



ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
INSTITUTE FOR PEACE AND SECURITY STUDIES
(IPSS)

**ILLICIT FIREARMS TRAFFICKING IN ADDIS ABABA: LEGAL
FRAMEWORKS, CONTROLLING ENDEAVORS AND ASSOCIATED
CHALLENGES SINCE 2016**

BY: GIRMA TELEGN ZEWDIE

ADVISOR: MERCY FIKADU (PHD)

ADDIS ABABA, ETHIOPIA

JUNE, 2020

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Signed by the Examining committee:	Signature	Date
Director of IPSS -----	-----	-----
Internal Examiner -----	-----	-----
External Examiner -----	-----	-----
Advisor -----	-----	-----

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Acronyms and Abbreviations

AI- Amnesty International

ACSO – Agency for Civil Society Organization

E.C -Ethiopian Calendar

FDRE- Federal Democratic Republic of Ethiopia

FGD -Focus Group Discussion

GO -Governmental Organization

IGAD- Inter-Governmental Authority for Development

ISSP- IGAD Security Sector Program

MOFA -Ministry of Foreign Affairs

MOP – Ministry of Peace

NEPAD – the New Partnership for Africans Development

NGO -Non-Governmental Organization

RESCA – Regional Center on Small Arms and Light Weapons

RPG- Rocket Propelled Gun

SAS – Small Arms Survey

UN -United Nations

UNDESA- United Nations Department of Economic and Social Affairs

UNIDIR –United Nations Institute of Disarmament Research

UNODC -United Nations Organization for Drug and Crime

UNODA – United Nations Office of Disarmament Affairs

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Abstracts

This study aimed at investigating the menace of illegal firearms trafficking in Addis Ababa through scrutinizing the implementation of global, regional and domestic legal frameworks. The study further aimed at indicating the primary actors in the implementation of the legal frameworks and associated cooperation. To attain the objectives, qualitative research methodology was employed. Primary data was gathered through in-depth interview with the consultation of public document. Secondary data was also used to substantiate the primary data on the major legal provisions.

Findings of the study revealed that Ethiopia is more likely weak to implement the legal frameworks that deal with the menace of firearms trafficking. Even though the country has ratified several international and regional instruments, and enacted domestic law.

This is owing to the fact that firearms' trafficking has been increasing in the country since there is low proclivity on the side of the government to investigate, detain and prosecute the traffickers. According to the findings of the study, the new Ethiopian Firearm Administration and Control Proclamation (*No.1177/2020*), has suffered some problems. Relevant actors were not taking part during the drafting process though the government attempted to make it inclusive. Some of its content is also problematic. The study further indicated despite the fact that the government has been exerting efforts to curb the menace; it is not proportional to the alarming situation. This is owing to the fact that there are challenges like lack of institutional capacity, absence of national task force; lack of public trust and confidence on police service, political tensions, corruption, poor data management, low level of public participation, and lack of inclusiveness in the efforts to comate illegal firearms trafficking. To conquer the challenges, the government should work aggressively through strengthening its instrument and combating mechanisms.

(Keywords: Addis Ababa, Illegal Firearms Trafficking, Small Arms, and Light Weapons, Arms Control)

CHAPTER ONE

1. Introduction

1.1 Background of the Study

Illicit firearm trafficking has become immensely complex and multifaceted issue which is responsible for killing & displacing people; fuelling civil wars, terrorist activities, organized criminal violence and insurgency activities, which become a great obstacle to ensure sustainable security and development (Malam, 2014; Aemero, 2016 ; UNIDR, 2010).

It has lately been drawing excessive global attention that pressures the international community to collectively struggle to halt the far-reaching ramifications of firearms trafficking. Despite the efforts, the outcry of the international community has not yet been fruitful in tackling firearms trafficking (Malam, 2014). This is clearly manifested by the ever-growing magnitude and scope of firearms trafficking business throughout the world (UNIDR, 2010).

According to Small Arms Survey and the United Nations Office of Disarmament Affairs (SAS, 2018 & UNODA, 2020), globally, it is estimated that there are more than one billion firearms and the vast majority is in the hands of civilians. The SAS report announced that of the one billion firearms in international circulation 857 million (85 per cent) are in civilian possession, 133 million (13 per cent) are in military arsenals, and law enforcement agencies own 23 million (2 per cent). Hence of all global arms holdings, two-thirds of the estimated totals are in the hands of individuals and lots are produced every day.

As Diana (2018), states *“trafficking of arms are currently almost in every region of the world; however, this trafficking usually stick in areas affected by intense domestic conflicts and tensions & presence of criminal networks, where the demand for guns is higher. Consequently, most of the sales target developing countries located in Africa, Middle East and Latin American countries”*.

As Salcedo (2017) also explained the *“international flows of illegal trade of small arms & light weapons often goes from developed countries that produce and sell the guns, to customers in under conflict countries, particularly due to civil and internal conflicts or small wars. In those countries, the guns are also trafficked and smuggled, usually to neighbor territories”* (Salcedo, 2017).

Civilians hold the bulk of the small global weapons, estimated at two third and 100 million are reported to be in Africa (UNODC, 2011). The United Nations Office on Drug and Crime (UNODC) also announced that Continent-wide, ‘Africa is the most affected continent in terms of proliferation illegal weapons mainly because of negligent and incapable institutions, porous borders and corruption. The weapons intern will provide a platform where non-state actors can further expand their interests through violence actions (UNODC, 2011).

According to Stohl and Hogendoorn study (2010), Horn of Africa, where conflicts already exist, has been a readymade market for the arms, which takes the lion share for the devastation caused on the governments of Ethiopia, Rwanda, Somalia, and Uganda battling their internal dynamics, among others and all of these countries have seen long periods of unrest and internal armed conflict.

Addis Ababa (which is the site of this study) becomes the conflict landscape since the City & the Surrounding Oromia Special Zone developed an integrated Master Plan in 2014. The Plan which was a top-down, poorly communicated initiative, aimed to integrate all social services and infrastructural development of the City and its surroundings. Nevertheless, it was perceived to be administrative encroachment and absorption of Oromia territory by the Administration (RVI, 2018). Since then unrest, riots & conflict tensions increased in the surroundings of the City and the entire Oromiya region which in the end led the whole country in a state of emergency and termination of the plan in 2016 (BBC and ECI, 2017 & Cilliers, 2018).

Multi ethnic fabric (ICG, 2019 & Verhoeven, 2016), corruption which was systemic, ethnic extremism, tensions and the irresponsible use and the wide spread hate speech through cyber technology, growing urbanization & large number of youth unemployment have been worsening (Yonas, Giovanni F. and Semir, 2019; AI, 2018) led the residents of the City high sense of insecurity, by assuming that security actors remain ‘*politicized instrument of control*’ and the consequence lack of trust with them & demand for self protection. In sum the many problems in the last decades, the conflict tensions & riots was taking different forms and shift from vertical (the government against the people) to horizontal (ethnic groups against one another) as well as in the ruling party, no consensus exists on how to tackle the country many challenges & unrest in the Capital in September 2018 left at least 58 dead (Semir, Yonas, ICG & Giovanni, 2019; AI, 2018 & Chelule 2014).

By the time, because of the Country porous border and overall instability & tensions the proliferation of small arms and its misuse of becomes a serious problem in the country as a whole, particularly in Addis Ababa (Yonas and Semir, 2019).

The economic costs of violence, including costs of policing as well as those of the lives lost stager gross domestic products of countires where huge gun trafficking is flown.Studies have revealed that women, children and the poor are more likely to be victims of violence with a decrease in social ties and community spirit being directly linked to crime and violence both within and outside the home (Theohary, 2015).

Thus Ethiopia has ratified different international, regional and sub-regional instruments including the UN Protocol on the illicit production of and smuggling arms, the Nairobi Protocol. Accordingly, Ethiopia has forwarded legal notice 229/ 1960 has criminalized trafficking as of the duty of registration and prohibition of carrying a weapon in certain public places, Proclamation No. 735/2012, which empowered the then Ministry of Justice to implement Nairobi Protocol and Proclamation no. 429/2004 empowered the Ethiopian Federal Police Commission to coordinate and implement the protocol in addition to that the new Firearm Administration and Control proclamation no. 1177/ 2020 promulgated in the recent past.

Nevertheless, irrespective of the efforts being made, lack of sufficient researched information and awareness about the nature, the cooperation, and the triggering challenges has proved to be complicating the anti-trafficking initiative in Ethiopia. Thus, the problem has remained to and seems to be escalating, both in form and extent.

In this crucial juncture, this study aims to generate rigorous information about gun ownership and controlling legal and institutional frameworks, the coordination mechanisms among law enforcement bodies in Addis Ababa. The study methodically analyses illegal firearms trafficking by particularly focusing on human security perspectives to delve deep into the trafficking anatomy in one of the most recognized trafficking-destination in the country-Addis Ababa, Ethiopia.

1.2 Statement of the Problem

Today, smuggling of arms has reached an alarming level in Ethiopia. The degree of illicit possession becomes challenging (Ethiopian News Portal, News. et al., 2019).

As a measure to solve the insecurity equation posed by SALW, Ethiopia draft & ratified different declarations and protocols in different times as politically & legally binding instruments. The success of these initiatives lies ultimately in their implementation at the national and sub-regional levels, and this requires significant commitment from law enforcement institutions to act cooperatively to achieve the changes required.

The operation of firearms trafficking, as an underground business, is conducted in furtive operations which could not be easily detected and intercepted. It has been argued that the anti-trafficking initiative, thereby, demands systematic scholarly ponder and study which allows a comprehensive understanding of controlling illicit firearms trafficking. In this regard, considerable size of local and international research studies have been made by practitioners, law enforcing agents and academics to provide a complete account of firearms trafficking. Nevertheless, most of these efforts apparently tilted towards specific regions like Eastern Europe, Asia, and America (Fitzgibbon, 2003).

Recent incidents of armed robberies in great metropolis and sporadic occasional racial and faith based violence undergo a spike in wanting of illicit firearms ownership (Yared, 2019). According to Yonas and Semir (2019), in addition to other peace and security threats ethnic extremism, tensions and irresponsible use of cyber technology are the biggest problem which create internal social instabilities, in these study the June 23 2018, grenade thrown during Addis Ababa rallies in support of the new Prime Minister and the fatality occurred, the September 2018 Ashewa Meda of Burayu town and Addis Ababa conflict (BBC, 2018; Yonas and Semir, 2019), an armed robbery organized crime crisis led the residents of the City the need to self protection and the increasing tendency to own small arms which gave rise the illicit gun trafficking in Addis Ababa.”

In Ethiopia, with the exception of some news paper and magazine articles, official reports and few research findings, getting studios books devoted to the issue of firearms trafficking within and from Ethiopia are rare. Of the available research documents (Mekonin and Haneta, 2011; Aemro, 2016; Molla, 2013; United Nations Institute for Disarmament Research, 2010), the vast majority is confined to the usual cause-effect of illicit firearms trafficking on pastoralist, peripheral and agricultural communities. Despite its contribution, yet, this emphasis failed to look at legal frameworks, main actors and their coordination mechanisms and the challenges encountered when controlling illicit firearms trafficking in urban metropolitan society like Addis Ababa.

Understandably, though agricultural and pastoralist communities constitute the major emphasis, considering the cases of urban society firearms trafficking would further enlarge

the depth of the firearms trafficking discourse. Thus, the hitherto existing Ethiopian firearms trafficking literature seems incomplete in indicating legal frameworks, actors, their coordination mechanisms and the challenges encountered in urban society. This study, in this regard, was conducted to bridge the aforementioned gaps by particularly targeting illicit firearms trafficking in Addis Ababa Ethiopia.

1.3 Objectives of the Study

1.3.1 General Objective

The general objective of this study is to scrutinize legal frameworks, main actors, coordination and associated challenges of controlling illicit firearm trafficking in Addis Ababa.

1.3.2 Specific objectives

The study specifically aimed at:

1. Describing the legal frameworks of controlling illicit firearms trafficking in Addis Ababa;
2. Identifying and examining the main actors of licensing, controlling and administering of firearms in Addis Ababa;
3. Examining the coordination mechanisms among law enforcement institutions in response to the problem of illegal firearms proliferation in Addis Ababa;
4. Assessing the prospects and the challenges facing the law enforcement institutions in controlling illegal firearms trafficking in Addis Ababa.

1.4 Research Questions

This thesis answered the following basic research questions:

1. What are the legal frameworks employed to control illicit firearms trafficking in Addis Ababa?
2. Who are the main actors of licensing, controlling and administering of firearms in Addis Ababa?
3. How have international, regional and national firearms controlling standards implemented in Addis Ababa?
4. How law enforcement institutions coordinate their illegal firearms trafficking controlling activities and the challenges encounter in Addis Ababa?

1.5 Significance of the Study

The findings and recommendations generated by this study will add knowledge to the study area in general, and serve as a good source of information for policy makers to formulate comprehensive gun ownership rule, regulation & administrative framework. It may also expand the knowledge and awareness of law enforcement organs in relation to illicit firearms trafficking and makes their crime prevention and investigation activities more effective and efficient. It will also serve as a source of information for both academicians and practitioners since the issue is rarely studied. Furthermore, it may initiate other fascinated researchers to carry out more extensive studies in the area.

1.6 Scope of the Study

The study is restricted to the description of legal frameworks & main actors in controlling illegal firearm trafficking in Addis Ababa Ethiopia. In the same vein, the study is limited to examining the coordination mechanisms and associated challenges among law enforcement institutions in controlling arms trafficking in Addis Ababa Ethiopia. So generalizations could not be drawn from this specific investigation to the general firearms trafficking scenario in the country. The study covers the time from 2016 up to now. The basic reason why I started from 2016 is that the year in which generally Ethiopia and particularly Addis Ababa becomes conflict affected areas which led in to the whole country under state of emergency and firearm trafficking becomes escalating according to Ethiopian Police Commissioners 2012 Annual meeting.

1.7 Definitions of Terms

- **Small arms:** *according to the Nairobi Protocol & UN, small arms are arms designed for individual use. They include, among other, thirty – eight (colt) and semi automatic handgun, rifles and firearm, Bren gun, assault weapon and light machine guns (Nairobi Protocol, 2004; UN, 2015).*
- **Light weapons:** *are weapons made for use by a group, although some may be carried and used by an individual (Nairobi Protocol, 2004).*
- **Illicit trafficking of firearms:** *which is the buy from abroad, sell overseas, obtain, sale, delivery, transit of firearms, its accessories and constituent and cartridges (shells) in a concealed way from or across the border of countries (Obasi, 2002).*
- **Proliferation of weapons:** *are termed as the spread from one group of holders or consumers to another (Obasi, 2002).*

- **Arms Control:** *As Juan expressed; arms control is, an international or national disarmament or arms limitation, especially by mutual consent (Juan Williams, 2013).*

1.8 Limitations of the Study

Firearms trafficking, being, in William's word, a "*breathhtaking intricacy*" (Cameron and Newman, 2008: 13), is an extremely exigent topic that it could not be researched without acknowledging certain limitations in the process. Hence, though the study has brought detailed original information on illegal firearms trafficking in Addis Ababa, the research has got some limitations. First, due to the sensitive and clandestine nature of the problem, the research did not include the experiences and conceptions of main traffickers and brokers, which would substantially increase the depth of such studies. Second, since the study is a qualitative research, quantitative information is not incorporated in a full-fledged manner. Finally, the reluctance of some law enforcement institutions has hampered the research from incorporating invaluable statistical official reports.

CHAPTER TWO

2. Introduction

This chapter highlights the basic knowledge about illicit firearms trafficking in the hitherto existing literature. After clearly conceptualizing the concept, the chapter largely focuses on the magnitude of firearms trafficking in Addis Ababa so as to clearly show the legal frameworks & controlling endeavors. Besides, a theoretical framework by which the study explained illicit firearms trafficking is clearly presented to depict conflict, conflict tensions & the human security perspective of illegal firearms trafficking in Addis Ababa.

2.1 Conceptual Framework/ Clarification

2.1.1 Definition, Concept and Scope of Illicit Firearms Trafficking

The knowledge about firearms trafficking is believed to be relatively little and blurred not only among the wider society but also academicians and practitioners. Before going any further, thus, providing a very basic account of trafficking firearms appears to be indispensable.

According to the United Nations Office of Disarmament Commission (UNDOC), two different terms emerged: firearms and small arms. Gun was primarily used to set out non-combatant firearms; it was frequently used in concurrence with light weapons and incorporates soldierly weapons and their use in warfare. The UN (2001:3) Article 3 (a) of Firearms Protocol defines “firearms” as:

Firearm may mean any transferable blew machine gun that ban, is plan to expel or may be readily changed to expel a blast, bullet or bounce by the activity of an incendiary, preclude classical arms or peculiar model. Antique firearms and their copy shall be defined in conformity with national legislation. By no means, however, shall ancient firearms include firearms produced after 1899.¹

Furthermore, trafficking firearms involves the manufacture and illegal spread of firearms, their parts and cartridges. The firearms that are always most trafficked are:

(i) Small arms (shot gun and semi- automatic gun, hunt and firearm, Bren guns, strike rifles, and light machine guns) and

¹ United Nations Office of Disarmament Commission (UNDOC) (2001)

(ii) light weapons (sub machine gun, mortar, movable anti-tank and aircraft guns and missile, recoilless rifles, and rocket launchers, portable anti-aircraft missile launchers, and mortars of less than 100 mm diameter (SAS, 2015).

The definition indicates that firearm include a firearm form or devise, is changed into a mouth fill up weapon that can be willingly turn to fire fixed ammunition by put back the barrel, projectile, closure, or any mix thereof. In the majority of literature in the area, this definition is appeared to be highly preferable to frame the firearms trafficking researches and policy measures. This paper, hence, conceptualized firearms trafficking in line with all the provisions in the protocol. In order to draw a clearer picture of it, incidentally, we need to understand the specific differences of the most intertwined and misinterpreted concepts: firearms, Small firearms and Light firearms.

On the other hand different scholars on firearms classify different firearms differently. However, based on their operation, the United Nations Office of Disarmament Commission (UNDOC) (2015) classified these types of fire arms as; pistol, revolver, short shotgun, rifle or carbine, machine gun, sub-machine gun, combination gun; and craft or rudimentary firearms in which each of them have unique characteristics and operational modus operandi (UNODC, 2015).

2.1.2 Firearms, Small Firearms and Light Firearms and The General Characteristics

The concepts of firearms, small firearms and light firearms are appeared to be tightly related and confused. Though meaningful distinction exists among them, they have been analyzed interchangeably or with blurred borderline in many research reports (Obasi, 2012). According to UNODA; Firearms, Small Firearms and Light Firearms do have distinct nature and characteristics, which require a separate analysis. By definition, weapon that expel a shot, bullet, bomb, missile, rocket and any projectile by the action of an explosive which causes damage on life, body and property and which includes bullet and related materials firearms is a broader concept in which both small and light firearms settle in. Meaning both are forms of firearms with very different characteristics.

2.2 Related Literature Review

According to Anyim, several attempts were made by different tiers of government at local, regional and international level to curb the challenges pose by the proliferation of small Arms (Anyim, 2013). Okoli, in particular maintained that laws on firearms in most countries have some limitations because since their enactment they only experience limited review (Okoli, 2014). The author further argued that, in most cases the Act is outdated, inadequate in much extent ranging from institutional capacity, enforcement and its ability to serve as deterrence to persons convicted under the given states Act. Similarly, the spread of small arms and light weapons is attributed to lack of strong domestic, regional and international regulations checkmating the activities of producers and dealers (Malam, 2014). According to Kurantin, Porous border and insufficient funds to manage SALW are among the factors that facilitate spread of weapons. In addition to this Kurantin further point out inadequate regulatory structures and corruption as part of the causes of arms proliferation (Kurantin, 2016).

The recent United Nations Office of Disarmament Affairs (UNODA) (2020) report to the Security Council & various authors provided different characteristics of firearms, which remain major threat to human security. The most commonly shared characteristics of all firearms may include: Low Cost and wide availability, increasing Lethality, simplicity and durability, portability and conceivability, potential to change the social order; military, police and civilian uses; and inherently transnational in nature (African Council of Religious Leaders Guide 2014; Sunday, 2011; Stohl & Grillot, 2009; UNODA, 2020).

2.2.1 The Global Magnitude of Firearms

Global firearms possession is estimated, as of July 2017, that there are over 1 billion (of which one hundred million is in Africa) firearms in 230 countries and autonomous territories of the world. Among the 1 billion, civilians hold 857 million (84.6%), military forces hold 133 million (13.1%), and law enforcement agencies hold 22.7 million (2.2%) (Karp,2018).However, the estimation varies from one country to another(Karp, 2018; UNODA, 2020).

2.2.2 The magnitude of firearms in Ethiopia

In Ethiopia, guns have played a significant role in internal politics and governance, as well as against external aggression. Weapons were introduced into Ethiopia for the first time during the reign of Emperor Libne Dengel (1508-1540) from Portugal, which played a significant role against the rival Emir of Harar Ahmed Ibn Ibrahim El Ghazi was also armed with muskets and cannon imported from the Turks. From that time onwards, the proliferation of

arms was rampant: it gradually gained momentum through the invasions of Egyptian, British and especially Italy.

The presence of weapons traced back to a turbulent Ethiopian history filled with political instability in the form of civil wars and conflicts of varying nature (Muchi, 2006). Therefore, the issue of firearms is not new rather its imminent threat has existed for a long time and that the government has been slow in comprehending the magnitude of the problem to control its extensive proliferation. According to the Government executive organs different reports & media outlets the magnitude is increasing in the country. Instances are here under:

TABLE 1 : Illicit Firearms Controlled by Security Forces

No	Location	Time period	Number and Types of Arms	Source
1.	Addis Ababa	9 month	21 PK machine guns and their variants; 275 Kalashnikov and 33,000 ammunition of various sorts	FDRE Prime Minister (2019) report to the Parliament and the Attorney General ² (Reuters, 2020)
2.	Gondar	Oct 2019	2,221 hand guns, 71 Kalashnikov	Reuters, 2020
3.	Addis Ababa	2019	4 Machine guns and 46,000 ammunition	EBC & Borkena (2019) ³
4.	Addis Ababa	2019	46,400 ammunition	EBC & Borkena (2019)
5.	Afar Dechito	2019	20 Kalashnikov machine guns and 53,921 light and heavy machine gun ammunitions	Xinhua (2019) ⁴
6.	unspecified	2018	1,000 firearms, 2 machine guns & 80,000 bullets	Fana Broadcasting Corporate (2018) ⁵
7.	unspecified	2017	270 Kalashnikov rifles, 200 pistol and 66,000 bullets	Fana Broadcasting Corporate (2017)

² Reuter, 2019: FDRE Prime Minister (2019) report to the Parliament and the Attorney General on 2019, Addis Ababa, Ethiopia

³ Ethiopia Broadcasting Cooperation, 2019, Addis, Ababa, Ethiopia

⁴ Xinhua (*22 Ethiopians arrested in connection with grenade attack*, 13September 2019)

⁵ Fana Broadcasting Corporate, 2018, Addis Ababa, Ethiopia

8.	Metema entry check point	2019	12,032 Turkish made Pistols as well as Kalashnikov bullets & unidentified gun	New Business Ethiopia (2019) ⁶
9.	Djibouti and Addis Ababa	2020	18,032 Turkey made Pistols by transnational organized criminal groups	Ezega, New Business Ethiopia, Ethiopian Press Agency and FBC (2020) ⁷
10.	unspecified	May 30, 2011 E.C	2,086 different arms, 100,365 bullets, 4 machine gun, 2,020 pistols, 62 Kalashnikov	National Television of Ethiopia (ETV) ⁸
11.	unspecified	Before 2011 E.C	6,093 different arms, 97,811 bullets and also proliferation increases (2009E.C: 864, 2010E.C: 1033& 2011E.C; 6093 captured by security forces)	ETV, 2019; Ethiopian Reporter December & November, 2019 ⁹
12.	Addis Ababa	unspecified	2,383 various weapons, 56,615 ammunition and 2 hand bombs	Addis Ababa police Commission ¹⁰

2.2.3 Factors of Illicit Firearms Trafficking

Firearms trafficking have been triggered by numerous complex and interrelated causal factors that must be seen in the supply –demand balance analysis; factors that supply firearms from the origin country and those who demand firearms into the destination countries (UNODC, 2003) and regional dynamics.

As a complex phenomenon, trafficking is not fully explained only by the factors in countries of origin; rather analyzing situations in destination countries would provide a comprehensive and clearer image of the problem (Weiss, 2003). Unlike countries of origin, destination places are characterizes sense of human insecurity, real or perceived, people feel secured armed with weapons. Motivational variables include the social, cultural and politically constituted liking for guns (Muggah, 2004).

⁶ New Business Ethiopia (report on illegal weapon captured in 2019, Amhara Regional State, North Gonder ,Metema check point)

⁷ Ezega, New Business Ethiopia, Ethiopian Press Agency and FBC,2020, Addis Ababa, Ethiopia and Djibouti

⁸ National Television of Ethiopia news transmission on may 30, 2011 E.C, Addis Ababa, Ethiopia

⁹ Ethiopian Reporter news on illegal arm trafficking, Dec, 2019, Addis Ababa, Ethiopia

¹⁰ Addis Ababa police Commission report, Addis Ababa, Ethiopia

Means: first and foremost refer to the relative price of getting arms, accessories and assets available to buy, rent, theft or lend them (Muggah, 2004). Civil conflict in terms of a struggle for recognition of fundamental rights from what they perceive as oppressive through the instrumentality of weapons (Buchanan and Atwood, 2002).

As Weiss underlined that, economic factors propel the demand for firearms. The gun is going to be used as a means of survival. With the prevalence of poverty, unequal resource distribution, ethnic and religious tensions, significant youth unemployment and other socio-economic factors create human instability and insecurity (Weiss, 2003). Generally, the seemingly perfect interplay between the 'supply' and the 'demand' factors in the countries of origin and destination prompt firearms and make them targets for trafficking expeditions or brokers.

On the demand side, SALWs have different cultural and pragmatic uses among the Ethiopian people. In the highlands, someone possessing an arm signifies manliness and occasions respect from the society. In the lowlands, most of the residents follow nomadic way of life that attaches great value to the arms (Muchai, 2006)

2.2.4 Consequences of Illicit Firearms Trafficking

Various effects transpire from the continuous proliferation, wide availability and their consequent misuse. Illicit firearms proliferations do have a miserable consequences on human safety and security, the illicit production, transit and flow of firearms, its excessive accumulation and unregulated spread in many regions of the world, have a consequence of humanitarian and socioeconomic effects and pose a serious risk to peace, security and long lasting development at all levels (ICRC, 1999).

Firearms trafficking & its ease of accessibility impact societal livelihoods and sustainability of development endeavors. The illicit trafficking of firearms increases the risk of armed violence, can obstruct and raise the costs of development and other activities (DFID, 2003).

Another consequence of the smuggling is on human rights and humanitarian law violations. The damage sustained by these direct effects can be seen in terms of short and long-term consequences: the short-term include disruption of ordinary life, communal uprooting and disorder in social and political spheres. In the long run, it may lead to an overall change in lifestyle-governments may choose to concentrate on peace and security while private

individuals may abstain from their normal productive life and stay home or divert their meager resources away from productive activity and into self-protection (SAS, 2016).

In Ethiopia and the wider region, small arms have been used to kill thousands of people in conflict, cattle rustling and criminal activities. Crime statistics show that small arms are the weapons of choice in violent robberies, homicide and incomplete or inchoate offences (Muchi, 2006).

Organized Crime and Terrorism have relation between firearms, their misuse, and extent of armed criminality. In many urban centers unlike in the past, there is use of guns in nearly every robbery today. Cook (2006) concluded that firearms use in organized crime and assault deserves stringent punishment because it increases the chance of the victim's death. Armed robbery groups who used firearms in one crime were more likely to be recaptured for a gun-related crime.

Small arms are increasingly transnational threats and international crimes, in this regard; IGAD region's peace and development plan assure the issue. Since 1993 Ethiopia, Kenya, and Uganda have faced terrorist attacks emanating from radical organizations based in Somalia (IGAD, 2016).

2.3 International Efforts and Challenges to Combat Firearms Trafficking

Small arms control mainly rests on seven parameters (production, transfer, storage (stockpiling), marking, record-keeping, tracing and possession) as far as control is concerned, nationally as well as internationally. The life cycle of small arms starts with the manufacture and ends in possession. However, the life cycle of small arms does not necessarily end at the first instance of possession. In between the production and possession, the stages involve the transfer, storage (stockpiling), marking, record-keeping, and tracing, which are found at different stages of the cycle of small arms control and final disposal (SAS, 2019).

In 1990s and 2000s several multilateral political and legal agreements concluded on how to best control. These agreements are of two types: legal binding agreements and political commitments, where states express their willingness to behave under defined norms and principles. The following sections discuss global and regional agreements (SAS, 2019).

2.3.1 Global Instruments

The UN has been on the front line in bringing the issue to the forefront of universal attention as well as in leading the effort to control the proliferation of SALW. The organization is

heavily involved in the global endeavor to trim down the damaging consequences that are associated with SALW proliferation. There is a dedicated office, United Nations Office for Disarmament Affairs that focuses on the issue at hand, among its multifaceted responsibilities (UNODA, 2019).

a) The Firearms Protocol

The UN General Assembly (2001) report said that the protocol was formulated on the 31 May 2001 and came into force on the 3rd of July 2005.

The central theme of the protocol pertains to the idea of controlling cross border flow of SALW. It forwards an all-encompassing system to control the manufacture, import, export, and transit of firearms and related items. Its control action and directives cover countless aspects of the firearms issue, excluding in cases of a state to states legal trading where the application of Protocols would unfairly obstruct a state party's right 'to take action for national interest in line with the UN Charter'(UNGA, 2001). Ethiopia has acceded to the treaty on 22 Jun 2012 with a reservation to the effect that Ethiopia does not accept the jurisdiction of the International Court of Justice, which is provided under Article 16(2) of the Protocol.

b) The Program of Action

During the initial phases of a global awakening to the phenomena of SALW, the UN convened a conference on how to best respond, and the result of that particular conference was the UN programme of action. It is not legally binding; therefore, the political will of states is mandatory for its fruition. All UN member States adopted it in 2001. The central theme of the PoA, among others, was: Develop agreed international measures to prevent global problems posed by illicit SALW.

Despite its drawbacks, it has led to greater awareness, understanding, and policymaking on control and became the basis for the UN Marking & Tracing Instrument. According to United Nations Department of Public Information the regulation of civilian ownership, the program of action provides that:

- States should establish as criminal offenses under their domestic law the illegal act of trade in, possession, and stockpiling of SALWs to establish those responsible for these activities brought to the court of justice their national criminal laws.

- States to make sure that groups and individuals are identified when they are engaged in the illegal trading, possession, stockpiling, as well as financing of illicit SALWs to establish those responsible brought to the court of justice their national criminal laws.
- States to promulgate laws and enforce, if they already exist, to prevent the possession and to stockpile inadequately marked or unmarked SALWs.

c) The UN Marking & Tracing Instrument

According to Small Arms Survey (2019) the UN Marking & Tracing Instrument Enable States to identify and trace Illicit SALWs, which is also known as the International Tracing Instrument (ITI), is not a legally binding agreement. The ITI, agreed on 2005, was the result of an attempt at developing international marking, recordkeeping, and tracing measures (SAS, 2019).

d) The Arms Trade Treaty (ATT)

The Arms Trade Treaty (ATT) (2013) is a multilateral instrument that governs the cross border transfer of conventional arms, including SALWs. The ATT lays down legal rules on the international trade comprising the export, import, transit, transshipment, and brokering of conventional arms, including SALWs. The focus of ATT is on global arms transfer; mainly the export of arms, to avoid misuse and diversion (Parker and Wilson, 2019)

2.3.2 Regional Governance Approaches in Africa

Concealed firearms flows promote conflicts in most African states, from small crime to rebellion, organized crime and terrorist activities. Realizing that development without peace is unattainable, the African Union's New Partnership for Africa's Development (NEPAD) contains two out of the eight items on the Peace and Security Agenda directly: First ensuring efficient and stronger action in preventing, combating and eradication of illicit SALW. The next one pertains to improving the security sector and the capacity for good governance as related to peace and security.

a) The Bamako Declaration

Regional efforts are critical in combating cross border SALW trafficking. Illicit gun carry on fueling many conflicts, as the AU set an objective to silence the gun and ceasefire by the end of 2020. But it was an over ambitious plan not achieved by 2020 & even may not by 2023 (Cilliers, 2018).

The Bamako declaration, which is not legally binding, provides for a joint common position of the continent towards the illicit increased movement and trade in SALWs (BDACP, 2000)

b) The Nairobi Protocol

The Nairobi Protocol which, was signed on The 21st of April 2004, was a sub-regional initiative focusing on the prevention, management and cutting back SALW. It is a legally binding regional agreement that obligates member states including Ethiopia, among others, to adopt such legislative and other measures to establish criminality of offences within their domestic legislation of acts that are under its consideration. The acts provided under article 3 as illegal acts are manufacturing, trafficking, possession and misuse of SALWs, when they are committed intentionally (RECSA, 2004).

State parties to the Nairobi Protocol commit themselves to introduce programs to encourage lawful civilian possession of SALWs holders and their surrender for destruction. (RECSA, 2004). To promote a culture of peace, state parties should develop local, national, and regional community education and awareness programs. These programs are aimed to encourage responsible ownership and use of SALW (RECSA, 2004).

c) Regulation of Civilian Ownership

Internationally, there is no clearly defined rule when it comes to classifying weapons suited for civilians as well as military use. It falls within the competency of the state to classify weapons best suited for the military purpose or inappropriate for civilian use. In General, civilians are people who are not employees of the states security sector, mainly the police, military and other law enforcement agencies. Hence states are reacting through legislative measures to regulate access, ownership and their resulting use. In the same vein, regulation of civilian possession does not guarantee eradication of violence, but rather controlled availability lessens there lethality.

It is generally agreed that the main culprits are they possess civilians as in the majority of SALW, and they are also responsible for the violence both as victims and culprits. Many states have reformed their legal framework to regulate ownership while many others have begun to tighten laws in response to the problems already observed. In terms of the international system, there is no instrument governing civilian gun ownership. The concern was mainly focused on the illicit trade as a whole rather than individual level governance of the issue. Hence, it lies within the jurisdiction of each state to regulate civilian gun ownership

as it wishes based on their own unique cultural, historical and constitutional regimes, resulting in a myriad of national laws that are quite different from state to state (SAS, 2011).

2.3.3. Domestic Policy and Legal frameworks In Ethiopia

As Stohl&Grillot (2009) contends that, a country must be able to control and regulate the presence of arms in its territory and mostly regulate the flow in its borders. In this regard starting from the constitution Ethiopia promulgate a law to control SALW, but up to the recent past there is no a comprehensive national law to control SALW.

a) Arms Regulation Legal Notice

Perhaps the oldest piece of legislation dealing with weapon registration in Ethiopia is the imperial Arms Regulation Legal Notice No. 229/1960. As can be seen from its contents, the regulation mainly deals with the registration of firearm for civilians to possess and licensing requirement for anyone wishing to engage with the import/export, deal/trade and repair firearms. The regulation about civilian possession of firearms had main provisions of; registration license for a fee, records and reports, transfer on arms, restriction on carrying of arms in prohibited places. It was promulgated during the time of the emperor; where in everyone has the right to access guns. It was mainly meant to register arms without laying on how to access guns, rather laying the responsibility to register arms in one's possession.

b) The Federal Democratic Republic of Ethiopia (FDRE) Constitution

In the Constitution Article 55(2) (h) provides that the House of Peoples Representatives have the power to enact laws on possession and bearing of firearms. However, there is lack of uniformity among the federal and regional states constitution on the issue of firearms control and administration.

c) The ex-Security, Immigration and Refugee Affairs Authority

As the former Authority (the now National Intelligence & Security Service) by Proclamation No.6/1995, under article 5(8) promulgated to issue licenses for the possession or use of guns and explosives.

d) The Revised Criminal Code of Ethiopia

The revised criminal code dealing with weapon is article 481, which prohibits trafficking in arms under crimes against public security. It makes it a criminal act to anyone responsible for the production, import-export as well as transportation of the arms, and also involved in the

acquisition, receives the arms or storage, offers for sale, circulates or distributes with the intent of trafficking, manufacturing or assembles firearm with their parts and components or ammunition is punishable up to 15 years based on the gravity of the act provided. The article provides Control of Arms and Ammunition stating whoever violates the laws, regulations or directives governing the trade, possession or delivery, control or use of firearms or other weapons and ammunition; sells knowingly or delivers to an authorized persons, and weapons or their ammunition is punishable with arrest not exceeding one month or fine not exceeding one hundred Birr. While Article 809 anyone carrying an arm in a public place while not certified to purchase or carry, or use a weapon, even if certified, is punished with an arrest not exceeding eight days or fine not exceeding one hundred Birr. It is clear from the above provisions the law is too lax with the punishment as deterrence for both who have to violate it or prospective violators.

2.4 Approaches to Regulating Illegal Firearms Trafficking

The underlying factor driving the approach is the need to strike a balance between prevention of social harm and the legitimate right of civilians to use arms for self-defense, sport shooting, hunting, and others. According to Small Arms Survey 2011, there are different approaches in regulating firearms, which include:

Permissive Approach/ Possession as a Fundamental Right, countries that allow or recognize possession of firearms as a right just like any right. There is an entitlement to possess a firearm, except in a special condition to prohibit in the case of consequential criminal cases. The presumption is primarily for securing civilians right to own guns.

Possession as a Privilege, the majority of countries allow civilian possession when rigorous requirements are fulfilled. The presumption is against civilians owning guns.

The Prohibitive Approach is an approach prohibits bearing of arms by civilians. The defining characteristic of this approach is that states do not believe in the existence of any good cause for civilians to arm themselves (SAS, 2011).

2.5 Essential Principles for Civilian Possession

Regulation of civilian possession of firearms has essential principles. They are regulation of the Firearm itself, regulation of the user & regulating the use of the firearm.

2.5.1 Regulation of the Firearm Itself

Prohibition and Restriction: There is no uniform international definition as to what kind of weapon amounts to ‘military style weapon.’ These weapons are primarily designed to serve as military purpose weapons; they are efficient at killing humans at a larger scale than any other small arms. Because of this, States are increasingly recognizing the need to control military use and military capacity weapons that pose a risk higher than its potential use.

Ammunition Control: Most Countries standardize the sale and safe storage of ammunition and its purchase conditional upon production of a valid license to possess a gun. Some countries like that of the Republic of South Africa and the Philippines limit the quantity and type of ammunition that can be bought by civilians (SAS, 2002).

Registration of the Firearm: The registration of firearms allows authorities to easily trace guns that are subject to inquiries, investigation of crimes, for prosecution and to recover firearms from individuals that are disqualified for renewal of a license.

Record keeping: To effectively trace and check their circulation, the law provides maintenance of records of all certified firearms. Record keeping, registration, and licensing criteria’s prevent the transfer of legal weapons to illicit markets but in most African countries the implementation fails which accounts to SALW proliferation (UNDP, 2005).

2.5.2 Regulating the User

Licensing: Licensing procedures filter away people who are not competent enough to own it. It assesses fitness and ability. Just like a driver’s license, licensing processes to mandate potential gun owners to undertake safety training as well as take an exam to ascertain fitness for ownership.

Age Requirement: ownership of weapons has its limitation based on age. Brazil has taken 25 years as the age of maturity to own a firearm while many other states take the age of 18 for maturity and put it in their laws.

Criminal Record: many countries forbid civilians who have committed certain criminal offenses like that of acts of terrorism, drug trafficking, or murder. It does not matter whether it involves small arms or not, a crime of assault, robbery, intimate partner or family-related violence, or sexual violence are recorded on the person applying for a license should be denied.

History of Violence: because of misuse firearms countries have opted to deny firearms to individuals with a history of violence against their own families (UNDP, 2005).

Mental incapacity: many countries do not allow people who have issues of severe mental health problem. They can pose a risk, especially to themselves, i.e., suicide.

Training: people applying for a license undergo competency training so that they can be evaluated whether they are fit to shoulder the responsibility of possessing a gun (UN Coordinating Action on Small Arms, 2005).

Renewal: the condition under which the license granted the first time may change after. The good cause test may alter; the license holder may become unworthy of trust, may become incompetent, or die.

Cooling Periods: some countries provide for a certain amount of days between the application, processing of the request, and issuance of the license. It's mainly done to provide for the people to base their decision on rationality, not based on impulse.

Restriction on Quantities: to prevent private arsenals countries generally limit the number of firearms citizens are allowed to hold at a time.

Transfer Restrictions: once a license is granted and the weapon is registered to a particular individual, then there is a restriction not to transfer to anyone.

2.5.3 Regulating the Use of Firearms

Good Cause Test Applicants: According to UN Coordinating Action on Small Arms, for a license to carry a firearm need to establish the reason that justified under the rules of the country.

Prohibitions in Specific Location: In specific locations, based on public interest, civilians may be restricted/ prohibited from carrying firearms (UNDP, 2005).

Safe Storage: Safe storage is a safety mechanism to mitigate the risk of theft, or they are not missing used. Some countries require the ammunition to be separated from the gun and stored in a safe place or are not use impulsively (SAS, 2002).

To sum up this chapter shows about the conceptual as well as theoretical frame works of SALW, its consequence and the global, regional as well as national both politically agreed & legally binding approaches to combat illicit trafficking, the way how civilian can own arms.

Therefore it is from the perspective of this literature review and by both the primary & secondary data that the legal frameworks & controlling endeavors as well as the associated challenges of arms control in Addis Ababa empirically evaluated in the discussion & analysis part of this paper.

CHAPTER THREE

3. Research Methodology

In this chapter detailed methodological description of the study is presented. Consequently, after precisely specifying and locating the place in which the study is conducted, the chapter illustrates the subject of the study as well as the research methodology with detail justifications.

3.1 Study Area

The study is conducted in Addis Ababa City Administration, Ethiopia. The FDRE 1995 Constitution 49(2) and 55(1) and (Proc. 87/1997 & revised Proc. 361/2003) consider Addis Ababa both a city and a state. Addis Ababa city administration (hereafter, Addis Ababa) holds 527 square kilometers of area & according to the revised charter article 5 “*approvingly, the City shall be demarcate by a consensus to be made by the City Administration and Oromia Regional State or in line with the decision of the Federal Government*” (Proc. 361/2003). Addis Ababa upon its foundation in 1886/7 nowadays is also the City as the host of Head Quarter of AU, UNECA and diplomatic hub as well as big Conference City of the continent (FDRE Foreign Affairs & National Security Policy and Strategy, 2002). According to the (2007) National Census Addis Ababa had a total population of 3,384,569 (CSA, 2007). The UN Environment Programme underlined that, by the speedy rural to urban migration processes the city population in Addis Ababa expected to reach 8 million before 2020 (UNEP, 2013) & the World Population Review also estimated the City population by 2020 may reach 4,793,699 (with a growth rate of 4.37%) & reach 8 million by 2030 (World Population Review, 2020). The most recent census was scheduled for the 2018 to 2019 fiscal year; because of a very sensitive climate of ethnic tensions as security concerns between 2017 and 2018 delayed it (Reuters and Yonas, 2019)

As described in chapter two literature review part about the magnitude of SALW proliferation in Ethiopia in general & Addis Ababa in particular, illicit trafficking of firearms has reached an alarming level, which pose a serious human security threat. According to the Federal Police Commission press release at the end of Feb. 2020, illicit firearms trafficking increased by 71% compared to the preceding three years period (FBC, 2020).

Consequently the government recognized the City as one of the illicit firearms trafficking destination from various routes. Thus, this study thereby, purposely selected as a study site to grasp the possible comprehensive picture of the issue in the area.

3.2 Research Approach and design

Briefly, the study heavily relies on qualitative approach by which the primary data were gathered and supplemented by the secondary information obtained via rigorous review of secondary sources. Drawn upon this and guided by the major objective of the study qualitative approach was appropriately utilized; primary qualitative data were gathered from the selected subjects through key informants interviews and FGDs.

Regarding the research design, due to the restricted interest of the study on the examination of legal frameworks, main actors and coordination and associated challenges, coupled with the understandable shortage of time and budget, the research collected data about illicit firearms trafficking at a point in time. Thereby, the study is predominantly a cross-sectional qualitative research in which the information gathered is specified to definite period of time-2020. Yet, since illicit firearms trafficking is not a particular time situation, subjects were asked about their past related experiences to approximately maintain full understanding of the problem.

3.3 Sampling Techniques/Procedures

Purposive sampling technique is employed to select participants from law enforcement bodies. Purposive sampling technique allows the researcher to subjectively define a typical case and select those who best fit in this definition. Thus, the subjects of the study were selected purposefully *“because they can inform an understanding of the research problem and central phenomenon in the study”* (Creswell, 2007:141). The number of interviewee was fixed on based on data saturation. Additionally, focus group discussions were used by organizing participants into three groups based on their similarities of status at each cluster. The researcher arranged the groups purposively. Based on the proceeding direction, 3 focus group discussions, which contained 4-6 members, were held at each cluster.

3.4 Data Collection Methods

The methods through which the required data were gathered are a triangulation of key informants interviews and FGDs as well as secondary data reviews. The first two methods were used to obtain primary qualitative information while the last was done to obtain other complimenting information.

3.4.1 Key Informant Interview

Semi-structured interviews were conducted with key informants to dig into the very details of their experiences and knowledge of the issue. The key informants, who are 24 (twenty four) in number, were selected from various institutions. The nature of the interview guide was prepared according to the specific objectives of the research topic.

In this case, a sets of semi-structured interview questions were prepared for key informant interview. Here, the researcher were met the informants personally, via their mail address forwarded the questions and calling them with their cell phone number and ask the questions regarding the subject of the study. It is a better tool to collect valid data and eliminate the chances of non-response rates since the researcher personally collects them. Thus, the interview guide questions were developed in English language and then translated to local languages of informants. The interview guides are made up open-ended questions, which were used to pose probing questions and dig thorough.

3.4.2 Focus Group Discussion

In the Focus group discussions (FGDs) each group participants was composed of four up to six (4-6) individuals. Both men and women participants were incorporated in the groups. The discussions were taken, on average, more than an hour.

The guiding questions were developed in English language and then translated to local languages of participants. The FGD guide was used to direct and channel the direction of the discussions, where the researcher took a role of moderator. All the questions were framed in accord with the theoretical framework that the study adopted for its purpose. Moreover, Tape recorder and field notes were used to capture all the required information from the field.

3.4.3 Document Review

Relevant secondary data like journals, books, articles, conference papers, brochures, bulletins, strategic management plans, official reports, criminal records, research reports, project plans reliable media outlets and other archival documents were used extensively, retrieve systematically and review critically to sufficiently supplement the primary data.

Regarding the primary data, since it is difficult to capture the realities of illicit firearms trafficking in extensive manner from single perspective, enrolling various actors that engage in the trafficking would render broader multiple insights. Hence, the subjects of the study, from which the required information were gathered from Ethiopian Federal Police Commission, Addis Ababa Police Commission, National Intelligence and Security Service, Attorney General, the City Administration, Custom Commission, House of People Representative, Minister of Peace, Agency for Civil Society Organization, three Institutions from Addis Ababa University and African Union Peace & Security Council as well as from First Instance and Higher Courts.

3.5 Validity of the Study

Validity of the data is one of the focuses that every researcher should consider in scientific studies. Thus, this study has made data triangulation that would allow diverse insights to be incorporated. Similarly thick rich description presenting the participants voices under each theme, through their official mail address, telephone conversation and providing detail description of each of the cases has been made.

3.6 Data Analysis Techniques

Prior to the analysis processes, the researcher transcribed and coded by meaning all the data from interviews and FGDs. To safeguard anonymity and conform to ethical procedures, pseudonyms are used during the narratives. By totting up the secondary information, the obtained primary data was analyzed by the technique of multiple thematic analyses where results of various methods put together to bestow insights on the topic under study. The researcher was used qualitative data analysis sequentially to present and analyze the qualitative data.

3.7 Ethical Considerations

All participants had been thoroughly informed the purpose of the inquiry and informed verbal consent was obtained prior to the interviews and discussions. To safeguard anonymity, the voice of the respondents was tape-recorded in accord with their knowledge and willingness, and pseudonyms are used to refer the subjects in the analysis. Likewise, participants were guaranteed that their participation is voluntary and they are free to relinquish the interview/discussion anytime. Similarly before the start of data collection ethical approval and clearance were obtained from Addis Ababa University. Supportive letters were delivered to *data sources*. The objectives of the research were clearly communicated to participants.

Confidentiality of informant's at the beginning of each interview and Focus Group discussion was expressed. Names, identification numbers and others who enable readers to track the respondent's identity were not disclosed to third persons.

CHAPTER FOUR

4. Analysis and Discussion

4.1 Introduction

So far, indicating the gap that the study is going to bridge, I have laid down the bases upon which the study is built. This chapter then, brings us to the systematic analysis and presentation of the data gathered from the field and related literature. The chapter provides well-composed qualitative information about the illicit trafficking of firearms in Addis Ababa, Ethiopia.

4.2 Current Legal Frameworks on Firearms Trafficking in Ethiopia

Under this section, three levels of policy and legal instruments that Ethiopia generally and Addis Ababa particularly has or has not ratified are presented namely: International, continental and domestic/national instruments. At the end of the section, few selected legal instruments having more bearing on firearms trafficking are evaluated.

4.2.1 International Legal Frameworks

The United Nations International provisions that have some bearings on firearms trafficking Ethiopia ratified and Addis Ababa accepted include; the Program of Action on Small arms and light weapons, 2001, International Tracing Instrument o(ITI),2005 & the Arms Trade Treaty (ATT), 2013.

4.2.2 Continental Conventions

From the African level legal frameworks the one which directly relates to arms trafficking, which Ethiopia has ratified and is implementing include; Bamako Declaration, 2000, AU Master Road Map for Silencing the Gun, 2020, the Nairobi Protocol on SALW in the great lakes region and Horn of Africa, 2004 & Regulation of Civilian Ownership are the major one.

4.2.3 Domestic Legislations

Among the domestic laws on SALW include; the 1960 Legal Notice, the Ethiopian constitution 1995, the former Security, Immigration & Security Affairs Authority 1995 and the new Firearms Administration and Control Proclamation number 1177/2020.

Ethiopia has been the original signatory & has ratified the Nairobi Protocol in 2004, Federal Police was/is empowered to coordinate & implement the protocol. After the designation, the commission has designated various officers to liaison Ethiopia with the executing body of the protocol, the RECSA. This individual is responsible as the focal person for the country and coordinates Ethiopia's effort with the body with its head office in Nairobi, Kenya.

A key informant interview in Federal Police revealed that as member of the first part is creating awareness for its members on the dangers of small arms proliferation and the duty that's expected from its members to fight its illicit proliferation and use. To the extent possible, given the shortage of resources, has done its share by mainstreaming the obligation of fighting its illegality to all branches and subcomponents as a serious crime that needs more considerable attention.

On the other hand, the commission has also announced that it has organized a special unit to fight the illicit proliferation under crime prevention sector of the commission. At the same time, it has constituted a specific organ mandated with weapons licensing, professional consultancy service division. The division, according to its experts, is mainly dealing at this time, with the training and issuing guns with their license for organizations, not private individuals. However, the commission stressed that at this time, Ethiopia is not fully participating in the RECSA. What Ethiopia has is simple participation, without a say on its decision. On top of this, Ethiopia has no permanent representative in the RECSA.

The Ethiopian constitution article 9 (4) indicates that all these agreements, which Ethiopia ratified are, part of the country's law. But there are some challenges to implement these agreements. Some reasons are: first these agreements are not translated into Amharic and hence making it difficult for the court to implement them. Second these agreements are too broad and hence need national manual to have implementation details and strategies but this is not done. So there should be hard work to ratify bilateral agreements.

4.2.4 Evaluation of Ethiopian Firearms Administration and Control Proclamation

Here the new Law 1177/2020 instrument having more to do with firearms trafficking in the Ethiopian context is selected and evaluated in terms of the adoption Process and content wise manner.

This proclamation was a result of the need for effective action to prevent and combat firearms trafficking, which requires a comprehensive domestic approach in the country that includes measures to prevent such trafficking, to punish the traffickers and to protect the general victim of society. Despite the existence of a variety of international instruments containing rules and practical measures to combat firearms trafficking, because of the Government reluctance and lack of political will, there was no comprehensive instrument that addresses all aspects of firearms trafficking in Ethiopia.

The proclamation was adopted in March 2020 in Addis Ababa, Ethiopia to supplement the Nairobi protocol against illicit firearms trafficking. This proclamation is the first domestic instrument that deals comprehensively with the issues of firearms trafficking. It is a twenty eight article document addressing issues related to the definition, prohibited activities to carry firearms, firearm license, firearm utilization duties, supervising institution, criminal liability, and transitory provisions. In sum the proclamation is developed with the intent that, due ethnic extremism, political tensions & escalating conflicts, proliferation of arms in the country as a whole including Addis Ababa becomes high, hence, with the intent of effective action to prevent and combat illicit firearms trafficking, the establishment of the new law required, particularly in Addis Ababa. The purposes of the proclamation are stated as follows:

1. To maintain peace and security of the country and the public and is necessary to ensure rights and security of citizens and people
2. To make firearms in the hands of individuals could be utilized to maintain the peace and security of the community
3. To determine in a detailed legislation gaps not covered by existing laws and practices and create consistent system
4. To enforce international agreements concerning illicit firearms control ratified by our country and to lay down system in order to conduct international cooperation

The new Law on firearm administration and control seems to go in the direction of possession as a privilege approach to regulating civilian possession. Article 4 provides that no one has the right to possess and use a firearm without a valid license. Also, article 6(1) (a) clearly states that for private individuals only one small or one light firearms allowed; and the supervising institute will decide the details and amount of bullets to be authorized by taking into account of the pastoralists, farmers and cities situation.

Despite the appreciation of the proclamation for its comprehensive definition and inclusiveness on issues of both communities protection and prosecution of perpetrators some critics bring on its drafting process and resultant text based on data from FGD discussant, key informant and basic principles of controlling firearm trafficking as follows:

According to the Attorney General, the drafting process was solely undertaken in a short period under the ownership of the attorney general. The drafters have tried to grasp the basic understanding of firearms and have tried to provide, to the best of their knowledge. After the

draft was finalized, various stakeholders have discussed and provided their inputs, including the police institutions of the country. However, the process has significantly suffered from the get-go. It lacks harmonization of the basic four stages of:

1. Drafting of a schedule and TOR for the national review process;
2. Establishment of a team that would spearhead the legislative process that includes a wide ranges of expertise, both legal as well as technical. It should include key members of the NFP, which could possibly include police, military, firearms bureau, attorney general's office, judiciary and civil society;
3. The drafting process begins by collecting all relevant information that will influence the new piece of legislation, drawing international, regional and national best practice;
&
4. Continuous feedback and briefing by the team to their respective members, relevant authorities, and the RECSA on the regional harmonization process.

Participants of this study and FGD discussants announced that, because of the single-handedness of the Attorney General approach towards the drafting of the new legislation, the firearms administration and control proclamation drafting process lacks many attributes of a proper piece of legislation and the apparent failure of the drafting process. Thus based on basic international standards and data obtained from key informants and FGD discussants the gaps on the drafting process have brought the following loopholes.

The draft has brought about several issues that should have been answered with the main/parent legislation, are delegated to the supervising institution, i.e., the Federal Police Commission or in case of delegation the Regional Police Commissions as well. What is puzzling is that it has delegated several issues to the Federal Police Commission to issue directive directly, by passing the Council of Ministers, which normally makes the regulation.

First of all, the Commission is an executive organ under the ministry of peace, which directly answers to the executive organ. By directly naming the Federal Police Commission for delegation to iron out details of the legislation that are left open, the legislation intentionally handicapped the council of ministers to have no say on the matter. What is absurd is that the federal police commission is an organization that will accept any decision given to it by its superiors, so why bother with direct delegation? Whatever the issue may be the law should have given the Council of Ministers to issue a regulation with assigning an appropriate implementation organ appropriately, laying down the ground rules to be followed and the

concomitant accountability that follows non-performance of the mandate. However, the draft as it stands today has granted the bulk of delegation to the federal police commission directly, narrowing the chances of the council of ministers to give guidance. So what are the delegated powers awaiting the issuance of the Federal Police Commissions directive? They are:

1. The Details and the number of bullets to be authorized for private individuals & organizations. (art. 7(1)(a) & (b))
2. The minimum age to license a firearm. (art. 8(1))
3. Determination of sufficiency and validity of the reasons brought by private individuals to bear arms based on the consistent requirement. (art. 8(10)). It also extends to the determination of the requirement that has to be met for organizations to claim firearms. (art. 8(11))
4. Issuing Schedule for licensing of firearms for residents of localities where the firearm is traditionally carried. (art. 9(1))
5. Requirements that will serve as a basis on which international organizations or foreign state representatives can get a firearm license. (art. 10(1))
6. Firearm license for a special activity in cases of the sporting activity, theatre and film works, the supervising institute shall determine its directive shall determine the type of weapon and the number of bullets. (art. 13(3) & (5))
7. Issue directive on safety rules. (art. 19(11) & art. 20(11))

In general, all this unnecessary delegation could have been well voided if the legislative process brought on board all the relevant authorities into its fold. Besides some of the power given to the federal police commission, as the supervising institute, is beyond its capacity. For example, determination of minimum age 18 should not be the responsibility of the police because the age restriction is more of a policy matter, a combination of political outlook and the existing reality. These do not give any comfort to the police as they are supposed to be free from politics. Furthermore, the determination of age needs a comprehensive and scientific study of the Ethiopian society so that the age limit could be acceptable. Therefore it should not have been given to the police, rather should have been decided by the parliament or the determination by regulation should have been better.

Another evaluation is that now a day's countries are worried about the technological developments that are pushing the very boundary of what is known as conventional wisdom. In 2010, the European Commission sounded a warning alarm about the replication of toy guns as a real weapon. They can be technically manipulated to fire bullets, hence pushing the

legal toy gun into the illegal. To begin with, they are not weapons, instead, are manufactured from weak plastic materials. Secondly, air guns discharge their ammunition, i.e., called pellets, which are made of lead, by the expansive force of compressed air (gas) to dislodge the projectile down a barrel. In terms of the law, the UN Firearm Protocol under art. 3 recognize the situation and provide that a firearm is a weapon. This definition may create a problem because it does not include air guns because they do not have explosion when discharged from the gun, but rather discharge missiles with the help of air pressure or gas or through mechanical means which does not necessarily use products of combustion or explosives. According to the definitional part of the proclamation under article 2(7), (8) & (9):

“hand operated gun” means a weapon with one barrel and can shot while its trigger is pulled out and cannot reload by itself when it is fired. “self operated gun” means an arm with one barrel and which does not fire more than one shot while its trigger is pulled and can reload by itself when it is fired; “complete automatic weapon” means weapon with more than one barrel and which could fire more than one shot while its trigger is pulled and can reload by itself when it is fired”¹¹

The other gap is that the areas that are enumerated under art.5 need to be carefully reviewed in light of the existing situation of the country. For example, what if a person is a traveler and have carried with him/her a firearm for self-protection, why should there be a prohibition to carry it to a room in which an individual is a guest? The hotel prohibition should be classified as pure service areas where there is a large gathering of people, and also hotels that provide hostels where individuals. Even the establishments have no place designated explicitly for gun keeping, so there should be careful implementation. Given the level of resources the countries policing institutions have and the geographic circumstance of the country, the renewal of license for every two years as provided in art. 16(3) is impossible a task. Notably, the issue by itself is challenging to begin with where a large segment of the society feels much attached to it and whenever there is a failure to license every two months may result in revocation and confiscation of the firearm (art. 16(3)).

The issue of succession is complicated in this case. According to art. 20, if one of the heirs to the succession meets the requirement and criteria of firearm licensing, then it is clear, the license and the weapon transfers to him/her. However, what if no one from the heirs can meet the criteria, should they surrender for free, or is there a financial gain for surrender? The issue

¹¹ Proclamation No.1177/2020 (Firearm Administration and control proclamation, 24 march, 2020, Addis Ababa, Ethiopia)

becomes complicated because the weapon is acquired with a certain amount of money invested for its purchase, and it has become the property of the deceased. If so, how can the heirs reap benefit from the property of the deceased is not clear from the draft proclamation. Similarly if not properly reframed, article 23 will not only cause problems; it is also not going to be enforced at all. The spirit of the articles is that for those individuals who have already possessed a firearm and have licensed or registered the weapons according to the laws and practices prevailing before the coming into effect of the new law as well as those who do not have the appropriate license or registration, the new law entitle them to a license for a year as per sub-art. 2 & 3. The problem starts with sub-art. 3, if there are individuals who are not given license under sub-art. 1 & 2, they shall surrender/ handover their firearm to the supervising institution. These are not clear at best and very dangerous at worst. Who are the people that are not going to be licensed is not provided; instead, one may argue that these people are those who do not meet the requirements. If so, will they voluntarily surrender their weapons to the supervising institute? It is difficult for a country where people have more than one weapon, and when asked to register their weapon, they produce a single one, not the whole bunch. On the other hand, weapon surrender may degenerate into bloody conflict because people see them as an extension of their personality owing to the gun culture and also have invested a significant amount of money for their purchase. Hence, they will not give up their arms without a fight. The government should offer a financial incentive as an alternative for the surrender of the arm as in the case of New Zealand.

The whole proclamation does not mention the issue of dispute that may arise because of the supervising institute and the private individual. What if the decision of supervising institute is not pleasing to the individual, what are the recourses available? Is it going to be handled by the institute administratively or does the individual have the right to bring the case a regular court of law? The proclamation is silent on this matter. The new Ethiopian proclamation on firearm administration and control of the federal democratic republic of Ethiopia seems to go in the direction of possession as a privilege. Article 4 provides that no one has the right to possess and use a firearm without a valid license. The law allows people (responsible people) to own arms in the article 6/1/ and /2/. However, the law does not allow firearm market. In this regard, the law seems to have contradiction in its establishment mechanisms. Even if there are developments in the legal frameworks including the proclamation both international, continental or domestic level are less implemented particularly international laws we signed

are not seriously taken despite the constitutional provision which states that all international laws Ethiopia has ratified are parts of the constitution.

Most Countries standardize the sale and safe storage of ammunition and its purchase conditional upon production of a valid license to possess a gun. Some countries like that of the Republic of South Africa and the Philippines limit the quantity and type of ammunition that can be bought by civilians. On the other hand, the USA has left the trade in ammunition free for civilians to buy. In Ethiopia, the proclamation under article 6 (1) (a) has declined to put a number on how many bullets can be given to individuals; instead, it merely gave the power to the governmental supervising institution the power to decide on the amount.

The obvious implication is that since the national supervisory institution is the EFPC, then the Information technology system (ITS) would be connected to the regional states under single information's system alleviating manual inquiry as to the identity of the individuals with the weapon licensed throughout the country. These are in contrast to the current practice where only the regional state has the record of private individuals who have firearms under their possession and anyone who wants to know who they are, the only way possible is to physically travel to the area or ask for the information to the regional state via information technology such as fax, telephone, postal service. Moreover, article 7(6) states that the Supervising Institution must believe that the individual applicant has a balanced mental status and does not have unnecessary aggressive nature. Both seem to point at the apparent, mental status of the applicant for a license. The cumulative reading suggests that if a person has judicial interdiction, then there is no further speculation as to mental fitness. However, if there is no judicial interdiction, the supervising institute must believe that the applicant is of sound mind. How is not precise: psychological evaluation or inferred from his conduct and manner?

The proclamation is of the view that the training aspect is of twofold: the applicant understanding of firearm utilization, i.e., firearm knowledge and the duties under this proclamation, i.e., the legal duties provided by the law (article 7(7)). The problem with the way the article is framed is that it does not explicitly demand competency before licensing, rather an ambiguous word is used: willing to take training organized by the supervising institute. These would create many problems because once a weapon related mistake is made, the result is irreversible mostly. The proclamation does not, in any way, mention cooling periods of firearms.

Many countries forbid civilians who have committed certain criminal offenses like that of acts of terrorism, drug trafficking, or murder. The UN standard for national regulation of private access to SALW has provided that people who have a pending trial, sentencing, or are convicted of a crime involving the use of violence. It does not matter whether it involves small arms or not, a crime of assault, robbery, intimate partner or family-related violence, or sexual violence are recorded on the person applying for a license should be denied. The new law of Ethiopia has not specifically named the type of criminal acts that warrant prohibition of firearm possession instead it merely provides under article 7(5) that a person should not have lost partial or full capacity due to judicial interdiction. Hence, if the courts have not barred him/her from firearm possession, then logically even a criminal can own a firearm. This is because the proclamation neither has implicated nor exhaustively enumerated the grounds upon which the offenses specified by the law could potentially deny the applicant the license.

4.2.5 The Consequences of Legal Factors in Controlling Firearms Trafficking

Applicants for a license to carry a firearm need to establish the reason that is justified under the rules of the country. The rules may differ from one state to another but may include for self-defense, sports shooting, private collection, hunting, for artistic purposes like that of theatre, television, film, and others. The proclamation has provided that under article 7(10), the applicant must establish sufficient and valid reason to bear arms based on a consistent requirement to be prepared by the Supervising Institution. However as per the law, the activities specifically mentioned are; sporting activity (article 12(3)), hunting (article 12(4)), theatre and film (article 12(5)), and firearm exhibition and for preserving antique firearms (article 12(6)).

Previously firearm trafficking cases were prosecuted at federal level and now the federal police delegate it to the regional level. But it is difficult for police to take witnesses, victims and alleged perpetrators to regional cities for financial and logistical reasons. The expert from the federal police shared that firearm trafficking was predominantly the responsibility of the federal government. Hence, the legal matters related to detaining those who are alleged to involve in trafficking is the federal supreme courts authority. If the case is treated at regional level, it is the regional Supreme Court, which is fully mandated of such cases.

The low level of the practice and rate of prosecution of firearms trafficking affecting prosecution include the encouragement the society gives to trafficking and the tolerance it has

for trafficking; the low level of reporting, the low prosecution and conviction rate for lack of evidence, the lack of willingness on the part of the community to testify and provide information about traffickers, and the lack of investigative skills of law enforcement officials.

4.3 Main Actors of Licensing, Controlling and Administering Firearms in Addis Ababa and their Respective Institutional Challenges

Many international and regional frameworks call on states to set national agendas, take necessary actions, and promote the sharing of ideas on best practice with each common stakeholder. Controlling and administering small arms proliferation is done coordinately with different stakeholders in Addis Ababa and other parts of the country. Even if the main players in this case are Police both Federal and Addis Ababa, National intelligence and security service custom commission and Attorney General Authorities are also the frontline institutions in dealing with firearm controlling and administration. Thus the main actors and their effectiveness which have the power and responsibility to enact the policy and legal framework of firearm control and administration in the country generally and Addis Ababa particularly are presented here under:

4.3.1. Main Actors of Licensing, Controlling and Administering Firearms in Addis Ababa

a) The Ethiopian Federal Police Commission

The Ethiopian federal police commission establishment proclamation provides that the commission had the power and duty have control over the destruction of any weapon or explosive that needs eliminating.

Among the instruments Ethiopia is a member of, the following have their own corresponding national implementation organ and national focal person. The UN program of action, which is not a legal document, that Ethiopia is a member, has appointed the Ethiopian Federal Police Commission as the national point of contact. Proc. No. 735/ 2012, which ratified the Protocol Against illegal production and smuggling of firearms with their accessories and ammunition. Also, Proclamation No. 429/ 2004 which ratified the Nairobi Protocol. Both ratifications provide that the Ethiopian Federal Police Commission serves as the national implementing organ as well as represent Ethiopia as the national focal contact.

In terms of the UN program of action, the letter of the designation was forwarded by the Ministry of Foreign Affairs authorizing the federal police commission is to serve as the

National Coordinating Authority and Focal Point for the implementation of the programme of Action and the Nairobi Declaration. The hope was that the commission would accurately and effectively monitor and coordinate activities domestically. Additionally, it was supposed to act as a liaison for cooperation at regional and global levels. In general, NFPs are considered necessary to make coordination's effective and facilitate information sharing between government bodies. The international practice suggests that NFPs serve five interrelated functions according to the (UNDP, 2008)

1. Planning and implementation;
2. Cooperation and coordination;
3. Research; Awareness raising, information management and communication; and
4. Resource mobilization and allocation.

The planning and implementation mean the development of NAPs (National Action Plans) that shows the situation of small arms in the country, the type of intervention needed, the priorities of issues, and resources required to support its function. While coordination and cooperation deal with coordinating the works of the different stakeholders at the national and regional level. It also includes coordinating and creating a relationship with parliamentarians to sensitize the issue with representatives of the people. It also extends to the coordinating with institutions which are established to control arms. The research activities pertain to soliciting vital information to develop and execute small arms control strategies.

The federal police at this time have committed itself to combat the illicit proliferation of SALW in Ethiopia through the identification of hot spot areas which are prone to illegal arms trafficking and executing operation in suspect places based on intelligence. There is also sustained cooperation with other law enforcement organs of the country in fighting the problem and also in accessing international cooperation in tracing certain weapons entering the country. Currently, the Ethiopian federal police commission is undergoing a reform, i.e., security sector reform is being implemented, and is studying on how to establish a separate body within its structure that will effectively deal with the issues of SALW in Ethiopia comprehensively. It will coordinate the national effort, as well as execute the mandate laid down by the law on firearm administration and control.

The Ethiopian federal police commission has done various activities far beyond any governmental organs concerning the issue of SALW. It has proposed at least three draft legal documents, proclamations and regulation, on how to govern civilian possession.

Even if ministry of Ethiopian foreign affairs designated the Ethiopian federal police commission as the national coordinating authority and focal point for the program of action, a single individual person was appointed as the national point of contact rather than the departmental position in the commission. Then the officer designate submitted a report in 2008 to the UN as to Ethiopia's performance in light of the program of action, where it provides that the country has destroyed over 20,000 SALW from May 2006 to February 2007. After this report, there are no reports sent to the UN program of action by the commission. However, Kenya has reported nine times to the body and has also requested and gained assistance in dealing with the SALW problems, particularly on the areas of developing laws on manufacturing, international transfers: standards and procedures on stockpile management: capacity for destruction, confiscation and seizure and record keeping (UNODA, 2019). At this time, Ethiopia has no permanent representative in the Centre on Small Arms and Light Weapons (RECSA), without a say on its decision.

b) The National Intelligence and Security Service

The proclamation grants the National Service, the power to gather, manage and disseminate intelligence for the production, possession, use, import, sale, repair and disposal of explosives and controls their movement. Still, to date, the national intelligence has done many parts in exercising the mandates on its own. The Ethiopian national intelligence service has done many things especially with Ethiopian Federal Police Commission. However, the involvement of the national intelligence and security service in the process of controlling and administrating firearms in the new proclamation is not prescribed or identified.

c) The Addis Ababa Police Commission

The Addis Ababa police commission establishment council of ministers regulation NO 96/2003 Article 3(2) provides that the commission is accountable to the Ethiopian federal police commission. The accountable is further strengthened by the federal police commission establishment proclamation no 720/2011. As per article 20 the two city administrations, namely Addis Ababa police commission and Dire Dawa police commission were made accountable to the federal police commission. Hence they become a functioning part of the federal police structure. Being accountable to the federal police commission, its mandate extends to the execution of powers delegated to it by the Ethiopian federal police commission. The Ethiopian federal police commission has granted the Addis Ababa and Dire Dawa police commission delegation to the register guns that are found within the confines of

the city under its jurisdiction. The delegation only extends to the registration of guns only. According to the data obtained from interview, the registration process involves the following process based on legal notice 229/1960.

- i. **The People Qualified to Possess:** any resident of Addis Ababa City has the right to register the weapons that are under their possession.
- ii. **The Criteria Needed for Possession:** the gun should not be reported to have been lost, the subject of theft and must not be registered by another.
- iii. **Source and Types of Weapons:** the registration sheet demands the disclosure of how the individual came to possess the gun. However, whatever the response of the person, nothing will follow the disclosure.
- iv. **Duty of Notification:** the only duty of notification is when the individual adds extra ammunition after what he/she have registered the gun. There is no need for renewing the registration, once registered, no need for renewal.

Up to now, the Addis Ababa Police Commission has granted a license to possess weapons for over 65,000 residents. With the increased proliferation of firearms in the country, the Addis Ababa Police Commission has ordered the gun registration division to stop the registration process until the promulgation of the new proclamation on the regulation of civilians possession comes to fruition.

4.3.2 The Institutional Challenges in Implementing the Laws in the Country

In combating SALW illicit trafficking there are a complex challenges in Addis Ababa. The following quote from a key informant from Addis Ababa police confirms the fact:

The illegal firearm trafficking in Addis Ababa is not only conducted by brokers but also religious leaders, spiritual fathers and various unexpected individuals has also involved in the trafficking business. This shows that the crime of illegal firearms trafficking is conducted by sophisticated planning and they have carefully considered lessons learned from past experiences. From time to time, our society's culture and morality is being eroded. Thus, there is no reason why the community that used to be protected by the religious leaders is not endangered any more.¹²

Similarly The Ethiopian federal police commissions intercept and control officer and FGD participants assured that:

¹² KI.17 (Addis Addis Police Commission Organized Crime Prevention Interview held on May,12, 2020 A.A, Ethiopia)

*The illegal firearms trafficking which is operated by using vehicles has become more and more sophisticated from time to time. They use different unexpected vehicle body parts as main deception places. This make more challenging to combat the crime by law enforcement bodies. Sometimes these traffickers may have strong political connections and public apathy which make them immune from prosecution.*¹³

In the same FGD one participant from custom commission stated that:

*The Transportation has got a central place in the illegal firearms trafficking. Traffickers use animal, motor vehicle, and human transportation system while entering into destination area of Addis Ababa after the main interception and control areas. These makes the operation of illegal firearms trafficking complicated to be detected by law enforcement practitioners.*¹⁴

Even if there are developments in the ant-trafficking exercise, there are gaps and challenges which outweigh the progresses done by the above main actors. However irrespective of the above efforts done by various stakeholders, various challenges and gaps were raised by various stakeholders and the literature as contributors to the less effectiveness of the anti-trafficking exercise in Addis Ababa. The contributors to the institutional actor's challenges in implementing the legal frameworks are diverse which inter alia include: victims, traffickers, law enforcement agencies themselves, government institutions and the larger public. Similarly the main challenge comes from the non implementation of the new proclamation and the no establishment of regulation and directives next to the proclamation. This entails the need for strong institutional capacity building and commitment to bring about noticeable changes in the status quo. Based on the findings the researcher is convinced that trafficking should be addressed in line with national development efforts.

4.4 Coordination among Law Enforcement Institutions in Response to SALW

Joint interagency cooperation and coordination work is important. However it is difficult work that is often hampered by differences among team members and an absence of clear and focused performance measures.

4.4.1 Cooperation and Coordination among Stakeholders

The data which is obtained from FGD and key informant participants indicated that achieving strategic objectives which require effective and efficient use of planning, information, intelligence, resources, and economic instruments of combating illegal firearms trafficking to promote inter-agency coordination and cooperation among stakeholders in Addis Ababa are not as much as the magnitude of the problem. Similarly the commitment level of each

¹³ KI .11 (Crime Investigation Bureau Head in Federal Police Interview on May 05,2020, Addis Ababa, Ethiopia)

¹⁴ Ki. 24 (Law Enforcement Department Office in Ethiopian Customs Commission on May 24, 2020, Addis Ababa, Ethiopia)

stakeholder for commonly shared assumptions of the issue is not that much integrated. Thus even if there is a need operations which requires the concerted efforts of each regional and federal law enforcement bodies, civil organizations and other stakeholders, problems arise when each regional authorities interprets relevant legal frameworks differently, sets different priorities for execution, does not act in concurrently. So far, FGD discussants announced that efforts of stakeholder institutions in the effective prevention of illegal firearms trafficking such as MOFA, Ethiopian Federal & Addis Ababa Polices and National Intelligence & Security Service & Attorney General are not effectively integrated and coordinated.

Institutional representative key informants of the study revealed that the relationship among law enforcement bodies, civil organizations and *NGOs especially on the area of raising awareness and build capacity to combat trafficking cooperatively is not taken as a strategic issue*. Particularly regional states and religious leaders did not play significant roles in public awareness raising, information exchange, communication and identifying and prosecuting of traffickers. However, many individuals in different places carried arms in a networked and organized manner. But common stakeholders are not strong parallel to the ever increasing of the problem.

The information from the General Attorney official key informant also further supports this view. He said:

*The Addis Ababa police commission has said that they have apprehended 2,383 various weapons and 56,615 ammunition and two hand bombs within six months only. The question is how much has escaped. Yet only a very small percentage of witnesses actually report the crime. Even fewer cases advance to prosecution as a result of barriers to witness' participation in the legal process due to fear of retaliation by traffickers, minimal protection for them, and distrust of law enforcement bodies.*¹⁵

4.4.2. Cooperation and Coordination among Law Enforcement Agencies

The current Ethiopian police institution is mainly organized based on ethno-linguistic criteria and completely decentralized and the regional police are put under the control of the Regional self Government. Since 1992, the contemporary policing system is based on the Federal system of governance. When we say law enforcement bodies it includes federal and regional police institutions, general attorney and courts in Ethiopia. However this part of the paper is emphasized more on the analysis of cooperation and coordination among federal and regional police agencies as far as the issue is concerned.

¹⁵ Ki. 23 (Law Enforcement Department Head in Ethiopian Customs Commission on May 24, 2020, Addis Ababa, Ethiopia)

As far as institutional mechanisms of coordination among law enforcement bodies are concerned there are at least three institutions which are established under legal basis in order to facilitate cooperation and coordination between Federal and Regional States Police Commissions to control and administer illicit firearms trafficking. The three main institutions of the Police Commissions are: - the Joint Council of Commissioners, Regional support and Standardization and the Police Training Assembly. The practical competency and functionality of each institution within Police Commissions along with their legal basis and the duties vested to each institution in their respective instruments are presented as follows. Regarding this issue, one Ethiopian federal police states the following:

*We do not have an integral illegal firearms trafficking combating strategy. We treat it with together with other security issues cooperatively. We hope to develop methods by which all policing units can work by establishing a special task force. We are not there yet.*¹⁶

The Police Training Assembly is one of the institutions in Ethiopian Police Organization, which is established under the Council of Ministers Regulations No.132/2007. And the Assembly comprises the President of the Ethiopian Police University College as the Chair person; the heads of the Federal and Regional Police Training institutions and the Director of Federal Police Research institution are as the members of the Assembly and other persons designated by the board.

The standardization of police training at the national level is focused on the area of recruitment, curriculums and modules in each program, the material and human capacity of the institutions in each level and the qualification of the staff and academic members and the certification related matters as per the participants' discussion.

The Regional police Support are the other institution and a task section established by organizational structure of Federal Police Commission under the Directorate of Central information and Crime intelligence. The job description of the department enumerates a number of tasks including; providing consultancy service and assistance to both Federal and Regional Police Commissions to have intergovernmental relations based on the principle of cooperation and mutual consents. To insure the standardization of Police services at national level and to identify the gaps between Federal and Regional Police Commissions by conducting research and submit the report to the Joint Council of Commissioners with suggestions that strengthen the police cooperation. However participants of the study Saied

¹⁶ Ki .11 (Crime Investigation Bureau Head in Federal Police Interview on May 05,2020, Addis Ababa, Ethiopia)

that the practical implementation of the listed jobs including combating firearms trafficking is unsatisfactory and even almost non due to several reasons including the absence of nationally agreed standards for police services. The reluctance of the Regional Police Commissions to offer information due timely manner by undermining the status of the department and inability of participation of the department in the meeting of Joint Council of Commissioners have been among things that affect the performance of the department negatively.

One of the respondents explains that the relationship between Federal Police and Regional States Police Commissions is mostly informal. As His explanation, on the area of Crime a number of problems have been happening due to the lack of coordination and cooperation between Regional Police Commissions and FP and Regional Police Commissions themselves. Even the exchange of suspected criminals has been dependent on the willingness and personal relation of individual officers because there is no binding agreement between/ among Regions and Federal Police Commissions and the so called coordinating body in federal level within the branch. The absence of forum in department level to discuss and reach an agreement in the national level regarding the so called standardization within the departments of crime is the stubborn evil of all difficulties as per the respondent.

The Joint Council of Commissioners is the Primary intergovernmental relations institution of the Police Organization established in accordance with the Establishment proclamation of Federal Police. And the Commissioner General of Federal Police Commission is the president of the Joint Council of Police Commissioners (proclamation for Establishment of federal police commission, 2011, Article 18).

The proclamation establishes the Joint Council of the Federal and Regional Police Commissioners without prejudicing their respective independence with a view to strengthens their relationship in order to facilitate building of modern police institution. And staffed with professional and ethically qualified Police Officers and equipped with appropriate technology in every region. The Joint Council of Commissioners also follows the application of Uniform Standards on the issues relating recruitment, training, employment and administration of police officers, which will fight illicit firearms trafficking. It also creates enabling conditions for the conduct of joint operations which have national significance and also facilitate collaboration and mutual assistance in crime prevention and investigation.

The absence of agreed Standards and the absence of the pre meeting of professionals or expertise of each department of Federal Police and their Regional counter parts before commencement of the meeting of the Joint Council of Commissioners are taken as its feebleness according to some interviewee. On the other hand overall situation of the Joint Council of Commissioners meeting that has been undertaken at the spirit of mutual respect and understanding of each other as partners is a result of the Country's Federal system. Some the participants from Regional States Police Commissions argue that the responsibility of drafting the Standards and bringing it to Joint Council for approval should be the role of Federal Police Commission. Most of the participants are agreed upon that standardization of Policing will protect the Police force and organizations from being scattered and it will help to insure equal utilization of national resources. The five years (2002-2007) strategic plan of the Federal Police is very interesting document as far as cooperation is concerned that calls for active participation of stakeholders, on which joint performance reviews will be made through forums created from time to time. Commonly agreed options and directions set for remedial courses of action will be implemented.

The data obtained from FGD of practitioners and key informants of institutional representatives informed that the common stakeholders of firearm controlling and administering in Addis Ababa execute their activities by their informal relationships that exist without any defined mission, structure, or planning efforts by sharing information when needed- which is more of cooperation. Similarly there is no any working mechanism which is characterized by more formal relationships and understanding of compatible missions with some planning and division of roles, and formal communication channels established with clearly defined authorities. Additionally participants also announced that preparedness efforts that should enhance stakeholder's common understanding of legal frameworks, roles and responsibilities, and response planning in operations are almost minimal.

Similarly the data obtained from FGD and key informants suggest that absence of agreements with origin, transit and destination countries where firearms trafficking have large magnitude and trends make efforts to combat illegal firearms trafficking more challenging among law enforcement bodies. The secondary data's, which are obtained from records, also revealed that the need to engage governments of the origin, transit and destination countries and lobby them to sign bilateral agreements, which will protect the general public peace and security, is not available. The rapid increasing magnitude and trend of illegal firearms trafficking can be seen as evidence of the non effective cooperation and coordination among law enforcement

bodies with the exception of *Justice Days in Ethiopia which is celebrated once in a year* with Ethiopian federal police commission, ministry of justice, Addis Ababa police commission and Ethiopian federal correctional administration.

4.4.3 International Coordination

Related to collaborative work the interviewed experts from Ethiopian federal police commission indicated that Ethiopia in general is weak in working closely with international organization like UN regarding capacity building and others. However the ministry of foreign affairs of Ethiopian government have signed a memorandum of understanding on UN program of action and the Nairobi Protocol. However the efforts made by the commission has brought limited success but has not lived up to when seen from the international institutes. The failure is the commission do not deal with international organizations working on the issue effectively

Besides being able to achieve effective coordination among the different national contingents of which it consisted, the Ethiopian federal police commission does not enjoyed effective coordination with international components. The commission and different international organizations do not undertook extensive joint strategic planning on planning and implementation; cooperation and coordination; research; awareness raising, information management, and communication; and resource mobilization and allocation in which the international practices suggested functions. However the hope that the commission would accurately and effectively monitor and coordinate activities domestically and its supposed acting as a liaison for cooperation at regional and global levels become weak. However Kenya has reported nine times to the UN program of action and has got assistance on the area of capacity building trainings and logistical material support which would have helped the country in moving towards better control of SWAL in its border (UNDP, 2016).

In addition, the Ethiopian Federal Police Commission must create a structure within the commission that can shoulder the responsibilities mandated by virtue of its international body of national point of contact for the country and also the responsibilities laid by the new draft law as a supervising institute for the execution of the law in the country as a whole. Therefore, the federal government must closely monitor the situation in terms of the laws that need attention and also raising the capacity of the law enforcement organs in delivering the mandates laid by law.

Similarly by understanding that firearms trafficking has often transnational characteristics and involves organized crime groups, the head of the Ethiopian federal police commission Interpol department stated that:

We have to fight networks with networks since criminal groups exploit the lack of cooperation and coordination and bureaucratic inertia between and among law enforcement officials on both national and international levels.

This includes developing operational capacity to counter illegal cross-border firearms trafficking movements through improved inter-departmental and regional collaboration, working towards the standardisation of border control measures within the IGAD region, and information sharing and research. In the consultative meeting it was raised that IGAD is working to create bilateral agreements to deal on the problem because firearms trafficking is becoming security concerns.

4.5 Prospects and Challenges by Key Stakeholders in the Anti-Trafficking

4.5.1 Prospects by Key Stakeholders and Developments in the Anti-Trafficking

The high prevalence, increasing trends and complexity of illegal firearms trafficking in Addis Ababa, demands effective responses in a coordinated, multi-level and multi Sectarian strategies among law enforcement bodies. An effective and comprehensive response to the problem includes the measures of preventing, prosecuting and partnerships (UNODC, 2011). Thus, law enforcement personnel's in Ethiopia generally and Addis Ababa particularly performs various encouraging efforts on preventing, prosecuting and partnerships with their own multiple challenges at tactical and strategic level which lay down a good fertile ground to prevent and control the problem. In this regard some of the prospects of against SALW proliferations include; increased media attention, law enforcement related developments , community – led policing, the new Proclamation, proactive investigations, collaborative activities, law enforcement cooperation, civil society participation, research related developments are a promising prospects against the issue.

4.5.2 Challenges to Combating Firearms Trafficking In Addis Ababa

Illegal firearms trafficking is a surreptitious business undertaken in a networked chain of relationships where every activity is supposed to be carried out in clandestine trajectories. It is argued, thus, that as the prevention and control of traffickers is extremely exigent and complicated chore that it could not be achieved through the solitary effort of the government. Meaning, beside the commitment and endeavor of the government, tackling illegal firearms trafficking requires vigorous role and partaking of the broader society where both the victims

and the traffickers belong, after all. In view of this, a systematic analysis has been made to assess and describe the challenges of the preventing and controlling illegal firearms trafficking efforts in Addis Ababa to broadly understand the societal and political milieu whose failure of trafficking prevention and control would further figure out victims.

A synthesis of the information gathered, in this regard, signals that Addis Ababa's preventing and controlling illegal firearms trafficking initiative is fragmented and less systematic in coordinating the formal institutional and informal community efforts to enhance collective efficacy. Ironically, as the FGD with practitioners portrayed, trafficking has grown beyond the tolerance threshold of the local community for the reason that it has been seriously affecting the development of the city. Likewise, security authorities and law enforcement bodies, in particular, and the Federal Government, in general, have realized the long lasting ramifications of illicit firearms trafficking in Addis Ababa. Conversely, these understandings are not yet developed into a powerful anti trafficking movement backed by the collaborative effort of the government and the local community. This does not, however, mean that efforts are not been exerted to curb trafficking in Addis Ababa. Still, key informants boldly underlined that, the efforts are fully invaded by bountiful challenges. Surprisingly, as a result, most of the participants in this study appear hopeless in the prevention and control initiatives being envisaged at all levels. The challenges, evidences indicated, are stem from, the governmental/institutional failures and the local community's limited awareness, commitment and lack of cooperation.

a) Institutional Capacity Related Gaps

The issue of SALW is a multifaceted problem that needs a dedicated national SALW commission to act as a coordinating organ bringing together resources and expertise to tackle the problem from different stakeholders and partners of the issue. However the commission does not have a dedicated desk, a structure within the institution that is especially reserved for tackling SALW according to the interview obtained from higher officials of the commission.

On a practical level, one area where the Ethiopian government has failed is that there is no baseline survey done to reasonably estimate the number of weapons that exist in the hands of the military, the police force, and the civilians which makes the issue more complicated. Similarly law enforcement bodies has announced that the absence of firearms administration and controlling regulations and directives next to the new 2020 Ethiopian firearms

administration and controlling proclamation make the fight against illegal firearms trafficking more challenging.

A general Attorney who is experienced in working with illicit firearms trafficking - a key informant- explained it as follows:

The Criminal Code of the Federal Democratic Republic of Ethiopia Proc. 414/2004, article 481 (2004) said that, sells Knowingly or delivers to un authorized persons, and weapons or their ammunition is punishable with arrest not exceeding one month or fine not exceeding one hundred Birr and take the crime simply as regulatory violations. It is clear from these provisions the law is too lax with the punishment as deterrence for both who have to violate it or prospective violators. In this respect the new law has a green light in cases of deterrence.¹⁷

Similarly another key informant further stipulated:

While Article 809 of the Criminal Code of the Federal Democratic Republic of Ethiopia prohibits the Carrying and Use of Prohibited weapons: anyone carrying an arm in a public place while not certified to purchase or carry, or use a weapon, even if certified, is punished with an arrest not exceeding eight days or fine not exceeding one hundred Birr. It is clear that the law is too lax with the punishment as deterrence for both who have to violate crest fertile grounds for recidivism.¹⁸

b) Lack of Inclusiveness

The data, which is obtained from key informants through interview, has portrayed that, currently, the Ethiopian Federal Police Commission does not have a well-established formal relationship with other institutions for the sole purpose of SALW controlling and preventing. It does have a working relationship with other institutions, but it is on a need basis or based on ad hoc principles for a purpose that it deems necessary. The data obtained from FGD participants has also announced that, there is no coherency and consistency on small arms interventions in the country as a whole among common stakeholders. These are wrong because as a national coordinator, it should have bought together a broad spectrum of institutions like that of the defense force, the regional police, custom commission, civil societies, non-governmental organizations, and other relevant stakeholders into its fold by announcing each institutions roles and responsibilities.

¹⁷ Ki.19 (Addis Ababa Branch in Charge of Prosecution Head in FDRE General Attorney on May 05,2020, Addis Ababa, Ethiopia)

¹⁸ ibid

c) Lack of Coordination of Efforts

Despite the efforts being made, the anti-trafficking initiative in Addis Ababa has been hindered by problems in its structural arrangements. The problems in the anti-trafficking structure are manifested in the lack of coordination and cooperation among various actors and the failures in prosecuting the traffickers. The first, as local realities designate, is related to the existence of numerous separate anti-trafficking actors/bodies, both within the city, the origin and regional areas. Within the city alone, roughly, about three separate governmental security/law enforcing institutions, which claim to be working to curb the problem- the wereda police, sub city police, City level police and the Federal Police. Despite the potential positive impact of this diversification, however, the efforts are left fragmented and less systematic; each of them tends to operate separately in an unorganized and pre-planned manner.

According to key informants, each of these actors conduct their own surveillance and follow up tactics separately, than in an organized group, whenever they feel collectively it is important. This made their efforts very limited in their respective capacities and the area of interest, which eventually deteriorates the collective efficacy and serves the best interest of the traffickers. Besides, lack of *specialized force* in the anti trafficking movement, closes the existence of specifically focused, full-fledged information about the problem; different actors have their own separate information and understanding about the situation in the route. Regarding this issue, one Ethiopian federal police states the following:

*We do not have an integral anti firearms trafficking plan. We treat it with together with other security issues. We hope to develop strategies by which all policing units (local, regional and federal) can work separately.*¹⁹

On the other hand, the efforts in Addis Ababa are also separated from the efforts in other illegal firearms trafficking prone areas, especially the origin and regional areas. Meaning, though there is a collective understanding on the importance of cooperation with the forces in the regions of origin to halt the problem from the source, so far, no initiative has been taken. Therefore, the role of the Addis Ababa's initiative is restricted, in the officer's word, "to the interception of actors of the illicit trafficking." Notably, had it been formulate in cooperation with a preventive effort in the origins where the victims originally belong, the interception would have been successful in reaching deep into the trafficking network. Nevertheless, being separated from the efforts at the origins, the contribution of Addis Ababa's anti-

¹⁹ Ki.11 (Crime Investigation Bureau Head in Federal police Commission on May 05,2020, Addis Ababa, Ethiopia)

trafficking initiative in the national trafficking prevention and control initiatives seems tiny. Similarly the data obtained from key informant interview has also announced that higher government executive bodies have desire to participate the national intelligence in the police duties of arrest and investigation of traffickers.

d) Poor Data Management

At the federal level, as is true for the country as a whole, there is no organized registration of firearms as a key informant in the Ministry of Peace stated that:

The new Ethiopian firearms administration and control proclamation (2020) stated that, for those who apply for registration to hold a gun, is done through manually and to know a specific weapon is registered in any of the police commission, there has to be a combined effort of all regional and city police commissions to trace it.²⁰

The proclamation stressed that the issue of double registration, registration of weapon used in criminal activities as well as government weapon registration in the name of civilians, because there is no digital registration system is possible since weapons available in the entire country are not digitally registered. This makes the need to formulate the new proclamation. Each region grants based on their own rules, be it regional police commissions or militia offices of the regional state until the new proclamation become implemented. So the Addis Ababa police only know the registered firearm, not by others in the country. If any police commission wants to know whether a weapon is registered in Addis Ababa or not, then request is needed to access the information.

e) Low Community Participation

In the FGD with the practitioners, most importantly, the institutional effort, perhaps due to its fragmentation, has failed to significantly incorporate the local community which could have made a substantial contribution in the fight against illegal firearms trafficking. This, in turn, has inhibited the community from actively participating in the prevention and control of illegal fire arms trafficking. The consequence of illegal firearms trafficking has also persisted due to lack of awareness and commitment amongst the community of Addis Ababa. In other words, the security officials partly attribute their limited effectiveness to the failure of the community to collaborate in their initiatives. Accordingly, the local people are accused of being circuitously participating in the trafficking business either deliberately or not. Key

²⁰ Ki.15 (Crime Control & follow up Directorate Director in Ministry of Peace on May 29, 2020 Addis Ababa, Ethiopia)

informants made a key argument, here, that if the government law enforcement bodies do not protect the public security adequately; and if they have got considerable monetary advantages in the trafficking business why the community cooperate with law enforcement bodies on the issue of preventing and controlling firearms trafficking. This shows decline of public confidence on the security sectors enhancing public safety and security and intern increases public demand to firearm ownership. One Addis Ababa police commission Authority states that:

*The illegal firearms trafficking issue is not my business. It is the mission and responsibility of police. My role and responsibility is making my life safe by accommodating my interests. Please do not disturb me by asking such police security questions.*²¹

FDG participants and key informants argued, as a result, that the lucrative rewards that followed the proliferation of trafficking via Addis Ababa has impeded the local community's anti-trafficking commitment and compelled the people to be circumspect in cooperating with the police. The paradox, however, is that the anti-trafficking initiative of Addis Ababa apparently revolves around the vicious circle of complaints: the local community vs. the law enforcement body and vice versa. The community, as noted earlier, complains about the failure of the institutional efforts while the authorities accuse the community for being uncooperative. It follows from this vicious circle, due to the enduring *absence of mutual relations and synergy* that would boost collective efficacy, the public's effort remained disintegrated from the institutionalized effort and vice versa.

f) Corruption

In the FGD with practitioners, corruption has emerged as a very critical challenge in the anti-trafficking effort of Addis Ababa. Accordingly, the community accuses some security officers for being corrupt to assist and/or overlook firearms trafficking in the city. The information from the institutional representatives has also signaled the existence of administrative and judiciary favor without which the harboring and entry process would be difficult. Legal officials and/or security officers are said to be bribed, either to facilitate and/or overlook the harboring and/or the entry processes or to obstruct the prosecution of traffickers. This is done either through corrupt authorities who are already the part of the trafficking network or by bribing individuals or groups of security agents. As a result, key asserted that since “even the well-figured traffickers are left free to operate and [since] those

²¹ Ki.16 (Organized Crime Investigation Directorate Head in Addis Ababa police Commission on May 12,2020, Addis Ababa, Ethiopia)

who are prosecuted are released without receiving appropriate punishment,” the local community has become lenient and less interested to lend a hand in trafficking case. A person in the FGD discussant said:

It is a fact that everybody in Addis Ababa would tell you, it is the known secret of our Officials. We know the officials are allowing it openly. We know they gave the traffickers Confidence and power of not only doing it but also pressuring those people who want to Challenge them, in any way. ...it is pushing us away from doing anything in relation to Trafficking. I have also got the warning from the traffickers to stop standing on their way... I want my life, my family and my property so that I would rather prefer to keep quite whatsoever is happening in the check point.

Similarly a key informant participant stated that:

The corrupted behavior of some law enforcement bodies at each entrance point of Addis Ababa, makes them do not perform strict control and interception activities and traffickers often use corruption as strategy to achieve their goals. There are many cases where police, customs and intelligence practitioners have enabled traffickers to proceed with their illegal activities in return for benefits. This business system resembles a legitimate formal institution and will even have corporate executive structure.

The failure in the Addis Ababa anti-trafficking structure, as stipulated above, has its own implications in shaping the illegal firearms trafficking legal frameworks. The breakdown of the efforts, coupled with some officials’ corrupted hands allowed the traffickers, as indicated in the above quotation, to operate within an enabling scenario of maintaining the trade, without a significant level of risk of detection and prosecution which have low deterrence effect. By implication, this further contributes to the persistence of trafficking, and increases and extends victimization.

g) Lack of Capacity Development

The controlling and preventing mechanisms of trafficking depend on the day to day activities of the designated national authority of the Federal Police Commission. However the data obtained from the commission revealed that, the change in senior management affects the stability and smooth running of the national small arms control that is performed in tandem with international organizations. The problem escalates when the national point of contact is a single individual operating the mandate in the commission. This is contradictory to the UNDP idea; the NPC (national point of contact) should be linked with the institutional set-up, not to the individual itself.

h) Absence of National Task force

Key informants announced that, there was an effort to design a national action plan but have stalled due to many factors. These have hampered the progress that could have been achieved if it has succeeded like that of uniformity between different policing institutions within the country, the inclusion of other sectors in the fight against SALW in Addis Ababa and attracting donor communities to help in terms of capacity building. In the case of the federal police commission after the people responsible left the institution, the whole work has suffers greatly. Then, it needs careful consideration to institutionalize the work than depend on individuals for its day to day activities. The informants announced that when stakeholders perform their duty in a separate manner without a coordinated organ at the federal level makes them facing challenges when they perform their duty along with the federal system of administration. One key informant from the Attorney General explains the issue as follows:

To materialize the need for a coordination system among different governmental and non-governmental stakeholders at the national and regional levels and to ensure integrated, comprehensive approach to combat firearms trafficking absence of a national taskforce for illegal firearms trafficking has to be established. Establishment of such a centre will help institutionalization of our efforts of dealing on illegal firearms trafficking and its consequences.²²

i) Political Instability

The FGD with law enforcement practitioners at each entry point of Addis Ababa has indicated that Addis Ababa has become the conflict landscape since 2016 up to now due to growing unrest, protests, riots & conflict tensions when ‘Addis Ababa City & Surrounding Oromia Special Zone Integrated Master Plan’ was launched. It is also noted that with the growing nationalist sentiment among the different ethnic groups in Addis Ababa (we and they ownership feeling) insecurity has intensified and proliferated which leads to demanding high civilian possession of firearms in the city. Similarly the data with key informant interview implied that some ethnic groups believe that since Addis Ababa city found in my own region the city Administration should be responsible to the region. This leads to arise of conflict tensions among different ethnic and religious groups and insecurity has intensified and proliferated due to the proliferation and misuse of small arms in Addis Ababa.

According to different authors, in Addis Ababa there was a debates and suspicion with growing nationalist sentiment among the different constituents. Because of the many problems in the last decades, the conflict tensions & riots were going on (ICG, 2019 &

²² (Addis Ababa Branch in Charge of Prosecution Head in FDRE General Attorney on May 05,2020, Addis Ababa, Ethiopia)

Yonas, 2019). Though their research & findings shows the current real and critical problem, they all lack what the sustainable possible remedies shall be, including the control of illicit arms proliferation in Addis Ababa in particular & in Ethiopia in general.

FGD participants of the study and key informant participants of this study announced that criminal justice systems that enjoyed the trust and confidence of citizens of every race, ethnicity and age become less and less from time to time that encourage people to possess firearms illegally. The discussants indicated that creating law enforcement bodies that are fair, effective, and open become challenging generally in Ethiopia and particularly Addis Ababa will initially make the position of the police more equivocal, more problematic, and less popular.

CHAPTER FIVE

Conclusions and Recommendations

5.1 Conclusions

An illegal firearm trafficking is among the most dehumanizing organized criminal acts of our time. It is the most profitable form of organized crime and illicit trade. Illicit firearms' trafficking is increasingly becoming issues of concern globally, regionally and nationally. These evil acts & the consequence conflict are also spoiling the image of the country and its people in a time where Ethiopia is rising in other endeavours. Firearms trafficking have victimized not only individual citizens and their families, but also the whole nation threatening national security and the efforts of building positive national image.

Realising the ever-increasing threats and challenges of firearms trafficking, this study aimed to assess the situation of the problem in Ethiopia generally and Addis Ababa particularly with the view of enhancing empirical knowledge and strengthening national capacity to prevent and counter illicit arms trafficking. The objectives of the study were to describe the legal frameworks of preventing and controlling illicit firearms trafficking, to identifying and examining the main actors of licensing, controlling and administering of firearms, examining the coordination mechanisms among law enforcement institutions in response to the problem as well as describing the prospects and challenges facing the law enforcement institutions in preventing and controlling illegal firearms trafficking in Addis Ababa, Ethiopia.

Findings indicated that illicit firearms trafficking are on the rise in scope and complexity. Review of secondary documents showed that though Ethiopia has ratified several international and regional documents and enacted domestic laws implementation is still weak which is manifested in terms of the continued level of trafficking and the low level of detection, investigation and prosecution of traffickers.

Ethiopia is a member of several international instruments dealing with SALW among others; the UN firearm protocol, the UN program of action, and the international tracing instruments. In terms of the continental system, Ethiopia has accepted. The country is also a signatory and member of the Nairobi protocol. All these international instruments call on their members to effectively deal, within their jurisdiction, the possession of SALW. Ethiopia has live up with its international commitment in regulating the issues of how to deal with the regulation of civilian possession of a firearm by its new firearms controlling and administering proclamation. A firearm trafficking is addressed in various policy provisions and, a

comprehensive national policy on firearms control and administration is promulgated recently. However, from all the sources it can be concluded that the country is becoming a hub for firearms trafficking even if different legislations enacted and implemented.

The new draft proclamation on firearm administration and control has provided that firearm possession and ownership is a privilege. It provides that no one shall possess a firearm without a license and to get the license, there is a requirement that one has to pass. It also provides that the type of firearm that private individuals can possess only a small arm or light weapon depending on whether the applicant is a pastoralist, a farmer, or city dweller.

The new law suffers from several issues that can be seen from the drafting process and also the content of the draft proclamation. The drafting stage was mainly done by the Federal Attorney General, with some efforts to include various sectors of the country to develop the text through consultative meeting feedback. These have not been fruitful because the sectors who are the major stakeholders in its effect were not involved in the drafting process, which is the best approach in other countries experiences. These have led to confusion in grasping the central tenets of the proclamation because it has delegated the issuance of their governance to the federal police commission, not only the details but also main pillars of the proclamation like that of minimum age for firearm ownership. On the other hand, the proclamation also has a problem in its content as well. The problems are wide, beginning from the definitional part which is not inclusive of international developments in weapon technology, silence on issues of appeal in case of grievance with the supervising institute decision on its mandate. There are also issues surrounding renewal period, the issue of inheritance, and also the issues of silence about those who already possess firearms but are not eligible for licensing due to non-fulfillment of the requirement for licensing. The document has also gaps institutional structures in which the basic principles enacted.

The main actors of licensing, controlling and administering of firearms in Addis Ababa are Ethiopian federal police commission, National intelligence service and Addis Ababa police commission. There are also other non-law enforcement body stakeholders who involved in the process. Although there seems that key stakeholders have reached consensus on the alarming situation of firearms trafficking in Ethiopia and the need for a coordinated action, it is still inadequate and efforts being exerted are not proportional to the alarming situation of trafficking. This is not to deny the developments in the anti-trafficking exercise. But the gaps

and challenges outweigh the progresses. This entails the need for strong commitment from actors to bring about noticeable change.

The coordination mechanisms among law enforcement institutions show that the SALW control mechanism put in place are not working as they are supposed to. The Ethiopian federal police commission has been mandated with the effective implementation of SALW within the country and also act as the NFP for the international controlling mechanisms, specifically the UN plan of action and the Nairobi treaty. The efforts made by the commission has brought limited success but has not lived up to the expectation when seen from the international institutes doing the same function on coordinating stakeholders. The failure is visible in the lack of research in the issue as a country, coordination with other law enforcement institutions as well as other stakeholders like that of civil societies, and also failed to deal with international organizations working on the issue effectively.

Despite this alarming situation law enforcement institutions in Ethiopia generally and Addis Ababa particularly performs various encouraging efforts including increased media attention, community – led policing, promulgating Firearms Control and Administration proclamation and civil Society participation. However the gaps and challenges outweigh the progressive prospects. These challenges, evidences indicated, are stem from, the governmental/institutional failures of poor data management, corruption, regional dynamism, absence of national task force and the local community’s limited awareness, commitment and lack of cooperation.

5.2 Recommendations

At this juncture what has to be understood is that we can prevent and control illegal firearms trafficking. So I am forwarding recommendations of the following:

5.2.1 Educational/Awareness Related Recommendations

- The government should undertake awareness creation activities so that the level of trust between the government intentions concerning SALW is easily understood by the people. It should also monitor the progress made and disarming of people who are not legally holding firearms should be contingent on the relative success of the awareness creation undertaken. Confidence and trust should also be built on the security sector to assure peoples anxiety with the lack of human safety and security felt by the people.
- Providing training for firearm preventing and controlling practitioners on the contexts of firearms trafficking, problems they might face, their rights and obligations, duties

and responsibilities of the institution, how to manage the challenges they face, how to protect themselves from harm, and warning signs that show the possibility of getting trapped. Training could also be given on skills of searching hidden body parts, communication and information exchange.

- Aggressive campaign of anti-trafficking has to be given to communities to aware them about the risks. There should be a continuous community based discussion programs. Since media is powerful particularly among the youth it has to be used extensively. In this effort ministry of peace, media, police officials, communication bureaus and NGOs can involve.

5.2.2 Policy/Legislative Related Recommendations

- Since the problem is becoming a major threat of security, dignity, and human crisis enacting a comprehensive policy become real recently. Thus regulation and directives next to the new proclamation should be enacted. The regulation and the directive must be a priority and also must ensure the laws of the country are in harmony with the member states of the Nairobi Protocol.

5.2.3. Efficient and Effective Data Management System Recommendation

- Making the firearm control and administration process less bureaucratic, easier, transparent, and dependable; and make the service available at all regional level. All legal requirements, which are supposed to be full filled, should be facilitated in a coordinated way. An electronic system that shows every requirement is fulfilled can be used. Possessors should be required to show every necessary document before licensed permission. One challenge is stringent bureaucracy and this discourages people from pursuing legal ways and encourages them to consider illegal ways.
- Courts which are instant and moveable should regularly see the cases filed by the police in order to give decision on the plaintiffs of illicit firearms trafficking. Establishing temporary court offices or collaborative case team in major routes can be helpful.

5.2.4 Cooperation, Coordination and Collaboration at National and Regional Levels

- There is a need to engage governments of the origin countries and lobby them to sign bilateral agreements, which will prevent the problem. Bilateral and multilateral agreements are needed to protect victims and to prevent illegal firearms trafficking.
- Another preventive measure is having effective integration and coordination network in place. So far, efforts of law enforcement and other stakeholders are not effectively integrated and coordinated. There is a need for managing communication systems

among organizations working in managing trafficking. There is a need to combat this problem using community-based approaches like Idir, equb, Religious Institutions, Youth Unions and others. These can contribute to effective results and sustainability. Every GO and NGO, civic institutions, the private sector and religious institutions should collaborate hand to hand to bring change.

5.2.5 Institutional Capacity related recommendations

- There is a need to increase capacities of the investigators. The public should work collaboratively with law enforcement bodies to expose traffickers. There is also need to protect those whose expose traffickers from harm by the trafficker. There is also a need for a search operation on individuals, organizations and their premises which are suspected of trafficking.
- To materialize the need for a coordination system among different governmental and non-governmental stakeholders at the national and regional levels and to ensure integrated, comprehensive approach to combat illicit trafficking, a national taskforce has to be established. Currently EFP is the organization which is mandated to many of the above activities but EFP deals on so many issues and overcrowded with other activities. Hence establishment of the centre is necessary. General Attorney, courts, Federal Police, regional police, National Intelligence and NGOs can work together in this effort.

5.2.6 Monitoring and regulatory frameworks

- There should be closer follow up of law enforcement institutions to check if they are discharging their legal responsibilities. The activities of institutions should be evaluated continuously. For those seeking to engage in facilitating illegal firearms trafficking has to be examined critically. Since this illegal business involves huge sum of money there may be bribing of some police members by traffickers so strict accountability should be established. Another suggestion related to police is the use of community policing by setting village committees. Therefore, the federal government must closely monitor the situation in terms of the laws that need attention and also raising the capacity of the law enforcement bodies in delivering the mandates laid by the proclamation.

5.2.7 Research Related Recommendations

- The demand of the people to arm themselves with SALW is very high. However, the current state of the police to legalize the already acquired arms in the hands of civilians is at an infant level and there is also no institutional structure to cope with the mandate

laid down by the new law. Therefore the government should undertake a baseline survey of the state of illegal arms situation. It needs to assess the institutional strengths needed to effectively and efficiently execute the mandates of the law, alternate ways of disarming people who are already in possession of prohibited firearms or those who are not legible to hold firearms.

- There is a need for further research mainly of stakeholder analysis to identify gaps in procedures and information exchange to provide recommendations for improvements. Such exercise will provide useful information to support the decentralisation of the services.
- To serve as a base for intervention more empirical knowledge is needed. So there is a need to conduct research in a sustainable manner including launching a post graduates programmes. Higher institutions have to encourage post graduates students to study on trafficking issues. Academic institutions as a whole also have to take the primary responsibility in peace education.

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Appendixes

Appendix I: List of informants & Focused Group Discussion Groups

List of informants

No	Name	Age	Work Address		Educational level	Date of Interview
			Address	Specific place		
1.	Key Informant 01	50	Addis Ababa University	Federalism & Governance Studies Senior Researcher	PHD	21/ 05/2020
2.	Key Informant 02	35	Addis Ababa University	Federalism & Governance Studies student	BA Degree	17/05/2020
3.	Key Informant 03	45	Addis Ababa University	Federalism & Governance Studies	MA Degree	19/05/2020
4.	Key Informant 04	36	Addis Ababa University	Institute of Peace & Security Studies Coordinator	PhD Candidates	7/ 05/2020
5.	Key Informant 05	51	Addis Ababa University	School of Law & Governance Director	PhD	19/05/2020
6.	Key Informant 06	47	Federal Police Commission	Crime Preventive Sector	MA	22/05/2020
7.	Key Informant 07	52	House of People Representatives	Law & Peace Affairs Standing Committee Chair Person	MA	14/05/2020
8.	Key Informant 08	46	House of People Representatives	Law & Peace Affairs Standing Committee	BA	14/05/2020
9.	Key Informant 09	33	National Intelligence & Security Service	Main Department of Internal Security	MA first year student at AAU - IPSS	28/04/2020
10.	Key Informant 10	33	National Intelligence & Security Service	Main Department of Economy Security Director	BA	27/04/2020
11.	Key Informant 11	44	Federal Police Commission	Crime Investigation Bureau Head	MA	05/05/2020
12.	Key Informant 12	38	Agency for Civil Society Organization	Registration & Follow up Directorate Director	BA Degree	29/05/2020
13.	Key Informant 13	39	Attorney General	Legal Studies, Drafting & Dissemination Directorate Director	LLM	30/05/2020
14.	Key Informant 14	45	African Union	Office in Charge of Strategic Security Affairs Officer	MA	03/06/2020
15.	Key Informant 15	43	Ministry of Peace	Crime Control & Follow up Directorate Director	LLM	29/05/2020

16.	Key Informant 16	41	Addis Ababa Police Commission	Organized Crime Investigation Directorate Head	MA	12/05/2020
17.	Key Informant 17	39	Addis Ababa Police Commission	Crime Prevention Sector Head	BA	12/05/2020
18.	Key Informant 18	48	Oromia Police Commission Finfine Special Zone Police Department	Crime Prevention Work Process Head	LLB	19/05/2020
19.	Key Informant 19		General Attorney	Addis Ababa Branch in Charge of Prosecution Head	LLB	30/05/2020
20.	Key Informant 20	38	Addis Ababa City Administration Environmental & Reverine Office	Addis Ababa City Administration Environmental & Reverine Office Head	BA	16/05/2020
21.	Key Informant 21	44	Ethiopian Federal Police Interpol Division	Head Person of Inter Pol	MA	05/05/2020
22.	Key Informant 22	39	Federal High Court	Court Judge	LLB	24/05/2020
23.	Key Informant 23	34	Ethiopian Customs Commission	Law Enforcement Department Head	MA	24/05/2020
24.	Key Informant 24		Ethiopian Customs Commission	Law Enforcement Department Officer	BA	24/05/2020

List of Focused Group Discussion (FGD) participant (Practitioners)

No	Name	Age	Address			Educational level	Discussion Date
			Place	Check point place	Department		
1.	Informant 01	31	Addis Ababa	Kality Check Point	Federal Police	Diploma	09/04/2020
2.	Informant 02	45	Addis Ababa	Kality Check Point	Federal Police	BA degree	
3.	Informant 03	38	Addis Ababa	Kality Check Point	Custom Commission	12+2	
4.	Informant 04	33	Addis Ababa	Kality Check Point	Addis Ababa Police(Akaki Kality Sub City)	12 grade complete	

5	Informant 05	30	Addis Ababa	Gulele(Gojam ber) check point	Federal Police Anti Controband Directorate	Diploma	15/04/2020	
6	Informant 06	29	Addis Ababa	Gulele (Gojam ber) check point	Addis Ababa Police (Gulele sub city)	12 grade Complete		
7	Informant 07	36	Addis Ababa	Gulele(Gojam ber) check point	Custom Commission	BA		
8	Informant 08	31	Addis Ababa	Gulele(Gojam ber) check point	NISS- MDIS Addis Ababa Security Officer	BA		
9	Informant 09	50	Addis Ababa	Gulele(Gojam ber) check point	Addis Ababa City Environmental Protection	8 Grade		
10	Informant 10	41	Addis Ababa	Gulele(Gojam ber) check point	Federal Police Anti Controband Directorate	10+3		
11	Informant 11	32	Addis Ababa	Sebeta-Jemo-furi	Addis Ababa Police (kolfe Keranio sub city)	12 complete		22/04/2020
12	Informant 12	28	Addis Ababa	Sebeta-Jemo-furi	Federal Police Anti Controband Directorate	10+2		
13	Informant 13	31	Addis Ababa	Sebeta-Jemo-furi	NISS- MDIS Addis Ababa Security Officer	Diploma		
14	Informant 14	39	Addis Ababa	Sebeta-Jemo-furi	Federal Police Anti Controband Directorate	diploma		
15	Informant 15	47	Addis Ababa	Sebeta-Jemo-furi	Addis Ababa City Environmental Protection	6 grade		
16	Informant 16		Addis Ababa	Sebeta-Jemo-furi	Custom Commission	Diploma		

Appendix II: Interview Guide Questions

Introduction

This interview guide is prepared for the purpose of eliciting information to a study on illicit firearm ownership controlling endeavors in Addis Ababa, Ethiopia. The collected information is used only for research purpose and you are guaranteed that the researcher has no any other agenda. I would like to thank you in advance for your cooperation and patience in the interview session since your participation is invaluable to the success of the study.

Key Informant Interview Guides for House of People Representatives, Ministry of Defense, Ministry of Peace, Attorney General, Court Officials, Higher Institutions, Agency for Civil Society Organizations & African Union Peace and Security Council

1. Personal Information

- Participant code:
- Age:
- Educational Background:
- Year of Services:
- Sex:
- Current Position /responsibility:
- Interview conducted day:

2. What legal frameworks available for all aspect of controlling SALW in Addis Ababa? International? Continental? National
3. What are the reasons for the increasing tendency to own small arms in Addis Ababa? Especially since 2016?
4. How do you see the adequacy of the laws governing firearms both from the human right & human security perspective in Addis Ababa?
5. What should be the role of higher institutions in the controlling endeavors of small arms and light weapons proliferation in Ethiopia, Addis Ababa in particular?
6. Which institutions are involved in controlling small arms proliferation in Addis Ababa?
7. What kinds of coordination mechanisms exist on SALW control measures among institutions in Addis Ababa? Are they successfully working in their coordination?
8. What are the challenges faced in fighting against firearm trafficking in Addis Ababa?
 - Legal framework gaps

- Harmonization of laws
- Coordination mechanisms
- Institutional capacity
- Political tension in Addis
- Confidence on security sector

9. What are your recommendations to improve small arms controlling effectiveness in Addis Ababa?

Key Informant Interview Guides for Police Officers, for National Intelligence & Security Service and custom Authority

1. Personal Information

- Participant code:
- Age:
- Educational Background:
- Year of Services:
- Sex:
- Current Position /responsibility:
- Interview conducted day:

2. What legal frameworks available for all aspect of controlling SALW in Addis Ababa? International? Continental and National?

3. How do you see the adequacy of the laws governing firearms in Addis Ababa?

4. Which institutions are involved in controlling small arms proliferation in Addis Ababa?

5. What kinds of coordination mechanisms exist on SALW control measures among institutions in Addis Ababa?

6. What are the challenges faced in fighting against firearm trafficking in Addis Ababa?

- Presence of Legal framework gaps
- Harmonization of different laws
- Coordination mechanisms among actors
- Institutional capacity of controlling
- Political tensions
- Public Confidence on security sector

7. What are your recommendations to improve small arms controlling effective in Addis Ababa?

Anything left untouched and you want to say _____

Thank you very much!

Focus Group Discussion Guide for Practitioners

This discussion is prepared to collect thorough information about illicit trafficking and the associated challenges. The study is an academic research to be submitted in the partial fulfillment of the requirements for the degree of Degree of Master of Arts (peace and security). Thank you for taking your time to provide the information without which this research could not be completed. Feel free to ask whatever question you want and raise whatever related topic. Feel free to leave the discussion whenever you want to quit. I would like to assure you that the personal information you will provide is absolutely confidential.

Date _____ FGD ID _____

Place of Discussion _____ Time of beginning _____ Time of Termination _____

Participants' Profile

1. Personal Information
 - Participant code:
 - Number of participants:
 - Group Moderator:
 - Day/month/year conducted.....
2. What legal frameworks are available for all aspect of controlling SALW in Addis Ababa? International? Continental/ National?
3. Which institutions are involved in controlling small arms and light weapons proliferation in Addis Ababa?
4. How do you see your day to day interactions with other law enforcement officers from other institutions? Is the interaction smooth and facilitates your work/ is the interaction problematic? In what ways?
5. What are the challenges faced in fighting against illegal firearm trafficking in Addis Ababa?

- Availability of Coordination mechanisms among actors
 - Institutional capacities built in controlling SALW
 - Lack of Public Confidence on security sector
6. What are your recommendations to improve illegal firearm controlling effectiveness in Addis Ababa?

Thank you!

DOCUMENT ANALYSIS GUIDE: Documents Reviewed/Analyzed include: Books, Research Works, Journals, Articles, Online documents and official reports& letters.

Declaration

I, the under signed, declared that this thesis is my original work and it has never been presented for a degree in any other University and that all sources of materials used for the thesis are duly acknowledge.

Declared by:

Name Girma Tegegn Zewdie

Signature _____

Date _____

Date of submission _____

confirmed by: Advisor

Mercy Fikadu (Dr.)

Signature _____

Date _____