

THE KINSHASA CONVENTION FOR THE CONTROL OF SMALL ARMS AND LIGHT WEAPONS IN CENTRAL AFRICA : OPPORTUNITIES, CHALLENGES AND PROSPECTS*

Introduction

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As Professor Georges Nzongola-Ntalaja outlined in his keynote address at this conference, Africa is characterized by protracted armed conflicts. In Central Africa, in general, and in the Great Lakes Region, in particular, these conflicts have generated the proliferation and circulation of small arms and light weapons (SALW). In most countries in this sub-region, one can buy a small arm with less than 10 US dollars. This explains the proliferation of SALW throughout the sub-region. To illustrate the trends in this field, in the Republic of the Congo, over than 40,000 weapons were reported detained by various militias throughout the country, as a legacy of the 1997 and 1998 civil war¹. Over the two past decades, addressing the issue of the control of the circulation of SALW has been at the top of the agenda of several sub-regional initiatives and fora², including the United Nations Standing Advisory Committee on Security Questions in Central Africa (UNSAC). This Committee was established by the UN Secretary-General in 1992 to serve as a framework for preventive diplomacy among the EC-CAS' member states. The Committee is supported by the UN Department of Political Affairs and, more recently, through the UN Regional Office in Central

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1 See <https://www.africanonline.com.site/Articles/1,2,3,43165>, cited by George MUGURU, "Regional Initiative on the Proliferation of Small Arms and Light Weapons : An Analysis of the Nairobi Protocol", Research Project, University of Nairobi/Institute of Diplomacy and International Studies (IDIS), Nairobi, September 2014, p. 2 ; and, on the DR Congo, Georges BERGHEZAN, "Armes artisanales en RDC. Enquête au Bandundu et au Maniema", Rapport du Groupe de recherche et d'information sur la paix et la sécurité (GRIP), Bruxelles, 2015 (2), 43 p.

2 See Olu ADENIJI, « Regional Arrangements to Constrain the Flow of Arms into Central Africa », in Sverre LODGAAR and Carsten F. RONFELDT (eds.), *A Moratorium on Light Weapons in West Africa*, Oslo, Norwegian Institute for International Affairs/Norwegian Institute on Small Arms Transfers, 1998, pp. 83-92.

Africa (UNOCA), based in Libreville (Gabon), which is also the headquarters of the ECCAS.³ It is in the framework of the development of confidence-building measures in Central Africa. Among the outcomes of the work achieved so far in this forum, one can mention the adoption and development of a peace and security architecture of the ECCAS, including the *Conseil de paix et de sécurité* (COPAX), the *Mécanisme d'alerte rapide en Afrique centrale* (MARAC) and the *Force multinationale de l'Afrique centrale* (FOMAC)⁴. It is in this context that the Kinshasa Convention was negotiated and adopted.

The Kinshasa Convention represents a new step in the development of arm control regimes in Africa, coming after those adopted by the 2001 Southern African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and other Related Materials ; the 2004 Nairobi Protocol and Reduction of Small Arms in the Great Lakes Region and the Horn of Africa ; as well as the 2006 Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, Their Ammunition and other Related Materials⁵. While proceeding differently from the ECOWAS, which gradually established its arm control regime by starting with a Moratorium on SALW⁶ before adopting a binding instrument (the 2006 ECOWAS Convention on SALW)⁷, the Kinshasa Convention was largely inspired and influenced by the latter, as illustrated by its legal, institutional and operational aspects.

I. Legal Framework

The Kinshasa Convention provides its objective in Article 1, according to which it aims at preventing, fighting and eliminating illicit trade and trafficking of SALW, their ammunition and other related materials for their manufacture, repair and assembly in Central Africa ; at reinforcing the control of the above-mentioned activities and operations ; as well as at fighting armed violence to reduce human suffering from illicit trade and trafficking of SALW. The latter are defined in Article 2 of the Convention, as follows :

3 See UNITED NATIONS STANDING COMMITTEE ON SECURITY QUESTIONS IN CENTRAL AFRICA, *United Nations Concern for Peace and Security in Central Africa*. Reference Document, New York, Department of Political Affairs/Centre for Disarmament Affairs, 1997, 122 p.

4 See Mutoy MUBIALA, *Coopérer pour la paix en Afrique centrale*, Genève, UNIDIR, 2003, 101 p.

5 On the African SALW control regimes, see, *inter alia*, Adèle KIRSTEN and Noël STOTT, *Controlling the Transfer of Arms. Progress and Challenges in the African Context*, Institute of Security Studies (ISS) Paper n° 159, March 2008, 16 p.

6 See Sverre LODGAARD and Ivord R. FUNG, "A Moratorium on Light Weapons in West Africa", in LODGAARD and RONFELDT, *op. cit.* (note 2), pp. 57-68 ; and Mutoy MUBIALA, "The ECOWAS Moratorium on Small Arms in West Africa", *Yearbook of International Humanitarian Law*, vol. 3, 2000, pp. 245-257.

7 See Sylvie LORTHOIS, « La Convention de la CEDEAO sur les armes légères et de petit calibre, leurs munitions et autres matériels connexes du 14 juin 2006 », *African Journal of International and Comparative Law*, vol. 15, 2007, pp. 254-275 ; and Linda DARKWA, *The Challenge of Sub-Regional Security in West Africa. The Case of the 2006 ECOWAS Convention on Small Arms and Light Weapons*, Uppsala, The Nordic Africa Institute, 2011, 39 p.

(1) Small arms meaning : ‘portable arms designed to be used by two or three persons, including heavy machine guns ; portable grenade launchers, mobile or mounted ; portable anti-aircraft cannon ; portable anti-tank missile launchers or rocket launchers ; portable anti-aircraft missile launchers ; mortars with a calibre of less than 100 millimetres’.

(2) Light weapons being arms used by one person and which include revolvers and pistols with automatic loading, rifles and combines ; machine guns ; assault rifles ; and light machine guns.

Article 2 also defines the transfer as an operation including the import, export, transit, transshipment and transport and any other movement whatsoever of SALW, ammunition and other related materials from or through the territory of a state. Depending on the conditions of its realization, a transfer of SALW can be considered licit or illicit, the latter being non-compliant with the Convention’s provisions. Based on the above, the Kinshasa Convention regulates transfers in its Chapter II, whose normative framework includes three regimes, namely the authorization for the state parties to the Convention, the prohibition of transfers to non-state groups and the regulation of the transfers of light weapons to individuals.

A. The Authorization of SALW Transfers for State Parties

The regime of authorization of transfers applies to the State parties to the Kinshasa Convention. According to Article 3, State parties are authorized to manufacture, buy, sell and transfer SALW. They are allowed to proceed to those operations only for the purposes of maintaining the public order and contributing to peace operations conducted under the auspices of the United Nations (UN), the African Union (AU), the ECCAS and other relevant regional and sub-regional organizations of which the concerned state is a member. Article 5 provides detailed procedures and conditions for the grant of transfer authorizations, including the following :

1. Les États Parties mettent sur pied et maintiennent au niveau national un système d’autorisation des transferts d’armes légères et de petit calibre, de leurs munitions et de toutes pièces et composantes pouvant servir à leur fabrication, réparation et assemblage vers, sur et à partir de leurs territoires respectifs.
2. Les États Parties désignent en leur sein l’organe national compétent chargé de gérer les questions relatives à la délivrance des autorisations de transfert, aussi bien aux institutions publiques qu’aux acteurs privés qualifiés, conformément aux lois et règlements nationaux en vigueur.
3. Les États Parties disposent que toute demande d’autorisation de transfert émanant d’institutions publiques ou de personnes privées doit être adressée par le requérant à l’organe national compétent et qu’elle doit contenir au minimum les informations suivantes :

- a) Quantité, nature et type d'armes, y compris l'ensemble des informations relatives au marquage conformément à la présente Convention ;
- b) Le nom, l'adresse et les contacts du fournisseur et de son représentant ;
- c) Le nom, l'adresse et les contacts des firmes et des personnes impliquées dans la transaction, y compris les courtiers ;
- d) Le nombre et la période des envois, les itinéraires, les lieux de transit, le type de transport utilisé, les entreprises impliquées dans l'importation, les transitaires, l'information pertinente sur les conditions de stockage ;
- c) Le certificat d'utilisateur final ;
- d) La description de l'utilisation finale devant être faite des armes légères et de petit calibre, des munitions et de toutes pièces et composantes pouvant servir à leur fabrication, réparation et assemblage ;
- g) La désignation du lieu d'embarquement et de débarquement. [...]

6. Les États Parties prennent les dispositions nécessaires à l'harmonisation au niveau sous-régional des procédures administratives et des documents justificatifs des autorisations de transfert d'armes légères et de petit calibre, de leurs munitions et de toutes pièces et composantes pouvant servir à leur fabrication, réparation et assemblage.

B. The Prohibition of SALW's Transfers to Non-State Groups

Article 4 provides an absolute prohibition of transfers of SALW's transfers from states to non-state armed groups. The latter are defined as groups out of control or authority of the state or an international organization engaged in a peace operation. This provision is of special importance in the context of Central Africa. Over the decades, the sub-region has witnessed the proliferation of such groups, including militias, terrorist groups (Boko Haram, Lord Resistance Army, etc.), as well as self-defence groups. In many instances, the latter have received support, including transfer of SALW, from the national authorities of the concerned countries (e.g., in eastern DRC, where high-ranking officials are usually accused of transferring SALW to pro-governmental Mai-Mai militias and other self-defence groups).

C. The Regulation of Light Weapons Transfers to Individuals and the Manufacture, Distribution and Repair of SALW

The transfer of light weapons to individuals is authorized under a regime of exception. The basic rule is the prohibition of the possession of these weapons by civilians (Article 7 of the Convention). However, the Convention provides derogations, under certain conditions, for the possession of light

weapons by individuals, as well as for the manufacture, distribution and repair of SALW.

1. Possession of Light Weapons by Individuals and Visitors

The state parties to the Kinshasa Convention are allowed to authorize the detention of light weapons, in accordance with the national legislation and regulations, with due respect for the procedure provided in Article 8 of the Convention, which stipulates, *inter alia* :

« 1. Les États Parties déterminent, conformément aux lois et règlements en vigueur, les conditions d'autorisation de la détention, du port, de l'usage et du commerce par les civils d'armes de petit calibre, à l'exclusion de celles dont le caractère militaire est avéré, notamment les mitraillettes, les fusils d'assaut et les mitrailleuses légères.

2. Les États Parties définissent les procédures administratives régissant les demandes et la délivrance des licences de détention, de port, d'usage et de commerce des armes de petit calibre par les civils. La licence est délivrée pour chaque arme de petit calibre détenue par un civil.

3. Les États Parties n'octroient de licence qu'aux civils remplissant au minimum les conditions suivantes :

- a) Être majeur conformément à la législation nationale ;
- b) Avoir un casier judiciaire vierge et avoir fait l'objet d'une enquête de moralité ;
- c) Être exempt de toute procédure pénale et ne pas appartenir à un gang ou groupe de bandits ;
- d) Fournir un motif valable justifiant le besoin de détenir, de porter, d'utiliser et faire le commerce d'armes de petit calibre ;
- e) Prouver qu'il possède des connaissances sur la législation des armes de petit calibre ;
- f) Fournir les preuves que l'arme de petit calibre sera stockée dans un endroit sécurisé et séparé de ses munitions ;
- g) Être exempt de tout antécédent de violence domestique ou d'antécédents psychiatriques ;
- h) Donner son adresse physique complète et actualisée.

Les États Parties fixent une limite au nombre d'armes de petit calibre pouvant être détenues par un même individu.

[...]

8. Les États parties édictent des lois et règlements aux fins d'interdire strictement le port d'armes de petit calibre par les civils dans les lieux publics ».

The states parties are also required to adopt a legislation or regulations on the control of the possession of light weapons by civilians (Article 9). These legislation and regulation should include the conditions of the delivery of visitors' certificates to the owners of light weapons temporarily staying on the territory of the concerned country (Article 10).

2. The Manufacture, Distribution and Repair of SALW

The manufacture, sale and repair of SALW are to be placed under a regime of strict control by the state parties. National legislations and regulations have to be adopted to provide the grant of licenses to the manufacturers (Article 11), the marking and stocking of SAWL, as well as the monitoring of the compliance with the legislations and regulations (Article 12).

II. Implementing Mechanisms

The Kinshasa Convention provides two levels of measures and mechanisms for its implementation, including national and sub-regional measures and institutional arrangements.

A. National Measures and Institutions

- The state parties commit to adopt national measures relating to the :
- Marking and tracing of SAWL (Article 14) ;
- Registration, collection and destruction of SAWL (Article 15) ;
- Management and security of stockpiles (Article 16) ;
- Strengthening of borders control (Article 17) ;
- Determination of entry points of SAWL into national territory (Article 18) ;
- Adoption of public education and awareness programmes on the fight against the proliferation for the promotion of a culture of peace ; and development of partnership with civil society organizations in this context (Article 19) ;
- Development of confidence-building measures through transparency, information, exchange and the establishment of database on SALW (Article 24) ;
- Harmonization of national legislations (Article 25) ; and
- Fight against corruption and other forms of criminality (Article 26).

For the implementation of the above-mentioned measures, the Kinshasa Convention provides that the state parties appoint national focal points to lead and chair the national commissions on SALW (Article 27). The latter should include members from civil society organizations (Article 28)

and tasked to take the leadership in the adoption and implementation of national action plans on SALW (Article 30). To illustrate the kind of tasks to be performed by the national commissions on SALW, one can refer to the ECOWAS/PCASED Guidelines on the Establishment and Functioning of national commissions, according to which the latter have to be assigned :

- « To evolve effective strategies aimed at controlling the proliferation of light weapons and their illicit circulation ;
- To undertake studies, in collaboration with the appropriate technical departments, and participate in efforts to combat the proliferation and illicit circulation of light weapons ;
- To find ways to successfully control the proliferation and illicit circulation of light weapons ;
- To provide advisory opinions and make suggestions or proposals to the appropriate government authorities ;
- To support and coordinate the activities of the various government agencies involved in the efforts to control light weapons proliferation;
- To initiate and promote measures to educate the populace and heighten its awareness on the dangers attendant in the proliferation and illicit circulation of light weapons ;
- To collect information on the import, export and manufacture of light weapons, and transmit such data to the ECOWAS Executive Secretary through the headquarters of the zonal observation bureaux ;
- To process requests for exemption requests for exemptions received from individuals visiting to purchase arms listed in Categories 1, 2 and 3 A in the technical specifications of light weapons and ammunition covered by the moratorium, and to state recommendations to the Executive Secretary through the intermediary of the headquarters of the relevant zonal bureaux ;
- To mobilise resources from bilateral and multilateral institutions for the running of the national commissions without prejudice to any material or financial resources that each Member State may provide for the same purpose ;
- To initiate and develop exchange of information and experience with other national commissions ;
- To maintain technical cooperation ties with relevant institutions and organizations ;
- To assist in the implementation of decisions relating to the control of the proliferation and illicit circulation of light weapons ».⁸

This long list of activities and the experience gained, so far, by the ECOWAS member states in their implementation are likely to inspire the state parties to the Kinshasa Convention in the process of the establishment of their national commissions on SALW. It should be stressed that it is

⁸ ECOWAS/PCASED, Guidelines on the Establishment and Functioning of National Commissions against the Proliferation of Small Arms, Lomé, 10 December 1999, cited by Mubiala, *op. cit.* (note 7), p. 252.

important to guarantee a pluralistic composition of these commissions and to ensure, in particular, the participation of civil society organizations. This has had a positive impact in the context of West Africa⁹.

B. Sub-Regional Measures and Mechanisms

The Secretary-General of the ECCAS is designated as the monitoring and coordinating mechanism for the implementation of the Kinshasa Convention at the sub-regional level (Article 29). Its main functions and activities are as follows :

- The establishment of an electronic sub-regional database on SALW, including peacekeeping operations (Articles 21 and 22) ;
- The promotion of a dialogue with international manufacturers of SALW and international organisations on the latter (Article 23) ;
- The development of confidence-building measures in the field of SALW including the judicial cooperation among the state parties ; exchange of information and the reporting under the UN Registry of Small Arms (Article 24) ; and
- The adoption and implementation of a sub-regional plan (Article 31).

The last activity is of particular importance for the effectiveness of the ECCAS arm control regime. In this field, the ECOWAS provides a good practice with its Programme for Co-ordination and Assistance for Security and Development in West Africa (PCASED)¹⁰, which could inspire or serve as a model for the plan of action to be adopted by the ECCAS.

III. Opportunities and challenges in the implementation of the kinshasa convention

There are several windows of opportunities for an effective implementation of the Kinshasa Convention. However, these opportunities are likely to be undermined by the existence of serious challenges ahead.

A. Opportunities

The Kinshasa Convention includes civil society organizations in its implementing mechanisms. These organisations could play a leading role in the involvement of the populations in the process and the development

⁹ See Ayodele ADERINWALE, « La société civile et la lutte contre la prolifération des armes légères et de petit calibre », in Anatole AYISSI and Ibrahima SALL (eds.), *La lutte contre la prolifération des armes légères en Afrique de l'Ouest. Manuel de formation des forces armées et de sécurité, PCASED/ UNIDIR/ECOWAS*, Geneva, United Nations, 2003, pp. 115-122.

¹⁰ See Tore ROSE, « The Programme for Co-ordination and Assistance for Security and Development in West Africa (PCASED) », in LODGAARD and RONNFELDT, *op. cit.* (note 2), pp. 41-45 ; and Abubakar M. KAMARA, « La mise en oeuvre du Moratoire sur les armes légères », in AYISSI and SALL, *op. cit.* (note 10), pp. 43-47.

of an inclusive approach to the ECCAS arm control regime. In turn, such an approach is likely to rights-base and to people-centre the latter, thus reinforcing state parties' accountability in the implementation of the Convention. In West Africa, for example, civilians have played a catalyst role in the implementation of the ECOWAS arms control regime¹¹.

Several ECCAS member states participate also to other regional and international arms control regimes. This is, in particular, the case of the countries belonging to the Great Lakes region and which are the most affected by the proliferation of SALW. These include Angola, Burundi, CAR, DRC and the Republic of the Congo. The latter is a member state of three regional organizations (SADC, ECCAS and the International Conference on the Great Lakes Region or ICGLR) and could, potentially, benefit from three arm control regimes. The multiple participation of several ECCAS member states in other arm control regimes provide the opportunity to implement the Kinshasa Convention in a complementary, rather than competitive, manner. As the report of the regional seminar held in Kinshasa in October 2014 points out,

Une question a été posée sur le point de savoir si la multiplicité des instruments internationaux et même régionaux [...] était un avantage ou un inconvénient. ABV [Antoine Bouvier] a relevé que cette multiplicité devrait être plutôt vue comme un avantage au sens où certains traités viennent en complément aux plus anciens. C'est le cas du Protocole de la SADC sur les ALPC [armes légères et de petit calibre] qui ne parle pas de marquage, alors que le Protocole de Nairobi le mentionne¹².

The state parties to the Kinshasa Convention could also take stock of the other regional arm control regimes' experience and lessons learned, in particular that of ECOWAS (which served as a model for the drafting of the Kinshasa Convention, as mentioned above).

In addition, the coming into force of the Kinshasa Convention could play a catalyst role in the ratification of the Arm Trade Treaty signed under the auspices of the United Nations. As of 30 June 2017, only two state parties to this Convention, namely the CAR and Chad, ratified it.

Finally, the proliferation of SALW has a trans-regional or interregional dimension in Africa, as illustrated by the situation in the Great Lakes region, the Lake Chad Basin and the Gulf of Guinea. The cooperation by the ECCAS and ECOWAS to curb the trans-boundary criminality in the latter, during the Joint Summit held in Yaoundé in June 2013, the subsequent establishment of the Interregional Coordination Centre for Maritime Safety and Security in the Gulf of Guinea and its operationalization in September

11 See Sunday OCHOCHÉ, « Collaboration entre les populations civiles et les forces de sécurité dans la lutte contre la prolifération des armes légères », in AYISSI and SALL, *op. cit.* (note 10), pp. 75-80.

12 INTERNATIONAL COMMITTEE OF THE RED CROSS, « Séminaire régional sur la mise en œuvre des traités sur les armes en Afrique centrale (Kinshasa, 28-29 octobre 2014 », Unpublished report, 2014, p. 11 (copy on file with the author).

2017¹³ constitute important steps in the development of cooperation and synergies between the two Regional Economic Communities (RECs). In the same vein, the planned ECCAS-ECOWAS Summit to address the Boko Haram crisis and its root causes, including the circulation and proliferation of SALW, would represent another entry point for testing or piloting the Kinshasa Convention.

B. Challenges Ahead

The main challenges in the implementation of the Kinshasa Convention include its low level of ratification ten years after its adoption and the operational weakness of the ECCAS peace and security mechanisms, including the lack of funding.

1. Ratification of the Kinshasa Convention

It took seven years for the Kinshasa Convention to come into force. So far, two of the most affected countries, Burundi and DRC, have not yet ratified it. It is particularly surprising and disappointing that DRC, whose capital hosted the signing ceremony of this instrument and gave its name to the latter, has not yet ratified it. This is a negative indicator for the expected national measures to be adopted for the implementation of the Kinshasa Convention. The process of its domestication is expected to be laborious and slow, as it is the case for the 2006 ICGLR Protocols. As experienced by the ECOWAS member states¹⁴, there is also a risk of having different levels of national implementation of the ECCAS arm control regime. To mitigate this risk, the ECCAS should rapidly adopt a sub-regional action plan, guidelines and a model legislation for the domestication of the Kinshasa Convention and provide its technical support to the interested state parties in this process. Prior to achieve this task, the ECCAS has to address its own operational weaknesses.

2. Weaknesses of the ECCAS Operational Mechanisms

Another main challenge in the implementation of the Kinshasa Convention relates to the weakness of its regional monitoring mechanism, namely the ECCAS. As known by many, the latter's peace and security mechanisms are recent and very weak, in comparison to those of the ECOWAS and SADC. This is illustrated by the failure of its first ever peace operation deployed in the CAR from 2008 to 2013 to effectively respond

13 UNITED NATIONS, « Regional Confidence-building Measures : Activities of the United Nations Standing Committee on Security Questions in Central Africa », Report of the Secretary-General, A/72/363, 24 August 2017, p. 7.

14 See, inter alia, Chilaka F. CHIGOZIE, *Nigeria and the ECOWAS Convention on Small Arms and Light Weapons : A Critical Appraisal*, Master of Science Thesis, University of Nsukka, 2010, 99 p. : and Alex BOATENG, *The ECOWAS Convention on Small Arms and Light Weapons. The Management of Small Arms Proliferation in Ghana*, Lambert Academic Publishing, 2013, 92 p.

to the conflict in this country. There are several reasons explaining the weaknesses of the peace and security architecture of the ECCAS.

First, there is not any pillar state which, like Nigeria in West Africa, can take the lead in this field. The collapse of DRC, which played a leading role in the deployment of the first ever African peace mission in Chad in 1981 and 1982¹⁵, has generated a gap not yet filled. Angola, which would play this role and has the power to do so, is more devoted to the SADC than ECCAS's membership.

Second, despite some recent efforts to reinvigorate them, the ECCAS Secretariat and its structures, including the Directorate for Preventive Diplomacy in the Departments of Political Affairs and Human Security, remain weak. As a report by the International Crisis Group points out,

ECCAS's organigram is full of holes and has a serious deficit of human resources. Its revival has not been accompanied by the changes in recruitment procedures necessary to revitalise its operations [...]. Internal governance has not been adapted to the appearance of new projects and the influx of European funds. On this point, ECCAS's image is not different from that of other African regional organizations, which are perceived to be administrative machines with neither the strategy nor the technical competence to accomplish their missions¹⁶.

The above-mentioned features would negatively affect the ability of the ECCAS Secretariat to play its role as co-ordinating and monitoring mechanism for the implementation of the Kinshasa Convention. Funding will be an additional shortcoming, due to the "inconsistent financial contributions of member states"¹⁷.

Finally, contrary to the ECOWAS, the involvement of civil society organizations in the ECCAS operations, programmes and activities is non-existent. This gap will certainly negatively undermine the relationship and the expected cooperation between the ECCAS Secretariat and the national commissions on SALW to be established by the state parties to the Kinshasa Convention. To fill this gap, as recommended by the International Crisis Group in its report cited above,

Member states should open up the organisation to civil society. Greater participation by the latter should increase the legitimacy and raise the profile of the institution. The more the Community's role is understood and assimilated within the region, the more it will benefit from genuine support in the countries concerned¹⁸.

15 See Mutoy MUBIALA, « Peacekeeping Operations : The Examples of Burundi and Sudan », in Abdulqawi A. YUSUF and Fatsah OUGURGOUZ (eds.), *The African Union : Legal and Institutional Framework. A Manual on the Pan-African Organization*, Leiden/Boston, Martinus Nijhoff, 2012, pp. 356-357.

16 INTERNATIONAL CRISIS GROUP, « Implementing Peace and Security Architecture (I) : Central Africa », Africa Report n° 181, 7 November 2011, p. 11.

17 *Ibid.*, p. 12.

18 *Ibid.*, p. 21.

The implementation of this recommendation is, particularly, most relevant in the field of the ECCAS arm control regime included in the Kinshasa Convention and the other relevant regional and international instruments.

Conclusion

The adoption and entry into force of the Kinshasa Convention constitute a milestone in the efforts by the ECCAS member states at countering and constraining the proliferation of SALW in Central Africa. This Convention contributes to the development of international and regional disarmament law. In particular, the Kinshasa Convention provides a framework for the humanization of the regional security in Central Africa. It is, therefore, to be considered as a “human security” instrument.

This Convention has also a potential to serve as an entry point for the development of trans-regional and interregional cooperation between the ECCAS, on the one hand, and RECs, including the SADC and ECOWAS, on the other hand. This will enable the ECCAS to benefit from the experience and lessons learned by the latter in the implementation of their respective arm control regimes. The cooperation initiated by the ECCAS and ECOWAS in the Gulf of Guinea and the Lake Chad Basin is an important step in that direction. It is the most relevant mean to fight against the proliferation of SALW whose circulation, by nature, has a trans-regional and interregional character.

Once that has been said and admitted, the effectiveness of the Kinshasa Convention will largely depend on its domestication at the national level of the state parties. This requires its regional or universal ratification by all the ECCAS member states. Besides, there is a need for the ownership of the Convention by these states and their populations. As the main victims of the proliferation of SALW, the latter have to be involved in the process of the implementation of the Convention, including through civil society organizations and community leaders. Such involvement will pave the way to the application of a rights-based or people-centred approach to the ECCAS arm control regime. The added value of such an approach is to respond to the root causes of the proliferation of SALW, including the absence of rule of law, corruption and poor governance. This would contribute to the prevention of deadly armed conflicts and to peacebuilding in Central Africa and beyond. ■