance, Kenya and Uganda can jointly pay custom officials at the border. Similarly the fight against corruption should be intensified to apprehend those involved and to deter potential law breakers.

Arms transfer laws should be institutionalised through enactment of relevant legislations. This will provide the legal basis for action against established cases of theft and falsification.

There should be close monitoring of production and export of ammunition and firearms from licensed arms factories in the region. This demands thorough documentation of all arms/ammunition/weapons transactions from these factories. Indeed transfers should not be in contravention of the supra-national arms embargoes, policies and laws. Transparency in quantities produced and exported including destinations should be the conditions for licensed operation. State institutions such as parliaments should monitor the transactions of the arms factories in each respective country. This calls for legislations that will empower such state institutions to perform the duty of monitoring.

There should be strict safeguards of state, police and military arsenals against theft or corruption. This calls for strict and efficient record keeping and documentation in government armoury. Where such records exist, they should be further streamlined with an aim of tightening any loopholes that might be abused for illegal transactions Discipline should be enhanced among the military and police force to wind out the corrupt individuals. The process of police military recruitment should also be thorough and fair to avoid recruiting criminals. Meritocracy should be the basis for promotion and recognition in the discipline forces. Similarly both the welfare and
salaries of the police and military personnel should be improved to boost their motivation and effectiveness in discharging their duties.

Responsible border control policies, which discourage unlawful gun exports as well as unlawful imports, should be effected. Ironically, extensive parts of the boundaries between the three countries are poorly manned by security personnel. This is due to lack of capacity by the government and rough terrain. There is need to improve the capacity of border security personnel to enable them conduct their patrols effectively. This can be achieved by providing them with necessary equipments such as helicopters, modern surveillance gadgets and more sophisticated weapons.

The inadequate number of security personnel should be addressed through more recruitment. Army personnel should also supplement the activities of police especially with regard to arms collection. Community policing should be enhanced to further supplement the roles of the police especially in major urban centres. However necessary checks should be put in place to avoid its excesses.

Government presence in the border regions should be reaffirmed. For instance, the Southern Sudan region that borders Kenya and Uganda is under the SPLA/M control which is a non-state actor. Northern Uganda is largely infested with rebels while there is minimal government presence on the Kenyan side. Consequently, in all these three border regions, there is need to establish effective government control as an effort to ensure security for the inhabitants.
Government presence should be asserted through erecting government security posts as well as other functional institutions such as courts, hospitals, schools, improved transport network.

There is need for the three states to improve their legislations with a view to implementing the regionally accepted embargoes, provide for joint investigation and enforcement of such legislations.

There is need for the states in the region to establish mechanisms for sharing information on arms-trafficking. This should be done in conjunction with the international police (Interpol) given the international nature of SALW problem. Indeed the different police cultures, legal cultures, and the sensitivity of intelligence gathering pose unique challenges to such a process. In particular, cross-border grassroots approaches such as local cross-border authorities based on traditional elder system should be enhanced. This will enhance joint actions such as tracing, controlling, information gathering and punishment of perpetrators.

Local administrators should be empowered to negotiate with their cross-border counter-parts regarding stolen animals. For instance, an administrator at West Pokot side of Kenya to co-ordinate with his counterpart on Ugandan side directly (rather than waiting for directives from Nairobi or Kampala respectively).

There should be more advocacy work to pressure governments and the international community to focus on promoting education and awareness on the problems of illegal SALW trafficking and the associated impact.
The three states should put in place intensive legal regimes that will address the problem of SALW in its entirety. This will form the basis upon which actions will be taken against those engaged in illegal manufacture, trade, stockpiling, transfer, possession, use, and financing of illicit trade in SALW. Such groups or individuals should be punished in accordance with the law to deter other potential dealers.

States should promote transparency in arms production, transfer, and holding. This should be done through maintenance of comprehensive and accurate records on the manufacture, holding and transfer of SALW under each states jurisdiction. This can be done in such a way that issues of national security are not compromised. For instance, such verification can be done by a parliamentary committee and only when need arises.

Ensure that licensed manufacturers apply appropriate, manufactures identifications and reliable markings on each SALW as an integral part of manufacturing. This should be enforced through setting and implementing policies that are obligatory to the involved parties. Penalties for violators of such laws and policies, and the respective mechanisms of implementation should be clearly spelt out. Similarly each of the three states should establish effective tracing mechanism for the ammunitions produced. Each state should be held responsible for all SALW it holds and issues.
All the confiscated, seized or collected SALW should be destroyed. This is meant to confront the problem of illicit resale of such weapons. This calls for governments to acquire the necessary equipments (technology) and expertise.

There is need to ensure that armed forces, police and any other body that is authorised to hold SALW, establish adequate and detailed standards and procedures in the management and security of their stocks of weapons. This will reduce incidences of stealing and hiring arms from government stocks for sale and use in criminal activities. The emphasis on accountability at all times will tighten the loopholes that are used by deviants for their own ends.

The countries need to develop and implement effective disarmament, demobilization and reintegration programmes. This process should involve a combination of amnesty, use of incentives such as gun buying and use of force. However for these efforts to be sustainable, the combatants should be rehabilitated and reintegrated soon after disarmament.

To eradicate incidences of covert arms transfers and re-transfers or re-export; state (Kenya, Uganda and Sudan) should report to the original exporting country in accordance to their initial bilateral arrangements before the retransfer. This will reduce violation of the supra-national laws that govern arms transfer. For instance transferring arms to non-state actors or states which are under UN-embargo or one that violate human rights laws.

The three countries should jointly:

   Establish sub-region mechanisms for instance trans-border customs cooperation, and networks for information sharing among law enforcement, border and custom control agencies.
Negotiate and agree on legally binding instruments that are aimed at preventing, combat and eradicating the illicit trade.

Remain steadfast in their commitment to the IGAD initiatives that are aimed at finding lasting solutions to the perennial conflicts in southern Sudan and the Greater Horn of Africa.

Address the special needs of all those affected by armed conflict particularly women, children and the old. This should include efforts towards poverty alleviation and peace building.

There should be cooperation by security and administrative officers on the three border sides. This should be done through harmonisation of mandates of the security agencies and creation of a regional police force. Joint operations between armed forces and police based on credible information should be enhanced. This local-cross border grassroots cooperation and joint action will enhance effective combat of illicit trade. This requires strengthening of the dying traditional conflict resolution mechanisms.

Empower the local communities through establishing peace building mechanisms such as restoring social services, health services, education facilities, and improving
the economic welfare of the people, putting up watering points for animals, training people on modern animal husbandry, micro-economic enterprises.

Further research areas

1. The political economy of arms trade and its implications on global security
2. The use of SALW and the related gender implications.
3. Sector by sector analysis of the impact of SALW. For instance the impact on health, education, agriculture, trade, politics, etc
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Appendix 1

NAIROBI DECLARATION ON
SMALL ARMS AND LIGHT
WEAPONS

March, 2000

On March 15, 2000, government delegates from the Horn of Africa and the Great Lakes region concluded a four-day conference addressing the problem of the proliferation of small arms and light weapons. The representatives of Burundi, the Democratic Republic of Congo (DRC), Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Tanzania, and Uganda signed the Nairobi Declaration, which attempts to tackle the problem. The Declaration reads as follows:

THE NAIROBI DECLARATION ON THE PROBLEM OF THE PROLIFERATION OF ILICIT SMALL ARMS AND LIGHT WEAPONS IN THE GREAT LAKES REGION AND THE HORN OF AFRICA

Nairobi, March 15, 2000

We the Ministers for Foreign Affairs of the countries of the Great Lakes Region and the Horn of Africa namely, Burundi, Democratic Republic of Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and United Republic of Tanzania, meeting at Nairobi on 12- 15 March, 2000 on the occasion of the Great Lakes Region and the Horn of Africa Conference on the Proliferation of Small Arms pursuant to UNGA resolutions regarding the convening of the United Nations Conference on the illicit Trade in Small Arms And Light Weapons In All Its Aspects in June-July 2001 and in particular A/C.1/54/L.24 /Rev 1 of December, 1999, as well as the African common position contained in the OAU decision AHG/DEC 137(LXX) adopted by the OAU summit in Algiers in July 1999 fully share the growing international concern that the easy availability of illicit small arms and light weapons escalates conflicts and undermines
political stability and have devastating impacts on human and State security.

- Re-affirming the inherent right of States to individual or collective self-defence as recognised in Article 51 of the United Nations Charter;
- Gravely concerned with the problem of the proliferation of illicit small arms and light weapons in the Great Lakes and Horn of Africa Region and the devastating consequences they have had in sustaining armed conflict and abetting terrorism, cattle rustling and other serious crimes in the region;
- Recognising that the problem derives mainly from past and on-going armed conflicts in the region, as well as from illicit trade and terrorist activities by which these arms are infiltrated into the region;
- Recognising also that the inadequate capacity of States in the region to effectively control and monitor their borders, poor and sometimes open immigration and customs controls, as well as mass movement of armed refugees across national borders in certain countries, have greatly contributed to the proliferation of illicit small arms and light weapons;
- Acknowledging that the problem of the proliferation of illicit small arms and light weapons in the region has been exacerbated by internal political strife and extreme poverty, and that a comprehensive strategy to arrest and deal with the problem must include putting in place structures and processes to promote democracy, the observance of human rights, the rule of law and good governance as well as economic recovery and growth;
- Underlining that a sustainable solution to the problem requires active and concerted regional effort as well as international understanding and support;
- Considering the international concern regarding the problem of illicit small arms and light weapons;
- Acknowledging the work of the United Nations, the Organisation of African Unity, the European Union, the Organisation of American States as well as the efforts in West and Southern Africa to address problems associated with illicit small arms and light weapons;
- Considering also the impact on crime and security in the sub-region exacerbated by the problem of illicit small arms and light weapons which emanate from outside the region;
- Appalled by the devastating effects of armed conflicts particularly on women and children, and by the unconscionable exploitation of children in armed conflicts;
- Considering that peace, stability, and security are prerequisites for sustainable development in the sub-region, and that the prevailing conflicts hinder the prospects of realising the full economic potential of this geo-strategically important region;
- Recognising the relationship between security and development and the need to develop comprehensive and effective peace-building and other measures aimed at reducing the resort to arms and to help curb the problem of illicit small arms and light weapons within the region;
- Acknowledging also that the resolution of on-going conflicts in the region requires the nurturing of environments in which root causes of conflicts can be adequately addressed and durable stability established;
- Emphasising the need to pursue negotiated solutions to conflicts so as to ensure their peaceful resolution, to promote a culture of peace, and to encourage education and awareness raising programmes on the problem of illicit small arms, involving all sectors of society;
• Conscious of the need for effective controls of arms transfers by suppliers outside the region, including measures against transfers of surplus arms to prevent the problem of illicit small arms;
• Acknowledging the difficulties in addressing the question of illicit trade and accumulation of illicit small arms and light weapons due to different situations obtaining in the respective countries;
• Welcoming the Nairobi Initiative on Small Arms and Light Weapons for State and human security as a significant step in addressing the problem of illicit small arms and light weapons and their socio-economic and political impacts on the people of the region;
• Having deliberated in depth on the subject, decide to:

  i) Rededicate ourselves to continue our efforts towards the peaceful resolution of the conflicts in the region and towards this end, call for genuine and serious commitment of all parties concerned as well as the international community;

  ii) Seize this opportunity to comprehensively address the problem of the proliferation of illicit small arms and light weapons in the sub-region;

  iii) Join efforts to address the problem, recognising the need for information sharing and co-operation in all matters relating to illicit small arms and light weapons including the promotion or research and data collection in the region and encouraging co-operation among governments and civil society;

  iv) Encourage a concrete and co-ordinated agenda for action for the sub-region to promote human security and ensure that all States have in place adequate laws, regulations and administrative procedures to exercise effective control over the possession and transfer of small arms and light weapons through measures inter alia to:

  • Pursue positive policies and measures to create social, economic and political environments to reduce the resort to arms by individuals and communities;
  • Urge the strengthening, and where they do not exist, the
adoption of national laws and regulations and control mechanisms to govern civilian possession of arms;

• Call on States to co-ordinate and publicise their policies, regulations and laws relating to possession of arms by civilians;

• Urge source countries to ensure that all manufacturers, traders, brokers, financiers, and transporters of small arms and light weapons are regulated through licensing;

• Urge also the States in the sub-region to monitor and effectively control all transactions relating to small arms and light weapons to licensed entities;

• Call on States to strengthen sub-regional co-operation among police, intelligence, customs and border control officials in combating the illicit circulation and trafficking in small arms and light weapons and suppressing criminal activities relating to the use of these weapons;

• Call upon States to strengthen or establish national mechanisms to deal with the problem of illicit small arms as well as to implement the Nairobi Declaration and invite them to hold regular meetings in this regard;

• Invite the UN in co-operation with the OAU and other regional and international organisations to assist countries of the region to carry out a detailed study on the problem of illicit arms within the region and to draw up appropriate programmes for the collection and destruction of illicit small arms and light weapons. The States Parties to this Declaration will define the parameters of the study.

v) Recognizing that the effective implementation of this declaration by individual states requires, the co-operation of the United Nations, international organisations, regional organisations, as well as the participation by civil society in preventing and reducing the problem of illicit small arms and light weapons, we further decide to:

• Appeal for support of other sub-regions in the continent as well as the international community in order to effectively implement the measures agreed upon in this Declaration;

• Appeal also for increased international support for programmes that advance human security and promote conditions conducive to long term peace, stability and development in the sub-region;

• Call for effective implementation of the relevant decisions
of the United Nations, the Organisation of African Unity and other regional arrangements to address the problem of illicit small arms and light weapons in the sub-region;

- Appeal for financial, technical and political support from the international community for the effective implementation of this Declaration;
- Designate the Government of Kenya to co-ordinate the follow-up to the Nairobi Declaration in consultation with States' respective national mechanisms dealing with the problem of illicit arms and light weapons.
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Notes: Companies are ranked by their arms sales in 1995. Rankings and sales-data from 1994 are provided for comparison. Where a company is a subsidiary of a parent firm, this is marked by an "S" in col 1 and 2 and the company is ranked as if it were independent. Names in brackets under 'Company' are the parent firms.

Data on total sales in col. 8 are for the entire company, not for the arms-producing sector alone. Data are reported on the fiscal-year basis reported by the company in its annual report.

Data in local currencies have been converted to US dollars to allow for comparisons. The period-average of exchange rates of the International Monetary Fund, in International Financial Statistics, is used for conversion to US dollars.

Data on Japanese firms are based on military contracts with the Japan Defense Agency, rather than on military sales.

Abbreviations: A = artillery, Ac = aircraft, Ei = electronics, Eng = engines, Mi = missiles, MV = military vehicles, SA/O = small arms/ordance, Sh = ships; Oth = other. 'Comp ( )' = components of the product within the parentheses. This is used only for companies which do not produce any final systems.

Conventions:
* = not applicable or not available.
(-) = company did not have any arms sales in 1994, or did not exist as it was structured in 1995, or was not among the 100 largest companies in 1994.

Source: SIPRI Yearbook 1997, pp. 261-68. For a more complete presentation of data on the top 100 arms-producing companies, consult the Yearbook.