Permanent Mission of the Republic of Kenya to the United Nations
866 U.N. Plaza, Rm 304, New York, NY 10017

STATEMENT

BY

MR. D. M. KIMAIYO, CBS

DIRECTOR

KENYA NATIONAL FOCAL POINT ON SMALL ARMS AND LIGHT WEAPONS

DURING
THE OPEN ENDED MEETING OF GOVERNMENTAL EXPERTS
OF THE PROGRAMME OF ACTION TO PREVENT, COMBAT
AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS
ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

MINISTRY OF STATE FOR PROVINCIAL ADMINISTRATION
AND INTERNAL SECURITY

NEW YORK, 9 – 13 MAY 2011

Check against delivery
CONSIDERATION OF KEY IMPLEMENTATION CHALLENGES AND OPPORTUNITIES RELATING TO THE INTERNATIONAL TRACING INSTRUMENT INCLUDING INTERNATIONAL COOPERATION AND ASSISTANCE

Kenya being a signatory to the Nairobi Declaration and the Nairobi Protocol has an obligation to ensure that it abides by the provisions of the Nairobi Protocol as provided for in the Best Practice Guidelines.

Article 7 of the Nairobi Protocol and Cap 1, 1.3 of the Best Practice Guidelines, requires that states in the Great Lakes Region and the Horn of Africa, mark all the SALW in state possession at the time of manufacture with a unique marking, providing the name of the manufacturer, the country or place of manufacture and the serial number. The marking should be stamped on the barrel, frame and where applicable on the slide. All small arms and light weapons owned by the state will in addition, be marked with a * (star) preceding the ISO country code for example *KE in the case of Kenya. Countries in the Great Lakes Region and the Horn of Africa are required to have marked all state owned small arms and light weapons by the end of this year, 2011.

Following the training, the 13 RECSA Member States it was envisaged that the national governments would spearhead the process by marking of all state-owned SALW as well as establish electronic data bases in their respective countries.

On the area of Arm Marking and tracing the government of Kenya has remained steadfast through the KNFP to facilitate law enforcement agencies to undertake the process.

In 2008 to date, Law Enforcement Agencies in Kenya have been trained and retrained on the process of marking, and record keeping for traceability. The agencies include, Kenya Police, Administration Police, Department of Defence, Kenya Forest Service, Kenya Wildlife service.
Kenya has so far acquired 3 machines for marking; under the support of 2 machines from RECSA funding in 2008 and 2009 while 1 machine from EAC/GTZ funding was issues in 2010. Along with this equipment was computer machines storage of data. A four wheel vehicle was issued for mobility to various fields for marking.

So far over 60,000 assorted SALW have been marked by the agencies. Plans are underway to acquire more machines to fastrack the process and finalize the exercise by end of 2011.

While the process of marking is slow, it is expected that by the end of 2011, all state owned SALW shall be marked in accordance with the provisions of Nairobi Protocol and the International Tracing Instrument.

It is important to note that Kenya already has in place a Central Firearms Bureau (CFB) which currently maintains a register of all SALW in licensed civilian possession. While the database is currently manual, the draft policy will prescribe for the upgrade of the Central Firearms Bureau in maintaining an electronic database of all state-owned SALW.

The following minimum information will be included in the register:-

a. The state department under whose control the firearm is, or in whose safekeeping or legal possession the firearms are stored.

b. The type of firearm, specification, make, model, serial number, calibre and any other markings such as engravings, proof marks, country identity marks and other markers on the firearm that can assist in its identification.

c. Particulars of the movement, transfer, sale and destruction of the SALW within 30 days of such action.

Notably all these are part of the best practice guidelines.
The Draft National Policy on Small Arms and Light Weapons is hinged on the Nairobi Protocol, the UN Programme of Action the firearms Protocol among other instruments. In the new constitutional dispensation, the instruments ratified by the state automatically come into force. Thus the government is keen on implementation of the draft policy on SALW even as it awaits parliamentary approval.

Key issues on arms marking, record keeping have been captured in the KNFP Strategic Plan of 2010-2014 for implementation.

The Government of Kenya has continued working with the UNDP, Japan, US Government and British through select agencies and other multi-lateral partners as well as the Civil Society organizations/partners to fast track the arms marking and record keeping process. These efforts have been direct and immediate on the arms marking system while others have been indirectly through policy process. Despite the positive indications, this remains starved of much needed funding

The government envisages the following challenges thus calls for assistance to implement the International Tracing Instrument;

a. International cooperation in the area of tracing the sources of illicit SALW. Upon completion of the marking exercise it is critical that subsequent imports be marked by manufacturer.

b. Lack of adequate marking machines and trained personnel to mark both state owned and civilian licensed SALW by the end of 2011. the government has 3 machines targeting the entire number of arms in its possession.

c. Competing interest of security that may derail funding for the processes.

d. Lack of adequate funds for setting up an electronic data base, carrying out continuous training and capacity development.

e. Capacity for effective border management.
The Government of Kenya appeals for assistance in the following areas;

i. Commitment by manufacturers to mark arms at point of manufacturing to save on costs.

ii. Financial and technical facilitation on setting up universally acceptable border posts for screening and control of movement in and out of the country. This has proved to be a costly venture regionally. It will address the problems posed by increased porosity of borders along Uganda, Sudan, Ethiopia and Somali regions.

iii. Support to the law enforcement agencies by relevant equipment for improved border surveillance. This may entail purchase of equipment and vehicles/motorbikes for surveillance.

iv. Funding to fast track the implementation of the strategic plan on arms management and control as well as equip the KNFP with necessary skills and facilities to effectively and efficiently carry out its mandate under the international, regional and sub-regional instruments.

Kenya is optimistic that in lieu of the assistance needs mentioned, the international development partners will come forward in support of the abovementioned areas.

This will assist the country in finding a sustainable solution through better law enforcement, fast track the security sector reform.

In conclusion, Kenya reaffirms its position under the international instruments and most specifically in the UNPOA to continuously address the problem of illicit proliferation of SALW in all its aspects.