Draft Policy on Management of Recovered Small Arms and Light Weapons in Peace Support Operations

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POLICY
Management of Recovered Small Arms and Light Weapons in Peace Support Operations

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FOREWORD

The Policy on Management of Recovered Small Arms and Light Weapons in Peace Support Operations has been developed through a process led by the AU Commission in consultation with the Regional Economic Communities, the Regional Mechanisms, AU Member States, leadership from AU peace support operations, AU liaison offices, the United Nations, and external subject matter experts. It is applicable to parties participating in AU-mandated and – authorized peace support operations and should be a reference for ad hoc security arrangements in which AU member states are participating as troop- and/or police-contributing countries. It is suitable for inclusion or reference in the development of PSO Concept of Operations (CONOPS) and mission reviews.

ACRONYMS AND ABBREVIATIONS

AU       African Union
AUC      African Union Commission
COE      Contingent-owned equipment
CONOPS   Concept of Operations
DDR      Disarmament, demobilization, and reintegration
ECOWAS  Economic Community of West African States
IATG     International Ammunition Technical Guidelines
IDDRS    Integrated Disarmament, Demobilization and Reintegration Standards
ITI      International Tracing Instrument
MOSAIC   Modular Small-arms-control Implementation Compendium
PCC      Police-contributing country
PSC      Peace and Security Council
PSD      Peace and Security Department
PSO      Peace support operation
PSOD     Peace Support Operations Division of the AUC
PSSM     Physical security and stockpile management
SADC     Southern African Development Community
SALW     Small arms and light weapons
SOP      Standard operating procedure
TCC      Troop-contributing country
TERMS AND DEFINITIONS

“Contingent-owned equipment (COE)” refers to materiel brought by contributing troops to peacekeeping missions—including but not limited to weapons, ammunition, vehicles, communications equipment, and uniforms. In the context of this policy it may also refer specifically to contingent-owned weapons and ammunition.

“Small arms” refers to weapons designed for individual use. These include revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns and light machine guns.

“Light weapons” refer to weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. These include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems and mortars of caliber of less than 100 mm.

“Small arms and light weapons (SALW)” refers to the weapon systems described above, their parts and accessories, and their ammunition.

“Recovered SALW” refers to any SALW taken into the custody of mission personnel during operations, including during patrols, cordon-and-search operations, securing areas, disarmament, demobilization, and reintegration (DDR) initiatives, or any other duties. It also includes SALW confiscated from combatants who surrender or are captured.

REFERENCES

Key African Union References
- AU Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons
- AUC Chairperson's Report on Arms Control, Disarmament and Nonproliferation, 29 March 2016
- Communiqué of the 584th meeting of the AU PSC, 29 March 2016
- AU Master Roadmap of Practical Steps to Silence the Guns in Africa
- Inaugural report of the AU PSC on the implementation of the AU Master Roadmap of Practical Steps to silence the guns in Africa, July 2017

Other References

International instruments
- Arms Trade Treaty
- International Ammunition Technical Guidelines
- Modular Small-arms-control Implementation Compendium (MOSAIC, formerly the International Small Arms Control Standards)
INTRODUCTION/BACKGROUND

SALW in the hands of hostile non-state actors are among the main threats to the safety and security of AU Peace Support Operations (PSOs) and to the effective implementation of their mandate. PSOs may be required or requested by the AU Peace and Security Council and the UN Security Council to disarm combatants or civilians who seek protection and to manage SALW recovered during PSO duties. While the effective management of recovered SALW is critical for mission end goals, PSOs do not always possess the operational and technical capacity to do so, which increases the risk of diversion of recovered SALW to the illicit market.

At the same time, PSO personnel may not meet or be aware of the arms management and record-keeping obligations under national, sub-regional, regional, or international agreements when participating in AU PSOs.

Despite these realities, PSOs have the responsibility to prevent the diversion of COE and properly manage recovered SALW as part of broader efforts to ensure the safety and security of mission personnel and host country populations, preserve the integrity of the mission, maintain morale, and prevent illicit weapon flows. PSOs should thus aim to implement best practices in the management of recovered SALW, including regional and international instruments.

This policy responds to the directive of the AU Peace and Security Council (PSC), issued on 29 March 2016 to the AU Commission to provide the technical and operational support required by PSOs to effectively implement their mandate. The present policy is also in line with the AU Master Roadmap of Practical Steps to Silence the Guns in Africa, adopted by the 28th Ordinary Session of the Assembly on 30–31 January 2017, which recognized the need to enhance PSOs’ capacities to effectively collect and control illicit SALW.
2. **RATIONALE**

By improving the management of recovered SALW in PSOs, and thereby reducing the illicit recirculation of these weapons, this policy will help preserve the integrity of the PSOs, maintain morale, and prevent the use of illicit weapons against civilians and mission personnel. It will also bring PSOs into adherence with established good practices and relevant sub-regional, regional, and international obligations; and improve transparency between mission headquarters, TCCs/PCCs, and host country national authorities.

3. **PURPOSE**

The purpose of this policy is to improve the management of recovered SALW in PSOs, and thereby to reduce the illicit circulation of this materiel within and outside the mission area.

4. **SCOPE**

This policy is designed to serve as a tool for the AU institutions and other relevant practitioners to implement procedures, mechanisms, and practices in line with international good practice. When implemented, it should help improve and harmonize the management of weapons recovered during PSO activities.

This policy also provides for the recovery of COE that has been diverted from TCCs/PCCs, provided that the loss of such COE is timely and accurately reported to the Force Headquarters in line with reporting procedures to be outlined pursuant to the policy.

It also defines the roles and responsibilities for key actors, including the AUC, mission leadership, national authorities, TCCs/PCCs, and other field personnel including civilian police and military.

This policy is suitable for reference in the development of PSO Concept of Operations (CONOPS) and mission reviews.

5. **PRINCIPLES**

This policy embodies the following principles:

- **Do no harm.** To ensure that recovered SALW are sufficiently secured and swiftly disposed of without endangering troops or rendering their positions vulnerable.

- **Impose no undue burdens.** To avoid onerous obligations on PSOs or overstretch available resources.

- **Maintain command and control.** To preserve, and not undermine, the operational, strategic, and tactical chains of command, as established in Memorandums of
Understanding between the AU and TCCs/PCCs for the provision of contingents to PSOs, or other agreements.

- **Preserve host state obligations.** To support, and not contravene, regional and international obligations of the host State.

- **Improve practice.** To improve current practice and bring it in line with international standards, where relevant, applicable, and feasible, to AU PSO contexts.

- **Harmonize practice.** Through an AU-wide policy, to harmonize PSO practices in the area of management of recovered SALW.

- **Build cooperation.** To encourage effective cooperation between PSOs and the relevant national institutions (armed forces, police services and disarmament and small arms commissions) and international bodies in order to ensure national ownership and sustainable efforts against illicit weapons flows.

### 6. ROLES AND RESPONSIBILITIES

With respect to the control of recovered SALW in PSOs, and the procedures and mechanisms highlighted in this policy, the following actors have specific roles and responsibilities:

6.1 **AUC** shall be responsible for setting policy based on current best practices and in consultation with AU Member States and technical experts for the management of recovered SALW in PSOs, and for the providing financial, logistical, and other support for the implementation and routine monitoring of improved practices.

6.2 Insofar as this policy is consistent with and supports regional and sub-regional agreements, conventions, and other relevant policies with regard to the management of SALW in PSOs, the **Regional Economic Communities** and **Regional Mechanisms for Conflict Prevention, Management and Resolution** are encouraged to be familiar with this policy’s contents and to consider opportunities for supporting its implementation.

6.3 The **Head of Mission** of PSOs shall be responsible for the overall implementation of this policy in the mission area, and shall consult with all relevant parties, including host nation authorities.

6.4 The **Force Commander/Police Commissioner** are answerable to the Head of Mission and are responsible for coordinating the policy’s implementation in the sectors.

6.5 **TCC/PCC Sector Commanders** of PSOs shall be responsible for the implementation of this policy within their sectors.
6.6 If present at the mission headquarters or sector levels, **weapons and ammunition specialists** shall be tasked with specific responsibilities designed to implement this policy, such as the maintenance of data and reports supplied by the sector(s), evaluation and monitoring of weapons and ammunition storage facilities, safe disposal of unserviceable SALW, and the fulfilling of information requests from the Force Commander. The weapons and ammunition specialist, whether part of the sector or the mission headquarters staff, is ultimately answerable to Force Command.

6.7 **National authorities** of the Host Nation should be advised and consulted, where relevant, with regard to the implementation of this policy and possible points of overlap with national efforts to control illicit flows of SALW. In this context, ministries of defense, as well as national commissions on SALW and focal points, should be consulted.

6.8 **International bodies** that have mandates that focus on illicit small arms control should be helpful in efforts to implement the measures contained in this policy. Such bodies include, among others, the United Nations, including Panels of Experts whose duties include the monitoring of UN arms embargoes.

7. **CONTENT**

This policy contains guidance and in the following areas:

7.1. **Data collection and record-keeping for recovered SALW**

7.1.1. Data collection mechanisms shall be established at the level of the Mission Headquarters for recording and preserving information relating to all recovered SALW, and for ensuring that these mechanisms are implemented across the sectors. Materiel to be documented shall include any and all SALW that come into the possession of PSO forces as a result of their duties.

7.1.2. While as a matter of principle information shall be recorded as soon as possible upon discovery / recovery of SALW, it is at the discretion of the Sector Commander—and in light of the safety and security considerations he or she deems relevant—whether documentation is conducted in the field or after safe transport to base locations.

7.1.3. SALW or other materiel deemed items of particular concern by the Head of Mission, sector or force commander, national authorities, or international bodies shall be identified in relevant documentation and prioritized for reporting and recovery. These include explosives, or material and equipment that can be used in the construction of explosives.
7.1.4. Relevant recovered SALW data shall be recorded in a template that includes the following information:

- Date and time of discovery/recovery
- Location and coordinates of recovery
- Military/Police unit involved
- Person/group from whom the materiel was recovered
- Brief description of events that led to recovery
- Description of recovered items, including type, quantity, caliber, country of manufacture and/or most recent importing country, general condition and whether the items are safe for storage, and serial/batch/lot numbers

7.1.5. These record-keeping requirements shall be observed regardless of whether there is an agreement or legal obligation in place for AU forces to provide recovered SALW to the host state authorities or other third parties. For the purposes of this policy, those obligations and agreements do not preclude the record-keeping terms outlined here.

7.1.6. The AUC shall make available SALW identification tools, materials, and related supporting guidance to relevant mission personnel upon request to facilitate the implementation of these record-keeping requirements.

7.1.7. In addition to the unique reporting templates described above, documentation of recovered SALW shall be included, in summary form, in incident, situation, and after-action reports that may already be required—for example when troops engage hostile forces.

7.1.8. Sector Commanders shall be responsible for establishing a point of contact or desk officer tasked with collecting and safeguarding recovered SALW documentation, which should be made available to the Sector Commander upon request.

7.1.9. Sector Commanders shall regularly transmit documentation on recovered SALW to Force Command in a timely manner, and, if requested, at any time by the Force Commander.

7.1.10. If feasible given resources and personnel, the information in reporting forms shall be consolidated at the Force Command level in a manner that provides an overview of all SALW recovered in all the sectors. This consolidated form shall also capture the final disposal of the materiel (see section on Disposal, below).

7.1.11. The Head of Mission shall designate a focal point tasked with maintaining documentation on recovered SALW received from the sectors in a data management system that shall remain with Mission headquarters.
7.1.12. Consolidated data on recovered SALW shall be available to the Head of Mission and to AUC upon request.

7.1.13. The AUC should release, upon written request by relevant national and regional authorities, detailed information about SALW recovered in PSOs in response to national, regional, or international legal obligations to which troop contributing member states are subject. The AUC should also transmit such information to the host state and mandated UN Security Council entities.

7.2. **Marking and tracing of recovered SALW**

7.2.1. The marking of recovered SALW in AU PSOs is not required by this policy unless in support of the host State and in conformity with its regional and international obligations.

7.2.2. Subject to approval and authorization by the AUC, the Head of Mission shall cooperate with UN Security Council-mandated bodies and national authorities involved in the tracing of illicit SALW in line with the International Tracing Instrument and other similar agreements. Requests for such information and cooperation should be directed to the Head of Mission.

7.3. **Physical security and stockpile management**

7.3.1. SALW recovered as part of PSO operations shall be properly secured following their capture and prior to their disposal in accordance, where feasible and possible, with a security plan based on good practice standards, including rules of physical evidence to ensure that they meet relevant criteria for inclusion in judicial proceedings.

7.3.2. If feasible, a weapons and ammunition specialist should evaluate the condition of any explosive ordnance and provide advice on storage of such items as soon as possible after SALW are recovered.

7.3.3. Physical security and stockpile management of recovered SALW shall be maintained at the maximum level within operational, safety, and mission requirements.

7.3.4. In principle, recovered ammunition and arms shall be safely stored separately from one another.

7.3.5. At the sector level, recovered SALW shall be kept separately from contingent-owed equipment and marked as such. As long as it is clearly designed as separate from COE, recovered materiel may be held in the same storage facilities as COE (e.g. containers).
7.3.6. Ideally, recovered weapons should be deactivated, and components stored in separate storage arrangements, prior to disposal.

7.3.7. If feasible given safety and operational considerations, all recovered SALW should be co-located within the sector to facilitate documentation and record keeping. It is at the ultimate discretion of the Sector Commander, in consultation with the Force Commander, to determine the physical distribution of recovered SALW within his or her sector.

7.3.8. If recovered SALW are stored at multiple locations within a sector, the Sector Commander shall ensure that each facility is made safe and secure in accordance with good practice guidance referred to in Section 7.3.1 above, and with the data collection and record keeping guidance found in Section 7.1. above.

7.3.9. All sites containing recovered SALW shall be made accessible to inspection by the Force Commander.

7.3.10. Existing mission stockpile management procedures for COE, including inspections, shall henceforth include recovered SALW and its documentation.

7.3.11. While it may not always be possible to quickly dispose of recovered SALW, recovered stocks should not be stored indefinitely at the sector level.

7.4. Transport security

7.4.1. The transport of recovered SALW from the location of its recovery to storage facilities and, ultimately, to its final disposal, is the responsibility of the Sector Commander.

7.4.2. The same precautions, safety measures, documentation, and emergency procedures that are applied for the transport of COE shall be applied to the transport of recovered SALW. If such measures and procedures are not already elaborated in mission documents, they shall be developed in consultation with Sector and Force Commanders and in compliance with international good practice.

7.4.3. The AUC shall make available good practice guidelines for the transport of recovered SALW to mission personnel on request and in line with the international standards.

7.4.4. Each transport of recovered SALW shall be accompanied by cargo documentation/freight papers. Delivery verification protocols requiring signatures upon receipt shall also be established.
7.5. **Disposal**

7.5.1. For the purposes of this policy, disposal refers to a) the transfer of recovered SALW to host state authorities or other authorized parties within the mission area; or b) its destruction by AU troops or other authorized designated parties, including international and specialized bodies, in consultation with the host state, as appropriate.

7.5.2. TCCs/PCCs shall not remove recovered SALW from the mission area without written authorization from the Force Commander.

7.5.3. The decision of how recovered SALW are to be disposed of shall be made by the Force Commander, in consultation with the Head of Mission, host State authorities, the sector commanders, and the AUC, and shall be consistent with existing international standards, decisions of the UN Security Council and PSC, and national host country laws.

7.5.4. Disposal of recovered SALW—including demilitarization or destruction—shall be carried out in accordance with relevant internationally-accepted standards.

7.5.5. No part of this policy should be regarded as prejudicing or undermining agreements, laws, or obligations between the AU and host state authorities that may allow for, or require, the transfer of recovered SALW to a host state’s national forces or its allied forces.

7.5.6. The Force Commander and the Head of Mission are jointly responsible for the safe transfer of recovered SALW to national authorities (or their designated representatives or third parties), if this is required under relevant agreements between the host state and the mission or troop contributors.

7.5.7. At the completion of an AU PSO, the transfer of its mandate or oversight to another regional organization or the United Nations, or the withdrawal of a Member State’s troops from a PSO, an agreement shall be reached between the relevant Member States, the Head of Mission, Force Commander, the host State authorities, and the AUC as to the final disposition of all recovered SALW.

7.6. **Compliance and monitoring**

7.6.1. The loss, deliberate removal of, or addition of newly recovered SALW to a storage facility shall be recorded on site and transmitted to the desk or officer designated to manage the record-keeping components of this policy (see Section 7.1. above).

7.6.2. Any loss of recovered SALW from storage facilities, or during transport, shall be documented and include the following details:
   - Date and time of loss
- Storage site/location
- Officer(s) in charge at time of loss
- Types, quantities, and serial numbers (if available) of lost items
- Circumstances surrounding the recovery
- Actions taken: who is investigating the loss; who has been informed; any action being taken to prevent any further loss.

7.6.3. The Head of Mission shall have overall authority for investigating loss or theft of recovered SALW during storage or transport.

7.6.4. The Head of Mission shall report to AUC on an annual basis about changes in procedures and practices related to all measures outlined in this policy, and any additional relevant challenges or issues.

7.6.5. The AUC shall establish a regime for monitoring implementation and compliance with the measures outlined in this policy. The results of reviews conducted as part of such a monitoring regime shall be made available to Member States.

7.7. Training and operational guidance and support

7.7.1. The AUC shall seek financial support through AU funding mechanisms, and from bilateral and multilateral mechanisms, for the long-term, sustainable implementation of the measures outlined in this policy, including capacity-building, training, staffing, and material (hardware) needs.

7.7.2. Pre-deployment and other training for Mission staff and Member State national authorities to establish procedures to implement this policy safely shall be made available by the AUC.

7.7.3. Bilateral training initiatives between donors and Member States around SALW management in PSOs, whether in the context of pre-deployment training or other types of training, shall meet the terms outlined in this policy.