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By Dr. Alexander Noyes

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From left, Kalonzo Mousyoka, Moses Wetangula, Raila Odinga, and Musalia Mudavadi attend a rally at Uhuru Park in Nairobi, Kenya, Thursday, April 27, 2017. The National Super Alliance, an alliance of Kenya's main opposition groups, announced in a rally attended by thousands of supporters that former Prime Minister Raila Odinga will run for the presidency with former Vice President Kalonzo Mousyoka as his running mate. (Source: AP Photo/Khalil Senosi.)

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COMBATting THE SMALL ARMS TRADE IN AFRICA

By Sarah Graveline

The trade in small arms and light weapons (SALW) on the African continent presents a major challenge to human security and conflict management. The United Nations Office on Drugs and Crime (UNODC) estimates that there are approximately [100 to 150 million](#) SALW in circulation in Africa, most controlled by nonstate actors. Although African states are party to a variety of regional and international agreements to prevent the spread of illicit SALW, enforcement of these agreements has been mixed. Illicit transfers remain a significant risk across the continent. [more...](#)



In this Wednesday, July 13, 2011 photo, young men herd cattle through the mud-caked streets of Pibor, South Sudan. Cattle raiding between some of the south's dozens of tribes, many of them cattle herders by culture and occupation, has plagued the region. (Source: AP Photo/Maggie Fick.)

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Background

Kenya is a lower-middle-income country located in East Africa with a population of [46 million](#). Although it has a reputation as a stable country in a largely unstable region, Kenya has a long [history](#) of violent elections. While Kenya's most recent 2013 elections were [largely](#) peaceful, the disputed December 2007 vote brought the country to the edge of civil war, with ethnically driven post-election violence leaving over [1,200](#) killed and 600,000 displaced. A political agreement and government of national unity ended the violence and led to a host of reforms, including a new constitution passed in 2010. In the 2013 elections, which ended the period of unity government, Kenyatta prevailed by a thin margin against Odinga. Citing voting discrepancies and the failure of a new electronic voting system, Odinga contested the results, but the Kenyan Supreme Court upheld the results and [ruled](#) in Kenyatta's favor.



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Primary Election Tensions

Developments ahead of Kenya's next national elections have raised [fears](#) that the relatively peaceful 2013 poll may have been an anomaly. Kenya's April 2017 primary elections were hotly contested. Devolution of power to the local level, stemming from the new 2010 constitution, has increased the importance of the country's primary elections. Indeed, as highlighted in the April 27 [edition](#) of *Africa Watch*, more than 1,900 national and county positions will be contested in the August elections. As noted, violence accompanied [both](#) the Jubilee and NASA April 2017 contests, leaving two dead and 63 arrested on a variety of charges. Jubilee was [forced](#) to reschedule its primaries when higher than expected voter turnout led to insufficient voting materials, while infighting within NASA, centered on who would lead the opposition alliance, also led to several delays. In addition, in Mombasa, on Kenya's coast, a politician was recently [charged](#) with inciting violence.

Fears of Violence

The disorderly nature and violence in both major parties' primary contests have led many to worry about renewed violence in the August elections. A recent [poll](#) found that 60 percent of Kenyans' "single biggest worry for 2017 is election-related violence." On a recent fact-finding mission, the National Democratic Institute [reported](#) that "numerous stakeholders asserted to the delegation that the question is not whether there will be violence but how much and where." Sekou Toure Otondi, a researcher based at the University of Nairobi, [worries history could repeat itself](#): "If the [primary] violence isn't contained it could be a harbinger of things to come when Kenyans go to the polls in August."

What Are the Risks?

While there is certainly cause for concern, and circumstances could change quickly, several factors may militate against the risk of widespread violence surrounding upcoming elections in Kenya: the closeness of the vote, the conduct of

the losing candidate—which will be affected by trust in the judiciary and other electoral institutions—and the role of the police (who [played](#) a leading role in the 2007–2008 violence).

Research on election violence in both [Africa](#) and [beyond](#) finds that very close elections are more likely to be violent. As [argued](#) by scholars Emilie Hafner-Burton, Susan Hyde, and Ryan Jablonski: “a leader who is confident of victory has little reason to use election violence.” That Kenyatta appears to be comfortably in the driver’s seat in Kenya suggests that the incumbent party may not need to engage in any “[strategic](#)” election violence to win the vote or remain in power. A March 2017 [poll](#) found that Kenyatta’s Jubilee party has 40 percent of the electorate, while Odinga’s NASA came in at 32 percent. The existence of what Hafner-Burton and her co-authors term “institutionalized constraints”—in Kenya these mainly consist of a largely revamped judiciary and relatively active [parliament](#)—may also help to reduce election violence in the August vote. [That is](#), “institutionalized constraints on an incumbent’s decision-making powers make violent election strategies hard to implement and risky.” Recent poll [findings](#) in Kenya are generally encouraging on this front, with 89 percent of Kenyans asserting that they will accept the election results and 72.8 percent of Kenyans having confidence in the country’s electoral commission.

Conclusion

In light of these research findings, if current conditions hold, local-level violence in Kenya’s 2017 elections appears likely, but a conflagration on the scale of 2007–2008 may turn out to be less of a risk. Indeed, as [argued](#) by the scholar Ken Opalo, due to devolution, the local level may be the most hotly contested: “I am not too worried about the national elections. The real action will likely be at the county level. There will most certainly be violence. But again, that will be more a reflection of what is at stake, rather than some descent into complete chaos and state failure.”

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SALW Impact in Africa

The availability of SALW contributes to the spread of regional and local conflict in Africa. Weapons are transferred to nonstate actors from a variety of [sources](#), including leakage from state-controlled depots, the black market, unregulated local production, and external transfers from third states. While the transfer of SALW is rarely a direct cause of conflict, the presence of readily available weapons lowers the barrier of entry to violence and can worsen the impact of a conflict.

This dynamic has become apparent in pastoralist conflicts in both East and West Africa. In Kenya, South Sudan, and Uganda, traditional cattle rustling has grown more deadly as the widespread presence of SALW has created an [arms race](#) between cattle-herding communities. Raids are increasingly undertaken for [commercial](#) purposes in which cattle are sold rather than incorporated into raiders' own herds. The profit incentive, in combination with access to SALW, has led to tit-for-tat killings that are no longer easily addressed by traditional [dispute-resolution](#) mechanisms. Similarly, in Nigeria, conflict between pastoralists and farmers in the Middle Belt region is intensified by the circulation of an estimated [5,000 SALW](#).

Civil war and regional conflicts are also affected by SALW transfers. In his 2015 [report](#) on SALW, the UN Secretary-General argued that "the widespread availability of small arms and light weapons and their ammunition is a key enabler of conflict." Recently this dynamic has become evident in South Sudan where, despite government [use](#) of heavy arms and attack helicopters, widespread use of SALW presents a higher risk to civilians.

Understanding SALW Regulation

African states are signatory to a variety of conventions to regulate SALW transfers. At the regional level, through the 2000 [Bamako Declaration](#), the African Union (AU) developed a "common position to control the circulation, transfer and use of small arms and light weapons." The Bamako Declaration, which guides AU policy on SALW regulation, directly informed the [2011](#) Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, which calls on AU member states to work through the AU-Regions Standing Committee on SALW to coordinate policy at the regional level.

At the subregional level, agreements include the [2001](#) Southern African Development Commission (SADC) Protocol on the Control of Firearms, Ammunition and Other Related Materials; the [2004](#) Nairobi Protocol on the Control, Prevention and Reduction of Small Arms and Light Weapons; the [2006](#) Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, Their Ammunitions and Other Related Materials; and the [2010](#) Central African Convention for the Control of Small Arms and Light Weapons. These agreements set out regional policy to regulate SALW transfers or sales and establish guidelines for tracking state-owned SALW.

At the international level, African states are 37 of the 130 states [signatory](#) to the 2014 Arms Trade Treaty, a multilateral treaty "regulating the international trade in conventional arms." The treaty [requires](#) states that have signed and ratified it to



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develop controls for ammunition, to report exports to the UN, and to refrain from exporting SALW if there is an “overriding risk” the recipient will use the weapons to attack civilians.

Does Regulation Work?

Although conventions to regulate SALW transfers are important in setting regional and international norms, their overall impact in Africa is questionable. Interlocking UN, regional, and subregional conventions mean most African states should have systems developed to track and monitor state-owned SALW, but [research](#) from the Small Arms Survey (an independent research program) on the implementation of these agreements finds many states have significant gaps in record keeping, tracing, stockpile management, and international transfer controls.

In addition, African governments have largely failed to enforce regulations that seek to curtail illicit transfers of privately held SALW. For example, although the Nairobi Protocol calls for signatory states to regulate small arms sales by requiring brokers to be licensed, six years after the Protocol entered into force, none of the [signatory states](#) had begun to fully enforce this requirement.

It is unclear if international enforcement efforts are any more effective. The UN currently mandates arms [embargoes](#) on transfers to the Central African Republic, the Darfur region of Sudan, the Democratic Republic of the Congo, Eritrea, Libya, and Somalia. Researchers have found, however, that these embargoes are regularly [violated](#). In some cases, their perceived effectiveness has more to do with market conditions than cooperation with the embargo. For example, in Somalia in [2012](#), declining SALW availability was due primarily to the closure of weapons markets in Yemen, traditionally a key supplier to Somalia, rather than purposeful compliance with the embargo.

Conclusion

African governments and international actors have long been aware of the challenge posed by SALW transfers on the continent. Weapons that are durable, portable, and affordable are dangerous to civilians and government institutions alike. Regulatory measures undertaken to control the flow of state-owned SALW are an important step, but, to date, these conventions have not been fully enforced.

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