

ADDIS ABABA UNIVERSITY

SCHOOL OF GRADUATE STUDIES

INSTITUTE FOR PEACE AND SECURITY STUDIES



**CHALLENGES AND PROSPECTS OF COMBATING ILLICIT SMALL
ARMS AND LIGHT WEAPONS TRAFFICKING, THE CASE OF
ETHIOPIAN FEDERAL POLICE COMMISSION**

BY

TESFAY WELAY GEBREMARIAM

JUNE, 2020

ADDIS ABABA, ETHIOPIA

SCHOOL OF GRADUATE STUDIES

INSTITUTE FOR PEACE AND SECURITY STUDIES

**CHALLENGES AND PROSPECTS OF COMBATING ILLICIT SMALL
ARMS AND LIGHT WEAPONS TRAFFICKING, THE CASE OF
ETHIOPIAN FEDERAL POLICE COMMISSION.**

BY

TESFAY WELAY GEBREMARIAM

Advisor

MESFIN GEBREMICHAEL (PhD)

**A Thesis Submitted to the Graduate School of Addis Ababa University a
Partial Fulfillment of the Requirements for the Degree of the Master of
Arts in Peace and Security Studies**

JUNE, 2020

Addis Ababa, Ethiopia

ADDIS ABABA UNIVERSITY

SCHOOL OF GRADUATE STUDIES

INSTITUTE FOR PEACE AND SECURITY STUDIES

Challenges and prospects of combating illicit small arms and light weapons trafficking, the case of Ethiopian Federal Police Commission

BY

TESFAY WELAY GEBREMARIAM

Approval of Board of Examiners	Signature	Date
1. Director of IPSS _____	-----	-----
2. Advisor _____	-----	-----
3. Internal Examiner _____	-----	-----
4. External Examiner _____	-----	-----

Acknowledgement

First and for most, I would like to express my sincere thanks and deepest gratitude to my thesis supervisor Dr.Mesfin Gebremichael for guiding me in preparing this thesis right from the conception of the topic and subsequently providing precious guidelines and practical support in developing it. His continuous and valuable instruction, advice and encouragements throughout this thesis were irreplaceable. I am also highly indebted to him for taking much time from his busy schedule and for giving my thesis such thorough read and great attention to every detail.

I would like to give my special appreciation and thanks to Messay Asgedom who consistently directs me to join IPSS and his immense contribution to this thesis. Without his encouragement and help, this thesis would have been more challenging to finalize. I wish to thank sincerely my colleagues for their constructive support during development of the thesis. I am also thankful to all respondents from various institutions who participated in this study by providing me valuable information. Special credit and gratitude also goes to all drivers of Ethiopian Police University College who space would not permit me to mention all of you. Your kindness and heartfelt support was irreplaceable during critical times of my course work and the thesis and I thank you all immensely.

Offcourse, this would have not been possible without the love and patience of my family. I am deeply mindful of and warmly thankful for the unparalleled courage, support and patience of my wife Kidan Gebreslassie, my son Aron Tesfay and my sister Asqual Welay during this study.

Table of Contents

Titles	pages
Acknowledgement	I
List of Acronyms	IV
Abstract	V
CHAPTER ONE	1
1.1. Background of the Study	1
1.2. Statement of the Problem	3
1.3. Objective of the Study	6
1.4. Research Questions	6
1.5. Significance of the Study	7
1.6. Scope of the Study	7
CHAPTER TWO	8
Review of Related Literatures, Conceptual and Theoretical Frameworks of the Study	8
2.1. Understanding Concepts of Small Arms and Light Weapons (SALW)	8
2.2. Variables Related to Illicit Trafficking of SALW	10
2.3. Sources of Illicit Firearms Trafficking	12
2.4. Life Cycle and Modus Operandi of Illicit SALW Trafficking	15
2.5. Illicit Trafficking of SALW and Transnational Organized Crimes: Relationships	21
2.6. Responses to Control and Combat Illicit Trafficking of SALW	22
2.7. Combating Illicit Trade in SALW: Urgency to Adopt Integrated Law Enforcement Approach?	26
2.8. Challenges of Combating Illicit Trade of SALW	29
2.9. Evolution and Role of Ethiopian Federal Police Commission on Combating Illicit SALW Trafficking	30
2.10. Theoretical and Conceptual Underpinnings of the Study	34
2.10.1. Theoretical Frameworks of the Study	35
2.10.2. Conceptual Framework of the Study	37
CHAPTER THREE	39
RESEARCH METHODOLOGY	39
3.1. Study Setting	39
3.2. Research Design	40
3.3. Sample size and Sampling Techniques	41

3.4. Sources of Data and Methods of Data Collection	42
3.5. Methodes of Data Analysis and Interpretation.....	43
3.6. Research validity and Reliability	44
3.7. Limitations of the Study.....	44
3.8. Ethical Considerations.....	44
3.9. Definition of Operational Terms	45
3.10. Organization of the Study.....	45
CHAPTER FOUR.....	46
Data Presentation and Analysis	46
4.1. Driving Factors and Facilitators of Illegal SALW Trafficking in Ethiopia	46
4.2. Approaches and strategies of EFPC to Combat Illicit Trafficking of SALW	53
4.3. Challenges of EFPC in Combating Illicit Trade in SALW	65
4.4. Exploring opportunities for EFPC to Combat Illicit Trade in SALW	87
CHAPTER FIVE	91
Conclusions and Recommendations	91
References.....	95
Appendixes	99
Declaration.....	108
Statement of Certification.....	108

List of Tables

Table 4.1: Trend of Seized Illicit SALW (2015-2020).....	46
--	----

List of Figures

Figure 2.1: Life cycle of Illicit SALW adopted from GRIP (2017).	16
Figure 2.2: Comprehensive law enforcement response	29
Figure 2.3: Conceptual frame work	38

List of Acronyms

AAPC	Addis Ababa Police Commission
ACCORD	African Centre for the Constructive Resolution of Disputes
AMP	Arms Management Programme
AUC	African Union Commission
BASIC	British American Security Information Council
CC	Custom Commission
CJR	Criminal Justice Response
EC	European Commission
EFBI	Ethiopian Federal Bureau of Investigation
EFPC	Ethiopian Federal Police Commission
EPUC	Ethiopian Police University College
FAG	Federal Attorney General
FCA	Federal Correction Administration
FDRE	Federal Democratic Republic of Ethiopia
FGD	Focus Group Discussion
FPCFALCID	Federal Police Commission Firearms License, Control and Inspection Directorate
GRID	Global Report on Internal Displacement
HPR	House of People's Representatives
IANSA	International Action Network on Small Arms
IDP	Internally Displaced People
LER/A	Law Enforcement Response/Authority
MoP	Ministry of Peace
OPC	Oromia Police Commission
RECSA	Regional center on Small Arms
SALW	Small Arms and Light weapons
SAS	Small Arms Survey
UNDYB	United Nations Disarmament Yearbook
UNODA	United Nations Office for Disarmament
UNODC	United Nations Office on Drugs and Crime

Abstract

Illicit trafficking of Small Arms and Light Weapons is one of the prominent challenges that states and governments suffered from. It is recognized as weapon of mass destruction in contemporary conflicts and the most preferable choice in conflict and crisis situations. The main objective of the study was to explore the challenges and prospects of EFPC in combating illicit firearms trafficking. The study was a qualitative case study using both primary and secondary source of data. Non-random sampling technique which includes purposive and snowball sampling were used. Data were collected through in-depth interview from key informants and Focus Group Discussion with federal law enforcement institutions. Document analysis and observation were also used as sources of data. The study reveals that the trend of illicit firearms trafficking is increasing and remained as key threat to human and state security. Findings of the study identified that, internal political instability, economic factors, regional instability and weak law enforcement responses are major reasons for the increased trend of illicit trafficking of Small Arms and Light Weapon. The findings also show that law enforcement practice of EFPC was weak and challenged by institutional and structural gaps, absence of comprehensive & well-articulated policy and legal frameworks, functional and jurisdictional overlapping, accountability and transparency problems all leading to inadequate law enforcement response. To enhance capacity of the institution in combating illicit trafficking of Small Arms and Light Weapons, the study has recommended the following points. Strengthening capacity of institutions, establishment of dedicated departments and rearranging existing institutional structures, promoting accountability and transparency, maintaining strong multilateral cooperation with neighboring states are the recommendations.

Keywords: Combating, Illicit Trafficking, Small arms and Light weapons, Challenges, Ethiopian Federal Police Commission.

CHAPTER ONE

INTRODUCTION

1.1. Background of the Study

Small Arms and Light Weapons (SALW) are generally used in police and military operations for legitimate protection of the public and to maintain law and order. However, they are regarded as threat and actual challenge for peace, security and sustainable development. Small arms are often misused by criminals, warlords, rebels, organized criminal groups, terrorist organizations and repressive security forces (UNODC, 2016). Initially, illicit trade in SALW originates from poorly regulated production facilities and goes along whole lifecycle of firearms (Malhotra, 2011). Illicit trade in firearms flourish in communities where conflicts are frequently reoccurring and rule of law is weakened (Malam, 2014). It is a means to most intrastate and interstate conflicts in contemporary global security apparatus (Malam, 2014).

Illicit trafficking of SALW builds its networks and pathways on the very nature of SALW themselves. Small arms are simple to move and use at personal level, and can be easily concealed. They are durable, readily available and inexpensive, and used in widespread and variety of contexts. Such characteristics of firearms also put SALW to the advantage of illicit business (Chelule, 2014). Illicit trade of SALW fuel civil wars and regional conflicts, arms civilians and non-state actors with illegitimate firearms and stock the arsenals of terrorists, armed groups and criminal organizations. This disrupts state's monopoly on the legitimate use of force, impede law enforcement capabilities and finally jeopardize state society relationships. Where illegal weapons are readily available in the hands of civilians, people lost trust on the state, take the law into their hands and seek private justice (British American Security Information Council (BASIC), 1995).

Illicit firearms' trafficking occurs in all parts of the globe but tend to be concentrated in areas affected by armed conflict, violence and organized crime where the demand for illicit weapons is often highest (Small Arms Survey, 2017). Africa is the most affected continent in terms of proliferation, circulation and misuse of illicit SALW mainly because of its lax institutions, porous borders and corruption (Chelule, 2014). Illicit SALW do not directly cause conflict, but their concentration in crisis zones often sustain conflict and empower non-state armed groups to launch attacks against governments and local communities (Adeniyi, 2017). Political instability

and violent conflicts in the Horn of Africa make demand, supply and misuse of SALW highest and profitable business through illegal chains. This makes law enforcement activities extremely difficult and challenging (Chelule, 2014).

It is believed that smuggled SALW are feeding current violent public protests and civil tensions in Ethiopia since 2014. Illegally diverted firearms from government stockpiles via irresponsible law enforcement personnel and systematic theft are also serving as domestic tributary to the complex illicit arms circulation in Ethiopia (Mack & Slijper, 2016). The personal observation of the researcher also conforms to this idea. Illegally owned SALW are aggravating recent political violence occurred in Ethiopia. Violent incidents over the last five years have accompanied with civilian possessed firearms. In Ethiopia, the magnitude of illegally trafficked SALW and their component parts is reaching its thresholds.

This personal observation can be supplemented with the press release of the Federal Attorney General (FAG). According to the statements of the Attorney General, within 11 months (May 2018 up to March 2019), the security forces have captured 21 PK machine guns and their variants, commonly known as Kalashnikov, machine gun modernized, 275 AK-47 Kalashnikovs, and 33,000 Handguns with over 300,000 ammunition of various sorts. Most of these weapons were captured while smuggled from Sudan into the capital (FAG, Apr.18, 2019). In 2016, the then Federal Affairs and Pastoralist Area Development Minister for the first time officially disclosed to the House of People's Representatives that illicit trade of firearms by itself and as a means for criminal activities like that of illicit contraband, is destabilizing the country and challenging law enforcement activities (Welle, 2016).

To address these challenges the international community has pooled its efforts and took several initiatives over the past decades. All these endeavors have led to the adoption of several international and regional instruments to counter illicit flow, possession and misuse use of SALW and their component parts (UNODC, 2016). The African Union is also dedicated itself to see conflict free Africa by silencing the gun by 2020 (African Centre for the Constructive Resolution of Disputes (ACCORD), 2015). Ethiopia has ratified international, regional and sub-regional instruments aimed at combating illegal trade in SALW. There are also domestic legislations in Ethiopia like proclamation no.735/2012, which empowered the ministry of justice to implement these protocols and other legal responses related to the problem. Ethiopian federal

police commission another law enforcement institutions mandated to control organized criminal groups in general and illicit trafficking of SALW in particular (Proclamation no.720/2011).

However, the national regime entrusted to combat illicit trafficking of SALW in general and EFPC in particular are challenged by multitude of difficulties in discharging their mandates. At national level, there is no single harmonized firearm governing regime. The practice also revealed that there is disorganized and scattered law enforcement approach to combat illicit trafficking of SALW. The researcher has also observed that there is inconsistency, haphazard and most often contradictory practice of managing and controlling illicit firearms between federal law enforcement institutions, regional police commissions, and regional security and justice administration offices. Thus, the prime purpose of this thesis is to explore the challenges and prospects of EFPC in combating illicit trafficking of SALW from the broad arena of law enforcement perspective.

1.2. Statement of the Problem

Illicit trafficking of SALW is one of the prominent challenges for states and governments at global level. Different outlaw groups have strong attachment with transfer, possession and use of illicit SALW. This have resulted in prolonged conflicts, massive proliferation of transnational organized criminal groups, armed violence, stagnant socio-economic development and significantly affect world order (UNDYB, 2008). According to SAS (2018:3), by the end of 2017 there were approximately 857 million civilian-owned SALW in the world and only 100 million (12%) of them were reported as registered. Contrary to this alarming rate of increase in the magnitude of SALW, global countering measures are weak to stop illegal flow of SALW. The international regime governing illicit flow of firearms remains a struck reality and posing major challenge to law enforcement institutions (Grip, 2017).

African civilian actors like individuals, private security companies and none state actors hold more than 40 million (80 %) of all SALW on the continent(SAS, 2019:7). Law enforcement agencies in Africa hold less than 11 million firearms. Among 40 million civilian-held firearms, 5,841,200 are reported as officially registered and the remaining is illegally possessed (SAS, 2019:7). Rapid growth of illegal firearms trafficking is big challenge to the AU's dream to silence the gun by 2020 (ACCORD, 2015). Adeniyi (2017) also explain that illicit trade in firearms is the prime contributing factor to this growing gross of unregistered and privately

owned SALW in the continent. According to Mehari (2008) as cited in Arms Management Programme (2008), the Horn of Africa is heavily affected by the circulation and misuse of illegal firearms. Illicit flow of SALW, persistent instability and recurring outbreaks of conflicts are prominent in/security features of the region. The region's long history of bloody civil wars has left legacy of armed insurrection and the prevalence of illegally owned SALW in the hands of individuals. This includes Ethiopia, where people widely retained possession of arms.

Ethiopia is both victim and safe haven for the illicit trade and use of SALW. It is one of the leading East African countries owning high number of SALW, both legal and illicit, spread far and wide across its territory and remained in the hands of individuals (Mack and Slijper, 2016). This becomes major source of security complexities and remained deep seated problem. Both authors further claim that trafficking of illegal firearms is one of the triggering factors directly responsible for the increasing frequency and intensity of violent conflicts in Ethiopia. This can be best described based on the insights of Addis Fortune (2016:1):

One of the most shocking features of recent civilian demonstrations erupted across some parts of the country is that they have been accompanied with widespread display of AK-47 assault rifles in the hands of several civilian protesters. In the past few years, it was equally terrible to watch so many rounds of bullets being fired into the air as means to explain the anger of people who took part in rallies and other public gatherings.

Currently illicit firearm traffickers use Ethiopia predominantly to supply firearms for internal conflicts. Traffickers of firearms focus in the shipment of SALW from external sources and continue their long journey into different parts of the country and towards the metropolitan. The net result of this increasing trend in illicit firearms trafficking makes Ethiopia to be hotspot area either to serve as transit for further smuggling of such armaments in to different parts of the country and outside of it or for the deadly consumption of illegal firearms within the country itself (Desalegn, 2017).

Although Ethiopia has taken several initiatives to combat illicit firearms trafficking, the problem is in its alarming rate deserving comprehensive academic discussion from broad law enforcement perspective. Empirical researches had not been conducted LE challenges of combating illicit firearms trafficking. This makes the topic pertinent and timely. Prior studies on the issue at hand

have discussed the issue of firearms by taking several case studies. However, none of these studies brought challenges of law enforcement institutions in combating illicit trafficking of SALW in to academic table.

Example Mercy (2017) has studied Small arms and conflict among East African pastoralists: the Karamoja (in) security complex. The key finding of Mercy in this regard was regulating civilian firearms (Pastoralists) via DDR to bring peace and Law Enforcement challenges were not discussed. Mercy (2015) has also discussed the Future of Small Arms in Pastoral Lowlands of the Horn of Africa: A case of the Nyàngatom people in southwest Ethiopia, which correlates firearms and the issue of development as a strategy to realize peace and still challenges and opportunities of LE endeavors have not discussed, Aemro (2017) has also studied regulating proliferation and misuse of Small arms in Eastern Gojjam Zone of Amhara Regional State by focusing on institutional response to regulate civilian firearms and the institutional responses assessed by this specific study was very scant and it can't represent the whole LE response against small firearms trafficking. The case study taken by Aemro cannot be representative the national efforts to tackle illicit SALW. Research findings of the study cannot reflect the security dynamism of contemporary Ethiopia from the broad foundation of LE responses. Another group of study such as Haneta (2011) who discussed the effects of SALW infiltration and proliferation in Ethiopia the case of Afar Issa conflict, Enyew (2013), who studied the political economy of SALW among pastoralist communities of Ethiopian Borena, and Molla (2014) who has conducted a study on the assessment of managing and controlling SALW in Amhara regional State all have tried to discuss on the cause and motives of firearms trafficking with scant emphasis on LE responses of their particular case studies and such case studies cannot give full picture of LE challenges of combating illicit firearms trafficking. Since prior case studies are not representative of bigger LE response against the problem and none of these studies have not discussed challenges of EFPC this study wants to make it a point of discussion by taking EFPC as a case study. What is common to all these studies is that they take community based cases and this can't be representative of nationwide LE response against illicit trafficking of SALW. Besides security by its nature is dynamic, time and place specific and previous studies have not covered this emerging security threat from LE perspective. Contemporary status of illicit firearms trafficking and its impact on LE operations in which prior studies haven't made it a topic should be a topic for academic discussion by itself because of its severity and its impact on

public/state security. It demands academic discussion on the basis of comprehensive LE responsibility of authorized institution (Ethiopian Federal Police Commission).

This particular study has explored why it becomes difficult to control illegal trade of SALW, and its undesirable impacts. Hence, such gaps insisted the researcher to conduct further study and fill the knowledge gap. The researcher want to fill the gap of academic discussions in firearms governance by bringing critical academic insights of law enforcement challenges in controlling firearms trafficking. Instead of curing social problem, it is better to mitigate such unhappy impacts on the basis of proactive measures. Thus, the intention of this thesis is to explore the challenges and prospects of combating illicit trafficking of SALW in the case of EFPC from the broad law enforcement perspective. Understanding law enforcement challenges of combating illicit flow of firearms and filling out the gabs is important to culminate the undesirable consequences of illegally possessed SALW.

1.3. Objective of the Study

The study has both general and specific objectives.

1.3.1. General Objective

The general objective of the study is to explore the challenges and prospects of Federal Police Commission in combating illicit trafficking of small arms and light weapons.

1.3.2. Specific Objectives

1. To explore the reasons for increasing trend of firearms trafficking in Ethiopia from law enforcement perspective.
2. To examine the approaches/strategies of Ethiopian Federal Police Commission in combating illicit trafficking of SALW.
3. To explore the challenges and prospects of Ethiopian Federal Police Commission in combating illicit trafficking of SALW.

1.4. Research Questions

The study has attempted to answer the following research questions:

1. Why is small arms trafficking increasing in Ethiopia?
2. How does Ethiopian Federal Police Commission combat illicit trade in SALW?

3. What are the challenges and opportunities/prospects of EFPC to combat illicit SALW?

1.5. Significance of the Study

By exploring law enforcement challenges of combating illicit trafficking of SALW the study provides empirical picture of the problem from law enforcement perspective. The findings and recommendations of this thesis add knowledge to the study area in general and combating of illicit firearms trafficking in particular. It serves as preliminary base of inquiry for upcoming studies who wish to extend academic research on the field. The study provides critical insights from the context of the case study for concerned authorities and policy practitioners to advance their efforts for strategic solutions.

1.6. Scope of the Study

Scope of a study basically addresses issues designed to be covered by the study in line with the carefully formulated research objectives. In terms of spatial delimitation, the research has focused to the institutional power and responsibility given to EFPC to combat illegal trafficking of firearms. The thematic area of the study is limited only to combating illegal trafficking of SALW. Controlling illegal trafficking of firearms is one of the seven comprehensive sets of firearms controlling measures.

For the interest of manageability the study is also limited to explore the challenges and prospects of combating illicit flow of SALW in the case of EFPC since 2015. The past five years were considered as a turning point in the wide spread and usage of small arms by civilian protestors other than non-state armed groups. Civilian protestors in different parts of the country were observed using illegal Firearms. Increased magnitude of privately owned firearms is inadvertently affecting the security and stability of the country and hence become unresolved challenge of law enforcement institutions. Since illicit firearms circulated in Ethiopia are coming from external sources, it is important to note that there is no clear demarcation between external trafficking and domestic circulation of illicit firearms. In the absence of illicit production of armaments, firearms trafficking chiefly rely on external sources. Besides EFPC is the only LE institution responsible to combat illicit firearms trafficking at national level no matter whether it is internal or external trafficking

CHAPTER TWO

Review of Related Literatures, Conceptual and Theoretical Framework of the Study

Introduction

This chapter has focused on systematic analysis of recent literatures more related to the problem of illicit firearms trafficking, challenges to law enforcement institutions and responses adopted to combat the problem. Evolution and role of EFPC in combating illicit firearms trafficking is discussed under this chapter. Theoretical and Conceptual frameworks relevant to guide the progress and central arguments of the study are included in this chapter. Relevant information was collected from sources like books and journals.

2.1. Understanding Concepts of Small Arms and Light Weapons (SALW)

UN publications and agreements negotiated by multilateral regional organizations use different overlapping definitions of small arms. Such difficulties have emerged due to technological dynamism and procedural differences in the applicability of such armaments. In early 1990s for example two different vocabularies were emerged in the UN: firearms and small arms. Firearms were predominantly used to describe civilian arms and small arms used in conjunction with light weapons to denote military-style weapons and their use in armed conflicts (UNODC, 2015). This shows that the dichotomy between firearms and SALW often has not been applied consistently. This makes difficult to apply unanimously endorsed definition of such terminologies. The scope and implementation of different legal and political documents designed to set standards and norms about firearms also vary tremendously (Aemro, 2017).

Despite these variations, it is clear that basic nomenclature exists based on the characteristics of firearms (Chelule, 2014). And hence it is possible to draw the following working definition of firearms and SALW from the existing literatures on the field. According to Firearms Protocol (2001) firearm is defined under its Art 3(a) as:

Any portable barreled weapon that expels or is designed to expel and may be readily converted to expel a shot, bullet, or projectile by the action of an explosive, excluding antique firearms or their replicas.

The protocol excludes exceptionally large firearms and focus on firearms that could be moved or carried by one person or more persons serving as crew without mechanical or other assistance and these firearms are basically SALW.

Small Arms Survey (2015) also defines SALW as follows: Small arms broadly refer to weapons designed for individual use. They consists revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns. Light weapons are broad category of weapons designed for use by two or three persons serving as a crew, although some may be operated at individual level. In broader sense SALW are subcategories of conventional weapons ranging from pistols and rifles to mortars, rocket-propelled grenades up to man-portable air defense systems (Chelule, 2014).

Grip (2017) explained that small arms are category of weapons not falling under government monopoly of weapons possession and use. Majority of small arms are in private hands. However, light weapons are larger and more military in design than small arms, and are carried by one person or a small crew. In most literatures, SALW are often used interchangeably with small arms. The term SALW is therefore used to describe most firearms in use by individuals and small groups of individuals and the ammunition used by the weapons. The study uses the terms firearms and small arms interchangeably with SALW because historical sources do not use small arms instead use the term firearms, all firearms fall under the definition of small arms are used synonymously (UNODC, 2015).

To make it clear and hence to the best interest of academic discussions, SALW can be explained based on their basic features inherent to their tremendous proliferation. It is more sensible to focus on what makes firearm placed under the general category of SALW other than moving across conceptual disagreements. Thus, SALW share the following features in common: high desirability, simplicity and durability, low cost and wide availability, portability, and easiness to conceal, lethality and indiscriminate usage (Nte, 2011, Grip, 2017). These characteristic features of SALW place firearms trafficking in better position than law enforcement institutions. This makes illicit firearms the prime choice of different waring sections, organized criminal groups and actors of civil protesters (UNODC, 2019).

2.2. Variables Related to Illicit Trafficking of SALW

Problems related to SALW can be described from three interdependent dimensions-demand, supply, and misuse. These interrelated dimensions give clear picture on why and how illicit trafficking in SALW becomes prime concern for law enforcement authorities (Malam, 2014). These integrated dimensions also demonstrate why firearms are frequently became weapons of choice in civil wars, organized crime and terrorism (Regehr, 2004 & OECD, 2016).

2.2.1. Demand for SALW and Illicit Trafficking

Demand for SALW has only more recently moved into focus with the realization that addressing underlying causes for weapons possession is vital for successful and sustainable law enforcement operation and disarmament activities. Common features of SALW explained above play intermediate role in preparing the playing ground for the interaction between demand, supply and misuse of SALW (Safer world, 2012). The demand for small arms and light weapons is governed by set of motivations and means. **Motivation** refers to factors influencing individual's/group's preference for weapons. Such factors include political, economic, social and cultural justifications for the need to be armed. Whereas **means** refers to the resources required to obtain SALW. Motivations range from the need for personal or collective self-defense to culture of hunting and sport shooting, pursuit of social status, cultural celebrities and predatory behavior. Motivations are dynamic and wide. Means include the price (and ease) of obtaining firearms and the relative resources and assets available to purchase, rent, steal or borrow SALW (Muggah, 2004). UNODC (2019) explained that weaknesses of governance and the security sector, state supply of SALW, civil conflict, economic motives, culture, attitudes and tradition are key factors that can lead to high demand for SALW.

Weak security provision is a notable driver of the demand for SALW. If the state loses control over its security functions and unable to maintain the security of its citizens, growth in armed violence, banditry and organized crime increases the demand for weapons for self-defense from eminent security threats (Chelule, 2014). Weak security control can be best described by the prevalence of high level of crime or violence, weak security forces who are unable to provide security to their citizens, lack of trust in the security provision and the judiciary, human rights violations, especially by state security forces and by others one enforces the prevalence of the other in a fashionable way (Saferworld, 2012). In addition, supply of weapons to one group can

generate new threat and in turn, a new demand for others and insists them to be armed because of its security dilemma effect. As a destabilizing tactic and balancing dynamism of power, states supply arms to political insurgent groups in neighboring states. This in return has high possibility of creating insecurity and pushing others to search for arms race (UNODC, 2019).

Wherever there are internal conflicts or groups engaged in violent conflict, there will be a growing demand for SALW among civilians, due to fears of ongoing or resurgent conflict. Civil conflict often stems from state policies that fail to protect people and recognize their basic rights (Muggah, 2004). Economic factors like high rates of unemployment and low incomes can also force people to turn to crime using SALW. To this end people get involved in gangs, militias or other armed groups that bring some economic benefits. Conflicts over the use and distribution of land and water resources are also key drivers of demand for SALW in many regions. In some cultures, the display of weapons (gun culture) is also associated with symbolic social value and source of status or pride (Chelule, 2014). The reminder in this regard is that people outside conventional para/military and law enforcement institutions can predominantly engaged in illicit activities of arms dealing to satisfy their demand for SALW. And off course this does not mean that people from conventional para/military and law enforcing institutions are not contributing to the problem (AMP, 2008).

2.2.2. Supply of SALW and Illicit Trafficking of SALW

The link between state and individual demand for SALW is found particularly in the way states and arm producers respond to the dynamic internal and regional security situations. In the post-cold war, for example, any state used to supply SALW indiscriminately to manipulate domestic and sub regional political/security conditions. Civilian, criminal groups, terrorist organizations and states become end users of such arms supply. Thus, supply to one group generates new demand and market for others. At least in academic and policy debates there is no wider room to look the demand for and supply of SALW separately (Regehr, 2004). Despite the ongoing debate as to who is the dominant triggering factor for illicit flow of firearms, arms control scholars and law enforcement expertise have been observed while working more from supply side.

The production and distribution of weapons and means in which SALW are shifted from legal to illegal arms dealing is at the center of their discussion. Proponents of supply side analysis Regehr (2004), Saferwoerld (2012), and Stohl (2016) focused on the illicit supply of firearms to

illegitimate international weapon dealers or end users. Likewise success or failure of indiscriminate supply to end user depends on the degree of control and effectiveness of law enforcement authorities (UNODC, 2019). Illicit SALW are supplied to illegitimate end users through complex and dynamic mechanisms like: diversion, theft, and misuse by government military or police forces, arming of civilians or militias, supply of SALW by recycling from conflicts, brokers and supply from home-made weapons (Adeyeni, 2017).

2.2.3. Misuse of SALW

The basic characteristics of SALW make them highly prone to misuse. SALW can be misused in civil wars and violent conflicts by authorized arm dealers, organized criminals, and terrorists. Such misuse in/directly contributed to the indiscriminate trafficking of SALW (RECSA, 2018). We can make correlation but not cause and effect relationship between different dimensions of illicit firearms trafficking stating that one dimension of the problem has a reinforcing linkage to the other (Adeyeni, 2017).

The reminder here is that these three dimensions related to SALW problem (demand, supply and misuse) are mutually reinforcing to each other. Gross effect of demand can have its own influence over supply and misuse of SALW and vice versa. Besides, the interlock and mutually reinforcing effects of the three problems of SALW can also be explained based on life cycle and modes operandi of illicit firearms trafficking as discussed below.

2.3. Sources of Illicit Firearms Trafficking

Illicit arms transfer both within and outside national territories of states is not a straightforward process coming from single well known source. Illegal firearms' trafficking enriches its intensity, volume and coverage as the transferring network becomes wider and absorbing divergent actors from different sources. This put illicit arms dealers, shipping agents and other shield companies on the advantage of escaping from detecting and tracing by law enforcement authorities (Stohl, 2017). Literatures in the field of firearms trafficking have identified common sources of illicit firearms trafficking placed into major categories as illicit manufacturing, theft or diversion, and Conversion, recycling and reactivation of firearms. In this regard, Adeniyi (2017) notes that such sources are not equally important at every life cycle of the illicit trafficking. Some sources may contribute a lot at the initial cycle and modus operandi of illicit flow while others contribute very little and vice versa.

2.3.1. Illicit Manufacturing

UN Firearms Protocol (2001) describes firearms as illicit when manufactured without license or authorization from competent authority of a State, or in the case of manufacture or assembly without marking and compliant with the protocol requirements to criminal liability and sanction. Most firearms today begin their life cycle as legal products but illicit manufacture occurs in several ways and making fertile ground for the illicit transfer of SALW. Illicit manufacture helps traffickers to by-pass law enforcement control and sanctions by putting firearms below or above the required specifications for import/export license. It also substitutes firearms that cannot be shipped legally or otherwise produced with due license. Illegally produced firearms and their component parts are directly circulated in the black market for reasons of lacking legal status of production and authorized license for holdings as well (Stohl, 2017).

2.3.2. Firearms Theft and Diversion

Diversion of firearms can occur at all points of firearm's life cycle and pose various challenges for arms control. Stockpile diversion either from civilian or national stockpiles is typical in this regard. Diversion of firearms during shipment using forged documentation to destinations not authorized by importing/exporting governments is another category of diverting legal firearms into illegal status. Illicit brokers and dealers who arrange necessary conditions for illicit shipment of firearms play critical role in facilitating cross border firearms trafficking and diversion. Legally owned firearms may also lose that status if the owner loses their license or fails to keep them secured (UNDOC, 2019). Legitimate firearms can fraudulently diverted or stolen from factory stores, state held storage facilities, military facilities, or private households. Corruption, lack of transparency and accountability in firearms production and stockpile management sites are contributing factors for the large-scale drainage of legally produced and stored firearms in to the chain of illegal transfer (Rothe & Collins, 2011 and Arsovska, 2014).

2.3.3. Dissemination of State Stockpiles

Ill-advised and irresponsible dissemination of surplus government stockpiles causes uncontrolled infiltration of firearms to international market. Improper dissemination of surplus state garrison stocks has high susceptibility of converting official firearms into illegal market with bargaining prices (GRIP, 2017). It creates an opportunity for illicit brokers and buyers to transit armaments illegally in to emerging conflict zones. States, arm dealers and criminal entrepreneurs in conflict

zones always strive to win the game by making surplus government stocks as their most saleable commodities. Inadequate destruction of non-operational firearms in war prone states/ semi state-controlled territories are observed as internal tributaries for the rapid flow and spread of illicit firearms because of incomplete post conflict disarmament. Unless it is performed with strict control and supervision of technical expert and regulatory authority partially damaged firearms and their remnant bodies can be major sources for the assemblage of handcraft firearms, hence leads to illicit circulation (Malhotra, 2011 & GRIP, 2017).

2.3.4. Leakage or Looting from Existing Stocks

Stockpile insecurity is major global problem contributing to unregulated firearms trade within and across state boundaries. In areas where military or political turmoil is prevalent, state held stockpiles are particularly at risk of attack and looting by rebel groups (Rothe & Collins, 2011). It is believed that countries with sever politico-military conflicts are chief sources of illegal firearms transfer. None state organized groups in conflict areas are the only actors with relatively strong power to decide on the fate of armaments and manage their illicit circulation. The targets of organized illicit dealers are not only state stockpiles but also members of the army, police and other security providing institutions and civilian holdings (Adeniyi, 2017).

2.3.5. Theft or Loss from Civilians

Civilian ownership represents the largest portion of global firearms holdings and there are many ways to acquire weapons from civilians through illegal means. Direct theft of firearms from homes and vehicles, and robbery is one way (Stohl, 2017). Civilian owners of firearms may lose their firearms or illicitly sell their weapons in black market. Lax state laws to regulate civilian position firearms are other sources. State regulations to administer civilian possession vary greatly and create opportunity to acquire illicit firearms. SALW held by private security companies also fall under the category of civilian held firearms. Thefts and losses of firearms from private security companies can be in larger amounts than from private households (GRIP, 2017).

2.3.6. Theft or Fraud from/by Legal Dealers

Firearms dealers have the opportunity to prepare and fabricate fake license documentation and export/import arrangements. They use some discretion regarding the undertaking of checks on firearm purchasing eligibility. Traffickers' combined knowledge of firearms trafficking and their

network of contacts also provide opportunity to acquire and distribute unregistered weapons, ammunition, and components (Paoli, et al, 2017).

2.4. Life Cycle and Modus Operandi of Illicit SALW Trafficking

Trafficking of SALW in the 21st century is a global operation and profitable business for dealers. It is also global security threat and complex challenge for law enforcement institutions. Trafficking in firearms never end by circulating end products of manufactured arms. It goes across the entire life cycle of armaments through complex modus operandi (Stohl, 2016).

2.4.1. Life Cycle of Illicit Trafficking of SALW

Unlike heavy weapons, SALW circulate in both military and civilian markets under clandestine interaction between suppliers, brokers, and end users. Military markets involve legal transfer of firearms from producers and certified states to the purchasing state. Civilian markets are flooded with excess arms that might result from either military budget cuts or surplus production (Stohl, 2016). It is not always easy to trace accurately how SALW find their way into the illicit market. However, there are several possible ways in to which SALW can be illicitly trafficked and misused (Grip, 2017). Stohl (2016) adds that majority of firearms on the black market were first produced and traded legally before they are diverted into an illicit networks and diversion can be happen at any stage of the life cycle of firearms via the following primary ways.

Purchase through the open market: the first and most direct method of diversion is shipping legally produced weapons directly to and through banned countries. Government officials accept bribes in exchange for export licenses from unentitled parties and other services. This can also considered as the first point of entry for legally produced firearms into the illegal market process (Stohl, 2016).

Stolen or captured from state stockpiles and peacekeeping stocks: poor stockpile security and management make government arsenals attractive to thieves and vulnerable to accidental loss (Stohl, 2016). Weapons commonly flow from insecure government stockpiles and peace keeping missions into the hands of untrustworthy dealers or organized crime syndicates, terrorists and rebel groups and such theft/robbery of firearms never stops in the hands of first dealers (GRIP 2017). Weapons also commonly steal from both legitimate and illegal civilian owners. Known

civilian gun owners are attractive targets for those trying to get their hands-on weapons quickly (UNODC, 2019).

Soldiers who flee from para/military institutions with their weapons also dump legitimate armaments into the illegal market. Soldiers may sell weapons for cash. If military personnel have not paid and surplus weapons haven't collected from military stocks and not stored properly or if soldiers have sympathies to rebel cause, weapons may be sold for cash (Adeniyi, 2017).

Domestic purchasing laws also facilitate diversion of firearms into the illicit market. If there is no limit on how many guns a person can legally own or buy, indiscriminate purchase becomes common. This allows individuals to buy and resell several weapons illegally and often intrude weapons across international borders (Chelule, 2014). Arms captured from enemies during fighting, supply from government stockpiles, and inheritance from family and relatives or friends are common exit and entrance ways for the black market of SALW (Grip, 2017).

Group for Research and Information on Peace and Security (GRIP, 2017) summarizes the life cycle of illicit SALW as it passes through five major processes: Manufacture (consists of 95% global non-hand craft SALW), Legal transaction, point of diversion, entry on the black market and recovery. As a result the modus operandi of illicit firearms trafficking becomes complex and clandestine. This in return helps perpetrators to escape tracing and avoid the reach of law enforcement authorities (Greene & Kirkham, 2009).

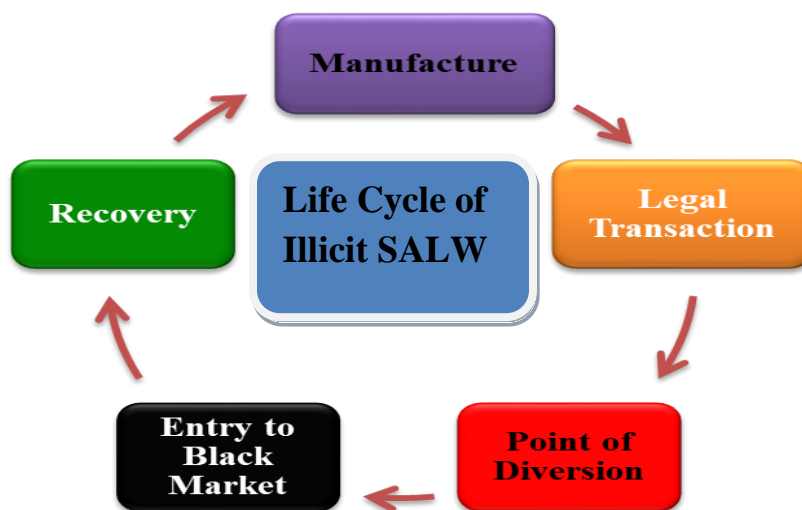


Figure 2.1: Life cycle of Illicit SALW adopted from GRIP (2017).

2.4.2. Modus Operandi of Illicit SALW Trafficking

Modus Operandi of illicit firearms trafficking basically refers to the general trend and patterns on how SALW are making their way in to the long and complex illegal arms trade. It explores every life cycle of firearms and their susceptibility to illegal transfer, possession and use. It involves multifaceted host of actors in/directly participated in the trafficking operations through the hidden and obscured processes from and across different parts of the globe (Paoli, Ryan, & Warnes, 2017). To describe the modus operandi of illicit trade, literatures of transnational organized crimes identify two broad categories of Grey market and Black market operations as it is explained below.

2.4.2.1. Grey Market for Illicit Trafficking of SALW

Grey market of illicit firearms refers to irresponsible transfer of firearms, ammunitions and their component parts on the base of authorized firearms deal. Grey market operates intentionally contrary to international and domestic instruments provided to control illegal flow of firearms. Officially mandated authorities transfer firearms to customers who are not legally supposed to decide or otherwise deal with arms possession, transfer or use (Paoli et al, 2017). GRIP (2017) further explained that grey market basically comprises activities of authorized firearms transfer by governments but are of doubtful legality due to the major risk of misuse (human rights abuse, violation of international law) and significant risk of diversion to unauthorized recipients/end users. It includes secret government sponsored shipments of armaments and their component parts to illegitimate arms dealers and end users.

To make it more specific gray market refers to those transactions that are not considered illegal, but do not fall within the category of authorized arms shipment. With direct violations of arms embargoes, grey market is an act of arms sales to none embargo country knowing that such arms will then be sold to the intended state to avoid the embargo by using proxy brokers or insurgency groups. This includes utilizing existing international networks of black market organizations and traffickers to facilitate state-to-state transfers and then diverted into unauthorized wholesalers or end users (Rothe & Collins 2011).

2.4.2.2. Black Market for Illicit Trafficking of SALW

UN protocol against illicit manufacturing and trafficking of firearms (2001) defines black market of firearms as unauthorized import, export, acquisition, sale, delivery, movement or transfer of

firearms, their parts and components and ammunition across internal or state borders. The term black market is also used to designate the intentional diversion of firearms from legal sources to illegal commerce. Illicit manufacturing of SALW also refers to the manufacture or assembly of firearms, components or ammunition from illicitly produced parts (Arsovska, 2014). SALW trafficking in this regard involves host of actors ranging from individual rogue seller and buyer to intermediaries, transport companies, states and corporate organizations. There are trafficking groups with more sophisticated networks consisting organized groups, licensed dealers, and/or corrupt state officials, while others are result of theft (Rothe & Collins, 2011). Black market deals are illegal by the covert nature of the transaction as well as through the illegal status of buyer, seller, or transaction. Transactions are hidden through the concealment of weapons through mislabeling, forging of documents, and laundering of criminal proceeds. This also includes covert government (military) transfers of arms to another country, specifically to insurgent forces (Arsovska, 2014).

The implied message of relevant discussions on the modus operandi of illicit firearms trafficking shows that majority of illicit SALW in the world have been diverted from authorized transfers or holdings and only few SALW are illicit throughout their existence (Greene & Kirkham, 2009). GRIP (2017) claim that diversion of authorized SALW transfers or holdings to unauthorized end users is a major factor contributing to the massive circulation of uncontrolled firearms flow and inadvertent insecurity associated with it. Be it in the form of grey or black market, the operation of illicit trade of firearms results in the diversion of the legal status of SALW into illegal one at any stage of their life cycle and becomes a point of academic discussions by itself as explained below.

2.4.3. Understanding Diversion of SALW and its Contributing Factors

Arms diversion refers to the process by which firearms holdings or transfers authorized by states and subject to their controls are delivered to unauthorized end-users and uses by authorized users. Simply it is the movement of firearms from legal to illicit status and creates various challenges in firearms control efforts (Adyeni, 2017). Diversion of SALW may take place during: export/embarkation, transit/shipment, and delivery point to authorized end user and through subsequent (post-delivery) acquisition (UNDOC, 2019). Based on the risk and vulnerability of SALW to diversion, Greene and Kirkham (2009) have identified two major forms of SALW diversion as discussed below.

2.4.3.1. Diversion of SALW Transfers

Legitimate SALW transfers can be diverted into illegitimate status by exploiting weaknesses of controlling mechanisms. Failure to adopt effective controlling mechanism can be manipulated by illegitimate users. Diversion of SALW transfers is not limited to producing/exporting countries. It involves complex network of brokers, agents, transport companies , diversified end users and can happen by using any transport mode (air, sea, land), by falsification of security clearance documents, by falsifying end-user certificates and using shield(front-line) companies (GRIP, 2017). Diversion of SALW transfers can also take place because of lack of consistency, poor communication, and coordination among authorities responsible to control transfer. Dishonest brokers, shipping agents, buyers and sellers have often become expert in identifying and exploiting weaknesses or inconsistencies in government regulations and controls of arms transfers. Diversion of SALW transfer happened because of complex and dynamic potential vulnerabilities of the transfer process itself (Greene & Kirkham, 2009). SALW diversion can take place after the approved transfer has been completed in the form of re-transfer by the end-user to unauthorized entities.

2.4.3.2. Diversion of SALW Holdings

Diversion of SALW holdings occurs when authorized holdings of SALW are acquired by unauthorized end-users, or are put to unauthorized uses by authorized holder of arms through loss, theft, corrupt or illicit sale/rent, or unauthorized transfers to other users. Officials or civilians who are authorized to hold weapons may also put them to unauthorized uses (Greene and Kirkham, 2009). Authorized SALW holdings within a state can broadly be divided as national stocks and civilian holdings which are equally important to understand the complex illegal firearms trafficking (Adyeni, 2017).

National stockpiles of SALW are state owned stockpiles of arms stored for different official purposes. Most commonly states store their major military arms and munitions in depots. State stockpiles are often inadequately secured and exposed to massive diversion risks. Vulnerabilities do remain intact even in countries where military storage sites are managed and secured with best international practices. Substantial stockpiles of state SALW are also held in depots managed by the police, border guards, and local and provincial security forces with varying security standards and substantially lower than for major military stockpiles. Firearms stored

outside central stockpile sites are commonly diverted to the camp of illicit arms transfer through systematic theft and looting during violent insurrections (UNDOC, 2019 & GRIP, 2017). SALW in the hands of operational units of law enforcement forces distributed widely into barracks, police stations and border areas to support routine law enforcement operations are also highly susceptible to diversion risks. Within the category of national stockpiles, there are also weapons assigned to individual military, police or other law enforcement officers. These categories of armaments are also highly vulnerable to risks of diversion like accidental lost, systematic theft, sale or rent (Greene & Kirkham, 2009).

Authorized civilian holdings of SALW are stored in a variety of ways as state military stocks are placed. Firearms and ammunition held by individual citizens have major weaknesses in their system of license and regulating possession. This gross inefficiency is exploited by irresponsible arms dealers or individual license-holders (UNDOC, 2019).

Greene and Kirkham (2009) has made extensive review of literatures and come across the finding that diversion of SALW of various sorts from authorized stocks is largely attributed to a self-inflicted problem of poor control and negligence by state's military and security forces, as well as civilian organizations. And yet diversion from national stocks and civilian holdings are equally contributing to the increasing illicit trafficking of SALW. The same writers have also clarified the strong bond existed between diversion of SALW transfers and SALW holdings and level them as central part of the dynamism that contributes to uncontrolled SALW proliferation and trafficking.

The point for discussion in this regard is that both national and civilian holdings of SALW can be diverted into unauthorized user/purpose for various reasons. Besides the main mechanisms and operational tactics of SALW diversion from authorized dealers vary according to the types of: authorized holder, storage facilities, SALW/ammunition, diversion mechanism(s), country/context. This shows that the pathway to illegitimate firearms trafficking is complex emanated from loss of authorized stocks, deliberate theft, corruption, neglect or illegal sale, acquisition during conflicts, external interventions in fragile or war-torn states (UNDOC, 2019).

2.5. Illicit Trafficking of SALW and Transnational Organized Crimes: Relationships

As far as complex black-market operation is concerned, SALW are parts of shadow economy in which illicit firearms are just one of many commodities. The relationship between firearms trafficking and other types of organized criminal networks like human trafficking, drug dealing, money laundering, piracy and environmental crime is multidimensional with a joint purpose for all the actors involved. The network of interaction is designed and managed to operate in a mutually reinforcing mechanism to serve the interest of diverse actors (Sthol, 2016). Thus, illicit arms trade is not isolated from other global illegal interactions and firearms can be exchanged illegally for money, drugs, diamonds, endangered species etc. The nature and intended purpose of firearms also give SALW the leverage to be placed within a matrix of black-market transactions based on broad illicit economic interactions (Malhotra, 2011).

Actors and networks of illicit arms trade for instance links themselves with local, national and transnational smugglers and illegal traffickers of precious minerals. The network of interaction is multi modal in the sense that firearms traffickers' needs profit/more money from smugglers of minerals to expand their business. On the other hand networks for the illicit trade and smuggling of drugs, human trafficking, traffickers of wild animals and minerals needs firearms to protect their illegitimate business from law enforcement encroachment or to add up more profit from the mixture of illicit firearms and other illicit commodities. Likewise, rebel groups and terrorist organizations take the advantage of illegal networks and often use the profit to purchase weapons and fund their cause (Sthol, 2016).

It is pertinent hear to raise a point for discussion. Since the modus operandi and structural patterns of illicit trafficking of firearms and other transnational organized networks is more related, a response to combat illicit trafficking of firearms should also stem from knowing this interaction. Wille (2017) claims that effective mechanism to control illicit trafficking of SALW and challenges related to it should consider the design and effectiveness of responses from broad and integrated law enforcement approach. So improved understanding of the synergies and new trends between illicit trafficking of SALW and other transnational organized criminal networks is crucial to adopt an integrated approach to combat illicit trafficking of SALW.

2.6. Responses to Control and Combat Illicit Trafficking of SALW

Dynamic nature and pattern of contemporary conflicts made firearms to be the first choice for actors in conflict and organized crimes. SALW become weapons of mass destruction in slow motion because of their compliance for most conflicts and insurgent movements. Almost all conflicts in the world use SALW acquired through illicit operations. Increased efforts and evolving initiatives over the past two decades have led to the adoption of several international and regional instruments to stop proliferation, trafficking and misuse of SALW recognizing that illicitly acquired firearms are exacerbating conflicts (UNODC, 2016).

2.6.1. International Responses

Global responses to combat illicit firearms trafficking include common measures to control supply, curb demand, end misuse and remove existing weapons from circulation. The solution needs to be more holistic, integrated, and applicable to varying situations. Since illicit firearms trafficking is cross cutting issue linked to other organized crimes, it requires coordinated action at international level. International responses against illicit firearms trafficking primarily focus on three legally binding treaties and two political instruments (UNODA, 2015). Developed in different context, international instruments against illicit trafficking of firearms aspire to address the problem based on crime prevention, criminal justice, and regulatory standards. Both legal and political responses focus on crime prevention, disarmament and trade regulation to address illegal firearms trade (Laurance & Stohl, 2002).

2.6.1.1. United Nations Convention against Transnational Organized Crime

Organized Crime Convention (2000) put illicit trafficking of firearms within the greater context of preventing and prosecuting transnational organized crimes (Cirlig, 2015). It focuses on serious criminal activities with cross border operational networks aimed at producing financial gains. In order to combat cross border crimes, law enforcement too must be transnational. The transnational nature of law governing organized crimes should be maintained via global conventions calling up on taking cooperative hands (UNODC, 2016). The purpose of the convention is to create enabling environment to investigate and prosecute crimes based on global cooperation. It require states to establish criminal offences under domestic law, establish dedicated administrative, regulatory, law enforcement and other authorities to combat organized crimes, take adequate measures to facilitate prosecution, adjudication and sanctions of offences,

adopt measures to enable confiscation of proceeds and to keep criminal records for tracing and further prosecution (CTOC, 2000).

2.6.1.2. Firearms Protocol (2001)

Firearms protocol focuses on prevention of illicit manufacturing and trafficking of firearms in all its aspects. The protocol criminalizes illicit manufacturing and trafficking of firearms and provides a framework for states to control legal arms flows, prevent their diversion to illicit markets and facilitate cooperation regarding investigation and prosecution of offences. It requires states to introduce domestic legislations/regulations to ensure legitimate manufacturing and effective control over firearms transfers (Cirlig, 2015). It has outlined procedures for import, export and transit of firearms and their components parts. States are duty bound to provide authorizations to one another before permitting shipments of firearms to leave, arrive or transit within/ across their territory. This helps law enforcement authorities to track and trace individual firearms and identify them uniquely. It also requires member states to: maintain comprehensive record-keeping on the transnational movement of firearms, establishes criminal offences for illicit manufacturing, illicit trafficking, illicit alteration or obliteration of markings, illicit reactivation; illicit brokering, import, export and transit control (UNODA, 2015).

2.6.2.3. Arms Trade Treaty (ATT) (2014)

ATT is legally binding instrument to govern international trade of conventional weapons including SALW. ATT prohibit transfer of weapons under circumstances of arms embargos, violation of international obligation like knowledge of arms transferred will be used to commit genocide, crimes against humanity or war crimes (Cirlig, 2015). ATT introduces mandatory requirement for state parties to take measures pursuant to their national law to regulate brokering taking place within their jurisdiction. State parties are required to report the preceding year's annual authorized imports and exports hence promote transparency in dealing with SALW (UNODC, 2016).

2.6.2.4. UN Program of Action (2001)

UN program of action (PoA) (2001) is non-binding political framework stating relevant procedural measures to be considered by states in combating illicit firearms trafficking. PoA incorporates obligations for states to apply adequate measures to control production, export, import, transit, or retransfer of SALW. PoA obliges countries to designate national coordination

agencies and institutional setups responsible for policy guidance, research, and monitoring efforts in order to prevent, combat and eradicate illicit trade in SALW (EC, 2018).

2.6.2.5. International Tracing Instrument (ITI) (2005)

ITI was developed under the umbrella of PoA to play technical advisory role on the control and management of SALW. It enables states to identify and trace illicit SALW in a timely and reliable manner. Tracing of illicit SALW is not only limited to those manufactured for military specification. It is required for all forms of prevention and prosecution of illicit firearms trade (UNODC, 2011). ITI has elaborated the technical procedures of marking, tracing and record keeping and required cooperation to launch comprehensive and relatively strong firearms governance regime. Tracing in this regard refers to the establishment of weapon's lifecycle from manufacture to the latest owner with the aim of determining the circumstances of its diversion into illicit sphere. Tracing is applicable to weapons suspected to be illicit status and needs verification (Cirlig, 2015). Tracing is important to detect and discover illicit SALW from point of production up to point of diversion or usage in violation of relevant laws and to double check whether these arms were purchased legally or not. Tracing also plays critical role in criminal investigation and to establish evidence required for conviction of firearms trafficking in violation of domestic or international law (Ashkenazi, et al, 2007).

Marking refers to the process of attributing unique code to identify firearm. It is useful to identify weapon's country of origin, manufacturer, and last country of import. It is a prerequisite to control illicit SALW. Record-keeping focuses on establishing and maintaining track record of weapon's history. It maintains strong data base of firearms by systematically documenting the variant and category, serial number, unique features and other relevant specifications of firearms. It provides detailed visual information required to accurately identify and record weapon. The objective of marking and record-keeping is to establish strict state control of arms transfer. This helps to prevent illicit trafficking and misuse of SALW at national, regional, and international level (UNODA, 20115).

2.6.2. Regional Instruments to Combat Illicit Trade of SALW

To combat illicit trafficking of SALW, several regional instruments have launched under the guardian and leadership of regional politico-economic communities. However, to stick with the

objectives of this particular research, selected instruments relevant to the study have only entertained here.

2.6.3.1. African Instruments to Combat Illicit Trade in SALW

African regional instruments have come into existence to tailor UN instruments of combating illegal trafficking of SALW from the African context. At the top such instruments, we found the Bamako Declaration (2000) which commits itself to break through the inauguration of African common position on the illicit proliferation and trafficking of SALW. It also serves as a base for further regional commitments against illicit firearms circulation (Florquin et al, 2019).

Bamako's agenda to fight illicit proliferation and trafficking of SALW in the continent have many pillars. Institutional framework with dedicated national focal point, regional cooperation and coordination, standardized legislative measures and frameworks regarding manufacture, possession, import/export, and control of firearms are the key pillars. Operational capacity-building to control, seizures, forfeiture, distribution, collection and destruction of SALW and exchange of information, data collection and up-to-date record keeping are also advocated by the declaration (Berman & Maze, 2016). On the base of Bamako declaration, African regional economic blocks have established regional coordinating agencies to combat illicit firearms flow as discussed below.

2.6.3.1.1. Nairobi Protocol (2006)

Nairobi Protocol (NP) for the prevention, control, and reduction of illicit trade in SALW in the Great Lakes Region and Horn of Africa moves further step to implement the Nairobi declaration. Nairobi Declaration (2000) was established to deal with the proliferation and trafficking of SALW in the great lakes and Horn of Africa and later give birth to the Nairobi protocol (RECSA, 2018). Nairobi Protocol is more tailored to regional concerns and member states are legally required to implement its provisions accordingly. State parties to the protocol are required to establish national focal point (NFP) to oversee implementation of the protocol and to serve as point of contact for PoA. NFP consists representatives from the police, national defense, various ministries (like foreign affairs, interior, and immigration), and representatives from civil society in varying numbers. Parties to the protocol have also reviewed and modified their domestic legislation in accordance with the provisions outlined in the protocol to harmonize their SALW legislations (Maze & Rhee, 2007).

Nairobi protocol require state parties to criminalize illicit trafficking, manufacturing, possession and misuse of SALW, restrict civilian possession of firearms and prohibit civilian possession of light weapons and semiautomatic rifle and machineguns. it calls to regulate civilian possession of small arms through competency testing, monitoring and auditing of licenses and centralized registration of all civilian-owned firearms. Nairobi protocol promotes legal uniformity and minimum standards regarding the manufacture, control, possession, import, export, re-export, transport and transfer of SALW. it call up on member states to ensure standardized marking and criminalize the falsifying, removing or altering of markings, establish effective control of SALW, regulate brokering, and promote legal uniformity in sentencing offences of firearms trafficking. Established in 2005 RECSA is mandated to coordinate and monitor the implementation of the Nairobi Protocol (EAC, 2019).

2.6.3.2. AU's Agenda to Silence the Gun by 2020

Ordinary session of the Assembly of the AU (2017) has adopted master roadmap of practical steps to silence the guns in Africa by 2020. The Roadmap encompasses number of procedural activities and modalities to address the underlying drivers of conflict including the prevention of illicit trade in SALW. It focuses on undertaking regional mapping of illicit firearms flow and taking comprehensive and integrated response as a pre-requisite to own conflict free Africa by 2063 (AU, 2017).

2.7. Combating Illicit Trade in SALW: Urgency to Adopt Integrated Law Enforcement Approach?

International, regional and domestic response to combat illicit trafficking in SALW is demanding integrated law enforcement response on the base of multilateral cooperation (UNODC, 2016). Law enforcement response in this regard exists with wider crime prevention strategies and crime investigation techniques. Combating firearms trafficking is therefore understood in its most general sense as law enforcement operation (policing, criminal justice response, courts and penal institutions and other relevant partners) on proactive and reactive basis. Effective cooperation between relevant authorities in turn requires harmonization of the approaches to the problem. Comprehensive law enforcement response integrating contributions from relevant institutions is the most pressing agenda and critical priority to combat illicit trafficking of SALW (European Commission, 2019).

Effective response against illicit firearms trafficking requires norm setting, enforcement and communication among national government authorities and regional and global actors. Law enforcement authorities must improve their performance and create suitable condition for other partners. For instance, institutions empowered to formulate legislative policies and normative frameworks should harmonize and integrate their activities with the responsibilities of crime prevention and investigation departments in order to boost the capacity of the bigger law enforcement body. Criminal justice system too is required to integrate its efforts of controlling firearms trafficking to maximize the out puts of law enforcement response (UNDP, 2008). Literatures in the field of firearms governance and UN publications like EC (2015), UNDOC (2016), Malhotra (2011) & Sthol (2016) come with integrated law enforcement approach to combat and eradicate illicit trafficking of SALW with special emphasis on key dimensions of law enforcement responses (prevention, detection, investigation and prosecution). The approach maintains interlocked double line communication pathway with massive circulation of data and feedbacks from and into every components of the approach as discussed below.

2.7.1. Legislative and Policy Development

Integrated response to combat illicit trade in firearms needs comprehensive assessment of existing normative frameworks and identifying gaps there. Adopting adequate laws, regulations and administrative measures to exercise effective control over the production, export, import, brokering, and transit of illicit SALW is considered as a spring board to expand the success of law enforcement agencies though it is not sufficient by itself (EC, 2015). State authorities and concerned external bodies should support legal drafting initiatives and promulgation of new laws by synergizing with other domestic legal and policy affairs and vibrant international and regional instruments. Legislative and regulatory frameworks governing illicit flow of SALW should be self-evolving and motivated to go with global trend and pattern of crimes as time and technology move forward. At least they must play deterrent role and minimize the options of smugglers not to engage in illegal trafficking of SALW (UNDOC, 2016).

2.7.2. Preventive and Security Measures

Preventive and security response to combat firearms trafficking revolves in performing the following procedural activities: effective border controls, enhancing structure and capacity of law enforcement agencies (police, custom and immigration officers) to detect and control illegal firearms in controlling depots and stores, import and export points, stockpile management,

oversighting possession and use of firearms. It also endorse appropriate firearms marking and component parts at place of manufacture and international/domestic transfer, and maintain authenticated data base of firearms (UNDOC, 2011).

2.7.3. Criminal Justice Response

Strengthening criminal justice response to combat illicit trafficking of SALW primarily imposes adequate criminalization against firearms trafficking. it also demands strengthened national capacity to detect, investigate and prosecute firearms trafficking and its links to terrorism and organized crime. It promotes proactive investigative approaches and successful prosecutorial strategies, greater use of technology to conduct intensive investigation techniques, operational cooperation. And delivery of specialized training courses with practical involvement of stakeholders to enhance the capacity of law enforcement authorities (UNODC, 2018).

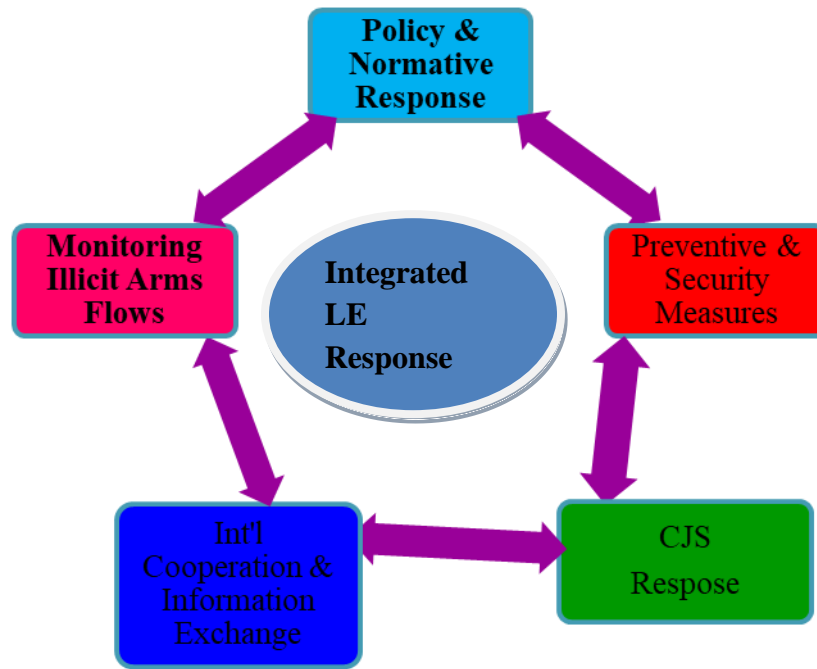
2.7.4. Internal and External Cooperation and Information Sharing System

Promoting international, regional and domestic cooperation with relevant agencies, research institutions and think tanks is important to fill gaps of preventing, investigating and prosecuting offences of firearms trafficking. Exchange of information on good practices of law enforcement agencies, firearms experts, criminal justice practitioners, financial intelligence units, custom offices and immigration authorities plays paramount role. Ensuring good flow of information in areas of law enforcement and evolving patterns of organized crime is important for successful cross border detection and prosecution (UNODA), 2016). Transnational and regional law enforcement agencies like Interpol, Europol and other institutions established for similar purpose are relevant for information sharing and facilitating cross border operations. The international police- INTERPOL facilitates cooperation and information exchange among law enforcement agencies. Interpol primarily focuses to combat terrorism, money laundering, drug, human and illicit firearms trafficking. It has aggressively involved in combating illicit arms trade with a special emphasis in tracing and tracking of illegal arms flow (Malhotra, 2011 & Sthol, 2016).

2.7.5. Information Sharing and Feedback

Primarily focuses on activities of monitoring illicit trafficking flows and their links to other crimes, identifying trends and patterns of circulation, collection and analysis of firearms seizures and trafficking data, and finally disseminating digested information to the concerned law enforcement agencies (EC, 2018).

The diagram below represents integrated LE response to combat illicit firearms trafficking by incorporating the above policy approaches/guides discussed under international and regional instruments. The prime purpose of the diagram below is to explore responses employed by EFPC against illicit SALW trafficking based on the Ethiopian context. it is useful to compare the Ethiopian approach with global practice and identify the deviations as it is discussed in chapter four.



NB. Duple arrow line represents two way communication and feedback

Figure 2.2: Comprehensive and integrated law enforcement response for illicit flow of SALW adopted from UNDOC (2018).

2.8. Challenges of Combating Illicit Trade of SALW

Despite the responses to combat illicit firearms trafficking challenges do remain in motion. The nexus and malicious networks of firearms trafficking with other transnational organized criminal groups makes efforts to combat the problem extremely difficult (Malhotra, 2011). Challenges of combating illicit firearms circulation revolves around structural setup of national law enforcement authorities and other external contributing factors (Chelule, 2014).

EC (2015) and UNODA (2016) identified common LE challenges of controlling and combating illegal SALW trafficking. Weak legislative and institutional frameworks, lack of specialized skills and knowledge on firearms detection and investigation, lack of technology to prevent,

detect and investigate illegal trafficking of SALW are key challenges. The same sources also identifies lax borders and weak border control capacity, inadequate criminal justice response, lack of cooperation and coordination between different LE institutions, and insufficient empirical knowledge on the nature and pattern of firearms trafficking hindering response. Lack of transparency and prevalence of corruption in areas of: regulating civilian position of firearms, control and stockpile management of state firearms, regulation and control of police firearms, defense and other para/military institutions, and largely global arms trade itself are another set of key challenges to combat firearms trafficking (Malhotra, 2011).

Globalization, advocating free market with minimum economic barrier facilitates opportunity for firearms trafficking networks and organized crimes by minimizing custom regulations and border control efforts. Globalization has turned arms into ordinary merchandise, facilitating illegal trafficking through informal markets alongside those encouraged by state enterprises. Globalization has created weak and paralyzed law enforcement institutions at the pretext of avoiding barriers against free flow of goods and information (Malam, 2014).

2.9. Evolution and Role of Ethiopian Federal Police Commission on Combating Illicit SALW Trafficking

2.9.1. Evolution of the Ethiopian Police

The first formal police institution responsible for peace and security in Ethiopia is traced back to the time of King Ziyon in 2575 BC when he initiated security force called unity. During the rule of King Sebtahi (2545 B.C) unity force has transformed in to mounted guard of the nation and they were responsible to prevent theft at day and at night. Subsequent rulers of Ethiopia too had such security force to safeguard their cities (Workneh, 2016). During the reign of Emperor Haile Selassie, significant developments in the police institution was more noticeable from 1941-1973 (Walleign, 2018). The emperor was credited to all his efforts to establish uniformed and salary paid police service and strived to modernize it on the basis of the imperial police force proclamation no.6/1942. This was the first move of the emperor to replace “Occupied Enemy Territory Administration police force” of UK by Ethiopian Imperial Police Forces (Walleign, 2018). After the dissolution of the alien police force in 1948, the police force was reorganized as Imperial Ethiopian Police Force and provincial police forces both under the control of the Ministry of Interior. The role of the police was extended to spy the behavior of government

officials which Workneh (2016) explained it as clear sign for the misuse of the police for political ends. Hassen (2005) further explained that the structure of the police was para-military to involve in war affairs and used to protect and serve whatever agenda the emperor he had. The Imperial Ethiopian Police Force was officially responsible to protect the Monarch and the King possessed all rights to decide on the practice of policing.

Following the coming in to power of the Dreg (1974), police force got revitalized as the Ethiopian Revolutionary Force and was predominantly meant to serve the revolutionary regime. Most of the high ranking police officers of past regime were demobilized by retirement or transferred to the defense force to strengthen political causes of the regime (Wallelign, 2018). This has technically killed institutional mandate of the police and later changed its name from revolutionary police force to People's Police in 1987. The politics under the Dergue regime strategically substituted police members by local militias known as Abiyot Tibeka (the guards of the revolution) (Hassen, 2014).

When EPRDF took power in 1991, immediate changes have made to reorganize the police force. By virtue of proclamation no.8/1992 of the Transitional Government of Ethiopia, both central and regional governments were allowed to reestablish their own police forces. Basically police force of the transitional period was reconstituted from three elements: former police officers who had no criminal records, members of the ruling EPRDF and newly recruited officers (Hassen, 2005). The 1995 FDRE constitution provides the establishment of central and regional police forces and the Federal government established Federal Police Force under the Ministry of Justice. By the provisions of its establishment proclamation no.207/2000 the federal police come to exist and mandated to handle cross-sectional duties that fall under the jurisdictions of Federal courts. Based on its re-establishment proclamation no.313/2003, the Federal Police Commission was restructured under the Ministry of Federal Affairs similar to the historical structure of police under Emperor Haile Selassie and Dergue regimes in which the police force was under the Ministry of Internal Affairs (Werkneh, 2016).

Like its predecessors, the federal police is accountable to politically created authorities. This is noticed from the revised establishment proclamation no.720/2011 which gives much power to the ministry with authority to lead the commission (Art.11/Pro.no.720/2011). Policing during these regimes was politically driven with varying degree of political intervention in to their institutional mandate (Wallelign, 2018). However, as majority of people have agreed, Federal

Police is established to serve the interest of the people based on constitutional provisions although there are some criticisms with regard to its neutrality. Workneh (2016) further explained that, existing political systems has determined much of the police force controlling them and ensuring that they served the interest of the ruling party.

The current structure of Ethiopian police is organized based on federal state structure of the country. Police is organized in to Federal Police and Regional Police Commissions on constitutional basis. The mandate and responsibility of EFPC basically emanates from Article 51(6) of the FDRE constitution which states that the federal government shall establish and administer Federal Police. Federal Police constitutes one of the law enforcement institutions at federal level with nationwide area of engagement to prevent crimes against the state and the public. Besides, Federal police commission establishment proclamation 720/2011 states that the federal police are responsible to establish national standards of policing and follow up its implementation. Article 52(7) of the FDER constitution also states that regional states shall have the power to establish and administer state police force to maintain public order and peace with in the state and the relationship between federal and regional police commissions is determined based on the FDRE constitution and their respective establishment proclamations. However, it is difficult to put clear demarcation of responsibility between the two hierarchies of police when it comes to practical engagements. The relationship of Federal and Regional Police Commissions moves around these ambiguities and functional relationships and sometimes leads to institutional conflict over the responsibility to control and investigate crimes and security threats. Such conflict of responsibility is more visible in controlling violent and organized criminal activities in to which combating illicit flow SALW is the most pressing one.

2.9.2. The Role of EFPC in Combating Illicit Trafficking of SALW

The chronological review of Ethiopian police shows that the problem of illegal firearms was not mainstreamed agenda for law enforcement functions still recent times. The main focus of police during different regimes was on the prevention of crimes against the safety and order of the public and security of the regime in power. It was in the late 2000s that illicit firearms have attracted the interest of the state and its law enforcement authorities in Ethiopia (Hassen, 2014).

During the imperial regime for instance, conventional police functions like: prevention of crime, maintenance of peace and order, execution of arrest and search warrants, arrest and detention of

offenders, investigation of crimes against the safety of persons and property, and control of traffic were core functions of the police force. Police have dealt with less organized and none violent crimes. It was also empowered to initiate and prosecute criminal cases, against public disorder and state security (Walleign, 2018). Legal notice regulation 229/1960 was more relevant to prevent illicit firearms trafficking. The regulation demands marking, licensing and registering of firearms held by ordinary people though this legal notice remained in the shelf for lack of focus on the problem. Countering insurgency against the regime in power takes the lion share of police functions during the dergue regime. The government legitimized local defense structures commonly known as revolutionary squads and granted with police powers in designated areas. The focus of previous regimes with regard to fighting illegal firearms was nominal and Police was left with role of regulating the traffic (Hassen, 2014).

In the fall of 1990s, illicit firearms trafficking have become law enforcement interest in Ethiopia. EPRDF led government has launched new security needs and threat assessment by which major foreseeable threats to national security were identified. The new threat analysis has focused on more series and organized crimes (Mulugeta, 2017). This has raised the demand to reinstitute national police force to mitigate the problem. Thus, from its inception, EFPC was established to fight against these organized criminal networks in to which illicit weapons are key instruments for the commission of crimes against public and state security. As it is clearly mentioned in the consecutive establishment proclamations of Ethiopian federal police commission, the commission is assigned to: protect violent crimes against security of boarders, airports, railway lines and terminals, mining areas, vital institutions of federal government (pro.no.207/2000, 313/2003 and 720/2011). Federal police commission started its mandate of combating organized crimes by employing 522 special police officers (*Adma Bitena*) responsible to provide security during protests, protecting institutions and building peace and tranquility. In 1992, additional police officers (*Liyu Tibeka*) were recruited from members of the EPRDF with extended mandate of the commission (Hassen, 2014).

However the responsibility to combat illicit firearms trafficking was not explicitly mentioned in any of the normative and regulatory frameworks governing law enforcement operation of Federal Police Commission. In the revised proclamation (720/2011) of EFPC, illicit SALW is not independently mentioned along the lists of series organized crimes like: human trafficking, abduction, trafficking of narcotic/psychotropic substances, hijacking of aircraft, organized

robbery and terrorism. Simply the proclamation authorizes federal police commission to issue permits for the possession, use, import, sale and repair of weapons and explosives and control their movement and describe small firearms and weapons as prohibited goods. But the practice revealed that from their inception both crime prevention and crime investigation & forensic main departments of federal police commission are preventing and investigating crimes related to firearms trafficking and their transfer to non-state actors and armed groups in different parts of the country. The operations are essentially performed parallel to the fight against insurgent movements, contraband, and preventing politically motivated and ethnic based violence¹.

The role of federal police commission to combat illicit trafficking of SALW is more visible in the anti-terrorism proclamation (652/2009). According to the proclamation, EFPC is mandated: to prevent, control, gather information about, arrest and investigate acts of terrorism in collaboration with relevant stakeholders. The role of the commission in this regard was expanded to be constituted as one the national anti-terrorism coordination committee and joint counter terrorism task force in collaboration with the heads of the Ministry of justice, National Intelligence and Security Service (Proclamation no. 652/2009). However it is important to note that though federal police commission is engaged in combating illicit firearms trafficking from its inception, the government was too late to officially recognize illicit trafficking of SALW as major threat to both state and human security. In 2016 the government for the first time recognized that illicit trafficking of SALW becomes series threat to both state and public security (Welle, 2016). The state recognized that smuggled firearms are feeding violent conflicts occurred in different parts of the country and become major challenge of law enforcement institutions. Apart from fighting insurgent and non- state armed groups, EPFC is dealing with illicit firearms trafficking and its unintended impacts on the reoccurring violent conflict occurring in different parts till to date¹.

2.10. Theoretical and Conceptual Underpinnings of the Study

The overall progress and central arguments of this inquiry is designed to pass across sets of theoretical and conceptual frameworks. The conceptual framework illustrates how the study understands and approaches the problem. The research has employed theoretical frameworks to explore law enforcement challenges of combating illicit firearms trafficking. The first theoretical

¹. Interview held with strategic leadership of FPC on March.11/2020, Addis Ababa.

approach highlights on the driver of illicit firearms trafficking from law enforcement perspective and the remaining theoretical theme discussed challenges of fighting illegal firearms trafficking and possible law enforcement measures.

2.10.1. Theoretical Frameworks of the Study

2.10.1.1. Rational Choice Theory (RCT)/ Opportunity Theory

Rational choice theory focus on the crime event itself and the immediate situation giving rise to it-opportunity. People commit crime when subjectively expected return to crime (benefits) exceeds from spending the same time and resources to pursue gains through legal means. Crime is understood as an event resulted from the convergence of three necessary components: motivated offender, suitable target and absence of capable crime preventing responses (Geason &Wilson, 1988). RCT examines offender's calculation and decision to make balance between opportunities to commit crime and perceived benefit drawn from commission of the crime in one hand and undesirable consequences of being caught and apprehended on the other hand. The goal of opportunity theories in general and rational choice theory is informing crime prevention strategies to remove opportunities for the commission of crime (Donkin, 2016). Rational choice theory investigates opportunities for the commission of crime by identifying gaps and weakness of existing preventive measures.

As far as illicit firearms trafficking is concerned, rational choice theory put set of theoretical assumptions on the drivers of traffickers to engage in illicit operations (Carthy & Chaudhary, 2017). Thus, dysfunctional proactive and reactive approaches designed to combat illicit firearms trafficking are prominent indicators for the increasing trend of illicit arms trafficking. Weak law enforcement institutions, loose border control mechanisms, and corruption (all together subsumed as failure of the state to strictly apply its control over the means of violence), economic gains and political cause are varieties of opportunities to be weighed against the possible lose/criminal liability yet to come flowing committing crime (DCAF, 2017). RCT opts for an integrated and comprehensive response of combating illicit firearms trafficking emanating from appropriate analysis of the interplay between opportunities and weakness for/against the commission/prevention of SALW trafficking (Donkin, 2016).

2.10.1.2. Situational Crime Prevention (SCP) Theory

SCP theory is a toolkit to reduce opportunities for the commission of crime by increasing the associated risks and difficulties and reducing rewards. It makes analogy with epidemiological approach used in health sciences in the sense that SCP seeks to cure crime by diagnosing contributing factors for the commission of crime. SCP has provided new important ways to prevent crime by identifying circumstances facilitating the commission of crime and introducing viable opportunity reducing measures (Kleemans et al, 2014). For SCP theory factors contributed for the commission of crime are opportunities to perpetrators and challenge for illegal firearms controlling institution. Therefore, solutions should be centered on counterproductive measures against the opportunities based on the conditional trends of criminal behaviors (Shariati & Guerette, 2017). Prevention of crime therefore focuses on reducing opportunities (increase the efforts of offenders), increasing risks of being apprehended and minimizing benefits, and removing the excuses of being caught (UNODC, 2010).

Just to bring this to the specific case of combatting illicit flow of SALW, weakness or challenges of the regime entrusted to control and combat illicit firearms flow like: porous border control, inadequate/outdated legal and policy frameworks, inadequate criminal justice response and state failure to appropriately apply its monopoly over means of violence is considered as spring board for dealers of illicit weapons. And yet the problem demands pragmatic response. Measures should be flexible enough to cop up with dynamic crime situations and it is ill devised response to endorse any measure under the assumption of “one size fits all” (Shariati & Guerette, 2017).

The synthesis of theoretical and conceptual frameworks employed in this study is interpreted based on the interplay between LE response as informed by the conceptual frameworks and the basic foundation of the theories which builds the base for integrated LE reaction. The net result is that the basic assumptions of the theories is explained in terms of the interplay between the success or challenges of LE responses on one hand and the variables of SALW trafficking (demand, supply, and misuse) in the other hand. In short, theoretical frameworks used in this study inform LE authorities about their challenges and opportunities/strength in combating illicit SALW based on the key elements and integrated approaches of LE and the final output determines the position for variables of illicit SALW trafficking (demand for, supply, and misuse of SALW) through the conceptual framework as discussed below.

2.10.2. Conceptual Framework of the Study

The conceptual framework guiding this study is built from three concepts of authority, capacity, and legitimacy (ACL model). The ACL model is considered as key pillar of comprehensive law enforcement response against illicit firearms trafficking which explores the interplay between responses and challenges of combating illicit firearms trafficking from its core dimensions: demand, supply and misuse (RECSA, 2018). The assumption is that uncontrolled arms flow and their illicit acquisition is recurring security challenge and the effectiveness of law enforcement agencies to control the problem based on the ACL model should be viewed through the interplay between demand for, supply and misuse of illicitly acquired arms on one hand and the challenges and outcomes of law enforcement intervention on the other hand.

Authority from law enforcement point of view refers to the ability of the state to enact vibrant policy and binding legislations governing administration and control of SALW (Carment et al, 2017). This provides regulated flow of firearms only for legitimate use by responsible institution, groups, or individuals. Authority is therefore measured by the extent to which the government has authorize and apply policy and legal frameworks governing firearms use for legitimate cause and filling legal and policy gaps that opens the door for illicit acquisition, transfer and misuse. Authority also includes ensuring the functionality and effectiveness of security forces in protecting illicit firearms circulation by assessing the relevance of laws and policies to the best interest of law enforcement operations (UNDP, 2008).

Legitimacy refers to the ability of the state and its institutions to win the heart and mind of the people, vigilant groups and individuals by providing required level of security and to avoid false self-entitlement of security and resorting to illegitimate acquisition of SALW. It requires tremendous public support for law enforcement efforts to alienate the public from opting for illicit SALW and to build confidence on the activities of the state as it is working to maintain security for its citizens. This makes the public cooperative with law enforcement agencies to combat illicit firearms trafficking by rendering civil obedience and support for government legislation and policies being passed (Carment et al, 2017).

Capacity refers to the ability of states to provide the basic functions of law enforcement institutions and relevant authorities needed to control and combat illicit firearms trafficking. Capacity moves beyond legal and policy relevance of responses and includes measures aimed at

creating conducive working environment for the prevention, detection, investigation and prosecution of illicit firearms circulation. Effective response to illicit firearms trafficking depends on state's ability to arm its law enforcement institutions and other relevant authorities with skilled manpower, technology, administrative and financial capacity to mitigate illicit firearms trafficking (RECSA, 2018).

Effective response to control and combat illegal trade in SALW therefore requires action against the persistent demand, abundant supply and undesirable misuse based on law enforcement model comprising the above three elements. The model determines the interplay between demand, supply and misuse of illicit firearms which in return affects the success/challenges of an integrated response to the problem and the whole process of tackling illegal firearms trafficking. Ineffective control feeds demand, and demand super heads conditions for supply and misuse and the net result persistently challenge control efforts. It follows that demand reduction requires clear state commitment and response to control supply and misuse and vice versa (Regehr, 2004).

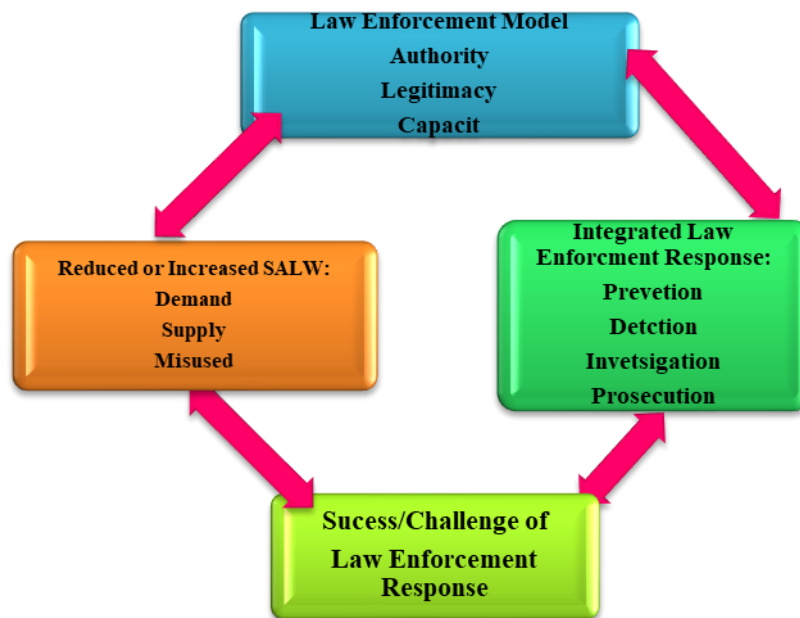


Figure 2.3: Conceptual framework to combat illicit firearms trafficking sketched by the researcher (January 2020).

CHAPTER THREE

Research Methodology

Introduction

Research methodology is process of systematically solving a research problem. It is a set of systematic techniques on how to conduct a research. It describes and gives more explanation on the elements of a research process, objectives and values of each element, and their limitations. It can be understood as a science of studying how research is done scientifically (Kothari, 2004). Research methodology involves various steps that are generally adopted by a researcher in studying a research problem in a scientific and logical manner. It is also important to note that research methodology may differ from problem to problem based on the nature and objective of the study (Kumar, 2011). This part of the study introduces research methods and related procedural activities that have been subsumed in undertaking this specific study as explained below.

3.1. Study Setting

Police institution to administer justice in Ethiopia came to exist with the establishment of modern urban centers. The development of modern police institution grew parallel to political, economic and social development of the country. Its institutional and organizational structure has been redesigned several times as political systems and state structures have changed. Modern policing in Ethiopia begins in early 1900s with the coming of Arada Zebeigna and efforts to update its structure and organizational values have been conducted starting from its inception (Hassen, 2014). This day, Ethiopia has police force organized based on the federal formula. This new institutional setup is designed to enhance contribution of the police to the development of democratic system, accelerated socio economic development, maintaining peace and security. Currently, federal police is accountable to the Ministry of Peace in management issues and operate independently when it comes to police work (Proclamation no.1097/2018).

According to Federal Police Commission establishment proclamation (720/2011) the mandate of federal police is summarized as to: prevent and investigate any threat of crime violating constitutional order, ensure security of government and the state of human rights, execute orders/decisions given by federal courts, prevent and investigate crimes falling under federal court jurisdiction, safeguard security of borderline and peripheral checkpoints and critical

infrastructures, register arms possessions, prevent, detect and investigate prohibited arms flow and possession, issue national police standards of crime prevention and investigation and coordinate their implementation. Crimes to be prevented or investigated by federal police are serious and believed to jeopardize public interest and state security (Workneh, 2016).

For the purpose of discharging its responsibility EFPC is organized along institutional structures on the base of its core responsibilities of: crime prevention, investigation, human resource and technology transfer. Much of the institution's structure is devoted to crime prevention and crime investigation activities. Federal police commission sector for crime prevention comprises several directorates which are responsible to prevent crimes with various degree of engagement (Workneh, 2016). Federal Police Rapid Force Operation Deputy Sector, Security and Law Enforcement Deputy Sector (comprising Anti-Organized Crime and Anti- Terrorism Directorates, and law enforcement directorate) are the main crime prevention units deployed all across the country. They have also greater degree of presence in regions where series crimes threatening the security of the state and public interest are perceived to be prevalent. Very recently the Crime investigation & Forensic main department has reorganized as FBI with wider organizational mandate and structure to investigate criminal cases committed against public/state interest².

Important point for discussion in this regard is that the operational success of the commission is challenged by several factors. As far as combating illicit trafficking of SALW is concerned, Federal Police is challenged by lack of comprehensive policy and legal framework, structural deficiencies and absence of dedicated department to govern illicit firearms trafficking, lack of technological and skilled human power to detect and investigate organized criminal networks including offences of firearms trafficking.

3.2. Research Design

Qualitative research approach supplemented with scant quantitative analysis is used in this specific study to explore and describe the lived experience of the research participants in relation to the challenges and prospects of EFPC in combating illicit trafficking of SALW. It employed mixed approach but predominantly qualitative research approach with little quantitative analysis.

2. Interview held with strategic leadership of the federal police commission security and law enforcement operation sector on March 18/2020, Addis Ababa.

Qualitative research approach basically focuses at exploring and understanding individuals and groups and attaches meaning to social problem (Donald & Headla, 2009). According to Kothari (2004), qualitative research is best to express social phenomenon. It is effective in obtaining context wise information about opinions, behaviors, and social interactions of population. It helps us to understand the world in which we live and why things behave in the way they are. The study has also employed case study research design supplemented by exploratory study approach. Exploratory case study is important to make sense of a phenomenon which is a point of interest to the researcher. It is conducted when there are few or no earlier studies to refer or there is no pre-determined outcome. Exploratory research is flexible to answer research questions of what, why and how and to gain background information of a topic by examining it with varying levels of depth (Yin, 2014). Case study research design is in-depth exploration of problem in one or more real-life settings over a period of time. It is also reach in obtaining more diversified data from different sources using alternative instruments of data collection (Kumar, 2011). Case study research design is best way to explore and describe challenegs of combating illicit SALW trafficking from the point of the taraget popoulation (law enforcemenet institution).

3.3. Sample size and Sampling Techniques

3.3.1. Sample size

The target populations of this study were leaders and members of EFPC who are officially mandated to provide and maintain security to the country. Since combating of illicit trade in SALW requires an integrated approach that moves beyond preventive function of law enforcement authority, sample size of 56 participants were contacted from relevant partners of EFPC. The sample size of participants was determined to continue until the information obtained from research participants reached its saturation level. Participants from: EFPC, AAP, Oromia Police Commission, Federal Correctional Administration, Federal Attorney General, Civilians from relevant public offices like Ministry of Peace and Custom Commission were consulted based on their availability and understanding of the problem.

3.3.2. Sampling Techniques

In order to grasp relevant information from the lived experience and knowledge of research participants, the study has employed non-probability sampling techniques which include purposive and snowball sampling techniques. The study followed strategy in which particular groups or persons are selected purposively for the information they may provide, which cannot

be obtained from other source. Qualitative research is not concerned with whether the sample is representative of large population or not. Rather it is highly interested in the quality and richness of the data obtained (Neuman, 2014). To this end the researcher has purposefully selected key persons who have lived experiences in the field or individuals who have the authority to provide information. Participants were selected based on their knowledge and authority to provide information and who have direct exposure to the problem. Besides, participants out of law enforcement institutions such as civilian and convicted suspects of firearms trafficking were identified based on information obtained from Addis Ababa Police Commission and Federal Correction Administration respectively.

3.4. Sources of Data and Methods of Data Collection

3.4.1. Data Sources

To discover relevant information, the study used both secondary and primary data sources. This was helpful to meet the objectives of the study and to answer the research questions listed forthwith. Secondary sources were available in the form of published books and unpublished source including written documents, reports and manuals of Ethiopian Federal Police Commission. Primary data is another type of data source used to gather significant information from someone who has knowledge about the issue in/directly more than the researcher and appropriately what the researcher needs (Kumar, 2011). The researcher has collected primary data based on the following data collection instruments.

3.4.2. Data Collection Instruments

In order to collect reliable data and check the validity of collected data, the study has tried to make better use of the following types of qualitative data collection instruments.

3.4.2.1. Key Informant Interview

Interview is a type of qualitative primary data gathering instrument by asking an individual or groups who are familiar to the issue under investigation to obtain knowledgeable answer (Kumar, 2011). To extract relevant information on the challenges and prospects of combating illicit firearms trafficking, manageable size of in-depth interview were conducted with leaders and experts of research participants from: Federal and Addis Ababa Police Commissions (15), Oromia Police Commission (03), Ministry of Peace (02), Custom Commission (03), Federal Attorney General (03), civilians from federal Correction administration (03) and from other

public service offices (03). Total of 32 individuals from the aforementioned institutions have participated to share their knowledge and experience of the issue under investigation through in depth interview.

3.4.2.2. Focus Group Discussion/FGD

The researcher has consulted 24 participants of FGD (organized in to four separate FGDs) from operational leaders and members of EFPC who were mainly discharging their duties at some hot spot areas of firearms trafficking. Squad leaders and members of EFPC crime prevention sector from different operational divisions organized in two FGD (each FGD constitute 07 participants), leaders and members of firearms license and inspection directorate (05 participants), and FBI's Interpol directorate (05 participants) were conveniently selected for FGD. Participants for FGD were selected based on their proximity and direct engagement to combat illicit trafficking of firearms at different operation areas of the EFPC.

3.4.2.3. Document Review

The study has analyzed documents like laws, proclamations, regulations, directives, operational manuals and reports of law enforcement institutions which are relevant to explore challenges of EFPC in combating illicit trafficking of SALW. Document review according to Bowen (2009) is systematic procedure of reviewing or evaluating documents of both printed and electronic forms. To this end, proclamation no,720/2011 to provide for the establishment of EFPC, proclamation to provide firearms administration and control (Pro.No. 1177-2020), National Crime Prevention Strategy (2018/19), Ethiopian criminal justice policy (2011), Customs Commission Proclamation no. (859/2014), and annual reports of the Federal Police Commission for successive five years (2015-2019/20) and reports of other relevant stakeholders have been consulted during the study.

3.5. Methodes of Data Analysis and Interpretation

Data collected from multiple sources (interviews, observation, document analysis and FGD) were analyzed and interpreted on the base of thematic and content analysis scheme. The data was analyzed by categorizing thematically based on the research questions. Thematic content analysis involves processes like coding, categorizing and making sense of the essential meanings of the issue under discussion. This stage requires total immersion of the researcher into the data to properly understand and qualitatively describe the issues at hand (Delahunt, 2017). Besides scant

quantitative data were analysed and interpreted by simple percentage analysis and finally triangulated with the dominant data (qualitative data analysis and interpretation).

3.6. Research validity and Reliability

To ensure the trustworthiness of the research process, information collected from different data sources were triangulated one against the other through method triangulation and data source triangulation. Continued direction from thesis supervisor and several peer examinations were also employed to enhance the validity and reliability of the study. Repeated observations at the research site were also employed in order to enhance the validity of the information obtained from the field. To ensure the trustworthiness of the research process ethical values and principles of doing research were strictly enforced.

3.7. Limitations of the Study

The study was challenged by lack of written sources of information on the Ethiopian part. Participants' refusal and limited willingness to give information because of the secret and sensitive nature of the issue at hand is another limitation of the study. However classified information relevant to the study has been gathered through rapprochement and duly explanation of the purpose of the study.

Professional attachment/membership of the researcher with the target population was also both limitation and strength to the study. Being member of EFPC helped the researcher to access information others cannot access and to easily understand concepts, manuals and specialized instruments. My own lived experience in the police academy and crime prevention sector of EFPC might also insist me to argue with extreme sides by supporting or criticizing relevant issues under discussion. However required level of academic neutrality was maintained through peer review and by professional scrutiny of senior academicians on the field.

3.8. Ethical Considerations

The researcher gave due regard to the personality and dignity of research participants and the need for absolute anonymity due to the sensitive nature of the issue. To respect the professional demand for discretion and the secretive and military nature of the working environment, the researcher keep names confidential and the data has analyzed with all due regard to the sensitivity of the information. Key principles of conducting academic research like principles of: informed consent, no harm, and principle of privacy and confidentiality were strictly enforced.

Participants have given the chance to participate based on their own will and to choose type of anonymity as much as possible to the best interest of complete confidentiality of the information they provide. The researcher has firmly communicated to the participants that the confidentiality was extended to the best ability of the researcher, and it does not mean complete anonymity.

3.9. Definition of Operational Terms

For the purpose of this study, the researcher has employed the conventional definitions of words, terms and phrases used in the study as elaborated by the subsequent publications of the United Nations office on drugs and crime (UNODC).

Small arms: refers to weapons designed for individual use and usually found at the lower end of the spectrum. They include handguns (self-loading pistols and revolvers) and shoulder arms (rifles and carbines, sub-machine guns and light machine guns, and grenade launchers).

Light weapons: are designed for use by two or three persons working as a small team. Some of them may be carried and operated by single person. Examples of Light includes heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, launchers of missile and rocket systems, anti-aircraft missile systems, and up to mortars with less than 100 mm caliber.

Illicit small arms: weapons that are produced, transferred, held, or used in violation of national regional or international legal regimes.

Proliferation of Small arms: refers to the rapid increase or otherwise widespread in the number of SALW production, trade and consumption for various reasons. Proliferation of small arms have very close relationship with illicit trafficking of SALW in the sense that proliferation of small arms fundamentally determines the demand and supply aspects of trafficking in SALW, component parts and their ammunitions.

Illicit trafficking of SALW: is meant to the complex process of import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State.

Misuse: the act of using a material in an improper or a wrong way (SAS, 2018).

3.10. Organization of the Study

The study is organized in to five chapters. The first chapter has discussed introductory part of the study. The second chapter has discussed review of related literatures, conceptual and theoretical frameworks of the study. The third chapter discussed the methodology part of the study. The fourth chapter was about data presentation and analysis. Finally, the fifth chapter winds with conclusion and recommendation of the study.

CHAPTER FOUR

Data Presentation and Analysis

In this chapter data collected from key informants through in-depth interview, FGD and document review were analyzed and presented according to the objectives of the study. This chapter was mainly focused on primary data. However, relevant findings of related studies have taken to substantiate and enhance the triangulation procedures of the study.

4.1. Driving Factors and Facilitators of Illegal SALW Trafficking in Ethiopia

Empirical data on contemporary status of illegal firearms trafficking in Ethiopia shows that the trend of illicit trade in SALW is increasing. Based on the previous five years annual reports (2015-2019/20) of EFPC, the trend of illegal trafficking of SALW is increasing both in type and magnitude. Although it is difficult to come with exhaustive list of illegally trafficked SALW, it is possible to describe the trend of smuggled SALW based on the number of SALW seized by LE authorities. However, it is important to note that the table below cannot describe all smuggled illicit firearms. It only describes the trend of trafficked SALW that passed through formal institutional reporting mechanisms of the EFPC.

Table 4.1: Report on Trend of Seized Illicit SALW (2015-2020)

No	Year	List and Amount of Seized Illegal SALW				
		Kalashnikovs	Pistols	Bullets	Explosives	G. Firearms
1.	2015	128	202	31,969	20	-
	2016	189	207	24,760	37	03
Difference		61 (47.6%) ↑	05 (2.47%) ↑	7,209 (22.5%) ↓	17 (85%) ↑	-
2.	2016	189	207	24,760	37	03
	2017	435	395	36,571	32	03
Difference		246 (130%) ↑	188 (90.8%) ↑	11,811 (47.7%) ↑	5 (13.5%) ↓	-
3.	2017	435	395	36,571	32	03
	2018	473	541	62,092	19	02
Difference		38 (8.73%) ↑	146 (36.9%) ↑	25,521 (69.7%) ↑	13 (40.6%) ↓	1 ↑

						3.3 (%)
4	2018	473	541	62,092	19	02
	2019	836	4850	71,847	02	07
Difference		363 (76.7%) ↑	4309 (796.48%) ↑	9755 (15.7 %) ↑	17 (8.9%) ↓	05 25 0% ↑)
5	2019	118	3456	14,998	17	05
	2020	202	219	100,495	05	01
Difference		84 (71 %) ↑	3237 (94%) ↓	85,497 (570%) ↑	12 (71%) ↓	4(80%) ↑

Source: Five years report of EFPC (2015-2019) organized by the researcher (March 2020).

The above table shows that the type and magnitude of illicit firearms trafficking in the reporting years greatly varies with an increasing trend. The minimum amount of illegal SALW reported in 2015 was not more than 330 AK-47 and pistols and 31, 969 ammunitions of various sorts. This type of illegal firearms was reported in its maximum amount of 5,983 (AK-47 & pistols) and 115,493 bullets of different kind at the end of 2019 reporting year. The report shows that the trend of illegally trafficked SALW reaches its acute level with the seizure of 19, 0000 pistols only from January to the first week of March 2020.

Needless to explain with numerical analysis, Ethiopia is suffering from illicit trade in SALW. More than two decades have passed while the state was/is challenged by indiscriminate increase of illegally trafficked SALW not from the hands of non-state armed groups, but from illicit circulation of armaments through the trafficking networks. Regarding this, key informant from MoP has forwarded as follows:

If someone looks at the price of a Kalashnikov, the price is doubling itself at unimaginable rate. In pre 2005 Ethiopia, single Kalashnikov was sold at average of 1500 Ethiopian Birr and it became 45, 000 Ethiopian Birr till the fall of 2015. Currently the price plays within the range of 90 up to 110 thousand Ethiopian Birr. This shows that there is high demand for SALW in Ethiopia and consequent increase in the trend of illicit trafficking of SALW³.

³ Interview held with staff member of conflict early warning mechanism of the ministry of peace on March 11/2020, Addis Ababa

Illicit trafficking of firearms is increasing parallel to the passage of time. Possibly people may have different explanation on why and how illegal firearms trafficking is increasing but they agree that the trend is reaching at its alarming rate. Consequently, it has remained as permanent threat to both human and State security.

The researcher participants confirm that all research participants of the study unanimously agreed that the trend of illicit trafficking of SALW is increasing and reaching its threshold. It is labelled as major source of insecurity and leading cause for the threats of crime. At this stage it was pertinent for the researcher to raise questions like why people wanted to arm themselves with illicit SALW, and why the trend of illegal trafficking of SALW is increasing. These questions were helpful to explore the views of research participants about the drivers of illegal firearms circulation and the subsequent increase in the trend of such armaments from the broad arena of law enforcement functions. Respondents' view on the questions shows that law enforcement functions and its pitfalls has remained as big a whole for analysis. The common understanding in this regard is that success/challenge of law enforcement function directly elaborates the questions as discussed below.

4.1.1. Political Instability and State of Insecurity

Political instability and state of insecurity have contributed to an increase to the proliferation of small arms in an alarming rate. Explained in different ways all participants of this study stated that ongoing political instability and trend of illegal SALW trafficking have visible relationship in Ethiopia. Ethiopia has affected by political instability, deteriorating security situations, grave human right violations, criminal victimization, forced displacement and damage on critical infrastructures⁴. Illicit firearms have remained key instruments and aggravating elements for most of the conflicts. Political instability, conflict and violence in different parts of the country have attracted illegally acquired firearms as the primary means to protect oneself from the threats of insecurity and crime. Limited capacity of the state to avert the danger of insecurity and criminal victimization forced people to make illegal SALW their most preferable choice and this has created very acute demand for illegal SALW.⁵

⁴ Interview held with staff member of conflict early warning mechanism of the ministry of peace on March 11/2020, Addis Ababa

⁵ Interview held with staff member of EPUC on March, 25/2020, Sendafa, Ethiopia.

In this regard it is important to discuss the view of informants from MoP and FAG who boldly capitalize on the state of insecurity developed by many people in Ethiopia.

People have developed the mentality of insecurity claiming that the state is no more protecting their security and failed to maintain law and order. Inability of the state to take over rapid spread of conflicts is seen as the state is losing its monopoly over the means of violence. The means of violence is shared among informal self-defense groups, criminal and vigilant groups and individuals who wish to protect themselves with illegally acquired SALW⁶.

Law enforcement machineries are reluctant and weak to take appropriate proactive measures to protect people from the danger of insecurity and criminal threats. This has pushed people to lose trust on the formal law enforcement structures and to take justice in to their private hands. That's why everybody wants to be armed and this has created high demand for SALW. Political instability and consequent demand for firearms is manipulated by illegal trafficking networks to dump their illicit SALW with abundant supply and this essentially contributed to increased trend of illegal firearms⁷.

A respondent from selected AA public service office also explained the motive of people to be armed as follows:

The police are no more protecting people from crime. Crimes that we know yesterday (robbery and theft) were crimes against property but nowadays crimes against property are becoming immediate threat to life of people. Besides the trend and pattern of contemporary conflicts in the country are moving with unpredictable security situation and people wish to arm themselves because no one knows what will happen tomorrow⁸.

This can be substantiated with the outlooks of Stohl and Hogendoorn (2010) and GRID (2019). Stohl and Hogendoorn (2010) argue that, when the State loses control over its security functions and fails to maintain law and public order, armed violence, banditry and organized crime spread and significantly increase the demand for weapons to protect oneself and property. This makes difficult the efforts to combat firearms trafficking. In Situations where the state cannot guarantee security for its citizens SALW are widely believed to expand the options of the user by transforming culture of weapons in to culture of violence and rapidly boost the demand for illicit firearms. As it is discussed in the conceptual framework of this study, lack of effective control

⁶ Interview held with staff member of law enforcement and crime prevention directorate of the ministry of peace on March 11/2020 and public prosecutor from FAG on March 24/2020, Addis Ababa.

⁷ Interview held with Federal Public Prosecutor (FAG) on March 19/3/2020, Addis Ababa.

⁸ Interview held with staff member of AA city administration Gulele sub city on February 24/2020, Addis Ababa.

and enforcement capacity facilitates misuse of firearms and the effort to control supply of SALW is also frustrated by high level of demand for illegal firearms.

According to the reports of GRID (2019), Ethiopia has been experiencing fluctuating political and security moods. It shows improvements at some points and sometimes falls in to acute stage of instability. Since the fall of 2014, Ethiopia is one of the top twenty countries affected by severe political instability, conflict, violence and joined the camps of countries with “alarming political instability situation” by 2019 (GRID, 2019: 9). This is explained by ethnic, religious and resources based conflicts, violence, and massive protests happened in different parts of the country. Illegal SALW are serving for individual and community based self-defense and to inflict damage on others. Only in 2019, more than half of the global IDPs (10.8 million) were covered by Ethiopia, DRC and Syria because of the conflicts and violence triggered by political instability in these countries (GRID, 2019). The implied message in this regard is that political instability is creating increasing demand for illicit SALW by pushing people out of the formal law enforcement service.

Firearms trafficking networks also take the advantage of regional instability to run their business by easily crossing national borders and avoiding reach of law enforcement authority. This kind of factor for increased trend of illicit SALW has special place in Ethiopia⁹. According to key informant from EPUC, regional instability has created porous and unmanageable borders, weak/fragile state institutions, hostile relations between neighboring countries, proliferation of organized criminal groups and insurgent factions. He further stated that regional instability is a cause for corruption and lack of transparency to manage cross border firearm interests, and lack of commitment to take joint action for joint purpose. All these have created fertile environment for free movement of illegal firearms and contraband goods and to easily distribute into conflict zones and areas with high demand for SALW¹⁰.

One informant from FCA also mentioned that unregulated flow of people and goods coupled with the absence or weak law enforcement patrol along border areas is taken as an opportunity to smuggle illegal firearms. It is normal to see people engaged in “retail trade” of illegal firearms

⁹ Interview held with staff member of EPUC on March, 25/2020, Sendafa, Ethiopia.

¹⁰ Ibid

along the borders like legally permitted exchange of trade¹¹. In case where there is possibility of the reach of law enforcement, traffickers recruit local people specially migrants to smuggle. It is also important to note that almost all illegal SALW trafficked in to Ethiopia are coming from abroad and regional instability have greatly contributed for the increased trend of illicit SALW trafficking in to Ethiopia by leaving borders and coast lines ungoverned and to be freely accessed by trafficking networks¹².

To relate this to the conceptual framework and literature used in this study, driving factors for increased trend of illicit firearms trafficking are opportunities for trafficking networks and weaknesses to law enforcement operations. Political instability, economic profitability, regional instability and porous borders have provided fertile grounds for trafficking networks to run their illicit business by manipulating the weakness of law enforcement authorities (Donkin, 2016). In other words Muggah (2004) has explained the drivers for increased trend of firearms trafficking as combination of motives and means. Political, economic, social and cultural justifications for the need to be armed and the resources required to obtain SALW influence individual's and group's preference for weapons

4.1.2. Economic Factors

Respondents of this study confirmed that illegal trafficking of SALW is double sword economic activity to generate more profit and to give security coverage for other criminal activities. In most cases, it goes with other illicit economic activities like contraband, drug smuggling and human trafficking. This makes SALW to be the first choice for trafficking networks to supply into conflict and crisis zones and to finance other illicit activities from the return. But if the worst comes, trafficking networks could use their illicitly acquired weapons to avert security threats coming from law enforcement authorities¹³.

According to information obtained from culprits of illegal firearms trafficking, illegal trafficking of firearms becomes an attractive business and covers the costs of risk for being caught and convicted. For traffickers, it is worth to trade illicit SALW instead of participating in other

¹¹ Interview held with culprits of firearms trafficking, armed robbery and murder in Kality Federal Prison Administration march 2/2020, Addis Ababa.

¹² Interview held with culprits of firearms trafficking, armed robbery and murder in Kality Federal Prison Administration March 2/2020, Addis Ababa.

¹³ Information obtained from interviewees from custom commission and FBI respectively on March 13 & 18/ 2020, Addis Ababa

economic sectors. They have the power to manipulate the gap between demands and supply and apply all mechanisms to reach market gaps with high return¹⁴. As it is discussed in the subtopic below trafficking networks have comparative advantage to accomplish their target compared to law enforcement authorities. They study conflict and crisis zones and apply possible mechanisms to fill the gap with less risk of being obliterated by law enforcement authorities.

The same informant has explained the economic profitability of illicit trade in SALW from the conversation he had with a suspect of firearms smuggling in the fall of June 2018 as follows:

*I used to investigate a suspect who smuggle small firearms across the Sudan-Metama via Addis Ababa smuggling roots. He confessed that he has been arrested while he is doing his illicit activity in the same corridor for more than four times. In his last trip he lost 680, 000 Birr profit from the seizure of 1000 Turkish made pistols and 35,000 ammunition's which is even worth of the price of the truck he used to drive at that moment.*¹⁵

As it is discussed in the theoretical framework of this study, illicit trafficking networks are rational choice makers to maximize their profit and reduce the risks and costs of being convicted and fortified (Donkin, 2016). Another informant from AAPC supports the idea that no one earns a profit from single tripe as compared to people engaged in illegal transfer of SALW. That is why the state is experiencing very acute increase in the trend of illegally smuggled SALW. Because of its high return and very weak/inadequate institutional response placed against those traffickers, they have transferred their business operations in to “whale sale firearms smuggling”. The recent incidence of smuggling two containers of Turkish made Pistols and their ammunitions into Addis Ababa which is first to its kind indicates that traffickers have the power to manage all risks and safely run their business¹⁶.

In addition to the affordable macro profit for cross border smuggling networks, illicit SALW are considered as non-depreciating goods by brokers, end users and the local communities. For this kind of actors, it is more economical to buy and store firearms instead of harvesting crops or herding cattle. Compared to these assets, investing in SALW is less susceptible to natural and manmade disasters. Information obtained from FBI's coordinator of regional investigation

¹⁴ Interview held with staff member of FBI investigation of firearms offences on March 18/202, Addis Ababa.

¹⁵ Interview held with culprits of firearms trafficking, armed robbery and murder in Kaliti Federal Prison Administration March 2/2020, Addis Ababa

¹⁶ Interview held with staff member of Addis Ababa Police Commission crime investigation department on Feb.18/2020, Addis Ababa.

centers revealed that despite its cultural value and tool of securing oneself, household and community, SALW are considered as commodities with pure net profit locally known as “non-depreciating goods”. It is well known that people buy more than one firearm and ammunitions by selling their cattle assuming that firearms have better return than other assets¹⁷. This contributes to increased trend of illegal firearms trafficking in the country and remained unresolved assignment for LE authorities. However the cultural value of SALW should not be ignored. The same informant has stated that gun culture still play its role by pushing people to be armed. In some cultures and socio ecological parts of Ethiopia, firearm is still considered as member of the family.

As it is explained in the sub topic below traffickers have the power to buy court opinions and manipulate other institutional and legal deficiency of law enforcement structures placed by the state. This helps them to run their business smoothly and only governed by the rule of demand and supply. They identify hot spot areas for increased demand and fill the gap with abundant supply and obtain attractive return¹⁸.

In Ethiopia, whatever may be the factor for illicit trafficking of SALW, comprehensive law enforcement response is needed to successfully combat the problem. Law enforcement response therefore should prioritize on detecting preventing, investigating and prosecuting illegal firearms trafficking by arming itself with required authority, capacity and legitimacy. The subtopic below has explored how EFPC is exercising its responsibility of combating illegal trafficking of SALW based on the conceptual framework discussed in chapter two of this thesis. The conceptual framework used in this study basically explores law enforcement response in combating the problem from its core dimensions- demand, supply and misuse.

4.2. Approaches and strategies of EFPC to Combat Illicit Trafficking of SALW

EFPC is one of the law enforcement institutions in Ethiopia responsible to control and combat illicit firearms trafficking. Its mandate emanates from establishment proclamation No.720/2011 article 6/4 which states that EFPC is responsible to prevent and investigate crimes fall under the jurisdiction of federal courts. Information obtained from strategic leadership of the institution indicates that the responsibility of the commission covers nationwide fight against organized

¹⁷ Interview held with strategic leadership of FBI coordination of regional investigation centers on March 17/2020, Addis Ababa.

¹⁸ Interview held with strategic leadership of the Federal Police Commission Security and Law Enforcement Operation Sector on March 18/2020, Addis Ababa.

criminal activities that jeopardizes public and state security. Practice of the commission basically focuses on proactive measures covering major hotspot roots of illicit firearms smuggling¹⁹. Besides reactive response to investigate and prosecute offences of illicit firearms trafficking weights equally. Despite the mandates elaborated in the establishment proclamation of EFPC, the overall practice/response of the federal police commission basically emanates from the strategies and approaches of crime prevention and investigation. Since illicit firearms trafficking is operated in an organized and clandestine manner, the approaches applied by Federal Police are designed to combat organized criminal groups as it is stated in the Anti-terrorism proclamation and the criminal justice system policy.

However, the nature and magnitude of contemporary illicit SALW insists this study to question the practice of EFPC in combating illegal firearms trafficking. The Responses placed by EFPC have attracted the interest of academic discussions claiming that why it becomes difficult for federal police commission if not totally to eradicate illicit trade but at least to reduce it to the level that could not be threat to both state and public security. The practice of EFPC to combat illegal firearms trafficking is not strong and winds itself with counterproductive results. Information obtained from research participants revealed that, there are fertile grounds in favor of the dynamic illicit trafficking activity that stems from the existing institutional practice of combating illegal firearms trafficking itself. The details are given below.

4.2.1. Absence of Comprehensive Policy and Legal Frameworks

According to an interview held with informants from MoP and EFPC, measures taken by EFPC against illicit trade in SALW are basically hampered by the absence of policy and legal frameworks to control illicit trafficking of SALW. There is no harmonized policy direction that specifically addresses the problem of SALW. Besides there is no clear policy guidance on how to administer and govern civilian position of firearms and the role of relevant stake holders. Absence of clear policy direction on the issue makes institutional mandate of the commission to be center of contention with other relevant law enforcement institutions such as the National Intelligence and Security Service (NISS) and the regional state militia offices²⁰. Though sound policy is expected to make clear direction on the responsibilities of relevant institutions visa-vis

¹⁹ Interview held with strategic leadership of the Federal Police Commission Security and Law Enforcement Operation Sector on March 18/2020, Addis Ababa.

²⁰ Interview held with staff member of law enforcement and crime prevention directorate of the ministry of peace on march 11/2000 and public prosecutor from FAG on March 24/2020, Addis Ababa

illicit SALW, the reality shows the other way round. This has been resulted in a kind of weak response of LE institutions with insignificant success in solving the problem.²¹

Information obtained from legal affairs and consultancy service directorate of EFPC shares the view of the above respondents. The working criminal justice system and existing policy and crime prevention strategy has overlooked illicit firearms trafficking and give much emphasis on the prevention and investigation of crimes other than organized criminal networks. Illicit firearm trafficking is not included in the short list of ten more serious crimes listed in the draft text of crime prevention strategy developed in 2019/20²².

Legal provisions governing firearms trafficking makes law enforcement responses problematic. At national level there is no explicit and comprehensive law to govern the practice of combating illegal firearms trafficking²³. This makes institutional efforts weak and conducted on unilateral basis and resulted in eroded institutional capacity of EFPC to combat illegal trade in SALW. The effort to combat firearms trafficking is challenged by lack of legal clarities on institutional responsibilities, criminal status of illicit firearms and handling mechanisms. The normative framework governing the possession, transfer and use of illegal firearms is very weak and become source of contention among law enforcement authorities²⁴.

The administration and governance of civilian position of SALW is also affected by this legal deformity. Unregulated civilian firearms position remained as key challenge and triggering factor for the counterproductive results of EFPC by affecting its institutional commitment. There is no comprehensive normative framework that provides the administration and management of civilian position of SALW. It is possible to say that civilian position of SALW in Ethiopia is the most untouched aspect of firearms governance. According to key informant from EFPC, the existing legal frameworks governing this aspect of SALW are not harmonized to each other and make the institutional mandate inconsistent²⁵. This has led to the existence of multiple LE

²¹ Interview held with staff member of law enforcement and crime prevention directorate of the ministry of peace on March 11/2020 and public prosecutor from FAG on March 24/2020, Addis Ababa.

²² Interview held with staff member of EFPC legal affairs and consultancy service directorate on Feb, 21/2020, Addis Ababa.

²³ *ibid*

²⁴ *ibid*

²⁵ Interview held with staff member of EFPC legal affairs and consultancy service directorate on Feb, 21/2020, Addis Ababa.

institutions with overlapping mandate and responsibilities. Regional states issue license on their own way and Federal police commission goes in its own way and there is lack of check and balance mechanism to cross check who gets what from whom and on what basis. Key elements for the governance of civilian position of SALW (regulation of the firearm, regulation of the use and regulation of the user) have remained untouched and left in a state of no once influence or control. Legal deformity contributes to the absence of well endorsed standard to regulate civilian license of firearms and this fundamentally affects the operational success of EFPC.

Key informant from OPC further explained that legal deformity of firearms governance creates decentralized approach towards the problem despite the commonly assertion that administration and management of firearms should run with coordinated and disciplined legal and institutional approaches. The police (federal and states level), National Intelligence and Security Services, and the Militia Office assumed the power to issue license, and to control illicit circulation based on their establishment proclamations²⁶.

This shows that policy focus and legal responses against illicit firearms trafficking is almost minimal and non-existent though the problem demands comprehensive and integrated policy and legal frameworks. Just to compare this with the literature used in this study, the response of EFPC is suffered from adopting adequate laws, regulations, detailed manuals and administrative measures which are important to exercise effective control over illicit trafficking of SALW (EC, 2015). The researcher understood that the synergy of existing domestic policy and normative affairs is weak to evolve parallel to international and regional practices.

4.2.2. Weak Preventing/Controlling Mechanisms

Information obtained from EFPC sector for crime prevention revealed that the practice of controlling illegal firearms trafficking basically focuses on detecting and preventing smuggling of illegal SALW across borders. It also includes proactive measures to protect that illegally smuggled armaments are not becoming an instrument of violent conflicts and assisting the goals of criminal networks. Illicit SALW have no fixed pattern of distribution once they cross border lines. But in most cases, they follow the footsteps of violent conflicts and criminal activities.

²⁶ Interview held with staff member of EFPC legal affairs and consultancy service directorate on Feb, 21/2020, Addis Ababa.

Although the mandate of EFPC is to close the opportunities of trafficking networks, dynamic and complex illicit business persists to operate because of weak controlling mechanisms.

The detection mechanism employed by EFPC is more human labor intensive and cannot cover all areas of illicit SALW trafficking. In most cases traffickers used to avoid detection by disassembling firearms and transporting them with less susceptible items. The common modus operandi (mechanisms) used by traffickers are: hiding firearms and bullets inside oil trucks, preparing artificial/ external bodies called as “compartments” to hide firearms, hiding with fragile goods like eggs and bread, mixing with legally permitted goods to bypass custom check points²⁷. Technological dynamism from the side of illicit trafficking networks revealed that being a police alone is not sufficient to detect and control illicit trafficking of SALW. Police is suffered from specialization to support its operation with trained human power and emerging technology to detect illicit SALW. FGD participants from crime prevention sector of EFPC unanimously agreed that being a carrier generalist is a draw back for police operation and an opportunity for trafficking networks²⁸. It is difficult to detect illegal SALW on the mere physical search and observation. The modus operandi of circulating illicit SALW is moved far ahead of the counterproductive police operations.

Controlling illegal firearms trafficking is also problematic in protecting the power of organized criminal groups from manipulating formal state institutions towards their interest. Information obtained from CC and FBI shows that traffickers of firearms commonly uses vehicles of state institutions including law enforcement, NGOs, aid organizations and issuance of forged security clearance to provide legal coverage for illicit operation and to avoid detection at check points²⁹. An informant from CC strongly claim that state institutions are observed serving as shield companies to facilitate and support the interest of illicit networks negligently on rare occasions and intentionally to benefit from the proceeds in majority of the cases arrested at custom check points³⁰.

²⁷ FGD held with the members of the Rapid force operation deputy sector Anti-contraband Directorate on March 23//2020, Addis Ababa

²⁸ FGD held with the members of the FPC crime prevention March 23//2020, Addis Ababa.

²⁹ Information obtained from interviewees from custom commission and FBI respectively on March 13 & 18/ 2020, Addis Ababa.

³⁰ Interview held with staff member of CC on March, 13/2020, Addis Ababa.

Key informant from FCA have agreed with the above idea admitting that state institutions play two informal roles in illicit trafficking of SALW³¹. Predominantly they are used by smugglers as reliable means of transportation. Formal institutions also assist the activities of illegal smugglers by giving legal coverage of illegal firearms to freely move across borders and check points by issuing fraudulent custom clearances and using institutional power and good names. This is basically done through bribe based on an agreement to share benefit from the proceeds³².

FGD participants from crime prevention sector of EFPC explained this problem of bribe and other forms of corruption of government authorities entrusted to control illegal SALW as a failure to ensure accountability and transparency³³. However, this kind of gap in the control and management of illegal SALW should not be explained using shroud terms of accountability and transparency challenge and to describe it as simple procedural problem. Not only FGD participants but all respondents except those recruited from FCA have no straight forwarded answer as to why illegal SALW are safely passing more than eight custom and LE check points and arrested in the outskirts of Addis Ababa. No one can boldly mention corruption is humiliating law enforcement efforts to control illegal SALW trafficking. Rather they prefer to explain it as a kind of ethical problem of engaging oneself to obtain illegal benefit commonly referred it as “benefit sharing” literally to mean violating professional loyalty and institutional responsibility to obtain financial or material gain in the form of bribe or any other kind of corruption³⁴.

To show how corruption is damaging institutional efforts of combatting firearms trafficking, it is important to entertain view of FGD discussant from FPCFALCID:

No one can openly talk that corruption is LE challenge to control and prevent illegal firearms. But to proof this it is enough to understand the attitude and commonly shared view of people including law enforcement officers about the economic profitability of illegal trade in SALW and the hot spot areas in to which

³¹ Interview held with culprits of firearms trafficking, armed robbery and murder in Kality federal prison administration march 2/2020, Addis Ababa.

³². ibid

³³. FGD held with the members of the Rapid force operation deputy sector Anti-contraband Directorate on March 23//2020, Addis Ababa.

³⁴. Information obtained from FGD held with the members of EFPC firearms license and regulation directorate on Feb. 23/2020, Addis Ababa.

illegal and restricted goods are flooding. There are some custom check points and operational areas of EFPC categorized as non-profitable check points and check points more exposed to the acts of corruption in different ways. Ideally people fully recognized that contraband and SALW trafficking is more profitable and attractive for those who wish to stretch their hands in to it very quickly³⁵.

The point for discussion in this regard is that economic profitability of illegal trade in SALW impeded law enforcement efforts. It has the power to buy moral and legal consent of people and institutions to be submissive to this kind of illicit activity. It is also important to note that people engaged in this kind of politically and socio-economically sensitive illegal activity have the power to apply all mechanisms to meet the market gap. Therefore, it is not necessarily to expect this study to come with investigative approach to see how corruption challenges institutional responsibility of EFPC in combating illicit flow of SALW. Informants indirectly indicated that corruption is eroding organizational capacity and responsibility of EFPC in combating illegal SALW trafficking equality to technological drawbacks of the institution, wide and inaccessible operational areas and porosity of borders.

4.2.3. Difficulties to Investigate and Prosecute Offences of Illicit SALW Trafficking

Data obtained from FBI shows that investigating offences of SALW trafficking remains bottlenecked challenge because of the complex nature of the crime itself, limited capacity of investigation mechanisms and technological drawbacks. The commission of the crime itself goes through clandestine and secretive process not to leave any evidence into the hands of LE institutions. Every activity of perpetrators passes through restricted and disciplined chain of command and firm communications even more stringent than LE Institutions. Traffickers use complex network and the power of money to deteriorate investigation and prosecution process with counterproductive results.

Key informant from FBI also explained that in most cases trafficking networks recruit local people in a very secretive manner to smuggle their products³⁶. The difficult thing in this regard is that perpetrators at the lower chain never know and not allowed to know who give instructions to them. This makes obtaining information and tracing accomplices difficult. Local people simply

³⁵ Information obtained from FGD held with the members of EFPC firearms license and regulation directorate on Feb. 23/2020, Addis Ababa.

³⁶ Interview held with strategic leadership of FBI coordination of regional investigation centers on March 17/2020, Addis Ababa.

serve as chain of communication between the mastermind and the whole/retail sealer. Financial and material arrangements of the whole trafficking process come from different directions. Everything is designed to run smoothly with false personal identity of brokers and smugglers, their properties, residence area, vehicles and accommodation costs. In addition to this single broker (receiver) commonly car drivers and their assistances, other accomplice only knows the next person to them not physically but through oral communications. All these mechanisms are used to block the reach of LE to the mastermind trafficker and make the investigation process busy on less critical issues.

Informants from AAPC and OPC crime and traffic accident investigation office explained the difficulty of investigating and prosecuting cases of illicit firearms trafficking as “dead on arrival” in the sense that the whole process revolves to investigate facilitators who are more far from mastermind traffickers³⁷. The investigation process end itself to investigate perpetrators at lower end of the complex network and let mastermind traffickers do their business freely. Very commonly investigation efforts are closed far behind the long way to arrest and investigate the mastermind trafficker. People accused with offences of SALW trafficking are rational players of the game and they serve as middle fielders. They involve intentionally into this kind of crime and they all know that they could resist the worst-case scenario of investigation using the money coming from their masters³⁸.

An interview held with key informant from FBI has explained below how the power of money obliterates the limited success of tactical investigation:

Perpetrators are very loyal to the third person from whom they received order. No one is willing to give correct personal information of third party. Even to resist the stringent investigation process and to hide the actual identity of people who direct them, perpetrators at the lower end are trained to call the name of people form the graves around churches and mosques and if the investigation goes based on the information they provide it ends with unpromising results.³⁹

³⁷ Interview held with staff member of OPC traffic and crime investigation section on March, 10/2020, Addis Ababa.

³⁸ Interview held with staff member of Addis Ababa Police Commission crime investigation department on Feb.18/2020, Addis Ababa.

³⁹ Interview held with staff member of FBI investigation of firearms offences on March 18/202, Addis Ababa.

Generally, the researcher has observed that EFPC have not trained human power and technology to trace complicated network of illicit SALW trafficking. Lack of technology to prevent and investigate illicit flow of SALW has remained as key challenge of the institution. Though tracing is preliminary part to investigate firearms trafficking, the absence of it has lockdown the opportunities of global cooperation. The application of alternative intelligence mechanism to this kind of crime is challenged by the double standard of informants. Informants work for both trafficking networks and LE authorities. It is only from the good will of informants to get information and finally brought it as evidence.

4.2.4. Inadequate Criminal Justice Response

Informants from EFPC, AAPC, OPC and FAG unanimously agreed that the deterrence effect of the criminal justice is not strong enough to close the doors for the commission of crime. As it is discussed by opportunity theory, trafficking networks make rational calculations by weighting the profits they could gain from engaging in illicit trafficking of SLAW and the costs/severity of punishment for being convicted as perpetrator (Geason & Wilson, 1988). Besides, the existing trend of CJS response in Ethiopia is not implemented in a manner to close the rational choice making strategy of trafficking networks.

The working CJS consider illicit trafficking of SALW like petty offence with very controversial intention of the articles addressing this problem⁴⁰. It has been treated as an offence against public safety and imposes extremely inadequate criminal liability as it is mentioned in Article 808/809 of the criminal code. Carrying and using prohibited firearms, trade in and intentional delivery of arm to persons not entitled to receive them (particularly infants/young persons) is treated as violation of regulations and punishable with fine not exceeding one hundred Birr or arrest not exceeding eight days. The criminal liability also depends on the discretionary power and personal judgment of the person in courtship that approves the existence of business transaction in a given illegal trade of firearms⁴¹. This shows that the focus and actual response of the CJS is very weak compared to the drivers and gains of illicit trade in SALW. Inadequate criminal

⁴⁰ Information obtained from FGD held with the members of EFPC firearms license and regulation directorate on Feb. 23/2020, Addis Ababa.

⁴¹ Interview held with staff member of law enforcement and crime prevention directorate of the ministry of peace on march 11/2000 and public prosecutor from FAG on March 24/2020, Addis Ababa.

justice response has been conducive to engage more in the illicit trade of SALW in a highly organized manner and on routine basis⁴².

According to the view of respondents from FBI and AAPC crime investigation unit, inadequate criminal justice response is serving the interest of trafficking networks because of the imbalance between the severity of criminal liability and the profit gained from this illicit activity. Now days, it is common to see recidivist people who make trafficking of SALW as their life career for more than ten years and being released because of inadequate CJSR⁴³. Inadequate criminal justice response helps traffickers to acquire the capacity to mitigate all risks of criminal liability with their financial power and transform their business into whole sale trafficking⁴⁴.

The procedural activity of the court decision is also demolishing CJS response by releasing suspects with bail/financial warrant without properly analyzing the possibility of being arrested at times of criminal sentencing⁴⁵. Respondent from FBI specially challenges the procedural activities of the CJS in relation to the provision of warranty to suspects of firearms trafficking as follows:

No one can imagine that assistant of driver monthly paid with 5000 Birr is capable to appear in front of the court with financial warrant worth of 350,000 Birr. However it is common to see while people bring the aforementioned amount and released on bail. The focus of CJS towards illicit trade in SALW is not strong compared to corruption cases and this “systemic negligence” indicates that commitment of the state to fight illicit SALW is very weak and this has greatly demolished institutional efforts of EFPC to combat illicit firearms⁴⁶.

This shows that CJS responses has no deterrence effect on actual and potential perpetrators and if the worst come perpetrators avert the risks using their financial power to win the judgmental consent of the people in court. As it is discussed in UNODC (2018), adequate criminalization and strict procedural approaches are important to cult illicit firearms trafficking. However the Ethiopian case in this regard is working to the opposite direction by giving less CJS response to the issue. Information obtained from FAG shows that customs proclamation no.859/2014 which brings more series criminal liability to perpetrators is used alternatively to avoid inadequate

⁴² FGD held with the members of the Rapid force operation deputy sector Anti-contraband Directorate on March 23//2020, Addis Ababa.

⁴³ Interview held with staff member of FBI investigation of firearms offences on March 18/202, Addis Ababa.

⁴⁴ Interview held with staff member of AAPC crime investigation department on Feb.18/2020, Addis Ababa.

⁴⁵ Interview held with staff member of FBI investigation of firearms offences on March 18/202, Addis Ababa.

⁴⁶ Interview held with staff member of AAPC crime investigation department on Feb.18/2020, Addis Ababa.

response of the criminal justice system. Personal observation of the researcher in some selected Federal courts and prison administration in Addis Ababa confirmed that cases of firearms trafficking are charged with offences of contraband in order to bring more severe punishment to offenders.

The CJS response placed to ensure the accountability of suspects from formal LE institutions (militia office, police, and members of the private security company and politically appointed cadre) is also very weak compared to the price of the SALW carried by this group of people. Key informants from EFPC crime prevention sector and OPC explained that there is no legal liability for LE personnel who lost their firearms negligently or intentionally sold it⁴⁷. They are only required to pay the current price of the firearms as estimated by relevant government authority. There is no mechanism to check whether suspected firearms are confirmed for accidental lost or intentionally smuggled to other areas with calculations to request for substitute firearms from the same administrative unit⁴⁸. This kind of problem is more worsened with the political cadres who are assigned to work on rotational basis. They simply rotate without returning their current holdings and they apply for firearms in the newly assigned areas and no one cares about the former one. This has been contributed for the proliferation of illegal trafficking of SALW from formal LE institutions⁴⁹. As it is discussed in the literature part by Greene & Kirkham (2009), inadequate criminal CJS response is one of the contributing factors for the diversion of SALW from both national stocks and civilian holdings in to the illicit market. In the Ethiopian case, lack of stringent accountability measures and weak criminal justice response opens the door for the drainage of firearms from both civilian and authorized holdings.

4.2.5. Poor Mechanism to Destruct Seized and Confiscated Illegal SALW

Decentralized and often disharmonized approach in the governance of SALW led to discrepancy on how and by whom seized and fortified illegal firearms should be administered, managed

⁴⁷ Interview held with staff member of EFPC legal affairs and consultancy service directorate on Feb, 21/2020, Addis Ababa.

⁴⁴ Interview held with staff member of AAPC crime investigation department on Feb.18/2020, Addis Ababa

⁴⁵ Information obtained from FGD held with the members of EFPC firearms license and regulation directorate on Feb. 23/2020, Addis Ababa.

⁴⁶ Interview held with strategic leadership of the federal police commission security and law enforcement operation sector on March 18/2020, Addis Ababa.

otherwise destroyed⁵⁰. There is no nationally endorsed standard to avoid non-operating firearms and the practice is open for accountability and transparency criticisms. Informant from MoP explained the practice of avoiding non-operating, seized and fortified firearms as a kind of “letting non authorized groups to arm themselves from legitimate sources”.⁵¹ There is no formal institution mandated to supervise the administration and destruction of armaments at national level. Besides, there is great possibility of “re-trafficking of trafficked” SALW and this has technically affecting the effort of mandated institutions to protect transfer of illegal firearms to non-state actors⁵².

4.2.6. Poor Sub Regional Cross Boarder Cooperation to Control SALW Smuggling

Parallel to the porous and uncontrolled nature of borders, poor sub regional cooperation to combat cross border firearms trafficking is challenging EFPC not to advance its efforts against trafficking networks from opposite side of the border. FGD participant from the crime prevention sector explained that the move of the police to apprehend illicit networks beyond the border is problematic because of its sovereignty implication. Traffickers use the “blanket mask purpose of state sovereignty” to hide themselves and believed that LE authority from adjoining states is unlikely to apprehend them⁵³. Commitment and capacity of adjacent states to patrol and regulate their frontiers on mutual basis is also very limited and this allows free movement of people, contraband goods and prohibited properties including smuggled firearms. Countries that share borderlines with Ethiopia have predominantly ungoverned frontiers and let free the movement of smuggled firearms. This problem also dwarfs tracing, investigation and prosecution of illicit firearms⁵⁴. Investigative responses of the commission are limited only to cases arrested within the territorial sovereignty of the state. The possibility to undertake take cross border investigation is less succeeded as it is discussed in the subtopic cooperation challenges to combat firearms trafficking.

⁵¹ FGD held with the members of the Rapid force operation deputy sector Anti-contraband Directorate on March 23//2020, Addis Ababa.

⁵² Interview held with staff member of OPC traffic and crime control section on March, 9/2020, Addis Ababa.

⁵³ FGD held with the members of the Rapid force operation deputy sector Anti-contraband Directorate on March 23//2020, Addis Ababa.

⁵⁴ FGD held with the members of the FPC crime prevention March 23//2020, Addis Ababa.

Key findings of this subtopic shows that the practice of EFPC in combating illicit trafficking of SALW is not strong enough to solve the problem strategically. The responses of EFPC to combat illicit firearms trafficking are undertaken with the pressure of accumulated obstacles hindering its institutional success. The operational activities of EFPC to set national standard in regulating civilian possession of SALW, detection, prevention, investigation and prosecution of illicit SALW trafficking have remained as key organizational problems attributed to the challenges of the institution in discharging its responsibility.

4.3. Challenges of EFPC in Combating Illicit Trade in SALW

EFPC is one of the front-line institutions authorized to lead the fight against proliferation, possession and transfer of illicit firearms. However, in performing its core responsibility to combat illegal firearms trafficking, the institution has been faced various challenges basically emanated from the organizational setup of the institution itself.

4.3.1. Institutional and Structural Challenges

Informants from different law enforcement departments admitted that institutional challenges of EFPC in combating illegal SALW trafficking emanates from the contested and scrambled power of the organization itself. The power to prevent, control and investigate illegal flow of firearms is shared among different federal and regional institutions. In practice there is no national consensus as to which organ should exclusively govern the critical aspects of illegal SALW trafficking. This makes institutional mandate and responsibility very vague and difficult for endorsement. Overlapping organizational mandate led to the state of blurred autonomy and difficulties in the areas of functional integrity and cooperation.

Predominantly competitive responsibility of institutions both at federal and state level has demolished institutional capacity of EFPC to combat illicit SALW trafficking. Key informant from AAPC boldly claims that disorganized and competitive responses of several institutions towards the problem make illicit firearms trafficking to hide itself below the surface but to spread very quickly. The involvement of multiple actors to mitigate the problem not only demolishes the capacity of the commission but also contributed to “national negligence of illicit firearms trafficking” not to make it strategic focus of the state. Overlapping institutional responses to combat illicit firearms trafficking creates shadow relationship among institutions and make the issue to remain underestimated still recent time. Recent violent conflicts erupted in

different parts of the country make illicit firearms trafficking more noticeable, recognized as serious problem and shine over the gaps of LE responses.

Key informant from strategic leadership of EFPC explained that institutional challenges are primarily affecting the commission by making it to operate on less strategic crime prevention and investigation activities and predominantly administrative tasks. This makes the institution to be short sighted to identify its strategic focus, decision making and resource mobilization. In this regard, institutional and structural challenges of EFPC is aimed at exploring leadership challenges, loss of organizational focus and dedicated structural arrangements in combating illicit firearms trafficking.

4.3.1.1. Excessive Political Dictation and Fluctuating Leadership

Information obtained from research participants of federal and AA police commissions revealed that excessive and fluctuating political leadership of the institution is affecting its operational success. This has brought lack of consistent and focused institutional commitment, delayed strategic decision making and resource mobilization, and hampered professional development and integrity. The details are given below.

A. Loss of Institutional Commitment and Strategic Focus

Information obtained from legal affairs, budget and plan directorates of EFPC show that political leadership of EFPC is very excessive and highly compromised the basic principle that leadership to the police should be nurtured from the institution itself and not politically appointed⁵⁵. They claim that political leadership to the institution is on fluctuating base neither acquainted itself with professional integrity of the institution nor stay longer time at least to transform the strategic focus of the institution one step forward⁵⁶. These respondents also explained how excessive political leadership is affecting institutional commitment and strategic focus stating that:

From its inception in 2000s, EFPC is managed to lead by its eighth commissioner general. Key operational structures of the institution are also ruled by politically appointed leadership without adequate knowledge, skill and attitude in basic police operations. From the governing authority (ministerial position) up to the structural arrangements of key police operation sectors there are more than four chains of leadership occupied by politically appointed staffs. The minster, deputy

⁵⁵ Interview held with staff member of EFP legal service directorate on Feb. 21/2020, Addis Ababa.

⁵⁶ *ibid*

minister, commissioner general, deputy commissioner general, and sector head all are political appointee to rule the institution. The authority to govern EFPC too falls in a state of pendulum moving from the Ministry of Internal affairs to the Ministry of Federal Affairs and Pastoralist Area Development Minister and then to the office of the prime minister and recently to the ministry of peace. The point here is that excessive political leadership on fluctuating basis makes the institution to lose its institutional commitment, strategic focus and lack of consistency to combat illicit SALW⁵⁷.

Nevertheless, this excessive political dictation should not be justified in favor of civilian oversight. It goes deeply to lead technical structures/departments without required knowledge, skill, and attitude of LE institutions. The researcher strongly shares the view of the above informants. Law enforcement leadership should be nurtured and grown up from lower hierarchy of the institution step by step. This kind of excessive and fluctuating political dictation can be considered as policing the police by non-police institutions. As no one can perform surgery without the knowledge of human anatomy and physiology, the same explanation by analogy should be applied to the leadership of police institution. The leadership of the police should be created from the institution itself since political leadership is limited in identifying professional gaps and less committed to fill them. This has resulted in the loss of institutional focus, lack of commitment and consistency to identify and endure policy goals, absence of dedicated department to act based on strategic focus and professional integrity.

Information obtained from MoP explained loss of institutional memory and lack of institutional commitment in the form of delay and ignorance of some critical aspects of combating illicit SALW trafficking⁵⁸. The efforts and initiatives of policy mainstreaming and vibrant normative frameworks governing illicit firearms trafficking have been remained out of focus because of the fluctuating institutional capacity. For example, the strategic leadership could have played a critical role in identifying technical issues relevant for the establishment of strong firearms governance and lead its findings to the concerned authorities for approval. However, the issue of SALW governance did not receive strategic attention to make it mainstream policy focus. Due to this, Ethiopia has been waiting for more than fifteen years to adopt the Nairobi protocol for prevention, control and reduction of SALW as part of its normative framework⁵⁹. Key informant

⁵⁷ Interview held with strategic leadership of FPC on March 11/2020, Addis Ababa.

⁵⁸ Interview held with staff member of law enforcement and crime prevention directorate of the ministry of peace on March 11/2020 and public prosecutor from FAG on March 24/2020.

⁵⁹ Interview held with staff member of EFPC legal affairs and consultancy service directorate on Feb, 21/2020, Addis Ababa.

from EFPC argued that SALW trafficking has been out of institutional focus for many years. According to him, the recent proclamation to regulate civilian possession of SALW is also another indicator for the “lose of institutional commitment”⁶⁰. The proclamation was given to EFPC from the FAG as a ready-made tool instead of letting the commission to have its own technical saying on the drafting and deliberation of the law.

B. Absence of Dedicated Department to Fight Illicit Trafficking of SALW

Another relevant institutional aspect of EFPC and yet missed one is dedicated office to lead and coordinate the national campaign against illicit trafficking of SALW. According to UNDP (2008), National SALW commission is nationwide inter-agency responsible for policy development, coordination, implementation, and monitoring efforts to address illicit trafficking of firearms within national territory. National Point of Contact (NPC) or National focal person (NFP) equally plays great role in facilitating the activities of the commission. National SALW commissions are needed as coordinating bodies and focal points. Establishing effective National SALW commission is considered as crucial step to develop and implement national SALW control against illicit firearms trafficking.

Research respondent from EPUC stated that Ethiopia lacks national SALW commission to facilitate inter-agency cooperation to combat illicit SALW trafficking. For Ethiopia, it is too late to learn from global good practices and use them to establish dedicated office to govern SALW affairs and facilitate interagency cooperation⁶¹. Because of its failure to establish National SALW commission, Ethiopia is losing advisory and technical support from regional and global agencies working in prevention, control and investigation of illicit trade in SALW. According to the data obtained from the legal affairs and consultancy service directorate of EFPC, Ethiopia has lost financial support worth of 350, 000 USD from RECSA only in 2019⁶². The same respondent further asserted that lack of national SALW commission never stop in the immediate

59. Interview held with staff member of EFPC legal affairs and consultancy service directorate on Feb, 21/2020, Addis Ababa.

⁶⁰ *ibid.*

⁶¹ Interview held with staff member of EPUC on March, 22/2020, Sendafa, Ethiopia.

loss of technical support from relevant organizations but it also violates the legal obligation to adopt and apply legally binding instruments governing illicit firearms trafficking.

During the fieldwork witnessed that lack of effective coordination and information sharing center between different government departments and agencies causes significant challenge to combat illegal firearms trafficking. It is too late for Ethiopia to integrate key international and regional agreements on the governance of firearms as part of its domestic policy and normative frameworks. Lack of dedicated institution and national action plan to coordinate the activities of law enforcement authorities makes very difficult to estimate the amount of SALW at national level. Little is accurately known about who is armed with what and how amount. This makes difficult to launch national data base of SALW and support LE enforcement operations.

The effort to maintain national data base of firearms is at its incomplete and deformity status. Reporting mechanism of existing law enforcement institutions of all levels are weak and not coordinated to build real picture of the problem. Much is known from open sources than from formal reports of law enforcement institutions about illicit firearms. Absence of national body to organize and centrally analyze reports of LE institutions humiliates institutional capacity of EFPC and obscure clear picture of illicit SALW. Dedicated and vibrant institutions to coordinate national action plan on illicit firearms trafficking have been in place, at least Ethiopia would be able to visualize the image of the problem from reports coming from its various law enforcement institutions⁶³.

To relate this sub topic with the literature review of the study, the practice of EFPC in combating illicit firearms trafficking is far behind the required institutional arrangements and commitments of relevant departments as discussed by UN program of action (2001), international tracing instrument (2005) and Arms trade treaty (2014).

4.3.1.2. Structural Challenges

Structural challenges of the commission basically refer to arrangement of different departments within the greater institutional makeup of EFPC. Several departments structured and assigned to fight illicit firearm trafficking are faced with enumerable challenges. Key operational units of the commission (crime prevention and crime investigation) for instance are very scattered in to

⁶³ Interview held with informants from the MoP and EPUC on March, 11 and 22/2020, Addis Ababa respectively.

different operational areas⁶⁴. They are not organized in a position to curb the wide spread of smuggled firearms across boundaries of the state. Thus, lack of trained human power and technological deficiencies, inaccessibility of operational areas and problems of inter-agency cooperation are major challenges of the operational departments of the commission as identified by respondents. Though the responsibility to combat illegal trafficking of SALW is given to EFPC, there are key structural arrangements (departments) within the bigger institution which are very proximate to combat illicit circulation of SALW as discussed below.

A. Challenges of Crime Prevention Sector to Combat Illicit Trade in SALW

Crime prevention sector of EFPC takes the biggest share in detection, prevention and control of illegal firearms trafficking. According to the view of a respondent from the leadership of crime prevention sector, organizational structure of crime prevention is very scattered and more stretched to cover large operational areas with limited human resource. The responsibility to prevent illegal firearms trafficking is simply given to the sector under the genesis of crime prevention function. There is no institutional structure within the sector fully armed with trained and specialized human power and advanced technology to combat illegal firearms trafficking⁶⁵. Efforts to control illicit firearms trafficking are very weak and easily penetrated by smuggling networks.

Absence of trained human power coupled with large and inaccessible operational areas of the sector are disturbing the effectiveness and reliability of its responses. The capacity to use technology alternatively in areas of detecting, preventing and controlling illicitly smuggled SALW have remained as the most pressing challenge. The secretive and clandestine nature of the crime allows SALW to pass undetected due to lack of searching and scanning technology. According to the views of FGD participants from crime prevention sector, inaccessibility of the operational area and lack of advanced technology are identified as facilitators for the free

⁶⁴ FGD held with the members of the FPC crime prevention March 23//2020, Addis Ababa.

⁶¹ Interview held with strategic leadership of EFPC rapid force on March 3/2020, Addis Ababa.

⁶² FGD held with the members of the Rapid force operation deputy sector Anti-contraband Directorate on March 23//2020, Addis Ababa.

movement of illegal SALW⁶⁶. They also believe that there is great possibility for smuggled SALW to pass undetected equally or worth to illegal firearms detected and arrested by law enforcement authorities. A respondent from crime prevention sector has explained how lack of technology and trained human power is affecting efforts of combating illicit trafficking as follows:

In addition to inaccessible operational areas of the commission, lack of trained manpower and advanced technology to control firearms smuggling remained unresolved challenge to the sector. Because of lack of human resource and technology to cover all suspected firearms smuggling roots, we only focus on selected check points and control adjacent hotspot areas on mobile patrol. Besides, lack of advanced technology to control and prevent firearms smuggling is affecting success of the sector by making detection of suspected SALW direct life threatening operations. Needless to mention the place of operation, several officers have lost their life and physically injured by explosives while they were manually searching trucks suspected of hiding illicit weapons.⁶⁷

B. Challenges of Crime Investigation to combat Illicit Trafficking of SALW

The same structural problem exists with crime investigation section of the EFPC. Key informant from FBI revealed that institutional arrangements to investigate illicit circulation of SALW is largely confined in the capital leaving the largest part of the country for crime prevention sector and regional police commissions. The investigative capacity of the institution and its working structures are inaccessible not only to cover all parts of the country but at least to cover hot spot areas of illicit SALW smuggling⁶⁸. Basically, the structure to investigate and prosecute illegal firearms trafficking is divided between Federal and AA police commissions at federal level and regional police commissions. This has been a center of dispute between the two hierarchies of institutions⁶⁹. For majority of its part, institutional relationship between Federal and regional LE institutions responsible to investigate offences of firearms trafficking is spearheaded by joint competition to store seized firearms into their stockpiles. Key informant from FBI's regional centers of investigation explained that there is little and very occasional room for cooperation and coordination in addressing tactical and technical gaps of investigation. He adds to explain that:

⁶⁷ Interview held with strategic leadership of EFPC rapid force on March 3/2020, Addis Ababa

⁶⁸ Information obtained from staff member of FBI on March, 18/ 2020, Addis Ababa

⁶⁹ Interview held with staff member of AAPC crime investigation department on Feb.18/2020, Addis Ababa.

Regional centers of FBI in some areas are closed due to the pressures coming from regional states. They are incapacitated by competitive view of federal and regional law enforcement institutions on illegally trafficked firearms. Regional investigation centers of FBI are established to expand the reach of EFPC towards smuggling roots and corridors of illegal trafficking. However, such operational intention is viewed by regional law enforcement institutions as extra-move against their autonomy by the center. The relationship is governed by political view for most of its part and not based on professional relationship to fight against common enemy⁷⁰.

Another key informant from FBI explained that the capacity to investigate SALW trafficking is very weak and more focused on tactical investigation. Intelligence activities of the institution are not specialized to gather and analyze accurate information of illicit SALW⁷¹. It is undertaken as collective intelligence activity feeding all investigation aspects and this create difficulty to undertake well organized counterproductive intelligence against traffickers. Lack of technology and trained manpower is also another major challenge in this regard. Lack of specialized knowledge and skill of investigators and intelligence officers on the unique nature of illicit firearms, lack of technology to detect, mark and trace bodies and component parts of illegal SALW and absence comprehensive data base to cross check the origin and sources of SALW are affecting the investigation of illicit SALW trafficking⁷²

C. Challenges of Interpol Directorate to Combat Illicit SALW Trafficking

Interpol is considered as key component of the collective move against illicit trafficking of SALW. It facilitates information sharing and international cooperation. Information obtained from FGD participants of Interpol directorate shows that structural arrangement of Interpol at directorate level within the organizational structure of FBI forced it to pass across complex structural hierarchy. This makes the institution extremely limited in scope and focus to combat illegal SALW trafficking. FGD participant from the same directorate boldly claims that the current structural setup of Interpol is making the institution to be short sighted and remained front line challenge in discharging its organizational responsibility⁷³.

⁶⁸ibid.

⁶⁹. FGD held with the members of the Interpol Directorate on March 23//2020, Addis Ababa

⁷⁰. Interview held with strategic leadership of FBI coordination of regional investigation centers on March 17/2020, Addis Ababa

⁷². Interview held with staff member of FBI investigation of firearms offences on March 18/202, Addis Ababa.

⁷³. FGD held with Interpol directorate on March 23/2020, Addis Ababa.

FGD participant from Interpol directorate called up on fundamental restructuring of the Interpol directorate. In order to fully discharge its core functions, Interpol should re-institutionalized at least parallel to other law enforcement departments (sectors) and directly accountable to the top managerial leadership of the commission. Long and complex bureaucratic chain is affecting institutional communication, decision making and budget interest of the directorate⁷⁴.

The role of National Focal Contact or Person (NFC/NCP) is another structural deformity of Interpol. Though the prime purpose of NFP is to serve as liaison office for national LE, the practice from the side of Ethiopia is different. Communication and reporting mechanism of NFP was at personal level and not institutional. This has closed the opportunity for knowledge and skill transfer to the upcoming leadership of the institution. Once the personal communication and reporting activities of NFP has locked down, there is no means to reach global LE operations and consequently followed by lose of institutional focus⁷⁵. This has negatively reduced the chance to obtain financial and technical support from swift reporting and communication mechanisms. Ethiopia has never reported its status of combating illicit SALW trafficking except the 2008 incomplete report to the UNSC illicit firearms trafficking unit. Ethiopia is not benefiting from global network of accountability and transparency⁷⁶. Global network of accountability and transparency scheme is a plat form to make countries accountable for being violating international standards of transferring SALW to third party including arming of non-state actors.

Lack of baseline study and comprehensive data base to run global tracing of illicit SALW makes organizational responsibility of Interpol overly complex and stagnant. Ethiopia is not benefiting from global operations of detecting, marking, tracking, and reporting of smuggled SALW. One FGD participant from the directorate and another informant from FBI explained that lack of data base and technology make difficult to identify the origin and pathway of illegally possessed and transferred firearms. Without a detailed data base, efforts of the institution remained as difficult as harvesting fish from the desert⁷⁷. Ethiopia represented by its Interpol directorate is not able to utilize international support to make countries liable for their irresponsible transfer of weapons

⁷⁴ .FGD held with the members of the Interpol Directorate on March 23//2020, Addis Ababa

⁷⁵ *ibid.*

⁷⁶ Interview held with staff member of EPUC on March, 25/2020, Sendafa, Ethiopia.

⁷⁷ Interview held with staff member of FBI investigation of firearms offences on March 18/202, Addis Ababa

either using global accountability and transparency scheme or through international/diplomatic good name (naming and shaming).

D. Firearms Administration, Control and Management Directorate to Control Illicit SALW

Another structural arrangement of EFPC regarding the governance and management of small firearms is an institution to regulate civilian possession of firearms. Initially this institution was under the crime prevention sector at division level (5th) from below and recently restructured as directorate (3rd) level from above. Primarily the directorate is exclusively assigned to regulate civilian possession of firearms across the country by representing the bigger EFPC⁷⁸. However, past institutional experience on the issue itself and the severity of the problem shows that current structural arrangement is not capable to perform this complex and unregulated administration of civilian firearms.

Data obtained from key informants of AAPC, EFPC and OPC shows that regulating civilian possession of firearms is very haphazard and disorganized in terms of institutional and structural arrangements. At federal level, FPC firearms license, control and administration directorate and AAPC jointly takes the responsibility. At regional level there is no uniform practice of regulating civilian possession of firearms and commonly revolves around two institutions: either Regional Police Commissions or Regional Security and Justice Offices⁷⁹. Decentralized and competitive law enforcement approach to regulate civilian possession of SALW basically emanates from lack of comprehensive policy and normative frameworks. This kind of approach leaves much of firearms governance untouched and remained as critical challenge to combat illicit trafficking of SALW. There is no cross-checking mechanism to ensure that no one is applying and acquiring more than one firearm from different law enforcement institutions⁸⁰. The practice revealed that people have the chance to register and own more than one firearm from different institutions.

⁷⁸ Interview held with staff member of FBI investigation of firearms offences on March 18/202, Addis Ababa.

⁷⁹ Interview held with staff member of AAPC crime investigation department on Feb.18/2020, Addis Ababa.

⁸⁰ . Interview held with staff member of OPC traffic and crime investigation section on March, 10/2020, Addis Ababa

Respondent from OPC has explained this temporary registration of firearms ownership as “intentional and legal recognition of illegal firearms”⁸¹. The same respondent further explained the challenges of regulating civilian possession of firearms as follows:

There was/is no mechanism to question and check the sources and legality of small firearms coming from an individual to the police/other institution. At the same time there is no mechanism to control the activity of clients not to acquire more than one firearm from different kebeles, districts, zones and even regional states. No one knows what is happening next to his/her door and this have opened the door for the wide spread of illegal trafficking of SALW⁸².

The researcher has agreed with the view of key informant from OPC in the sense that the practice of regulating civilian possession of firearm is challenging efforts to combat illegal trafficking. The system itself is open for various actors who involve on unilateral basis at the expense of coordination and strict measures, institutional accountability and transparency, disciplined and clear organizational response. In other words regulating civilian possession of firearms in Ethiopia is nothing more than letting unregulated institutional structures to regulate combat illicit flow of firearms. Procedural activities of LE institutions, and the sources and legality of firearms to be administered becomes major challenge to EFPC in combating illegal trafficking of SALW. Thus, loose regulation of civilian firearms is serving as a springboard for the wide spread of illicit SALW and challenging institutional responses of EFPC.

In addition to the challenges mentioned above, FGD participants from firearms regulation directorate mention that institutional capacity of the directorate is very limited because of lack of: trained human power, advanced technology to identify and mark firearms coming for license. Absence of baseline information on estimated number of firearms, lack of comprehensive data base to check against the origin and legality of SALW to be licensed, inaccessibility to clients across the country are another set of challenges of the directorate. Absence of data base make the boundary between smuggled SALW and civilian held small firearms very blurred and essentially challenging combating of illicit SALW. Mechanisms of awareness creation about the relevance and procedures of regulating civilian possession of firearms and its accessibility to wider community are bottlenecked problem⁸³. Structural position of the directorate within the bigger

⁸¹ Interview held with staff member of OPC traffic and crime investigation section on March, 10/2020, Addis Ababa

⁸² *ibid*

⁸³ FGD held with the members of the Interpol Directorate March 23//2020, Addis Ababa

institution also incapacitated it due to long and complex bureaucracy, communication and decision-making barriers, lack of resources to discharge its responsibilities.

4.3.2. Policy and Legal Framework Challenges

In the conceptual framework of this study, it is explained that policy and normative frameworks are authoritative measures useful to provide vibrant policy direction and binding legislations to administer, manage and control illicit firearms trafficking. They are essential to determine policy focus, objectives and strategies, and responsibility of relevant authorities to discharge the goals (Carment et al, 2017). This subtopic has discussed the status of policy and normative frameworks guiding EFPC to combat illicit firearms trafficking and the challenges in doing so from viewpoint of institutional practice by relating with literatures in the field

4.3.2.1. Policy Challenges

Information gathered from research participants of EFPC revealed that Ethiopia has no comprehensive policy framework to control illicit SALW trafficking, regulate civilian possession of firearms and mechanisms to provide legitimate firearms. Institutional responsibility to combat illicit firearms trafficking is remained ungoverned⁸⁴. Existing policy and legal frameworks have failed to evolve themselves and to provide comprehensive response to the dynamic nature of illicit trade in SALW. Ungoverned illicit firearms trafficking and law enforcement response basically emanates from failure of the state in making illegal firearms trafficking mainstreamed policy and normative focus.

As far as institutional responsibility to combat illicit circulation of SALW is concerned, existing policy and legal frameworks have no clear intuition as to who controls what and on what basis. They follow scattered and disharmonized method to combat illicit firearms trafficking. Despite the unilateral efforts of different institutions to lead the fight against illicit trafficking with unpromising success, combating illegal SALW trafficking has remained as “no once zone of influence”⁸⁵. Key informant from EPUC research institute strongly criticizes the recent criminal justice policy developed by FAG for being entirely focused on procedural activities of LE

⁸⁴ Interview held with strategic leadership of the federal police commission security and law enforcement operation sector on March 18/2020, Addis Ababa.

⁸⁵ Interview held with staff member of EFPC legal affairs and consultancy service directorate on Feb, 21/2020, Addis Ababa.

institutions and stakeholders on reactive basis. Nothing is mentioned about the governance of illicit SALW trafficking. It has overlooked this emerging security threat. Crime prevention strategy adopted very recently follows the same path of engagement like that of the criminal justice policy in dealing with illegal firearms trafficking. Combating illicit trafficking of SALW is not included in the short list of top ten crimes identified by the crime prevention strategy.⁸⁶

4.3.2.2. Normative Challenges

The normative framework governing illicit SALW is not comprehensive to exhaustively provide institutional mandate, criminal liability, and standardized procedural activities. Key informant from Legal affairs and consultancy service directorate claim that lack of comprehensive law for the administration and management of illegal firearms trafficking in all its aspect is the biggest LE challenge. Existing laws governing illicit firearms trafficking are contradictory to each other and become sources of contention between law enforcement institutions of different hierarchies.⁸⁷

The legal framework to provide liability for perpetrators of illicit firearms trafficking is another LE challenge. For most of its parts, this kind of response is found in the criminal code in scattered and outdated legal status. According to the views of key informants from legal affairs and consultancy service directorate of EFPC and EPUC, the criminal justice response derived from articles of the criminal code (Art.808/09) consider illicit SALW as offence against public safety and punishable equally with petty offences falling under the category of violating regulations⁸⁸.

Another provision of the criminal code to combat illegal firearms trafficking is Art.481. The article requires public prosecutor to proof whether an offence intentionally includes business transaction or not to be considered as illegal firearms trafficking. Key informants from FAG strongly oppose this article claiming that it is highly open for personal judgment and discretionary power of the judge in courtship⁸⁹. The intention of this article is that there should be business

⁸⁶ Interview held with staff member of EFPC legal affairs and consultancy service directorate on Feb, 21/2020, Addis Ababa

⁸⁷ *ibid*

⁸⁸ Interview held with staff member of law enforcement and crime prevention directorate of the ministry of peace on March 11/2020 and public prosecutor from FAG on March 24/2020, Addis Ababa.

⁸⁹ Interview held with the staff member of public prosecutor from FAG on March 24/2020, Addis Ababa.

interaction. However, the nature and modus operandi of illicit firearms trafficking makes difficult to show business transaction and the article have no answer on how to deal with suspects holding more than one firearm and avoid any business transaction. This has negatively affected the deterrence effect of the criminal justice response by making it inadequate and not proportional compared to the profit gained from illicit circulation of SALW. The point is that the criminal justice response is not much series to deter potential perpetrators to refrain from engaging in such illicit activities. This in return has affected the efforts to combat illicit SALW trafficking.

In addition to combating illicit trafficking of SALW, legal provisions to regulate civilian possession of firearms has simply leave the practice in decentralized and non-standardized occasion. Indeed, there was no trend of regulating civilian possession of SALW. Rather it was temporary registration of firearms coming from where ever and from whom so ever. The most striking aspect of this temporary registration of SALW is that no one takes the responsibility to validate source and legality of such armaments. This has been served as safe marketplace for illicit networks to dump their illicit firearms. According to key informant from AAPC temporary firearms ownership registration has contributed to increased accumulation of firearms by simply allowing people to bring and register firearms. This has created rapid motivation to arm oneself by using this loose and unregulated registration process as a secured way to buy/own firearms from the open market and hence contributing to indiscriminate trafficking and increased trend of illegal firearms though it is currently closed⁹⁰.

4.3.2.3. Proclamation to Provide for Firearm Administration and Control

In order to regulate civilian possession of firearms the parliament has passed legislation (pro no. 1177-2020) hoping that regulated civilian ownership of firearms would potentially support the fight against illicit trade in SALW. The intention of the proclamation is to provide centralized institutional approach to regulate civilian possession of SALW. At institutional level, the power is exclusively given to EFPC. However the relevance of the new proclamation to prevent illegal firearms trafficking and to play deterrence effect on the organized activity of trafficking

⁹⁰ Interview held with staff member of AAPC crime investigation department on Feb.18/2020, Addis Ababa.

networks is not strong⁹¹. It has tried to control roots of illicit firearms trafficking by highly stressing on regulating civilian possession of firearms. It leaves the bigger problem of illegal firearms trafficking to be governed by the criminal code Art 481. Key informant from EPUC argued that promulgating a law by itself is admirable progress but illicit firearms trafficking in Ethiopia could not be solved by having the law only. The researcher shares the view of the above informant claiming that the law by itself is not sufficient and combating illicit SALW requires vibrant institutional response.

Though it is too early to criticize the new proclamation, it is important to discuss on some missed elements which are important for the prevention, control, investigation and prosecution of illegal trafficking of SALW as discussed below.

Frist, the proclamation focuses much on procedural activities of regulating civilian firearms and the measures placed to control illicit trafficking are not stringent enough⁹². The criminal liability and criminal justice response is governed by the articles of the criminal code. According to informant from legal affairs and consultancy service directorate, the new proclamation failed to harmonize itself with the provisions of the criminal code. The provision of the criminal code governs criminal liability for illegal trafficking of firearms based on its controversial phrase demonstrating “business transaction”. The proclamation leaves this particular article untouched and missed the opportunity for harmonization. This provides traffickers with the opportunity to run their illicit operation at the pretext of ill-conceived phrase qualifying business transaction. The power of the new proclamation to combat illicit firearms trafficking is weak and gives more focus on procedural activities of legalizing illicit SALW acquired by end users.

Second, the proclamation is not comprehensive to provide exhaustive definition of firearms and to include emerging technologies used for production, possession and transfer of illegal firearms. Key informants from EPUC states that new technologies applied for production and distribution of firearms such as gas comprehension weapons, air gun/pistol, 3D weapons which are basically produced through cyber transfer and blue print production are out of the reach of this new proclamation and will continue to challenge combating efforts of illegal firearms trafficking⁹³.

⁹¹ Interview held with staff member of law enforcement and crime prevention directorate of the ministry of peace on march 11/2000 and public prosecutor from FAG on March 24/200.

⁹² FGD held with the members of firearm license Directorate on March 23//2020, Addis Ababa.

⁹³ Interview held with staff member of EPUC on March, 22/2020, Sendafa, Ethiopia

Such conceptual deformity might force Ethiopia to wait more years even worth of the time that it takes to enact this new proclamation.

Third, the new proclamation is also defective in its drafting stage. Key informant from legal affairs and consultancy service directorate of EFPC describes the new proclamation as a ready-made tool given from FAG to the police. The drafting stage was not inclusive to bring relevant stakeholders on the board and to discuss the relevance of the proclamation itself. It failed to ensure participation of the most essential institutions to which the power to implement the proclamation is entrusted up on them. Both regional police commissions and federal police who have relatively better technical and operational understanding on the issue were not participated to share their view on the drafting stage of the proclamation. FGD participants from firearm control directorate explained the exclusiveness of the proclamation stating that it is very difficult to implement without intensive discussion on the intention, purpose and procedural activities of the law with relevant stakeholders. Key informants from EFPC and AAPC have explained this defective drafting stage as “one size fits all” approach⁹⁴. The drafting process is failed to learn from best practices of countries in the promulgation of laws. Law enforcement institutions particularly the police is participated in indirect way though the issue demands direct police participation and owning the whole process.

Fourth, the proclamation provides Regional Police Commissions with excessive delegation of the powers of the federal police commission and there is no change from the past practice. It has bypassed the responsibility to Regional Police Commissions and only substantiated their current practice with legal backing. Key informant from EPUC has explained this as a problem of harmonization between establishment proclamation of EFPC and the new proclamation⁹⁵. EFPC is serving as channel of communication between the law and regional police and limited only to play supervisory or oversighting role. The challenge to combat illegal trafficking of SALW persists by making responsible institutions to maneuver in a state of unstable pendulum.

Fifth, the proclamation also comes with unattainable disarmament objectives. FGD participants from firearms regulation directorate argued that the ultimate goal of the new proclamation is to disarm civilians possessing illegal firearms and thereby to stop its link to illegal trafficking.

⁹⁴ Interview held with informants from EFPC legal service affairs and EPUC on Feb, 24 and March, 26/2020, Addis Ababa.

⁹⁵ Interview held with staff member of EPUC on March, 22/2020, Sendafa, Ethiopia

However, there are bottlenecked challenges ahead of this disarmament scheme. The institution is not accessible to end users and to make the wider public owner of the disarmament process. Promulgation of the law by itself is not sufficient to regulate civilian possession of firearms. Alternative awareness creation mechanisms are not affordable based on the institutional capacity of the commission and are inaccessible to the public. Absence of comprehensive national data base and detailed manual to implement the proclamation are another set of challenges. Issues to be dealt by vibrant policy response are also bypassed to the authorized institution. Policy interests like age limit of an applicant, number of bullets and type of SALW to be licensed based on ecological condition of an applicant are left to the proclamation and the capacity of the institution is not capable to overcome these policy burdens. The proclamation also overlooked options for comprehensive disarmament schemes. Above all politicized view and actual purpose of SALW in contemporary Ethiopia is the most pressing challenge of the institution as it is explained in the subtopic of coordination and cooperation challenges⁹⁶.

Sixth, the proclamation lacks clear road map and detailed procedures to implement the law after the expiry of its transition period. Video conference held on May 15, 2020 (10:00 AM to 01:00 PM) between strategic leaders and experts of MoP and EFPC revealed that there are several activities to be performed before the expiry of the transition period. Establishing regulations and directives, issuing detailed manuals and standard operational procedures, establishing national taskforce and designing national action plan, conducting base line study of illicit SALW (sub regional, national, regional and hotspot areas), establishment of firearms database software and building national capacity are some of the essential procedural activities to be fulfilled ahead of implementing the law. In doing so it might take three up to five years to implement the law.

Seventh, the proclamation is challenged by policy paradox of its inception⁹⁷. The proclamation is derived from the privilege side of policy view claiming that the state is fully responsible and capable to protect its citizens from the danger of crime and security threats and no need to be armed. However respondents from FAG claim that it is not imaginable to combat firearms trafficking from this point of view in situations where people have no more trust on the state

⁹⁶ Interview held with staff member of EPUC on March, 22/2020, Sendafa, Ethiopia.

⁹⁷ Interview held with informants from EFPC legal service affairs and EPUC on Feb, 24 and March, 26/2020, Addis Ababa.

provided security. Building public confidence and make the wider community trustful on the capacity of the state to take control over the means of violence weights more than the law itself.

4.3.3. Procedural Challenges of EFPC to Combat Illicit Trafficking of SALW

The national practice of combating illegal trafficking of SALW is also affected by procedural challenges. These kinds of challenges basically emanate from the failure to identify dedicated institutions and assign them clear responsibility based on well-versed policy and normative directions.⁹⁸ Procedural challenges of EFPC to fight illegal firearms trafficking can be explained in terms of jurisdiction and functional overlapping of institutions entrusted to fight illicit SALW. Key informant from MoP has explained this functional and jurisdictional overlapping of law enforcement institution as unnecessary wastage of resource. Multiplication of responsibility has created weak institutional responses against illicit trafficking. Major challenges discussed in this study have a vicious impact one affecting the procedural activity of the other and let the problem revolve around the institution. Majority of the respondents unanimously agreed that institutional mandate of EFPC is challenged by set of overlapping functional and jurisdictional problems.

Institutional responsibilities of EFPC to deal with this problem lack institutional autonomy at the first place. Although the mandate is clearly given to the commission, there are other institutions who share equally this responsibility. This affects institutional reliability and effectiveness of responses placed to combat illicit trafficking. Key informant from custom commission explained how jurisdictional and functional overlapping affects responses of EFPC in combating illicit circulation of SALW as follows:

*Functional and jurisdictional overlapping among LE institutions in controlling and preventing firearms trafficking has been resulted in a competitive approach of law enforcement institutions both at federal and regional levels. This affects the operational activity of relevant stakeholders including custom commission itself*⁹⁹

Several institutions are allowed to involve in the prevention and control of illicit trade in SALW. Sometimes custom officers are confused on how to transfer seized illegal firearms. Institutional responsibility to confiscate illegal firearms is characterized by competition

⁹⁸ Interview held with staff member of law enforcement and crime prevention directorate of the ministry of peace on march 11/2000 and public prosecutor from FAG on March 24/2020, Addis Ababa

⁹⁹ Interview held with staff member of CC on March, 13/2020, Addis Ababa.

between regional and federal police commissions and this also affects the investigation and prosecution of such armaments.

Report and information sharing mechanism is another procedural challenge of EFPC to combat illegal firearms trafficking. Key informant from MoP observed that reports coming from relevant stakeholders to the institution in power are confusing and have little relevance to decision making¹⁰⁰. This creates difficulty in understanding the real picture of the problem and to adopt appropriate response. The problem is different for various institutions that collaborate with the principal institution. For example illicit firearm for custom commission is contraband reported in terms of money and it represents the number of suspected persons for crime investigation units and public prosecutors. There is a problem to reach common position between authorized institutions and relevant stakeholders on how to facilitate interagency cooperation and to make the problem more predictable for decision making. There is no enforcement mechanism and robust follow-up schemes on commonly endorsed reporting systems.

The criminal justice response placed against illicit trafficking of SALW is also problematic. It does not recognize the impacts of illegal firearms trafficking equal with crime of human trafficking and corruption. There is no clear answer as to why illicit firearms trafficking is taken as less serious crime than crime of corruption which bans the right to be released on bail if the case is worth of 100,000 Birr¹⁰¹. There is no moral and even legal justification to treat crime with an immediate threat to life of people less than crimes threatening public interest or property. The procedural focus of the criminal justice system and commitment of the state to combat illicit SALW is very weak.

Besides, there is also overlapping of jurisdiction between Attorney General and the Police. Attorney General is mandated to prepare crime prevention and investigation policies and strategies¹⁰². At the same time federal police establishment proclamation gives the power to federal police to enact policy and strategy on prevention and investigation of crimes. Though

¹⁰⁰ Interview held with staff member of law enforcement and crime prevention directorate of the Ministry of Peace on march11/2020.

¹⁰¹ *ibid.*

¹⁰² Interview held with staff member of EPUC on March, 22/2020, Sendafa, Ethiopia.

Federal police is relatively equipped itself with technical issues of combating firearms, Federal Police is set only to receive orders from Attorney General. Conflict of jurisdiction between different law enforcement authorities has led to unilateral and inconsistent engagement to the problem which is different from the literatures discussed in chapter two. For example EC (2019), UNDOC (2018), and UNDP (2008) explained that comprehensive LE response to illicit firearms trafficking should integrate the response of several law enforcement authorities based on the merit they have.

4.3.4. Coordination and Cooperation Challenges to Combat Illicit SALW

Combating illicit trade in SALW requires the involvement of relevant stake holders. Information obtained from research participants shows that efforts of EFPC to combat illicit trafficking of firearms is challenged by the difficulty to coordinate and cooperate the responses of different stakeholders. According to information obtained from key informant of crime prevention sector of EFPC, cooperation challenges of the institution revolves around the difficulty to build strong partnership with actors assigned to fight illicit trafficking of SALW. EFPC is neither publicizing itself to build strong partnership with the community nor assisted by national commission to coordinate the efforts of relevant partners in combating the problem. For majority of the people in border areas, EFPC is known as it comes to takeover violent conflicts and little is known about its wider mission of combating illegal firearms trafficking. This makes difficult to get grass root support from local community and civil society organizations that are closer to the problem than anyone else.¹⁰³

EFPC is also challenged by limited commitment of the state to create cooperation and coordination platforms. Since illicit firearms are coming from neighboring states to Ethiopia, the ultimate solution should come by utilizing the capacity of different actors in border areas of adjacent states. However, Ethiopia has succeeded less to win the game in this regard. Key informant from the crime prevention sector explained that the regulation of cross border trade to the interest of combating illicit SALW is obliterated by unilateral efforts to control organized criminal networks¹⁰⁴. Ethiopia's initiative to bring its neighbors towards common position

¹⁰³ Interview held with staff member of EPUC on March, 22/2020, Sendafa, Ethiopia.

¹⁰⁴ FGD held with the members of the Rapid force operation deputy sector Anti-contraband Directorate on March 23//2020, Addis Ababa.

against illicit firearms trade is weak. This contributes to rapid flow of armaments to the country from external sources. Weak and non-institutionalized cross border cooperation have overshadowed efforts of EFPC to combat illegal firearms trafficking.

FGD participants from the Interpol directorate explain that the institution is not benefited from the technical support and information sharing board of the international police. Officers from the Interpol receive training on how to utilize the information board of the global police. But all this remained only as dream for reasons of lacking marking, record keeping and tracing technologies and comprehensive database. It becomes very weak to utilize international cooperation towards tracing of internationally smuggled firearms¹⁰⁵. Limited willingness of the state to trace and report its status of illicit firearm trafficking is justified as the preservation of national security at the expense of supporting international campaign against irresponsible firearms producing and transferring states. This in return obliterates criminal justice response against those who produce and sale their firearms in to third states and non-state actors.

At national level, coordination and cooperation efforts of LE authorities to fight illicit firearms trafficking is not succeeding to the required level. There is no strong coordination and cooperation measures between EFPC, intelligence service, regional police commission and militia office to regulate civilian possession of firearms. Decentralized and unilateral measures of different institutions have significantly incapacitated EFPC to combat illicit firearms trafficking. Key informant from MoP explained that EFPC is highly challenged to coordinate responses of local law enforcement institutions against illicit firearms trafficking¹⁰⁶. Such kind of challenge emerges from competitive approach of regional states towards the federation itself. Political hostilities, mistrust and violent conflicts among regional states replaced the value of cooperation and smooth intergovernmental relations by the state of arms race and militarized response to conflicts. Key informant from FBI explained this challenge stating that:

For regional states, seizure and confiscation of illegally trafficked firearms is considered as means of arming oneself. This in return has contributed to regional arms race. Regional courts allow regional police commissions to confiscate

¹⁰⁵ FGD held with the members of the Interpol Directorate on March 19//2020, Addis Ababa.

¹⁰⁶ Interview held with staff member of conflict early warning mechanism of the ministry of peace on March 11/2020, Addis Ababa.

illegal firearms followed by intentional violation of official mandates of EFPC. Regional authorities administer illegally acquired firearms to arm local militia, Police officers and administrative officials and this erodes the institutional responsibility of the EFPC¹⁰⁷.

Information obtained from EPUC and MoP indicates that it is important to question the source and legality of SALW and sometimes group firearms owned by regional states in Ethiopia. Cooperation and coordination between local police institutions and EFPC is hijacked by open militarization of regional states. There would be no different answer how and from where regional states arm themselves in the absence of officially authorized commercial producer of firearms in the country except the defense force. No doubt illegal firearms are the primary target of regional militarization justified to protect oneself from ethnic, religious, border and resource based violent conflicts. Arming oneself and community with illicit firearms is considered by competitive regional authorities as a painkiller for broadly perceived sense of societal/communal insecurity¹⁰⁸.

4.3.5. Accountability and Transparency Challenges in Combating Illegal SALW

Absence of accountability and transparency in the administration, management and control of SALW is also another challenge of EFPC. According to key informants from AAPC, EFPC crime prevention sector and OPC, prevention, detection, control and investigation of illegally trafficked firearms is more susceptible to transparency and accountability challenges.

The reporting mechanism of seized illicit firearms for example is highly prone to accountability and transparency problems. Information sharing and reporting activities of law enforcement institutions at all level lacks clarity, consistency and comprehensiveness. In most cases smuggled firearms arrested and seized by different departments of the federal police commission itself and regional law enforcement authorities remained unreported to the center. There is no minimum estimated number of illicit firearms arrested by law enforcement authorities. Information sharing and reporting mechanism by itself becomes headache to the institution¹⁰⁹. This problem has negatively obliterated the global information sharing network of seized illegal firearms, their

¹⁰⁷ Interview held with strategic leadership of FBI coordination of regional investigation centers on March 17/2020, Addis Ababa

¹⁰⁸ Interview held with informants from the MoP and EPUC on March, 11 and 22/2020, Addis Ababa respectively.

¹⁰⁹ Interview held with staff member of EPUC on March, 22/2020, Sendafa, Ethiopia.

administration and destruction. Ethiopia has never reported its status of illicit firearms trafficking and the responses placed there to the UN Secretary-General except its first attempt in 2008. This makes the status of illicit firearms trafficking unknown and non-predictable. Why it becomes difficult to protect illegal firearms at the borderlines and why they are able to easily pass several check points is also important to question accountability and transparency challenges. According to the views of informants, corruption, nepotism and professional miss conduct of authorities and personnel dealing with the governance and control of SALW explain this problem.¹¹⁰

The practice of regulating civilian possession of SALW is another aspect of illegal firearms governance scheme which is highly exposed to transparency and accountability challenges.¹¹¹ It is not known who is armed on what basis and from which source and this brings lack of clarity and transparency on authorized institutions to deal with firearms regulation. Finally, the destruction and administration of seized illegal firearms is more vulnerable to institutional abuse and corruption of authorities. Still there is no detailed standard and manual on how to destruct confiscated illegal firearms. There is no clear direction and standard on how to administer seized functional firearms. The transfer of arrested armaments in to third party lacks accountability and transparency measures¹¹². The net result is lack of accountability and transparency in regulating civilian possession of firearms and the destruction and administration of seized firearms are more susceptible to the danger of re-trafficking of trafficked firearms.

4.4. Exploring opportunities for EFPC to Combat Illicit Trade in SALW

As it is discussed in the first part of this chapter illicit trade in SALW have strong relation with violent conflicts. It serves as means to most conflicts. Violent conflicts naturally attract the power of illicit firearms to win the game. Long term solution to combat illicit trade in firearms therefore explores possible solutions beyond the responsibility of law enforcement institutions. Off course law enforcement authorities play leading role to achieve this long run solution but the problem demands the involvement of other actors. Data obtained from participants of this study shows that prospects for strategic solution of the problem of illicit firearms trafficking stem from existing institutional opportunities of the EFPC like ensuring sustainable peace and development,

¹¹⁰ Interview held with informants from the MoP and EPUC on March, 11 and 22/2020, Addis Ababa respectively.

¹¹¹ Interview held with staff member of OPC traffic and crime control section on March, 10/2020, Addis Ababa

¹¹² Interview held with staff member of AAPC crime investigation department on Feb.18/2020, Addis Ababa.

maintaining rule of law and depoliticizing illicit SALW based on intensive public awareness creation campaigns.

4.4.1. Ensuring Sustainable Peace and Socio-Economic Development

Sustainable socio-economic development is advocated by research participants to address the possible causes of conflict and there by contribute to robust illicit arms trafficking control. Ensuring sustainable socio-economic development is crucial to bring peace, justice and strong institutions and to combat transnational organized crimes¹¹³. This view of respondents can be substantiated with the explanation of the IANSA (2017) which strongly emphasizes on maintaining socio-economic development to bring sustainable peace. Sustainable development is a defining moment of global efforts to combat illicit trade in SALW and to enhance public trust on formal law enforcement machinery. Peace, justice and strong institutions represent significant step towards enhancement of comprehensive arms control and basically reduce illicit arms flow, strengthen the recovery and return of stolen firearms and combat all forms of organized crime. Sustainable development strategically alienates people from making firearms trafficking as their reliable source of economy, immediate income and social status.

Key informant from CC explained that since the economic motive of trading in illicit firearms is directly related to the problem of unemployment, sustainable socio-economic development is important to alienate unemployed youth from being the target of illicit trafficking networks. However sustainable development is not sufficient to alienate people from engaging in illicit firearms trade and sustainable peace should go parallel¹¹⁴. Building sustainable peace by addressing structural causes of violent conflicts essentially isolate people from resorting to violent means of solving conflicts and clash of interests. Adopting alternative conflict resolution mechanisms other than the use of force should be mainstreamed into the public discourse based on existing context. This is helpful to challenge the culture of violence and to transform it into none violent means and there by close the door for arm acquisition, gun culture and violent response.

¹¹³ Interview held with staff member of law enforcement and crime prevention directorate of the ministry of peace on march 11/2000 and public prosecutor from FAG on March 24/200.

¹¹⁴ Interview held with staff member of CC on March, 13/2020, Addis Ababa.

4.4.2. Maintaining Rule of Law and Reducing Threats of Crime and Insecurity

Maintaining rule of law is another plausible opportunity to combat illegal firearms trafficking. It is important to isolate people from resorting into violent means of protecting oneself from treats of crime and insecurity and vigilant justice system. Safeguarding rule of law, human rights, and democratic governance is important in making the wider public more trustful on state law enforcement machinery. Strong law enforcement capabilities reduce criminal victimization, state of insecurity, hostilities and violent conflicts¹¹⁵. Thus, strong institutional law enforcement capability should be built by making the wider community as principal owner and partner. In situations where there is no strong rule of law and institutions to deliver justice, vigilant system operates with the help of illegal firearms. Building vibrant law enforcement institutions and authorities is therefore critical to preserve and maintain rule of law and to close possible ways to the acquisition and transfer of illegal firearms.

4.4.3. Neutralizing Crime of Illicit SALW Trafficking

Another issue discussed by research participants regarding long term solution to fight illicit firearms trafficking is the need to depoliticize crime of illicit firearms trafficking. According to informants from MoP and FAG, contemporary political instability and conflict dynamism in Ethiopia make illicit firearms trafficking at the center of politics and SALW is meant power.¹¹⁶ In order to build sustainable peace, maintain vibrant rule of law and working criminal justice system, illicit firearms trafficking need to depoliticize and viewed like other serious crimes affecting the interest of all. In contemporary Ethiopia, illicit firearms are considered as the means to assume power sphere headed by political polarization of regional states, existence of Ethnic tensions and conflicts. Unlike other organized crimes like human trafficking and environmental crimes, illegal firearms trafficking is considered as means to politics. At national level there is no consensus on the prevention and over all response directed towards illicit firearms trafficking¹¹⁷. Illicit SALW are source of contention between regional states and the federal government and determine the relationship between and among them.

¹¹⁵ Information obtained from FGD held with the members of EFPC firearms license and regulation directorate on Feb. 23/2020, Addis Ababa.

¹¹⁶ Interview held with staff member of law enforcement and crime prevention directorate of the ministry of peace on march 11/2000 and public prosecutor from FAG on March 24/2020.

¹¹⁷ *ibid.*

Prevention and control of illicit firearms is highly politicized and remained as the interest of all and use it as means of arming oneself to protect from ongoing conflict and military competition between regional states. Key informant from FBI has forwarded his view on this regard that federal and regional law enforcement authorities have strained, highly politicized and polarized relationship visa-vis illicit trafficking of SALW. Both regional states and federal government who have been observed while taking joint position and response against organized criminal networks are failed to take common position on the prevention and controlling efforts of illicit SALW¹¹⁸. This creates difficulty to exert collective action. So the possible solution yet to come is to make illicit firearms trafficking neutral crime and should be understood as crime affecting all and should not be viewed as a mirror to reflect political status visa-vis the center and others¹¹⁹

¹¹⁸ Interview held with strategic leadership of FBI coordination of regional investigation centers on March 17/2020, Addis Ababa.

¹¹⁹ Information obtained from FGD held with the members of EFPC firearms license and regulation directorate on Feb. 23/2020, Addis Ababa.

CHAPTER FIVE

Conclusions and Recommendations

5.1. Conclusions

The general objective of the study was to explore the challenges and prospects of combating illicit firearms trafficking in the case of Ethiopian Federal police commission and from its core findings it has mention the following conclusions. Illicit trafficking of SALW is both threat and actual challenge for global peace, security and sustainable development. Illicit trafficking of SALW is serving as means to most conflicts in contemporary global security apparatus. It is a front-line threat to state and human security in Ethiopia. This study has identified that the trend of illicit trafficking of SALW in Ethiopia is increasing. The drivers and facilitators for increased trend of trafficking in SALW are political instability, economic motive, regional instability and weak law enforcement responses.

The existence of internal ethnic and religious based tensions and conflicts has contributed to increased trend of illicit firearms by creating acute demand of firearms in conflict and crisis zones. Illicit SALW have been observed as cause and facilitating factor for contemporary conflicts in Ethiopia. Beside to this, organized traffickers supply abundant illicit firearms in to conflict zones basically motivated by economic profitability of illicit SALW. Socio-cultural value of firearms for communities in different ecological zones of Ethiopia is also important to explain the trend. Geopolitical position of Ethiopia within the unstable Horn of African and its proximity to greater Middle East has been a curse in terms of combating illicit trafficking of SALW. Regional instability makes poor border control mechanism and weak law enforcement response more susceptible to crime of illicit firearms trafficking.

Findings of this study show that practice of EFPC in combating illegal trade in SALW is encountered by major operational obstacles that contributed for the widespread of illicit firearms across the country. Law enforcement responses placed to combat illicit trade in firearms is identified very weak and leaving much opportunity for illicit networks to run their business. Contradictory, disharmonized and obsolete law enforcement response have been exacerbated the problem. The net effect of all this obstacles can be explained in terms of weak institutional capacity and inadequate response placed to combat illegal trade in SALW.

The study also identified those institutional efforts of EFPC to combat illicit firearms trade is affected by serious challenges. These challenges make vicious circle one causing the other and letting the problem to spread its nationwide impact. Institutional challenges, legal and policy deformities, functional and jurisdictional overlapping, technical and tactical problems, cooperation and coordination difficulties were identified as major challenges of the institution in combating illicit trade in SALW. The net result of these challenges is: loss of institutional commitment and focus, absence of dedicated institutions to lead the fight against illicit SALW, structural deficiencies of key departments, decentralized and competitive approach, absence of comprehensive policy and normative response to the problem and weak institutional response against the problem.

Ensuring sustainable peace and socio-economic development, vibrant rule of law and neutralization of the crime of illicit firearms trafficking are identified by this study as long-term prospects. They are important to solve the widespread and deep seated problem of illicit firearms trafficking in Ethiopia and the prevalent challenges of EFPC in this regard. This set of responses are reliable mechanisms to minimize and eradicate all the ways to an increased demand, supply and misuse of illegal firearms and there by alienating people from resorting to means of violence. The prospects discussed above are also crucial in making the wider community to have trust on state law enforcement machineries, cooperative and owner of the efforts placed to combat and eradicate the problem of illicit trade in SALW.

Over all practice and institutional responses of the EFPC is challenged by several weaknesses stemming from the institutional practice itself. And such difficulties make the institutional practice of EFPC different from the commonly asserted practices and strategies aseesd in the literature review part of this study. However, it is also important to note that EFPC is contributing to the maintenance of peace and security of the country in general and its efforts to combat organized criminal activities including illicit SALW trafficking in particular are a remarkable move.

5.2. Recommendations

Based on the finding of the study, the researcher has recommended the following basic points for the concerned body to take appropriate measures:

- ✓ According to findings of the study political instability have been identified as it is playing an intermediate role for the increased trend of illicit trafficking of SALW along the demand and supply sides of the problem. So, the government must address the drivers and facilitators of SALW trafficking in Ethiopia and ensure peace and stability of the country and protect the security of its citizens. This builds public confidence on the state and its security organs that provide protection to citizens.
- ✓ The state should establish comprehensive policy directions and vibrant normative frameworks to provide for firearms governance. This is important to bring illicit firearms trafficking into policy focus, to establish clear institutional mandate, and to place adequate criminal justice response.
- ✓ The government should strengthen institutional capacity of EFPC by arming the institution with specialized and trained human power and emerging technologies to prevent/control, detect, and investigate illegal trade in SALW.
- ✓ EFPC should strengthen its activities of controlling and preventing illicit firearms trafficking in borderlines and the state should maintain and strengthen capacities of EFPC to secure the country's borders and combat SALW trafficking within the country and across the borders.
- ✓ EFPC has to re-organize its existing structural departments in crime prevention and investigation with a special focus for the detection, prevention, control and investigation of illicit trade in SALW. There should be independent structure for the prevention and investigation of illicit firearms trafficking parallel to other structural arrangements and directly accountable to the strategic leadership of the commission.
- ✓ The government has to establish dedicated institution to lead the national firearms governance system either by developing institutional capacity of federal police commission or establishing new institution (national SALW commission) comprising of key institutions from different stakeholders based on good practices of states and international organizations.
- ✓ For the successful implementation of the new law to regulate civilian position of firearms, the state should establish vibrant institutional structures with required technology, trained human power and detailed procedural manuals and bring all relevant partners on board.

- ✓ The state should increase state transparency and accountability in controlling, administering and managing of illicit firearms trafficking and ensuring control over its law enforcement activities no to participate in corruption of any kind as a return for not discharging their responsibility.
- ✓ To endorse cooperative responses of different law enforcement institutions and to avoid regional arms race and competitive militarization, the state should work to strengthen unity and launch reconciliation programs. This is important to neutralize politicized nature of illicit firearms trafficking and to bring strengthened coordination between law enforcement authorities of all levels.
- ✓ Since illicit firearms are smuggled from abroad, the state should establish and strengthen multilateral and bilateral relationships with neighboring countries in areas of preventing and controlling organized criminal networks. This kind of relationship should extended up to the establishment of common national committees dedicated to coordinate the fight against illicit SALW trafficking.

References.

- Addis Fortune (2016). Disarmament Key to a Peaceful Society Published On AUG 23, 2016 [VOL 17 ,NO 851] Available at : <https://addisfortune.net/columns/disarmament-key-to-a-peaceful-society/> last accessed on July 2019.
- Adeniyi, A (2017). The Human Cost Of Uncontrolled Arms In Africa: Cross-national research on seven African countries, oxfam, <https://www.oxfam.org>.
- Aemro Tenaw (2017). Factors fo Misuse of Small Arms And its Impact in Eastern Eastern Gojjam Zone of Amhara Regional State, Ethiopia. International Journal of Peace and Conflict Studies (IJPCS), Vol. 4, No 1, July, 2017 , 20.
- African Centre for the Constructive Resolution of Disputes (2015). Silencing the Guns, owning the future: Realizing a conflict free Africa. Durban/South, Africa Process Litho.
- African Union (2017). Silencing the Guns by 2020: The practical steps and DDR interventions: Addis Ababa, African Union Commission.
Amsterdam School of Business: MBA thesis.
- Arms Management Programme (AMP) (2008). Arms Control: Africa. Institute for Security Studies (ISS), Volume 1 Issue 4 , Kenya.
- Arsovska.J. (2014). Introduction: Illicit Firearms Market in Europe and Beyond, Eur J Crim Policy Res (2014) 20:295–305.
- Ashkenazi.M. Beeck.C. and Isikozlu.E. (2007). Marking and Tracing Small Arms and Light Berman .G. and Maze.K. (2016). Regional Organizations and the UN Programme of Action on Small Arms (PoA), Switzerland, SAS.
- Bowen, G. A. (2009). Document Analysis as a Qualitative research method: research gate , 15.
- British American Security Information Council. (1995). combating the illicit trade in small arms and light weapons: strengthening domestic regulations. international alert , 27.
- Carment. D. Tikuisis.P. Samy. Y and Floch.J.(2017). The CIFP Fragility Index: New Trends and Categorizations: A 2017 Country Indicators for Foreign Policy Report: Ottawa, Norman Paterson School of International Affairs Carleton University
- Carthy,B. & Chaudhary. R. (2017). Rational Choice theory and Crime Prevention: California, Springer.
- Chelule, E. (2014). Proliferation of Small Arms and Light Weapons: Challenge to Development, Peace and Security in Africa. IOSR Journal Of Humanities And Social Science (IOSR-JHSS) Volume 19, Issue 5, Ver. V (May. 2014), PP 80-87, 8.
- Cirlig (2015). Illicit small arms and light weapons: International and EU action (an in-depth analysis), European Parliamentary Research Service.
- Creswell, J. W. (2009). Research design: Qualitative, quantitative, and mixed methods approaches third edition. New Delhi: sage publications .
- Crow, G. et al (2006). Research Ethics and Data Quality: The Implications of Informed Consent International Journal of Social Research Methodology, no. 2-2006.
- Delahunt, M. M. (2017). Doing a Thematic Analysis: A Practical, Step-by-Step guide for larning and teaching scholars. AISHE-J Volume , Number 3 (Autumn 2017) 3351, 14.
- Democratic Control of Armed Forces. (2017). Security Sector Responses to trafficking in firearms, Geneva, DCAF.
- Desalegn Birara (2017). Societal Derivations for the Illegal Gun Trafficking: In Addis Ababa: Ethiopia, International Journal of Criminology and Sociology, 2017, 6, 127-132p 127.
- Deutsche Welle (2016). የአነስተኛ ጦር መሳሪያ ዝግጁ ቁጥጥር በኢትዮጵያ | DW 20.06.2016, accessed August 20, 2019, available at <https://www.dw.com>.

- Donkin.S.(2016). Crime Prevention: Back to Basics, Research gate <https://www.researchgate.net/publication/299688590>.
- EAC (2019). Report of the Committee on Regional Affairs and Conflict Resolutions on the Oversight Activity on the Proliferation of Small Arms and Light Weapons in the East African Region: available at: http://www.eala.org/uploads/REPORT_FOR_RACR_ON_SALW_PDF.pdf.
- EC (2018). Elements towards an EU Strategy against illicit Firearms, Small Arms & Light Weapons and their Ammunition "Securing Arms, Protecting Citizens, Brussels, Council of the European Union.
- Ethiopian Broadcasting Corporation News (2019) , ባለፉት ስድስት ወራት ከ2ሺ በላይ የተለያዩ የጦር መሳሪያዎች እና ከ5ሺ በላይ ጥይቶች መያዛቸውን የአዲስ አበባ ፖሊስ ኮሚሽን አስታወቀ, youtube (Jan.1 5, 2020) <https://www.youtube.com>.
- Ethiopian General Attorney Press release (2019). Ethiopia: ሰበር መረጃ - ጠቅላይ አቃቤ ህግ ስለታሰሩት ባለስልጣናት ተናገሩ "አስረናል... ይቀጥላል: available at https://www.youtube.com/watch?v=I_TY9wos9jc last accessed: on July 2019.
- Flick, U. (2014), An Introduction to Qualitative research. London: SAGE Publication Ltd.
- Hoon Florquin.N. Lipott.S. and Wairagu.F. (2019). Weapons Compass: Mapping Illicit Small Arms Flows in Africa, Switzerland, AU&SAS.
- Geason.S. and Wilson.R. (1988). Crime Prevention: theory and practice, Canberra, Australian institute of Criminology.
- Gramizzi., C. (2014). Supporting Africa-China-Eu Dialogue on Conventional Arms Final Working Paper:Tackling Illicit Small Arms And Light Weapons (Salw) and Ammunition in The Great Lakes and Horn Of Africa. Shangai: Africa peace forum.
- Greene.O. and Kirkham.E.(2009). Preventing Diversion of Small Arms and Light Weapons: Issues and Priorities for Strengthened Controls, Biting the Bullet Policy Report, UK, Saferworld and University of Bradford.
- GRID (2019). Global Report on Internal Displacement: Norway: Norwegian Refugee council.
- Grip, L. (2017). Small arms control in Africa . Helsinki: Department of Political and Economic Studies
- Group for Research and Information on Peace and Security (GRIP). (2017). The proliferation of small arms and light weapons: definitions and challenges: WCO Knowledge Academy, 23rd June 2017.
- Hassen Shufa (2005). Managing Police: Challenges facing the Ethiopian Federal Police.Amsterdam, school of Business Amsterdam.
- Hassen Shufa (2014). A critical analysis of indigenous and modern policing in Ethiopia. Pretoria Unisa.
- IANSA (2017). Illicit Flows of Small Arms and Light Weapons and Sustainable Development, New York: United Nations trust Facility.
- Kabir,S.M.(2016). Methods of Data Collection. research gate <https://www.researchgate.net/publication/325846997>, 77.
- Kleemans .R. (2014). Organized crime, situational crime prevention and routine activity theory, Trends Organ Crim (2014) 15:87–92.
- Kothari, C.R. (2004). Research methodology: Methods and techniques: India, New age international (P) limited publishers.
- Kumar, R. (2011). Research methodology: a step-by- step guide for beginners (3 rd edition). London: SAGE Publications Ltd.

- Laurance.E. & Stohl .R. (2002). Making Global Public Policy: The Case of Small Arms and Light Weapons, Switzerland, SAS(Graduate Institute of International Studies).
- Malam, B. (2014). Small Arms and Light Weapons Proliferation and Its Implication for West African Regional Security. *International Journal of Humanities and Social Science* Vol. 4, No. 8; June 2014, 10
- Malam. B. (2014). Small arms and light weapons proliferation in the early 21st century: The Nigerian case: *International Journal of Development and Sustainability*, Vol. 6 No. 11, pp. 1638-1652.
- Malhotra, A. (2011). The Illicit Trade Of Small Arms: Geopolitical Monitor. Geopoliticalmonitor.com, 2010.
- Maze.K. and Rhee.H. (2007). International Assistance for Implementing the UN Programme of Action on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: Case Study of East Africa. Swizerland, UNIDIR.
- Mulugeta Gebrehiwot (2017). The Ethiopian post-transition security sector reform experience: building a national army from a revolutionary democratic army, *African Security Review*, 26:2, 161-179.
- Neuman, W. L. (2014). *Social Research Methods:Qualitative and Quantitative Approaches* 7th edition. England: Pearson New international Education Limited.
- Nte. D. (2011). The changing patterns of small and light weapons (SALW) proliferation and the challenges of national security in Nigeria, *Nigeria: International Security Journal* Number1 Issue1 2011.
- OECD* (2016). Security, Justice and Rule of Law Survey: Confect, Fragility and Resilience Team: Development Co-operation Directorate. Available at: <https://www.oecd.org/gov/access-to-justice.htm>.
- Paoli. J, Ryan.N, and Warnes. R.(2017). Behind the Curtain: the illicit trade of firearms, explosives and ammunition on the dark web, UK, RAND Corporation.
- RECSA. (2018) . Regional Report on the Nexus between Illicit SALW Proliferations and Cattle Rustling: Ethiopia, Kenya, Somalia, South Sudan and Uganda: Nairobi New Delhi.
- Regehr. E. (2004). Reducing the Demand for Small Arms and Light Weapons: Priorities for the International Community, Project Ploughshares.
- Rothe.L. & Collins.V.(2011). An Exploration of Applying System Criminality to Arms Trafficking: *International Criminal Justice Review* 21(1) 22-38, <http://icj.sagepub.com>.
- Safer world (2012). Small arms and light weapons control: a training manual; England, UK Department for International Development (DfID).
- SAS (2015). Weapons and the world, UK, Cambridge University Press.
- SAS (2017). Annual Report 2017: Geneva: Graduate Institute of International and Development Studies.
- SAS (2018). Annual Report 2018: Geneva: Graduate Institute of International and Development Studies.
- Shariati.A. & Guerette. T. (2017). Situational crime prevention, Research gate. <https://www.researchgate.net/publication/311251189>.
- Slijper, D. M. (2016). Armed and insecure: An overview of arms transfers and armed violence in the Horn of Africa (2010-2015). Netherlands: Colophon.
- Stohl, R. (2016). The Tangled Web of Illicit Arms Trafficking: Terror in the Shadows, Center for American Progress. <https://www.americanprogress.org/wp-content/uploads/kf/TerrorinShadows-Stohl.pdf>.

- Stohl, R. and Hogendoorn, E. (2010). *Stopping the Destructive Spread of Small Arms: How Small Arms and Light Weapons Proliferation Undermines Security and Development*, the Center for American Progress.
- UNDOC (2010). *Handbook on the crime prevention guidelines, making them work*: New York, United Nations.
- UNDOC (2016). *Comparative Analysis of Global Instruments on Firearms and other Conventional Arms: Synergies for Implementation*. Vienna: UNITED NATIONS.
- UNDP (2008). *How to Guide Small Arms and Light Weapons Legislation*: Geneva, Bureau for Crisis Prevention and Recovery.
- UNDY. (2008). *Small arms and light weapons: Selected United Nations documents* (ed). New York : United Nations Office for Disarmament Affairs.
- UNODA (2016). *Bringing Democracy to Disarmament: A Historical Perspective on the Special Sessions of the General Assembly Devoted to Disarmament*: Vienna, United Nations.
- UNODC (2009). *Organised Crime and Trafficking in Eastern Africa: A Discussion Paper on Regional Ministerial Meeting on Promoting the Rule of Law and Human Security in Eastern Africa, 2009*, Nairobi: united nations.
- UNODC (2011). *Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition* Vienna, United Nations.
- UNODC (2015). *A study on the transnational nature of and routes and modus operandi used in trafficking in firearms*, Vienna, UNODC.
- UNODC (2016). *Comparative Analysis of Global Instruments on Firearms and other Conventional Arms: Synergies for Implementation*. Vienna: UNITED NATIONS.
- UNODC (2016). *Countering Illicit Firearms Trafficking in the Context of Organized Crime and Terrorism*, Vienna: UNITED NATIONS.
- UNODC (2016). *The Firearms Protocol and the Arms Trade Treaty: Divergence or Complementarity?* Vienna: UNITED NATIONS.
- UNODC (2018). *Addressing Firearms Trafficking in the Context of Fighting International Terrorism –A Criminal Justice Approach*, Vienna, and United Nations
- UNODC (2019). *The Illicit Market in Firearms* UNITED NATIONS, Vienna.
- UNODC (2019). *The Illicit Market in Firearms: the Doha declaration*, New York, UN.
- UNODC. (2016). *Comparative Analysis of Global Instruments on Firearms and other Conventional Arms: Synergies for Implementation*. Vienna: UNITED NATIONS.
- Walleign Zelalem (2018). *Security Sector Reform in Ethiopia: A Study on Amhara National Regional State Police Force*, *International Journal of Humanities, Art and Social Studies (IJHAS)*, Vol. 3, No.4.
- Wille, C. (2017). *Improving Protection, Reducing Civilian Vulnerabilities: Interaction between Mine/Explosive Remnants of War Action and Small Arms and Light Weapons Responses: A Review Of a Decade of Changes*: Geneva, UNIDIR.
- Workneh Gebeyehu (2016). *An Analysis of the Influence of Politics on Policing In Ethiopia*. Pretoria Unisa
- Yin, R. (2014). *Case Study Research Design and Methods (5th ed.)*, Thousand Oaks, CA: Sage.

Appendixes

Appendix I: A. Profile of key Informants for Interview

A. Profile of key Informants for Interview.

S/N o	Code	E. Level	Instituti on	Position/Rank	Date of Interview
1.	AAPC01	BA	AAPC	Director for Public Relations	18/2/2020
	AAPC02	Diploma	AAPC	Investigator	18/2/2020
2.	OPC01	MA	OPC	Head for Crime prevention sector	09/3/2020
	OPC02	MA	OPC	Head for crime investigation Sector	10/3/2020
	OPC03	Diploma	OPC	Investigator	10/3/2020
3.	LACSD1	BA	EFPC	Legal affairs and consultancy service	21/2/2020
	LACSD2	MA	EFPC	Staff member of the legal affairs and consultancy service Directorate	24/2/2020
	LACSD3	MA	EFPC	Director of the legal affairs and consultancy service Directorate	3/3/2020
	FPPBD	MA	EFPC	Director of the Federal Police Commission Plan and Budget Directorate	11/3/2020
4.	MoP01	MA	MoP	Director for Law Enforcement Crime Prevention Directorate	11/3/2020
	MoP02	MA	MoP	Expertise on Conflict early warning mechanisms	25/3/2020
5.	CCMB1	MA	MoCR	Director for intelligence and law enforcement sector of the Custom Commission	13/3/2020

	CCMB2	Degree	MoCR	Intelligence analysis unit Coordinator	13/3/2020
	CCKB1	Degree	MoCR	Intelligence officer	16/3/2020
6.	FBITI01	Degree	FBI	Division head of organized and transnational crimes investigation	18/3/2020
	FBITI02	Degree	FBI	Coordinator for regional Investigation offices of the FBI	17/3/2020
	FBITI03	Degree	FBI	Investigation officer of organized and transnational crimes	18/3/2020
7.	CPS01	Degree	EFPC	Deputy head for security and law enforcement operation sector	28/2/2020
	CPS02	Degree	EFPC	Deputy head for Federal police Rapid force	3/3/2020
	CPS03	Degree	EFPC	Director for Anti contraband Directorate	19/3/2020
8.	FPAKB1	Grade 10	FPA	Charged for offence of firearms trafficking, Murder and Armed Robbery	2/3/2020
	FPAKB*	Diploma	FPA	Charged for the offence contraband	2/3/2020
	FPAKB!	Grade 8	FPA	Charged for the offence of contraband	2/3/2020
9.	AACA2	Degree	Gulele	Head for Peace and security Office /Wereda 06	24/2/2020
	AACA3	Degree	Gulele	Expert on Public Relations /Wereda 06	24/2/2020
	AACA4	MA	Kolfie	Head for Peace and security Office /Wereda 10	25/2/2020
	AACA5	MA	Kolfie	Expert on Public Relations	25/2/2020

				/Wereda10	0
10	EPUC @	MA	EPUC	EPUC Research Institute	25/3/2020
	EPUC!	PhD	EPUC	EPUC	26/3/2020
	EPUC%	PhD	EPUC	Director of Crime Prevention and public Security studies	24/3/2020
11	FAGPP 1	MA	FAG	Law Drafting and Publicity Directorate	19/3/2020
	FAGPP 2	BA	FAG	Public Prosecutor	19/3/2020
	FAGPP 3	BA	FAG	Public Prosecutor	19/3/2020

Profile of FGD Discussants

FGD1: EFPC Firearms License, Control and Inspection Directorate

No.	Participant's Code	Educational status	Institution	Position/ Rank	Date of FGD
1	FALD1	Diploma	EFPC firearms license, and inspection Directorate	Division head for firearms licensee	23/2/2020
2	FALD2	Diploma	EFPC fire arms license, inspection and control Directorate	Coordination head for firearms inspection unit	23/2/2020
3	FALD3	Diploma	EFPC fire arms license, inspection and control Directorate	Coordination head for intelligence	23/2/2020
4	FALD4	BA	EFPC firearms license, inspection and control Directorate	Firearms registration and data base management expert	23/2/2020
5	FALD5	BA	EFPC fire arms license, inspection and control Directorate	Firearms license expert	23/2/2020

FGD2: EFPC Crime Prevention Sector Operational Leaders (Kality Custom Check point)

No.	Participant's code	Education al status	Institution	Position/ Rank	Date of FGD
1.	CPSKS1	Diploma	Crime Prevention Sector-EFPC	Commander	23/3/2020
2.	CPSKS2	Diploma	Crime Prevention Sector-EFPC	Squad leader	23/3/2020
3.	CPSKS3	Grade 10	Crime Prevention Sector-EFPC	Squad leader unit	23/3/2020
4.	CPSKS4	Grade 10	Crime Prevention Sector-EFPC	Squad leader	23/3/2020
5.	CPSKS5	Grade 10	Crime Prevention Sector-EFPC	Operation/member	23/3/2020
6.	CPSKS6	Grade 10	Crime Prevention Sector-EFPC	Operation/member	23/3/2020
7.	CPSKS7	Grade 10	Crime Prevention Sector-EFPC	Operation/member	23/3/2020

FGD2: EFPC Crime Prevention Sector Operational Leaders and members (Burayu & Gojam Berr Custom Check points)

No.	Participant's code	Education al status	Institution	Position/ Rank	Date of FGD
1.	CPSBS1	Diploma	Crime Prevention Sector-EFPC	Commander	25/3/2020
2.	CPSBS2	Diploma	Crime Prevention Sector-EFPC	Squad leader	25/3/2020
3.	CPSBS3	Grade 10	Crime Prevention Sector-EFPC	Squad leader unit	25/3/2020
4.	CPSBS4	Grade 10	Crime Prevention Sector-EFPC	Squad leader	25/3/2020
5.	CPSGS5	Grade 10	Crime Prevention Sector-EFPC	Operation/member	25/3/2020
6.	CPSGS6	Grade 10	Crime Prevention Sector-	Operation/member	25/3/2020

			EFPC		
7.	CPSGS7	Grade 10	Crime Prevention Sector- EFPC	Operation/member	25/3/2020

FGD3: EFPC, FBI Office for INTERPOL

No.	Code	Educ	Institution	Position/ Rank	Date
1.	Intel 01	BA	Interpol Directorate	TOC operation unit coordinator	19/3/2020
2.	Intel 02	BA	Interpol Directorate	Global communication & data base management head	19/3/2020
3.	Intel 03	MA	Interpol Directorate	Global communication head	19/3/2020
4.	Intel 05	BA	Interpol Directorate	Fugitive tracking officer	19/3/2020
5.	Intel 06	BA	Interpol Directorate	Training project coordinator	19/3/2020

Appendix II: Guide Questions

Dear All!

My name is **Tesfay Welay** I am post graduate student at Institute for Peace and Security Studies, Addis Ababa University. I am studying the “**Challenges and Prospects of Combating Illicit Small Arms and Light Weapons Trafficking, In The Case of Ethiopian Federal Police Commission**” for the partial fulfillment of Master’s degree in Peace and Security Studies. I kindly request your willingness to participate in the interview and focus group discussions and give your response. Your response is vital for the study and your participation is absolutely voluntary. When I conduct the interviews & focus group discussions, if you don’t mind I will record the conversation not to miss useful information. The data I record will be removed after the end of my study and any data you will give serves only for the academic purpose and will be kept confidential. Your name and personal profile will not be disclosed in the study report.

Thank you for your collaboration in advance!

A. Interview Guide Questions for strategic Leaders and experts of Federal Police and Addis Ababa Police Commission

1. How do you understand illicit trafficking of Small arms and light weapons?
2. What do you think about the trend of illicit small arms/SALW trafficking in Ethiopia?
3. Why do you think Small arms’ trafficking is increasing from time to time in Ethiopia?
4. Could you explain the reasons for the increasing level of firearms trafficking in Ethiopia?
5. How do you see the policy framework of Federal Police commission in controlling and combating illegal firearms trafficking?
6. Do you think that law enforcement agencies’ response is capable enough to combat illicit firearms trafficking?
7. What challenges does face your institution in controlling and combating illicit trafficking of SALW?
8. What measures do you suggest to overcome the challenges of federal police in particular and Small arms and light weapons governance regime in general to combat illegal trade of SALW?

B. Interview Guide Questions for Leaders, Officials and Experts of Federal Police Commission Crime Prevention Sector

1. What do you think about the trend of illicit small arms/SALW trafficking in Ethiopia?
2. Could you explain the reasons for the increasing level of firearms trafficking in Ethiopia?
3. How do you prevent and control illicit firearms trafficking in your areas of operation?
4. Are there enabling conditions to successfully accomplish your responsibility of controlling illegal firearms trafficking?
5. What Challenges do you face in discharging your responsibility?
6. What is your recommendation to overcome the challenges?

C. Interview Guide Questions for Federal Bureau of Investigation

1. What do you think about the trend of illicit small arms/SALW trafficking in Ethiopia?
2. Could you explain the reasons for the increasing level of illicit firearms trafficking in Ethiopia?
3. How do you see the practice of firearms controlling and combating efforts in your organization? Do you think they are strong enough to mitigate the problem?
4. What challenges do you face in tracing and investigating crimes of illicit firearms trafficking?

5. What do you recommend to address these challenges of investigating and prosecuting crimes of illicit firearms trafficking?

D. Interview Guide Questions for Oromia Regional State Police Commission:

1. What do you think about the trend of illicit small arms/SALW trafficking in Ethiopia?
2. Could you explain the reasons for the increasing level of firearms trafficking in Ethiopia?
3. How do you see the firearms control efforts of your organization and the Federal/Addis Ababa police commissions?
4. Have you ever been working with Federal Police/Addis Ababa Police Commission in controlling and combating illicit firearms trafficking?
5. What challenges do you face in doing so?
6. What do you suggest to address these challenges of controlling/combating illicit firearms trafficking at all levels (local, regional and national)?

E. Interview Guide Questions for Ministry of Peace

1. What do you think about the magnitude and trend of illicit small arms/SALW trafficking in Ethiopia?
2. What justifications could be given for the increasing magnitude and trend of firearms trafficking in Ethiopia?
3. How does the Ministry of Peace evaluate the firearms control responses from federal up to local law enforcement authorities?
4. How do you see the institutional responses of Ministry of Peace in mitigating the problem?
5. What are the challenges of Ministry of peace in coordinating responses of institutions under its authority?
6. What do you recommend to overcome such challenges?

F. Interview Guide Questions for Federal Attorney General?

1. What do you think about the magnitude and trend of illicit small arms/SALW trafficking in Ethiopia?
2. Why illicit firearms' trafficking is increasing from time to time in Ethiopia?
3. How does your institution perform its responsibility of investigating and prosecuting offences of firearms trafficking?
4. How do you see the national responses against firearms trafficking in general and the federal police commission in particular?
5. What are the challenges of combating firearms trafficking in relation to the responsibility of your organization?
6. What do you recommend to overcome such challenges?

G. Interview Guide Questions for Custom Commission

1. What do you think about the magnitude and trend of illicit small arms/SALW trafficking in Ethiopia?
2. Why do you think illicit trade of firearms become rampant in Ethiopia?
3. What controlling mechanism does your institution apply to prevent illicit trafficking of firearms?
4. How do you reconcile your responsibility of controlling illegal firearms with other institutions like federal police having the same mandate and responsibility?
5. Do you think that the responses placed to control illicit trade of firearms are capable to mitigate the problem strategically?
6. What challenges can be raised in discharging your responsibilities?
7. Your recommendations to overcome such challenges?

H. Interview Guide Questions for selected Civilians from AA Public Service Offices

1. What do you think about the magnitude and trend of firearms/SALW trafficking in Ethiopia?
 2. Why do you think firearms' trafficking is increasing in Ethiopia
 3. Why people wanted to be armed themselves with illegal firearms?
 4. How do you see the overall responses aimed at combating firearms trafficking?
 5. Do you observe weakness in controlling illicit firearms trafficking?
 6. What do you recommend for federal police and other relevant law enforcement authorities to control illegal firearms trafficking?
- I. Interview guide questions for Federal Correction Administration:**
1. What do you think about the magnitude and trend of illicit firearms trafficking in Ethiopia?
 2. Why do you participate in illicit firearms trafficking?
 3. What factors encourage individuals to participate in firearms trafficking
 4. For how long have you been engaged in illicit firearms trafficking?
 5. How do you evaluate the firearms control efforts of law enforcement authorities?
 6. Can you discuss on the effectiveness of legal and policy responses against the illegal firearms trafficking? Are there challenges in this regard?
 7. What do you recommend to stop/reduce firearms trafficking?

Appendix III: Guide for FGD Questions

- ✓ **Focus Group Discussion Guide Questions for Operational Leaders and Members of the federal police commission Crime prevention Sector**
 1. What do you think about the magnitude and trend of illicit firearms trafficking in Ethiopia?
 2. What is your opinion towards the increasing firearms trafficking in Ethiopia in relation to the mandate and responsibility of your sector?
 3. How do you control illicit circulation of firearms in your area of operation?
 4. Could you discuss on the mechanisms employed by your sector to control and combat illegal firearms transfer?
 5. How do you cooperate with local police officers, Militias and other law enforcing authorities in your areas of operation?
 6. How do you see the national efforts to curb firearms trafficking?
 7. What challenges do you face in discharging your responsibility?
 8. Any suggestion.....?
- ✓ **Focus Group Discussion Guide Questions Federal Police Commission Firearms Control, inspection and audit division, and the Federal Police Office for INTERPOL.**
 1. What do you think about the magnitude and trend of illicit firearms trafficking in Ethiopia?
 2. What is your view on the increasing magnitude of firearms trafficking in the country?
 3. Do you think that your structural arrangement at the status of Division is efficient to coordinate, manage and supervise the national inspection and auditing of illicit firearms trafficking?

4. Do you have tracing and marking mechanism, and a Data base for illicitly trafficked firearms and dealers to support further prevention, detection investigation and prosecution of offenders?
5. What challenges can be raised in this regard?
6. How effective is the office for INTERPOL in coordination and exchange of information with regional and international law enforcement authorities?
7. What challenges do face the Office for INTERPOL in discharging its responsibility?

Declaration

This thesis is my original work and has not been presented for a degree in any other university and that all sources of material used for the thesis have been duly acknowledged.

Name: Tesfay Welay

Signature:

Date: June 2020

Statement of Certification

I certify that Tesfay Welay has carried out his research work under my guidance on the topic of “CHALLENGES AND PROSPECTS OF COMBATING ILLICIT SMALL ARMS AND LIGHT WEAPONS TRAFFICKING, IN THE CASE OF ETHIOPIAN FEDERAL POLICE COMMISSION”. This work is suitable for submission as a partial fulfillment for the requirement of the award of Master of Arts in peace and security studies.

Advisor: Dr. Mesfin Gebremichael

Signature:.....

Date: June 2020